

**Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

---

**Reference No:** 11/00857/PP  
**Planning Hierarchy:** Local  
**Applicant:** Tarbert Harbour Authority  
**Proposal:** Change of Use of former boatyard site and associated land to form amenity area and other associated engineering works  
**Site Address:** Tarbert Harbour, Garval Road, Tarbert

---

**DECISION ROUTE**

Local Government Scotland Act 1973

---

**(A) THE APPLICATION**

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

- Change of use of land from former boatyard (Class 5) and associated vacant adjoining land to form amenity area (retrospective)
  - Engineering and Infill Works (retrospective)
  - Formation of footpath and lighting (retrospective)
  - Change of Use of Land for siting of Portacabin to be used as a Harbour Office for temporary period (retrospective).
- 

**(B) RECOMMENDATION:**

That retrospective planning permission be approved subject to the conditions and reasons attached.

---

**(C) CONSULTATIONS:**

Transport Scotland (19.07.11 & 01.02.12) – No objections.

Public Protection (16.09.11 & 19.12.11) – No objections.

Tarbert & Skipness Community Council (10.07.11) – No objections with an expression of support for the proposal on the basis that the removal of a derelict boatyard and replacement with an amenity area has provided a “great asset to the town”.

SEPA (08.07.11) – No objection but advise that the Council's Flood Alleviation Manager be consulted as the site lies within the 1:200 year flood envelope on SEPA's safeguarding maps.

Flood Alleviation Manager (11.08.11 & 06.12.11) – No objections.

Conservation Officer (02.02.12) – States that whilst it is less than desirable that this matter has been dealt with retrospectively the works undertaken raise no significant issues and are generally an improvement to the amenity of the area.

---

**(D) HISTORY:**

98/01552/DET – Formation of new path, steps and seating areas, Land Opposite Filling Station, Barmore Road, Tarbert – Approved – 16.12.1998

98/01842/DET – Erection of extension to toilet block – Approved - 01.02.99

08/00308/ENFOTH2 – Enforcement investigation in respect of alleged unauthorised siting of pontoons – Case closed April 2010, pontoons determined to be outwith planning control by virtue of location below low water mark and connection with land demonstrated to be lawful operational development time barred from enforcement action.

08/01227/ADV – Erection of interpretation panels – Approved - 13.08.08

09/00473/ADV – Display of flags and erection of 6 flag poles – Approved – 26.06.09

09/01456/CONAC – Demolition of former boatyard sheds – Approved 29.09.2009

10/00012/ENOTH1 – Enforcement investigation in respect of unauthorised engineering/infill works within harbour – ongoing.

10/00037/ENOTH2 – Enforcement investigation in respect of alleged unauthorised erection of walls on harbour side – Case closed April 2010, works determined to be permitted development.

10/00077/ENOTH2 – Enforcement investigation in respect of unauthorised siting of portacabin for use as harbour office – ongoing.

10/01871/COU & 10/02073/ADV – Temporary COU of land for siting of portacabin for use as a chandlery and associated advertisements – Approved Nov 2010 and Mar 2011 respectively.

---

**(E) PUBLICITY:**

The proposal has been advertised having regard to the provisions of Regulation 20 – publicity expired 5<sup>th</sup> August 2011.

---

**(F) REPRESENTATIONS:**

Five written representations have been received to the current application – Two raise objection, two relate to general procedural matters and one offers support.

**(i) Representations received from:**

- Mr Arthur McFarlane, Mount Pleasant, Tarbert (Objection) Received 12<sup>th</sup> and 27<sup>th</sup> July 2011.
- Mr John Scott, Flat 1 Islay House, Garval Road, Tarbert (Objection) Received 1<sup>st</sup> August 2011.
- Mrs R. MacKellar, Top Flat, Loch Fyne Cottage, Tarbert (Comments on Retrospective Nature of Proposal) Received 8<sup>th</sup> August 2011
- Mrs Kathryn Cooper, Tigh-an-t-sruthan, Tarbert (Comments on Retrospective Nature of Proposal) Received 28<sup>th</sup> July 2011
- Mr Ian Y. MacIntyre, Caladh, Harbour Street, Tarbert (Support) Received 1<sup>st</sup> August 2011

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

**Procedural Comments:**

- Concern is raised that this is not the first time that the Harbour Authority have undertaken works in advance of obtaining appropriate permissions from the planning authority.

