

**LOCAL REVIEW BODY REFERENCE: 20/0007/LRB**

**PLANNING APPLICATION REFERENCE: 19/01573/PP**

**DUNEIRA, PIER ROAD, RHU, HELENSBURGH, G84 8LH**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Paul Smith of Duneira, Rhu per agent John MacLean, jmacArchitect, 7 Glebefield Road, Rhu ("the appellant").

Planning permission at Duneira, Pier Road, Rhu, Helensburgh, G848LH (the appeal site") was approved subject to condition by the Planning Service under delegated powers on 27 January 2020. The planning application has been appealed and is subject of referral to a Local Review Body.

## **DESCRIPTION OF SITE**

Planning permission was sought for the change of use from a dwellinghouse (Class 9) to a residential training facility (Class 8) at Duneira, Pier Road, Rhu. This is a traditional, detached dwellinghouse within the Rhu Conservation Area and not a Listed Building. The house sits to the rear of a large plot and is a traditional detached 2 storey dwellinghouse. The proposal does not include any changes to the external appearance of the house.

## **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 Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

## **STATEMENT OF CASE**

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

- The conditions imposed under planning consent 19/01573/PP do not follow the guidance within PAN 71 Part 1 Conservation Area Management.
- Whether the conditions relating to restrictions on traffic and vehicle movements should be revoked.

The Report of Handling (Appendix 4) 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 4. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal 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 outlined 2 main reasons for review, these are;

- The conditions imposed under planning consent 19/01573/PP 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. The appellant states that their 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.

#### **Comment;**

**1. The conditions imposed under planning consent 19/01573/PP 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.**

The background to this case can be found in the report of handling. The main issue is whether the imposition of the Area Roads Managers advice to use Gareloch Road as a main access and the required sightline visibility splays are to the detriment of the Conservation Area as these will mean tree removal and boundary alteration.

The report of handling examined this issue in which it was considered that the boundary of the site onto Gareloch Road was bounded by bushes and some trees, none of these trees appear to be veteran that would have a detrimental impact upon the Conservation Area if removed. Overall, the proposal was considered to have no impact upon visual amenity within the Conservation Area and was acceptable in terms of road traffic safety subject to compliance with safeguarding conditions.

These conditions were imposed in accordance with Government Guidance under Planning Circular 4/1998: the use of conditions in planning permissions. (Appendix 3. References). This explains that conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects.

The Scottish Government attaches great importance to these criteria being met so that there is an effective basis for the control and regulation of development which does not place unreasonable or unjustified burdens on applicants and their successors in title. Planning conditions must not, however, be applied slavishly or unthinkingly; a clear and precise reason for a condition must be given. While the use of standard conditions can be important to the efficient operation of the development control process, such conditions should not be applied simply as a matter of routine. Conditions should be used to achieve a specific end, not to cover every eventuality.

The conditions imposed as part of the planning decision notice 19/01573/PP (Appendix 4) met all of these tests and were not imposed in an unreasonable way.

Planning Advice Note 71 (PAN71) Conservation Area Management (Appendix 3. References) provides advice on good practice, complements existing national policy and provides further advice on the management of conservation areas. It identifies good practice for managing change, sets out a checklist for appraising conservation areas and provides advice on funding and implementation.

**Pg 10 states;**

***Physical change in Conservation Areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area. Physical and land use change in Conservation Areas should always be founded on a detailed understanding of the historic and urban design context. Whilst the scope for new development may be limited in many Conservation Areas, all will present some opportunities for enhancement. Most will contain buildings, vacant sites or inappropriate street furniture that have a negative impact on the character and appearance of the area. These represent opportunities for improvement and when managed effectively, can act as a catalyst for economic, community and environmental regeneration.***

The Council considers this advice has been followed and has understood that in order to support this proposed new business. The alterations will involve a minor alterations to an existing 1.5m stone boundary wall in terms of height and position, this will have little or no impact upon the wider Conservation Area. The removal of bushes/hedgerow and some trees will undoubtedly be needed to facilitate sightlines. This will require further consideration as part of a planning application for tree works. The resultant effect of the tree removal and possible replanting may have a positive impact upon the Conservation Area by opening up new views to/from Duneira which is an impressive detached villa set within large open grounds. This opportunity could also be of benefit to the proposed new business in terms of visitor orientation and route finding.

