

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

Reference No: 22/01712/PP
Planning Hierarchy: Local
Applicant: Mrs Karen Davies
Proposal: Partial change of use of flat to form teaching facilities
Site Address: 3 Woodstone Court, Pier Road, Rhu, Helensburgh

DECISION ROUTE

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

(A) THE APPLICATION

- (i) Development Requiring Express Planning Permission**
- Change of use from residential (flat) to combined residential/teaching/training use.
- (ii) Other specified operations**
- None
-

(B) RECOMMENDATION:

Planning permission be refused for the reason set out below.

(C) CONSULTATIONS:

Council Area Roads – 04.11.2022 - Defer consideration until further information is received to allow a full assessment with regard to the provisions of the LDP in relation to adopted car parking standards. This information shall include:

- (i) the number of existing units within Woodstone Court and no. of bedrooms in order to calculate existing parking demand: and,
(ii) a detailed plan drawing showing how provision can be made for parking and manoeuvring in accordance with adopted standards.

Environmental Health – 14.10.2022 - No objection subject to a planning condition requiring the applicant to submit further information in the form of an assessment of likely noise sources (airborne and structural borne) arising from the proposed use; the adequacy of the sound insulation and any other noise mitigation measures

proposed to reduce noise transmission, for written approval by the planning authority in consultation with Environmental health.

(D) HISTORY:

No relevant planning history.

(E) PUBLICITY:

Site Notice - Conservation Area – Expiry 02.11.2022
Listed Building/Conservation Advert - 10.11.2022

(F) REPRESENTATIONS:

(i) Representations received from:

A total of 19 representations have been received as set out below: -

4 no. Support

- Mark Fisher - 8 Woodstone Court Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- Stephanie Lees - 5 Woodstone Court Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- Graham Miller - 5 Woodstone Court Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- Sarah Osborne - 51E West King Street Helensburgh Argyll And Bute G84 8EB

15 no. Objections

- Mr. James Michael Brown - Ard Craig Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- Mr. Leslie Craig - Seefels Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- Lynsey Stephen - Tigh Na Creag Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- Rebecca Shields - No Address Given
- Mark Shields - No Address Given
- Linda Shields - No Address Given
- Gabrielle Stephen - Tigh Na Creag Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- Anne Palmer - 1 Honeysuckle Court 68A East King Street
- Elizabeth Montgomery Smith – No address provided.
- Denise N Walker - 1 Woodstone Court, Pier Road, Rhu, Helensburgh
- James Walker - 1 Woodstone Court, Pier Road, Rhu, Helensburgh
- JK Mackie - Budore Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- GE Mackie - Budore Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- JDM Forrester - 2 Woodstone Court Pier Road Rhu Helensburgh Argyll And Bute G84 8LH
- Signed representation with no address given. The name of the objector cannot be reliably identified from the signature, however it is considered that it is not the intention of this objector to remain anonymous, and as such can be taken into account as part of this assessment.

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.

Summary of issues raised:

Support

- Through its teaching and training facilities the proposed use will provide a much-needed asset in terms of support for people experiencing difficult life situations, both locally and further afield.
- The location is ideal.
- Planning permission should be granted as this is a partial change of use intended for participation by only small groups for meditation.
- The practice of meditation does not involve disruptive noise nuisance.

Objection

- Any intensification of traffic will exacerbate existing road safety hazards at the junction of the private access road with Pier Road.
- Resultant increase in traffic will adversely impact on the peace and tranquillity of a quiet residential area within the Rhu Village Conservation Area.
- Shared private residential access and parking area is in a poor condition. Intensification of use resulting from a commercial nature of use would result in a further deterioration of the road/parking surface condition.
- Any permission should be subject to upgrading over the full length of the private road, including traffic calming measures.
- Insufficient car parking which could lead to obstruction of the access, including for emergency vehicles.

Comment: - This issue is assessed in detail within Section (P) and Appendix 1 (below.)

