

# Public Document Pack

## MINUTES OF THE MEETING OF THE PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE HELD BY MICROSOFT TEAMS ON WEDNESDAY, 21 FEBRUARY 2024

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Audrey Forrest	Councillor Luna Martin
Councillor Amanda Hampsey	Councillor Dougie Philand
Councillor Daniel Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

**Attending:** Fergus Murray, Head of Development and Economic Growth  
Iain Jackson, Governance, Risk and Safety Manager  
Stuart McLean, Committee Manager  
Peter Bain, Development Manager  
Bryn Bowker, Area Team Leader – Mid Argyll, Kintyre and the Islands  
Kirsty Sweeney, Area Team Leader – Helensburgh and Lomond/Bute and Cowal  
Sandra Davies, Major Applications Team Leader  
Fiona Scott, Planning Officer  
Derek Wilson, Planning Officer  
Emma Shaw, Planning Officer  
Steven Gove, Planning Officer  
Stuart Watson, Assistant Network and Standards Manager

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Paul Kennedy.

### 2. DECLARATIONS OF INTEREST

Councillor Peter Wallace declared a non-financial interest in planning application reference 23/00395/PP as he had a business relationship with the applicant in November 2023. He indicated that he would leave the meeting and take no part in the determination of this application which was dealt with at item 8 of this Minute.

### 3. MINUTES

(a) **Planning, Protective Services and Licensing Committee held on 24 January 2024 at 11.00 am**

The Minute of the Planning, Protective Services and Licensing Committee held on 24 January 2024 at 11.00 am was approved as a correct record.

(b) **Planning, Protective Services and Licensing Committee held on 24 January 2024 at 2.00 pm**

The Minute of the Planning, Protective Services and Licensing Committee held on

24 January 2024 at 2.00 pm was approved as a correct record.

(c) **Planning, Protective Services and Licensing Committee held on 24 January 2024 at 3.00 pm**

The Minute of the Planning, Protective Services and Licensing Committee held on 24 January 2024 at 3.00 pm was approved as a correct record.

(d) **Planning, Protective Services and Licensing Committee held on 24 January 2024 at 4.00 pm**

The Minute of the Planning, Protective Services and Licensing Committee held on 24 January 2024 at 4.00 pm was approved as a correct record.

(e) **Planning, Protective Services and Licensing Committee held on 30 January 2024**

The Minute of the Planning, Protective Services and Licensing Committee held on 30 January 2024 was approved as a correct record.

Councillor Amanda Hampsey took over as Chair for the next item due to having Chaired the discretionary hearing relating to this item.

**4. MR SHAUN SINCLAIR: ERECTION OF CAFÉ WITH ASSOCIATED LANDSCAPING INCLUDING A VIEWPOINT, SEATING, INTERPRETIVE SIGN AND PLAY PARK: LAND WEST OF INVERLUSRAGAN, CONNEL (REF: 21/01583/PP)**

The Development Manager spoke to the terms of the report. This application was first presented to the Planning, Protective Services and Licensing (PPSL) Committee on 20 September 2023 at which time Members agreed to its continuation to a Pre-Determination Public Hearing which was held on 30 January 2024.

The Supplementary Report brought the planning file up to date to include details of the late neutral representation submitted from Councillor Julie McKenzie prior to the application being presented to the September PPSL meeting and also an error in the original Report of Handling, details of which were presented verbally to Members at the beginning of the presentation to the Committee on 20 September 2023.

The Supplementary Report also details the withdrawal of an expression of support and the submission of a late representation.

It was recommended that planning permission be refused for the reasons appended to the report of handling.

**Motion**

I understand that this development is contrary to the stated intentions of NPF 4 Policy 9(b), and Argyll and Bute Local Development Plan 2015 Policies LDP 8 and SG LDP REC/COM 2 and it is not possible to link the development to any of the exemptions that relate to Policy SG LDP REC/COM 2 which would allow the development to comply with the Local Development Plan (LDP) and LDP2.

