

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: 20/00971/PP

Planning Hierarchy: Local Development

Applicant: Craig Cant

Proposal: Erection of storage building and installation of entrance gates and 1.8 metre high fence to form enclosed yard

Site Address: Land North of Darleith Lodge, Darleith Road, Cardross

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of storage building
- Installation of entrance gates and 1.8 metre high fence to form enclosed yard

(ii) Other specified operations

- Connection to public sewerage system
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

(C) HISTORY:

05/02222/COU - Erection of new dwellinghouse and access road (Refused 09.03.2006)

(D) CONSULTATIONS:

Area Roads Manager

Memo dated 02.07.20. No objections in principle. Prior to any work commencing on site, in the interest of road safety and in accordance with the Council's Local Development Plan the following conditions are required:

Full details of proposed road improvements on Darleith Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager.

A swept path drawing showing that agricultural vehicles and HGV to transport agricultural vehicles can safely navigate Darleith Road from the A814 to the proposed site shall be submitted. Darleith Road from its junction with A814 and Mill Road shall require the installation of passing places at no more than 100 metres, in conjunction with signage giving priority to vehicles traveling on Darleith Road in a northerly direction from the A814 towards Mill Road. Consideration shall be taken to maintain the existing on street parking and driveway accesses.

The existing private road does not have the capacity for agricultural vehicles and HGV to transport agricultural vehicles without junction improvement and road widening works being required to be carried out.

At the junction of the adopted road (Darleith Road) and the private road, a visibility sightline 2.4 x 35 x 1.05 metres to the north and 2.5 x 70 x 1.05 metres to the south shall be provided and maintained in perpetuity for each private access. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.

Cardross Community Council

Letter dated 18/06/20. Object. The stated purpose is for a yard to store agricultural plant and machinery. The applicant is a local building contractor and there is concern that this would become a builders' yard which would be wholly inappropriate in a quiet rural area and would adversely impact on nearby residential properties in terms of noise and disruption.

The site is accessed from Darleith Road which is single track and with few passing places. It is used for leisure purposes by many villagers and visitors and is the access route to the John Muir Way and Balloch via Stonymollan. The road is particularly unsuitable as a regular access route for heavy plant and machinery.

This area of greenbelt is a haven for wildlife and there is concern about the previous felling of trees during the bird breeding season.

Comment: See the assessment.

Scottish Forestry

Letter dated 03/08/20. Object. An area of woodland was cleared of trees in advance of a submitting a planning proposal. This felling is in breach of the Forestry and Land Management (Scotland) Act 2018 where in excess of 5m³ was felled in a calendar quarter without formal approval. Officers inspected the site and noted that approximately 20m³ of timber remained on site from the felling which given the assumed felling period would indicate approximately 10m³/calendar quarter had been felled. This is a recognisable breach of the Act.

Argyll and Bute Council recognise the Scottish Government's woodland removal policy in the Local Development Plan and as such condoning woodland removal for non-essential development would contradict their own policy on this.

Scottish Forestry will be serving a Restock Direction on the owners of the land where the felling took place. This is a legally binding document issued by the Scottish Ministers and forms a burden on that land.

Comment: These comments are noted.

(E) PUBLICITY:

Regulation 20 Advert, closing date 09/07/20.

(F) REPRESENTATIONS:

- i) 72 objections and 4 representations have been received raising objection to the proposed development from the parties listed below. A summary of the key issues raised is provided below, individual representations are available in full for review on the planning file available to view in Public Access.

