

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

Reference No: 21/00064/PP
Planning Hierarchy: Local
Applicant: Colonsay Community Development Company
Proposal: Erection of 6 dwellinghouses and 3 houses of multiple occupation, formation of vehicular access and installation of sewage treatment system
Site Address: Land West Of Hazel Cottage, Scalasaig, Isle of Colonsay

DECISION ROUTE

Local Government Scotland Act 1973 (delete as appropriate)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of six dwelling houses;
- Erection of three houses of multiple occupancy;
- Formation of new vehicular access;
- Installation of sewage treatment system
- Change of use of land from improved grassland / agriculture to facilitate residential development

(ii) Other specified operations

- Installation of SuDS;
 - Hard and soft landscaping;
 - Connection to services
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(B) RECOMMENDATION:

It is recommended that the application is approved as a minor departure subject to the conditions appended below.

(C) CONSULTATIONS:

ABC Area Roads Engineer, 5th March 2021 – No objection subject to conditions.

ABC Environmental Health, 19th March 2021 – No objection but requests a planning condition with respect to working hours during construction.

Scottish Water, 16th Feb 2021 – No objection.

West of Scotland Archaeology Service, 25th Feb 2021 – No objection subject to a planning condition.

(D) HISTORY:

21/00166/MPLAN – Associated Masterplan submission demonstrating the potential development of the wider PDA – pending determination.

(E) PUBLICITY:

Regulation 20 advert expiry 18th March 2021

(F) REPRESENTATIONS:

(i) Representations received from:

None

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Local Development Plan' 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 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

Local Development Plan Schedules

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

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity

Landscape and Design

SG LDP ENV 14 – Landscape

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Housing Greenspace

SG LDP HOU 3 – Housing Green-Space

Departures from the Local Development Plan

SG LDP DEP – Departures from the Local Development Plan

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

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
- ABC LDP 2, Proposed Nov 2019
- Consultee comments
- ABC Technical Working Note – Houses in Multiple Occupancy

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

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

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

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

(O) Requirement for a hearing: No

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

The application seeks to deliver the aspirations of the LDP and the community for PDA 8/1 at Scalasaig on the isle of Colonsay. The submission consists of:

- Erection of six dwelling houses;
- Erection of three houses of multiple occupancy (proposals are for three bed properties therefore it is expected that no more than six unrelated people in the property. Where six unrelated people share a house this is regarded in planning terms as an HMO and does not fall within Class 9 Houses).
- Formation of new vehicular access;
- Installation of sewage treatment system
- Change of use of land from improved grassland / agriculture to facilitate residential development

The community will retain ownership of the dwelling houses whilst MOWI will take control of the HMOs. There are no formal details as to the arrangement to ensure the units remain available for permanent island residents or temporary staff but officers are satisfied that this can be conditioned. This approach has been achieved elsewhere to support fragile rural populations.

Scalasaig sits within a large glen running east to west. The northern portion of the settlement has grown to include housing and commercial units. The southern has been limited thus far to the ferry terminal. This proposal seeks to balance the

development pattern by mirroring the northern side of the glen whilst keeping the floor clear of development.

Officers have been in discussions with the applicant to ensure all material considerations have been addressed. After initial site investigations large parts of the PDA were deemed inappropriate for development including that area adjacent the road. This needs to be kept clear as part of the land offers some limited potential habitat opportunity for corncrake and ensures that views of the listed church and hotel remain uninterrupted. This means that the houses need to be pushed back into the site but this ensures the development is back dropped by the steep rising southern side of the glen.

There have been no objections from consultees. Conditions are proposed for ecology, ownership, materials and access.

There have been no third party comments and all land owners have been involved in discussions. The proposal is subject to public funding and the work of the Colonsay Community Development Company. Officers are keen to support the community aspirations especially when they will assist in addressing the decline of this fragile community.

