

**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**

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**Reference No:** 12/00319/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr and Mrs Johnston  
**Proposal:** Formation of timber haulage contractor's yard to include erection of maintenance bay/office building, wash bay, installation of septic tank and 42000 litre bunded oil tank.  
**Site Address:** Site 1 (Collie Haulage), Land at Tomdow half a km east of Balliebeg, Castleton

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**DECISION ROUTE**

(i) Local Government (Scotland) Act 1973

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**(A) THE APPLICATION**

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

- Formation of timber haulage contractors yard including wash bay;
- Erection of single shed building providing maintenance bay and offices;
- Installation of 42,000 litre bunded oil tank;
- Installation of septic tank.

**(ii) Other specified operations**

- Connection to mains water supply
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**(B) RECOMMENDATION:**

It is recommended that planning permission be granted subject to the conditions and reasons contained within this report.

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**(C) CONSULTATIONS:**

Area Roads Engineer	01.03.2012	no objections
Transport Scotland	01.05.2012	no objection subject to conditions and advice note
West Of Scotland Archaeologist Service	03.03.2012	no objections

Historic Scotland	01.08.2011	no objections.
Public Protection	08.03.2012	no objection subject to conditions and advice note

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**(D) HISTORY:**

10/00915/PP - Use of land as civil engineering / timber haulage contractor's yard – granted 12.07.11

11/00991/PP - Change of use of land to Class 5/6 for use as civil engineering contractors / timber haulage contractor's yard (amended application site to planning permission 10/00915/PP) – granted 08.09.11

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**(E) PUBLICITY:**

Regulation 20 Advert Local Application  
EXPIRY DATE: 23.03.2012

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**(F) REPRESENTATIONS:**

(i) Representations received from: None

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

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

Is a Section 75 agreement required: No

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(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: 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.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 4 – Development in Rural Opportunity Areas  
STRAT DC 8 – Landscape and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 17 – Impact on Sites of Archaeological Importance  
LP ENV 19 – Development Setting, Layout and Design  
LP BUS 2 – Business and Industry Proposals in the Countryside DC Zones  
LP BAD 1 – Bad Neighbour Development  
LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes  
LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles  
Appendix C – Access and Parking Standards

**(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.**

- Council's Sustainable Design Guide

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

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

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

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

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

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

Planning consent was granted (ref. 10/00915/PP) on 06.08.2010 and in respect of an

amended application (ref. 11/00991/PP) on the 08.09.2011 for the change of use of forestry land to a timber haulage contractors yard at Site 1 Land East of Balliebeg, Castleton. The latter permission was for a modestly larger site, sought retrospectively to regularise the site works that had taken place following the granting of the first permission. Both permissions included an note advising that under the policy regime applicable to the location, any prospective building would need to be restricted to 200 sq. metres in order to satisfy Policy STRAT DC 4.

This proposal seeks consent to erect a building within the site (which has none at present) in excess of that, at an intended 446 sq. metres. The building would be primarily used as workshop space for timber haulage vehicles, although some 90 sq. metres of this floor area would be used as office/canteen and store space to support that use. The height of the building would be 6.3 m to eaves and 7.4m to ridge, to be constructed in standard grey render to window head height with olive green profile sheeting above.

The site is contained within a 'Rural Opportunity Area' where policy STRAT DC 4 applies along with policy LP BUS 2 in respect of commercial buildings.

Normally the criteria specified in both these policies restrict development proposals to 'small-scale' because of the rural nature of rural opportunity areas with the expectation that large commercial developments should normally be directed to industrial sites in urban locations. 'Small scale' within the Local Plan is specified as a building up to 200 sq. metres. However both policies allow for larger buildings where {under LP BUS 2(B) and STRAT DC 4(C)}, the applicant can demonstrate a clear locational need for the specific location and that the development proposed can integrate sympathetically with the landscape following an ACE (Landscape Capacity Evaluation) having been carried out; economic justification also being a potential criteria. The size of this building at 446 sq. metres relates to the middle of 'medium scale' (200-600 sq. metres within the context of the Local Plan).

The application is supported by an accepted locational/operational needs statement. Additionally it is noted that there are no available sites elsewhere for a building of this size within a central position of the catchment area of the operators business and in locations where the company's large articulated lorries can manoeuvre with relative ease. The proposal benefits the local economy. Within the Local Plan 'locational need' is defined as when a proposed development directly supports the operations of a business and in this instance there is a clear direct relationship between the need for this medium scale building and the size of the businesses' fleet of vehicles and the requirement for their inspection and maintenance. Additionally given the number and the size of the articulated vehicles which constitute the operators fleet, their plans for its' expansion and the potential frequency of vehicles movements it is clear that such an operation could be a bad neighbour development in circumstances other than this site where given its' remote concealed location land use conflict with other users will not occur (These facts/circumstances again accord with the Local Plan definition of 'locational need').