The OSPA has been designated because the open undeveloped space offered a high degree of scenic amenity to the public with views left towards to Connel Bridge and the Falls of Lora and right along Loch Etive.

It is suggested in the report of handling that the proposed development will be highly visible from the northern end of Connel Bridge and from the water of Loch Etive under Connel Bridge and the North Connel/Bonawe road and while I accept that may be the case, it is contended that such assessments are subjective and that as the main building will be tucked in against existing development and the remainder of the development is at a level where it will merge into the backdrop of Connel Village and as such the current view from these locations towards the site will not be impacted detrimentally.

The scenic amenity primarily encompasses views from and across the site towards Connel Bridge, the Falls of Lora, and along Loch Etive.

The open space is currently not easily accessible to the public and there is nothing to suggest that members of the public do access it on a regular basis to take in these views. That said, I am aware that the foreshore beyond the boundary of the site can be accessed via a path to the east of the site.

During the site visit, I found it difficult to see many aspects of the Connel Bridge and the Falls of Lora from the pavement, on the main road, adjacent to the site due to the existence of Connel Surgery, the House adjacent to it and the vegetation, trees etc along the road which rises up at that point. It is also not possible to see much of the bridge and the Falls of Lora when driving towards them.

In a similar way, when travelling by car in the other direction from Connel Bridge towards the site the road drops down and the views of the Falls of Lora are very limited and the views along Loch Etive are unlikely to be hindered or affected for drivers or indeed people walking along the footpath. It is also notable that the planning committee required to park several minutes walk away from the site, as there is not currently safe parking places in which to adequately view the scenic amenity.

It is important to consider that this site visit was carried out during the winter month of February when deciduous vegetation and trees are during a period of abscission, when the leaves are naturally shed, with no examples of marcescence, where the leaves are withering but remain attached to the stem, thus by, the scenic amenity during months when trees and other vegetation are in full canopy or bloom, would be even more restricted than that experienced by the committee during their site visit.

The development will create a number of jobs in the area and the business will increase the number of visitors to the area, which is likely to have a positive impact on trade for other businesses in the area, which demonstrates economic benefit will be derived from the development.

As it stands, the OSPA creates no beneficial use of the location by the public and by opening up the site with this development, consequently it will ensure direct access to members of the public, locals and visitors and will offer the public the ability to enjoy all the aspects of the OSPA area in a manner which has not previously been available to them.

In conclusion, therefore I am of the view that the development has been designed to minimise the impact on the OSPA to a level that will not detrimentally affect the scenic amenity of the location and will enhance it through providing access to the area and the siting of the viewpoint.

Therefore, on that basis, I move that the development is approved, subject to conditions and reasons being delegated to the Head of Development and Infrastructure, in consultation with the Chair and Vice Chair of the PPSL.

For the avoidance of doubt, and in order to underpin the justification for departing from the provisions of the Development Plan, such conditions shall include an appropriate mechanism to secure the timely provision and ongoing maintenance of an accessible footpath and viewpoint within the scheme of development, and to ensure that such facilities will be made freely available to the general public without barrier to entry on a permanent basis.

Moved by Councillor Amanda Hampsey, seconded by Councillor Andrew Kain.

### **Amendment**

The Committee refuse planning permission subject to the reasons appended to the Report of Handling.

Moved by Councillor Graham Hardie, seconded by Councillor Gordon Blair.

As the meeting was being held remotely on Microsoft Teams, the vote required to be taken by calling the Roll and Members voted as follows –

### **Motion**

Councillor John Armour  
Councillor Amanda Hampsey  
Councillor Andrew Kain  
Councillor Liz McCabe  
Councillor Dougie Philand  
Councillor Peter Wallace

### **Amendment**

Councillor Gordon Blair  
Councillor Jan Brown  
Councillor Audrey Forrest  
Councillor Kieron Green  
Councillor Graham Hardie  
Councillor Mark Irvine  
Councillor Luna Martin

### **Decision**

The Amendment was carried by 7 votes to 6 and the Council resolved accordingly.

