

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:	23/00395/PP
Planning hierarchy:	Local
Applicant:	Mrs Kirsteen MacDonald
Development:	Formation of Vehicular Access and Parking Space and Removal of Wall, Railings and Gate
Site Address:	4A Argyle Place, Rothesay, Isle of Bute

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

- Formation of vehicular access
- Use of existing hardstanding area as parking space
- Removal of wall, railings and gate

(ii) Other specified operations

- Dropped kerb
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission be **granted as a minor departure** to the Local Development Plan 2015 and Proposed Local Development Plan 2 (as intended for adoption) subject to the conditions, reasons and informative notes set out below.

(C) CONSULTATIONS:

Area Roads Engineer (report dated 21st August 2023)

Recommendation of refusal on the following grounds:

- In-curtilage turning cannot be achieved
- Vehicles may have to reverse onto public road, which is unacceptable
- Visibility splay cannot be achieved

(D) HISTORY:

There is none pertaining to the property that is the subject of the current application.

Planning Permission (ref: 07/01693/DET) was granted on 19th November 2007 for the installation of replacement windows and the formation of a vehicular access at 5 Argyle Place, which is the property to the immediate north of the current application site.

Retrospective Planning Permission (ref: 18/02224/PP) was granted on 15th January 2019 for the partial removal of the front boundary wall to facilitate vehicular access and the re-surfacing of the front garden at 4 Argyle Place, which is the property to the immediate south of the current application site.

(E) PUBLICITY:

Subject of Neighbour Notification (closing date 4th July 2023) and advertised as development in a Conservation Area (advert closing date: 14th July 2023 and Site Notice closing date: 19th July 2023).

(F) REPRESENTATIONS:

No representations have been received.

(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
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(H) PLANNING OBLIGATIONS

Is a Section 75 obligation required: Yes No

- (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 13th 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 7 – Historic Assets and Places
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 16 – Quality Homes

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 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)

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas
SG LDP Sustainable Siting and Design Principles
SG LDP TRAN 4 – New and Existing, Public Roads and 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.

Argyll and Bute Sustainable Design Guidance 2006
Historic Environment Policy Statement 2019
Historic Environment Scotland – *‘Managing Change in the Historic Environment’*
Publications

Argyll and Bute Proposed Local Development Plan 2

The Examination by Scottish Government Reporters into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) has now concluded and the Examination Report has been published. The Examination Report; the PLDP2 as recommended to be modified by the Examination Report; and the published Non Notifiable Modifications are material considerations in the determination of all planning and related applications.

PLDP2 Policies (as intended for adoption) relevant to the current application are as follows:

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 10 – Design – All Development
Policy 15 – Supporting the Protection, Conservation and Enhancement of our Historic Built Environment
Policy 17 – Conservation Areas

Connected Places

Policy 34 – Electric Vehicle Charging
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

High Quality Environment

Policy 71 – Development Impact on Local Landscape Area (LLA)
Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 79 – Protection of Soil and Peat Resources

(K) Is the development 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:

Area of Panoramic Quality (Local Development Plan 2015)
Local Landscape Area (Proposed Local Development Plan 2)
Conservation Area

(ii) Soils

Agricultural Land Classification: Built-up Area/Unclassified Land

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

Would the development result in fragmentation of croft / better quality agricultural land? Yes No

(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes
(If yes, detail in summary assessment) No

Does the proposal include any replacement or compensatory planting? Yes
No – details to be secured by condition
Not applicable

(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
Brownfield Reclaimed by Nature
Greenfield

LDP Settlement Strategy

ABC LDP 2015 Settlement Strategy

Main Town Settlement Area
Key Rural Settlement Area

ABC PLDP2 Settlement Strategy

Settlement Area
Countryside Area

- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC LDP 2015 Allocations/ PDAs/ AFAs etc.:

ABC PLDP2 Allocations/PDAs/AFA etc.:

N/A

N/A

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

Planning Permission is sought for the formation of a vehicular access and the use of an existing hardstanding in the front garden as a parking space at 4A Argyle Place, Rothesay, Isle of Bute. In order to achieve the access and parking, the existing front boundary wall, railings and gate are to be removed from the site.

