

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 19 JUNE 2013**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G
Councillor Rory Colville	MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law (items 1 – 14)  
Angus Gilmour, Head of Planning and Regulatory Services  
Richard Kerr, Major Applications Team Leader  
Alan Morrison, Regulatory Services Manager (items 1 – 4)  
Sheila MacFadyen, Senior Solicitor (items 1 – 6)  
Tricia O'Neill, Central Governance Manager (items 15 – 23)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Mary-Jean Devon and Fred Hall.

**2. DECLARATIONS OF INTEREST**

Councillor George Freeman referred to the planning application submitted by the Rosneath Peninsula West Community Development Trust (reference 12/02695/PP) which is dealt with at item 11 of this Minute. He advised that he represents the Council on the Loch Lomond and the Trossachs National Park Authority Board and that he declared an interest at the meeting of this Board when this application was considered as he was a Member of the Planning, Protective Services and Licensing Committee. He advised that he took no part in the discussion or decision made by the Board at this meeting so that he could consider this application as part of this Committee.

**3. MINUTES**

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 22 May 2013 at 9.40 am were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 22 May 2013 at 10.00 am were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing

Committee of 22 May 2013 at 10.20 am were approved as a correct record.

- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 22 May 2013 at 10.40 am were approved as a correct record.
- (e) The Minutes of the Planning, Protective Services and Licensing Committee of 22 May 2013 at 11.15 am were approved as a correct record.
- (f) The Minutes of the Planning, Protective Services and Licensing Committee of 28 May 2013 at 10.45 am were approved as a correct record.
- (g) The Minutes of the Planning, Protective Services and Licensing Committee of 28 May 2013 at 2.00 pm were approved as a correct record.

#### **4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: METAL DEALERS CONSULTATION**

A report advising of a Scottish Government consultation on changes to the regulation of the scrap metal industry as one of a range of strategies to tackle the increased incidence of metal theft was considered.

##### **Decision**

Agreed to approve the response to the consultation paper detailed at Annex 1 of the report and that it be submitted to the Scottish Government subject to the following amendments:-

- (a) The response to question 3 to be changed to "3 years".
- (b) The response to question 5 to be changed to "Yes, 3 years".

(Reference: Report by Head of Governance and Law, submitted)

#### **5. LOCAL AIR QUALITY IN ARGYLL AND BUTE - PROGRESS REPORT 2013**

Under the Environment Act 1995, local authorities were given the statutory responsibility to assess local air quality. A report presenting the Local Air Quality Progress Report of Argyll and Bute Council which has been developed by the Council's Environmental Health Service was considered.

##### **Decision**

Noted the conclusions of the Local Air Quality Progress Report 2013 which confirmed that local air quality in Argyll and Bute is good and well within the national standards for the seven indicator pollutants.

(Reference: Report by Head of Planning and Regulatory Services dated May 2013, submitted)

## **6. AGE RESTRICTED SALE OF GOODS**

A report advising Members of the work undertaken to date on the sale of under-age restricted goods (primarily cigarettes), the trend in Argyll and Bute, and the intentions for future work by the Council's Trading Standards Unit was considered.

### **Decision**

1. Recognised the improvements which have been made to restrict the sale of tobacco to under-age persons by businesses working with Trading Standards, and
2. Noted the priorities and future work of the Trading Standards team in this area and the move into other age-restricted goods.

(Reference: Report by Head of Planning and Regulatory Services dated May 2013, submitted)

## **7. ISLAY ENERGY TRUST: ERECTION OF WIND TURBINE (61 METRES TO BLADE TIP), ERECTION OF ELECTRICAL SWITCHGEAR KIOSK AND FORMATION OF CRANE HARDSTANDING (AS AMENDED BY FURTHER SUBMISSIONS DATED 21 MAY 2013): LAND EAST OF GLENEGADALE LOTTS, LOTTS, ISLE OF ISLAY (REF: 12/01342/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that this application seeks planning permission for a single community wind turbine of up to 61m in height to blade tip on land owned by SNH. The site currently hosts a 50m anemometer mast which was granted a temporary 2 year consent. The submitted application includes for a reduced 53m turbine specification in the event that the larger specification is considered unacceptable. There are no third party representations to the development, nor are there any objections to the proposal from statutory consultees. SNH have not objected to the proposal but have indicated a preference for the 53m model. The proposal is, however, contrary to the Argyll and Bute Landscape Wind Energy Capacity Study (LWECS) March 2012, the reasons for this are explained at section P of the report of handling. Notwithstanding the guidance within the LWECS and advice from SNH that the turbine height is excessive, the proposal is not considered to have a significant adverse impact upon landscape character, scenic quality or general amenity and as such may be regarded as being consistent with the relevant provisions of policies STRAT DC 8, STRAT RE 1 and LP REN 1 and based on the 61m model it is recommended for approval subject to the conditions and reasons detailed in the report of handling.

### **Decision**

Having noted that, when consulted on the application for connection to the Grid, the Head of Planning and Regulatory Services will recommend to

the Scottish Government that underground cabling be used unless there are good biodiversity reasons for not doing so, the Committee agreed to grant planning permission in respect of the 61m high wind turbine subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 11<sup>th</sup> June 2012, supporting information and, the approved drawing reference numbers 1 of 7 to 7 of 7 unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, the wind turbine hereby permitted shall be operational within five years from the date of this approval following which, by virtue of there having been no start on the development hereby permitted, this consent will be considered to have lapsed. Development which has been commenced but which remains uncompleted and has not resulted in an operational wind turbine within this five year timescale (or otherwise agreed timescale) shall be fully restored in accordance with the requirements of the conditions attached to this permission.