Prior to assessing this application, Members will have considered the separate ACE evaluation for Tomdow, near Balliebeg/Castleton. That assessment recognised that within the *Upland Forest-Moor Mosaic* landscape character type found within the upland reaches west of the Loch Fyne *Coastal Rocky Mosaic* landscape character type (SNH study 1996) there is an area of land around the application site that can be regarded as distinct ACE compartment with its own particular identity. That ACE report established that the application site sits within a distinct concealing topographical bowl screened from general public view by the neighbouring afforested

rounded ridges and the 'lip' in the topography that screens it from the trunk road and Ballibeg. That same report expresses that the carrying capacity of the landscape within the ACE compartment could support a modest 'medium scale' building subject to the siting being such that it would not impinge on the setting of the neighbouring Dun Dubh.

Pre-application discussions centred on determining the precise siting of the building, positioning it within a central north-western position of the site to ensure that the effect of it will be partly masked by a small bluff in the landscape as would be seen from the non-scheduled dun. The proposal to plant additional trees in the SW corner will also be of benefit in terms of screening.

Accordingly it is recognised that the proposal can be supported in terms of policies STRAT DC 4, LP BUS 2, LP ENV 17 and LP ENV 19. The ancillary features of the proposal, including the oil tank and septic tank are also acceptable. The proposal is also consistent with policies LP TRAN 4, LP TRAN 6 (in terms of highways subject to the specified conditions). There are no bad neighbour or amenity consequences of the proposal given the absence of sensitive receptors in the surrounding area.

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

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

Having regard to the siting, size, form and design of the building and the other operational features of this development, linked to the locational justification for it and an assessment of the carrying capacity of the landscape through an ACE evaluation, subject to the conditions attached the proposal is capable of being assimilated satisfactorily into the landscape without unacceptable environmental consequences consistent with the provisions of the Development Plan and of benefit to the local economy.

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

N/A

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

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<b>Author of Report:</b>	Derek Hay	<b>Date:</b>	19.07.12
<b>Reviewing Officer</b>	Richard Kerr	<b>Date</b>	20.07.12

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

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/00319/PP

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 18.02.2012 and the approved drawings numbered 1 to 9 to 9 of 9 inclusive unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

*Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.*

2. Development shall not be commenced until the junction with the A83 (T) has been improved to the satisfaction of the Trunk Roads Authority in accordance with the requirements of conditions 2 and 3 of planning permission 11/00991/PP (refer to the advice note below) and the two lorry lay-by passing places on the access road have been completed in accordance with the requirements of condition 4 of that consent.

*Reason: In the interest of highway safety.*

3. Prior to the building becoming operational, the 3 metre high boundary fence/gates as specified in the approved plans shall be constructed to the satisfaction of the Planning Authority.

*Reason: In the interest of the amenity of the area.*

4. Within the first planting season following the commencement of the development, the landscaping proposals specified in respect of the south-western corner of the site as shown on the approved plans shall be implemented to the satisfaction of the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason or are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

*Reason: To ensure the implementation of a satisfactory scheme of landscaping and treatment to help assimilate the building into its landscape setting.*

5. The building shall be completed in accordance with the materials specified in the application details, unless any variation thereof is agreed in writing in advance with the planning Authority. .

*Reason: In the interest of the amenity of the area.*

6. Notwithstanding the provisions of Classes 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 (or any equivalent provisions following the revocation and re-enactment thereof, with or without modifications) the building shall be occupied solely as a civil engineering / haulage contractor's workshop, provided that the primary business of the occupier is associated with forestry operations and/or timber haulage.

*Reason: To safeguard the site for its intended purpose as accepted in connection with the granting of planning permissions 10/00915/PP and 11/00991/PP and in recognition of the locational need underpinning this consent.*

## NOTE TO APPLICANT

- **The length of the permission:** This planning permission will last only for **three years** from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)].
- The applicant is advised that in relation to planning permission 11/00991/PP for the change of use of land as to civil engineering yard / timber haulage contractor's yard, conditions 2 and 3 still require to be discharged (access specification and 10 metres of bituminous surfacing from the trunk road junction to the satisfaction of Transport Scotland) The required works must to be completed and Transport Scotland advised so the conditions attached to that consent and condition 2 of this consent can be discharged.
- Furthermore the applicant is advised that condition 4 of 11/00991/PP (provision of the two lorry lay-by passing places on the access road) also requires to be discharged. Once these works have been completed, please advise the Planning Authority who will liaise with the Council's Area Roads Engineer to inspect prior to the discharge of the condition.
- Attention is drawn to the applicant / developer that this planning consent does not carry with it the right to carry out works within the trunk road boundary and that he/she must consult with the Route Manager (A83), Transport Scotland , Trunk Road and Bus Operations, Network North, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF (tel 0141 272 7100) to gain this additional permission in relation to the terms and conditions, under Roads legislation that require to be agreed; and furthermore that after such permission has been given that he/she should be in contact and liaise with the Operating Company TRANSERV at Broxden House, Broxden Business Park, Lamberkine Drive, Perth, PH1 1RA (tel 01738 455300) who have responsibility for the co-ordination and supervision of such permitted works.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/00319/PP**

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

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

The application site lies in Rural Opportunity Area as defined in the 'Argyll and Bute Local Plan' where policy STRAT DC 4 of the structure plan applies and in terms of locating business development within a rural location, local plan policy LP BUS 2 is also relevant. The emphasis of the policies is to ensure that development in terms of its siting and design in an open countryside location, can integrate with the existing landscape and settlement pattern. The strategy expects that such development as may be approved will normally only be 'small scale' (in business criteria this is structures up to 200 sq. metres) and in cases where approval is sought for larger scale buildings (in this case just over 400 sq. metres) proposals need to be supported by an area capacity evaluation (ACE), and in this case also either by some economic benefit or a locational need.

