

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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9 March 2011

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 16 MARCH 2011** at **10:30 AM**, or at the conclusion of the earlier PPSL Committee Hearing, whichever is the later, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 16 February 2011 (10.00am) (Pages 1 - 8)
 - (b) Planning, Protective Services and Licensing Committee 16 February 2011 (10.30am) (Pages 9 - 22)
4. **PROMOTING FOOD SAFETY STANDARDS IN ARGYLL AND BUTE**
Report by Operations Manager – Environmental Health (Pages 23 - 30)
5. **CWP PROPERTY DEVELOPMENT AND INVESTMENT: APPLICATION FOR ERECTION OF A CLASS 1 FOODSTORE WITH ASSOCIATED DEVELOPMENT TO INCLUDE CAR PARKING, ACCESS ROAD, ROAD BRIDGE, FILLING STATION AND ENGINEERING WORKS: 361 ARGYLL STREET, DUNOON (REF: 10/00222/PPP)**
Report by Head of Planning and Regulatory Services (Pages 31 - 62)
6. **MARK NEWALL: APPLICATION FOR FORMATION OF PRIVATE ACCESS TRACK: ROWALEYN, GLENARN ROAD, RHU (REF: 10/00490/PP)**

- Reports by Head of Planning and Regulatory Services (Pages 63 - 76)
7. **MR GERRY BOYLE: APPLICATION FOR CONSTRUCTION OF AN ALL WEATHER SPORTS COURT AND THE ERECTION OF ASSOCIATED LIGHTING AND FENCING: STRATH OF APPIN PRIMARY SCHOOL, TYNRIBBIE, APPIN (REF: 10/01121/PP)**
Report by Head of Planning and Regulatory Services (Pages 77 - 86)
 8. **MR A FRASER: APPLICATION FOR ERECTION OF 3 DWELLINGHOUSES AND GARAGES, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF PRIVATE SEWAGE SYSTEM: LAND SOUTH EAST OF SEASIDE: NEWTON, STRATHLACHLAN (REF: 10/01656/PP)**
Report by Head of Planning and Regulatory Services (Pages 87 - 100)
 9. **JD WETHERSPOON PLC: APPLICATION FOR CHANGE OF USE OF RETAIL PREMISES (CLASS 1) TO PUBLIC HOUSE (SUI GENERIS), FORMATION OF BEER GARDEN AND EXTERNAL ALTERATIONS IN CONNECTION WITH THE PROPOSED USE AND FORMATION OF TWO RETAIL UNITS: 19-29 JAMES STREET, HELENSBURGH (REF: 10/01892/PP)**
Report by Head of Planning and Regulatory Services (Pages 101 - 112)
 10. **ARGYLL AND BUTE COUNCIL: APPLICATION FOR CONSTRUCTION OF A 3G SYNTHETIC PITCH WITH ASSOCIATED LIGHTING, FENCING AND ACCESS PATHS:: KINLOCH PARK, CAMPBELTOWN (REF: 10/02037/PP)**
Report by Head of Planning and Regulatory Services (Pages 113 - 120)
 11. **ACHA: APPLICATION FOR EXTENSION TO EXISTING FLATTED DEVELOPMENT TO FORM TWO ADDITIONAL RESIDENTIAL UNITS AND FORMATION OF ENCLOSED GARDEN AREAS: 96-110 LONGROW, CAMPBELTOWN (REF: 10/02137/PP)**
Report by Head of Planning and Regulatory Services (Pages 121 - 132)
 12. **MR AND MRS G NICHOLSBY: APPLICATION FOR ERECTION OF THREE TIMBER CABINS ('STUDICONS') FOR HOLIDAY LETTING PURPOSES: DUNDONALD, NORTH CONNELL (REF: 10/02167/PP)**
Report by Head of Planning and Regulatory Services (Pages 133 - 144)
 13. **ARGYLL AND BUTE COUNCIL: APPLICATION FOR ALTERATIONS TO COLQUHOUN SQUARE INCLUDING ALTERATIONS TO ROAD LAYOUT, FORMATION OF SERVICE ACCESSES, PROVISION OF PARKING SPACES AND HARDSTANDING, INSTALLATION OF STREET FURNITURE, CYCLE STANDS AND BOLLARDS AND PROVISION OF LANDSCAPING: COLQUHOUN SQUARE, HELENSBURGH (REF: 11/00007/PP)**
Report by Head of Planning and Regulatory Services (Pages 145 - 154)
 14. **MR AND MRS T DANCE: APPLICATION FOR ALTERATIONS AND EXTENSIONS/REPOSITIONING OF LPG TANK: BARREMMAN, 24 STRAID-A-CNOC, CLYNDER (REF: 11/00132/PP)**
Report by Head of Planning and Regulatory Services (Pages 155 - 162)
 15. **IVOR INGRAM: APPLICATION FOR ERECTION OF GARDEN SHED: LAND ADJACENT TO 20 JARVISFIELD, SALEN (REF: 11/00184/PP)**
Report by Head of Planning and Regulatory Services (Pages 163 - 170)

16. **DUNBRITTON HOUSING ASSOCIATION: APPLICATION FOR ERECTION OF FOUR STOREY RESIDENTIAL BUILDING COMPRISING TWELVE TWO BEDROOM FLATS: FORMER SCRUMBLES, UPLAND ROAD, GARELOCHHEAD (REF: 11/00210/PP)**
Report by Head of Planning and Regulatory Services (Pages 171 - 182)
17. **PROPOSED TREE PRESERVATION ORDER: UPPER GLENFYNE PARK, ARDRISHAIG (TPO 1/11)**
Report by Head of Planning and Regulatory Services (Pages 183 - 186)
18. **PROPOSED VARIATION OF HEADS OF TERM FOR SECTION 75 AGREEMENT - 09/00786/OUT - ERECTION OF 37 RESIDENTIAL UNITS, UPGRADE OF EXISTING ACCESS ROAD, CREATION OF OPEN SPACE AND RESTORATION OF BURIAL GROUND AT MIDDLE INNENS, TIGHNABRUAICH**
Report by Head of Planning and Regulatory Services (Pages 187 - 192)
19. **APPEALS UPDATE**
Report by Head of Planning and Regulatory Services (Pages 193 - 194)
20. **PROPOSED STOPPING UP ORDER: MACCALLUM STREET, CAMPBELTOWN**
Report by Executive Director of Customer Services (Pages 195 - 198)
21. **CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**
Report by Head of Governance and Law (Pages 199 - 200)
- E1 22. **ENFORCEMENT REPORT: 10/00012/ENOTH1**
Report by Head of Planning and Regulatory Services (to follow)
- E1 23. **ENFORCEMENT UPDATE: CASE 10/00323/ENOTH2**
Report by Head of Planning and Regulatory Services (to follow) (Pages 201 - 202)
- E1 24. **ENFORCEMENT CASE: 10/00414/ENFCON**
Report by Head of Planning and Regulatory Services (Pages 203 - 206)

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraphs are:-

- E1 Paragraph 13** Information which, if disclosed to the public, would reveal that the authority proposes-
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Chalmers
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 16 FEBRUARY 2011**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Alister MacAlister
Councillor Robin Currie	Councillor Neil Mackay
Councillor Vivien Dance	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor Al Reay

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Graeme Forrester, Trainee Solicitor
Applicant
Mr Wright, Applicant's Agent
Inspector Davidson, Strathclyde Police
Mr MacLeod, Objector's Agent

Apologies: Councillor Gordon Chalmers Councillor James McQueen

1. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR A LATE HOURS CATERING LICENCE: THE CREW, 20 LONGROW, CAMPBELTOWN

The Chairman introduced himself and asked his fellow colleagues to do likewise. He outlined the procedure that would be followed at the meeting and invited the Head of Governance and Law to speak to the issue of a late representation by Strathclyde Police.

Mr Reppke advised that the response from Strathclyde Police had been received outwith the statutory time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. He stated that it was competent under Paragraph 3(2) of the Act for the Licensing Authority to entertain a late objection or representation if they were satisfied that there is sufficient reason for it not being made within the time allowed. He then asked Inspector Davidson to outline the reasons for the late submission.

Inspector Davidson advised the Committee that an administrative backlog had occurred over the festive period as a result of the public holidays and that this had resulted in a delay with the response being lodged timeously.

The Committee agreed that they were satisfied with this explanation and that they would like to take account of the representation. Copies of the letter were distributed to the Committee and also to the applicant.

The Chairman ruled and the Committee agreed to take a couple of minutes to read the letter and thereafter invited the applicant to present his case.

Mr Wright appeared on behalf of the applicant stated that he was here to take

the case for a late hours catering licence forward in the hope of obtaining a fair hearing and positive outcome to the application.

He advised he intended to address the main areas for objection which had been lodged in response to the application. The first objection he referred to was that from the Environmental Health Manager (EHM) in relation to the potential for disturbance stating that he felt was based on conjecture and supposition by the EHM rather than reality and actuality and that there was no evidence to back this up. He then discussed the suggestion by the EHM that a three month trial period for hours from 11pm to 2am on Thursday, Friday and Saturday asking why this was being proposed when other Late Hours Catering Licences were granted until 2.30pm on Friday and Saturdays. He did not feel this was compliant with equal opportunity legislation. As a concession, he formally moved amendment of the hours applied for, requesting 11pm to 1.30am on Thursdays and 11pm to 2.30am on Friday and Saturdays.

He then moved on to discuss the objection by Ms Munro in relation to the impact on her existing business. He stated that this carried no weight as every business works in free enterprise. Although he did sympathise with Ms Munro he considered this had no bearing on whether a licence was obtained or not. He also discussed her concerns regarding adequate policing of an additional street stating that if there was additional policing required, the premises for which the licence was being requested was approximately 2 minutes from the Police Station and that he considered the Police to be able and competent to handle policing in the area. He then addressed the objection to a 3am licence stating that this had been amended earlier in his presentation.

Mr Wright then discussed the terms of the letter from Strathclyde Police questioning the term "high density" and its application. He suggested that Main Street was more dense with residents which would give more rise to the anti-social behaviour they were suggesting could occur and reminded the Committee he had responded to this in his comments relating to the EHM representation. He stated that the licence could actually help disperse crowds from Main Street as residents of Longrow may choose to use this premises rather than the unit in Main Street and that his client hoped to be in a position to boost local employment opportunities should the licence be granted. Mr Wright's last point was in relation to a statistical report by Inspector Harper which indicated that there were no calls relating to any specific premises and therefore concluded that a licence should be forthcoming on this basis.

The Chairman asked Inspector Davidson and Mr MacLeod (who was representing Ms Munro) whether they wished to question Mr Wright on his submission. They both stated they had no questions at this stage.

The Chairman then invited Inspector Davidson to speak to his representation. Inspector Davidson advised he was standing in for Inspector Harper and that in principle the Police had no objection but did wish to raise observations which were based on their records and own experience. The Police view was that there was potential for an increase in anti-social behaviour should the licence be granted. He stated that the reduced hours would be more acceptable in terms of policing and that the force had adequate resources to deal with this.

Mr Wright and Mr MacLeod both indicated that they did not wish to question the

Inspector on his submission.

Mr MacLeod then spoke on behalf of his client, Ms Munro. He referred to Ms Munro's letter of 26 December 2010 which raised an issue of overprovision. He stated that trade was not good within the area, his client having takings over the most recent weekend of £70 for Saturday night and £22 for Thursday. He advised that other premises had also indicated that they were suffering from the economic downturn with MacGeochan's being the most recent business to suffer due to lack of trade. He advised his client was not seeking the monopoly of business which was evidenced by the fact that she had not objected to the granting of a Late Hours Catering licence two years ago. With regards to comments by Mr Wright about equal opportunities, he directed the Committee to the last comment within his client's letter regarding a probationary period of trade that she had been required to undertake. He indicated that the reduced hours would go some way to addressing this concern but that this probationary period had lasted a number of years. He concluded by stating it was fair for the Committee to take into account comments regarding overprovision and that his client was perfectly content to accept a one rule for all result.

There was no questions on this submission by either Mr Wright or Inspector Davidson.

Question Time

Councillor McCuish asked for advice as to how 34 calls per year for Main Street related to other areas. Inspector Davidson advised that this was the centre of the town where the majority of disorder was related to congregation of the public. Other areas of the town were less of a concern.

Councillor Marshall asked about employment in the area, questioning what the current closing time of the premises was. Mr Wright advised that the premises currently closed at 10pm.

Councillor Marshall followed up by asking whether a 3am extension would allow for employment of a further 2 or 3 staff. Mr Wright advised that customers had already been asking for his client to open later and that was not only the Main Street catchment that they were trying to attract.

The Chairman reminded Members that the hours of opening had been formally amended to 11pm to 1.30am on Thursdays and 11pm to 2.30am on Friday and Saturday and that questions should be based on these revised hours.

Councillor Colville asked for confirmation of the probationary periods operated. Mr MacLeod suspected this was in relation to closing prior to 2.30am for a number of years to prove they could manage the situation but had no specific details.

Councillor Colville asked for confirmation of CCTV coverage and whether this would assist the Police. Inspector Davidson confirmed this was correct.

Councillor Dance queried the steps taken by the applicant to increase business or whether the intention was to take business from elsewhere. Mr Wright advised that patrons of the Crew had been requested later hours of trade and

that they did expect to take some of the business from other traders although the main reason for the application was in relation to tourism during the summer months.

Councillor Devon asked whether the type of catering being offered differed from that which was currently on offer. Mr Wright advised there were some areas of conflict such as fish and chips but that his client offered a larger range than that which could currently be obtained.

Councillor Mackay asked for comment regarding the structure of the Police letter, seeking clarification of whether there was any difference between an objection or observations. Inspector Davidson advised this was a standard format letter.

Councillor Reay asked whether the level of incidents had increased over the past year in view of the downturn. Inspector Davidson stated that his understanding was that the figures were steady across the area and there was no specific changes based on closing hours of licensed premises.

Councillor Reay asked if the proposals to offer a more varied range of food would have a measurable effect on Ms Munro. Mr Wright stated this would be difficult to respond to as he was unsure what the results would be.

Councillor Colville asked if the Crew still offered a home delivery service. Mr Islam advised that this service had now ceased. Councillor Colville asked whether this would be reinstated if extended hours were obtained. Mr Islam advised his other businesses offered this service but that it was not really required for fish and chips although they occasionally did deliver by request.

Councillor Dance asked whether her understanding was correct that there were two types of customer, those who would be taking home at 10pm and those who were out until 2.30am or whether they were trying to change eating habits of their current clientele. Mr Wright advised it was not about trying to change behaviour, it was responding to what was requested.

The Chairman asked for clarification of the number of extra customers they would be expecting if the licence was granted. Mr Islam could not confirm exact numbers but responded on the basis that there had been many requests for extended hours.

Councillor McCuish asked Inspector Davidson whether if granted the Police would expect to see a rise in people in the area and whether this would require a review of their policing arrangements. Inspector Davidson advised that generally people got their food and dispersed and that although it was preferable to have one hot spot to concentrate resources, the CCTV system outside the Crew would enable remote monitoring and direct policing could be applied if necessary.

Councillor McCuish asked for details about time to disperse groups. Inspector Davidson advised this generally took about an hour but was quicker if there was bad weather.

The Chairman asked, given the response to the previous question, whether it took longer to disperse the groups in the summer months. Inspector Davidson

confirmed this was the case.

Councillor Marshall queried the number of late hours catering facilities in the area. Inspector Davidson confirmed there were currently 3 premises with late licences.

Councillor MacAlister asked if he was correct in saying there were 34 incidents recorded last year. This was confirmed. He commented that this averaged 0.75 per week which he considered was low.

Summing Up

Inspector Davidson advised in principle he had no objection to the application although was concerned there was potential for increase in anti-social behaviour.

Mr MacLeod commented that it was strange that a premises which had demand for extended hours closed at 10pm and not 11pm as was permitted within the Act. He stated there was clearly an overprovision in a sparse market and encouraged use of a probationary period.

Mr Wright urged the Committee to grant the application reminding them of the points he had raised re equal opportunities, earlier dispersal of crowds in Main Street due to quicker turnover and residents of Longrow using the facilities, public demand and the willingness to reduce the requested hours of operating.

The Chairman asked each of the parties to confirm that they had received a fair hearing. Each party confirmed this to be the case.

Mr Reppke advised that there was one more procedural point which required to be addressed before the Committee moved on to debate the application. He required the applicant to sign a Certificate of Compliance confirming that the application for extended hours had been displayed appropriately. This was completed by the applicant and found to be in order.

Debate

Councillor Colville advised that the food van staff were fastidious in clearing rubbish although accepted there a lot of issues in Main Street requiring policing. He did not consider there were powers to refuse the application on grounds of overprovision and that in reducing the hours applied for he was happy to approve the application.

Councillor Currie felt that there was a compelling case put forward by Mr MacLeod for a probationary period and sought advice from officers on overprovision. Mr Forrester advised that there was case law which could be taken into account in terms of the provision to refuse an application for any other "good" reason. Mr Reppke advised that while this was straightforward for taxi applications where there was a survey addressing this matter, there was nothing similar to base this decision on and there would be a right of appeal by the applicant to the Sheriff Court, and so if Members were minded to take such an approach they should set out the basis for such a decision.

Councillor Mackay queried what weight could be given to the argument of

overprovision. Mr Reppke advised this was a decision for the Committee on the basis they were the decision makers although his opinion was that the Committee would need evidence if they were to go down this route and that although there was one objector, there were other traders who had not made any representation.

Councillor Mackay commented on taking account of the evidence of the downturn especially the closure of licensed premises. He stated that he did not consider that in opening for 3 and a half hours, three days per week it was a major plus in terms of local employment. He felt that in granting a licence it would just draw business away from other areas and did not feel in a position to support the application.

Councillor Devon asked for clarification of the time from which a late hours catering licence was required. Mr Forrester advised that this was required for opening after 11pm.

Councillor Marshall stated he couldn't support an application until 3am and that he was having difficulty with the 2.30am request given comments with the Police report particularly having regard to this being a residential area. He was basing this on his experience from Dunoon where premises licensed to 3am were causing difficulties. He asked when licensed premises in the area were required to close. The Chairman advised that the latest opening was 2am.

Councillor MacNaughton agreed with the earlier comments of Councillor MacKay in relation to employment. He did not consider that the proposals justified a 2.30am closure and indicated he would not be supporting the application.

Councillor MacAlister asked if there was a specific reference to overprovision in the Civic Government Act for licences other than taxis. Charles advised that there was case law that could lend itself to this interpretation.

Councillor Reay stated it was a difficult task to operate economic businesses but that in this instance, due to the density and location of the premises below domestic dwellings, he agreed with the police position that this would lead to an increase in anti-social behaviour and he was not in a position to support this.

Councillor Dance commented that she did not feel satisfied from the applicant that there is demand and that a probationary period of opening hours was pivotal. Mr Reppke stated that this should not be described as probation although it was a matter for Members if they wished to weight the option of a stepped approach – providing it was justified.

Councillor Dance stated she was not clear that the licence should be justified by demand and in her opinion there was an intent of direct challenge. She was also concerned about the potential to increase anti social behaviour.

The Chairman advised that in his experience this type of premises did attract attention and a certain level of disturbance. He commented that he was not happy to issue a licence until 2.30am and thereafter moved the following motion:-

Motion

That the licence be granted from 11pm to 1am Thursday, 11pm to 2am Friday and Saturday.

Moved by Councillor Kelly, seconded by Councillor McCuish

Amendment

That the licence be refused on the basis of the lack of demand and the likelihood of noise and disturbance in this part of Campbeltown.

Moved by Councillor Dance, seconded by Councillor Reay

Decision

On a show of hands there was an equality of votes with 6 in favour of both the motion and the amendment. The Chairman used his casting vote in favour of the motion which thereafter became the resolution of the Committee.

(Ref: Report by Head of Governance and Law, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 16 FEBRUARY 2011**

Present:

Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Alister MacAlister
Councillor Robin Currie	Councillor Neil Mackay
Councillor Vivien Dance	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor Al Reay

Attending:

Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer

Apologies:

Councillor Gordon Chalmers Councillor James McQueen

1. DECLARATIONS OF INTEREST

Councillor MacNaughton declared a financial interest in relation to item 3 (Planning Application 08/00607/DET) on the basis that a family member was the applicant for planning permission.

Councillor McCuish declared a non-financial interest in relation to item 5 (Planning Application 10/01289/PPP) on the basis that a family member had lodged a representation in support of the application.

2. MINUTES

(a) The Minutes of the Planning, Protective Services and Licensing Committee of 19 January 2011 were approved as a correct record.

Arising from item 3 (Civic Government (Scotland) Act 1982: Taxi Fare Scale Review) the Head of Governance and Law reported that he had been advised that a late representation was being lodged with the Traffic Commissioner and therefore a judgement had been made by him not to advertise the new fare structure. This was on the basis that the Traffic Commissioner had, as of today's date, not yet advised whether this late representation had been received. He advised that if the appeal was accepted the Authority would be notified and there could be a hearing. He further advised that if the representation was rejected he would proceed to advertise as per the decision of the PPSL Committee on 19 January 2011.

(b) The Minutes of the Planning, Protective Services and Licensing Committee of 31 January 2011 were approved as a correct record subject to amendment of paragraph 4, page 26 to read "Councillor Reay, who was from Helensburgh, the birth place of John Logie Baird, reflected that the town had little to reflect

the impact his invention has had on all our lives. He advised that although it was important for a site to reflect its history, there was nothing on the site that was viable and that he too supported the demolition of the shed.”

Having previously declared an interest, Councillor Alex McNaughton, left the room and took no part in the discussion of the following item.

3. J MCNAUGHTON: APPLICATION FOR ERECTION OF DWELLING: LAND SOUTH OF SALTHOUSE, COLINTRAIVE (REF: 08/00607/DET)

The Principal Planning Officer spoke to the history of the application and also to Supplementary Report 3, which had been tabled at the meeting. He reported that this supplementary had been prepared following submission of amended plans and discussions the previous day with the applicant. As a result of these non-material changes, the recommendation was for approval subject to conditions.

Decision

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the approved drawings:

1777-LP: Location Plan
1777-PL-01 Rev E: Proposed Plans and Elevations- House 1
(dated received 07.02.11)
1777-SITE-02 Rev I: Proposed Site Plan - Plot 1 (dated received 07.02.11)

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.

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

3. Prior to the first occupation of the dwellinghouse, visibility splays measuring 120.0 metres from a 2.5 metre set back shall be formed free of all obstructions (including walls, fences, hedges, etc.) over one metre in height above the level of the road and within 2 metres from the edge of the road, including the required passing place (see condition 4 below). The sightlines shall thereafter be maintained in perpetuity, unless consent for variation is obtained in writing from the Planning Authority in consultation with the Area Roads Manager.

Reason: In the interests of road safety.

4. Prior to the first occupation of the dwellinghouse, the following works shall be undertaken to the satisfaction of the Planning Authority, in consultation with

the Area Roads Manager, unless the prior written consent of the Planning Authority is obtained for variation;

- i) A parking and turning area for two vehicles shall be fully constructed and thereafter maintained in perpetuity for such a dedicated purpose.
- ii) A passing place shall be constructed on the road at the access to the property.
- iii) The vehicular access shall be constructed as per the Council's Development Guidelines Fig 10.16 and must be a minimum of 2.75 metres wide.
- iv) The gradient of the access shall not exceed 5% for the first 2.5 metres.
- v) The first 2.5 metres of the access shall be constructed with a sealed surface.

Reason: In the interests of road safety.

5. Prior to commencement of development a detailed landscaping and tree planting scheme shall be submitted for the written approval of the Planning Authority. This shall include the following:
 - a) A method statement for the construction of the driveway and parking area along with details of proposed surface treatments. This shall provide for minimum disturbance to ground levels and vegetation along the route of the driveway and shall include details of the proposed means of treatment of exposed faces and batters to either side of the route of the driveway. It shall also specify intended surface treatment which shall include the use of muted colours and/or grasscrete or similar.
 - b) A planting scheme for the site incorporating native tree planting, which in particular, should include tree planting of the bank between the rear of the dwelling, the upper section of the driveway and the site boundary along the top of the bank. This should specify the siting, numbers, species and heights (at the time of planting) of all trees and shrubs to be planted.

The duly approved scheme shall be completed by the planting season following the first occupation of the building. Any trees or shrubs failing to become established, which are removed, or which in the opinion of the Planning Authority, are dying, have become severely damaged or seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of surface treatment and landscaping in order to help assimilate the development within its landscape setting.

6. Prior to the commencement of the development, details of the extent of the

proposed domestic curtilage of the dwelling, and any intended means of enclosure thereof, shall be submitted for the prior written approval of the Local Planning Authority. The defined curtilage shall exclude the area of rock between the alignment of the driveway shown on the approved plans and the public road frontage of the site, which shall remain undisturbed in its natural state, as shall the majority of the slope between the front of the dwelling and the public road frontage of the site. It shall also exclude that land to the rear of the dwelling proposed to be tree planted in accordance with the requirements of condition 5 above.

Reason: In the interest of reducing the wider landscape impact of the development and to help retain its rural character.

7. Prior to commencement of development, full details of the proposed roof covering, external wall finishes and timber windows shall be submitted for the written approval of the Planning Authority. The development shall be implemented in accordance with the duly approved details unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: In the interest visual amenity and to integrate the development into the wider landscape setting.

(Ref: Report by Head of Planning and Regulatory Services dated 25 November 2008, 20 December 2011 and 28 January 2011, submitted and Report by Head of Planning and Regulatory Services dated 15 February 2011, tabled)

Councillor McNaughton returned to the meeting.

- 4. KILCHATTAN WIND FARM LIMITED: ERECTION OF 16 WINDTURBINES (81 METRES TO BLADE TIP), FORMATION OF ACCESS TRACKS, ERECTION OF WIND MONITORING MAST, CONSTRUCTION OF SWITCH GEAR BUILDING AND TEMPORARY CONSTRUCTION COMPOUND: KILCHATTAN, LAND AT TODD HILL, SOUTHEND, BY CAMPBELTOWN (REF: 08/00138/DET)**

The Principal Planning Officer presented the report and advised that the application was recommended for refusal subject to a Discretionary Hearing being held in view of the number of representations which have been received.

Decision

Agreed to hold a Discretionary Hearing at a date and time to be determined.

(Reference: Report by Head of Planning and Regulatory Services dated 28 January 2011, submitted)

Having previously declared an interest, Councillor McCuish left the room and took no part in the discussion of the following item.

- 5. HIGHLAND HOUSE DEVELOPMENTS: APPLICATION FOR ERECTION OF PROPOSED HOUSING DEVELOPMENT: LAND NORTH OF CAIRNMORE, KILMORE, OBAN (REF: 10/01289/PPP)**

The Principal Planning Officer presented the report and advised that the application was recommended for approval subject to a Discretionary Hearing being held in advance of determination of the application, in view of the number of representations received, and the prior conclusion of a Section 75 agreement to address affordable housing provision.

Decision

Agreed to hold a Discretionary Hearing on 22 March 2010 in the Kilmore Village Hall and that more information on commuted sums be made available at this hearing.

(Reference: Report by Head of Planning and Regulatory Services dated 28 January 2011, submitted)

Councillor McCuish returned to the meeting.

6. MR A READ AND MS A YOUNG: APPLICATION OF AGRICULTURAL BUILDING: LAND NORTH EAST OF KAMES FARMHOUSE, KILMELFORD (REF: 10/01410/PP)

The Principal Planning Officer presented the report, advising that this was one of three items on the agenda for Kames that would require a hearing due to the number of representations received in the context of a small community. He advised that having due regard to the Development Plan and all other material considerations, that planning permission be granted subject to a Discretionary Hearing.

Decision

Agreed to hold a Discretionary Hearing on Thursday 17 March 2011 in Kilmelford Village Hall and that more information regarding the water supply should be made available at this time.

(Reference: Report by Head of Planning and Regulatory Services dated 25 January 2011, submitted)

7. MULL AND IONA COMMUNITY TRUST: APPLICATION FOR ADDITIONAL PLANT ROOM, AMENDED SITING, AMENDED FENESTRATION ON THE SOUTH EAST AND SOUTH WEST ELEVATIONS, UPGRADING OF ROOF COVERING TO NATURAL SLATE, ADDITION OF 7 SUNPIPES, DELETION OF SOLAR PANELS AND INSTALLATION OF A WASTE WATER DISCHARGE PIPE (RETROSPECTIVE) (REF: 10/01767/PP)

The Principal Planning Officer presented a report in respect of a retrospective application addressing alterations in footprint, floor level, fenestration, drainage arrangements and other minor details to the previously approved consent of 07/02265/DET which was continued from the previous PPSL Committee meeting in view of matters requiring clarification which were now incorporated within the Planner's report. He recommended that planning permission be granted subject to revised conditions which took account of the need to obscure glaze windows and to provide rock armour protection to the outfall pipe.

Decision

1. Agreed to grant Planning Permission subject to the following conditions and reasons:-

1. Prior to the initial use of the centre hereby approved, a scheme for improving the appearance of the outfall pipe between the sea wall and the mean low water spring level shall be submitted to and be approved in writing by the Local Planning Authority, and the duly approved scheme shall be implemented in full. The scheme shall provide for the undergrounding of the pipe other than where it can be demonstrated that the removal of rock is impractical. Any sections of pipe which cannot be laid underground shall be protected on either side by rock armour. This shall employ rock of local provenance, the type and size of which shall be agreed in advance by the Local Planning Authority. The rock shall be laid in an uneven and random manner using a variety of rock sizes in order to avoid uniformity and linearity, in order that the completed works assume as natural an appearance as possible, so as to respect the character and appearance of the foreshore.

Reason: In the interests of visual amenity and to ensure that the visually intrusive discharge pipe blends into its surroundings.

2. Prior to initial use of the centre hereby approved, the six toilet windows (numbered 24, 25, 26 and 45, 46, 47) the office window (numbered 49) and the stairwell window (numbered 48), all on the south-east elevation, shall be fitted with obscure glazing, which shall thereafter be retained in perpetuity. ,

Reason: To eliminate overlooking of the neighbouring residential property.

3. The development shall be implemented in accordance with the details specified on the application form dated 20/10/2010 and the approved drawing reference numbers:

Plan 1 of 8 (Site Plan and Location Plan at scale of 1:500 and 1:2500)

Plan 2 of 8 (Elevations at scale of 1:1200)

Plan 3 of 8 (Section Thro Site NW to SW at scale of 1:100)

Plan 4 of 8 (Floor Plans at scale of 1:100)

Plan 5 of 8 (Roof Plan at scale of 1:100)

Plan 6 of 8 (Proposed Drainage Layout at 1:200)

Plan 7 Of 8 (Landscaping at scale of 1:100)

Plan 8 of 8 (Landscaping and access ramp elevation at 1:100)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. That the exact wording of condition 1 be remitted to the Head of Planning and Regulatory Services in consultation with the Chair and Vice-Chair of the

Planning, Protective Services and Licensing Committee and Councillor Mary-Jean Devon.

(Reference: Report by Head of Planning and Regulatory Services dated 22 December 2010 and Supplementary Report dated 26 January 2011, submitted)

8. TERMS OF PROPOSED SECTION 75 CONSENT: TESCO STORE, CAMPBELTOWN (REF: 10/00239/PP)

The Committee considered a report by the Head of Planning and Regulatory Services which advised Members of a proposed change of the terms of the Section 75 Legal Agreement associated with this proposal.

Decision

1. Agreed to approve the amended terms of the Section 75 agreement as follows:-

1. A developer contribution of £120,000 in order to fund specific projects within Campbeltown Town Centre aimed at securing a vibrant and economically active Town Centre. The full sum to be paid on implementation of the consent when works commence on site. If not committed within a 5 year period, all monies shall be returned to the developer.
2. Commencement of Development shall not be permitted, unless and until an agreement under Section 75 of the 1997 Act, which provides that for so long as the Proposed Store remains open to the public, the Existing Store shall not be used for the sale of Convenience Goods, has been entered into between the Council and the Applicant or their successors (as proprietors of the Existing Store Site), and has been registered in the Land Register of Scotland/recorded in the General Register of Sasines, as appropriate.
3. The funding of a safer access at Campbeltown Heritage Centre. This is currently priced at £12,000 and the developer's contribution shall not exceed this level. If unused within a 5 year period, all monies shall be returned to the developer.
4. A contribution from the developer in order to support the re-routing of public transport bus routes plus the installation of a display rack in store for public transport timetables. This subsidy is to the value of £15,000 and is for one year only.

2. To note that with regard to Head of Term 3, the applicants, as a gesture of goodwill, have agreed to pay the Access Contribution to the Council within 7 days of the issue of planning permission rather than on the commencement of works on the superstore as had previously been agreed. This would allow the development of the bunkhouse to proceed in advance of the superstore.

(Reference: Report by Head of Planning and Regulatory Services dated 7 February 2011, submitted)

The Chair ruled, and the Committee agreed, to adjourn the meeting at 1.30 pm for

lunch and reconvene at 2.00 pm.

Councillors Rory Colville, Mary-Jean Devon and Bruce Marshall left the meeting at this point.

9. MR A READ AND MS A YOUNG: APPLICATION FOR ERECTION OF AGRICULTURAL SHED INCORPORATING FARM SHOP AND CAFE BUILDING AND INSTALLATION OF PRIVATE SEWERAGE TREATMENT PLANT AND SOAKAWAY: LAND NORTH WEST OF KAMES FARMHOUSE, KILMELFORD (REF: 10/01415/PP)

The Principal Planning Officer presented the report and advised that having due regard to the Development Plan and all other material considerations, that planning permission be granted as a 'minor departure' to development plan policy RET 4 subject to a Discretionary Hearing being held in view of the number of representations received in the context of a small community.

Decision

Agreed to hold a Discretionary Hearing on Thursday 17 March 2011 in Kilmelford Village Hall and that more information regarding the water supply should be made available at this time.

(Reference: Report by Head of Planning and Regulatory Services dated 24 January 2011, submitted)

10. MR AND MRS LOWE: APPLICATION FOR DEMOLITION OF VILLAGE HALL AND ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE/OFFICE AND IMPROVEMENTS TO VEHICULAR DRIVEWAYS: FORMER ST CATHERINE'S HALL, ST CATHERINE'S, CAIRNDOW (REF: 10/01566/PP)

The Head of Planning and Regulatory Services presented a report advising that the proposed development is compliant with development plan settlement strategy in terms of policies STRAT DC 1 and LP HOU 1, and the plot size, layout and design are acceptable in terms of Local plan policy LP ENV 19. He advised that whilst the department considers the proposed design and layout acceptable, the rear portion of the site lies within Archyline Wood Site of Special Scientific Interest (SSSI) and that Scottish Natural Heritage have raised an objection. However, given the planning history for development on the western part of the site, the dimensions of the application site within the defined settlement boundary of St. Catherines and a very limited (if any) impact of the Ardchylene Wood SSSI, the Planning Authority do not concur with the views of Scottish Natural Heritage. On the basis that the proposed dwellinghouse and detached garage/office with appropriate materials and tree planting/shrub planting and boundary treatments will be capable of integrating within its surroundings, it is considered to be acceptable and consistent with policies LP ENV 5, ENV 6, ENV 7, ENV 10, ENV 19, HOU 1, TRAN 4 and TRAN 6 of the Argyll and Bute Local Plan (2009) and he recommended that Planning Permission be granted.

Decision

Subject to notification to the Scottish Ministers and amendment to the proposal description to the effect that this application is for demolition of a former village hall now occupied as a dwelling, agreed to grant Planning Permission subject to the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 14th September 2010 and the approved drawing reference numbers: 1705.03, 1705.01 RevB received 31st January 2011, 1705.02 RevA, 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.

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

3. No development shall commence, including any site works, until details are submitted for the prior written approval of the Planning Authority of a surface water drainage scheme (including any works to the existing watercourse through the site) that shall incorporate the basic principles of *Sustainable Urban Drainage Systems* identified in 'Planning Advice Note 61' and which shall provide details of surface water run-off, measures to slow down run off; methods of treatments and its release into the system, unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

Reason: In order to provide for sustainable development of the site, and to protect existing and proposed development from the effects of potential increased surface water run-off.

4. No works shall commence until full details of the provision of alternative accommodation for the bat population within the site (including the design and location of the bat buildings, boxes and roosts) and a management regime for the maintenance of this accommodation have been submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. These details shall generally be in accordance with the Protected Species Survey submitted by Mr. A. Kerr dated 12th December 2010.

Reason: In the interests of nature conservation and to ensure that there are sufficient alternative bat roosts within the development.

5. The visibility splays of 75.0 x 2.5 metres in both directions onto the A815 from both the existing access track and widened existing access shall be maintained in perpetuity free from all obstructions (i.e. walls, fences, hedges) over one metre in height.

Reason: In the interests of vehicular and public safety and in order to achieve required sightlines.

6. Prior to any works commencing on the demolition of the hall or construction of the outbuilding, the vehicular access(es) to the site shall be constructed as per standard detail drawing SD 08/005 and shall be constructed in consultation with the Roads Department of Development and Infrastructure Services. The gradient of the access shall not exceed 5% for the first 5m and 8% thereafter and the first 5m shall have a sealed surface to prevent debris running onto the public road/footway.

Reason: In the interests of vehicular and public safety and in order to provide a suitable access.

7. Prior to the occupancy of the dwellinghouse (or temporary habitation of the outbuilding), a parking area for two vehicles, together with a turning area, shall be provided within the curtilage of the site and shall thereafter be retained in perpetuity for such a dedicated purpose, unless the prior consent for variation is obtained in writing from the planning authority.

Reason: To ensure that adequate off-street car parking provision is provided.

8. The dwellinghouse shall not be occupied until the first 5m of the access onto the A815 from the lane serving Halftown Cottages has been constructed with a sealed surface in accordance with details to be submitted to and approved by the planning authority.

Reason: In the interests of vehicular and public safety and in order to provide a suitable access.

9. No development work shall commence on site until full details regarding the proposed foul water drainage system including effluent discharge calculations have been submitted to and agreed in writing with the Planning Authority.

