

**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:** 22/00625/PP  
**Planning Hierarchy:** Local Application  
**Applicant:** Holidays Direct Marketing  
**Proposal:** Change of Use of land for the Siting of 10 Holiday Pods, Formation of Vehicular Access and Parking, Installation of Sewage Treatment Plant and associated Landscaping  
**Site Address:** Land between Achnakeep and Schoolhouse Cottage  
Portsonachan

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**DECISION ROUTE**

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
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**(A) THE APPLICATION**

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

- Change of use of land for the siting of 10 holiday pods
- Formation of vehicular access and parking area
- Installation of sewage treatment plant

**(ii) Other specified operations**

- Proposed private water supply
  - Proposed landscaping
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**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

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**(C) CONSULTATIONS:**

Roads Authority

Report dated 28/09/22 advising no objection to the proposed development subject to a number of conditions being imposed on the grant of planning permission including the appropriate construction of the access at the junction with the public road and

the provision of 6 additional passing places to be provided or formalised along the section of the B840 from the A819 public road to the site entrance.

Environmental Health Service – Private Water Supply (PWS)

Memo dated 05/09/22 advising no objection to the proposed development subject to a condition being imposed on the grant of permission to secure a report on the proposed private water supply to ensure that it is sufficient to serve the proposed development.

Environmental Health Service – Amenity (EHS)

Memo dated 02/12/22 advising that the site is in close proximity to a number of residential dwellinghouses with the development proposed having the potential to give rise to adverse amenity issues. Accordingly the EHS requested that a Noise Management Plan be submitted which should outline how noise from guests utilising the premises can be managed including rules for the use of the development. The EHS further advise that a condition should be imposed on the grant of planning permission to secure details of the proposed external lighting to serve the proposed development. The EHS provide further comments with regards to the requirements for a Site License which is a matter separate from the planning process.

ABC Flood Risk Advisor (JBA Consulting Ltd)

Initial report dated 07/12/22 deferring their decision until such time as drainage details are supplied, such as surface water drainage calculations. JBA advise that all surface water drainage should be designed according to CIRIA C753 and Sewers for Scotland 4<sup>th</sup> Edition and post development runoff should not exceed the greenfield runoff rate. As a result of the initial comments from JBA, the Agent liaised with JBA submitting a revised drainage plan for their proposed development. In their response (23/02/23) to the updated drainage plan, JBA confirmed their acceptance of the proposed drainage calculations and provided a number of comments for the Applicant with an advisory comment regarding the diameter of the proposed outlet pipe.

Biodiversity Officer

Letter dated 16/08/22 advising, in summary, that she is content with the findings of the Ecological Survey but noted the absence of any ornithological surveys, therefore asks that a condition is imposed on the grant of planning permission requiring that any ground and tree works are undertaken outwith the bird nesting season (March-August). The Biodiversity Officer also advised that a condition should be imposed to secure the submission of an Eradication Plan for Invasive Non-Native Species. The Biodiversity Officer provided additional advisory comments which will be conveyed to the Applicant.

Glenorchy and Innishail Community Council

E-mail dated 23/08/22 advising that they held a well-attended extraordinary meeting to discuss the proposed development where the community objected to the proposed development on the following grounds; Increased Traffic using the B840; Lack of Car Parking; Pedestrian Hazard; Impact on Residential Amenity and Quality of Life; Maintenance; Water Supply; Appearance and Design; Benefit to Local Economy; Impact on Nature; Landscape Setting.

**Officer Comment:** *The comments of the Community Council are noted and are addressed in the Representations at Section F below.*

Oban and District Access Panel

E-mail dated 06/08/22 advising, in summary, that the remit of the panel is to encourage developers and designers to create accessible buildings and environments that provide disabled people with equal access and facilities and enable them to participate and to thrive.

The Panel advise that the submission falls short in some respects and would encourage the developer to redesign units 2 and 3 on Inclusive Design principles as set out in BS8300-2019. These units could be readily adapted and could be provided with on-site parking. The Panel would be happy to overlay their 1:50 floor plan with suggested alterations.

**Officer Comment:** *These comments are noted by the Planning Authority and will be passed to the Applicant for comment/action.*

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

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**(D) HISTORY:**

No relevant planning history.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 25/08/22.

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**(F) REPRESENTATIONS:**

**(i) 37 objections received from:**

Mr R.McD.P. Manson, Green Cottage, Ardbrecknish, Dalmally, PA33 1BJ (27/08/22)  
Mrs R.McD.P. Manson, Green Cottage, Ardbrecknish, Dalmally, PA33 1BJ (27/08/22)

D. Beckitt – by e-mail only (25/08/22)

A. Beckitt, Corries, Lochawe Village, Dalmally (25/08/22)

Mr Ernie Jamieson Creag Mor, Ardbrecknish, Dalmally, PA33 1BH (25/08/22)

Mrs Angela Sheppard, 21 Brunt lane, Woodville, Swadlincote, Derbyshire, DE11 7EW (22/08/22)

Michael Andrews, Cruachan View, Portsonachan, PA33 1BJ (25/08/22)

Mrs Tracy Boyles, Riverside Cottage, Cladich, Dalmally, PA33 1BQ (25/08/22)

Rona Duncan, South Lodge, Portsonachan, PA33 1BJ (24/08/22)

Catherine Andrews, Cruachan View, Portsonachan, PA33 1BJ (24/08/22)

Christopher Stylianou, Braevallich House, Braevallich, PA33 1BU (24/08/22)

Janet Buchanan, Innishail Cottage, Ardbrecknish, Dalmally, PA33 1BH (24/08/22)

Pamela A. Gibson – by e-mail only (24/08/22)

Rena Ritchie, Old School, Portsonachan, PA33 1BJ (23/08/22)

Professor Rowena Parnell, Ardchonnell Schoolhouse, East Lochaweside, PA33 1BW (22/08/22)

Isabella Wemyss - Eredine Village (22/08/22)

Mr Jon Strickland, Cladich Mor, Cladich, Dalmally, PA33 1BQ (22/08/22)

Malcolm Parnell, Ardchnonell Schoolhouse, East Lochaweside, PA33 1BW (22/08/22)  
Mr David Brodie, Loch View, Portsonachan, PA33 1BJ (21/08/22)  
Mrs Catriona O'Keeffe, Blarghour Farmhouse, East Lochaweside, Dalmally, PA33 1BW (19/08/22)  
Martin O' Keeffe, Blarghour Farm, PA33 1BW (18/08/22)  
Frazer J. A. Lim, The Auld Mill, East Lochaweside, PA33 1BN (18/08/22)  
Carol Russell – by e-mail only (17/08/22)  
R. Russell – by e-mail only (17/08/22)  
Dr Wai L. Lim, The Auld Mill, East Lochaweside, PA33 1BN (17/08/22)  
Euan Lim, The Auld Mill, East Lochaweside, PA33 1BN (17/08/22)  
Mrs Linda Lim, The Auld Mill, East Lochaweside, PA33 1BN (17/08/22)  
Crispin Flint, Sonachan Still, Portsonachan, PA33 1BJ (16/08/22)  
Dr. Roger Flint, 218 Newbury Street, Boston, Massachusetts, 02116 (16/08/22)  
Mrs Suzanne Flint, Sonachan Still, Portsonachan, PA33 1BJ (16/08/22)  
Mr Stephen Cook, 66 Sheep Walk, Shepperton, TW17 0AJ (15/08/22)  
Elizabeth Bradley, 2 Langside Drive, Comrie, Perthshire, PH6 2HR (15/08/22)  
Alistair Cook, 3 Craiglockhart Bank, Edinburgh, EH14 1JH (15/08/22 & 21/02/23)  
Colin Bradley, 41 Cavendish Avenue, Perth, PH2 OJU (11/08/22 & 14/04/22)  
K. Mottram, Achnacloich Cottage, Portsonachan, PA33 1BU (10/08/22)  
Mr Neil Mottram, 1 Achnacloich Cottage, Portsonachan, PA33 1BJ (01/08/22 & 10/08/22)  
Andrew Short. Old School, Portsonachan, PA33 1BJ (09/08/22, 10/08/22 & 24/08/22)

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

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

• **Access, Traffic, Parking and Pedestrian Safety**

The proposed development will create a large amount of traffic along the B840 public road which is a single track road with passing places along the entire 23 mile length of Loch Awe and which is not suitable for developments that create a lot of additional traffic.

There are an insufficient number of intervisible passing places along the B840 to allow vehicles to pass and therefore, any development which increases the use of this public road will exacerbate the problem.

The road is increasingly being used by supply and delivery trucks and other logistical traffic who support the community in a modern post Covid society meaning that the road is substantially busier than it has been in the past..

The public road, whilst not identified as part of a Sustrans national network route, is recognised as a safe cycle route due to limited traffic use. Consequently, the road is used significantly by cycling groups as a safe and flat cross country route traversing Argyll.

The stretch of the B840 public road through Portsonachan does not benefit from a pavement or a lesser speed limit and, as such, the increase in vehicles will put pedestrians at significantly more risk, this will include patrons of the proposed development.