Objection

1. Snober Abbas, by e-mail, no address provided (22.06.20)
2. Madeline Badger, Green Cottage, Darleith Road, Cardross (16.06.20)
3. Robert Baxter, Darleith Stables, Greys, Darleith Road, Cardross (15.06.20)
4. Henry Boswell, Darleith House, Darleith Road, Cardross (27.06.20)
5. James Brown, 1 Cardross Park, Mansion Braid Drive, Cardross (27.06.20)
6. M A Bryson, Bloomhill, Carman Road, Cardross (16.07.20)
7. A M Bryson, Bloomhill, Carman Road, Cardross (16.07.20)
8. James O Butler, Collie Cottage, Victoria Terrace, Calder Vale (09.07.20)
9. Josephine Cameron, Shira Lodge, Main Road, Cardross (01.07.20)
10. Iain Cameron, Shira Lodge, Main Road, Cardross (01.07.20)
11. Brooke Cardew, 7 Otago Place, Dumbarton (18.06.20)
12. Colin Clarke, Barbain, Church Avenue, Cardross (26.06.20)
13. Elspeth Clarke, Barbain, Church Avenue, Cardross (23.06.20)
14. C Court, 3 Fairway, Cardross (18.06.20)
15. Ann Craig, 16 Graham Crescent, Cardross (29.06.20)
16. Mark Craise, St Meddans, Main Road, Cardross (28.06.20)
17. Nicola Craise, St Meddans, Main Road, Cardross (29.06.20)
18. Brian Craven, 1 Kilmahew Grove, Cardross (24.06.20)
19. Moira Craven, 1 Kilmahew Grove, Cardross (24.06.20)
20. Sharon Creasy, Quarry Cottage, Darleith Road, Cardross (05.07.20)
21. Richard Creasy, Quarry Cottage, Darleith Road, Cardross (05.07.20)
22. Michael Crowe, 3 Scott Gardens, Main Road, Cardross (22.06.20)
23. Eric Duncan, 11A Muirend Road, Cardross (23.06.20)
24. Morag Elliot, East Lodge, Drumhead, Darleith Road, Cardross (04.07.20)
25. Scott Elliot, by e-mail, no address provided (06.07.20)
26. Ed English, by e-mail, no address provided (22.06.20)
27. Ian Fanning, Greyoaks Farm, Darleith Road, Cardross (22.06.20 x2)
28. Phillip Farren, by e-mail, no address provided (22.06.20)
29. Nicola Gordon, by e-mail, no address provided (19.06.20)
30. Fraser Gordon, by e-mail, no address provided (22.06.20)
31. Jacqui Gordon, by e-mail, no address provided (22.06.20)
32. Robert Harvey, Barrachan, Darleith Road, Cardross (09.07.20)
33. Mairi Harvey, Barrachan, Darleith Road, Cardross (09.07.20)
34. Gordon S Hendry, Greyfriars, Darleith Road, Cardross (13.07.20)
35. Paul Howell, by e-mail, no address provided (29.06.20)