- Conflict between non-residential/commercial activity and residential use of the site and its surroundings. Increased use of footpath entrance will result in damage to the footpath and intensification of use will be detrimental to the residential amenities of residents by reason of general disturbance; loss of privacy; and security concerns resulting from this scale of commercial use. Intensification in use of the entrance foyer will change the character of the building.
- Impact on value of properties.
Comment: - Not material to this planning assessment.
- Concerns are expressed with impact upon the wellbeing of residents with regard to alleged details of the proposed use.
Comment: - Not material to this planning assessment.

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

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

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

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

**[National Planning Framework 4 \(Adopted 13th February 2023\)](#)
Part 2 – National Planning Policy**

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 16 – Quality Homes
NPF4 Policy 23 – Health and Safety

[‘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 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 11 – Improving our Connectivity and Infrastructure

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

Historic Environment and Archaeology

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

Bad Neighbour Development

SG LDP BAD 1 – Bad Neighbour Development

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Transport (Including Core Paths)

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

SG LDP TRAN 6 – Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013. (delete as appropriate)

- Third Party Representations
- Consultation Responses
- Planning History

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 01 – Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking

Policy 11 – Design – Conversions and Change of Use

Policy 14 – Bad Neighbour Development

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Policy 17 – Conservation Areas

Connected Places

Policy 32 – Active Travel

Policy 33 – Public Transport

Policy 34 – Electric Vehicle Charging Points

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

Policy 40 – Vehicle Parking Provision

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

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

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

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

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

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

- Conservation Area

(P)(ii) Soils

Agricultural Land Classification:

Built Up Area

Peatland/Carbon Rich Soils Classification:

- Class 1
- Class 2
- Class 3
- N/A

Peat Depth Classification:

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? Yes No

(If yes, detail in summary assessment)

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

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1

- 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

ABC pLDP2 Settlement Strategy

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

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

The application site edged red on the supporting drawings a large, detached former dwellinghouse, now converted and altered to create 9no. separate flatted residences, and its curtilage. The site is located within a residential area in the settlement of Rhu.

Vehicular access is by means of a shared private access road, known as Woodstone Court, off of Pier Road. This private road serves 6-7 residential houses in addition to the flats at Woodstone Court.

The premises subject to this application is a two-bedroom residential flat situated on the 1st (top) floor of the 'block' of residential flats,

Access to the flat is via a common entrance via shared lobby and internal staircase. The entrance lobby and stairs serves a number of other residential flats.

The proposed development is for a partial change of use where a total of some 60m² of floorspace comprising an existing living room, bedroom, kitchen and wc is proposed to be used as a retreat centre to learn meditation and mindfulness with spiritual teaching. One of the two main rooms will be used for teaching and the other for individual contemplation. The kitchen will have facilities for self-service and cold drinks for students. The proposed use will operate with weekly programmes led by guest teachers largely within the hours of 09:30-16:30 with occasional evening use within the hours 19:00-21:30. Officers consider that this proposed use falls within Class 10 – "Non-residential Institutions" – of the Town and Country Planning Use Classes (Scotland) Order 1997.

The site is located within the Settlement for Rhu, wherein Policy LDP DM 1 supports sustainable forms of development of an appropriate scale relative to the nature and scale of the settlement on appropriate sites. As set out in further detail in the appendix A to this report, it is considered that part of a two-bedroom flat, within a block of flats with common access and limited car parking, within a quiet, residential area is not an appropriate site for a commercial use of this nature and intensity. The level of intensification resulting from the use of up to 15 students/teachers using part of a two bedroom flat for teaching over a weekly programme from 09:30 – 16:30, and potentially as late as 21:30 will result in a significantly adverse impact on the residential amenities of the occupiers of adjacent and nearby flats and

dwellinghouses by reason of noise, vibration and general disturbance over prolonged periods. Additionally, it has not been demonstrated that on-site car parking can be provided to meet existing demand plus the intensified demand for vehicle parking associated with a use of this intensity. On the basis of the information available, officers consider it highly likely that the proposal would result in a deficiency in on-site car parking to the detriment of road safety and the free flow of traffic within the local public/private access regime. On this basis, this is considered to be a wholly inappropriate site for the proposed use, and as such it is not supported with reference to the Spatial and Settlement Strategy.