Given the need for large scale haulage and craneage during the construction phases of the development, there are concerns that delays and obstructions along the B840 may arise which could prevent access for emergency vehicles etc.

The developer should be required to provide a detailed Construction Method Statement illustrating their methodology to ensure that the road remains clear at all times throughout the construction period of the development.

It is essential that the developer provides a formal Traffic Impact Assessment Study illustrating the impact of the proposed development through its construction and operational phases. Such a study should be subject to third party scrutiny prior to the determination of the application.

**Officer Comment:** *The Council's Roads Engineer raised no objection to the proposed development on road or pedestrian safety grounds. This recommendation of no objection is on the basis that conditions are imposed on the grant of permission to secure the appropriate construction of the access at the junction with the public road and also the provision of 6 additional passing places along the B840 public road from the A819 junction and the application site, conditions which have been accepted by the Applicant.*

*Furthermore, since the Roads Engineer submitted his response, the Agent has submitted a 'Vehicle Trip Briefing Note' (VTBN) in support of the proposed development, full details of which is set out in Appendix A of this report. However, in summary, the VTBN demonstrates that the anticipated trips generated as a result of the proposed development would be at a low level such that there would not be any material impact on the operation of the road network nor would it attract any requirement for off-site mitigation to accommodate the proposals.*

- **Impact on Amenity/Bad Neighbour Development**

Due to the close proximity of the proposed development to existing residential properties within Portsonachan Village, this will result in noise and nuisance to the residents of these properties.

The proposal will exacerbate the existing noise and bad neighbour problems of the existing lodges.

The development of this site with a rowdy camping style accommodation development is wholly outwith the character of the village and would have a very detrimental effect on the residents living close to the development and the wider loch side community.

Neither the current lodges nor proposed new lodges have any direct monitoring of guest behaviour by the parent hotel business, leading to unsociable behaviour greatly affecting local residents, and existing problem with the current lodges.

The proposed development will simply diminish the quality of life for local residents making it a worse place to live which goes against the very reasons that residents have chosen to live in Portsonachan.

**Officer Comment:** *Due to the proximity of the application site to a number of residential dwellinghouses, consultation was undertaken with the Council's EHS. In their response to the application, whilst not objecting to the proposal, they requested,*

due to the proximity to a number of residential dwellinghouses, that a Noise Management Plan be submitted which should outline how noise from guests utilising the premises can be managed including rules for the use of the development. The EHS further advised that a condition should be imposed on the grant of planning permission to secure details of the proposed external lighting to serve the proposed development in order to ensure that it will not give rise to any significant adverse impact on the amenity of the neighbouring properties and wider area. The Agent worked with the EHS to agree a mutually acceptable Noise Management Plan for the proposed development which includes details of rules to be adhered to by guests and details of how these rules will be enforced in the event of non-compliance. The EHS confirmed acceptance of the Noise Management Plan subject to a condition being imposed on the grant of permission to ensure that the development is undertaken in accordance with the approved scheme.

- **Impact on Natural Environment**

The site is not simply a narrow gap between existing buildings ripe for an infill development, but a long stretch of land in keeping with the rural character of Portsonachan which has other stretches of similar undeveloped green land.

The natural environment presently extends throughout the village and the woodland and fields which are present within the village will be lost to the new accommodation reducing the present of vegetation and the natural habitat for various wildlife.

The proposed development, both by virtue of the construction and thereafter the operation of the development, due to the increased activity, noise and lighting etc. will have an adverse impact on a wide range of bird and wildlife including Otter, Pine Martin and Red Squirrel.

The proposal will have an adverse impact on the Ancient Woodland.

The proposal will have an adverse impact on the North Argyll APQ.

**Officer Comment:** *The application site is situated within the defined Minor Settlement of Portsonachan where Policy LDP DM 1 of the LDP, and the forthcoming pLDP2, give encouragement to small scale development and accordingly these policies directly support the principle of the proposed development. The proposed development is also directly supported by national planning policy 30 of NPF4.*

*Notwithstanding the direct policy support for the proposed development the application is accompanied by a Tree Report and an Ecological Appraisal for the site. The Tree Report recommends the removal of one tree within the development site with the potential of a further young tree to be felled, both of which are outwith the Ancient Woodland designation. No other trees within the development site are to be felled and a condition is proposed to ensure tree protection and retention measures are undertaken within the proposed development.*

*The Ecological Appraisal does not identify any adverse impact on protected habitats or species.*

*The findings of the reports have been accepted by the Council's Biodiversity Officer. Both reports are assessed in full in the Appendix to this report.*

*In addition, a Landscape and Visual Assessment (LVA) has been undertaken for the site, details of which are contained in Appendix A of this report, but which in summary concludes, with the tree retention and proposed landscaping, that the site does not lead to unacceptable levels of potentially adverse landscape and visual effects.*

*The sympathetic siting of the pods within the site, using a muted palette of finishing materials, together with the tree retention and proposed landscaping scheme, will ensure that the proposed development will not result in a significantly visually intrusive development within the site, the wider landscape or the APQ.*

- **Private Water Supply**

Water supply in the area is already an issue with water often required to be pumped from the loch to bolster the existing supply to the chalets.

No details about the source of the proposed private water supply has been provided in the application.

If the water supply is by way of a borehole this could severely impact and disrupt the water supply of other local residents.

An assessment of the proposed water supply has not been submitted with the application.

There is potential risk of damage to existing water pipes that run from an old established spring fed supply under the development area which serves Ar Tigh, Alt Bhan and The Old Schoolhouse.

**Officer Comment:** *The Council's Private Water Supply Team (PWS) were consulted on the proposed development. In their response the PWS advise that, as the application does not provide any detailed information on the source, capacity or quality of the proposed private water supply, it is considered appropriate to impose a safeguarding condition on the grant of planning permission to secure a report on the proposed private water supply to ensure that the site is adequately serviced for water provision and does not have a detrimental effect on the water supplies of surrounding properties. The report on the proposed private water supply will require to be submitted and agreed in writing with the Planning Authority in consultation with the PWS team in advance of works starting on site.*

*With regards to damage to existing water supply pipes, this is a civil matter between affected parties and not material planning matter in the consideration of this planning application.*

- **Private Drainage System**

Concerns regarding the proposed private drainage system to serve the development and the potential impact that discharge from the development will have on Loch Awe.

**Officer Comment:** *The Council's Building Standards Service will apply sufficient control over the operation of the proposed private drainage system at Building Warrant stage to ensure no adverse impacts arise. The Council's Flooding Advisors, JBA Consulting Ltd, were consulted for their comments on the impact of the proposed development on adjacent water courses and raised no objection. Furthermore, any developments that are likely to have an impact on adjacent watercourses are subject*

to separate licensing under The Controlled Activities Regulations (CAR) through SEPA.

- **Scale and Design of Development**

Whilst the application is proposing 10 units which is classed as small scale, the business proposing the development already has 9 larger holiday lodges in another site separate from the hotel, as well as a large hotel offering tourist accommodation which has, alongside it, a converted coach house and lochside chalets offering yet further tourist accommodation. This entire operation is all within the small settlement village of Portsonachan and certainly not small scale.

The pod design does not match or fit in with any residential property in Portsonachan, which are larger properties each with a unique design within private gardens. Not a single design is repeated or sited within a housing context.

Only the existing, non-residential holiday lodges already owned by the Portsonachan Hotel feature repetitive, identical structures, but of a very different design to that proposed in the current application.

Due to the elevated nature of the site, and its sloping topography, the incongruous site of 10 identically designed chalets will be particularly visible and impactful to all parties passing through the village.

**Officer Comment:** *This small scale tourism venture is considered to be of an appropriate scale and design for its purpose, in an area where there is no distinct architectural style evident.*

*The siting of the development, working with the existing contours of the site to avoid any unnecessary cut and fill, together with the retention of the woodland surrounding the site and the proposed structure landscaping will help integrate the proposed development within its site to ensure that it does not appear as an overly prominent or incongruous feature within the site or wider landscape.*

*Whilst the scale and impact of the existing development is acknowledged, and due regard has been given to the cumulative impact, it is not considered that the development capacity of the minor settlement has been reached or that the current development proposed would be contrary to adopted planning policy.*

- **Management and Maintenance of Development**

Concerns over the management of the proposed development which will be conducted from the reception of the Portsonachan Hotel, which is located a considerable distance away.

Concerns over the maintenance of the proposed development. There are many potential opportunities to illustrate the low levels of maintenance that the developers progress on their property interests illustrating that the developer places little value on the control of maintenance of their assets.

**Officer Comment:** *Whilst this comment is noted, the site is considered to be in relatively close distance to the Portsonachan Hotel to the west to negate the need for any on-site management presence. Furthermore, the Council's EHS have agreed a Noise Management Plan for the proposed development which includes a system*



*that can be accessed remotely and alert staff of any noise related issues arising from the operation of the proposed development.*

*The maintenance of the development is a matter for the Applicant.*

- **Over Provision of Tourist Accommodation & Quality of Development**

The surrounding area is already over-subscribed with tourist accommodation. Aside from the monopoly of tourist accommodation provided by the Portsonachan Hotel there is a wealth of tourist accommodation close by provided by smaller community run businesses along the south shore of Loch Awe.