*Reason: In order to reduce unnecessary blight over wind catchment areas and other potential sites which, cumulatively, may result in an adverse environmental impact, but individually might otherwise receive the benefit of planning permission.*

3. If, by reason of any circumstances not foreseen by the applicant or operator, the wind turbine fails to produce an electricity supply to a local grid for a continuous period of 12 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the area of the site impacted by development shall be restored in accordance with the agreed scheme, all to the satisfaction of the Planning Authority.

*Reason: In accordance with the Council's policy to ensure that full and satisfactory restoration of the wind farm site takes place should it fall into disuse.*

4. The permission shall be for a period of 25 years from the commencement of the commercial operation of the development, the date of which shall be notified in writing to the Planning Authority. Within 12 months of the end of that period, unless a further planning application is submitted and approved, the wind turbine and its ancillary equipment shall be dismantled and removed from the site

and the land reinstated in accordance with the applicant's statement of intentions and conditions listed below, to the satisfaction of the Planning Authority.

*Reason: In order that the Planning Authority has the opportunity to review the circumstances pertaining to the consent, which is of a temporary nature and in the interests of the visual amenity of the area.*

5. For the avoidance of doubt and notwithstanding the effect of Condition 1., this permission should not be construed as conferring consent for the working of any borrow pits within the application site, the provision of which would require to be the subject of separate applications to the Planning Authority for mineral planning consent.

*Reason: For the avoidance of doubt, and having regard to the need for separate planning permission.*

6. Notwithstanding the provisions of Condition 1, no development shall commence until details of the turbine model selected for installation on the site have been submitted to and approved in writing by the Planning Authority. The turbine model selected shall not exceed the blade tip height, hub height and rotor diameter hereby approved. Thereafter the development shall be implemented in accordance with the duly approved details.

*Reason: In order to ensure that the development adheres to the design parameters considered in the assessment of the proposal, and in the absence of the actual turbine model to be installed being specified in the application.*

7. The wind turbine(s) shall be finished in a matt light grey colour (RAL 7038) or such other colour as may be agreed in writing with the Planning Authority, and the colour and finish of the wind turbines shall not be altered thereafter without the written consent of the Planning Authority. No illumination shall be permitted, nor shall any symbols, signs, logos, or other lettering be applied to the turbines without the prior written approval of the Planning Authority.

*Reason: To reduce the impact of the turbines and minimise reflection in the interest of visual amenity.*

8. No development shall commence until details of materials, external finishes and colours for all ancillary elements, including transformers, switchgear/metering building, compound and fencing have been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the duly approved details.

*Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the structures into their landscape setting.*

9. At least two months prior to the commencement of development, an

Environmental Management Plan (EMP) detailing all mitigation and pollution prevention measures to be implemented during construction and the lifetime of the development shall be submitted to and agreed by the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This should address all aspects of the construction process which might impact on the environment, including in particular, excavations and other earthworks, a management/reinstatement scheme for peat areas, the construction works associated with upgraded watercourse crossings, the management of waste streams, the timing of works to avoid periods of high rainfall; along with monitoring proposals, contingency plans and reinstatement measures. The development shall be implemented in accordance with the provisions of the duly approved EMP or any subsequently agreed variation thereof.

*Reason: In the interests of pollution control and protection of the water environment.*

10. No development shall commence until, full details of the drainage proposals for the site and drainage for the storage areas and compounds, together with the provisions for the avoidance of sedimentation and pollution from construction works and the storage and use of oils and other potential pollutants, and measures for the monitoring and mitigation of erosion, have been submitted for the approval of the Planning Authority in consultation with the Scottish Environment Protection Agency. The scheme shall include details relating to the methods for collection and treatment of surface run-off using sustainable drainage principles. The development shall be implemented in accordance with the duly approved details.

*Reason: In order to prevent pollution of the water environment.*

11. Within six months of the wind turbine becoming fully operational, all temporary site offices, containers, machinery and equipment shall be removed, and the materials storage compounds/laydown areas shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Planning Authority unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to secure appropriate reinstatement of those areas disturbed by construction in the interests of amenity.*

12. Before the cessation of the planning permission, a decommissioning plan shall be submitted for the written approval of the Planning Authority in consultation with Scottish Natural Heritage. Within 12 months of the planning consent lapsing, unless any further permission has been granted for their retention for an additional period, the wind turbine and all ancillary structures shall be removed, and the turbine base and adjoining hard standings covered in soil/peat and re-seeded with appropriate vegetation in accordance with the requirements of the approved plan.

*Reason: To ensure that disturbed areas of the site are reinstated in a proper manner in the interests of amenity.*

13. No development shall commence until full details of a Restoration Method Statement and Restoration Monitoring Plan has been submitted for the approval of the Planning Authority, in consultation with Scottish Natural Heritage. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including access tracks, hardstandings and other construction areas. Restoration of construction disturbed areas shall be implemented within 6 months of the commissioning of the wind turbine, or as otherwise agreed in writing with the Planning Authority. The monitoring programme shall include a programme of visits to monitor initial vegetation establishment and responses to further requirements, and long term monitoring as part of regular wind turbine maintenance.

