

APPEAL AGAINST CONDITIONS

Duneira

Rhu Helensburgh G84 8LH

Proposed Training Centre

Planning Approval 19/01573/PP



jmacArchitects
7 Glebfield Road
Rhu, Helensburgh
G84 8SZ

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Introduction

An application for a Certificate of Lawfulness was validated on 16th July 2019 and after further discussion with the appointed Planning Officer was withdrawn and resubmitted as a Full Planning Application for a Change of Use which was then validated on 26th July 2019.

Only after much prompting seeking a formal decision was a request for a Transport Assessment issued and received in early January 2020, some 6 months after the application was validated.

Much debate was held between the agent and the Planning Officer who had earlier resigned her post and the application had then been allocated to an alternative officer.

All debate was in relation to vehicle movements and this is reflected within the conditions attached to the Formal Approval granted on 27th January 2020.

No formal notice of this approval has yet been received by the appointed agent.

We wish to appeal the Conditions as issued on line to reflect the reality of the proposals and the actual site constraints within the site which is in the Rhu Conservation Area.

Planning Application Approval

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

PLANNING PERMISSION

REFERENCE NUMBER: 19/01573/PP

**Mr Paul Smith
JmacArchitect
7 GlebeField Road
Rhu
Helensburgh
Scotland
G84 8SZ**

I refer to your application dated 26th July 2019 for planning permission in respect of the following development:

**Change of use from dwellinghouse to residential training centre
AT:
Duneira Pier Road Rhu Helensburgh Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 27 January 2020



Fergus Murray
Head of Development and Economic Growth



REFERENCE NUMBER: 19/01573/PP

**Change of use from dwellinghouse to residential training centre
AT:
Duneira Pier Road Rhu Helensburgh Argyll And Bute**

The planning application as detailed above is subject to the following conditions:

1. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers

1902 (--) 001 rev A
1902 (01) 001 rev -
1902 (01) 002 rev -
1902 (01) 003 rev -
1902 (01) 011 rev -
1902 (01) 012 rev -
1902 (01) 013 rev -

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. Notwithstanding the effect of Condition 1, the proposed alterations to the existing access are required prior to any other works commencing on site;
 - I. Visibility splays of 42 x 2.4 x 1.05 metres shall be provided in both directions of the access at Gareloch Road. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.
 - II. Relocation of gate pillars at Gareloch Road to ensure a 6m wide vehicle access. The access shall be surfaced with bituminous material for a distance of 10 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
 - III. Parking shall be provided for 1no. Vehicle per staff member and onsite turning provision will be required within the boundary.
 - IV. Parking for 1no. Vehicle per course precipitant and onsite turning provision will be required within the boundary.
 - V. Delivery drop off and onsite turning provision shall be within the boundary.

Reason: In the interest of road safety and to accord with 'Road Guidance for Developers'



3. Notwithstanding the effect of Condition 1, the primary mode of transport by attendees to and from the training centre shall be via a shuttle bus provided by the applicant.

Reason: To minimise the number of traffic movements and in the interests of residential amenity and road traffic safety.

INFORMATIVES

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. A further application for planning permission and tree works will be required in order to comply with the Area Roads Managers requirement for the exiting access onto Gareloch Road.
4. Surface water must not be able to flow from the site onto carriageway.
5. A Section 56 Road opening Permit is required for any works carried out on the public road.



NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 19/01573/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll-bute.gov.uk
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application: 19/01573/PP

- A. Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended):

N

- 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.

N

- C. The reason why planning permission has been approved:
The proposal is considered to be in accordance with the policies outline above and complies with LDP STRAT 1, LDP DM1, LDP 8, LDP 9, LDP 11 Supplementary Guidance Policy and SG LDP ENV 17, SG LDP BAD 1, SG LDP TRAN 2 and SG LDP TRAN 6 of the Argyll and Bute Development Plan 2015



Conditions and Responses

2. Notwithstanding the effect of Condition 1, the proposed alterations to the existing access are required prior to any other works commencing on site;

Noted. Condition may be subject to review on conclusion of appeal.

I. Visibility splays of 42 x 2.4 x 1.05 metres shall be provided in both directions of the access at Gareloch Road. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.