The current proposal only offers more of what is already provided and will threaten the smaller tourist accommodation businesses within the community.

The proposal does not offer high quality tourism, just more of the same and more of what is already oversubscribed and not required.

The lower price point of these small lodges could be undercutting the smaller locally run established tourism facilities reducing the benefits of tourism to other and monopolising tourism accommodation in the area.

**Officer Comment:** *Matters related to economic competition are not material to the assessment of this planning application and cannot be afforded weight in the consideration of this application.*

*Furthermore small scale tourism ventures benefit from direct policy support from both National and Local Policy (NPF4 Policy 30 and LDP Policy LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3) which recognise that tourism is a sustainable industry and has the potential to add value to the economy of Argyll and accordingly offer direct support to new and improved small scale tourism ventures.*

### **Benefit to Local Economy**

There is little evidence of any benefit to the community of Portsonachan or the wider Argyllshire economy beyond the Applicant's own assertions that the proposal will add value to the local economy by creating additional employment; enhance visitor attraction and spend within the region; and, associated knock-on benefits to local suppliers and businesses. The suppliers of the pods are not based in Argyllshire and there is little evidence to suggest that local supplies are regularly used and would benefit.

**Officer Comment:** *In order to comply with the newly adopted NPF4, further information was submitted by the Agent with regards to the economic benefit arising from the proposed development. The Agent outlines that:*

*'The applicant intends to invest circa. £2.1m in bringing forward the development proposals and associated infrastructure. This represents a significant investment in the local area and will positively contribute to the policy intent and outcomes of NPF4, particularly those relating to tourism. For example, as well as being a significant investment in the development itself, the proposals would generate at least 2 additional full time equivalent jobs within the area. Although modest in scale and difficult to accurately quantify, the proposals will provide additional choice and attract additional visitors and associated spend to the region, thereby providing additional knock-on benefits to local suppliers, businesses, tourist attractions and amenities,*

*including: Loch Awe Boats, Loch Awe Raptors, Ardbrecknish Bar and the Portsonachan Hotel, all of which are within walking or a short cycle distance from the proposal site. Of course, the proposals would also benefit the wider locale, as visitors make day trips and visitations to other local attractions and features’.*

- **Setting a Precedent**

Should permission be granted for the 10 units in the current application, this will set a precedent for further development. Indeed the Tree Survey submitted with the application makes reference to ‘*up to 35 new holiday chalets sited within the open ground lying to the east of the existing chalet development. The initial phase of development is for 10 chalets...*’.

Accordingly, although the Planning Authority can only consider the information contained within the application package, due to the inclusion within the submission regarding the possibility of future units, it is now reasonable to consider this planning application as a ‘Trojan Horse’ type of application and it is now reasonable to assume the concerns of the community that, should permission be granted, the impacts on both the character of the settlement and the amenity of residents may be greatly exacerbated, beyond that being represented in the current application.

**Officer Comment:** *The granting of permission for the 10 pods subject of this application in no way infers that any future permission will necessarily be supported. Each planning application submitted is considered on its own merits in accordance with the Development Plan in force at the time along with all other material planning considerations.*

- **Lack of Local Amenities and Tourist Facilities**

There are no local facilities within the vicinity of the site i.e. shop, playground etc. and therefore the development may not be attractive to young families.

The proposed development is not close to any specific tourist interests, only more tourist accommodation. The proposal does not offer any new facilities or visitor attractions.

**Officer Comment:** *Whilst this comment is noted, the proposal subject of this application is similar to many tourism ventures found throughout rural Argyll with patrons of such ventures aware of the facilities available on the site and in the local area prior to booking a stay.*

- **Waste Management/Disposal**

The proposed development does not provide sufficient details on waste management or disposal procedures to serve the proposed development.

The hotel presently uses a small area of ground adjacent to the B840 public road for the burning of mixed waste and it is not unusual to find broken white goods and furnishings piled in this area.

**Officer Comment:** *With regards to the operational waste from the proposed development, this is set out in a statement submitted with the application which is discussed in more detail in Appendix A of this report. With regards to the allegations*

*of burning of waste and 'fly tipping' of items, this is a matter for the Council's Amenity Services, Environmental Health Service and SEPA.*

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**(G) SUPPORTING INFORMATION**

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

- (i) **Environmental Impact Assessment Report:**  Yes  No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:**  Yes  No
- (iii) **A Design or Design/Access statement:**  Yes  No  
A Design and Access Statement has been submitted in support of the application.
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**  Yes  No  
Ecology Report and a Tree Report have been submitted in support of the application; details of which are discussed in Appendix A of this report.
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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:**  Yes  No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**  Yes  No
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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

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

**[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)**

**Part 2 – National Planning Policy**

**Sustainable Places**

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 6 – Forestry, Woodland and Trees  
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)  
NPF4 Policy 12 – Zero Waste  
NPF4 Policy 13 – Sustainable Transport

#### **Liveable Places**

NPF4 Policy 18 – Infrastructure First  
NPF4 Policy 22 – Flood Risk and Water Management  
NPF4 Policy 23 – Health and Safety

#### **Productive Places**

NPF4 Policy 30 – Tourism

### **'Argyll and Bute Local Development Plan' Adopted March 2015**

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
LDP 5 – Supporting the Sustainable Growth of our Economy  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving our Connectivity and Infrastructure

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

#### **Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
SG LDP ENV 2 – Impact on European Sites  
SG LDP ENV 6 – Impact on Trees / Woodland  
SG LDP ENV 7 – Water Quality and the Environment

#### **Landscape and Design**

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)  
SG LDP ENV 14 – Landscape

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

SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans  
SG LDP TOUR 3 – Promoting Tourism Development Areas

#### **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 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 3 – Drainage Impact Assessment  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development  
SG LDP SERV 6 – Private Water Supplies and Water Conservation

**Transport (Including Core Paths)**

SG LDP TRAN 2 – Development and Public Transport Accessibility  
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes  
SG LDP TRAN 5 – Off-site Highway Improvements  
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.**

- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The reporters have written to Argyll and Bute Council regarding the Proposed Local Development Plan 2, which is currently at Examination. Due to the status of the revised draft National Planning Framework 4 the reporters are currently determining what, if any, further processes are required as a consequence. Although PLDP2 remains a material consideration it is now subject to this further assessment **against NPF4 policies**. Therefore, it considered appropriate **not** to attach significant weight to PLDP2 **policies** during this time, i.e. until the consequences of NPF4 **policies** for the PLDP2 have been assessed by the reporters and the Examination report is issued. **Specific sites in PLDP2 that have not received objections and are not being dealt with at the Examination may continue as strong material considerations, e.g. allocations and potential development areas.**
- Argyll and Bute Sustainable Design Guidance, 2006
- Consultation Responses
- Third Party Representations

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

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

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**(M) Has a Sustainability Checklist been submitted:** Yes No

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

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**(O) Requirement for a pre-determination hearing:**  Yes  No

In deciding whether to hold a discretionary hearing Members should consider:

- 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 been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

The proposal has elicited 37 objections.

It is the opinion of the Planning Authority that the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the recently adopted 'National Planning Framework 4' and the direct relevance of key planning policies contained within it as underpinned by the Policies and Supplementary Guidance (SG) contained within the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015.

In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling and it is not considered that a discretionary local hearing would add value to the planning process.

The determining factor in the assessment of this application is whether the proposed holiday pod development is consistent with the provisions of the adopted National Planning Policy as underpinned by the LDP and whether the issues raised by third parties raise material considerations of sufficient significant to withhold planning permission.

In this instance the proposed development is considered to be wholly consistent with, and actively supported by, the provisions of the adopted National Policy as underpinned by the LDP.

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**(P)(i) Key Constraints/Designations Affected by the Development:**

- North Argyll Area of Panoramic Quality

**(P)(ii) Soils**

[Agricultural Land Classification:](#)

Class 5.3 – Land capable of use as improved grassland. Pasture deteriorates quickly.

[Peatland/Carbon Rich Soils Classification:](#)

- Class 1
- Class 2
- Class 3

Peat Depth Classification:

N/A  
N/A

- Does the development relate to croft land?  Yes  No
- Would the development restrict access to croft or better quality agricultural land?  Yes  No  N/A
- Would the development result in fragmentation of croft / better quality agricultural land?  Yes  No  N/A

**(P)(iii) Woodland**

- Will the proposal result in loss of trees/woodland?  
(If yes, detail in summary assessment)  Yes  
 No
- Does the proposal include any replacement or compensatory planting?  Yes  
 No details to be secured by condition  
 N/A

**(P)(iv) Land Status / LDP Settlement Strategy**

- Status of Land within the Application  
(tick all relevant boxes)  Brownfield  
 Brownfield Reclaimed by Nature  
 Greenfield

- ABC LDP 2015 Settlement Strategy  
LDP DM 1 (tick all relevant boxes)  Main Town Settlement Area  
 Key Rural Settlement Area  
 Village/Minor Settlement Area  
 Rural Opportunity Area  
 Countryside Zone  
 Very Sensitive Countryside Zone  
 Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc: N/A

**(P)(v) Summary assessment and summary of determining issues and material considerations**

The application is seeking to secure permission for the change of use of the land to allow it to be utilised as a small scale holiday development comprising 10 pods.