**Pg 12 states;**

***Once an understanding of the special characteristics, pressures and priorities of a Conservation Area has been established, it is vital that they are fed into the development plan or supplementary guidance.***

This guidance is already incorporated into heritage Policy SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas of the Argyll and Bute Development Plan 2015. (Appendix 3. References).

The aim of this Supplementary Guidance is to maintain and enhance the character and amenity of existing and proposed Conservation Areas in accordance with current guidance and legislation. When considering applications for new development in Conservation Areas, the Council's priority will be to have regard for the special architectural and other special qualities that are the reason for the area's designation. The Planning Authority intends to continue to review its Conservation Areas and to prepare and review detailed Conservation Area Appraisals. There are currently Conservation Area Appraisals for Campbeltown, Rothesay Town Centre, and Helensburgh. There are currently none for Rhu at this stage.

Policy SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas therefore conforms to:

- SPP
- PAN 71 (Conservation Area Management)

- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes

**Pg 19 states;**

***Trees contribute greatly to the character and quality of many Conservation areas. As woodlands, planted avenues, or individual specimens, they can enhance the landscape setting of Conservation Areas, soften streetscapes and bring life and colour to gardens. Trees may also have historic or cultural significance. Trees in Conservation Areas are protected through the Town and Country Planning (Scotland) Act 1997. Before carrying out any work on a tree, owners are required to notify the local authority giving details of the intended works. Councils can serve a Tree Preservation Order if they consider a tree to be under threat, but they can also protect and promote tree planting through conditions in planning consents. Individuals, organisations and local authorities should take responsibility for ensuring that trees and woodlands in Conservation Areas remain healthy through good management. Management plans and appraisals will help to determine when and where new planting is appropriate, what form it should take and the species to be planted.***

The Councils is of the view that this advice was followed in which, as part of the decision notice, the applicant was advised that a further application for planning permission for tree works will be required. The purpose of this is to assess the impact upon visual amenity and the impact upon the Conservation Area.

**2. All conditions relating to restrictions on Traffic and vehicle movements should be revoked. The appellant states that their client is prepared to accept that traffic is restricted to enter off Gareloch 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.**

The conditions relating to restrictions on Traffic and vehicle movements are outlined in the decision notice contained in Appendix 4. The Area Roads Manager was re-consulted and has provided additional comments in relation to this ground of appeal;

**The visibility splay.** - The proposed alterations to the existing access are required prior to any other works commencing on site in the interest of road safety and to prevent impeding vehicle flow on A814 Gareloch Road which has a vehicle count of over 8,278 vehicles per day. In accordance with The Roads Development Guidance a visibility splay of 42 x 2.4 x 1.05 in both directions is the minimum requirement for a strategic route.

A Strategic Route is defined as a route carrying a traffic volumes greater than 3000 vehicles per day (vpd). The last vehicle count record for A814 Rhu by the Department for Transport (DFT) in 2016 recorded a count of 8,278 vehicles a day. This figure will have increased and will continue to increase in line with the increase in vehicle ownership and the growth of HM Naval Base Clyde (Faslane) In accordance with The Roads Development Guidance a visibility splay of 42 x 2.4 x 1.05 in both directions is the minimum requirement for a Pier Road a 30mph lightly trafficked road (less than 3000 vehicles per day).

<p>For the avoidance of doubt a visibility splay a zone in which all structures/walls/trees/bushes should be cleared to allow a seated driver views both ways. In this circumstance it is a zone that extends 42m long each way and 2.4m set back from the centre of the proposed new</p>
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access and at a drivers eye height of 1.05m. These 42m long zones cannot have any obstructions that are 1m greater in height.

**The use of Pier Rd.** - The residential road network which incorporates Pier Road has been the subject of local community groups and Police Scotland concern regarding the road safety of both motorists and pedestrians. The existing layout does not provide a formal footway from the A814 and the introduction of multiple additional traffic movements could not be supported.

**The use of the bus stop pull in.** - The use of the bus stop pull in is not acceptable as an alternative route for northbound through traffic for two reasons:

1. There could be a bus or other vehicle stopped in bay.
2. The exit splay is not designed to accommodate through traffic but for a service bus to return to carriageway from a standing start. There are also Health and Safety concerns for pedestrians either walking footway or waiting for a bus.

