

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 18 JUNE 2014**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Angus Gilmour, Head of Regulatory Services  
Richard Kerr, Major Applications Team Leader  
Sandra Davies, Senior Planning Officer  
Alan Morrison, Regulatory Services Manager  
Lee Roberts, Trading Standards Manager  
Francis McNutt, Trading Standards Officer

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mary Jean Devon.

**2. DECLARATIONS OF INTEREST**

Councillors McCuish, Trail, McMillan, Taylor and Blair declared a non-financial interest in items 18 (Argyll Estates: Inveraray Project Masterplan - Mast 1/5 Re Proposed Argyll And Bute Local Development Plan (Feb 2013): Argyll Estates, Inveraray (Ref: 13/02860/MPLAN)) and 19 (Stewart Mcnee (Dunoon) Ltd: Erection Of 8 Dwellinghouses And 4 Flats And Formation Of Vehicular Access, Parking And Infrastructure: Land North Of Barn Park, Inveraray (Ref: 14/01082/PP)), of this Minute due to their membership on the ACHA Board. They left the room and took no part in the determination of these applications.

**3. MINUTES**

- (a) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 May 2014 at 11.30 am were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 May 2014 at 2.00 pm were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 May 2014 at 2.20 pm were approved as a correct record.

- (d) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 May 2014 at 2.40 pm were approved as a correct record.
- (e) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 May 2014 at 3.00 pm were approved as a correct record.
- (f) The Minutes of the Planning, Protective Services and Licensing Committee held on 28 May 2014 were approved as a correct record.
- (g) The Minutes of the Planning, Protective Services and Licensing Committee held on 5 June 2014 were approved as a correct record.
- (h) The Minutes of the Planning, Protective Services and Licensing Committee held on 6 June 2014 were approved as a correct record.

#### **4. FOOD SAFETY LAW ENFORCEMENT WORKPLAN AND ENFORCEMENT POLICY**

Consideration was given to a report presenting the Food Law Enforcement Workplan 2014/15 and enforcement policy. The plan details the arrangements which are in place to deliver the Council's strategy duty as a 'food authority' under the Food Safety Act 1990 and as a "competent authority" under EU Food and Feed Law, in the areas of food hygiene, food standards and feed.

##### **Decision**

1. Endorsed the Food Safety Law Enforcement Plan 2014/15 and the enforcement policy attached to the report; and
2. Affirmed the statutory appointments of the Council's Head of Food Safety, Lead Officer (Food Hygiene & Food Standard) and Lead Officer (Feed), the status of authorised officers within the Council, and the external appointments of Public Analyst, Agricultural Analyst and Food Examiners.

(Reference: Report by Head of Planning and Regulatory Services dated 11 June 2014, Food Safety Law Enforcement Plan 2014/15 and Enforcement Policies Summary, submitted)

#### **5. PROPOSALS FOR AN 'APPROVED TRADER SCHEME' IN ARGYLL AND BUTE**

On 17 April 2014 Members agreed the Council's Protecting Consumers Action Plan which addressed the Audit Scotland report. Included in the Action Plan was the requirement to consider an 'approved trader scheme' for Argyll and Bute Council. The purpose of this scheme is to recognise and promote reputable and responsible businesses, assist consumers in making an informed choice when selecting a business and to support the Council's existing strategies to combat rogue traders. In the absence of a national 'approved trader scheme' an options appraisal of various

'approved trader' schemes has been considered and evaluated. A report recommending that the Council join the 'Buy with Confidence scheme' was before Members for consideration.

### **Decision**

1. Agreed to support the introduction of an 'approved trader scheme' in Argyll and Bute: and
2. Agreed to support the recommendation that the Council adopts the 'Buy with Confidence' scheme as opposed to the Construction Licensing Executive scheme as the former affords the opportunity for the Council to vet businesses, and that this scheme be implemented in a phased approach, targeted initially at the construction sector, with an annual review.

(Reference: Report by Executive Director – Development and Infrastructure Services Committee dated 3 June 2014, submitted)

### **6. STRACHUR HOUSING ALLOCATION (H-AL 2/15) MASTERPLAN REPORT (REF: 14/001330/MPLAN)**

The Senior Planning Officer spoke to the terms of the report advising that Strachur was designated in the adopted Local Plan as having two Housing Allocations Areas (ref: H-AL 2/14 at Creggans and H-AL 2/15 at Mid Letters). Under this designation a masterplan approached was required as part of the determination of any application for all or part of the site. Members will consider separately two applications; one for the erection of a dwellinghouse on land to the south east of Heather Cottage (ref: 13/01625/PP) and the other for the formation of the access road, the installation of the private sewerage system and the installation of the surface water drainage hall (all to serve a seven plot housing development) (ref: 14/00557/PP). A Masterplan for the Housing Allocation H-AL 2/15 was before Members for consideration. Whilst the Masterplan may require some fine tuning in some locations, it was considered that there was sufficient detail to assess the proposed development in principle. As such it was recommended that the Masterplan be approved and endorsed as a material consideration in the assessment of the current planning applications (references 13/01365/PP and 14/00557/PP).

The Senior Planning Officer drew attention to Supplementary report no.1 advising that the gradient limit for the adoption of a new road would normally be 8% (1 in 12), however up to 10% (1 in 10) has been accepted over short distances in the past. The gradient currently on site is 12.5% (1 in 8) and this would not be suitable for adoption as it would not be compliant with Disability Discrimination Act guidance. She advised that in these circumstances it was considered that there were sufficient and compelling reasons to justify a minor departure from Local Plan Policy LP TRAN 4 and to accept a private access to serving 7 houses.

## **Decision**

Noted the new information in respect of the access road contained within supplementary report no.1 and agreed to approve the Masterplan for Housing Allocation H-AL 2/15 as a minor departure from Local Plan Policy LP TRAN 4 and to endorse this as a material consideration in the assessment of current planning applications (references 13/01365/PP and 14/00557/PP).

(Reference: Report by Head of Planning and Regulatory Services dated 29 May 2014 and Supplementary Report No. 1 dated 16 June 2014, submitted)

### **7. MR AND MRS HALL: ERECTION OF DWELLINGHOUSE: PLOT 7, LAND TO THE SOUTH WEST OF HEATHER COTTAGE, STRACHUR (REF: 13/01625/PP)**

The Senior Planning Officer spoke to the terms of the report advising that planning permission was sought for the erection of one dwelling house located within one of the plots identified in application ref: 14/00557/PP and within the associated Masterplan for Housing Allocation H-AL 2/15. There have been no objections received from statutory consultees or third parties.