The proposed development benefits from direct policy support from both National and Local Policy (NPF4 Policy 30 and LDP Policy LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3) which recognise that tourism is a sustainable industry and has the potential to add value to the economy of Argyll.

In terms of the Settlement Strategy set out in the adopted LDP, the application site is situated within the defined Minor Settlement of Portsonachan where Policies LDP STRAT 1 and LDP DM 1 give general encouragement to small scale development on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP TOUR 1 and SG LDP TOUR 3 which offers further support to small scale tourism ventures where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact. Furthermore the site is

within a Tourism Development Area where Policy SG LDP TOUR 3 of the LDP and the Council's Economic Development Action Plan recognise that tourism is a strategically important sector for Argyll and Bute which will continue to play a significant role in the economy of Argyll and Bute.

Policy LDP 5 gives support to new and existing businesses which help deliver sustainable economic growth throughout the area with SG LDP TOUR 1 expanding on this policy giving a presumption in favour of new or improved tourist facilities subject to a number of criteria including respecting the landscape character and amenity of the area; being reasonably accessible by public transport and being well related to the existing settlement pattern of development.

The application site comprises a generally rectangular shaped area of ground situated directly adjacent to the B840 public road which forms its northern boundary. The site slopes up from the public road towards its southern boundary which does not have a defined boundary comprising rising land with a covering of trees and shrubs. The western boundary is delineated by an area of thick scrub and post and wire fence beyond which is a single dwellinghouse, 'Achnakeep Cottage', which separates the site from an existing, long established, chalet development. The eastern boundary of the site comprises an area of hedgerow and post and wire fence adjacent to a single dwellinghouse, 'Schoolhouse Cottage'. On the opposite side of the public road from the site there are three dwellinghouses, 'Ar Taigh', 'Alt Bhan' and 'Sonachan Still'.

The proposal involves the siting of 10 pre-fabricated EVA – Lesko Modular Lodges which comprise modest, single storey, curved roofed structures with finishing materials which comprise horizontal cedar cladding with a charcoal grey coloured roof tile. The lodges, which are referred to as pods for the purpose of this report, provide two bedrooms with a central lounge and dining area and a kitchen to one end and a shower room to the other.

The application proposes a new vehicular access spurring from the B840 public road to the east of the site to serve the proposed development. The application shows an internal access track which runs parallel to the B840 public road on the flatter area of ground within the site with a parking area for 10 pods at its western end and a turning head to the east.

The application proposes a private drainage system and private water supply to serve the proposed development due to the lack of public infrastructure within the vicinity of the site.

The proposal has elicited 37 objections.

The proposal for the change of use of land for the siting of 10 holiday pods, along with the associated infrastructure and landscaping, is considered to represent a suitable proposal which is consistent with the provisions of the adopted LDP and one which will benefit the local economy in accordance with one of the central challenges for Argyll and Bute, that of delivering sustainable economic growth.

Taking account of the above, it is recommended that planning permission be approved subject to conditions.

A full report is provided in the Appendix of this report.



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

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

The proposal is considered to be consistent with the relevant provisions of National Planning Framework 4 as underpinned by the Policies and Guidance contained within the adopted Development Plan, and there are no other material considerations of sufficient significance, including issues raised by third parties, to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

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

N/A

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

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**Author of Report:** Fiona Scott

**Date:** 01/06/23

**Reviewing Officer:** Tim Williams

**Date:** 01/06/23

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

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/00625/PP

**Standard Time Limit Condition** (as defined by Regulation)

**Standard Condition on Soil Management During Construction**

**Additional Conditions**

### 1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 25/03/22, 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.

<b>Plan Title.</b>	<b>Plan Ref. No.</b>	<b>Version</b>	<b>Date Received</b>
Proposed Site Layout and Landscaping Plan	1538/07	D	23/06/22
Existing Site Layout Plan	1538/08	A	23/06/22
Site Location Plan	1538/09	B	23/06/22
Section A – Existing and Proposed Topography	1538/10	A	28/03/22
Section B – Existing and Proposed Topography	1538/10	B	28/03/22
Key Plan & Elevations	22-0000-001	A	23/06/22
Biodiversity Enhancement Plan – 26 PAGES			11/05/23
Civil/Structural Site Constraints Report Part 1 of 3 – 151 PAGES			23/06/22
Civil/Structural Site Constraints Report Part 2 of 3 – 30 PAGES			23/06/22
Civil/Structural Site Constraints Report Part 3 of 3 – 22 PAGES			23/06/22
Design and Access Statement Part 1 of 2 – 13 PAGES			23/06/22
Design and Access Statement Part 2 of 2 – 12 PAGES			23/06/22
Drainage Details – Greenfield and Storage Calculations			08/02/23
Drainage Details – 30 Year Storage Calculations – 4 PAGES			08/02/23
Ecological Assessment – 34 PAGES			28/03/22
Proposed Drainage Strategy	HDM-BLY-XX-XX-SK-C-96		08/02/23
Proposed Parking and Entrance Road	HDM-BLY-XX-XX-SK-C-95003	F	27/07/22
High Level Landscape and Visual Appraisal Part 1 of 2 – 17 PAGES			23/06/22
High Level Landscape and Visual Appraisal Part 2 of 2 – 20 PAGES			23/06/22
Lodge Specification – 2 PAGES			28/03/22

Noise Management Plan – 3 PAGES			06/03/23
NPF4 Statement May '23 – 11 PAGES			
Planning Statement – 49 PAGES			28/03/22
Planting Notes & Landscape Maintenance and Management Proposals – 13 PAGES			28/03/22
Tree Survey and Arboricultural Constraints – 16 PAGES			28/03/22
Vehicle Trip Briefing Note – 6 PAGES			

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

## 2. Vehicular Access

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a and shall include visibility splays of 2.4 metres to point X by 53 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

### Note to Applicant

- 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.
- A 300mm diameter twin walled culvert pipe to be installed in the existing ditch where the new access is to be situated.

## 3. Passing Places

Notwithstanding the provisions of Condition 1, no development shall commence on site until details, in plan form, of 6 additional passing places provided, or formalised, along the B840 public road, between the junction of the A819 and the application site, have been submitted to and their position and specification agreed in writing with the Planning Authority in consultation with the Roads Engineer. Thereafter the passing places shall be undertaken in accordance with the approved details unless otherwise agreed in writing with the Planning Authority, and shall be available for their intended use before any of the holiday pods hereby granted are first occupied.

*Reason: In the interests of road safety.*

#### 4. **Private Water Supply**

Notwithstanding the provisions of Condition 1, no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

*Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.*

#### Notes to Applicant

1. Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Service in the first instance.
2. If the development is likely to use 10m<sup>3</sup> water per day then the applicant will need to apply for a registration or licence for water abstraction from SEPA <https://www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/#Water>.
3. If the proposed development is a commercial undertaking including but not limited to; use as a holiday or long term private let, workplace, food business, campsite etc. then the applicant must apply to the Environmental Health service 8 weeks before the intended use date for the private water supply to be registered and certified as fit for use. Email: [pws@argyll-bute.gov.uk](mailto:pws@argyll-bute.gov.uk).
4. It is recommended that should planning permission be granted, that the applicant contact this Service to discuss further the measures needed to comply with the requirements of Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

#### 5. **Sustainable Drainage System**

The development shall be undertaken in accordance with the drainage details set out on Drawing Number HDM-BLY-XX-XX-SK-C-96001 – Proposed Drainage Strategy and Greenfield Run-off and Micro Drainage Calculations (GC22462 Greenfield and Storage Calculations) and GC22462 30 Year Storage Calculations).

The approved surface water drainage scheme shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

#### Note to Applicant

- Please note the advice and guidance set out in the consultation response from JBA Consulting Ltd which is available to view via the [Public Access](#) section of the Council's website.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk)

### 6. **Occupancy Restriction**

Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year. A register showing dates of arrivals and departures shall be maintained at the premises and shall be available at all reasonable times for inspection by the Planning Authority.

*Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwellings.*

#### Note to Applicant

For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.

### 7. **Noise Management Plan**

The development shall be operated in accordance with the measures set out in the Noise Management Plan for the proposed development dated 01/03/23 unless otherwise approved in writing by the Planning Authority.

*Reason: In order to avoid noise nuisance in the interest of amenity.*

### 8. **External Lighting**

Notwithstanding the effect of Condition 1, no development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. Thereafter the external lighting shall be installed in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to avoid light pollution in the interest of amenity.*

Note to Applicant

All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

**9. Ecological Assessment**

The development shall be implemented in accordance with the mitigation measures identified in the Ecological Appraisal dated September 2021 unless otherwise agreed in writing by the Planning Authority.

