

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: 20/00388/PP
Planning Hierarchy: Local Development
Applicant: Ms Alison J. Sinclair
Proposal: Erection of Holiday Let Cottage
Site Address: Garden Ground of Otter Bay, Kilmelford

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of holiday let cottage
- Connection to existing private water supply
- Connection to existing private drainage system

(ii) Other specified operations

- Utilisation of existing vehicular access
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(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 conditions and reasons appended to this report.

(C) HISTORY:

20/00011/PPP

Site for erection of dwellinghouse – Granted: 03/03/20

19/02661/PP

Erection of front porch and decking/canopy to rear – Granted: 12/02/20

12/02479/PP

Erection of dwellinghouse and detached garage, installation of sewage treatment plant and formation of vehicular access – Granted: 21/01/13

(D) CONSULTATIONS:

Area Roads Authority

Report dated 26/03/20 advising no objection to the proposed development subject to conditions regarding commensurate improvements to the private access track; clearance of visibility splays and provision of a parking and turning area for one vehicle.

The Roads Authority clarified in an e-mail that the commensurate improvements should be the repair of carriageway potholing and surface rutting with like for like material and the clearance of any drainage ditches and culverts which should thereafter be maintained.

Environmental Health Service (EHS)

Memos dated 05/03/20 and 06/03/20 advising no objection to the proposed development subject to a condition being imposed on the grant of planning permission requiring the submission of a report on the wholesomeness and sufficiency of the proposed private water supply to ensure it is sufficient to serve the proposed development.

Scottish Environment Protection Agency (SEPA)

Letter dated 10/03/20 advising no objection to the proposal on flood risk grounds but that contact should be made with the Council's Flood Risk Management Authority.

JBA Consulting (Council's Flood Management Authority)

Report dated 23/03/20 advising no objection to the proposed development.

Biodiversity Officer

E-mail dated 09/04/20 advising that an Otter watching brief will be required for the proposed development in advance of the application being determined.

Kilmelford Community Council

E-mail dated 08/04/20 advising that 17 messages (mostly copies of e-mails sent to the Planning Department) were received against the proposed development and that there were no messages of support.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, with an overall closing date of 02/4/20.

(F) REPRESENTATIONS:

17 objections from 10 households have been received regarding the proposed development.

Robert Hill, Kames Lodge, Kilmelford, PA34 4XA (24/03/20)

Lorna Hill, Kames Lodge, Kilmelford, PA34 4XA (31/03/20)

Charles Gearing, Tulloch Beag, Kilmelford, PA34 4XA (23/03/20)

Kirsten Gearing, Tulloch Beag, Kilmelford, PA34 4XA (23/03/20)

Catherine Hibbert, 8 Undercliffe Rise, Ilkley, West Yorkshire, LS29 8RF (23/03/20)

Mike Grabham (e-mail address only) 22/03/20 & 13/04/20

Anne Grabham (e-mail address only) 22/03/20 & 13/04/20
Fergus G. R. Gilanders, Craigaol, Kilmelford, PA34 4XA (31/03/20 & 06/04/20)
Caroline Gilanders, Craigaol, Kilmelford, PA34 4XA (31/03/20)
Stuart G. Cannon, Kames Fish Farm, Kilmelford, PA34 4XA (31/03/20)
Jane Rentoul, Laroch, Kilmelford, PA34 4XA (02/04/20)
John Rentoul, Laroch, Kilmelford, PA34 4XA (02/04/20)
Charles Rentoul, Tigh an Rudha, Kilmelford (PA34 4XA) 04/04/20
Adrian Wells, Ardbeithe, Kilmelford, PA34 4XA (02/04/20)
Shain Wells, Ardbeithe, Kilmelford, PA34 4XA (02/04/20)
Councillor Andrew Vennard (e-mail address only) 21/06/20
Shepherd and Wedderburn, 1 Exchange Crescent, Conference Square, Edinburgh, EH3
8UL (28/07/20)

SUMMARY OF ISSUES RAISED

Site History and Density of Development

- When planning permission was previously sought for this area it was a lengthy and detailed process which concluded in permission for two dwellinghouses on the site (10/02048/PPP) in which it was stated by the Council that '*considering the constraints on the site it is unlikely that any further proposed development would be considered favourably... and in the event that these two dwellings are approved, it is considered that the development capacity of the PDA will have been reached*'.