Reason: To safeguard the waters of Loch Fyne, which are now a shellfish designation.

10. No building, engineering or tree-felling works shall commence until shall commence until a detailed scheme of all boundary treatments has been submitted to and approved in writing by the Planning Authority. The scheme of boundary treatment is expected to comprise a dry stone wall with post and wire fence to the rear portion and frontage of the site with an enclosed area with protective deer fencing in the central portion only. The scheme as may be approved shall be implemented prior to the occupancy of the dwellinghouse, or as otherwise agreed in writing with the Planning Authority.

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

11. No work shall commence on site (unless consent for variation is approved in writing by the planning authority) until a detailed scheme of native tree planting and shrub planting has been submitted to and approved in writing by the Planning Authority. The planting scheme, as may be approved shall indicate the siting,

numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:

- (a) Completion of the scheme during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority.
- (b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping

12. Notwithstanding the provisions of Article 3 and Class 1 (*the extension, enlargement, improvement, alteration of the dwelling*) and Class 3 (*building, enclosure, pool, incidental to the enjoyment of the dwelling and maintenance, improvement, alteration thereof*) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within that part of the curtilage of the dwellinghouse hereby permitted which falls within the Ardchyline Woodland Site of Special Scientific Interest without the prior written consent of the Planning Authority.

Reason: In order to protect the nature conservation value of the Ardchyline Woodland Site of Special Scientific Interest

13. Prior to the commencement of any construction works, samples of all external finishes and roof coverings shall be submitted for the written approval of the Planning Authority.

Reason : In the interest of visual amenity and to help integrate the proposal within its surroundings.

(Reference: Report by Head of Planning and Regulatory Services dated 9 February 2011, submitted)

11. MR H HOOD: SITE FOR ERECTION OF A DWELLINGHOUSE: LAND WEST OF 15 LOCH DRIVE, HELENSBURGH (REF: 10/01578/PPP)

The Head of Planning and Regulatory Services presented a report and referred to a late representation received which queried the dimensions of the proposed dwellinghouse which he had dealt with by way of a supplementary report. He advised that in terms of the plans submitted, the site plan at 1:500 scale shows the gable to gable distance to be 18.5 metres and on the 1:200 elevation plan the distance is 18.3 metres. Following the representation received the gable to gable distance was measured on site and this distance was approximately 17.3 metres. Consequently, the applicant's agent has been contacted and accurate amended plans requested. Despite this 1 to 1.2 metre discrepancy, it is still considered that an appropriately designed dwellinghouse can be accommodated on this site without a detrimental impact on the amenity if the adjoining properties or the surrounding area. As such it does not affect the recommendation that planning permission in principle be granted subject to a Discretionary Hearing being held in recognition of the number of representations received.

Decision

Agreed to hold a Discretionary Hearing on Friday 25 February 2011 at 2.00 pm in the Victoria Halls, Helensburgh.

(Reference: Report by Head of Planning and Regulatory Services dated 28 January 2011 and Supplementary Report dated 14 February 2011, submitted)

12. **MS JANET THOM AND MRS ANN SMITH: APPLICATION FOR CHANGE OF USE OF PAVEMENT TO FORM OUTSIDE SEATING AREA: JULIE'S CAFE HOUSE, 33 STAFFORD STREET, OBAN (REF: 10/01932/PP)**

The Principal Planning Officer advised that this application was before the Committee as it forms part of the highway and therefore is a Council interest application. The proposal falls within the Oban 'settlement' zone where there is a general assumption in favour of appropriate development. The proposal is acceptable in terms of location, appearance and setting and raises no adverse privacy or amenity issues, nor unacceptable impacts on pedestrian safety. The proposal accords with structure plan policy STRAT DC 1 and local plan policies LP ENV 1, ENV 13a and ENV 19 of the adopted local plan and it is recommended that planning permission be granted.

Decision

Agreed to grant Planning Permission subject to the following conditions and reasons:-

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. At all times when the external seating area is in use, the external seating area shall be bound by a restrictive barrier at both ends and the outside edge, the details of which shall be submitted to and approved in writing by the Planning Authority, prior to the commencement of the use hereby approved.

Reason: In the interests of public safety, to ensure that the seating area does not become a thoroughfare and to ensure that the use is contained within the application site.

3. The external seating area as identified on the approved plan shall only be used between the hours of 09:30am to 17:30pm. Outwith these time periods, the tables, chairs and barriers shall be removed from the footway and securely stored.

Reason: To protect the amenity of the area and to ensure that the use of the pavement as a seating area is restricted to the hours of operation of the cafe.

4. The development shall be implemented in accordance with the details specified on the application form dated 06/11/2010 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan at scale of 1:2500)
Plan 2 of 2 (Site Plan at scale of 1:200)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(Reference: Report by Head of Planning and Regulatory Services dated 25 January 2011, submitted)

Councillor MacNaughton left the meeting at this point.

13. MR COLIN GLADSTONE: APPLICATION FOR ERECTION OF 2 DWELLINGHOUSES AND INSTALLATION OF 2 SEPTIC TANKS: LAND NORTH OF EAST KAMES, KILMELFORD (REF: 10/02048/PPP)

The Principal Planning Officer presented the report advising that the proposal conforms to the relevant development plan policies and there are no other material considerations, including issues raised by third parties, which warrant anything other than the application being determined in accordance with the provisions of the Development Plan. He advised that planning permission in principle should be granted subject to a Discretionary Hearing being held in view of the number of representations received in the context of a small community. He further advised that there were a few other objectors who had submitted late representations and that it was his intention to deal with these in a supplementary report which would be available for the hearing.

Decision

Agreed to hold a Discretionary Hearing on Friday 11 March 2011 in Kilmelford Village Hall and that more information regarding the water supply should be made available at this time.

(Reference: Report by Head of Planning and Regulatory Services dated 27 January 2011, submitted)

14. TPO CONFIRMATION: ST CLAIR ROAD, ARDRISHAIG

The Principal Planning Officer presented a report seeking confirmation of a provisional Tree Preservation Order in respect of trees growing on land at St. Clair Road, Ardrishaig within land principally/or entirely owned by British Waterways recognised as the former garden lands of the former Canal House, more latterly known as the Bridge House, having regard to a representation received in respect of the provisional Order (reference 09/10).

Decision

The Committee agreed:-

1. That, having regard to an assessment of the representation received that the Order be confirmed; and
2. That upon the confirmation of the Order an advisory letter, as mentioned in the body of the report, be sent to the owners.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

15. APPEALS UPDATE

A report advising of two recent appeal decisions by the Scottish Government Directorate for Planning and Environmental Appeals was considered.

Decision

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services dated 24 January 2011, submitted)

**ARGYLL AND BUTE COUNCIL
DEVELOPMENT &
INFRASTRUCTURE SERVICES**

**PROTECTIVE SERVICES &
LICENSING COMMITTEE
16 MARCH 2011**

**PROMOTING FOOD SAFETY STANDARDS
IN ARGYLL AND BUTE**

1. PURPOSE

- 1.1 The Local Authority, as the food authority, secures food safety and public health through the regulation and enforcement of the Food Safety Act 1990 and related Regulations.
- 1.2 This work is carried out outwith the public view The enforcement policy adopted serves to secure compliance through supporting businesses to comply, through risk-based proportionate enforcement and, where necessary, the service of formal Notices, seizure of foodstuffs, closure of premises or processes, and reports to the Procurator Fiscal.
- 1.3 The service has sought to improve the level of consumer awareness of the standards of food safety within premises, through the EatSafe Award and Food Hygiene Information Scheme. The Food Hygiene Information Scheme (FHIS) was brought about by the Food Standards Agency, Local Authority Food Officers and Consumer Focus to allow the public to know how hygienic their favourite restaurant, takeaway or shop is.
- 1.4 The FHIS provides “at a glance” information about the standards of hygiene in food businesses both at the premises and on our website. These provide the consumer with clear, interpretable information on food safety standards and give recognition to businesses with high standards of food hygiene and management.
- 1.5 This Paper advises Members of the work undertaken in Argyll and Bute Council, which has taken it to the forefront in these national schemes.

2. RECOMMENDATIONS

- 2.1 That Members recognise:-
 - a. the work being undertaken by the Councils environmental health service to protect food safety; to support the food industry in Argyll and Bute and note that its work on the EatSafe and Food Hygiene Information award schemes is at the forefront in Scotland
 - b. the work of the catering industry in introducing this scheme and the high level of compliance with food safety in terms fo the FHIS and EatSafe award schemes

- 2.2** That Members consider the extension of the FHIS into the retail sector in 2011-12, subject to the caveats detailed in 7.3; and the promotion of the scheme to consumers

3. BACKGROUND

- 3.1** At the PPSL Committee on 16 June 2010, Members agreed to a strategy for the implementation of the voluntary, national Food Hygiene Information Scheme (FHIS) to caterers in Argyll and Bute in 2011. This was considered with the agreed Food Law Enforcement Plan and the concept of promoting an “informed consumer”.
- 3.2** The FHIS programme has been delivered across all catering premises in Argyll and Bute within the agreed timescale. This Scheme also supports the EatSafe Award Scheme which the Council’s Environmental Health Service have been operating for 3 years, and provided public recognition for high standards of food safety and management within businesses. The Schemes also provide public awareness through Certificates being displayed on premises and on the Food Standard Agency website www.food.gov.uk...
- 3.3** The work to date has brought Argyll and Bute Council’s Environmental Health service, and its food businesses, to the forefront of food hygiene/safety :-
- (i) 84% of all caterers have been awarded with a “PASS” certificate although the “Improvement Required” is always initially higher at the launch of the Scheme in that Area
 - (ii) 99 EatSafe Awards have been issued; this is the third highest by any Local Authority with only East Ayrshire and Glasgow City Council awarding more (See Appendix 1)

4. Food Hygiene Information Scheme

- 4.1** The FHIS was delivered by a project team comprising Environmental Health staff and project managed by the Area Environmental Health Manager (Helensburgh / Lomond).
- 4.2** The Scheme has been successfully launched across all caterers in Argyll and Bute, with the last area being launched in Mid Argyll, Kintyre and Islay on the 16th March 2011. Across Argyll and Bute Council, 96% of all caterers (830 premises) have been awarded “PASS” Certificates. A breakdown of the full statistics is detailed in Appendix I.
- 4.3** The level of “PASS” Certificates issued varies across the Area Teams and reflects the conditions in the inspections undertaken by enforcement staff. It should be noted that, where “IMPROVEMENT REQUIRED” is issued, the business need not display the Certificate, although the information is placed on the Food Standards Agency website.

4.4 The Environmental Health service will ensure that the non-conformities that initiated the “IMPROVEMENT REQUIRED” Certificate are notified to the food business and are rectified. Once the business has informed us that the items have been rectified the premises will be reassessed. If major non-conformities are found this may result in formal action. In all cases food safety will be protected and the risks managed adequately.

4.5 The benefits of the Scheme are :-

(a) ***To the Local Authority***

Raises the profile of Environmental Health and food safety, addresses non-compliance and provides “consumer” pressure to improve standards

Improves efficiency as non-compliance businesses are tending to undertake the works and report their actions earlier with the Scheme

Supports the local economy by recognising businesses with high standards of food safety and providing advice to consumers to allow them to make a choice where they consume food

(b) ***To the Business***

Businesses have reported that this scheme:-

Provides reassurance to businesses that they have adequate standards in place and recognises “compliant” businesses

Provides a competitive advantage compared to other businesses who do not have either a “PASS” Certificate or an EatSafe Award

Reassures customers

(c) ***To the Consumer***

Provides consumers with food safety information, for the first time

Provides reassurance of the work undertaken by the Council’s Environmental Health service and standards within businesses

5. IMPLEMENTATION OF THE SCHEME

5.1 We have promoted the Scheme through discussion with catering businesses, and consumers through voluntary groups, etc.

5.2 96% of all caterers have been awarded "PASS" Certificates under the FHIS and work is ongoing to raise standards in the remainder. This is higher than the Scottish average of approx 75%.

5.3 There have been two high profile launches at food related events and displays at several other smaller events, all of which attracted encouraging comments on the Scheme.

5.4 The first of the major events was in September 2010, at the EatBute Food Fare in the grounds of Mount Stuart House, Bute.

Richard Lockhead, Cabinet Minister for Rural Affairs attended our display and commented favourably on the motives and delivery of the Scheme.

5.5 The other, in February, at the West Highland and Islands Food Fare, Oban, which was a Trade Fare which also produced support to the Scheme with the food business operators. It was marked with a formal presentation of "PASS" Certificates to hoteliers carried out by Peter Midgley Food Standards Agency (Scotland), Head of the Local Authority Food Enforcement Branch.

He commented that Argyll and Bute Council and its businesses were at the forefront in implementing the national EatSafe Award and FHIS Schemes. This recognises the commitment of businesses and the Council's Environmental Health service to the Scheme.

6. FOOD SAFETY IN ARGYLL AND BUTE

6.1 The Council's Environmental Health service undertakes significant work to regulate, promote, and secure safe standards of food safety in Argyll and Bute, working with businesses and other Local Authorities and the Food Standards Agency. The FHIS and EatSafe Award Schemes provide an opportunity to inform consumers of this work and of businesses which comply with standards, based on a detailed audit and inspection process.

6.2 In addition to this, a wide range of enforcement work is undertaken, and of significance this year are :-

(i) 645 premises were subjected to formal, detailed inspections and audits by the Council's Environmental Health professionals for food safety in the period 1st April 2010 to 7th March 2011.

(ii) A total of 35 formal Notices were issued for a range of contraventions, including inadequate food safety systems, consideration and training of food handlers. These have been complied with.

(iii) We have supported new businesses in establishing, and of significance are 5 new manufacturing operations which require to be formally licensed by the Local Authority.

- (iv) We have investigated outbreaks of illness associated with, or involving, food businesses, including an outbreak of D&V in a wedding party. Investigations confirmed a viral source rather than foodborne.
- (vi) A business within Argyll and Bute was prosecuted and found guilty of contraventions under the Food Safety Act 1990 and the Food Safety (General Food Hygiene) (Scotland) Regulations. The business was fined £1,150 and the contraventions related to conditions found at inspection in 2008 have been rectified. The proprietor has carried out improvements and the premises are now compliant and have been awarded a "PASS" Certificate in terms of the FHIS.
- (vii) As a result of the new trading arrangements between China and Scotland, supported through fish inspection and certification, the first exports of salmon from an Argyll company to China (the first in Scotland) have taken place. This supported business is utilising new trading markets.

7. THE INFORMED CONSUMER

- 7.1** We have successfully implemented the Food Hygiene Information Scheme for caterers and the Certificates are reviewed at every programmed visit by Environmental Health staff. They will be re-issued with a new "PASS" Certificate and, where standards have slipped, an "IMPROVEMENT REQUIRED" Certificate will be issued. The results will be regularly updated onto the Food Standards Agency web-site.
- 7.2** There is a potential to extend this to the retail sector and preparatory work has been done to support this extension. Additional funding has been obtained from the Food Standards Agency of £3,500 to support this in 2011 / 2012.
- 7.3** It is recommended that :-
 - (i) The Scheme is extended to retail premises, based on outcomes of recent visits and forthcoming programmed visits.
 - (ii) To minimise the implications to the service, premises which are not due an inspection will be categorised as "AWAITING INSPECTION" and awarded a Certificate, where they come in to the scope of the Scheme, and will only be inspected on a risk-based approach depending upon available Environmental Health resources.
 - (iii) That the focus is on raising awareness of the FHIS and EatSafe Award Schemes with the consumer via the Certificates and on the Food Standards Agency web-site.

8. CONCLUSIONS

- 8.1 The introduction of the FHIS and EatSafe Award Schemes brings Argyll and Bute's Environmental Health and local businesses to the forefront of other Local Authorities and "leads the way" nationally.
- 8.2 The Schemes provide benefits to the Local Authority, the economy, businesses and the consumer. It provides power to consumers to promote improvements to food safety by electing to consume food in premises which are compliant with food safety standards and have a "PASS" Certificate. It may take some time to implement this "culture" but the Schemes provide this information to consumers for the first time.

9. IMPLICATIONS

- 9.1 Policy : None
- Financial : Grant of £3500 received to implement project in 2011-12
- Equal Opportunities : Applies to all caterers and retailers
- Personnel : Work integrated within general work



ALAN MORRISON
Operations Manager, Environmental Health

AM/KT/7074 MAR 2011

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Environmental Health

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Appendix 1**FHIS Breakdown per geographic area**

	A & B Council	BC	HL	MAKI	OLI
No. of Premises	834	252	189	180	213
No. of PASS Certificates	738	229	177	151	181
No. of "Improvements Required"	56	14	5	26	11
No. of Exempt Premises	71	11	9	3	48

Eat Safe Awards (as of 7th March 2011)

Aberdeen	23
Aberdeenshire	32
Argyll & Bute	99
Edinburgh	74
Clackmannan	4
Dumfries & Galloway	34
East Ayrshire	170
Glasgow	138
Highland	42
Midlothian	1
Moray	2
North Ayrshire	32
Scottish Borders	3
South Ayrshire	26
South Lanarkshire	25
Stirling	33
West Dunbartonshire	59
West Lothian	6

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**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00222/PPP

Planning Hierarchy: Major

Applicant: CWP Property Development and Investment

Proposal: Erection of Class 1 foodstore with associated development to include car parking, access road, road bridge, petrol filling station and engineering works.

Site Address: 361 Argyll Street, Dunoon.

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of Class 1 foodstore (3,716 sqm / 40,000sqft gross retail floorspace);
- Formation of car parking (238 spaces);
- Formation of access road and road bridge;
- Erection of petrol filling station;
- Ground engineering works to re-grade site;
- Timber crib retention along banks of Milton Burn.

(ii) Other specified operations

- Connection to public sewer and public water supply
 - Demolition of existing Garden Centre and associated storage and commercial buildings.
-

(B) RECOMMENDATION:

It is recommended that:

- (a) a discretionary local hearing be held, and
 - (b) planning permission be refused for the reasons set out below (in section R).
-

(C) HISTORY:

92/0498/DET001 Change of use and alterations to form garden centre granted 1992;
93/00297/DET Extend retail premises, erect unit & relocate petrol station granted 1993;

94/00385/DET Erection of garage forecourt shop (amended proposals) granted 1994;

05/02264/DET Erection of 2 warehouse storage buildings (Class 6) granted on 27th July 2006. The proposal was never implemented;

07/02189/COU Use of land for the siting of storage containers (retrospective) granted 3 June 2008 and implemented.

09/00003/PAN Proposal of Application Notice for erection of a Class 1 foodstore and associated development to include car parking, access road, road bridges, petrol filling station and engineering works by CWP Property Development and Investment

07/01903/DET Detailed planning application by Kier Homes for a 74 house development on PDA 2/5. This application is currently being considered awaiting additional supporting information.

(D) CONSULTATIONS:

Area Roads Manager (response dated 16th September 2010): No objections subject to conditions and advisory notes. Roads Construction Consent, Road Bond and Road Opening Permit all required. For full details refer to report below.

Public Protection (response dated 25th October 2010): Recommend conditions in respect of contamination of site, noise from development, dust, lighting and operational hours.

Scottish Environment Protection Agency (responses dated 19th March, 14th April 2010): Original objection removed due to submission of revised flood risk information. No objections in principle subject to conditions regarding land raising, site levels and flood management measures including finished floor levels. Advisory notes.

Scottish Water (response dated 25th February 2009): No objections in principle. Due to size of development Scottish Water will have to assess impact on existing infrastructure. Potential capacity issues. Advisory comments.

Flood Alleviation Manager (response dated 31st March and 18th August 2010) :Confirm that proposals in Flood Risk Assessment are acceptable on the understanding that the 'Summary and Conclusions' are implemented and that allowances for freeboard and volumes of surface water discharge to Milton Burn are agreed with the Flooding Authority.

Additional technical comments on Drainage Overview to be incorporated into proposals.

Scottish Natural Heritage (responses dated 29th October 2009, 12th May 2010, and 23rd August 2010): Recommend that a repeat survey be carried out for bats, otters, red squirrel, water vole and breeding birds. In terms of Sea Trout, SNH have forwarded details to Argyll District Salmon Fishery Board.

On the basis of an updated Ecology Report, SNH now satisfied with the conclusions and mitigation measures for otters and breeding birds.

Local Biodiversity Officer (response dated 13th May 2010, 23rd August 2010, and 11th October 2010): Reserve judgement initially. Comments regarding bat and otter surveys and recommend that red squirrel and woodland birds are monitored. Comments regarding Sea Trout and bridge construction in terms of contamination. Recommend that a detailed landscaping plan to include species of biodiversity interest be submitted for the car park and the area around the proposed supermarket.

On the basis of the updated Ecology Report, now satisfied with conclusions but would like to see bat boxes placed on retained trees near where felling has take place.

Argyll District Salmon Fishery Board (response dated 27th November 2009): Original comments lodged as part of the Pre Application Consultation process. Comments regarding CAR regulations and mitigation requirements for trout and eels that are present in the Milton Burn that flows from Loch Loskin.

West of Scotland Archaeology Service (response dated 11th March 2010): Comment that the site lies within an area of some archaeological sensitivity based on the presence of recorded sites and finds from various periods. Recommend that a site evaluation be carried out prior to taking a decision. Alternatively a suspensive condition is recommended to establish that a programme of archaeological works be agreed and implemented.

Dunoon Community Council (response received 12th March 2010): Object on the basis of traffic congestion in the area, sightlines, noise and light pollution and flooding.

(E) PUBLICITY:

The application was advertised under Regulation 20(1) Advert Statement (publication date 5th August 2010, expiry date 27th August 2010).

(F) REPRESENTATIONS:

Representations: Around 1100 representations have been received with 30 letters/emails of objection and 1070 letters/emails of support. Refer to Appendix for full list of representations.

Supporters

The persons who have written letters of support (1070) are listed in an appendix to this report. The majority of these letters of support take the format of a standard petition letter. Canvassing by Walkers Garden Centre has resulted in a petition with 850 names, and a doorstep campaign by a local business owner has resulted in petition letters totalling approximately 160 names. The grounds of support are summarised as follows:

- The new supermarket will improve the quality of food retail provision in the area;
- The new supermarket will improve choice and bring lower prices for shoppers;
- The new supermarket will provide new job opportunities (standard petition letter.)
- It will save time and money travelling out of Dunoon;
- Proposal will increase the number of people shopping in Dunoon;
- Existing supermarkets are too small and constricted by lack of space;
- Primary opposition appears to be local traders in Argyll Street;
- Many people in Dunoon and Cowal regularly travel across the water for shopping – significant economic gain if this spending could be kept in Dunoon;
- Wish to see large modern supermarket with plenty of choice and toilets;
- Desire to do a single shopping in one store than driving from one supermarket to another;
- Being able to shop, get petrol, coffee and the toilet in one place would be a bonus;

It should be noted that a letter from Kier Homes (dated 15th December 2010) confirms that Kier's contract with the landowners allows for the development of the site as part of a mixed-use development to include a foodstore development as proposed. On this

basis, Kier Homes wish to confirm that approval of the proposed foodstore development would not impeded the construction of housing on the remaining part of the site and would potentially rationalise infrastructure provision. In this context. Kier Homes remain committed to the delivery of housing at Dunloskin.

Objectors

Those who have raised objections (30) are listed in an appendix to this report. These include objections from the existing supermarkets, the owners of the Gasworks site and many of the town centre retailers.

- The proposal in an out of centre location will promote unsustainable shopping patterns and will not support Dunoon Town Centre;
- the former Dunoon Gasworks site is in a sequentially preferable location and available for medium scale retail development and therefore the proposal is contrary to PROP SET2 of the Structure Plan and policy LP RET1 of the adopted Argyll and Bute Local Plan;
- the proposal will prejudice the delivery of housing allocations PDA 2/5 and 2/6; the retail impact assessment underestimates the net floorspace and company average of Morrisons and underestimates the turnover of the existing Co-op store that is considerably higher than the figures suggested;
- also feel that company average turnover applied to other convenience floorspace in the catchment are overly conservative;
- do not feel that future projected population growth should be used in the estimation of retail capacity;
- the turnover of the proposed store has been underestimated and the turnover ratios used are much lower than the company average figures for the main foodstores in the UK;
- no justification to support the position that the proposed store would trade at a level significantly below company average levels;
- Surplus of convenience expenditure in the catchment area is not sufficient to support a store of the scale proposed without having a significant adverse impact upon Dunoon Town Centre;
- Maximum trade leakage lower than forecasted based on existing convenience expenditure;
- Proposal would be contrary to SPP8 in that the development would have a detrimental impact on the vitality and viability of Dunoon Town Centre;
- Proposed development is a departure from the Local Plan
- Dunoon currently has two supermarkets, both of which have the potential for expansion;
- Introducing a third supermarket located so far out of town will have result in a drastic decline in footfall in the town centre (town centre shops will see a decrease in turnover of 9.4%).
- Findings in the Retail Impact Study are misleading and biased.
- An independent Retail Impact Study should be carried out to gain an accurate assessment of the impact the development would have on town centre retailers;
- Experience shows that out of town centres have a detrimental impact on traditional town centres;
- The proposal could lead to the closure of one of the existing supermarkets;
- Closure of retail outlets in Dunoon Town Centre will have a detrimental effect on the number of day visitors visiting Dunoon;
- Current economic climate already affecting Dunoon Town Centre in terms of closed shops and struggling businesses;
- Any employment created would be short lived with cumulative impact of closed shops and loss of jobs from existing supermarkets;

- The present regeneration of Dunoon Town Centre would be seriously undermined by an out of town development;
- Morrisons provide a facility for linked trips where its proximity within the town centre allows shoppers to purchase goods from a range of town centre shops from a central parking facility;
- Alternative land uses should be promoted through the local plan process;
- Catchment area cannot sustain three supermarkets and town centre shops;
- Large retailers compete against every type of business trading in the area;
- Contradictions and misleading information in the Planning and Retail Statement;
- Applicant has acknowledged that the store is out of centre and that there will be significant trade diversion from Dunoon town centre;
- Visitors come to Dunoon want to wander the shops in the town centre, not to visit another supermarket;
- Object to the desecration of large areas of natural landscape;
- "The Health of the High Street" by the British Shops and Stores Association stresses the importance of a health High Street and there is a move nationally to revitalise and promote our town centres;
- Suggested similar examples e.g. Huntly are actually experiencing serious problems with an edge of town supermarket competing with town businesses and in breach of convenience only planning conditions;
- Proposed development will exacerbate existing traffic congestion problems;
- Dunoon need improved leisure and social facilities, not another supermarket;
- New junction will cause traffic flow problems especially at peak times;
- Surrounding uses requiring a quick exit i.e. Fire Station, Emergency Ambulance and Hospital;
- Bridges across the Milton Burn are a potential for flooding;

The owners of the Gasworks site (National Grid Property) have confirmed (letter dated 28th February 2011) that their site is available for redevelopment for an appropriate use on vacant land that is sequentially preferable to the CWP proposal. NGP also confirm that they are actively considering submitting a Proposal of Application Notice (PAN) with the intention of submitting a retail planning application in due course.

NGP state that the gasworks site has been remediated in readiness for beneficial reuse and feasibility works undertaken shows that the site could easily accommodate a standard retail foodstore extending in the region of 3,000sqm (32,000sqft) gross.

Contrary to CWP's assertions, NGP do not consider that either the linear shape of the gasworks site or the existence of a watercourse represent insurmountable constraints to redeveloping the site for retail use.

NGP have submitted details from a range of retail schemes that CWP have been involved with where a site of the size of the gasworks site would be attractive to modern food store operators.

In terms of suggestions that the site is at risk of flooding, appropriate mitigation measures can be accommodated which would protect proposed development at the site whilst not increasing the risk of flooding elsewhere.

The Co-operative Group (represented by GL Hearn) in their letter dated 24th February 2011 state that the revised retail statement continues to rely upon data sourced from the National Survey of Local Shopping Patterns (NSLSP) patterns to support the views on the turnover of existing retail floorspace and the leakage of trade stores outwith the catchment area. It is suggested that the NSLSPIS not sufficiently robust to be applied at a local level and is not an appropriate tool for estimating the turnover of existing retail floorspace. A well designed household survey is considered to provide more accurate information such as: - specific stores used by main food shoppers, reason for visiting certain stores, how they travel, whether they are undertaking linked trips and how much they spend in each store. These views are supported by the Scottish Government's 2007 research paper on retail planning which establishes that only well designed

household surveys can be used to provide estimates of the turnover of existing floorspace and even then, that household surveys cannot provide 100% accurate information on expenditure flows and turnover rates.

It is concluded that there is no justification for a large out-of-centre foodstore and the scale is likely to have a significant adverse impact on the vitality and viability of the existing shopping facilities in Dunoon town centre. Despite revising their Retail Impact Analysis, the applicants have not offered any meaningful justification to support their view that the proposed store will trade below company average levels and will have a limited impact on Dunoon town centre.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** No
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) A design or design/access statement:** Yes.

Revised Design and Access Statement (December 2010) states that *the topography of the site has dictated the orientation and location of the building. Existing and proposed screening in addition to excavation and use of a curved roof will all help to integrate the building into the landscape. While buildings are indicative at this stage, careful use of materials for the foodstore building and petrol filling station will reduce any perceived bulk. The organisation of the car park into rows makes navigating in and out of the store easy for vehicles and customers. The extruded entrance lobby can be clearly identified giving legibility to the scheme. The statement concludes that the proposed development aims to achieve the qualities of successful, places as highlighted by PAN67: to be welcoming, adaptable, easy to get to and move around, safe and pleasant, resource efficient and distinctive.*

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

'Planning and Retail Statement' (Revised) dated January 2011 by James Barr;
Concludes that the proposed development:-

- *is acceptable in the context of National, Strategic and Local planning policy;*
- *is consistent with the aims and objectives of the PDA allocation as it seeks to assist in the delivery of housing units;*
- *can be considered consistent with policy PROP SET 2 and Policy LP RET1 of the Local Plan;*
- *meets the sequential approach as there are no suitable sites or vacant premises located within or adjacent to the town centre and the site is an out of centre site that is easily accessible by a choice of modes of transport, particularly walking;*
- *will meet both a quantitative and qualitative deficiency within catchment and town;*
- *will improve customer choice where retail provision is limited for main food shopping;*
- *is easily accessible by pedestrians and public transport;*

- *will not have a significant adverse impact on Dunoon Town Centre; and,*
- *will provide additional employment opportunities in the local area.*

'Transport Assessment' dated February 2010 by Savell Bird & Axon; The Transport Assessment confirms that the local road network will continue to operate within capacity with the addition of traffic associated with the proposed development. The proposal includes a number of features to improve accessibility e.g. footway along the southern side of the supermarket access road, replacement footway along Argyll Street frontage, provision of cycle stands and retention and relocation of two bus stops on Argyll Street. A Travel Plan will also require to be developed and agreed with the Council.

The 'Design and Access Statement' (revised December 2010) states that the building and external works aim to be welcoming, flexible inclusive and convenient for all regardless of age or disability. A continuous pedestrian route will be provided from Argyll Street into the site and along the frontage without ramps or stairs. Cycle stands, accessible parking spaces and parent and child parking spaces are all proposed.

'Flood Risk Assessment' dated 21st January 2010 by Kaya Consulting Ltd.; This assessment considered flood risk from the Milton Burn, from three unnamed tributary watercourses and from surface water run-off generated from outwith the site. The areas proposed for the superstore and petrol filling station are outwith the predicted functional floodplain. However, a number of minor drainage issues can be addressed satisfactorily during the detailed design stage. The eventual bridge design can also be modelled to avoid flood risk to others.

'Site Flooding/Sustainable Drainage Overview Study Rev A' by Scott Bennett Associates dated August 2010; This report incorporates the findings of the Kaya Flood Risk Assessment and contains proposals for flood risk, SUDS measures including surface water storage attenuation below the car park, swales, filter strips and porous paving. The report concludes that based on the strategy and surface water management proposed, there would be no significant flood risk to either the development or to adjacent properties.

'Ecology Report Rev 03' dated July 2010 by CB Consulting and Wild Surveys. The report confirms no statutory designated sites or non-designated sites within or adjacent to the site. Desk and field studies identify otter activity, bats, water voles and breeding birds and appropriate mitigation measures are proposed to avoid or minimise impacts.

'Consultation Report Stage II' dated 1st October 2010 by James Harbison & Co; While not a formal requirement, this document demonstrates the commitment to engage with the communities of Dunoon and Cowal. Further consultations show a cumulative support for the proposals and as at 1st October 2010 1750 names have been gathered from a wide spectrum of the Dunoon and Cowal community based on returns received from public exhibition, Dunoon and Cowal Business Association, Community Council Debate, Senior Citizens' Group. Local survey, Walker's customer petition plus website support and Facebook support.

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No. Application is recommended for refusal.
-

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

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

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

'Argyll and Bute Structure Plan' (2002)

STRAT SI 1 - Sustainable Development;
STRAT DC1 - Development Within the Settlements;
STRAT DC7 – Nature Conservation and Development Control;
STRAT HO1 – Housing – Development Control Policy;
STRAT DC8 – Landscape and Development Control;
STRAT DC9 – Historic Environment and Development Control;
STRAT FW2 – Development Impact on Woodland;
STRAT DC10 – Flooding and Land Erosion;
PROP SET2 – Town Centres and Retailing;
PROP TRANS1 - Development Control, Transport and Access.

'Argyll and Bute Local Plan' (2009)

The application site is located within the extended settlement boundary of Dunoon and partly within PDA 2/5 where the following policies are applicable:

LP ENV1 Development Impact on the General Environment;
LP ENV6 Development Impact on Habitats and Species;
LP ENV7 Development Impact on Trees/Woodland;
LP ENV17 Development Impact on Sites of Archaeological Importance;
LP ENV19 Development Setting, Layout and Design (*including Appendix A Sustainable Siting and Design Principles*) and Sustainable Design Guidance;
LP HOU1 General Housing Development;
LP HOU2 Provision of Housing to meet Local Needs including Affordable Housing Provision;
LP HOU4 Housing Green Space;
LP BAD1 Bad Neighbour Development;
LP RET 1 Retail Development in the Towns – The Sequential Approach;
LP SERV1 Private Sewage Treatment Plants and Wastewater Systems;
LP SERV2 Incorporation of Natural Features/Sustainable Drainage Systems (SuDS);
LP SERV3 Drainage Impact Assessment (DIA);
LP SERV7 Contaminated Land;
LP SERV8 Flooding and Land Erosion;
LP TRAN1 Public Access and Rights of Way;
LP TRAN2 Development and Public Transport Accessibility;
LP TRAN3 Special Needs Access Provision;
LP TRAN4 New and Existing, Public Roads and Private Access Regimes;
LP TRAN5 Off site Highway Improvements;
LP TRAN6 Vehicle Parking Provision;

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

- Scottish Planning Policy (February 2010), paras. 52-65
 - Planning Advice Note 2/2010 – ‘Affordable Housing’;
 - Planning Advice Note 52 – ‘Planning in Small Towns’;
 - Planning Advice Note 59 – ‘Improving Town Centres’;
 - Planning Advice Note 67 – ‘Housing Quality’;
 - Planning Advice Note 68 – ‘Design Statements’;
 - ‘A Policy Statement for Scotland - Designing Places’;
 - Consultee Responses;
 - Third Party Representation;
 - Scottish Government - Town Centre and Retailing Methodologies: Final Report (2007);
 - EKOS (Economic and Social Development) – Dunoon Locality Socio-Economic Baseline Report.
-

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes

As an urban development project exceeding 0.5 hectares in size, the proposal would represent Schedule 2 development under the Regulations. In determining whether the proposal represents EIA development, the Council has considered the selection criteria set out in Schedule 3 of the Regulations. With regard to the characteristics of the development and the environmental sensitivity of the location, it is noted that part of the site is occupied by commercial buildings and the western half of the site allocated in the Argyll and Bute Local Plan for housing development with an application currently being processed. For these reasons, it is considered that the proposed development does not require an EIA.

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes

‘Pre-application Consultation Report’ dated 27th January 2010 by James Harbison & Co; The Pre-application Consultation (PAC) Report confirmed that a public exhibition was held in Queens Hall on 16/17 October 2009 where approximately 400 people visited and filled out questionnaires. Despite 74% doing their main food shopping in Dunoon, 61% felt that a new supermarket is needed in Dunoon and 70% supported the proposal for a new supermarket on the proposed Argyll Street site. Findings demonstrate a significant leakage of food shoppers who choose to undertake their main weekly shop outside Dunoon and research indicates that the market share to town centre food retailers (excluding Morrisons and the Co-op) is 7%.

(M) Has a sustainability check list been submitted: Yes - received 11th May 2010.

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

(O) Requirement for a hearing (PAN41 or other): Yes

The proposal represents a departure from the Development Plan and is recommended for refusal. In view of the complexity of the proposal, its potential impacts on the landscape and environment of a wider area, and the volume of representations by consultees, affected local businesses and individuals, it is recommended that a discretionary local hearing be held before finally determining the application.

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

The proposed retail development is located on the north western outskirts of Dunoon, and includes part of a Potential Development Area (PDA 2/5) at Dunloskin Farm identified in the Argyll and Bute Local Plan as suitable for medium density housing (including 25% affordable) development. The site is outwith the identified town centre which is identified as the preferred location for new retail investment. It is also outwith the defined edge of town centre location, which in the absence of suitable town centre sites, is the sequentially preferred location for retail development.

The applicant suggests that there is currently significant trade diversion (or leakage) out of the Dunoon catchment area due to existing choice and quality of main convenience shopping within Dunoon. The applicant feels that a large foodstore at the edge of the Dunoon settlement will arrest that trade diversion offering competition, choice, lower prices and new jobs to Dunoon.

The application site lies within the main town settlement of Dunoon but outwith Dunoon Town Centre and the Edge of Centre zone as identified in the Argyll and Bute Local Plan (August 2009). The proposal is therefore considered as an 'out-of-town' location.

