

**Delegated 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:** 17/01879/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr and Mrs Stephen Mitchell  
**Proposal:** Change of use from dwellinghouse to form 2 self-catering cottages. Including; erection of car port with solar panelled roof, erection of replacement sun room and enlargement of existing extension and formation of new vehicular access.  
**Site Address:** Gallanach Cottage, Gallanach, Lochgair, Argyll.

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**DECISION ROUTE**

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

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**(A) THE APPLICATION**

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

- Change of Use from dwellinghouse to form two self-catering units
- Formation of new access
- Erection of car port with solar panelled roof (18 panel solar array)
- Demolition of existing sunroom and erection of replacement sunroom
- Alteration of existing extension from one to one and a half storeys
- Alteration of dormer windows on north and south elevation from sloped to pitched roofs.
- Alteration to width of window openings and replacement of majority of ground floor windows on north elevation and alteration to length and replacement of windows on east elevation.

**(ii) Other specified operations**

- None
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**(B) RECOMMENDATION:**

Recommended for approval subject to attached conditions and reasons.

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**(C) CONSULTATIONS:**

Argyll and Bute Council Roads and Amenity Services – No objection subject to conditions. Responded 18.07.17.

Scottish Environmental Protection Agency (SEPA) – No objection subject to conditions. Responded 13.09.2017.

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**(D) HISTORY:**

17/01412/PP - Demolition of conservatory, erection of extensions to dwellinghouse, erection of car port with roof mounted solar panels and formation of new vehicular access. Application withdrawn 14.07.17.

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**(E) PUBLICITY:**

Regulation 20 Advert – Expired 18.08.17

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

Morag Buchanan – Tobah An Loch, Lochgair, Lochgilphead.  
James Buchanan – Tobah An Loch , Lochgair, Lochgilphead.  
Helen J McCartan – Tigh Na Tobar, Lochgair, Lochgilphead.  
Duncan Campbell – Lochside, Lochgair, Lochgilphead.

**(ii) Summary of issues raised:**

**Access and Impact on Road Safety and Amenity**

The following objections have been raised in regard to access:

*'As an immediate neighbour I would like to make clear to planning department that I do not agree to the access roadway in from the site being the route as it will impact on our property.'*

*'The creation of a new, additional access road onto an already restricted road would reduce highway safety, create noise and disturbance from use and have insufficient adequacy for turning and manoeuvring of vehicles.'*

*'We are concerned about the proposed vehicular access to the proposed property as is partly opposite our car park which is directly onto the single track road. We fear there is a safety issue as vehicles entering and exiting the single track road could in conflict, also a risk to pedestrians and cyclists. As the grounds of Gallanach Cottage have the potential for further development if permitted the flow of traffic could be increased accordingly. Moving the access to Gallanach Cottage a short distance west would make the situation much safer and moving the proposed access does not seem to concern the applicants.'*

**Comment:** The proposal has been assessed in relation to road safety by the Council's Road Engineers and the proposed access is not considered to raise any significant road safety issues. Argyll and Bute Council Roads and Amenity Services have no objection to the proposal subject to the attachment of a number of conditions. It is considered that with the implementation of the recommended conditions the proposed access will not raise any significant

road safety issues. A centrally located access on the frontage will afford visibility to the required standard in either direction and will represent an improvement over the existing access which is to be close off. The site will provide adequate parking and turning facilities for up to four vehicles. In relation to the impact which the access will have in creating noise and disturbance within the surrounding residential area, the use of this large dwelling as two three bedroomed self-catering cottages is likely to have a negligible impact upon amenity in comparison to the noise and disturbance which could reasonably be expected from a dwelling of this size, as it would not be expected that traffic generation would materially increase as a result of the intended use. The speculation that land in the ownership of Gallanach Cottage could be developed further, therefore raising the prospect of additional traffic using the access is not a consideration for this application. Any further planning application would be assessed accordingly on its merits at the time, with the impact of any additional traffic being considered at that point, should it arise. The proposal therefore complies with LDP 11 – Improving our Connectivity and Infrastructure, SG LDP TRAN 6 – Vehicle Parking Provision SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes.

### **Land Ownership**

The following objections were raised in regard to land ownership:

*‘Per our title deeds, as owners of part of the land which planning permission has been applied for, we do not give our permission under any circumstances to the applicants to use our property.’*

### **Response**

Land ownership is not a material planning consideration. The applicants have completed land ownership Certificate B on the Planning Application Form and have served notice on the owners of the land included in the application site edged red and have therefore discharged their obligations in relation to regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland Regulation 2013. Any dispute between ownership interests would be a civil legal issue.