The proposal will result in a density of properties completely out of keeping with the rest of the area and will be highly detrimental.

The Council have just approved 20/00011/PPP which will bring the number of properties on the site to 2 – the maximum agreed. Whilst this is an application to build on Otter Bay garden ground, it still comprises a further dwelling and hence this further application will bring the number of properties to three contrary to previous advice.

This latest application, therefore, must be refused as it makes a complete nonsense of pronouncements in official documents and throws up serious doubt in the public's mind as to what is and what is not permitted.

Planning Authority Comment: *The previous permission for two dwellinghouses on the site was approved under the former Argyll and Bute Local Plan, 2009, which identified the site as forming part of a Potential Development Area and which was assessed as having suitable capacity for two dwellinghouses without resulting any significant adverse impact on the landscape and localised habitat considerations.*

The current adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, under which the current application is being considered, designates the site as forming part of the 'minor settlement' of Kames where Policy LDP 11 offers support to small scale development, on appropriate sites, subject to compliance with other relevant LDP policies and supplementary guidance.

In this instance, the siting of a modest holiday letting unit, within the garden ground of one of the two housing plots previously identified by the Planning Authority as suitable for development, is considered to be acceptable.

The Planning Authority recognises that the site is not considered acceptable for development with a permanent residential dwellinghouse, as this would not relate to the established settlement pattern of the wider area which is characterised by large dwellinghouses on spacious plots. For that reason it is the intention of the Planning

Authority to impose a condition restricting the occupation of the proposed unit to holiday letting purposes, or incidental residential purposes relating to the dwellinghouse.

It should be noted that, a structure of similar size used for incidental residential purposes, could be constructed on the site under permitted development rights without requiring the benefit of planning permission and which the Planning Authority would have no control over.

Previous Applications by the Applicant

- It is understood that there have been two previous applications by the same applicant to build holiday lets in the vicinity and it had been decided in those two applications that, if the applications were approved, the development capacity of the Potential Development Area would be reached.

Planning Authority Comment: *The Planning Authority is not aware of any previous applications by the applicant for holiday lets in the vicinity of the site subject of the current planning application. It is assumed that this statement relates to the history of the site when it formed part of a Potential Development Area as outlined above.*

Private Water Supply

- The application indicates that water supply will be provided from the existing Otter Bay supply, however, it should be noted that the Otter Bay supply and that for the rest of the properties on the Kames peninsula arise from the same hill and extracting further water could have an adverse impact on the supply to existing properties.
- The site plan shows 'water connection point' and 'water existing supply' at a point in the middle of the driveway to Otter Bay, off which is shown the driveway to the third house. This would appear to be an incorrect source of water since it is situated some distance away from Otter Bay and on the directly opposite side of the present building from the pipe which brings in the (inadequate) water from its source to Otter Bay.
- Otter Bay has frequently run out of water during dry spells and therefore, clearly, the supply to one property is inadequate let alone a further two properties.
- A full and complete water supply study should be completed to ensure a sufficient water supply to all properties before any planning permission is granted, not as a condition after the fact.
- Title Sheet ARG19926 for the property known as 'Otter Bay' (the Subjects) contains a number of burdens on the property. Burden 13 allows eight neighbouring properties a servitude right of access over the Subjects for the inspection, maintenance, renewal and repair of the water supply system shown on the Title Plan. The Title does not allow the owners any rights whatsoever to access the water pipe shown by the blue dotted line on the Title Plan which serves various properties lying to the west and north of the Kames Peninsula. It is understood that the application for planning permission shows access to the aforementioned blue water supply and the proprietors served by the water pipe shown by the blue dotted line would have a right to prevent the applicant from accessing such water supply. Furthermore, due to the restrictions on the water tank and intake apparatus set out in the Title Sheet, then development by the applicant should be restricted to two dwellinghouses only.