In line with Scottish Planning Policy and the Argyll and Bute Structure Plan policy Prop Set 2, the Argyll and Bute Local Plan establishes a presumption in favour of retail development within town centres, and adopts a sequential approach to retail development outwith town centres, firstly to sites within identified edge of town centre locations, and then to other sites which are accessible or can be made accessible by a choice of means of transport (see policy LP RET 1) elsewhere within the town. The policy requires that in any of these cases that there is no significant detrimental impact on the vitality or viability of existing town centres, and the proposal is consistent with the other structure and local plan policies. The policy allows for a retail impact assessment to be requested to demonstrate the anticipated impact of the proposal on the town centre.

The applicants have therefore submitted a Planning and Retail assessment which seeks to address the policy issues in relation to both the sequential test issue and the retail impact on the town centre. The applicants suggest that the only available alternative site is the former Dunoon Gasworks site on Argyll Street/Hamilton Street, but this site has been discounted due to its size and configuration.

The proposal is also regarded by the applicants as a method to facilitate a residential development in the rear part of Potential Development Area 2/5 Dunloskin Farm, which is currently the subject of an application for 74 houses for the entire site by Kier Homes. The current application must therefore also be assessed on its impact on this potential housing site with almost half of the PDA site proposed for the foodstore and associated buildings and land.

The proposed foodstore would be more than double the size of the existing Morrisons Store and have a petrol filling station and large car park adjacent. The applicants feel that the proposal will keep the trade diversion within Dunoon that would significantly

reduce the number of trips made for main food shopping and keep this lost expenditure within Dunoon.

Around 1100 representations have been received with 30 letters of objection and 1070 letters in support of the application, as detailed in appendices. Many of these indications of support take the form of a petition. Objections have been received from many town centre traders including the two existing supermarkets and the owners of the former Gasworks site who have confirmed that they wish to develop their site for supermarket usage.

The proposal is considered to be contrary to the settlement strategy for Dunoon with policies to support the town centre function as the focus for retailing. It is also considered that the scale and location of the proposed development would have a significant detrimental impact on the viability and vitality of Dunoon Town Centre and other retail outlets. It is considered that the protection of Dunoon Town Centre and its established retailing outlets as a retailing centre and tourist centre outweigh any drawback of perceived leakage to areas outwith the catchment.

Given all of the above, the application is considered to be contrary to policies contained in National Planning Policy Guidance, the Argyll and Bute Structure Plan and the Argyll and Bute Local Plan and does not justify the grant of planning permission.

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

(R) Reasons why Planning Permission in Principle should be refused

1. The proposed development would undermine the settlement strategy that supports Dunoon Town Centre and its edge of centre locations as preferred locations for retail purposes. The proposal to site a major foodstore in an 'out-of-town' location could have the potential to undermine and potentially harm the character and status of Dunoon Town Centre as an established traditional town centre location and function. Accordingly, the proposed development would be contrary to Policy STRAT SI 1, STRAT DC1, PROP SET 2, PROP SET3 and PROP SET4 of the Argyll and Bute Structure Plan (November 2002), and to policies LP ENV1, ENV19 and P/PDA 1 of the Argyll and Bute Local Plan (August 2009).
2. The proposal is considered to be contrary to the policy LP RET 1 of the Argyll and Bute Local Plan (August 2009). The proposed foodstore is outwith Dunoon Town Centre, an alternative sequentially better site is available within the edge of town centre, and there is a significant detrimental impact on the vitality and viability of the town centre and other retail outlets, The proposal is not consistent with Development Plan Policy, as the sequential test has not been satisfied, and that it would be possible to provide a smaller store, more appropriate to the catchment area's available expenditure either within the defined town centre, or edge of town centre areas.

Accordingly, the proposed development would be contrary to Scottish Planning Policy (February 2010, paras. 52-65), to PROP SET 2 of the Argyll and Bute Structure Plan (November 2002), and to policy LP RET 1 of the Argyll and Bute Local Plan (August 2009).

3. The proposed foodstore and car parking area is located partly within Potential Development Area (PDA 2/5) identified in the Argyll and Bute Local Plan (August 2009) for housing, and consequently it is therefore not consistent with the other local plan policies relating to development of PDAs and to housing.

Notwithstanding the above conflict with retail policy, an application with an indicative layout for 74 houses had been submitted, the proposed layout submitted shows 42 houses on the rear part of the site, a loss of 32 units. This is a considerable reduction and a clear conflict with the local plan policy for the development of PDAs. Policy LP HOU 2 on affordable housing would also apply to this PDA in its entirety. The layout for the development of the site for housing shows 74 houses, the affordable housing policy requires 19 of these to be affordable, and the proposal would result in the loss of 8 of these.

Accordingly, the proposed development would be contrary to Policy STRAT SI 1, STRAT DC1, PROP SET 2, PROP SET3 and PROP SET4 of the Argyll and Bute Structure Plan (November 2002), and to policies LP ENV1, ENV19, HOU1, HOU2 and P/PDA 1 of the Argyll and Bute Local Plan (August 2009).

4. The development proposes a major foodstore on the upper (west) part of the site adjacent to Dunoon Cemetery and adjacent to an area of woodland that is considered to be a key landscape feature. The siting of the building in this upper and highly prominent part of the site would require ground engineering (and retaining features) to re-grade the slopes to accommodate the large commercial building. The commercial building itself would be located in a dominant position at the back of the site and lacks any traditional design features. The indicative curved metal clad roof and bland elevational treatment are typical of a unit within a retail park and do not befit the semi-rural nature of the application site. The provision of a large car park area in front of the superstore presents an equally bland and urbanised design feature that does not integrate well within the immediate surroundings. Furthermore, the proposed development would diminish the environmental quality of any housing development in the remaining part of Potential Development Area (PDA 2/5) identified in the Argyll and Bute Local Plan.

Accordingly, the proposed development would be contrary to Policies STRAT SI 1, STRAT DC1, of the Argyll and Bute Structure Plan (November 2002), and to policies LP ENV1, ENV19 (*including Appendix A Sustainable Siting and Design Principles*) and Sustainable Design Guidance) and HOU1 of the Argyll and Bute Local Plan (August 2009).

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

No, the application is recommended for refusal.

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

Author of Report: Brian Close

Date: 4th March 2011

Reviewing Officer: David Eaglesham

Date: 4th March 2011

**Angus Gilmour
Head of Planning**

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00222/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site lies within the Main Town settlement of Dunoon, as defined in the Argyll and Bute Local Plan. In the Argyll and Bute Structure Plan, policy STRAT DC 1 supports development that serves a wide community of interest including 'large scale' development on appropriate infill, rounding-off and re-development sites. Developments which do not accord with this policy are those which are essentially incompatible with the close configuration of land uses found in settlement e.g. development which results in excessively high development densities, settlement cramming or inappropriate rounding-off on the edge of settlements.

Schedule R1 of Policy LP RET 1 of the Argyll and Bute Local Plan defines 'large scale' retail development as being in excess of 1000sqm gross floor space (the proposal is for 3,716 sqm gross). Dunoon already has two large scale retail foodstores located in the Main Town Centre and Edge of Town Centre. In addition, Structure Plan Policy PROP SET 3 promotes the use of Brownfield sites over Greenfield sites in the interests of sustainable development.

PROP SET 2 of the Argyll and Bute Structure Plan seeks to sustain the viability and vitality of town centres where a sequential approach to retail development will be adopted. Policy LP RET 1 of the Argyll and Bute Local Plan states a presumption in favour of retail development (Use Classes 1, 2 and 3) provided it is within a defined town centre or where the developer demonstrates that no suitable sites within defined town centres are available, on the edge of a defined town centre. Where the developer demonstrates that no suitable sites are available within defined town centres, or on the edge of defined town centres, elsewhere in the town in a location that is or can be made accessible by a choice of means of transport and that there would be no significant detrimental impact on the vitality or viability of existing town centres and the proposal is consistent with other Structure and Local Plan policies.

In terms of the retailing policies above, the proposed large scale retail foodstore is at the edge of the settlement of Dunoon but outwith the preferred Main Town Centre and Edge of Centre zones.

The application site includes the eastern half of Potential Development Area 2/5 '*Dunloskin*' that is identified in the Argyll and Bute Local Plan for medium density housing with 25% affordability. An application (ref. 07/01903/DET) for 74 dwellinghouses is currently being considered for PDA 2/5 which proposes an alternative river crossing across the Milton Burn north of Walker's Garden Centre.

It is considered that in land use terms, the location of a third supermarket within Dunoon to serve the convenience shopping needs throughout the Cowal catchment is inconsistent with the Settlement Strategy set out in the Development Plan. The location of a large foodstore at the edge of the settlement has the potential to compete with Dunoon Town Centre and Edge of Centre zone to the detriment of the town centre function. The choice of this particular location at the edge of the settlement is assessed below in terms of the 'sequential approach' to retail development set out in the Scottish Planning Policy (SPP).

Additionally, the proposal would have a significant impact on PDA 2/5 that has been allocated for housing purposes to meet housing provision under PROP SET4 and settlement plans under PROP SET5 of the Argyll and Bute Structure Plan.

Accordingly, in terms of the settlement strategy, the proposal would be inconsistent with policies STRAT SI 1, STRAT DC1, PROP SET2, PROP SET3, PROP SET4 and PROP SET5 of the Argyll and Bute Structure Plan, and policies LP ENV1, LP ENV 19, LP HOU1 and LP RET 1 of the Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

(a) Location

The application site (2.26 Ha) comprises Walker's Garden Centre and Filling Station and associated commercial and storage units, and a field to the west across the Milton Burn.

The application site is bounded by Dunloskin Farm amongst grazing fields and woodland to the north, A885 Argyll Street and Dunoon Hospital to the east, Dunoon Fire Station, Hamilton Street Yard and Dunoon Cemetery to the south and grazing fields with woodland to the west. The Milton Burn runs through the site from north to south. The site slopes from west to east but lessens towards the Milton Burn where the developed eastern portion of the site is relatively level.

In policy and land use terms, the application site includes the eastern half of Potential Development Area PDA 2/5 'Dunloskin' that is identified for medium density housing with 25% affordability. A proposal for a residential development of 74 houses (ref. 07/01903/DET) is currently being considered but the current proposal would result in the loss of 32 units (including the site's attenuation pond). This scheme involves a different access and would be located north of the existing petrol filling station and potentially involve the re-routing of the Milton Burn.

(b) Nature and Design of Proposed Development

The proposal necessitates the demolition of the entire Walker's Garden Centre site including the petrol filling station and associated commercial, industrial and storage uses.

The proposal involves the erection of a large scale retail foodstore (3,716 sqm / 40,000sqft gross retail floorspace) on the site of the garden centre and land to the west, adjacent to Dunoon Cemetery. An indicative site layout shows the rectangular footprint of a building some 70 x 55 metres, orientated with its long main elevation facing eastwards with the southern gable located a few metres away from the cemetery wall. Images depict a typical modern supermarket building with glazed entrance feature and curved metal roof. A large car parking area is proposed between the foodstore and the Milton Burn that would provide 238 parking spaces including 14 disabled spaces. A new main vehicular access is proposed from the A885 Argyll Street (on the site of the existing Walkers Garden Centre) across the Milton Burn via a new bridge and serving the car park, foodstore service yard and remainder of PDA 2/5 to the west. The proposal also includes the erection of a new petrol filling station with car wash close to the site of the existing facility.

Whilst no end-user has been identified, the applicant comments that the proposed foodstore is aimed at a retail occupier from one of four mainstream food retailers – Tesco, Morrisons, ASDA and Sainsburys. The nature of the store will be predominantly focused on convenience goods to provide for main food shopping requirements but will also include a limited range of comparison goods. The proposed store has a gross external floor space of 3,716 sqm with a total net retail area of 2,228 sqm. This will comprise an estimated 1,448 sqm net convenience goods floor space and 780sqm comparison goods floor space (i.e. a 65/35 convenience/comparison split). It is indicated that a mainstream store such as this could carry over 20,000 lines of goods for sale. This will predominantly concentrate on 'brand' labels but will also include 'own label' brands. Convenience goods provided in the store will include fresh foods such as breads, fruit and vegetables, meats, dairy produce and fish. The store will also have large ranges of pre-packed and frozen foods. A limited range of comparison goods could include such items as CD/DVDs, textiles, towels and bedding. It is suggested that the development could create 280 new permanent jobs in a mixture of full and part-time plus 60 construction jobs.

Policy LP ENV19 of the Argyll and Bute Local Plan includes in Appendix A Sustainable Siting and Design Principles design guidance relative to 'Isolated/Commercial Development';

18.1 the appearance of the development should be considered. The form and pattern of the landscape will largely determine the acceptability of the proposal..... The extent to which the proposal would be clearly visible from public roads, viewpoints and neighbouring local communities is also an important factor.

18.2 When assessing the appearance of isolated commercial development, the Planning Authority will take the following into consideration:

- The size and extent of the proposal. This includes the visual impact of the scheme and the distance/location from which it is visible;*
- The location of the proposal and its landscape setting, including the way in which the development has used the natural contours of the site is of prime importance. A large building must be absorbed by the landscape as much as possible, whether by excavating and building into the landform, using existing landforms to mask the development or screening by new trees;*
- The design and colour of the development(s) and ancillary structures can be used to minimise their perceived bulk and visual impact. Natural materials such as timber and stone will help to fit a large building into the landscape, as will dark natural colours (particularly on the roof).*

In their Design and Access Statement, the applicants comment that the topography of the site has dictated the orientation and location of the building. Existing and proposed tree planting in addition to excavation and use of a curved roof will all help to integrate the building into the landscape. While buildings are indicative at this stage, careful use of materials for the foodstore building and petrol filling station will reduce any perceived bulk.

The proposed metal-roofed supermarket building would be located adjacent to Dunoon Cemetery to the rear of an expansive car parking area. In terms of siting, the Flood Risk Assessment confirms that the proposed superstore and petrol filling station are outwith the predicted functional floodplain of Milton Burn and other watercourses. Accordingly, the siting of the foodstore at the rear of the site will require ground engineering works to re-grade the slopes with potential retaining structures to address the topography of the site. In terms of design, neither the supermarket building nor the car park pays any respect to the semi-rural surroundings and the overall effect is to urbanise the area. The lack of suitable screening and proposed siting, scale, design and materials of the proposed superstore would not be absorbed by the landscape but represent an incongruous feature that would appear alien in its relationship to Dunoon Cemetery and potential housing development to the rear.

Additionally, the location of the supermarket at the rear of the site has the potential to seriously compromise a suitable setting and layout for housing on the remainder of PDA 2/5. The loss of 32 residential units from the 74 houses proposed in the Kier Homes application has implications for resulting site density and ability to produce a harmonious layout in terms of plot ratios, landscaping and integration of key natural features.

It is considered that the proposed development does not respect the landscape character or setting of the area with an incongruous layout and design that is inconsistent with the provisions of Policy LP ENV 19 and Appendix A of the Argyll and Bute Local Plan together with the Council's Design Guide.

Although these issues could be mitigated during consideration of any detailed submission for either the supermarket or the housing within the remainder of the PDA, , **the proposal is considered to be contrary to Policy STRAT SI 1 of the Argyll and Bute Structure Plan 2002 and to Policies LP ENV 1 and ENV 19 and Appendix A of the Argyll and Bute Local Plan (August 2009).**

C. Retail Policy Considerations

In policy terms the retail policy LP RET 1 of the Argyll and Bute Local Plan is the principal policy against which the proposals should be assessed. Also of relevance is the fact that the site of the supermarket and its associated car park forms part of a larger Potential Development Area (PDA 2/5) identified as suitable for housing development, subject to addressing master plan and access constraints.

(i) The Sequential Approach to Retail Development in Towns

Scottish Planning Policy (SPP), Argyll and Bute Structure Plan Proposal PROP SET 2 and Argyll and Bute Local Plan Policy LP RET 1 set out that a sequential approach to site selection for retail development will be undertaken to ensure that new development does not undermine the vitality and viability of existing town centres. The SPP and Local Plan sets out that site locations should be assessed in the following order:

- Town centre sites;
- Edge of centre sites;
- Other commercial centres identified within the development plan;
- Out of centre sites in locations that are, or can be made, easily accessible by a choice of transport modes.

Policy LP RET 1 Retail Development in the Towns – The Sequential Approach

There will be a presumption in favour of retail development (Use classes 1, 2 and 3) provided:

(A) It is within a defined town centre; OR,

(B) Where the developer demonstrates that no suitable sites within defined town centres are available, on the edge of a defined town centre; OR,

(C) Where the developer demonstrates that no suitable sites are available within defined town centres, or on the edge of defined town centres, elsewhere in the town in a location that is or can be made accessible by a choice of means of transport; AND IN ANY OF THESE CASES,

(D) There is no significant detrimental impact on the vitality or viability of existing town centres (the Council may request an assessment at the developer's expense, as it considers necessary, to establish this, and may require applications to be accompanied by a reasoned statement of the anticipated impact of the proposal on the town centre); AND,

(E) The proposal is consistent with the other Structure and Local Plans policies.

The first aspect of LP RET 1 which requires to be considered is the availability of sites within Dunoon town centre, and then edge of town centre locations. Given the traditional nature of the town centre, it is accepted that there are no suitable sites within the town centre its self. However, within the edge of town centre designation the former Dunoon Gasworks site bounded by Argyll Street, Hamilton Street and the Milton Burn and south of Walkers Garden Centre has been assessed by the applicants in terms of the retail sequential test. This site (1.21 Ha / 12,100 sqm) has recently undergone remediation works to cleanse the site of contamination associated with its former use. The site proposed by the

applicants at Walkers/Dunloskin is approximately twice the size of the gas works site, and consequently the applicants are proposing a foodstore with a gross floorspace of 3716 sqm and a net floorspace of 2228 sqm.

The applicants estimate that the smaller former gas works site within the edge of town centre would only be able to accommodate a foodstore of approximately 2500 sqm. They have therefore dismissed the former gas works site as incapable of accommodating the size of the store they propose due to size, configuration and potential flood risk. On this basis, and the fact that no other Edge of Centre locations are available, the applicants consider that it is appropriate to consider the application site as an out-of-centre location that is acceptable in terms of its accessibility by public transport and pedestrians.

While it is acknowledged that part of the former gas works site has been identified in the SEPA Indicative Flood Map as forming part of the functional floodplain of the Milton Burn, this should not in itself rule out any potential development of the site. While the site could be improved by the proposed Milton Burn Flood Prevention Scheme, suitable flood defence mechanisms and compensatory flood storage would still have to be designed into any potential development of the site.

The owners of the gas works site (National Grid Property Holdings) comment that their site represents a sequentially preferable site for retail development. Contrary to the applicant's statement, they consider that neither the linear shape of the site nor the existence of a watercourse across it would detract from the marketability of the site to a modern foodstore operator nor inhibit its development. They have also stated that there is the potential for further land assembly around their landholding. The site, which has recently been subject to a level of remediation, is surplus to National Grid's operational requirements and it is their intention to submit an application proposing retail development at the site. The agents confirm that the Victoria Road site represents a significant brownfield redevelopment opportunity in close proximity to Dunoon Town Centre, sequentially preferable in retail terms to the site of the proposed development. The owners of the site have confirmed that it would be available for retail development.

Given this recent interest shown by the owners of the gasworks site and that an application for retail development may be imminent, it is considered that the former gas works site is available for retail development, and therefore cannot be dismissed solely on the basis of the size of store proposed. It should accordingly be given more detailed consideration in the retail impact assessment which the applicants have submitted in support of their application and is assessed in more detail below.

A retail impact assessment attempts to estimate the potential impact of a new retail development on existing retail provision (particularly within town centres). This involves defining the catchment area of the town, establishing the population of the area, and then calculating the average retail expenditure of the catchment population. This is then compared with an assessment of the turnover of the retail floorspace within the catchment area. Where a surplus is identified this is either considered as export expenditure or attributed as additional expenditure for existing retailers within the catchment area. Having quantified the level of turnover of existing retailers and the available expenditure within the catchment, and the amount exported to other centres, it is then possible to establish if there is sufficient expenditure to support additional floor space. There are a considerable number of variables in these calculations, and a number are based on averages and estimates, and others are relatively subjective.

The following table provides extracts from the tables in the revised retail impact assessment submitted by the applicants in support of their application:

	2010	2014
Population of Catchment	15,411	15,463
Convenience expenditure per capita	£2,079	£2,195
Total convenience expenditure	£32,033,624	£33,941,967
Comparison expenditure per capita	£2,735	£3,109
Total comparison expenditure	£42,155,285	£48,067,043
Estimated convenience turnover in catchment	£21,472,988	£22,752,202
Estimated comparison turnover in catchment	£25,000,000	£25,000,000
Surplus convenience expenditure	£10,560,636	£11,189,766
Surplus comparison expenditure	£17,155,285	£23,067,043

The surplus expenditure is generally taken to represent the amount of money spent by residents of the catchment area in shops outwith Dunoon and Cowal, and in theory would be available to support additional floorspace within the catchment. However, the extent to which this exported expenditure can be retained or clawed back depends on a number of factors, and varies between convenience and comparison goods, and proximity and size of competing retail centres.

In addition to expenditure available from residents within the catchment area, the applicants have made reference to the value of tourism expenditure based on the EKOS report – Dunoon Locality Socio-Economic Baseline. This concludes that tourism is worth £6,300,000 to the area, of which it is estimated by Visit Scotland, 10% or £630,000 would be retail expenditure. The applicants have not incorporated this figure in to their assessment but have stated that this would potentially also be available to support retailing in Dunoon,

In deriving the turnover of the retail floor space within the catchment, the company average turnovers are used for supermarkets and large national multiples, and this approach is normally also used to calculate the turnover of any new store. Where an operator is known, this is usually the companies' average, and where the operator is not known, an average of the top 5 operators is usually used. As this is a company average, there will be stores which trade at under this level and stores which trade at over this level. The level of trading of individual stores depends on a number of factors such as size of store and location, and extent of competition locally. However as retail impact assessments are based on using averages for existing floor space, using these for new proposals helps to retain consistency. There are some instances where using different figures from the average may be justified, for example, where the existing retailers in the town are prepared to disclose a stores actual turnover, or where a proposed operator is known, and where they propose to transfer the actual turnover of an existing store to a new one (such as in the case of Tesco in Campbeltown) and they are therefore well placed to make an assessment of the turnover of the new store.

In relation to this application, the applicants' original retail impact assessment used an average turnover approach for all supermarket operators, where as in the revised retail impact assessments they have adopted a turnover which is 75% of company averages. The following table outlines the effect of these two different approaches on the floorspace of the store as envisaged in the original and first revised retail impact assessment:

Floor space	Average turnover ratio	75% of Average turnover ratio	Turnover based on Average ratio	Turnover based on 75% of average ratio
Convenience 1,858	11,970	8,977	22,240,260	16,679,916
Comparison 557	8,241	6,180	4,590,237	3,442,511
Total turnover	-	-	26,830,497	20,122,427

It should be noted that the applicants have submitted a second revised retail impact assessment based on a reduction of net floorspace by just over 200 sqm but an increase in the proportion of space given over to comparison retailing as follows.

Floor space	75% of Average turnover ratio	Turnover based on 75% of average ratio
Convenience 1448 square metres	£8,977	£11,699,283
Comparison 780 square metres	£6,180	£4,338,676
Total turnover		£16,037,958

While the reduction in the proportion of floorspace given over to convenience and the use of 75% of company average turnover has resulted a reduction of turnover by £5 million, it is considered that this merely reinforces the case for a smaller store located on the former gas works site, as a store of 2500 sqm gross which would equate to about 1600 sqm net, with a 75% convenience and 25% comparison goods split, would more than accommodate the available expenditure. As such, it is considered that the applicants have not met the requirements of the sequential test, in discounting the former gas works site which is located in a sequentially preferable edge of town centre location.

(ii) Appropriate Scale and Location

One of the main thrusts of Scottish Planning Policy is the recognition that *“town centres are a key element to the economic and social fabric of Scotland, acting as centres of employment and services for local communities and a focus for civic activity, and make an important contribution to sustainable economic growth. Town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilitiesthe range and quality of shopping, wider economic and social activity, integration with residential areas and the quality of the environment are key influences on the success of a town centre”*. (para 52).

The SPP also highlights the need for a hierarchical approach to town centres and that any significant changes in the evolving role and functions of centres should be addressed through development plans rather than changes being driven by individual applications. The SPP focuses on town centre strategies and states that the planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of development. This should involve the use of vacant land and under-used land or premises. Actions to support improvements in town centres and to create distinctive and successful places are encouraged and these can range from small scale public realm works to assembly of larger scale development sites which aid regeneration.

The Argyll and Bute Structure Plan also stresses the importance of Dunoon Town Centre as an important shopping focus for the Main Town settlement and wider catchment. The retailing sector is an important component of the economy and fulfils a critical role in sustaining the viability and vitality of the Town Centre. Land use policies which support the competitive retail market have to be balanced with the need to secure the economic

integrity of town centres and to support the use of public transport. The sequential test with a preference for retail developments over 1000sqm gross floorspace to be located in the town centres is appropriate given the limited size of the Argyll and Bute towns and their retail catchment populations.

Despite the applicant stating that the out of centre site is '*easily accessible*' for public transport and pedestrians, the following points should be noted:

- The application site is located approx. 1.2km from the core of the primary retail area taken from the top of Moir Street on Argyll Street; approx 1.1km from Morrisons and approx 0.8km from the Co-op;
- Whilst the site can be made accessible by public transport, it is not particularly accessible for pedestrians walking from the Town Centre or even Edge of Centre areas. The site of the foodstore at the rear of Dunoon Cemetery is not well linked and lacks pedestrian permeability to surrounding residential neighbourhoods;
- The proposed new store is actually located approx 300 metres from the proposed access from Argyll Street with pedestrian access either across the large car park or main junction serving the store;
- Major food shopping tends to favour car borne shoppers than the ability to shop daily from a more accessible town centre location.

In conclusion, the proposed large foodstore would not be readily accessible by shoppers on-foot and is not within easy walking distance from the existing town centre area. Additionally, given the comments in sections (i) and (iii) such a scale and location would compete rather than complement the existing town centre.

(iii) Impact on Vitality and Viability of existing Dunoon Town Centre

The Applicant's Case

The applicants consider that the existing town centre of Dunoon provides goods and services to meet generally daily needs of local residents. The applicants also suggest that Dunoon town centre has a relatively healthy occupancy rate with evidence of investment from a small number of national retailers and strong occupancy levels of independent business. The applicant's feels that Dunoon town centre appears to be well utilised particularly for Class 1, Class 2 and Class 3 services and that the town centre appears healthy with low vacancy rates (12 vacant units/7%), high pedestrian flows and retailers continuing to invest and trade along Argyll Street and throughout the wider town centre area.

The applicants suggest that there are qualitative deficiencies in the available offer in Dunoon and that the new superstore will meet these and result in improved retail options within the town. The RIA notes that Dunoon Town Centre comprises a total of 165 units with a variety of Class 1,2,3,5,7, 10, 11 and sui generis uses (public houses, hot food takeaway etc). Of the Class 1 shops (55%), 43% sell comparison goods, 7% sell food/convenience and 5% sell bulky goods.

The Retail Impact Assessment (RIA) submitted by the applicants suggests that Dunoon suffers from a significant level of convenience expenditure leakage and there is a need for quantitative and qualitative improvement, particularly relating to main food shopping. It is suggested that this level of leakage points to lack of provision, choice and variety meaning that residents and shoppers from Dunoon and Cowal choose to make trips to other locations outwith the Dunoon catchment area to undertake main food shopping. As a consequence, the proposed development does not aim to compete with the existing town centre but aims to recapture the locally derived expenditure (leakage) lost to Inverclyde and

beyond. The RIA suggests that Morrisons retains around 40% of the local convenience expenditure whilst overall the town centre accounts for 65% of the locally derived expenditure. The applicants suggests that the most significant factor is the level of leakage which is estimated at 33% of locally derived expenditure which is almost the same amount of money spent in Morrisons being spent outwith the Dunoon and Cowal catchment. The RIA anticipates that the proposed store would account for 34% of the available convenience expenditure with the small amount of comparison floorspace being insignificant in terms of comparison turnover from the catchment.

Assessment

In addition to assessing the expenditure capacity of the catchment area population, the retail impact assessment submitted by the applicants seeks to calculate the likely impact of the proposed new floorspace on the existing retail provision within the catchment, and more particularly Dunoon town centre. In assessing the impact on existing floorspace consideration has been given to a number of factors. These include; the amount of expenditure currently spent outwith the area; an assessment of the capacity of the new store to claw back that expenditure; and the extent to which the new store will compete with existing retail floorspace thereby diverting trade from them to be spent in the new shop. Also to be taken in to consideration, is the extent to which tourism expenditure and trade from people living outwith the primary catchment area e.g. Inveraray contribute to the expenditure available to support retailing in Dunoon. These variables could have a significant effect on the predicted impact on the town centre.

Table 1 below includes a compilation of floorspace comparison figures extracted from the RIA to illustrate some of the comments made in this section and scale/impact of the proposed foodstore.

Table 1 : Comparison of floor space (extract from submitted Retail Impact Assessment)

	Proposed Store	Existing Morrisons	Existing CO-OP	Town Centre Shops	Out of Centre Shops
Gross floor area	3,716sqm	(2,145sqm*)	(1,250sqm*)	-	-
Net retail area	2,228sqm	1,035sqm	1,000sqm	500sqm	200sqm

**Gross external area taken from GIS plan, not from agent figures.*

The applicants have submitted figures which demonstrate the effect that they believe the new store will have on the turnover of existing stores. This indicates that taking all of the above factors into consideration, that the proposed store will have an impact of 14.7% on the turnover of convenience stores within the town centre. There would also be a 34.2% impact on the turnover of other convenience stores in Dunoon outwith the town centre, and an impact of 9.2% on the turnover of convenience shops in villages. These levels of impacts assume that 60% of the new stores turnover can come from the clawback of exported expenditure. This would mean that the proposed new store and the existing convenience floorspace would be expected to retain 88% of the convenience expenditure which is currently spent outwith Dunoon. The retention of this level of exported convenience expenditure may be ambitious, particularly because the applicants have predicated their argument that the proposed store requires to be in the order of 4000 sqm gross to allow it to be of a size and a scale which is large enough to enable it to compete with the superstores in Inverclyde and West Dunbartonshire where people from Cowal

currently shop. Indeed, the applicants have provided an alternative scenario of a smaller store with a net convenience floorspace of 1045 sqm where they expect only 30% of the turnover to come from clawback of leakage, and this would equate to only 18.8% of the leaked expenditure, this level of clawback is low, and has been used to demonstrate the applicants opinion that a smaller store would have a greater impact on convenience retailing in the town centre than the store they have proposed. A more robust assumption might be to assume a 50% clawback of leaked expenditure.

The revised January 2011 retail impact assessment is based upon a smaller store where convenience floorspace has been reduced by 406 sqm and comparison floorspace is increased by 223 sqm. This has the effect of increasing the comparison floorspace from 23% of sales floorspace to 35% (previously a 77:23 convenience/comparison split but now a 65:35 split). The proposed turnover of comparison goods increases to £4,820,751 with £4,338,676 or an extra £896,165 from the catchment as a result. The applicants have indicated that they expect the majority (75%) of the comparison turnover of the new store to come from the clawback of expenditure which is spent outwith Dunoon. Twenty per cent of comparison turnover or £867,735 is expected to come from existing shops in the town centre, and this would equate to a 3.7% reduction in the turnover of comparison shops in the town centre. These figures are based on the revised retail impacts' assessment that currently the total amount of comparison expenditure retained in Dunoon is £23,400,000 or 48.7% with just over half being spent in higher order centres such as Glasgow, Braehead, Greenock or Clydebank. The proposed development is based on increasing the retained comparison expenditure to £26,842,511 or 55.8% of all comparison expenditure from the catchment population. Typically, smaller town centres elsewhere can be expected to retain 50% of their catchment area's comparison expenditure. The extent to which currently exported comparison expenditure can be retained is unknown. If the proposed new store was unable to achieve its target of 75% of its comparison turnover from the clawback of exported expenditure, then the impact of the town centre could be much more significant.

Methodology

The Co-op's agents suggest that information derived from the National Survey of Local Shopping Patterns (NSLSP) is not sufficiently robust to be applied at a local level and is not an appropriate tool for estimating the turnover of existing retail floorspace. A well designed household survey (Scottish Government's 2007 research paper) is deemed more reliable where key matters such as specific stores used by main food shoppers, reason for visiting certain stores, how they travel, whether they are undertaking linked trips and how much they spend in each store can all be quantified.

In terms of NSLSP, the Co-op's agents consider that company average turnover rates should be used to model the turnover of exiting and proposed retail floorspace and for a robust estimate of retail impact to be gauged. In the revised RIA, there is no justification for the application of turnover ratios that are significantly below published national average rates where these lower than average turnover ratios hide the true retail impact of the proposed supermarket.

It is considered that the RIA has not adopted a broad-based approach but instead has attempted detailed calculations or forecasts of a sector's growth where small variations or assumptions has led to a wide range of forecasts. In relation to the RIA, the applicant has indicated that the proposed store is aimed at a retailer from ASDA, Morrisons, Sainsburys and Tesco. However the turnover of the proposed store has been estimated as an average of all retailers. It is considered that it may have been more appropriate to use the average turnover of these four retailers, in terms of predicted impact rather than the average of all retailers, given that the applicant has stated that it is the intention to market it to these retailers.

The smaller store shows an anticipated impact on convenience shops within Dunoon town centre of 14.7% (previously 17.1%), and 3.7% (previously 3.7%) impact on comparison

goods. Contrary to the applicant's statement that the proposal will not have a significant impact on Dunoon Town Centre, this overall level of impact 8% (previously 9.1%) is considered to be significant. Furthermore, using revised population and expenditure figures would increase this impact, as would attributing the average turnovers of the prospective operators to the store, further still.

In terms of population of the catchment area and calculation of available expenditure, the applicant's population projections shows a population of 15387 in 2008 increasing slightly to 15455 in 2012. Whilst the department may be prepared to accept this projected increase in population, other recent projections indicate a declining population over the same period. Accordingly, and in line with the advice in paragraph 65 of SPP, it is considered that future growth in population based on housing allocations in the Argyll and Bute Local Plan should not be factored in. Take-up of these housing allocations has slowed considerably over the last two or three years, and it is therefore highly likely that not all of the units planned for will be delivered within the plan period. Furthermore, household sizes in Argyll and Bute continue to fall, and as such even with a high rate of housing completions as factored in to the Local Plan, population levels are likely to remain stable, rather than increase at the rate which the applicant suggests.

In terms of the applicant's Town Centre Health Check Appraisal, the overall score has now been reduced to 3.13 (previously 3.28) and now regarded as fair instead of good. Many factors have been assessed as "very good" or "good" but there is no comparable town to assess this comparison against i.e. how does Dunoon compare to Oban or Helensburgh? It is considered that the applicant's Town Centre Health Check is subjective in nature and does not reflect the more fragile nature of Dunoon's High Street and other retailing areas where vacant units, charity shops and poor shop frontage design should perhaps result in a lower score. It should also be recognised that a significant amount of works have been undertaken on town centre renewal projects to promote an otherwise fragile town centre. The town centre will continue to be the focus for such projects in an attempt to revitalise the town centre area. The presence of an out of town superstore could undermine any ongoing and future proposals to enliven Dunoon Town Centre. Furthermore, the proposed population projections coupled with ambitious take-up of housing allocations and declining household sizes cannot support the forecasted expenditure and growth rates suggested by the applicant.

Conclusions

The RIA confirms that the main source of trade diversion will be predominantly from Morrisons but also from the Co-op store. Whilst the planning system seeks to encourage competition in the market place, this should not be done at the cost of weakening the trading positions of existing convenience and comparison retail outlets within Dunoon Town Centre and Edge of Centre locations. The size of the proposed foodstore, that would be approximately twice the floorspace of Morrisons, has been designed by the applicants specifically to '*compete with the larger stores that shoppers use elsewhere outwith the catchment*'. It is considered that such a scale of foodstore would compete directly with existing supermarkets and have a significant adverse impact on not only Dunoon Town Centre but isolated retail outlets.

Reducing the amount of net floorspace by just under 1000sqm has resulted in an increase in the amount of comparison floorspace (previously a 77:23 convenience/comparison split but now a 65:35 split). Despite the applicants suggestion that almost 50% of comparison expenditure is spent outwith the Dunoon catchment, the potential impact on existing comparison retailers has not been sufficiently demonstrated and the figures provided suggest that this would be a significant and unacceptable trade diversion.

It is interesting to note that, in the Pre-Application Consultation process, the applicant' claim that a '*significant*' number (25%) of residents choose to shop outwith Dunoon and Cowal.

Accordingly, this would mean that the majority of the town and catchment (75%) are happy to shop locally. In any event, the number of responses made at the Pre-application Consultation exhibition (409 responses) and number of representations received as part of this application (1100) are not wholly representative of a town with a population of approximately 10,000 residents within the Dunoon area. The statements in the petition letters are very basic and do not provide an accurate picture of retailing trends in the Dunoon and Cowal areas. Despite the statistics, tables and statements submitted, the shopping trends of Cowal residents are more complex than and not as easy to predict as the submitted RIA would suggest. It would therefore be wrong to assume that the majority of Cowal residents make shopping trips outwith the peninsula for convenience purposes only. Proximity to Inverclyde, Paisley and Glasgow coupled with a deficiency in local employment opportunities, indoor leisure activities and peninsular lifestyles mean that residents will continue to make journeys out of the Cowal area for business, leisure, cultural, social and retail activities. Contrary to the applicant's statements, the provision of a third large foodstore in Dunoon will not arrest the trend of residents wishing to shop locally during the week but planning trips outwith the peninsula at weekends that may also include convenience shopping.

Weakening a high street that already suffers from a number of vacant premises could also have the potential to undermine the tourism strategy that depends on visitors and shoppers to the town centre. The creation of a larger third foodstore will not increase visitor numbers but may well result in a loss of local and niche market retail outlets that combine to give Dunoon town centre its traditional and particular charm.