(Reference: Report by Head of Development and Economic Growth dated 5 September 2023; supplementary report 1 dated 29 January 2024; Minute of the PPSL Committee dated 30 January 2024; Supplementary report number 2 dated 20 February 2024; submitted; Motion by Councillor Amanda Hampsey seconded by Councillor Andrew Kain, tabled; and Amendment by Councillor Graham Hardie, seconded by Councillor Gordon Blair, tabled)

**5. MS SHEENA FERRAND: SITE FOR THE ERECTION OF 10 DWELLINGHOUSES (AS AMENDED 23.09.22): LAND NORTH OF ACHNAGARADH, CRAIGHOUSE, ISLE OF JURA: (REF: 21/01037/PPP)**

The Planning Officer spoke to the terms of the report. The application was originally submitted for the erection of 16 dwelling houses. Subsequent to the majority of the representations, revised plans have been secured which have reduced the scale of development to 10 dwellings. It is on this basis that the proposed development has been assessed.

It was recommended that planning permission in principle be granted subject to the conditions and reasons detailed in the report of handling.

**Decision**

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons:

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

**Standard Condition on Soil Management During Construction**

**Additional Conditions**

**1 PPP - Approved Details & Standard Notes – Non EIA Development**

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

**2. PPP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 12.05.2021, 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 maps and croft plan	599/01		04.10.2023
Site Survey Plan	599/03		29.09.2023
Revised floor levels houses 9 and 10		1 of 2	19.01.2024

Reason: For the purpose of clarity, to ensure that the development is

implemented in accordance with the approved details.

### 3 **PPP - Provision of Adoptable Standard Service Road**

Pursuant to Condition 1. – no development shall commence until details of the proposed service road and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) A vehicular access layout providing a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984;
- ii) A junction with the existing public road formed with visibility splays of 2.40 metres to point X by 75 metres to point Y formed from the centre line of the junction;
- iii) A bus bay to be incorporated into the junction design with hardstanding on constructed opposite the junction to provide for a bus drop off point;
- iv) The junction of adoptable standard development road is to be sited no closer than 25 metres from the nearest existing junction;
- v) The development road is to have either 2.00 metre wide footways or 2.00 metre wide service strips;
- vi) The development road is to be no less than 5.50 metres wide;
- vii) A turning head for the public service vehicle at the end of the adoptable standard road;
- viii) Roads design to incorporate Sustainable Urban Drainage (SuDS);
- ix) Hardstanding for the provision of two grit bins;
- x) Details for the provision of two village gateway signs to erected on the public road;
- xi) Details for the provision of pedestrian on road signage to be provided and erected between the development site;
- xii) Details for the provision of the existing public road verge to be widened out to provide safe step offs for pedestrians between the development and Craighouse School;
- xiii) Details for the provision of road name signs.

Prior to work starting on site, the junction with the existing public road shall be fully formed and surfaced and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The visibility splays shall be maintained clear of all obstructions thereafter.

All access roads, footways and step offs granted consent shall be constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the roads, footways and step offs shall be applied concurrently with the construction of the final building.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.

Note to Applicant:

Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.

**4. PPP – Access/Parking/Turning for Multiple Buildings served by an Adoptable Road**

Pursuant to Condition 1 – no development shall be commenced in respect of any individual building until plans and particulars of the means of vehicular access and parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) Means of vehicular access to that building from the service road shall be formed with junctions of 90 degrees with visibility splays of 2.40 metres to point X by 25 metres to point Y formed from the centre line of the junction or provision of 2.5m by 5m parking bays located behind any footway/service strip;
- ii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Development Plan 2015.

The approved means of vehicular access to the building shall be implemented in full prior to the commencement of construction of the development which the access is intended to serve and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The visibility splays shall be maintained clear of all obstructions thereafter.

The approved parking and turning layout to serve the building shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

Note to Applicant:

Any parking bays provide will not be adopted.

