

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

Reference No: 20/02353/PP
Planning Hierarchy: Local
Applicant: Clachan Village Hall Committee
Proposal: Alterations and change of use of dwellinghouse to form community hub
Site Address: Achnaha, Clachan, Tarbert, Argyll And Bute PA29 6XL

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use from dwellinghouse to community hub
- External alterations
- Formation of car parking/turning area
- Alterations to access junction
- Associated ground engineering works to raise levels

(ii) Other specified operations

- Removal of trees
-

(B) RECOMMENDATION:

That planning permission be approved subject to conditions

(C) CONSULTATIONS:

Area Roads – 26.02.2021 – No objections subject to conditions

Transport Scotland – 16.02.2021 – Director does not propose to advise against grant of consent

Flood Risk Authority – 26.02.2021 – No objection, however it is suggested that flood resistance and resilience measures could be considered at the site, to protect the interior of the building during a flood event in line with relevant SPP.

ABC Environmental Services – 08.02.2021 – If it is proposed to prepare food in the proposed kitchen area then it must be registered with The Environmental Health

service as a food business and will be liable to routine food hygiene inspections according to regulations. This registration can be completed through the Argyll and Bute Council website.

06.04.2021 – With specific regard to potential impact on residential amenities, Environmental Services, submitted an additional response suggesting that activities/uses of the proposed community hub be restricted to finish no later than 12am midnight o Mon.-Sat. and 11pm on Sundays.

Additionally, Environmental Services has advised that the applicant should apply for a public entertainment license for events such as ceilidhs, music events, etc. Any such license will stipulate start and end times.

West Kintyre Community Council – 26.02.2021 – No objections but feel that the following issues need to be addressed:-

- Property is within an area known to flood and as such design must be required to install flood defence measures;
- A lift would be preferable to proposed 1st floor meeting room to negate discrimination against people with mobility problems; and,
- Plans don't indicate a heating ventilation system. Have concerns regarding possible noise/nuisance to residents of nearby cottages resulting from any proposals for an air source heat pump system.

(D) HISTORY:

04/01858/DET – Alterations to provide first floor living accommodation and erection of roof on garage - Approved 24.11.2004

04/01859/LIB - Alteration to provide first floor living accommodation and erection of roof on garage - Approved 21.02.2005

03/00555/LIB – Formation of roof over existing attached garage – Approved 14.10.2003

(E) PUBLICITY:

Regulation 20 Advert Local Application – Expired 11th March 2021.

Neighbour Consultation – Period of receipt of representations expired 11th March 2021.

(F) REPRESENTATIONS:

(i) Representations received from:

Objection

- Joyce Andrews – Reeve Cottage, Clachan PA29 6XL – Objection
- Mr. Parkhouse – Clachan Cottage - Objection
- Mrs Parkhouse – Clachan Cottage - Objection
- Matthew Parkhouse - No address given - Objection
- Heather Parkhouse - No address given – Objection
- Anne Parkhouse – No address given - Objection
- Lee Bastow -10 Long Rigg, Clachan, Tarbert, Argyll And Bute* - Objection

*note – the following names are appended to the above representation: -
Lee Bastow, Jack Bastow and Jamie Johnstone

- Mrs. Lee Bastow - 10 Long Rigg, Clachan - Objection
- Mr Niall Bastow - 10 Long Rigg, Clachan - Objection
- Maria Rae – No address given – Objection
- Miss Gemma Rae - 11 Long Rigg, Clachan, Tarbert, Argyll And Bute - Objection
- Mrs Karen Goodchild - Glenralloch Cottage Tarbert Argyll And Bute PA29 6XX – Objection

Support

- Malcolm Ward – Luib Cottage, Clachan PA29 6XL – Support
- Kelvin Moller – The Old Smithy, Clachan – Support
- Moreen Moller - The Old Smithy, Clachan – Support
- Catherine Doyle – No address given – Support
- Cathy MacLean - No address given – Support
- Linda Howden – Ciaran Cottage Clachan PA29 6XL - Support
- Angela Heasman – Kinabus, Clachan, PA29 6XL - Support
- Peter Heasman - Kinabus, Clachan, PA29 6XL - Support

(ii) Summary of issues raised:

A total of 20 representations have been received, twelve of which are objections and eight offering support.

Inadequate supporting information

- General lack of supporting information to allow full assessment of development impact, including:-
 - Specific proposed uses as a “community hub” including hours of operation and projected numbers attending at any one time;
 - Impact upon existing established planting;
 - Flood resilience works;
 - Soundproofing measures;

Comment: - The planning authority is satisfied that sufficient information has been submitted to allow a full and competent assessment of the proposed change of use and associated development. The application will be assessed as a Public Hall - Class 10(f) - Town and Country Planning (Use Classes) (Scotland) Order 1992. The other issues referred to form part of this assessment (below)

- Concern expressed that existing water supply and drainage system may not have capacity for resultant increase in demand.

