

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 19/00849/PP

**Planning Hierarchy:** Local Application

**Applicant:** Mr and Mrs John and Julie McNamee

**Proposal:** Alterations/extension and change of use of ecclesiastical building (Class 10) to form dwellinghouse (Class 9), installation of sewage treatment plant and formation of vehicular access (revised application to create domestic curtilage).

**Site Address:** Inverchaolain Church, Toward, Argyll

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## **DECISION ROUTE**

- Local Government (Scotland) Act 1973
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## **(A) THE APPLICATION**

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

- Alterations/extension and change of use of ecclesiastical building (Class 10) to form dwellinghouse (Class 9);
- Partial use of field for use as associated domestic amenity space;
- Formation of vehicular access;
- Formation of car parking area with passing place;
- Installation of sewage treatment plant;
- Connection to an existing private water supply;
- Boundary treatments.
- Landscaping and tree planting.

### **(ii) Other specified operations**

- None.
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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, reasons and advisory notes set out below.

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## **(C) HISTORY:**

An application for planning permission (ref. 18/02072/PP) for alterations/extension and change of use of ecclesiastical building to form dwellinghouse, installation of sewage treatment plant and formation of vehicular access, was withdrawn on 26<sup>th</sup> April 2019 due to lack of meaningful amenity space and car parking.

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**(D) CONSULTATIONS:**

**Council's Roads Engineer** (response dated 3<sup>rd</sup> June 2019): No objections subject to conditions regarding sightlines, passing place, parking provision and advisory note regarding surface water drainage and Road Opening Permit.

**Amenity Services (East)** (response dated 7<sup>th</sup> August 2020): Comments regarding operational requirements including grass cutting, maintenance, burials and internments, headstone checks and inspections, visiting requirements and parking and servicing requirements.

**Council's Public Protection Officer** - (response dated 8<sup>th</sup> May 2019): No objections in principle subject to conditions regarding provision of a supply of potable water, drainage provisions, and operating hours during construction, construction activities and management of asbestos.

**West of Scotland Archaeology Service (response dated 30<sup>th</sup> October 2018):** Note that the proposed development is located within an area of archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape. A suspensive condition is recommended to secure the implementation of a programme of archaeological works.

**South Cowal Community Council** (response dated 19<sup>th</sup> May 2019): Concern over the planned routes of services to and from the property. It is known that there are a number of unmarked graves within the grounds which should not be disturbed. Concerns that water supply will result in existing properties losing pressure and supply, particularly during spells of dry weather. A unique supply should be taken that will not interfere with supplies to the present properties.

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**(E) PUBLICITY:** Regulation 20 advert (publication date 17<sup>th</sup> May 2019, expiry date 7<sup>th</sup> June 2019). Neighbour notification expired on 23<sup>rd</sup> May 2019.

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**(F) REPRESENTATIONS:**

Letters of objection have been received from the following 13 individuals:

1. Miss Kara Marshall, 6 Allan Terrace, Sandbank (email dated 23<sup>rd</sup> May 2019);
2. Mrs Margaret Egan, 4 Queens Road, Sandbank (email dated 24<sup>th</sup> May 2019);
3. Miss Rhiannon Harrison, 1 Rossland Place, Greenock Road, Bishopton (email dated 24<sup>th</sup> May 2019);
4. Mr Patrick Cuddihy, 4 Hanover House, Hanover Street, Dunoon (email dated 24<sup>th</sup> May 2019);
5. Mr Alexander Miller, 93 Lochinvar Rd, Greenfaulds, Cumbernauld (email dated 24<sup>th</sup> May 2019);
6. Mr Jason Marshall, 67 Shore Road, Innellan, Dunoon (email dated 24<sup>th</sup> May 2019);
7. Mrs Aileen Robertson, 21 Coppice Mead, Biggleswade (emails dated 9<sup>th</sup> June and 15<sup>th</sup> August 2019);

8. Mr John Wilson, Home Farm, Corehouse, Lanark (email dated 10<sup>th</sup> June 2019);
9. Helen Waddell, 33 Newton Park, Innellan (letter dated 7<sup>th</sup> June 2019);
10. George Young, Dalmoak, Toward (letter dated 11<sup>th</sup> May 2019);
11. Mrs Elma Berry, 24 Dykes Court, Darvel, East Ayrshire (letter received 11<sup>th</sup> June 2019);
12. Mrs Clair Beattie, 65 Fraser Place, Kemnay, Inverurie (letter dated 9<sup>th</sup> June 2019);
13. Mr Thomas Henry, Collingwood, Innellan (letter dated 14<sup>th</sup> June 2019).

The issues raised are summarised below:

- *Inverchaolain is a peaceful place which many people visit regularly and is a place for grief, healing and a final resting place for deeply loved relatives.*
- *Shocking that anyone would wish to turn this beautiful historic building into a family home, that would be literally in the middle of a cemetery that is in use.*
- *If the application is approved it will result in resentment and hostility for generations.*
- *The church should never have been sold to be used as private house.*
- *Understand that the purchasers were not the only people interested in the property and that there was a respectful option open.*

**Comment:** These comments are noted but the church building was owned, marketed and sold by The Church of Scotland. Argyll and Bute Council still own and control the graveyard but had no control over the sale of the church building. The Planning Authority must now assess the proposed conversion of the church building against Argyll and Bute Local Development Plan policies, national planning guidance, views of consultees, those making representations and any other material considerations.

- *Active part of the graveyard shown as a grassed area which could be misleading.*

**Comment:** This is an aspect which has delayed processing of the application but has now been resolved. The applicants own only the church building with access rights only across the internal paths within the graveyard. The Council still own all land surrounding the church within the existing stone boundary walls.

- *Proposed works will mean limited access to the grounds while the work is in progress.*
- *Where will access be taken when works are in progress?*
- *Would expect to be able to access the full churchyard in the future.*

**Comment:** The applicants were requested to provide additional amenity space in the field to the north of the church. This additional land will provide dedicated car parking and turning for the applicants. While part of the existing car parking and servicing area at the main entrance to the church is in the ownership of the applicants, this area will remain as the parking and servicing area for the graveyard and visitors.