36. Rob Irving, Creran, Church Avenue, Cardross (22.06.20)
37. Julie Lang, Ellismhor, Darleith Road, Cardross (17.06.20)
38. Ashleigh Leach, by e-mail, no address provided (17.06.20)
39. Flora Leckie, 36 Hillside Road, Cardross (19.06.20)
40. Nell MacBean, Killoeter Cottage, Red Road, Cardross (28.06.20)
41. Alasdair MacCuish, 3 River View Crescent, Cardross (16.06.20)
42. Stewart MacDonald, Kirkton House, Darleith Road, Cardross (24.06.20)
43. E A H Major, 41 Hillside Road Cardross (01.07.20)
44. Alec Major, 41 Hillside Road Cardross (29.06.20)
45. W J Major, 41 Hillside Road Cardross (29.06.20)
46. Jennifer Mansley, Kirkton Granary, Darleith Road, Cardross (30.06.20)
47. Jane McGrath, Bayden Cottage, Darleith Road, Cardross (01.07.20)
48. John Middleton, Kindar, Reay Avenue, Cardross (24.06.20)
49. Calum Millar, by e-mail, no address provided (18.06.20)
50. Chris Moore, 17 Napier Avenue, Cardross (22.06.20)
51. Karen Y Moriarty, Milnholm, Darleith Road, Cardross (22.06.20)
52. Bob Murray, 6 Napier Avenue, Cardross, (23.06.20)
53. Eileen Murray, 6 Napier Avenue, Cardross (23.06.20)
54. Fraser Murray, by e-mail, no address provided (17.06.20)
55. Shannon Murray, 68 Maitland Court, Helensburgh (18.06.20)
56. Ruth O'Keefe, by e-mail, no address provided (22.06.20)
57. Janet Peattie, 17 Napier Avenue, Cardross (25.06.20)
58. Ruth H Preston, Darleith Lodge, Darleith Road, Cardross (29.06.20)
59. Fiona Allyson Preston, Darleith Lodge, Darleith Road, Cardross (29.06.20)
60. Kenneth Readman, Woodlands, Murrays Road, Cardross (05.07.20)
61. Lauren Roy, by e-mail, no address provided (18.06.20)
62. Mike Strachan, Scottish Forestry, Upper Battleby, Perth (30.06.20)
63. Kiah Teague, by e-mail, no address provided (22.06.20)
64. Jay Thundercliffe, by e-mail, no address provided (09.07.20)
65. Jean Veitch, 3 Barrs Court, Cardross (30.06.20)
66. Michael Veitch, 3 Barrs Court, Cardross (28.06.20)
67. Karen Veitch Thomson, 5 Burnfoot, Cardross (29.06.20)
68. Victoria Watkins, by e-mail, no address provided (07.07.20)
69. Mavourneen Watkins, Darleith Stables House, Darleith Road, Cardross (25.06.20)
70. John Watkins, Darleith Stables House, Darleith Road, Cardross (26.06.20)
71. Kirsty West, Watkins, Darleith Stables, Darleith Road, Cardross (01.07.20)
72. Michael A Wilson, High Auchensail Farm, Darleith Road, Cardross (01.07.20)

i) Summary of issues raised

Settlement Strategy / Planning History / Concerns Regarding Nature of Proposed Use:

Greenbelt location unsuitable for industrial estate/storage/builders yard facility. Alternative locations available in/closer to towns, including Helensburgh, Dumbarton and Alexandria, or land at Camis Eskan Lodge that is more suitable for the proposed development.

Comment: See the assessment

The proposal is contrary to Policy LDP DM 1 – it is contended that the applicant's intended use of the site is not compatible with caveats providing support for agricultural development within the Greenbelt and should be refused. Previous planning decisions are noted as setting a precedent for the Council taking this approach, notably 11/00213/PP. Development of a brownfield location is preferable to release of greenfield land.

Comment: See the assessment.

Planning Permission has previously been refused for a dwelling on the site. Planning application (ref. 05/02222/OU) was refused for multiple reasons including loss of woodland and hedging, loss of biodiversity, Greenbelt designation, and contrary to the LDP. The current application is larger and would involve the loss of more trees. It is contended that the site is no more suitable for a builders' yard than the previously rejected residential development. It is contended that the applicant's claim that this is the only location available to build the proposed development is spurious and that the principle requirement influencing site selection is financial cost to the developer. It is noted that the applicant is familiar with the planning process as evidenced by an earlier application (14/00362/PP) and as such cannot reasonably claim to be unaware of the requirement for planning permission for the development subject of the current application.

Comment: Each application is judged on its merits.

Concern is raised that whilst the proposed development is described as an 'agricultural' building the applicant owns and operates a building business (CRC) and it is assumed that the intended purpose of the development is for use as a builders' yard with activity more akin to an industrial estate. It is highlighted that the proposal is not on a registered agricultural holding. It is suggested that Mr Cant does not have an agricultural holding number as stated in his supporting letter, nor is there any mention of agricultural contracting in details available for his company CRC.

Comment: See the assessment.

It is questioned why the application has been submitted in the name of Mr Cant as opposed to the company that will operate the site.