*Reason: To ensure that disturbed areas of the site are reinstated in a proper manner following construction in the interests of amenity, landscape character and nature conservation.*

14. No development shall commence until the developer has provided the Planning Authority with details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs on the expiry of this permission. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other financial provision is maintained throughout the duration of this permission.

*Reason: To guarantee the restoration of the site following cessation of the development.*

15. Prior to the delivery of any abnormal loads to site, written confirmation shall be provided to the Planning Authority that the developer has secured agreement from the Roads Authority(s) for the intended means of delivery for all types of abnormal load required in relation to the construction of the development as identified in the Route Access Study dated November 2012.

*Reason: In the interest of road safety.*

16. No development shall commence until such time as the junction of the private road serving the development and the B8016 has been widened in accordance with the specifications set out in either drawing no 247702-100F1.1, OR 247702-200F1.1 (both as included in the Route Access Study dated November 2012), OR an alternative specification agreed in writing in advance by the Planning Authority.

*Reason: In the interest of road safety, to ensure that an off-site*

*junction improvement necessary for delivery of turbine components, and involves work which requires planning permission in its own right, is provided in advance of the development commencing.*

17. No development shall commence until a Noise Mitigation Plan detailing the proposed working methods and operating times to be employed during the construction phase, including any mitigation measures to minimise the effects of construction noise has been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved Noise Mitigation Plan.

*Reason: In order to minimise the effects of noise pollution during construction of the development in the interest of residential amenity.*

18. The level of noise from the operation of the development shall not exceed 35dB L<sub>A</sub>90 when measured at any residential property in accordance with the methodology of ETSU-R-97 or any successor standards. The noise shall be broad-band with no discernible audible tonal and/or impulsive characteristics so as to cause nuisance to the occupants of any dwelling.

*Reason: In order to minimise the effects of noise pollution from operation of the development in the interest of residential amenity.*

19. In the event of a complaint being submitted to the Council in respect of noise emissions from the development by the occupier of an affected property, at the request of the Council the developer shall undertake an investigation of the complaint, carry out monitoring, prepare and submit a report to the Planning Authority for approval in writing, identifying any necessary remedial action in accordance with the methodology set out in "The Assessment and Rating of Noise from Wind Farms ETSU-R-97" produced by the Energy Technology Support Unit on behalf of the Department of Trade and Industry. Thereafter any remedial action identified in the approved report shall be implemented in accordance with a timescale to be agreed with the Planning Authority.

*Reason: In order to provide a mechanism for responding to unforeseen operational noise in the interest of residential amenity.*

20. Development shall not commence until details of aircraft warning lighting safety to be installed at the development have been submitted to and approved in writing by the Planning Authority, in consultation with the Ministry of Defence and Highlands and Islands Airports Limited. The duly approved aircraft warning lighting shall be installed concurrently with the installation of the wind turbine and thereafter maintained for the duration of the development.

*Reason: In the interests of air safety.*

21. Development shall not commence until such time as the developer has provided written notification of the development to UK DVOF &



Powerlines at the Defence Geographic Centre. Such notification shall include details of: a. the precise location of the development; b. date of commencement of construction; c. date of completion of construction; d. the height above ground level of the tallest part of the structure; e. the maximum extension height of any construction equipment; and, f. details of the aviation warning lighting to be fitted to the structure.

*Reason: In the interest of air safety.*

(Reference: Report by Head of Planning and Regulatory Services dated 3 June 2013, submitted)

## **8. RHU MARINA MASTERPLAN REPORT**

The Major Applications Team Leader spoke to the terms of the report and a supplementary report advising that Rhu Marina was designated in the current adopted Local Plan as Potential Development Area (PDA) 3/29. Under this designation a Masterplan is required as part of the determination of any application for all or part of the site. Members will consider separately an application, reference 12/01696/PP, by GSS at Rhu Marina and a Masterplan for the PDA was before Members for consideration in advance of determining this planning application.

### **Decision**

1. Agreed to hold a pre determination hearing in respect of the proposed Masterplan for Rhu Marina and for the application submitted by GSS (reference 12/01696/PP) at the earliest opportunity, and
2. Noted that prior to the hearing taking place the report of handling will be updated with the last sentence within part G being removed as this contradicted a comment made by the Planning Officer in Supplementary Report No. 1.