Comment. - Water supply and foul drainage is by means of the existing public system. Capacity of this system is a matter for the applicant and the statutory undertaker to resolve. I have no reason to believe that the existing connections and infrastructure capacity are inadequate for the proposed use.

Impact on residential amenities.

- Noise from events e.g. private parties and evening pantomimes will detract from the quiet residential amenities of nearby residents, particularly at night-

time hours especially as such events can include live music till after midnight and these events can over-run authorised dead-lines. Previous patterns of use of the former village hall included midnight finishes to events and use by a long-standing pantomime group sometimes into the 'wee small hours'. Proposal appears to replace double-glazed windows with single-glazed which is a retrograde step in relation to noise containment, especially with regard to activities such as Ceilidhs, live music and pantomime.

- Loss of residential amenity by reason of disturbance from flashing and moving lights (at unsociable hours) associated with music events and stage productions.
- Anti-social behaviour in the village late at night.
- Objections relating to anticipated noise levels and anti-social behaviour may be due to misunderstanding/based on wrong assumptions. This project will be sensitively managed with due care and diligence to neighbouring properties. The majority of village activities relate to small local user groups e.g the Women's Rural Group, Tai Chi, Dance Club, the Old Pals Club, committee meetings etc. Other traditional community activities e.g fundraising coffee mornings, plant & bake sales are conducted within reasonable 'social' hours. Periodic social events including Ceilidhs and pantomimes are usually held once a year at most and finish no later than 11pm in the contributor's experience.
- Loss of amenity by reason of direct overlooking into kitchen and bedroom windows, at close proximity, of existing houses at the back (south east) of the site.
- Loss of residential amenities resulting from cooking odours from the proposed kitchen

Comment: - Impact on residential amenities will be considered having regard to all relevant Local development Plan Policy, Supplementary Guidance, consultee responses and representations received (both objection and support) in detail in Section (P) and Appendix A below.

A public entertainment license will be required to stage events such as ceilidhs, music events, etc. Any such license will stipulate start and end times in order to protect residential amenities..

Impact on Visual Amenity/Character

- Changing the use to anything other than a house will have a negative impact on its relationship with its surroundings by taking away the setting of this prominent central building. Removal of trees to create parking will impact on setting of listed building.

Comment: - Impact on visual amenity and the character and setting of listed buildings will be assessed in full in Section (P) and Appendix A below. However it is noted that the original purpose of the building was not a house, but a church, and this use formed its original relationship with this building and its surroundings. I do not accept that the use of the site as a single dwellinghouse is the only means of protecting the character of the building and its setting. Identification of trees to be retained and those to be removed,

as well as any compensatory new planting can be controlled by means of a planning condition.

Parking and Highways

- Notwithstanding a consultation response of “no objection” from the Council’s Roads and Infrastructure Services and an acknowledgement that the on-site parking requirements as set out in LDP Supplementary Guidance – Parking Standards appear to have been met, it is submitted that the proposed use will result in additional vehicles parking along roads through Clachan.
- The nearby public roads do not have no capacity to accommodate parking and additional traffic movements generated by various events at the proposed community hub.
- Additional on-street parking/congestion generated by the proposed use will result in highways hazards from pedestrians in the road navigating parked cars, and block local bus route or any other type of large vehicles including emergency vehicles/refuse collection vehicles.
- Parking for local residents and their visitors is already difficult. Additional demand for on-street parking generated by the propose development will make this worse.
- In support of the proposal it is stated that on-site parking for approximately 10 no. vehicles should be adequate for the majority of user group activities, particularly as the walking distance to the proposed community hub will be shorter, relative to the former site, for more people. The old village hall grounds will serve as overspill parking for the few annual occasions where additional parking is required.

Comment: - All issues regarding highways and parking issues will be assessed in detail in Section (P) and Appendix A below.

Loss of landscape planting and trees

- Forming 10 car parking spaces within the garden will result in the loss of established natural planting including specimen trees e.g cherry tree at the corner.
- Existing trees and shrubs afford privacy for the cottages on the lane. Removal of planting will harm the character of the village and spoil the view from houses. The planting attracts various birds which will disappear if trees and shrubs are removed.
- There should be little or no adverse impact on the natural or built environment. Proposals are for repair and renovation in a manner to conserve external features.

Comment: - Development impact on trees (and impact on residential privacy) is assessed in detail in Section (P) and Appendix A below. Retention of existing trees/shrubs and replacement planting for trees that may be lost at the northern edge of the site can be adequately addressed by planning condition(s).