Planning Authority Comment: *As the application indicates a private water supply to serve the proposed holiday letting unit comments were sought from the Council's EHS. In their consultation response the EHS raised no objection to the proposed development*

subject to a suspensive condition being imposed on any permission granted requiring an appraisal of the private water supply to be undertaken and a report submitted to the EHS for consideration to ensure that the supply is sufficient to serve the proposed development. This condition requires that such an appraisal shall demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. The development cannot proceed until the EHS is satisfied that the proposed water supply is sufficient and will not have a detrimental impact on existing supplies or users of the same supply.

With regard to the location of the 'water connection point' and 'water existing supply', should it come to light that these points are not correct, and they are outwith the current application site, a further planning application may be required.

With regards to the comments regarding Title Sheet ARG19926, this is not a material planning consideration in the determination of this planning application but a separate, civil matter for affected parties.

Ground Water Levels and Private Drainage Arrangements

- Ground water levels on the peninsula are very high and further construction work and hardstanding on the area will increase water levels and reduce drainage capacity. This can have an adverse effect on neighbouring properties. Lack of drainage capacity could also affect the run-off of sewage from the site and overload a septic tank which was designed for only one dwelling.
- The location of the treatment plant shown on the new plan does not coincide with the location of the approved plans for Otter Bay (12/02479/PP) and would appear to be erroneous.

Planning Authority Comment: *A planning condition will be imposed on the grant of planning permission requiring a Sustainable Drainage System (SUDS) to be incorporated into the construction phase of the proposed holiday letting unit the detailed arrangements of which will be fully controlled by the Council's Building Standards Service at the Building Warrant stage.*

With regards to the private drainage system, it is noted that the drawings for the proposed holiday letting unit show the drainage system positioned further from the dwellinghouse than was shown on the approved plans. However, this change in position is still within the application site and would have been deemed to represent a non-material amendment to the original planning permission by the Planning Authority. The Council's Building Standards Service will supply sufficient control over the detailed arrangements of the connection of the proposed holiday letting unit into the existing drainage system to ensure compliance with the relevant legislation.

Area of Panoramic Quality, Landscape and Wildlife

- The Kames peninsula is within an Area of Panoramic Quality as per the current adopted LDP. The new property, together with the site that has just been granted, would be fully visible from the A816 public road across Kames Bay which will create an area of urbanisation in a countryside location and severely diminish the quality of the view from the Argyll Tourist Route.
- The position of the two plots in the original application (10/02048/PP) were largely determined by being outside of either the high or medium areas of sensitivity as identified in the habitat survey undertaken as part of the application. The land

bounding the plots, together with remainder of the northeast side of the peninsula was found to be either sensitive or highly sensitive habitat requiring protect from development. Whilst this survey found no firm evidence of the presence of otters it was sated that they may be present. Otters have been seen regularly in this area and any further development, especially a holiday let cottage with numerous visitors, will lead to the disturbance of these animals.

Planning Authority Comment: *Whilst it is acknowledged that the site is situated within the Knapdale and Melfort Area of Panoramic Quality, it has been deemed suitable for appropriate scales and forms of development through its allocation as a 'minor settlement' in the adopted LDP. The siting, design and finishing materials of the proposed holiday letting unit is considered to be acceptable and it is not considered that it will have any significant adverse impact on the site or its setting within the wider APQ.*

Otter Bay itself is visible from the A816 on approaches from the north. The application shows the proposed holiday letting unit sited within the rear garden ground of the property beyond its detached garage. The holiday letting unit will present its narrow, east gable elevation towards the A816 public road and whilst there may be fleeting glimpses of the holiday unit on approaches along the A816 when travelling south, given its modest size, and recessive finishing materials, it is not considered that it will appear as a prominent feature within the site or wider landscape.