- *Proposed new sunroom is ridiculous and will overlook most graves and will result in an extreme lack of privacy for people paying their respects at gravesides.*

- *Grieving is hard enough and having a peaceful place to go to mourn is important. This will not be possible with a 2-bedroom family home right in the middle of the cemetery literally metres away from the graves.*
- *Highly insensitive proposals. Being overlooked from a balcony of a private property whilst paying respect to loved ones lost is offensive and insulting to many.*
- *Future visits to graves will potentially be a few feet away from someone's barbeque or disturbed by the sound of a flushing toilet.*
- *Any person who would want to proceed with the project after seeing the upset the first application caused clearly has no respect or remorse for the people who are buried here or their families, and the same applies to the Council if they grant permission.*

**Comment:** The proposed use, layout and design of the proposed conversion to a dwellinghouse is considered to be acceptable. There are only very minor changes which would affect the character of the church building. Opaque glazing has been added to the balustrade of the upper floor balcony on the west and north elevations. The sun room has bi-fold glazed doors and offers a modicum of amenity space where none can be provided around the church building itself. Refer also to Design Statement in section (G).

- *Proposed parking will cause noise, nuisance, smell, parking / traffic and road safety issues.*
- *These are small country roads with only one road to access the church.*

**Comment:** Roads offer no objections subject to conditions. The small car parking area proposed to the north of the graveyard is unlikely to generate any more impact than the existing main car parking area at the front of the church. The additional car parking area to serve the proposed dwellinghouse may indeed alleviate existing parking problems.

- *There are features of archaeological significance within the church.*
- *There is a Memorial inside the church to WW2 servicemen. The plaque is controlled by the War Graves Commission and referenced WMR-56884. It would be impossible for relatives of this whose names appear on this plaque to be able to view it at any given time, if the church becomes a home.*

**Comment:** The agent has confirmed that the WWII memorial plaque was removed by a stonemason and has now been relocated to Toward Church.

- *The building works risk unearthing unmarked graves, damaging the surrounding area and stones.*
- *Proposed path to the top gate will result in a lot of digging where all the babies are buried and many graves are close to this path.*
- *As this building is situated in the middle of the churchyard, any access road, pipes, utilities etc. will have to go through what is sacred ground.*

**Comment:** Other than the north-west path from the church to the gate at the C10, the applicants have no rights to place services under any other part of the graveyard. Direct

northerly access to the field from the church has been denied due to potential disturbance of graves.

- *Revised drainage and service connections may now require to be pumped which may be problematic.*

**Comment:** Drainage and service technical details will be addressed in a Building Warrant.

- *If it were to be approved what is to prevent the owners letting the house for holiday purposes when experience of such letting practice shows there is no control over who rents the houses and one can imagine children running around playing hide and seek among the gravestones and in the long unkempt grass.*

**Comment:** Any planning conditions attached to the recommended approval of the Planning Application must comply with each of the tests in Circular 4/1998. Any potential conditions must therefore be necessary, relevant to planning, relevant to the particular development, enforceable, precise and reasonable in all other respects. Refer to Appendix A, section B below for a full assessment.

*NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation response or letter of representations are available on the Council's website. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)*

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## **(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

The applicant's agent has submitted a Design Statement dated April 2019 which comments, "*The current building was constructed in 1912 to replace the former church (which sat on the same site) which was constructed in 1812 and differs from the former medieval church which was located approximately 200 yards to the east on the adjacent hillside. Both the former and extended graveyard remain under the ownership of the local authority with the site comprising of the church footprint and a 1m boundary from the extremities of the footprint. A private water supply is required and a sewage treatment plant and soakaway is proposed to deal with foul waste.*

*The proposal is for the conversion of Inverchaolain Church to a 2-bedroom family home for the owners, Mr and Mrs McNamee. The building was still operational as a church up until its sale in 2017, and as such, there is limited natural lighting provision. As the building is to be used as a dwellinghouse, a key aim of the proposal was to introduce as much natural light in as possible whilst remaining as sensitive and respectful to the existing structure as possible.*

*The current boiler room is proposed for demolition, as the diminishing head room limits the practicality of this space, with the opportunity taken to form a sun room and further*

*increase the natural lighting provision to the rear of the layout. All plant equipment will be upgraded and relocated adjacent to the study.*

*A rear vestibule with a mono-pitch roof has been formed to create a second informal entrance to the building. Where reasonably practical, upgrades to the building fabric, lighting and plant equipment will significantly increase the energy efficiency of the building.*

#### *Further Information*

- Servitude rights have been granted to the clients over the existing pathways within the church grounds out with direct ownership.*
- There is no legal restriction on the use of a church as a dwelling.*
- No wayleave agreements are required.*
- An investigation into the private water supply was carried out and is duly submitted in support of the application. It was determined that the supply is sufficient enough to support the church. Indeed, there is evidence that the supply may have been served by the same infrastructure historically as there are radiators and a boiler house within the church and a toby is visible outside at the North elevation.*
- The first-floor balcony is proposed with opaque glazing as a privacy measure. The sun room has the ability to be closed off from the main habitable spaces within the church and furthermore, would not be in use whilst any burial services were taking place.*
- The foul drainage system is proposed as a sewage treatment tank with soakaway in the adjacent field to the north of the church.*
- A clear line of communication should be established between the owners and the funeral directors with enough prior notice to ensure the owners can alleviate as much concern regarding privacy as possible, for example, vacating the premises until the service was concluded. It was also suggested that gated access to the private car park could be opened throughout the duration of the service only for use by the funeral directors as a gesture of courtesy.*

#### *Conclusion*

*We believe the proposed design is both sensitive to the existing structure and appropriate for conversion to a dwelling for Mr and Mrs McNamee with increased energy efficiency, building fabric upgrades and increased natural lighting provision whilst retaining the character of the former church building.”*

#### **(iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: Yes**

An Assessment of Spring Water supply by Highwater private water supplies dated 28<sup>th</sup> November 2018 has been submitted in support of the proposed development.

The report concluded that, *“the existing spring supply appears to be adequate, both in terms of quantity and quality, for supplying an additional residential property at the Church. A new connection for the benefit of the Church could be made to the existing supply pipe in the field between the plastic tank and The Old Manse. The pressure from a gravity-fed supply to the Church would be very low due to the minimal elevation difference between the plastic tank (roadside) and the ground level at the Church. This could restrict the ability to install necessary water treatment equipment at the Church. To mitigate against this secondary pumping at the Church may be required. As part of best practice it is recommended that a minimum of 24 hours water storage is established for supplied properties. Whilst it is acknowledged that the existing plastic tank at the roadside would provide this for the three properties served by the plastic tank (The Old Manse, The Manse Cottage and the Church) it is recommended that the Church has its own storage tank within its own grounds. This would help minimise the burden of the increased flow rate on the existing supply pipework.*

*Even though the available yield from the spring supply is substantial it is recommended that a flow control is installed on the Church supply branch in order to protect the other properties from potential starvation, as a consequence of excessive use at the Church. To safeguard against bacteriological contamination it is recommended that a suitably rated 'point of use' ultraviolet steriliser and sediment pre-filter is fitted at the Church".*

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 obligation required: No.**

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

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

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

Argyll and Bute Local Development Plan (26<sup>th</sup> March 2015)

LDP STRAT 1 Sustainable Development;  
LDP DM1 Development within the Development Management Zones (the application site is located within the Countryside Zone);  
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.