Positive Community Benefit

- The existing village hall is a 1956 pre-fabricated, concrete and asbestos-roofed building is no longer fit for purpose and has been closed for over a year due to terminal decline. The proposal to acquire the Free Church as a replacement is supported by a majority of the community. This will give an opportunity to bring a historic and locally important listed building into community stewardship.
- It is the very nature of village halls that they are usually located within village community settings to make them more accessible by walking and avoid vehicle transport to the old hall which is served by a narrow un-made lane.
- Building was originally built as an asset for the village. Bringing the building back under the control of the Village Hall Committee, with the funding available for the village, is an opportunity not to be missed.
- Opportunity for future community projects and to bring more life to the village. Plan is to make the building a welcoming space for Clachan and the wider community e.g for coffee mornings, meeting space for local groups, 'pit-stop' on the Kintyre Way, Art Club, etc.
- Would result in a uniquely designed and iconic building being re-established as a community centre in the heart of the village.

Comment: - positive community benefit and opportunity to provide funding for the retention and maintenance of a central, prominent building will form part of the balanced assessment in Section (P) below.

Infrastructure

- Would the existing infrastructure, particularly water supply and foul drainage infrastructure be adequate to service a community use accommodating up to 100 people?

Comment: - There is no reason to determine that the mains water supply and public sewage system is inadequate to serve the proposed change of use. This is ultimately a matter to be resolved between the applicant and the relevant statutory undertaker.

Sustainability

- This proposal is for a small and expensive space which is less environmentally sustainable and energy efficient than replacing the existing village hall with a highly-insulated, flexible space.

Comment: - It is considered that the location is sustainable, being within a village centre and accessible by a range of alternative transport options other than private car journeys. The re-use of existing buildings, as opposed to new buildings with embodied energy in construction materials and construction activity, is often considered to have sustainability benefits. It's very unlikely to be more energy-efficient than a new build in relation to building services, however a more efficient heating/ventilation system could be installed within the listed building. On balance, the proposed development is not contrary to sustainable principles such as to warrant resisting the application on these grounds.

Accessibility

- Proposed 1st floor meeting room is not readily accessible (by stairs) for people with limited mobility.

Comment: - The proposal makes adequate provision to most spaces within the building including the addition of an external access ramp and a well-located and accessible w.c. There will be a 'net' improvement in terms of accessibility. There would be nothing to prevent a meeting being held in a ground floor accessible location should someone with limited mobility be in attendance. The provision of a small upstairs meeting room with access by stairs does not justify refusal of this application which otherwise makes good provision for users with limited mobility.

Miscellaneous

- The proposed development is causing conflict within the community.

Comment: - The proposed development subject of this application must be assessed with regard to material land-use planning considerations. Conflict of views, in of itself, is not material to this assessment. However, all material planning considerations raised by representations, both in objection and support, will form part of my balanced assessment of the proposal.

- The likely refurbishment costs will be close to costs for a new-build on the site of the present village hall.

Comment: - The planning authority has a duty to assess the application which has been submitted. Construction costs relative to potential alternative development elsewhere is not material to this assessment.

- The majority democratic decision by the community is the option of a new-build on the site of the existing village hall. There is no capacity to introduce another public community facility with the village already having a village hall (albeit that it needs replacement.) To balance this, a representation has also been submitted stating that the outcome of two public consultations conducted during 2020 showed approx. 70% of the turnout supporting the acquisition of the Free Church to serve as a replacement village hall.

Comment: - This is a local community/political issue and not a material land-use planning consideration. It is reported here for completeness but will not form part of my assessment.

- Some of the objectors do not live in Clachan, or the near vicinity.

Comment – Notwithstanding proximity of some objectors to the site, or otherwise, all representations received, will be registered and considered as part of this assessment, insofar as the representations raise material land use planning issues.

(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: No
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No

(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

AFA 13/3 – Area for Action – Clachan Village – Local action relating to traffic management and environmental enhancement.