Comment: This is not a material planning consideration.

There is no dependable, factual information provided in the application to confirm what the storage element of the proposed development will be utilised for. However, the details would indicate that this is a commercial operation as opposed to being for agricultural purposes. There is no economic or aesthetic benefit to the proposal.

Comment: See the assessment.

Concern is expressed that an industrial development of the scale proposed would be an over-development which is out of keeping with the existing scale of development in a small, residential hamlet.

Comment: See the assessment.

Concern is expressed that approval of the current application will also result in a requirement for an additional dwelling.

Comment: Each application is judged on its merits.

Impact upon trees and natural environment:

It is highlighted that this is one of the few remaining woodland areas within the locality. It is questioned whether the applicant undertook any form of environmental appraisal/study in advance of felling trees on the site. Loss of habitat and disturbance including impact upon flora and fauna including bats, badgers, hares, deer, pine martin, hedgehogs, barn owls, buzzards, goldfinches, and woodpeckers – some of which are protected species.

Comment: See the assessment.

Loss of 50+ mature trees and dumping of rubbish on the development site is unacceptable. Concern is expressed that approval of the development will result in further felling of adjacent woodland to make room for future expansion of the site. Tree felling within the site has already been undertaken during the nesting season and without appropriate Felling Licences from Forestry Scotland. It is suggested that if the application is unsuccessful that the applicant should be required to restore the woodland. It is understood that the woodland is subject to a 'restocking order' from Forestry Scotland.

Comment: This issue is currently the subject of an enforcement investigation. It is understood that Scottish Forestry were contacted separately regarding un-authorized tree felling at Darleith and they have been consulted regarding this proposal.

Concern is raised that the proposed development gives rise to potential impacts from chemical and fuel oil leakage into the Darleith Burn and Geilston Burn which is a SSSI.

Comment: See the assessment.

Impact upon residential amenity / amenity of locale.

It is highlighted that the development is located within a quiet, rural setting. Concern is raised that the proposal will have an adverse impact upon residential amenity of neighbouring properties through noise and disruption. It is noted that the application is not accompanied by a noise assessment or any details setting out the proposed hours of operation.

Comment: See the assessment.

Timber cutting operations are likely to give rise to noise nuisance locally within an otherwise quiet, countryside setting.

Comment: Timber operations are being investigated as part of an enforcement case.

The high value nature of plant/equipment to be stored at the site may, in addition to the proposed 1.8m high fence, require installation of security lighting and alarms which will also impact upon the amenity of the locale/residential property.

Comment: See the assessment.

Use of the road by HGV traffic would cause disturbance to residential property located close to the road through both noise and vibration.

Comment: See the assessment.

It is noted that there is currently no power on the site and any requirement for a generator would give rise to both noise and pollution.

Comment: See the assessment.

Loss of privacy to existing residents through increased usage of the surrounds by persons accessing the proposed development. The development may be a target for criminals and as such could increase fear of crime locally within this rural area.

Comment: See the assessment.

Visual Impact:

The development would be an eyesore, visually intrusive and appear out of keeping with its surrounds. The proposal would be readily visible from nearby residential properties contrary to the applicant's claims.

Comment: See the assessment.

Impact upon Historic Built Environment:

The development will impact upon a number of listed buildings close to the site.

Comment: See the assessment.

Suitability of Access / Impact Upon Road Safety:

The site is served by a 2 mile stretch of single track road with narrow verges, blind corners, no pavements, and limited pedestrian refuge locations or passing places and as such is considered unsuitable to accommodate HGV, heavy plant and machinery traffic from the proposed development. Additionally it is highlighted that parts of this road are subject to flooding and a low priority gritting route in winter months.

Comment: See the assessment.

It is noted that Darleith Road provides a means of access to the John Muir Way and the 3 Lochs Way. Concern is expressed that traffic from the proposed development would impede the movement of pedestrians (including school children and dog walkers) cyclists, horse riders, and emergency vehicles using the route, in addition to giving rise to an increased risk of accidents.