With regards to the presence of Otter on the site, the Council's Biodiversity Officer requested that an Otter Survey be undertaken in advance of the planning application being determined. An Otter Survey for the site was undertaken which identified, in summary, that whilst evidence of otter using the area were found, there were few opportunities for potential holts/rest-ups within 200 metres of the proposed development and no evidence of holts or rest-ups found within 200 metres of the proposed development. The report concluded that the proposed development will not impact on local otter populations.

The Council's Biodiversity Officer confirmed acceptance of the Otter Survey and recommended that a 'watching brief' be maintained during the construction period of the development to ensure that no otters are compromised. A planning condition will be imposed on the grant of planning permission requiring those mitigation measures identified in the consultation response to be acted upon during construction.

Private Access Track and Roads Issues

- The road is a private road, maintained by the residents. Further development will increase traffic, especially from a holiday let where residents have no vested interest in maintaining the road and taking care when using it. This would put an unreasonable burden on those who pay to maintain the road.
- An additional property will increase vehicular traffic accessing the A816 public road mainly at times of the year when the road is busy with holiday traffic and as such this requires careful consideration.
- The proposal raises both road and pedestrian safety issues for existing users of the private access track due to the intensification of its use.
- The requirement to upgrade the private access track will place a considerable additional burden on the existing residential properties to maintain a road for many potential visitors to the holiday let cottage who will have no regard for the maintenance and usability of the road.

- Previous planning permissions (12/02479/PP and 14/00881/PP) had conditions imposed requiring the upgrading of the private access track, however these works have never been undertaken and clarification is sought on whether these improvements will be sought by the Planning Authority.

Planning Authority Comment: *The Council's Roads Authority raised no objection to the proposal on road or pedestrian safety grounds but did request that a condition be imposed on the grant of planning permission requiring the applicant to undertake commensurate improvements comprising carriageway potholing and surface rutting to be repaired with any drainage ditches and culverts cleaned and maintained.*

Once the commensurate improvements have been undertaken the ongoing maintenance of the private access track becomes a civil matter for users of the access track.

With regards to the previous upgrades subject of conditions of previous planning permissions, this matter will be passed to the Council's Planning and Enforcement Officer to fully investigate.

Use of the Property

- The property is proposed as a holiday let which is specifically a business enterprise located on an existing plot and is out of character with the residential nature of the peninsula. Whilst Otter Bay itself used to be a holiday let, it was the whole property which was let out and therefore impacted less on the residential style of the locality. A second property as a holiday let within the plot renders this more of a commercial enterprise. There are already a large number of purpose built holiday lets in Kilmelford. This proposal would commercialise the residential Kames peninsula and diminish the quality of this area.
- A holiday let cottage would be used exclusively by people who have no involvement in the local community and no commitment to community cohesion. This type of development will not benefit the local community.

Planning Authority Comment: *Whilst it is acknowledged that the proposed holiday letting unit is a business enterprise, it is a use which can be undertaken adequately within a residential area without any adverse amenity conflict with neighbouring residential properties. It is not sure the relevance regarding the comment of the entire extent of the donor house Otter Bay having been used previously for holiday letting purposes. It is considered that the proposed small-scale tourism offer would benefit the local economy and is, therefore, in accordance with one of the central challenges for Argyll and Bute; that of delivering sustainable economic growth.*

Design of the Development.

- The design of the house is absolutely not in keeping with other houses on the peninsula, as it is a wooden chalet-style building. The location and size of the plots was referred to in the 2011 design statement as being of a size to accommodate large houses, but the statement said that the external design should avoid chalet style buildings. The proposed building is not in keeping with the existing houses or the 2011 design statement in terms of style.