'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
 SG LDP ENV 6 – Impact on Trees / Woodland

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings

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

SG LDP ENV 19 – Impact on Scheduled Ancient Monuments (SAMs)

Sport, Leisure, Recreation and Open Space

SG LDP REC/COM 1 – Sport, Recreation and Community Facilities

Bad Neighbour Development

SG LDP BAD 1 – Bad Neighbour Development

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 5(b) – Provision of Waste Storage & Collection Facilities within New Development

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
- ABC LDP 2, Proposed November 2019
- Consultee comments
- Third party representations raising material planning considerations
- HEPS
- Managing Change in the Historic Environment – HES

(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 – There have only been a total of twelve objections with eight submissions in support. Consideration is therefore required as to whether a discretionary hearing would add value to the process. In deciding whether to exercise their discretion to allow respondents to appear at a hearing, the members of the PPSL Committee should be guided by :

- Whether the proposal constitutes a justified departure to the local development plan, and/or is a Council Interest Application and the degree of local interest and controversy
- The complexity of technical/material considerations raised
- How up-to-date the 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 (ie. within the 5 year life of the Plan) been considered through the development plan process
- The volume of representations and degree of conflict within the local community
- The degree of local interest and controversy on material considerations eg. the relative size of community affected set against the relative number of representations, and their provenance
- Whether there has been any previous decisions or predetermination hearing held covering similar issues/material considerations

The proposal does not constitute a departure from LDP policy. A total of 20 representations have been received with 12 objections and 8 in support of the proposal. All issues raised have been addressed by consultees and within the Report on Handling and associated proposed conditions. In these circumstances, it is considered that a Hearing would add little value to the determination process.

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

The site comprises a single dwellinghouse in a generous well-defined curtilage, with established landscaping located within the centre of the Key Rural Settlement of Clachan as identified in the Argyll and Bute Local Development Plan – 2015. The building, was originally constructed in 1878 as a free church and is a Category B listed building. The building, and the site, has relatively recently been converted to a single dwellinghouse.

The proposal is for change of use from a dwellinghouse to a community hub use. This includes associated external alterations to the listed building and the formation of parking and turning for 10 no. vehicles served by an existing access off of the adopted public road.

Having regard to the location of the site within an existing key rural settlement as well as the scale of the village hub use relative to the size of the community it serves, officers are satisfied that the proposal is a sustainable form of development, consistent in principle with the LDP Settlement and Spatial Strategy as established by policies LDP STRAT 1 and LDP DM1.

The site comprises a 'managed' residential curtilage within a village centre area. The proposed parking will result in the loss of several mature trees adjacent to the northern boundary of the site. However, these trees and understorey vegetation will not have an undue impact on the natural environment including species habitat, and any low-scale impact can be adequately mitigated by replacement planting secured by means of a planning condition. The proposed development is therefore in accordance with the provisions of policy LDP 3; SG LDP ENV 1 and ENV 16.

The proposed community use and minor external alterations will enhance the historical and architectural character and features of the building and its traditional setting. Whilst not part of this application, the associated removal of internal subdividing partitions will to a significant extent, restore the original spatial character of this Category B listed former church building. There is a separate, category C listed church gate within the boundary wall and a category B listed lodge adjacent to the north of the site. It will not be affected by the proposed development. There is also a category B listed parish church located some 175 metres to the south east. The associated churchyard is a scheduled ancient monument (SAM). There is another SAM, Balinakill House Cross, located some 120 metres due west on the other side of the A83 trunk road. Given the low-impact and acceptable nature of the proposed works, in conjunction with the distance of separation between these identified historic assets and intervening built development, there is very little 'inter-visibility' with the application site. Officers are satisfied that the proposed change of use and associated works will have, at worst, a neutral impact on the historic environment in accordance with policy LDP 3, SG LDP ENV 16(a) and ENV 19.

The site is located within a Special Built Environment Area (SBEA) as designated in the LDP wherein there is a general policy presumption against development that does not preserve or enhance the character or appearance of the SBEA. Officers consider that the proposed development, whilst modest in scale and nature, is high quality and will respect and enhance the architectural and other qualities that give rise to the SBEA designation and otherwise reflect HES guidance all in accordance with policy LDP 3 and SG LDP ENV 17. Whilst the proposed community use will generate more activity on and around the site, this is not necessarily detrimental to the SBEA village character.

Notwithstanding concerns of some people who have made representations of objection on grounds of traffic congestion and road safety hazards directly resulting from the proposed change of use, officers consider that the day-to-day community type uses typical of a village community hall, will be of such modest scale as to have minimal impact on the public/private road infrastructure. In addition, the central village location will offer an opportunity for users to travel to the hall by foot or bike as opposed to a very short car journey. It is noted that off-street car parking provision meets the adopted Council car parking standards. The occasions where the hall will be used to its absolute capacity are very likely to be occasional and at such times it has been proposed that overspill parking be provided nearby. Officers do not consider that the proposed nature of the community use of a centrally located facility will generate such levels of additional traffic as to exceed the operational capacity of the public road regime. This assessment is consistent with the consultee response from the Council's Area Roads Engineer. As such, the proposal accords with policy LDP 11; SG TRAN 4 and TRAN 6.

