

**Argyll and Bute Council**

**Development and Economic Growth**

**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:** 20/00094/PP

**Planning Hierarchy:** Local Application

**Applicant:** Mr Pelham Olive

**Proposal:** Erection of 12 dwellinghouses, alterations to vehicular access and installation of private drainage system

**Site Address:** Land East Of Lochside, Portincaple

**SUPPLEMENTARY REPORT NO. 7**

**1.0 INTRODUCTION**

The purpose of this report is to advise Members of additional late representations received subsequent to the publication of Supplementary Report No. 6.

**2.0 LATE THIRD PARTY REPRESENTATIONS**

Members are advised that 377 late representations have been received during the evening of 25<sup>th</sup> January and morning of 26<sup>th</sup> January 2021. Three e-mails have been received from Ron Fletcher, Chair of Portincaple Residents Association, and 19 e-mails from SaveLochLongProtectPortincaple containing 374 individual proforma letters raising objection to the proposal. The content of these submissions are set out below for Members consideration:

**Ron Fletcher – Chair of Portincaple Residents Association (25&26.01.2021)**

25.01.21:

Dear Ms. Davies,

I refer to the late letter from the developer to yourself and the "cosy, non-professional" relationship which it portrays to the residents/electorate of Portincaple.

Whilst I understand that you will have developed a professional rapport with the design team/and possibly the developer over the years, and also into the future, it does not give an impression of impartiality to those most affected.

We are the community which will be most affected by this unwelcome development, not officers of the council, or even elected members, and yet our views are being diminished in importance.

The developer's maths seems to lack credibility by saying that less than half the residents of Portincaple have objected and then quotes 35 out of 58 residences. Even by simple maths this is 60.344827%.

The fact that no other residence in Portincaple has objected is also open to question, unless he has looked at all the recent submissions in detail, to ascertain whether that statement is true.

In any community there will always be a section who although they agree in principle with any particular situation they will not appear as either for or against for a number of reasons.

In this particular case, as chair of the Residents Association I am confident that the bulk of opinion is weighted against this proposal.

Please ensure that this correspondence is relayed to the elected members before the start of the meeting tomorrow.

26.01.2021

I have just looked at the above and note that the agenda items for tomorrow's meeting now includes the latest R o H. supplementary report date 25<sup>th</sup> January.

How can the residents of Portincaple have any confidence in the Council officers dealing with this application. when something directly in their control i.e. the planning reference number is misquoted not once but 3 times.

Further, the most recent document is labelled as supplementary report No. 6. The only documents that are available to the public are Supplementary reports numbered 1-3. What are the council trying to hide from their electorate by withholding the missing documents.

The apparent incompetence and bias shown by the council over the last year for this application is unbelievable, and must call into question the whole process being fair, transparent and even handed.

The sooner this application is refused the better.

***Comment: It is confirmed that this application has been considered in accordance with the Town and Country Planning (Scotland) Act 1997 as amended and that there has been a professional working relationship with the developer, agent and other consultants throughout the application process. Any suggestion that officers have acted improperly, or with undue bias toward the developer's***

***interests are strenuously refuted. It is further confirmed that the typographical errors highlighted within Supplementary Report 6 do not have any bearing on the matters subject to consideration, and that Mr Fletcher has subsequently confirmed availability of Supplementary Reports 4 – 6.***

**SaveLochLongProtect Portincaple – 19 e-mails containing 374 Individual Proforma Letters 26.01.2021:**

I am writing to express my extreme disappointment with the way Argyll and Bute Council have dealt with the above application.

Despite hundreds of objections pointing out multiple breaches of national and local planning policy, the inaccurate tree survey which was only 15% complete, the incomplete woodland management plan, the illegal and premature felling of 209 trees on site, mostly in designated Ancient Woodland, the inadequacy of the existing road access, the complete ruin of the setting of a listed building and the loss of habitat for European Protected Species as well as 46 resident bird species on the Endangered List, the new Report of Handling (ROH) issued this week still recommends approval!

Why do these policies exist if Argyll and Bute are prepared to overlook them all for the promise of 3 shared homes for 15 Royal Navy personnel or contractors for just 5 years?

