

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 DECEMBER 2014**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Neil MacIntyre
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor James McQueen
Councillor George Freeman	Councillor Sandy Taylor
Councillor Alistair MacDougall	Councillor Richard Trail

Also Present: Councillor John McAlpine

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Major Applications Team Leader

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon, Robert G MacIntyre, Donald MacMillan and Alex McNaughton.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

The Chair ruled and the Committee agreed to vary the order of business and consider item 10 (Financial Quarter Two Performance Scorecard Scrutiny) and item 11 (Draft Service Plans for Planning and Regulatory Services) of the Agenda pack after item 4 of this Minute to allow the Head of Planning and Regulatory Services to then leave to attend other meetings.

3. MINUTES

- (a) The Minute of the Planning, Protective Services Licensing Committee held on 19 November 2014 at 11.00 am was approved as a correct record.
- (b) The Minute of the Planning, Protective Services Licensing Committee held on 19 November 2014 at 2.00 pm was approved as a correct record.
- (c) The Minute of the Planning, Protective Services Licensing Committee held on 19 November 2014 at 2.20 pm was approved as a correct record.
- (d) The Minute of the Planning, Protective Services Licensing Committee held on 19 November 2014 at 2.40 pm was approved as a correct record.
- (e) The Minute of the Planning, Protective Services Licensing Committee held on 19 November 2014 at 3.00 pm was approved as a correct record.

* 4. **GAMBLING POLICY - FIXED ODDS BETTING TERMINALS**

Concerns have been raised nationally and locally in regard to Fixed Odds Betting Terminals (FOBT) and the potential harm associated with their use. Consideration was given to a report previously presented to the Argyll and Bute Licensing Board on 28 November 2014 which provided a review of issues linked to the use of FOBT as well as recommending consideration of a range of options which the Council may wish to adopt as a means of mitigating the potential negative impact of FOBT in Argyll and Bute.

Decision

The Committee agreed:-

1. To request that the Council lobby the Scottish Government to consider applying their devolved powers to reduce the impact on our communities of gambling generally and the use of FOBT in particular;
2. To request that the Council lobby the UK Government to:
 - Establish a regulatory link between gambling and public health eg to control irresponsible advertising of gambling activities, prevent clustering or allowing local authorities to consider over provision of betting shops and/or
 - Reduce the maximum number of FOBT in betting shops to reduce the stakes available for games and/or
 - Establish a role for local authority or Gambling Commission inspection of the machines once they are on site;
3. To draw the Council's attention to a model motion (published by the Campaign for Fairer Gambling), which could be considered for amendment for use by the Council attached at as Annex 1 to the report; and
4. To request that the Council refer the issue to COSLA via the Spokesperson for Community Wellbeing in order that the issue can be considered at the Community Wellbeing Executive Group and seek a coordinated approach from the Scottish local authorities to the Scottish Government and UK Government.

(Reference: Report by Executive Director – Customer Services, submitted)

5. FINANCIAL QUARTER TWO PERFORMANCE SCORECARD SCRUTINY

Consideration was given to a report presenting the financial quarter 2 (July – September) performance scorecard for Planning and Regulatory Services for their review and scrutiny.

Decision

The Committee:-

1. noted that the quarterly performance scorecards will be programmed into the

- Committee's meeting schedule;
2. reviewed performance for the quarter; and
 3. noted that feedback from the Committee meetings will be used to ensure ongoing improvement to the performance review and scrutiny process.

(Reference: Report by Head of Planning and Regulatory Services dated 27 November 2014, submitted)

6. DRAFT SERVICE PLANS FOR PLANNING AND REGULATORY SERVICES

Consideration was given to the proposed Service Plan for 2015-16 for Planning and Regulatory Services.

Decision

Approved the draft Service Plan for forwarding to the Policy and Resources Committee in February 2015.