Currently the visibility splay at the Shore Road (A814) entrance is 42 x 1.8 x 1.05 towards the junction with Pier Road and 42 x 2.1 x 1.05 towards Helensburgh (Refer enclosed drawing 1903 (10) 001 – the red area highlights where the existing situation does not comply with the requested visibility splay).

This would no longer be critical if this was to become the main property access only. Additionally there is a bus layby (utilised by only 2 buses per hour) directly opposite which is currently used by drivers when vehicles are turning right into the site (travelling from Helensburgh) at the main entrance on Shore Road (A814) (refer photograph). In addition the likely volume of traffic is unlikely to cause issues since vehicles waiting to turn right into the site can be passed utilising the layby. The small number of trips likely for each course and the timeframes for arrivals would be unlikely to co-incide with the local 'rush hour'.

The proposals would not result in a significant increase in traffic movements and is likely due to course durations to result in less than existing.



Bus Lane/Stop

Consideration to a visibility splay exiting onto Pier Road would permit exiting safely although Pier Road is an unclassified road and the proximity to the junction generally results in traffic slowing down over the section of road that contains the exit. From this exit the traffic would join the Shore Road (A814) at a recognised junction with a substantial visibility splay already in place (refer drawing).



Pier Road Exit

II. Relocation of gate pillars at Gareloch Road to ensure a 6m wide vehicle access. The access shall be surfaced with bituminous material for a distance of 10 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

The existing stone gateposts provide a clear access width of 4 Metres and this is sufficient for clear access for all vehicles. We propose that there is no valid reason to insist on and condition repositioning of these Stone Posts or to increase the width of this opening since an alternative exit route from the site is available and feasible. This condition would also have a significant impact on mature trees and established planting along with alterations to the substantial established boundary curved walls (refer to Photograph). To grant Planning Permission with a condition that requires another fresh Planning Permission approval is unjustified (this could result in a refusal which in turn would result in the original approval being unenforceable). Equally this condition does not meet the criteria noted in Scottish Office Circular 4/1998.



Main Shore Road Access

III. Parking shall be provided for 1no. Vehicle per staff member and onsite turning provision will be required within the boundary.

Refer response to next Condition (2 IV)

IV. Parking for 1no. Vehicle per course precipitant and onsite turning provision will be required within the boundary.

1 Vehicle Space per delegate/staff member.

The current SPP guidance, although not specifically covering a Residential Training Centre, does intimate 1 space per 5 delegates for a conference centre and 1 space per 15 for a non-residential Education facility.

The submission proposal was to provide a minimum of 10 on site spaces. This would be sufficient to support the staff and 14 delegates and as noted against condition 2 V all proposed traffic can enter turn and leave within the site .

The general Scottish Planning policy (SPP clauses 204,269,270, and 286) supports restricting car parking to encourage use of public and other means of transport. This condition is contrary to such a guidance and should be removed or revised to take into account the reality of the extent and the lack of any significant traffic impact from the proposed operation of the Residential Training Centre.

The imposition of parking within village streets should sufficient spaces be available can be discouraged by the facility instructing participants that this is not to be permitted. Furthermore an additional number of spaces can be accommodated within the site if required.

V. Delivery drop off and onsite turning provision shall be within the boundary.

Reason: In the interest of road safety and to accord with 'Road Guidance for Developers'

The current configuration of the landscape clearly permits all vehicles to enter, turn and exit within the site without any alterations.

Assuming the adoption of the suggested entrance from Shore Road (A814) and Exit via Pier Road would also clearly assist in insuring good traffic flow and a safe exit and access into the property.