Argyll and Bute Supplementary Guidance (March 2016)

SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity;  
SG LDP ENV 6 Development Impact on Trees / Woodland;  
SG LDP ENV13 Development Impact on Areas of Panoramic Quality (APQs);  
SG LDP ENV 16(a) Development Impact on Listed Buildings;  
SG LDP ENV 20 Development Impact on Sites of Archaeological Importance;  
SG LDP ENV21 Protection and Enhancement of Buildings;  
SG LDP HOU 1 General Housing Development  
SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater (i.e. drainage) 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 SERV7 Flooding and Land Erosion - The Risk Framework for Development;  
SG LDP TRAN1 Access to the Outdoors;  
SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes;  
SG LDP TRAN 6 Vehicle Parking Provision;

SG2 Sustainable Siting and Design Principles.

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Planning Policy (SPP) (June 2014);  
Scottish Historic Environment Policy 2014;  
Applicants Supporting Information;  
Planning history;  
Views of statutory and other consultees;  
Legitimate public concern expressed on 'material' planning issues;  
Argyll and Bute Proposed Local Development Plan 2 November 2019.

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

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**(L) Has the application been the subject of statutory pre-application consultation.**  
No

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

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**(N) Does the Council have an interest in the site:** Yes. The Council own and are responsible for the continued operation of the graveyard which entirely surrounds the church building.

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

In deciding whether to hold a discretionary hearing, the Council will consider:

- How up to date the Local 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.

The proposal has attracted 13 objections with six residing outwith the Cowal area. Understandably, many of the objections are of an emotive nature where the planning aspects of the proposal have been addressed within this report or addressed via safeguarding planning conditions. With this in mind, the department considers that a discretionary local hearing would not add value to the planning process in this instance.

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

The application site lies within the Countryside Zone where policy LDP DM 1 will only support proposals that are infill, redevelopment, rounding off or change of use. In this

case the conversion of the church building and partial use of the adjacent field for associated domestic purposes is considered to be consistent with the settlement and spatial strategy.

The church building is not listed. The Council own the graveyard which completely surrounds the church. The proposed external alterations to convert the church into a mainstream dwellinghouse are considered to be minimal and the physical appearance and character of the church would be relatively untouched.

The proposal has attracted a total of 13 letters of objection. The concerns raised relate to the use of the church building as a dwellinghouse, impact on existing amenity and privacy as a historic and functional graveyard, access and car parking issues and servicing issues.

The Area Roads Engineer has no objections subject to conditions regarding sightlines, provision of a passing place, off-road parking provision and advisory note regarding surface water drainage and a Road Opening Permit.

West of Scotland Archaeology Service note that the proposed development is located within an area of archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape. A suspensive condition is recommended to secure the implementation of a programme of archaeological works.

The proposal is considered to be consistent with the relevant development plan policies. There are no other material considerations, including responses from consultees and representations from third parties, nor matters raised in the assessment of the proposals, which would warrant the setting aside of adopted Local Development Plan policies in favour of the development. Refer to Appendix A below for full details and assessment.

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

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**(R) Reasons why Planning Permission should be granted**

The proposal will ensure that Inverchaolain Church can be preserved with an active use. Whilst the original sellers could have stipulated a preferred use for the building, the decision as to its future has been left to the Council who also own and are responsible for the operation and maintenance of the graveyard which entirely surrounds the former church building. The department fully understand and appreciate the sensitivity associated with the existing use of the graveyard and future relationship with the domestic use proposed. In this regard, it is interesting to note that the church could have potentially been used for a number of different Class 10 uses without the need for planning permission.

A previous planning application however could not be supported and was withdrawn due to the lack of meaningful amenity space and car parking to support the proposed domestic use. This revised application has land to the north of the churchyard designated as associated garden and amenity space together with off-road parking spaces and a passing place.

Amenity Services have outlined their operational requirements which include burials and internments, grass cutting and maintenance, headstone checks and inspections. These operations should continue with no change to the existing arrangements.

Concern regarding parking provision and unaccompanied visits to the graveyard may be unfounded as the parking arrangement at the main entrance to the church will remain the same and visiting times to the graveyard will be open as existing.

Whilst the proposed use is considered to be a compatible conversion of Inverchaolain Church in land use terms, any restrictive conditions must be capable of meeting the six planning tests contained in Circular 4/1998. There would also appear to be no requirement for a Section 75 Obligation as other operational matters can be addressed via suspensive planning conditions or advisory notes. The success of the proposed scheme will be dependent upon regular communication between the applicants and Amenity Services as to ongoing operational requirements, infrequent burial services and frequent visitors to the graveyard.

The permission has been granted having regard to Argyll and Bute Local Development Plan policies LDP STRAT 1, LDP DM1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11 (and to policies *SG LDP ENV 1, SG LDP ENV 6, SG LDP ENV13, SG LDP ENV 16(a), SG LDP ENV 20, SG LDP ENV 21, SG LDP HOU1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 6, SG LDP SERV 7, SG LDP TRAN1, SG LDP TRAN 4, SG LDP TRAN 6 and SG2 Sustainable Siting and Design Principle* and to Scottish Planning Policy and Scottish Historic Environment Policy.