**Relocation of gate pillars at Gareloch Road.** - 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 entrance on A814 does not meet the minimum requirements for sightlines nor provides sufficient width to allow an exiting vehicle to be stationary waiting to turn right (north) whilst allowing a second vehicle to enter the property. This could also cause a right turning vehicle on A814 to be waiting for access to clear to enable them safe access.

**Off Street Parking provision.** - Parking shall be provided for 1 vehicle per staff member and onsite turning provision required within the boundary. Pier Road is not suitable for on street parking due to the width and lack of pedestrian facilities, there is no suitable overflow parking available therefor in the interest of road and pedestrian safety all staff vehicles are required to be parked within the curtilage of the property.

**Parking for 1 vehicle per course participant.**- In accordance with the Argyll and Bute Council Local Development plan, Supplementary Guidance Trans 6 – Vehicle Parking Provision, the minimum parking requirement for Bed and Breakfast accommodation is 1 space per letting room. According to the Supporting document dated 10th July 2019 the accommodation being offered to the delegates is on a bed and breakfast basis. There are no overflow facilities and Pier Road is not suitable for on street parking, therefore in the interest of road and pedestrian safety and not to impede the flow of traffic on Pier Road or A814, parking for all the delegates shall be required to be within the curtilage of the property.

**Turning facilities.** - Due to the volume of traffic on A814 all vehicles must access and egress from the property in a forward gear therefor turning facilities are required. In accordance with the Highway Code Chapter 6 Reversing: para 201 which states, do not reverse from a side road into a main road.

**Delivery drop off and onsite turning provision shall be within the boundary.** - The residential road network which incorporates Pier Road has been the subject of local community groups and Police Scotland concern regarding the road safety of both motorists and pedestrians. The existing layout does not provide a formal footway from the A814 and the introduction of multiple additional traffic movements could not be supported.

**Shuttle bus for users** - The Supporting document dated 10th July 2019 stated 20 persons to undertake training with 8 bedrooms available. Volume of traffic movement highlighted on the Transport Assessment dated 7th January 2020 states 6-8 traffic movements a day. It is not

clear and concise as to the number of delegates and staff that will be arriving and departing daily from the property and the number that will be residing for the duration of the training.

### **3. CONCLUSION**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. The attached Report of Handling (Appendix 4) clearly details why the proposal could be supported within this sensitive area subject to compliance with the road safety requirements of the Area Roads Manager and the benefit of an application for tree works. It is not considered that the Council has not followed the guidance within PAN 71 Part 1 Conservation Area Management and that all conditions relating to restrictions on traffic and vehicle movements should be revoked. The Councils also does not consider the imposition of the applicants suggested safeguarding condition, to restrict the number of delegates to fourteen (14) with the addition of staff, to be appropriate in this instance. Taking account of the above, it is respectfully requested that the application for review be dismissed.

Planning Appeals are referred to in Planning Circular 4/1998: the use of conditions in planning permissions. It advises that in the case of planning inquiries, the statement submitted by the planning authority should include a list of conditions that it would wish to see imposed on any approval which may be given. A similar practice, which some authorities already follow, is also appropriate to cases proceeding by way of written submissions. The Scottish Government expects the Local Review Board will be vigilant in ensuring that conditions imposed meet the criteria described above.

If the review is determined to be upheld, alternative safeguarding conditions are provided in Appendix 1.

**Appendix 1. List of conditions that the Planning Authority would wish to see imposed on any approval which may be given.**

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 effects of Condition 1, the number of delegates shall be restricted to fourteen (14) with the addition of staff.

Reason. In the interested of residential amenity.

3. Notwithstanding the effects of Condition 1, the proposed alterations to the existing access on Pier Road are required prior to any works commencing on site;

- I. Visibility splay of 42 x 2.4 x 1.05 metres shall be provided in both directions.
- II. The access shall be a minimum of 4.5 metres wide for a distance of 10 metres from the radius tangent point as per Drg SD 08/002
- III. The access at the junction with the public road should be constructed as per Drg SD 08/002
- IV. The access shall be surfaced with bituminous material for a distance of 5 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
- V. The gradient of the private access and driveway shall be no greater than 10% absolute maximum 12.5%.
- VI. Car parking provision shall be in accordance with SG LDP TRAN 6 - Vehicle Parking Provision