The Senior Planning Officer drew attention to supplementary report number 1 advising that the gradient limit for the adoption of a new road would normally be 8% (1 in 12), however up to 10% (1 in 10) has been accepted over short distances in the past. The gradient currently on site is 12.5% (1 in 8) and this would not be suitable for adoption as it would not be compliant with Disability Discrimination Act guidance. She advised that in these circumstances it was considered that there were sufficient and compelling reasons to justify a minor departure from Local Plan Policy LP TRAN 4 and to accept a private access to serving 7 houses. Whilst this new information would not have a direct bearing upon this application it would have implications for the report on application no 14/00557/PP dealt with at item 8 of this Minute.

The proposal was consistent with policies STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and LP ENV 10, LP ENV 19 and LP HOU 1 of the Argyll and Bute Local Plan 2009 and was recommended for approval as a minor departure from Local Plan Policy LP TRAN 4 subject to conditions and reasons detailed in supplementary report number 1.

## **Decision**

Noted the new information contained within supplementary report no.1 in respect of the gradient of the access road and agreed to grant planning permission as a minor departure to Local Plan Policy LP TRAN 4 subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the approved drawings: Drawing No. HBS 01; Drawing No. HBS 02A; Drawing No. HBS 1.01; Drawing No. HBS 1.02; and Drawing No. HBS

1.03 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. Unless otherwise agreed in writing with the Planning Authority, the access onto the existing internal access shall be formed with visibility splays of 20 metres in both directions measured from a point 2.0 metres back from the edge of the carriageway at the centre point of the access. No walls, hedges, fences or other obstructions shall be allowed over a height of 1.0 metres above the level of the carriageway within these visibility splays.

Reason: In the interests of road safety.

3. Prior to the occupation of the dwellinghouse, the access to the site from the A886 road shall be constructed in accordance with the Road Layout and Road Details and Specification submitted with planning application 14/00557/PP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure that the dwellinghouse is served by an access that is commensurate with the scale of development.

4. Prior to the commencement of the development, full details of the landscaping to take place within the plot 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 the location and species to be used together with a programme for the timing, method of implementation, completion and subsequent on-going maintenance. Particular attention should be paid in the plan to planting to the north of the dwellinghouse with a view to screening the underbuilding.

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

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

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

(Reference: Report by Head of Planning and Regulatory Services dated 11 June 2014 and Supplementary Planning Report No 1 dated 16 June 2014, submitted)

**8. ARCHD FERGUSSON LTD: FORMATION OF ACCESS ROAD, INSTALLATION OF PRIVATE SEWERAGE SYSTEM AND INSTALLATION OF SURFACE WATER DRAINAGE (ALL TO SERVE A SEVEN PLOT HOUSING DEVELOPMENT) AND SUBMISSION OF A HOUSING ALLOCATION MASTERPLAN: LAND TO THE SOUTH WEST OF HEATHER COTTAGE AND KIKUT, STRACHUR (REF: 14/00557/PP)**

The Senior Planning Officer spoke to the terms of the report advising that planning permission (ref: 08/1508/DET) was granted in April 2009 for the erection of seven dwellinghouses within the site. Works commenced on the site without the full discharge of suspensive conditions and the Application advised that they were altering the layout of the seven plots. This current application sought to formalise the works that have taken place whilst explaining the revised layout which was an improvement on the previous scheme. The proposal accords with policies STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10, LP ENV 19, LP HOU 1, LP HOU 2, and LP BAD 1 of the Argyll and Bute Local Plan and was recommended for approval subject to conditions and reasons detailed in the report of handling.

The Senior Planning Officer drew attention to Supplementary report number 1 advising that the gradient limit for the adoption of a new road would normally be 8% (1 in 12), however up to 10% (1 in 10) has been accepted over short distances in the past. The gradient currently on site is 12.5% (1 in 8) and this would not be suitable for adoption as it would not be compliant with Disability Discrimination Act guidance. She advised that in these circumstances it was considered that there were sufficient and compelling reasons to justify a minor departure from Local Plan Policy LP TRAN 4 and to accept a private access to serving 7 houses. She requested that if Members were minded to approve the application that they agree to a change in wording at condition 4 to take account of this additional information.

**Decision**

Agreed to grant planning permission as a minor departure to Local Plan Policy LP TRAN 4 subject to the following conditions and reasons and informative notes to the Applicant:-

1. The development shall be implemented in accordance with the approved drawings – Location Plan (scale 1:2500); Block plan Indicating Road Layout and Plot Locations; Block Plan Indicating Foul Water Disposal; Road Layout; Block Plan Indicating Surface Water Disposal; and Road Details and Specification 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. Prior to the occupation of the first residential unit, visibility splays

measuring 75 metres in both directions from a 2.4 metre setback shall be maintained at the junction with the A886 clear of all obstructions over 1 metre in height at all times.

*Reason: In the interests of road safety*

3. 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.*

4. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the first residential unit, details of the final design and specification of the road shall be submitted to and approved in writing by the Planning Authority.

*Reason: In the interests of road safety to ensure the provision of a road commensurate to the scale of development.*

5. No dwellinghouse served by the proposed access shall be occupied until the access has been fully constructed between the plot and the A886, unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to ensure that any dwellinghouse is served by an access that is commensurate with the scale of development.*

6. Unless otherwise agreed in writing with the Planning Authority, the sewage treatment plant shall not be brought into use until 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.*

## **NOTES TO APPLICANT**

3. In order to comply with Section 27B(1) of the Town & Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was complete.
4. The Area Roads Manager has recommended the following:
  - A system of surface water drainage should be provided to prevent

water running onto the A886 road;

- A channel must be formed at the uppermost passing place to direct water into the adjacent gully;
  - A system of surface water drainage shall be provided to prevent the flow of surface water from each plot onto the access road;
  - An inspection regime shall be formulated relating to the inlet grille of the 900 mm diameter culvert within Plot 7. Such a regime shall ensure that the grille does not become blocked with debris, etc.
  - The developer shall supply a street name plate and a grit bin shall be placed at locations to be agreed with the Area Roads Manager;
  - A Road Opening Permit will be required for any works on or adjacent to the A886 carriageway.
5. SEPA has recommended that, given a watercourse runs through Plots 3 and 4, the future developers of those plots should be aware that a buffer strip will be required between the watercourse and any development. In relation to Plot 4, they have highlighted that, although culverting for access may be acceptable, SEPA is opposed to culverting for land gain. This issue would need to be a consideration for any future application for Planning Permission.