(Reference: Report by Head of Planning and Regulatory Services dated 29 May 2013 and Supplementary Report No. 1 dated 18 June 2013, submitted)

## **9. GSS: CHANGE OF USE OF LAND FOR THE TEMPORARY SITING OF A MODULAR BUILDING (OFFICE ACCOMMODATION) WITH ASSOCIATED PARKING, 2 CONTAINERS, WELFARE FACILITIES AND INSTALLATION OF PONTOONS: RHU MARINA, PIER ROAD, RHU (REF: 12/01696/PP)**

As indicated at item 8 above, the Committee agreed to hold a pre determination hearing for this application and the Rhu Marina Masterplan at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 3 June 2013 and Supplementary Report No. 1 dated 18 June 2013, submitted)

**10. COWAL CARE SERVICES LTD: CHANGE OF USE FROM FLATTED DWELLING TO OFFICE (RETROSPECTIVE): GREENWOOD, FLAT 5, 231 ALEXANDRA PARADE, KIRN (REF: 12/02412/PP)**

The Major Applications Area Team Leader spoke to the terms of the report advising that this application related to an upper floor flat at 231 Alexandra Parade, Kirn, also known as 'Greenwood', which is a villa now converted and extended to form 6 individual flatted properties within the 'settlement' area of Kirn. The Applicant is a company engaged in the provision of Home Care and support services which now seeks retrospective planning permission to use the flat as an office in order to regularise a breach of planning control. There have been no objections from statutory consultees received and 6 letters of objection received from third parties who are either the owners or occupiers of the other flats. The proposal accords with Policy LP BUS 1 of the Argyll and Bute Local Plan 2009, there are no material considerations, including those matters raised by persons making representations, and it is therefore recommended for approval for a temporary 2 year period subject to the conditions and reasons detailed in the report of handling.

**Motion**

The proposed use of the premises as an office is/would be incompatible with the character of the residential property and that its use as an office with the resultant increase in visitors would have a detrimental impact on the residential amenity of neighbouring properties by reason of: (i) noise, and (ii) incompatible with the established/predominant use of this area and is therefore contrary to policy LP BUS 1 and should therefore be refused.

Moved by Councillor Sandy Taylor, seconded by Councillor George Freeman

**Amendment**

To grant planning permission for a temporary 2 year period subject to the conditions and reasons detailed in the report of handling.

Moved by Councillor Richard Trail, seconded by Councillor Rory Colville

On there being an equality of votes, the Chair gave his casting vote for the Motion. and the Committee resolved accordingly.

**Decision**

That planning permission be refused for the following reason:-

The proposed use of the premises as an office is/would be incompatible with the character of the residential property and that its use as an office with the resultant increase in visitors would have a detrimental impact on the residential amenity of neighbouring properties by reason of: (i) noise, and (ii) incompatible with the established/predominant use of this area and is therefore contrary to policy LP BUS 1.

(Reference: Report by Head of Planning and Regulatory Services dated 30 May 2013, submitted)

Councillor Donald MacMillan left the meeting.

**11. ROSNEATH PENINSULA WEST COMMUNITY DEVELOPMENT TRUST: ERECTION OF FIVE WIND TURBINES (UP TO 92.5M HIGH TO BLADE TIP) WITH ASSOCIATED CONTROL BUILDING, HARDSTANDINGS, UNDERGROUND CABLING, CONSTRUCTION COMPOUND AND FORMATION OF NEW ACCESS TRACK AND UPGRADING OF EXISTING TRACK: LAND AT BARBOUR FARM, KNOCKDERRY FARM AND CLYNDER WOODLAND, COVE, ROSNEATH (REF: 12/02695/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that this proposal seeks the construction of a wind farm comprising five turbines on the western side of the Rosneath Peninsula. Formal objections to the proposal have been lodged by the Loch Lomond & the Trossachs National Park Authority, Inverclyde Council and by telecommunications interests. Further serious concerns have been expressed by Scottish Natural Heritage. Four community councils have objected to the proposal and two have expressed support. To date 2,527 parties have made representations, comprising 1,108 objections and 1,413 expressions of support, plus 9 parties raising matters but not expressing a view either way. This level of representation is such as to warrant the holding of a hearing prior to determining this application.

**Decision**

Agreed to hold a pre determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 2 June 2013, submitted)

**12. NATURAL LAND 4 (NATURAL RETREATS, MR R FRADLEY): DEVELOPMENT OF SELF-CATERING HOLIDAY COMPLEX INVOLVING ERECTION OF 22 SELF-CATERING UNITS, 1 SELF-CATERING APARTMENT BUILDING, 1 STAFF ACCOMMODATION UNIT, AN ORIENTATION BUILDING AND INSTALLATION OF 6 WASTE WATER TREATMENT PLANTS AND VARIOUS ENABLING WORKS: LAND OF FORMER WILDLIFE PARK, INVERARAY (REF: 12/02705/PP)**

The Head of Planning and Regulatory Services spoke to the terms of the report advising that planning permission was sought for a self catering holiday development to be built and managed by the Applicant company within the site of the former Argyll Wildlife Park to the south of Inveraray. The proposal lies within an area of 'sensitive countryside' and within an Area of Panoramic Quality and given that the proposal is not infill, rounding-off or redevelopment of comparable scale, the proposal requires assessment as a 'special case' within the provisions of Policy STRAT DC 5 as linked to Policy LP TOUR 1. The site also lies within a designated

Primary Tourism area where policy LP TOUR 2 applies, in order to safeguard the land for future tourism use. An Area Capacity Evaluation (ACE) has been carried out and concludes that the form of the development is capable of being assimilated successfully within its landscape setting and is recommended for approval. The proposal also satisfies two of the relevant criteria for a special case in terms of Policy STRAT DC 5 given that it benefits countryside management and will bring economic benefit. There have been no objections from consultees or the general public and the proposal is recommended for approval subject to the conditions and reasons detailed in the report of handling.