In support of the application being assessed under the above criteria the applicant advises :

- a) a single location within a central part of the operators business catchment produces efficiencies which will enable the business to expand, including rolling stock, to the betterment of the local economy and size of the workforce in the area;
- b) in terms of efficiencies the facility also needs to accommodate an office as well as the essential vehicle inspection/maintenance space;
- c) the large oil tank enables the purchase of diesel in bulk to supply diesel to the entire fleet, to be based in one location assisting in further efficiencies;
- d) no other sites have become available following several years of search locally;
- e) the operator's workforce reside in nearby Lochgilphead;
- f) the vehicle regulating authority (WOSA) for hauliers requires upgraded operator facilities (as applied for in this application) if the business is to continue as per regulation, necessitating undercover accommodation for not only the largest vehicle in the fleet, but a number in the fleet, so that checks can be conducted satisfactorily on these vehicles in all weathers;
- g) the articulated fleet size is presently 13, with 20 trailers.

This statement, the substance of which has been researched confirming a lack of suitable development site opportunities elsewhere, offers a justifiable locational need for the facility which will bring benefit to the local economy.

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

The location is some 390 metres north-east of the A83(T) within a concealed topographical position from public vantage points, including the trunk road and the nearby settlements as Ballibeg and Castleton. The ACE compartment has been fully detailed in the separate report which notes that the modestly elevated bowl which forms this compartment in the upland forest-moor mosaic, lying west of the lower fringes of the Loch Fyne shore, can accommodate an appropriately sited modest 'medium scale' building without unacceptable environmental consequences.

The ACE refers to the need to secure an appropriate relationship with the nearby non-scheduled Dun Dubh so that its effect on the setting of that archaeological feature of local importance can be minimised. To this end the building is purposefully positioned, following pre-application discussions, some 108 metres north-east of the south western boundary of the application sites (that being the boundary nearest to the Dun. In this way it will be partly masked from the Dun by a bluff in the topography, which is to be re-enforced in its screening effect by the applicant's proposal to plant it with a strategic landscape screen comprising of a mix of alder, birch, willow and rowan trees.

The building is sized in the mid range of medium scale (200-600 sq. metres) being 446 sq. metres, measuring 57 x 50 metres with an eaves height of 6.3 and a ridge height of 7.4 metres. This presents a roof slope rather than the harsher outline of a gable end towards the Dun which relates to the overall rising topography which gains increasing height in a north-easterly direction.

The building will be formed in lower grey rendered block-work walls with olive green profile steel sheeting for the higher wall elevations and roof, all of which is acceptable.

The site is to be enclosed by a 3 m high vertical timber boarded fence with similar gates. The yard surface is to be primarily finished in type 1 finish. A woodchip hopper relates in conjunction with the south east elevation, at 2.5 metres high it is subservient to it; a similar sized container exists beside it from which a flue rising above it will be seen – it rises no higher than the buildings ridge and will be visually incidental to the effect of the whole building.

The bulk oil tank, 5.7 metres long, 2.7 metres wide, and primarily some 2.3 metres high is to be located close to and screened behind the 3 metre boundary fence.

### **C. Landscape Character**

The site lies within an upland forest-moor mosaic landscape as fully described in the accompanying Area Capacity Evaluation, which if accepted, should be regarded as a material consideration in the consideration of this application.

### **D. Natural Environment**

The site is positioned within an open generally flattish landscape of rough hill grassland / bracken forming the base of the marginally elevated concealed bowl, the fringes of which rise significantly on the north-western and south eastern sides, forming some rounded afforested ridges (with conifer) – those ridges merging to the north-east. Beyond the lip (topographical break) which forms the south eastern boundary of the bowl, the Dun Dubh rises amidst the generally open landscape of rough grazing with a mix of the occasional conifer and deciduous tree species which gently drops toward the A83(T) in the distance. The relationship of the proposed building with its surroundings is appropriate.

### **E. Built Environment**

None other than the occasional ruinous croft/farm building.

**F. Archaeological Matters**

To the south-west of the site is the Dun Dubh, a site of local archaeological importance. The implications of development for this non-scheduled dun have been considered and with the siting and planting proposed it is considered that that the setting of the Dun will not be seriously compromised. West of Scotland Archaeology Service and Historic Scotland have no objections to the proposal.

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

The site is accessed by a network of good quality forest access roads, connecting to the A83(T) to the south west of the site, some 390 metres away, at a point where visibility is up to standard. Conditions are to be attached which will secure the modest improvements needed to this private road and its connection with the trunk road to satisfy the requirements of the Trunk Roads Authority and the Area Roads Engineer.