

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

19/0003/LRB

Removal of condition 2 of planning permission ref 18/01189/PP (Requirement for the provision of parking and turning details for two vehicles within the site of which the details of the layout and surfacing site are required to be submitted to and approved by the Planning Authority in consultation with the Council's Roads Engineer prior to the commencement of development.at the site), Change of use of dwellinghouse to form community centre and office, Schoolhouse, Achnacroish, Isle of Lismore.

28th of March 2019

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Lismore Community Trust ('the appellant').

Planning permission ref 18/01189/PP (change of use of dwellinghouse to form community centre and office at the Schoolhouse, Achnacroish, Isle of Lismore) ("the appeal site") was granted subject to conditions under delegated powers on 19th of December 2018.

Condition number 2 of this grant of planning permission has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is located to the immediate north west of a small Primary School which serves the island and directly to the west of an existing children's playground. The dwellinghouse at the site is a single storey bungalow which is very simple in form and design. The dwellinghouse has historically been used for the provision of staff accommodation in connection with the school but there is no planning restriction to it being used for other forms of residential accommodation not associated with the school.

See photographs of the site in Appendix 2.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

Planning permission has been granted to change the use of the existing dwellinghouse for the purposes of providing offices and community meeting rooms which falls under Use Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- Whether the material considerations asserted by the appellant are sufficient to warrant the removal of condition 2 of planning permission ref 18/01189/PP which was attached on request of the Roads Engineer in the interests of road safety and in accordance with SG LDP TRAN 6 and the car parking standards as set out in the Access and Car Parking SG of the Argyll and Bute Local Development Plan Supplementary Guidance. SG LDP TRAN 6 requires the provision of off-street parking for development in accordance with the car parking standards set out in the Access and Car Parking SG

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is medium scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant has submitted an economic case for the removal of condition 2 which requires the provision of parking and turning. The appellant has detailed the licensing arrangements for the use of the building for community use from the Council. The appellant has stated that there is a mutual notice period of 6 weeks and has provided a copy of the proposed license agreement

The appellant contends that, with this condition of the license agreement and that with very limited funds, they are not in a position to undertake the parking and turning requirements of condition 2.

The appellant states that 'the Community Trust Directors feel, therefore, that if the project to bring the school house back into community benefit is to proceed, condition 2 need to be waived, or the council itself would need to assist in the provision of the enhancement – which would be a permanent feature of the assess – even upon closure of any license agreement'.

Comment:

The Area Roads Engineer was consulted and raised no objections subject to planning conditions with regard to the provision of:

- Full details of the layout and surfacing of a parking and turning area to accommodate 2 vehicles within the application site Details which are required to be submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

SG LDP TRAN 6 requires the provision of off-street parking for development in accordance with the car parking standards set out in the Access and Car Parking SG. Scottish Planning Policy recommends the use of national parking standards for new developments. These parking standards form the basis of the requirements of SG LDP TRAN 6 and the Access and Car Parking Standards Supplementary Guidance.

These parking standards are the minimum standards which have been considered to be suitable given the context of Argyll and Bute.

The Area Roads Engineer has assessed the proposed development against this policy and has deemed that the parking and turning requirements of condition 2 of planning permission ref 18/01189/PP are wholly practical and proportionate to the nature and scale of development proposed.

The Area Roads Engineer has recently met with the appellant on site and has provided further comments which are as follows:

‘As an issue of safety I would not accept the removal of Condition 2 as the effect could be that vehicles attending the facility could potentially park on or adjacent to the school access road and/or the UC48 Achnacroish Pier Road causing obstructions for other road users and obstacles and potential dangers for school children. As stated in my predecessor, Brian Rattrays, observation dated 02/10/18 parking and turning for two vehicles has to be provided so vehicles can drive nose in and leave nose out. This is particularly important because the access is situated off the school access road. Pupils use this access road as pedestrians. We have already made a concession due to the six week notice period in place in so far that we are accepting a lesser grade surface material for the turning and parking area’.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking all of the above into consideration, it is considered that the proposed development has been appropriately assessed against the provisions of SG LDP TRAN 6 as part of the Area Roads Engineers Assessment. The specific improvements as specified by condition 2 of planning permission ref 18/01189/PP are wholly practical and proportionate to the nature and scale of development proposed.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Argyll and Bute Council
Development & 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No:	18/01189PP
Planning Hierarchy:	Local
Applicant:	Lismore Community Trust
Proposal:	Change of use of dwellinghouse to form community centre and office
Site Address:	Schoolhouse, Achnacroish, Isle of Lismore

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of dwellinghouse to form office with ancillary community meeting space

(ii) Other specified operations

- Utilisation of existing services
 - Utilisation of existing access and parking area
-

(B) RECOMMENDATION:

That permission be Granted subject to the conditions and reasons contained in this report.