(Reference: Report by Head of Planning and Regulatory Services dated 11 June 2014 and supplementary report number 1 dated 16 June 2014, submitted)

**9. SRONDORRE WIND FARMERS LLP: AMENDMENT TO PLANNING PERMISSION REFERENCE 13/01427/PP (ERECTION OF 3 WIND TURBINES WITH MAXIMUM BLADE TIP HEIGHT ABOVE GROUND LEVEL OF 110M TURBINES 1 AND 2 AND 100M TURBINE 3, TOGETHER WITH A CONTROL BUILDING, ANCILLARY INFRASTRUCTURE INCLUDING CRANE HARD STANDINGS AND ACCESS TRACK AND TEMPORARY GROUND WORKS) - INCREASE IN HEIGHT OF S1 AND S2 TURBINES FROM 110 METRES TO 120 METRES (TO BLADE TIP): LAND AT CRUAICH A' PHUBUILL (ADAJENT TO ALLT DEARG WINDFARM), ARDRISHAIG (REF: 14/00489/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that this proposal related to a consented but unimplemented three turbine wind farm on land adjoining the operational wind farm at Allt Dearg to the south of Ardrishaig (ref: 13/01427/PP). The current amended proposal sought to increase the hub height of consented Sronndore turbines S1 and S2 from 70m to 80m as a result of the use of taller towers. The turbine rotor diameter would remain as previously consented. The consequence was that the overall tip height of these two turbines would increase from 110m to 120m. Turbine 3 remains unaffected at 110m to tip and would be implemented as per original



consent. The locations of all three turbines will remain within the micro-siting tolerances permitted by the original consent. There were no objections to the proposal from consultees or third parties. SNH have however advised against permission being given which was in line with their previous advice on the originally consented Sronmore scheme which was against mixing the size of turbines. The marginal difference between the extent of the visual influence of the consented and the proposed amended turbines was not such as to warrant a refusal notwithstanding SNH's stated desire to limit any variation in scale between the Allt Dearg and Sronmore schemes. The application was recommended for approval subject to conditions and reasons detailed in the report of handling and to the amendment of the previously concluded Section 75 legal agreement relative to planning permission 13/01427/PP.

## Decision

Agreed to grant planning permission subject to the amendment of the previously concluded Section 75 Legal Agreement relative to planning permission 13/01427/PP to ensure its obligations relative to the requirement for Decommissioning Bond and a contribution from the operation of the site towards the implementation of the existing Allt Dearg Habitat and Landscape Enhancement Plan, apply equally to the amended development permitted by this consent as well as the original permission for the Sronmore wind farm development and subject to the following conditions and reasons:-

1. Notwithstanding the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the wind farm hereby permitted shall be operational within five years from the date of this approval unless otherwise agreed in writing with the Council as Planning Authority, 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 windfarm within this five year timescale (or otherwise agreed timescale) shall be fully restored in accordance with the applicant's statement of intentions (i.e. Environmental Statement dated June 2013 associated with planning permission 13/01427/PP) and as provided for by 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.*

2. The permission shall be for a period of 25 years from the commencement of the commercial operation of the wind farm, the date of which shall be notified in writing to the Council as Planning Authority. Within 12 months of the end of that period, unless a further planning application is submitted and approved, all wind turbines, ancillary equipment and buildings 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.*

3. The operator shall at all times deal with the areas forming the subject of this approval in accordance with the provisions of the application and the mitigation measures set out in the Environmental Statement associated with planning permission 13/01427/PP (dated June 2013) and the plans listed below:

1 of 2 - Site Location Plan Fig 2.1

2 of 2 – Wind Turbine Details (80m hub) Fig 2.3

except as otherwise provided by this approval, and shall omit no significant part of the operations provided for therein except with the prior written approval of the Planning Authority.

*Reason: For the avoidance of doubt and in order that the Planning Authority may retain effective control in the interests of nature conservation and amenity.*

4. Prior to development commencing, details of the turbine model selected for installation on the site and confirmation of the final micro-siting of turbines shall be submitted to the Council as Planning Authority. Micro-siting may be agreed in writing with the Council as Planning Authority as follows:
  - a. Each turbine shall be erected in the position indicated on the approved Site Location Plan Fig. 2.1;
  - b. A variation of the indicated position of any turbine on the approved Site Location Plan Fig. 2.1 by less than 25 metres shall only be permitted following the approval of the Ecological Clerk of Works;
  - c. A variation of between 25 metres and 50 metres shall only be permitted following written approval of the Planning Authority.

Prior to the turbines first being brought into use, the developer shall submit to the Council as Planning Authority, location details for each turbine as erected in the form of co-ordinates compatible with the UK Ordnance Survey.

*Reason: In order to demonstrate that the windfarm has been constructed in accordance with the approved plans.*

5. If, by reason of any circumstances not foreseen by the applicant, it becomes necessary or expedient during the continuance of the

operations hereby approved to materially amend or abandon any of the provisions hereof, the applicant or operator shall forthwith submit to the Planning Authority an amended application, plans and statement of intentions but shall also adhere to and comply with this consent until such time as an amended application shall have been determined by the said Authority.

*Reason: In order that the consent may be reconsidered should a change of intentions become necessary.*

6. If, by reason of any circumstances not foreseen by the applicant or operator, any 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 site 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.*

7. The wind turbines shall be finished in a non-reflective grey semi-matt colour (RAL 9002, RAL 7035 or similar), 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 Council as Planning Authority. The turbine blades shall all rotate in the same direction as the those of the Allt Dearg windfarm .

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

8. There shall be no illumination of the wind turbines hereby permitted, nor shall any symbols, signs, logos, or other lettering be applied to the turbines, other than statutory health and safety notices at the base of the towers, without the prior approval of the Planning Authority.