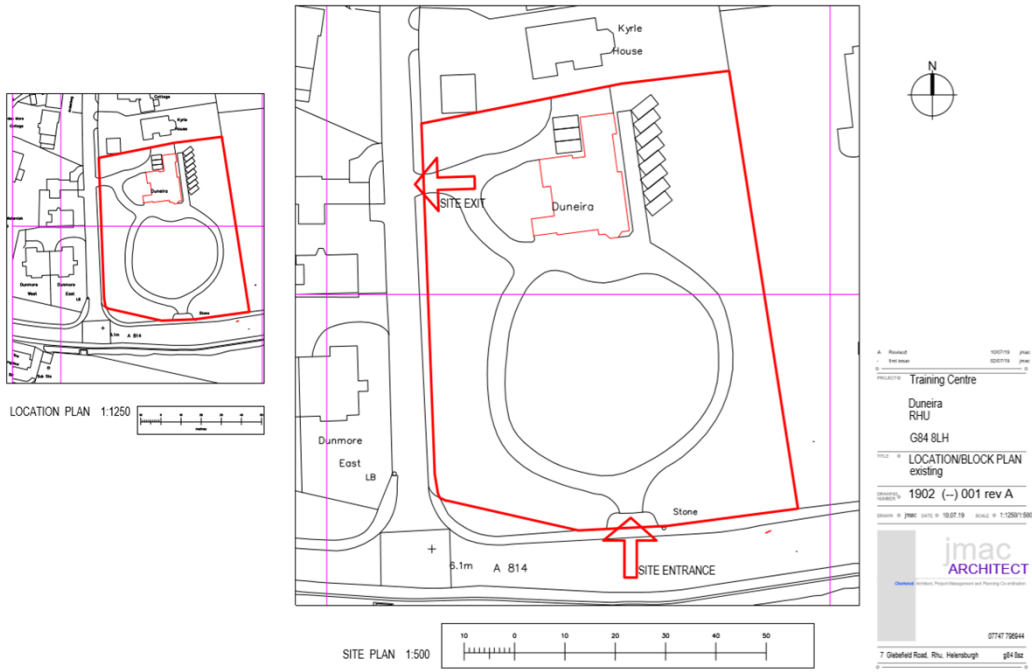
3. Notwithstanding the effect of Condition 1, the primary mode of transport by attendees to and from the training centre shall be via a shuttle bus provided by the applicant.

Reason: To minimise the number of traffic movements and in the interests of residential amenity and road traffic safety.

