

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



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31 March 2009

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **QUEEN'S HALL, DUNOON** on **TUESDAY, 7 APRIL 2009** at **10:00 AM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES**
 - (a) Minute of Area Committee of 3rd March 2009 (Pages 1 - 4)
- 4. OPERATIONAL SERVICES**
 - (a) Kames High Road (Pages 5 - 8)
- 5. CORPORATE SERVICES**
 - (a) Verbal Report on Dunoon - Gourock Ferry Service
 - (b) Dunoon And District Allotment Association. (Pages 9 - 12)
 - (c) Cruach Mhor Windfarm Trust (Pages 13 - 14)
 - (d) Usable Capital Receipts (Pages 15 - 36)
- 6. PUBLIC AND COUNCILLOR QUESTION TIME**

7. DEVELOPMENT SERVICES

- (a) Bute Dial-A-Bus (Pages 37 - 40)
- (b) Variation of Condition 08/01979/VARCON, Mr and Mrs C R Chisholm, Heronlea, High Road, Sandbank (Pages 41 - 52)
- (c) Planning Application 08/01508/DET, Archd. Fergusson Ltd, Land to the South West of Heather Cottage and Kikut, Strachur (Pages 53 - 68)
- (d) Planning Application 08/02245/DET, Scottish Water, Bullwood Quarry, Bullwood Road, Dunoon (Pages 69 - 92)
- (e) Variation of Condition 08/02161/VARCON, Capital Developments (GB) Ltd, No. 3, 4, 6 & 7, Arden Craig Chalets, Arden Craig Road, Rothesay (Pages 93 - 102)
- (f) Non-Material Amendment 09/00132/NMA, Mrs June Buchanan Hartley & Mr David Buchanan Hartley, 5 Arden Craig Chalets, Arden Craig, Rothesay (Pages 103 - 110)
- (g) Change of Use Application 09/00136/COU, Mrs June Buchanan Hartley & Mr David Buchanan Hartley, 5 Arden Craig Chalets, Arden Craig, Rothesay (Pages 111 - 122)
- (h) Planning Application 01/01553/DET, CRE Energy Limited (agent Scottish Power), Land at Cruach Mhor, Glendaruel (Pages 123 - 126)
- (i) Delegated Development Control and Building Control Decisions (Pages 127 - 136)

8. EXEMPT ITEMS

- E1** (a) Enforcement Reports (Pages 137 - 148)

EXCLUSION OF THE PRESS AND PUBLIC

The Committee will be asked to pass a resolution in terms of Section 50(a)94) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 - Paragraph 13 Information which, if disclosed to the public, would reveal that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

BUTE & COWAL AREA COMMITTEE

Councillor Robert Macintyre
Councillor Alister McAlister
Councillor James McQueen
Councillor Ron Simon
Councillor Dick Walsh

Councillor Bruce Marshall (Chair)
Councillor Alex McNaughton
Councillor Len Scoullar (Vice-Chair)
Councillor Isobel Strong

Contact: Shirley MacLeod, Area Corporate Services Manager

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MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the EAGLESHAM HOUSE, ROTHESAY on TUESDAY, 3 MARCH 2009

Present: Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor L Scoullar
Councillor R Macintyre	Councillor R Simon
Councillor A McNaughton	Councillor I Strong
Councillor J McQueen	Councillor J R Walsh

Attending: Shirley MacLeod, Area Corporate Services Manager
Stewart Turner, Head of Roads and Amenity Services
Neil McKay, Planning Manager
Alan Kerr, Network and Environment Manager
Paul Farrell, Technical Officer
Wendy Bownlie, Principal, Rothesay Joint Campus

Chief Inspector Mosley, Strathclyde Police

1. APOLOGIES

None

2. DECLARATIONS OF INTEREST

None

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 3 FEBRUARY 2009

The Minute of the Area Committee of 3rd February 2009 was approved as a correct record with the insertion of "international" before Sheep Dog Trials on the second line at Item 4.

(b) MINUTE OF TRAFFIC ORDER HEARING OF 4 FEBRUARY 2009

The Minute of the Traffic Order Hearing of 4th February 2009 was approved as a correct record.

4. COMMUNITY SERVICES

(a) ROTHESAY JOINT CAMPUS ACHIEVEMENT REPORT 2008

Members heard an informative presentation from Wendy Brownlie, Principal of Rothesay Joint Campus on the major achievements of the school in 2007/08 including the SQA examination results for pupils who sat examinations in May/June 2008.

Decision

The Committee noted the continuing improvement in the performance of pupils and the commitment of staff in their examination successes and in many other aspects of achievement across the school.

(Reference: Report by the Principal, Rothesay Joint Campus – submitted)

5. OPERATIONAL SERVICES

(a) CAR PARK SURPLUS INCOME

Members heard from the Head of Roads and Amenity Services on the £20,000 surplus parking income available for allocation.

Decision

Members approved the projects identified in paragraphs 4.1 to 4.6 of the report by the Network and Environment Manager.

Councillor McQueen asked that his dissatisfaction in regard to the low amount of money being spent in the Dunoon Ward be recorded in the minutes.

(Reference: Report by the Network and Environment Manager – submitted)

6. CORPORATE SERVICES

(a) VERBAL UPDATE: DUNOON - GOUROCK FERRY SERVICE

The Committee heard an update from the Area Corporate Services Manager on the Gourock/Dunoon Ferry Service.

Decision

The Committee noted the detail provided on this matter.

7. PUBLIC AND COUNCILLOR QUESTION TIME

Mr John Morris spoke on the failure by the Council to deal with the collapse of the boundary wall between his property and Dunclutha and the encroaching vegetation from Dunclutha. Members advised Mr Morris that they would get somebody from Amenity Services to clear the vegetation and Councillor Simon advised that an Officer from the Council was coming to visit the site with a view to getting the wall attended to.

Councillors McNaughton and Walsh expressed their concerns over the mechanical sweeper not being sent to outlying areas and asked if the street sweeping programme had been altered. Stewart Turner, Head of Roads & Amenity Services gave advice on these matters.

Councillor Macintyre asked about cars parking on the promenade in Rothesay and was advised that this item would be put on the Business Day agenda.

Chief Inspector Mosley gave an update to the Committee, and Members asked questions on speeding cars, the number of Constables retiring, and safety issues for staff leaving businesses that open late, and Chief Inspector Mosley advised Members.

Aileen MacNicol from the Dunoon Observer asked for clarification on which car park is to be provided with motor cycle standing areas and Alan Kerr, Network and Environment Manager, advised that it was Moir Street.

8. DEVELOPMENT SERVICES

(a) **PLANNING APPLICATION 08/00662/DET, ECOS CONSTRUCTION LTD., 113 MARINE PARADE, KIRN, DUNOON**

Councillor Macintyre intimated his apologies and left the meeting while this item was being discussed.

Decision

The planning application be approved subject to conditions contained in the report by the Head of Planning Services and with the inclusion of an additional condition to provide a revised parking layout with additional spaces, turning provision and appropriate landscaping at the Argyll Terrace entrance to the newly provided Children's Home.

(Reference: Report by the Head of Planning Services dated 16th February 2009 and 24th February 2009 – submitted and tabled)

(b) **PLANNING APPLICATION 08/01826/OUT, MR HUGH GIBB, LAND SOUTH WEST OF KYLES VIEW, STRONAFIAN, ARGYLL**

Councillor R Simon intimated his apologies and left the meeting while this item was being discussed.

Decision

The outline planning application be approved subject to conditions contained in the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 20th February 2009 – submitted)

(c) **PLANNING APPLICATION 08/01979/VARCON, MR & MRS C.R. CHISHOLM, HERONLEA, HIGH ROAD, SANDBANK, ARGYLL**

Decision

The application be continued to the April Area Committee to allow Operational Services to provide information on visibility, sight lines, to address road safety issues, particularly in relation to the proximity to the proposed new entrance to the Industrial Estate.

(Reference: Report by the Head of Planning Services dated 20th February 2009 – submitted)

(d) **DELEGATED DEVELOPMENT CONTROL AND BUILDING CONTROL DECISIONS**

The Committee noted Delegated Development Control and Building Control Decisions made since the last meeting.

ARGYLL & BUTE COUNCIL**BUTE & COWAL AREA COMMITTEE****OPERATIONAL SERVICES****7 APRIL 2009**

KAMES HIGH ROAD

1. SUMMARY

There has been much discussion over many years as to whether the Kames High Road is a public road or a private road. Until suitable evidence is presented to Roads & Amenity then the road will continue to be considered as private and the responsibility for the maintenance of the road will rest with the residents.

2. RECOMMENDATIONS

The Area Committee are asked to note the contents of this Report and request that a further Report be presented to a future Area Committee if further evidence is found that would demonstrate that the Kames High Road should be considered as public.

3. DETAILS

A request was received from the Kilfinnan Community Council in 1995 to consider the Kames High Road for adoption as part of the public road network. At that time a visual survey was undertaken to determine the works required and also the costs involved. It was noted that the road suffered from constant repeated flooding and it required a positive drainage system. The existing surface was in poor condition and had poor vertical alignment which further added to the drainage problems. At that stage the estimate for the works was £45,000 located between the cross roads and Rowan Tree.

The Chief Executive in December 2003 confirmed Argyll & Bute Council's Policy to a resident in Tighnabruaich that there was no proposal for any change in the Council's policy for the adoption of private roads in that no contribution would be made.

In August 2004 there was communication with the MSP in relation to this unadopted road when it was confirmed by Argyll & Bute Council that Argyll & Bute District Council may have carried out works as housing authority; Strathclyde Regional Council as the water authority may have carried out works of reinstatement for the mains renewal works carried out in the 1980s but neither works were carried out by Argyll & Bute Council, Strathclyde Regional Council and Argyll County Council as the Roads Authority and in accordance with the relevant legislation.

Correspondence was received from Reverend Mitchell of the West Cowal Manse concerning the condition of the Kames High Road. Our response indicated that we

had confirmed that there had been much correspondence over many years concerning its status and although the road served the Church, the Community Hall and some Council houses it was still defined as a private road in the list of roads as defined in the Roads (Scotland) Act. At that time it was indicated that estimates had been made which would have to be funded by the frontagers which would include the Church, BT, the Community Council, private residents and also Argyll Community Housing Association.

In August 2007 an internal investigation was undertaken to confirm the status of this road especially as one of the former Councillors in the 1950's indicated at that time that he had secured finance to undertake works on this road. The County Council minutes between 1949 and 1960 were searched and no records were found to indicate that this road had been adopted in this period. In the 1970's with the formation of Strathclyde Regional Council and then Argyll & Bute Council in 1996 any formal adoption would have been transferred to the list of public roads. The search indicates that during this period the road had never been put into public ownership.

In the summer of 2008 at a Kilfinnan Community Council meeting the issue of the High Road in Kames was brought to the attention of Councillor McNaughton and Councillor Marshall. At that time it was reconfirmed by the Council that it was considered that Kames High Road is private and it is not the responsibility of Argyll & Bute Council. Also based on Council Policy it was advised that it was not possible to carry out any works on this private road and if we were to do so, this would set a precedent.

At that time Roads & Amenity Services undertook a subsequent redesign of this road based on work carried on June 2005 with the estimate now in the order of £110,000.

In late Autumn 2008 there were a number of meetings held in the village hall in Kames with regard to this matter where it was quite clear that the residents on this road considered that Kames High Road demonstrates the traits of a public road and it was a "mistake" that it had been omitted from the list of public roads. The service can understand the frustrations of the residents and in some respects can understand why this type of road would under normal circumstances be considered a public road and should be included on the list of roads. There is no reasonable explanation why over the many years the road was never placed on the list of roads especially in the Argyll County Council days but now with the Council policy that unless a road is on the list of roads then Argyll & Bute Council will undertake no maintenance and repair work on this section.

Representatives from Kilfinnan Community Council visited the Roads & Amenity Services office in Lochgilphead before Christmas 2008 to review the documentation and although this was not an exhaustive search no evidence was found which indicated that Kames High Road had ever been adopted in the past.

There are many letters between Argyll & Bute Council and residents within the Kames High Road area confirming the view of Argyll & Bute Council as Roads Authority that this road is not on the list of public roads.

There has been correspondence in the past indicating that the Council used to maintain this road mainly because it has public street lighting some road markings and it is also the main access to the church, police houses, Community Hall, telephone exchange and many houses.

At that time the response indicated that the Council may have carried out works in the past but this was not under the jurisdiction of the roads authority.

As a Service we stand by our current position. In order for the road to be adopted, evidence has to be found that would indicate that the road has been considered as public in the past. At the public meetings last year there was a request made to the Community Council who were to take this matter up with the community to request that they search their paperwork to establish whether their title deeds or other documentation may contain some evidence that the road is public.

Until some evidence is provided then it must be considered that this road in Kames is private and the maintenance of the road rests with the residents and not with Argyll & Bute Council.

4. IMPLICATIONS

- | | | |
|-----|------------------------------|---|
| 4.1 | Policy | The current Council Policy is that the responsibility for private roads rests with the residents and that no finance should be made available to improve these roads. |
| 4.2 | Financial | None. However if the residents do wish to bring this road up to an adoptable standard then approximately £110,000 will be required. |
| 4.3 | Personnel | None |
| 4.4 | Equalities Impact Assessment | None |
| 4.5 | Legal | Kames High Road is not on the list of public roads and should be considered as a private road. |

For further information, please contact Stewart Turner, Head of Roads & Amenity Services (01546 604611)

Stewart Turner
Head of Roads & Amenity Services
09 March 2009

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**ARGYLL AND BUTE COUNCIL
CORPORATE SERVICES**

**BUTE AND COWAL
AREA COMMITTEE
7th April 2009**

DUNOON AND DISTRICT ALLOTMENT ASSOCIATION.

1.0 SUMMARY

- 1.1 This report gives Members information regarding the potential provision of a site for use by the Dunoon and District Allotment Association.

2.0 RECOMMENDATION

- 2.1 Members are asked to consider the request made by the Dunoon and District Allotment Association, and to recommend that the Estates service enter into discussions with the Association to progress potential development of a lease for the site to them.

3.0 DETAIL

- 3.1 Members will recall that for a considerable period of time the Council has been working with the Dunoon and District Allotment Association to facilitate the development of an area of ground suitable for the provision of allotments. The Association has a number of members in the area who are awaiting this provision and who have expressed an interest in having an allotment.
- 3.2 Since the Council has been working with the Association, a total of 29 sites have been investigated for potential use, but none has been able to be progressed to completion, either because the landowner has not been willing to sell or lease the ground, or the Association have deemed the ground unsuitable for their purposes.
- 3.3 Despite the difficulties which have been experienced, it remains the wish of the Area Committee that the provision of ground for allotments be progressed.
- 3.4 Recently, an area of ground comprising 1.71 hectares, which lies to the rear of Innellan Primary School and is in the ownership of the Council, has come to light. This ground was discussed with the Association

on 10th March 2009, following which members of the Association visited the area and inspected the ground. Though there will be some drainage issues in the area, the Association have agreed that the ground would be suitable for their member's use, and have requested that the Council proceed to have discussions with them to potentially develop a lease for the ground.

- 3.5 It would appear that this ground is held on the Education Department account, and it will be essential to ensure that the Department has no current or future plans for the ground in terms of developing sporting etc facilities. The Association have commented positively on the proximity of the ground to the school, and see opportunities for linking allotment provision to the school curriculum in terms of Eco Schools, sustainability and healthy living.
- 3.6 Initial discussions with the Planning service indicate that planning permission for the ground to be used for allotments will not be required, since allotment provision is deemed to be agricultural use. It may well be the case that parking provision will require to be developed on site. As with any site which is developed for allotment purpose, potential allotment holders would need to clarify with the Planning service what buildings, structures or other works they would require at the site, and what, if any, planning consents might be required for these.
- 3.7 If the site is progressed, the expectation would be that the Association would be provided with funding advice from the Council's Corporate Funding Officer to enable them to access funds to deliver any capital works, including parking provision, fencing etc which may be required on site.
- 3.8 Given the extent of the work which has gone on to date in relation to provision of a site for allotments, this opportunity to develop a site which is in the Council's ownership and which the Association feel is fit for their purpose is significant, and it is proposed that the Estates service be requested to enter into discussions with the Association regarding the potential development of a lease for the ground.

4.0 CONCLUSIONS

Members are asked to agree the recommendation in order to progress the Council's long standing commitment to working with the Dunoon and District Allotment Association.

5.0 IMPLICATIONS

Policy:	None
Financial:	Potential income to the Council from agreed rental of

Personnel: the site
None
Equal Opportunities: None

For further information contact: Shirley MacLeod, Area Corporate Services Manager
01369 707130

Date: 16th March 2009

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CRUACH MHOR WINDFARM TRUST
REPORT FOR YEAR TO 31ST MARCH 2008

This report is made to the Bute and Cowal area Committee of Argyll and Bute Council of the activities of the Cruach Mhor Windfarm Trust for the year ending 31st March 2008. At the end of the year the Trustees in office were Councillor Alex McNaughton, elected member and chairman, Tom Mowat and Danuta Steedman nominees of the Colintraive and Glendaruel Community Council and Councillor Bruce Marshall.

The index linked payment received from Scottish Power during the year was £23,859.92 Other income arose from Bank interest. During the year seven grant applications were approved totalling £6,900. They were from the Colintraive and Glendaruel village halls, the Shinty club, the Newsletter and the Fellowship, the Cowal Elderly Befrienders scheme and the Colintraive Post Office. At the close of the period the balance of funds as shown in the attached financial statement stood at £64,136.57, held in a current account with the Royal Bank of Scotland with a balance of £4,136.57 and in the Bank's special reserve account £60,000.

At the General meeting held on 23rd January 2008 a Constitution approved by Scottish Power and Argyll and Bute Council, was adopted with supplementary working rules. Grant guidelines were also considered and subject to clarification of match funding terms were approved.

This report prepared by Tom Mowat, Secretary and Treasurer.

Waulkmill
Glendaruel
Argyll

24th March 2009

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**ARGYLL AND BUTE COUNCIL
CORPORATE SERVICES**

**BUTE AND COWAL
AREA COMMITTEE
7th April 2009**

USABLE CAPITAL RECEIPTS

1.0 SUMMARY

- 1.1 Application has been received from the Dunoon Youth Football League for grant assistance from the Capital Receipt Fund to support their building of a new changing room complex. Members area advised that there is sum of money available in the Capital Receipt Fund which can be allocated against projects which meet the capital criteria.

2.0 RECOMMENDATION

- 2.1 Members are asked to consider allocation of the available sum.

3.0 DETAIL

- 3.1 As agreed by the Council, Capital funds allocations must be utilised in terms of the following criteria:-

Area Committees must use funds in a way that contributes to the Corporate Plan and Statement of Intent. Funding can be used as a contribution to projects in either the revenue or capital budget.

Where funding is being used for a capital project then the criteria for capital expenditure are as follows:

- The expenditure must result in the creation of an asset owned by the Council.
- The expenditure must be in respect of an asset already owned by the Council and must significantly.
- Increase the value of the asset.
- Extend the useful life of the asset.
- Enhance the operating capability of the asset.

Where funding is being used for revenue expenditure then the expenditure, in addition to contributing to the Corporate Plan and Statement of Interest, must relate to:

- Repair & maintenance of public sector infrastructure.
- A one off contribution to an external body towards the capital cost of a community asset or a contribution to an event.
- A one off contribution towards the cost of an event that has a significant impact on the corporate objectives of the Council.

Payments must not be made to support ongoing revenue costs and must not create an ongoing commitment on the Council's revenue budget.

- 3.2 Members will recall that allocation of capital spend across the Bute and Cowal area is generally 40% to Bute, and 60% to Cowal. In terms of unallocated spend for this year there is a sum of £32,500 available to spend in Cowal on projects which meet the Capital Receipt Criteria.
- 3.3. This application is for one off assistance for a strategic community asset, and has, in accordance with agreed procedures, been assessed by an Area Community Learning and Regeneration Manager. The assessment report on the application is attached.
- 3.4 The Area Community Learning and Regeneration Manager has made a recommendation that grant of £15,000 be awarded to this application.

4.0 IMPLICATIONS

Policy:	None
Financial:	None – within appropriate financial capital allocation.
Personnel:	None
Equal Opportunities:	None

For further information contact: Shirley MacLeod, Area Corporate Services Manager
01369 707130

Date: 31st March 2009

Area Capital Receipt Fundgrants**ASSESSMENT FORM for****ONE OFF ASSISTANCE FOR STRATEGIC COMMUNITY ASSETS****ONE OFF ASSISTANCE FOR STRATEGIC EVENTS**1 Details

Name of Assessing Officer	Felicity Kelly
Have you contacted the organisation to assess this application?	Yes – through Corporate Services
Have you checked that the organisation has had their accounts correctly audited?	In hand

Name of Group:	Dunoon Youth Football League	Scheme:	Community Assets
Key Contact Person:	Mr Jim Strapp Chairman, 91 Argyll Street DUNOON PA23 8EJ	a) Grant requested from A & B Council?	£35,000
		b) Grant awarded last year?	n/a
		c) Total cost?	£140,000 (estimate)
		d) How much coming from own resources?	£5000
		e) How much coming from other agencies?	£100,000
		Grant Recommended:	£15,000
Reason for grant:	To support the construction of new changing room complex, with facilities for both males and females to enable a wider range of activities to be undertaken	Grants previously awarded (2007/08)	n/a

2 Financial Check – Have you checked the Organisation is:

a)	Fully constituted	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
b)	Has submitted a bank statement	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
c)	Has submitted audited/signed accounts	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
d)	Have you sent this grant to finance?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
e)	Have you checked that the organisation is within 50% of the total costs for the project?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
f)	If relevant, has the grant passed the financial check?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
g)	Is there a strategic link to the Corporate Plan, Statement of intent or Area strategy?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
h)	Have you checked that the Council is meeting its obligations under Best Value in awarding this grant, for example, if the grant is awarded will the project proceed?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

3 General Criteria

Do you concur with the organisation in their assessment of need? Yes, this grant would provide up to date additional facilities in the area which would enhance the opportunities available for a wide range of young people, both males and females, in Cowal.	
Is the activity non-political?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the project consistent with Council priorities?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does the project have open membership?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Have sponsorship agreements been checked?	Yes n/a No <input type="checkbox"/>
How many people overall will benefit from this grant?	200 young people involved in DYFL plus members of other local sports groups – Rugby, Shinty and Cowal Highland Gathering - unspecified number
Is the organisation well established?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Established 28 years
Have you identified any training needs for the organisations committee or volunteers?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Leaders involved undertake SFA Early Touches Coaching Certificate, SFA Level 2 Coaching Certificate as appropriate. Other training undertaken First aid in sport Certificate and regular Child Protection Training sessions
Is there evidence of partnership funding?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does the organisation have volunteer training in place?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Have you confidence in their ability to deliver a service?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

4 Policy and Procedures

Have you checked that the organisation has all relevant policies and procedures in place, as appropriate for the work of the organisation, particularly if they work with children under 18 or vulnerable adults?

Because of the type of group this is, it is registered with CRBS, registration number being 12010006. For this group to be registered with CRBS, it has to provide CRB relevant policies, all of which are in place.

Please outline reason for Grant and Recommendation

The grant is:

To support the construction of new changing room complex, with facilities for both males and females to enable a wider range of activities to be undertaken.

The estimated total cost for the project is £140,000, of which £100,000 has already been secured through SportsScotland, which demonstrates the project is seen to be viable by funding bodies.

The Group itself has a good track record of providing relevant activities for young people in the area and demonstrates responsible management, ensuring the volunteers involved receive regular, adequate and relevant training. The number of young people accessing this service is consistently high.

This project meets the criteria laid down in the Guidance, specifically as follows:

Meets the “Vibrant community” agenda -

- safe, supportive communities with positive culture and sense of pride in the area
- well balanced demographically with young people choosing to stay or move to the area
- well connected economically and socially
- a sense of history and a view to the future
- high quality leisure/community facilities

Meets the “Forward looking” agenda –

- proactive community where local people look for and create opportunities.
- partnership working

Generally, the project would positively influence Argyll and Bute Council’s policies on Sport and Leisure and work with young people

Nationally, the project meets the following National outcomes;

- Our young people are successful learners, confident individuals, effective contributors and responsible citizens
- We live longer and healthier lives
- We live in well designed sustainable places where we are able to access amenities and services we need.

The recommendation is for grant aid to the level of £15,000

5 Equal Opportunities

What are the clients ethnic group(s)?

Any ethnic group can use and benefit from the Kintyre Way

A White

Scottish

Other British

Irish

Any other White background please specify

B Mixed

Any Mixed background please specify

C

Eastern European

D	Asian, Asian Scottish or Asian British	<input type="checkbox"/> Indian	<input type="checkbox"/> Pakistani
		<input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Chinese
		Any other Asian background please write in <input type="text"/>	
E	Black, Black Scottish or Black British	<input type="checkbox"/> Caribbean	<input checked="" type="checkbox"/> African
		Any other Black background please write in <input type="text"/>	
F	Other Ethnic background	Any other background please write in <input type="text"/>	

Signed: Felicity Kelly Assessment Officer

Date: March 31 2009

AREA CAPITAL RECEIPT FUND

- **ONE OFF ASSISTANCE FOR STRATEGIC EVENTS**
- **ONE OFF ASSISTANCE FOR STRATEGIC COMMUNITY ASSETS**



Argyll and Bute Council

Welcome to the Argyll and Bute Council Grant Application Pack for the Area Capital Receipt Fund. This application is available from Area Corporate Service Managers (See page 2 for contact details). This pack covers grants from the Area Capital Receipt Funds which can be made on a one off basis to strategic events and community assets which contribute to the Council's Corporate Plan, Statement of Intent or Area Strategies.