(C) CONSULTATIONS:

Area Roads Oban	03.10.2018	No objection subject to condition
Health and Safety Executive	22.10.2018	No objections. The proposed development is not classed as a 'vulnerable building'.

(D) HISTORY:

91/00615/COU001

Partial change of use of dwellinghouse to tearoom and crafts, granted 15.10.1991.

(E) PUBLICITY:

ADVERT TYPE:

Regulation 20 Advert Local Application

EXPIRY DATE: 29.11.2018

(F) REPRESENTATIONS:

(i) Representations received from:

Three representations have been submitted in response to the application raising objections. These representations have been submitted by:

Hazel MacCormick, Craig Ur, Lismore, PA34 5UL, (e-mail 23.10.2018)

Robbie Cook, Suil Na Mara, Lismore, PA34 5UG, (e-mail 23.10.2018)

(ii) Summary of issues raised:

- Increase in traffic generated by proposed use, lack of parking and safety of children.

Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development on road or pedestrian safety grounds. The proposed development requires two dedicated car parking spaces and these can be provided and secured by planning condition.

- Loss of accommodation for head teacher will be detrimental in maintaining interest in the school. The use of the building as a dwellinghouse offers tied accommodation to future head teachers.

Comment: This is not a material planning consideration but is a matter for the Council as Education Authority and the Applicant through any lease or sale arrangement that might be entered into.

(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 Local Development Plan' (Adopted March 2015)

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

Supplementary Guidance

SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 14 – Landscape
SG LDP REC/COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

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

- Scottish Planning Policy (SPP)
-

-
- Third party representation
-

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

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

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

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

(O) Requirement for a hearing: No

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

This is a proposal seeking planning permission for the change of use of a dwellinghouse currently owned by the Council as Education Authority to form offices and a small community space at the Schoolhouse, Achnacroish, Isle of Lismore.

In terms of the adopted Argyll and Bute Local Development Plan the application site is located within the designated settlement of Achnacroish where Policy LDP DM 1 gives encouragement to sustainable forms of development on appropriate sites subject to compliance with other relevant policies and supplementary guidance. There is an existing dwellinghouse at the site which presents an opportunity for a change of use. The proposed use of the building as a community space and offices for the Lismore Community Trust is considered compatible with this settlement location where there are a mixture of development types and so the proposed development will accord with the provisions of Policy LDP DM 1.

The site is located to the immediate north west of a small Primary School which serves the island and directly to the west of an existing children's playground. The dwellinghouse at the site is a single storey bungalow which is very simple in form and design. The dwellinghouse has historically been used for the provision of staff accommodation in connection with the school but there is no planning restriction to it being used for other forms of residential accommodation not associated with

the school.

It is proposed to change the use of the existing dwellinghouse for the purposes of providing offices and community meeting rooms which falls under Use Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

No external alterations are proposed as part of the proposed development. A supporting floorplan has been submitted which shows that the building will be reconfigured internally to provide 3 small offices/meeting rooms, a bathroom, a storage room, a kitchen, a w/c and a small lobby. The proposed development will make appropriate use of an existing building and will not harm the visual or landscape character and quality of the site or its surroundings, including the wider National Scenic Area. The proposed development complies with the terms of Policies LDP 3, LDP 9 and Supplementary Guidance SG 2 and SG LDP ENV 12 which seek to ensure that developments integrate well within their setting and do not have any adverse impact on the wider landscape.

The proposed use of the building for the provision of a community centre with office facility complies with SG LDP REC/COM 1 which aims to promote the creation of community facilities within the settlements. .

The site is situated on a private access off the UC48 Achnacroish Pier Road. The Area Roads Engineer has been consulted and has raised no objections to the proposed development subject to the provision of a condition requiring the provision of parking for two vehicles. The proposal will therefore accord with the provisions of policy LDP 11 of the Local Development Plan which requires all development proposals to have an appropriate standard of access.