(Reference: Report by Executive Director – Customer Services, submitted)

7. MR AND MRS JOHN INGHAM: ERECTION OF DWELLINGHOUSE - AMENDED DESIGN AND POSITION TO PLANNING PERMISSION REFERENCE 07/01531/REM (RETROSPECTIVE): 6 STONE VIEW, FORD, LOCHGILPHEAD (REF:13/01967/PP)

The Major Applications Team Leader spoke to the terms of the report. The application site is located within the 'settlement area' for Torran and PDA 12/73. The site has been the subject of outline planning permission (04/01386/OUT) which set out an indicative approval for some 8 units served by an adoption standard road and a communal foul drainage system. Subsequently, reserved matters approval (07/01531/REM) was granted for Plots 2 – 8 and this has been partially implemented notwithstanding a failure to date to provide the requisite road to adoption standard. The current application seeks retrospective permission for a material amendment of the design and siting of the dwellinghouse on Plot 6. One objection has been received from the previous landowner of the development site. The siting, design and appearance of the property as built is considered to be acceptable having regard to the original considerations which were pertinent at the time application 07/01531/REM was approved, and satisfies the relevant provisions of policies LP ENV 19, emergent LDP policy and the Council's Sustainable Design Guidance. It is recommended that retrospective planning permission be granted subject to conditions which preclude occupation of the dwellinghouse until such time as outstanding matters in respect of access and services have been satisfactorily addressed.

Decision

Agreed to grant retrospective 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 2nd October 2013 and the approved drawing reference numbers 001 and OGS 136 01 Revision C; 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 dwellinghouse shall not be occupied until the waste water connections from the dwelling are connected to the operational waste water treatment facility and the Sustainable Urban Drainage System is in place which was approved by planning permission ref. 07/01531/REM to the satisfaction of the Planning Authority.

Reason: In the interest of public health, amenity and the environment.

3. The development shall not be occupied until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved in writing by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

4. No occupation of the dwelling house shall occur until the specification of the roads within the development site (cross-hatched on the approved drawing 3 of 21 as herewith attached from the earlier consents 04/01386/OUT and 07/01531/REM) or for such modified length as otherwise agreed by the Area Roads Manager, has been submitted to and have been approved by the Area Roads Manager and Road Construction Consent has been issued and a Road Bond is in place.

Reason : In order to ensure the provision of a standard of access commensurate with the scale of development in the interest of highway safety.

5. The base course of all access roads and pavements within the red edged site leading from the present adopted public road to the point where it serves this dwelling within the development shall be completely constructed prior to the occupation of the dwelling - and the final wearing surface shall be applied within 3

months from the date of first occupation, or as otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety and to ensure that an adequate level of access is provided for the development, the application of the final wearing surface being required as Plot 6 is the last dwelling to be constructed having regard to the requirements of condition 5 relative to permission ref. 07/01531/REM.

6. Notwithstanding the provisions of Condition 1, the proposed access from the plot shall be formed with visibility splays of 2.0 metres to point X by 20.0 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material. Prior to occupation of the dwellinghouse, the access hereby approved 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 visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

7. 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.

8. Within 1 month from the date of planning permission being granted details of the scheme of boundary treatment and the hard and soft landscaping works in relation to Plot 6 shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - i. location and design, including materials, of walls, fences and gates;
 - ii. soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub;
 - iii. the surface treatment of the roads and driveways beyond the limits of the adoptable standard road.

These details shall respect the approved Design Statement as defined in the decisions 04/01386/OUT and 07/01531/REM and in perpetuity, no walls, or fencing shall define the boundary of Plot 6 with the boundary of the scheduled area of the Standing Stone Ancient Monument to the immediate south, except as may be submitted to approved in writing by the Planning Authority.

All the boundary treatment, hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority which will ensure that boundary treatment and all hard surface works are in place prior to occupation of the respective dwelling. 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 grant of planning permission unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the

development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of boundary treatment, hard surface works, and landscaping respecting the area, and in particular, the setting of the Scheduled Standing Stone.