*Reason: In order to protect natural heritage assets in the interest of nature conservation.*

Note to Applicant:

Consideration should be given to the advice and guidance set out in the consultation response from the Council's Biodiversity Officer in relation to the requirement for checks for protected species prior to works commencing and species/habitats which may be affected and the developer's responsibilities and obligations under nature conservation legislation and associated licencing requirements. The consultation response is available to view via the [Public Access](#) section of the Council's website.

**10. Tree Retention and Protection Measures**

The development shall be implemented in accordance with the mitigation measures identified in the Tree Survey and Arboricultural Constraints Report dated October 2021 unless otherwise agreed in writing by the Planning Authority.

*Reason: In order to protect natural heritage assets in the interest of nature conservation.*

**11. Eradication of Non-Native Invasive Species**

No development shall commence on site until full details of an Eradication Scheme for non-native invasive species comprising Rhododendron ponticum and Japanese knotweed within the application site has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. The Eradication Scheme shall include a timetable for implementation and clearly identify the extent of the Rhododendron ponticum and Japanese knotweed on a scaled plan

*Reason: To eradicate non-native species from the development site and to prevent their spread throughout development works.*

**12. Biodiversity Enhancement and Landscaping**

The development shall be implemented in accordance with the approved biodiversity enhancement measures as set out in the Biodiversity Enhancement Plan dated April 2023 and received 11.05.23 and the associated Landscaping Plan (Drawing Number 1538/07 D). Notwithstanding the effect of Condition 1, the development shall not be

occupied until such time as the physical biodiversity enhancement measures have been completed.

All of the agreed hard and soft landscaping works shall be completed during the first planting season following the first occupation of the development unless otherwise agreed in writing by the Planning Authority.

Any trees or shrubs which fail to become established, which die, are removed or become seriously diseased within five years of the implementation of the scheme shall be replaced in the following planting season by equivalent size and species of trees or shrubs as those originally required to be planted.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and in order to protect and enhance natural heritage assets and increase the biodiversity value of the site in accordance with national and local planning policy aims.*

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>22/00625/PP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Introduction

- 1.1. The proposal the subject of this application is seeking to secure planning permission for the change of use of land for the siting of 10 holiday pods, the formation of a vehicular access and parking area and the installation of a sewage treatment plant.

## 2. Location of Development

The application site comprises a generally rectangular shaped area of ground situated directly adjacent to the B840 public road which forms its northern boundary. The site slopes up from the public road towards its southern boundary which does not have a defined boundary comprising rising land with a covering of trees and shrubs. The western boundary is delineated by an area of thick scrub and post and wire fence beyond which is a single dwellinghouse, 'Achnakeep Cottage', which separates the site from an existing, long established, chalet development. The eastern boundary of the site comprises an area of hedgerow and post and wire fence adjacent to a single dwellinghouse, 'Schoolhouse Cottage'.

On the opposite side of the public road from the site there are three dwellinghouses, 'Ar Taigh', 'Alt Bhan' and 'Sonachan Still'.

The site comprises an area of sloping, undulating land which rises up from the public road from south to north. There is an area of mature trees running along the boundary of the site with the B840 public road. Within the site there are areas of open ground with rough grass and scrub with some groupings and individual trees.

There is an overhead power cable running through the site on an east/west alignment which is to be undergrounded as part of the proposed development.

## 3. Settlement Strategy

- 3.1 In terms of the Settlement Strategy set out in the adopted LDP, the application site is situated within the defined Minor Settlement of Portsonachan where Policies LDP STRAT 1 and LDP DM 1 give general encouragement to small scale development on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP TOUR 1 and SG LDP TOUR 3 which offers further support to small scale tourism ventures where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact. Furthermore the site is within a Tourism Development Area where Policy SG LDP TOUR 3 of the LDP and the Council's Economic Development Action Plan recognise that tourism is a strategically important sector for Argyll and Bute which will continue to play a significant role in the economy of Argyll and Bute.

In order to address the determining issues, the key considerations in this application are:

- Compliance with the Development Plan and other relevant planning policy
- Any other material considerations.



## **4. Proposal**

- 4.1. The proposal is seeking to secure planning permission for the change of use of land for the siting of 10 holiday pods, the formation of a vehicular access and parking area and the installation of a sewage treatment plant on an area of land between 'Achnakeep Cottage' and 'Schoolhouse Cottage', Portsonachan.

The application is accompanied by a Landscape and Visual Appraisal; a Tree Survey Report; and an Ecological Assessment which are discussed in more detail in the relevant sections below.

The application is seeking to secure permission for the change of use of the land to allow it to be utilised as a small scale holiday development comprising 10 pods.

The proposal involves the siting of 10 pre-fabricated EVA – Lesko Modular Lodges which comprise modest, single storey, curved roofed structures with finishing materials which comprise horizontal cedar cladding with a charcoal grey coloured roof tile. The lodges, which are referred to as pods for the purpose of this report, provide two bedrooms with a central lounge and dining area and a kitchen to one end and a shower room to the other.

The application proposes a new vehicular access spurring from the B840 public road to the east of the site to serve the proposed development. The application shows an internal access track which runs parallel to the B840 public road on the flatter area of ground within the site with a parking area for 10 pods at its western end and a turning head to the east.

The proposed pods are sited around the proposed internal access track. The application shows three pods sited to the west of the access track with a further three proposed to the east of the access track. The remaining four pods are proposed to the south of the access track on the higher ground. The application proposes a small element of cut and fill in order to provide an appropriate platform on which to site the pods.

The proposed pods have been sited with their main elevations facing north towards Loch Awe but oriented within the site in such a manner so as to avoid any direct view towards the existing dwellinghouses on the opposite side of the public road.

A series of footpaths approximately 1.5 metre in width are proposed leading from the access track to serve the proposed pods. There is no vehicular access or parking provision serving any of the individual pods.

## **5. Compliance with National Policy**

NPF4 was adopted on 13 February 2023 which now represents the main policy background against which proposed developments are assessed underpinned by the Policy and Supplementary Guidance contained within the adopted 'Argyll and Bute Local Development Plan' 2015 (LDP).

The relevant NPF4 Policies are detailed below and grouped into topic areas.

### **5.1. NPF4 Policy 1 – Tackling the Climate and Nature Crises**

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4.

Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

**In this case, given the small scale nature of the development proposed and its alignment with all other relevant policies in NPF4 and those supporting policies in the LDP, it is considered that the development proposed would be in accordance with the broad aims of NPF4 Policy 1 as underpinned by LDP Policies STRAT 1, LDP DM 1 and the adopted Sustainability Checklist.**

## 5.2. NPF4 Policy 2 – Climate, Mitigation and Adaption

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the 'Argyll and Bute Local Development Plan' 2015 (LDP) 1 promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

**It is considered that the proposed development would be consistent with Policy 2 of NPF4 having had due regard to the specifics of the development proposed and to the overarching planning policy strategy outlined within the adopted LDP, notably Policies STRAT 1, LDP DM 1, LDP DM 10 and the adopted Sustainability Checklist.**

## 5.3. NPF4 Policy 3 – Biodiversity

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. The application is accompanied by a detailed and comprehensive Biodiversity Enhancement Plan (BEP) for the site, details of which are provided below.

The BEP prepared for the site outlines that its aim is to create and manage habitats within the site to enhance their suitability to support wildlife and increase the overall biodiversity value of the development as well as maintaining connectivity to the habitats in the wider area.

The BEP outlines that the following habitats will be retained and/or created as part of the new development:

- Indigenous hedgerow planting;
- Scattered tree planting;
- Structure tree planting;

- Wildflower meadow grassland;
- Close mown grassland;
- Homes for nature;
- Wildlife swales; and
- Wildlife friendly lighting.

The BEP outlines that the existing woodland to the east, west and south of the site will be retained.

The BEP outlines that, based on the habitats proposed within the new development, the following biodiversity enhancements have been set.

- Creation, maintenance, and enhancement of indigenous hedgerows for biodiversity;
- Creation, maintenance, and enhancement of woodland and scattered trees for biodiversity;
- Creation and maintenance of wildflower meadows for biodiversity;
- Creating sources of nectar for pollinators through planting;
- Providing and maintaining hibernacula for a wide range of species;
- Creation and maintenance of swales for biodiversity; and
- Use of wildlife friendly lighting.

The above summarises the proposed biodiversity measures for the site, with the BEP providing a detailed and comprehensive scheme detailing how the proposed measures will be brought forward within the proposed development.

The BEP outlines management actions that can be undertaken for the conservation, enhancement and creation of habitats and biodiversity at the site for a period of five years after the completion of the developments construction, thereafter the BEP can be further extended through a review process and the adoption of a new plan.

The proposals set out in the BEP are followed through into the landscaping drawing submitted with the application.

It is considered that the BEP provides adequate and proportionate measures for biodiversity enhancement and protection for the proposed development. A condition will be imposed on the grant of permission to ensure that the proposal set out in the BEP come forward within the proposed development.