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

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

The proposal is considered to be a minor departure to the policies LDP DM 1 and PDA 8/1 schedule of the Argyll and Bute Local Development Plan 2015.

The application seeks to deliver the LDP aspirations of PDA 8/1 as well as much needed housing on the island for families and incoming / temporary workers. The proposal is consistent with the provisions of the Masterplan recently endorsed by elected Members of the PPSL committee. The application provides for an appropriate level of housing whilst taking a sensitive approach to design and layout ensuring minimal impact on the wider setting of the listed church and hotel buildings. In doing so however it does result in a minor departure to policy LDP DM 1. This is considered acceptable given the topography, appropriate layout and community benefit.

Appropriate access can be achieved and does not sterilise potential delivery of further housing within the PDA should the relevant land owner seek to make a submission.

The application is otherwise consistent with the relevant provisions of the Local Development Plan and there are no material considerations that would warrant a negative decision.

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

The proposal by virtue of layout is acceptable as a minor departure to policy LDP DM 1 insofar as the policy would not normally support the extension of a settlement

boundary. However, given the limited land suitable for development within the PDA and the nature of the landscape officers consider it appropriate to allow for the minor departure given the aspirations of both the applicant and the planning authority with respect to the designation can be accommodated without adversely impacting on the character of the settlement.

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

Author of Report: David Love

Date: 30th March 2021

Reviewing Officer: Peter Bain

Date: 7th April 2021

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/00064/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 14/1/21 supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location and Site Plan	2035 PB01	B	18 th January 2021
Road Elevations	2035 PB08	A	18 th January 2021
Type A MOWI Housing	2035 PB04	A	18 th January 2021
Type A MOWI Housing	2035 PB05	A	18 th January 2021
Type B and C Houses	2035 PB06	A	18 th January 2021
Type B Houses	2035 PB07	A	18 th January 2021

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

2. Pursuant to Condition 1. - no development shall commence until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:
 - a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
 - b) Define those properties to be used as affordable homes;
 - c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
 - d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

For the purposes of this condition 'affordable homes' are defined as being either:

- i) Social housing (rented or shared ownership or shared equity) managed by a registered social landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

3. Notwithstanding the provisions of Condition 1, the details of the proposed access with the public road shall be agreed with the planning authority in consultation with the Roads Authority. The access shall incorporate visibility splays of 75 metres to point X by 2.4 metres to point Y from the centre line of the proposed access and shall incorporate a bus bay. 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.

4. Prior to the commencement of works the applicant shall submit all details of the parking and turning arrangements for the approval of the planning authority in consultation with the Roads Authority. The works shall then be implemented as per the approved details unless otherwise agreed in writing with the planning authority.

Reason: In the interests of road safety.

5. The applicant shall provide a replacement passing place, to be agreed with the Roads Authority, prior to the commencement of works. Such details shall include location, construction details and timescale for delivery. Once agreed the development shall be implemented as per the approved details.

Reason: In the interests of road safety.

6. Prior to the occupation of the houses or the HMOs the applicant shall ensure pedestrian warning signs are installed between the junction to the development off the public road and the ferry terminal in location as agreed with the Roads Authority.

Reason: In the interests of road safety.

7. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of the residential units have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

8. No development or other work shall be carried out on the site until a pre-commencement survey for the presence of ground nesting and breeding birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing

constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason:, In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation

9. No development or ground breaking works shall commence until a method statement for an archaeological written scheme of investigation has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

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.
- Detailed information on making a House in Multiple occupation licence application are available at [hmo-gn-1_guidance_note_completion_of_application_hmo_licence.pdf \(argyll-bute.gov.uk\)](http://argyll-bute.gov.uk/hmo-gn-1_guidance_note_completion_of_application_hmo_licence.pdf)

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/00064/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is largely located within the settlement boundary of the minor settlement of Scalasaig on the Isle of Colonsay within Potential Development Area (PDA) 8/1. The PDA schedule within the LDP allocates this site for a mixed density housing site with 25% affordable requirement.