### **Impact of solar panels on amenity**

The following objections were raised in relation to the impact of solar panels on amenity:

*‘I would like to express my concern regarding the erection of the Car Port along with an addition of 18 Solar Panels. As the panels will face my house and the road which leads to Tigh – Na – Tobar and Caberfeidh, the glare could be a concern to us and other drivers. Is it possible that the panels could be laid flatter to the roof instead of on A-frames, or indeed lower – on the ground. It does seem rather a large number of panels – more in keeping with an industrial estate than a house in a small village like Lochgair. I presume the panels would be Black and non-reflective.’*

### **Response:**

Solar panels are an accepted feature of residential areas. The applicant has provided a detailed specification for the proposed panels. This specification confirms that they will be black and constructed of a high transmission tempered glass with anti-reflective glare. Furthermore, the solar panels will be installed on a sloped roof and will be positioned in a tiered arrangement

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with a projection of 0.5m from the roof plane. Although the car port roof will be covered in solar panels the car port is located to the south of the site away from the public road and therefore not considered to present any an impact on the safety of road users. Furthermore, the use of appropriate materials and the design of the solar panels will ensure there is not a significant impact on the residential amenity of the neighbouring dwelling houses. The proposal is therefore considered to comply with LDP 9 – Development Setting, Layout and Design, and SG LDP Sustainable – Sustainable Siting and Design Principles.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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| <b>(i) Environmental Statement:</b>  | No |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>  | No |
| <b>(iii) A design or design/access statement:</b>  | No |
| <b>(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | No |
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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement 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’ Adopted March 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 5 – Supporting the Sustainable Growth of our Economy  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

**Landscape and Design**

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)

**Historic Environment and Archaeology**

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

**Support for Business & Industry: Main Potential Growth Sector: Tourism**

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

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Addressing Climate Change**

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

**Transport (Including Core Paths)**

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

SG LDP TRAN 6 – Vehicle Parking Provision

(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 3/2013.**

- Scottish Planning Policy
- 17/01412/PP - Demolition of conservatory, erection of extensions to dwellinghouse, erection of car port with roof mounted solar panels and formation of new vehicular access. Application withdrawn 14.07.17.

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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 (PAC): 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:** No

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**(O) Requirement for a hearing (PAN41 or other):** No

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

Planning permission is sought for 'Change of use from dwellinghouse to form 2 self-catering cottages, including erection of car port with solar panelled roof, erection of replacement sun room and enlargement of existing extension and formation of new vehicular access,' at Gallanach Cottage, Gallanach, Lochgair. Gallanach Cottage is a traditional white rendered, one and a half storey dwellinghouse located in the in the settlement of Lochgair and also within the Lochgair Special Built Environment Area (SBEA) and the West Loch Fyne (Coast) Area of Panoramic Quality (APQ). As the site is located within the Lochgair 'settlement' zone the proposal complies with LDP STRAT 1 – Sustainable Development and LDP DM 1 – Development within the Development Management Zones.

The main element of the proposal involves the change of use of the existing dwellinghouse to form two self-catering cottages, each with three bedrooms. In addition to the change of use of the property, the proposal also includes the demolition of the existing conservatory, erection of a replacement sunroom/lounge on the eastern gable, and the re-construction of the existing extension from single to one and a half storeys. The replacement sunroom/lounge will consist of 'cedral' timber cladding to the external walls, Spanish slate roof, and white PVCU or timber windows. The re-constructed extension will be wet dash roughcast painted white, with white PVCU or timber windows and a pitched roof to match the roof alignment of the existing dwellinghouse.

Other development taking place to the south of the site is the erection of a car port with 18 solar panels on the roof. The car port will be located adjacent to the existing garage and will be constructed of green oak posts, with a corrugated steel roof with black solar panels constructed of high transmission tempered anti –reflective coated glass. Other additional development works included within the proposal include the alteration of the roof pitch of the dormers on the north and south elevation from sloped to pitched roofs, alteration of the width of the window openings and replacement of the majority of ground floor windows on the north elevation, and alteration to the length and replacement of windows on the east elevation. The footprint of the dwellinghouse will therefore alter from a predominately L-shaped dwellinghouse with two projections on the north and east elevation, to one cottage with an L-shaped footprint, and one cottage with a footprint which forms the shape of inter-connected rectangles. Finally, a new vehicular access will be created on the eastern corner of the site with a 2.4m x 25m visibility splay, with the existing vehicular access at the western corner of the site being permanently closed off.

The size and scale of the proposed replacement sunroom/lounge and the reconstructed extension will be subordinate to the existing dwellinghouse. Appropriate materials such as Spanish slate for the roof, and walls in white wet dash roughcast which match the existing dwellinghouse are also to be utilised. Other alterations to the dwellinghouse, such as the alteration and replacement of windows on the north and east elevation are considered to be of a satisfactory design and utilise suitable materials. In addition, the proposed car port located to the south of the site with a solar panel array roof is of an appropriate size and scale and is of a

satisfactory design. Due to the size of the site and the location and distance between neighbouring properties, the proposal does not raise any privacy, daylight, or amenity issues. Furthermore, it is considered that the proposal satisfactorily protects the architectural and historic value of the Lochgair Special Built Environment Area (SBEA) and will not have a significant impact on the landscape character of the West Loch Fyne (Coast) Area of Panoramic Quality. The proposal therefore complies with LDP 9 – Development Setting, Layout and Design, SG LDP Sustainable – Sustainable Siting and Design Principles, LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment, SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs), and SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs).