The proposed development subject to the conditions below would accord with those policies and there are no material considerations which would justify refusal of permission. On the basis of the above, the proposal is considered to be consistent with policies of the Argyll and Bute Council Local Development Plan

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

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

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**Author of Report:** Brian Close

**Date:** 22<sup>nd</sup> October 2020

**Reviewing Officer:** Howard Young

**Date:** 31<sup>st</sup> October 2020

**Fergus Murray**  
**Head of Development and Economic Growth**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 19/00849/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 25<sup>th</sup> April 2019 and the approved drawings listed in the table below, and supporting information, 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
<b>1:10,000 Supplementary Location Plan</b>	<b>1 of 14 Drawing no. 1365-02-14E</b>	<b>RevE</b>	<b>04/08/2020</b>
<b>1:1250 Location Plan</b>	<b>2 of 14 Drawing no. 1365-02-01F</b>	<b>RevF</b>	<b>04/08/2020</b>
<b>1:500 Site Plan as Existing</b>	<b>3 of 14 Drawing no. 1365-02-02G</b>	<b>RevG</b>	<b>04/08/2020</b>
<b>1:100 Ground Floor Plan as Existing</b>	<b>4 of 14 Drawing no. 1365-02-04A</b>	<b>RevA</b>	<b>26/04/2019</b>
<b>1:100 First Floor Plan as Existing</b>	<b>5 of 14 Drawing no. 1365-02-05A</b>	<b>RevA</b>	<b>26/04/2019</b>
<b>1:100 Elevations as Existing</b>	<b>6 of 14 Drawing no. 1365-02-06A</b>	<b>RevA</b>	<b>26/04/2019</b>
<b>1:100 Sections as Existing</b>	<b>7 of 14 Drawing no. 1365-02-07</b>		<b>26/04/2019</b>
<b>nts 3D Views as Existing</b>	<b>8 of 14 Drawing no. 1365-02-08</b>		<b>26/04/2019</b>
<b>1:500 Site Plan as Proposed</b>	<b>9 of 14 Drawing no. 1365-02-03G</b>	<b>RevG</b>	<b>04/08/2020</b>
<b>1:100 Ground Floor Plan as Proposed</b>	<b>10 of 14 Drawing no. 1365-02-09A</b>	<b>RevA</b>	<b>26/04/2019</b>
<b>1:100 First Floor Plan as Proposed</b>	<b>11 of 14 Drawing no. 1365-02-10A</b>	<b>RevA</b>	<b>26/04/2019</b>
<b>1:100 Elevations as Proposed</b>	<b>12 of 14 Drawing no. 1365-02-11B</b>	<b>RevB</b>	<b>26/04/2019</b>
<b>1:100 Sections as Proposed</b>	<b>13 of 14 Drawing no. 1365-02-12</b>		<b>26/04/2019</b>
<b>nts 3D Views as Proposed</b>	<b>14 of 14 Drawing no. 1365-02-13</b>		<b>26/04/2019</b>

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

2. Prior to the commencement of any development, the existing private water supply and infrastructure for storage and distribution will need to meet the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 if it is to be used for the proposed development. The development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the recommendations made in the submitted report by Highwater Private Water Supplies – “Spring Water Supply Stronyaraig, near Inverchaolain”, dated 28<sup>th</sup> November 2018.

**Reason:** *In the interests of public health and in order to ensure that an adequate private water supply in terms of both quality and quantity can be provided to meet the requirements of the proposed development and to protect existing supplies.*

3. No development (including any tree felling or land engineering works or any associated operations) shall take place within the site until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

**Reason:** *In order to allow the recovery and recording of any finds of archaeological significance.*

4. The proposed shared vehicular access shall be designed and constructed with a passing place that shall be constructed as per Standard Detail for private driveway SD8004a Access from Single lane road. The access shall be designed and constructed to prevent water running onto the public road. The car parking area shall be designed with a turning area to allow vehicles to exit the site in a forward manner. The access shall be constructed prior to any work commencing on site, unless otherwise agreed in writing by the Planning Authority.

**Reason:** *In the interests of road safety.*

5. The dwellinghouse hereby approved shall not be occupied until sightlines of 75 metres from a 2.4 metre setback onto the C10 serving the new domestic curtilage to the north of the church site have been provided. Thereafter, no obstruction to visibility (i.e. walls, fences and hedges) shall be permitted within these visibility splays above a height of 1.0 metre from ground level.

**Reason:** *To achieve and maintain required sightlines onto the C10 road.*

6. Prior to the first occupation of the dwellinghouse, a parking area for a minimum of four vehicles shall be provided within the application site (i.e. land to the north of the graveyard) and thereafter be retained for such a dedicated purpose, unless otherwise agreed in writing by the Planning Authority.

**Reason:** *In the interest of traffic and pedestrian safety.*

7. Any trenches dug deeper than 50 cm shall have a ramp to allow any otters (and other species) to exit.

**Reason:** *In order to minimise any potential impacts on otters and other species.*

8. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

9. No development shall commence until a scheme of tree planting, landscaping, boundary treatment, surface treatment for new garden area, lay-by and car parking and turning area has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing landscaping features and vegetation to be retained;
  - ii) Location design and materials of proposed walls, fences and gates; Fence around new domestic amenity space should be a post and rail stock proof fence to match existing around the field, unless otherwise agreed in writing;
  - iii) Proposed soft and hard landscaping works including the location, species and size of every indigenous tree/shrub to be planted; Tree species should include a mix of Quercus sp. either Sessile Oak or Pedunculate species with some intermittent planting of Birch (Betula sp.) and Rowan (Sorbus sp.);
  - iv) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

**Reason:** To assist with the integration of the proposal within its rural surroundings.

10. The existing stone boundary walls forming the western and northern boundaries of the graveyard shall be retained. No part of the wall shall be removed, altered or lowered without the written approval of the planning authority.

**Reason:** *In the interests of visual amenity and to safeguard the character of the former Inverchaolain Church and graveyard.*

11. Unless otherwise agreed in writing by the Planning Authority, all rooflights to be installed shall be the 'conservation type' rooflight window. Full details of all new rooflights shall be submitted (including scaled plans) for the prior written approval of the Planning Authority prior to their installation on the church building.

**Reason:** *To safeguard the character of the former Inverchaolain Church building.*

12. Unless otherwise agreed in writing by the Planning Authority, natural slates to be used for repairs or re-roofing

**Reason:** *To safeguard the character of the former Inverchaolain Church building.*

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, classes 3A, 3D and 3E, prior to the erection of any domestic outbuildings, decking, gates or fences within the new amenity space area (i.e. land to the north of the graveyard), full details of siting, scale, design and materials shall be submitted for the written approval of the Planning Authority.

**Reason:** *In order to consider this aspect in detail and in terms of assessing any potential impact on the setting of Inverchaolain Church graveyard and surrounding dwellings.*

14. For the avoidance of doubt, the graveyard surrounding the former Inverchaolain Church building shall remain publicly accessible at all times during the construction phase and following completion of the development.

**Reason:** *In order to safeguard public access both during and after the construction phase of the development.*

15. No works shall commence until full details of a Construction Environment Management Plan (CEMP) for all ground engineering and construction works has been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads and Amenity Services. Such plan shall, include a timetable for works shall including full details of delivery times for materials and plant, construction work operating hours, parking arrangements for construction traffic and construction management protocol.