Given all of the above, it is considered that the proposed foodstore and associated development is contrary to the adopted Argyll and Bute Local Plan policy LP RET 1 part A, as it is outwith the defined town centre; to part B in that the developer has not satisfactorily demonstrated that the former gasworks site within the defined edge of town centre is not suitable; and part D that the size of the proposed store is too large for the available expenditure within the catchment area without having a detrimental impact on the vitality and viability of retailing in the existing town centre. Additionally, it should also be noted that as the western portion of the site is identified as a Potential Development Area for housing in the adopted Local Plan, the proposal would not accord with LP RET 1 part E.

In summary, the retail impact assessment does not justify a third large foodstore within Dunoon to directly compete with Morrisons and the Co-op that have Main Town Centre and Edge of Centre locations respectively, in addition to the impact on other convenience/comparison outlets in the Town Centre and surrounding areas. The assumption that significant leakage can be arrested by proposing a superstore that is more than twice the size of Morrisons does not square with the discrepancies in terms of trips made outwith the peninsula to undertake main food shopping.

On the basis of the above and in terms of the Retail Sequential Test and impact on Dunoon Town Centre and other retail outlets, the proposal is considered to be contrary to Policy LP RET 1 of the Argyll and Bute Local Plan (August 2009).

D. Natural Environment and Biodiversity

The applicant's submitted Ecology Report identified otter activity with regular sprainting along the watercourses within the site, several bat species recorded locally, twenty three species of birds breeding and foraging within the riparian and woodland habitats and water vole recorded locally although field surveys identified no suitable habitat and no presence within the site or adjacent areas. Mitigation measures are proposed to avoid or minimise impacts on otter, breeding birds and the ecological receptors identified.

Both SNH and the Local Biodiversity Officer find the proposals acceptable in principle provided the mitigation measures can be fully implemented.

On the basis of general acceptance and the imposition of necessary safeguarding planning conditions, the proposal could be considered to be consistent with Policy STRAT DC7 of the Argyll and Bute Structure Plan 2002, and policies LP ENV 2 and ENV 6 of the Argyll and Bute Local Plan (August 2009).

E. Impact on Woodland / Landscape Character

There is currently a belt of deciduous trees along the western bank of the Milton Burn that help screen the field to the west, but these are to be removed. An area of mixed deciduous trees to the rear (west) of the proposed foodstore comprises a key landscape feature in the current proposals to develop the entire PDA 2/5 for residential purposes (under application ref. 07/01903/DET). This central woodland feature is anticipated to provide the centrepiece for this development providing commensurate active/ passive open space and recreational areas with a network of paths improving the site for pedestrians. The presence of a large commercial building at the edge of this woodland would not only compromise the habitat of the central woodland but would provide it with a hard urban edge that might not be capable of producing the quality central landscaped/woodland feature expected to be delivered as part of the housing development for the entire site.

While the proposed development, due to its scale and location, would urbanise the site to the detriment of existing habitats along the Milton Burn and central woodland feature and also compromise the layout of an acceptable housing layout for the remainder of PDA 2/5, these issues could be mitigated during consideration of any detailed submission for the supermarket or for the remainder of the housing within the PDA.

Accordingly, the proposed development is not considered to be contrary to Policies LP ENV 1, ENV 7 and ENV 19 of the Argyll and Bute Local Plan (August 2009).

F. Affordable Housing and Revised Housing Layout on PDA 2/5

The current application for a residential development (ref. 07/01903/DET) by Kier Homes requires a 25% affordability provision which in terms of the proposed 74 units represents 19 affordable units. The current proposal if built to the masterplan layout proposed by the applicant would result in the loss of 32 units to the front (east) of the site and deliver only 11 affordable homes (i.e. a net loss of 9 units). The 25% affordability applies to the entire PDA 2/5 and the loss of 9 affordable homes from the currently proposed 74 unit scheme (being considered under current application ref. 07/01903/DET) would require to be compensated for: that could include off-site provision or commuted payments. The applicant has not addressed the shortfall of affordable units.

The overall loss of affordable housing on the site and lack of a chosen mechanism to address the reduction of affordable units is considered to be contrary to the provisions of Policy LP HOU 2 of the Argyll and Bute Local Plan (August 2009).

G. Archaeological Matters

West of Scotland Archaeology Service (WoSAS) comments that the site lies within an area of some archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape. It is recommended that an initial assessment followed by archaeological field evaluation be carried out. Alternatively, in terms of PAN42, a suspensive condition is suggested.

Whilst no information has been submitted at this stage, the applicant confirms a preference to accept a suspensive condition to address any potential archaeological concerns.

It is considered that the imposition of such a condition would allow the applicant/developer the ability to deal with such matters once planning permission has been secured and accordingly consistent with the provisions of Policy ENV 17 of the Argyll and Bute Local Plan (August 2009).

H. Road Network, Parking and Associated Transport Matters

A Transport Assessment has been prepared and discussed with Roads. The Transport Assessment confirms that the local road network will continue to operate within capacity with the addition of traffic associated with the proposed development.

Policy LP TRAN 2 of the Argyll and Bute Local Plan requires development of this scale to take account of public transport accessibility as well as providing suitable routes for pedestrians and cyclists. The applicant has addressed this issue and the following would be provided:

Measures to improve accessibility:

- A 2 metre wide footway along the southern side of the supermarket access road;
- A replacement footway along Argyll Street frontage;
- Provision of 4 cycle parking stands providing spaces for up to 8 cycles;
- Retention and relocation of two bus stops on Argyll Street (locations to be agreed);

Measures that may form part of the eventual Travel Plan:

- Implementation of car share strategies;
- Provision of Travel Information Centre within the development relating to promotion of travel modes other than by private car;
- Negotiations with local suppliers to obtain discounts for outdoor clothing, cycle equipment and travel passes;
- Provision of secure cycle parking, shower and changing facilities;
- Provision of cycle and motorcycle training courses;
- Negotiations with bus operators to improve services and facilities; and
- A Travel Plan incentive pack and personal attack alarm to encourage employees to walk, cycle or use public transport on a regular basis.

Roads have no objections in principle to the proposed scheme subject to conditions outlined below. It is also noted that the access road will require to be adopted; this will require the road including the footways to be constructed as per the Council's Development Guidelines and would be subject to a Road Construction Consent; Road Bond and Road Opening Permit. Roads also note that a puffin crossing (precise location to be agreed) should be installed on Argyll Street, this will require a Section 75 Agreement and consultation with Argyll and Bute Council Roads Department is required as per precise location. A "hurry call" should be installed in to the pedestrian crossing for the nearby fire station.

- *The required sightlines of 2.4 x 42 metres are attainable in both directions on to Argyll Street;*
- *The required sightlines of 2.4 x 42 metres are attainable in both directions from car park, filling station and service access on to access road. All walls, hedges fences within the sightlines to be maintained at a height not greater than 1 metre above road level. Land within visibility splays will be included in the adoption boundary. Nothing else should be placed within these visibility splays, i.e. signs etc.;*

- *Dropped kerbs will be required at all junctions including the main access to allow safe passage of pedestrian traffic;*
- *The gradient of the access road not to exceed 5% for the first 5m and 8% for the remainder. Access to superstore parking area not to exceed a gradient of 5% for the 1st 5 metres and 8% for the remainder, and a system of surface water drainage will be required to prevent water running on to the public road (new site access road). Petrol station access as above. Service access as per car park access – if gates are to be used they must not open out on to the public road, must be set back far enough for an articulated lorry to sit while not obstructing the public road;*
- *Parking requirements – 1.0 spaces per 25m² – for 3995m² requires minimum of 160 parking spaces, maximum number of 285 – with a 4% designated for disabled users for this development;*
- *Parking bays to be a minimum of 2.5 x 5 metres for aisle width of 6 metres;*
- *A bus stop on the access road is required outside the supermarket; this should be designed as a bus “pull in” to avoid obstructing sightlines. An area suitable for turning a bus should be provided on the new access road. Developer to contact councils public transport department regarding additional mileage payments for 1st year, should routes require to be changed to accommodate, a legal agreement will be required to achieve this. Bus stops/pull ins should include high kerbs, design to be agreed with Council roads dept;*
- *The developer should appoint a travel plan co-ordinator. Once the store has been open for a period of 6-7 months an updated model should be shown to the council, highlighting any necessary changes/issues.*
- *No lights for supermarket signage should shine directly towards pedestrians or motorists.*
- *The access to be constructed prior to other works starting on site.*

On the basis of general acceptance and the imposition of necessary planning conditions and potential Section 75 Agreement, the proposal is considered to be consistent with Policies LP TRAN 1, TRAN 2, TRAN 3, TRAN 4 and TRAN 6 of the Argyll and Bute Local Plan (August 2009).

I. Flooding and Surface Water Drainage

With regard to Policy LP SERV 8 which deals with flooding and land erosion, SEPA advise that the site lies partially within the fluvial elements of the indicative limits of flooding shown on the Indicative River and Coastal Flood Map (Scotland) for floods with a 1 in 200 year return period (i.e. a flood with a 0.5% chance of occurring in any single year).

A Site Flooding/Sustainable Drainage Overview Study in conjunction with a Flood Risk Assessment in accordance with Policies LP SERV 2 and LP SERV 3 considered flood risk from the Milton Burn, from three un-named tributary watercourses and from surface water run-off generated from outwith the site. The areas proposed for the superstore and petrol filling station are outwith the predicted functional floodplain. However, a number of minor drainage issues can be addressed satisfactorily during the detailed design stage. The eventual bridge design can also be modelled to avoid flood risk to others.

Following amendments and further clarification, this is considered acceptable to SEPA and the Council's Flood Alleviation Manager subject to conditions regarding successful implementation of 'Summary and Conclusions' in the Flood Risk Assessment, allowances are made for freeboard and volumes of surface water discharge to Milton Burn are agreed with the Flooding Authority.

In terms of Policies LP SERV 2, SERV 3 and SERV 8 of the Argyll and Bute Local Plan (August 2009), the indicative flood risk/surface water drainage strategy is considered to be acceptable at this stage and could be addressed by planning conditions.

J. Waste Management

Waste collection from the site is to be made from a dedicated screened bin area located within the service yard, of a size appropriate to the foodstore. The service yard has an indicative layout that would be capable to facilitate the pick-up of waste material by refuse collection vehicles, which will have access to the yard at scheduled times.

In terms of Policy LP SERV 5 of the Argyll and Bute Local Plan (August 2009), the indicative strategy is considered to be acceptable at this stage and could be addressed by planning condition.

K. Public Water Supply

Scottish Water has confirmed that they would have no objections in principle and Loch Eck Water Treatment Works currently has capacity but comment that the scale of the development will require the applicant to submit a Development Impact Assessment Form. The applicant is also advised of impact on existing apparatus and service.

In terms of Policy LP SERV 4 of the Argyll and Bute Local Plan (August 2009), the indicative public water supply strategy is considered to be acceptable at this stage and could be addressed by planning condition.

L. Foul Water Arrangements

Scottish Water has confirmed that they would have no objections in principle but Alexandra Parade Outfall currently has limited capacity to serve the new demand. Due to the scale of the development, the applicant will require the applicant to submit a Development Impact Assessment Form. The applicant is also advised of impact on existing apparatus and service.

In terms of Policy LP SERV 1 of the Argyll and Bute Local Plan (August 2009), the in principle agreement to connect to the public sewer system is considered to be acceptable at this stage and could be addressed by planning condition.

M. Contamination

Due to the existing industrial and commercial uses on the site, Public Protection recommend conditions in respect of contaminated land.

In terms of Policy LP SERV 7 of the Argyll and Bute Local Plan (August 2009), it is considered that suspensive planning conditions could address the contaminated land issues raised.

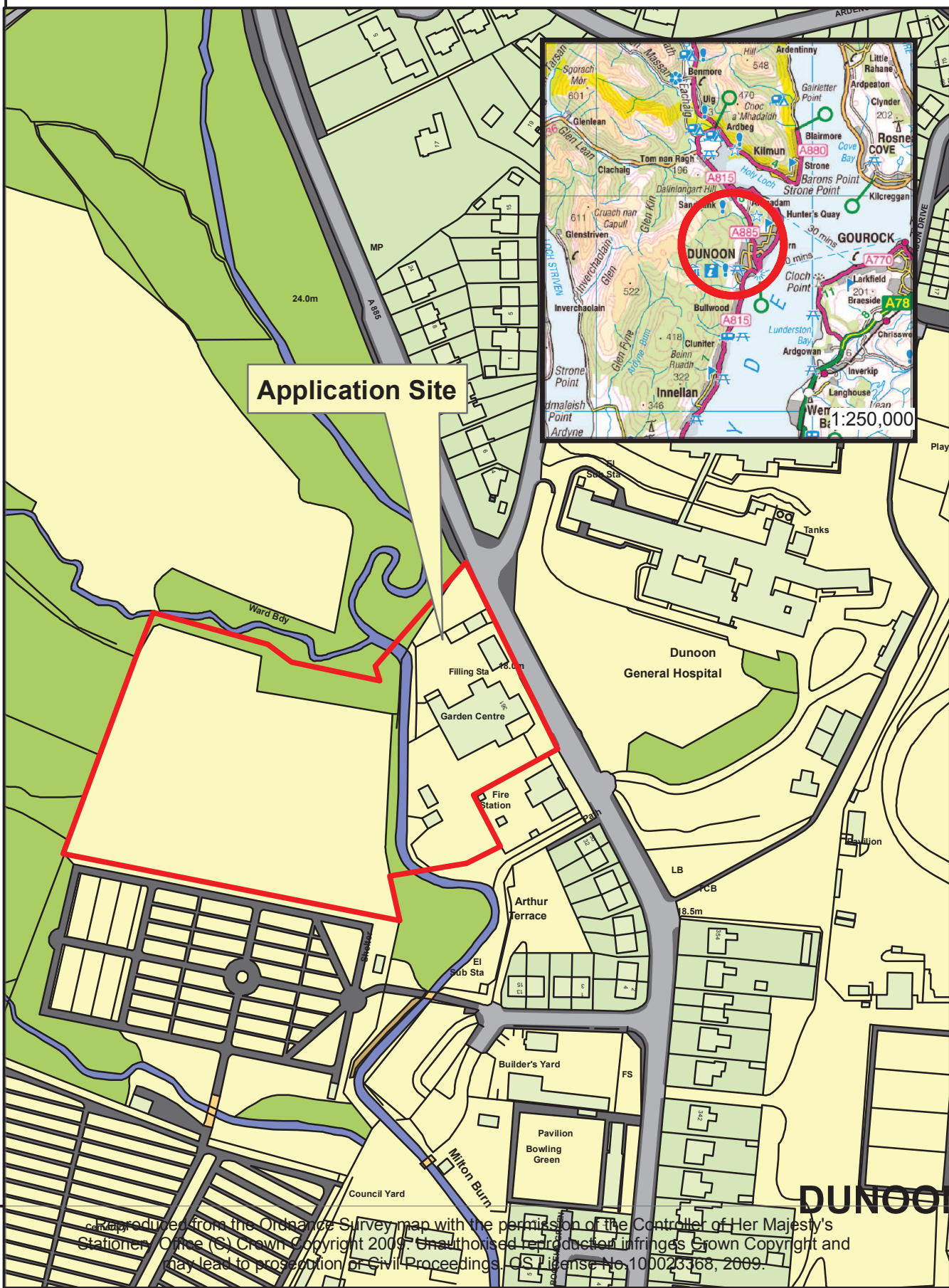
N. Noise, Dust, Lighting and Operational Hours

In terms of potential impact on surrounding land uses, Public Protection recommend conditions in respect of minimising noise from the development, minimising the effect of noise and dust from construction, details of control of lighting and operational hours to reduce night-time noise in the area.

In terms of Policy LP BAD 1 of the Argyll and Bute Local Plan (August 2009), it is considered that suspensive planning conditions could address the environmental concerns raised.

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Application Site

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677600

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**Location Plan relative to
Application Ref: 10/00222/PP**



Date: 18.02.11

Scale: 1:2,500

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**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00490/PP

Planning Hierarchy: Local Application

Applicant: Mr Mark Newall

Proposal: Formation of private access track

Site Address: Rowaleyn, Glenarn Road, Rhu

SUPPLEMENTARY REPORT NO.1

1.0 INTRODUCTION

1.1 The purpose of this report is to update Members on the progress of the application as detailed above which was continued at the December 2010 PPSL Committee.

2.0 ADDITIONAL INFORMATION

2.1 Members will recall that this application was recommended for refusal. It was, however, advised at the meeting that the applicant had entered into discussions with the Planning Authority and as a result of this had sought a 2-3 month continuation in order to allow negotiations to progress. This was agreed by Members and the applicant was given until the March PPSL Committee in order to be able to submit a more suitable revised scheme on the understanding that the original application could then be withdrawn.

2.2 Although a meeting took place with the Planning Department and the applicant earlier this year, no revised scheme has been submitted.

2.3 In the absence of progress being made by way of a revised application, it is not appropriate to leave the original application undetermined indefinitely and accordingly it is recommended that Members revisit the original application and proceed to determine it in the absence of any alternative proposal. .

3.0 RECOMMENDATION:

3.1 It is recommended that Members note that no further scheme has been submitted and therefore the application is recommended for refusal for the reasons stated in the original report.

Author of Report: Sandra Davies 01436 658884
Contact Point: Ross McLaughlin 01438 658914

Angus Gilmour
Head of Planning and Regulatory Services

7 February 2011

Argyll and Bute Council
Development & Regulatory Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00490/PP
Planning Hierarchy: Local Application
Applicant: Mr Mark Newall
Proposal: Formation of private access track
Site Address: Rowaleyn, Glenarn Road, Rhu

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of access track

(ii) Other specified operations

- None

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons stated overleaf.

(C) HISTORY:

06/01131/DET – Erection of garage – Permitted 07.07.2006

06/02093/DET – Conversion of stores and extension – Permitted 03.01.2007

(D) CONSULTATIONS:

Historic Scotland	26.10.2010 & 24.06.2010	No objections
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Roads Helensburgh
And Lomond -
Campbell Divertie

No objections subject to conditions

(E) PUBLICITY: Listed Building/Conservation Advert (expiry date 18.06.2010)

(F) REPRESENTATIONS:

16 letters of objection have been received from 12 individuals:

Michael and Sue Thornley, Glenarn, Glenarn Road, Rhu, Helensburgh (letters dated 11/06/2010, 07/07/2010, 01/10/2010 & 15/11/2010)

Michael Hyde (on behalf of Clive Neame), The Mews 11B Abercromby Street, Helensburgh (letter dated 01/07/2010)

Kathleen Murray, 7 The Birches, Shandon (letter dated 06/07/2010)

Alison Allighan, The Glasite Meeting House, 33 Barony Street, Edinburgh (letter dated 30/06/2010 & 21/07/2010)

Mr John. M Hammond, The Three Chimneys, Cockey Moor Road, Starling Bury, Lancashire (letter dated 01/07/2010)

Dr David Rae, 6 Granton Road, Edinburgh (letter dated 07/07/2010)

Gillian Barclay, Carbeth House, Torwoodhill Road, Rhu (email dated 28/06/2010)

Kenneth Cox, Glendoick, Perth (letter dated 22/06/2010)

David Menzies, Upton, 15 Queen Street, Helensburgh (letter dated 02/07/2010)

Andrew Nisbet, Ty Rhiw, Station Road, Rhu (email dated 29/06/2010)

Sir Peter Hutchinson, Brioch, Kippen, Stirlingshire (letter dated 27/06/2010)

Mrs MJC Thornley, The Lawn House, Glenarn Road, Rhu (letter received 05/07/2010)

(i) Summary of issues raised

a) We (Glenarn Gardens) were not neighbour notified.

Comment: This has subsequently been carried out.

b) Historic Scotland should be consulted on any proposals that may affect a property included in the Schedule of Designed Landscapes and Gardens

Comment: Historic Scotland has been consulted

- c) The promap used shows an area of mixed woodland between Glenarn and the proposed site. This would indicate a suitable buffer, but this is not the case.

Comment: See assessment below.

- d) The engineer's plans have been inaccurately interpreted by the applicant.

Comment: Amended plans have been received to clarify the extent of the works proposed.

- e) The application is for a 'private access track' that it is indicated will serve 'plots'. These have not got permission nor have been applied for therefore these are enabling works for a project that has not yet been established or permission given and therefore should be rejected on this basis.

Comment: Each application is judged on its own merits against development plan policies and other material considerations. Assessment of the application cannot include the merits of suggested future proposals which may or may not follow.

- f) This part of Rhu Conservation Area remains largely intact in its original Victorian layout and should be protected from development.

Comment: See assessment below.

- g) If the view is taken that housing development should be allowed, then this should not compromise or intrude on Glenarn.

Comment: This is an application for an access track only. Should a future application for other development be submitted, that would be assessed on its merits at that time.

- h) I am concerned that an environmental impact assessment has not been carried out.

Comment: Regulations do not require this scale of development to be the subject of an environmental assessment.

- i) A track of this nature will require drainage. Has this been considered?

Comment: The Area Roads Engineer has advised that should the development be approved, improved drainage would be required.

- j) Glenarn Road is narrow and already serves a number of properties. If the new access track is used to serve additional houses, Glenarn Road would become busier and more noisy to the detriment of the residents:

Comment: This is an application for an access track only. Should a future application for other development be submitted, that would be assessed on its merits at that time, including assessment by the roads engineers. .

- k) There are a band of mature trees on the western and northern boundary of Rowaleyn which form an important barrier and shelter and are an important

part of the natural environment and disruption to these areas would surely be contrary to Local Plan Policies.

Comment: See assessment below.

- l) The proposed private access track leaves the existing driveway via an excavated cutting in excess of 12 metres wide and 2 metres deep. It would remain cut into the rising ground until a point where it leaves the curtilage of the listed building. The visual impact of engineering operations at this scale will be significant and particularly harmful to the setting of Invergare.

Comment: See assessment below.

- m) What is proposed could be potentially damaging to Glenarn Gardens

Comment: Historic Scotland has been consulted and has no objections to the application with regards to the Gardens. The owners of Glenarn Gardens are concerned that the plans submitted to Historic Scotland were inaccurate and do not show the full extent of the works. The application is recommended for refusal for other reasons and as such it was not felt appropriate to request further information from the applicant.

- n) The new information is still inadequate and does not show the extent to which Glenarn Gardens will be affected.

Comment: The new information submitted did not include all of the information requested. However, it did contain enough information in order to make a judgement on the effect it would have on the setting of Invergare and the Conservation Area which are the principal reasons for refusal.

- o) There are major drainage problems on Glenarn Road and this will exacerbate the problem.

Comment: The Area Roads Engineer is aware of this and has advised that should the development be approved, improved drainage would be required.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
 - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
 - (iii) **A design or design/access statement:** No
 - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
-

(H) PLANNING OBLIGATIONS

(i) **Is a Section 75 agreement required:** No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements
STRAT DC8 – Landscape and Development Control
STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 7 – Impact on Tree/Woodland
LP ENV 11 – Development Impact on Historic Gardens and Designed Landscapes
LP ENV 13a – Development Impact on Listed Buildings
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP ENV 19 – Development Setting, Layout and Design

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

Appendix A – Sustainable Siting and Design Principles

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

Planning permission is sought for the erection of an access track at Rowaleyn, Rhu. Rowaleyn is a modern dwellinghouse within the Rhu Conservation Area. It sits to the north-east of Invergare, a Category B listed building. Both houses sit within large grounds which are linked to each other.

There is currently a shared access which runs immediately to the rear of Invergare and provides access to Rowaleyn. The proposal would divert this access from running to the rear of Invergare and provide a separate access to Rowaleyn. The existing access to Invergare and Rowaleyn would still be shared for the first 120 metres and the proposed road would then be diverted behind the existing access taking the form of almost an S shape, sweeping around the grounds to link to Rowaleyn and then up further to an area which the applicant considers could eventually service two potential building plots (for which planning permission has not been sought).

The proposed access would be 3 metres wide with a one metre grass verge on either side. Located along the length would be 3 passing places. Due to topography, the access is not able to follow the contours of the existing landscape, and as a result of the difference in levels between the existing ground and the gradients required to form the new access, it would be necessary to cut in to the ground at some locations and at others the access would sit higher than the existing land requiring the infill of material. The approximate differences would result in a change in levels at some points of approximately 1.5 metres higher than the existing ground level and at other points approximately 2 metres lower than the existing ground level. To cope with the changes in levels embankments would be required. As a result the overall width of the road would vary from 5 metres up to approximately 15 metres at its widest because of the grading and land take of the embankment works.

The grounds of Invergare are vast and contain many mature trees, shrubs and hedging which contribute positively to the character of the conservation area and are important to the setting of the listed building. In order to make way for this access, a large number of trees, shrubs and hedging would be lost. As a consequence of the route required to secure reasonable gradients, the engineering works necessary to achieve the cut and fill required and the associated cutting and embankment works, along with the tree felling and vegetation clearance required, it is considered that the proposal is unacceptable. It would be a visually intrusive and discordant feature within the landscape and would have a detrimental impact on the setting of the Listed Building and the character and appearance of the Conservation Area.

Since the application has been lodged, the applicants have provided plans of a potentially alternative route, which might be more acceptable as it would not entail the loss of as many trees and shrubs. However, as this would be an alternative application site it could not be entertained by way of an amendment to the current application and would require a new submission. The applicant does not wish to withdraw the current application, and as such, it must be determined on the basis of the originally submitted scheme.

It is therefore considered that the proposed access is contrary to Policies STRAT DC9 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 7, LP ENV 13(a), LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and it is recommended that planning permission be refused.

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

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

As per recommended grounds of refusal set out below

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

N/A

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

Author of Report: Stephanie Glen

Date: 25/11/2010

Reviewing Officer: Howard Young

Date: 25/11/2010

Angus Gilmour
Head of Planning & Regulatory Services

GROUNDS OF REFUSAL RELATIVE TO APPLICATION 10/00490/PP

- 1 The proposed access track will cut through the grounds of Invergare, a Category B Listed Building within Rhu Outstanding Conservation Area. The main setting of Invergare lies in its view on the approach up the existing access road to the house and the well kept gardens to its north and east. The gardens are an important part of the setting of Invergare and contribute to the wider Conservation Area. The proposed access road would be 3 metres wide with 3 passing places and a one metre grass verge on either side. Due to topography, the access is not able to follow the contours of the existing landscape, and as a result of the difference in levels between the existing ground and the gradients required to form the new access, it would be necessary to cut in to the ground at some locations and at others the access would sit higher than the existing land requiring the infill of material. The approximate differences would result in a change in levels at some points of approximately 1.5 metres higher than the existing ground level and at other points approximately 2 metres lower than the existing ground level. To cope with the changes in levels embankments would be required. As a result, the overall width of the road would vary from 5 metres up to approximately 15 metres at its widest, because of the grading and land take of the embankment works. The extent of the works required would involve significant tree felling and vegetation clearance.

As a consequence of the route required to secure reasonable gradients, the engineering works necessary to achieve the cut and fill required and the associated cutting and embankment works, along with the tree felling and vegetation clearance involved, the development would constitute a visually intrusive and discordant feature within the landscape, which would have a detrimental impact on the setting of the Listed Building and the character and appearance of the Rhu Conservation Area. The proposal is therefore contrary to Policy STRAT DC 9 of the 'Argyll & Bute Structure Plan' and Policies LP ENV 13(a) and LP ENV 14 of the 'Argyll and Bute Local Plan', all of which seek to protect the Historic Environment. In particular, Policy LP ENV 13(a) seeks to protect Listed Buildings and their settings, Policy STRAT DC9 states that development that damage or undermine the historic environment will be resisted and Policy LP ENV 14 presumes against development that does not preserve or enhance the character and appearance of a Conservation Area.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 10/02/2010 and the refused drawing reference numbers 001 B and A001.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00490/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is within the settlement boundary of Rhu, as defined by the adopted Local Plan. It is also within the Rhu outstanding Conservation Area and part of the site is within the curtilage of Invergare, a Category B Listed Building. The site is also adjacent to Glenarn Gardens, which is included on Historic Scotland's Inventory of Gardens and Designed Landscapes.

B. Location, Nature and Design of Proposed Development

The application is for the erection of an access track at Rowaleyn, Rhu. Rowaleyn is a modern dwellinghouse within the Rhu Outstanding Conservation Area. It sits to the north-east of Invergare, a Category B listed building. Both houses sit within large grounds which are linked to each other.

There is currently a shared access which runs immediately to the rear of Invergare and provides access to Rowaleyn. The proposal would divert this access from running to the rear of Invergare and provide a separate access to Rowaleyn. The existing shared access to Invergare and Rowaleyn would be used for the first 180 metres and the road would then be diverted behind the existing access taking the form of almost an S shape, sweeping around the grounds to link to Rowaleyn and then up further to an area which the applicant considers could eventually service two building plots.

The access road would be 3 metres wide with a one metre grass verge on either side. Located along the length would be 3 passing places. Due to topography, the access is not able to follow the contours of the existing landscape, and as a result of the difference in levels between the existing ground and the gradients required to form the new access, it would be necessary to cut in to the ground at some locations and at others the access would sit higher than the existing land requiring the infill of material. The approximate differences would result in a change in levels at some points of approximately 1.5 metres higher than the existing ground level and at other points approximately 2 metres lower than the existing ground level. To cope with the changes in levels embankments would be required. As a result the overall width of the road would vary from 5 metres up to approximately 15 metres at its widest because of the grading and land take of the embankment works.

D. Built Environment

The site is within Rhu Outstanding Conservation Area and partly within the curtilage of Invergare, a Category B listed building. Invergare is set within spacious grounds and the existing access road sweeps uphill to Invergare which sits to the west of its curtilage, it then goes around the rear of Invergare and sweeps uphill again to Rowaleyn. The access to Rowaleyn is not visible from Invergare as it is hidden by mature screen planting. It is considered that the main setting of Invergare lies in its view on the approach up the existing access road, to the house and the well kept gardens to its north and east.

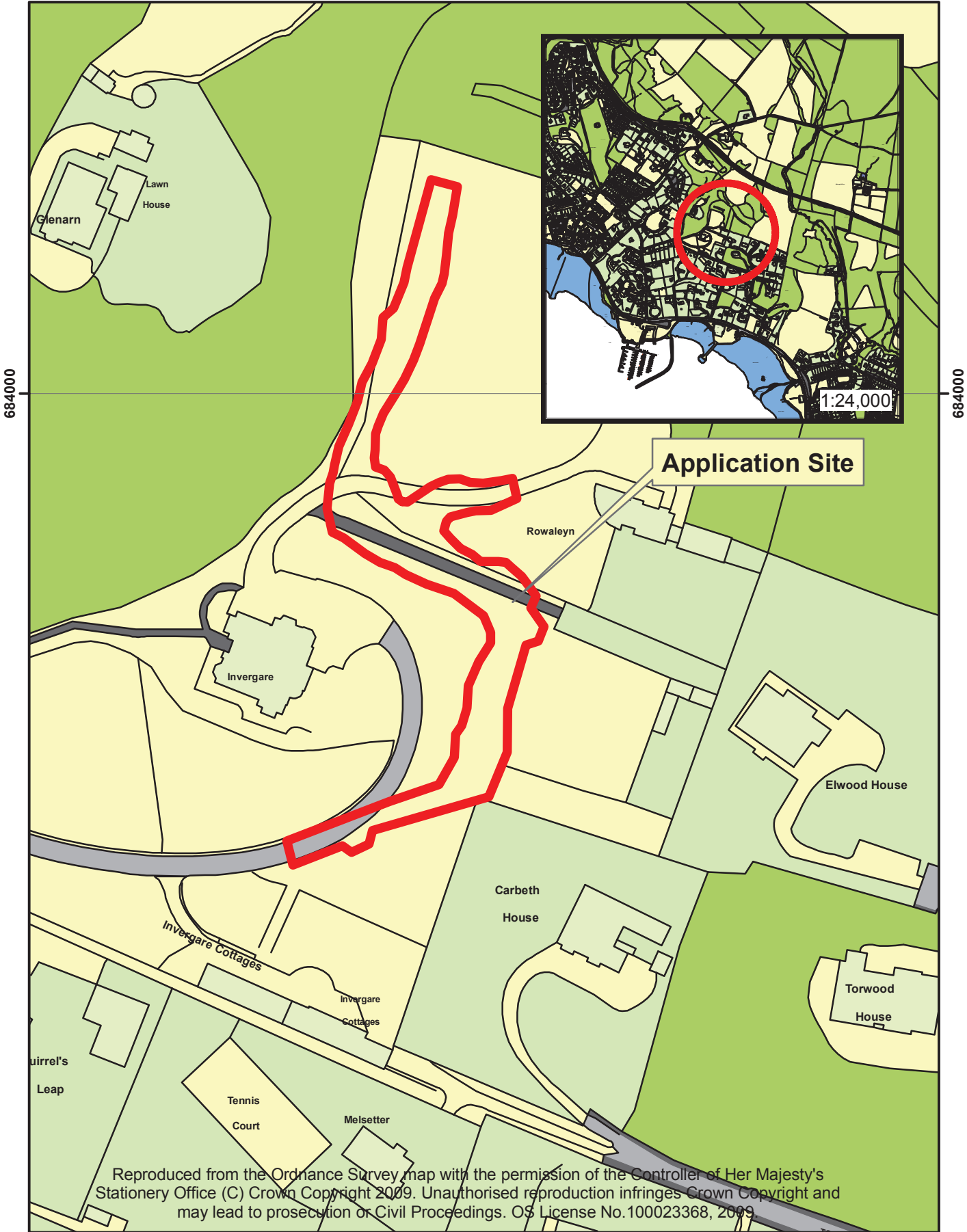
F, Impact on Trees

The grounds of Invergare are vast and contain many mature shrubs, trees and hedging which contribute positively to the character of the conservation area and are important to the setting of the listed building. Where the proposed track diverts from the existing access there is a dense area of shrubs and trees. In order to make way for this access a large number of these would be lost. The track would then swing round to again tie in with the existing access. In doing this the mature boundary planting separating Invergare and Rowaleyn would be lost. It is considered that this loss of trees, shrubs and hedging will be damaging to the setting of the listed building and the character of the Conservation Area.

Under Regulation 24, following submission of the application a tree survey was requested. It was requested that this survey should include existing trees on site, those to be removed as well as any shrubs that are to be cleared and to include details of any planting that may be proposed. This information was not subsequently provided, and only a plan showing the trees which would remain was submitted. This makes it extremely hard to ascertain with certainty precisely how many trees would be lost. What is certain, is that a number at the beginning of the new road will be lost as well as the mature hedging, but there are also a number of trees at the boundary with Glenarn Gardens which may also be affected. These trees are particularly important since Glenarn Gardens is listed on Historic Scotland's Inventory of Gardens and Designed Landscapes and as such are important in providing a buffer between the development and the historic gardens. Notwithstanding the uncertainty as to numbers, it is evident that the proposal would entail a level of intrusion and a requirement for felling and clearance which would be materially harmful.

M. Conclusion.

It is considered that the proposed new access road would unacceptably detract from the setting of Invergare, a Category B Listed Building and the character and appearance of the Rhu Outstanding Conservation Area. The route of the road would involve removal of trees and mature planting that forms part of the setting for Invergare and constitutes an important feature of the Conservation Area. The engineering works that are required to be undertaken in order to form this access are extensive and intrusive and its width would form a scar on the landscape which would be unacceptable at this location. It is considered that the proposal is contrary to Policies STRAT DC9 of the 'Argyll and Bute Structure Plan' and Policies LP ENV 1, LP ENV 7, LP ENV 13(a), LP ENV 14, LP ENV 19 and Appendix A of the 'Argyll and Bute Local Plan'. It is therefore recommended that planning permission be refused.



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Location Plan relative to Application Ref: 10/00490/PP

Date: 15.12.10

Scale: 1:1,250



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Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01121/PP

Planning Hierarchy: Local

Applicant: Mr Gerry Boyle

Proposal: Construction of an all weather sports court and the erection of associated lighting and fencing

Site Address: Strath of Appin Primary School, Tynribbie, Appin

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Construction of an all weather sports court;
- Erection of associated lighting and fencing.

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

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

(C) HISTORY:

06/00364/CPD

Alterations in connection with Disability Discrimination Act (changes to door openings and ramps etc). *No objection 23rd February 2006*

(D) CONSULTATIONS:

Area Roads Manager (23rd December 2010) – no objection

Public Protection (10th December 2010) – no objection subject to conditions

(E) PUBLICITY:

'Regulation 20 – Advert Local Application' expired 6th January 2011.

(F) REPRESENTATIONS:

One letter of representation has been received from;

- Mr and Mrs MacKenzie, 4 Tynribbie Place, Tynribbie, Appin, Argyll and Bute, PA38 4DS (e-mail dated 04.01.2011)

The concerns raised are summarised as follows:

- The proposed development will cause an increase in the volume of traffic using an already inadequate access, turning and parking facilities.

Comment: The Area Roads Manager has no objection in relation to the impact which the proposed development will have upon the existing access, turning and parking facilities.

- The amount of noise generated by participants using the proposed all-weather sports court, particularly during the evenings, would be intolerable and would cause a detrimental impact upon the amenity of adjacent properties.

Comment: Public Protection raise no objection in relation to the potential for noise nuisance. The sports facility is within the grounds of an existing school on land currently used as a grassed sports pitch, where outdoor evening activities can already take place.

- We already experience considerable aggravation during the evenings and weekends with local youths drinking and running about in the immediate vicinity of the school and its playground. We have had to contact the Police on several occasions. Associated littering and vandalism is also a problem, with litter and glass bottles etc being thrown into our garden.

Comment: Any acts or alleged acts of anti-social behaviour should be reported to the police. This is outwith the jurisdiction of the Planning Authority.

- The proposed development includes lighting which would cause light pollution within the surrounding area. Implementation of strong lights would be very intrusive and would have a negative impact upon both the natural and built environment.