*Comments: The fact that the applicant has previously given rise to planning enforcement complaint and a requirement for retrospective applications for permission is not a material consideration in determining the acceptability of the current proposals, as these require to be assessed on their own merits.*

- Concern is raised that the advertisement in the local press omitted the word "Retrospective" from its wording and as such may prove to be misleading to the wider public.

*Comments: The identified omission was an oversight and has been rectified by the re-advertisement of the proposal to clarify the retrospective nature of the proposal.*

**Objections to the Proposal:**

- That the works undertaken have rendered the former boatyard site *inoperable* with the removal/infilling of land upon the slipway therefore negating the opportunity for the site to be reused as a marine industrial facility.

*Comments: The site is not identified as safeguarded business and industry land in the local plan and as such there is no policy requirement to restrict the redevelopment of this location to industrial activities.*

- That the proposed finish of this hard, linear boulder wall stretching south from the Harbour Office toward Barmore Road is of a poor quality, low cost appearance more commonly associated with modern marina development and as such is of unsuitable appearance for a development within a sensitive setting of a Conservation Area and adjoining a B listed Telford Harbour Wall.

*Comments: This concern is addressed in Appendix A, Part C. In summary, it is the view of Officers that this aspect of the proposal does not have an adverse impact upon either the setting of a B listed building or the character or appearance of the Tarbert Conservation Area.*

- That approval of the current proposal may give rise to a precedent which would allow for the future infilling of the inner harbour and concealment of the listed Telford Wall with further infilling of similar appearance.

*Comments: Any future proposal for the further infilling of the harbour would require to be assessed on its own merits. It is noted that the current proposal does not involve any such changes to the listed harbour wall and instead relates to the alteration of an existing modern seawall, former boatyard slips and rocky natural shore line.*

- Concern is raised that the proposal seeks to create additional amenity space in the current economic climate where the site could have been utilised for business/industrial purposes.

*Comments: It is noted that whilst the site is principally provided as amenity space, it has the flexibility to be utilised for wider community benefit as part of the annual festivals and organised events held in Tarbert. It is also noted that the current proposal is intended as an interim measure by the applicant who have aspirations for the redevelopment of this location with mixed use commercial/residential development in the medium/long term, although development of such proposals has been significantly set back by the current economic climate.*

- Concern is raised in respect of the accuracy of the submitted plan ref. M/09/11 Dwg number (L) 101 A which shows an area of land to be in private ownership – it is contended that the boundaries shown on the submitted plan are inaccurate.

*Comments: It is noted that the area of private land in question is located more than 20m from the application site boundary and is not relevant to consideration of this proposal and is identified solely by virtue of the fact that the applicant has sought to demonstrate other land within their ownership in this locale. Whilst the concerns of the owner of the private land are noted, it is also advised that the inclusion of any such errors in land ownership on an approved planning drawing would not have any effect upon the title definition of the site or claim of ownership in civil law, and as such is not material to the determination of the current application.*

- Concern is raised that the installed lighting solution is not sensitive to (harbour) users and causes light pollution. It is contended that the installed lights should be replaced by appropriate lights that do not shed light to the waterside or cause night blindness to walkway users.

*Comments: It is noted that the Council's Environmental Health Officer has not objected to the proposal and confirms that the installed lighting is consistent with the provisions of the Scottish Executive Guidance Note Controlling Light Pollution and Reducing energy Consumption (March 2007). Furthermore, the lighting scheme has been designed jointly by the Council's Street Lighting Team and Tarbert Harbour Authority and as such is intended to meet the*

needs of both harbour users and pedestrians.

- It is stated that Tarbert Harbour Authority have imposed a marina development upon a natural harbour; furthermore it is contended that under European Legislation that any marina development requires to be subject to an Environmental Impact Assessment.

*Comments: Having regard to the Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2011 wherein Schedule 2 12(b) sets out that marina development which encloses an area of water exceeding 1000sqm should be screened to determine whether environmental assessment is required. It is however noted that the current proposal does not entail the enclosure of water as it is located within the confines of an existing operational harbour which services both commercial and leisure interests. As such, the EIA provisions relating to creation/extension of marinas are not applicable.*

### **Support for the Proposal**

- The new walkway has become a popular pedestrian thoroughfare used by locals and visitors alike.
- It is stated that Tarbert Harbour Authority have previously been unsuccessful in encouraging the reuse of the site for boat building/repair over the past thirty years. The Harbour Trustees are to be congratulated for grasping the opportunity of the Town Centre Regeneration Grant to facilitate the removal of the derelict boatshed.
- It is stated that Tarbert Harbour Authority are a statutory body which is granted powers under the Tarbert (Loch Fyne) Harbour Order Confirmation Act 1912.