Principle of Development

The application relates to small-scale, householder development located in the residential curtilage of a dwellinghouse (a brownfield site) that is within the main town of Rothesay on the Isle of Bute and, as such, the principle of the proposal accords with the Settlement Strategy as contained in the existing and emerging Local Development Plan.

Impact on the Built Environment

4A Argyle Place is located within the Rothesay Conservation Area and the principle change to the built fabric would be the removal of the front wall, railings and gate. The latter two elements were installed only in the last ten years so their removal would not result in the loss of original or traditional features that have been in place for a significant period of time.

The removal of the wall is a fundamental element of providing the off-road parking space and, if one regards this wall as part of the frontage of Nos 4A and 5 Argyle Place, the resultant gap would reflect the predominant arrangement along the front boundary treatments of the properties in Argyle Place where there are relatively low walls with openings for both pedestrian and vehicular access.

In these circumstances, the proposed works are considered to have a neutral effect thereby preserving the character and appearance of this part of the Rothesay Conservation Area.

Impact on the Natural Environment

No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and the site for the proposed development is not covered by any national or European designations.

The site is located in an Area of Panoramic Quality (LDP 2015) and a Local Landscape Area (PLDP2) and these designations are a recognition of locally important physical landforms that are of scenic value.

The relevant policies in both the LDP and PLDP2 (as intended for adoption) seek to resist development in, or affecting, an Area of Panoramic Quality (APQ)/Local Landscape Area (LLA) where its scale, location or design would have a significant adverse impact on the character of the landscape.

No formal landscape and visual impact assessment is necessary and, given the '*householder*' type of development; the minor nature of the works; and the relatively localised impact that they would have, it is considered that the proposal would have a '*neutral*' effect upon the visual qualities of the wider APQ/LLA.

Finally, the site is not within an identified area of peatland, carbon-rich soils or priority peatland habitat and the proposal involves the use of an existing area of hardstanding with no ground breaking or disturbance of soils being involved.

Impact on Road and Pedestrian Safety

The Area Roads Engineer has recommended refusal on the grounds that in-curtilage turning and visibility splays cannot be achieved and that vehicles may have to reverse onto the public road, which they consider to be unacceptable.

In the context of the approval at the adjoining property, No. 4 Argyle Place in January 2019 of access and parking space, which is comparative similarity with the current proposal; there have been no material changes in circumstance in the intervening period (either in the characteristics of this part of Rothesay or in published Council policies), and it was not considered reasonable for the lack of in-curtilage turning and the potential for vehicle reversing to be used as reasons for refusal in that case but this is highlighted as the main reason for refusal for this proposal.

It is recognised that visibility splays of 42 metres in both directions from a setback distance of 2.4 metres are not achievable with this proposal. However, should Planning Permission be granted for the access in question and the appropriate approvals were then obtained from the Council as Roads Authority, three sets of adjoining white lines would be in place that would deter cars being parked on this stretch of road for a distance of approximately 20 metres. The absence of parked cars on either side of the proposed access would result in relatively good visibility for a domestic driveway onto an A-class road.

Additionally, the width of the A844 at this location is such that there are two lanes for traffic and one lane (in front of the buildings) to accommodate the parking of vehicles. Given that the white line in front of the proposed access would discourage a parked vehicle on the road, a car exiting the parking space in a forward gear would be able to look in both directions for oncoming traffic having already crossed the footway and edged on to the road i.e. there would be a marked improvement in visibility in both directions as they left their own curtilage and moved carefully towards the public carriageway.

In the particular circumstances detailed above, it is considered that the lines of sight for a vehicle entering the public carriageway from the parking space in question would not result in an unacceptable risk to road or pedestrian safety.

Whilst it is recognised that the proposal does not meet the Roads Department's requirements in terms of in-curtilage turning and visibility splays and, therefore, would not fully accord with the provisions of the relevant Policies and Supplementary Guidance, the mitigating factors detailed in the paragraphs above are of sufficient materiality for the application to be approved as a minor departure to the Development Plan.