Planning Authority Comment: *The 2011 design statement refers to supporting documentation submitting with an earlier application. The proposed holiday letting unit is a modest, single storey pitched roof structure and, whilst timber clad, it could not reasonably be described as a 'chalet', which suggests a temporary building or caravan.*

The scale and design of the building is subordinate to the main dwellinghouse with finishing materials that will ensure it integrates well within the site and will not give rise to any significant concerns given its siting within the garden ground of the dwellinghouse.

Kames Fish Farm (KFF) - Bad Neighbour in Reverse

- In the original application there was a concern that Kames Fish Farm presented in planning terms a 'bad neighbour in reverse'. This was mitigated by the planners stating that '*any impact from the pier is negated by natural undulations in the landform a rocky knoll and planting*'. It is very unlikely that the undulations and knoll will screen the additional proposed dwelling as well. It is also stated '*additionally, windows of principal rooms can be kept to areas not facing the pier so as to further protect amenity*'. The main and predominantly only views as shown on the plans are from the east aspect and not only is there a large window but also a balcony from which it would be expected the pier would be visible.
- Potential occupiers of the holiday let must be made aware that Kames Fish Farming hatchery and pier are designated in the Local Development Plan as an Established Business and Industry Area and has operated here since 1972.
- Since the previous permissions were granted, the operation of Kames Fish Farming has grown considerably and, with the proposed holiday let cottage having a direct view and being much nearer to Kames Fish Farming operations, prospective occupiers should be made aware of the operation.
- The activity of the fish farm, both the pier and the hatchery, are typical fish farming activities with no industrial activity as such but does operate 24/7 and, whilst normal hours are 7am-6pm, there are staff, lorries, forklifts etc. which do require to operate outside those hours.
- From time to time it is necessary to remove dirty sea nets from the cages and store them at the pier, to be removed within a short period of time for transportation to a net washing, disinfecting and repair station. Dependant on weather, this can create a smell of the sea and rotting seaweed.

Planning Authority Comment: *During the processing of the recent planning application for a dwellinghouse on the site adjacent to the site subject of the current application, the Planning Authority sought comments from the Council's EHS who raised no objection from a 'bad neighbour in reverse' perspective.*

In their response to the current application for the proposed holiday letting unit, the EHS raised no concerns.

It is not considered that there will be any significant adverse impact on the proposed holiday letting unit from the existence of the Kames Fish Farming operation. Furthermore, as the application is for holiday letting purposes only, and not for permanent residential use, there is no requirement to provide the same amenity levels normally associated with permanent residences.

Services for Existing Properties

- Services for the existing dwellinghouses on the peninsula (water and telephone) cross the area where this additional property is proposed to be built. No consideration of the existing services is mentioned in the application and if the proposal is permitted without such consideration this will cause disruption and loss of such vital services to existing residents.

Planning Authority Comment: This is not a material consideration in the determination of this planning application but a separate civil matter for affected parties.

Error in Report of Handling for Adjacent PPP Plot (20/00011/PPP)

- There is an error in the Report of Handling for the planning permission in principle on the adjacent site which makes reference to a dwellinghouse on the other side of the A816 public road.

Planning Authority Comment: This error is noted by the Planning Authority. However it is clear from the Report of Handling that the correct site had been visited, considered and assessed in the Report of Handling prepared for the application.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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|---|------------|
| (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) Otter Survey | Yes |

An Otter Survey for the site was undertaken which identified, in summary, that whilst evidence of otter using the area were found, there were few opportunities for potential holts/rest-ups within 200 metres of the proposed development and no evidence of holts or rest-ups found within 200 metres of the proposed development. The report concluded that the proposed development will not impact on local otter populations.

Full details of the Otter Survey is available on the Council's Public Access System by clicking on the following link:
<http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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| (v) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
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(H) PLANNING OBLIGATIONS

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| (i) Is a Section 75 obligation required: | No |
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| (l) 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.