*Comment: Whilst no specific statement has been provided within the letter as to the applicability of THA's statutory powers in relation to the works undertaken it is noted for the purpose of clarity that the statutory powers of the Harbour Authority are limited by the provisions of an Article 4 Direction which relates to the wider Tarbert Conservation Area.*

---

## **(G) SUPPORTING INFORMATION**

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

- |  |    |
|--|----|
| <b>(i) Environmental Statement:</b>  | No |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>                                      | No |
| <b>(iii) A design or design/access statement:</b>  | No |
| <b>(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage</b> | No |

impact etc:

---

**(H) PLANNING OBLIGATIONS**

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

---

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

---

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements  
STRAT DC 9 – Historic Environment and Development Control  
STRAT DC 10 – Flooding and Land Erosion

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 13a – Development Impact on Listed Buildings  
LP ENV 14 – Conservation Areas and Special Built Environment Areas  
LP ENV 19 – Development Setting, Layout and Design

LP CST 1 – Coastal Development on the Developed Coast

LP BUS 1 – Business and Industry Proposals in Existing Settlements  
LP RET 3 – Retail Development in the Villages and Minor Settlements  
LP TOUR 1 – Tourist Facilities and Accommodation, including Caravans

LP SERV 2 – Sustainable Drainage Systems  
LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development

LP TRAN 1 – Public Access and Rights of Way  
LP TRAN 2 – Development and Public Transport Accessibility  
LP TRAN 3 – Special Needs Access Provision  
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes  
LP TRAN 6 – Vehicle Parking Provision  
LP TRAN 8 – Piers and Harbours

LP REC 1 – Sport, Leisure and Recreation  
LP COM 1 – Community Facility Development

LP ENF 1 – Enforcement Action

Appendix A – Sustainable Siting and Design Principles

**(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 4/2009.**

- Scottish Planning Policy (SPP) Feb 2010
- Argyll and Bute Finalised Local Plan Supplementary Information and Guidance Document May 2005 – Tarbert Conservation Area Appraisal/Key Environmental Features Survey
- Draft Tarbert Conservation Area Appraisal

---

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

---

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

---

**(M) Has a sustainability check list been submitted: No**

---

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

---

**(O) Requirement for a hearing (PAN41 or other): No**

---

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

The proposal seeks retrospective permission in respect of engineering works relating to the remodelling of the land and foreshore on the site of a recently demolished commercial boatyard and for the use of the main part of this site as a public amenity space with an associated footpath and street lighting. The proposal also seeks retrospective permission for the temporary retention of a portacabin which is utilised as a harbour office.

Five third party representations have been received to the proposal; two raise objection to the works undertaken having regard to the impact of the proposal upon the historic built environment and amenity of the locale. Two letters raise concern at the retrospective nature of the submission, but do however, offer general support for the details of the application and; one representation expresses support for the current application in its entirety.

There are no objections from consultees. Tarbert and Skipness Community Council express outright support for the current application stating that the amenity facilities created are an asset to the town.

The application site occupies a prominent location within the Tarbert Conservation area and, at its southern extent, adjoins a category B listed Telford Harbour Wall.

Despite the sensitivities of the site and its surrounds and, notwithstanding concerns raised by third parties, the proposal is considered to be consistent with the relevant provisions of the Structure and Local Plan.