Comment: See the assessment.

Concern is raised that the details within the submission advising that vehicular traffic relating to the development is 'anticipated to be limited to two or three times per week' seeks to deliberately downplay the potential impact of the proposal upon road safety.

Comment: See the assessment.

Concern is expressed that Darleith Road is a residential street next to a school and as such unsuitable for heavy vehicular traffic. Tree felling activity on the site has already led to use of the road being restricted during those operations. It is suggested that passing places at 150m intervals along Darleith Road should be required. It is queried whether the applicant could make such provision. Road safety is already an issue as a result of usage of Darleith Road by heavy vehicle movements generated by farms and forestry plantations. The proposal would exacerbate these issues.

Comment: See the assessment.

Other:

A typo within the application documentation referring to the site address as 'Dalreith Road' as opposed to 'Darleith Road' was highlighted. It is commented that the site's postcode is G82, not G84.

Comment: These points are noted. It is not considered that these points prevent determination of the application.

It is noted that the site falls within the area of Cardross Community Council.

Comment: Cardross Community Council has commented on the proposed development.

Concern is expressed that the development may have an adverse impact upon local property values.

Comment: Loss of property values is not a material planning consideration.

The applicant is not well liked locally.

Comment: This is not a material planning consideration.

Third party rights of access are claimed over the development site (R. Baxter).

Comment: This is a civil matter between the parties concerned.

It is noted that another commercial venture of a Dog Walking Field has also recently started trading from Darleith Road without requisite planning permissions.

Comment: This is the subject of a separate enforcement investigation.

Representation

W F Deans, by e-mail, no address provided (17.06.20)

Allyson Preston, Darleith Lodge, Cardross, G82 5HN (e-mail dated 29.06.20)

Emily Moriarty, no address (e-mail dated 18.06.20)

Bob Murray, 6 Napier Avenue, Cardross (e-mail dated 29.06.20)

i) Summary of issues raised

Concern expressed re the availability of information on the Council Website.

Comment: This point is noted. It is not considered that this point prevents determination of the application.

We put in a request for the remaining trees on site to be protected by means of a TPO and seek an update.

Comment: This matter is still being assessed.

The e-mail from Bob Murray set out the contents of a meeting with Scottish Forestry.

Comment: These comments are noted and be inspected on the Council's website.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

Applicant's Supporting Statement

It is generally the preference that business uses be located within established industrial estates or other established commercial premises however the applicant has found that very few such premises exist and none are available in and around the Helensburgh area.

Businesses related to agricultural contracting can, however, be reasonably expected to utilise farm outbuildings etc but again none are available in the locality. For these reasons the applicant is hoping to utilise land within his family's ownership whereby a new-build shed can be discreetly introduced into a woodland setting.

The application site is located within an area of generally self-seeded woodland and as such is well screened from public view, either from the public roadway or any of the houses in the locality. The design and external materials for the shed have also been selected to minimise its appearance. As such there should not be any significant visual intrusion and the prospect of woodland management for the surrounding areas is another benefit.

Vehicular movements to and from the building are anticipated to be limited to perhaps two or three times per week and so again the impact on the local roads and houses should be negligible.

Other than the cutting of timber there will be no works undertaken in the building or the yard.

Overall it is believed the scale of development, the style and appearance of the proposed building and the intended storage use should ensure that the proposed development can be accommodated into the woodland without undue impact on any neighbouring land, houses or road network.

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required: No**
- (ii) Reason for refusal in the event that the Section 75 agreement is not concluded:
N/A**

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

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

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

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

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

LDP 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 LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity
 SG LDP ENV 6 – Development Impact on Trees / Woodland
 SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
 SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
 SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP DEP – Departures to the Local Development Plan

(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 4/2009.