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones (*Minor Settlement of Kames*)

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP BAD 2 – Bad Neighbour in Reverse

SG LDP ENV 6 – Development Impact on Trees and Woodland

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs) (*Knapdale and Melfort APQ*)

SG LDP ENV 14 – Landscape

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

SG LDP SERV 6 – Private Water Supplies and Water Conservation

SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans

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

SG LDP TRAN 6 – Vehicle Parking Provision

(i) 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.

Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Argyll and Bute Proposed Local Development Plan 2 (November 2019)

Consultation Responses

Third Party Representations

(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
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(O)	Requirement for a hearing:	No
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In deciding whether to hold a discretionary hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

17 objections from 10 households have been received regarding the proposed development, 7 of which can be identified as being within the local area.

It is the opinion of the Planning Authority that the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the fully adopted 'Argyll and Bute Local Development Plan' 2015 and the direct relevance of key planning policies contained within it.

In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling and it is not considered that a discretionary local hearing would add value to the planning process.

The proposed small scale tourism development is wholly in accordance with the adopted Local Development Plan. The determining factors in the assessment of this application are whether or not the scale and design of the proposed development is acceptable for its site and surroundings, including its impact upon the character and amenity of the area. It is also necessary to address access, infrastructure and servicing concerns. It is noted, in this regard, that a building of similar scale and construction could be developed on this site without the need for planning permission as an ancillary domestic outbuilding. Whilst such a building would need to have a ridgeline approximately 1 meter lower than that of the building currently proposed, its scale and design and its visual impact upon character and amenity would be largely the same as the current proposal. This represents a realistic 'fallback' position and must be weighed as a material planning consideration in the assessment of this application.

In light of the above it is recommended that the Committee does not hold a hearing prior to the application being determined.

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

Planning permission is sought for the erection of a holiday letting unit within the garden ground of Otter Bay, Kames, Kilmelford.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the minor settlement of Kames where Policy LDP DM 1

gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 5 and SG LDP TOUR 1 give support to new businesses and tourist facilities which help deliver sustainable economic growth throughout the area subject to a number of criteria being met including respecting the landscape character and amenity of the area; being reasonably accessible by public transport and being well related to the existing settlement pattern of development.

The determining factors in the assessment of this application are whether or not the scale and design of the proposed development is acceptable for its site and surroundings, including its impact upon the character and amenity of the area. It is also necessary to address access, infrastructure and servicing concerns.

The proposal has elicited 17 objections from 10 households.

It is considered that the site represents a suitable opportunity for small scale tourism development with the proposed holiday letting unit within the garden ground of the existing dwellinghouse consistent with the relevant provisions of the Development Plan and benefitting the local economy in accordance with one of the central challenges for Argyll and Bute; that of delivering sustainable economic growth.

It is recommended that planning permission be granted.

(Q)	Is the proposal consistent with the Development Plan:	Yes
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(R) Reasons why planning permission should be granted

It is considered that the site represents a suitable opportunity for development with the proposed holiday letting unit within the Minor Settlement Zone of Kames which is of a suitable size, design and finishing materials which ensure it will fit well with the established settlement pattern of the area without having any significant adverse impact on the landscape or wider APQ at this location

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP BAD 2, SG LDP ENV 6, SG LDP ENV 13, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 6, SG LDP SERV 7, SG LDP TOUR 1, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015 and 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
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N/A

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

Author of Report: Fiona Scott **Date:** 08/07/20

Reviewing Officer: Tim Williams **Date:** 28/07/20

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 20/00388/PP

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated **24/02/20**; supporting information and, the approved drawings listed in the table below unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Supplementary Map for Location Only (No Scale)			03/03/20
Location Plan (1:5000 @ A4)			03/03/20
Location and Ownership Drawing	LO (01)	A	03/03/20
Site Plan (1:500 @ A3)			03/03/20
Block Plan As Proposed (1:200)			03/03/20
Elevations and Floor Plan (1:100)			03/03/20

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

Note to Applicant:

- 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 Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- 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.
- Please note the advice and guidance contained in the attached responses from the Council's Environmental Health Service and Biodiversity Officer. You are advised to contact them direct to discuss any of the issues raised.