---

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

---

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

The proposal directly relates to the delivery of the applicant's longer term strategy for the re-development of this former boat yard site to the overall benefit and enhancement not only of the character and appearance of the Tarbert Conservation Area, but also to the amenity of the locale in general. It supports the local economy with provision of improved community/recreational/tourism facilities with an area which is identified for such regeneration/redevelopment by AFA 13/1 in the Local Plan, albeit that these amount to what is, in effect, a stop gap proposal having regard the anticipated redevelopment of the site in the medium-longer term. Having due regard to the interim function of this proposal relative to the applicant's intentions to ultimately redevelop the site, and subject to restrictions upon the time period of consent and the specific nature of the use of the harbour office building, the proposal is considered to be consistent with the relevant provisions of the Development Plan

---

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

n/a

---

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

---

**Author of Report:** Peter Bain **Date:** 6<sup>th</sup> February 2012

**Reviewing Officer:** Richard Kerr **Date:** 6<sup>th</sup> February 2012

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

## **CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 11/00857/PP**

1. This permission, in so far as it relates to the provision of a temporary structure for use as a harbour office, shall be limited to a maximum period of three years from the date of consent, whereupon the modular portacabin unit shall be completely removed from the site, unless a further planning permission is granted to extend such a temporary permission. Within two months of the removal of the temporary structure, the site shall be completely reinstated to a condition to be agreed in writing with the Planning Authority, unless a further period is granted in writing to extend such reinstatement works.

Reason: This permission being a temporary use only as enabling development within a wider scheme for the redevelopment of this former industrial site and, in order to enable the Planning Authority/Trunk Road Authority the opportunity to assess the effect of the use upon the surrounding area.

2. The portacabin to which this temporary planning permission relates shall only be used for a harbour office by Tarbert Harbour Authority and for no other use including any other purpose in Classes 2 and 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Reason: To accord with the use applied for and, to underpin the justification for the siting of a such a temporary building within the Tarbert Conservation Area.

3. If by reason of any circumstances not foreseen by the applicant or operator that the temporary building for use as a harbour office becomes vacant or is disused for a continuous period of 4 months then it will be deemed to have ceased to be required, and unless otherwise agreed in writing with the Planning Authority, the modular portacabin shall be completely removed from the site and the site restored to a standard to be agreed in writing with the Planning Authority.

Reason: To protect the character and appearance of the Tarbert Conservation Area by ensuring that the temporary building is removed in the event of it no longer being required as a harbour office.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/00857/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The application site lies within the 'settlement area' of Tarbert wherein the provisions of STRAT DC 1 support the principle of up to and including 'medium scale' development. The provisions of LP CST 1 seek to support coastal development on the developed coast (settlement area) where the development requires a coastal location, is of appropriate form, location and scale, provides economic and social benefits to the local community and respects the landscape/townscape character and amenity of the surrounding area.

The application site lies within the boundary of Area For Action (AFA) 13/1 which is identified by the Argyll and Bute Local Plan as location for strategic harbour improvements and development.

The proposal relates primarily to the retrospective change of use of a former industrial boatyard site and associated engineering works (now demolished) to form an amenity space which is intended for use as an open space by the public containing a picnic area with tables and chairs, planters and facilities for games such as boules and exercise. It is also intended that the area is used for events associated with the annual village festivals and the Scottish Racing Series with temporary staging/facilities being provided as necessary. In this respect, the proposed open amenity space is primarily intended to benefit the community at large and should be assessed against the provisions of LP COM 1. However given the flexible nature of the space and intended uses it is also appropriate to have regard to the provisions of LP REC 1 and LP TOUR 1 in the assessment of the proposal. In general, all of these policies support the principle of up to 'medium' scale development on appropriate sites within 'settlement area'.

The proposal also seeks retrospective permission for the temporary change of use of land for the siting of a portacabin which is currently utilised as the harbour office. In practice, this combines back office administrative facilities for the Tarbert Harbour Association as well as a focus of public activity in relation of the management of both the commercial and leisure operations within the harbour area – in this respect this element of the proposal is considered to be a combination of both Class 2 (office) and Class 4 (business). The provisions of LP RET 3 would support the general principle of up to and including 'medium' scale Class 2 office accommodation within the 'settlement area'; LP BUS 1 sets out a similar position in relation to Class 4 development.

#### **B. Location, Nature and Design of Proposed Development**

This application seeks retrospective planning permission in relation to two outstanding planning enforcement matters (10/00012/ENFOTH1 & 10/00077/ENFOTH2) which have previously been reported to Members for consideration on a number of occasions since April 2010.

The application site relates to a site covering some 1.2ha in area stretching from the pedestrian walkway which adjoins Barmore Road in the south, the entire extent of the former boatyard site and associated land to the north on Garval Road.