9. 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, 1D, 3A, 3B, 3D and 3E and Part 2 and Class 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 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 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 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).

10. The dwelling house shall not be occupied until a factoring agreement which provides for the long-term maintenance of the communal sewage treatment works (as approved under 04/01386/OUT and 07/01531/REM) has been devised in relation to all the approved dwellings within the red edged site and submitted for the prior written approval of the Council as Planning Authority, and furthermore this particular dwelling shall not be occupied until as such time as the intended occupier(s) and any successive occupier (s) have / has become a legally binding party to such an agreement.

Reason : In order to provide for the long-term maintenance of the private communal sewage system in the interests of pollution control.

(Reference: Report by Head of Planning and Regulatory Services dated 1 December 2014, submitted)

8. **CLASSIC EXPERIENCE (PITLOCHRY): VARIATION OF CONDITIONS 4, 5, 6(A) AND 6(B) OF PLANNING PERMISSION REFERENCE 07/01531/REM (ERECTION OF 7 DWELLINGHOUSES, FORMATION OF ACCESS AND INSTALLATION OF FOUL DRAINAGE TREATMENT PLANT) TO ENABLE DWELLINGS ON PLOTS 2, 3, AND 4 TO BE SERVED BY AN EXISTING PRIVATE ACCESS AS CONSTRUCTED: HOUSING AT TORRAN FARM, FORD, LOCHGILPHEAD (REF:14/01904/PP)**

The Major Application Team Leader spoke to the terms of the report. This application seeks to amend the terms of planning permission reference 07/01531/REM which granted planning permission for the erection of seven dwellings, formation of access and installation of foul drainage plant. The proposal seeks to vary the terms of Conditions 4, 5, 6a and 6b relative to this planning permission 07/01531/REM in a manner which removes the requirement for Plots 2, 3 and 4 to be served by an adoption standard road. The proposal is contrary to the provisions of policy LP TRAN 4 of the adopted Local Plan, and the proposed provisions of draft policies LDP 11 and SG LDP TRAN 4 of the emerging Argyll and Bute Local Development Plan and recommended for refusal for the reason stated in the report of handling.

Decision

Agreed to refuse planning permission for the following reason:-

1. The proposal would result in a new residential development which is served by a access regime that is sub-standard in so far as its design would not be commensurate to the scale of development it is to serve, having regard to the standards set out within Policy LP TRAN 4 of the adopted 'Argyll and Bute Local Plan' 2009 which sets out that new development of five or more dwellings is to be served by an adoption standard public road over which the public have a right of access. The lack of an adoption standard access would not be in the interests of road safety or the longer-term maintenance of a means of access intended to serve existing and consented development of up to 15 dwellings, and would be

prejudicial to remaining development capacity within Potential Development Area 12/73.

(Reference: Report by Head of Planning and Regulatory Services dated 4 December 2014, submitted)

9. CELTIC SEA LTD: ERECTION OF 50KW WIND TURBINE (34 METRES TO BLADE TIP): CELTIC SEA LTD, ARDUAINE, BY OBAN (REF: 14/00403/PP)

The Major Applications Team Leader spoke to the terms of the report. Planning permission is sought for the erection of 1 x 34 metre (to blade tip) wind turbine within the Celtic Sea Ltd's land base at Arduaine, on the coast of Loch Melfort. The site is situated within the Knapdale and Melfort Area of Panoramic Quality and the Argyll and Bute Landscape Wind Energy Capacity Study identifies the site subject of the application as being within Landscape Character Type 7b 'Craggy Coasts and Islands'. The proposal has elicited 34 objections, many from residents of the surrounding area plus an objection from Kilninver and Kilmelford Community Council. A number of concerns raised by the objectors are shared by the Planning Service assessment. The proposal would be contrary to Development Plan Policy and the approved Wind Energy Capacity Study which seeks to safeguard designated scenic areas from inappropriate development which would undermine the visual quality and landscape character of such areas. Benefits in terms of the contribution which the proposal would make to renewable energy generation targets and the economic benefit to the business concerned would not outweigh the identified shortcomings of the proposal which was recommended for refusal for the reasons stated in the report of handling. Members were advised that if they were minded to approve this application then a pre determination hearing was recommended in view of the number of objections made to this application.