The proposal is largely within the PDA boundary with the exception of three houses and partially a fourth. This is a result of ground investigation works. The northern portion of the PDA is largely boggy and offers potential for corncrake habitat. Equally, it forms a natural SuDS basin. It is important to keep unimpeded views of the listed church and hotel to the west as you depart the ferry terminal. With this in mind the proposal is considered a minor departure to policy LDP DM 1 and the PDA but can be considered acceptable on grounds of site specifics and landscape impacts.

The proposal is considered a minor departure to policy LDP DM 1 and the PDA schedule reference 8/1.

B. Location, Nature and Design of Proposed Development

The site is located in the south of the settlement on an undeveloped location west of the ferry terminal. The location mirrors the north side of the settlement. Scalasaig cradles the main road with development north adjacent the foot of the rising topography whilst the land to the south tends to form a nucleus around the ferry terminal spreading south to where the land starts to rise. This site would mirror the development pattern on the northern side of the settlement. The application seeks to realise the ambitions of PDA 8/1 and to address some of the housing shortage on the island.

The development forms a curve running north to east through south. There will be two pairs of semi-detached houses on the northern side with two pairs of semi-detached and a single detached property on the southern. All units will be accessed off a single road.

The planning application is made up of six houses and three HMOs. There are three house types with type A forming a single detached unit and a further pair of semi-detached. House types B and C form two pairs of semi-detached with a further semi-detached pair made up of type B.

- Type A is a detached HMO with accommodation in the roof space offering three bedrooms. It will be finished in render with a metal roof cladding. Volumetrically is a rectangle of traditional proportions. There are three of these within the site.
- Type B is a semi-detached house of which there are four of them. They will form a pair with house type C. Type B is a two bed four person property over a single level.
- Type C forms the other half of the semi-detached range and is taller and narrower providing a variety in roof height. This type also offers a timber porch on the front elevation.

Garden space is provided around and to the rear of each property with parking to the side of each property.

In terms of design the site follows the general contours of the rising ground to the south. The development avoids areas that offer the most natural benefit such as that to the northern edge adjacent the road. This is a natural SuDS basin and offers some limited scope of corncrake habitat. Regardless it is not prime development area so best avoided. It is important to maintain views along the glen floor from the ferry terminal to the listed buildings of the church and hotel to the east west. By avoiding the lower portion of the PDA this allows these views to be maintained and the area allowed to function as a surface water basin. This means that part of the PDA is not developable. Officers consider the minor deviation from the settlement boundary to be appropriate on the grounds that it forms a sensible rounding off within the landscape character and realises the ambitions of the PDA and the community in an environmentally sensitive manner.

The eastern portion of the PDA does not form part of this application and remains in the ownership of the estate. The road layout allows for future access into this area. Currently on Colonsay up to ten dwelling are permissible off a private road. In this regard the adjacent site could be served by a lesser standard of access. Regardless there is sufficient room to allow an upgrade if this was required at a later date.

The proposal is considered an acceptable minor departure to policies LDP DM 1, LDP 9, SG LDP HOU 1 and SG LDP Sustainable.

C. Natural Environment

The applicant has submitted a preliminary ecological assessment report with the application. This identified several habitat types and species but nothing of great note. Habitat types are summarised below:

- Scattered scrub
- Unimproved acid grassland
- Unimproved neutral grassland
- Marshy grassland
- Marshy grassland/Scattered bracken mosaic
- Continuous bracken
- Acid flush
- Basic flush
- Running water
- Boundary (wall/fence)
- Fence and wall (boundary).

The report does specifically say there are iris beds that are important for corncrakes, although these areas are sparse and patchy. There was no evidence of corncrake use on site.