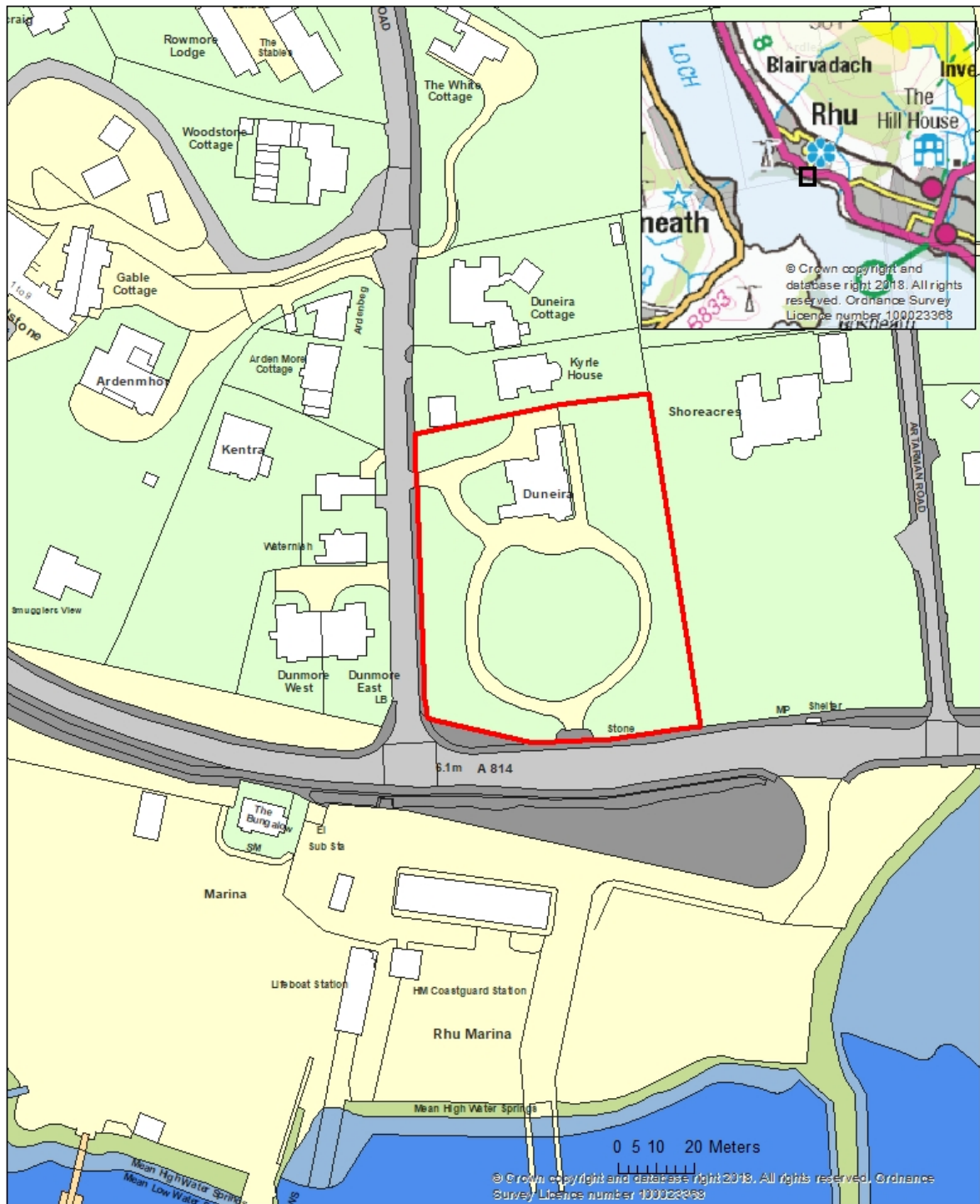
Reason; In the interest of road safety.





## **Note to Applicant**

1. The length of this planning 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).]
2. 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
3. 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.
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.