## **Decision**

Agreed to approve the Area Capacity Evaluation (ACE) accompanying the application and that it be regarded as a material consideration in the determination of this application and to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified within the application dated 12.11.2012 and the approved drawing / document reference numbers 1 to 27 of 27, unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the provisions of Condition 1, no development shall commence unless details of the proposed foul drainage systems (including details of the proposed package treatment plants and soakaways including provision of soil porosity tests) have been submitted to and approved by the Planning Authority. The drainage shall be installed and operated in accordance with the approved scheme and no unit shall be occupied unless the approved drainage system serving that unit is completed to the satisfaction of the Planning Authority.

*Reason: In order to ensure that adequate drainage facilities are provided in the interests of amenity and pollution prevention.*

3. Notwithstanding the provisions of Condition 1, no development shall commence until a Sustainable Drainage (SuDS) scheme has been submitted to and has been approved in writing by the Planning Authority in consultation with SEPA, and thereafter all work shall be carried out in accordance with the duly approved scheme.

*Reason: To ensure adequate protection of the water environment from surface water run-off.*

4. Notwithstanding the provisions of Condition 1, no development shall commence on site until a detailed Construction Method Statement has been submitted to and been approved in writing by the Planning

Authority in consultation with SEPA. The method statement should set out the measures for dealing with soils; earth movements; waste; fuels; and surface water run-off on site during the construction phase and the duly approved measures shall be implemented in full for the duration of construction operations on site.

*Reason: Due to the proximity of Loch Fyne in the interests of amenity and protection of the water environment in this locality.*

5. Prior to development commencing, visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

*Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.*

6. Prior to the occupation of any part of the development, the private spine road, the turning head near unit 2 and the spur to units 7-10 shall be constructed to the satisfaction of the Planning Authority, in consultation with Building Warrant Officers, such that it is a 3.7m wide track and of a construction capable of supporting an axle load of 14 tonnes sufficient for a fire tender to reach within 45m of any unit, the detailed specification of it being first be submitted to that Authority for approval.

*Reason: In the interest of fire safety.*

7. Prior to the occupation of any part of the development the car parking provision and arrangement as shown on the approved plans, or such other comparable arrangement with at least the same number of spaces which may have been agreed in writing in advance by the Planning Authority, shall be constructed and made available for use to the satisfaction of the Planning Authority. Additionally the precise details of a satisfactory turning arrangement for a commercial refuse vehicle either near to the refuse collection point as shown, or within the configuration of the access point to the principal car park, shall be submitted to and be approved by the Planning Authority in consultation with the Roads Engineer. The duly approved details shall be provided to specification prior to initial occupation of any part of the development.

*Reason: In the interest of highway safety and amenity.*

8. Prior to construction of any building hereby approved, the vacant and ruinous structures within the site, with the exception of hardstandings, shall be removed from the site to the satisfaction of the Planning Authority.

*Reason: In the interest of amenity.*

9. Notwithstanding the provisions of Condition 1, no foundation or construction work relevant to any of the 22 holiday letting units shall take place until the proposed location of the relevant unit/building has been pegged out and recorded and its micro-siting agreed in writing by a representative of the Planning Authority. The development shall progress in accordance with such duly agreed details.

*Reason: In the interest of amenity and protection of visual impact from outside the site.*

10. Notwithstanding the provisions of Condition 1, prior to the commencement of construction works in respect of (i) the main accommodation block, (ii) the Orientation building and (iii) the single unit of staff accommodation, details of the proposed finished ground floor level of the respective building relative to an identifiable fixed datum located outwith the application site shall be submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the duly approved details.

*Reason: In order to secure an acceptable relationship between the development and its surroundings.*

11. Notwithstanding the effect of Condition 1, no development in respect of any building shall commence until samples/details of the following itemised materials to be used in the construction of the development have been submitted to and been approved in writing by the Planning Authority.

Units 1-22 and the staff accommodation building: colour of timber windows/door, structural open bracing, and powder coated aluminium frame for glazed screen; and colour if any of preservative for larch decking. Additionally the cladding of the buildings shall be untreated larch as stated and the roofs shall be a sedum blanket unless otherwise agreed in writing by the Planning Authority.

The Orientation building: colour of timber windows/door and structural open bracing; specification, defining a round profile and colour of the corrugated steel roof; sample of the stone finishing for the sections of some of the elevations; and colour if any of preservative for larch decking.

The Main Accommodation block: colour of timber windows/glazed screens/and doors; sample of the random stone, stone quoins and colour of mortar; colour if any of the feature timber panels; and colour of steel balustrades. Additionally with the exception of the conical roof

which shall be completed in natural slate, all other roofs shall comprise a sedum blanket as stated unless otherwise agreed in writing by the Planning Authority.

The various parts of the development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to integrate the development into its surroundings.*

12. The development shall be managed as a single entity and occupied (with the exception of the one unit of staff accommodation) for the purposes of holiday letting, with no unit being occupied by any one person or family group for more than 28 days in any one calendar year. The operator shall maintain a record of site occupancy a copy of which shall be submitted to the Planning Authority on an annual basis.

*Reason: In order to ensure the development is occupied for the intended purpose, the standard of accommodation and lack of curtilage making it unsuitable for permanent residential accommodation, to maximise benefit to the tourism economy and to ensure that a sense of conformity throughout the site is maintained in the interests of visual amenity, which might not be the case if units became second (holiday) homes.*

13. Prior to the development commencing a footpath network plan which shall establish pathway routes through the site connecting with those footpaths/tracks and roads which neighbour the site, shall be submitted to and be approved in writing by the Planning Authority. The duly approved network, or such variation as may be agreed, shall be provided prior to initial occupation of the development.