## 5. **PPP BUILDING SITING, DESIGN & FINISHES – MULTIPLE BUILDINGS**

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development for up to 10 dwellings within that plot have been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design;
- iv) Maximum of 1.5 storeys in design;
- v) Rectangular footprint no greater than 100 square metres;
- vi) External building span no greater than 15 metres;
- vii) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
- viii) External walls finished in natural stone or wet dash render or, a mixture of both;
- ix) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
- x) Windows to have a vertical and symmetrical orientation.
- xi) A design and site layout that reflects the findings of survey work associated with condition no 11 below, relating to reptile, amphibians, and bat roost(s), including biodiversity enhancement measures.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

Note to applicant: The application lies with an NSA wherein the ability to achieve a development that respects this designation is dependent on a comprehensive and coherent high quality layout and design for the site as a whole. This should be reflected in any submission to meet the terms of this AMSC, with pre-submission discussions with planning officers strongly encourage to help achieve this objective.

## 6. **PPP – Full Landscaping Scheme**

Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;



- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.
- vii) Identified areas of strategic landscaping with details of proposed management arrangements; to include areas to the eastern section of the site and land to the north of the application site as a minimum.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

The biodiversity statement should refer to Developing with Nature guidance | NatureScot as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity

Note to applicant: The application lies with an NSA wherein the ability to achieve a development that respects this designation is dependent on a comprehensive and strategic high quality landscaping scheme with management arrangements. This should be reflected in any submission to meet the terms of this AMSC with pre-submission discussions with planning officers strongly encourage to help achieve this objective.

#### **7. PPP – Surface Water Drainage – Further detail required**

Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

#### **8. PPP – Archaeological Watching Brief**

Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological scheme of investigation has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

## 9 **PPP - AFFORDABLE HOUSING**

Pursuant to Condition 1. - no development shall commence until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:

- a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
- b) Define those properties to be used as affordable homes;
- c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
- d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

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

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

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

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

- 10 Prior to the commencement of development, a pre-construction survey shall be carried out in respect of otters to checks for any new holts or resting places that may have become occupied after the original survey. This pre-construction survey should be completed as close to the construction period as possible and no more than 3 months before the start of work. Full details of the pre-construction survey shall be submitted to and approved in writing by the planning authority prior to the commencement of development.

#### 11 **PPP– Pre-commencement Survey**

No development or other work shall be carried out on the site until a pre-commencement survey for the presence of reptile, amphibians, and bat roost(s) has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority in consultation with Nature Scot. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In the interests of protected species and nature conservation.

- 12 No construction works shall be commenced until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Planning. The CEMP shall inform the production of construction method statements, and shall specify the siting of working areas, management practices and measures to prevent pollution of the water environment. The CEMP shall also include a project specific Surface Water Management Plan with appropriate protocols in place for the prevention of pollution entering the sea during construction.

The SWMP shall identify all waste streams arising from construction and proposals for their mitigation, including materials excavated on site and shall also provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising during the operational phase of the development. The CEMP shall also include otter mitigation as detailed in section 5.0 of the Otter Survey Report undertaken 26<sup>th</sup> July 2021 and provision for pre-start walk overs to check for ground nesting birds.

Reason: In the interests of pollution prevention, sustainable waste management and protected species.

- 13 No development shall commence until full details of a scheme for the eradication of *Rhododendron Ponticum* has been submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the *Rhododendron Ponticum* on a scaled plan.

The scheme shall be implemented in accordance with duly approved details, and prior to the commencement of development, a validation report confirming details of the remediation treatment that has been carried out and that the site is free of *Rhododendron Ponticum* shall be submitted to and approved in writing by the Planning Authority.

Reason: To eradicate *Rhododendron Ponticum* from the development site and to prevent the spread of this non-native invasive species through development works.

#### **14 PPP – Timescale to be Agreed for Completion**

Pursuant to Condition 1. – no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F

#### **15 PPP – Tree Retention and Protection**

No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 “Trees in Relation to Construction”.

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

#### **16 PPP – Availability of Connection to Public Water Supply**

No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

Note to Applicant:

In the event that a public water supply connection cannot be obtained an alternative private water supply would constitute a material amendment requiring the submission of a further planning application.