Introduction

This pack has been designed to make it as simple as possible for you to apply for a grant from Argyll and Bute Council. It will ascertain whether your organisation passes the grant criteria in order to submit an application.

The amount available through Area Capital Receipt Funds changes from year to year and there is no prescribed timescales for awards to be made. Individual Area Committees may decide to take applications at any time. It should be noted that this Fund is used as a source of funding for capital spend on Council assets and as such it is likely that these may well have 'first draw' on the funding available. Prospective applicants are asked to make contact with the Area Corporate Services Manager, **before completing this form**, to find out whether funds are still available within the annual fund and to discuss timescales and eligibility.

Criteria for grants

Please read the criteria carefully and, if appropriate, complete the form and submit it to the relevant Area Corporate Services Manager who will acknowledge its receipt and where possible give guidance on timescale for consideration. Once your completed application has been received it will be passed to the appropriate person for assessment.

Assessment of applications

All applications for financial assistance require to be assessed by the Council's officers to ensure that they meet the criteria for grant assistance. To help your application to be dealt with as quickly as possible please make sure you supply **all** information required (a checklist is provided for you on page 18).

Once the officer has assessed the application, which may involve contacting or visiting you for more details, they will either:-

1. Submit the application to the appropriate Council Committee for consideration.
Please note that Council Officers do not make decisions on the granting of funds, or
2. Write to inform you that the application does not meet the criteria, and return all your material.

PLEASE NOTE THAT ONLY FULLY COMPLETED APPLICATION FORMS CAN BE PROCESSED.

Please make sure you complete the form in black ink.

The application and guidelines can be emailed to your organisation.

LIST OF CONTACTS**Area Corporate Services Managers**

Bute and Cowal	Shirley MacLeod Shirley.macleod@argyll-bute.gov.uk 22 Hill Street Dnoon PA23 7AP	01369 704374
Oban, Lorn & the Isles	Ken MacDonald Kenneth.macdonald@argyll-bute.gov.uk	01631
Helensburgh & Lomond	Lynn Smillie Lynn.smillie@argyll-bute.gov.uk	01436
Mid Argyll, Kintyre & the Islands	Alison Younger Alison.younger@argyll-bute.gov.uk Dalriada House Lochnell Street Lochgilphead PA31 8ST	01546 604558

CRITERIA FOR GRANT APPLICATIONS

General - The following criteria apply to all applications for financial assistance from the Council:

1. Applications must clearly demonstrate the strategic link of the event / asset to the Corporate Plan, Statement of Intent, or Area Strategy (see Pages 5, 6).
2. Only applications submitted by properly constituted organisations operating on a non-profit making basis will be considered.
3. The Council will have to be satisfied that the organisation has the necessary expertise and resources to deliver the project / event.
4. Applications should demonstrate their fund-raising activity or evidence of contribution to the delivery of the project / event in kind or in cash.
5. Applicants will normally only receive up to 50% of their total funding costs for any activities.
6. Applications will not be accepted in respect of proposals on which work has already started, or in aid of expenditure that applicants have already committed themselves to or paid, unless there are exceptional circumstances.
7. Applications will only be considered if they include a copy of an organisation's most recent audited or approved accounts, or financial projection in the case of a new organisation. Accounts can only be approved by someone independent of the organisation submitting the application. This person's name and address must be supplied.
8. Applications will only be considered if they include a statement showing how much the organisation has in **all** bank or other accounts. A Council officer will assess this statement. If an organisation has significant balances a full justification for their existence, and a statement detailing why they cannot be used for the purposes for which grant assistance is being sought, should be provided.
9. Applicants must be able to demonstrate that membership of their organisation is open to all members of the community and that it does not unfairly discriminate against anyone on the grounds of race, gender, creed, ethnic origin, sexual orientation, age or disability.
10. Grants will not be provided for any activity, which is designed to promote or oppose the view on any question of political activity, which is identifiable as the view of one political party and not of another.
11. Organisations are obliged to disclose details of any sponsorship agreements that they make.
12. Applications should demonstrate that services to be provided are consistent with, and will further, stated policies and priorities of the Council.
13. Where applicable in dealing with children under 18, vulnerable individuals or groups, organisations must be registered with CRBS and have all appropriate policies in place and meet all legal obligations.
14. All organisations receiving funding must credit Argyll and Bute Council by displaying the A&B logo on all publicity material (posters, leaflets, programmes, press releases, invitations) and produce details of what form this will take on application.
15. On completion of the project / event, a report and financial statement must be submitted. Those receiving grants will be required to keep full and complete records/receipts throughout the project. Organisations should give an honest appraisal of the successes, failures and uptake of the project / event.

Community Asset - The following criteria apply to all applications for financial assistance for one off support towards a community asset:

1. Premises, land or equipment in respect of which a grant is given should either be in the ownership of the applicant or secured by lease for a period of not less than 21 years.
2. A business case must be submitted which covers:
 - Cost / benefit – value for money
 - Sustainability of asset including any ongoing revenue / maintenance costs
3. Where applicable, applications must demonstrate that all necessary planning and building control approvals have been obtained. For the purposes of grant applications, a letter of comfort from the Development Control Department will suffice, to be followed by full permission before release of grant.
4. Payment will normally be made in phases as the project progresses.

Strategic Event - The following criteria apply to all applications for financial assistance for one off support towards a strategic event:

1. Funding for strategic events is strictly of a one-off nature.
2. The total event cost must be no less than £12,000 of which the Council can contribute no more than 50%.
3. An income / expenditure projection is required to be submitted.

Pictorial reps of Corporate plan and relevant area Strategy to be included in next 2 pages.

Argyll and Bute Council

Area Capital Receipt Fund



Application Form

Ref

Information Regarding your Organisation

Please make sure you refer to the guidance notes provided in the general and specific criteria of this pack while you complete this form. Please complete the form clearly in black ink or type.

Q1	Help us direct your application to the right person	
What Area Of Argyll And Bute Is Your Application For? (Please tick)	Bute and Cowal <input checked="" type="checkbox"/> Helensburgh and Lomond Mid Argyll, Kintyre and the Islands Oban, Lorn and the Isles	
Which Of The Council Grant Schemes Are You Applying To? (Please Tick)		
STRATEGIC EVENT <input type="checkbox"/>	COMMUNITY ASSET <input checked="" type="checkbox"/>	

Q2	Tell us about your organisation	
Name of the organisation	Dunoon Youth Football League	
If the name on your constitution is different to the name given above please write it here.		
Name of main contact in the organisation. (To whom correspondence will be sent)		
Title	First Name	Surname
Mr	Jim	Strapp
Position Within Organisation	Chairman	
Address For Correspondence	91 Argyll Road, Dunoon	
Postal Town Dunoon	Full Post Code	PA23 8EJ
Daytime Telephone: 07816 656409	Evening Telephone: 01369 703522	
E-Mail Address	jim.strapp@scottishwatersolutions.co.uk	
Special Requirements		
Text Phone <input type="checkbox"/>	Sign Language <input type="checkbox"/>	Other Language <input type="checkbox"/>
Any Other Special Requirements		
How long has the organisation been established and providing a service:	28 years	

Q3	If you are a branch of a larger organisation or a member of an umbrella body, please tell us which one.
Affiliated to Scottish Youth Football Association – SFA Quality Mark accredited	

Q4	What type of group are you? You do not have to be a registered charity to apply for a grant. If you are we require your charity number	
Not a recognised charity	<input checked="" type="checkbox"/>	Awaiting charitable recognition <input type="checkbox"/>
Charity recognised by OSCR in Scotland	Charity Number	
Charity recognised in England and Wales	Charity Number	
If your organisation works with children under 8 years of age, are you registered Care Commission?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Don't Know <input type="checkbox"/>
*Care Commission registration not required as children under eight are accompanied by parents/carers and participate for short periods of time.		

Q5	When was your organisation established?		
Month	Year	More than 5 years ago	<input checked="" type="checkbox"/>

Q6	What are the main activities of the organisation
<p>Dunoon Youth Football League is a voluntary organisation established 28 years ago to provide all young people from the Cowal peninsula with the opportunity to participate in structured football and coaching.</p> <p>The main objective of DYFL is to give young people between 3-17 years of age the chance to enjoy football and improve their skills regardless of what standard they play at. We currently have a membership of approximately 200 young people.</p> <p>Through football development the organisation encourages healthy lifestyles, team work, skills development and community cohesion.</p> <p>This year teams will be participating in tournaments throughout Scotland and Europe.</p>	

Q7	How many people overall with benefit from this grant and in what way?
<p>All outdoor players, both girls and boys, are organised into small-sided teams and play on Saturday mornings during the season. These games are normally played as seven a-side non-competitive matches. Approximately 200 young people aged 5 to 15 are involved on a Saturday morning. Coaching sessions (open to all abilities) are available to the different age groups Monday-Friday evenings. Well over 100 young people (in total) attend these coaching sessions.</p> <p>The club also enter seven a-side teams at under 10 & 11s in the Greenock and District League and eleven a-side teams at under 12, 13, 14,15 and 17 years in the Paisley & District Youth Football League and Glasgow & District Youth Football League. These games are played on Saturdays and Sundays with both home and away fixtures. Each team has a squad of approximately 20 players.</p> <p>All the DYFL players (particularly girls) and visiting teams will benefit from the grant. Other organisations stand to benefit from the provision of new changing facilities including Cowal Rugby Club and Cowal Highland Gathering.</p>	

Q8	How many people are involved in running your organisation?						
Committee Members	12	Paid Staff Full Time	0	Paid Staff Part Time	1	Volunteers	25

Q9	How do people join your organisation?
<p>Boys and girls can join the DYFL at any time of the year by registering at our clubhouse. They pay an annual fee and weekly subscriptions which covers the cost of playing on a Saturday and weekly coaching sessions.</p> <p>The school holiday camps (Easter, Summer & October) which take place Monday to Friday of the school holidays are open to non members. No pre booking is necessary.</p>	

Q10	Does your organisation have any identified training needs?
<p>All DYFL volunteer coaches are expected to take the SFA Early Touches Coaching Certificate and those that continue to coach are given the opportunity to take the SFA Level 2 Coaching Certificate.</p> <p>Volunteer Coaches also take their First Aid in Sport Certificate and participate in regular Child Protection Training sessions run by Community Learning and Regeneration.</p>	

Q11 How would you describe the people your group works with?

Please tick the appropriate box to indicate the age of your beneficiaries

- 0 - 14 years 15 - 29 years

Please tick the appropriate box to indicate the sex of your beneficiaries

- Male Female Both

Are any of your beneficiaries disabled?

- Yes No

What are your beneficiaries ethnic group(s)?

A White

- Scottish Other British Irish

Any other White background please specify

B Mixed

Any Mixed background please specify

C Eastern European

D Asian, Asian Scottish or Asian British

- Indian Pakistani
 Bangladeshi Chinese

Any other Asian background please write in

E Black, Black Scottish or Black British

- Caribbean African

Any other Black background please write in

F Other Ethnic background

Any other background please write in

Q 12 Please make a concise statement of why your grant is needed and the direct contribution it will make to the Council's Corporate Plan, Statement of Intent or Area Strategy.

The grant is needed as a contribution towards the cost of constructing a new changing room complex. DYFL has successfully accessed grant funding from Cashback for Sports Facilities grant of £100,000 towards the project which we estimate will cost £140,000.

Dunoon Stadium is the main outdoor sporting venue in the area and hosts football, rugby, shinty and athletics as well as the Cowal Highland Gathering. Existing facilities for changing at the Dunoon Stadium Complex are dated, past their best and in need of extensive upgrading.

There are insufficient shower facilities, no lockers or secured areas, no dedicated changing facilities for girls and if there is more than two matches/activities on at the same time changing facilities cannot accommodate the participants.

The new facility will significantly increase the stadium capacity to host matches, organise tournaments, properly accommodate girls and young women's teams, provide coaching sessions and develop football as a physical activity amongst young people. The provision of secure, safe and hygienic changing facilities will in itself encourage children and young people to participate in the sport.

Despite having reasonable grass and astro pitches in place, access has been severely limited by the availability of changing facilities. By providing this additional capacity, for football activities, there can be greater use of the existing playing fields and facilities by other sports such as the junior sections of Cowal Rugby Club and Dunoon Shinty Club. We also feel that the new facility would encourage people to restart a Dunoon athletics club.

There are currently no dedicated changing facilities for girls and young women within the stadium complex. Girl's rugby and shinty teams face the same unsatisfactory arrangement of having to change in women's toilets. New purpose built changing facilities would undoubtedly have a very positive impact on the participation of girls and young women.

We believe that this project is entirely consistent with Argyll and Bute Council's vision of a "Leading Rural Area" and can make an impact in ensuring that Cowal is a "Vibrant Community." The facility will meet the following aims in particular -

- ✓ *safe supportive communities with positive culture and sense of pride in the area*
- ✓ *well balanced demographically with young people choosing to stay or move to the area*
- ✓ *well connected economically and socially*
- ✓ *a sense of history with a view to the future*
- ✓ *high quality public services and leisure/community facilities that attract people to settle in Argyll and Bute*

DYFL has worked hard to identify funding opportunities and as an organisation continues to be "Forward Looking." This initiative comes from a "proactive community where local people look for and create opportunities." It clearly has the potential to be seen as a working example of good practice in "partnership working across sectors to coordinate developments, promote Argyll and Bute and remove constraints." We would also anticipate the outcomes of this project to positively influence Argyll and Bute Council policies on Sport and Leisure and Work with Young People.

From a national perspective the project clearly meets a number of National Outcomes in the National Performance Framework especially –

4. Our young people are successful learners, confident individuals, effective contributors and responsible citizens.

6. We live longer, healthier lives.

10. We live in well-designed sustainable places where we are able to access the amenities and services we need

POLICY AND PROTECTION SECTION

(This section should be completed by all organisations applying for a grant)

Q13	Do you work with children under 18 years of age or vulnerable adults Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (If no go to Question 17)
Q14	Are you registered with the Central Registration Bureau for Scotland (CRBS) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Please supply the Registration No:

FINANCE SECTION

Q15	Tell us how much money you need in order to fund the project you are applying for and give us a breakdown. Please provide evidence of the need for this service / project / activity. (Include staffing costs.)		
	Item / Activity	Amount	
	New changing facilities at Dunoon Stadium		
	Sportscotland – grant approved	£100,000	
	A&B Council	£35,000	
	DYFL	£5,000	
A	Total	£140,000	
B	How much of this total are you funding from your group resources?	£5,000	
C	How much is coming from other agencies	£100,000	
	TOTAL AMOUNT REQUESTED IN THIS APPLICATION (This Equals A-B+C and should be no more than 50% of the total (A) and no less than £6000)	£35,000	
Q16	Tell us about any other grant or current applications you have made to Argyll and Bute Council within the past 5 years		
	Grant Scheme	Description / Amount	Year
	n/a		Successful
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
Q17	Are you applying to any other funders for what you have described in this application?		
	Grant Scheme	Description / Amount	Successful
			Yes <input type="checkbox"/> No <input type="checkbox"/>
	SportScotland	£100,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

	Yes <input type="checkbox"/>	No <input type="checkbox"/>
--	------------------------------	-----------------------------

Q18 As this funding is of a one off nature, if this project is intended to extend beyond the grant period, how do you intend funding the project after this time?

Funding for the building is of a one off nature.

Maintenance and servicing of the building will come from DYFL memberships, fundraising and voluntary services.

Q19 Tell us your bank details where payment would be made to.

Account name of group	DYFL New Clubhouse A/C		
Bank / Building Society name	Bank of Scotland		
Bank / Building Society address	78 Argyll St. Dunoon		
Sort code 6 digits 80-13-46	Account Number 8 digits	00312442	
Building Society roll number (if applicable)			
Who from your group is authorised to sign cheques?			
Name	Jim Strapp	Position	Chairman
Name	Gordon Henderson	Position	Treasurer
Name		Position	
If your Treasurer is not one of the authorised signatories, please give the Treasurers name			

Q20 Give information relating to your most recent annual accounts. Before completing this section make sure you have read and understood the Councils general criteria.

Account year ending	18/11/08
Name and address of auditor	n/a
Total (gross) income	£23,857
Minus total expenditure	£23,376
Equals surplus / deficit for the year	£483
Savings (reserves, cash or investments)	£15,396
Are your Savings / Reserves retained for another purpose (give details)	Savings retained to pay Football Development Officers wages + guarantee of wages for one year.

Q21	Your Signature. Must be the main contact as stated in question 2	
I confirm that to the best of my knowledge and belief, all replies given on this application are true and accurate. I understand that the supporting information may be requested at any stage of this application.		
Signature	<i>James B Seiff</i>	Date 25/3/09

Declaration

Q22	Additional Signatory (Your Chairperson, Vice Chair or Treasurer must sign below) This must not be the main contact as mentioned in Q2 & Q26		
I confirm that I am authorised to sign this declaration on behalf of :		Insert name of group Dunoon Youth Football League	
To the best of my knowledge and belief all information provided in this application is true and accurate.		Post Held Treasurer	
Title Mr	First Name Gordon	Surname Henderson	
Address 23C Hunter St Dunoon			
Post Code PA23 8ST	Postal town Dunoon	Argyll and Bute Area	
Day time telephone 01369 706525		Evening telephone 01369 706525	
Signature	<i>C Henderson</i>	Date	25/3/09

Assessment Contact Details.

Q23	An officer of Argyll and Bute Council may contact your organisation to arrange to make an assessment of your application. Please indicate below the person who should be contacted.		
Name	Jim Strapp	Job Title	Chairman
Visit Address	91 Argyll Rd Dunoon Argyll PA23 8EJ	Day time Phone No.	07816 656409
		Evening Phone No.	01369 703522
		Email	jim.strapp@scottishwatersolutions.co.uk

YOUR PERSONAL CHECKLIST

Items to Include with your application

You will need to ensure that the following items, where relevant to your organisation, are returned with your form. If you do not include them there may be a delay in dealing with your application. Please tick the boxes to show that you have included each item with your application.

- ✓ Your group's constitution or other governance papers
- ✓ Your most recent accounts signed and dated by an auditor or someone external to your organisation (**Please include their name and address**), or if you are a new organisation a financial projection in case
- ✓ A current bank certificate/statement showing balances held in EVERY account
- If applying for grant assistance towards a **community asset**, Copies of Statutory Permissions/Letter of Comfort.
- If applying for grant assistance towards a **community asset**, a copy of your Business Case
- If applying for grant assistance towards an **event**, a copy of your projected income / expenditure for the event.

Please send your form to the appropriate Corporate Services Manager

You should receive an acknowledgement of receipt within five working days. If you do not, contact whomever you sent the form to.



Head Office: Kilmory, Lochgilphead, Argyll PA31 8RT

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ARGYLL and BUTE COUNCIL**BUTE and COWAL
AREA COMMITTEE****DEVELOPMENT SERVICES****7 APRIL 2009**

BUTE DIAL-A-BUS

1. SUMMARY

To improve bus services in the West Cowal area by releasing the Dial-a-Bus from Bute and transferring clients of Dial-a-Bus to Interloch Transport.

2. RECOMMENDATION

That members agree to the withdrawal of the Bute Dial-a-Bus service and the transfer of existing clients to Interloch Transport.

3. BACKGROUND

Bute Dial-a-Bus along with Cowal Dial-a-Bus was inherited from Strathclyde Passenger Transport (SPT) in 1996 at the inception of Argyll and Bute Council.

Users of Dial-a-Bus are required to register with the Council to use the service. This is a demand responsive bus service primarily serving elderly and disabled/vulnerable members of the community who are unable to use conventional public transport due to age or infirmity. There are currently twenty nine registered users with only eight of these users having used the service regularly from 1 January 2008.

The service operates two days per week. Tuesday from 1100 until 1400 and Saturday from 1000 until 1600. Clients book the service the day before they wish to travel by calling the Council during designated times. Most journeys are to the local supermarket and Guildford Square to access the shops. Despite the service covering the whole island, journeys are rarely booked outwith Rothesay or to any other part of the island. The service is not well used.

During August 2007 attempts were made to improve passenger numbers and journeys by writing to all registered users reminding them of the journeys they could make and the days and times of availability. Posters were displayed in the Library, Hospital and other local outlets and work on publicising the service was carried out with the local Bute and West Cowal Transport Forum as well as through sheltered housing and elderly care establishments on the island. In addition, the Council's Area Transport Guide for Bute carries information on the Bute Dial-a-Bus and this guide is available at local outlets across the island. This generated some enquiries for further information but to date only two

additional users have registered to use the dial-a-bus. In 2006 and 2007 the figures were four and two respectively.

Passenger numbers during 2008 have been very poor. From 1 January 2008, combining Tuesday and Saturday journeys the highest number of passengers in any one week has been eight. During one week, combining Tuesday and Saturday only one passenger used the service.

The cost of the service to Argyll and Bute Council is £339.03 per week. This equates to a passenger subsidy of £339.03 per passenger when one person used the service and £42.37 when eight passengers used the service. This against the Guideline Criteria of £3.50 per passenger subsidy is not cost effective for the Council.

It is suspected that there are three reasons for the poor patronage. Firstly, the limited times at which the vehicle is available. Secondly, the fact that there have always been reasonably good bus services in the area and thirdly, there are other providers of similar transport to the elderly and disabled on the island.

5. PROPOSAL

In an attempt to improve services across West Cowal, giving a more consistent approach to daily services, it is proposed to remove the Dial-a-Bus service on Bute to free up the vehicle to enable it to be used in the West Cowal area, in particular improving the service between Rothesay Portavadie Dunoon and Rothesay.

It is further proposed to transfer the Council's Dial-a-Bus clients to Interloch Transport Community Transport who have recently, following receipt of their new vehicle, begun to provide transport services in Bute.

Interloch Transport provide a comprehensive transport and assistance service to vulnerable or disabled clients of any age throughout rural Cowal and Dunoon to help relieve social isolation and to enable people to remain independent in their homes for longer. The vehicle to be used on Bute is an eight passenger seat fully disability compliant bus. Clients would utilise the service in a similar way to dial-a-bus by booking the journey a minimum of 24 hours in advance and with the added benefit of a driver/passenger assistant they will receive a higher level of service than with the current arrangements.

Interloch Transport will be offering transport services on Bute on Mondays and Fridays from 1000 until 1500. It is the intention that the Council would cease to register any new clients for Dial-a-Bus but would instead direct them to Interloch Transport to become registered and in turn be able to use the service Interloch Transport provides. The Council's existing twenty nine registered clients would transfer to Interloch Transport and the Council would continue to pay for these registered clients to use the service on two days per week.

6. COSTS

As stated, the Council currently pays £339.03 per week to West Coast Motors for the current dial-a-bus service. There would be savings to the Council if the dial-a-bus clients transferred to Interloch Transport.

A negotiated standing charge rate of £130.00 per week has been agreed for Interloch Transport to take over the dial-a-bus clients. On top of this it has been agreed that the Council would pay the fare for their clients when they used the service. Interloch Transport's standing fare scale is:

Up to five miles - £1.00 each way
Between five and ten miles - £2.00 each way
Over 25 miles - £3.50 each way

While clients using the dial-a-bus service currently do not require to pay as they travel using their National Concessionary Travel Card, Interloch Transport being a community operator are not included in the scheme currently and require to charge clients for journeys.

Cost saving to the Council would be up to £209.03 per week which would be re-directed into improving services in the West Cowal area. Payment to Interloch Transport would continue until such time as all existing clients who had been transferred ceased to use the service.

7. TIMESCALE

It is intended to withdraw the Bute Dial-a-Bus service and transfer the clients to Interloch Transport as soon as possible following approval of the recommendation.

8. IMPLICATIONS

- 8.1 Policy – in keeping with Best Value
- 8.2 Financial – none, as savings would be used to enhance other services.
- 8.3 Personnel - none
- 8.4 Equal Opportunities – existing clients would receive an improved service at no additional cost and new clients would have to make a contribution to Interloch Transport
- 8.5 Legal - none

Further enquiries to Douglas Blades, Public Transport Officer, 01546 604193.

Robert Pollock
Head of Economic Development and Strategic Transportation

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DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL

Ward Number - 6 Cowal
 Date of Validity - 7th November 2008
 Committee Date - 7th April 2009

Reference Number: 08/01979/VARCON
 Applicants Name: Mr. and Mrs. C.R. Chisholm
 Application Type: Detailed
 Application Description: Improvement of existing access for timber haulage (Variation of Condition 3 of Planning permission 06/02018/DET)
 Location: Heronlea, High Road, Sandbank, Argyll

Supplementary Report

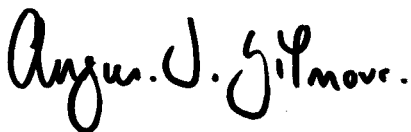
(A) FURTHER INFORMATION

At the Bute and Cowal Area Committee meeting on 3rd March 2009, this application was continued to allow further information to be presented in respect of junction and access arrangements along this stretch of the A885 Sandbank High Road.