Having regard to the enforcement matters previously raised with Members, the current application seeks retrospective permission for the following elements:

- i) Reclamation of land, re-profiling of foreshore and installation of natural stone facing from south of toilet/shower block to northern end of existing walkway onto Barmore Road, including formation of a walkway;
- ii) Installation of stone facing to existing walkway onto Barmore Road;
- iii) Installation of lighting columns along the harbour side walkway from Barmore Road to toilet/shower block;
- iv) Change of use of former boatyard site (Class 5 Industrial) and adjoining vacant and reclaimed land (null use) to form a public amenity space.
- v) Temporary change of use of land for siting of a portacabin to accommodate Tarbert Harbour Office.
- vi) Re-profiling of site including slope to the south of the junction between the A83 Trunk Road and Garval Road outwith the areas previously granted approval by Conservation Area Consent ref. 09/01456/CONAC.

Items i), ii) and vi) principally relate to engineering works which have been undertaken subsequent to the removal of the former boatyard. The applicant has submitted a series of cross-sections which demonstrate the manner in which the site has been levelled and filled with material to provide a level amenity area at some 2.5m above sea level, with the natural rocky foreshore being uplifted across a distance of up to 18m. This has resulted in the straightening of the coastal edge between the existing toilet block and the northern end of the existing walkway which adjoins Barmore Road. In addition, the entire site sea frontage of the site has been finished in natural stone rock armour.

The extension and uplifting of the foreshore in this manner has allowed the creation of a 2m wide bitmac, level pedestrian walkway which connects to the existing section from Barmore Road and provides the missing link to allow level pedestrian access from the village centre along Garval Road along the waterside. Item iii) relates to the installation of 1.15m high, grey coloured low level LED lighting columns along the walkway. The specification for the installation of lighting was agreed in advance by the developer with the Council's Street Lighting Team with the intention that these eventually become adopted and maintained by the Council.

The rear (landward) portion of the site has also been extensively re-profiled to cover the steep retaining structure for the A83 trunk road with a more stable, shallow profiled slope with a wide level platform adjoining the junction of the A83(T) and Garval Road, all of which has been landscaped and finished with 80% grass 20% wild flower seed mix. The level platform adjoining the junction of the A83 and Garval Road has been designed in a manner such that the site levels and construction are intended to be capable of accommodating a realignment of the junction, which would be necessary to facilitate Transport Scotland's requirements for any future commercial/residential redevelopment of the boatyard.

It is noted that at the time of construction the introduction of new natural rock armour and infill material to the site provided a stark contrast with that of established structures and landscaped areas in the locale – however, the new appearance of the rock armour has dulled very quickly with the weathering and biological action of the sea, and the remaining site areas have been greened up by a successful landscaping scheme which has resulted in the site receding into the backdrop and becoming less prominent in views across the harbour.

At the time of undertaking the works, it was the intention of the Harbour Authority to seek planning permission within the short-term for a comprehensive phased

redevelopment of the levelled former boatyard site – it has however become apparent in the current financial climate that such ambitions have had to be tempered and looked at in the longer term. In this respect item iv) of the current proposal seeks retrospective permission for the use of the former boatyard site as a public amenity site which will principally provide a recreational/amenity space for the local community and visitors alike, but is also capable of accommodating temporary buildings and structures associated with major events in the village. The site has presently been furnished with planters, benches, sail shades and gym equipment, all of which adds to the attractiveness and functionality of the site as a space in its own right within the wider setting of the harbour and village. In this respect the proposed use of the site in this manner has resulted in the significant improvement in the appearance of a site which until recently had become a blot in the townscape with the long disused and derelict boatyard buildings not only being of visual detriment to this part of the village, but also creating a significant impediment to the movement of pedestrians around the harbour. This aspect of the proposal is considered to provide a substantial and readily accessible facility which is of social and economic benefit for community, recreational and tourism uses of the site, and as such, is viewed as being consistent with the relevant provisions of LP TOUR 1 LP COM 1 and LP REC 1

Item v) seeks retrospective permission for the retention of a grey portacabin structure which has been located within the northern portion of the application site and utilised for a number of years by the Harbour Authority as office accommodation for the management of both its commercial and leisure operations – the requirement for planning permission for this structure only being identified during the course of enforcement investigations relating to the various matters specified above, as it had previously been assumed that the Harbour Authority had ‘permitted development’ rights as a statutory undertaker which would have allowed provision of such accommodation without the benefit of express planning permission – it has subsequently been established that this is not in fact the case.