OCCUPANCY RESTRICTION

2. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year.

Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwelling due to the

proximity to the neighbouring residential properties and in order to respect the spacing between those properties.

Note to Applicant:

For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.

COMMENSURATE IMPROVEMENTS TO PRIVATE ACCESS TRACK

3. Notwithstanding the provisions of Condition 1, prior the holiday letting unit first coming into use, commensurate improvements to the private access track shall be undertaken. Such works shall comprise the repair of all carriageway potholing and surface rutting on a like for like basis and the clearance of drainage ditches and culverts. Thereafter the drainage ditches and culverts shall be retained clear of any obstructions.

Reason: In the interests of road safety.

VISIBILITY SPLAYS

4. Notwithstanding the provisions of Condition 1, prior to the holiday letting unit first coming into use, visibility splays of 2.4 metres to point X by 160 metres to point Y from the centre line of the junction at the public road shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y and maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

PARKING AND TURNING PROVISION

5. 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 one vehicle 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.

PRIVATE WATER SUPPLY

6. Pursuant to Condition 1, no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Private Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the

wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supply.

Note to Applicant:

Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

SUSTAINABLE DRAINAGE SYSTEM

7. Notwithstanding the provisions of Condition 1 the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk.

LANDSCAPING

8. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
- i) Location, design and materials of proposed walls, fences and gates;
 - ii) Surface treatment of proposed means of access and hardstanding areas;
 - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
 - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

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

OTTER WATCHING BRIEF

9. Notwithstanding the provisions of Condition 1, a Watching Brief for Otter should be maintained during the construction period of the proposed development to ensure that no otter or otter habitat are compromised, with the Watching Brief made available for inspection by the Planning Authority.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

Note to Applicant:

Regard should be had to the Council's Biodiversity Officer's consultation comments in relation to the proposed development which provide further detail in respect of Otter which may be affected and the developer's responsibilities and obligations under nature conservation legislation.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/00388/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the Minor Settlement of Kames where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is within the Knapdale and Melfort Area of Panoramic Quality (APQ) where Policy LDP 3 requires the provisions of SG LDP ENV 13 to be considered which seeks to ensure the highest standards in terms of location, siting, landscaping, boundary treatment, materials and detailing to ensure developments do not have any significant adverse impact on the character of the APQ.

Policy LDP 5 gives support to new and existing businesses which help deliver sustainable economic growth throughout the area with SG LDP TOUR 1 expanding on this policy giving a presumption in favour of new or improved tourist facilities subject to a number of criteria including respecting the landscape character and amenity of the area; being reasonably accessible by public transport and being well related to the existing settlement pattern of development.

Policy LDP 9 and SG 2 seek 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 taking into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The proposal has elicited 17 objections from 10 households.

B. Location, Nature and Design of Proposed Development

The application site is situated within the garden ground of Otter Bay which is a single storey detached dwellinghouse.

Planning permission in principle (PPP) has recently been granted to the southwest of Otter Bay for the erection of a single dwellinghouse. The holiday letting unit, subject of this application, is proposed between the donor house and the site recently granted PPP and would, therefore, be largely screened by both.

The site comprises a flat area of ground within the defined garden ground of the dwellinghouse situated to the southwest of the detached garage.

The application proposes a modest, single storey, pitched roof structure taking a rectangular form for holiday letting purposes. The proposed building would have a ground floor area of approximately 81.5 square metres and a ridge height of approximately 5 metres. The proposed holiday letting unit is to be finished in vertical timber cladding with a dark grey coloured profiled metal roof. There are areas of well-established tree cover

along the boundary of the adjacent site recently granted PPP which are protected by a planning condition and which will provide an element of screening when the proposed holiday letting unit is viewed from the private access track. Further landscaping to help further integrate the proposed holiday letting unit within the site will be secured by a condition imposed on the grant of planning permission.