The Area Roads Manager has submitted an updated plan indicating proposed improvements to this stretch of road with a proposed three lane section at the approved southern entrance to the Sandbank Business Park (ref. 07/02404/DET, approved 7th March 2008). This plan also indicates the location of the proposed entrance to Heronlea and close proximity to the U26 Lover's Lane junction. Given available sightlines, new entrance to Sandbank Business Park and proximity to Lover's Lane junction, the Area Roads Manager is satisfied that the 7.3 metre carriageway across the access as previously conditioned (under ref. 06/02018/DET) is no longer required as it could have interrupted the flow of traffic along the A885 High Road. There is a minor change in the wording of original condition 2. (in respect of tapering instead of widening) and this has now been amended below in addition to other conditions and advisory notes that remain unaltered.

(B) RECOMMENDATION

It is recommended that planning permission be **granted** subject to the conditions, reasons and notes to the applicant set out below.



Angus J Gilmour
Head of Planning
 30th March 2009

Author: Brian Close 01369 708604
Reviewing Officer: David Eaglesham 01369 708608

30th March 2009
 30th March 2009

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/01979/VARCON

1. The existing sightlines of 120 metres from a 4.5 metre setback in each direction shall be maintained with no obstruction to visibility (including hedges and verges) greater than 1.0 metre in height above the road level.

Reason: In the interests of road safety and to ensure that existing sightlines are maintained.

2. The access shall be constructed as per Fig 5.4 of the Council's Development Guidelines, *Junction layout for long vehicles*, incorporating a taper in the nearside kerb. The access and the tapered section of the A885 shall be of a heavy duty construction in hot-rolled asphalt with HB2 kerbs at the rear of the bellmouth.

The access shall be a minimum width of 6 metres for a minimum distance of 12 metres from the edge of the carriageway, where the gradient shall not exceed 5%. A sealed surface shall be provided for at least the first 12 metres from the edge of the carriageway. The footway shall be renewed from the tangent points north and south of the proposed access with dropped kerbing to be supplied for pedestrian traffic along the A885.

Reason: In the interests of road and public safety.

3. The access shall not be used by articulated vehicles until signage has been provided on the A885 to raise awareness of this new junction in accordance with details to be submitted to and approved by the planning authority. The southbound signage shall be located before the summit to the north of the access. (*Refer also to Advisory Note (iii) below*)

Reason: In the interests of road and public safety.

INFORMATIVES RELATIVE TO APPLICATION: 08/01979/VARCON

- (i) *The Area Roads Manager advises that the proposed works will require Construction Consent (S21) for the carriageway and footway works and a Road Opening Permit (S56) will be required for the upgrading of the junction. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly upon this matter.*
- (ii) *The Area Roads Manager previously advised that surface water drainage should not pass on to the public highway and a drainage system including positive drainage measures should be agreed with the Area Roads Manager. The developer is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly in this regard.*
- (iii) *Condition 3 stipulates that appropriate warning signs will be required on the A885 on either side of the new junction. The applicant/developer is advised to liaise directly with the Area Roads Manager (contact Mr. Paul Farrell, tel. 01369 708613) regarding location and type of signage.*

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE

Ward Number - 6 Cowal
Date of Validity - 7 November 2008
Committee Date - 3 March 2009

Reference Number: 08/01979/VARCON
Applicant's Name: Mr. and Mrs. C.R. Chisholm
Application Type: Detailed
Application Description: Improvement of existing access for timber haulage (Variation of Condition 3 of Planning permission 06/02018/DET)
Location: Heronlea, High Road, Sandbank, Argyll

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Improvements to existing access at junction with A885 Sandbank High Road comprising formation of bellmouth, widening, regrading and resurfacing of existing track and provision of dropped kerbs.
-

(B) RECOMMENDATION

It is recommended that planning permission be **Granted** subject to the conditions and reasons set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

This application relates to improvements to an existing private vehicular access serving the dwellinghouse Heronlea from the A885 road between Dunoon and Sandbank in connection with the provision of a timber haulage route which is being constructed as permitted development under Class 22 of the General Permitted Development Order. The applicant is seeking relief from part of condition 3 of planning permission 06/02018/DET granted on 21 March 2007.

The Area Roads Manager has no objection to the access improvements subject to conditions and advisory notes. The improvements to the access are to be welcomed and the proposal is considered acceptable subject to the conditions and advisory notes set out overleaf.

(ii) Representations:

Neighbour notification. No response.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

Not required

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

Yes. Council is partner in Scottish Strategic Timber Transport Scheme.

(vii) Need and Reason for Notification to Scottish Ministers.

Not required

(viii) Has a sustainability Checklist Been Submitted:

No

Angus J Gilmour
Head of Planning
20 February 2009

Author: Brian Close

Date: 2 February 2009

Reviewing Officer: David Eaglesham

Date: 20 February 2009

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/01979/VARCON

1. The existing sightlines of 120 metres from a 4.5 metre setback in each direction shall be maintained with no obstruction to visibility (including hedges and verges) greater than 1.0 metre in height above the road level.

Reason: In the interests of road safety and to ensure that existing sightlines are maintained..

2. The access shall be constructed as per Fig 5.4 of the Council's Development Guidelines, *Junction layout for long vehicles*, incorporating a taper in the nearside kerb. The access and the widened section of the A885 shall be of a heavy duty construction in hot-rolled asphalt with HB2 kerbs at the rear of the bellmouth.

The access shall be a minimum width of 6 metres for a minimum distance of 12 metres from the edge of the carriageway, where the gradient shall not exceed 5%. A sealed surface shall be provided for at least the first 12 metres from the edge of the carriageway. The footway shall be renewed from the tangent points north and south of the proposed access with dropped kerbing to be supplied for pedestrian traffic along the A885.

Reason: In the interests of road and public safety.

3. The access shall not be used by articulated vehicles until signage has been provided on the A885 to raise awareness of this new junction in accordance with details to be submitted to and approved by the planning authority. The southbound signage shall be located before the summit to the north of the access. (*Refer also to Advisory Note (iii) below*)

Reason: In the interests of road and public safety.

INFORMATIVES RELATIVE TO APPLICATION: 08/01979/VARCON

- (i) *The Area Roads Manager advises that the proposed works will require Construction Consent (S21) for the carriageway and footway works and a Road Opening Permit (S56) will be required for the upgrading of the junction. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly upon this matter.*
- (ii) *The Area Roads Manager previously advised that surface water drainage should not pass on to the public highway and a drainage system including positive drainage measures should be agreed with the Area Roads Manager. The developer is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly in this regard.*
- (iii) *Condition 3 stipulates that appropriate warning signs will be required on the A885 on either side of the new junction. The applicant/developer is advised to liaise directly with the Area Roads Manager (contact Mr. Paul Farrell, tel. 01369 708613) regarding location and type of signage.*

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01979/VARCON

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Adopted Cowal Local Plan Cowal Local Plan 1993

The site is located between the established settlements of Dunoon and Sandbank covered by Policy POL RUR 1. The application site is situated within the Central and East Cowal Local Scenic Area as defined by POL RUR 1: Landscape Quality, under Areas of Local Landscape Significance specifically Loskin and Loch Loskin Broadleaf Woodland where the Council will resist prominent or sporadic development which would have an adverse landscape impact.

Argyll & Bute Local Plan Post Inquiry Modifications 2008

The site is located within an area zoned as Countryside Around Settlement where only small-scale, infill and rounding off and redevelopment proposals will be supported where appropriate and provided they do not compromise the long term growth of the settlement.

Policy LP TRAN 4 New and Existing, Public Roads and Private Access Regimes where existing private accesses can be upgraded by improvements to sightlines, access design, width and gradient.

Note (i): **The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

Planning permission (06/02018/DET) for improvement of existing access to Heronlea for timber haulage was granted on 21 March 2007. Condition 3 required, inter alia, that the A885 should be widened to 7.3m for 20m either side of the improved access.

Planning permission (07/02404/DET) for the formation of a vehicular access to Sandbank Business Park from the A885 approximately 150m north west of this access was granted on 7 March 2008.

(iii) CONSULTATIONS

Area Roads Manager (response dated 16 February 2009) The 7.3m carriageway width as previously conditioned is no longer required, due to approval of a new vehicular access to Sandbank Business Park and the close proximity to the U26 Ferry Road junction. The increase in width would interrupt the flow of traffic along the A885 High Road. No objections subject to conditions and advisory notes.

(iv) PUBLICITY AND REPRESENTATIONS

Neighbour notification. No response.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01979/VARCON

PLANNING LAND USE AND POLICY ASSESSMENT

A. Road Network, Parking and Associated Transport Matters.

The improvements to the access at Heronlea form part of a larger project, the Dunoon Timber Haul Route, which is now under construction. This project involves construction of a new forest road and upgrading of existing forest roads to provide a new access to the forest between Dunoon and Sandbank. The proposal will provide an alternative to two current access points which come down onto small roads in residential areas i.e. Bishop's Glen into Kilbride Road, Dunoon and between Toward and Innellan. The new network will link three forest areas which currently have no paths or tracks to join them. The project is a partnership between Forest Enterprise and areas in private ownership.

At the meeting of the Bute & Cowal Area Committee on 6 February 2007, consideration of the original application to improve the access at Heronlea was continued to seek further improvements to the public road. The applicant's agent then agreed to a higher standard of junction improvement with localised road widening to 7.3m for 20m either side of the junction and the application was approved with a condition to secure that improvement at the meeting of the Area Committee on 20 March 2007. The Area Roads Manager now considers that such widening would produce an inconsistent change in carriageway standard on High Road and no longer considers such improvement to be desirable.

The access improvements are in line with Policy TRAN 4 of the Argyll and Bute Local Plan.

CONCLUSION.

In view of the Area Roads Manager's advice, the road improvement previously agreed and required by condition cannot be supported on road safety grounds. Permission can therefore be granted subject to revised conditions

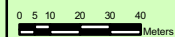
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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/01979/VARCON**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT



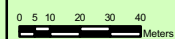
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**AERIAL VIEW
RELEVANT TO PLANNING
APPLICATION 008/01979/VARCON**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT



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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

**Ward Number - 6 Cowal
Date of Validity - 29th August 2008
Committee Date - 7th April 2009**

Reference Number: 08/01508/DET
 Applicants Name: Archd. Fergusson Ltd
 Application Type: Detailed Planning Permission
 Application Description: Erection of seven dwellinghouses, formation of vehicular access and installation of private sewerage system.
 Location: Land to the south west of Heather Cottage and Kikut, Strachur.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 7 dwellinghouses
- Formation of vehicular access and roads
- Installation of private sewerage system

(ii) Other specified operations

- Connection to public water main

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission **be granted**, as a Departure, subject to the conditions, reasons and advisory notes detailed later in this report.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application is contrary to Policy POL HO 9 '*Sensitive Settlements*' of the Cowal Local Plan which restricts housing development in Strachur. It is also contrary to POL HO 5 of the Local Plan, which presumes against granting further planning permissions for greenfield sites in Cowal.

In terms of the Argyll & Bute Local Plan Post-Inquiry Modifications 2008 the site forms part of Housing Allocation H-AL 2/15 for the provision of 30 housing units, defined as medium-scale housing development and falls wholly within the defined Strachur Settlement Zone. There is also an extant planning permission for seven dwellinghouses within this site.

The extent of the Settlement Zone at Strachur and Allocation H-AL 2/15 have not been contested and, as such, may be afforded significant weight in the determination of the application as the most up-to-date expression of Council policy. **The proposal can, therefore, be justified as a departure from adopted Local Plan policy.**

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

In the absence of representations, a hearing is not required.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

The application site is the subject of an explicit Housing Allocation within the Argyll & Bute Local Plan Post-Inquiry Modifications 2008 and is fully contained within the proposed Settlement Zone boundary. As there were no specific representations to the emerging Local Plan in respect of the application site, nor the proposed settlement boundary at this location, significant weight can be attached to those provisions which represent an appropriate basis for a departure from the Cowal Local Plan.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

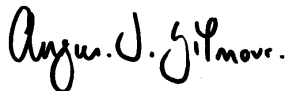
No.

(vii) Need and Reason for Notification to Scottish Ministers.

None.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
30 March 2009

Author: John Irving
Contact: David Eaglesham

Tel: 01369 708621
Tel: 01369 708608

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION 08/01508/DET

1. The development to which this permission relates must be begun within five years from the date of this permission.

Reason: *To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.*

2. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - i) Location and design, including materials, of all walls, fences and gates
 - ii) Soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
 - iii) Programme for completion and subsequent on-going maintenance.

Boundary treatments to the perimeter of the site where it adjoins areas of open countryside shall be unobtrusive and may comprise post and wire fencing

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. This must include the planting of heavy standard trees along the north western frontage to supplement the existing tree coverage. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason 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.*

- 3 All existing trees on site shall be retained and the written consent of the Planning Authority must be obtained prior to any tree felling, lopping or removal.

Reason: *In the interest of visual amenity.*

- 4 Prior to work starting on site full details of parking provision for 2 cars within the curtilage of each dwellinghouse drawn up in consultation with the Council's Area Roads Manager shall be submitted to and approved in writing by the Planning Authority. The parking area shall be provided prior to the occupation of each dwellinghouse.

Reason: *In the interests of road safety.*

5. No development shall take place until full details of the design of the sewage treatment plant and maintenance schedules for the plant and odour control measures have been submitted to and approved in writing by the Planning Authority, in consultation with Public Protection Services. None of the dwellings shall be occupied

until the construction of the sewage treatment plant has been completed and is fully operational in accordance with the approved details.

Reason: *In the interests of public health and amenity.*

6. Facilities required to deal with surface water drainage at the site shall represent Sustainable Urban Drainage Systems and may include separate land soakaways if site conditions are appropriate, or a filter trench prior to disposal if not. No development shall take place until details of how a SUDS drainage scheme can be accommodated in the proposed layout, the methods to be employed and supporting drainage calculations have been submitted to and approved in writing by the planning authority.

Reason: *to provide for adequate drainage of surface water at the site and in the interests of maintaining water quality.*

7. Visibility splays at the junction with the A886 measuring 120 metres in both directions from a 2.5 metre setback shall be maintained clear of all obstructions over 1 metre in height at all times and the access road shall be constructed prior to the occupation of any dwellings at the site.

Reason: *In the interests of road safety and to ensure that an adequate level of access is provided for the development.*

8. The proposed vehicle access to each dwelling shall have visibility splays of 20 metres x 2 metres in each direction formed from the centre line of each access. Prior to the occupation of each dwelling, these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height.

Reason: *In the interests of road safety.*

9. Prior to commencement of development a detailed Flood Risk Assessment for this development shall be submitted for the approval of the Planning Authority in consultation with the Council Area Roads Manager and Scottish Environmental Protection Agency, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interest of flood prevention.*

10. Prior to commencement of development full details of the proposed culvert head wall and any proposed inlet covering shall be submitted for the written approval of the Planning Authority, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interest of flood prevention and health and safety.*

INFORMATIVES:

1. The applicant's attention is drawn to the comments of Scottish Water in their letter dated 9 September 2008.
2. The applicant's attention is drawn to the comments of the Scottish Environment Protection Agency in their letter dated 4th February 2009.
3. The Area Roads Manager has advised that a system of surface water drainage is required to prevent water running of the road and to do would be contrary to Section 99 of the Roads(Scotland)Act 1984 that states that:

"(i) The owner and occupier of any land, whether or not that land is such as constitutes a structure over or across a road, shall prevent any flow of water, or of filth, dirt or offensive matter from, or any percolation of water through, the land onto the road."

A drainage system including positive surface water drainage measures should be agreed with the Area Roads Manager. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell Tel. 01369 703959) directly in this regard.

4. The Area Roads Manager has advised that the proposed works will require a Road Opening Permit (S56), Construction Consent (S21) and Road Bond. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 703959) directly upon this matter.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01508/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002 (approved November 2002)

STRAT DC 1 '*Development within Settlement*' supports the principle of up to '*medium scale*' development with the settlement of Strachur on appropriate infill, rounding-off and redevelopment sites.

STRAT DC 9 '*Landscape and Development Control*' seeks to resist non-sustainable development that, by reason of location, siting, scale, form, design or cumulative impact, would damage or undermine the key environmental features of a visually contained or wider landscape or coastscape.

PROP SET 4 '*Housing Provision in Argyll and Bute*' sets out the levels of housing land to be provided in Cowal and which are to be met principally through allocated sites within settlements, to be proposed in detail through the Local Plan.

STRAT HO 1 '*Housing – Development Control Policies*' states that 'planning conditions and planning agreements shall be required, in appropriate cases, to facilitate the delivery of housing to meet local housing need, including affordable housing provision.

Cowal Local Plan 1993 (adopted October 1995)

POL RUR 1 '*Landscape Quality*' seeks to maintain and enhance landscape quality of the Regional Scenic Coasts, including East Loch Fyne, and will resist prominent or sporadic development which would have an adverse landscape impact.

POL RUR 2 '*Nature Conservation*' resists developments which would have an adverse effect on Local Features of Wildlife Value. The current application site forms a part of a wider Local Feature of Wildlife Value occupied by woodland and scrub.

POL HO 4 '*Housing Land Availability*' seeks to keep the availability of private housing development sites within Cowal under review in order to maintain a suitable range of opportunities for private house building.

POL HO 5 '*Private Housing Estate Development*' opposes the grant of additional planning consents for the development of greenfield private housing sites in Cowal.

POL HO 9 '*Sensitive Settlements*' seeks to resist new housing development within Strachur to identified areas, given that unsympathetic development could have a detrimental effect on the existing landscape setting and servicing. The current application site was not identified for development in the Cowal Local Plan.

POL PU 2 '*Private Sewage Disposal Schemes*' discourages private sewage disposal schemes in areas covered by mains drainage.

POL BE 9 '*Layout and Design of Urban Development*' seeks to achieve a high standard of layout and design where new developments are proposed.

Argyll and Bute Local Plan Post Inquiry Modifications 2008

The site lies within Housing Allocation H-AL 2/15 which provides for 30 units on a site known as 'Strachur – Mid Letters'. The site is also within an Area of Panoramic Quality.

Policy LP ENV 10 seeks to resist development within... Areas of Panoramic Quality which would have a significant adverse impact on the character of the landscape. The highest standards of location, siting, landscaping, boundary treatment, materials and detailing will be required within such designated areas.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' provides a presumption in favour of housing developments within the defined settlement zones.

Policy LP HOU 2 '*Provision of Housing to Meet Local Needs including Affordable Housing Provision*' requires developments to contribute a proportion of affordable housing provision on site where there is a total capacity of 8 dwellings or more.

Policy LP HOU 4 '*Housing Green Space*' requires developments of more than 20 dwelling units to provide children's play areas and open space provision.

Policy LP SERV 1 sets out circumstances where connection of the development to the public sewer will not be required. This includes situations where connection is not feasible (for technical or economic reasons) or where the receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase that capacity. In addition, the proposal should not result in, or add to, existing environmental, amenity or health problems.

Policy LP SERV 2 '*Incorporation of Natural Features/ Sustainable Urban Drainage Systems*' – seeks to avoid culverting watercourses wherever practicable and requires that culverting is sensitively designed where unavoidable. The Policy requires proposals for SUDS measures in relation to all development prior to determination.

Policy TRAN 4 – '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

National Planning Policy

Planning Advice Note 84 '*Reducing Carbon Emissions in New Developments*' requires all applications proposing development with a total cumulative floorspace of 500 square metres or more to incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard.

(ii) SITE HISTORY

Outline planning permission 15196 granted September 1972 for residential development at this location with subsequent reserved matters approval for 12 dwellings in June 1976 which is understood to remain extant following commencement of development.

Planning permission 165/82 was granted September 1982 and represented amendment of the scheme of development approved in 1976.

Planning permission 05/01434/DET for the erection of seven dwellinghouses and installation of private sewerage system was approved on 8 December 2005 and remains extant.

Planning application 07/01966/DET for erection of 12 dwellinghouses, formation of vehicular access and installation of private sewage system was withdrawn on 3 September 2008.

(iii) CONSULTATIONS

Crown Estates Commission:

No response.

Scottish Water (response received 9th September 2008):

No objection. Strachur Hazeldene Wastewater Treatment Works has limited capacity to serve this development.

Area Environmental Health Officer (response received 9th September 2008):

No objection. Conditions recommended in relation to constructions hours restrictions and design, maintenance schedules and odour control for the sewage treatment plant.

Scottish Environment Protection Agency (responses received 16th September 2008, 12th December 2008 and 4th February 2009):

A public sewerage system is not available and private foul drainage discharging to the water environment has been discussed with the applicant's agent. Following initial assessment, SEPA confirm that the proposed discharge is capable of being authorised under the Controlled Activities Regulations.

A SUDS scheme is required for surface water drainage in accordance with the Controlled Activities Regulations supported by full details of the proposed methods, how they will be accommodated in the site layout and calculations demonstrating their suitability.

SEPA is in receipt of further information regarding the culverting of an existing watercourse at this site as part of the proposed development. SEPA considers the culverting proposals as set out within the submitted plans acceptable in this case due to the minor scale and nature of the watercourse and the fact that it appears that no

other practical option exists that would allow the watercourse to remain open. SEPA therefore withdraws its objection to this aspect of the proposal.

Development Policy Team (response received 4th September 2008):

Suggests requesting masterplan for the wider Allocation as a component of the current application to ensure that the balance of the development area is not compromised by the current proposal and that infrastructure is constructed to accommodate the future development of the allocation.

Indicates that there is no need to insist on the proposal providing affordable housing as the affordability element for this site was removed as a modification to the Finalised Plan.

Points to potential significant heat loss from external access doors which open directly into living spaces.

Area Roads Manager (responses received 17th September & 23rd December 2008):

No objection, originally sought deferral for further information on carriageway gradients at bends and junctions.

(iv) PUBLICITY AND REPRESENTATIONS

The application was advertised under Section 34 (closing date 26th September 2008) and as a potential departure to the Development Plan (closing date 3rd October 2008). To date, no letters of representation have been received.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01508/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Strachur is defined as a '*Sensitive Settlement*' by Policy POL HO 9 of the adopted Cowal Local Plan 1993. Housing development is restricted to identified sites within the settlement. This site falls outwith an identified area and, as such, residential development cannot be supported at this site without an '*exceptional*' circumstance requiring either an operational or locational need.

Policy POL HO 5 of the Cowal Local Plan resists the granting of planning permission for private housing on greenfield sites outwith housing allocation areas within Cowal.

The proposal is therefore contrary to the provisions of Policy POL HO 5 and POL HO 9 of the Cowal Local Plan 1993.

Policy POL HO 4 of the Cowal Local Plan seeks to maintain a suitable range of opportunities for private house building. Given that the housing allocation site in Strachur within the 1993 Local Plan (commonly referred to as *Baycroft*) has now reached capacity, it is considered appropriate that other parts of Strachur should be considered for housing development.

The proposal is therefore considered to be consistent with the provisions of Policy POL HO 4 of the emerging local plan.

Within the Argyll & Bute Local Plan Post Inquiry Modifications 2008, the site falls within the defined Strachur '*Settlement Zone*' and the site forms part of Housing Allocation H-AL 2/15 (Mid Letters, Strachur – 30 units), which is defined as medium scale housing development. Neither the *Settlement Zone* at this location, nor the allocation of this site, were contested at the Local Plan Inquiry and significant weight can now be afforded to the emerging development plan. The applicant has submitted an indicative masterplan for the entire housing allocation which demonstrates that this application need not compromise the future development and layout of the remaining housing allocation area.

The proposal is therefore considered to be consistent with policy LP HOU 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

The application site extends to 1.33 hectares and occupies gently sloping land between steeper wooded slopes above the site and the rear gardens of domestic properties along the A886 which contain many trees, making views into the site difficult to obtain from the roadside.

The proposal seeks full planning permission for seven dwellings – the site is of sufficient size for additional dwellings and the site layout preserves this possibility and retains the potential to access areas to the east and south which are outwith the application site but form part of the wider Allocation in the emerging Local Plan.

The applicant's agent has provided an indicative masterplan for the wider Allocation which demonstrates how the road layout for this proposed phase of development

could be extended to facilitate development of the remainder of the site. This masterplan includes an indicative house layout for all 30 units, footpath provision, areas of new woodland and open green space and children's play space. Importantly, this masterplan demonstrates that the approval of this planning application will not compromise the future development of the remaining housing allocation.

In terms of its relationship with the existing settlement, it can be argued that the proposal would represent a natural extension of the settlement at this location, creating a row of six houses behind the gardens of the existing domestic properties along the A886 with a further house sitting a little higher up the hillside behind Heather Cottage. The form and density of the development would be similar to that represented nearby at Mid Letters and Baycroft.

The proposed dwellings would each utilise a simple single pitched roof and, whilst of two storeys, the use of render to the ground floor and timber cladding and slate to the upper floor and roof should ensure they do not have a prominent appearance. The proposed simple dwelling forms and proposed materials are characteristic of the surrounding area. Post and wire fencing is proposed for boundary treatments, consistent with the Council's Sustainable Design Guidance, providing for unobtrusive boundary treatment to surround open rural space.

On the basis of the foregoing, it is considered that the proposal is consistent with Policy POL BE 9 of the Cowal Local Plan 1993; Policy HOU 4 and ENV 19 along with Appendix A of the Argyll & Bute Local Plan Post Inquiry Modifications 2008; together with the Council's Design Guidance.

C. Biodiversity/ Nature Conservation

The site forms a small part of a much larger Local Feature of Wildlife Value identified in the adopted Local Plan and subject to POL RUR 2. The feature in question is a much larger area of woodland and scrub occupying large areas of sloping ground above Strachur and extending for many kilometres along the south side of Loch Fyne. Whilst the proposed development would inevitably have some effect upon the nature conservation value of the site, in the context of the wider area this is not considered significant.