#### 17 **PPP – Details of New Private Foul Drainage System**

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

Note to Applicant:

Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.

(Reference: Report by Head of Development and Economic Growth dated 1 February 2024, submitted)

#### 6. **BEATON AND MCMURCHY ARCHITECTS LTD: SITE FOR THE ERECTION OF DWELLINGHOUSE: LAND NORTH OF LYNBURN, ROWAN ROAD, OBAN: (REF: 22/01986/PP)**

The Planning Officer spoke to the terms of the report. This planning application seeks to secure planning permission in principle for the erection of a dwellinghouse at land north of Lynburn, Rowan Road, Oban and the formation of a vehicular access. The application has been submitted with indicative details of the footprint of the dwelling and its siting within the plot.

It was recommended that planning permission in principle be granted subject to the satisfactory conclusion of a section 75 agreement, and the conditions and reasons detailed in the report of handling.

#### **Decision**

The Committee agreed to grant planning permission in principle subject to the satisfactory conclusion of a section 75 agreement, and the following conditions and reasons:

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

**Standard Condition on Soil Management During Construction**

#### **Additional Conditions**

##### 1. **PPP – Matters Requiring AMSC Submission**

Plans and particulars of the matters specified in Conditions 3, 4, 5, 7, 8 and 9 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

## 2. **PPP - Approved Details**

The development shall be implemented in accordance with the details specified on the application form dated 30.09.2022 supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Plan & Section	2034 02	B	13.10.2022
Site & Location Plans	2034 03	B	13.10.2022
Cross Sections	2034 04		01.12.2022
Site & Location Plans Road Improvements Proposals	2034 07	A	06.02.2024
Junction Site Plan as Proposed	2034 11		06.02.2024

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

## 3. **Timescale to be Agreed for Completion**

Pursuant to condition 1 - no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

#### 4. Vehicular Access, Parking and Turning

Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The upgrade of the existing access at the connection with the public road in accordance with the Council's Roads Standard Detail Drawing SD08/002a with visibility splays measuring 2.4 metres to point X by 25 metres to point Y;
- ii) The provision of a parking and turning area in accordance with the requirements of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015;
- iii) The provision of a footway to be provided over the total length of the private road;
- iv) A road carriageway with a minimum width of 3 metres;
- v) The provision of passing places in accordance with Operational Services Drawing 08/003a at locations approximately 50m, 90m and 180m from the junction with the public road;
- vi) The provision of a turning head in accordance with Figure 18 of The Roads Development Guide to be provided at the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill', with a bin storage area to the rear of the turning head;
- vii) The provision of street lighting ducting to be installed from the junction with the public road to the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill';

Prior to work starting on site, the approved scheme of works shall be completed, and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 0.6m above the road carriageway at point Y 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.

## 5. **PPP – Availability of Connection to Public Water Supply**

Pursuant to Condition 1 - no development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

Note to Applicant:

- In the event that a public water supply connection cannot be obtained an alternative private water supply would constitute a material amendment requiring the submission of a further planning application.

## 6. **Sustainable Drainage System**

Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage 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:

- 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) .

## 7. **Design and Finishes**

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the dwellinghouse has been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design;
- iv) Maximum of one and three quarter storey in design;
- v) Rectangular footprint with traditional gable ends;



- vi) Symmetrically pitched roof angled between 35 and 42 degrees finished in natural slate or good quality artificial slate;
- vii) External walls finished in white wet dash roughcast, white smooth render, natural stone, timber cladding or a mixture of these finishes;
- viii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site, along with details of the existing and proposed site levels shown in the form of section drawings, contour plans, site level surveys, or a combination of these;
- ix) Windows with a vertical emphasis; and
- x) Details of an area within the application site for the placement of refuse/recycling bins.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surroundings.