The office structure is a 14m x 4m grey portacabin located immediately north of the existing public toilet/shower facility at the entrance of the gangway to the pontoons which provide the hub of marine leisure activity within the established harbour. The portacabin structure is recessive in appearance and given the general clutter of small sea craft in the foreground, is not a prominent feature in views of the site from across the harbour. The provision of a harbour office at this location has significant operational benefit for the management of the harbour and provision of a degree security to leisure craft. It is the intention of the Harbour Authority to ultimately provide a permanent harbour office building at this location as part of the first phase of the redevelopment of the larger site area. In principle, the use of this location as a harbour office is considered consistent having due regard to the relevant provisions of policies LP RET 3 and LP BUS 1.

## **C. Built Environment**

The application site is located within the Tarbert Conservation Area wherein the provisions of policies STRAT DC 9 and LP ENV 14 would seek to resist development which is considered to have an adverse impact upon the character or appearance of the designation. The southern portion of the proposed works are in close proximity to a Thomas Telford category B listed harbour wall and as such the proposal requires to be considered against the provisions of LP ENV 13a, which seeks to protect the setting of a listed structure from unsympathetic development.

The provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 require the planning authority, when considering a

proposal with respect to buildings or other land within a conservation area, to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of that area.

The current proposal gives rise to a number of interventions in respect of both the character and appearance of the Tarbert Conservation Area and as such it is necessary to have particular regard to the following matters:

The proposal replaces a former industrial site and associated adjacent land with an amenity facility. Concern has been raised in third party representations having regard to the loss of industrial land/character in the harbour area. It is, however, noted that the demolition of the former boatyard buildings were consented by the Council, in consultation with Historic Scotland, under the provisions of Conservation Area Consent ref. 09/01456/CONAC, wherein it is noted that in the light of longstanding, dilapidated condition of the boatyard buildings, and their significant negative impact upon the appearance of the surrounding area, their removal was considered to be a positive factor despite the absence of any firm redevelopment proposals for the site at that time. It has subsequently become clear that the Harbour Authority have ambitions to redevelop the site with substantial new buildings accommodating a mixed use commercial/residential development, however, in light of the current economic climate, such proposals are not financially viable at the present time (it is also noted that any such proposals would require the benefit of express planning permission and would be considered on their own merits at that time). The current provision of an amenity space on the vacant site is in effect a short-medium term means of site remediation which renders the area as accessible and useful to the community meantime rather than being simply left as a fenced off cleared site pending some, as yet unknown, redevelopment of the site. In this respect, the use of the site is considered to be a positive enhancement of the both the character and appearance of the conservation area having due regard to the previous state of disrepair of the immediate locale and the presence of a disused industrial site which impinged both visually and practically upon the use of harbour as an accessible waterfront location.

Concern has also been raised within third party representations with regard to the suitability of the use of rock armour within the historic setting of the Tarbert Conservation Area. In this respect it is noted that whilst it may have been preferable to seek a finish more akin to that of the listed harbour wall, it is however acknowledged that this would have rendered the current proposal unviable. The finish applied is recessive in nature and does not clash unduly with the existing palette of materials in the locale and, in combination with the associated site re-profiling and landscaping creates a not unpleasant, unimposing backdrop to the leisure use of the northern harbour area. It is noted that the rock armour meets the listed wall at the slip adjacent to Barmore Road with slip providing a suitable point of transition which avoids the juxtaposition of a new material carrying directly on from the historic finish by setting one forward of the other. The rock armour is set in front of a relatively recent harbour wall which was also of differing appearance to the listed structure and in this respect is considered to have a similar impact upon setting as the previous situation.

The proposal also seeks retrospective permission for the temporary retention of a portacabin building which functions as the harbour office. The portacabin has been on site for over 5 years already without complaint, THA previously being of the understanding that the office accommodation could be provided under their 'permitted development' rights as a statutory undertaker in respect of the operation of the harbour. The structure is finished in a recessive grey and located immediately north of an existing shower/toilet building of modern design. The land rise up steeply

behind the portacabin partially screening it from view from Garval Road; the structure is visible within views across the harbour however its recessive finish and small scale render it quite inconspicuous particularly given the plethora of small marine leisure crafts and their masts which lie between the portacabin and viewer. It is to be noted that temporary planning permission (10/01871/PP) has been granted for the siting of a similar structure on an adjoining site for use as a chandlery – in granting approval for that development officers noted that whilst a building of temporary design and appearance would ordinarily be considered inappropriate, the operational justification for the proposal and the context of the recent demolitions on the site and Tarbert Harbour Authority's medium-long term ambitions for the redevelopment of the surroundings were considered sufficient to justify offering planning permission for a temporary three year period as part of THA's longer term strategy for the redevelopment of the site.