A planning condition is proposed restricting the use of the unit to holiday letting purposes only as the site is not considered to represent a suitable opportunity for development with a permanent residential dwellinghouse as it would not relate to the established settlement pattern of the wider area which is characterised by large dwellinghouses on spacious plots. However, the use of the unit for holiday letting purposes related to the donor house, within its defined garden ground, is considered to be an acceptable use.

It should be noted that a building of similar scale and construction could be developed on this site without the need for planning permission as an ancillary domestic outbuilding. Whilst such a building would need to have a ridgeline approximately 1 meter lower than that of the building currently proposed, its scale and design and its visual impact upon character and amenity would be largely the same as the current proposal. This represents a realistic 'fallback' position and must be weighed as a material planning consideration in the assessment of this application.

It is considered that the site represents a suitable opportunity for development with the proposed holiday letting unit within the garden ground of the existing dwellinghouse without having any significant adverse impact on the site or the wider landscape and Area of Panoramic Quality at this location.

The proposal is considered acceptable in terms of Policies LDP DM 3, LDP DM 9, SG2, SG LDP ENV 13 and SG LDP ENV 14 which collectively seek to ensure that developments integrate well within their setting and do not have any impact on the wider landscape within which they are situated.

C. Road Network, Parking and Associated Transport Matters.

The application proposes to utilise the existing private vehicular access serving the donor dwellinghouse Otter Bay to serve the proposed holiday letting unit. The Council's Roads engineer has raised no objection to the proposed development subject to conditions regarding the clearance of visibility splays; provision of an appropriate parking and turning area within the site; and commensurate improvements to the existing private track due to the intensification of its use. The Roads engineer has identified the commensurate improvements as the repair of carriageway potholing and surface rutting with like for like material and drainage ditches and culverts cleaned and maintained.

With conditions to achieve the requirements of the Area Roads Authority the proposal is acceptable in terms of Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.

D. Infrastructure

With regards to water supply and drainage arrangements to serve the proposed holiday letting unit, the application proposes connection to an existing private water supply and connection to an existing private foul drainage system. The Council's Environmental Health Service raised no objection to the proposal subject to a condition being imposed on the grant of planning permission requiring submission of a report on the proposed private water supply to be used to ensure that it is adequate to serve the proposed development without comprising existing users of the supply and also adjacent supplies.

The Council's Building Standards Service will apply sufficient control over the detailed arrangement of connection into the private foul drainage system.

With a condition the proposal is acceptable in terms of Policy LDP DM 11 and SG LDP SERV 1 and SG LDP SERV 2 which support private drainage systems and water supplies where connection to the public systems is not available.

E. Protected Species

Third parties highlighted the presence of Otter on site and therefore the Planning Authority sought comments from the Council's Biodiversity Officer. As Otter are a European Protected Species the Biodiversity Officer requested that an Otter Survey be undertaken in advance of the planning application being determined.

An Otter Survey for the site was undertaken which identified, in summary, that whilst evidence of otter using the area were found, there were few opportunities for potential holts/rest-ups within 200 metres of the proposed development and no evidence of holts or rest-ups found within 200 metres of the proposed development. The report concluded that the proposed development will not impact on local otter populations.

The Biodiversity Officer confirmed acceptance of the Otter Survey and recommended that a 'watching brief' be maintained during the construction period of the development to ensure that no otters are compromised. A planning condition will be imposed on the grant of planning permission requiring those mitigation measures identified in the consultation response to be acted upon during construction.

With a condition the proposal is acceptable in terms of Policy LDP DM 3 and SG LDP ENV 1 which seek to protect Habitats and Species of the Habitats Directive.