**Appendix 2. Location Plan of site.**



	<p><b>Location Plan Relative to Local Review Body: 20/0007/LRB</b></p>	
<p>1:1,250</p>		
<p>Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office (C) Crown Copyright 2005              Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings.              OS License No. XYZ123ABC</p>		

## **Appendix 3. References.**

### **Rhu Conservation Area Map**

<https://www.argyll-bute.gov.uk/sites/default/files/planning-and-environment/Rhu%20Conservation%20Area.pdf>

### **Planning Circular 4/1998: the use of conditions in planning permissions**

<https://www.gov.scot/publications/planning-circular-4-1998-use-of-conditions-in-planning-permissions/>

### **Planning Advice Note 71 Conservation Area Management (Dec 2004)**

<https://www2.gov.scot/Resource/Doc/83397/0028610.pdf>

### **Argyll and Bute Development Plan Policies 2015;**

[https://www.argyll-bute.gov.uk/sites/default/files/supplementary\\_guidance\\_adopted\\_march\\_2016\\_env\\_9\\_added\\_june\\_2016\\_0.pdf](https://www.argyll-bute.gov.uk/sites/default/files/supplementary_guidance_adopted_march_2016_env_9_added_june_2016_0.pdf)

SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas of the Argyll and Bute Development Plan 2015. Pg 48

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes Pg 135.

SG LDP TRAN 6 - Vehicle Parking Provision Pg 140

**Highway Code** – Chapter 6 Reversing. Para 201

<https://www.highwaycodeuk.co.uk/using-the-road-reversing.html>

### **The Roads Development Guidance**

The Council's Roads Development Guide is being reviewed in light of the emergence of the SCOTS National Roads Development Guide (NRDG). Both the NRDG and the emerging Argyll and Bute Local Roads Development Guide seek to support the Scottish Government policy Designing Streets.

### **SCOTS National Roads Development Guide**

<http://www.scotsnet.org.uk/documents/national-roads-development-guide.pdf>

### **Scottish Government policy Designing Streets**

<https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2010/03/designing-streets-policy-statement-scotland/documents/0096540-pdf/0096540-pdf/govscot%3Adocument/0096540.pdf>

**Appendix 4. Report of handling 19/01573/PP and decision notice.**

Download PPDEC approval decision notice dated 28 January 2020 and

Download Report of Handling - 1573\_ROH dated 27 January 2020 from

<https://publicaccess.argyll-bute.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=PV7UCRCHHWV00>

**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](mailto: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



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

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Reference No: 19/01573/PP  
Planning Hierarchy: Local Application  
Applicant: Mr Paul Smith  
Proposal: Change of use from dwellinghouse to residential training centre  
Site Address: Duneira Pier Road Rhu Helensburgh Argyll And Bute G84 8LH

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## **DECISION ROUTE**

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

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### **(A) THE APPLICATION**

#### **i) Development Requiring Express Planning Permission**

Change of use from dwellinghouse to residential training centre

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### **(B) RECOMMENDATION:**

It is recommended that planning permission be approved.

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### **(C) HISTORY:**

02/02115/COU - Change of use from residential care home to dwellinghouse - 27.01.2003  
03/00973/DET - Installation of Replacement Windows - 05.08.2003  
08/02087/DET - Erection of greenhouse - 14.01.2009  
11/01545/PP - Erection of replacement 1 metre high chicken mesh wire fence - 10.10.2011  
12/00100/PP - Erection of extension to dwellinghouse - 05.03.2012  
19/01408/CLWP - Change of use of dwellinghouse to training centre - withdrawn

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### **(D) CONSULTATIONS:**

Rhu and Shandon Community Council - 02.09.2019 – No response  
Environmental Health - Helensburgh and Lomond – Verbal reply – No objections  
Care Inspectorate – No reply  
Roads Helensburgh And Lomond – No objections subject to safeguarding conditions.  
Rhu And Shandon Community Council – Objections submitted on 28.08.2019 and 14.01.2020 refer to (F) REPRESENTATIONS:

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### **(E) PUBLICITY:**

Advert Type: Listed Building/Conservation Advert                      Expiry Date: 29.08.2019

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### **(F) REPRESENTATIONS:**

**Eight representations were received from the following:**

#### **Objections (7)**

Jim Duncan Shoreacres Artarman Road Rhu G84 8LQ 20.08.2019  
Mr John McGall Dunmore West Pier Road Rhu Helensburgh 21.08.2019  
Mrs Ann Roy Ardenmore Cottage Pier Road Rhu Helensburgh 23.08.2019  
Charles McKerracher Duneira Cottage Pier Road Rhu Helensburgh 15.08.2019

Linda J Duncan Shoreacres Artarman Road Rhu Helensburgh 20.08.2019  
Rhu And Shandon Community Council 28.08.2019 and 14.01.2020

**Support (0)**

None

**Representation (1)**

Mary Fisher Kyrle House Pier Road Rhu Helensburgh 04.08.2019

**i) Summary of issues raised:**

*Concern regarding road traffic safety, on and off street parking, access to the site and increase in traffic movements.*

**Comment:** The Area Roads Manager has no objections subject to safeguarding conditions.

*Concern over general noise and traffic through the day but more importantly noise in the evening.*

**Comment:** The Councils Environmental Health Manager has no objections to this proposal. If a noise issue should arise separate Environmental Health legislation can be used to control this matter.