The proposal represents a minor departure from adopted Local Plan Policy POL RUR 2 but this is not considered significant and the proposal also requires to be considered against the more recent provisions of the Argyll & Bute Local Plan Post Inquiry Modifications 2008 which supports development on the site.

D. Landscape

The proposal would result in development within an Area of Panoramic Quality under Policy LP ENV 10 of the Modified Finalised Argyll and Bute Local Plan. Bearing in mind that the site is not prominent and the proposal represents a modest extension of the existing settlement of a similar character to other recent nearby development, any impact on the much wider Area of Panoramic Quality is considered minimal.

Subject to the imposition of an appropriate condition in respect of landscaping as recommended above, it is considered that development on the site would not have any significant adverse impact on the character of the landscape.

The proposal can be considered acceptable in terms of Policy LP ENV 10 of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

E. Road Network, Parking and Associated Transport Matters.

The site will be accessed from the A886 between two existing properties known as March Cottage and Carraig. The seven proposed dwellings will be accessed by a single linear access road which will incorporate a turning head at either end of its span. Each plot boasts adequate space for parking and turning provision for two cars.

The Area Roads Manager's original consultation response recommended a variety of conditions and informatives to be attached to the grant of planning permission but deferred a decision until further information regarding the access gradients and further sectional drawing were submitted. The sectional information has been agreed and a condition can be attached to the planning permission requiring the submission of a Flood Risk Assessment prior to commencement of development.

The proposal can be considered acceptable in terms of Policy LP TRAN 4 of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

F. Infrastructure

It is proposed to connect into the public water main and Scottish Water has confirmed there are no capacity or network issues.

It is further proposed to install a private, non-adopted, foul drainage system discharging to coastal waters. Scottish Water has indicated that there is limited capacity at Strachur wastewater treatment works to serve the proposed development. SEPA has held discussions with the applicant's agent in connection with the lack of an available connection to the public sewerage system. Discharge to water requires authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and SEPA's initial assessment of the proposed discharge has confirmed that the proposed discharge is capable of being authorised.

Policy SERV 1 of the emerging local plan favours a connection to the public sewer. However, Scottish Water has confirmed that there is no capacity to connect to the public sewer, while SEPA has raised no objections with regards to the proposed foul drainage arrangements. This policy allows the use of a private septic tank where there is no capacity to connect to the public system and there are no known environmental, health or amenity issues. As such the proposed foul drainage arrangements are considered to be consistent with emerging local plan policy.

The proposed septic tank has not been designed with capacity to accommodate all 30 housing units within this allocation. However, the applicant has confirmed that if further houses are developed there is sufficient land next to the proposed septic tank where additional unit(s) could be installed, sharing the same outfall.

SEPA has indicated the need for appropriate SUDS measures for surface water drainage. It is considered that these matters can be dealt with by condition.

SEPA originally raised an objection to the proposed culverting of a watercourse within the development site. This objection has since been removed due to the minor scale and nature of the watercourse and the fact that it appears no other practical option exists that would allow the watercourse to remain open.

The proposal is consistent with the provisions of Policy POL PU 2 of the Cowal Local Plan 1993 and Policy LP SERV 1 of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

G. Affordable Housing

The proposal makes no provision for affordable housing.

Whilst forming part of a proposed housing allocation, the application site cannot be considered as a new housing site in that two extant planning permissions already allow for its development. Therefore there is no requirement for compliance with this local plan policy, to provide affordable housing provision on site. However, the applicant's indicative masterplan for this housing allocation has made provision for affordable housing elsewhere within the allocation and this demonstrates that this application does not compromise the requirements of policy LP HOU 2.

The proposal is considered consistent with Policy STRAT HO 1 of the approved Structure Plan and Policy LP HOU 2 of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

H. Other Scottish Executive Advice

Given the size of this development there is a requirement to comply with PAN 84 which requires that all such developments must incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard.

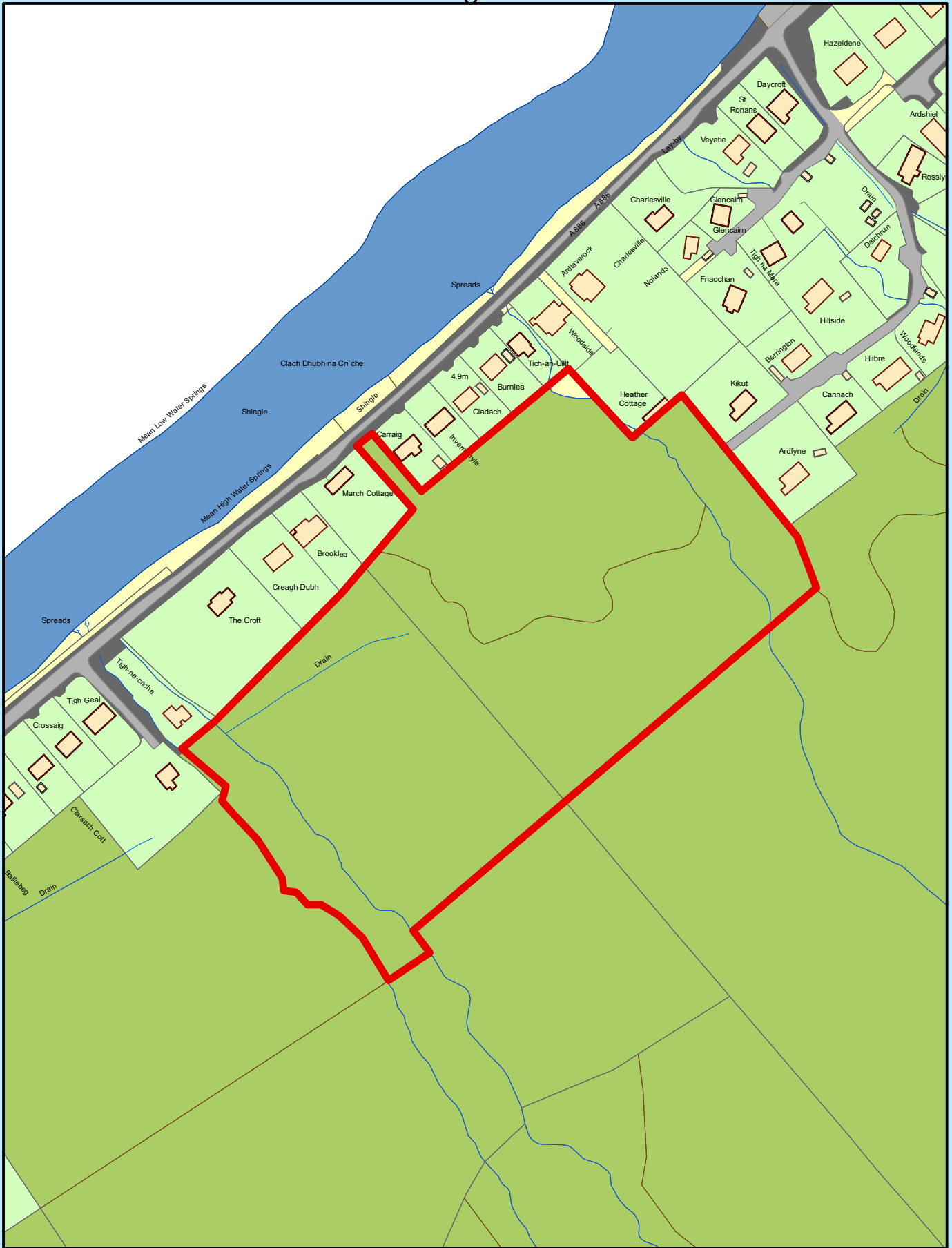
The applicant's agent has confirmed that 'The proposal will satisfy the PAN 84 requirement for an extra 15% reduction in CO₂ emissions beyond the 2007 Building Regulations standards. The houses all have good south orientation, with south-facing living spaces and also solar collectors to contribute to the space and water heating load. All houses have underfloor heating and also wood-burning stoves. The insulation levels proposed will provide U-values of 0.15 for walls, 0.16 for roofs and 1.40 for windows which are an improvement on the minimum standards of 0.35, 0.25 and 2.20 respectively. The timber frame construction and lightweight external cladding of larch and mineral render produces a construction that has low embodied energy.'

The proposal is therefore considered to be compliant with the provisions of PAN 84.

CONCLUSION

Whilst the proposal is contrary to the adopted Cowal Local Plan, the principle of the development can be justified as a '*minor departure*' to policy given the extant planning permissions, the unopposed extension to Strachur's settlement boundary and the Allocation of this site for housing development within the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

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COMMITTEE LOCATION PLAN RELEVANT TO 08/01508/DET

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT



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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee**

**Ward Number - 7 Dunoon
Date of Validity - 18th December 2008
Committee Date - 7th April 2009**

Reference Number: 08/02245/DET
 Applicants Name: Scottish Water
 Application Type: Detailed
 Application Description: Stabilisation of rock face: erection of Waste Water Treatment Works and ancillary development and alterations to existing access.
 Location: Bullwood Quarry, Bullwood Road, Dunoon

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- stabilisation of rockface involving blasting and excavation;
- excavation to 2 metres within the quarry floor to create a base for building and tank foundations;
- erection of Waste Water Treatment Works (WWTW) (providing primary and secondary treatment) comprising erection of main works building (green-coloured profiled metal cladding roof and external walls), inlet works structure, odour control plinth with a 19.0 metre high odour control stack, covered Aeration Tanks (7.1 metres high), Final Settlement Tanks (2.5 metres high);
- alterations to access from the A815 Bullwood Road with new access gates leading to a hardstanding tarmac access area with turning areas and access to main plant and buildings;
- a 2.4 metre high security fence across the front of the site set back from the footway and screened;
- earthworks around the Settlement and Aeration Tanks;

(ii) Other specified operations.

- Laying of outfall pipe to below Mean Low Water Spring (details submitted, 'permitted development').

(B) RECOMMENDATION

It is recommended that, following notification to the Scottish Ministers, planning permission be **Granted** subject to the conditions and reasons together with '*notes to the applicant*' set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Cowal Local Plan, the application site is located between the established linear settlements of Dunoon and Bullwood and located within the Central and East Cowal Local Scenic Area. The former quarry site is covered specifically by policy RUR11 which relates to the former use of Bullwood Quarry.

In the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), the application site is located outwith the southern boundary of the Dunoon settlement boundary and within an area zoned Countryside Around Settlement.

(ii) Representations:

Three letters of objection have been received with two from the same objectors.

(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:

Given that only three letters of objection have been received, it is not considered necessary to hold an informal hearing.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

Yes.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

Yes. The Town and Country Planning (Notification of applications) (Scotland) Direction requires all EIA developments to be notified to Scottish Ministers

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning Services
31 March 2009**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 13 March 2009
Date: 31 March 2009

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION 08/02245/DET

1. That the development to which this permission relates must be begun within five years from the date of this permission.

Reason: in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. a) No development or any works whatsoever shall take place in advance of an investigation and an assessment, carried out by a competent person, on the ground contamination that shall be undertaken and reported to Planning Authority in consultation with the Public Protection Unit. The assessment shall seek to define, with reference to relevant and current standards, any risks to the development posed by contamination, and make recommendations as to the requirement for any actions necessary to render the site suitable for the proposed residential use. The recommendations shall be agreed in writing with the Planning Authority, in consultation with the Public Protection Service, prior to any development.

b) Where the investigation has indicated that action is necessary to render the site suitable for the proposed use, a competent person shall devise a remediation plan and such findings shall be reported to the Planning Authority, in consultation with the Public Protection Service. The remediation plan shall be agreed in writing with the Planning Authority, in consultation with the Public Protection Unit prior to the commencement of any site works. The plan should include details of the methodology that will be employed to demonstrate that the site will be rendered suitable for the proposed use; and

c) The remediation works shall be undertaken as detailed within the remediation plan, unless otherwise agreed, in writing, with the Planning Authority, in consultation with the Public Protection Unit, prior to the first use of the treatment works. Upon completion of remediation works a completion certificate shall be issued, by a competent person, certifying that the works identified within the remediation plan have been carried out in accordance with the plan.

Reason: In the interest of public health and amenity as previous site investigation has concluded that contamination is present that may pose a hazard to the development.

3. Before development commences, an Environmental Action Plan shall be submitted to and approved in writing by the Planning Authority. This plan shall cover the construction, commissioning and operational phases of the proposed development. It shall address issues such as foul drainage, contamination, the potential for dust, mitigation measures to be adopted and the methods of monitoring and recording matters relating to dust control, all to the satisfaction of the Planning Authority in consultation with the Public Protection Service and with reference to Planning Advice Note 50. The approved Environmental Action Plan shall be implemented commensurate with the start of work on site and thereafter for the lifetime of the proposed works.

Reason: In the interests of public health and amenity.

4. Before development commences, a full site specific Construction Method Statement (CMS) shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. The CMS shall incorporate detailed pollution avoidance and mitigation measures for all construction elements potentially capable of giving rise to pollution. The CMS shall specifically include:

- i) a list of all activities that have the potential to affect coastal and groundwater, outlining preventative measures to reduce the environmental impact;
- ii) an incident plan outlining actions to be taken in the event of accidental sediment release or chemical spill;
- iii) a water-monitoring plan;
- iv) proposals and mitigation measures for the dewatering before concreting begins and whilst the concrete is being cured;
- v) specific measures to prevent entry of cement materials to the water environment and proposed mitigation related to this; and
- vi) the location and design of the bulk storage of fuel or oils and its subsequent use. Any oil or fuel stores shall have impervious bases and be placed within a secure bund. The use of drip trays

or similar shall also be required. All vehicles and plant shall be regularly inspected, with particular emphasis on hydraulic hoses, for fuel and oil leaks. Oil spill kits shall be maintained on site. Transformer areas shall be bunded and all bunding shall be in accordance with SEPA's guidelines for Above Ground Oil Storage Tanks – PPG2.

The approved Construction Method Statement shall be implemented commensurate with the start of work on site and thereafter for the lifetime of the proposed works.

Reason: *In the interests of public health and amenity and to prevent pollution.*

5. Noise from the Waste Water Treatment Works and ancillary operations (during its construction, commissioning and operation) within the site, including traffic movements shall not result in an increase to ambient background noise levels at the nearest noise sensitive properties at Ardvarney and Ardallow Gate Lodge. All measurements shall be taken in accordance with BS4142:1997 or an equivalent standard to be agreed in writing with the Planning Authority in consultation with the Public Protection Service.

Before development commences, a detailed Noise Management Plan shall be submitted in writing to the Planning Authority, approved in writing and thereafter implemented in full by Scottish Water for the construction and commissioning periods and during the lifetime of the proposed works. This plan shall include the full details on the measures to be adopted to ensure that and shall include:

- (a) full details of the maximum specific noise levels from equipment at the works which will be necessary to ensure that the predicted noise levels in the environmental impact assessment are met;
- (b) full details of the proposed noise mitigation measures for the site to ensure that the noise level at the façade of Ardvarney at both first floor level and ground floor level is 25dB(A) L_{Ar} (5 minutes) between the hours of 1800 and 0800, and 30dB(A) L_{Ar} (5 minutes) between the hours of 1800 and 0800 together with an assessment that this will be achieved;
- (c) full details of the subjective and objective noise monitoring arrangements including type of monitoring, equipment, locations, frequencies and the competency of monitoring staff;
- (d) a risk assessment of the potential sources of noise, potential problems and contingency measures to be taken in the event of breaches, problem or complaint
- (e) management arrangements for the recording of monitoring work, responding to complaints and incidents at work;
- (f) working arrangements at the site including restrictions in the hours when vehicles can enter the site;
- (g) maximum levels and abatement measures to control the impact of noise and vibration from the blasting activities, including monitoring and liaison arrangements with residents;
- (h) details of the maintenance and servicing arrangements with odour abatement plant and processes within the works; and
- (i) arrangements for reviewing details of this plan in light of operational experiences, proposed changes to the processes (including new equipment, operational procedures etc) and complaints.

Reason: *In the interests of public health and amenity.*

6. Prior to work starting on site, full details of the proposed acoustic barrier adjacent to the dwellinghouse known as Advarney shall be submitted to and approved in writing by the Planning Authority. Thereafter, the barrier shall be installed in its approved form prior to the start of any other construction process on site.

Reason: *In the interests of the amenity of residents at Ardvarney.*

7. Prior to work starting on site, full details of any external lighting to be used within the site or its access point shall be submitted to and approved in writing by the Planning Authority. Such details shall include details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. All lighting shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.

Reason: *In order to avoid the potential of light pollution infringing on surrounding land uses/properties*

8. Notwithstanding the submitted information, construction works within the site shall be restricted to the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturdays. No working shall take place on Sundays or Bank Holidays, except as otherwise agreed in writing with the Planning Authority. Prior to the start of work on the site, a list of days classed as Bank Holidays in the locality shall be agreed in writing with the Planning Authority.

9. When the waste water treatment works is operational, no vehicles shall enter the site outwith the hours of 0800 to 1800 on any day, except in the case of an emergency.

Reason: *In the interests of protecting adjoining residents from undue disturbance outwith normal working hours.*

10. Prior to work starting on site, full details of the external finishing materials of the following parts of the development shall be submitted to and approved in writing by the Planning Authority:

- a) the proposed profile sheet cladding to be used on the exterior of the treatment building, including the manufacturer's name, the profile of the cladding, and its British Standard colour number, which shall be for a matt finish dark green or similar;
- b) the proposed 19 metre high (34.1m AOD) odour control chimney stack, which shall be a matt finished dark recessive colour or matt finish dark green colour to match the colour of the treatment building; and
- c) the proposed primary sludge thickening building, inlet works building and primary sludge pump house, which shall include the manufacturer's name of the type of facing brick to be used together with its colour/BS reference, which should be dark brown, the colour and specification of any roughcast, which shall be a recessed colour to integrate with the rest of the buildings colour(s), the external colour/BS reference number of all doors, which shall be of a dark green matt finish to match the treatment building.

Reason: *In the interests of visual amenity and in order to integrate the proposal with its immediate surroundings and in order to ensure an integrated approach toward the design and finish of the entire works.*

11. Prior to work starting on site, full details of all boundary treatments including the 'anti intruder' weldmesh security fence, shall be submitted to and approved in writing by the Planning Authority.

Reason: *In the interests of visual amenity and in order to integrate the proposal with its immediate surroundings and in order to ensure an integrated approach toward the design and finish of the entire works.*

12. Prior to work starting on site, a tree survey shall be carried out in and around the site identifying those trees to be retained and those trees to be felled as a result of the construction process. Full details of the means of protecting the existing trees around the application site shall be submitted to and approved in writing by the Planning Authority. Such details shall include protection requirements in accordance with the provision of BS 5837 "Trees in relation to construction".

Reason : *In the interests of visual amenity and in order to ensure that the proposal will have an effective and maintained landscaping screen, including during the construction period, and to avoid any damaging operations to existing or proposed landscaping areas/features. The existing, proposed and continual maintenance of the areas of proposed landscaping is considered a key component in ensuring that the works can be accommodated into the landscape and effectively integrated/screened.*

13. a) Prior to work starting on site, full details of landscaping and treeplanting/shrub planting (including any trees to be felled and shrubs to be cleared) shall be submitted to and approved in writing by the Planning Authority. Such details shall include:

- (i) a minimum 5.0 metre wide tree planting belt along the entire eastern boundary of the site that shall retain the existing birch trees where possible;
- (ii) landscaping of all earth bunded slopes with grass and shrub planting;
- (iii) landscaping works for the access road embankments;
- (iv) other tree planting, shrub planting on remainder of site as may be agreed with the Planning Authority; and
- (v) the number, location, size and type of species to be used in each of the locations identified above, which shall include native species reflecting those found on surrounding wooded slopes.

b) The landscaping proposals required above shall be fully implemented within one planting season of work starting on site, unless otherwise agreed in writing with the Planning Authority. Any species lost for any reason including failure to root, vandalism, weather damage or for any other reason shall be replaced within one growing season with a similar species.

c) Full details of the proposed maintenance arrangements for the landscaping works required above shall be submitted to and approved in writing by the Planning Authority as part of the landscaped plan required under condition 11a). Such details shall include a maintenance period of 10 years together with the measures to be employed for identifying and replacing dying or dead species.

Reason : *In the interests of visual amenity and in order to ensure that the proposal will have an effective and maintained landscaping screen, including during the construction period, and to avoid any damaging operations to existing or proposed landscaping areas/features. The existing, proposed and continual maintenance of the areas of proposed landscaping is considered a key component in ensuring that the works can be accommodated into the landscape and effectively integrated/screened.*

14. Prior to the start of work on site, details of the following matters shall be submitted for the consideration and written approval of the Planning Authority, in consultation with Scottish Natural Heritage. Once approved the details shall be implemented in their approved form as part of the development:

- a) A method statement demonstrating that all potential impacts on wading bird species using intertidal areas of the coastline area for feeding and roosting would be minimised. The method statement shall indicate who the stratigraphy of the sediments would be preserved;
- b) A method statement demonstrating how the construction works would avoid impacts on any breeding birds in the quarry. This statement shall pay particular attention to :

- restricting access to sensitive areas of the site during the breeding season;
- the timing of construction works to avoid the breeding season, if possible;
- avoiding the removal of known nest sites of cliff nesting species; and
- the creation of new nesting ledges, which shall be implemented as part of the stabilisation of the rockface.

Reason: *To minimise the impact of the development of the site on bird species.*

15. Prior to the felling of any trees, trees shall be surveyed for the presence of bats by a suitably qualified and licensed ecologist and details shall be submitted for the consideration and written approval of the Planning Authority, in consultation with Scottish Natural Heritage. Once approved, the details shall be implemented in their approved form as part of the development. If bats are found during the course of the works, all work must stop and SNH contacted for advice on if and how to proceed.

Reason: *To minimise the impact of the development of the site on bat species.*

16. Prior to the commencement of any works to clear the site, full details of the method of the treatment and subsequent removal of the large areas of Japanese Knotweed (*Fallopia japonica*) on the application site, shall be submitted to and approved in writing by the Planning Authority. All removal and clearance operations shall be carried out prior to the start of construction, in accordance with such agreed course of action, unless consent for variation is obtained in writing from the Planning Authority.

Reason: *To prevent the spread of Japanese Knotweed outwith the site.*

16. Prior to work starting on site, full details of the proposed embankments around the proposed works platform shall be submitted to and approved in writing by the Planning Authority. Such details shall include a minimum of 4 evenly spaced cross sections through each of the embankments to show their height and finished gradient and irregular profile.

Reason: *In the interest of visual amenity and in order to integrate the proposed embankments with their surroundings.*

17. Prior to any works starting on site, full details of the following matters shall be submitted to and approved in writing by the Planning Authority:
- a) the geology of the site and the intended method of excavation and construction;
 - b) proposed vibration levels and controls, including the means to monitor and record the effect of vibration on adjoining premises;
 - c) the position and type of monitoring equipment to be used;
 - d) the agreed means of recording the vibration levels from the site;
 - e) the time intervals during construction when recorded vibration level information shall be submitted to the Public Protection Service; and
 - f) a management plan indicating the procedure for road closures when blasting takes place, incorporating the requirements of emergency vehicles.

If, during any part of the construction phase, the monitored levels exceed those agreed in writing with the Planning Authority as required in this condition, all excavation work on site shall stop with immediate effect and shall not restart until an alternative form of excavation is agreed in writing with the Planning Authority. Levels shall be measured and determined having regard to BS 6472:2008 and BS7385:1993 Part 2.

Reason: *In order to prevent adjoining properties/land uses being adversely affected by vibration during the course of construction works and to provide reassurance to the residents nearest the site.*

18. Prior to the start of work on site, details of the procedure for undertaking pre- and post-blasting structural surveys on all residential properties within 200 metres of the site boundary shall be agreed in writing with the Planning Authority. Thereafter, the surveys shall be undertaken in accordance with the agreed details.

Reason: *In order to prevent adjoining properties/land uses being adversely affected by vibration during the course of construction works and to provide reassurance to the residents nearest the site.*

19. Blasting operations shall only be undertaken between the hours of 1000 and 1600 hours Monday to Friday, provided that 24 hour notice has been provided to the adjacent residents and the Planning Authority.

Reason: *In order to prevent adjoining properties/land uses being adversely affected by vibration during the course of construction works and to provide reassurance to the residents nearest the site.*

20. No offensive odours from the waste water treatment works shall be detectable at the boundary of the site, as perceived by an officer authorised by the Planning Authority. This excludes the site boundary at the quarry face elevation.

Prior to construction of the waste water treatment works, an Odour Management Plan shall be submitted to in writing and approved by the Planning Authority, and thereafter implemented in full by the site operator during the commissioning period and the lifetime of the proposed works. This Odour Management Plan shall meet the requirements of the Scottish Government Code of Practice on Sewerage Nuisance and requires that odour emissions from the odour control unit stack shall comply with the point above. The odour management plan shall include the following:

- (a) full details of the odour abatement measures on site;
- (b) the provision of continuous stack emission monitoring for hydrogen sulphide and details of the monitoring proposals including concentration trigger values;
- (c) full details of the monitoring arrangements for the release of odour from the whole works including abatement controls and local enclosures, the Odour Control Unit and boundary assessments;
- (d) a full risk assessment of all potential sources of odour, details of their mitigation measures and the actions to be taken in the event of a perceived release of odour or problem (septicity at the works, failure in the Odour Control Unit etc);
- (e) arrangement for the storage and removal of sludge from the site, including odour mitigation measures and arrangements for managing the emptying of sludge into the tankers;
- (f) the training and assessment of staff undertaking monitoring work;
- (g) maintaining accurate records of monitoring and incidents where there have been releases of odour, breaches of the planning conditions or complaints. These records shall be kept for a period to be agreed with the Planning Authority and made available to any authorised Officer of the Council.