*Reason: To protect the upland rural character of the area in the interests of visual amenity.*

9. Before the cessation of the planning permission, a decommissioning plan, including a site-specific decommissioning method statement, shall be submitted for the written approval of the Council as 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 turbines and all ancillary structures shall be removed, and the turbine bases 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.*

10. All wires and cables between the wind turbines and sub-station shall be located underground within the access track verges or within three metres of the access tracks, or as close as is practicable, unless otherwise agreed in writing with the Planning Authority, and the ground thereafter shall be reinstated to a condition equivalent to the land adjoining the trenches within two months of completion of cable laying to the satisfaction of the Planning Authority.

*Reason: In the interests of visual amenity and nature conservation.*

11. No development shall be commenced until a Construction Method Statement (CMS) has been submitted to and agreed by the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. 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, construction works associated with watercourse crossings, the management of surface water run-off, 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 CMS or any subsequently agreed variation thereof.

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

12. Prior to the commencement of development, full details of a Restoration Method Statement and Restoration Monitoring Plan shall be submitted for the approval of the Council as Planning Authority. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including access tracks, hardstandings and other construction areas. It shall also include measures for the improvement in appearance of the main site access route from the A83 to the location of the turbines in order to mitigate its appearance in long distance views of the site. Restoration of construction disturbed areas shall be implemented within 6 months of the commissioning of the windfarm, or as otherwise agreed in writing with the Council as 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 farm 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.*

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

*Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on the site, and to allow any action required for the protection, preservation or recording of such remains.*

14. The implementation of the development shall be supervised by an Ecological Clerk of Works (ECoW) whose role should encompass all construction aspects of the development. The ECoW should be responsible for the micro-siting of the development to take account of localised nature conservation interests and the timing of works to avoid disturbance to breeding birds, in order that good practice methods are employed to ensure that sensitive features are avoided and that appropriate mitigation and site restoration measures are identified and implemented. The ECoW should liaise with Scottish Natural Heritage and the role of the ECoW should be clearly conveyed to all personnel prior to their commencement of work on the site.

*Reason: In the interests of nature conservation.*

15. The level of wind turbine noise shall not exceed 35dB LA90, 10 minutes when measured at any residential property in accordance with the methodology of ETSU-R-97. The noise should in addition contain no audible tonal and/or impulsive components so as to cause noise nuisance to the occupiers of any residential dwelling.

*Reason: To minimise any adverse impact of noise generated by the operations on the local community.*

16. At the request of the Council, following a complaint to the Council relating to noise emissions from the wind turbines, the developer shall undertake an investigation of the complaint, carry out monitoring, prepare and submit a report upon the problem and advise of any necessary remedial action in accordance with the methodology of ETSU-R-97 and take such remedial action agreed to the satisfaction of the Local Planning Authority.

*Reason: To help control and minimise noise pollution.*

(Reference: Report by Head of Planning and Regulatory Services dated 14 May 2014, submitted)

**10. MRS MARY TURNER: ERECTION OF 40.4M (BLADE TIP) WIND TURBINE ERECTION OF 40.4M (AMENDED BY PLANNING CONDITION TO 35M TO BLADE TIP): LAND APPROXIMATELY 515M NORTH WEST OF AUCHENHOAN COTTAGE, CAMPBELTOWN (REF: 14/00589/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that permission was sought for the erection of a 40.5m to blade tip wind turbine on land approximately 515m north west of Auchenhoan Cottage. The turbine itself would sit within Sensitive Countryside development control zone as per policy STRAT DC 5 and the access track would be located in the Rural Opportunity Area development control zone. For the purposes of this report the application was assessed under policy LP REN 1. Through a planning condition it was proposed to limit the height of the proposed wind turbine to 35m to blade tip and the Applicant has agreed to this approach. Such a condition was necessary to ensure the proposal was consistent with the Council's Wind Energy Capacity Study. There were no concerns from consultees that could not be addressed via planning conditions. Thirteen representations have been received from third parties all objecting to the proposals. The proposal was considered consistent with the Council's Wind Energy Capacity Study and policy LP REN 1 of the Argyll and Bute Local Plan 2009 given the minimal impact on the landscape as a result of the rising land and back dropping opportunities afforded by the landscape north and west. The Applicant has provided details of the method of transporting the turbine to the site and the Council's Roads Engineer has raised no concerns subject to conditions. With this in mind the proposal was considered consistent with the provisions of policy LP TRAN 4. The proposal conformed to the relevant development plan policies and there were no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan. The proposal was recommended for approval subject to conditions and reasons detailed in the report of handling.

**Decision**

1. The development shall be implemented in accordance with the details specified on the application form dated 06/03/2014 and the approved drawing reference numbers:

Plan 1 of 2

Plan 2 of 2

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.*

2. Notwithstanding the details of the approved plans the turbine blade tip height shall not exceed 35m. No development shall commence or is hereby authorised until details of the amended wind turbine are submitted to the planning authority for prior approval. These details shall cover the wind turbine dimensions to a 1:100 scale.

*Reason: For the purpose of clarity over the application approved and to ensure compliance with the Council's Wind Energy Capacity Study (WECS).*

3. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/001 Rev a and visibility splays of 2.4 metres to point X by 75 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Any gates shall be set back a minimum distance of 6.0 metres from the carriageway edge and open inwards.

*Reason: In the interests of road safety.*

4. If by reason of any circumstances not foreseen by the applicant or operator, the wind turbine fails to produce electricity, either consumed at source or via a local distribution 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 site reinstated to a condition equivalent to that of the land adjoining the application site within a period of 6 months unless otherwise agreed in writing by the Planning Authority.

*Reason: To ensure that the full and satisfactory restoration of the site takes place should the turbine fall into disuse.*

5. Notwithstanding the effect of Condition 1 and the details specified in the application, no development shall commence until details of the colour finish to be applied to the turbine have been submitted to and approved in writing by the Planning Authority. The development shall be implemented using the approved colour scheme and shall be maintained as such thereafter.

*Reason: In the interest of visual amenity.*

6. 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.*

7. 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. expected 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.*

8. During construction, no unloading/loading of vehicles shall be undertaken from the public road, nor shall any materials, equipment or plant associated with the construction of the development be stored adjacent to the public road without the prior written approval of the Roads Authority.