*Concern regarding the number of people attending, the duration and the general running of such a proposal that could affect residential amenity.*

**Comment:** The course is a weekly residential programme catering for 20 residents. The applicant has agreed that the majority of these guests will arrive by an organised shuttle bus running to/from the train station. This will minimise the number of traffic movements from attendees. The impact upon residential amenity will be neutral. Any other matters relating to noise or anti-social behaviour can be controlled by either the Police or Environmental Health.

*In the LDP the site is not designated for commercial development/the proposal is contrary to Conservation Area Policies.*

**Comment:** The site falls within classification Settlement Zone - Village / Minor Settlement of Rhu in which Policy LDP DM1 (Villages and Minor Settlements) applies. This allows development up to small scale on appropriate sites. The proposal is considered to be small scale and in accordance with this policy. There are no changes to the exterior of the house that will impact upon visual amenity, the proposal therefore poses no conflict to Policy SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas.

*The narrative says there is no demand for family homes. In fact, 2 have recently been sold close to Duneira.*

**Comment:** This is not a material planning consideration.

*The proposal could lead to antisocial behaviour from residents.*

**Comment:** This is not a material planning consideration, if such a matter arises this should be reported to Police Scotland.

*The proposal is a party pad and a bad neighbour development. It is an Air BnB property and increase traffic will be detrimental to amenity.*

**Comment:** This proposal is for a residential training facility not a 'party pad'. Environmental Health have no objections and the proposal is not considered to be a bad neighbour development. The use of the property as an Air BnB may require planning permission and may be subject to separate planning enforcement action. The matters regarding road traffic safety are considered acceptable by the Area Roads Manager.

*The proposed use of the house will require fire safety alterations to its exterior by way of fire escapes.*

**Comment:** This matter will be addressed as part of a Building Warrant application, is external alterations are required this may be subject to further planning approval.

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**(G) SUPPORTING INFORMATION**

- i) Environmental Statement: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N
- iii) A design or design/access statement: Y
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N

*A supporting statement was submitted which outlined the business proposal and the extent and scale of the residential occupancy. The applicant also submitted a transport assessment and later confirmed the mode of transportation by occupants. This was considered acceptable by the Area Roads Manager.*

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**(H) PLANNING OBLIGATIONS**

None Required

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

**Local Development Plan Policies**

- LDP STRAT 1 – Sustainable Development
- LDP DM1 – Development within the Development Management Zones
- LDP 8 – Supporting the Strength of our Communities
- LDP 9 – Development Setting layout and Design
- LDP 11 – Improving our Connectivity and Infrastructure

**Local Development Plan – Supplementary Guidance Policies**

- SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas
- SG LDP BAD 1 – Bad Neighbour Development.
- SG LDP TRAN 2 - Development and Public Transport Accessibility
- SG LDP TRAN 6 –Vehicle Parking Provision

- (ii) List of other material planning considerations taken into account in the assessment of the application.**

Consultation responses.

Transport Assessment.

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- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**
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**(L) Has the application been subject of statutory pre-application consultation (PAC):**

No Pre-application consultation required

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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: No**

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**(O) Requirement for hearing: No**

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

Planning permission is sought for the change of use from a dwellinghouse (Class 9) to a residential training facility (Class 8) at Duneira, Pier Road, Rhu. This is a traditional, detached dwellinghouse within the Rhu Conservation Area and not a Listed Building. The house sits to the rear of a large plot and is a traditional detached 2 storey dwellinghouse. The proposal does not include any changes to the external appearance of the house. The main issues in determining this application is effect the change of use will have on the amenity of surrounding properties and road traffic safety.