Comment: Public Protection Services recommend that a condition should be attached in order to eliminate the potential for light nuisance and glare beyond

the boundary of the site. Conditions recommended below include this provision, which is appropriate in the circumstances.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|-----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes |
| The applicant submitted further information in relation to the floodlighting, fencing, purpose of the sports court and the specified hours of use. | |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

- | | |
|--|----|
| (i) Is a Section 75 agreement required: | No |
|--|----|

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

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

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

'Argyll and Bute Structure Plan' 2002

Policy 'STRAT DC 1 – Development within the Settlements'

'Argyll and Bute Local Plan' 2009

Policy 'LP ENV 1 – Development Impact on the General Environment'

Policy 'LP ENV 19 – Development Setting, Layout and Design'

Policy 'LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes'

Policy 'LP TRAN 6 – Vehicle Parking Provision'

Policy 'LP REC 1 – Sport, Leisure and Recreation'

Policy 'LP COM 1 – Community Facility Development'

Appendix A: Sustainable Siting and Design Principles

Appendix C: Access and Parking Standards

(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 4/2009

Scottish Planning Policy (Feb 2010)

The Town & Country Planning (Scotland) Act, 1997

The Planning etc. (Scotland) Act, 2006

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

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

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

(N) Does the Council have an interest in the site: Yes

(O) Requirement for a hearing (PAN 41 or other): No

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

The proposal constitutes the development of an all-weather sports facility on the site of existing grass football pitch, which is intended to serve Strath of Appin Primary School and the wider community of Appin for educational and recreational uses respectively, subject to controlled access by the school. The development of recreational/community facilities within settlement areas is supported by local plan policy subject to there not being an unacceptable amenity or other environmental constraints.

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

(R) Reasons why planning permission should be granted

The proposal for the construction of an all weather sports court and the erection of associated lighting and fencing on land which is situated within the confines and to the west of Strath of Appin Primary School, which is intended to serve the school and the wider community of Appin for educational and recreational uses respectively.

The proposal satisfies Policy 'STRAT DC 1' of the Argyll and Bute Structure Plan 2002 and Policies 'LP ENV 1', 'LP ENV 19', 'LP TRAN 4', 'LP TRAN 6', 'LP REC 1' and 'LP COM 1' of the Argyll and Bute Local Plan 2009. There are no material considerations, including matters raised by third parties, which would warrant the refusal of planning permission.

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

N/A – the proposal is in accordance with the Local Development Plan

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

Author of Report: Walter Wyllie
Reviewing Officer: Stephen Fair

Date: 31st January 2011
Date: 23rd February 2011

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01121/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 28th June 2010 and the approved drawing reference numbers:

- Plan 1 of 4 (Location Plan at a scale of 1:2500)
- Plan 2 of 4 (Site Plan at a scale of 1:500)
- Plan 3 of 4 (Proposed Block Plan of All Weather Sports Court at a scale of 1:200 and Proposed Elevations of Fencing at a scale of 1:200 and 1:100)
- Plan 4 of 4 (Proposed Goal and Basketball Hoop at a scale of 1:25)

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

3. Prior to commencement of development, full details of all proposed external lighting and measures to prevent light spillage or nuisance beyond the site boundary, in accordance with the Institute of Lighting Engineers published guidance, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be constructed and maintained in strict accordance with such details as are approved, unless any subsequent variation thereof is agreed in advance in writing by the Planning Authority .

Reason: In order to eliminate the potential for light nuisance and glare beyond the boundary of the site.

4. Unless otherwise first agreed in writing by the Planning Authority, the the sports court hard-standing and the powder coated steel fencing shall be finished in a dark green colour.

Reason: In the interests of visual amenity and to ensure that the proposal is compatible with the character of the immediately surrounding environment.

5. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing in advance by the Planning Authority.

Reason: In the interests of visual amenity and to ensure that the proposal is compatible with the character of the immediately surrounding environment.

6. Unless otherwise agreed in advance in writing by the Planning Authority, the sports pitch shall only be used between the hours of 0900 and 2100 on any day and must be vacated, with the lighting switched off at all times out with these hours.

Reason: In the interests of protecting neighbouring residential amenity at unsocial hours.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01121/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

With reference to the 'Argyll and Bute Local Plan' 2009, the application site is situated within the 'settlement' zone for Appin. With reference to the 'Argyll and Bute Structure Plan' 2002, Policy STRAT DC 1 – Development within the Settlements states that within the 'minor settlements' encouragement shall be given to appropriate small scale infill, rounding-off and redevelopment. In this case, the proposal constitutes the redevelopment of an existing grass football pitch with an all-weather sports court which shall be situated within the confines of and to the west of Strath of Appin Primary School. The proposed all-weather sports court shall serve Strath of Appin Primary School and the wider community of Appin for educational and recreational uses respectively. Therefore, the proposal satisfies Policy STRAT DC 1 as it constitutes an acceptable form of small scale redevelopment.

B. Location, Nature and Design of Proposed Development

The application site is situated on land within the confines of Strath of Appin Primary School which is situated on the north western periphery of the minor settlement of Appin. Situated directly to the north of the application site is a band of existing trees and further to the north is the Oban – Fort William Cycleway. Situated directly to the west is a band of existing trees and further to the west is open agricultural land. Situated directly to the south of the application site is the existing property 'Tynribbie Bungalow' and situated directly to the east is the primary school building. The existing band of trees which are situated along the northern and western boundaries of the application site will help screen the proposed development from the surrounding environment and these should not be removed without consent from the Planning Authority (recommended condition 5).

The principal purpose of the proposal is to provide an all-weather recreational and educational sports facility which shall support activities such as informal and formal games of basketball, 5-a-side football, shinty, netball and tennis. The proposed sports court will be primarily used by Strath of Appin Primary School for physical education, outdoor learning and active school activities. However, the proposed sports court will also be used by the wider community of Appin for activities such as fund raising events etc.

With regards to a design statement submitted by the applicant, the intended hours of operation for the proposed sports court will be approximately as follows:

- Monday – Friday (09:00 – 17:00) School and Active Schools use;
- Monday – Friday (17:00 – 21:00) Informal and Formal recreational use including clubs and coaching; and
- Saturday and Sunday (09:00 – 21:00) Informal and Formal recreational use including clubs and coaching.

With reference to the 'Argyll and Bute Local Plan' 2009, Policies LP REC 1 and LP COM 1 state that there is a general presumption in favour of new or improved sport, recreation and community facilities provided that the development is of a form, location and scale consistent with Policy STRAT DC 1, does not cause any evident amenity issues within the immediately surrounding area, and is readily accessible and located close to where people live. The proposal satisfies Policies LP REC 1 and LP COM 1 as the proposal is consistent with Policy 'STRAT DC 1, will not cause any amenity issues within the

immediately surrounding area subject to the requirements of recommended condition 3 being met, and is located within the minor settlement of Appin which ensures that the proposal is accessible and located close to where people live.

The site area for the proposed development measures approximately 840 square metres with the actual footprint of the proposed sports court only measuring 615.6 square metres. The proposed sports court will measure approximately 3.9 metres in height to the top of the basketball hoop, 34.7 metres in length and 18.8 metres in width. The hard-standing for the sports court will be finished in dark green colour and the associated fencing will be finished in a fully galvanised, dark green coloured powder coated steel finish.

Local Plan Policies LP ENV 1 and LP ENV 19 state that in all development control zones the Council will assess applications for planning permission for their impact on the natural, human and built environment and will require a high standard of appropriate design which shall accord with the design principles set out in 'Appendix A'. The proposal will be located approximately 40 metres away from the nearest surrounding residential property which is 'Tynribbie Bungalow' which is situated to the south of the application site and a condition has been attached (recommended condition 3) which shall ensure that the potential for light nuisance and glare beyond the boundary of the application site will be eliminated. The size, scale, proportion and design of the proposed sports court is acceptable and due to the location, within the confines of an existing primary school, will not cause any detrimental visual impact upon the surrounding environment. The proposal will also not cause any evident privacy or amenity issues within the immediately surrounding area, particularly given the intention to limit use during unsocial hours (recommended condition 6.)

C. Road Network, Parking and Associated Transport Matters

The proposal involves no alterations to the existing vehicular access or parking arrangements. During the determination process of this planning application the Area Roads Manager was consulted and has not raised objection. Therefore, the proposal satisfies Policies LP TRAN 4 and LP TRAN 6 of the 'Argyll and Bute Local Plan' 2009.

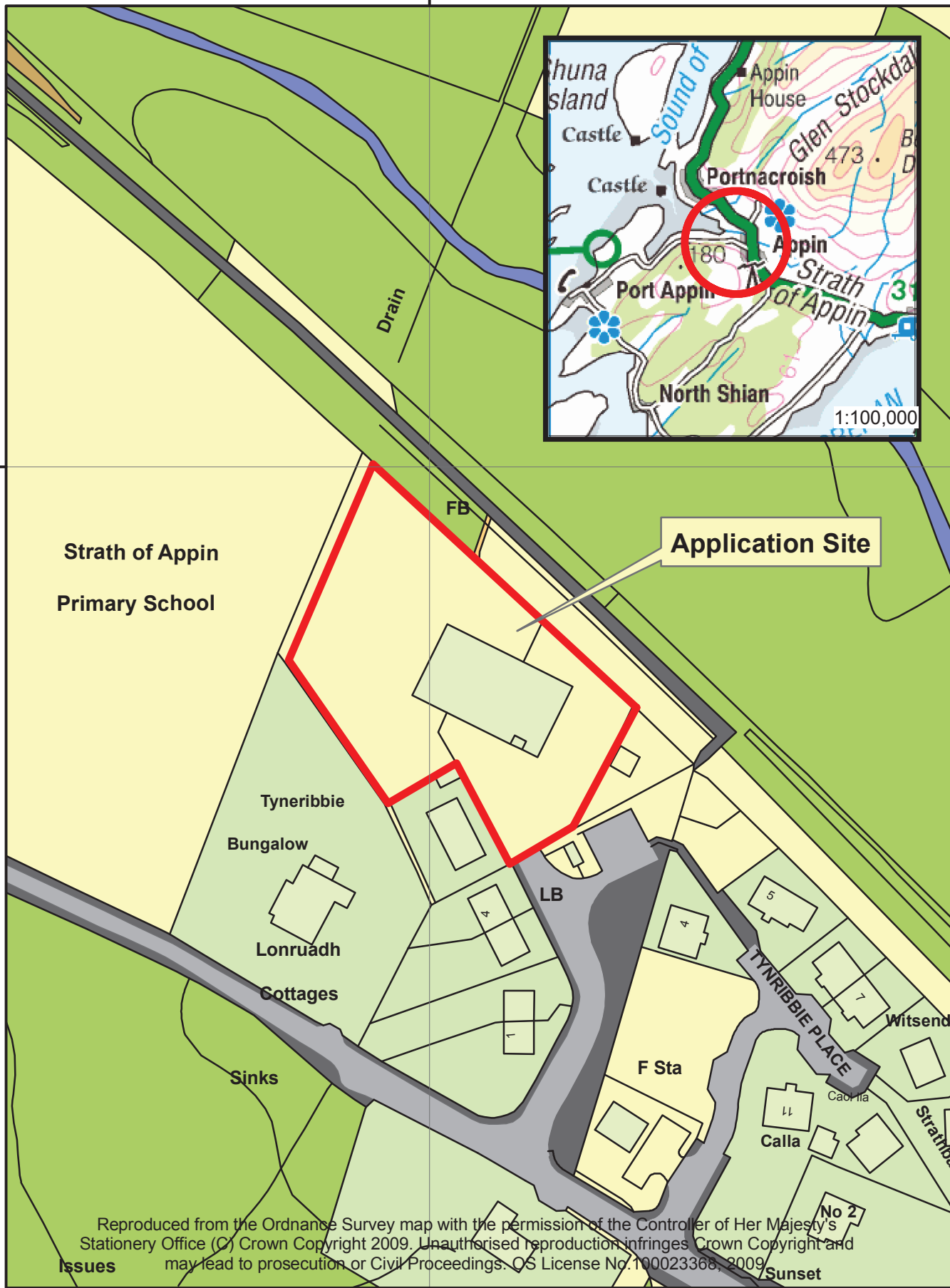
D. Infrastructure Considerations

There are no drainage or water supply infrastructure arrangements required for this proposal as surface water run off will be naturally absorbed within the existing school grounds. However, it is proposed to erect associated lighting and fencing. A condition has been recommended which shall ensure that the potential for light nuisance and glare beyond the boundary of the application site will be eliminated.

193600

746400

746400



Strath of Appin
Primary School

Application Site

Tyneribbie
Bungalow
Lonruadh
Cottages
Sinks

F Sta

Calla

Witsend

No 2

Sunset

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193600



Location Plan relative to Application Ref: 10/01121/PP



Date: 21.02.11

Scale: 1:1,250

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**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01656/PP

Planning Hierarchy: Local

Applicant: Mr A Fraser

Proposal: Erection of three dwellinghouses and garages, formation of vehicular access and installation of private sewage system

Site Address: Land South East of Seaside, Newton, Strathlachlan

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of three dwellinghouses;
- Bio-disc sewage systems with mound soakaways;
- Formation of vehicular access.

(ii) Other specified operations

- § Connection to public water main
-

(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 the development plan subject to the conditions, reasons and informative notes at the end of this report.

(C) HISTORY:

Outline Planning Permission (ref: 06/00581/OUT) for the erection of a residential development at the site was refused on 4th September 2006. An appeal of this decision was allowed on 24th May 2007 but this approval lapsed in May 2010 with no reserved matters having been submitted.

An application for Planning Permission (ref: 10/00492/PP) for three dwellinghouses at the site was withdrawn on 13th July 2010.

(D) CONSULTATIONS:

Area Roads Manager (report dated 8th November 2010) - no objections subject to conditions.

Scottish Water - no comments received to date, but investigation has revealed that there is a public water main in the village but no public sewerage infrastructure.

(E) PUBLICITY:

Neighbour Notification (closing date 12th November 2010) and Regulation 20 Advert (closing date 19th November 2010).

(F) REPRESENTATIONS:

Representations have been received from a total of fourteen individuals as follows:

Michael Sheridan, Rowantree Cottage, Newton (letter dated 1st November 2010)

Sara Gibbs, Newton Cottage, Newton (letter dated 3rd November 2010)

Ian and Shauna Rodger, Seaside 2, Newton (letters received 9th November 2010 and dated 22nd January 2011)

Mr and Mrs W Johnstone, 24 Millhill Drive, Greenloaning, Braco, Perthshire (letters received 9th November 2010 and dated 22nd January 2011)

Mr and Mrs R Jackson, 63 Royal Crescent, Dunoon (letters received 9th November 2010 and dated 22nd January 2011)

Alastair MacFadyen, Tigh Na Mara, Newton (letters dated 10th November 2010 and 18th January 2011)

Eric Nicol, 49 Lawfield, Coldingham, Berwickshire (letter dated 10th November 2010)

William S Wilson, Morven, Newton (letter dated 10th November 2010)

James Slater, The Chalet, Newton (letter dated 13th November 2010)

Patricia McArthur, Bute Cottage, Newton (letter dated 16th November 2010)

Muriel Murdoch, Craigiebar, Newton (letter dated 19th November 2010)

The points raised can be summarised as follows:

- a. The proposal would have an adverse effect upon the character of the village and local environment. The site is in an area of panoramic quality where there is no justification for the adverse impact of the proposal. The design of the houses is not in keeping with the remainder of Newton.
- b. The proposal would adversely affect the wildlife within the site.
- c. The road through the main part of the village will not be able to cope with the additional traffic. Recent construction projects within the village have been of significant detriment to the standard of the road. There is inadequate visibility from the proposed access point.

Comment: These issues are addressed in the Assessment section below.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: No**
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No**
- (iii) A design or design/access statement: Yes**

Cameron Webster Architects (dated 28th September 2010):

On arriving at Newton, the site will contain the first buildings on the southern landward side of the road, although there are one or two detached houses between the loch and the road before this. The site is at present largely scrubby, self-seeded woodland, with one or two larger oaks. A burn runs along the eastern edge, and the rear of the site (to the south) slopes more steeply with more mature trees.

The design intention is to locate two houses close to the burn, leaving the lower land to the west of the site open and clear beside the existing access to Modhacaidh, allowing the existing stone house barn to clearly form the edge of the more densely built part of the traditional village. The third house is positioned at the higher end of the site, with views to the north over the loch, but the western elevation of this house is largely blank with one high level window, to avoid overlooking into the existing house and garden.

The houses are clad in dark-stained timber with slate tiled roof and timber windows and doors, and are planned with living spaces at upper and lower levels to take advantage of the views. The existing trees are retained, apart from one oak at the lower end of the site, and the existing scrub.

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements
STRAT DC 2 – Development within Countryside around Settlement
STRAT HO 1 – Housing – Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 1 sets out the general considerations against which all applications will be assessed.

LP ENV 10 seeks to resist development within Areas of Panoramic Quality where its scale, location or design will have a significant adverse effect on the character of the landscape.

LP ENV 14 presumes against development that does not preserve or enhance the character or appearance of an existing Special Built Environment Area (the main terrace of houses that overlook Loch Fyne to the west of the application site).

LP ENV 19 requires developers to execute a high standard of setting, layout and design where new developments are proposed.

LP HOU 1 promotes 'small scale' housing development within 'minor settlements' unless there is an unacceptable environmental, servicing or access impact, but presumes against housing development in the 'countryside around settlement' development control zone.

LP SERV 1 recommends connection to public sewer where possible.

LP TRAN 4 seeks to ensure that new accesses are constructed to incorporate the minimum standards to function effectively and safely.

- (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 4/2009.**

Not applicable

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

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

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

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

(O) Requirement for a hearing (PAN41 or other):

The application is being recommended for approval as a 'minor departure' to the Development Plan. Whilst there have been representations from a total of fourteen sources, it is not considered that a discretionary hearing is warranted in this particular case having regard to the location of the vast majority of the site within the "settlement zone" of Newton; the relatively recent planning history of the site, where many of the main issues were debated at appeal and that appeal was allowed; and the absence of any technical issues that are not capable of resolution.

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

Full Planning Permission is sought for the erection of three dwellinghouses on a site measuring 0.35 hectares located at the eastern entrance to the village of Newton on the landward side of the road. A new vehicular access is to be formed onto the existing road. A new private sewerage system is proposed for each dwellinghouse and connection is to be made to the public water main.

The majority of the site is within the '*settlement zone*' of Newton whilst the use of timber as the main wall finish, the use of slate as the roof covering, the location of two of the dwellings to the rear of the site and the generous re-planting that is proposed would allow the proposed small-scale development to integrate with the entrance to the village. Given its physical characteristics and its distance from the main terrace of dwellings, it is not considered that the proposal would be of detriment to Newton's Special Built Environment Area. A portion of one of the rear curtilages extends beyond the '*settlement*' boundary delineated in the local plan into an area designated as '*countryside around settlement*'. This is not significant in the context of the development as a whole particularly as it is not an area where building will take place, but would amount to a '*minor departure*' to the development plan.

No significantly adverse road safety or infrastructure issues have been raised during the processing of the application that would merit a recommendation of refusal.

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

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

The proposal accords with policies LP ENV 10, LP ENV 14, LP ENV 19 and LP TRAN 4 of the 'Argyll and Bute Local Plan' (2009) and can be justified as a '*minor departure*' to policies STRAT DC 2 and STRAT HO 1 of the 'Argyll and Bute Structure Plan' 2002 and LP HOU 1 of the 'Argyll and Bute Local Plan' 2009, and the proposal raises no other material consideration which would justify refusal of permission.

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

The majority of the application site is located within the '*settlement zone*' of Newton as identified in the 'Argyll and Bute Local Plan' 2009. The rear curtilage of the southernmost dwellinghouse is within '*countryside around settlement*' but this area is not to be physically built upon.

On the basis that the proposed development would not result in building within '*countryside around settlement*' and that all structures would be within the '*settlement zone*', it is considered that the proposal can be justified as a '*minor departure*' to the Development Plan.

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

Author of Report: Steven Gove

Date: 23/2/2010

Reviewing Officer: David Eaglesham

Date: 23/2/2010

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 10/001656/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 28th September 2010 and the approved drawing reference numbers: 110.1; 101; 103; 106; 107; 108; 109; 110; 111; 112; 113; 114; 115; 116; 117; 118; 119; 120; 122; 123; 124; 125; 126; and 127, 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.

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

3. A landscaping scheme shall be submitted to the Planning Authority prior to any works being first undertaken at the site. This scheme shall specifically include full details of the age, species and location of all existing trees and vegetation proposed to be retained and those to be removed together with full details of proposed planting. Specifically the landscaping scheme shall provide for native tree planting along the boundary of the site with the existing property known as 'Modhacaidh'.
 - i) The landscaping scheme, as may be approved, shall be fully implemented no later than the first planting and seeding season following the commencement of the development and thereafter shall be maintained to the satisfaction of the Planning Authority for a period of five years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.
 - ii) Prior to any works being first undertaken at the site, and upon the written approval of the landscaping scheme, each tree to be removed shall be clearly indicated (*tagged*) on site using a coloured identification and each tree to be retained shall be clearly indicated (*tagged*) on site using a separate coloured identification. Such measures shall be put in place for the written approval of the Planning Authority before any felling/lopping commences.
 - iii) During the course of construction those trees that are to be retained (*as indicated and approved in writing by the Planning Authority as ii above*), shall be protected by suitable fencing not less than one metre in height that shall be erected around the extremities of the crowns of these trees, or as may be agreed in writing with the Planning Authority. No material, spoil or fires shall be placed within such protected areas during any construction works.

Reason: In the interests of visual and residential amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees during development operations.

4. Prior to the commencement of any construction works on the dwellinghouses, samples of all external finishes and roof coverings shall be submitted for the prior written approval of the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the dwellinghouses shall be constructed in accordance with the approved details.

Reason: In the interest of visual amenity and to help integrate the proposal within its surroundings.

5. Prior to the commencement of development on the site, visibility splays of 42.0 metres x 2.5 metres in both directions shall be formed from the centre line of the proposed access and shall, thereafter, be kept clear of all obstructions over 1.05 metres in height above the level of the adjoining carriageway unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

6. Prior to the occupation of the first dwellinghouse, the access shall be constructed in accordance with the Council's Drawing SD 08/006 unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

7. Prior to the commencement of works on the proposed access, details of the culverting of the existing ditch shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the access shall be constructed in accordance with the approved details.

Reason: In the interests of road safety.

8. Notwithstanding the provisions of Article 3 and Class 1 (*the extension, enlargement, improvement, alteration of the dwelling*) and Class 3 (*building, enclosure, pool, incidental to the enjoyment of the dwelling and maintenance, improvement, alteration thereof*) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any equivalent provisions following the revocation and re-enactment thereof, with or without modifications, no development shall take place within the curtilages of the dwellinghouses hereby permitted without the prior written consent of the Planning Authority.

Reason: In the interests of visual amenity and in order to protect the privacy and amenity of adjacent residential properties from developments normally carried out without Planning Permission, these normally being permitted under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

NOTES TO APPLICANT

In order to comply with Section 27A(1) of the Town & Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

In order to comply with Section 27B(1) of the Town & 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 complete.

The Area Roads Manager has advised of the following:

- i. The works in association with the formation of the vehicular access shall require a Road Opening Permit;

- ii. The new access shall have a positive system of surface water drainage to prevent water running onto the public road;
- iii. The "*children*" sign presently within the frontage of the site shall be re-positioned in discussion with the Area Roads Manager.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01656/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Full Planning Permission is sought for the erection of three dwellinghouses on a site measuring 0.35 hectares located at the eastern entrance to the village of Newton on the landward side of the road. A new vehicular access is to be formed onto the existing road. A new private sewerage system is proposed for each dwellinghouse and connection is to be made to the public water main.

In terms of the principle of developing the site for residential purposes, the vast majority of the site (with the exception of the rear curtilage of the southernmost dwelling which is not to be physically built upon and which is located in 'countryside around settlement') is located within the 'settlement' of Newton as identified in the 'Argyll and Bute Local Plan' 2009. In this respect, it represents the development of a rounding-off site located at the eastern entrance to the small village

The proposal is considered to be a 'minor departure' from Policy STRAT DC 2 and STRAT HO 1 of the Structure Plan and Policy LP HOU 1 of the 'Argyll and Bute Local Plan' 2009.

B. Location, Nature and Design of Proposed Development (Including Impact upon Built Environment)

The application site is located on the southern side of the single track public road as it enters Newton from the east. The main part of the village, which is characterised by a terrace of traditional cottages (a Special Built Environment Area), is located on the southern side of the public road to the west of the site. There are five dwellings to the north of the site, between the public road and the shore of Loch Fyne. The site is comprised of wooded scrub, which continues beyond the eastern and southern boundaries of the site.

At the time of the application for Outline Planning Permission in 2006/2007, the Council refused permission for two reasons:

- i. On the grounds that the proposal "*would introduce buildings into a previously undeveloped landscape which significantly contributes to the character and integrity of the historic village of Newton*" contrary to various Development Plan policies; and
- ii. In the interests of road safety in that insufficient detail had been provided to demonstrate the proposal would have adequate visibility splays.

In the appeal decision dated 24th May 2007, the Reporter considered that up to four houses would not be in accordance with the relevant Development Plan policies in that it would "*significantly change this entrance to the village, to the detriment of its setting*" (Paragraph 15), particularly due to the inevitable wholesale clearance of the vegetation on the site. He hypothesised whether two dwellings might be acceptable but, ultimately, without any detailed information on layout, siting, form and design, he was not in a position to determine the actual number of houses. Ultimately, he considered that "*a very limited form of residential development could be satisfactorily accommodated on the site without compromising the integrity of the character of Newton and without having a significant impact on the Area of Panoramic Quality*" (Paragraph 20).

One of the main questions which this application poses is whether the development of the three dwellinghouses currently proposed would significantly and detrimentally change the eastern entrance to the village. The scheme shows the erection of a dwellinghouse at the

north-eastern edge of the site at a roadside location; the other two dwellings are located more to the south of the site, between approximately 35 metres and 45 metres from the public road. Much of the trees to the rear of the site would be retained.

The construction of the new access drive and the dwellings would require the removal of a majority of the existing scrub and one oak tree but, in their letter dated 15th December 2010, Cameron Webster Architects have explained that it is the intention to replant with indigenous trees and shrubs such as oak, willow, ash, alder and birch. Such replanting would allow a degree of management to be undertaken within the site and this is to be welcomed.

As stated above, there is the traditional linear row of cottages that offers a distinctive central part to the village. However, there is a variety of dwellinghouse designs in other parts of the village, both at the eastern and western edges. Furthermore, there is a relatively odd assortment of buildings to the rear area of the row of cottages. One timber-clad dwellinghouse has recently been constructed (to the east of 'Ardencraig') in the western part of the village. The ethos behind the particular design that has been arrived at for the proposed development is clearly not to recreate small vernacular rendered cottages but to provide distinctive buildings within a wooded site that have elements of tradition (slate roof covering, relatively narrow gables) but with renewable materials such as timber. The type of external material that is proposed might not necessarily be an acceptable solution for every site within Argyll, but it is advocated in the Council's Design Guide 1: Small Scale Housing Development (Pages 44 and 45).

Due to the sloping nature of the rear of the site, two of the dwellinghouses have a degree of underbuilding. This underbuilding is, however, broken up by the presence of a garage door and could be further integrated through the use of landscaping (as contained in Condition 3 above).

Very importantly, given its physical characteristics and its distance from the main terrace of dwellings, it is not considered that the proposal would be of detriment to Newton's Special Built Environment Area.

Whilst the proposed dwellinghouse to the rear of the site would be within 18 metres of the gable of the dwellinghouse to the west (Modhacaidh), there is only one high level window on the west-facing elevation of the proposed dwellinghouse. Given the distance involved and the position of the window, it is not considered that the privacy of the existing dwellinghouse would be unduly affected.

Dwellinghouses normally benefit from 'permitted development' rights that allow alterations, extensions and outbuildings to be carried out without the benefit of Planning Permission subject to certain criteria being met. In the particular situation of this site, where two of the dwellinghouses are in excess of 20 metres of the road; where unsympathetic alterations and outbuildings could be of detriment to the character of the overall development; and where the rear curtilage of the southernmost dwellinghouse is within 'countryside around settlement', it is considered necessary and justifiable to remove the 'permitted development' rights of the three dwellinghouses.

Finally, the Department is not aware that the site has any classified wildlife status and, therefore, there is no compelling reason to oppose the proposal on such grounds.

On the basis of the foregoing, it is considered that the proposal would be consistent with Policies LP ENV 10, LP ENV 14 and LP ENV 19 of the 'Argyll and Bute Local Plan' 2009.

C. Road Network, Parking and Associated Transport Matters.

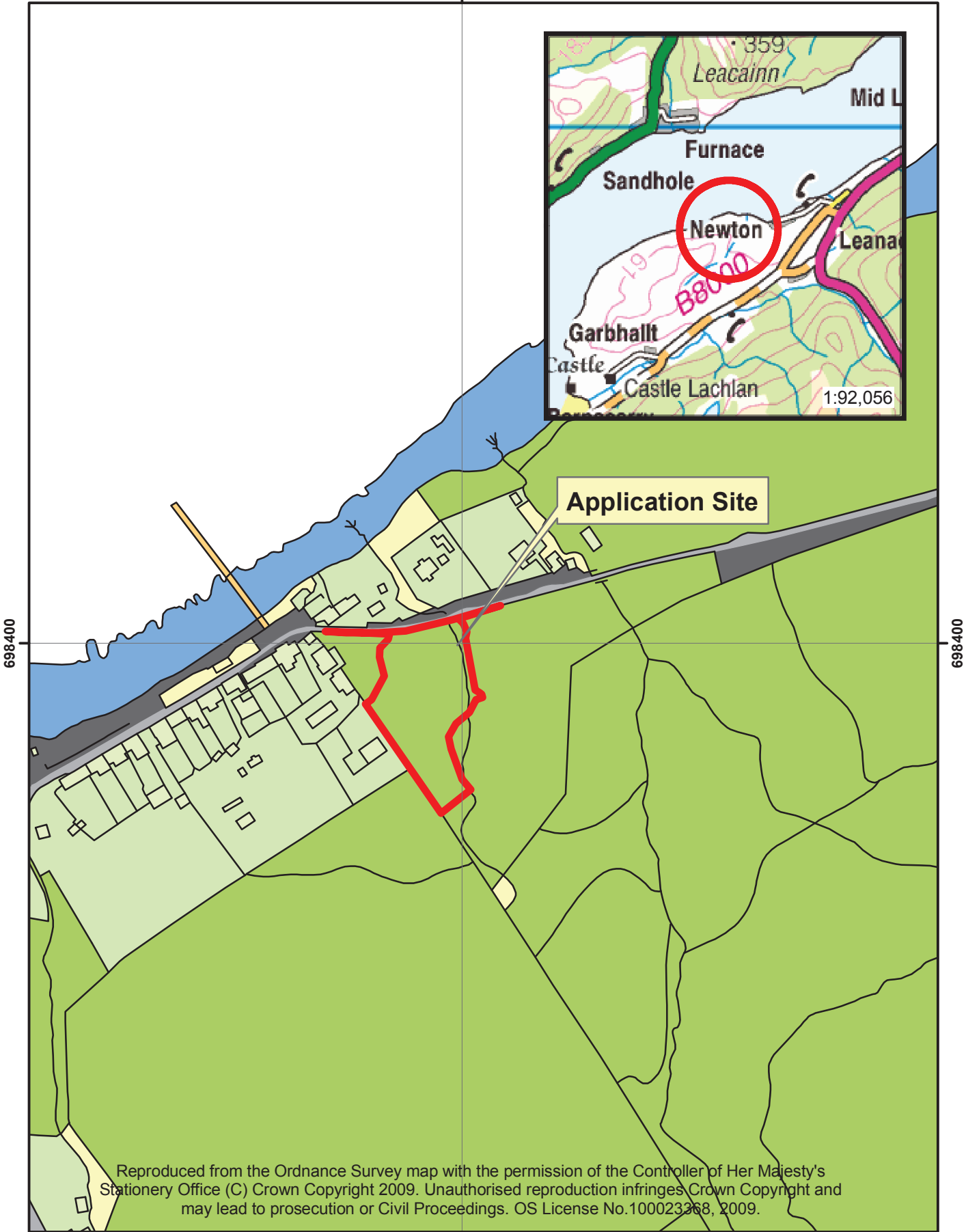
The application proposes the formation of a single vehicular access with three individual driveways to each dwellinghouse. Those who have objected to the scheme have almost universally shown significant concern regarding the potential impact of the proposal on the road network in Newton, both during construction work and thereafter. However, the Area Roads Manager has raised no objections to the proposal subject to conditions regarding visibility splays, the standard of the access, the provision of a passing place, the gradient of the access and the provision of parking/turning. All of these requirements can be covered by conditions.

On the basis of the foregoing, it is considered that the proposal accords with Policies LP HOU 1 and LP TRAN 4 of the 'Argyll and Bute Local Plan' 2009.

D. Infrastructure

It is proposed to connect to the public water main. No consultation response has been received from Scottish Water to date but investigation with both local representatives and their Planning Department has revealed that there is no public sewerage system within the village. A private sewerage system is proposed for each dwellinghouse and each system will be within the curtilage of the respective dwellinghouse. There is no specific policy within the Local Plan 2009 that expressly rules out separate systems as opposed to a communal system for multi-dwellinghouse site. Indeed, it could be argued that individual householders attending to their own system is preferable where, as in this instance, the proposal is not likely to result in or add to existing environmental, amenity or health problems.

On the basis of the foregoing, it is considered that the proposal accords with Policy LP SERV 1 of the Argyll and Bute Local Plan 2009.



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Location Plan relative to Application Ref: 10/01656/PP

Date: 18.02.11

Scale: 1:2,500



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**Argyll and Bute Council
Development & Regulatory Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01892/PP

Planning Hierarchy: Local Application

Applicant: J D Wetherspoon PLC

Proposal: Change of use of retail premises (Class1) to public house (sui generis), formation of beer garden and external alterations in connection with the proposed use and formation of two retail units

Site Address: 19-29 James Street, Helensburgh

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of retail (Class 1) to public House (sui generis)
- Formation of beer garden
- Formation of two retail units

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

It is recommended that, subject to a discretionary local hearing, planning permission is granted subject to the conditions and reasons set out overleaf.

(C) HISTORY: 99/00110/DET - Alterations and part demolition of premises including installation of new shop front (permitted 01.03.1999)

(D) CONSULTATIONS:

Scottish Water 20.12.2010 - No objections

Roads	10.01.2011 -	No objections
Environmental Health	11.01.2011 -	No objections
Helensburgh Community Council	17.01.2011 -	Object for the following reasons: - We have canvassed local residents and they are largely against it. - The Wetherspoon application is an inappropriate development for the site, instead it should be used for housing Results of local opinion: <i>Helensburgh Community Councillors</i> Support: 2; Oppose 9; Not Sure 2 <i>Adjacent Businesses</i> Support 2; Oppose 2 <i>Adjacent residents</i> Support 6; Oppose 10; Not Sure 2

(E) PUBLICITY: Listed Building/Conservation Advert (expires 14.01.2011)

(F) REPRESENTATIONS:

3 letters of support have been received from the following:

Hilary Williams, 13 Millerslea Gardens, Helensburgh (email dated 23/12/2010)
Mr and Mrs McDougall (email dated 10/01/2010)
Edna McGhee, Flat 6, 9 Cairndhu Gardens, Helensburgh (letter received 24/01/2011)

29 letters of objection have been received from the following:

Gordon and Diane White, 3 Scott Court, James Street, Helensburgh (letter dated 24/12/2010)
Crawford Foster, 8 Scott Court, Helensburgh (letters dated 23/12/2010 and 02/01/2010)
Mr and Mrs Vallance, 5 Scott Court, Helensburgh (letter dated 29/12/2010)
E Cordner and D Nicolson, 9 Scott Court, Helensburgh (letter dated 03/01/2011)
Mrs E Perella, flat 2/2, Princess Court, Helensburgh
Christopher Wilson, 2/2, 5 James Street, Helensburgh (email dated 05/01/2011)
David Smeeton, Flat 2/1, 15 James Street, Helensburgh (email dated 07/01/2011)
Marie Londie, 11 Princes Court, Helensburgh (letter received 10/01/2011)
Helen Gilchrist, Flat 18 Princes Court, 55 West Princes Street, Helensburgh (letter received 10/01/2011)
Mr and Mrs Burt, 10 Princes Court, West Princes Street, Helensburgh (letter received 10/01/2011)
Mrs A Meikle, 6 Princes Court, Helensburgh (letter received 11/01/2011)*

Elena Gildea, 19 Princes Court, 55 West Princes Street, Helensburgh (letter received 11/01/2010)
E Beaton, Flat 12 Princes Court, 55 West Princes Street, Helensburgh (letter dated 10/01/2011)
C Gardner, Flat Basement/1, 34 East Argyle Street, Helensburgh (email dated 11/01/2011)
Margaret MacDonald, 5 Princes Court, Helensburgh (letter received 12/01/2010)
Cynthia B Green, 2 Princes Court, West Princes Street Helensburgh (letter dated 08/01/2011)
M Kinloch, 17 Princes Court, Helensburgh (letter received 12/01/2011)
Mrs M Evans, Flat 20 Princes Court, 55 West Princes Street, Helensburgh (letter received 13/01/2011)
Anne Donnachie, 12 - 14 West Clyde Street, Helensburgh (email dated 14/01/2011)
H Catterson Ltd T/A, The Ashton, 74 West Princes Street, Helensburgh (letter received 14/01/2010)
Mr and Mrs J Green, 57 West Clyde Street, Helensburgh (letter dated 11/01/2011)
Steven Dunn, 15 James Street, Helensburgh (email dated 13/01/2011)
Stephen Tudhope, 5 James Street, Flat 2/1, Helensburgh (email dated 13/01/2011)
Catriona Malan, 36A James Street, Helensburgh (letter dated 16/01/2011)
Nigel Millar, 29 George Street, Helensburgh (letter dated 14/01/2011)
Cara Nikolic, 41/42 West Clyde Street, Helensburgh (email dated 14/11/2011)
Mr and Mrs A K Johnson, DFlat 1/2, 15 James Street, Helensburgh (letter received 13/01/2011)
Mark Tyson, Royal Bar, 8 West Clyde Street, Helensburgh (email dated 14/01/2011)
Councillor George Freeman, Ward 9 – Lomond North (email dated 25/01/2011)

One anonymous letter has been received and cannot therefore be included.