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

(R) Reasons why Planning Permission or a Planning Permission in Principle should be granted

See Section (S) below.

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

Policy LDP 11 and Supplementary Guidance policy SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015 and Policy 39 of PLDP2 (as intended for adoption) require that private accesses should be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, including the provision of adequate visibility splays, boundary definition and turning capacities.

The current application does not make provision for turning within the front curtilage of the dwellinghouse. However, in the context of the approval at the adjoining property, No. 4 Argyle Place in January 2019 of an access and parking space; its comparative similarity with the current proposal; and there have been no material changes in circumstance in the intervening period (either in the characteristics of this part of Rothesay or in published Council policies), so it is not considered reasonable for the lack of in-curtilage turning and the potential for vehicle reversing to be used as reasons for refusal.

It is recognised that visibility splays of 42 metres in both directions from a setback distance of 2.4 metres are not achievable with this proposal. However, should Planning Permission be granted for the access in question and the appropriate approvals were then obtained from the Council as Roads Authority, three sets of adjoining white lines would be in place that would deter cars being parked on this stretch of road for a distance of approximately 20 metres. The absence of parked cars on either side of the proposed access would result in relatively good visibility for a domestic driveway onto an A-class road.

Additionally, the width of the A844 at this location is such that there are two lanes for traffic and one lane (in front of the buildings) to accommodate the parking of vehicles. Given that the white line in front of the proposed access would discourage a parked vehicle on the road, a car exiting the parking space in a forward gear would be able to look in both directions for oncoming traffic having already crossed the footway and edged on to the road i.e. there would be a marked improvement in visibility in both directions as they left their own curtilage and moved carefully towards the public carriageway.

In the particular circumstances detailed above, it is considered that the lines of sight for a vehicle entering the public carriageway from the parking space in question would not result in an unacceptable risk to road or pedestrian safety.

Whilst it is acknowledged that the proposal does not meet the Roads Department's requirements in terms of in-curtilage turning and visibility splays and, therefore, would not fully accord with the provisions of the relevant Policies and Supplementary Guidance, the mitigating factors detailed in the paragraphs above are of sufficient materiality for the application to be approved as a minor departure to the Development Plan.

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

Author of Report: Steven Gove

Date: 5th February 2024

Reviewing Officer: Kirsty Sweeney

Date: 6th February 2024

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00395/PP

Standard Time Limit Condition for Planning Permission (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. The development shall be implemented in accordance with the details specified on the application form dated 26th February 2023; the Addenda dated 23rd March 2023 and 13th June 2023; supporting information; and the approved drawings listed in the table below unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	Ref. No. TQRQM23074155036170	-	13.06.2023
Site Plan 1:200	Ref. No. TQRQM23074161329640	-	13.06.2023
Site Plan 1:50	Drawing No. 202209-24	-	08.06.2023
Photographs and Description of Works	Drawing No. 202209-25	-	08.06.2023

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

ADVISORY NOTES TO APPLICANT

1. The applicant's attention is drawn to the comments of the Area Roads Engineer at the time of Planning Permission (ref: 18/02224/PP) being granted on 15th January 2019 for the partial removal of the front boundary wall to facilitate vehicular access and the re-surfacing of the front garden at 4 Argyle Place.

These can be summarised as follows in the context of the current proposal:

- The access is taken from the A844 at Argyle Place, Rothesay within an urban 30mph speed restriction. There are vehicles regularly parked on the carriageway in the vicinity of the proposed access. The lack of turning provision within the site is not ideal and the applicant should reverse their vehicles into their parking area off the road and return to the road in a forward manner. The current Highway Code advises of this practice - *Rule 201* states "*when using a driveway, reverse in and drive out if you can*". This applies to off road parking where there is no provision for turning within the property
 - Any vehicle using the access must only enter or leave when it is safe to do so with regard to both pedestrian and vehicular traffic
 - The existing Disabled Bay outside 4A Argyle Place, which was originally marked out for use in association with the applicant's property, will be reviewed as per Council's standard procedures; this may result in the removal of the bay, unless there is a specific request for it to be retained for other qualified parties
 - No surface water must be able to run off the property onto either the footway or carriageway
 - If gates are to be fitted, they would require the submission of an application for Planning Permission. They should be designed such that they do not open out onto the footway or road
2. The carrying out of any works on or adjacent to the A844 road (Argyle Place) will require a Road Opening Permit (S56) and the applicant is advised to contact Roads and Amenity Services on 01546 605514 or to use the following link to the Council's website: <https://www.argyll-bute.gov.uk/licences/road-opening-permit>
 3. National Planning Framework 4 and the emerging Argyll and Bute Proposed Local Development Plan 2 advocate the provision of low or zero-emission vehicle charging points in safe and convenient locations within development sites and the applicant/developer is encouraged to examine the potential for this type of facility within the proposed parking space.

Prior to the installation of a charging point, the applicant/developer should consult with the Council's Development Management Service and Building Standards Section in Bute and Cowal for advice on whether any Planning Permissions or Building Warrants would be required - <https://www.argyll-bute.gov.uk/planning-and-building/contact-planning> and <https://www.argyll-bute.gov.uk/planning-and-building/building-standards/contact-building-standards>

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 23/00395/PP

PLANNING LAND USE AND POLICY ASSESSMENT

Planning Permission is sought for the formation of a vehicular access onto the A844 public road and the use of an existing hardstanding in the front garden as a parking space at 4A Argyle Place, Rothesay, Isle of Bute. In order to achieve the access and parking, the existing front boundary wall, railings and gate are to be removed from the site.

National Planning Framework 4

The assessment of the issues in this section of the report pay due regard to the overarching **NPF4 Policy 1**, which seeks to prioritise the climate and nature crises in all decisions. 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 for or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

The key issues for consideration are:

- Principle of Development
- Impact on the Built Environment
- Impact on the Natural Environment
- Impact on Road and Pedestrian Safety

A. Principle of Development

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.

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.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy 16(g) states that householder developments will be supported where, *inter alia*, they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials.

Assessment

In terms of the Settlement Strategy set out in the adopted Argyll and Bute Local Development Plan (LDP) 2015, the application site is situated within the defined Main Town of Rothesay where Policies LDP STRAT 1 and LDP DM 1 give general encouragement for sustainable developments, up to and including large scale, on appropriate sites.

As regards PLDP2 (as intended for adoption), the site is identified as being within a 'Settlement Area' where Policy 01 presumes in favour of redevelopment of brownfield sites where the proposed development is compatible with surrounding uses; is of an appropriate scale and fit for the size of settlement in which it is proposed; respects the character and appearance of the surrounding townscape in terms of density, scale, massing, design, external finishes and access arrangements; and is in compliance with all other relevant PLDP2 policies.

The application relates to small-scale, householder development located in the residential curtilage of a dwellinghouse (a brownfield site) that is within the main settlement on the Isle of Bute.

As will be explored in more detail later in this report, the proposed vehicular access and parking space are considered to be appropriate in terms of their impact on the character of the Rothesay Conservation Area and to have no materially harmful impact on vehicular and pedestrian safety.

On the basis of the foregoing, **the principle of the proposed development is considered to accord with those Policies and Supplementary Guidance that are referred to in the paragraphs above.**

B. Impact on the Built Environment

NPF4 Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 7(d) only supports development proposals in or affecting Conservation Areas where they would preserve or enhance the character and appearance of the designated area and its setting. Relevant considerations include the architectural and historic character of the area; the existing density, built form and layout; and the context and siting, quality of design and suitable materials.

Policy 7(e) seeks to ensure that development proposals in Conservation Areas retain existing natural and built features that contribute to the character of the designated area and its setting, including structures, boundary walls, railings, trees and hedges.