Policy LDP STRAT 1 seeks that developers should seek to demonstrate that the proposals are sustainable in that they conserve and enhance the built environment, Policy LDP DM 1 sets out the scale of developments that are acceptable within the development management zones, Policy LDP 9 seeking developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. Policy LDP 11 seeks to ensure that all development maintains and improves connectivity and make best use of existing infrastructure.

The site falls within classification Settlement Zone - Village / Minor Settlement of Rhu in which Policy LDP DM1 (Villages and Minor Settlements) applies. This allows development up to small scale on appropriate sites. The proposal is considered to be small scale and in accordance with this policy.

The proposal is to change the use of the dwellinghouse to a residential training facility. This will involve ground floor rooms as training areas and upper floors being used as accommodation. It is envisaged to have up to 20 people at a time available to undertake training. There is no detail of the type of training as this is not a material planning consideration. In terms of residential amenity there will be no impact upon neighbouring properties as the proposal is currently operating as Air BnB accommodation and is marketed as a complete house for rent. The applicant has agreed that the majority of training attendees will arrive by an organised shuttle bus running to/from the train station. This will minimise the number of traffic movements. The overall impact upon residential amenity will be neutral. Any other matters relating to noise or anti-social behaviour can be controlled by either the Police or Environmental Health legislation. The proposal is considered to accord with LDP 9 – Development Setting layout and Design and is also not considered to be a bad neighbour development and compliant with SG LDP BAD 1 – Bad Neighbour Development. As there are no changes to the exterior of the house the proposal poses no conflict to Policy SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas.

The proposal will enhance the education and training facilities within the town, by doing so it meets the terms of LDP8 – Supporting the Strength of our Communities which seeks to strengthen communities.

Access to the house was initially proposed to be via Pier Road, however the Area Roads Manager advises this is not suitable for commercial vehicles that would impede the flow of traffic. The preferred mode of access/egress is required to be via the existing access onto Gareloch Road. The Transport Assessment submitted by the applicant outlines the methodology for customers arriving/departing, off street parking. They also later agreed to the provision of a shuttle bus. These matters were considered acceptable by the Area Roads Manager subject to a number of safeguarding conditions one of which is a minimum 6 metre wide vehicle access required at Gareloch Road and sightline provision. This will require relocation of existing gate piers to ensure the width is achieved, further planning permission will be required for this. It should also be noted that the applicant will require a further application for Tree Works in order to comply with the forward visibility sightline splays for the existing access onto Gareloch Road. The boundary of the site onto Gareloch Road is bounded by bushes and some trees, none of these trees appear to be veteran that would have a detrimental impact upon the Conservation Area if removed. This matter, and others, will be conditioned to ensure compliance with LDP 11 – Improving our Connectivity and Infrastructure, SG LDP TRAN 2 - Development and Public Transport Accessibility and SG LDP TRAN 6 –Vehicle Parking Provision.

Overall, the proposal is considered to have no impact upon residential amenity, no impact upon visual amenity within the Conservation Area and is acceptable in terms of road traffic safety subject to compliance with safeguarding conditions. By doing so the proposal is considered to be in accordance with the policies 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

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

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**(R) Reasons why Planning Permission or a Planning Permission in Principle should be granted.**

The proposal is considered to be in accordance with the policies 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

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

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

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**Author of Report:** Frazer MacLeod

**Date:** 21/1/2020

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**Reviewing Officer:**



Howard Young

**Dated:** 27/01/2020

A handwritten signature in black ink, appearing to read 'Fergus Murray', enclosed within a simple, hand-drawn oval border.

Fergus Murray  
Head of Development and Economic Growth

## CONDITIONS AND REASONS RELATIVE TO APPLICATION: 19/01573/PP

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, In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers' 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.