(i) Summary of issues raised

Support:

Helensburgh is in steep decline at the moment and people choose to go elsewhere for a night out or a nice meal, namely Glasgow, Dumbarton or Balloch. A pub like this would boost the economy with people staying in Helensburgh and spending their money here.

Wetherspoons is a popular chain. With the impending influx of submariners to the town, I feel the addition of a pub of this nature will be welcomed.

Wetherspoons is a reasonable priced, family orientated pub – something we do not have at the moment.

Objections:

There will be issues with regards to parking.

Comment: The site is within the town centre and as such zero parking provision is required. The Area Roads Manager has no objections to the proposal.

The residents of Scott Court and James Street already have to deal with excessive noise at nights and weekends and a new pub and beer garden here will exacerbate the problem.

Comment: This is a town centre location where some noise is to be expected. The Area Environmental Health Officer has no objections to the proposal.

At night and weekends the area is full of drunk people urinating in public and vomiting up and down the street. A new pub will intensify this problem.

Comment: Anti-social behaviour is a police matter, not a material planning consideration. The site is within the town centre where these types of development are expected.

A chain like this with cheap food and drink promotions will put other smaller local businesses out of business.

Comment: This is down to market forces and not a material planning consideration.

The owners should be encouraged to use the site for housing.

Comment: No pre-application discussions had taken place with the applicant with regards to this application. Each application is required to be judged individually and on its own merit. It is considered that a public house is an acceptable use within this town centre location. It is necessary to determine the application at hand regardless of any other potential use for which permission has not been sought.

There is already a proliferation of public houses in the vicinity and another one is not needed.

Comment: This is not a planning consideration as the number of licensed premises in the area is a matter determined by market competition and licensing considerations.

The residents of Scot Court, a number of who are elderly and adjacent properties will suffer loss of privacy due to the beer garden.

Comment: The beer garden will be enclosed within the site. It will not have views to the residents and as such it is not considered that it will adversely affect privacy.

Property prices have fallen below the national average and will continue to do so.

Comment: Property prices are not a material planning consideration.

The extraction flues and inevitable smells from kitchen and air conditioning.

Comment: The Area Environmental Health officer has no objections.

The emptying of glassware to bins at night and in the morning will be a nuisance.

Comment: Should noise nuisance arise from unacceptable practices, it will be a matter to be dealt with at the time by Environmental Health.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Yes
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

Summary of main issues raised by each assessment/report

Design/Access Statement

JD Wetherspoon plc plan to completely upgrade and refurbish the existing building to form a traditional public house with an all day restaurant. This includes the introduction of a new shop front main entrance and a beer garden to the rear. A portion of the building is to be set aside for 2 individual sublet units.

JD Wetherspoon offers a friendly service that is responsive to needs of customers. We intend to comply with current regulations and good practice. The premises will be accessible as possible in all areas. Under ongoing management obligations under the DDA, the company undertake regular staff training in order to ensure a continued accessible service.

The redevelopment proposals should:

- Reinststate the life and vitality of the building back to its original condition.
- Use materials and finishes which are sympathetic with the existing building to reinforce the original aesthetic concepts.
- Create employment.
- Utilise existing service routes.

The site is within the town centre therefore represents an opportunity for sustainable development. The proposed works will not in any way adversely impact upon the neighbouring properties or the local environment.

The use of existing faculties and drainage is a priority. The management of fume extraction is particularly important. A vertical extract duct from the kitchen through the flat roof is proposed to discharge, well away from dwellings adjacent to the site.

Appearance: The proposed buildings overall aesthetics will not change apart from redecoration of existing features. Internally, it will be comfortable and welcoming. Materials where possible, will be locally sourced. Local historical artwork will be displayed. Internal areas are also decorated with commissioned artwork by locally sourced artists.

Landscaping: It is essential to create an outdoor area which looks attractive all year for the use and enjoyment of all customers. It is essential that these areas are maintained to a very high standard.

Access: The site is located within walking distance of several bus services, the train station, existing cycle routes and well maintained footways.

The proposal presents an opportunity to bring a viable, sustainable use to this current vacant building. The contribution this site makes to the quality of the area can therefore be considerably enhanced by this redevelopment. It is able to address a range of townscape and urban design issues dramatically and improve the coherence and legibility of this area. The proposals will regenerate the building and meet the needs of modern leisure businesses which will promote future investment in Helensburgh.

(H) PLANNING OBLIGATIONS

(i) **Is a Section 75 agreement required:** No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP BAD 1 – Bad Neighbour Development

Appendix A – Sustainable Siting and Design Principles

Appendix B – Shop Front/Advertising Design Principles

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): Given the large number of representations, a discretionary local hearing is recommended.

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

Planning permission is sought for the change of use of a retail unit (Class 1) to a public house (Sui Generis). The proposed site is an old retail unit selling carpets which is currently lying vacant. The building is adjacent to flatted properties, but it is a separate unit.

The application site is situated within Helensburgh town centre as defined by the 'Argyll & Bute Local Plan' where there is a general presumption in favour of commercial and retail development. The proposal complies with Local Plan policy particularly as it involves the reuse of a vacant premises which is fairly prominent within Helensburgh town centre.

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

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

The proposed development is acceptable at this location. Within town centres there is a presumption in favour of retail and commercial development and as such this is an ideal location for this change of use. The Area Environmental Health Manager and the Area Roads Manager have been consulted and neither have any objections to the proposal. It is therefore considered that the proposal accords with Policies LP ENV 1, LP ENV 19, LP BAD 1 and Appendix A of the 'Argyll and Bute Local Plan'.

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

N/A

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

Author of Report: Stephanie Glen

Date: 23/02/2011

Reviewing Officer: Howard Young

Date: 24/02/2011

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01892/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 01/12/2010 and the approved drawing reference numbers AK01, AK02, AS01, AS02, AL01 revA, AL02 revB and AM01 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. Development shall not begin until samples of materials to be used in construction of hard surfaces have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

4. Details of any works of public art to be sited on the plinths or in the centre of the square shall be submitted to and approved in writing by the Planning Authority prior to being placed on site.

Reason: In the interests of visual amenity.

NOTES TO APPLICANT

1. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
2. 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.
3. The application is required to be submitted in accordance with the Roads Scotland Act 1984 to alter the road layout.
4. An application to promote the new Traffic Regulation Orders and amend the various existing TRO's is required.
5. Please see attached letter from Scottish Water dated 19 January 2011.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01892/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposed development is within the 'Main Town Centre' of Helensburgh as defined by the adopted Local Plan, but outwith the defined 'core shopping area'. Within the town centre there is a general presumption in favour of retail and commercial developments.

B. Location, Nature and Design of Proposed Development

The proposed application site is an unused retail unit which has been lying vacant. It sits adjacent to flatted properties, but the unit itself stands alone. It is single storey to the front with a two storey element to the rear. The ground floor will be used as the customer area, with the upper floor being used for customer toilets, with the remainder of the upper floor to be undeveloped. Two retail units will be formed with a frontage to James Street.

The proposal is to use the existing building and completely refurbish this in order to make best use of the internal space to accommodate a pub/restaurant. The main alterations to the building will include new timber windows to most openings and new timber doors. New signage is proposed but this will be dealt with under a separate application for advertisement consent.

The existing shop has outside space within the centre of the application site which is nestled inside the group of buildings. It is enclosed on three sides. It is proposed to enclose this with a further wall and use the area as a beer garden. Immediately adjacent to this area is further external space which will be used for deliveries.

C. Road Network, Parking and Associated Transport Matters.

The site is within the Helensburgh Town Centre and as such zero parking provision is required. The Area Roads Manager therefore has no objections. This is in accordance with Policy LP TRAN 6 and Appendix A of the adopted Local Plan.

K. Other Key Policy Matters

Change of use to a public house is regarded as a Bad Neighbour Development. As such Policy LP BAD 1 of the adopted Local Plan applies. This states that the proposed development should not have an adverse effect on the amenity of neighbouring residents and that the proposal should include appropriate measures to reduce the impact on amenity.

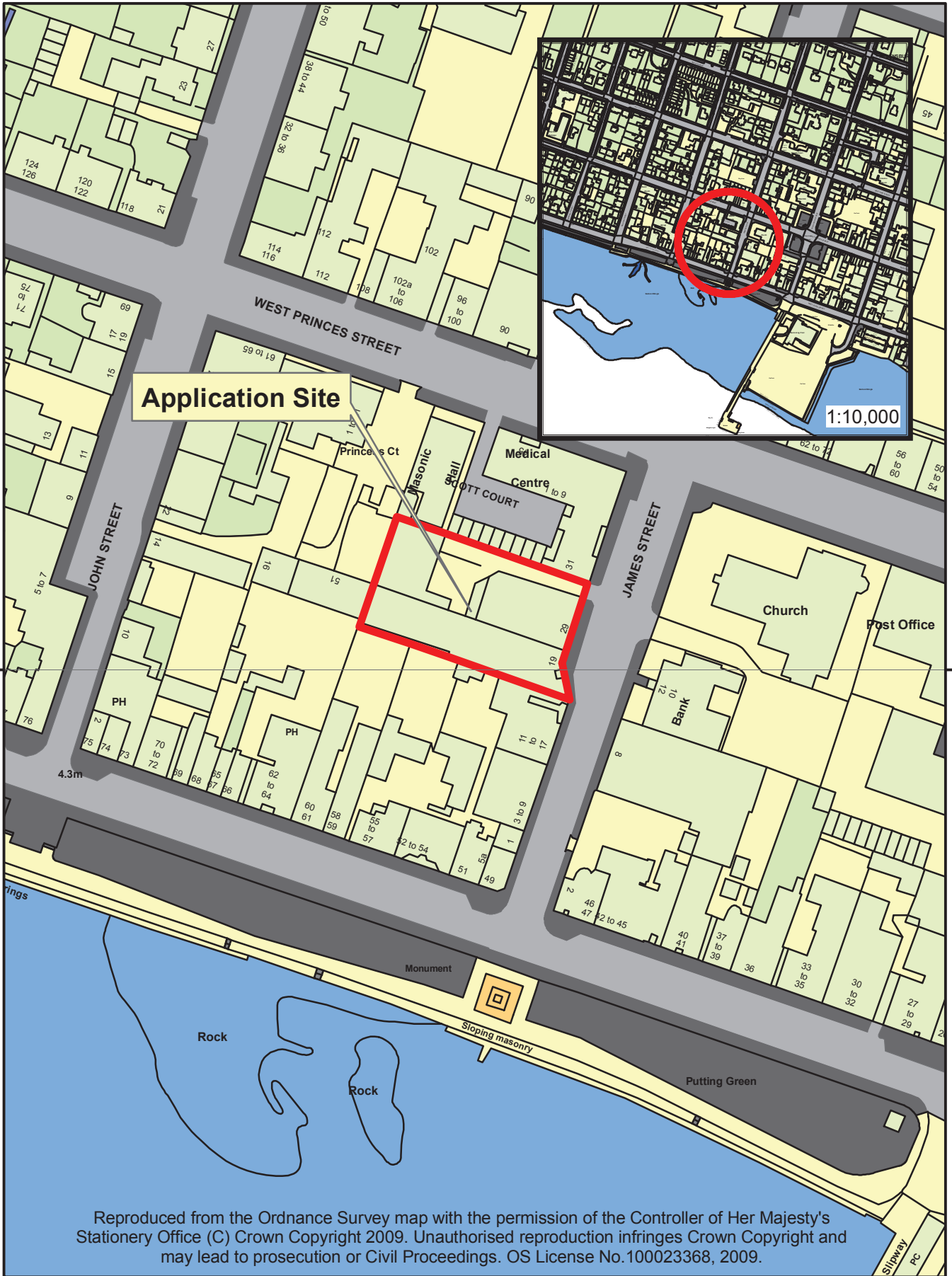
The Area Environmental Health Manager was consulted regarding the application. Some concerns were raised with regards to noise, especially within the beer garden. This was raised with the agents and information has been received showing measures which will be taken to mitigate against this. This will include the beer garden being monitored by CCTV, along with signage which will state the restrictions on the hours that alcohol can be consumed within the beer garden as well as asking that patrons leave the premise with due consideration for neighbours without shouting or slamming car doors. The Environmental Health Manager is content with these measures and has advised that he has no objections to the proposal. Permitted hours of operation would be appropriately controlled under licensing provisions.

When considering all applications the residential amenity of surrounding residents must be taken into consideration. It is inevitable that residents in this area already experience a certain amount of noise and disturbance the busy street location within the town centre and within close proximity to existing licensed premises. This noise and disturbance is higher than experienced in quiet residential streets and is outwith the control of the applicant.

The site itself is a vacant retail unit. To the south is a tenement building with retail units at ground level and residential properties above. To the north is Scott Court, which has Council offices at ground floor level, with residential accommodation above. To the rear is a Masonic hall and flats at Princes Court. There are no residential properties across the road, only a bank, a church and a public house. Most letters of objection have been received from these residential properties. While it is understandable that there will be concerns with increased level of noise, this is a town centre location where this is to be expected. The main concern is noise from the beer garden which is situated within an outside area within the existing retail unit. This is situated between 21 and 25 metres from the residential properties at Scott Court, 30 metres from the properties at Princess Court and 16 metres from the nearest flats at James Street. As previously mentioned, this beer garden will be enclosed on 3 sides by buildings and has a high stone wall at the boundary with Scott Court. The Council's Area Environmental Health Manager is satisfied that any noise issues can be addressed by correct signage and stewarding of this area. The issue of unsocial behaviour associated with this is a police matter.

It should be noted that it is inevitable that residents already experience a certain amount of noise and disturbance in this area given the busy street location within the town centre and within close proximity to existing licensed premises. This noise and disturbance is higher than experienced in quiet residential streets and is outwith the control of the applicant.

Given the proposed location is within the town centre and the Area Environmental Health Manager is satisfied with the proposals, It is considered that the development accords with this policy.



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Location Plan relative to Application Ref: 10/01892/PP

Date: 16.03.2011

Scale: 1:1,250



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**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/02037/PP

Planning Hierarchy: Local Development

Applicant: Argyll and Bute Council

Proposal: Construction of a 3G Synthetic pitch with associated lighting, fencing and access paths.

Site Address: Kinloch Park, Kinloch Road, Campbeltown

DECISION ROUTE**Local Government Scotland Act 1973**

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

- Construction of 106m x 66m 3G synthetic football pitch;
- Construction of fencing
- Installation of flood lighting.

Other specified operations

- Re-alignment of football pitch
 - Tree planting to the rear of the War Memorial
-

(B) RECOMMENDATION:

It is recommended that the application is approved subject to conditions listed in the report.

(C) HISTORY:

None relevant.

(D) CONSULTATIONS:

Area Roads Manager (report dated 3rd February 2011) - no objections.

Public Protection (memo dated 15th February 2011) - no objections subject to a condition covering floodlighting specifications.

Historic Scotland (letter dated 3rd February 2011) - no objections.

Health and Safety Executive (letter dated 4th February 2011) - no objections.

Campbeltown Community Council (Email dated 18th January 2011) - no objections and supportive of the proposal.

West of Scotland Archaeological Society (Email dated 2nd February 2011) - no objections.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 4th March 2011.

(F) REPRESENTATIONS:

18 letters of support have been received from the following:

Ailsa Clark, Corputechan Farm, Bellachuntay, Campbeltown, PA28 6QE
Anne Littleson, Castlehill Primary School, Ralston Road, Campbeltown PA28 6LE
Barry Colville, McKinven and Colville Ltd,
David Paterson, 1 St Clair Terrace, Low Askomil, Campbeltown, PA28 6EP
Kevin McCallum, 2 Victoria Quadrant, Holytown ML1 4XW
Deirdre Henderson, Crocken Cottage, Southend, PA28 6RU
Barry McAllister,
Alex McKinven, 155 Ralston Road, Campbeltown, Argyll PA28 6LG
Cllr John Semple, Argyll and Bute Council, Kilmory, Lochgilphead, Argyll, PA31 8RT
Duncan McAuley,
Malina McAuley,
Oliver Barsby, Princes Exchange, 1 Earl Grey Street, Edinburgh, EH3 9AQ
Peter Currie, Springbank Distillers Ltd, 85 Longrow, Campbeltown, PA28 6EX
Greig Flaws, Aqualibrium, Kinloch Road, Campbeltown
Elaine McGeachy, 11 Knockscalbert Way, Campbeltown PA28 6TA
Moyra Paterson, Little Dalrioch Stewarton Campbeltown PA28 6PH
Tommy Millar, Bal-Na-Hannan, Drumlemble, Campbeltown, PA28 6PW
John Galbraith, Polliwilline Farm, Southend, PA28 6RF

Summary of issues raised

- This is a much needed facility in Campbeltown
- Comment has been made that the tree planting would reduce the amount of space in the park that can be used

Comment: Noted but the War Memorial is a Grade 'C' listed structure and the trees will assist in providing a suitable backdrop. The tree planting will not take up a significant amount of space in the context of an open space which is of significant size. In any event, tree planting does not require planning approval.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

- | | | |
|-----|--|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|--|----|

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 13a – Development Impact on Listed Buildings

LP ENV 19 – Development Setting, Layout and Design

LP REC 1 – Sport, Leisure and Recreation

LP REC 2 – Safeguarding of Recreational Land and Important Open Spaces

LP COM 1 – Community Facility Development

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy , 2010

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	Yes
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(O)	Requirement for a hearing: No, given that representees are in favour of the development and it is recommended for approval.	
------------	--	--

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

The site is within the 'settlement' boundary of Campbeltown in an edge of centre location in Kinloch Park. The Park itself is designated as 'Open Space Protection Area' subject to the effect of Policy LP REC 2. Additionally, the site falls under Area for Action 14/2 which aims to make more effective use of Kinloch Park in terms of recreational and other users. The proposal seeks to maintain the designation and upgrade the current facilities and therefore the proposal is acceptable in principle.

The application is for the development of an all-weather 3G pitch measuring 106m x 66m with associated lighting, fencing and access paths. There are 6no. 15m high galvanised steel fold-down sports lighting columns, 3m high sports fencing around the pitch which rises to 5m behind the goals and landscaping proposals. The proposals also specify the retention of existing mature trees on Kinloch Road which not only make a significant contribution to the townscape setting but will also help separate the development from the full view from the public highway.

Landscaping proposals include tree screening behind the War Memorial and the creation of an embankment of up to 2m high providing space for spectators. The tree planting will provide an appropriate backdrop to the War Memorial and lessen the impact on the setting of this listed structure from the proposals.

A SuDS proposal allowing for the attenuation of water is proposed with a discharge to the public sewer.

Car parking is provided via significant on-street parking around Kinloch Park. The Area Roads Manager has confirmed that this is acceptable.

Local plan policy LP REC1 (Sport, Leisure and Recreation) is supportive of new or improved sport and recreation facilities. The development will not compromise the current recreational use of the land, and will indeed increase its potential usage. It therefore satisfies the requirements of policy LP REC 2. With the above in mind it is recommended that the application is approved subject to conditions.

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

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

The proposal will provide an upgrade to existing sports facilities in Kinloch Park and will provide recreational opportunities in an accessible location. The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: David Love

Date: 7 March 2011

Reviewing Officer: Peter Bain

Date: 7 March 2011

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/02137/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The proposed lighting installations shall be installed in accordance with the manufacturer's specifications and drawing number KP-LL(90)004 revision C unless any variation thereof is agreed in writing in advance by the Council as Planning Authority.

Reason: In the interests of amenity and to prevent light nuisance.

3. The development shall be implemented in accordance with the details specified on the application form dated 8/12/2010 and the approved drawing reference numbers:

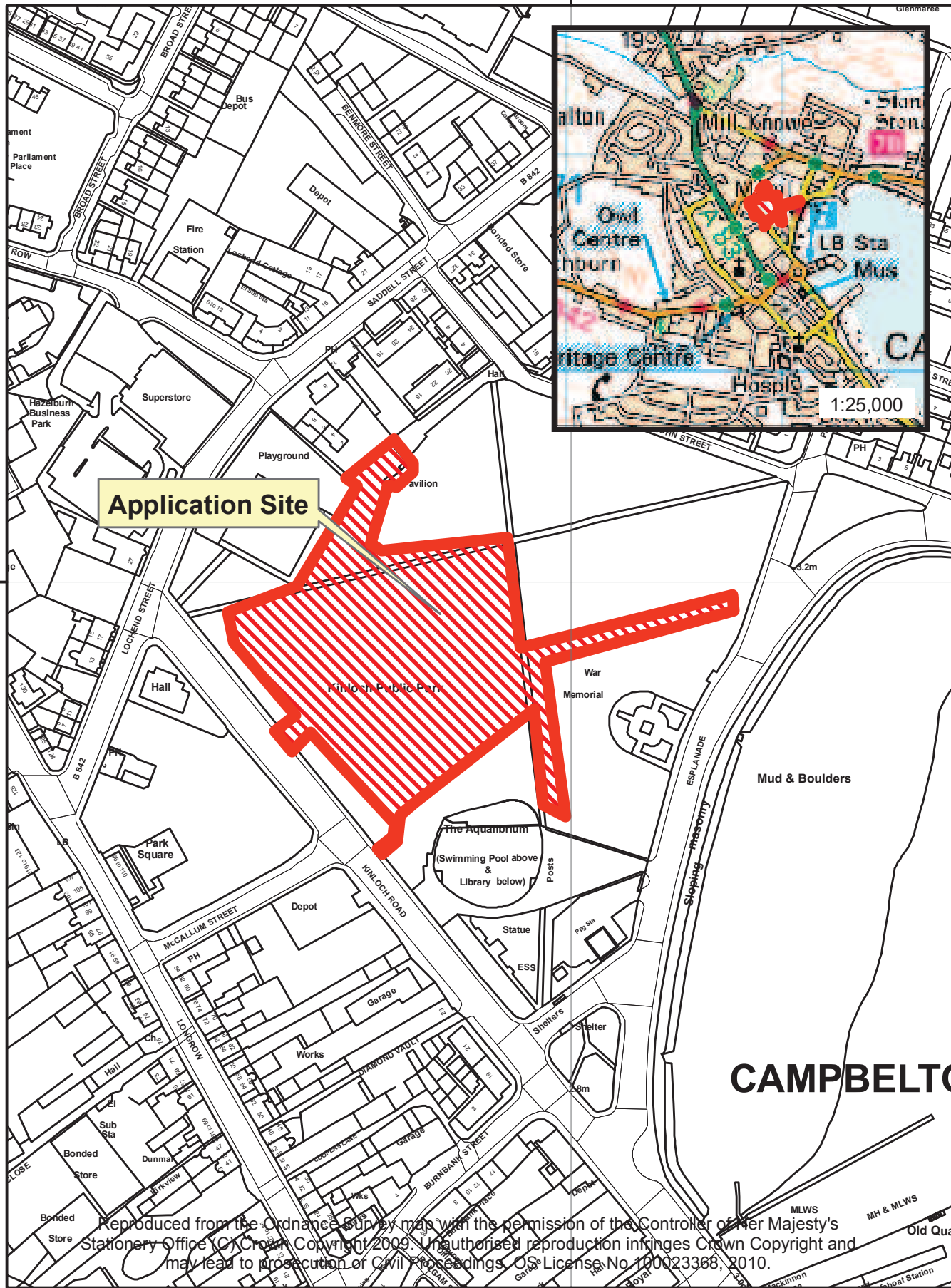
Plan 1 of 8 (Detailed Layout at scale of 1:500)
Plan 2 of 8 (Location Plan General Layout at scale of 1:1250)
Plan 3 of 8 (Fencing and Lighting Layout at scale of 1:1,000)
Plan 4 of 8 (Lighting Layout at scale of 1:1,000)
Plan 5 of 8 (15m Lighting Column at scale of 1:50 and 1:20)
Plan 6 of 8 (Sports Fencing Detail at scale of 1:50)
Plan 7 of 8 (Photograph)
Plan 8 of 8 (Photpgraph)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

4. All planting, seeding and landscaping as comprised in the approved details shall be carried out in the first planting season following the commencement of the development unless otherwise agreed in writing with the Council, as Planning Authority. Any trees which fail to become established, which die, are removed, which become seriously diseased or are damaged within ten years of planting, shall be replaced in the following planting season with equivalent sizes and species of trees as those originally required to be planted.

Reason: In the interests of visual amenity.



Application Site



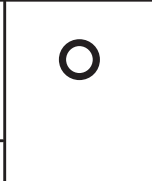
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**Location Plan relative to
Application Ref: 10/02037/PP**

Date: 18.02.2011

Scale: 1:2,500



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**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/02137/PP

Planning Hierarchy: Local Development

Applicant: Argyll Community Housing Association (ACHA)

Proposal: Extension to existing flatted development to form two additional residential units and formation of enclosed garden areas.

Site Address: 96 -110 Longrow, Campbeltown

DECISION ROUTE**Local Government Scotland Act 1973**

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

- Erection of 2 semi-detached town houses;
- Formation of parking areas;
- Formation of garden areas.

(ii) Other specified operations

- Connection to public water supply;
 - Connection to public waste water network
-

(B) RECOMMENDATION:

It is recommended that the application be approved subject to conditions listed in the report.

(C) HISTORY:

Although there is no formal planning history on the site, it is worth noting that the site formed part of a substantial flatted development of Council property until recently, since transferred to ACHA and subsequently demolished. A second application has been

submitted for the redevelopment of the remainder of the site and the site of the adjacent Council roads depot under reference 10/02153/PP.

(D) CONSULTATIONS:

Area Roads Manager (report dated 23rd February 2011) – refer to concerns expressed following discussion with the Council's Flood Alleviation Manager and object on flood risk grounds until agreement has been reached on the establishment of finished floor levels.

Comment: This concern pertains to the wider redevelopment of the site, but ought not to have implications for the extension of this existing block of property as extensions to existing buildings are outwith the scope of flood risk control as per Planning Advice Note 69 (Planning and Building Standards Advice on Flood Risk).

Scottish Water (letter dated 2nd February 2011) - no objection but advised that the applicant will be required to submit a Development Impact Assessment direct to Scottish Water on the event of the planning authority granting permission.

Public Protection (memo dated 31st January 2011) - no objections.

Health and Safety Executive (letter dated 4th February 2011) - no objections.

Historic Scotland (letter dated 31st January 2011) - no objections.

West of Scotland Archaeology Service (Email dated 31st January 2011) - no objections.

(E) PUBLICITY:

None

(F) REPRESENTATIONS:

None

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|-----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

Flood Risk Assessment

Summary of main issues raised by each assessment/report

The FRA set out the source of potential flooding and states the argument behind the proposed finished floor levels. In conclusion the FRA sets out that the proposed FFLs are appropriate to ensure properties will not be flooded

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements
STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design
LP HOU 1 – General Housing Development
LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision
LP HOU 4 – Housing Green-Space
LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards

(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 4/2009.

Argyll & Bute Sustainable Design Guidance (2006)

Affordable Housing Guidance Note (2007)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

Planning Advice Note (PAN) 69 (Planning and Building Standards Advice on Flood Risk)

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

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

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

(N) Does the Council have an interest in the site: Yes

(O) Requirement for a hearing: No

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

This proposal is to add additional units of accommodation to the northern end of the one original remaining three storey block of property at Park Square, Cambeltown, following the demolition of the remainder of the former Council flats on the adjacent land. The development is intended as a means of improving the overall appearance of the block, which at present, has unattractive gable ends in a prominent location on the approach into and out of the town centre. The application is associated with a larger redevelopment proposal for the remainder of the site plus land forming part of an adjoining former council depot, where a further 30 dwelling development is envisaged (10/02153/PP).

The development comprises appropriate infill/redevelopment within the local plan settlement boundary in accordance with Structure Plan policy STRAT DC 1. The Council's flood alleviation manager in consultation with the area roads engineer has raised concerns about prospective floor levels across the wider site and the extent to which they satisfy flood risk concerns. However, these two units constitute an extension to an existing block with levels determined by the level of the existing building. As extensions to existing buildings are outwith the scope of flood risk control, notwithstanding their concerns which are relevant to levels being established for the wider scheme, it is not an objection which can be substantiated in respect of the extensions proposed to this particular block.

The Health and Safety Executive has not raised objections in relation to the location of the development within the safeguarding zone for the nearby Transco gas storage facility at The Roding.

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

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

The proposal forms part of the rejuvenation of a vacant brownfield site in a prominent edge of centre location. The extensions proposed will enhance the appearance of an existing building and will assist in providing a positive gateway development for those leaving and entering Campbeltown to and from the North. The proposal conforms to the relevant development plan policies and that there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: David Love

Date: 28 February 2011

Reviewing Officer: Peter Bain

Date: 28 February 2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/02153/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Prior to the commencement of development full details of the external finishing materials including the roof covering shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be constructed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity, in order to ensure that the development integrates with its surroundings.

3. The development shall be implemented in accordance with the details specified on the application form dated 8/12/2010 and the approved drawing reference numbers:

Plan 1 of 12 (Site Plan as Existing at scale of 1:1000)
Plan 2 of 12 (Site Plan as Proposed at scale of 1:200)
Plan 3 of 12 (Park Square Flats Elevations as Existing at scale of 1:100)
Plan 4 of 12 (Park Square Flats as Existing at scale of 1:100)
Plan 5 of 12 (Block B Elevations as Proposed at scale of 1:100)
Plan 6 of 12 (Block B Ground Floor Plans as Proposed at scale of 1:50)
Plan 7 of 12 (Block B first Floor Plan as Proposed at scale of 1:50)
Plan 8 of 12 (Block B Second Floor Plan as Proposed at scale of 1:50)
Plan 9 of 12 (Block B Roof Plan as Proposed at scale of 1:50)
Plan 10 of 12 (Block B Section A-A as Proposed at scale of 1:50)
Plan 11 of 12 (Block B Section B-B as Proposed at scale of 1:50)
Plan 12 of 12 (Park Square Residential Drainage Scheme at scale of 1:200)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.

APPENDIX A – RELATIVE TO APPLICATION NUMBER 10/02137/PP

PLANNING LAND USE AND POLICY ASSESSMENT

(A) Settlement Strategy

The site is located within the 'settlement' zone for Campbeltown and is primarily subject to policy STRAT DC1 (Development within the Settlements) of the approved 'Argyll and Bute Structure Plan' 2002. The site lies within a wider area allocated as an 'Area for Action' (AFA) reference 14/4 in respect of town centre redevelopment which is intended to consider appropriate relocation/redevelopment opportunities and to consider townscape enhancement opportunities (particularly on the Kinloch Road and Longow frontages).

The principle of residential development on this site is considered acceptable in terms of the provisions of the development plan.

(B) Location, Nature and Design of Proposed Development

Historically the site formed part of a development of run down Council properties known as Park Square. These have been demolished in recent years and ACHA have an intention to replace those units with a more iconic development on the approach into Campbeltown.

This proposal forms a small part of that redevelopment, and is to erect an extension to either end of the single block of flats (Block B) retained when the other blocks were demolished, in order to create two dwellings. The overall development proposal is for the erection of 32 dwellings consisting of 30 flats over 4 blocks and 2 semi-detached units. In order to achieve this development and make best use of the site McCallum Street is being closed to through traffic and a former Council depot, located south of the original site, is being incorporated into the development area. The remainder of the development (30 units proposed) is subject to a separate application for planning permission (10/02153/PP).

Block A

This part of the development sits on Longrow at the north west section of the development site. This is a small extension onto an existing row of flats, the only section of the original Council housing not to be demolished. The original block consists of a 3-storey gabled building which is being refurbished and currently a terraced group of 4 houses. The extension will be 2-storey gabled building and will be connected via a low ridged modern link. Solar panels will adorn the roof with tiles and a precast stone will provide the external wall finish. The link will have a zinc cladding roof and will be an aluminium framed curtain wall. The extension will consist of 2 properties whilst the refurbishment will maintain the existing 4 units. Finished floor level (FFL) of this block will be 3.3m which is equal to the FFL of the existing units to which it is to be attached.

Block B

This application relates solely to the extension of Block B located in the uppermost North West corner of the site fronting onto Longrow. The proposal will add an additional 2 units, one to either end of the block, forming a corner unit consisting of a ground floor 1-bedroom flat with the upper 2 floors as a 2-bedroom flat. Externally the extension will

have a flat roofed semi-circular feature on the gable totalling 3-storeys in height sitting below the ridge line of the existing flats. The extension will be finished in sandstone with a zinc roof. The FFL of this block will be 3.3m which is equal to the FFL of the existing units to which it is to be attached.

(C) Built Environment

The site lies outwith but adjacent the Campbeltown Conservation Area and therefore the design and appearance of the development needs to be of a high quality. The proposal will also act as a gateway development for the town as it will sit adjacent the new main route through the town (permission having been previously granted for the formation of a link road between Longrow and The Esplanade). With this in mind, it is considered that the proposal achieves the high quality in design through the use of appropriate scale, massing and materials. The use of pre-cast stone will provide a traditional, high quality finish and the modern features to the blocks including the semi circular gable feature on block B, the use of solar panels and Juliet-style balconies provide a mix of traditional and modern elements that will make a positive impression to visitors and residents.

(D) Flood Risk

The site lies within the 1:200 coastal flood risk zone as per SEPA's indicative flood risk map. With this in mind, the applicant has commissioned a flood risk assessment in support of the proposed finished floor levels across the wider development site. In respect of the extensions forming this application, the levels are to be set at those of the existing block.

The Council's Flood Risk Officer has concerns over levels proposed in respect of the new buildings on adjoining land and does not consider them appropriate to alleviate the site of flood risk. With this in mind, the applicant has submitted details of more appropriate finished floor levels and has also provided details of FFL's of other buildings in the vicinity. The new proposed levels are set out below:

- Blocks A and B (subject of this application) 3.3m as an extension to an existing building;
- Blocks C - F: (subject of application 10/02153/PP) between 3.54m and 4.35m

Other buildings in the area measure from 2.85m (Longrow) to 3.85m (Aquililibrium). The ground levels within the development measure from 3m to 3.5m with the new road measuring from 2.93m to 3.62m.

It is clear from both SEPA and the Council's Flood Risk Officer that concerns over flood risk on the remainder of the development site could be addressed through a condition to agree FFLs in respect of application 10/02153/PP. As far as this application is concerned, it should be noted that extensions to existing buildings are outwith the scope of flood risk control, therefore the planning authority has no remit to require the raising of FFLs within blocks A and B which are the subject of this application. With this in mind despite the Council's Roads Department raising concerns in respect of the wider development on the grounds of flood risk, it is not an objection which can be substantiated in respect of the extensions proposed to this particular block.

(E) Archaeological Matters

West of Scotland Archaeological Service (WoSAS) has confirmed that the site does not contain any important remains.

(F) Road Network, Parking and Associated Transport Matters

The block of property being extended does not benefit from any parking provision and no dedicated car parking is proposed in connection with these two additional units. The site, is within easy walking distance of the town centre as it occupies an Edge of Centre location and as such is well served by public transport and pedestrian links. (It should be noted that the redevelopment of the adjoining land subject to planning application 10/02153/PP envisages the provision of 50 communal car parking spaces to serve the 32 unit development, inclusive of the two units which are the subject of this application).

(G) Infrastructure

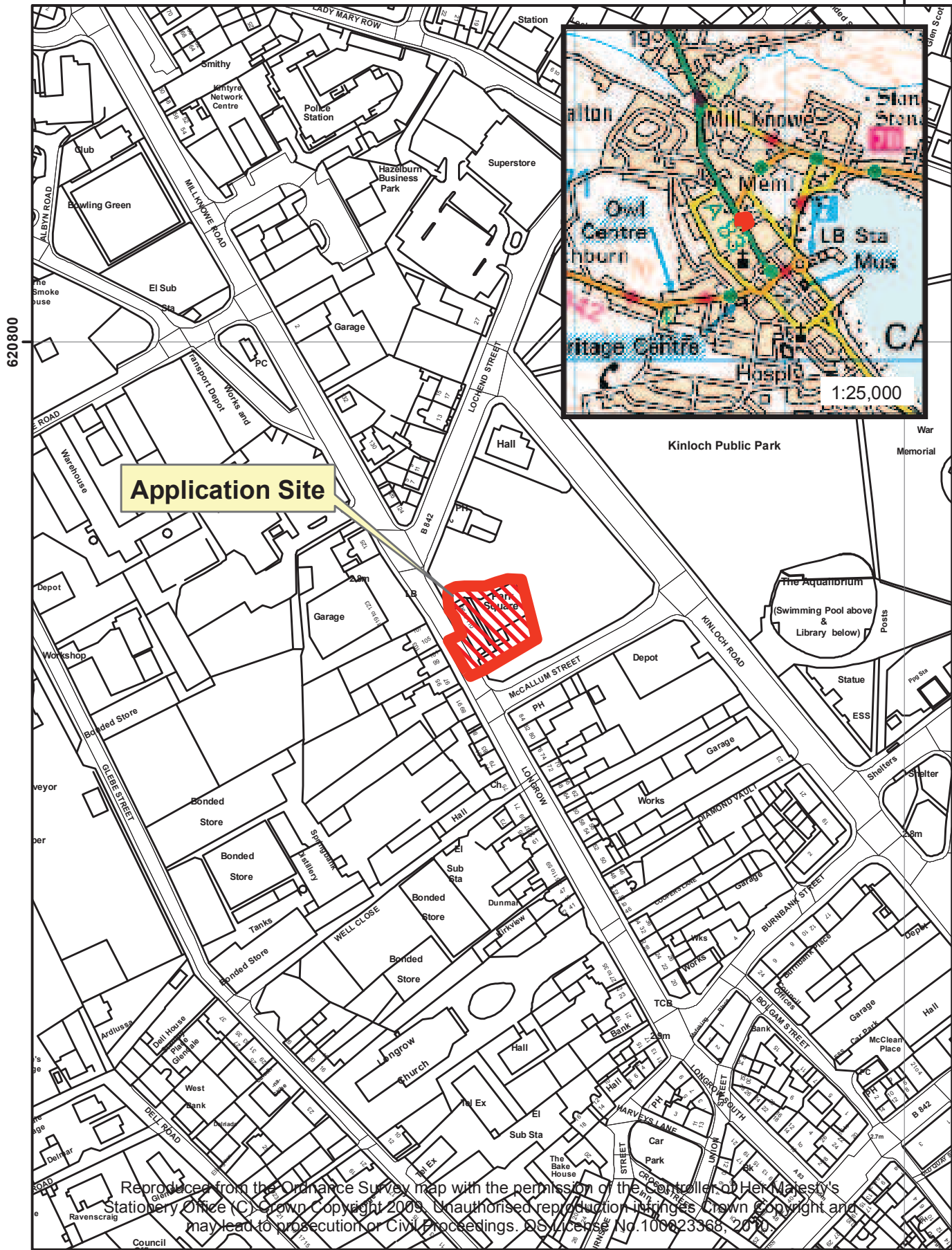
The development intends to connect to the public water supply and waste water systems. Scottish Water has not objected but has advised that further details will be required from the applicant prior to connection to their network.