- (h) confirmation that the works will not accept sludge to the works from other septic tanks or sewage works; and
- (i) details of the maintenance and servicing arrangements with odour abatement plant and processes within the works.

Reason: *In order to ensure that adequate odour control levels are provided for in the operations and in order to ensure effective monitoring of the odour control levels in order to avoid unacceptable levels of odours emission.*

21. Prior to work starting on site, full details of the proposed access and bellmouth with the A815 Road, including its surface treatment, shall be submitted to and approved in writing by the Planning Authority. Such details shall include the following matters and shall be implemented as part of the development of the site:
- a) the position of the entrance gates, which must be located a minimum of 16 metres from the edge of the road to allow bulk tankers to pull safely off the carriageway before reaching the gates;
 - b) the access width at the gates, which shall be 6 metres;
 - c) the access radii, which shall be 10.5 metres;
 - d) dropped kerbs, which shall be provided on the access radii to ensure safe passage of pedestrians along the footway;
 - e) the gradient for the first 12 metres behind the footway, must not exceed 4%;
 - f) the gradient for the remainder of the site access, which must not exceed 8%; and
 - g) 3 parking spaces provided and defined within the development.

Reason: *In the interests of road and pedestrian safety.*

22. Prior to work starting on site, the following matters shall be approved and/or implemented as applicable :
- a) visibility splays of 120 metres x 2.5 metres in both directions measured from the centre line of the proposed access shall be cleared and thereafter maintained clear of all obstructions over 1.0 metre in height measured from the nearside surfaced area of the metalled portion of the public road;
 - b) signs to identify "Heavy Goods Vehicles turning" shall be erected at locations 60 metres on either side of the entrance. The design and location of the signs shall be agreed in writing with the Planning Authority;
 - c) details of a vehicle wash-down area to prevent mud and other materials being dragged out of the site and onto the road and footpath. Once approved the washdown area shall be retained and used by all vehicles leaving the site for the duration of the entire construction period; and
 - d) the submission of a management plan to ensure that all vehicles involved with the construction and management of the development, including site workers' vehicles, are not parked on the A815.

Reason: *In the interests of road and pedestrian safety.*

23. During the commissioning of the plant, the applicant shall provide detailed information to the Planning Authority to demonstrate compliance with conditions 2 (contamination), 3 (Environmental Action Plan) and 20 (odours) above. This information shall include detailed assessments of odour and noise emissions from the specific equipment and the works in general.

Reason: *In order to prevent adjoining properties/land uses being adversely affected during the commissioning of the plant.*

ADVISORY NOTES TO APPLICANT RELATIVE TO APPLICATION 08/022245/DET

- (i) *During the course of this application a representation has been received from Scottish Natural Heritage that advises that bats may be roosting in the woodland surrounding Bullwood Quarry. It is strongly recommended that a survey for the presence of bat roosts or hibernacula be undertaken by an experienced and appropriately licensed surveyor during optimum times and conditions. Both the quarry and surrounding woodland should be included in the survey. A licence is required from the Scottish Executive to disturb any bats found. Details of the legal situation, which applies to bats and other European Protected Species (EPS), are attached to this permission. The applicant/developer is strongly advised to contact Scottish Natural Heritage to discuss this matter fully, please contact Elizabeth Pryor, Area Officer, Cowal and Bute, tel. 01369 705377.*
- (ii) *The applicant is advised by Scottish Natural Heritage (SNH) that the woodland enveloping the quarry is listed on the Ancient Woodland Inventory as 'ancient woodland' (of semi-natural origin). This is a habitat of national importance. SNH recommends full protection of the woodland during the course of construction and operation of the site in line with British Standards 5837:2005 – Trees in relation to Construction. The applicant/developer is strongly advised to contact Scottish Natural Heritage to discuss this matter fully, please contact Elizabeth Pryor, Area Officer, Cowal and Bute, tel. 01369 705377.*
- (iii) *The Area Roads Manager has advised that :*
- *a Road Opening Permit (S56) will be required for the access and erection of "HGV" Warning Signs.*
 - *a system of surface water drainage to be provided to prevent surface water running on to the footway and carriageway. Consideration should be given to prevent waste or by products from passing on to the footway and carriageway from site. A drainage system including positive surface water drainage measures should be agreed with the Area Roads Manager. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell (tel. 01369 708613) directly in this regard.*

The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly upon these matters.

- (iv) *The applicant/developer is advised by Scottish Environment Protection Agency that in terms of foul and surface water drainage a Controlled Activities Regulations (CAR) authorisation will be required (please refer to consultation response dated 2nd February 2009 attached to this decision notice for full details and further information).*

The attention of the applicant/developer should be brought to the advice contained in SEPA's guidance note PPG6: Working at Construction and Demolition Sites. This advice should be adhered to at all times during construction. From the commencement of work associated with this planning permission, including site clearance, until its completion, there shall be no burning or disposal of controlled waste on site, or at any other location, unless a Waste Management Licence is in force or a suitable exemption from Waste Management Licensing Regulations 1994 (as amended) has been registered with SEPA.

The applicant/developer is advised to contact SEPA (Alexei Zammit, Planning Unit Northern Region tel. 01224 248338) directly regarding these matters.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/02245/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

(a) Argyll and Bute Structure Plan 2002:

Structure Plan objectives include strategic settlement strategies based on development projections that are co-ordinated with infrastructure provision. STRAT SI 1 'Sustainable Development' seeks to maximise opportunities for local community benefit and existing service infrastructure while making efficient use of vacant and/or derelict brownfield land.

Bullwood Quarry is located within Countryside Around Settlement where STRAT DC2 states that in special cases, a locational need or exceptional circumstance may justify a development.

(b) Cowal Local Plan 1993

The application site is covered specifically by policies RUR 9: 'Hard Rock Extraction' and RUR 11: 1981 Minerals Act, that relate to the former use of the site as a quarry. Policies RUR 1: Landscape Quality, RUR 2: Nature Conservation, COM5 'Bad Neighbour Development', BE9 'Layout and Design of Urban Development and PU 1: Local Pollution Problems also apply.

While an area of Ancient Woodland lies to the rear of the site, no trees are directly affected by the proposal. Tree planting, shrub planting and screening is proposed and this will augment existing stands of trees along the perimeter with the A815. Accordingly, it is considered that the proposal is not contrary to the provisions of Policy RUR 2 of the Local Plan.

Under POL COM 5: Bad Neighbour Development, the Council will oppose potential "Bad Neighbour" developments when it is considered that they are likely to adversely affect the amenity of neighbouring properties and land.

Under POL PU 1: Local Pollution Problems, as a result of substandard outfalls and the discharge of raw sewage, the Council will oppose developments or changes in the use of land which would exacerbate existing or create new local pollution problems.

(c) Argyll and Bute Local Plan Post Inquiry Modifications (November 2008)

The following policies are considered to be applicable :- Policy LP ENV 1 - Development Impact on the General Environment; Policy LP ENV 2 - Development Impact on Biodiversity; Policy LP ENV 6 - Development Impact on Habitats and Species; Policy LP ENV 7 - Development Impact on Trees/Woodland; Policy LP ENV 12 - Water Quality and Environment; Policy LP ENV 19 - Development Setting, Layout and Design; Policy LP CST 1 - Coastal Development on the Developed Coast (Settlements and Countryside around Settlements); Policy LP SERV 8 – Contaminated Land; Policy LP COM 1 – Community Facility Development; Policy LP BAD 1 – Bad Neighbour Development.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(d) National Guidance

NPPG 10 - Planning and Waste Management emphasises that any sewage works should provide for a high standard of design and landscaping. This issue has been addressed in the assessment relative to RUR 1 in the Cowal Local Plan and LP ENV19 in the Argyll and Bute Local Plan Post Inquiry Modification, where it is concluded that the site will not be have an adverse visual impact, subject to safeguarding and landscaping conditions.

PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings';
PAN 51 'Planning and Environmental Protection'
PAN 79 'Water and Drainage'.

This advice is substantially incorporated in the Council's adopted and emerging Development Plan policies.

(ii) SITE HISTORY

A detailed application (ref. 04/01120/DET) for a Waste Water Treatment Works (for primary treatment only) was withdrawn on 27th June 2005 on the basis that insufficient details were submitted in respect of odour modelling and a subsequent decision to provide secondary treatment.

A detailed application (ref. 05/02439/DET) for the stabilisation of the quarry rockface and erection of Waste Water Treatment Works, ancillary development and alterations to existing access, was refused by the Bute and Cowal Area Committee at a Hearing on 11th October 2006 but a subsequent appeal was upheld and permission granted by the Scottish Government on 15th April 2008.

Outline planning permission (ref.07/00494/OUT) for the erection of four dwellinghouses on the front part of the quarry site was granted by the Area Committee on 17th August 2007. An application for Reserved Matters (ref. 08/00988/REM) was withdrawn on 21st January 2009.

(iii) CONSULTATIONS

Scottish Environment Protection Agency (response dated 2nd February 2009): No objection in principle but comments regarding pollution prevention and imposition of a condition regarding the submission of a Construction Management Statement. Advisory notes regarding The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR).

Public Protection (response dated 12th March 2009): No objections. Satisfied that the WWTW can operate without potential nuisance provided that the works and sewerage infrastructure operate and are managed as they are intended. Safeguarding conditions in respect of odour, noise, light pollution, environmental impact and commissioning phase are recommended. Detailed comments from Public Protection are included in the assessment below.

Area Roads Manager (response dated 11th March 2009): No objections subject to conditions and advisory notes.

Scottish Water (response dated 23rd January 2009): No objections.

RSPB Scotland (response dated 8th January 2009) : No objection in principle to the proposal but comments regarding construction works and blasting to be undertaken outside the breeding season for bird species that might nest on the quarry face (i.e. outside the period mid February – June inclusive). Additionally, works to stabilise the rockface should avoid removing known nest sites of cliff nesting species or making them untenable. Consideration should be given to providing suitable alternative new nesting ledges or replacement ledges if necessary.

Scottish Natural Heritage (response dated 10th March 2009): No objections but recommends conditions to further minimise impacts arising from the development in respect of: - protection of bats and bat roosts, protection of ancient woodland during construction, a method statement be produced taking account of the intertidal habitat in respect of feeding and roosting birds, access operating and construction times within the quarry to minimise impact on breeding birds and control of Japanese Knotweed.

Transport Scotland (response dated 28th January 2009): No comment based on the fact that the proposed development is likely to cause minimal environmental impact on the trunk road network.

Historic Scotland (response dated 14th January 2009): No comments to offer.

The Scottish Government – Climate Change and Water Industry Directorate (response dated 29th January 2009): Note that any adverse construction and operational noise impacts can be controlled using the proposed mitigation measures and are assessed as being not significant.

(iv) PUBLICITY AND REPRESENTATIONS

The proposal has been advertised under Regulation 13 of The Environmental Assessment (Scotland) Regulations 1999 (publication date 16th January 2009, expiry date 13th February 2009); Section 34 (Bad Neighbour) of the Town & Country Planning (Scotland) Act 1997 (publication date 9th January 2009, expiry date 23rd January 2009); and as a 'Potential Departure' from the Development Plan Policies POL RUR 1, POL RUR 2, POL BE8 and POL COM 5 of the Cowal Local Plan 1993 (publication date 16th January 2009, expiry date 6th February 2009);

Three letters of representation have been received from the following:

1. Mr And Mrs J C Melville, *Lasata*, Ardhallow Park, (letter dated 13th February 2009 (with copy letters sent to Scottish Water and Scottish Government), and further letter dated 6th March 2009);
2. Campbell Kinnear, *Ardhallow Gate Lodge*, 89 Bullwood Road (e-mail dated 12th January 2009) and a copy e-mail sent specifically to Scottish Water dated 5th January 2009);

The points raised can be summarised as follows:

- *e-mail from Campbell Kinnear dated 5th January relates to specific complaints to Scottish Water and not to this application.*

Comment: Not considered to be relevant to this application.

- *Letter from e-mail from Mr and Mrs Melville dated 13th February 2009 contains copies of letters sent to Scottish Water and Scottish Government relating to specific complaints and not to this application.*

Comment: Not considered to be relevant to this application.

- *Proposed development should be better integrated within the site by landscaping, retention of trees or bunding. Development would be an eyesore on the coastline and visible from the road.*

Comment: The previously approved scheme had condition regarding colour and materials of buildings in addition to landscape screening and bunding. The currently revised scheme proposes to locate some of the higher buildings to the rear of the quarry where similar conditions will be imposed in terms of colours, materials, screening etc. Visually, the current scheme is an improvement on the approved scheme.

- *Mr and Mrs. Melville inquire as to who will be accountable for the loss of value to their home and impact of odour pollution and blasting. It is also stated that it is against the law to site a waste water treatment plant within a certain distance of residential properties.*

Comment: Planning approval has already been granted for a WWTW at the site. Refer to assessment.

- *Ability to see odour stack*

Comment : The odour stack would be screened by existing trees and unlikely to be viewed from either side of the quarry site. It would be visible from sea views but against the natural backdrop of the higher quarry walls.

(iv) Applicant's supporting Information

In support of their application, Scottish Water has submitted a Revised Environmental Statement, by the RPS Group Plc. published December 2008. The applicants comment that the previously approved scheme (ref. 05/02439/DET) which included primary and secondary treatment, was the subject of intensive discussions between the Council's Public Protection Service and their consultants in respect of achieving sufficient measures to mitigate and control environmental impact that included additional odour modelling.

The applicants comment that the Reporter concluded that '*the development complies with the provisions of then development plan*' and that '*in relation to other material considerations, the development also complies with the provisions of the finalised draft local plan, adheres to advice contained in Pan 50, Annex D, PAN51 and PAN79. No material considerations were identified which would indicate that the development should not be approved*'. Therefore, since the planning appeal was upheld and planning permission granted by The Scottish Government in April 2008, the principle of a Waste Water Treatment Works at this site has been established.

However, following the granting of planning permission Scottish Water carried out a review of the process design that identified a more suitable process for the removal of high amounts of fats, oils and greases. The proposed treatment process is conventional, robust, simpler to operate and more flexible than the one previously planned. The revised design involves the use of an aeration process which breaks down and kills bugs in the waste and produces an effluent which will meet the standards of SEPA. The new process does not require primary settlement, which can be a principal cause of odour and the system less sensitive to being affected by fats, oils and greases.

It is also considered that the potential impacts of the revised scheme are no greater than that of the consented scheme.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/02245/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the adopted Cowal Local Plan 1993, Bullwood Quarry is specifically identified and located between established linear residential development on the western side of the A815 Bullwood Road.

The immediate area is characterised by dispersed dwellinghouses between the established linear settlement zones of Dunoon/Bullwood to the north and Bullwood/Innellan to the south.

Development of the former quarry for a Waste Water Treatment Works would result in the redevelopment of a brownfield/derelict site and have no significant impact on the existing residential settlement pattern along the coastal road.

The Argyll and Bute Structure Plan policy STRAT DC 2 'Development Within The Countryside Around Settlements' encourages appropriate redevelopment which accords with the settlement plan. In special cases, a locational need or exceptional circumstance may justify a development.

Within Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), the Bullwood Quarry site is shown within an area zoned as Countryside around Settlement between the main town settlement zone of Dunoon and the small town and village settlement zone of Innellan.

Accordingly, the proposal would be consistent with policies STRAT DC2 of the Argyll and Bute Structure Plan, and have a neutral impact on the Countryside Around Settlement zoning that splits the linear settlements of Bullwood of the Argyll and Bute Local Plan Post Inquiry Modifications.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

Bullwood Quarry is located approximately 1.5 km south of Dunoon, west of the A815 below the wooded knoll of The Tom. The quarry ceased operations approximately twenty years ago but has been in use as storage for waste and building materials. The site is in environmental and visual terms an eyesore with scarred quarry walls and a scene of dereliction at the opening to the site. Three residential properties are located close to the quarry, viz. *Ardvarney* (located 6 metres from the site to the north), *Sunnybrae* (located 70 metres from the site to the north), and *Ardhallow Gate Lodge* (located 40 metres from the site to the south).

(ii) Development Layout/Background to Proposal

The proposal is for a new Waste Water Treatment Works (WWTW) located within Bullwood Quarry providing Primary and Secondary treatment to serve Dunoon and Sandbank. The existing sewerage infrastructure serving Dunoon has developed without the provision of waste water treatment, with waste water and storm water currently being discharged through unscreened outfalls into the Firth of Clyde.

The WWTW is being provided to meet the requirements of the Urban Waste Water Treatment (Scotland) Regulations 1994 (as amended 2003) (UWWT Regulations). A previous similar proposal for primary treatment only, was withdrawn (ref. 04/01120/DET) to allow secondary treatment to be incorporated within the new design as recently approved by The Scottish Government (ref. 05/02439/DET) but revised within the current application. It should be noted that this WWTW has been designed for the catchments of Dunoon and Sandbank only with Toward and Innellan served by separate systems. Work has already begun (or permissions in place) for the formation of six pumping stations at Sandbank, Ardnadam, Holy Loch, Jim Crow, East Bay, West Bay with associated outfalls, gravity mains, rising mains either in place or proposed.

(ii) Bullwood Waste Water Treatment Works

The waste water for the Dunoon and Sandbank catchments will be pumped to the new WWTW, where it will receive preliminary treatment at the inlet works and then secondary treatment in the aeration lanes and settlement in final tanks. Preliminary treatment will consist of screening and grit removal followed by secondary treatment involving aeration and mixing with activated sludge. The wastewater will flow through the treatment works by a mixture of gravity and pump before gravitating to a new sea outfall in the Firth of Clyde which will discharge the final effluent. Sludge produced from the treatment processes will be thickened via a drum thickener and then stored in a sludge holding tank. This mixture will then be exported by lorry from the site to sludge holding facilities at Shieldhall and then pumped to Daldowie Sludge Treatment plant.

(iii) Buildings and Plant

The proposal involves a revision to the 2005 scheme that was approved in April 2008. The main physical changes to the approved scheme are the relocation of the main works building and inlet works deeper within the quarry site. The front part of the site would now be used to accommodate two final settlement tanks and covered aeration tanks. The proposal involves excavation of the quarry floor by approximately 2 metres and levelling to create a base for the buildings and plant that will comprise primarily:

- the main works building (measuring approximately 16 x 14 x 6 metres) which would be sited in the centre of the quarry floor approximately 45 metres from the footway beside Bullwood Road. This rectangular building would be clad externally in metal cladding with a shallow pitched metal roof;
- a Returned Activated Sludge (RAS)/Surplus Activated Sludge (SAS) pumping station located on the eastern side of the works building;
- Inlet Works (including inlet break chamber, screenings washing plant, grit removal plant, skip area) located to the rear (west) of the site (measuring approximately 15 x 7 x 6 metres);
- a freestanding slim high odour control stack (19 metres high, 0.5 m diameter) reaching a total height of 34 metres AOD and located between the main works building and aeration tanks;
- covered aeration tanks located at the front of the site in the southern portion. These tanks would measure (approximately 25 x 14 x 16 metres) and housed within a shallow pitched roof structure;
- two cylindrical final settlement tanks located at the front of the site in the northern portion. These tanks would be 2.5 metres high and coloured to match other buildings and plant;
- a 2.4 metre high security fence is proposed across the front of the site set back from the heel of the footway and proposed to be screened with ivy;
- proposed embankment bund rising to 11 metres AOD to screen the settlement and aeration tanks;

(iv) Outfall Pipeline

A buried outfall pipe will be constructed from the works to discharge the final effluent beyond MLWS. This aspect of the proposal is considered to be '*permitted development*'.

(v) Assessment

The proposal must be assessed against LP ENV 19 'Development Setting, Layout and Design' and Appendix A of the Sustainable Siting and Design Principles contained in the Argyll and Bute Local Plan Post Inquiry Modifications. The appearance of isolated industrial and commercial development must be considered where the form and pattern of the landscape will largely determine the acceptability of the proposal. The extent to which the proposal would be clearly visible from a public road, viewpoints and neighbouring communities is also a factor. The following criteria will be taken into consideration:

- *Size and extent of proposal including visual impact of the scheme and distance/location from which it is visible.*
- *Location of proposal and its landscape setting where large buildings should be absorbed by the landscape as much as possible, whether by excavating and building into the landform, using existing landforms to mask the development or screening by new trees;*
- *The design and colour of the development and ancillary structures can be used to minimise their perceived bulk and visual impact.*

The revised scheme proposes a reconfigured layout and location of buildings that make better use of the shape of the quarry floor than the previously approved scheme. Both the Inlet Works building and main Works Building area located to the rear of the quarry that would be difficult to view from the A815 Bullwood Road. The main views of this site would be from the east but these sea views longer distance views can be mitigated against by the use of the quarry as a natural backdrop, the use of dark recessive colours for the buildings and plant and natural screening along the frontage of the site.

It is considered that the 'revised' proposal would have less of a visual impact than the previously approved scheme and, with safeguarding conditions, consistent with Policy BE9 of the adopted Cowal Local Plan and Policy LP ENV 19 of the Argyll and Bute Local Plan Post Inquiry Modifications.

C. Natural Environment

Ecological assessments have been carried out that included a Phase 1 Habitat Survey and a Bat Survey. A Breeding Bird Survey was also carried out in 2005 for the approved scheme. The main features of ecological value are the presence of a range of hard rock ledges suitable for breeding bird species. Vegetation is of limited diversity and dominated by alien and invasive species. The main ecological impacts will occur during construction of the WWTW and of the outfall pipe on inter-tidal habitats.

RSPB recommend conditions regarding impact of the proposal on breeding birds within the former quarry and conditions restricting blasting times. Scottish Natural Heritage recommends a similar condition in addition to conditions safeguarding bats, woodland, intertidal habitats and dealing with Japanese Knotweed. In terms of bats, SNH comment that the impact of the proposal on the species concerned would not be detrimental to the maintenance of these species at a favourable conservation status within its natural range but conditions are recommended in respect of tree felling, lighting and actions if bats are found during the course of works. Conditions and advisory notes are recommended.

On the basis of the above, the proposal is considered consistent with Policies RUR2 of the adopted Cowal Local Plan and policies LP ENV 6 and LP ENV7 of the Argyll and Bute Local Plan Post Inquiry Modifications.

D. Landscape Character and Visual

A landscape and visual assessment has been carried out which demonstrates that while the development is at variance to the local landscape character, there are only a few receptors. The visual assessment concludes that the application site is generally well enclosed with the exceptions of views from areas to the east. Mitigation measures aimed at reducing visual intrusion include tree and shrub planting along the A815, sensitive siting of the security fencing and choice of security fencing and building colour to reflect the predominant local landscape colours.

The proposed site is located on the landward side of the A815 Bullwood Road, close to three existing residential properties and open to view from this road when travelling in each direction. The site is also visible from a number of distant vantage points both in Dunoon, from the Firth of Clyde and from Inverclyde. The proposal itself contains a relatively high plant building, a tall slim stack, two settlement tanks and aeration tanks and a security fence together with an improved access. Whilst the site will only be open to view over a relatively short distance, it will have an impact on the landscape.

In terms of RUR 1 of the Cowal Local Plan and LP ENV 19 of the Argyll and Bute Local Plan Post Inquiry Modifications, it is necessary to establish if this impact would be unacceptable or if the landscape has the capacity to absorb the proposal without undermining the essentially rural quality of the surrounding hillside.

The boundaries of the quarry are covered in tree and scrub planting of mainly broadleaved trees interspersed with conifers and gorse scrub. The quarry is set into the hillside of The Tom rising to 145m and is surrounded by Ancient Woodland along the upper slopes. The character of the quarry is dominated by the exposed rock face rising on the north-western boundary and extensive areas of woodland enclosing it.

Landscape and visual assessments suggest mitigation measures to lessen the impact of the development and these include:-

- proposed tree/shrub planting along the A815 to reduce the overall visual impact from viewpoints to the north and east and enhance the visual amenity of the site;
- reducing visual intrusion associated with the security fencing by sensitive siting and choice of colour reflecting the predominant landscape colours within the locality; and
- choice of external colour scheme for buildings and plant reflecting the predominant landscape colours within the locality and the use of a non-reflective surface.

The Environmental Statement and supporting information demonstrate that the proposed development is visually well enclosed and relatively small-scale in contrast to the surrounding large-scale landscape and to the sloping walls of the quarry. Any potential visual impact can be mitigated by additional perimeter planting.

The use of darker colours for the main treatment building and ancillary plant will also help to integrate the proposal within its surroundings. Effective screening and use of colours should help to lessen the overall visual impact and reduce any "industrial" look that the buildings and plant may have.

In order to achieve this in the long term there is a need for extensive landscaping, particularly to the east, north and south of the site, to give the site a rural/woodland feel. It should however be noted, that landscaping is not “instant” and takes a number of years to mature. Mature birch trees are located across the frontage of the site and these should be retained and augmented with additional treeplanting and shrub planting to provide suitable natural screening.

In conclusion, the existing derelict quarry has the capacity to absorb limited new development without undermining its surrounding rural character, providing the development is positioned within the landscape, with suitable screen planting and choice of colour and materials, all of which can be addressed by conditions.