As described above, the premises is a 2-bedroom residential flatted unit within a 'block' of flats created by the subdivision of a former dwellinghouse and set in its own landscaped grounds. The complex of flats is surrounded on all sides by residential properties. Access to flat no.3 is via common entrance hallway and staircase that is common to a number of other flats.

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

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

As detailed in Reason for Refusal.

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

Not applicable.

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

Author of Report: Norman Shewan **Date:** 07.12.2023

Reviewing Officer: Kirsty Sweeney **Date:** 07.12.2023

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 22/01712/PP

1. Argyll and Bute Local Development Plan – Adopted 2015 Policy LDP 8 and SG LDP BAD 1 – *Bad Neighbour Development* and the emerging Proposed Argyll and Bute Local Development 2 Policy 14 serves to resist any proposal that would have an unacceptable adverse impact upon the amenity of neighbouring land uses resulting from noise, vibration, etc. In addition Policy LDP 9 – *Development Setting, Layout and Design* seeks to ensure that a high standard of appropriate design that is compatible with the surroundings. It is considered that the nature and scale of the proposal which is a non-residential institutional use, proposed to have week-long courses for groups of 12-15 teachers/students/practitioners within two rooms of a 2-bedroom flat contained in a block of 9 no. residential units is inappropriate. This is due to the access to the proposed teaching/retreat use from the grounds of the building, being via a communal hallway and stairwell shared with a number other residential properties. The flat subject of the application is located on the first floor, with other flats located directly above and below it. No information has been submitted to date with regard to the construction specification of the floor zones between these flats, or the sound insulation performance of the floor construction. In addition, no sound surveys between the flats has been submitted in support of the application. There is a conflict with existing homogenous residential use and potential significant adverse impact on residential amenities. Therefore, this proposal is inappropriate use in a residential context and is contrary to the provisions of LDP Policy 8 and 9, SG LDP BAD 1 and Proposed LDP 2 Policy 14.
2. Argyll and Bute Local Development Plan – Adopted 2015 Policy 11 and SG LDP TRAN 6; and the emerging Proposed Argyll and Bute Local Development Plan 2 Policy 40 serve to require that proposed development that will result in an intensification of traffic and demand for car parking will only be supported where the proposed development includes adequate on site car parking to accommodate all existing car parking demand, and any intensification of demand by virtue of the development proposal. It is considered that the proposed partial change of use from a 2 bedroom residential flat to a commercial use comprising a retreat centre to teach and practice spiritual disciplines including meditation and mindfulness by means of weekly programmes for groups of 12-15 participants during the hours of 9.30-4.30, with the occasional evening use 7-9.30, will result in a substantial intensification of traffic using the existing public/private access regime and on site car parking provision. Whilst the applicant has suggested that groups attending the sessions will be bussed in and out of the premises using a mini-bus or similar, officers do not consider that this is a sufficiently robust justification for accepting development that appears, on the basis of information submitted, to be deficient in car parking spaces with reference to the Council's adopted standards. The supporting information indicates that there are 15 no. existing spaces however this cannot be verified from the drawings submitted and it is not clear that all of these spaces are within the ownership or control of the applicant. Existing parking provision would be based on an application of the standards for residential units i.e the number of residences and the number of bedrooms that each residence has. The adopted standard is 1½ spaces per 1-bedroom unit, 2 spaces per 2-3 bedroom unit; and 3 spaces per unit with 4 or more bedrooms. The applicant has submitted inadequate information to allow an assessment of the number and location of existing on-site parking spaces to meet the current demand. The adopted parking standards relative to a non-residential institution use is 1 space per two staff plus 3 spaces per 100m². The application drawings show approximately 75m² of floorspace to be used for teaching/meditation, which would result in a minimum requirement for 1 additional parking space, plus a further space per two staff members, including visiting teachers. However, as the supporting information advises, it is intended that the rooms be used by groups of up to 15 people at a time, which will result in a significantly higher demand