**With a condition to bring forward the biodiversity enhancement and creation opportunities identified in the BEP, the proposed development is considered to be actively supported by NPF4 Policy 3 as underpinned by LDP Policy LDP 3 and SG LDP ENV 1.**

#### 5.4. NPF4 Policy 4 – Natural Places

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature

Reserve. Neither is it located within a site designated as a local nature conservation site or within an area identified as wild land. The site is however within the North Argyll APQ.

Part (a) of NPF4 Policy 4 states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported with Part (e) of Policy 4 adopting the precautionary principle in accordance with relevant legislation and Scottish Government guidance.

In this regard, whilst not within any specific nature designation, the application has been accompanied by an Ecological Assessment (EA) which has been undertaken for a wider area within the ownership of the Applicant but which encompasses the extent of the site subject of the current application.

The EA identifies that a Phase 1 Habitat Survey has been undertaken which was extended to include Badgers, Bats, Otters and Red Squirrels over the proposed site. The EA states that there was no suitable habitat within the site for Water Voles and breeding Great Crested Newts.

The EA identifies that the site was surveyed to determine the effects of development of the site by assessing the habitat resource, potential for, or evidence of, Badgers, Bats, Otters and Red Squirrels and potential effects of development on designated sites.

In summary, the EA concludes that the development of the site will result in low grade habitat loss, with the habitat being affected comprising neutral grassland which the EA states has only site value and which is common in the area.

The EA did not identify any evidence of Badgers and small mammals using the land advising that there is little likelihood of the species using the site. In this regard the EA did not require any further inspections or surveys to be undertaken on the site prior to the development commencing but did recommend that a precautionary approach is adopted during the construction period in order to safeguard small mammals that might access the site.

The EA did not identify any significant roost opportunity for Bats within the site and noted that limited forage opportunity would be affected by the proposed development.

The EA detailed that no Otter holt would be affected by the proposed development and that there would be no adverse effect on Red Squirrels.

With regards to birds, the EA identified that there is potential for bird nesting within the semi-natural habitats but does not require any further survey work to be undertaken. The EA does however advise that site clearance works should be undertaken outwith the bird nesting season.

Finally, the EA identified the presence of non-native plant species within the site comprising Rhododendron ponticum and Japanese knotweed which the EA advises will require to be controlled and ultimately eradicated from the site.

The Council's Biodiversity Officer (BDO) was consulted for her comments on the findings set out in the EA. In her response the BDO advised that, in summary, she is content with the findings of the EA in terms of Badger, Red Squirrel, Bats and Otter, however, noted the absence of any ornithological surveys and therefore requested that any ground and tree works are undertaken outwith the bird nesting season (March-August). The BDO advised that, if this is not possible, a pre-start check should be carried out by a suitably qualified person prior to works commencing on site and that any appropriate mitigation

measures should be implemented. In terms of non-native plant species, the BDO advised that an Eradication Plan should be sought by condition on the grant of planning permission and submitted for approval prior to works commencing on site.

As the EA recommends that clearance works on site should be undertaken outwith the bird nesting season, and a condition is proposed on the grant of planning permission to ensure that works are undertaken in accordance with the recommendations and mitigation measures set out in the EA, there is no need for a further condition to be imposed.

Part (d) of NPF4 Policy 4 states that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- (i) Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- (ii) Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

In this regard, the site the subject of the application lies within the North Argyll APQ designated within the LDP as an area of regional importance in terms of its landscape quality requiring the provisions of Part (d) of NPF4 as underpinned by LDP Policies LDP 3 and SG LDP ENV 13 to be considered the main thrust of which seeks to ensure that proposed developments do not have a significant adverse impact on the character of this important landscape.

The application has been accompanied by a Landscape and Visual Appraisal (LVA) undertaken for the development of the site.

In summary, the LVA notes that the site benefits from prevailing contextual topography which enables the site to be nestled within its immediate contextual landscape, this being primarily due to the Ancient Woodland running along its northern boundary and the existing mature vegetation to the west and south east of the site. The LVA advises that, other than in close proximity to the site, the site cannot be seen. The LVA identifies that there are limited views towards the upper slopes of the site from longer distance views which the LVA identifies are limited in number and location.

The LVA recognises that the visibility of the development is generally limited to receptors within the immediate close proximity of the site boundaries and acknowledges that there is a significant change to the existing visual experience for the residential properties close by. However, the LVA advises that, with careful siting, design, use of natural materials and the provision of additional landscaping, it is considered that the development will be in keeping with existing development and will be viewed as a natural continuation of the existing characteristics already present.

The LVA identifies that the proposed vehicular access, car parking area and lodges that sit at a lower elevation within the site are screened by the existing mature vegetation running along the northern boundary of the site. The LVA outlines that further enhancement requirements are minimal, comprising the following:

- The planting of a small length of indigenous hedgerow to the northern boundary of the site in order to screen the proposed turning head of the proposed access road and car parking area. The LVA advises that consideration should be given to the TS prepared for the site to use species found within the existing landscape palette as well as enhancing the biodiversity within the area;

- The planting of a small number of individual trees to enhance the tree line along the B840 public road, allowing for partial screening and continuation of landscape character already present;
- Planting of an eco-species rich grass mix to provide seasonal interest and ecological habitat;
- Provision of areas of structural planting within the site to provide semi-enclosure to the proposed lodges and also to continue the native species-based landscape resource within the site;
- Provision of a gravel finish to the internal access road and car parking spaces to achieve a natural and more informal hard landscaping proposal is maintained using a colour material sympathetic to the setting and the aesthetics of the proposed pods; and
- The use of low-level lighting to the timber edged whin dust paths which provide access to the pods.

The LVA concludes, in summary, that the site at Portsonachan does not lead to unacceptable levels of potentially adverse landscape and visual effects.

A detailed soft and hard landscaping plan accompanies the application which shows all of the landscaping works to be undertaken within the site including the tree retention measures set out in the TS and the enhancement measures sought within the LVA. The landscape plan provides a detailed planting schedule for the structured planting areas proposing a simple scheme with limited plant species in order to introduce colour and texture and provide seasonal interest.

It is considered that the sympathetic siting of the pods within the site which use a muted palette of finishing materials, together with the retention of the existing mature trees along the northern boundary of the site, together with the proposed landscaping scheme, will ensure that the proposed development will not result in a significantly visually intrusive development within the site, the wider landscape or the APQ.

**With a condition to ensure that the development is undertaken in accordance with the recommendations and mitigation measures set out in the EA the proposal is considered to be acceptable in terms of NPF4 Policy 4 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, SG LDP ENV 2 and SG LDP ENV 13 which collectively seek to protect habitats and species within development proposals and ensure that the scale, location and design of proposed developments do not have a significant adverse impact on the site and wider landscape within which they are proposed.**

## 5.5. NPF4 Policy 6 – Forestry, Woodland and Trees

NPF4 Policy 6 seeks to protect and expand forests, woodland and trees.

Whilst the site is not covered by any specific natural environment designations, the woodland which runs along the northern side of the B840 public road extending down towards the shoreline of Loch Awe, and which covers part of the northern boundary of the application site, has been designated as Ancient Woodland by NatureScot. Ancient

Woodlands are categorised as areas of ancient and semi-natural woodland which are important and irreplaceable national resources which should be protected and enhanced.

The Ancient Woodland on the shore side of the public road is also covered by Tree Preservation Order (TPO 10/09) but the extent of the TPO is outwith the confines of the application site.

The application indicates that all proposed development has been kept outwith the extent of the Ancient Woodland in order to preserve and protect the trees.

A Tree Survey (TS) has been submitted in support of the application which assesses 17 trees within and directly adjacent to the site together with areas of willow scrub.

Of the 17 trees surveyed the TS recommends the felling of one Cherry-gean specimen situated along the boundary of the site with the B840 public road. The TS classifies this tree within Category U as set out in BS 5837(2012) being trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. The TS identifies that this tree has movement/instability in its root plate and is suffering from root heave and therefore should be removed.

The TS also identifies the potential felling of a young Ash tree on the edge of the woodland strip of Goat willow and Sycamore in order to accommodate pod number 4. This tree falls within Category C of BS 5837(2012) classified as trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.

No other trees are proposed to be felled in order to accommodate the proposed development but the TS identifies that an area of the roadside vegetation, including an area of Goat willow scrub, will require to be removed in order to facilitate the proposed vehicular access and visibility splays to serve the proposed development. The TS details that the Ancient Woodland along the northern boundary of the site will not be affected by the proposed development.

The TS provides detailed recommendations for the protection of trees during the construction period of the development.

The proposed development will not result in the loss of any woodland ('woodland' being defined within NPF4), nor will it result in the loss of any ancient or veteran trees or any trees of high biodiversity value. Furthermore, the limited loss of trees proposed within the development is more than compensated for by the robust planting and biodiversity enhancement measures proposed within the development.

In this regard, it is not considered that this very limited tree loss to facilitate the proposed development will conflict with the overarching policy aims of NPF4 Policy 6.