Although there are limited findings of mammals and birds on the site it is still recommended that a pre-commencement condition requires a walkover survey to be undertaken during the bird breeding season for nesting birds and for mammals. The lower portion of the PDA, outwith the application site, does provide some potential for limited Corncrake (*crex crex*) habitat. However, an ecology survey identified very

limited potential as there is far more suitable and extensive habitat to the north and the birds are unlikely to venture over the road to this portion which is of lesser quality.

Considering the above the proposal is consistent with the provisions of policies LDP 3, SG LDP ENV 1 and the Local Biodiversity Action Plan (LBAP).

D. Built Environment

The site is bare of development but has been extensively grazed and there is evidence of field boundaries including post and wire fencing and a dry stone dyke. The nearest existing development is to the east where there a range of operational buildings including a café.

On the opposite side of the glen a near mirror image development cluster exists. The proposal seeks to bring forward the southern side of the glen in a manner consistent with the development pattern established to the north.

It is not expected that the proposal will have an adverse impact on existing built environment.

E. Historic Environment

There are no scheduled ancient monuments (SAMs) or listed buildings on the site. However, the area is well known for archaeological finds and this regard WoSAS has requested a planning condition for a written scheme of investigation (WSI).

There are two listed buildings to the west. Their setting has been protected by the developer not utilising the land adjacent the land and maintaining the views up the glen from the ferry terminal.

The application is considered consistent with the provisions of policies LDP 3, SG LDP ENV 16(a) and SG LDP ENV 20.

F. Landscape Character

The site forms part of the Island Mixed Farmland landscape character type. Its key characteristics are summarised below:

- Undulating, uneven landform with rocky outcrops on the lower margins of the upland moor.
- Indented rocky coastline with some small sandy bays.
- Diverse patchy mix of moorland, grassland, peaty marsh and woodland.
- Typically geometric fields, divided by broken stone walls on upper slopes and wire fences or straight drainage ditches on the glen floor.
- Some conifer plantations and deciduous woodland associated with larger farms and estates on sheltered glen slopes.
- Many scattered small settlements and isolated farms and cottages.
- Archaeological sites.

The proposal seeks to keep the steep rising land as a backdrop to the houses and essentially allows the tops of the glen to frame the settlement.

It is considered that the proposal is consistent with the provisions of policies LDP 3 and SG LDP ENV 14.

G. Affordable Housing

Policy LDP DM 1 requires those developments of eight or more units to provide for 25% affordable housing provision. The PDA schedule also requires a provision of affordable units. To this end the six housing units detailed in this submission will be retained and managed by the CDCC. The mechanism for maintaining these units for community use into the long term is yet to be finalised but examples of similar proposals exist in other such remote communities and this proposal follows an established model. A planning condition requires the details of the affordable housing mechanism prior to the commencement of works.

The proposal is considered consistent with the provisions of the affordable housing requirements of policy SG LDP HOU 1.

H. Road Network, Parking and Associated Transport Matters

The access will be taken from the B8086 public road that serves the island in a loop road. It is proposed that the access from the road to the edge of the housing development will be built to adopted standards with the first five units being served by this. A non-adoptable road will then serve the final four units. It is clear from the plans that the land to the east could be accessed from this non-adopted road should the landowner wish to bring this forward for development in the future. It is understood that the land beyond the access road cannot be used as a ransom strip as part of the land deal. Furthermore the applicant has demonstrated an aspiration for further development to the west and the road layout allows for this to be brought forward at a future date.

There is sufficient room at each plot for car parking commensurate with the size of each property.

The Area Roads Engineer has not raised any objection to this proposal subject to conditions. There are no concerns from the planning authority in this respect.

The application is consistent with the provisions of policies LDP 11, SG LDP TRAN 4 and SG LDP TRAN 6.

I. Infrastructure

There are a number of electricity lines crossing the site therefore these will need to be re-routed as appropriate. The applicant intends to install a private sewage treatment system in the north eastern portion of the site with associated soakaway. Otherwise the proposal will connect to public utilities.