for car parking provision than an application of the adopted standards. The information submitted does not demonstrate to the satisfaction of the planning authority that the proposal can provide adequate space for car-parking and manoeuvring within the site to accommodate the current demand for car parking, plus the intensified demand likely to result from the proposed change of use with regard to adopted standards. It is considered highly likely that the proposal would result in an inadequate level on-site car parking provision leading to increased demand for car parking in non-designated parking areas, private roads and public roads within the locality to the detriment of highway safety and the free-flow of traffic. In the absence of adequate information to demonstrate otherwise, officers consider that the proposal is contrary to the provisions of NPF 4 Policy 13; the adopted LDP – 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6; and LDP 2 Policy 40.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	22/01712/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Settlement Strategy

1.1. NPF 4

- Policy 1 requires that significant weight be given to the global climate and nature crises when considering all development proposals.
- Policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to climate change by requiring that development be sited to minimise greenhouse gas emissions; and to adapt to current and future risks from climate change.
- Policy 15 seeks to encourage, promote and facilitate the application of the ‘Place principle’ and create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home, preferably by sustainable transport options. Consideration should be given to the existing settlement pattern and the level and quality of interconnectivity of the proposal with the surrounding area.

1.2. LDP – Adopted 2015

- Policy LDP DM1 gives support to sustainable forms of development subject to the nature and scale of the proposal in relation to the Spatial and Settlement Strategy. It is noted that the application site is located within the Village/Minor Settlement of Rhu as identified on the Proposals Map; within which, Policy DM 1 (C) offers encouragement in principle for small scale development on appropriate sites.

1.3. LDP 2

- Policy 01 establishes a list of criteria, subject to which, development proposals within the Settlement Area will normally be considered to be acceptable. It is noted that the application site is within the Rhu Settlement Area as defined on the LDP Proposals Maps.

Assessment

- 1.4. The planning application site is located within the Village/Minor Settlement Zone for Rhu, as identified in the adopted Argyll and Bute Local Development – 2015, wherein Policy LDP 1 (C) gives encouragement in principle to small scale development on appropriate sites.
- 1.5. There is no change to the ‘settlement zone’ in the proposed Local Development Plan (pLDP2) in relation to this site. Policy 01 – Settlement Areas - establishes that development within settlement areas will be normally be acceptable where the planning authority considers that it is appropriate with regard to a list of specified planning criteria.
- 1.6. There is no assessment of the ‘scale’ of non-residential institutional teaching use/development elsewhere in LDP, however it is considered that a use 3 no. domestic sized rooms as “*a retreat and learning centre for meditation, mindfulness with Spiritual teaching*”, would qualify as small scale for the purposes of this assessment.
- 1.7. As such, the proposed use, and the scale of the use, is acceptable with regard to the spatial settlement strategy LDP1 and also PLDP Policy 01.

1.8. However, Policy LDP DM 1 still requires an assessment with regard to whether this is an acceptable site having regard to the specific merits of this application.

1.9. LDP 2 Policy 01 gives support in principle subject to favourable assessment against specified criteria, including that it:

- is compatible with surrounding uses including but not exclusively; providing access, service areas, infrastructure for existing, proposed or potential future development;
- is of an appropriate scale relative to the settlement;
- respects the character and appearance of the townscape; and,
- complies with all relevant LDP 2 policies.

1.10. Whilst the site is located within the Settlement Zone, and the scale of the proposal is compatible with the scale of the village of Rhu, it is considered that the application site (i.e. a 2 bedroom residential flat within a small block of flats created by the subdivision of a period villa asset within common grounds) is not an appropriate site for the proposed use, having regard to all other material planning considerations, including other policies within the Local development Plan.