*Reason: In the interest of providing appropriate footpath routes.*

14. Notwithstanding the effect of Condition 1, details of those sections of footpaths within the application site involving re-grading of land or construction of boardworks, shall be submitted to and be approved in writing by the Planning Authority. Such details shall define changes in the contour arrangements and surfacing materials to be used. All such sections of footpath shall be constructed as duly agreed.

*Reason: In the interest of the areas visual amenity.*

15. Notwithstanding the provisions of Condition 1, no development shall commence until details of boundary treatment have been submitted to and been approved in writing by the Planning Authority. The details of such works as may be agreed shall be implemented in full prior to the initial occupation of any of the approved buildings.

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

16. Notwithstanding the provisions of Condition 1, no development shall

commence until further details of all the soft landscaping works for this woodland site, which shall conform to the general principles specified in the approved plans/documents as attached to this decision, has been further submitted to and been approved in writing by the Planning Authority. Details of the scheme shall include:

- i) An eradication programme of the following invasive species from the site - and the associated land edged blue, namely Rhododendron, Japanese Knotweed, and Gunnera specifying the period of time during which the programme is to be implemented;
- ii) Existing landscaping features and vegetation to be retained, defining such groups of trees and specific trees to be felled. In particular it shall be a requirement that all existing trees on the eastern escarpment with a girth of 400mm or more shall be defined on a plan within two months of this consent or prior to any development commencing whichever is the sooner, specifying those dead, dying or diseased trees which are in need of felling. No tree along the escarpment shall be felled until the Authority has confirmed in writing that it corresponds with the aforementioned description and no other trees within the escarpment shall be felled either at the time of construction or subsequently unless otherwise first agreed in writing by the Planning Authority;
- iii) Soft landscaping works, including the location, type and size of each new individual tree and/or shrub. Specifically this shall ensure:
  - (a) there is additional deciduous tree planting adjacent to the trunk road corridor, particularly to assist in the screening of the Orientation building, and to prevent headlight glare from traffic utilising the spine road near the entrance in times of darkness in respect of traffic on the trunk road;
  - (b) there is additional deciduous shrub/tree cover at the front of units 1-2 and between the two; at the rear units 5 - 10 and between the two; to the sides of units 19-20 and between the two; to the rear of units 12, 21 and 22; and also to further the integration of the main accommodation block by means of additional planting.

All native deciduous trees and shrubs to be used shall be sourced with local origin.

- (iv) A programme for completion and subsequent on-going maintenance for the whole site, ensuring this incorporates a management plan to ensure the tendering of the natural regeneration of native deciduous trees occurring, particularly in the landscape block surrounding units 11 and 13-18.

All the soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. 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 or are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

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

17. Prior to commencement of development, a scheme for the safeguarding of all groups of trees and individual trees identified for retention adjacent to the various construction plots shall be submitted to and be approved by the Planning Authority. The scheme shall comprise a programme of measures for the protection of such trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree / group of in accordance with BS 5837:2005 "Trees in Relation to Construction".

These tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme.

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

18. Prior to the installation of any external lighting within the site, which shall be restricted to bollard type lighting units, details of the type, wattage, number and location of lighting units shall be submitted to and approved in writing by the Planning Authority. No external lighting shall be installed except in accordance with the duly approved scheme.

*Reason: In order to avoid light pollution in the interest of amenity.*

(Reference: Report by Head of Planning and Regulatory Services dated 3 June 2013, submitted)

**13. SSE RENEWABLES DEVELOPMENTS (UK) LTD: ERECTION OF 60 METRE HIGH ANEMOMETER MAST FOR TEMPORARY PERIOD OF 6 YEARS: LAND SOUTH EAST OF RHINNS OF ISLAY LIGHTHOUSE, ORSAY ISLAND, ISLE OF ISLAY (REF: 12/02315/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that the planning permission is sought for the temporary erection of a meteorological data collection mast for a period of 6 years (with an agreement from the Applicant that this period could be reduced to 4 years if Members were mindful to grant permission but only on the basis of a lesser period) in order to collect data in advance of submission of an

application for a proposed off-shore Wind Farm which will be determined by the Scottish Government. The proposed mast would be sited on the small and uninhabited Orsay Island, some 350 metres off the coast of Port Wemyss and would be located adjacent to a Category A listed lighthouse. The island location also provides the setting for the remains of St Oran's chapel and is designated a category B listed building and Scheduled Ancient Monument. Orsay island is an area of 'sensitive countryside' within an area of 'undeveloped coast' and is designated as an Area of Panoramic Quality and as such an Area Capacity Evaluation (ACE) has been carried out which concludes that this ACE compartment is considered unsuitable for the type and scale of development proposed without having adverse consequences for the landscape character. It is recommended that Members endorse the findings of the ACE as set out at Appendix B of the report of handling and that it be regarded as a material consideration in the determination of the application. Prior to determining the application it is recommended that a hearing be held in response to the significant third party objection to the proposal.