## **8. Landscaping and Biodiversity Enhancement**

Pursuant to Condition 1 - no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- iv) Proposed hard and soft landscape works; and
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

## 9. **Pre-commencement Survey**

Pursuant to Condition 1 - no development or other work shall be carried out on the site until a pre-commencement survey for the presence of nesting birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

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

(Reference: Report by Head of Development and Economic Growth dated 9 February 2024, submitted)

## 7. **MR DOUGIE CRAIG: ALTERATIONS AND EXTENSION, SUB-DIVISION OF EXISTING MAISONETTE AT FIRST FLOOR TO FORM SELF-CONTAINED 2 BEDROOM FLAT AT FIRST FLOOR AND 3 BEDROOM FLAT AT SECOND FLOOR, REPAIR AND REPLACEMENT OF EXISTING ROOF: FLAT 1, 11 BATTERY PLACE, ROTHESAY: (REF: 22/02090/PP)**

The Planning Officer spoke to the terms of the report. Planning Permission is sought for the subdivision of an existing five-bedroomed maisonette at 11 Battery Place, Rothesay, Isle of Bute into a self-contained two bedroom first floor flat and a three-bedroom second floor flat. Externally, the roof space is to be increased through the removal of the existing dormer window on the front slope and its replacement with a mansard-type construction. The existing extended roof on the rear slope is to be refurbished by a new external finish and replacement windows.

It was 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 in the report of handling.

### **Decision**

The Committee agreed 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 following conditions, reasons and informative notes:

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

**Standard Condition on Soil Management During Construction**

**Additional Conditions**

1. Unless otherwise directed by any of the conditions below, the development shall be implemented in accordance with the details specified on the application form dated 17<sup>th</sup> October 2022; 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>
Existing	Drawing No. 2207/001A	A	19.10.2022
Proposed	Drawing No. 2207/002A	A	18.10.2022
Proposed First Floor	Drawing No. 2207/003	-	18.10.2022
Prop. Second Floor Plan	Drawing No. 2207/004	-	18.10.2022
Prop. Section B – B	Drawing No. 2207/005		18.10.2022
Prop. Section C – C	Drawing No. 2207/006		18.10.2022

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

2. Prior to the commencement of the development, full details of the external finish of the new roofs and the new windows in the front and rear roofs shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the new roofs and windows shall be installed in accordance with the approved details.

Reason: In order to successfully integrate the development with the existing Listed Building and the wider Conservation Area and for the avoidance of doubt.

3. A facility for the storage of cycles, the details of which shall have been previously submitted to and agreed in writing with the Planning Authority, shall be provided within the rear curtilage of the application site prior to the occupation of the first of the flatted dwellings hereby approved. Unless otherwise agreed in writing with the Planning Authority, the approved cycle storage shall be retained in perpetuity for this dedicated purpose.

Reason: In the interests of facilitating the use of cycles by the occupants of the flatted dwellings hereby approved in accordance with the provisions of National Planning Framework 4 Policy 13 '*Sustainable Transport*' and Supplementary Guidance policy SG LDP TRAN 2 '*Development and Public Transport Accessibility*' of the Argyll and Bute Local Development Plan 2015.

(Reference: Report by Head of Development and Economic Growth dated 5 February 2024, submitted)

Having declared a non-financial interest in the following item of business, Councillor Wallace left the room and took no part in discussion of this item.

**8. MRS KIRSTEEN MACDONALD: FORMATION OF VEHICULAR ACCESS, FORMATION OF PARKING SPACE AND REMOVAL OF WALL AND GATE: 4A ARGYLE PLACE, ROTHESAY, ISLE OF BUTE: (REF: 23/00395/PP)**

The Planning Officer spoke to the terms of the report. The proposal seeks planning permission 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 access and parking, the existing front boundary wall, railings and gate are to be removed from the site.

It was 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 in the report.

**Decision**

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons:

**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 26<sup>th</sup> February 2023; the Addenda dated 23<sup>rd</sup> March 2023 and 13<sup>th</sup> 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.

<b>Plan Title.</b>	<b>Plan Ref. No.</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	Ref. No. TQRQM23074155036170	-	13.06.2023
Site Plan 1:200	Ref. No.	-	13.06.2023

	TQRQM23074161329640		
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.

(Reference: Report by Head of Development and Economic Growth dated 5 February 2024, submitted)

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