NPF4 Policy 14 seeks to "*encourage, promote and facilitate well-designed development that makes successful places by taking a design-led approach and applying the Place Principle.*"

Policies 14(a) and 14(b) seek to improve the quality of an area irrespective of location and advocate the adoption of the six qualities of successful places in the formulation of developments. Two of these qualities are '*pleasantness*' (attractive natural and built spaces) and '*sustainability*' (the efficient use of resources that will allow people to live, play, work and stay in their area).

The above NPF4 Policies are underpinned in the Argyll and Bute Local Development Plan 2015 by Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and SG LDP *Sustainable Siting and Design Principles* and in PLDP2 (as intended for adoption) by Policy 04; Policy 05; Policy 08; Policy 10; Policy 15; and Policy 17.

Assessment

4A Argyle Place is a two-storey dwellinghouse that is attached to the south-facing gable of its three-storey flatted neighbour, 5 Argyle Place. In addition to the variation in height, the two properties are painted in different colours although the bay windows and string courses provide shared architectural detailing.

The front curtilage of the dwellinghouse is enclosed with a 600 mm stone wall along its boundaries with the footway and No. 5 to the north whilst there is a higher stone wall along the boundary with No. 4 to the south. There are light grey-coloured vertical railings on the top of the lower boundary walls and a similar-styled gate that provides access to a footpath leading up to the front door. The main part of the front area is finished in blond-coloured paving slabs.

The proposal would involve the removal of the existing gate; the demolition of the front boundary wall and railings to the level of the public footway; and the making good of the finishes and levels in matching tarmacadam.

The existing path to the entrance of the dwellinghouse would remain and there would be no change to the paved hard-standing area, which would be used as a private off-road parking space.

The property is located within the Rothesay Conservation Area and the principal change to the built fabric would be the removal of the front wall, railings and gate. Images on Google Streetview show that the railings and gate that are currently *in situ* were installed at some point between October 2015 and October 2021. On this basis, their removal would not result in the loss of original or traditional features that have been in place for a significant period of time.

The removal of the wall is a fundamental element of providing the off-road parking space and, if one regards this wall as part of the frontage of Nos 4A and 5 Argyle Place, the resultant gap would reflect the predominant arrangement along the front boundary treatments of the properties in Argyle Place where there are relatively low walls with openings for both pedestrian and vehicular access.

In these circumstances, the proposed works are considered to have a neutral effect thereby preserving the character and appearance of this part of the Rothesay Conservation Area.

On the basis of the foregoing, **the proposed development is considered to accord with those Policies and Supplementary Guidance that are referred to in the paragraphs above.**

C. Impact on the Natural Environment

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

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

NPF4 Policy 5 principally seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. It is anticipated that, for development that includes significant excavations, additional details (sections/ details of soil storage; etc.) should be submitted prior to the determination of the application and, if necessary, conditioned accordingly.

Policy 5(a) seeks to ensure that development proposals will only be supported if they are designed and constructed, firstly, in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land and, secondly, in a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

The above NPF4 Policies are underpinned in the Argyll and Bute Local Development Plan 2015 by Policy LDP 3 and Supplementary Guidance policies SG LDP ENV 1; SG LDP ENV 11; and SG LDP ENV 13 and in PLDP2 (as intended for adoption) by Policy 04; Policy 71; Policy 73; and Policy 79.

Assessment

No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and, in the particular circumstances of the proposal, no conditions relating to specific measures for biodiversity enhancement and protection are considered to be necessary.

The site for the proposed development is not within any of the following: a designated European site of natural environment conservation or protection; a National Scenic Area; a SSSI or RAMSAR site; a National Nature Reserve; or a Local Nature Conservation Site.

The site is located in an Area of Panoramic Quality (LDP 2015) and a Local Landscape Area (PLDP2) and these designations are a recognition of locally important physical landforms that are of scenic value.

The relevant policies in both the LDP and PLDP2 (as intended for adoption) seek to resist development in, or affecting, an Area of Panoramic Quality (APQ)/Local Landscape Area (LLA) where its scale, location or design would have a significant adverse impact on the character of the landscape and one of the requirements contained in PLDP2 Policy 71 is that an application for development within an LLA should be supported by a landscape and visual impact assessment.