**With a condition to ensure that the proposed development is undertaken in accordance with the recommendations and mitigation measures set out in the TS the proposal is considered to be acceptable in terms of NPF4 Policy 6 as underpinned by LDP Policies LDP 3 and SG LDP ENV 6 which seek to resist the loss of trees within development proposals.**

## **5.6. NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings**

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Whilst the development proposed by this planning application is on a greenfield site it is within a defined Minor Settlement Zone within the LDP where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites including infill, rounding off and redevelopment. These main policy considerations are underpinned by the SG contained within SG LDP TOUR 1, SG LDP ENV 13 and SG LDP ENV 14 which offer further support to appropriate scales of development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

**Policy 9(b) of NPF4 aligns with the settlement strategy of the LDP and the current development proposal raises no issue of conflict.**

### 5.7. NPF4 Policy 12 – Zero Waste

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The proposed development subject of the application would generate waste when operational, accordingly, a detailed statement addressing the requirements of NPF4 Policy 12 has been submitted with the application.

The statement provides a comprehensive scheme for the treatment of operational waste from the proposed development.

In summary, the statement outlines that, in order to successfully encourage waste segregation and minimise cross-contamination of materials, individual colour coded bags alongside custom bag containers will be supplied within each pod to encourage occupants to grade their waste which will be collected daily by site management. The development will include a communal bin store area within easy reach of each of the pods which will be colour coordinated to encourage both waste segregation and further reduce the possibility of littering.

The statement further outlines that other waste anticipated to be generated by the proposals is likely to be limited to the use of BBQs and outdoor cooking. However, in order to manage this aspect, the statement outlines that it will be made clear at the point of booking that disposable BBQs and open fires are not permitted anywhere on the site at any time. To further discourage the use of disposable BBQs each pod will be provided with access to a reusable BBQ, thereby further reducing the potential use of a single use product as well as reducing the risk of fire on site.

The statement identifies that the proposed vehicular entrance to the site has been designed to accommodate safe and convenient access and egress by appropriate refuse collection vehicles.

**With a condition to ensure that the proposed development is undertaken in accordance with the proposed waste management strategy, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by LDP Policies LDP 10 and SG LDP SERV 5(b).**

### 5.8. NPF4 13 – Sustainable Transport



NPF4 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to secure permission for a development of 10 pods for holiday letting purposes. The application proposes to construct a new vehicular access spurring from the B840 East Lochawe Public Road to serve the proposed development.

The access is proposed to the west of the application site comprising a central spur within the site with a parking area for 10 pods at its western end and a turning head to the east.

Part (b) of Policy 13 gives support to development where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

In this regard a 'Vehicle Trip Briefing Note' (VTBN) has been submitted in support of the proposed development. The VTBN comprises an assessment of anticipated trip generation using TRICS which is the system of trip generation and analysis for the UK and Ireland. The VTBN considers trip rates for the 'traditional' weekday morning (AM) and evening (PM) commuter peak hour periods with consideration also given to the development peak traffic levels which TRICS demonstrates for the holiday accommodation land use has a peak hour period between 13:00 – 14:00. The VTBN further details that, in order to conduct a robust assessment, it was considered appropriate to also consider the traditional network peaks of 08:00 – 09:00 and 17:00 – 18:00.

The VTBN undertook a detailed assessment of the anticipated vehicular movements associated with the proposed development including arrivals, departures, two-way trip rates with the data forecasting the number of trips including all vehicles i.e. visitors, staff and servicing.

The VTBN demonstrates that the anticipated trips generated as a result of the proposed development would be at a low level such that there would not be any material impact on the operation of the road network nor would it attract any requirement for off-site mitigation to accommodate the proposals.

In addition to the VTBN, the Agent submitted the following statement in support of the application.

*'There are no bus stops on the B840 within Portsonachan, however, there is an existing bus service that operates along the A819 which is approximately 3.5 miles from the site and therefore within cycling distance. Scottish Citylink operates from Glasgow to Oban, providing several services per day along the A819.*

*The nature of rural hotels and holiday lodges in scenic areas is such that visitors generally arrive by car as part of a series of short stays on a circuitous journey. The hotel complex already benefits from 2x electric vehicle charging points to encourage more sustainable travel and will also be offered for use by guests of the current proposals. In order to further enhance the accessibility of the proposed development, it is proposed that cycle parking will be made available for each pod.*

*Furthermore, the hotel complex already offers a cycle hire facility which will extend to those staying at the pods. All of which will positively contribute to encouraging additional sustainable trips as part of their stay within the area.*

*In order to further boost connectivity to the site, a pick-up and drop-off service could be offered for guests to/from the bus stops on the A819 and to the nearest train station at Dalmany. This will ensure that the development benefits from accessibility by way of public transport insofar as possible and encourages guests to consider alternative sustainable modes of travel to and from the site'.*

It is considered that it has been successfully demonstrated that the proposed development is not a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development. In addition, the Agent has indicated a range of sustainable transport measures including cycle hire; drop off and pick up facility; and access to vehicle charting points.

Furthermore, in their response to the application, the Council's Roads Engineer raised no objection to the proposed development subject to conditions being imposed on the grant of planning permission to secure the appropriate construction of the access at the junction with the public road; the clearance of visibility splays; provision of one parking space per pod; and the provision, or formalisation, of 6 additional passing places between the site and the junction with the A819 public road.

**With conditions to secure the requirements of the Roads Engineer, the proposal is considered to be acceptable in terms of NPF4 Policy 13 as underpinned by LDP Policies LDP 11, SSG LDP TRAN 2, SG LDP TRAN 4, SG LDP TRAN 5 and SG LDP TRAN 6 which collectively seek to ensure that proposed developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.**

#### 5.9. NPF4 Policy 18 – Infrastructure First

NPF4 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Due to the lack of public infrastructure within the vicinity of the site the application proposes a private drainage system and private water supply as follows.

##### Drainage

The application proposes the installation of a 'BioRock' sewage treatment system which is gravity operated and requires no power source.

The waste water system is proposed within the western periphery of the site. The Council's Building Standards Service will apply sufficient control over the detailed arrangements of the proposed private drainage system at Building Warrant stage.

##### Water Supply

A new private water supply is proposed to serve the development with the application indicating a dedicated purification plant taking water from a burn within the control of the applicants positioned underground on the higher ground to the south of the site.

In order to inform in the assessment of the application comments were sought from the Council's Private Water Supply Team (PWS). In their response to the application the PWS team advise that as the application does not provide any detailed information on the source, capacity or quality of the proposed private water supply, it is considered appropriate to impose a safe-guarding condition on the grant of planning permission to secure a report on the proposed private water supply to ensure that the site is adequately

serviced for water provision and does not have a detrimental effect on the water supplies of surrounding properties.

In this regard a condition is proposed on the grant of planning permission to the submission of an appraisal of the proposed water supply, details of which will require to be submitted and agreed in writing with the Planning Authority in consultation with the PWS team in advance of works starting on site.

**With a condition to secure the submission of a report on the proposed private water supply the proposal is considered consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policies LDP DM 11, SG LDP SERV 1 and SG LPD SERV 6 which give support to private drainage systems and water supplies where connection to the public infrastructure is not available.**

#### 5.10. **NPF4 Policy 22 – Flood Risk and Water Management**

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

The development the subject of this planning application proposes a private sewage treatment system and private water supply.

In order to inform in the assessment of the proposal, specifically the impact of the proposed waste water infrastructure on adjacent water courses and Loch Awe, and the treatment of surface water runoff from the site, comments were sought from the Council's Flooding Advisors JBA Consulting Ltd (JBA).

In their initial report JBA deferred their decision until such time as drainage details were supplied, such as surface water drainage calculations. JBA advised that all surface water drainage should be designed according to CIRIA C753 and Sewers for Scotland 4<sup>th</sup> Edition and post development runoff should not exceed the greenfield runoff rate. As a result of the initial comments from JBA, the Agent liaised with JBA submitting a revised drainage plan for their proposed development.

In their response to the updated drainage plan, JBA confirmed that the proposed drainage calculations are acceptable and provided a number of comments for the Applicant with an advisory regarding the diameter of the proposed outlet pipe.

With a condition to ensure that the proposed development is undertaken in accordance with the drainage details submitted, and an advisory note for the Applicant with JBAs recommendations, the proposed development is considered to be consistent with the broad aims of NPF4 Policy 22 as underpinned by LDP Policies LDP 10, SG LDP SERV 2, SG LDP SERV 3 and SG LDP SERV 6.

#### 5.11 **NPF4 Policy 23 – Health and Safety**

NPF4 Policy 23 seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

Part (e) of Policy 30 states that development proposals that are likely to raise unacceptable noise issues will not be supported with a requirement for a Noise Impact Assessment where the nature of the proposal or its location suggests that significant effects are likely.

Accordingly, as the application site is in close proximity to a number of residential dwellinghouses, in order to inform in the assessment of the application, a consultation was undertaken with the Council's EHS.

In their response to the application the EHS advised that the site is in close proximity to a number of residential dwellinghouses with the development proposed having the potential to give rise to adverse amenity issues. Accordingly, whilst not objecting to the proposal, the EHS requested that a Noise Management Plan (NMP) be submitted which should outline how noise from guests utilising the premises can be managed including rules for the use of the development.