1.11. On the basis of this conclusion (set out in detail within the further assessment below) that the application site is not appropriate, then the application proposal is inconsistent with the provisions of the LDP Settlement and Spatial Strategy, and as such is not supported by Policies LDP DM 1 or LDP2 Policy 01.

2. Location, Nature and Design of Proposed Development

2.1. The premises subject to this application is a two-bedroom residential flat situated on the 1st (top) floor of a former large detached dwellinghouse that has previously been altered and extended to provide 9 no. residential flats, and located within a residential area in the settlement of Rhu.

2.2. Access to the flat is via a common entrance via shared lobby and internal staircase. The entrance lobby and stairs serves a number of other residential flats.

2.3. Vehicular access is by means of a shared private access road, known as Woodstone Court, off of Pier Road. This private road serves 6-7 residential houses in addition to the flats at Woodstone Court.

2.4. The application form states that there are 15 no. existing on-site parking spaces and that it is proposed to increase this to 18 no. spaces.

2.5. Details of the scale and nature of the proposed uses are set out in the applicant's supporting statement, as summarised below:-

“The centre will be an exclusive and quiet retreat centre to learn meditation, mindfulness with Spiritual teaching led by some of the top spiritual teachers in the UK.

There will be one teaching room and one for individual contemplation. Cross-reference with the proposed floor plans identify these spaces as an existing living room (21.56m²) and bedroom 1 (17.23m²).

The kitchen will have the facilities for self-service hot and cold drinks. It will also be used for day students to eat packed lunches. There is also a separate toilet. The other part of the flat will stay as residential. All of these rooms are accessed from a hallway.

The hours of use will be 9.30-4.30 with the occasional evening use 7-9.30.

The intention is to have small intimate groups of approximately 12-15 students, where individual attention is possible. There will be weekly programmes with occasional one off classes too. There will also be time during the week courses when there will be time out in the surrounding area.

Interest is expected from foreign students as well as local students. They will be accommodated in the surrounding hotels, with a morning pick up service to the centre.”

3. Compatibility of Proposed Development (Use) with Surrounding Land Uses

3.1. NPF 4

- 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, by supporting development that will have a positive effect on health; and resist development that is likely to raise unacceptable issues including air quality, noise, hazardous substances; and proximity to potentially dangerous sites/zones.

3.2. LPD – Adopted 2015

- Policy LDP 3 requires that applications for planning permission be assessed with the aim of protecting, preserving and where possible, enhancing the built, human and natural environment.
- SG LDP BAD 1 provides additional detail to Policy LDP 8, stating that developments classed as “Bad Neighbour” Developments (as defined in Schedule 7 of the Town Country Planning (General Development Procedure) (Scotland) Order 1992,
- Policy LDP 9 requires that developers and their agents produce a high standard of design in accordance with specified criteria, including but not exclusively, siting and position of proposed development so as to pay regard to its context.

3.3. LDP 2

3.4. The original villa, Woodstone House, has been converted into flats, and renamed Woodstone Court. The date of the conversion, and the levels of any acoustic separation installed, are not readily apparent from Local Authority records. On the basis of the information available, it appears that the conversion work took place in the early 1990s.

3.5. In order to carry out an assessment with regard to planning policy, it is first considered that a determination be made as to whether the proposed development constitutes a form of “*Bad Neighbour Development*” with reference to Schedule 2 of the Town and Country Planning (General Permitted Development) (Scotland) order 1992, as amended. Schedule 2, paragraph (8) specifies classes of development (as Bad Neighbour Development) including the following:

- “the use of buildings or land which will,
- (a) affect residential property by reason of fumes, noise, vibration, etc;

- (b) alter the character of established amenity; and
- (e) introduce significant change into a homogeneous area.”