No formal landscape and visual impact assessment has been submitted with the current application; however, it is considered that the submitted plans and drawings provide sufficient information to allow an appropriate form of assessment to be carried out. Given the 'householder' type of development; the minor nature of the works; and the relatively localised impact that they would have, it is considered that the proposal would have a 'neutral' effect upon the visual qualities of the wider APQ/LLA.

Finally, the site is not within an identified area of peatland, carbon-rich soils or priority peatland habitat and the proposal involves the use of an existing area of hardstanding with no ground breaking or disturbance of soils being involved.

On the basis of the foregoing, **the proposed development is considered to accord with those Policies and Supplementary Guidance that are referred to in the paragraphs above.**

D. Impact on Road and Pedestrian Safety

In the Argyll and Bute Local Development Plan 2015, Policy LDP 11 and Supplementary Guidance policies SG LDP TRAN 4 and SG LDP TRAN 6 are applicable whilst Policy 34, Policy 39 and Policy 40 are relevant in the PLDP2 (as intended for adoption).

Assessment

Policy 39 states that private accesses should be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, including the provision of adequate visibility splays, boundary definition and turning capacities.

The Area Roads Engineer has examined the development and is recommending that the application should be refused on two grounds.

In-Curtilage Turning Provision

The first grounds for refusal is on the basis that there is no room available within the site for a vehicle to turn so that it can enter and exit the parking space in a forward gear. Concern is expressed that this would lead to the unacceptable situation of vehicles reversing from the parking space onto the public road.

This was an issue that arose during the processing of the retrospective application for Planning Permission (ref: 18/02224/PP) for the access and parking space at 4 Argyle Place, which is to the immediate south of the application property. The following is an excerpt from the Report of Handling dated 15th January 2019:

“The Area Roads Engineer has examined the development and has raised no objection. It is acknowledged that the lack of turning space within the curtilage of the property is not ideal given that it is unlikely that vehicles could both enter and exit the parking space in a forward gear. However, he has stated that, by exercising proper care and attention, the manoeuvring of vehicles can be carried out without having an adverse effect upon road or pedestrian safety.

One of the recommendations is that vehicles should reverse into the space and drive out in a forward gear. In seeking to ensure that this type of manoeuvring occurs, the Planning Authority can consider the attaching of a condition; however, such a condition should meet the six tests contained within Circular 4/1998 “The Use of Conditions in Planning Permissions”. Given the practical difficulties of enforcing such a condition and that other types of safe manoeuvring might also be possible, it is considered that a condition of this sort would not meet the tests of ‘enforceability’ and ‘reasonableness’. Notwithstanding this, informative notes will be attached that direct the applicant toward appropriate guidance.”

The applicant for the current application (in an e-mail dated 26th September 2023) has confirmed that their vehicle would be reversed into the parking space such that there would be no reversing manoeuvre onto the public road.

In the context of the relatively recent decision on the access and parking space at the adjoining property; its comparative similarity with the current proposal; and that there have been no material changes in circumstance in the intervening period (either in the characteristics of this part of Rothesay or in published Council policies), it is not considered reasonable for this issue to be used as a reason for refusal.

Adequate Visibility Splays

The second grounds for refusal from the Area Roads Engineer is that the “*visibility splay cannot be achieved*” although neither the setback distance (i.e. as measured back from the edge of the kerbline at the centre of the access) nor the distance when looking in both directions from the setback have been specified in his report.

Based on the document titled ‘*Roads Guidance for Developers – Small Housing Developments of One to Five Dwellings (Private Drive Ways/Accesses)*’ published by the Council’s Roads & Amenity Services in October 2008, the setback distance would be 2.4 metres and, at this type of main town location and vehicle speeds, the distance in each direction would be 42 metres.