A system of surface water drainage via SuDS is provided ensuring appropriate surface water drainage of the site. This system will ensure that surface water is kept off the access road.

(H) Other Key Policy Matters

The proposal lies within the safeguarding radius for the nearby Transco gas storage facility and as such the Health and Safety Executive has been consulted for their comments. As the site previously accommodated significant housing and works could have been undertaken to refurbish and continue to use this housing rather than demolition and rebuilding the H&SE has not objected to this proposal.

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620800

Application Site

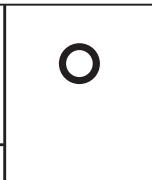
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**Location Plan relative to
Application Ref: 10/02137/PP**

Date: 18.02.2011

Scale: 1:2,500



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**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/02167/PP

Planning Hierarchy: Local Development

Applicant: Mr and Mrs G Nicholsby

Proposal: Erection of three timber cabins ('studicons') for holiday letting purposes

Site Address: Dundonald, North Connel, Oban

DECISION ROUTE**Local Government Act 1973**

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

- Erection of three timber cabins ('studicons') for holiday letting;
- Installation of access and parking area for 8 vehicles;
- Installation of private waste water system.

(ii) Other specified operations

- Removal of trees;
 - Connection to public water supply.
-

(B) RECOMMENDATION:

It is recommended that the application be granted subject to the conditions listed.

(C) HISTORY:

10/00658/PP – Erection of 4 chalets for holiday letting purposes - Withdrawn

(D) CONSULTATIONS:

Area Roads Manager (report dated 18th January 2011) no objection subject to conditions as outlined below:

- Access at junction of public road to be constructed in accordance with Roads Services drawing SD 08/004a,
- No walls, hedges, fences etc will be permitted within 2m from the channel line of the public road. Visibility splays measuring 53m x 2.4m to be cleared and maintained,
- A system of surface water drainage is required to prevent water from passing onto the public road,
- Parking and turning for six vehicles to be provided, and
- No access to Dundonald will be permitted from the new access.

Scottish Water (letter dated 17th January 2011) - no objection.

Public Protection Unit (memo dated 13th January 2011) - no objection subject to a condition covering external lighting.

Scottish Natural Heritage (Email received 13th January 2011) - no objection.

West of Scotland Archaeology Service (Email received 13th January 2011) - no objection.

Scottish Environment Protection Agency (letter dated 17th January 2011) - no comment.

Ardchattan Community Council (Email dated 31st January 2011) - objections on the grounds of unsuitable development in a residential area, intensity of traffic use on the main road and intensity of existing uses on land owned by the applicant.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 10th February 2011.

(F) REPRESENTATIONS:

12 objections have been received from:

Hazel M Robertson, Tigh Geal, North Connel, Oban PA37 1QZ
J Tollan, Birch Hill, Achnacreebeag, North Connel, PA37 1RE
SN Tollan, Birch Hill, Achnacreebeag, North Connel, PA37 1RE
Andrew Henderson, Birkmoss, North Connel, PA37 1RE
Doreen Henderson, Birkmoss, North Connel, PA37 1RE
Mrs Andrea Shuttleworth, Achnacreebeag, North Connel, Oban PA37 1RD
Dr Neil Bennett, Rowan House, North Connel PA37 1RE
Dr Donna Bennet, Rowan House, North Connel, PA37 1RE
Mr Norman Nicholson, Whitecroft, North Connel, Argyll PA37 1RE
Mr Richard Wilson, Rathan, North PA37 1RE
Ms Geraldine Deighan, Rathan, North PA37 1RE
Mr Geoff Miller, Stoneyburn, 1 Mossbank, North Connel PA37 1TD

Summary of issues raised

- The development could be noisy.

Comment: Holiday units are residential in nature do not generally involve excessive noise generation.

- The proposal is unsuitable for a residential area.

Comment: The local plan encourages tourist development in settlement zones. The proposal complies with this policy. Holiday accommodation is compatible with residential surroundings.

- Visual impact on surrounding area.

Comment: The proposed chalets will sit in a contained area, set behind the larger main dwelling house and backed by significant tree planting on rising ground to the north. Visual impacts associated with the development would be minimal.

- Overdevelopment on a small garden area.

Comment: The garden is of a significant size. The applicant has withdrawn a previous proposal for four units in favour of the current submission. On balance, it is considered that three units could be accommodated within the site, subject to significant tree retention, such that neighbouring properties will not be unduly affected.

- The 'studicons' are too small to provide adequate holiday accommodation.

Comment: This is not a material planning consideration. It is for the applicant to decide whether or not the accommodation proposed is suitable for the intended purpose and whether or not the proposal is viable.

- Road safety issues

Comment: The Council's Roads Department are content with the safety of the access subject to conditions.

- Loss of habitat and trees

Comment: Although there will be a loss of some mature trees, planning conditions could secure the retention of the majority of trees and secure replacement planting for those trees requiring to be felled to make way for the development. The site is not covered by any landscape or habitat designation. Neither SNH nor the Council's Biodiversity Officer have objected to the proposals.

- Infrastructure unsuitable for increased load.

Comment: It is assumed this relates to waste water infrastructure. The application includes provision of a biodisk system discharging to the loch to which Scottish Environment Protection Agency have not objected

- Conditions would not be adhered to.

Comment: This is speculation and it would be for the Council to enforce any non-compliance.

- There are bats on the site.

Comment: The department has no evidence of the presence of bats on site. Neither SNH or the Council's Biodiversity Officer has raised concerns in this regard.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

- | | | |
|-----|--|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|--|----|

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 7 – Development Impact upon Trees/Woodland

LP ENV 19 – Development Setting, Layout and Design

LP TOUR 1 – Tourist Facilities and Accommodation, including Caravans

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
 LP TRAN 6 – Vehicle Parking Provision

Appendix C – Access and Parking Standards

- (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 4/2009.**

The Town & Country Planning Act (Scotland) 1997
 The Planning etc. (Scotland) Act, 2006
 SPP, Scottish Planning Policy, 2010

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No
(O)	Requirement for a hearing (PAN41 or other): Although there has been significant local opposition, the issues do not raise complex policy or technical issues which would warrant a hearing in this case.	No.
(P)	Assessment and summary of determining issues and material considerations	

The site is located within the local plan 'settlement' boundary of North Connel in the garden ground of the property known as 'Dundonald'. Policy STRAT DC 1 of the 'Argyll and Bute Structure Plan' 2002 supports 'appropriate infill, rounding-off and redevelopment within settlements'. In the context of this application, the proposal may be considered 'appropriate infill development' insofar as the structures are relatively small scale in the context of a large rear curtilage where domestic outbuildings would be permissible. Although the proposal would result in tandem development in circumstances where this is not a feature of the established settlement pattern in the immediate locality, the fact that the rear garden area is well contained would limit the presence of the buildings and any influence upon the character of the surrounding area as a whole. Although there is an absence of backland development, the nature and scale of the three units is such that they would be subservient to 'Dundonald' within a single plot, as opposed to plot sub-division and therefore they would not represent the introduction of second tier development which might otherwise erode the character of this part of North Connel. Furthermore, Local Plan policy encourages tourism development within the 'settlement' zone and therefore the principle of tourist accommodation associated with residential areas is accepted.

The location of the cabins will be to the rear of the house. The main property is of significant size set within a significant wooded garden area and the timber cabins will remain subservient to this. The trees will provide a backdrop to the studicons and allow the creation of a setting that will minimise their impact on the built and natural environment. Although the main settlement pattern is of single tier adjacent the main road it is considered that this development does not encourage a second tier development in that it does not involve plot sub-division but a development that is more akin to that of outbuildings subservient to the main house.

The proposal will involve the felling of 14 trees but it should be noted these trees are in a back garden situation, are not protected by means of a Tree Preservation Order, and the majority of trees within the site are shown for retention and this can be secured through planning conditions. Without the effect of planning conditions, there is no current control over trees within the site. It is also proposed to include a landscaping and boundary treatment condition to any consent to ensure the loss of these trees is duly compensated as part of the development.

The proposal consists of 3 No. small timber chalets known as 'studicons' each measuring 6.96m x 12.19m x 5.2m. A 'studicon' is a chalet style self-catering cabin for holiday accommodation purposes. Each 'studicon' will have 2 bedrooms and an open plan kitchen, lounge and dining area.

The external walls will be finished in timber and the roof in metal. Final details of these materials should be controlled by planning condition.

The 'studicons' will sit in the garden ground of 'Dundonald' which is a substantial private dwelling house with an extensive garden area. The 'studicons' at their closest will be 10m from the main house but sited at an angle to avoid any undue privacy impacts.

With regard to neighbouring properties there are no direct interfacing windows and a combination of existing trees and additional planting will ensure that privacy of adjacent garden spaces will not be compromised. Notwithstanding the removal of the trees which is necessary to accommodate these units, this will remain a well contained site which will not have adverse implications for its immediate surroundings or in terms of the appreciation of the wider landscape setting of the application property and the surrounding buildings.

No details of external lighting have been provided, however the Council's Environmental Health Department has requested that all proposed external lighting be approved in writing by the Council prior to installation. Due to the location of the proposal and proximity to neighbouring properties, such a condition would be appropriate in this instance.

It is proposed to supply parking for 8 vehicles and a new access road separate from the one serving 'Dundonald'. Visibility splays can be achieved within the scope of the application and conditions are proposed to ensure they are kept clear.

It is intended to connect to the water supply network and provide a private waste water treatment system.

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

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

1. The proposal will not have an undue detrimental impact on neighbouring properties;
2. The proposal will provide a tourist facility;
3. The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: David Love

Date: 23/2/2011

Reviewing Officer: Stephen Fair

Date: 23/2/2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/02167/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Prior to the commencement of work on site, the vehicular access at the junction of the public road leading to the site shall be formed in accordance with Argyll & Bute Council Roads Department drawing number SD 08/004 with the access details as shown on the submitted drawing from the new back edge of the carriageway and shall have visibility splays of 2.4m x 53m in both directions formed from the centre line of the proposed access. Prior to work starting on site, these visibility splays shall be cleared of all obstructions over 1.05m in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over 1.05m in height in perpetuity.

Reason: In the interest of road safety, in order to ensure that the proposed house is served by a safe means of vehicular access.

3. The proposed access will not provide any form of access to the property known as 'Dundonald' and will provide access only to development hereby approved, unless otherwise first agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

4. Prior to the commencement of development, full details of all external finishing materials shall be submitted to and approved in writing by the Planning Authority. The development shall be completed in strict accordance with the approved details prior to the initial use of the holiday letting units hereby approved, and shall be so maintained thereafter in perpetuity.

Reason: In the interests of visual amenity, in order to ensure that the development integrates with its surroundings and maintains the landscape character of the area.

5. The development shall not begin until details of a scheme of boundary treatment, surface treatment and landscaping works have been submitted to and approved in writing by the Council, as Planning Authority: Details of the scheme to include:

- i) location, design and material finish of any walls, fences, hedges and gates;
- ii) surface treatment of means of access and hardstanding areas.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority, within six months of the initial use of the holiday letting units hereby approved. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting season following the initial use of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity, in order to integrate the development with its surroundings and maintain the landscape character of the area.

6. The three holiday letting units hereby approved shall be used for holiday occupation only and shall not be occupied by any one person, family or group for any more than three months in any one calendar year, unless otherwise agreed in writing by the Planning Authority.

Reason: In accordance with the use applied for, and by virtue of the close proximity to each other and to the main dwellinghouse, by reason of its siting and lack of curtilage the holiday units would be unsuitable for use as permanent residential accommodation.

7. Prior to work starting on site, full details of any external lighting to be used within the site or along its access shall be submitted to and approved in writing by the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. The development shall be completed and maintained in strict accordance with such details as are approved.

Reason: In order to avoid the potential of light pollution infringing on surrounding land uses/properties.

8. No development shall commence on site until details of a Sustainable Urban Drainage System (SUDS) have been submitted and approved by the Planning Authority in writing. Such details shall include a drainage layout plan which shall include full details of the surface and foul water discharge from the site and shall include any mitigation measures required to address surface water run off from the site. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: To ensure that there is a satisfactory drainage system in place for the development in the interests of health and amenity.

9. The development shall be implemented in accordance with the details specified on the application form dated 22nd December 2010 and the approved drawing reference numbers:

Plan 1 of 7 (Location Plan at scale NTS)
Plan 2 of 7 (Location Plan at scale not specified)
Plan 3 of 7 (Site Plan as Proposed at scale of 1:500)
Plan 4 of 7 (Elevations, Floor Plans, Roof Plans, Site Plan at scale of 1:100)
Plan 5 of 7 (Elevations, Floor Plans, Roof Plans, Site Plan, Location Plan at scale of 1:100, 1:1,500 and 1:10,000)
Plan 6 of 7 (Part Site Plan Dimensions to Boundary at scale of 1:200)
Plan 7 of 7 (Photograph)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

10. From the date of this permission, and with the exception of the trees shown on the approved plans for removal, no trees within the site shall be lopped, topped, felled or otherwise damaged without the prior written consent of the Planning Authority.

Reason: To protect the established wooded setting of the site in the interests of nature conservation and to minimise the visual impacts associated with the development.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.



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Location Plan relative to Application Ref: 10/02167/PP

Date: 21.02.11

Scale: 1:2,500



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**Argyll and Bute Council
Development & Regulatory Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00007/PP

Planning Hierarchy: Local Application

Applicant: Argyll and Bute Council

Proposal: Alterations to Colquhoun Square including alterations to road layout, formation of service accesses, provision of parking spaces and hardstanding, installation of street furniture, cycle stands and bollards and provision of landscaping

Site Address: Colquhoun Square, Helensburgh

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Alterations to road layout including re-alignment of road and formation of parking bays and service accesses;
- Change of Use from road to public open space;
- Associated works including hardstanding, installation of street furniture, cycle stands and bollards and provision of landscaping.

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

It is recommended that planning permission be approved subject to the attached conditions and reasons.

(C) HISTORY: None

(D) CONSULTATIONS:

Roads Engineer	07.02.2011	no objections
Scottish Water	19.01.2011	no objections

(E) PUBLICITY: Conservation Advert (expiry date 11.02.2011)

(F) REPRESENTATIONS:

Four letters of objection have been received from the following:

David Morrice, Flat 9, 12 Colquhoun Square, Helensburgh (email dated 24/01/2011)

Johnathan Clinch and Anne Stanley-Whyte, McArthur Stanton Solicitors, 22-24 Colquhoun Square, Helensburgh (letter dated 01/02/2011)

Claire Craig Flat 2/2, 24 Colquhoun Square, Helensburgh (email dated 03/02/2011)

Brian Ashman, Flat 2/2, 52 West Princes Street, Helensburgh (email dated 05/02/2011)

The West Kirk, Colquhoun Square submitted a list of queries relating to the application. A meeting was held and these questions answered and as such they do not wish to object.

One further letter of objection was received, but no contact details were submitted and as such it cannot be recorded.

(i) Summary of issues raised

The reduction in greenery will diminish the town centre both aesthetically and environmentally.

Comment: See my assessment below

The 'useable space' in the north end of the square will presumably be for public events. These events can be noisy and may cause considerable disturbance to residents of the Square.

Comment: Colquhoun Square is a well used amenity space at the heart of the town centre. It has been used for a number of events such as Farmers Markets without a detrimental impact on the amenity of adjoining residents or the wider area. Any disturbance arising from noise associated with events or other public use of the square would be subject to evaluation under Public Protection Legislation.

On street parking for residents of the square is limited and without additional parking around the square there will be even greater demand on parking in the streets nearby.

Comment: The Area Roads Manager has no objections. An associated traffic management scheme is proposed for the town centre.

Will the new stonework be maintained and regularly cleaned as otherwise the square could start to look shabby?

Comment: Maintenance of stonework by the Council would not be necessary other than very occasionally or in response to any damage arising. Maintenance regimes for structures are not material planning considerations

It seems pointless creating a 'cafe culture' in the square when we do not have the necessary weather.

Comment: This is not a material planning consideration.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements
STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 13a – Development Impact on Listed Buildings
LP ENV 19 – Development Setting, Layout and Design

LP TOUR 1 – Tourist Facilities and Accommodation, including Caravans

LP TRAN 3 – Special Needs Access Provision
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

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

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

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

(N) Does the Council have an interest in the site: Yes

(O) Requirement for a hearing (PAN41 or other): No

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

Planning permission is sought for various alterations to Colquhoun Square, Helensburgh, including the re-alignment of the road, landscaping works and the installation of street furniture. These are part of the CHORD project and, in part, form the basis for the regeneration of Helensburgh's Town Centre, focussing on the square. Various other works are planned for other parts of the town centre and for Helensburgh Esplanade; however these do not form part of this current application.

The town centre at present is dominated by traffic, with Colquhoun Square, the central focus of the town, having two main roads running through it, namely Colquhoun Street and West Princes Street. As such, the proposals are intended reduce traffic movement within the square and therefore enhancing pedestrian movement, creating an event space and enhancing public use of this important resource.

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

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

It is considered that the proposed development is acceptable and accords with Local Plan Policies. Reducing the amount of traffic flow within the square and the creation of event space and the general regeneration of the area will enhance the character and appearance of the area, which is in accordance with Policies LP ENV 1, LP ENV 19 and Appendix A of the Argyll & Bute Local Plan. The enhancement of the square will positively contribute to the setting of the adjacent listed buildings and the monuments within the square and as such is in accordance with Policy LP ENV 13(a) of the Argyll & Bute Local Plan. The formation of spaces for public art, events and the pedestrianisation of most of the square will allow for an informal space used for residents and visitors alike. It is hoped that this will facilitate events and provide an attractive town centre which would help to boost tourism and trade in the area and as such is in accordance with Policy LP TOUR 1 of the Argyll & Bute Local Plan.

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

N/A

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

Author of Report: Stephanie Glen

Date: 23/02/2010

Reviewing Officer: Howard Young

Date: 23/02/2011

**Angus Gilmour
Head of Planning & Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/00007/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 06/01/2011 and the approved drawing reference numbers GA(004) REV A, TD(90)06 REV B, TD(90)07 REV B, TD(90)08 REV B, D(90)09 REV B, TD(90)09 REV B, TD(90)10 REV B, TD(90)11 REV B, D(90)011 REV B, D(90)014 REV A, L(90)004 REV E, LA(90)014 REV C, LA(90)015 REV A and LA(90)016 REV A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. Development shall not begin until samples of materials to be used in the construction of hard surfaces have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

NOTES TO APPLICANT

1. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
2. 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.
3. An application is required to be submitted in accordance with the Roads Scotland Act 1984 in respect of proposed alterations to the existing road layout.
4. An application to promote the new Traffic Regulation Orders and amend the various existing TRO's is required.
5. Please see attached letter from Scottish Water dated 19 January 2011.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/00007/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the 'settlement' boundary for Helensburgh and within Helensburgh Town Centre as defined by the adopted Local Plan. Within this area there is a presumption in favour of development subject to certain site specific criteria being met.

B. Location, Nature and Design of Proposed Development

The development will take place within the Colquhoun Square area of Helensburgh Town Centre. The area at present is the focal point of the town centre and is surrounded on all sides by flatted properties and tenement blocks with shops, cafes and local businesses on the ground floors. The square has two main roads running through it in a cross section, Colquhoun Street running north to south and West Princes Street running from east to west, with four grassed areas with flower beds to each corner. The south quarters of the square are pedestrianised with the north quarters giving vehicular access in a one way system.

The proposal is to pedestrianise most of the square by removing the Colquhoun Street access and re-aligning West Princes Street to form a curved road through the square. This will allow the upper part of the square to be used for events and the lower part of the square to be a more informal landscaped area. The curve of the road will also act as a traffic calming measure.

The north of the square will be slabbed in natural stone with flush granite kerbs. Trees will be planted to the east and west side of this section and plinths will be formed to the upper section to allow public art to be displayed. Vehicular access will still be taken around the perimeter of the square for the church and the various businesses.

To the north of the square, part of the area will be slabbed as with the top section, but a large amount to the east and west of this section will be grassed and landscaped. Some trees will also be planted to the east and west section. Within the whole square, new lampposts, bollards, benches and other street furniture will be sited.

C. Built Environment

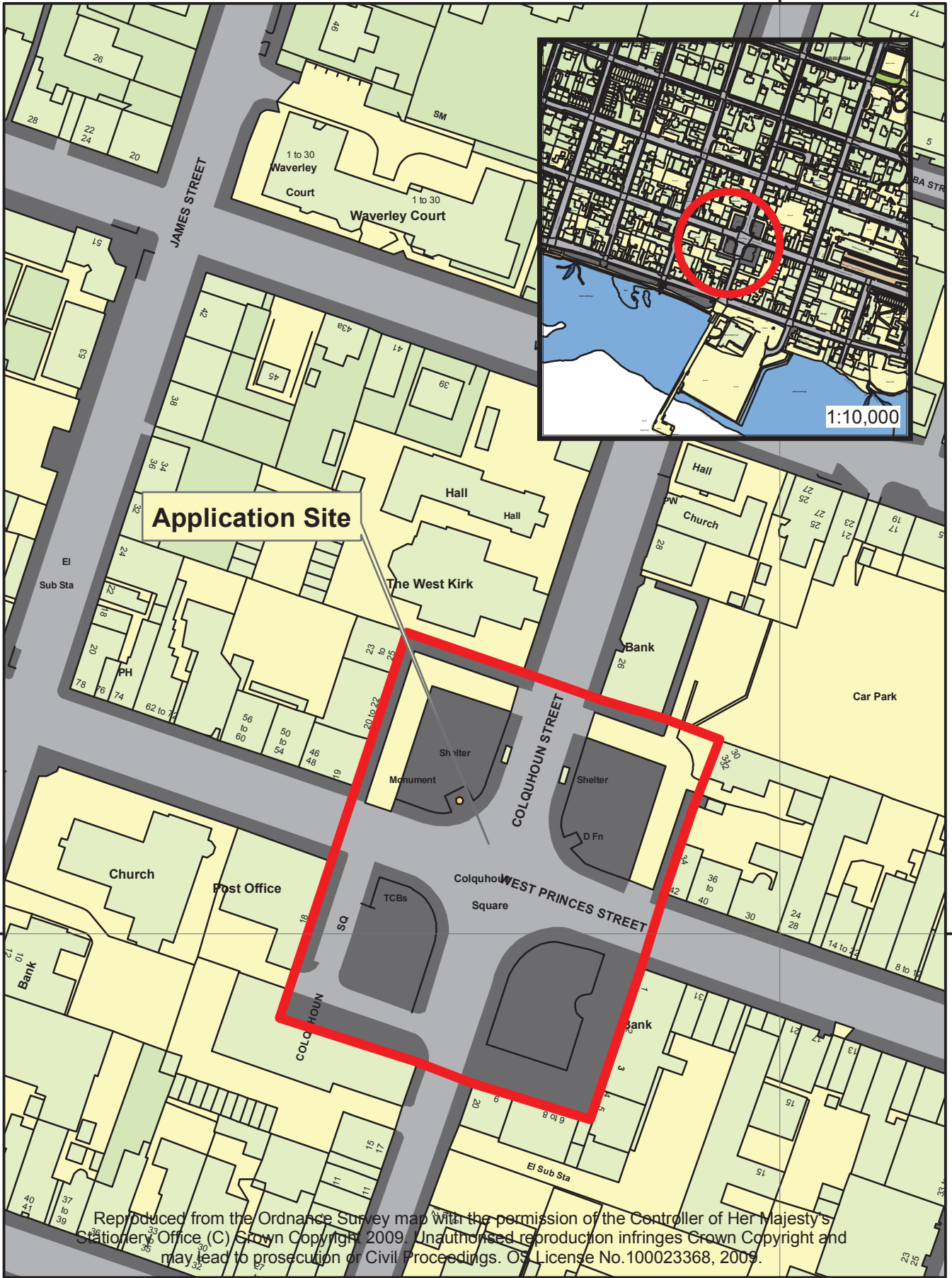
Immediately adjacent to the site lie a number of listed buildings, namely the West Kirk at 27 Colquhoun Square, flats at 19 – 25 Colquhoun Square, the Bank of Scotland and the Post Office building. Within the square the Celtic Cross is listed. The Celtic Cross will remain in situ and is not to be relocated and its setting will therefore not be affected. It is not considered that the proposed works will affect the setting of the listed buildings adjacent to the square. The works will open up the square giving more room for pedestrians to roam and as such will give better views to the listed buildings. No structures will be erected on the square and high quality materials will be used to enhance the square itself, in turn enhancing the setting of the listed buildings and the listed monuments.

D. Road Network, Parking and Associated Transport Matters.

The CHORD project has been through various consultations with the Council's Roads Department and as such the Area Roads Manager has no objections to the proposal. The changes made to the road layout have taken into consideration access needs for the local church and businesses and well as that of pedestrian safety. A shared surface will be used which will encourage drivers to be more vigilant with a one way system being put in place to the north side of the square. These measures form part of a wider traffic management plan set in place for Helensburgh Town Centre and the Esplanade, most of which is not included within this application, as it constitutes 'permitted development' not requiring to be the subject of a planning application.

E. Conclusion.

It is considered that the proposed development is acceptable and accords with Local Plan Policies. Reducing the amount of traffic flow within the square and the creation of event space and the general regeneration of the area will enhance the character and appearance of the area, which is in accordance with Policies LP ENV 1, LP ENV 19 and Appendix A of the Argyll & Bute Local Plan. The enhancement of the square will positively contribute to the setting of the adjacent listed buildings and the monuments within the square and as such is in accordance with Policy LP ENV 13(a) of the Argyll & Bute Local Plan. The formation of spaces for public art, events and the pedestrianisation of most of the square will allow for an informal space used for residents and visitors alike. This is hoped to facilitate events and provide an attractive town centre which would help to boost tourism and trade in the area and as such is in accordance with Policy LP TOUR 1 of the Argyll & Bute Local Plan.



Application Site

1:10,000

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**Location Plan relative to
Application Ref: 11/00007/PP**



Date: 16.03.2011

Scale: 1:1,250

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Argyll and Bute Council
Development and Infrastructure Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00132/PP

Planning Hierarchy: Local

Applicant: Mr and Mrs T. A. A. Dance

Proposal: Alterations and extensions / repositioning of LPG tank

Site Address: Barremman, 24 Straid A Cnoc, Clynder G84 0QX

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of rear extension to living room;
- Erection of porch to rear;
- Relocation of LPG tank.

(ii) Other specified operations

- § Extension of parking area to front.
-

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to conditions.

(C) HISTORY:

01/01338/DET – Erection of conservatory. Approved 5/9/01.
06/02294/DET – Alterations and extension to dwelling. Approved 11/12/06.

(D) CONSULTATIONS: None

(E) PUBLICITY:

ADVERT TYPE: Regulation 20 Advert Local Application
EXPIRY DATE: 04.03.2011

(F) REPRESENTATIONS:

One letter of objection has been received from:

Stirling and Gilmour, 13 West Princes Street, Helensburgh G84 8TF on behalf of Malcolm G W Macgregor and Robert A Macgregor (letter dated 18/2/11).

This letter advises that part of the land on which the development is to be built is within the ownership of the clients noted above.

Comment: This issue was raised with the applicants who have advised in writing that the land which forms the application site is all within their ownership. Any further dispute would therefore be a civil matter between the parties involved.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
 - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
 - (iii) **A design or design/access statement:** No
 - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
-

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design

LP HOU 5 – House Extensions

Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

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

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

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

(N) Does the Council have an interest in the site: No. However, the applicant is a Member of the Council and therefore in accordance with the Council's approved Scheme of Delegation the application requires to be determined by Committee rather than by officers acting under delegated powers.

(O) Requirement for a hearing (PAN41 or other): Not required

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

Planning permission is sought for the erection of 2no. rear extensions to a dwelling and the relocation of an existing LPG tank. The two extensions to the rear comprise a small porch leading in to the existing utility room and an extension to the existing lounge. The

porch would have a small flat roofed section and the lounge extension would have a pitch with a gable end.

The LPG tank would be relocated further to the north at the front of the site and would be concealed behind the boundary wall causing no visual amenity problems. This would allow the front on-site parking area to be extended.

The design of the extension would be in keeping with the style of the existing house and would raise no privacy issues.

The proposal would therefore be consistent with Policies LP ENV1, LP ENV19 (including Appendix A) and Policy LP HOU5.

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

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

The LPG tank would be relocated in a concealed location which would cause no problems of visual amenity. The design of the extension would be in keeping with the style of the existing house and would raise no privacy issues. There are no other material considerations, including matters raised by third parties, which would warrant anything other than planning permission being granted.

The proposal would therefore be consistent with Policies LP ENV1, LP ENV19 (including Appendix A) and Policy LP HOU5.

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

Not applicable

(T) Need for notification to Scottish Ministers or Historic Scotland: Not required.

Author of Report: Sandra Davies

Date: 07.03.11

Reviewing Officer: Richard Kerr

Date: 07.03.11

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/00132/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 26 January 2011 and the approved drawing reference numbers 2163.11, 2163.12, 2163.13, 2163.14, 2163.15 and 2163.16 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

NOTES TO APPLICANT

1. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
2. 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.

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Location Plan relative to Application Ref: 11/00132/PP

Date: 16.03.2011

Scale: 1:1,250



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**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00184/PP

Planning Hierarchy: Local Development

Applicant: Mr Ivor Ingram

Proposal: Erection of garden shed

Site Address: Land adjacent to 20 Jarvisfield Road, Salen, Isle of Mull

DECISION ROUTE**Local Government Scotland Act 1973**

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

- Erection of garden shed

(ii) Other specified operations

- Erection of timber gate (less than 1m high)
-

(B) RECOMMENDATION:

Having due regard to the development plan and all other material considerations, it is recommended that planning permission be granted subject to the attached conditions.

(C) HISTORY:

None

(D) CONSULTATIONS:

None

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 10th March 2011.

(F) REPRESENTATIONS:

None received at time of writing.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
-

(H) PLANNING OBLIGATIONS

- | | |
|--|----|
| (i) Is a Section 75 agreement required: | No |
|--|----|
-

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment
 LP ENV 19 – Development Setting, Layout and Design

- (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 4/2009.**

Town & Country Planning Acts 1997 and 2006
 Scottish Planning Policy 2010

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

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

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

(N) Does the Council have an interest in the site: Yes

(O) Requirement for a hearing (PAN41 or other): No

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

This is an application for planning permission for the erection of a small timber garden shed on land adjacent to 20 Jarvisfield Road, Salen, Isle of Mull.

The garden shed is intended to serve the tenant of 18 Jarvisfield Road, who at present cannot accommodate a garden shed within their garden due to size constraints and limitations imposed on through the tenancy agreement. The proposed area of ground that is intended to be used for the erection of the proposed shed is within the Council's ownership.

The shed will measure 3.0 metres by 2.4 metres and will be constructed of brown timber boarding with a green steel box section roof. The height to the ridge of the roof will be 2.1 metres. There will be a door on the south elevation and a window on the west elevation.

It is intended to situate the proposed shed on an area of open grassy ground immediately adjacent to 20 Jarvisfield Road at the end of the cul-de-sac. Immediately

beyond the location of the proposed shed to the west and north is a large wooded area. 13 Jarvisfield Road lies some 9.8 metres to the south. The shed is approximately 2.5 metres from the garden boundary of 20 Jarvisfield Road to the east. The proposed shed will be well screened from 20 Jarvisfield Road by an existing hedge some 2.5 metres in height. A timber fence currently bounds the open area of ground from the end of the cul-de-sac and it is intended to install a timber gate on this fence in order to facilitate access to the proposed shed.

Given the material finishes and small scale of the proposed shed, along with the established wooded backdrop, it is considered that the proposal will not have a detrimental impact on neighbouring properties or the streetscene. Therefore the proposal is in accordance with policies LP ENV 1 and LP ENV 19 of the adopted 'Argyll and Bute Local Plan'.

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

(R) Reasons why planning permission should be granted

The proposed shed is of a suitable form, scale and design which ensures it will not detract from the streetscene or impact on the privacy and amenity of neighbouring properties and will integrate successfully into the landscape.

The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1 and LP ENV 19 of the adopted Argyll and Bute Local Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Andrew Barrie **Date: 23/02/11**

Reviewing Officer: Stephen Fair **Date: 23/02/11**

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/00184/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 1st February 2011 and the approved drawing reference numbers:

Plan 1 of 2 (Location plan)
Plan 2 of 2 (Drawing Number ING/11/01A)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the planning authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997(as amended), 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.

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Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00210/PP

Planning Hierarchy: Local Development

Applicant: Dunbritton Housing Association

Proposal: Erection of a four storey residential building comprising twelve two bedroom flats.

Site Address: 'Scrambles', Upland Road, Garelochhead

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of four storey residential building comprising twelve two bedroomed flats;
- New vehicular access;
- Gabion basket retaining wall;
- Car parking;

(ii) Other specified operations

- Connection to existing public water main and sewer.
-

(B) RECOMMENDATION:

Having due regard to the development plan and all other material considerations, it is recommended that planning permission be granted subject to the attached conditions.

(C) HISTORY:

10/00385/PP - Erection of a four storey residential building comprising twelve two bedroom flats (Pending consideration).

(D) CONSULTATIONS:

Area Roads Manager (awaiting response) -

Scottish Water (letter dated 14 February 2011) - no objection

SEPA (letter dated 22 February 2011) – no objections

Public Protection (memo dated 18 February 2011) – a site investigation was undertaken which revealed elevated levels of metals and hydrocarbons. No objections subject to conditions requiring a remediation scheme.

Defence Estates Safeguarding (letter dated 13 July 2010 on previous application) – the proposal falls within the outer safeguarding zone at Coulport. MoD has no objections provided the building can withstand 5.2 Kilopascals should an incident occur.

Access Officer (1st March 2010 associated with previous application) – A path crosses the site and this should be incorporated in the development and diverted as necessary.

(E) PUBLICITY:

Regulation 20 Advert – expiry date 4 March 2011

(F) REPRESENTATIONS:

23 letters of objection were received in respect of the original application submitted 10/00385/pp, principally objecting to the scale and design of the building being out of character with its surroundings, adverse traffic and drainage implications and the presence of land contamination.

To date, 19 objections have been received in respect of this new application from the following:

Mr J D Leishman, 16 Upland Way, Garelochhead (letter by e-mail dated 28/02/2011)

Janet Barry, 2 Upland Road, Garelochhead, G84 0BB (e-mail dated 27/02/2011)

Martin Croft, Mayfield, Old School Road, Garelochhead (letter dated 27/02/2011)

R. McRobie, 4 Park Avenue, Garelochhead (letter dated 28/02/2011)

Mrs M. McRobie, 4 Park Avenue, Garelochhead (letter dated 28/02/2011)

J. Halliday, 85 Feorlin Way, Garelochhead, G84 0DL

C. Colquhoun, 37/6 Feorlin Way, Garelochhead, G84 0DL

Kathryn Taylor, 5 Dunivard Place, Garelochhead, G84 0AA

Klaus & Ann Robertson, Avoch, Station Road, Garelochhead, G84 0DB

Colin Taylor, Kilmory Upper Villa, Garelochhead, G84

Margaret McLeod, 1b Euston Place, Garelochhead, G84 0AQ

Gordon MacKenzie, 2 Dunivard Place, Garelochhead, G84 0AA.

Mr Gareth Wilson, Heatherbank, Station Road, Garelochhead, G84 0DU.

Hazel M MacKinnon, Caerphilly Cottage, Garelochhead, G84 0AR

Karen Taylor, Gowanlea, Garelochhead, G84 0DF

Mary Gray, Woodburn, Garelochhead, G84 0EG

Mr. C. H. Smith, Socair, Portincapple, Garelochhead, G84 0ET

Allan Scott, 2 Rosslyn Buildings, Garelochhead, G84 0AH

The grounds of objection may be summarised as follows:

1. The building will be visually overbearing. It is an inappropriate design for the village as the proposed development is totally incongruous with the neighbouring properties and indeed all properties within the village. The proposed building's height, mass and design is such that it will be detrimentally imposing for those in the immediate area and for those in the middle and far distance which by the very nature of its design and prominence would impair the visual amenity for village and neighbouring residents. Therefore, the design is contrary to Argyll and Bute Council's Sustainable Design Guidance 2 as directed by PAN 68 the Larger housing developments; action plan checklist (pg 8) , section (1.3) Good siting , section (1.4) Adopting a settlement pattern suited to location and section (1.11) Neighbourhoods, Argyll and Bute Local Plan: Policy LP ENV 1, Policy LP ENV 19, Appendix A and Argyll and Bute Structure Plan 2002 STRAT DC 1, STRAT DC 8 and STRAT HO 1.

Comment: See my assessment.