The proposed development will utilise existing service connections which raises no issues.

The proposed development will have no materially adverse impact upon the historic environment including (but not necessarily limited to) the historic/architectural/cultural value and/or setting or other specified qualities of any listed building, any scheduled ancient monument, any garden and designed landscape, any conservation area or any special built environment area. Neither will the proposed development result in any material harm to the natural environment including (but not necessarily limited to) the special environmental/habitat/geological or other specified qualities of any site of special scientific interest, any special protection area, any 'Ramsar' site, any national or local nature reserve, any designated area of wild land, any marine consultation area, any area of semi-natural ancient woodland, any carbon and peatland area or any tree preservation order.

The development has been assessed against all of the above potential constraints and designations and has been determined to raise no issues or concerns except for any specifically referred to within this summary assessment.

The development proposed is consistent with adopted Local Development Plan policy and will have no adverse impact in terms of layout, design, servicing and infrastructure.

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

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

The proposed development accords with the relevant provisions of the Local Development Plan, notably policies LDP DM 1, LDP 3, LDP 5, LDP 9, LDP 11 and Supplementary Guidance, SG LDP ENV 12, SG LDP ENV 14, SG LDP REC/COM 1, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015 and with all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and, in the opinion of the Planning Authority, there are no circumstances which otherwise would justify the refusal of permission.

Furthermore, 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.

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

N/A

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

Author of Report: Lesley Cuthbertson **Date:** 14.12.2018

Reviewing Officer: Tim Williams **Date:** 14.12.2018

Angus Gilmour

Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 18/01189/PP

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 15.05.2018 and the approved drawings numbered 1 of 4 to 4 of 4 and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 2 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non-material amendment (NMA) should be made in writing to Planning Services, Dalriada House, Lochgilphead, PA31 8ST which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

2. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate 2 vehicles within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

3. The land and premises to which this permission relates shall only be used for offices and incidental community meeting space and for no other use including any other purpose in Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the General Permitted Development Order 1992 (as amended) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Planning Authority to control any subsequent change of use which might otherwise benefit from deemed permission in order to protect the amenity of the locale.

NOTE TO APPLICANT

- **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **18/01189/PP**

- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended): **No**

If Yes: The terms of the Section 75 obligation may be viewed on the Council's website at www.argyll-bute.gov.uk by recalling the application reference number on the Council's Public Access Module and then by "Clicking" Section 75 Obligation under the attached correspondence or by viewing the Public Planning register located at Planning Services, Dalriada House, Lochgilphead, Argyll, PA31 8ST.

- (B) Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. **No**

- (C) The reason why planning permission has been approved:

The proposed development accords with the relevant provisions of the Local Development Plan, notably policies LDP DM 1, LDP 3, LDP 5, LDP 9, LDP 11 and Supplementary Guidance, SG LDP ENV 12, SG LDP ENV 14, SG LDP REC/COM 1, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015 and with all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and, in the opinion of the Planning Authority, there are no circumstances which otherwise would justify the refusal of permission.

Furthermore, 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.

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	18/01189PP
Decision Date	14.12.18
Issue Latest Date	30.11.2018
Decision	Approved subject to conditions

Date signed by ATL

Don't Issue Decision	Tick if relevant	Action (tick)	Date sent
Notification to Scottish Ministers			
Notification to Historic Scotland			
Section 75 Agreement			
Revocation			

<i>Issue Decision</i>	✓	Tick	Standard Conditions/Notes to include				
<i>Tick</i>	<i>Dev/Decision Type</i>	Time Scale*	Initiation	Completion	Display Notice		
			Only use if PP/AMSC & Granted				
	Local – Sch.3 – Delegated						
Y	Local – Delegated		✓	✓			

*standard time condition not required if application retrospective.

Include with Decision Notice	
Terms of Section 75	
Summary of Variations made	
Notification of Initiation Form	Y
Notification of Completion Form	Y
Notice for Display	
Roads Schedule/standard drawing	
Archaeology Guidance	
Scottish Water Consultation response	
Pre-commencement conditions sheet	
Other: SEPA	

Notify of Decision	
Objectors/Contributors	y
Roads	
Ongoing Monitoring – priorities:	
Other:	

Total residential units FP3 (uniform)			
Houses		Sheltered	
Flats		Affordable	

Appendix 2