- 3.6. On the basis of the limited information currently available with regard to the construction specification of the floors between the flats, it is considered that appropriate that a precautionary approach be adopted. Having regard to the nature of the use as a teaching facility with occasional classes involving groups of 12-15 persons during normal business hours on a daily basis, it is considered that the proposal has reasonable potential to affect the residential other residential properties within this block of flats by reason of noise, vibration and general disturbance arising from an intensified use of the flat; the common access/circulation areas; and the external private open amenity space. It is also considered that the introduction of a commercial use for spiritual teaching, practice and classes relating to meditation for weekly courses would alter the established ‘residential’ amenity, characterised by the homogenous residential use of this group of residential units within open grounds; and within a homogenous residential area. On the above basis, and having regard to Schedule 2 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, it is considered that the proposal should be assessed as a class of “Bad Neighbour Development” with regard to Development Plan Policy.
- 3.7. NPF 4 – *Liveable Places* - Policy 14 seeks to encourage, promote and facilitate well-designed development that makes successful spaces in order to improve the quality of an area. Development will be expected to be consistent with the identified ‘*six qualities of successful places*’. This policy continues that, “*Development proposals that are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the six qualities of successful places, will not be supported.*”
- 3.8. Adopted LDP 2015 Policy LDP 8 seeks to strengthen our communities, making them better places to live, work and visit. SG LDP BAD 1 – *Bad Neighbour Development* – provides additional detail to policy LDP 8, stating that “*Proposals for development classed as “Bad Neighbour” Development will only be permitted where all of the following criteria are satisfied.*” This criteria includes that there are no unacceptable adverse effects on the amenity of neighbouring residents; appropriate mitigation measures can be included to reduce impact(s); there are no significant transport, amenity or public service objections; technical parking, circulation; access and servicing standards; and, no conflict with any other Development Plan policy and SG. Proposed LDP 2 Policy 14 serves to resist any proposal that would have an unacceptable adverse impact upon the amenity of neighbouring land uses resulting from noise, vibration, etc. In some circumstances it may be possible to mitigate adverse impact upon neighbouring amenity by restrictions via planning conditions/legal agreements. It is considered that pLDP 2 policy 14 is largely aligned with the adopted Development Policy in respect of “Bad Neighbour” Development.
- 3.9. Policy LDP 9 – *Development Setting, Layout and Design* generally seeks to ensure that a high standard of appropriate design that is compatible with the surroundings. However, it is acknowledged that this policy appears to focus on physical/visual design elements of development as opposed to compatibility with surroundings in relation to potentially conflicting land –uses. SG LDP – *Sustainable Siting and Design Principles* – provides further support to LDP 9, however it also focusses on the visual impact upon the amenities of an area; and the impact upon the amenities of nearby properties specifically by reason of loss of privacy by reason of direct overlooking between properties; or loss of natural light due to new built development. Proposed LDP2 Policy 10 is specific to design in relation to conversions and change of use. This policy introduces new criteria in addition to visual impacts, advising amongst other criteria, that the proposed use must respect the character of the traditional use. Additionally, the proposal should not require significant infrastructure that is detrimental to the character or amenity of the place. In the

Examination Report on the objections to pLDP Policy 10, on grounds of “historic buildings” and “flood resilience”, the Reporter considered that no change is required to the Plan.

- 3.10. The proposal is in essence for a commercial, non-residential institutional use typically operating blocks of week-long courses for groups of 12-15 teachers/students/practitioners to take place within two rooms of a 2-bedroom flat within a block of 9 no. residential units that have been formed by the conversion of a large, detached, period dwellinghouse. Access to the proposed teaching/retreat use from the grounds of the building, is via a communal hallway and stairwell shared with a number other residential properties. The flat subject of the application is located on the first floor, with other flats located directly above and below it. No information has been submitted to date with regard to the construction specification of the floor zones between these flats, or the sound insulation performance of the floor construction. In addition, no sound surveys between the flats has been submitted in support of the application.