*Reason: In the interest of road safety.*

(Reference: Report by Head of Planning and Regulatory Services dated 30 May 2014, submitted)

**11. MR STUART ANDERSON: ERECTION OF DWELLINGHOUSE AND FORMATION OF NEW VEHICULAR ACCESS (AMENDED DESIGN RELATIVE TO PLANNING PERMISSION REFERENCE 11/00399/PP): 146 FREDERICK CRESCENT, PORT ELLEN, ISLE OF ISLAY (REF: 14/00653/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that the application site was located within the defined settlement boundary for Port Ellen and also within the Port Ellen Conservation Area. He referred to the history of this site and previous applications and advised that this current application was partly to regularise discrepancies between the 'as built' position and the 2011 permission (ref: 11/00399/DET) and also to reduce the finished floor level of the resulting building following the results of a new flood risk assessment and consultation with SEPA. The current proposal also amended the external appearance of the building slightly although its overall size, design, detailing and layout would remain nearly identical to the development previously approved in 2011. The scale and form of the proposed development was considered acceptable for its location within this part of the Port Ellen Conservation area and having due regard both to the



comments and objections of the owner of a neighbouring dwellinghouse and to the planning history of the site the proposed development was considered to be compliant with the provisions of the Development Plan in this regard, notably to policies STRAT DC 9, LP ENV 1, LP ENV 14, LP ENV 19 and LP CST 1. The proposed development raised no access, servicing or infrastructure issues and was wholly compliant with Development Plan policies LP SERV 4, LP TRAN 4 and LP TRAN 6. The development has been properly assessed in accordance with the statutory flood risk framework and has been found to be acceptable subject to the provision of a minimum finished floor level of 3.4 metres above ordnance datum and was considered acceptable and in accordance with the provisions of Development Plan policies STRAT DC 10 and LP SERV 8. The application was recommended for approval subject to conditions and reasons detailed in the report.

## **Decision**

Agreed to grant planning permission subject to the following conditions and reasons and subject to the addition of a further condition stating that timber framed external doors and windows were used throughout the development:-

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 12<sup>th</sup> March 2014; and the approved drawings numbered 1 of 12 to 12 of 12 and stamped approved by Argyll and Bute Council.

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

2. Notwithstanding the provisions of Condition 1 above, the type and colour of materials to be used in the development shall be as specified on the approved Design Statement and as annotated on the approved drawings, with the exception of the roof covering which shall be of natural slate to a specification to be submitted and approved in writing by the Local Planning Authority before any works commence on site. In addition, full details of all of the proposed windows and external doors shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. Notwithstanding the submitted details, it is anticipated that the windows and external doors, particularly to the front elevation of the building (fronting onto Frederick Crescent) shall consist of traditional timber sash and case windows and timber close boarded doors.

*Reason: In order to integrate the development into its surroundings and in order to protect the character and appearance of the Port Ellen Conservation Area.*

3. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E and Part 2 and Classes 8 and 9 of the of the aforementioned Schedule, as summarised below:

#### PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or

other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

## PART 2: SUNDRY MINOR OPERATIONS

Class 8: Formation of means of access to an unclassified road.

Class 9: Stone cleaning or painting of the exterior of a building.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

*Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).*

5. The proposed access shall be formed with visibility splays of 20.0 x 2.0 metres in each direction formed from the centreline of the proposed access. Prior to work starting on site 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 1.05 metres in height to the satisfaction of the Planning Authority.

*Reason: In the interests of road safety.*

6. Prior to work starting on site, the access hereby permitted shall be formed in accordance with the Council's standard highway drawing SD 08/005, Revision A

*Reason: In the interests of road safety.*

7. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate 2 vehicles within the application site

have been 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 prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interest of road safety.*

(Reference: Report by Head of Planning and Regulatory Services dated 30 May 2014, submitted)

**12. LUSS ESTATES COMPANY: SITE FOR THE ERECTION OF A RESIDENTIAL DEVELOPMENT INCLUDING FORMATION OF VEHICULAR ACCESS AND DEMOLITION OF EXISTING CLUBHOUSE: RHU BOWLING CLUB, MANSE BRAE, RHU (REF: 14/00821/PPP)**

The Senior Planning Officer spoke to the terms of the report advising that planning permission in principle was sought for the erection of a residential development at Rhu Bowling Club, Manse Brae, Rhu. The site was within the Rhu Conservation Area and within an Open Space Protection Area (OSPA) as defined by the adopted Local Plan. Within Conservation Areas development must be of the highest quality and respect the architectural qualities of the area. Applications for planning permission in principle would not normally be considered appropriate in these areas. Within OSPAs there was a presumption against the redevelopment of established playing fields or sports pitches. As the Applicant had submitted insufficient information to assess the impact of the proposed development on the character and amenity of adjoining properties and whether it will preserve or enhance the character or appearance of Rhu Conservation Area the proposal was considered contrary to Policy LP ENV 14 of the Argyll and Bute Local Plan. It was also not considered that the Applicant had fulfilled the criteria set out in Policy LP REC 2. Rhu and Shandon Community Council have objected to this proposal and 18 letters and emails of objection have also been received from third parties. The proposed Argyll and Bute Local Development Plan was a material consideration in the determination of this application. In terms of this application site and the proposed development, the plan maintained the same policy approach and there were no policies or guidance which would alter the recommendation of refusal for the reasons stated in the report of handling.

**Motion**

Agree to refuse planning permission in principle for the following reasons:-

1. The applicant has submitted insufficient information to assess the impact of the proposed development on the character and amenity of adjoining properties and whether it will preserve or enhance the character or appearance of Rhu Conservation Area. As such the proposal is contrary to Policy LP ENV 14 of the Argyll and Bute Local Plan which states that outline planning applications (planning permissions in principle) will not normally be considered appropriate for proposed development in conservation areas and which presumes

against development which does not preserve or enhance the character or appearance of the Conservation Area.

2. The application site is designated as an Open Space Protection Area where there is a presumption against redevelopment of these sites. The proposed development will result in the loss of this area of open space and no provision of equal community benefit has been provided elsewhere. Furthermore, the applicant has not shown that the site has been actively marketed, or that any real effort has been made to preserve its use as a playing field. No details have been provided to show that there is a long term excess of playing fields within the area. The proposal is therefore contrary to Policy LP REC 2 of the Argyll and Bute Local Plan.

Moved Councillor David Kinniburgh, seconded Councillor Sandy Taylor.

### **Amendment**

To continue consideration of the application to a future meeting to allow Members to obtain further information on the legal position in respect of the lease of the ground.

Moved Councillor George Freeman, seconded Councillor Robert G MacIntyre.

On a show of hands vote the Motion was carried by 11 votes to 2 and the Committee resolved accordingly.