As a result of these comments the Agent liaised with the EHS to agree a mutually acceptable NMP for the operation of the proposed development. The NMP outlines a number of measures to be incorporated into the proposed development to ensure a development which will not have any significant adverse impact on the established amenity levels of the area or neighbouring residential dwellinghouses. The NMP outlined that the key objectives to mitigate against noise from the proposed development are as follows:

- Reduction in anticipated noise levels through the construction, orientation and positioning of the pods;
- Making customers evidently aware of the rules that are implemented on the site through the booking system;
- Installation of a noise management system that can be remotely accessed and will warn staff when the noise levels move beyond the acceptable limit;
- The use of generous landscaping and planting on all boundaries, which, as well as minimising the visual impact of the development, also acts as a further barrier to reduce noise from travelling outwith the site.

The NMP provides details as to how the proposed noise mitigation measures will be implemented and enforced within the proposed development.

The EHS confirmed their acceptance of the submitted NMP subject to a condition being imposed on the grant of permission to ensure that the development is operated in accordance with the measures set out within the NMP.

The EHS further advise that details of the proposed external lighting to serve the proposed development should be submitted in order to ensure that it will not give rise to any significant adverse impact on the amenity of the neighbouring properties and wider area.

The EHS provide further comments with regards to the requirements for a Site Licence for the proposed development, however, this is a matter separate from the planning process.

A condition is proposed to ensure that the development is undertaken in accordance with the submitted NMP for the operation of the site, together with a condition to secure details of the proposed external lighting, which will require to be submitted to and agreed in writing with the Planning Authority in consultation with the EHS prior to any works starting on site.

**With conditions it is not considered that the proposal will give rise to any significant adverse impact on the amenity of the area or neighbouring properties consistent with the provisions of NPF4 Policy 23 (e) as underpinned by LDP Policy SG LDP BAD 1 which seeks to ensure that potential 'bad neighbour' developments**

**do not result in an unacceptable adverse impact on the amenity of neighbouring residents and include appropriate measures to reduce any potential impact.**

#### 5.11. NPF4 Policy 30 – Tourism

NPF4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

Part (b i- vii) of Policy 30 provides a number of criteria which require to be considered in proposed tourism ventures. The Agent has submitted a statement addressing each of the criteria set out in Policy 30(b) as follows.

- i. The contribution made to the local economy;

*'The applicant intends to invest circa. £2.1m in bringing forward the development proposals and associated infrastructure. This represents a significant investment in the local area and will positively contribute to the policy intent and outcomes of NPF4, particularly those relating to tourism. For example, as well as being a significant investment in the development itself, the proposals would generate at least 2 additional full time equivalent jobs within the area. Although modest in scale and difficult to accurately quantify, the proposals will provide additional choice and attract additional visitors and associated spend to the region, thereby providing additional knock-on benefits to local suppliers, businesses, tourist attractions and amenities, including: Loch Awe Boats, Loch Awe Raptors, Adbrecknish Bar and the Portsonachan Hotel, all of which are within walking or a short cycle distance from the proposal site. Of course, the proposals would also benefit the wider locale, as visitors make day trips and visitations to other local attractions and features.'*

- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

*'As well as being clearly supported by way of a positive site allocation within the Portsonachan settlement boundary and tourism-related strategies of the adopted LDP, the proposals site and pods are designed to be of a reduced scale and footprint with a natural timber lining to provide an authentic natural appearance nestled within the natural rural setting, and, critically between existing development of a similar use, nature and scale.*

*Furthermore, the nearby Portsonachan Hotel and lodges comprises 19 rooms within the hotel and further 10 luxury Lochside apartments; renovated Coach House comprising 12 units; and, 9 traditional wood lodges. The complex also benefits from associated amenities such as a bar, restaurant, car parking and associated facilities. The proposed addition of an additional 10 accommodation pods would therefore represent a modest uplift in visitors and development within the village and would clearly be wholly compatible with the surrounding area without compromising the established character and nature of the area.'*

- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;

*'The proposal site is not included within any housing land supply designations or identified for the delivery of local services or facilities. The proposals would clearly not therefore result in the loss of or hinder the provision of any planned housing or services to local people. Indeed, as set out earlier, the modest increase in visitors to*

*the area as a result of the development would provide for additional knock-on benefits to other businesses and attractions within the region by way of increased footfall and associated economic spend.*

*In addition, as considered as part of Policy 13, as a gesture of goodwill the applicant has agreed to contribute towards the delivery of a selection of passing places on the B840 from the A819 junction at Portsonachan. This will improve access to Portsonachan to the benefit of the local community as well as the proposed development’.*

- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;

*‘As set out within the consideration of Policy 13: Sustainable transport, the development proposal is modest in scale and is not anticipated to generate a significant amount of additional vehicle trips. This is highlighted within the ‘Vehicle Trip Briefing Note’ prepared by Blyth & Blyth Consulting Engineers which accompanied the application submission. The findings of the ‘Vehicle Trip Briefing Note’ were subsequently accepted by A&BC Roads officers whereby they also confirmed that the proposed means of access and levels of parking were also appropriate for the proposed development.*

*In order to further enhance the sustainability credentials of the proposed development, it is proposed that cycle parking will be made available for each pod. Furthermore, the hotel complex already offers a cycle hire facility which will extend to those staying at the pods. In addition, the hotel benefits from 2x electric vehicle charging points, which will also be offered for use by guests of the development. All of which will positively contribute to encouraging additional sustainable trips as part of their stay within the area.*

*Whilst Portsonachan does not currently benefit from direct access to a public transport service, a pick-up and drop-off service could be offered to guests in order to travel to/from the bus stops on the A819 and to the nearest train station at Dalmally at request. This will further boost connectivity to the site and will ensure that the development benefits from accessibility by way of public transport insofar as possible and encourages guests to consider alternative and more sustainable modes of transport’.*

- v. Accessibility for disabled people;

*‘The proposals have been designed within accessibility in mind. They are single storey and will benefit from accessible level entrances. It is also anticipated that paths from the site entrance and car parking area will also be wheelchair friendly. A selection of the units will also include enhanced accessibility aids in line with DDA compliance requirements. The development proposals therefore have clearly considered and implemented measures to support accessibility for disabled people in line with the requirements of this criterion’.*

- vi. Measures taken to minimise carbon emissions;

*‘The pods are designed to be highly efficient in terms of energy performance and they are proposed to be equipped with a ‘Sunamp’ PV battery storage system and augmented by a grid connection as a backup system. Grey water / sewage processing is proposed to be provided by a ‘BioRock’ system which is gravity*

*operated and requires no power source. This system enables all units to be fitted with conventional flush toilets and either fitted as an individual system to each unit or where possible a grouping of units. All of which seek to further minimise energy consumption and associated on-site utility requirements for the development. This, when coupled with proposed measures taken to increase sustainable travel options and waste management ensures that carbon emissions are reduced insofar as reasonably possible, particularly given the modest scope of the development proposals’.*

- vii. Opportunities to provide access to the natural environment.

*‘The development proposals by their very nature as accommodation pods are intended to provide additional choice and opportunities for people to access and experience the immediate surrounding natural environment. Furthermore, as demonstrated earlier in consideration of NPF4 Policy 3 and the supporting Biodiversity Statement, the proposals will result in enhanced local biodiversity by way of the various proposed measures.*

*In addition to being within the existing settlement boundary of Portsonachan directly adjacent to the B840 and the banks of Loch Awe, the proposals will also provide additional choice and subsequent opportunities to provide visitors with access to the surrounding natural environment, including the water environment of Loch Awe and the wider 150-acre estate of the Portsonachan Hotel, which is freely accessible to visitors to the area’.*

Policy 30 gives direct support to tourism development provided that the criteria set out in part (b) of the policy is taken into account. It is considered that the information submitted in support of the criteria set out in part b fully and satisfactorily addresses each of the individual criteria and the Planning Authority is satisfied that all aspects of Policy 30(b) have been taken into account. In this regard the proposal is considered to be supported by NPF4 Policy 30 as underpinned by LDP Policies LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3.

## **6. Public Representations**

Whilst the proposed development has been subject to 37 objections, it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling.

The determining factor in the assessment of this application is whether the proposed holiday pod development is consistent with the provisions of the adopted National Planning Policy as underpinned by the LDP and whether the issues raised by third parties raise material considerations of sufficient significant to withhold planning permission.

In this instance the proposed development is considered to be wholly consistent with the provisions of the adopted National Policy as underpinned by the LDP with the issues raised by third parties not amounting to material planning considerations that have not been addressed through the processing of the planning application.

## **7. Conclusion**

- 7.1. It is considered that the proposal for the change of use of land for the siting of 10 holiday pods, along with the associated infrastructure and landscaping, is a suitable proposal which accords with the principles and policies contained within NPF4 as underpinned by the LDP and one which will benefit the local economy in accordance with one of the central challenges for Argyll and Bute, that of delivering sustainable economic growth.

Accordingly the application is recommended for approval subject to conditions.