4. Built / Historic Environment

- 4.1. None of the buildings forming part of the flatted development, “Woodstone Court”, are listed as being of special historic or architectural interest.
- 4.2. The site is located within the village of Rhu Conservation Area.
- 4.3. Two category C listed buildings directly adjoin the application site. The first of these, Woodstone Cottage and Stables, is located adjacent to the north east of the application site, on the northern corner of the junction of the private driveway (to Woodstone Court) and the public road network, Pier Road. This cottage and stables historically served Woodstone House, prior to it being converted to flats, now known as Woodstone Court. The second of these listed buildings, is a detached 2-storey, mid-19th century house, known as “Ardenmohr”, situated adjacent to the south eastern boundary of the application property.
- 4.4. NPF 4 Policy 7 generally seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Specific to this proposal, the policy offers support to development in, or affecting conservation areas, only where *“the character and appearance of the conservation area and its setting are enhanced.”*
- 4.5. NPF 4 Policy 7 is in general alignment with the provisions of Policy LDP 3 and associated Supplementary Guidance SG LDP ENV 16(a) and ENV 17. SG LDP ENV 16(a) requires generally that *“development affecting a listed building or its setting must preserve the building or its setting.”* SG LDP ENV 17 operates a presumption against development that *“does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.”* The supporting text to SG LDP ENV 17 clarifies that the aim of this SG to maintain and preserve the “amenity” Conservation Areas.
- 4.6. The provisions of the corresponding policies in the proposed LDP2 Policy 15 – *Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment*; and Policy 16 – *Listed Buildings Conservation Areas*, do not require a materially different assessment to the provisions of NPF 4 and LDP – 2015 in respect of impact on the historic environment, having regard to the individual scale and nature of this proposal.

5. Road Network, Parking and Associated Transport Matters.

- 5.1. NPF 4 – Sustainable Transport:

- Policy 13 aims to promote, encourage and facilitate development that prioritise walking, cycling and public transport and to reduce the need to travel unsustainably. Development is to be supported where it provides good walking and cycling links to local facilities; is accessible by public transport; provides EV charging points and safe cycle parking/storage.

5.2. LDP – Adopted 2015:

- Policy LDP 11 aims to improve connectivity and infrastructure and relates, amongst other things, to ensure that the development is well located in relation to sustainable means of transport; has an appropriate standard of access; and provision for car parking.
- SG LDP TRAN 4 advises that acceptance of developments that use existing public roads and private access regimes is subject to the existing access being capable of commensurate improvements considered to be appropriate to the scale and nature of the proposal that takes into account current access issues.
- SG LDP TRAN 6 generally requires that provision be made on site for parking in accordance with the adopted parking standards. The “Car Parking Standards” relating to houses and flatted set out at para. 1.13 requires 1.5 space per 1-bedroom unit and 2 spaces per 2-bedroom unit.

5.3. LDP 2:

- Policy 33 requires a sequential approach supporting patterns of growth which use existing public transport corridors.
- Policy 34 requires consideration of the provision of EV charging points, or the infrastructure to accommodate them, as part of all new development which results in an additional parking requirement. Specifically, EV charging (or the infrastructure to allow charging points, are to be required in relation to all new build houses with off-street parking (my emphasis.)
- Policy 37 relates to use of existing private access to serve new development and is largely aligned with the provisions of LDP-2015 SG LDP TRAN 4 as it relates to this assessment.
- Policy 40 requires on-site car parking provisions in accordance with adopted standards and is largely aligned with the provisions of LDP-2015 SG LDP TRAN 6 as it relates to this assessment. Table 5 – “Car parking Standards” in relation to new houses and flats requires 1 space for a 1-bedroom unit (as opposed to 1 ½ spaces as set out in the adopted LDP 2105); 2 spaces per 2-bedroom unit; and 3 spaces per 4 or more bedroom unit.