Notwithstanding the other issues raised by representations, it is officers' interpretation that the issue which has raised most concern relates to the potential impact of some of the uses typical of a community hub/hall facility in close proximity to houses. It is assessed that this is a prominent building with a status that is

appropriate to a community type of use. Officers consider that the significant majority of village community activities including meetings, activity and social clubs, coffee mornings etc. are capable of taking place within a residential area without detriment to residential amenities by reason of undue noise or disturbance. Officers have also take into account the representations of support which refer to a sense of community activity and vitality within the village as a positive effect. However, potential impacts are acknowledged on residential amenities of those residents living very close to the site in relation to concerns over activities such as pantomimes, live music and dance events traditionally held in the evening up until midnight (or potentially beyond). In order to address this specific concern it is recommended, on the basis of advice from Council Environmental Services that hours of operation be restricted to up to 12am midnight Mon. – Sat. and to 11pm on Sundays. This can be secured by a planning condition. It should also be noted that a public entertainment license will be required in order to stage events including ceilidhs, music events, functions, etc. This licensing process will also assess impact on residential amenities and may stipulate start and end times. It is not uncommon for village halls to be located within the centre of rural communities and officers' assessment is that these events will be occasional, and as such that the level of noise and disturbance experienced would not cause such undue level of impact upon amenities to those residents, as to warrant refusing this application. It is therefore concluded that the proposal adequately protects local residential amenities consistent with policies LDP 9 and SG on Sustainable Siting and Design principles.

In the interests of balance, officers have also taken into account those representations which support the proposed use on the grounds of social community benefit and vitality and vibrancy. There is a policy presumption that operates in favour of new or improved recreational facilities, provided that they do not result in unduly detrimental impact on other relevant planning considerations, including residential amenities. As such, it is considered that the application can be supported with regard to the provisions of policy LDP 8 and SG LDP REC/COM 1.

Having regard to relevant consultee responses, and SEPA standing guidance and SPP, officers are satisfied that the proposed use will not result in undue flood risk to property or people, also bearing in mind that the proposed use falls within a lesser flood risk category than the existing residential use. Notwithstanding the above, the Council's Flood Risk Assessor has suggested that flood resistance and resilience measures could protect the interior of the building during a flood event. This suggestion is advisory as opposed to a requirement and as such it will form part of an advisory note to the applicant.

There are no identified infrastructure constraints to the proposed use. It is therefore concluded that the proposed development can be adequately served by the public water supply and sewer drainage.

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

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

Having regard to all material considerations, it is considered that the proposed change of use and associated development will provide for a replacement community hall facility to serve the village in accordance with all relevant provisions of the Local

Development Plan and will not give rise to any material consideration that warrant a departure from these provisions.

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

Not applicable. It is considered that the proposed development is in accordance with the provisos of the Local Development Plan.

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

Author of Report: Norman Shewan **Date:** 31st March 2021

Reviewing Officer: David Love **Date:** 1st April 2021

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/02353/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 22nd February.2020, 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	20.02.01	-	20.01.2021
Existing Plans and Elevations	20.02.02	a	25.03.2020
Proposed Plans and Elevations	20.02.03	a	25.03.2021
Window Details	20.02.04	-	20.01.2021

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, no development shall be commenced until full details of access junction and highways improvements have been submitted and approved in writing by the local planning authority in consultation with Council Roads and Amenity Services. Such details shall include: -
 - i) The proposed access layout designed in accordance with the Council's Roads Standard Detail Drawing SD 08/002 rev. a:
 - ii) Visibility splays of 2.40 metres to point X by 42.0 metres to point Y from the centre line of the proposed access;
 - iii) Final wearing surface finishes for the access, parking and turning areas;
 - iv) Formation of a new section of public footpath to an adoptable standard from the existing public footpath to the north of the site to the vehicular access point.

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 formation of the new section of public footpath shall be completed in accordance with the approved details and 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 8 no. 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, unless otherwise agreed in writing. 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. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping 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 and proposed ground levels at the northern end of the site (where the new parking/turning area is proposed) in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained (relating to the whole application site);
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Details of the final wearing surface for the parking/turning area;
 - v) Proposed compensatory landscaping planting works to the northern boundary including the location, species and size of every tree/shrub to be planted;
 - vi) 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 with its surroundings in the interest of amenity.

5. Notwithstanding the provisions of Condition 1, the activities and use of the site as a community hub, hereby permitted shall not take place after hours of 12.00 midnight on Mondays to Saturdays (inclusive) and no later than 11.00pm on Sundays and Bank Holidays.

Reason: In order to protect the amenity of occupiers of residential properties within the surrounding area..

6. The development shall be implemented with final finished floor levels as existing or higher.

Reason: In order to secure an acceptable relationship between the development and its surroundings.