Scottish Planning Policy (SPP), 2014
 Representations
 Argyll and Bute proposed Local Development Plan 2

(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):	Yes
------------	--	------------

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

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

(O) Requirement for a hearing:

A total of seventy two objections and four representations have been received and consideration has to be given to holding a Discretionary Hearing. The storage shed does not comply with any of the permissible forms of greenbelt development set out at LDP DM1 (G). As such the application is recommended for refusal and it is not considered that holding a Hearing would add value to the process of determining this application. Given the lack of policy support a number of issues such as impact on listed buildings, pollution, noise, bio-diversity and the ability of the applicant to make the requisite road improvements required by the Area Roads Manager have not been addressed. In the event that Members wish to approve the proposal a full assessment of these would be required before a decision could be made.

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

Planning permission is sought for the erection of a storage building on a piece of ground owned by the applicant between Darleith Lodge and Darleith Stables on the outskirts of

Cardross. The site is within the Greenbelt and in this case the determining issues are whether the proposal is justified at this location and its impact on the natural, human and built environment.

In terms of the adopted Argyll and Bute Local Development Plan LDP Policy DM 1 sets out the settlement strategy in terms of capacity in each of the development management zones including greenbelt. Greenbelt is a fairly restrictive policy which only gives encouragement to limited and specific categories of countryside based development. These include, inter alia, agricultural related development, outdoor sport and recreational development, demolition and replacement of buildings subject to no change of use occurring and change of use of buildings to residential institutional use. In this case the supporting statement indicates that the application site does not form part of an agricultural unit. The storage shed does not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that it should be refused.

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

(R) Reasons why planning permission should be refused

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in Policy LDP DM1(G). Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The storage shed do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

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

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

Author of Report: Howard Young **Date:** 29/07/2020

Reviewing Officer: Sandra Davies **Date:** 02/08/2020

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION 20/00971/PP

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in policy LDP DM1(G). Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The storage shed do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/00971/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission is sought for the erection of a storage building on a piece of ground owned by the applicant between Darleith Lodge and Darleith Stables on the outskirts of Cardross. The site is within the Greenbelt and in this case the determining issues are whether the proposal is justified at this location and its impact on the natural, human and built environment.

B. Location, Nature and Design of Proposed Development

The applicant is a local building and agricultural contractor. He presently rents a workshop but this lease is about to expire and so an alternative premises is required for the storage of his agricultural plant and machinery along with the cutting, drying and storage of timber logs and other gardening materials.

The application site consists of the eastern part of an area of woodland located to the west of Darleith Road and 2 miles north of Cardross village. It is accessed off Darleith Road and then via the private track that leads to the cluster of houses at Darleith Stables and then Darleith House. A short length of track, which is gated, leads to the entrance into the application site.

The application site is bordered by mature trees with the Geilston Burn to the west, in effect splitting the land holding into two definable areas. The central part of the application site has recently been cleared of trees in order to create a clearing which will constitute an open yard area. This is currently the subject of an enforcement investigation. Towards the southern end of the clearing it is intended to erect a storage building, measuring 14.8m x 10m and sitting on a concrete floor slab, while the yard area will be enclosed with 1.8m high deer fencing. Double gates will give vehicular access off the existing track into the open yard that will be laid with compacted Type 1 material.

The proposed building will have a shallow lean-to roof with olive green profiled metal sheeting to the walls and roof, all in order to minimise its visual impact, and it will be set within a 1.8m high deer-proof fencing around the yard for a degree of security.

In terms of the adopted Argyll and Bute Local Development Plan LDP Policy DM 1 sets out the settlement strategy in terms of capacity in each of the development management zones including greenbelt. Greenbelt is a fairly restrictive policy which only gives encouragement to limited and specific categories of countryside based development.