On the basis of the above, the proposal is considered consistent with Policy RUR1 of the adopted Cowal Local Plan and policy LP ENV19 the Argyll and Bute Local Plan Post Inquiry Modifications.

E. Road Network, Parking and Associated Transport Matters

As mentioned in Section B above, the Area Roads Engineer has expressed no objection subject to conditions regarding maintenance of visibility splays, access design, car parking and turning.

There are no adverse road safety implications with the proposal subject to bellmouth, junction and visibility conditions. The Area Roads Manager advises that the location of the proposed development is off the A815 Bullwood Road, Dunoon within an urban 40mph speed restriction. The sightlines available exceed the requirements of 120 x 2.5m in both directions. Any fence, wall and hedges within the visibility splay must be no greater than 1 m above the road. The proposed access gates should be set back to allow large vehicles to pull completely off the road before reaching the gates. Parking and a turning area must be provided within the site for HGVs as well as provision for smaller vehicles. A system of surface water drainage to be provided to prevent surface water running on to the footway and carriageway from site. Signing advising “HGV Turning” required 60m either side of entrance.

On the basis of the above, the proposal is considered consistent with Policies LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan Post Inquiry Modifications.

F. Infrastructure

It is proposed to connect to both the public water and waste water systems. Scottish Water has no objections.

On the basis of the above, the proposal is considered consistent with Policy POL PU 1 of the Cowal Local Plan 1993 and Policies LP SERV1 and LP SERV2 of the Argyll and Bute Local Plan Post Inquiry Modifications.

G. Geology and Hydrology

There are no surface watercourses within the site. Ground cover comprises mainly made ground, resulting from in-filling of quarry excavations and the site has also been used for the dumping and storage of waste materials. The historical use of the site as a quarry has the potential to have resulted in contamination and appropriate conditions are recommended.

On the basis of the above, the proposal is considered consistent with Policy LP SERV 7 of the Argyll and Bute Local Plan Post Inquiry Modifications.

H. Odour

The Public Protection Service notes that there are two properties in close proximity to the proposed site with the nearest being Ardvarney, Bullwood Road, Dunoon which is 10 metres from the site boundary. The close proximity of the dwelling to the WWTW increases the potential risk that the development could pose a bad neighbour development under POL COM 5. The site was subject to a previous application for consent as a WWTW (05/02439/DET) which, following an Appeal, was granted subject to stringent and detailed conditions to protect the local neighbourhood. The supporting information submitted for the previous application with regard to odours contained within the Environmental Impact Assessment by RPS dated December 2005 (reference SGP 5267/Final) and the Odour Modelling Assessment from The Airshed.com is considered relevant and applicable to this new revised application by Scottish Water. Having considered the application and supporting Revised Environmental Statement by RPS dated December 2008 and the Odour Modelling information detailed above, the Public Protection Service offer the following comments;

The main source of concern from this development is odour emissions from the waste water treatment works. The impact is further exacerbated by the close proximity of the dwelling at Ardvarney which is 10 metres from the site boundary, 20 metres from the nearest final settlement tank and 78 metres from the odour unit stack. Waste Water Treatment Works (WWTW) give rise to odours and therefore the success of odour control measures is dependant on the design of the works, operational management and the prevention of the incoming sewage from becoming septic. Septicity occurs where there are rising pumped mains and the sewage is lying for long period of time or where there is seawater infiltration into the sewer infrastructure.

Scottish Water was aware of Public Protection's concerns at the suitability of the site for a WWTW for the previous application and provided very detailed odour modelling. Factors including the close proximity of housing and the former quarry site have been considered in detail. The design of the works ensures that treatment of sewage is undertaken within closed buildings or covered tanks with extraction through the odour control plant and odour stack. The greatest potential for the release of odours will, in my opinion, arise from the emptying of the sludge tanks and odour emissions. These will be controlled through management controls.

As a result of our concerns we set onerous design criteria for the WWTW. Previous applications for WWTW by Scottish Water have been designed to 5 odour units/cubic metre (1 hour 98%ile) (OU/m³). The standard we specified, following discussions with Dr Brookes of Glasgow Scientific Services, was the more onerous 0.5 OU/m³ (1 hour 98%) at the nearest property. Following the outcome of the Planning Appeal, no prescribed standard was considered appropriate and a more subjective and qualitative boundary condition of 'no offensive odour to be detectable at any sensitive receptor' was accepted.

The odour modelling report by The Airshed concludes that "*with abatement and odour control, the odour impact of the development at Ardvarney and Ardhallow Lodge are likely to be of marginal significance. Local residents are unlikely to have a reasonable cause for annoyance provided the process is operated properly and the odour control systems are maintained.*" This report has been appraised by Dr B Brookes of Glasgow Scientific Services, on behalf of the Council, and in his report dated 10 April 2006, he agrees with this opinion. It is Dr Brooke's view that "the intended odours would not be expected to cause complaint". This is dependant upon :-

- i. The Waste Water Treatment Works being built as intended and as modelled
- ii. Bullwood with its rising main on the shoreline is particularly at risk and it would be essential that the whole system, the Waste Water Treatment Works and the sewers are built, operated and managed as intended.

It should be noted that the same standard is to be applied to the new application and due to the less complex processes for treatment works and the provision of all areas (including skip and sludge removal) to be covered and ducted to the odour control plant there should be an improvement in terms of odour control management on that that was previously accepted. The potential odour risk is reduced to an extent from the previous application, as the design of the plant relies on a commonly used and proven treatment processes which are easier to operate.

Public Protection conclude that the scientific evidence from odour modelling concludes that odour emissions from the Waste Water Treatment Works can be controlled through the design of the works and operational management procedures. These can be incorporated as planning conditions and safeguarding conditions are required in the interests of protecting the amenity of residents in the immediate locality.

Risk Assessment

There are risks associated with the WWTW and there is a greater potential that they will impact on residents given the close proximity of the site to the dwellings at Ardhallow and Ardvarney. There is also the risk that if problems do arise then it would be impossible to close the WWTW. Formal powers may be available dependant upon the odour nuisance level through planning controls and more appropriately by this service under the Water Services (Scotland) Act 2005. It is however difficult to quantify the level of risk.

The issues of septicity and saline infiltration have been addressed by Scottish Water (letter of 12 May 2006) which confirms that:-

- a) Saline intrusion will be minimal as the scheme includes a new Collection and Transfer (C&T) system of gravity and pumped mains which collect sewage from the landward areas. They have also replaced a substantial section of the damaged infrastructure at Milton Burn

- b) Septicity will be controlled by the installation of four septicity dosing plants (calcium nitrate) on the system. These will be dosing calcium nitrate solution to the sewage and the concentration will be dependant on the rate of flow of the sewage.
- c) Salinity samples will be taken to determine the saline concentration of the existing sewage to ensure the effective working of the Works.
- d) Odour from the operation of WW TW will be managed in accordance with an extensive and detailed Odour Management Plan which is required by the Code of Practice on Sewage Nuisance.

Public Protection are satisfied with the response provided from Scottish Water in respect of these areas and that the septicity dosing arrangements will reduce the risk of the sewage turning septic. Scottish Water cannot guarantee that these events will not occur. There is also a history of Scottish Water experiencing difficulties with their other WWTW at High Bogany, Isle of Bute (odour control plant problems); Inveraray (septicity), Campbeltown (inadequate design of sewer network and septicity).

The odour assessment matrix in the Scottish Executive "Code of Practice on Sewerage Nuisance – Assessment and Control of Odour from WWTW (April 2006)" provides for an objective measurement for the assessment of odour from WWTW. It can be applied retrospectively in the design of plants but this based on assumptions (how often will odour arise, impact, area affected strength). The most appropriate control will be the detailed odour modelling and this calculation can be used in the event of complaints occurring at the WWTW, should consent be granted.

The site is close to dwellings and there is evidence that Scottish Water have had difficulties at other WWTW in Argyll and Bute. There is a risk that if the works do not operate as intended then they will give rise to odours which will impact on the residents in the area. This cannot be quantified.

Whilst Public Protection have reservations that this is not the most appropriate site to construct a WWTW given its close proximity to housing, it is accepted that the Local Plan does not prohibit this development in this location and there is a need to evaluate the risks from the development and whether these are "acceptable".

In assessing the risks from this application, it should be noted that:-

- There will be on occasion odour arising from these works but this may not necessarily impact on residents as the strength of odour and time of emission may vary.
- There is a risk (modelling based on 98%) that there may be circumstances where odours may be detected and it will be the responsibility of Scottish water to manage and ensure that they respond to these instances. The major reasons for failure will be equipment failure, poor management or septicity and saline infiltration. The risk of the sewage turning septic will be reduced by the septicity dosing plants and saline infiltration will be improved by the new Collection and Transport sewer which collects the sewage which presently discharges directly into the Clyde from the public sewers.
- The success of these measures will only be evident through time, should the works receive consent.
- The risks are unquantifiable at this time.

In conclusion, should the works be designed and operated by Scottish Water as they have detailed in the application and Environmental Impact Assessment; should the infrastructure prevent saline infiltration and septicity and provided the works and the sewer infrastructure be built, operated and work as intended, then the bad neighbour aspects can be controlled by planning conditions.

In evaluating whether the risks are acceptable, there is the view that to construct a WWTW close to housing is not best practice and Scottish Water have had problems with other works that they have constructed in Argyll and Bute.

On balance, the Public Protection Service consider that the risks are minimised as the WWTW will be designed to very strict odour concentration standards; there will be a statutory requirement for an Odour Management Plan and control through planning conditions.

On the basis of the above, the proposal is considered consistent with Policy COM 5 of the Cowal Local Plan and LP BAD 1 of the Argyll and Bute Local Plan Post Inquiry Modifications.

I. Noise

Compared to the 2005 design, there have been a number of changes, most notably the location of the buildings within the quarry. Noise levels from construction and operational activities were assessed where the nearest properties *Ardvarney* (and to a lesser degree *Ardhallow Gate Lodge*) would be affected by noise and activities during construction phases. To this end, a temporary acoustic barrier is proposed between *Ardvarney* and the quarry to reduce noise levels from construction activities.

If approved, there will be noise generated from the running of the plant inside the works and by vehicles entering and leaving the works. It is proposed that there will be up to three tanker deliveries per week to take thickened sludge to the *Shieldhall/Daldowie* works for treatment. Loading of the tankers will take place outside the building and comprise idling engines and pumping noise. Both of these sources are considered low noise.

In light of the low background noise levels in this area, particularly at night, a condition is proposed to restrict noise levels for normal operation and to limit noise from any plant which may be brought into the works in an emergency (e.g. power cut, etc).

Noise emissions from the Waste Water Treatment Works will occur through the operation of the Works and ancillary activities and from the construction phase. Public Protection consider it appropriate to control noise emissions from the works by applying conditions on the planning consent.

(i) Construction noise

Construction noise will impact on the residents in the immediate locality. This impact will be minimised by the Councils' Protective Services through the provisions of the Control of Pollution Act 1974 where the contractor is required to advise and agree the noise mitigation measures to be implemented during the construction phase with environmental health officers. These will include restrictions in the working hours, the use of low noise output equipment, establishing maximum noise levels at the site boundary and effective management of noise from the site. It is the intention of the Public Protection Service to serve notice under section 60 of COPA '74 should this application be approved, prior to commencement of any construction, in order to control noise.

(ii) Operational noise

Operational noise sources include noise from road vehicle movements on site, mechanical plant and hydraulic noise (noise from pumps, flow over weirs, fans and motors associated with the odour control plant). There is a potential for operational noise to cause annoyance to the residents of *Ardvarney* and *Ardhallow* unless there are appropriate noise attenuation measures within the design and operation of the Works. Background noise levels at these properties are principally affected by traffic movement, weather and the impact of the *Clyde*.

Public Protection concludes that noise emissions can be controlled to levels which will not create annoyance to the adjacent residents through the use of planning conditions. Safeguarding conditions are recommended and should the application be approved, must be attached to the subsequent consent.

On the basis of the above, the proposal is considered consistent with Policy COM 5 of the Cowal Local Plan and LP BAD 1 of the Argyll and Bute Local Plan Post Inquiry Modifications.

J. Blasting Operations and Vibration

Limited blasting may be required to excavate rock in order to accommodate the treatment plant. Prior to blasting being carried out, details of the procedure for undertaking pre-and post-blasting structural surveys on all residential properties within 200 metres of the site boundary shall be agreed and the subject of a specific condition. Blasting will be carried out under controlled conditions by licensed blasting contractors and will only be undertaken during 1000 and 1600 hours Monday to Friday.

All excavation work will be carefully monitored and the resulting geotechnical conditions evaluated, and if necessary excavation techniques modified to optimise stability. Once excavation work has been completed, full Hazard and Risk Assessments will be carried out on all new faces to determine if/what remedial actions are required. Notwithstanding this, in order to avoid any adverse impact to adjoining premises from vibration during the construction phase, a condition requiring details of the specific means of extraction, proposed vibration levels and the means of monitoring the levels is recommended.

On the basis of the above, the proposal is considered consistent with Policy COM 5 of the Cowal Local Plan and Policy BAD 1 of the Argyll and Bute Local Plan Post Inquiry Modifications.

K. Dust

There is a potential for dust to be generated during the construction of the treatment plant from the excavation of the site, construction, including concreting and piling operations, and the possible storage of site materials. These will be addressed by Public Protection directly with Scottish Water and can be enforced using Part III of the Environmental Protection Act 1990. Notwithstanding this, an appropriate planning condition is recommended.

On the basis of the above, the proposal is considered consistent with Policy COM 5 of the Cowal Local Plan and Policy BAD 1 of the Argyll and Bute Local Plan Post Inquiry Modifications.

L. Lighting

Lighting will be provided on site and it is important that this designed to ensure that there is no glare or intrusion outwith the site. A condition shall be applied requiring the applicant to design the lighting installations to meet the Institute of Lighting Engineers Guidance for the Reduction of Light Pollution.

On the basis of the above, the proposal is considered consistent with Policy COM 5 of the Cowal Local Plan and Policy BAD 1 of the Argyll and Bute Local Plan Post Inquiry Modifications.

CONCLUSION

The proposal will improve the quality of discharges to the River Clyde and ensure that the discharge of sewage from Dunoon, Kirn, Hunters Quay and Sandbank will meet the requirements of the Urban Waste Water Directive. Scottish Water will through these proposals reduce the number of raw sewage discharges which are prevalent along the coast and sewage will be collected and diverted through a new rising and gravity mains to a Waste Water Treatment Works which will provide primary and secondary treatment. The quality of the discharge will be regulated by the Scottish Environment Protection Agency.

Planning permission has already been granted in April 2008 for a new Waste Water Treatment Works within the Bullwood Quarry site. The current proposal represents a 'revised' and improved scheme in respect of operation and layout and design compared with the previously approved scheme. The scheme will provide a new Waste Water Treatment Works providing primary and secondary treatment, serving the catchment areas of Dunoon and Sandbank. It involves the erection of new buildings and plant for which there is a locational need and the infilling and landscaping of an obsolete quarry. The applicant has stated that there is a legislative requirement to upgrade wastewater collection and treatment facilities for Dunoon and Sandbank and that this site has been chosen using a range of criteria. While the proposed buildings and plant would have a limited visual impact, this will be mitigated by the use of dark colours and effective tree and shrub screen planting.

The issue of odour and noise control can be addressed through the imposition of conditions recommended by the Public Protection Service following previous detailed discussions. From these discussions and background to the previously approved scheme, the material considerations were identified as they pertain to the proposed site. In this instance, the most significant issues were odour control, noise, landscape and habitat impact and road safety. Further to extensive investigation, discussion and assessment, it is considered that adequate, reasonable and enforceable standards can be prescribed in order to achieve an acceptable development, which will not result in a "bad neighbour", a road safety or a health hazard.

Should this application be granted with the recommended safeguarding conditions as attached, Public Protection advises that the developers be required to demonstrate **at the commissioning phase**, that the WWTW meets all conditions and standards of the planning consent prior to the full handover to Scottish Water Operations Teams.

Scottish Water has indicated in its submission for odour concludes that *"with abatement and odour control, the odour impact of the development at Ardvarney and Ardallow Lodge are likely to be of marginal significance. Local residents are unlikely to have a reasonable cause for annoyance provided the process is operated properly and the odour control systems are maintained."* The Public Protection Service concludes that *"Using objective standards for odour modelling and noise, the Waste Water Treatment Works can operate **without potential nuisance provided that the Works and the sewerage infrastructure operate and are managed as they are intended.** Safeguarding conditions can be applied to any consent which will control and regulate these factors."*

Three letters of objection have been received from two households raising issues which have been addressed in this report and safeguarded by recommended conditions. Other matters in terms of responsibility of operation lie with the owners of these properties and Scottish Water.

It is considered that the 'revised' proposal would not have a significantly detrimental visual impact largely due to the design and colour of the buildings and plant, repositioning of buildings and plant within the quarry and partial screening. Subject to certain safeguarding conditions, it is considered that it would not have an adverse effect upon the amenity of the area in terms of noise and disturbance.

Given all of the foregoing, it is considered that the proposal can be accommodated on this site. Having due regard to the Development Plan and all other material considerations and on the basis of the above, the proposal is considered to be acceptable.

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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/02245/DET**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT



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DEVELOPMENT SERVICES
 PLANNING APPLICATION REPORT
 BUTE & COWAL AREA COMMITTEE

Ward Number - 8 Bute
 Date of Validity - 8th December 2008
 Committee Date - 7th April 2009

Reference Number: 08/02161/VARCON
 Applicants Name: Capital Developments (GB) Ltd
 Application Type: Variation of condition
 Application Description: Variation of condition 7 (holiday occupation restriction) of planning permission 778/76
 Location: No. 3, 4, 6 & 7 Arden Craig Chalets, Arden Craig Road, Rothesay, Isle of Bute.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Deletion of condition 7 (occupation restriction) of planning permission 778/76.

(ii) Other specified operations

- N/A

(B) RECOMMENDATION

Having due regard to development plan policy and other material considerations, it is recommended that planning permission **be granted** subject to the conditions and reasons detailed overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The site is located within Rothesay Conservation Area. Given that no physical alterations are sought to the chalets, the proposal will have no impact on the established character or appearance of this designation.

Policy POL HO 3 of the adopted Bute Local Plan seeks to resist development within this Countryside Safeguarding Zone to prevent settlement coalescence. This proposal does not incorporate any new physical development while the use of the chalets will remain as holiday lets. Therefore the proposal will not compromise this safeguarding zone.

The site is located with the defined settlement zone under the emerging local plan. The proposal is considered to be consistent with Policy LP TOUR 1 which seeks a presumption in favour of new or improved tourist accommodation. For this reason, the proposal is also consistent with STRAT DC 1.

(ii) Representations:

Three letters of representation have been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

N/A.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

N/A

(v) Is the Proposal a Schedule 1 or 2 EIA development:

N/A

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

N/A

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
31 March 2009

Author: John Irving, Tel: 01369708621 **Date:** 10th March 2009
Reviewing Officer: David Eaglesham, Tel: 01369708608 **Date:** 30 March 2009

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/02161/VARCON

1. The chalets shall be used for holiday letting purposes only and not as a main residence and shall not be occupied by any family, group or individual for more than three months in any calendar year, unless as otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the chalets do not become in permanent residential use in the interest of the areas amenities and in accordance with the lawful use of the chalets.

NOTE TO APPLICANT RELATIVE TO APPLICATION: 08/02161/VARCON

As the premises are within the Rothesay Conservation Area, no trees or shrubs should be felled or lopped without prior notification to the Planning Authority.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/02161/VARCON

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

STRAT DC 1 '*Development in the Settlement*' developments which don't accord with this policy are those developments which are essentially incompatible within close configuration of land uses found in settlements.

Bute Local Plan 1990

Policy POL BE 6 '*Rothesay Conservation Area*' seeks to prevent any deterioration in the character and setting of this designated area through inappropriate new developments.

Policy POL HO 3 '*Countryside Safeguarding Zone*' stresses the need for settlement consolidation, developments will not generally be permitted, and development in this zone is restricted to infill or rounding-off.

Policy POL RUR 1 '*Landscape Quality*' seeks to maintain and enhance the landscape quality of Bute.

Policy POL TOUR 2 '*Tourist Development in the Countryside*' encourages the development of tourist facilities including self catering accommodation.

Argyll and Bute Local Plan Post-Inquiry Modifications (2008)

Policy LP ENV 1 – '*Development Impact on the General Environment*' seeks to ensure all applications for planning permission are assessed on their impact on both the natural, human and built environment.

Policy LP ENV 14 – '*Development in Conservation Areas and Special Built Environment Areas*' seeks to resist development that does not preserve or enhance the character of the designated area.

Policy LP ENV 19 – '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP TRAN 4 – '*New & Existing, Public Roads & Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Policy LP TOUR 1 – '*Tourist Facilities & Accommodation, including Static and Touring Caravans*' there is a presumption in favour of new or improved tourist facilities and accommodation.

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk.

(ii) SITE HISTORY

Planning permission 778/76 granted on 3rd March 1978 for the erection of holiday chalet development at Arden Craig Estate, Rothesay, Isle of Bute. Planning permission was granted subject to 9 conditions. Condition 7 states the following:

'The chalets hereby permitted shall be restricted to holiday use, and may be occupied at any time during the year with the exception of the months of January and February unless the prior written consent of the Local Planning Authority is given.'

Planning enforcement investigation 08/00170/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 3. See associated report elsewhere on this agenda.

Planning enforcement investigation 08/00171/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 4. See associated report elsewhere on this agenda.

Planning enforcement investigation 08/00173/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 6. See associated report elsewhere on this agenda.

Planning enforcement investigation 08/001734ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 7. See associated report elsewhere on this agenda.

(ii) CONSULTATIONS

Area Roads Manager

26th January 2009

'The change to the existing permission to allow 12 months usage per annum is acceptable for holiday use. It should be noted that if these units are to become mainstream housing, planning permission will be required to ensure that safe access to and from the units are available, parking and design of the access road complies with current Road Development Guidelines.'

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 Neighbour Notification procedure and 'Development in Conservation Area' advertisement expired 9th January 2009, three representations have been received from the following:

- Peter Vincent (letter dated 29th December 2008) Arden Craig House High Craigmere Rothesay PA20 9EP.
- June Buchanan & David Hartley (letter dated 5th January 2009) Taigle Nook 5 Arden Craig Chalets Arden Craig Road Rothesay Bute.
- Hamish and Morag Eadie (e-mail dated 7th January 2009) 64 Chamberlain Road Jordanhill Glasgow G13 1SN.

The points raised are detailed below:

- i. The buildings are over 35 years old and were never intended for permanent occupation.

Comment: See assessment below.

- ii. The two chalets closest to Arden Craig House affect the setting of this fine building.

Comment: This proposal does not incorporate any physical change to the chalets closest to Arden Craig House and as such the impact on the setting of this building has not changed.

- iii. The objective behind this application is to increase the potential value of these buildings.

Comment: See assessment below.

- iv. These chalets will become the market low cost housing and will be a shanty town in this conservation area.

Comment: See assessment below.

- v. The access track serving the chalets is substandard.

Comment: See assessment below

- vi. As the owners of chalet no. 2 we wish to object to the application for the wholesale removal of condition 7. Since the applicant has stated that he wishes to continue the existing use as holiday chalets we do not see a need for the removal of the condition.

Comment: See assessment below.

- vii. There are conditions in our title deeds which indicate that we should respect our environment and neighbours. These conditions were totally ignored by Capital Developments.

Comment: Any issue relating to title deeds is an entirely legal matter to be resolved between interested parties. This matter does not fall under the jurisdiction of the Planning Authority.

- viii. Some chalets have been rented out over the winter months. Live in tenants creating bad neighbour issues.

Comment: See assessment below.

- ix. Rights of access, parking and turning issue with chalets 6 and 7.

Comment: See assessment below.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/02161/VARCON

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within Rothesay Conservation Area.

Under the provisions of the adopted Bute Local Plan 1990 the chalets area located outwith the defined settlement zone and within a 'Countryside Safeguarding Zone'. Policy POL HO 3 seeks to resist development within such a zoning to prevent settlement coalescence. This proposal does not incorporate any new physical development and will therefore in no way compromise this safeguarding zone.

Policy TOUR 4 promotes the improvement and upgrading of existing holiday accommodation on Bute, in preference to new developments. The removal of this condition will allow these chalets to be used as holiday lets all year round and therefore improve the holiday accommodation stock on the island.

The proposal is therefore considered to be consistent with policy HO 3 of the adopted Bute Local Plan 1990.

In the emerging Argyll & Bute Local Plan Post Inquiry Modifications 2008 the site is located within the Rothesay settlement zone, which has been identified as a 'Main Town'. Policy LP TOUR 1 seeks a presumption in favour of new or improved tourist accommodation. This proposal is consistent with this policy and importantly STRAT DC 1 of the adopted Structure Plan. The proposal does not seek to change the use of these chalets into residential properties but to allow their occupation as holiday lets for 12 months of the year. This does not present any land use conflict or adverse amenity/visual impact. A new condition can be attached to the grant of planning permission to ensure the occupation of these chalets is restricted to holiday usage.

The proposal is therefore considered to be consistent with policy STRAT DC 1 of the adopted Structure Plan and policy LP TOUR 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

Ardenraig boasts seven chalet buildings; these properties are small, single storey timber clad structures. They are accessed by a single track road. Five chalets are positioned in a single tier, while the remaining two are located on higher ground to the southwest.