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).]
- 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.
- The applicant should be aware that a Public Entertainments License is required from the Council for staging any public entertainment events at the application property, including music events; ceilidhs, private functions, pantomimes, etc. This planning permission does not in any way prejudice the assessment of any such license application.
- It is advised that the applicant give serious consideration to implementing flood resistance and resilience measures as part of the works to protect the interior of the building in a flood event as suggested in the consultee response by the Council's Flood Risk Manager dated 22nd February 2021. Specific measures are suggested within this consultee response. The response is available for inspection on the Council's web-site: <https://www.argyll-bute.gov.uk/planning-and-environment/find-and-comment-planning-applications>
- The applicant should be aware that any works required in relation to flood protection and resilience measures may require Listed Building Consent where the works will result in a material change to the character or appearance of the listed building. In the event of the applicant being unsure as to whether such requires statutory consent my advice is to contact the local planning authority for further guidance.
- 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.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/02353/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site lies within the key rural settlement of Clachan as identified in the LDP. Policy LDP STRAT 1 encourages the principles of sustainable development. This includes maximising the opportunity for local community benefit; supporting communities and maximising the use of existing infrastructure and services; utilising public transport corridors; conserving/enhancing the natural and built environment including built heritage resources; respecting the character of settlements; and avoidance of flooding. The proposed development will utilise an existing building. The site is sustainably located within an existing village community with relatively good transport links. It is considered that the sensitive alterations to this listed building required to provide a replacement community hall for the village complies with the principles of sustainability set out in policy. As such the proposed development is consistent with the principles of LDP STRAT 1.

Within key rural settlements, policy LDP DM 1 (B) encourages up to and including medium scale developments on appropriate sites. SG LDP REC/COM 1 does not define the scale of community facilities in the way that other forms of development are defined, rather there should be a more flexible approach where the scale of a particular facility should reflect the size of the settlement or community that it serves. Officers consider that the scale of the proposed community hub does reflect the size of the village/community that it is proposed serve. The site is centrally located within the village and as such I consider that it is an appropriate site in terms of the principles of the LDP settlement and spatial strategy established by policy LDP DM 1.

However, the propose development still requires careful and balanced assessment with regard to all other relevant material considerations, as follows.

B. Location, Nature and Design of Proposed Development

The site is roughly rectangular in shape and comprises 1.04 hectares located within the centre of the Key Rural Settlement of Clachan as identified in the Argyll and Bute Local Development Plan 2015 (LDP).

It comprises a Category B Listed Building, formerly the Kilcalmonell Free Church and its walled churchyard. The gateway into the site from the public road, located towards the south western tip of the site is listed separately as a Category C listed building. The building has been converted into a dwellinghouse around the turn of this century.

The north west boundary of the site fronts directly onto the C59 public road which runs through this part of the village. It has a junction with the A83 Tarbet to Campbeltown Trunk Road to the south west of the site. This village road also loops around to the north of the site where there is another junction onto the A83 trunk road.

The site lies within a predominantly residential area comprising for the most part, terraced groups of single-storey cottages fronting directly onto the road, or a private track. There are a couple of detached houses set back from the road adjacent to the north of the site.

It is proposed to change the use of the site from a single dwellinghouse within its residential curtilage to a 'community hub.' For the avoidance of doubt, the planning

authority will assess the 'community hub' use (as given on the application forms) as falling within Class 10(f) – Public Hall - of the Town and Country Planning (Use Classes) (Scotland) Order 1992. This use-class includes for the range of community activities which would traditionally be carried out in a community/village hall. It is submitted that the proposal will effectively replace a 1950's pre-fabricated village hall building elsewhere within the village, which is no longer considered fit for purpose and which has been closed.

An existing vehicular access onto the public road will serve a total of 8 no. surfaced parking spaces and turning area to be created adjacent to the northern edge of the site. This will require localised land-raising as well as the loss of several established trees adjacent to the northern boundary of the site.

External alterations to the main building are minimal in scale and nature. A level platform with new steps will be formed outside of the main front door with a ramp to the side to improve access for people with limited mobility. It is also proposed to remove existing aluminium-framed double-glazed units and replaced with bespoke timber framed units.

Internal alterations comprise removal of domestic partitions and a first floor intervention to effectively re-open up the main interior space of the former church. New partitions will enclose a new kitchen area, store and accessible w.c. at the front of the main space. An attached volume on the rear of the church, currently used as a garage, will be converted to provide w.c.'s at ground floor level with stairs to a meeting room over. Plant will be accommodated within an existing addition at the rear of the main building.

C. Natural Environment

The site comprises a residential curtilage within a central village location and as such the proposed alterations will have a negligible impact upon the natural environment in terms of protection of habitat and biodiversity.