The portacabin within the current application merits similar consideration given the operational requirement for an office facility at this location within the harbour in order to manage use of the marine leisure facilities. THA's stated intention is that the temporary building would be replaced with a permanent facility within the first phase of the redevelopment of the site. Having regard to this previous determination, it would be consistent to also limit the use of the portacabin specifically to that of a harbour office and the time period of retention to three years in order to allow review of THA's progress in seeking permission and implementation of their larger redevelopment of the site.

It is further noted that both the Council's Conservation Officer and Tarbert and Skipness Community Council have expressed that the works undertaken have, in their opinions, not given rise to any significant issues with regard to the character and appearance of the conservation area, and indeed have welcomed the general improvement to the amenity of the area. Having regard to the above the proposal is considered to be consistent with the relevant provisions of STRAT DC 9, LP ENV 13a, LP ENV 14 and LP ENV 19.

#### **D. Piers and harbours.**

The provisions of policy LP TRAN 8 offers support in principle for development within harbour areas provided that this does not undermine the efficient working of the harbour and the proposals are of appropriate design, scale and siting with regard to their surrounds. In this instance, the proposals have been implemented by the operator of the harbour and as such are considered highly unlikely to be prejudicial to the efficient operation of the harbour under their control.

Third party concern has, however, been raised in relation to the effect of the installed low level lighting columns in terms of being both insensitive to harbour and walkway users (by causing night blindness) and causing loss of amenity to the locale by light pollution. It is noted that the specification for the installed lighting has been arrived at following discussion between Tarbert Harbour Authority and the Council's Street Lighting Team with the expectation that the Council will eventually adopt the walkway lights. In the first instance, it is suggested that expertise in relation to the requirement of lighting and its direct impact upon harbour users lies with the Harbour Authority and as such it can only be assumed that the installation meets these requirements. Compliance with the Council's street lighting standards would indicate an installation appropriate to the needs of walkway users. Furthermore, it is noted that the Council's Environmental Health Officers have not raised objection to the proposal and, despite some initial concerns being expressed prior to the submission of lighting details, it has been confirmed that the lighting installation is in compliance with the

recommendations of the Scottish Executive Guidance Note *Controlling Light Pollution and Reducing Lighting Energy Consumption (March 2007)*.

**E. Road Network, Parking and Associated Transport Matters.**

Access to the site is via an existing junction onto Garval Road and its connection to the A83(T) (Barmore Road). On-site parking is available adjacent to the Harbour Office. The Council's Area Roads Manager and Transport Scotland have both advised that they have no objections to the details contained within the current application as no intensification in the use of the land has occurred (having regard to the previous use of the site as a commercial boatyard or its potential reuse within Class 5).

The proposal includes for the provision of improved level access pedestrian facilities from Barmore Road to Garval Road along the waterfront thereby removing the necessity to climb a steep incline on a narrow footpath on the A83(T). The site lies adjacent to the main core of the village and, given the new pedestrian connection, is as readily accessible by public transport as the village centre.

Having regard to the above the proposal is considered to be consistent with the relevant provisions of LP TRAN 1, LP TRAN 2, LP TRAN 3, LP TRAN 4 and LP TRAN 6.

**F. Flood Risk/Surface Water Drainage**

The application site lies within the 1:200 year flood envelope as identified on the SEPA flood risk maps. SEPA have not raised objection to the proposal having regard to the fact that the proposal has increased site levels from previous, the informal recreational nature of the facility and the operational status of the harbour office. Similarly, the Council's Flood Alleviation Manager has assessed the proposal and has not raised objection to the proposal on the basis that appropriate means of surface water drainage has been installed within the re-profiled site. Having regard to this advice, the proposal is considered consistent with the provisions of policies LP SERV 2 and LP SERV 8.