The change of use of the dwellinghouse to form two self-catering units will provide additional small-scale tourist accommodation facilities within the settlement of Lochgair. Additional self-catering facilities will be beneficial to the tourist industry which forms an important section of the economy within Mid Argyll. As the proposal is a change of use of an existing dwellinghouse, the proposal relates well to the existing built form of the settlement of Lochgair and is of an appropriate form and scale. Furthermore, the proposal is in a suitable location and is consistent with all other relevant policies of the Local Development Plan. Public transport is also accessible from the site in the form of the bus service which runs between Glasgow and Campbeltown along the A83(T) which runs through the centre of the settlement of Lochgair. This complies with LDP 5 – Supporting the Sustainable Growth of our Economy SG LDP TOUR 1 – Tourist Facilities and Accommodation.

The site of the proposal is located within the Scottish Environmental Protection Agency (SEPA) River and Coastal Flood Zone (1:200 Year). This means the site has a 'high to medium' risk of flooding. SEPA were consulted on the proposal and have not objected to the proposal subject to the attachment of two conditions. SEPA has advised that 'the site levels remain as existing,' and 'the finished floor levels are located above the 1 in 200 year water level of 4.06m AOD with an appropriate level of freeboard.' The proposal therefore complies with LDP 10 – Maximising our Resources and Reducing our Consumption and SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework.

The site of the proposal is within an archeologically sensitive area. However, West of Scotland Archaeology Service (WOSAS) have not commented on the application and therefore in the absence of adverse comment the proposal is not considered to have a significant impact on the archaeological sensitivity of the area. The proposal therefore complies with LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment SG LDP ENV 20 – Impact on Sites of Archaeological Importance.

Access to the site is from the single track road which provides access to the area of Lochgair situated between the A83(T) and the foreshore of Loch Fyne to the east. The new access, which will include a 2.4m x 25m visibility splay, has been located where better visibility can be obtained from vehicles egressing from the site, which will represent an improvement in terms of road safety. The existing vehicular access at the north west extremity of the site will be closed off, and a parking and turning area within the application site will be created for 4 vehicles. Argyll and Bute Council's Roads and Amenity Services have been consulted on the proposal and have raised no objections subject to the attachment of a number conditions. Subject to these being imposed, the proposal therefore complies with LDP 11 – Improving our Connectivity and Infrastructure, SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes, and SG LDP TRAN 6 – Vehicle Parking Provision.

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

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

The proposal conforms to the relevant policies of the development plan, and there are no other material considerations, including matters raised by third parties, which would warrant departure from these policies.

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

Not applicable.

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

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**Author of Report:** Fleur Rothwell **Date:** 18.09.2017

**Reviewing Officer:** Richard Kerr  **Date:** 18.09.2017

**Angus Gilmour**  
**Head of Planning & Regulatory Services**



## **CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 17/01879/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 12<sup>th</sup> July 2017 and the approved drawings numbered 1 - 2 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004 Rev a; and visibility splays of 2.4 metres to point X by 25 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate four vehicles within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

4. Notwithstanding the provisions of Condition 1, no development shall commence until details for the permanent closure of the existing vehicular access to the site by physical means have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented concurrently with the approved vehicular access to the development first being brought into use and the original means of access shall remain closed to vehicular traffic thereafter.

Reason: In the interest of road safety.

5. Notwithstanding the provisions of Condition 1, a refuse collection point shall be provided adjacent to the public road prior to the development first being occupied.

Reason: In the interest of road safety and amenity.

6. Notwithstanding the provisions of Condition 1, the finished ground floor level of the development shall be above 4.06m Above Ordnance Datum plus additional free board, with existing site levels maintained unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure appropriate mitigation for flood risk.

## NOTE TO APPLICANT

- **The length of the permission:** This planning permission will last only for **three** years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

## APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **17/01879/PP**

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| (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended):   | <b>No</b>  |
| (B) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.     | <b>Yes – Amended Location Plan, Site Plan, and Existing Elevations submitted 28/07/17. This is to show land outside red site line in applicant’s ownership outlined in blue.</b> |
| (C) The reason why planning permission has been approved:  |  |
| <b>The proposal conforms to the relevant policies of the development plan, and there are no other material considerations, including matters raised by third parties, which would warrant departure from these policies.</b> |  |