This application seeks the removal of condition 7 from planning permission 778/76 relating to chalets no 3, 4, 6 and 7. This condition only allows the holiday use of these buildings for 10 months of the year and prevents any occupation during January and February in any calendar year. This application does not seek to change the use of these buildings but to allow holiday occupation of these properties for 12 months of the year.

This proposal does not incorporate or permit any physical changes to these properties and relates purely to their holiday usage.

The proposal is therefore considered to be consistent with policy LP ENV 19 of the emerging local plan.

C. Built Environment

There are no proposed physical changes or alterations to the chalets. The proposal will therefore not have any bearing on the established character or appearance of the wider Rothesay Conservation at this location.

The proposal is consistent with policy POL BE 6 of the adopted local plan and policy LP ENV 14 of the emerging local plan.

D. Road Network, Parking and Associated Transport Matters

There are no changes proposed to the existing car parking and access arrangements. The Area Roads Manager has raised no objection to this proposal. Given the existing holiday usage of the chalets is to remain the existing access arrangements are acceptable.

The proposal is consistent with policy LP TRAN 4 of the emerging local plan.

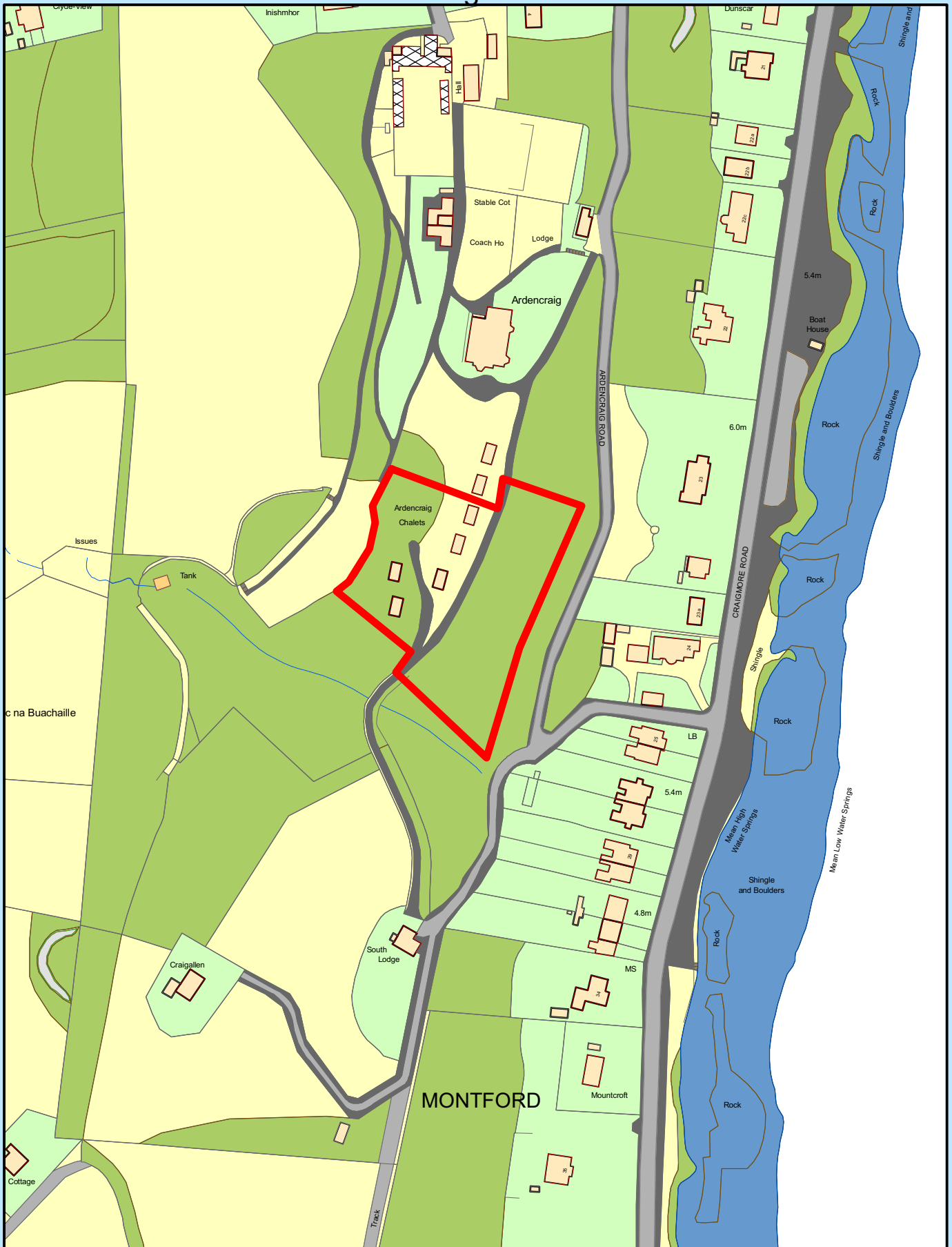
E. Infrastructure

There is no proposed change to the existing water supply or sewerage treatment arrangements.

The proposal is consistent with policies LP SERV 1 and 4 of the emerging local plan.

CONCLUSION

Importantly, the use of these chalets will remain as holiday lets. The variation of condition 7 will allow these buildings to be used for holiday accommodation for 12 months of the year consistent with development plan policy. A condition can be attached to this planning permission to ensure the continued use of these chalets remains as holiday lets.



COMMITTEE LOCATION PLAN RELEVANT TO PLANNING APPLICATIONS
08/02161/VARCON,
09/00132/NMA & 09/00136/COU

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

Ward Number - 8 Bute
Date of Validity - 3rd February 2009
Committee Date - 7th April 2009

Reference Number: 09/00132/NMA
Applicants Name: Mrs June Buchanan Hartley & Mr David Buchanan Hartley
Application Type: Non-material amendment
Application Description: Alter and extend existing chalet, erect conservatory and decking (non-material amendment to planning application 06/01795/DET to incorporate two additional windows on west elevation and variation to design of timber cladding on north elevation (retrospective).
Location: 5 Arden Craig Chalets, Arden Craig, Rothesay Isle of Bute.

(A) THE APPLICATION

- (i) Proposed non-material changes to Planning Permission 06/01795/DET:
- Two additional windows on west elevation.
 - Variation to design of timber cladding on north elevation.
-

(B) RECOMMENDATION

It is recommended that the changes detailed above be accepted as non-material amendments to Planning Permission 06/01795/DET under Section 64 of the Town and Country Planning (Scotland) Act 1997.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

This application seeks minor design changes to planning permission 06/01795/DET which was approved consistent with Development Plan policy.

The proposed design changes are considered to be minor in nature and consistent with policy POL BE 15 of the Bute Local Plan 1990 and policy LP ENV 19 of the Argyll & Bute Local Plan Post Inquiry Modifications.

(ii) Representations:

One representation has been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

Not applicable.

(iv) **Reasoned Justification for a Departure from the Provisions of the Development Plan.**

N/A.

(v) **Is the Proposal a Schedule 1 or 2 EIA development:**

No.

(vi) **Does the Council have an interest in the site:**

No.

(vii) **Need and Reason for Notification to Scottish Ministers.**

No.

(viii) **Has a sustainability Checklist Been Submitted:**

No.

Angus J Gilmour
Head of Planning
31 March 2009

Author: John Irving, Tel: 01369 708621 **Date:** 24th March 2009
Reviewing Officer: David Eaglesham, Tel 01369 708608 **Date:** 31 March 2009

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00132/NMA

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Bute Local Plan 1990

Policy POL BE 6 '*Rothesay Conservation Area*' seeks to prevent any deterioration to the character of the designated area through unsympathetic new development.

Policy POL BE 15 '*Layout & Design of Urban Development*' seeks to achieve a high standard of layout and design where new urban developments are proposed.

Policy POL HO 3 '*Countryside Safeguarding Zone*' seeks to resist development that results in existing settlement coalescence and promotes infill or rounding off development only.

Argyll & Bute Local Plan Post Inquiry Modifications (November 2008)

Policy LP ENV 14 '*Development in Conservation Areas and Special Built Environment Areas*' seeks a presumption against development that does not enhance the character or appearance of the Conservation Area.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy HOU 5 '*House Extensions*' will be supported where they cause no significant detriment to the building, neighbours or the immediate vicinity.

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

Planning Permission 778/76 granted on 15th February 1978 for the erection of holiday chalet development.

Planning Permission 06/01795/DET granted on 17th October 2006 to alter and extend existing chalet, erect conservatory and extension.

Planning enforcement investigation 08/00172/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 5. See associated report elsewhere on this agenda.

Planning application 09/00136/COU submitted on 3rd February 2009 for the retrospective change of use of Chalet No. 5 to a dwellinghouse, erection of shed, pathway and fence. See associated report elsewhere on this agenda.

(iii) CONSULTATIONS

None.

(iv) PUBLICITY AND REPRESENTATIONS

One representation has been received from Mr Colin Slinn (e-mail dated 22nd March 2009), colinslinn@manx.net.

The points raised does not relate to this application; see associated report for planning application 09/00136/COU.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/00132/NMA

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Ardencraig Chalets are located within Rothesay Conservation Area.

The site is located with the Countryside Safeguarding Zone in the Bute Local Plan 1990 but within the defined settlement zone in the emerging local plan. This application incorporates very minor design changes to an approved development that does not result in any form of settlement coalescence nor does it have any impact upon the established settlement pattern.

The proposal is considered to be consistent with policies POL HO 3 of the adopted local plan and policy LP HOU 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

This application seeks to regularise minor design changes to planning permission 06/01795/DET. These variations include the following:

- Two additional windows on west elevation.
- Variation to design of timber cladding on north elevation.

The proposed design changes are considered to be minor and crucially '*non-material*' in nature, consistent with policy POL BE 15 of the Bute Local Plan and policy LP ENV 19 of the Argyll & Bute Local Plan Post Inquiry Modifications. In addition, the changes included within this non-material amendment application do not present any adverse privacy or amenity issues with neighbouring properties.

The proposal is considered to be consistent with policy POL BE 9 of the Bute Local Plan and policy LP ENV 19 & Appendix A of the emerging Local Plan.

C. Built Environment

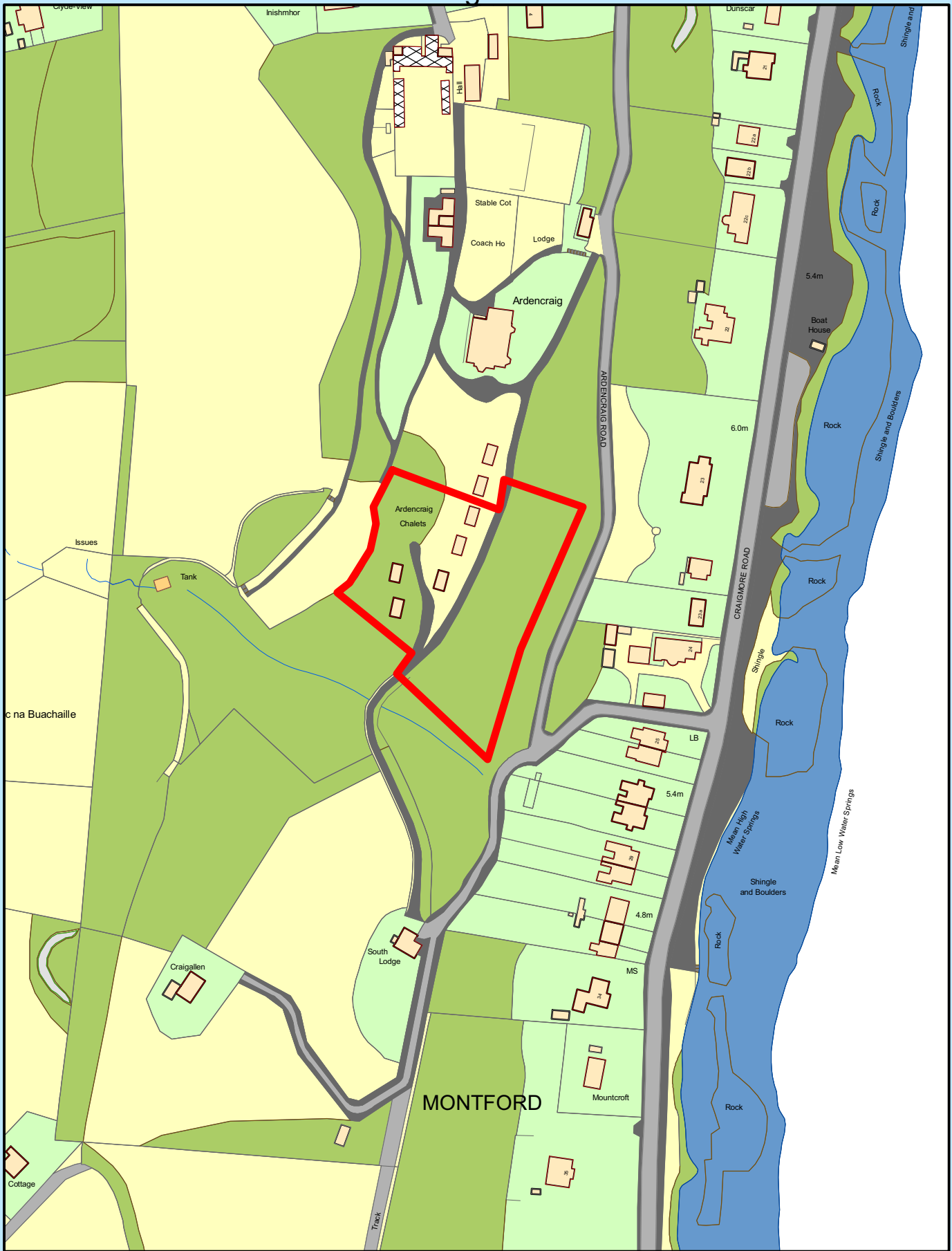
Policy LP HOU 5 of the emerging local plan seeks to permit housing extensions providing there is no significant detriment to the building, neighbouring buildings and surrounding vicinity. Furthermore, both the adopted and emerging local plans boast specific policies which seek to maintain and enhance the character of the conservation area. This application presents minor design changes to a planning permission which was approved on the basis that it did not detract from the overall character of the building or surrounding environment. The non-material changes included within this application do not unduly change or impact upon the overall character and design of this building or indeed the wider conservation area.

The proposal is considered to be consistent with policy POL BE 6 of the Bute local plan and policies LP ENV 14 and LP HOU 5 of the emerging Local Plan.

CONCLUSION

This application represents very minor changes to the approved design. These changes are entirely acceptable in design terms, with no impact on neighbouring properties. As such, it is recommended that this application be approved.

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COMMITTEE LOCATION PLAN RELEVANT TO PLANNING APPLICATIONS
08/02161/VARCON,
09/00132/NMA & 09/00136/COU

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DEVELOPMENT SERVICES
 PLANNING APPLICATION REPORT
 BUTE & COWAL AREA COMMITTEE

Ward Number - 8 Bute
 Date of Validity - 18th February 2009
 Committee Date - 7th April 2009

Reference Number: 09/00136/COU
 Applicants Name: Mrs June Buchanan-Hartley & Mr David Buchanan Hartley
 Application Type: Change of use
 Application Description: Change of use of chalet to dwellinghouse, erection of shed, pathway and fence (retrospective).
 Location: No. 5 Arden Craig Chalets, Arden Craig Road, Rothesay, Isle of Bute.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of chalet to dwellinghouse
- Retention of timber shed
- Retention of timber pathway
- Erection of 1.8 metre high deer fence

(ii) Other specified operations

- Connection to public water main
 - Connection to public sewer
-

(B) RECOMMENDATION

Having due regard to development plan policy and other material considerations, it is recommended that planning permission **be granted** subject to the conditions and reasons along with the informatives detailed overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Bute Local Plan the site is located within a 'Countryside Safeguarding Zone'. Policy POL HO 3 does not permit any form of small scale development within this zoning. Therefore the change of use of this chalet to a permanent dwellinghouse would need to be justified as a departure to this policy.

The emerging Argyll & Bute Local Plan identifies this site within the boundaries of Rothesay settlement zone. This plan identifies Rothesay as a 'Main Town'. Policy LP HOU 1 'General Housing Development' promotes a presumption in favour of housing development in the settlement zone providing it is of an appropriate scale. This small scale proposal is consistent, in principle, with policy LP HOU 1.

(ii) Representations:

One letter of representation has been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

Given that the proposal is only a '*minor departure*' from the Development Plan and only one representation has been received, it is not considered that it would be necessary to convene a hearing under Planning Advice Note 41 '*Development Plan Departures*'.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

In taking into account all of the material considerations; it is considered that a case can be made for granting planning permission as a '*minor departure*' to the Development Plan. The proposal does not represent 'large scale or unsympathetic' development and it would not have an adverse impact upon the Rothesay Conservation Area. It should be seen in the context of an aged Bute Local Plan that no longer accurately reflects the understood aspirations of the Council. The application site is fully contained within the settlement boundary defined in the Argyll & Bute Local Plan Post Inquiry Modifications (November 2008) and the proposal is consistent with this emerging local plan.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
31 March 2009

Author: John Irving, Tel: 01369708621
Reviewing Officer: David Eaglesham, Tel: 01369708608

Date: 24th March 2009
Date: 31 March 2009

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 09/00136/COU

1. Notwithstanding the provisions of Article 3 and Classes 1 (alterations, extensions, conservatories, etc.), 2 (roof alterations) and 3 (development within curtilage) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or as amended, no other development shall take place within the curtilage of the dwellinghouse hereby permitted without the prior written consent of the Planning Authority.

Reason: *In order to safeguard the external design and amenity of the dwellinghouses and in respect of limited curtilages from development normally carried out without Planning Permission, normally being permitted under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.*

2. Notwithstanding the provisions of Article 3 and Classes 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or as amended, no windows or other openings shall be installed at the dwellinghouse without the prior written consent of the Planning Authority.

Reason: *In order to prevent the inclusion of windows and other openings this could undermine the privacy and amenity of neighbouring properties.*

3. Notwithstanding the detail of the approved drawings titled 'Site Plan' and 'Shed, Wood Store & Deer Fence Details', received 4th February 2009, the proposed 1.8 metre high deer fence shall not be erected.

Reason: *In order to prevent an uncharacteristic form of development that would have an unacceptable visual impact at this location.*

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00136/COU

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

STRAT DC 1 '*Development in the Settlement*' developments which don't accord with this policy are those developments which are essentially incompatible within close configuration of land uses found in settlements.

Bute Local Plan 1990

Policy POL BE 6 '*Rothesay Conservation Area*' seeks to prevent any deterioration in the character and setting of this designated area through inappropriate new developments.

Policy POL HO 3 '*Countryside Safeguarding Zone*' stresses the need for settlement consolidation, developments will not generally be permitted, and development in this zone is restricted to infill or rounding-off.

Policy POL RUR 1 '*Landscape Quality*' seeks to maintain and enhance the landscape quality of Bute.

Argyll and Bute Local Plan Post-Inquiry Modifications (2008)

Policy LP ENV 1 – '*Development Impact on the General Environment*' seeks to ensure all applications for planning permission are assessed on their impact on both the natural, human and built environment.

Policy LP ENV 14 – '*Development in Conservation Areas and Special Built Environment Areas*' seeks to resist development that does not preserve or enhance the character of the designated area.

Policy LP ENV 19 – '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 – '*General Housing Development*' there is a presumption in favour of housing development within the defined settlement zone providing it is of an appropriate scale.

Policy LP TRAN 4 – '*New & Existing, Public Roads & Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Policy LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

Policy LP SERV 4 '*Water Supply*' supports private water supplies where a public water supply is not, or could not be made available.

Note (i): **The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk.**

(ii) **SITE HISTORY**

Planning permission 06/01795/DET granted on 17th October 2006 to alter and extend existing chalet, erection of conservatory and decking. This planning permission included a specific informative to advise the applicant of the condition (7 of planning permission 778/76) attached to the original planning permission concerning holiday usage of the chalet.

Planning enforcement investigation 08/00172/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 5. See associated report elsewhere on this agenda.

Non-material amendment application 09/00132/NMA submitted on 3rd February 2009 to alter and extend existing chalet, erect conservatory and decking (amendment to planning permission 06/01795/DET incorporating two additional windows on west elevation and variation to design of timber cladding on north elevation) (retrospective). See associated report elsewhere on this agenda.

(iii) **CONSULTATIONS**

Area Roads Manager (response dated 24th March 2009):

'This development is accessed from Arden Craig Lane via a private access. There are 2 no. parking spaces within this site and a means of turning which will allow all vehicles to enter and leave the development in a forward manner. There will be no additional traffic movements due to this change. The access onto the adopted road is acceptable. A means of turning to be provided for vehicles to exit the estate in a forward manner, the current layout will permit this.'

Scottish Water: No response.

(iv) **PUBLICITY AND REPRESENTATIONS**

Under Article 9 neighbour notification procedure, potential departure advertisement, published 13th March 2009, expired 3rd April 2009 and Section 65 advertisement published 27th February 2009, expired 20th March 2009, one representation has been received from Mr Colin Slinn (e-mail dated 22nd March 2009), colinlslinn@manx.net.

The points raised are summarised below:

1. When they purchased the property the applicants were made aware by the selling agents as to the 10 month usage of the property. However at the same time they were also informed that this condition had never been enforced and that on a number of occasions lettings had taken place at the request of the council during the 2 months that the property should have remained unused. This was, I am told, to rehouse on a temporary basis persons who had a housing problem.

Comment: See assessment below.

2. There are two vehicle turning areas shown on the plans. The first at the end of the drive before it ascends to chalet 5 and the second is just past chalet 7 to the rear of chalet 5. This "turning" space is currently used as the parking bay for

chalets 6 and 7 which are owned by this company. When they are not used by chalets 6 and 7 it would be possible to turn a vehicle in that spot. It is not a designated turning bay and chalet 5 has no legal rights to use it as such. Because of the demand for holiday lettings we are now using our chalets for that purpose and have a dedicated web site - www.ardencraigchalets.co.uk for that purpose. What we clearly want to avoid is any friction between our guests in chalets 6 and 7 that could be caused by the use of this area of our land as a turning space with the owners of chalet 5. The legal position is that chalet 5 have no legal right to use this area for turning a car on a permanent basis, but if it is not being used by our guests for chalets 6 and 7 we have no objection to them doing so.

Comment: See assessment below.

3. We do object to the erection of a massive deer proof fence as proposed. The beauty of the site is that it is open and the deer can roam freely around. Chalet 5 does not believe in cultivating their garden rather they leave it growing wild. In those circumstances I see no reason why they wish to turn this part of the development into what would look like a zoo or a concentration camp! What we do not want to see is a bald wire fence which would visually impair the whole ambiance of the development. A possible solution is that the applicants could have a hedge and on the inside of the hedge could have a wire fence that would not been seen.

Comment: See assessment below.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/00136/COU

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The chalet is located within Rothesay Conservation Area.

Under the provisions of the adopted local plan the site is located within a '*Countryside Safeguarding Zone*' Policy POL HO 3 does not permit any form of small scale development within this zoning. Therefore the change of use of this chalet to a permanent dwellinghouse would need to be justified as a departure from this policy.

The proposal is therefore contrary to policy POL HO 3 of the adopted local plan.

The emerging local plan identifies this site within the boundaries of Rothesay settlement zone. This plan identifies Rothesay as a 'Main Town'. Policy LP HOU 1 '*General Housing Development*' promotes a presumption in favour of housing development in the settlement zone providing it is of an appropriate scale. In principle 'Main Towns' can accommodate up to large scale developments (i.e. those exceeding 30 units). This small scale proposal is consistent, in principle, with policy LP HOU 1.

It is therefore considered that the principle of residential development at this site can be justified as a departure from the adopted local plan given the age of the current local plan and the identification of the site as within the 'settlement boundary' of Rothesay in the emerging Argyll & Bute Local Plan Post Inquiry Modifications 2008.

The proposal is therefore considered to be consistent with policy LP HOU 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

Ardencraig Estates boasts seven holiday chalet buildings; these properties are small, single storey, timber clad structures. They are accessed by a private single track road. Five chalets are positioned in a single tier, while the remaining two are located on higher ground to the southwest. Chalet No.5 is located at the southern end of the single tier of chalets. The property has been extended and altered and is now larger than the other chalets at Ardencraig Estate.

This chalet is currently being used as a permanent residence in breach of its lawful use as a holiday let. It is believed that the owners have been permanently residing in the chalet in excess of two years. In order to determine the appropriateness of such a use this application also needs to be assessed in terms of its design and amenity impact.

This application does not include any physical changes to the chalet. The previous extension works undertaken to the building has provided additional floor space which has enhanced the modest layout of the chalet and provided meaningful living space.

There are three neighbouring chalets. The chalet to the north is located some 7.5 metres from the gable end of chalet no. 5. However, there are no windows located on this gable end which would present any adverse privacy or overlooking concerns.

Two chalets are located to the west of chalet no. 5, upon raised ground. The nearest chalet is located some 15 metres from the rear elevation of this property. This distance falls below the minimum standard of 18 metres window to windows distance,

as detailed in Appendix A of the emerging local plan. It is considered that the difference in ground levels, coupled with the existing vegetation between these properties will ensure that established levels of amenity afforded to this neighbouring chalet are not be unduly reduced.

The retention of the timber shed and pathway are considered to be acceptable. Although, in granting planning permission it is considered necessary to remove permitted development rights to prevent any further development works being undertaken within the curtilage of this property, without first seeking approval from the Planning Authority.