The original ROH used this paltry offer to justify the “minor” departure from policy (which on any reasonable view is enormous) , yet as has been shown by the submissions from Jackie Baillie MSP and Brendan O’Hara MP, no agreement has ever been made with the developer, and there is no guarantee whatsoever that the offer will ever be taken up.

That whole justification has been shown to be based on a misrepresentation by the applicant. In a letter this week, his architect Mr Jamieson claims that “the applicant has never claimed that any agreement was in place with the MOD/Royal Navy”, yet the planning statement submitted on his behalf to support the application in May 2020 by MH Planning Associates clearly states that the Navy has a “10-year lease” (para. 7.19). Surely the council had an obligation to check the veracity of such claims, not simply accept them as fact?

The Council identifies a need for housing by the Navy, but its own assessment of housing land supply for the period 2020-2029 indicates that there is a comfortable surplus of allocations versus supply target in the Helensburgh and Lomond area. The Royal Navy themselves own large tracts of land and housing which is sitting empty, as is a very large amount of MOD housing across the country as armed forces are cut.

Mr Jamieson points to the developer’s track record at Carrick Castle. The planning application for this development stated that it was for mixed uses, one of which was an education centre for children to learn about moorland conservation – no doubt presented as a glossy ‘planning gain’. It is now promoted as a wedding venue on Air BnB. Is the Council once again about to fall for this developer’s empty promises?

In their response to the applicant’s pre- application enquiry in March 2019, which was referenced and attached to the above-mentioned planning statement, Argyll & Bute say that they are willing to overlook policy LDP DM1 and allow the then proposed 36 houses

and 22 bed hotel to go ahead if the application can demonstrate enough community benefit, and then go on to suggest these benefits could take the form of a district heating system and public transport system. Unsurprisingly, the application was submitted including both of these yet Marine Scotland has no records of being approached by the developer about the marine licence that would be required for the water-source heating system, and there is no evidence that a bus company is considering using the much-vaunted bus turning space.

The applicant has been a director of 55 dissolved or liquidated companies. He has been reported to Police Scotland for Wildlife Crimes. He is also currently under investigation by Scottish Forestry for Illegal Felling. Both these crimes can carry custodial sentences.

Mr Olive makes great claims about how he has saved the woodland after years of neglect by clearing the invasive rhododendrons. He also claims that he has not felled a single tree. He has in fact cut down 209 trees of greater than 10cm diameter and hundreds of smaller saplings. Many residents including a local policeman observed Mr Olive himself pointing out trees for his digger driver to push over because they were growing where he planned to build his houses. The rhodies were cleared for his building site, not for woodland management. There have been no efforts made to clear the large amounts of Japanese Knotweed growing unchecked throughout the site.

Although Portincapple is only a minor settlement, this application has caused a lot of controversy. For only 58 houses, there are now over 3000 objections with only 2 letters of support. These have come from Mr John Urquhart, chairman of Friends of Loch Lomond, and his vice-chair. This group might well be better named Friends of Developers Around Loch Lomond, given the support they have given to Tom Hunter, Flamingoland and Pelham Olive backed by funding from David Mouldsdale, the man behind the very controversial development proposals for public land in Tarbert.

Based on the above, this application should have been returned to the PPSL Committee to decide again whether or not to proceed to a public hearing but yet again, council officers seem intent on pushing the application through no matter what the cost to a community that has not asked for this development, does not want it, does not see a single benefit to the community, and where not one single resident has supported the application. I would urge the Councillors of the PPSL Committee to take all of this into account in their consideration of this proposal and to refuse it out of hand.

***Comment: The relevant planning matters are already covered within the main Report of Handling and accompanying Supplementary Reports.***

### **3.0 RECOMMENDATION**

This does not alter the recommendation details on the main Report on Handling, namely, that, that planning permission be granted subject to:

- (i) a pre determination hearing;
- (ii) A section 75 agreement to ensure a commuted sum for affordable housing and housing addressing the needs relating to the expansion of HMNB Clyde; and

(iii) the conditions and reasons attached as Appendix A to supplementary report number 4.

**Author of Report:** Sandra Davies

**Date:** 26/1/21

**Reviewing Officer:** Peter Bain

**Date:** 26/1/21