### **Decision**

Agreed to refuse planning permission for the following reasons:-

1. The applicant has submitted insufficient information to assess the impact of the proposed development on the character and amenity of adjoining properties and whether it will preserve or enhance the character or appearance of Rhu Conservation Area. As such the proposal is contrary to Policy LP ENV 14 of the Argyll and Bute Local Plan which states that outline planning applications (planning permissions in principle) will not normally be considered appropriate for proposed development in conservation areas and which presumes against development which does not preserve or enhance the character or appearance of the Conservation Area.
2. The application site is designated as an Open Space Protection Area where there is a presumption against redevelopment of these sites. The proposed development will result in the loss of this area of open space and no provision of equal community benefit has been provided elsewhere. Furthermore, the applicant has not shown that the site has been actively marketed, or that any real effort has been made to preserve its use as a playing field. No details have been provided to show that there is a long term excess of playing fields within the area. The proposal is therefore contrary to Policy LP REC 2 of the Argyll and Bute Local Plan.

(Reference: Report by Head of Planning and Regulatory Services dated 30 May 2014, submitted)

**13. MRS MARGARET MUIR: INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC ARRAY (RETROSPECTIVE): THE ANCHORAGE, MINARD, INVERARAY (REF: 14/00861/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that retrospective planning permission had been submitted as a result of an enforcement investigation following a number of complaints in respect of the installation of ground mounted photovoltaic array erected within the front garden ground of The Anchorage, Minard, Inveraray. The current application has been subject to objection from 9 parties. The development was not considered to satisfy the requirements of policies STRAT RE 2, STRAT DC 8, LP ENV 1, LP ENV 10, LP ENV 19 or LP REN 3 of the Development Plan and was recommended for refusal for the reason detailed in the report of handling.

**Decision**

Agreed to refuse planning permission for the following reason:-

The development, by virtue of its location, massing, prominence and general appearance, is considered to have a significant adverse effect upon the character of the existing built environment, the amenity of the locale, detracts from a key component of a valued wider landscape setting and is a hazard to the safety of traffic on the A83(T) and is therefore considered to be contrary to the relevant provisions of policies STRAT RE 2 and STRAT DC 8 of the Argyll and Bute Structure Plan 2002, and policies LP ENV 1, LP ENV 10, LP ENV 19 and LP REN 3 of the adopted Argyll and Bute Local Plan 2009.

(Reference: Report by Head of Planning and Regulatory Services dated 30 May 2014, submitted)

**14. SCOTTISH WATER: ERECTION OF 3 X 5KW WIND TURBINES (15M HUB HEIGHT, 17.7M BLADE TIP): WATER TREATMENT WORKS, TARBERT ROAD, CAMPBELTOWN (REF: 14/00863/PP)**

The Major Applications Team Leader advised that this application had been withdrawn on 17 June 2014 and would not require consideration by the Committee.

**15. MR THOMAS PATERSON AND MRS MARGERY OSBORNE: ERECTION OF 1.8 METRE HIGH FENCE AND GATES (RETROSPECTIVE): LAND OPPOSITE 21 TO 25 CUMBERLAND AVENUE, HELENSBURGH (REF: 14/00885/PP)**

The Senior Planning Officer spoke to the terms of the report advising that planning permission was sought retrospectively for the erection of a 1.8 metre high fence and gates on land at Cumberland Avenue, Helensburgh. The site was located in the west of the town and had a complex planning

history. On Cumberland Avenue the boundary treatments were characterised by low walls and hedges. The only other fence was directly opposite on the Applicants' site where they had built 3 houses. Even here the fence was to the side and rear and the front of the properties retained their open aspect. The fence erected along the boundary of the land to Cumberland Avenue represented an alien and formal boundary treatment which undermined the previously attractive context of the street merging with the open space. The retention of the fence also undermined the Council's objectives to seek to restore the amenity value of the site caused by the unauthorised felling of protected trees on land subject to a Tree Preservation Order. There have been 15 letters and emails of objection and 3 emails of support received in connection with this application. Helensburgh Community Council have also submitted an objection. The application was recommended for refusal for the reason stated in the report of handling.

## **Decision**

Agreed to refuse planning permission for the following reason:-

On Cumberland Avenue the boundary treatments are characterised by low walls and hedges. The only other similar fence is directly opposite on the applicants' site where they have built 3 houses. Even here the fence is to the side and rear and the front of the properties retain their open aspect. Assessed on its merits against development plan policy and other material considerations the wooden fence erected along the boundary of the land to Cumberland Avenue represents an alien and formal boundary treatment which undermines the previously attractive context of the street merging with the open space and which added considerable quality to the street scene at this point. The retention the fence also undermines the Council's objectives to seek to restore the amenity value of the site caused by the unauthorised felling of protected trees on land subject to a Tree Preservation Order and where a Tree Replanting Notice has been upheld by a Reporter at appeal (DPEA Reference TENA-130-2000). The retention of the fence would therefore screen the site separating it from the street scene and undermine the Council's objectives of restoring the appearance and associated amenity value of the land to the locality contrary to the objectives of Policy LP ENV 1 of the adopted local plan.

(Reference: Report by Head of Planning and Regulatory Services dated 5 June 2014, submitted)

### **16. MR TONY HILL: CHANGE OF USE OF LAND FOR SITING OF TIMBER SHED, INSTALLATION OF PETROL STORAGE TANK AND ERECTION OF ASSOCIATED FENCING: LAND ADJACENT TO PUBLIC CAR PARK, ELLENABEICH, ISLE OF SEIL (REF: 14/00914/PP)**

The Major Applications Team Leader spoke to the terms of the report advising that in terms of the adopted Argyll and Bute Local Plan the site was situated within the minor settlement zone of Ellenabeich and was also situated within the Ellenabeich Conservation Area. The application

has been the subject of 13 representations, 11 of objection and 2 in support. All the representations were from local addresses and this level of interest in the application was of significance in the context of a small community. The range of issues raised were broad and the majority of them related to legitimate planning matters. For this reason it was recommended that a discretionary hearing be held in advance of determining this application.

### **Decision**

Agreed to hold a pre determination hearing at the earliest opportunity following the Council recess in July.