Although the planning application forms state that there are no trees on or adjacent to the application site, this is clearly not the case. Trees and shrubs form a substantial border along the north western and southern edges of the site, behind the stone walls. This established natural planting makes a positive contribution to the visual amenity of the area and the setting of the site, as well as providing some visual screening to the cottages to the south. The proposed change of use and associated works will not directly prejudice the retention of the existing natural boundary planting along these boundaries.

The formation of 8 no. car parking spaces adjacent to the northern boundary, shared with "Balinkill Lodge" will however require the felling of several mature trees and established shrubbery. Whilst the trees are not of significant value in terms of amenity or species value, they do nonetheless provide an appropriate form of boundary treatment with the residential property directly adjoining to the north. It is not considered that the loss of these trees would warrant a refusal of the proposed development however, officers do consider that replacement landscape planting will be required to protect the character of the local area, the setting of the listed building, and the amenities of the adjoin residential property particularly given the formation of new car parking. The applicant should note that this may require a relocation of the parking bays away from the boundary to provide an adequate planting border. This can be satisfactorily achieved by means of planning condition.

On this basis, it is considered that the proposed development will not have an unacceptable level of impact upon the natural environment, including impact on trees, consistent with policy LDP 3 and SG LDP ENV 1 and ENV 6.

D. Built Environment

The main building, currently a house, and formerly a free church is a Category B Listed Building. The gateway in the (former) churchyard wall, located towards the south west corner of the site is covered under a separate category C listed building. Balinkill Lodge, located directly adjacent to the north of the site, is also a category C listed building. The Kilmalmonell and Kilberry Parish Church and Churchyard is located approximately 100metres to the south west of the site. The church building is a category B listed building and the churchyard is a scheduled ancient monument (SAM.)

The proposed external alterations are minor in scale and otherwise appropriate in terms of detailing and materials relative to the architectural and historic character of this very attractive and prominent building. The proposed works will result in a positive enhancement to the character and appearance of the building and the internal alterations and community use will reflect the historic character of this heritage asset more successfully than the domestic use. The proposed change of use and associated alterations will protect and enhance the architectural and historic character and setting of this listed building, and that of the separately listed church gate and the listed building adjacent to the north, known as “Balinkill Lodge”. The Category B listed Parish Church and its churchyard (SAM) is approximately 100 metres from the site with intervening residential development. The external works to the listed building (subject of this application) are discreet in terms of scale and nature. By reason of distance and intervening built development there is little direct visual inter-relationship between the application site and the listed building and SAM at the parish Church. As such it is considered that the proposed development will enhance or protect the historic environment, with specific regard to the character and setting of nearby listed buildings and scheduled monuments in accordance with all material considerations including national policy, LDP policy and relevant Historic Environment guidance.

The site is located within a Special Built Environment Area (SBEA) designated by the LDP. These are defined as “...areas which do not have the presence, continuity or quality of ‘conservation areas’ but which exhibit special built and landform characteristics which should be safeguarded and promoted when considering development potential and proposals”. A combination of policy LDP 3 and SG LDP 17 serves to establish a general presumption against development that does not preserve or enhance the character or appearance of...an SBEA. As stated above the proposed community use of an historic church in of itself, and the necessary external changes, at minimum will protect the built character of the area. Officers do not consider that the resultant intensification in demand for on-street parking will have a materially detrimental visual impact upon the character of the SBEA.

E. Road Network, Parking and Associated Transport Matters.

The existing private/public road regime has capacity to serve the proposed development without any detrimental impact on highways grounds, in accordance with the provisions of LDP11 and SG LDP TRAN 4.

The proposed off-street car parking provision complies with the Council’s adopted car parking standards. Officers have taken into account that the site is in a central location and for a community use, and as such that a significant amount of resulting journeys will be by foot. Significant intensification of demand for on-street car-parking on nearby

public streets will be infrequent and will not result in increased highway hazards or congestion.

This view is supported by the consultee response by the Council's Roads and Infrastructure Services.

F. Infrastructure

The adequacy of the public water supply and drainage system is a matter for assessment by the relevant statutory undertaker, however there is no evidence to suggest the water supply and drainage infrastructure provided originally for use as a church is inadequate for a community hall use.

G. Other Key Policy Matters

Impact on Residential Amenity

The site is located within the centre of the village characterised primarily by residential development. The Kilmalmonell and Kilberry Parish Church is located approximately 100 metres to the south west of the application site and the village primary school approximately 60 metres to the North West.