5.4. Assessment:

5.5. The application site edged red on the application drawings includes the original main villa (now subdivided into separate residential flats) and the associated grounds. The application site does not include the existing shared private access from its junction with the public road network, at Pier Road, which serves 6-7 separate residential dwellinghouses as well as the flatted development at Woodstone Court. The site does include a private driveway off of the shared private access, which leads up to a forecourt in front of the principal south elevation of Woodstone Court.

5.6. The proposed site plan indicates, in a very general manner, approximate areas of proposed and existing parking. The drawing does not show which parking areas are existing and which are proposed. The application forms state that 15 no. parking spaces

are available on the site, and that it is proposed to provide an additional 3 no. spaces giving a total of eighteen.

- 5.7. The application drawings show very vaguely defined areas for existing and proposed parking. Additionally, there is no clear delineation of parking spaces on the site, or whether the space for parking is allocated to a particular property or used on a 'first come basis.' Without clearly drawn parking spaces to the standard dimensions of 2.4 x 5.0 metres, and disabled bays if available, it is not possible for officers to professionally and rigorously assess this proposal with regard to the policy requirement for car parking provision to serve the development in accordance with the car parking standards set out in the LDP Supplementary Guidance.
- 5.8. The application forms also state that a Land ownership Notice has been served by the applicant under Reg. 15 of the Development Management Procedure (Scotland) Regulations 2013 on Mrs Stephanie Lees, at 5 Woodstone Court, as the only party other than the applicant who was owner of any part of the application site edged red. In other words, the submitted application states that none of the other flat owners within Woodstone Court have any ownership of the grounds, including the areas identified for parking.
- 5.9. It is noted that objectors to the proposed development have submitted, amongst other issues, that the existing car-parking provision is inadequate to meet the current demand, and that even a small intensification in demand would result in issues of cars parking on private turning and circulation areas within and outside of the site, and on nearby public roads including Pier Road, to the detriment of road safety and the free-flow of traffic.
- 5.10. The Council's Area Roads Officer has recommended that determination of the application be deferred until further detailed information has been submitted including:
- Details of the number of residential units within Woodstone Court and Woodstone Cottage, and the number of bedrooms in each unit (in order to allow officers assess the current car parking demand with reference to the standards):
 - A detailed proposed site plan drawing clearly showing how parking and turning is to be achieved within the site in accordance with the Council's 'Roads Guidance for Developers' with adequate manoeuvring space within the site for a vehicle to enter and leave the localised parking areas in a forward gear.
- 5.11. The above additional supporting information was requested from the applicant by officers on 4th September 2023, advising that the application could not be determined without it. The applicant responded by indicating a willingness to answer all of the above questions however providing a detailed accurate site plan drawing of parking is difficult to show on a plan as the estate is so spread out and really needs to be seen.
- 5.12. Officers consider that a site plan drawing showing detailed location and sizes of car parking spaces over this size of site is a very ordinary requirement to support an application and is relatively straightforward to provide, although the applicant has sought to make the application submission personally to date, and it is suggested that the services of a professional agent may be required to provide the parking layout details as required.
- 5.13. In order to now formally determine this application, in order to conclude this application without further delay, officers consider that it would be appropriate to assess and determine the application for change of use on the basis of the information submitted to date.

- 5.14. The supporting information, in the form of existing and site plan drawings, provide an inadequate level and accuracy of information to allow a professional and competent assessment of this application for a proposed change of use.
- 5.15. The information submitted does not therefore demonstrate to the satisfaction of the planning authority that the proposal can provide adequate space for car-parking and manoeuvring within the site to accommodate the current demand for car parking plus the intensified demand likely to result from the proposed change of use with regard to adopted standards, and would result in an inadequate on-site car parking provision leading to increased demand for car parking in non-designated parking areas, private roads and public roads within the locality to the detriment of highway safety and the free-flow of traffic. In the absence of adequate information to demonstrate otherwise, officers consider that the proposal is contrary to the provisions of the adopted LDP – 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6; and LDP 2 Policy 40.