(Reference: Report by Head of Planning and Regulatory Services dated 10 June 2014, submitted)

**17. COSTA COFFEE: CHANGE OF USE FROM CLASS 1 (RETAIL) TO COMBINED CLASS 1 AND CLASS 3 (RETAIL AND FOOD AND DRINK) INCLUDING EXTERNAL SEATING AREA: UNIT 1, KILMARTIN COURT, STATION ROAD, OBAN (REF: 14/00942/PP)**

The Senior Planning Officer spoke to the terms of the report advising that planning permission was sought for the change of use from Class 1 (retail) to combined Class 1 and Class 3 (retail and food and drink) along with the formation of an external seating area within premises which were currently unoccupied having been last used as a retail unit with two separate occupiers. In terms of the adopted Argyll and Bute Local Plan the site was within the main town centre of Oban. The proposal has elicited 26 representations, 25 objections and 1 in support. There have been no objections from statutory consultees. Whilst the proposal has elicited a number of representations it was not considered that the application raised any complex or technical issues. Most objections were based on issues that were not material planning considerations, such as legitimate business competition. Given that the site was situated within the main town centre of Oban there was a presumption in favour of new commercial uses in Class 1, 2 and 3 it was not considered that a hearing would add value to the process. It was considered that the use of the building as a food and drink outlet with part retail use fit well with the established development within this area of the town. The proposal accorded with Policies STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP BAD 1, LP ENV 1, LP ENV 10, LP ENV 19, LP RET 1, LP TRAN 1 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and was recommended for approval subject to the conditions and reasons detailed in the report of handling.

### **Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 14/04/14 and the approved drawing reference numbers:



Plan 1 of 10	(Location Plan)
Plan 2 of 10	(Drawing Number 1.0 D)
Plan 3 of 10	(Drawing Number 1.1 A)
Plan 4 of 10	(Drawing Number 1.2 F)
Plan 5 of 10	(Drawing Number 2.0 B)
Plan 6 of 10	(Drawing Number 2.1 B)
Plan 7 of 10	(Drawing Number 4.2 D)
Plan 8 of 10	(Barrier Specification)
Plan 9 of 10	(External Furniture Specification)
Plan 10 of 10	(Planning Supporting Statement)

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.*

2. No development shall commence until a Noise Assessment for the proposed development has been submitted and approved in writing by the Planning Authority in consultation with the Environmental Health Unit. The assessment should identify the levels of noise likely to be generated by the general operations of the proposed development and in particular any significant individual sources of noise arising from the operation of specific items of plant/equipment within the premises i.e. refrigeration plant/air conditioning, extract systems etc.

The assessment must also identify the attenuation provided by the structure and any additional controls/measures to be adopted to prevent the transmission of noise.

The development shall not be brought into use until the approved noise attenuation measures have been implemented in full. Thereafter the development shall only be operated in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

*Reason: In order to avoid noise nuisance in the interest of amenity.*

3. Outwith opening hours, the external seating area comprising tables, chairs and barriers erected on the footway, shall be removed from the footway and securely stored.

*Reason: To safeguard the environmental amenity of the area and in the interests of pedestrian and road safety.*

4. Notwithstanding the provisions of Condition 1, a minimum pavement width of 2 metres shall be maintained at all times between the external barriers enclosing the pavement café and the public litter bin.

*Reason: In the interests of pedestrian safety.*

5. Notwithstanding the provisions of Condition 1, no preparation of hot food shall take place on the premises other than that specified in the 'Planning Supporting Statement prepared for Costa' accompanying the application without the prior written approval of the Planning Authority.

*Reason: In order to avoid odour nuisance in the interest of amenity and the inability of the building to accommodate sufficient extract ventilation.*

Councillor Currie having moved an amendment which failed to find a seconder requested that his dissent be recorded from the foregoing decision.

(Reference: Report by Head of Planning and Regulatory Services dated 30 May 2014, submitted)

Having previously declared an interest in the following 2 items of business, Councillors McCuish, Trail, McMillan, Taylor and Blair left the meeting and took no part in the consideration of these items.

**18. ARGYLL ESTATES: INVERARAY PROJECT MASTERPLAN - MAST 1/5 RE PROPOSED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN (FEB 2013): ARGYLL ESTATES, INVERARAY (REF: 13/02860/MPLAN)**

The Head of Planning and Regulatory Services spoke to the terms of the report advising that within the emerging Argyll and Bute proposed Local Development Plan (LDP) (February 2013) the Council has proposed a Mixed use Allocation (MU 3001) for the development of 150 dwellings, business (Class 4), tourism (including hotel) and community facilities on land to the west of Newtown and to the north of Barn Park. The proposed allocation was underpinned by the requirement that a Strategic Masterplan (designation MAST 1/5) should be endorsed by the Council in advance of any development proceeding. In terms of the adopted Argyll and Bute Local Plan 2009, the central portion of the masterplan area lay within an area designated as 'countryside around settlement' wherein there was a general presumption against development. The remainder of the masterplan area lay within two housing allocations (H-AL 9/1 and H-AL 9/2). Given that the emergent LDP allocation has been uncontested during public consultation, it may be accorded significant weight at this stage in the plan making process. The active promotion of development of the masterplan area therefore represented the settled view of the Council, which would justify as a 'minor departure' development which did not accord with the provisions of the current, but soon to be superseded local plan. The components of the mixed use scheme were considered to be compatible with the proposed LDP Mixed Use Allocation 3001 and MAST 1/5. Whilst the masterplan required considerable further development it was considered that there was sufficient detail to assess the merits of the overall development concept/vision and to allow the immediate release of land identified as Phase 1 of the proposed development. It was recommended that the masterplan be approved and

endorsed as a material consideration in the future determination of planning applications within the masterplan area, with recognition that such endorsement represented a 'minor departure' to the provisions of the adopted Local Plan at the current stage in the plan making process.

### **Decision**

Agreed to approve the masterplan and endorse this as a material consideration in the future determination of planning applications within the masterplan boundary, recognising that this endorsement represented a 'minor departure' to the provisions of the adopted Local Plan at the current stage in the plan making process.