**Reason:** *In order to safeguard operation and maintenance of the graveyard from construction noise and activities.*

## ADVISORY NOTES TO APPLICANT

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. The Area Roads Manager has advised that the proposed works will require a Road Opening Permit (S56) for all works on or adjacent to the carriageway. No surface water shall run from development site onto the road. If gates are to be fitted, they must not be able to open out onto the road. The developer is also advised that suitable off-road provisions should be provided for construction traffic. During any construction period, the storage of building materials and contractor's vehicles should take place within the curtilage of the site so as not to prejudice road safety and visibility on the C10 Glenstriven Road. The applicant is advised to contact the Area Roads Engineer (Mr. Paul Farrell, tel. 01369 708613) directly upon these matters.
5. The applicant is advised by Public Protection (in their response dated 8<sup>th</sup> May 2019) on potential noise nuisance activities including operating hours, and demolition / construction activities. These are considered to be matters which can be addressed via Public Protection legislation. The applicant/developer is advised that in terms of demolition and construction noise, the Council's Public Protection Service can use powers under the Control of Pollution Act 1974 to control the noise from demolition and construction work. It is envisaged that, in order to comply with the above controls, construction activities within the site should be restricted to the hours of 0800 to 1900 Monday to Friday, 0800 to 1300 on Saturday. No construction activities (excluding internal finishing work) should take place on Sundays or Public Holidays.

Identification and assessment of all potential sources of nuisance, including noise / vibration, dust, and any temporary lighting provided, which may cause disturbance to nearby residents during the demolition / construction process should be undertaken by the applicant. This should include consideration of intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site.

For all potential sources of nuisance the applicant will be required to provide a management plan with details of suitable control measures to be put in place so as to ensure that construction does not cause loss of amenity to local residents and/or statutory nuisance.

Public Protection also advises that prior to starting work on site, the applicant must ensure that appropriate steps have been taken to comply with the requirements of the Control of Asbestos at Work Regulations 2012, namely the duty to check if asbestos is present in any of the existing buildings proposed to be demolished or disturbed in anyway and to remove before commencing work.

Generally, Public Protection advice that all demolition waste and waste produced during the construction process (including ground clearance materials) shall be taken away from

the site by licensed waste carrier for recycling or disposal at a licensed waste site. No burning of waste or ground clearance products shall be permitted during demolition and construction.

The applicant is advised to contact Public Protection (Pamela Fraser, Environmental Health Officer, tel. 01369 708686 or at [Pamela.fraser@argyll-bute.gov.uk](mailto:Pamela.fraser@argyll-bute.gov.uk) directly upon these matters.

6. Private surface water drainage arrangements are also subject to separate regulation by Building Standards. Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk).
7. SEPA generally advise that the proposed works to discharge foul and surface water into the watercourse will require authorisation via a CAR licence from SEPA through the Controlled Activities Regulations (Scotland) Act. The applicant/developer is advised to contact the Council's Building Standards Team prior to making detailed designs for the scheme. For CAR licence details please contact SEPA Planning Service, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire ML1 4WQ, tel. 01698 839000 or by e-mail at [planning.SW@sepa.org.uk](mailto:planning.SW@sepa.org.uk).
8. The applicant is advised to contact the Council's Building Standards Team in terms of the conversion works proposed. Please contact Mr. Garreth Garrett, Area Team Leader on 01369-708605 or at [garreth.garrett@argyll-bute.gov.uk](mailto:garreth.garrett@argyll-bute.gov.uk) for technical advice.
9. The applicants are advised that the Council's statutory maintenance and operational duties within the Inverchaolain Church graveyard include grass cutting, general maintenance, burials and internments, headstone checks and inspections, open visiting requirements and parking and servicing requirements.  
The applicants are advised that the graveyard surrounding Inverchaolain Church is owned and operated by Argyll and Bute Council. All paths, trees, shrubs, stone boundary walls, grassed areas, gates and railings are the sole responsibility of the Council. Any works to these Council assets or for safety or maintenance issues, please contact [roadsandinfrastructure@argyll-bute.gov.uk](mailto:roadsandinfrastructure@argyll-bute.gov.uk) or at Switchboard/General Enquiries - 01546 605522.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/00849/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The application relates to the vacant Inverchaolain Church and part of a field lying to the north of the church, which are located within the Countryside Zone as identified in the adopted Argyll and Bute Local Development Plan (LDP). Inverchaolain Church is also located within a wider Area of Panoramic Quality (APQ) which cover the hillsides on both flanks of Loch Striven.

The site lies within the Countryside development management zone, wherein policy LDP DM 1 of the LDP provides generic support for infill, redevelopment, rounding off and / or change of use of existing buildings. Proposals not consistent with this criterion will need to demonstrate an exceptional case and be supported by an Area Capacity Evaluation (ACE). In this instance the proposal represents the conversion of the former church building to a dwellinghouse and therefore consistent with the settlement strategy with no requirement for an ACE.

**Accordingly, the proposal would be consistent with policies LDP STRAT1 and LDP DM1 of the Argyll and Bute Local Development Plan.**

#### **B. Location, Nature and Design of Proposed Development**

The application site comprises Inverchaolain Church (but not the graveyard surrounding it) and an additional part of a field to the north. The Old Manse (Category B listed building) and a traditional cottage are located to the west of the church at a lower level and screened from view by mature trees which are located around the perimeter of the graveyard. Stronyaraig Farm at the entrance to Inverchaolain Glen is located some 280metres to the north-east of the church. The only other dwellinghouse nearby is Inverchaolain Lodge located some 110 metres to the south-east of the church.

The C10 single track public road terminates 2km to the north of Inverchaolain Church at the entrance to Glenstriven Estate. The Core Path C212(a) Port Lamont to Ardtaraig, Loch Striven follows the C10 single track road past Inverchaolain Church.

Inverchaolain Church lies to the north of the MOD Safeguarding zone (MOD POL Depot Loch Striven) which ends at Brackley Point, some 1.4km to the south.

The application site is shown on SEPA'S indicative flood map as not being in an area prone to river or surface water flooding.

The proposal involves the change of use of Inverchaolain Church (Class 10) to a dwellinghouse (Class 9) and also includes the change of use of part of a grazing field to the north as associated domestic amenity space.