The closest residential properties comprise a terraced group of single-storey cottages which front onto a private lane directly adjacent to the southern boundary of the site. These houses are approximately 4 metres from the site boundary comprising a stone wall with intermittent shrub and tree planting behind it. The closest house to the application building is approximately 6.8 metres at the closest point. The houses on the northern side of the village road are approximately 10.5 metres from the walled boundary of the site and the closest of these houses is approximately 18.0 metres from the building (subject of this application) at the closest point.

A key element of the assessment is the inter-relationship between residential properties and the application site and the level and nature of impact that proposed village hall activities will have on the residential amenities of nearby residents.

The proposed change of use to a village hall will involve some uses listed in Schedule 2 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, referred to as "Bad Neighbour Development." As such, it is proposed to assess this application having regard to policy LDP 8 and SG LDP BAD 1.

It is considered that a village/community hall use is generally appropriate within a village centre location and that traditional village hall uses are not necessarily incompatible with residential amenities. Many of the day-to-day activities/clubs will involve relatively low numbers of participants and low levels of noise and disturbance which will not be unduly detrimental to residential amenities. Traditional community hall uses such as fundraising coffee mornings and plant/bake sales are likely to be relatively infrequent and restricted to daytime hours. I consider that the relatively infrequent and low-impact nature of such activities would be in keeping with a village centre character and would not unduly impact upon residential amenities. The proposed village/community hall does not one of the specific land-uses set out in Schedule 2 - 'bad neighbour development' of "the Order" however it does share some of the characteristics listed, principally in that it would cause activity and noise between the hours of 8pm-8am and/or affect residential amenity by reason of fumes, noise, vibration or artificial lighting, during those times when the hall would be used for pantomimes, live music events or functions. It is noted that "music halls, licensed premises and theatres" are included in Schedule 2 of the Order, however this relates

to a permanent, dedicated use, as opposed to occasional/ infrequent community use incidental to the village hall use. Officers accept that activity, noise and artificial lighting generated by uses including pantomimes, ceilidhs and live music events will impact upon residential amenities of those properties closest to the site by reason of noise during evening/night-time hours, however, on balance it is considered that the community nature and infrequent pattern of these type of events will not have an unduly detrimental impact on residential amenity, and that infrequent community hall evening uses are compatible with nearby residential amenities.

However, whilst not objecting to the proposed change of use, Council Environmental Services has suggested that hours of operation be restricted to up to 12am midnight Mon. – Sat. and to 11pm on Sundays in order to address concerns of local residents. This can be secured by a planning condition. It should also be noted that a public entertainment license will be required in order to stage events including ceilidhs, music events, functions, etc. This licensing process will also assess impact on residential amenities in more specific terms relative to these types of use, and may stipulate start and end times.

Officers do not consider that nearby residential amenities will be affected in relation to loss of privacy by reason of direct overlooking of windows to habitable rooms any more than would be the case with a residential use of the building. Additionally, there is natural planting feature comprising shrubs and small trees along the site boundaries which is an effective visual screen.

Having regard to all material considerations, including representations of objection, I consider that a community hall use is not out of keeping with the character of the area and will not be unduly detrimental to nearby residential amenities consistent with policies LDP 8, LDP 9, SG LDP BAD 1 and SG – Sustainable Siting and Design Principles.

A license will be required from the local authority for use as a licensed premises for live music/dance events. Restriction hours and frequency of evening events will be considered as part of the licensing process.

Promotion of Sport, recreational and Community Facilities

Policy LDP 8 and SG LDP REC/COM 1 aim to support the strength of our communities and establish a presumption in favour of new community facilities, such as community halls, where scale development proposals reflect the scale of the village; and otherwise respect the townscape character and amenity of the surrounding area; are located close to where users who will use the facility live; are readily accessible by a means of transport options; and is otherwise consistent with all other LDP policy. Officers consider that the proposed development accords with all relevant policy assessments and as such that the proposed community facility should be supported unless there are any other material considerations to warrant otherwise.

It is noted that several objectors have commented on relative advantages (in their view) of providing a new community hall by means of a completely new building on the site of the former village hall, located in a more open setting approximately 150 metres (as the crow flies) to the north east of the site. The planning authority must assess the planning merits (or otherwise) of the development proposal forming part of the application submission without comparison to alternative proposals, not subject of the application, on a completely different site.

Flooding

The proposal is for a change of use from a dwellinghouse to a community hub, therefore the land-use classification is becoming less vulnerable with reference to Table 1 - SEPA Flood Risk and land use Vulnerability Guidance 2018. Having regard to the above, it is considered that the existing finished floor levels (FFLs) are acceptable.

As the site is located completely within the 1:200-year fluvial flood event, it is suggested that flood resistance and resilience measures could be considered at this site, to protect the interior of the building during a flood event (in line with Scottish Planning Policy 2014, p.59).

An advisory note to this effect will be appended to the decision notice.