(Reference: Report by Head of Planning and Regulatory Services dated 12 June 2014, submitted)

#### **19. STEWART MCNEE (DUNOON) LTD: ERECTION OF 8 DWELLINGHOUSES AND 4 FLATS AND FORMATION OF VEHICULAR ACCESS, PARKING AND INFRASTRUCTURE: LAND NORTH OF BARN PARK, INVERARAY (REF: 14/01082/PP)**

The Head of Planning and Regulatory Services spoke to the terms of the report advising that this proposal related to development within a larger site identified as housing allocation H-AL9/2 within the adopted Argyll and Bute Local Plan for 8 units with 25% affordability. This designation was in the process of being superceded by the uncontested, emergent provisions of the Argyll and Bute proposed Local Development Plan which set out the Council's intent to subsume the current Housing Allocation within a larger Mixed Use Allocation (MU 3001) within which support was afforded for up to 150 dwelling units following the endorsement by the Committee of the Masterplan for designation MAST 1/5. The proposal set out a 'medium scale' affordable housing development comprising a mixture of terraced housing, flats and ambulant disabled units to be developed for and managed by the Argyll Community Housing Association. Whilst the application has been the subject of two letters of support, and indirectly, two letters of objection, which raised road safety concerns, it was the consideration of Council Officers and that of the statutory consultees that the proposed development could adequately be accessed via the existing public road network subject to commensurate improvement of footpaths along this route. The application was recommended for approval subject to conditions and reasons detailed in the report of handling.

### **Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 1<sup>st</sup> May 2014 and the approved drawing reference numbers 1/17 – 17/17 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. The development hereby permitted shall only be implemented by (or on behalf of) a Registered Social Landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification) and shall not enure for the benefit of any other person, company or organisation.

*Reason: To ensure the provision of affordable housing to the standard required by the development plan in the absence of any other agreed means of securing such provision.*

3. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been 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 – this shall include the provision of a deciduous native hedgerow to the north, western and southern site boundaries, and removal (if possible) of existing eastern boundary fencing between the application site and Argyll Court;
  - iv) Surface treatment of means of access/footpaths, and parking/turning areas;
  - v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted – this shall include details of planting/landscape works within the parking court and limited tree planting within the hedgerow northern, western and southern site boundaries, and provision of replacement planting to mitigate for loss of the mature tree which lies on the site access route;
  - vi) 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.

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

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

4. Notwithstanding the effect of Condition 1, the development shall be completed externally using the following materials:

External walls to be finished in a white, wet dash render;

Roof covering to be slate substitute tiles coloured dark blue/grey (Redland Cambrian Slate or equivalent), or natural slate;

Or, such alternatives as may otherwise be agreed in writing with the Planning Authority.

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

5. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of external facia/eaves, rainwater goods and any window/door bands 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: In order to integrate the development into its surroundings.*

6. Notwithstanding the effect of Condition 1, no development shall commence until specifications, including material and colour finishes of the window and door units to be installed in the development have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

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

7. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

8. No development shall commence until such time as a programme of works for the delivery of an adoption standard footpath of a minimum width of 1.5 metres between the A83(T) and the public road known as the Avenue (via Barn Brae) has been submitted to and agreed in writing by the Planning Authority, in consultation with the Roads Authority.

Thereafter, the duly approved programme of works shall be implemented in full and in accordance with the agreed timetable.

*Reason: In the interest of road safety, to ensure the provision of commensurate improvement to substandard elements of the public road network which would be subject to increased vehicular/pedestrian movements arising from the development.*

9. Notwithstanding the provisions of Condition 1, the proposed access shall be formed with visibility splays of 2.4 metres to point X by 42.0 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

10. The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interest of road safety.*

(Reference: Report by Head of Planning and Regulatory Services dated 12 June 2014, submitted)

Councillors McCuish, MacMillan, Trail, Taylor and Blair rejoined the meeting.

**20. SCOTTISH GOVERNMENT CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989: PROPOSED INSTALLATION OF 10MW DEMONSTRATION TIDAL ARRAY INCLUDING CABLE LANDFALL AND SUB STATION: SOUND OF ISLAY, ISLE OF ISLAY (REF: 14/01152/S36)**

Consideration was given to a report advising of a consultation from Marine Scotland in respect of an application under the Electricity Act by Scottish Power to deploy and operate a tidal energy array in the Sound of Islay, with the installation of export cables and the construction of associated onshore infrastructure. The report recommended views to be conveyed to Marine Scotland on behalf of the Council as Planning Authority in respect of the consent sought under Section 36 of the Act which, if it were granted, would include a Direction that planning permission for the onshore development be deemed to be granted.

## **Decision**

The Committee agreed that:-

- (a) no objection be raised to the principle of the project as a whole or the details of the marine component of the scheme;
- (b) no objection be raised to the issuing of a Direction that deemed planning permission be granted to the onshore elements of the proposal, subject to the imposition of suitably worded conditions (having regard also to views expressed by other consultees), in order to secure inter alia those matters listed in the appendix to the report; and
- (c) Marine Scotland be notified accordingly, with a request that draft conditions be the subject of further consultation with Officers prior to the issuing of any consent, having regard to the fact that those conditions will become the responsibility of the Council to enforce.

(Reference: Report by Head of Planning and Regulatory Services dated 5 June 2014, 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 5 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13; 13; 13; 13; and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillors Blair and McNaughton left the meeting at this point and did not return.

### **21. ENFORCEMENT UPDATE - 13/00328/ENFOC2**

Consideration was given to an update on Enforcement Case reference 13/00328/ENFOC2.

#### **Decision**

Agreed to the recommendation detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services dated 16 June 2014, submitted)

Councillor MacDougall left the meeting at this point and did not return.

### **22. ENFORCEMENT UPDATE - 14/00059/ENFLB**

The update on Enforcement Case reference 14/00059/ENFLB was considered.

#### **Decision**

Noted the update.

(Reference: Report by Head of Planning and Regulatory Services dated 16 June 2014, submitted)

**23. ENFORCEMENT REPORT - 14/00022/ENFHSH**

Consideration was given to Enforcement Case reference 14/00022/ENFHSH.

**Decision**

Agreed to the recommendation detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services dated 30 May 2014, submitted)

**24. ENFORCEMENT REPORT - 13/00099/ENOTH2**

Consideration was given to Enforcement Case reference 13/00099/ENOTH2.

**Decision**

Agreed to the recommendation detailed in the report.

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

**25. ENFORCEMENT REPORT - 11/00107/ENOTH2, 13/00093/ENOTH3 AND 13/00384/ENOTH 3**

Consideration was given to an update on Enforcement Case references 11/00107/ENOTH2, 13/00093/ENOTH3 AND 13/00384/ENOTH 3

**Decision**

Agreed to the recommendation detailed in the report.

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