The existing vacant church building comprises a nave with rectangular footprint and pitched and gabled roof, with pitched roof projecting vestibule extension on the south elevation and dual pitched roof vestry and boiler room extension on the north elevation. The nave has a bell tower feature on the western elevation facing Loch Striven. The vestry roof has a slim traditional chimney. Gothic arch windows are located in all elevations. The main entrance to the church is from the south via entrance gates and a path towards the vestibule. There is additional access to the vestry from steps on the northern elevation. A further pedestrian gate with footpath leading to and around the church is located at the north-eastern corner of the graveyard. The graveyard, which is in Council ownership completely surrounds the church building, with older grave stones located randomly close to the church but a more formal layout on the northern part of the graveyard.

The church was previously served by a small car parking and turning area at the main entrance gate to the south.

The applicants propose to convert the church to a dwellinghouse with minimal intervention to preserve the character of the historic church building. The former nave will be converted to an open plan living room / dining room / kitchen, bedroom and study on the ground floor with a new staircase at the western end leading to a bedroom, sitting area with balcony and shower room on the first floor.

The existing boiler house will be demolished to create a sun room on the north-western corner of the church building. The flat roof sun room extension will have a balcony above the sun room enclosed by a 1.0m high balustrade wall.

A new vestibule extension is proposed adjacent to the vestry on the northern elevation. This will take the form of a lean-to timber clad extension with slated roof.

A patent glazing strip is proposed to rest on top of the existing structure along the entire length of the ridge to allow extensive natural light to penetrate the interior. Additional rooflights have been proposed in the vestibules and master en-suite with the additional benefit of assisting in ventilation requirements.

### Materials

It is proposed to remove existing failing roughcast on the external walls, buttresses, bell tower and chimney breast, which is extensively discoloured and no longer in the best condition with isolated areas of staining and damage. This will allow the building to be insulated externally, taking the opportunity to apply a fresh white render coat. Additionally, it will allow retention of the fine stone finish to the interior. Given the historic nature of the building, careful consideration has been given to reintroducing breathability into the external walls as well as retaining decorative sandstone features such as the mouldings around the windows. Existing doors and windows are to be retained but any new external doors, windows and rooflights will be high quality timber dark grey alu-clad frames.

Existing cast iron rainwater goods have rusted in particular areas. It is proposed to retain them but cleaned and painted to a more natural iron/dark grey colour. There is moss growth visible on the sandstone parapet cappings and natural slates which will be cleaned and retained as existing. The rear vestibule is proposed with natural vertical Scottish or Siberian larch cladding to the walls and natural slates to the roof with new cast iron gutters to match the rest of the building.

### Access and Car Parking

It is proposed to create a dedicated access for the proposed dwellinghouse within the field to the north of the graveyard. A small gravelled car parking court with turning facilities and car parking for four vehicles is proposed with vehicular access off a new lay-by. Gated access leads to the existing north-west gate within the graveyard where the north-western footpath would provide the main pedestrian link for the church to the garden area and car park.

### Foul Drainage and Water Supply

It is proposed to install a foul waste sewage treatment plant with soakaway within the central part of the proposed garden ground. No details have been submitted.

It is also proposed to make a connection to an existing spring water supply which runs through the field to the north of the church and also serves The Old Manse and Manse Cottage to the west of the church.

### Landscaping and Tree Planting

It is proposed to plant a yew hedge along the western and northern boundaries of the proposed garden area with indicative tree planting comprising indigenous species e.g. Scots Pine, Rowan and oak.

## Assessment

### *Proposed Use*

Many of the objectors consider that an alternative use should have been sought for the church. The starting point in an assessment of the proposed use is the existing lawful use which is a church (Class 10). The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as

amended) lists a range of uses below that could have hypothetically been carried without the need for planning permission.

#### Class 10. Non-residential institutions

Use, not including residential use–

- (a) as a crèche, day nursery or day centre;
- (b) for the provision of education;
- (c) for the display of works of art (otherwise than for sale or hire);
- (d) as a museum;
- (e) as a public library or public reading room;
- (f) as a public hall or exhibition hall; or
- (g) for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body.

Any of the Class 10 uses above could have potentially generated more activity or physical alterations to the church building and graveyard than the proposed use as a dwellinghouse. The isolated nature of the church (some 15 miles from Dunoon and 6 miles of that on the single track C10 road) means that other alternative commercial uses normally associated with church conversions e.g. nurseries, public houses, storage, community uses, retail, restaurants, cafes etc. may not have been viable in this location. Whilst remaining as a church building may be seen by many objectors as the most suitable use for the church, the sellers marketed the building which generated a very high volume of mainly residential enquiries.

It is therefore considered that the proposed residential use with its sympathetic conversion of the former church building offers a sensitive and low-impact use of the building to retain it as a functional building whilst retaining its historic and architectural character.

Whilst Inverchaolain Church is not listed, the following LDP policy is relevant in an assessment of the proposal.

#### SG LDP ENV 21 – Protection and Enhancement of Buildings

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan. Opportunities for the enhancement and re-use of existing buildings will be sought, through proposals for re-building, re-use or change of use, to maintain the fabric of the building and its value to the community. New uses will be approved in principle if;

- (A) The amenities of surrounding properties and residents are safeguarded within the framework of other LDP policies and SG;
- (B) Access and car parking proposals fully meet the criteria set out in SG – Access and parking Standards;
- (C) Any proposed alteration or extension to the building respects the appearance, scale and character of the original building and surrounding area;
- (D) The proposed new use is consistent with other LDP policies and SG.

#### Explanation of Policy Objectives

There are many buildings in Argyll and Bute which, although not considered to be worthy of inclusion on the official List of Buildings of Architectural and Historic Interest, make a substantial contribution to the character and appearance of an area; some of these are buildings that are under used or vacant, having out-lived their original function or purpose. Many are still structurally sound and capable of refurbishment and reuse, the sustainable management and protection if these buildings secure their long-term survival, preserve their embodied energy and stimulate economic growth. There are numerous examples throughout Argyll and Bute where the retention of a valued local building has greatly enhanced the local environment. This policy aims to encourage the further use of such buildings and encourage development opportunities.

The proposed conversion of the former church building to a mainstream dwellinghouse with limited external alterations would be consistent with policies LDP3 and SG LDP ENV21 by bringing a prominent historic vacant building back into active use.

### *Use of Conditions and Occupancy Restrictions*

Any conditions attached to the recommended approval of the Planning Application must comply with each of the tests in Scottish Government Planning Circular 4/1998 and Planning Circular 4/1998: model planning conditions addendum. The conditions must therefore be necessary, relevant to planning, relevant to the particular development, enforceable, precise and reasonable in all other respects.