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in policy LDP DM1(G). These comprise:

- (i) Agricultural-related development.
- (ii) Farm diversification – tourism and rural business related development (excluding dwelling houses)
- (iii) Outdoor sport and recreational development.
- (iv) Development required to manage and sustain the natural heritage and access resources of the Greenbelt.

- (v) Demolition and replacement of buildings and alterations or extensions of such buildings, including dwelling-houses, subject to no change of use occurring.
- (vi) Change of use of buildings to residential institutional use.

In exceptional cases, a development outwith categories G(i) to (vi) may accord with this policy when it is successfully demonstrated that the proposal will:

- 1) Retain a significant building at risk; or
- 2) Directly support the provision of essential infrastructure; or
- 3) Involve building development directly supporting recreational use of land.

Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives.

The applicant's supporting statement states that "For clarity, we understand that the site, which forms part of a larger land holding, is not a registered farm unit." Whilst it is noted that the applicant has indicated the lack of suitable premises the storage shed does not comply with any of the permissible forms of development set out at LDP DM1 (G). Therefore, it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

Objectors have also raised concerns of the impact of the proposed development in terms of residential amenity, the amenity of the locale, pollution, bio-diversity and on adjoining listed buildings. Given the lack of policy support for the proposed development these issues have not been pursued with the applicant. If Members were minded to approve the application then a formal assessment of these matters would be required before a decision could be made.

C. Road Network, Parking and Associated Transport Matters.

Access to the proposed site is from Darleith Road. Objectors have indicated that this road is substandard and could not support the development without improvements. The Area Roads Manager was consulted and has indicated no objections in principle subject to conditions.

Prior to any work commencing on site, in the interest of road safety and in accordance with the Council's Local Development Plan the following Conditions are required:

Full details of proposed road improvements on Darleith Road shall be submitted to and agree in writing with the Planning Authority in consultation with the Council's Road Network Manager.

A swept path drawing showing that agricultural vehicles and HGV to transport agricultural vehicles can safely navigate Darleith Road from A814 the proposed site shall be submitted. Darleith Road from its junction with the A814 and Mill Road shall require the installation of passing places at no more than 100 metres, in conjunction with a signage giving priority to vehicles traveling on Darleith Road in northerly direction from the A814 towards Mill Road. Consideration shall be taken to maintain the existing on street parking and driveway accesses.

The existing private road does not have the capacity for agricultural vehicles and HGV to transport agricultural vehicles without junction improvement and road widening works being required to be carried out.

At the junction of the adopted road (Darleith Road) and the private road, a visibility sightline 2.4 x 35 x 1.05 metres to the north and 2.5 x 70 x 1.05 metres to the south shall be provided and maintained in perpetuity for each private access. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.

Given the lack of policy support for the proposed development these improvements have not been pursued with the applicant. If Members were minded to approve then confirmation would be required that the applicant had control of the requisite land to upgrade the road.

D. Trees/Bio-Diversity

The application site is bordered by mature trees with the Geilston Burn to the west, in effect splitting the land holding into two definable areas. The central part of the application site has been cleared of trees in order to create a clearing in which it is proposed to have an open yard area. The loss of trees is currently part of an enforcement investigation and it is understood that Scottish Forestry are also investigating this matter. Scottish Forestry has been consulted and have indicated that they were contacted regarding un-authorized tree felling at Darleith. They state that the works carried out on site were un-authorized and they will be taking action against the applicant to replant the site. They have requested that the planning application is put on hold until the matter resolved. Whilst this point is noted the issue of trees is being pursued as an enforcement matter and Scottish Forestry have separate powers to take action. Moreover, as with the road issues, apart from the enforcement case, the applicant has not been asked for ecological surveys and the Bio-Diversity Officer has not been consulted given the lack of policy support and the recommendation to refuse the application. Again, if Members were minded to approve, these issues would need to be addressed.

E. Conclusion.

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the plan relevant to the application is the Local Development Plan (LDP).

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in policy LDP DM1(G). Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The storage shed does not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.