## **NOTE TO APPLICANT**

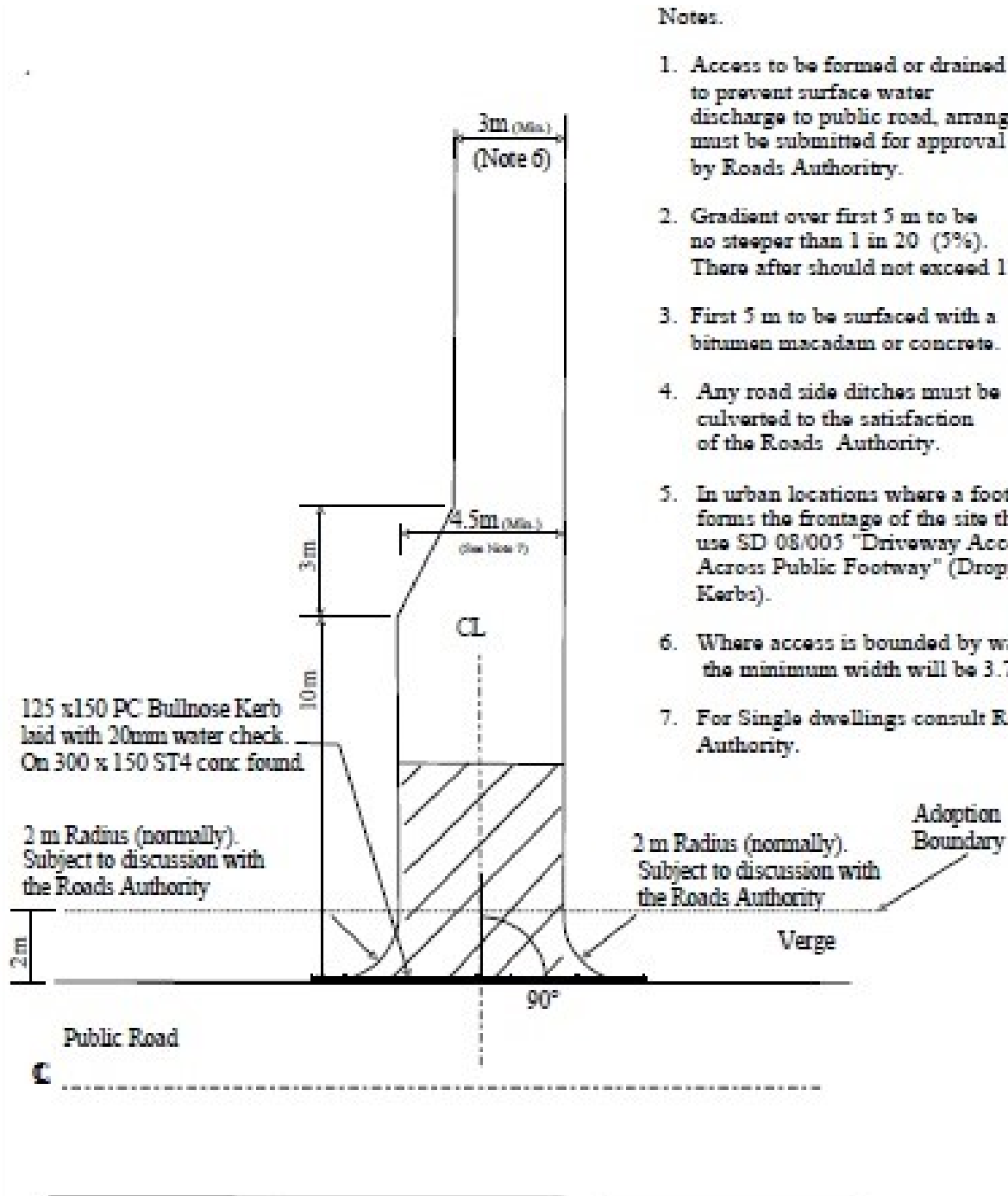
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the 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.
- A further application for planning permission and tree works will be required in order to comply with the Area Roads Managers requirement for the existing access onto Gareloch Road.
- Surface water must not be able to flow from the site onto carriageway.
- A Section 56 Road opening Permit is required for any works carried out on the public road.

## **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

**Appendix 5. Drg SD 08/002 Private Driveway Specification.**



**Notes.**

1. Access to be formed or drained to prevent surface water discharge to public road, arrangement must be submitted for approval by Roads Authority.
2. Gradient over first 5 m to be no steeper than 1 in 20 (5%). There after should not exceed 12.5%.
3. First 5 m to be surfaced with a bitumen macadam or concrete.
4. Any road side ditches must be culverted to the satisfaction of the Roads Authority.
5. In urban locations where a footway forms the frontage of the site then use SD 08/005 "Driveway Access Across Public Footway" (Dropped Kerbs).
6. Where access is bounded by walls the minimum width will be 3.7m.
7. For Single dwellings consult Roads Authority.

**Private Drive Way**

From Un-Kerbed Road

**Argyll & Bute Council  
Operational Services**

Scale 1:150

Date June 2008