In terms of occupancy, the department have been advised against the possibility of imposing a condition that restricts the use of the converted church building to that of a principal or main residence or a condition prohibiting short term holiday letting for two principal reasons:

- *both the Scottish Government guidance and case law preclude any condition which restricts the occupation of residential property, unless it can be justified by very particular circumstances. Such a condition may be viewed as contrary to Article 8 of the European Convention on Human Rights, in the current context;*
- *in order to be enforceable any condition must be capable of being monitored in practical terms. The question that must be asked is, would it be possible to detect any breach of such a condition? It is not apparent to our Legal Advisers that such a condition could be effectively monitored (at least in so far as main/principal residence is concerned).*

If however, future use for short term letting purposes was of a level to constitute a material change of use enforcement action would be possible regardless of any condition.

### *Council ownership of the graveyard*

As part of the church acquisition, the Council have granted servitude rights across the paths in the graveyard but retains ownership of the graveyard. Accordingly, the operational concerns regarding ongoing use and maintenance of the graveyard can be addressed by the Council (Amenity Services) as landowner. It is anticipated that those landowner rights are the same as are currently exercised and were exercised prior to the sale of the former church building and on any Management Rules made in terms of the Civic Government (Scotland) Act 1982 that may be relevant.

Given alternative options for the use of the former church building (including remaining vacant), the proposal to convert it and use it as a mainstream dwellinghouse (Class 9) offers a suitable use. Physical alterations to the building both external and internal are considered to be acceptable. The use of the field to the north as a separate amenity area with dedicated access and car parking and turning provision is also considered to be acceptable subject to conditions regarding boundary treatments, landscaping and tree planting.

Suitable safeguarding planning conditions and advisory notes are recommended in respect of the Council's ownership and operational responsibility for the graveyard to enable a dialogue between residents of the converted church and Roads and Amenity Services in terms of protocol for burial services, visiting and maintenance activities.

**With the above in the proposal is consistent with the provisions of policies LDP 9, SG LDP HOU1 and SG 2 of the adopted Local Development Plan 2015.**

### **C. Natural Environment**

There are no designations in respect of habitats and species. The church building has been secured therefore no opportunities for bat species or bird species to inhabit. All trees and shrubs within the graveyard are the responsibility of The Council.

**Accordingly, the proposed development would be consistent with policies LDP STRAT1, LDP3 and SG LDP ENV1 of the Argyll and Bute Local Development Plan in terms of nature conservation interests.**

### **D. Impact on Trees.**

There a mixture of deciduous and conifer trees bounding the graveyard but outwith the control of the applicants. The applicants do however propose some indigenous tree planting within the extended curtilage to the north of the graveyard.

The Council's Local Biodiversity Officer comments that planting should reflect the tree species in the local area with a mix of oak, birch and rowan planted along the fence line. All trees will need to be protected during establishment with tubes/stakes at 1.2m. Planting to be carried out from end of October until mid- March, making sure the grass is kept at bay. Details to be agreed and a suspensive planning condition is attached.

**Given the above, it is considered that with safeguarding conditions, the proposed development would be consistent with policies LDP STRAT1, LDP 3 and SG LDP ENV6 of the Argyll and Bute Local Development Plan.**

#### **E. Built Environment – Listed Buildings and historical setting**

The former parish church of Inverchaolain lies on the east shore of Loch Striven which historically served a wide area including the Loch Striven area and Colintrave. The present church was built in 1912, replacing one built in 1812 which was destroyed by fire, and on the site of two even earlier buildings. This may explain why there are so many gravestones in the churchyard which are much older than the church itself. Inverchaolain Church is not a listed building but a fine example of an early 20<sup>th</sup> century rural church. The present church is not the site of the mediaeval church of Inverchaolain, which was sited nearby. The Clan Lamont Museum/Archive has a collection of artefacts and documents in the Old Manse to the west of the church. The Old Manse is a Category B listed building built in 1812 and a traditional Georgian 2-storey detached dwellinghouse. There is an historic path linking the Old Manse to Inverchaolain Church and graveyard which still exists.

The LDP contains specific policies protecting the historic environment. In this instance the proposal to convert the church building to a dwellinghouse will only result in minor alterations which would not unduly alter the setting or the character of the building, graveyard and surrounding traditional buildings. Converting part of the grazing field to the north to form a separate area of amenity space (as none would be available immediately adjacent to the church building) could have more of a visual impact on the setting and character of the church. However, a suitable boundary treatment to match existing field enclosures (i.e. existing post and rail stock proof fence) and native tree planting should all help to blend the new development with existing traditional buildings and their settings. In the wider landscape, the proposals would not adversely impact on the Old Manse listed building given the distance and intervening tree cover.

**It is considered that the proposed conversion of Inverchaolain Church to a dwellinghouse would not have a detrimental impact on the setting of Inverchaolain Manse nearby. Accordingly, it is considered that the proposed development would be consistent with policies LDP STRAT1, LDP 3, SG LDP ENV15 of the Argyll and Bute Local Development Plan.**

#### **F. Archaeological Issues**

SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance. This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the LDP and states a presumption in favour of retaining, protecting, preserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll and Bute.

West of Scotland Archaeology Services comment that, "*The building falls within an archaeological consultation trigger, which in this instance has been defined in relation to the former church itself. It is recorded that the present church was built in 1912, to replace one that had been constructed in 1812 but subsequently destroyed by fire. According to the New*

*Statistical Account of 1845, the church constructed in 1812 was the third such structure to have been erected on the site. Another church was built close to it in 1745, which was in turn pulled down when the 1812 building was erected.*

*Although there is therefore a reasonably long tradition of religious use of the site, the HER suggests that the current building does not occupy the site of the medieval church at Inverchaolain. The 1st edition Ordnance Survey map of the mid-19th century identifies the site of the pre-Reformation chapel as being located around 250m to the north-east, with stones and other field clearance being reported at that location at the time.*

*While it has been suggested that the current building does not occupy the same position as the medieval church at Inverchaolain, the site of the earlier church has never been conclusively confirmed by excavation. The HER database also notes that when the foundations for the 1812 church were being dug, several dozen human skulls were found, along with a number of long-bones. This would suggest that unmarked graves may be present in the churchyard, presumably laid out in relation to one of the earlier church buildings. It would also suggest that the foundations of the current church may have been excavated through these lairs, and that human remains may still survive within the footprint of the extant structure. It is possible that ground disturbance associated with the proposal may serve to expose material of this type, or could encounter foundations or other material relating to one of the earlier church buildings to have occupied the site.*