The proposed erection of 1.8 metre high deer fence is considered to unacceptable. Arden Craig Chalets is characterised by chalets located within open ground. The proposed fence would enclose Chalet No. 5 and introduce an alien form of development that would have an uncharacteristic and unsympathetic visual impact at this location. As such it is proposed to attach a condition to the grant of permission which prevents the erection of this boundary treatment.

The proposal is therefore considered to be consistent with policy POL BE 15 of the adopted local plan and policy LP ENV 19 and Appendix A of the emerging local plan.

C. Built Environment

The site is located with the boundaries of Rothesay Conservation Area. Both the adopted and emerging local plans boast specific policies which seek to prevent any deterioration to the character and appearance of conservation area through unsympathetic development. This application does not propose any physical changes to the chalet building but the retention of very minor development works in the surrounding grounds, with the unauthorised erection of a timber shed and pathway. These developments are considered to have a very limited impact on the surrounding wider environment.

The proposal is therefore consistent with policy POL BE 6 of the adopted local plan and policy LP ENV 14 of the emerging local plan.

D. Road Network, Parking and Associated Transport Matters

Arden Craig Estate is accessed from the adopted Arden Craig Road. The road which serves the estate and this chalet is a private single track access. This access serves Arden Craig Apartments which consists of two dwellings and four holiday apartments along with the six holiday chalets and this subject property. Policy TRAN 4 of the emerging local plan requires developments which result in more than 5 dwellings being served by a private road to be constructed to an adoptable standard. The approval of this application would result in only three residential units being served by this private access road which falls below this threshold.

The single track access boasts a parking area for up to two cars per chalet and these spaces serve as passing places. The location of the existing car parking area for this property, identified on the submitted plan, are located outwith the defined application site, outwith the applicant's ownership. However, the applicant's agent has confirmed that they have a sole right of servitude to use this area. The turning areas detailed on the submitted plan do not belong to the applicant and they have no legal right to use these areas. However, the existing car parking area does act as a turning area for vehicles belonging to Chalet No. 5.

The Area Roads Manager has raised no objection to this proposal.

The proposal is therefore considered to be consistent with policy LP TRAN 4 of the emerging local plan.

E. Infrastructure

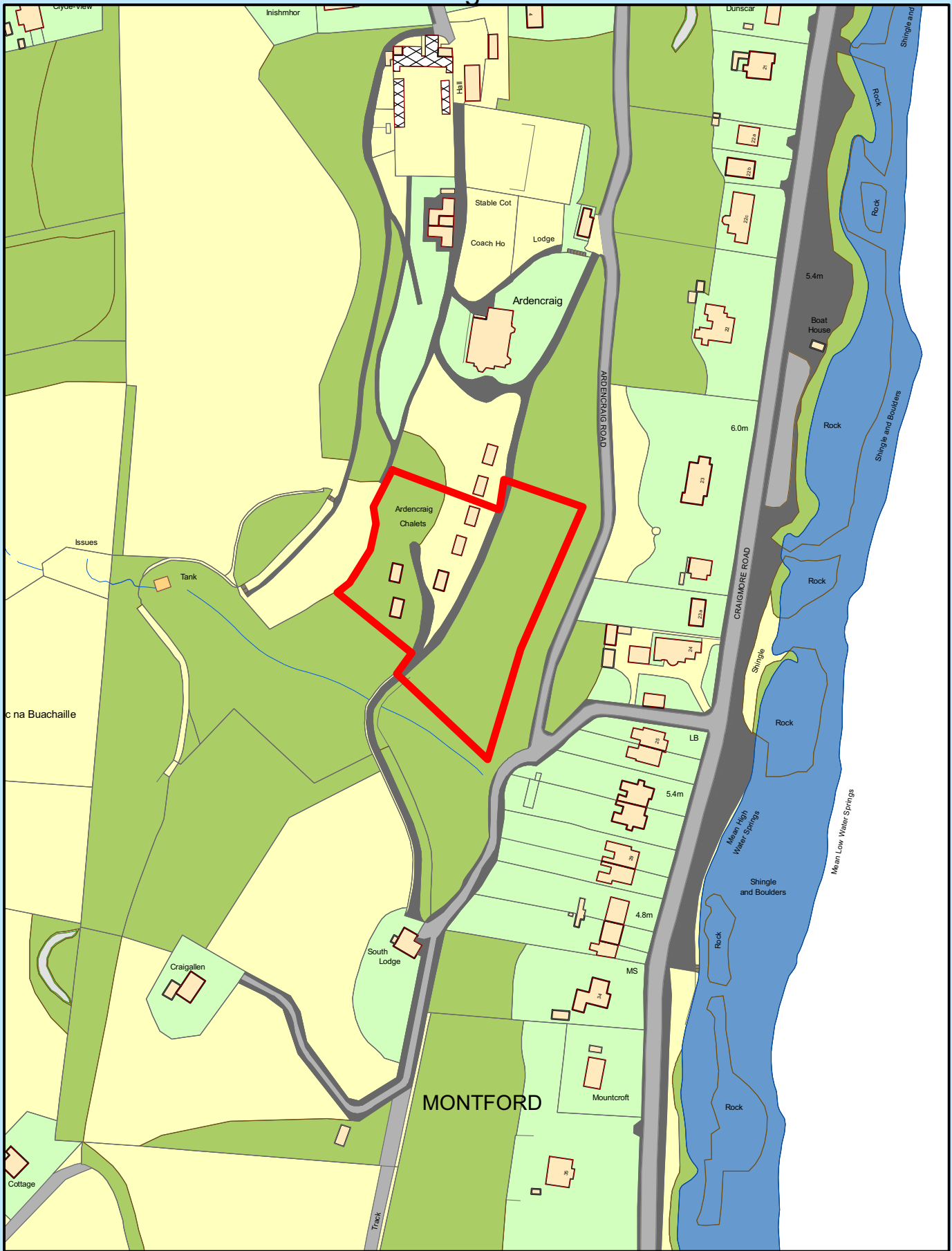
The chalet is connected to both the public water main and sewerage system. No change is sought to this existing arrangement and Scottish Water has raised no objection to this proposal.

The proposal is therefore considered to be consistent with policies LP SERV 1 and 4 of the emerging local plan.

CONCLUSION

The change of use of this holiday chalet to a permanent dwellinghouse is considered acceptable, in principle, subject to conditions which safeguard levels of privacy and amenity and which prevent associated development that could have an unacceptable visual impact.

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COMMITTEE LOCATION PLAN RELEVANT TO PLANNING APPLICATIONS
08/02161/VARCON,
09/00132/NMA & 09/00136/COU

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Development Services, Argyll and Bute Council,
 Kilmory, Lochgilphead, Argyll, PA31 8RT



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DEVELOPMENT SERVICES
BUTE & COWAL AREA COMMITTEE

Ward Number - 6 Cowal
Committee date - 7 April 2009

Reference Number: 01/01553/DET
Applicants Name: CRE Energy Limited (agent Scottish Power)
Application Description: Erection of 35 wind turbines and associated infrastructure;
de-forestation works; and improvements of access tracks(As An
Location: Land at *Cruach Mhor*, Glendaruel

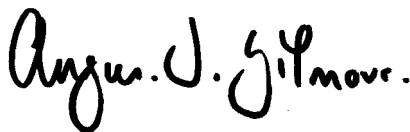
PRIVATE WATER SUPPLY, GLENDARUEL

A Background

1. In association with the grant of planning permission 01/01553/DET for a wind farm at ***Cruach Mhor, Glendaruel***, a Section 75 Agreement was concluded which, *inter alia*, required the developer to provide and maintain an alternative private water supply to households in the Duiletter area of Glendaruel.
2. Reports were considered at the Area Committee meeting on 7th September 2004 and 5 April 2005 relative to breakages in the private water supply and whether or not the Section 75 Agreement had been breached. It was latterly resolved to continue the matter.
3. The Department became aware during June/July 2007 that residents were still experiencing problems with their water supply. These concerns were raised with *Scottish Power Renewables* who advised that recent problems with the water treatment plant had been unpredictable and extensive.
4. *Scottish Power Renewables* have now written to the Council (copy attached) advising that they consider that it may be in the best interests of all parties to contract Scottish Water to extend the public water supply beyond Kilmodan Primary School to service the 17 properties affected. If such a scheme were to be installed, they would seek a Deed of Variation to the S75 Agreement which provides that, on the satisfactory completion of the necessary works and the adoption of the Glendaruel water supply by Scottish Water, conditions NINTH to THIRTEENTH of the S75 Agreement shall no longer be in force.
5. Following consultations with the residents affected, *Scottish Power Renewables* report that there appears to be widespread support for this proposal although 2 households have rejected the offer.

B Recommendation

1. The proposed public water supply would appear to provide a more secure long-term solution to the water supply difficulties experienced. It is therefore **recommended** that the Head of Legal & Protective Services be instructed to conclude a Deed of Variation to the S75 Agreement which provides that, on the satisfactory completion of the necessary works and the adoption of the Glendaruel water supply by Scottish Water, conditions NINTH to THIRTEENTH of the S75 Agreement shall no longer be in force.



Angus J Gilmour
Head of Planning Services
30 March 2009

APPENDIX

Argyll & Bute Council
Development Management
Hill Street
Dunoon PA23 7AP

16.03.2009
Our Ref: A&BC letter 1
Your Ref: xxx

For the Attention of David Eaglesham

Dear Sir

(B) PROPOSED PERMANENT WATER SUPPLY TO CLACHAN OF GLENDARUEL

Thank you for taking time to meet my colleague Iain Cassidy and myself on 5th February 2009.

As you will be aware, in 2003 Scottish Power Renewables (SPR) developed Cruach Mhor Windfarm near Glendaruel. As part of the Planning Agreement, SPR agreed to install the associated water supply for the 17 properties in the Clachan of Glendaruel in order to ensure that the windfarm development had no adverse impact on the private water supplies. The current water supply is intended to last for the operational period of the windfarm (25 years) and thereafter the responsibility for the operation and maintenance of the existing water plant shall revert to the 17 affected properties.

You may also be aware that since 2007 Scottish Water (SW) has taken the 'public water supply' as far as the Kilmodan Primary School. After some consideration and discussion with various experts, SPR consider that it may be in the best interests of all parties to contract Scottish Water to extend the water supply beyond Kilmodan Primary School to service the 17 properties within the Clachan of Glendaruel and provide an 'adoptable' standard of water provision.

SPR intend to approach the 17 houseowners/occupiers to establish their opinion on our proposals. We enclose a draft letter to the houseowners/occupiers and would appreciate your comments.

Assuming our proposals are largely acceptable to the houseowners/occupiers, installation could be completed by autumn 2009. The installation and operation of a Scottish Water approved water supply to the existing 17 properties, would remove the houseowners/occupiers of the burden of having to operate and maintain the SPR water supply in the future. Presumably this would therefore be considered to be a positive development for all.

In order to regularise the planning position, SPR require to address the 'Water Management Plan' referred to in the ninth to thirteenth sections of the Section 75 Agreement V10 and possibly the Bond by the Royal Bank of Scotland in favour of Argyll & Bute Council regarding the 'Alternative Water Supply'.

Our proposal would be that a Deed of Variation to the S75 Agreement is entered into which provides that, on the satisfactory completion of the necessary works and the adoption of the Glendaruel water supply by Scottish Water, condition ninth to thirteenth of the S75 Agreement shall no longer be in force.

We will advise you of our progress with the houseowners/occupiers in the near future and would request your consideration of a Report to Committee to formalise the proposed planning route in April 2009.

Should you require any further information or clarification on this letter, please do not hesitate to contact me.

Yours faithfully,

Debbie Harper MRTPI
ScottishPower Renewables

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**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE**

Bute and Cowal

Application Types: *ADV App. for Advertisement Consent,
ART4 App. Required by ARTICLE 4 Dir,
CLAWU App. for Cert. of Law Use/Dev. (Existing),
CLWP App. for Cert. of Law Use/Dev. (Proposed),
COU App. for Change of Use Consent,
CPD Council Permitted Dev Consultation,
DET App. for Detailed Consent,
FDP Forest Design Plan Consultation,
FELLIC Felling Licence Consultation,
GDCON Government Dept. Consultation,
HAZCON App. for Hazardous Substances Consent,
HYDRO Hydro Board Consultation,
LIB Listed Building Consent,
LIBECC App. for Consent for ecclesiastical building,
MFF Marine Fish Farm Consultation,
MIN App. for Mineral Consent,
NID Not. of intent to develop app.,
NMA Not. for Non-Material Amnt,
OUT App. for Permission in Principle,
PNAGRI Prior Not. Agriculture,
PNDEM Prior Not. Demolition,
PNELEC Prior Not. Electricity,
PNFOR Prior Not. Forestry,
PNGAS Prior Not. Gas Supplier,
PREAPP Pre App. Enquiry,
REM App. of Reserved Matters,
TELNOT Telecoms Notification,
TPO Tree Preservation Order,
VARCON App. for Variation of Condition(s),
WGS Woodland Grant Scheme Consultation*

Decision Types: *PER Approved
WDN Withdrawn
NOO No Objections
AAR Application Required
CGR Certificate Granted
OBR Objections Raised
PDD Permitted Development
PRE Permission Required
NRR New App. Required*

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
09/00217/DET	Mr And Mrs Foreman 106 Bullwood Road, Dunoon, Argyll And Bute, PA23 7QN, Erection of conservatory.	20/02/2009	09/03/2009	PER
09/00199/TPO	Mr Keith Campbell Hunters Quay Holiday Village, Hunters Quay, Dunoon, Argyll And Bute, PA23 8HP, Removal of specific trees and regeneration of existing woodland	16/02/2009	05/03/2009	PER
09/00191/DET	Mr Archie Beattie 6 Forest View, Strachur, Cairndow, Argyll And Bute, PA27 8DQ, Erection of front porch	17/02/2009	06/03/2009	PER
09/00188/COU	Janet Male 52 Hillfoot Street, Dunoon, Argyll And Bute, PA23 7DT, Conversion of shop (Class1) to stress consultation office (Class2)	17/02/2009	05/03/2009	PER
09/00185/ADV	Willam Hill Organisation 16 Moir Street, Dunoon, Argyll And Bute, PA23 8AA, Erection of one illuminated projecting sign and one illuminated fascia sign.	18/02/2009	06/03/2009	PER
09/00137/DET	Mrs Janet McCallum And Mrs Colin McCallum 21 Wyndham Road, Rothesay, Isle Of Bute, Argyll And Bute, PA20 0NR, Installation of replacement windows	11/02/2009	09/03/2009	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
09/00100/DET	Dunoon Youth Football Leage DYFL Clubhouse, Dunoon Stadium, Argyll Street, Dunoon, Argyll And Bute, PA23 7RL, Demolition of turnstiles and erection of extension to clubhouse	02/02/2009	02/03/2009	PER
09/00099/DET	Stewart Shaw 6 Glenmorag Avenue, Dunoon, Argyll And Bute, PA23 7LG, Demolition of rear extension and erection of sun lounge	02/02/2009	16/03/2009	PER
09/00098/NMA	Mrs Catherine Montgomery Achadh Na Sith Clachan Crofts, Strachur, Cairndow, Argyll And Bute, PA27 8DH, Erection of dwellinghouse (amendment to Planning Permission 04/02222/DET to incorporate design of dwellinghouse and location of detached garage)(Retrospective).	30/01/2009	05/03/2009	PER
09/00093/COU	William Hill Organisation Ltd 16 Moir Street, Dunoon, Argyll And Bute, PA23 8AA, Conversion of Shop (Class 1) to Licensed Betting Office (Class 2)	09/02/2009	16/03/2009	PER
09/00081/DET	Mr Peter Blacker Highfield, Glenstriven, Dunoon, Argyll And Bute, PA23 7UN, Demolition of sawmill, erection of dwellinghouse and formation of vehicular access (renewal of Planning permission 04/00076/DET)	27/01/2009	13/03/2009	PER
09/00048/DET	Mrs Lambie Plot Adjacent To 1, Kilhaws, Toward, Argyll And Bute, , Erection of dwellinghouse and installation of septic tank (retrospective)	19/01/2009	02/03/2009	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
09/00042/TPO	Mr Douglas Wallace And Mrs Elizabeth Wallace 2 Crichton Road, Rothesay, Isle Of Bute, Argyll And Bute, PA20 9JR, Felling of one fir tree	16/01/2009	17/02/2009	PER
09/00030/DET	Mrs E Harris And Mr N McKay Heathbank, 35 North Campbell Road, Innellan, Dunoon, Argyll And Bute, PA23 7SB, Installation of 11 velux windows	13/01/2009	19/02/2009	PER
08/02250/DET	National Grid Property Ltd Land West Of Cotton Mill Lane, Rothesay , Isle Of Bute Environmental improvement works, regrading and laying of hardstanding.	29/12/2008	23/02/2009	PER
08/02210/DET	Rodger Woods 4 Ashcroft, Hafton, Dunoon, Argyll And Bute, PA23 8HP, Erection of extension	23/01/2009	09/03/2009	PER
08/02128/DET	Scottish Woodlands Ltd Land North East Of Emohruo, Glendaruel, Argyll And Bute, , Erection of dwellinghouse and installation of septic tank .	03/12/2008	13/03/2009	PER
08/01981/DET	Hazel Mount Company And Corner Ground Limited Auchenbreck Forest, Colintrave, Argyll And Bute, , Formation of Forestry Access	21/11/2008	05/03/2009	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01735/OUT	Enga Ltd Plot1, Site To The East Of Kilbridemore Farm, Glendaruel, Argyll And Bute, , Erection of dwellinghouse, formation of vehicular access and installation of septic tank.	25/09/2008	06/03/2009	PER
08/01731/OUT	Enga Ltd Plot 2, Site To The East Of Kilbridemore Farm, Glendaruel, Argyll And Bute, , Erection of dwellinghouse, formation of vehicular access and installation of septic tank .	25/09/2008	06/03/2009	PER
08/01600/DET	Stewart McNee (Dunoon) Ltd Site Adjacent To 137 Ardenslate Road, Kirm, Dunoon, Argyll And Bute, PA23 8GZ, Erection of dwellinghouse and formation of vehicular access.	05/09/2008	19/02/2009	PER
08/01192/DET	Mr John Darroch Land To The North East Of, Hollybush Cottage East, St Catherines, Cairndow, Argyll And Bute, PA25 8AZ, Erection of dwellinghouse and garage .	15/07/2008	02/03/2009	PER

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**BUILDING STANDARDS
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED DATE	VETTED DATE	DECISION	DECISION DATE
03/01969/ERD/B	Mr And Mrs Lagah 54 George Street Dunoon Argyll PA23 8BW Amendment to Warrant, to cover developement within the loft space.	02/02/2009	18/02/2009	06/03/2009	WARAPP
07/01013/ERECDW/A	Mr And Mrs I Crawford Land Opposite 18 Crichton Road Rothesay Isle Of Bute Amendment to Warrant; to cover drainage, services, and installation of decking area.	30/10/2008	17/11/2008	17/02/2009	WARAPP
08/00028/ALTER/A	Fyne Homes 3 King Street Rothesay Isle Of Bute Argyll And Bute Amendment to Warrant to cover, constructio of to used, replacement of terrace, additional render to be employed and slate replaced zinc.	14/01/2009	29/01/2009	09/03/2009	WARAPP
08/00232/ALTER/A	Mr And Mrs Robert Thornton 17 Castle Street Port Bannatyne Isle Of Bute Argyll And Bute PA20 0ND Amendment to Warrant, to cover width of opening, and form Shower room with WC compartment	04/02/2009	11/02/2009	26/02/2009	WARAPP
08/00237/ERECDW	Mark Roper Plot 2 Land West Of The Whins Millhouse Argyll And Bute Erection of dwellinghouse with associated oil storage tank	26/02/2008	11/03/2008	11/03/2009	WARAPP
08/00544/ERECDW	Mrs L Lang Plot 5 Inverlounin Road Lochgoilhead Argyll And Bute PA24 8AH Erection of dwellinghouse, with associated septic tank	20/05/2008	02/06/2008	23/02/2009	WARAPP
08/00551/CONV07	Sted Investments Ltd Ashgrove 229 Alexandra Parade Dunoon Argyll And Bute PA23 8HD Alterations to convert existing care home into 8 flatted apartments	23/05/2008		17/02/2009	WARAPP

**WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superceded by new Building**

08/00589/ALTER	Mr Alan MaKenzie And Mr Hugh Young Flat 1/1 Daisybank Kilchattan Bay Isle Of Bute Argyll And Bute Alteratios to flats, to relocate kitchens and form additional bedrooms	02/05/2008		25/02/2009	WARAPP
08/00838/EXTEND	Ruach Ministries Trust 31 - 33 Bishop Street Rothesay Isle Of Bute Argyll And Bute PA20 9DG Extension to premises to provide meeting room and toilet facilities.	02/09/2008	17/09/2008	23/02/2009	WARAPP
08/00855/EXTEND	Mr And Mrs Springall 3 Dhailing Road Dunoon Argyll And Bute PA23 8EA Extension to porch to form utility room and shower room.	05/09/2008	01/10/2008	04/03/2009	WARAPP
08/00892/ALTER	Mrs Jean Rodger 39 Marine Road Port Bannatyne Isle Of Bute Argyll And Bute PA20 0LW Amalgamation of attic flats (2/1 and 2/2) and alterations to ground floor floor (east) to form shower room	22/09/2008		19/02/2009	WARAPP
08/00895/ERECDW	Mr And Mrs R McCubbin Land East Of The Laverocks Westlands Road Rothesay Isle Of Bute Argyll And Bute Erection of dwellinghouse, with associated biodisk unit	17/09/2008	15/10/2008	17/02/2009	WARAPP
08/00982/ALTER	Mr And Mrs I Scoon Madras House 16 Craigmore Road Rothesay Isle Of Bute Argyll And Bute PA20 9LB Internal alterations and upgrading of dwelling	15/10/2008	17/01/2009	23/02/2009	WARAPP
08/00996/INSTAL/A	NHS Highland Dunoon And District General Hospital 360 Argyll Street Dunoon Argyll And Bute PA23 7RL Amendment to warrant, to cover alterations to car parking area	28/01/2009		09/03/2009	WARAPP
08/01193/ALTER	Joyce Edgar Ashwood Shore Road Kames Argyll And Bute Alteration to dwelling, to replace window with French door and removal of external door.	18/12/2008	19/01/2009	26/02/2009	WARAPP

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08/01210/ALTEXT	Mr A Gibson 231 Marine Parade Hunters Quay Dunoon Argyll And Bute PA23 8HJ Alterations and extension to dwelling	24/12/2008	06/01/2009	25/02/2009	WARAPP
09/00057/ALTEXT	James Craddock And Christine Earl Highfield Kilmun Argyll And Bute PA23 8SE Internal alterations to dwelling, and erection of sunlounge extension.	13/01/2009	28/01/2009	19/02/2009	WARAPP
09/00059/ALTER	Mr Frank Harkins 31 Wyndham Road Ardbeg Rothesay Isle Of Bute Argyll And Bute PA20 0NR Internal alterations to dwelling, to form shower room.	19/01/2009	22/01/2009	23/02/2009	WARAPP
09/00065/ALTER	Mr Thomas McCready Flat Ground/2 5 Bishop Terrace Brae Rothesay Isle Of Bute Argyll And Bute PA20 9DW Alterations to form new kitchen , shower room and additional bedroom.	20/01/2009	28/01/2009	19/02/2009	WARAPP
09/00090/ALTER	Coilntraive Hall Committee Workshop Etc Coilntraive Argyll And Bute Alterations to Workshop, to form Heritage Museum	21/01/2009	11/02/2009	06/03/2009	WARAPP
09/00095/ALTER	Mrs Elizabeth McNeish Flat 0/2 3 Church Lane Rothesay Isle Of Bute Argyll And Bute PA20 9BE Alterations to to flat to form wet room, and for a new external doorway.	26/01/2009	29/01/2009	09/03/2009	WARAPP
09/00111/ALTER	Dunoon Free Church Dunoon Free Church 141 Argyll Street Dunoon Argyll And Bute PA23 7DD Alteration to church, to provide kitchen and WC room	27/01/2009	11/02/2009	16/03/2009	WARAPP
09/00129/ALTER	Mr And Mrs I Macmillan Rosehill 16 Edward Street Dunoon Argyll And Bute PA23 7JF Alterations to dwelling to relocate kitchen; form two rooms into one, and form a rear patio area	30/01/2009	11/02/2009	04/03/2009	WARAPP

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09/00146/ALTER	C Scobie 2 Auchamore Road Dunoon Argyll And Bute PA23 7DY Alterations to shop to form hot food takeaway.	05/02/2009	23/02/2009	04/03/2009	WARAPP
09/00172/DISAB1	Mrs Margaret Stearn Ingleneuk 61 Shore Road Innellan Dunoon Argyll And Bute PA23 7TR Extension to shower room to form WC.	16/02/2009	23/02/2009	16/03/2009	WARAPP
09/00183/ALTER	Port Bannatyne Village Hall Committee Port Bannatyne Village Hall Castle Street Port Bannatyne Isle Of Bute Argyll And Bute Alterations to village hall toilets	18/02/2009	23/02/2009	04/03/2009	WARAPP
09/00195/EXTEND	Mr And Mrs J C Harrison 15 Baycroft Strachur Cairndow Argyll And Bute PA27 8BW Extension to dwelling, to form sun lounge.	20/02/2009	26/02/2009	09/03/2009	WARAPP

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