### **Decision**

1. Agreed to endorse the findings of the ACE set out in Appendix B to the report and that it be regarded as a material consideration in the determination of the application; and
2. Agreed to hold a pre-determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 30 May 2013, submitted)

#### **14. MR JOHN CAMERON: PARTIAL CLEARANCE OF PROTECTED WOODLAND, REINSTATEMENT OF UNAUTHORISED ACCESS AND FORMATION OF CAR PARKING TO SERVE EXISTING BUSINESS: ELLANGOWAN, CROMLECH ROAD, SANDBANK (REF: 13/00593/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that the application is retrospective in nature and seeks authorisation for works that have already taken place and additional works yet to be carried out. The Applicant seeks an amendment to planning permission 08/01371/COU that previously authorised a change of use of land to permit hardstanding and new operations not covered by the previous permission. The application has attracted objection from 13 local residents. It is recommended that Planning Permission be granted as a 'minor departure' to the provisions of the development plan, subject to the conditions and reasons detailed in the report of handling.

### **Decision**

Agreed to grant planning permission as a 'minor departure' to the provisions of the development plan subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 19 March 2013 and the

approved drawing reference numbers:

- Planting proposals prepared by Andrew Rees numbered plan 1 of 5.
- Location Plan numbered plan 2 of 5.
- Location and Site Plan numbered plan 3 of 5.
- Car Parking layout and sections prepared by Cowal Design numbered plan 4 of 5.
- Site Survey at 2007 prepared by Cowal Survey Services numbered plan 5 of 5.

unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the provisions of condition 1 no development shall commence until a combined Flood Risk Assessment and Drainage Impact Assessment, which includes a scheme for management of surface water within the development site, has been submitted to and approved by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and shall be maintained as such thereafter for the lifetime of the development..

*Reason: To ensure the provision of an adequate surface water drainage system, adoption of SUDS principles and to prevent flooding.*

3. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
  - i) Existing and proposed ground levels in relation to an identified fixed datum;
  - ii) Existing landscaping features and vegetation to be retained;
  - iii) Location design and materials of proposed walls, fences and gates;
  - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
  - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

*Reason: Insufficient information has been provided by the applicant.*

4. Notwithstanding the effect of Condition 1, no development shall commence until samples of materials to be used in the construction of the internal access road, car parking area, pedestrian footpaths; have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

5. The development shall not be brought into use until the landscaping scheme approved under condition 3 has been implemented in full.

*Reason: To ensure early implementation of the approved landscaping and tree planting proposals and in interests of local amenity*

6. Prior to commencement of development a scheme for the retention and safeguarding of trees during construction shall be submitted to and approved by the Planning Authority. The scheme shall comprise:

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

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

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

7. The hardstanding area and access road hereby approved shall be used only for the movement and parking of private motor vehicles. The parking of Heavy Goods Vehicles and the storage or siting of materials, plant, steel containers, caravans, modular buildings, trailers, or waste shall not be permitted.

*Reason: In the interests of the amenity of the locale.*

8. Notwithstanding the provisions of Condition 1, the gradient of the internal access road shall not exceed 10%.

*Reason: In the interests of road safety*

9. Prior to development commencing and notwithstanding the provisions of Condition 1, details for the permanent closure of the existing unauthorised vehicular access to the site by physical means shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full concurrently with the development and the unauthorised means of access shall remain closed to vehicular traffic thereafter.

*Reason: In the interest of road safety and in order to regularise a breach of planning control.*

(Reference: Report by Head of Planning and Regulatory Services dated 3 June 2013, submitted)

The Chair ruled and the Committee agreed to adjourn the meeting at 1.30 pm for lunch and to reconvene at the conclusion of a PPSL Civic Hearing scheduled for 2.00 pm.

The Committee reconvened at 2.15 pm.

**15. ARGYLL AND BUTE COUNCIL: ERECTION OF EXTENSION TO FORM ENTRANCE, OFFICE AND STAFF ROOM AND ERECTION OF REPLACEMENT LEAN-TO TO PROVIDE VESTIBULE AND EXIT TO REAR PLAY AREA: STRACHUR PRIMARY SCHOOL, STRACHUR (REF: 13/00786/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that the principal element of the proposal is the erection of a single storey ground floor extension to the west elevation to accommodate a foyer, staff room, office and store. The minor element of the proposal is the replacement of a vestibule/store on the east elevation with a slightly larger vestibule. The site is located within the 'settlement' zone of the village of Strachur. There have been no objections from statutory consultees and no third party representations received. It is recommended that planning permission be granted subject to the condition and reason detailed in the report of handling.

**Decision**

Agreed to grant planning permission subject to the following condition and reason:-

The development shall be implemented in accordance with the approved drawings –Drawing No. AL(20)000 (Site Plan); Drawing No. AL(20)001 (Location and Site Plan); Drawing No. AL(20)002 (Floor Plans as Existing); Drawing No. AL(20)003 (Floor Plans as Existing); Drawing No. AL(20)004 (Elevations as Existing); . Drawing No. AL(20)005 (Sections as Existing); Drawing No. AL(20)007 (Floor Plan as Proposed); Drawing No. AL(20)008 (First Floor Plan as Proposed); Drawing No. AL(00)009 (Elevations as Proposed); Drawing No. AL(00)010 (Section c-c and Section f-f); Drawing No. AL(00)011 (South Elevation as Existing and as Proposed); and Drawing No. AD(-- )001 (Section e-e) unless the prior

written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(Reference: Report by Head of Planning and Regulatory Services dated 29 May 2013, submitted)

Councillor Donald MacMillan returned to the meeting.