*Government policy as set out Scottish Planning Policy is to protect and preserve heritage assets wherever feasible and, as such, they are material considerations in the planning process. In order to ensure that prospective developers arrange for any archaeological issues raised by their proposals to be adequately addressed, the recommended approach is that contained in paragraph 20-22 of Planning Advice Note 2/2011 (PAN 2/2011). This states that 'where the professional judgement of the authority's archaeological advisor, based on available evidence, indicates that significant archaeological remains may exist, it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out before the planning application is determined'.*

*Although PAN 2/2011 suggests that evaluation should be carried out in advance of the Council determining whether to grant planning consent, the nature of the development proposed under the current application suggests that this approach may not be suitable in this instance. While the proposal does seem likely to raise archaeological issues, these do not appear to be of such significance as would lead us to advise the Council to refuse planning consent, and as a result, WoSAS are content that the archaeological issues raised can be satisfactorily addressed through works carried out under the terms of a suitable condition attached to any consent the Council may be minded to grant. In order to implement this condition, the developer would need to appoint an archaeological contractor to monitor the initial phase of ground disturbance associated with the development. This would allow the archaeologist to identify and record any archaeological features or deposits that may be present, prior to their being removed by construction activity. Monitoring would be required on all elements of the proposal that would require ground disturbance. This would include any grubbing-out of the foundations of the boiler room that is proposed for demolition, the excavation of foundations for the replacement sun room and new entrance vestibule, and any excavations that may be required for the formation of new service connections etc. The aim of this would be to mitigate the loss of any archaeological material affected by the development by ensuring that there was an adequate record of it prior to its removal".*

An appropriate condition recommended by WoSAS is attached.

## **G. Road Network, Parking and Associated Transport Matters**

The Area Roads Engineer offers no objections and comments that the proposed development is accessed from C10 Glenstriven Road within a national speed limit. The required sightlines based on an 85 percentile speed of 40mph are 75 x 2.4 metres. All walls, hedges and fences within the visibility splays to be maintained at a height not greater than 1 metre above the road.

A passing place to be provided at the proposed vehicular access and turning area with parking for 2no vehicles. Passing place to be constructed as per SD8004a Access from Single lane road. A Road Opening Permit will be required for all works on or adjacent to the carriageway.

Appropriate conditions and advisory notes are attached.

**On the basis of the above, the proposal is considered consistent with policies LDP STRAT1, LDP 11, SG LDP TRAN 4 and SG LDP TRAN6 of the Argyll and Bute Local Development Plan.**

#### **H. Public Access**

The C212 (a) Core Path route from Port Lamont to Ardtaraig follows the C10 road which passes the application site on the east. The proposals will not affect the Core Path route.

The public will still have exclusive access to the Council owned graveyard. Parking will be as existing at the main southern entrance.

**On the basis of the above, the proposal is considered consistent with policies LDP STRAT1, LDP 11 and SG LDP TRAN1 of the Argyll and Bute Local Development Plan.**

#### **I. Landscape**

The application site lies within an Area of Panoramic Quality (APQ) covering the hillside on the east bank of Loch Striven. The proposal to convert the church to a dwellinghouse will have not have any significant impact on the immediate and wider surrounding landscape due to the limited external works proposed to the church building and existing tree cover. The inclusion of part of the field to the north of the church to an area of amenity space would have little impact on the immediate surrounding area and no impact on the wider surrounding APQ given proposals to create an enclosed car parking and turning area. Use of typical rural boundary treatments and some shrub and tree planting will help to integrate the proposed area of amenity space into the immediate landscape which contains several other dwellings which form the small dispersed Inverchaolain settlement.

**On the basis of the above, the proposal is considered consistent with policies LDP STRAT1, LDP 3, LDP9, SG LDP ENV 13 and SG LDP ENV14 of the Argyll and Bute Local Development Plan.**

#### **J. Flooding**

The application site is not shown on SEPA's Indicative Flood Map to be at risk from coastal, river or surface water flooding.

**On the basis of the above, the proposal is considered consistent with policies LDP STRAT1, LDP9, SG LDP SERV7 and SG2 of the Argyll and Bute Local Development Plan.**

#### **K. Environmental Issues**

Public Protection offer no objections in principle subject to conditions regarding operating hours during construction, construction activities and management of asbestos.

Whilst the department consider that Public Protection has its own legislative powers to deal with any potential noise issues from the converted church building should they arise, a Construction Environment Management Plan (CEMP) is requested by condition to include a timetable for construction activities including full details of delivery times for materials and plant, construction work operating hours, parking arrangements for construction traffic and construction management protocol.

It is however considered that in terms of noise issues and asbestos removal, Public Protection (and Building Standards) has its own legislative powers to deal with such issues should they arise and these are included as advisory notes only.

## **L. Infrastructure**

### Private Water Supply

An Assessment of Spring Water supply by Highwater private water supplies dated 28<sup>th</sup> November 2018 has been submitted in support of the proposed development.

The report concluded that, *“the existing spring supply appears to be adequate, both in terms of quantity and quality, for supplying an additional residential property at the Church. A new connection for the benefit of the Church could be made to the existing supply pipe in the field between the plastic tank and The Old Manse”*.

Public Protection offer no objections in principle subject to conditions regarding provision of a supply of potable water and drainage provisions. Public Protection note that it is the intention of the applicant to effect a water supply at the proposed development by connection to an existing private water supply. The existing private water supply and infrastructure for storage and distribution will need to meet the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 if it is to be used for the proposed development. An assessment of Spring Water Supply Stronyaraig, Near Inverchaolain, PA23 7UN dated 28<sup>th</sup> November 2018 has been carried out by Highwater Private Water Supplies in support of this. Public Protection comment that the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the recommendations made in this report.

### Foul Drainage

Public Protection comment that it is the intention of the applicant to effect a drainage system at the proposed development by means of connection to a sewage treatment plant and discharge to land via soakaway. The system of drainage provided will require to be in accordance with the relevant Building (Scotland) Acts, and this will be a matter for consideration by Building Standards.

Discharge of effluent from the septic tank into “controlled waters” (all inland watercourses, coastal and ground waters) will require a discharge consent to be put in place by the Scottish Environmental Protection Agency (SEPA).

**Subject to conditions, the proposal is considered consistent with policies LDP STRAT1, LDP9, SG LDP SERV1 and SG LDP SERV6 of the Argyll and Bute Local Development Plan.**