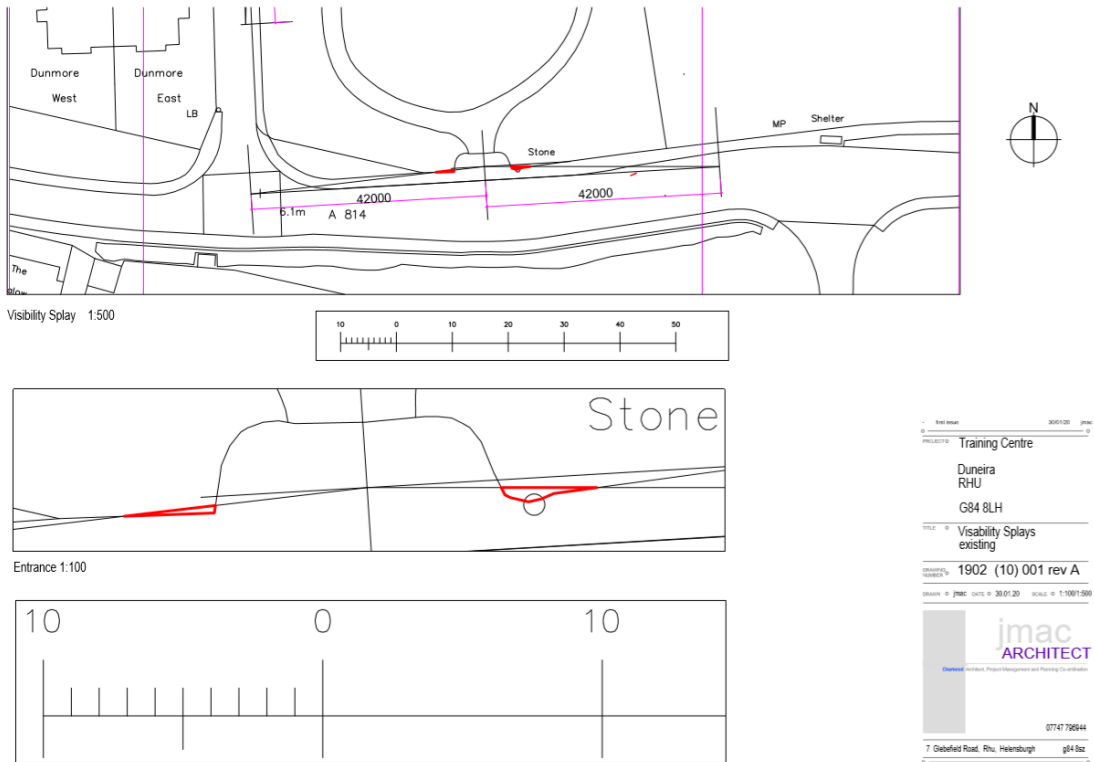
Use of Shuttle Bus

The imposition of this condition insisting in the utilisation of a Shuttle Bus does not meet the stated intentions contained within Scottish Office Circular 4/1998 and is not enforceable or reasonable for the planned numbers. A taxi for example can transport 6 delegates at a time whereas a shuttle bus would generally be 12 or 18 (The maximum number of delegates proposed is 14). Two or three taxis for each week long course would not be an imposition on the local traffic and create less impact than the property being used as an occupied large residential property with occupiers travelling to and from employment most probably at peak times every day.

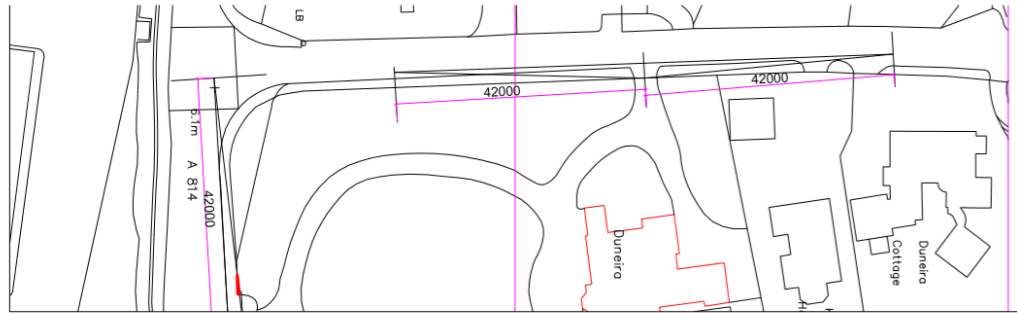
DRAWINGS



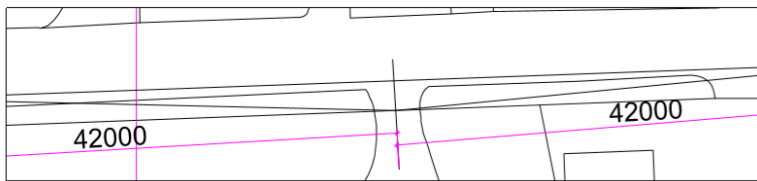
Site Plan



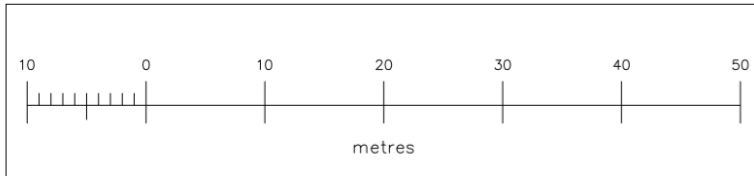
Entrance Visibility Splay



Visibility Splay 1:500



Exit 1:200



300120 jmac
 PROJECT Training Centre
 Duneira
 RHU
 G84 8LH
 TITLE Visibility Splays
 existing
 DRAWING NUMBER 1902 (10) 002 rev A
 DRAWN BY jmac DATE 28.02.20 SCALE 1:250/1:500

 0747 796644
 7 Glebefield Road, RHU, Helensburgh g84 8az

Exit Visibility Splay

Summary

These conditions do not follow the guidance within PAN 71 Part 1 Conservation Area Management and would fail to protect and enhance the site by destroying established entrance and planting and have a significant impact within the site.

All conditions relating to restrictions on Traffic and vehicle movements should be revoked and our client is prepared to accept that traffic is restricted to enter off Shore Road (A814) and exit via Pier Road. Our client would also accept a condition that restricts the number of delegates to fourteen (14) with the addition of staff.