**16. MR THOMAS MALCOLM: AMENDMENT TO PLANNING PERMISSION 11/00400/PP TO INCREASE HEIGHT OF ROOF OF DWELLINGHOUSE BY 0.4 METRES (RETROSPECTIVE): 14 KILMAHEW AVENUE, CARDROSS (REF: 13/00839/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that planning permission was previously granted by Committee under application 11/00400/PP for the erection of an extension to the front of this dwellinghouse and raising the height of the roof of the dwellinghouse. He also advised of a supplementary report which was tabled at the meeting and referred to a discrepancy over the ridge height of the dwellinghouse. Construction began on the alterations and extension but in the process the ridge height of the roof of the dwellinghouse was increased over that approved under 11/00400/PP. This retrospective application is to raise the ridge height of the roof of the original dwellinghouse over that previously approved under 11/00400/PP to 6.8 metres. There has been one letter of objection received. It is considered that the proposal is acceptable and it is recommended that planning permission is granted subject to the condition and reason detailed in the report of handling.

**Decision**

Agreed to grant planning permission subject to the following condition and reason:-

The development shall be implemented in accordance with the details specified on the application form dated 15/04/2013 and the approved drawing reference numbers TM – 05A, TM – 01A, TM 03E, TM – 02E unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(Reference: Report by Head of Planning and Regulatory Services dated 5 June 2013, submitted and Supplementary Report No.1 dated 18 June 2013, tabled)

**17. OBAN SAILING CLUB: EXTENSION TO EXISTING STORAGE BUILDING: OBAN SAILING CLUB STORE, GALLANACH ROAD, OBAN (REF: 13/00943/PP)**

The Head of Planning and Regulatory Services spoke to the terms of the report advising that planning permission was sought for a lean to extension to the existing Oban Sailing Club store at Dungallan Parks, Gallanach Road, Oban. The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, ENV 19, LP REC 1 and LP REC 2 of the adopted Argyll and Bute Local Plan and was recommended for approval subject to the condition and reason detailed in the report of handling.

**Decision**

Agreed to grant planning permission subject to the following condition and reason:-

The development shall be implemented in accordance with the details specified on the application form dated 03/05/13 and the approved drawing reference numbers:

Plan 1 of 6 (Drawing Number L-01)  
Plan 2 of 6 (Drawing Number L-02)  
Plan 3 of 6 (Drawing Number L-03)  
Plan 4 of 6 (Drawing Number S-01)  
Plan 5 of 6 (Drawing Number B-01)  
Plan 6 of 6 (Photographs)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

(Reference: Report by Head of Planning and Regulatory Services dated 3 June 2013, submitted)

**18. PROJECT INITIATION DOCUMENT (PID) - DEVELOPMENT AND INFRASTRUCTURE SERVICES - STRATEGY FOR SIGNAGE**

Authorisation was given at the Planning, Protective Services and Licensing Committee at their meeting on 19 September 2012 to develop a project to address growing concerns about the number of unauthorised signs along road corridors, on pavements and attached to street furniture in both towns and rural areas. In response, Officers have prepared a draft Project Initiation Document (PID) which sets out the aims, objectives, scope, governance and membership of the project team and which was now before the Committee for consideration.

**Decision**

1. Noted the content of the draft Project Initiation Document; and
2. Endorsed the aims, objectives, distribution list, scope, membership of project board and governance arrangements subject to the following amendment:-

That in respect of the distribution list the Argyll and Bute Agricultural Forum should be included as a key stakeholder.

(Reference: Report by Head of Planning and Regulatory Services dated 13 June 2013 and draft PID dated 14 June 2013, submitted)

## **19. APPEALS UPDATE**

A report advising of the outcome of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals in respect of the contravention of a Tree Preservation Order on land south of Cumberland Avenue, Helensburgh was considered.

### **Decision**

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following 4 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13; 13; 13; and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

## **20. REQUEST FOR TREE PRESERVATION ORDER**

Consideration was given to a request for a Provisional Tree Preservation Order.

### **Decision**

Agreed the recommendations detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services dated 28 May 2013, submitted)

## **21. ENFORCEMENT REPORT (REF: 12/00145/ENOTH2)**

Consideration was given to enforcement case 12/00145/ENOTH2.

### **Decision**

Agreed that an Enforcement Notice be served under section 127 of the Town and Country Planning (Scotland) Act 1997 to require the cessation



of use with a timescale of 6 months on the grounds for refusal as detailed under planning application reference 12/02412/PP.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

**22. ENFORCEMENT REPORT (REF: 11/00248/ENOTH1)**

Consideration was given to enforcement case 11/00248/ENOTH1.

**Decision**

Agreed that no further enforcement action be taken in regard to this matter.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

**23. ENFORCEMENT REPORT (REF: 11/00107/ENOTH2 & 11/00153/ENOTH2)**

Consideration was given to enforcement cases 11/00107/ENOTH 2 and 11/00153/ENOTH2.

**Decision**

Agreed to the recommendation detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services, submitted)