It is acknowledged that visibility splays of 42 metres in both directions from a setback distance of 2.4 metres are not achievable with this proposal. However, it is considered that there are mitigating circumstances, as follows:

- As referred to in the '*History*' in Section (D) earlier in this report, both of the properties that immediately adjoin the application site obtained Planning Permission for the formation of vehicular access and parking spaces. They have white lines ('*access protection markings*') along their frontages to identify that a driveway exists and to make motorists aware that access is required. Whilst it is acknowledged that these white lines are an advisory, non-enforceable road marking, they are generally observed in that vehicles do not typically park directly in front of driveways.

Should Planning Permission be granted for the access in question and the appropriate approvals were then obtained from the Council as Roads Authority, three sets of adjoining white lines would be in place that would deter cars being parked on this stretch of road for a distance of approximately 20 metres. The absence of parked cars on either side of the proposed access would result in relatively good visibility for a domestic driveway onto an A-class road.

- The width of the A844 road at this location is such that there are two lanes for traffic and one lane (in front of the buildings) to accommodate the parking of vehicles. Given that the white line in front of the proposed access would discourage a motorist from parking their vehicle on the road, a car exiting the parking space in a forward gear would be able to look in both directions for oncoming traffic having already crossed the footway and edged on to the road i.e. there would be a marked improvement in visibility in both directions as they left their own curtilage and moved carefully towards the public carriageway.

In the particular circumstances detailed above, it is considered that the lines of sight for a vehicle entering the public carriageway from the parking space in question would not result in an unacceptable risk to road or pedestrian safety.

Disabled Parking Space

A disabled parking space exists on the road outside the frontage of the application property, 4A Argyle Place. This space is enclosed with a broken white line and contains the word '*Disabled*' painted on the road; there is also a sign located on the footway adjacent to the front boundary wall of the application property that features the words '*Disabled Badge Holders Only*'. Images on Google Streetview show that the space has been in existence since at least June 2009.

Whilst disabled parking spaces are not allocated to a particular property, the applicant has confirmed that the space in question had been used by her father-in-law but that he passed away in June 2020.

The neighbouring property to the south, 4 Argyle Place, also had a disabled space and, when Planning Permission (ref: 18/02224/PP) was granted retrospectively for their access and parking space, an informative note was attached as recommended in the Roads Department's report:

"The existing Disabled Bay outside 4 Argyle Place, which was originally marked out for the applicant's use, will be reviewed as per Council's standard procedures; this may result in the removal of the Bay, unless there is a specific request for it to be retained for other qualified parties."

This disabled space has since been removed and a white line ('*access protection marking*') has been painted across the driveway.

Should Planning Permission be granted for the proposed access at 4A Argyle Place, the removal of the disabled space would be a key element in facilitating the practical use of the off-road parking bay, as would the painting of a white line in order to deter the parking of vehicles on the road. However, these two outcomes, in addition to the extension of the dropped kerb, would be matters for the Council as Roads Authority to determine when they were formally approached by the applicant.

They are not matters for the Council as Planning Authority to adjudicate upon although they will be drawn to the attention of the applicant in an informative note.

Electric Vehicle Charging Point

NPF4 Policy 13(b)(iv) supports development proposals that provide low or zero-emission vehicle charging points in safe and convenient locations.

Policy 34 of PLDP2 (as intended for adoption) explains that the "*provision of electric vehicle charge points or the infrastructure potential to accommodate future points requires to be considered as part of all new development which results in a new parking requirement*". It goes on to set out the requirements in association with different types (residential and non-residential) and scales (single spaces and more than ten communal spaces) of development.

The current proposal does not identify the provision of an electric vehicle charging point in association with the creation of the off-street parking space. However, the proposed development itself would not create a new parking requirement i.e. it is not an additional residential unit. In this circumstance, it is considered appropriate to attach an informative note that refers to the existing and emerging Development Plan policies and that encourages the applicant to consider the provision of an electric vehicle charging point in the parking space.

Whilst it is recognised that the proposal does not meet the Roads Department's requirements in terms of in-curtilage turning and visibility splays and, therefore, would not fully accord with the provisions of the relevant Policies and Supplementary Guidance, the mitigating factors detailed in the paragraphs above are of sufficient materiality for **the application to be approved as a minor departure to the Development Plan.**