2. Concerns regarding the increased traffic that would result from this proposed development site both as a product of the construction and development phase and latterly the occupancy as this area of the village is already subject to congestion and often reduced to singular lane traffic movement due to street parking, bearing in mind there is only one available access/egress to this area of the village through a challenging section of road. Would also raise concerns relating to the provision of special needs access within the development and also between the site and the local amenities given the steep gradients that have to be negotiated and where there is no public means of transport provided.

Comment: The Area Roads Manager has no objections.

3. There are concerns regarding the drainage from this site due to the natural rocky terrain this proposed development is being considered for. The gradient and natural lay of land will direct water down towards the main access route to this part of the village. With the car parking area to be met in accordance with Argyll and Bute Structure Plan 2002 –'Car Parking Standards' and subsequent surface finishing, this could see a great deal more surface water being routed to the main access route with potential for flooding at lower levels and severe icing conditions in colder periods. In turn this will be hazardous to vehicular movement for both private and emergency vehicles and am concerned as to whether this meets the requirements of a Sustainable Urban drainage system (SUDS) and a flood risk assessment surface water calculation.

Comment: A condition is attached requiring details of a SuDS scheme.

4. Concerns regarding the prior contamination of this site and the immediate higher ground to the rear of this proposed development with the potential for movement of contamination through site development and the potential for this to impact on areas out

with the site.

Comment: The Area Environmental Health Manager was consulted and has recommended 3 conditions regarding appropriate remediation.

5. The location of Garelochhead has been afforded a wealth of surrounding natural beauty through its landscape, panoramic views and its sea loch all of which has given much pleasure to its residents for many years and for local business an opportunity to embrace tourism with the aspirations to further enhance these opportunities in line with policy and assistance from Argyll and Bute Council with its promotion of our local area as an area of natural beauty. The proposed development would therefore generate a departure from policy and would be contradictory with the aims of these aspirations as the visual amenity of our natural landscape would be spoilt, creating a legacy that the community can ill afford.

Comment: The application site is a brownfield site which makes little contribution to the amenity of adjoining properties or the surrounding area. As such its sympathetic redevelopment will have a minor but positive impact both on the local area and its tourism potential.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|-----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | Yes |
| (iv) | A report on the impact of the proposed development | No |

(H) PLANNING OBLIGATIONS

- | | | |
|-----|--|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|--|----|

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP HOU 2 – Affordable Housing

LP HOU 4 – Housing Green Space

LP SERV 1 - Private Sewage Treatment Plants and Wastewater Systems

LP TRAN 1 – Public Access and Rights of Way

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Argyll & Bute Sustainable Design Guidance (2006)

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

Planning permission is sought for the erection of a four storey residential building comprising twelve affordable two bedroom flats. The application site extends to 3685 square metres, is within the settlement boundary and sits at the end of a residential estate comprising terraced and detached houses in a mix of modern styles.

The site was formally a nightclub which has since been demolished. An earlier scheme submitted under application 10/00385/PP showed a 4 storey, largely flat roofed building. Despite its footprint it read from each elevation as a square block. This, combined with its mix and irregular pattern of fenestration, meant that despite it being a brownfield site and in an area of little architectural merit, it was considered unacceptable in terms of its design. This amended scheme retains a similar shaped footprint of 1048 square metres and 4 storeys, but shows a mix of pitch and mono pitch roofs and a mix of finishes.

The proposed flats will be accessed off Hepburn road and 24 parking spaces are proposed. Two trees will be removed and landscaping undertaken. Given the sloping nature of the site retaining walls are proposed and the flats will connect to the existing public water supply and public drainage infrastructure.

The site is subject to 'Argyll and Bute Structure Plan', 2002 Policy STRAT DC 1 'Development within the Settlements' where there is a general presumption in favour of appropriate development. The proposal accords with this policy as it is 'medium scale' in terms of policy LP HOU 1 and compatible with the surrounding residential area.

The Council's 'Sustainable Design Guidance' gives advice on how to approach sustainable urban infill. It offers three possible solutions. The first is contemporary landmark which is sensitive design of a high architectural quality which is essentially of a different architectural style to the buildings surrounding it. The second option is a design which more obviously is based on the architecture of the buildings adjacent. Finally, there is traditional design. Given that there is no prevailing architectural character in the surroundings of the site, it is not essential that development should necessarily seek to reinforce the scale or appearance of those buildings, and accordingly despite being taller than nearby buildings, a four storey design is considered acceptable. The previous flat roof design emphasised the box like and functional nature of the proposed building and was not considered appropriate to its surroundings. In this amended scheme, whilst the pitched and mono-pitched roofs add height, they also add shape and break up the bulk and regularity of the building. In conjunction with the mix of materials, it is considered that they add value and interest to the design.

Policy LP ENV 1 seeks to ensure that a proposed development is considered acceptable in terms of its impact on the natural, human and built environments, whilst Policy LP ENV 19 requires proposals to meet high standards with regards to setting, layout and design. This proposal accords with those policies as it is considered to be of an appropriate form, location and scale. The proposal does not raise any adverse privacy or amenity issues, with no issues of overlooking or overshadowing arising.

Policy LP HOU 1 states that there is a general presumption in favour of appropriate residential development unless there is an unacceptable environmental, servicing or access impact. This proposal is 'medium scale' residential development within Garelochhead which is categorised as a 'small town/village' by the local plan where development of up to 'large scale' will be supported. It does not give rise to unacceptable environmental servicing or access impacts.

Policy SERV 1 seeks to ensure that new residential developments are either connected to a public sewer or where that is not possible connected to a suitable waste water scheme. This development utilises a public sewer connection.

Policy TRAN 6 ensures that vehicle parking shall be provided in accordance with car parking standards as set out in Appendix C of the local plan. Parking provision for 24 cars has been shown on the plans and the proposal therefore accords with this policy.

Taking the above assessment into account, I consider that the proposal accords with the development plan and recommend that planning permission be granted.

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

(R) Reasons why planning permission should be granted

The proposal is acceptable in terms of location, setting and design. The proposal raises no adverse privacy and amenity issues. The proposal accords with policy STRAT DC1 of the structure plan and policies LP ENV 1, LP ENV 19, LP HOU 1, LP SERV 1 and LP TRAN 6 of the adopted local plan. No objections have been received.

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

N/A

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

Author of Report: Howard Young

Date: 23 February 2011

Reviewing Officer: Richard Kerr

Date: 25 February 2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/00210/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997

2. The development shall be implemented in accordance with the details specified on the application form dated 29/01/2010 and the approved drawing reference numbers L(P)001, L(P)0011, L(P)0012, L(P)0013, L(P)0051, L(P)0052, L(P)0100, L(P)0101, L(P)0102, L(P)0103, L(P)0104, unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. The development hereby approved shall only be implemented and subsequently factored 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).

Reason: To ensure the provision of affordable housing to the standard required by the development plan in the absence of any other agreed means of securing such provision.

4. Development shall not begin until samples of materials to be use (on external surfaces of the buildings and/or in constriction of hard standings/walls/fences) have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

5. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, and the provision of a Sustainable Urban Drainage System (SuDS) The scheme shall be prepared in accordance with the advice given in Planning Advice Note 61 (PAN 61) 'Planning and Sustainable Urban Drainage Systems' and the 'SuDS Design Manual' (CIRIA C697). The development shall be implemented in accordance with the duly approved surface water drainage system.

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

6. Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply (and/or public sewer).

Reason: In the interests of public health and to ensure the availability of an adequate water supply (and/or drainage system) to serve the proposed development.

7. A detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that contamination issues on the site have been fully investigated and dealt with.

8. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that contamination issues on the site have been fully investigated and dealt with.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7 which shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

Reason: In order to ensure that contamination issues on the site have been fully investigated and dealt with.

10. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:

(a) Completion of the scheme during the planting season next following the completion of the building or such other date as may be agreed in writing with the Planning Authority.

(b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping.

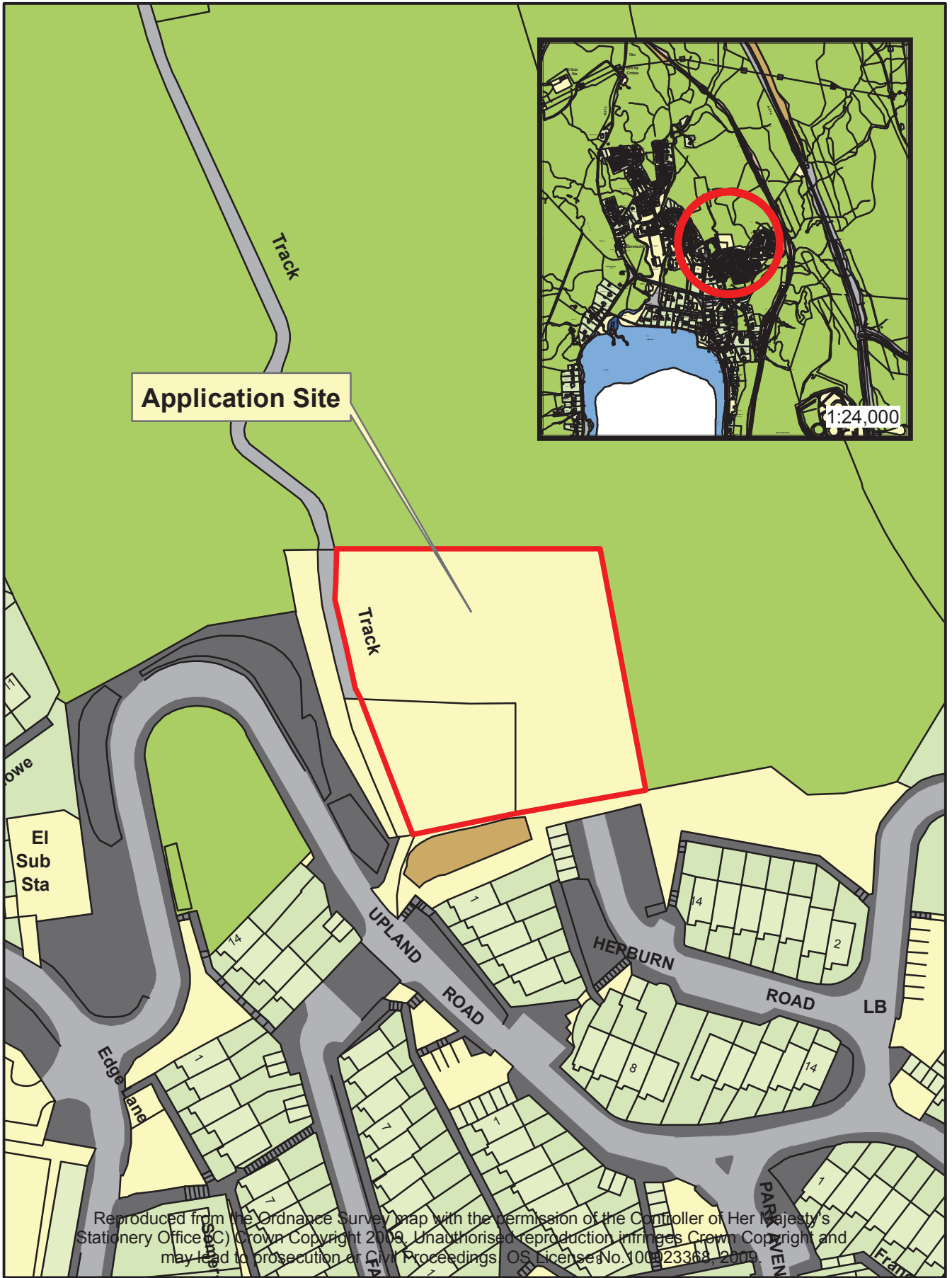
11. No development shall be commenced until details of how the existing footpaths crossing the site are proposed to be incorporated within the development, and details of any realignment and the construction and surfacing details of the footpath(s) have been

submitted to and have been approved in writing by the Council as Planning Authority. No development which interferes with pedestrian access through the site shall be commenced until an alternative route has been agreed and this route has been implemented. Thereafter the route shall be maintained available for public use.

Reason: To safeguard established access rights across the development site.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the planning authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997(as amended), 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.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.
- Please note that MoD has no objections provided the building can withstand 5.2 Kilopascals should an incident occur. In the interests of public safety the building should be constructed so as to provide the recommended blast resistance.



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Location Plan relative to Application Ref: 11/00210/PP

Date: 16.03.2011

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DEVELOPMENT AND INFRASTRUCTURE SERVICES**PLANNING PROTECTIVE SERVICES AND LICENSING
COMMITTEE**

16 MARCH 2011

**PROVISIONAL TREE PRESERVATION ORDER AT UPPER GLEN FYNE PARK,
ARDRISHAIG (TPO 1/11)**

1. SUMMARY

- 1.1 This report seeks approval of a provisional Tree Preservation Order in respect of mature trees growing on land within a landscape corridor with footway connections within the Upper Glenfyne Park residential estate of Ardrishaig. The Council has received representation in support of such an Order.

2. RECOMMENDATION

It is recommended, having regard to an assessment of the trees within this area and the contribution which they make both to landscape and amenity that a Provisional Tree Preservation Order be made in respect of the affected trees, the details of which are specified in the attached plan. It is recommended that the Order should be tree specific in relation to a few specified trees as shown on that plan, as opposed to an Area or Woodland Order.

**3. DETAILS OF PROVISIONAL TREE PRESERVATION ORDER 01/11 : UPPER
GLEN FYNE PARK, ARDRISHAIG**

- 3.1 The trees in question are mature, are of significant height, and are growing within an open space/landscape corridor used as a footway route which leaves the road system opposite 1 Glenfyne Terrace and leads to the rear of the Columba Court properties, connecting then into the Robbers Den area. This corridor has a width of about 25 metres and within this primarily open rough grass / shrub corridor the relevant trees are approximately located between 1-5 and 21-24 Upper Glenfyne Park. This site contains a number of trees, as defined on the attached plan, along with mixed species scrub. The trees are located along the edge of the site to the rear of but not included in the gardens of the houses in this former Council estate.
- 3.2 The corridor appears to be used as a throughway to the proposed Robbers Dens core path. Anecdotally, the trees are said to house a bat colony and various other wildlife, including owls, as reported by members of the public.
- 3.3 Within the corridor there is additionally a large open relatively flat area of unmaintained grassland. This would not be included in any preservation order as there are no trees on it.

3.4 A significant driver in the placing this Order on these individual trees is to add value to the proposed core path route they adjoin. Whilst the trees themselves, individually, are not necessarily good specimens, they form a screen for adjacent housing add to the amenity of the area, and assist in a the landscape setting for the immediate part of the adjoining housing estate. From the opposite side of Loch Gilp, in conjunction with the trees at Robbers Den they assist in bringing relief to this built up part of Ardrishaig. The intention of subjecting them to a Tree Preservation Order is to secure the role they play in respect of their surroundings, rather than seeking to protect individual trees as quality specimens.

4.0 CONCLUSION

4.1 Accordingly for all the above reasons it is considered that there are relevant reasons for the making of this Provisional Tree Preservation Order.

5.0 IMPLICATIONS

Policy:	The proposed TPO's are consistent with policies in the Council's development plan.
Financial:	None
Personnel:	None
Equal opportunities:	None
Legal:	None

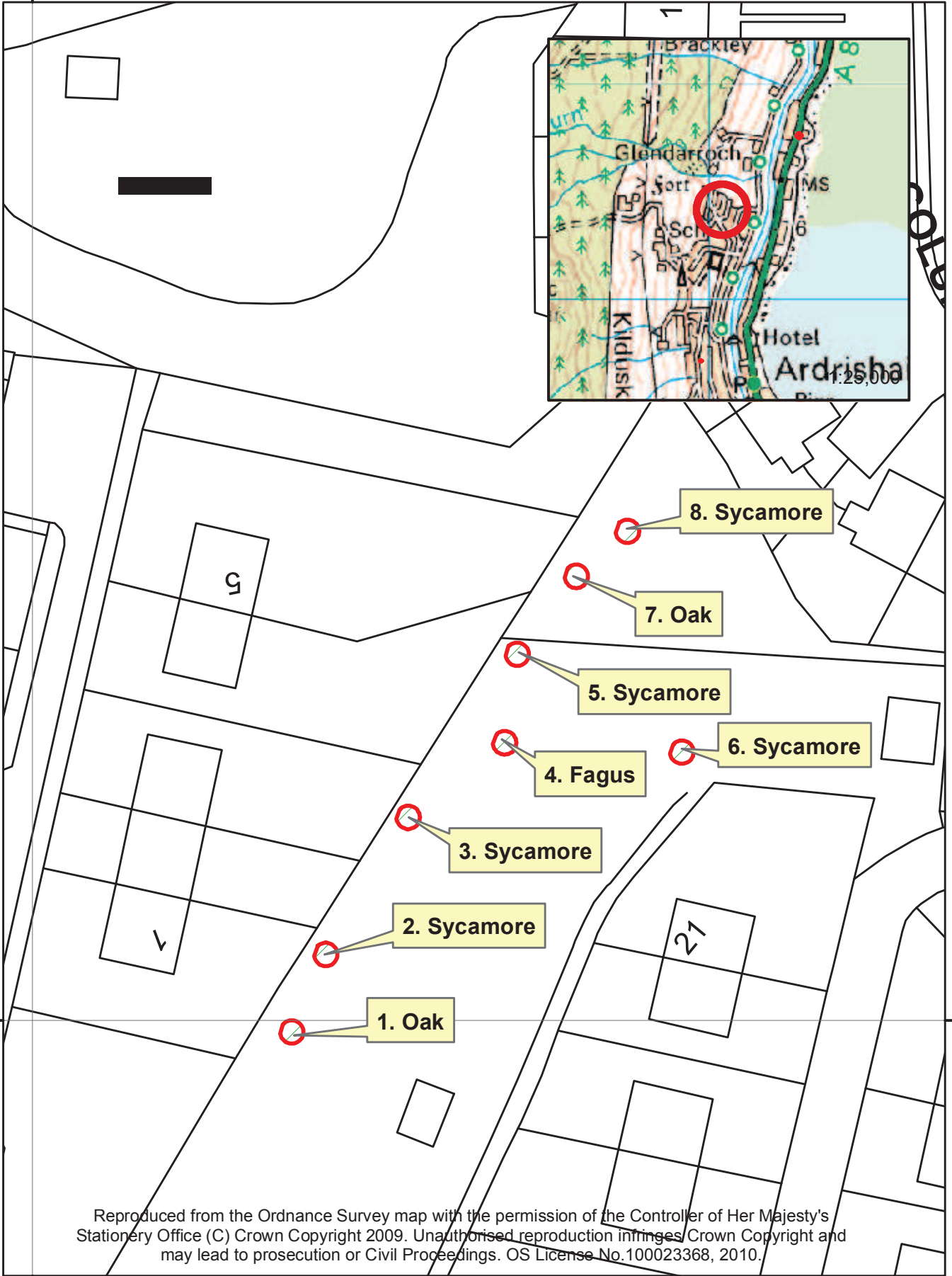
Report Author: Derek Hay 01546 604083

Reviewing Officer: Richard Kerr 01546 604845

Angus Gilmour

Head of Planning and Regulatory Services

28 February 2011



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Plan relative to Upper Glenfyne - Ardrishaig Provisional TPO Number: 1/11

Date: 24.02.2011

Scale: 1:500

0 1.5 3 6 9 12
Meters

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**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 09/00786/OUT

Planning Hierarchy: Major

Applicant: Allan Campbell

Proposal: Erection of 37 residential units, upgrade of existing access road, creation of open space and restoration of burial ground

Site Address: Middle Innens, Tighnabruaich

SUPPLEMENTARY REPORT NO.2

1.0 INTRODUCTION

- 1.1 The purpose of this report is to advise Members of a proposed change of the terms of the section 75 legal agreement associated with the above proposal.
- 1.2 Members will recall that following a discretionary local hearing on 10 August 2010, that the Committee resolved to grant permission subject to the prior conclusion of a section 75 agreement with the following Heads of Terms:

A section 75 agreement is required in order to secure the provision of affordable housing on this site. In terms of Policy LP HOU 2, nine affordable houses are required and these shall be required by means of the following options:

Shared Equity - *Provision of on-site affordable residential units by means of a shared equity scheme. Shared equity is where the owner purchases part of the dwelling, with the remaining stake retained by the developer or passed to a Registered Social Landlord (RSL). The following should apply to shared equity houses:*

- *The defined properties marketed to first time buyers, and to be used as their main residence in the first instance.*
- *The shared equity discount on the asking price should reflect the threshold of affordability within the Bute and Cowal area.*
- *The shared equity scheme to be approved by the Council as Planning Authority and should allow purchasers to secure up to a 75%, but no less than 50%, share in the equity of the property, the remaining share being held by the developer, or an approved RSL for a period of not less than 10 years.*
- *Affordability, based on local market conditions.*

Housing for Rent – the rents require to be controlled at a level based at an equivalent rent for an affordable house provided by a Registered Social Landlord in the area. These should be index linked and maintained in perpetuity.

Self Build Plots – Administered through a Rural Home Ownership Grant Scheme (RHOG) administered through Communities Scotland.

Phasing

The development shall be phased so that the first affordable house shall be provided no later than the occupation of the 7th house on site. Thereafter each additional house shall be provided no later than following the completion of every 4th house.

2.0 The Proposed Amended Terms of the Legal Agreement

2.1 The level of affordable housing to be provided, namely 9 units out of 37, is not being contested by the applicant, it is purely the point at which these have to be delivered through the development phase which is problematic in terms of the economics of the development.

2.2 Three main factors are cited as contributing to the exceptional costs which will be associated with developing this particular site. These are:

- § Topography
- § Highway Alignment
- § Buildability and Cost

2.3 **Topography:** The site is steeply sloping, rising by over 45 metres in height from the access point on the A8003. The underlying bedrock is sandstone, mudstone and granite with a shallow top soil.

2.4 **Highway Alignment:** The construction of residential roads will require considerable cuts into the underlying bedrock to reduce gradients. The initial access road will also require deep cuts into rock which could be up to 6.5 metres to achieve a road gradient of no more than 1 in 10.

2.5 **Buildability and Cost:** The implementation of the development would require extensive cuts of underlying bedrock and the removal of sandstone will require the use of heavy duty ripping and breaking plant, although in parts the use of blasting or chemical rock erosion may be required.

2.6 It is argued that the costs of cutting and removing the rock material for the access and development roads alone will be considerable and that the excavation of rock carried a premium of circa £51 per cubic metre over the cost of excavation in soils, compared with £20 per cubic metre for a conventional site where rock cut is not required. In addition, the cost of disposal of excess cut to a tip or other site depends on the distance travelled. Based upon an anticipated distance of 30km, the disposal cost would be circa £34 per cubic metre.

2.7 Hence, the premium uplift against a 'flat site' for the construction of roads would be in excess of £1 million, whilst a worst case scenario would be in excess of £2.4 million where the site level as a whole requires to be reworked to create a more viable development platform.

2.8 In addition to the roads infrastructure, the agent has noted a number of further significant costs relating to this particular site. These are:

- Cost of connection to the public sewerage main - £150,000;
- The restoration of the burial ground - £100,000;
- The provision of open space and future maintenance of play equipment - £150,000;
- The provision of swales and SUDS storage capacity - £200,000.

2.9 Much of the infrastructure associated with this development has to be delivered up-front, and it has been estimated by the agents that approximately 80% (equating to £2.4 million) would need to be allocated prior to the occupancy of the first dwelling. There are therefore exceptional development costs associated with this site which the agents estimate will equate to approximately £100,000 per unit.

2.10 It is on this basis that it is requested that the Heads of Terms of the section 75 be amended so that the affordable housing trigger point is raised from the delivery of the 7th mainstream unit to the delivery of the 15th mainstream unit, at which point 4 affordable units would be delivered. Thereafter it is proposed that the applicant delivers an affordable unit for occupancy no later than after every 3rd mainstream unit completed.

3.0 ASSESSMENT

3.1 During the course of discussions with the applicant, various other options for the delivery of affordable housing were explored. Provision of the affordable units on another site in Tighnabruaich did not prove feasible in this case, because there is no land in the locality which the applicant controls, or which has the benefit of planning consent and is deliverable. The alternative of the payment of a commuted sum, which the applicant has indicated he would be willing to consider, has the major disadvantage that it is most unlikely that the money would be spent in Tighnabruaich and the benefit of this planning gain would be likely to be felt elsewhere and would thus not address the need for affordable housing in this area.

3.2 Taking account of the above, it is considered that a relaxation in the phasing requirements of the section 75 presents the best option for this site, particularly in ensuring that affordable homes are delivered in Tighnabruaich. Later commencement in the provision of affordable units inevitably raises the prospect of a developer only implementing the first phase of a development and never reaching the trigger point for the affordable units. However, in this case, the scale of the up-front costs are such that it is inconceivable that once development had been commenced that developer would not implement the development in full, as it will be necessary to apportion the abnormal up-front costs across the implementation of the development as a whole, otherwise the development would not be financially viable.

3.3 It should be noted that the developer has indicated that the current suggested terms of the agreement are such that the development would not be viable on that basis, and that he would not be prepared to implement the development on the basis of the original terms, purely on the basis of financial considerations.

3.4 It is accepted that there are unique challenges associated with the development of the site and it is considered that in the light of the circumstances outlined above, the applicant's request to vary the terms of the agreement, as proposed, is not unreasonable.

4.0 RECOMMENDATION:

- 4.1 It is recommended that Members agree to a change to the phasing aspect of the Heads of Terms of the proposed Section 75 agreement, namely that the affordable housing trigger point is raised from the delivery of the 7th mainstream unit to the delivery of the 15th mainstream unit, at which point 4 affordable units would be delivered. Thereafter, it is proposed that the applicant delivers an affordable unit for occupancy no later than after every 3rd mainstream unit completed.

Report Author: Sandra Davies 01436 658884

Reviewing Officer: Richard Kerr 01546 604845

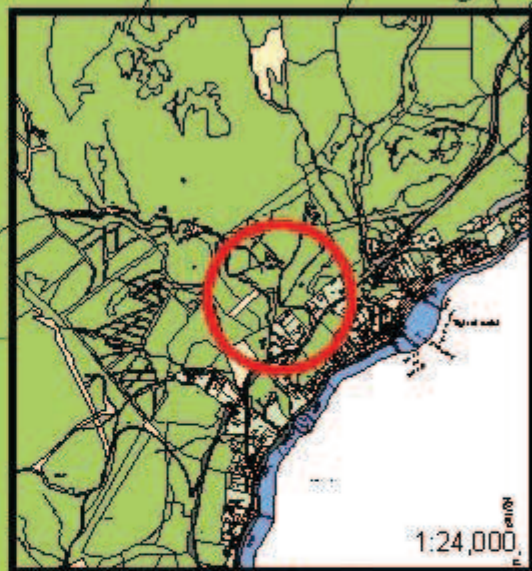
**Angus Gilmour
Head of Planning and Regulatory Services**

25 February 2011

197800

673600

673600



Application Site

672800

672800

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Shingle and Boulders

197800



Location Plan relative to Application Ref: 09/00786/OUT

Date: 21.05.10

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Argyll and Bute Council
Development and Infrastructure Services

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
16 MARCH 2011

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISIONS

A) INTRODUCTION

This report advises of appeal decisions by the Scottish Government Directorate for Planning and Environmental Appeals relative to the case set out below

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISIONS

PLANNING APPEAL DECISION –PPA-130-2019– Dismissed
ENFORCEMENT NOTICE APPEAL ENA-130-2003– Dismissed
Change of use of dwellinghouse to family mediation centre
Athole Cottage, 20C Wellington Street, Dunoon

Planning application 10/01036/PP was refused following a hearing by notice dated 26 October 2010 on the grounds that:

- (a) the use would adversely affect the privacy and amenity of the neighbouring properties and would introduce an incompatible and incongruous use into a quiet residential area, and
- (b) the operation of the centre would materially increase the use of the access lane which has substandard width and insufficient visibility splays to accommodate the likely volume of traffic with a consequent detrimental impact on road safety.

An Enforcement Notice was served on 3 November 2010.

Appeals against the refusal of planning permission and enforcement notice were submitted to Scottish Ministers in December 2010.

The Reporter concluded that there would be insufficient parking for the proposed use and that road safety would be diminished. He also considered that increasing the level of vehicular activity on the private lane throughout the day on six days of the week would harm the quiet residential character of the area and the amenity of local residents. He therefore dismissed the appeal against the refusal of planning permission.

The Reporter also dismissed the enforcement notice appeal and upheld the enforcement notice, which therefore takes effect from 24 February 2011. The Notice allows a period of 6 months for compliance.

D) IMPLICATIONS

Policy: None

Financial: None

Personnel: None

Equal Opportunities: None

Author and contact officer: David Eaglesham 01369 708608

**Angus J Gilmour
Head of Planning**

28th February 2011

ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE****EXECUTIVE DIRECTOR OF
CUSTOMER SERVICES****16 March 2011**

**PROPOSED STOPPING UP ORDER, MACCALLUM STREET,
CAMPBELTOWN**

1. SUMMARY

- 1.1 Part of the Campbeltown CHORD project relates to the redevelopment of the housing site owned by Argyll Community Housing Association Limited (hereinafter referred to as “ACHA”) at Park Square, Campbeltown, and of the Roads Depot at the nearby Kinloch Road which the Council are to convey to ACHA. The proposed layout of the site will involve the stopping up of MacCallum Street which is shown delineated within the boundaries coloured red and hatched in red on the plan annexed hereto, with part of this area being incorporated into the residential development and part forming an access road to be upgraded as part of the ACHA development with said access to be adopted by the Council at a later date. Authority is hereby sought to make a Stopping Up Order utilising the powers contained in Section 207 of the Town and Country Planning (Scotland) Act 1997.

2. RECOMMENDATION

The Council is recommended to –

authorise the Executive Director of Customer Services to make a Stopping Up Order under the provisions of Section 207 of the Town and Country Planning (Scotland) Act 1997 in relation to MacCallum Street, Campbeltown shown delineated within the boundaries coloured red and hatched in red on the plan annexed hereto and to take all necessary steps in relation thereto, and that as soon as possible in the event that Planning Permission is granted for the residential development on land encompassing part of said road in accordance with Planning Application Reference 10/02153/PP.

3. BACKGROUND

- 3.1 The Council as Planning Authority has powers in terms of Section 207 of the Town and Country (Planning) Scotland Act 1997 to make an order authorising the stopping up of a road which is not a trunk road or a special road provided by the Scottish Government under the Roads (Scotland) Act 1984 if they are satisfied that it is necessary to do in order to enable the development to be carried out in accordance with a Planning permission granted in terms of the 1997 Act.

- 3.2 Part of the Campbeltown CHORD project relates to the proposed redevelopment of the housing site owned by ACHA at Park Square, Campbeltown, and of the Council's Kinloch Road Depot which the Council are to convey to ACHA. The proposed layout of the site will necessitate the stopping up of MacCallum Street shown delineated within the boundaries coloured red and hatched in red on the plan annexed hereto, with part of this area being incorporated into the residential development and the other part to form part of access road to be upgraded by ACHA and adopted by the Council at a later date. Accordingly, it will be necessary to make an order authorising the stopping up of the relevant section of road, in the event that planning permission is granted for the proposed development under planning reference 10/02153/PP. The Director of Development and Infrastructure approves of the making of such an order.

4. CONCLUSION

- 4.1 It is appropriate and necessary for the Council to make a stopping up order in respect of the road and that as soon as reasonably practicable after the grant of planning permission for the residential development of the site encompassing the said area of road.

5. IMPLICATIONS

POLICY: None

FINANCIAL: None

PERSONNEL: None

EQUAL OPPORTUNITY: None

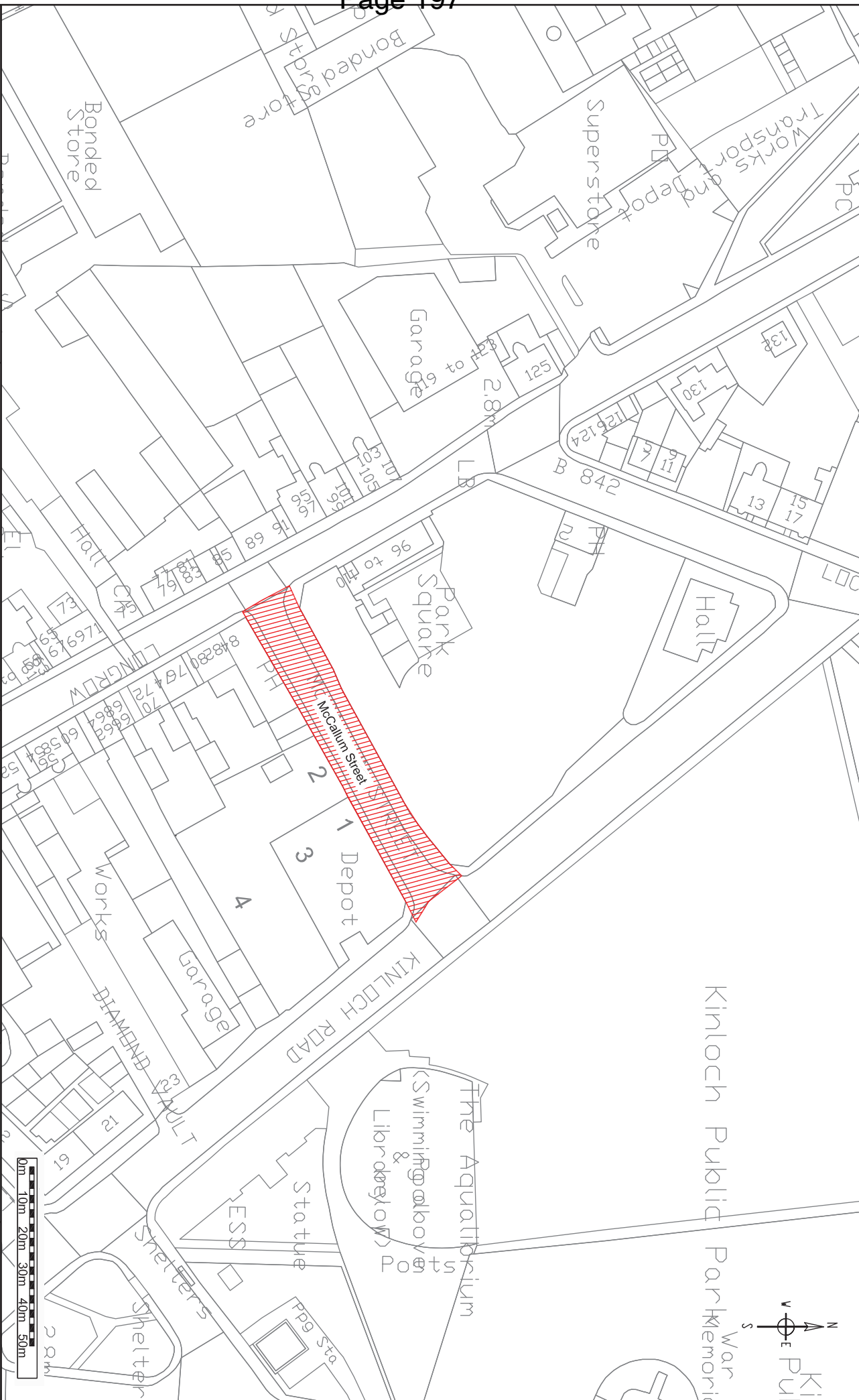
LEGAL: Stopping Up Order will be processed in accordance with statutory procedures.

DOUGLAS HENDRY

EXECUTIVE DIRECTOR OF CUSTOMER SERVICES

For further information contact: Donald Kelly, Tel: 01546 604221

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Client: ARGYLL & BUTE COUNCIL
 Project: KINLOCH ROAD

Title: STOPPING UP PLAN
 SHOWING U44 & MCCALLUM STREET
 TO BE STOPPED UP

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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE
SERVICES & LICENSING
COMMITTEE****CUSTOMER SERVICES****16 MARCH 2011**

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
TAXI FARE SCALE REVIEW

1. INTRODUCTION

- 1.1 The Planning, Protective Services and Licensing Committee at their meeting on 19th January 2011 agreed to increase the tariffs with effect from 21st February 2011 following the recent taxi fare scale review.

2. RECOMMENDATION

- 2.1 The Committee are asked to note the position regarding the prospective appeal and the implementation of the new taxi fare scales agreed at their meeting of the 19th January 2011.

3. BACKGROUND

- 3.1 All taxi operators were notified of the forthcoming increases in the taxi fare scale in writing on 20th January 2011. New tariff cards were also issued. All operators were advised that they may appeal against the scales to the Traffic Commissioner within 14 days the decision of the Committee (i.e. 3/2/11).
- 3.2 On 7th February 2011 emailed correspondence was received from a taxi operator appealing against the new tariffs. An emailed response was sent on 8th February 2011 confirming that their letter should be directed to the Traffic Commissioner's Office.
- 3.3 All operators were notified on 9th February 2011 that the Council would not be proceeding to advertise the new scales until a decision had been made by the Traffic Commissioner on the appeal.
- 3.4 Enquiries were made with the Traffic Commissioner's Office at regular intervals regarding whether the appeal had been received by their offices. On 24th February 2011 written confirmation was received from the Traffic Commissioner's Office that no appeal has been lodged. As the appeal period ended on 3rd February 2011 it is now highly unlikely that the Commissioner's Office would accept an appeal at this stage even under exceptional circumstances.

4. CONCLUSION

- 4.1 The decision has been taken by the Head of Governance and Law following

written confirmation of the position from the Traffic Commissioner's Office to proceed to advertise the new tariffs in the local press with the new tariffs coming into force on 21st March 2011. All taxi operators have been written to, to advise them of the position.

5. IMPLICATIONS

5.1 Policy – None

5.2 Financial - None

5.3 Legal – The Council require to raise taxi fares in terms of the Act

5.4 HR - None

5.5 Equalities - None

5.6 Risk - None

CHARLES REPPKE
Head of Governance and Law

Enc.

For further information contact: Sheila MacFadyen
Tel: 01546 604265

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