Motion

To agree to refuse planning permission for the reasons stated in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman

Amendment

To agree to hold a hearing in advance of determination of this application.

Moved by Councillor Robin Currie, seconded by Councillor Neil MacIntyre

The Motion was carried by 6 votes to 4 and the Committee resolved accordingly.

Decision

Agreed to refuse planning permission for the following reason:-

1. The erection of a 34m high (to blade tip) wind turbine, by virtue of its siting, height and motion, close to a sensitive coastal edge with recognised scenic qualities, would introduce an incongruous feature into the Knapdale and Melfort Area of Panoramic Quality, which is an area specifically identified as being worthy of special protection in view of its landscape and scenic qualities, which are derived

in part from the relationship between the land and the sea, which recognises that coastal locations are vulnerable to change and are subject to particular sensitivity to inappropriate forms and scales of development. As recognised by the 'Argyll & Bute Landscape Wind Energy Capacity Study' (2012) this sensitive landscape does not lend itself to a turbine of this height in such proximity to the coast, as is scale and movement would impose significant change upon its immediate surroundings and would impact adversely upon the wider landscape, including an important coastal tourist route.

The proposal is contrary to Policies STRAT DC 5, STRAT DC 8, STRAT RE 1 and STRAT SI 1 of the approved 'Argyll and Bute Structure Plan' and Policies LP CST 2, LP ENV 1, LP ENV 10 and LP ENV 19 of the adopted 'Argyll and Bute Local Plan', and to Policy LDP 6: and Supplementary Guidance SG LDP REN 1 of the 'Argyll & Bute Council Proposed Local Development Plan' (as modified post-Examination 2014) and to the guidance set out in the 'Argyll & Bute Landscape Wind Energy Capacity Study' (2012). There are no other material considerations of sufficient weight, including the contribution which the development could make to renewable energy generation, offsetting the energy costs for the existing business, or to addressing the consequences of climate change, which are of sufficient weight to warrant anything other than the application being determined in accordance with the provisions of the development plan.

(Reference: Report by Head of Planning and Regulatory Services dated 3 December 2014, submitted)

Councillor James McQueen left the meeting during consideration of the foregoing item and did not return until after the vote had been taken.

10. MR BRIAN NEISH: ERECTION OF WIND TURBINE (61 METRES TO BLADE TIP) WITH ASSOCIATED ACCESS TRACK AND HARDSTANDING AREA: LAND NORTH EAST OF BARBRECK FARM, KILCHRENAN, TAYNUILT (REF: 14/01844/PP)

The Major Applications Team Leader spoke to the terms of the report. The proposal is located east of Kilchrenan south of the C31 public road and some 1.4km from Loch Awe and approximately 700m north of Barbreck. The site sites in Sensitive Countryside as per the development plan development control zone Policy STRAT DC 5, however the most appropriate policy assessment for the type of development proposed is against Policy LP REN 1. There has been substantial and primarily local objection to the proposal, including formal objection from Avich and Kilchrenan Community Council. Support expressed by two individuals is recorded in the report, although since that was produced a Mr R Blennie has added his support. Reference was made to supplementary report number 1 which advised of a further representation of support It is considered that the proposal raised substantive concerns over its adverse landscape and visual effects, lack of information regarding the practicality and management of the transport of materials, plant and machinery to the site with no details of the impacts on the public road, and a further lack of information relating to the extent of impacts on archaeology. As such the proposal is not considered consistent with policies LP ENV 1, LP ENV 17, LP ENV 19, LP TRAN 4 and LP REN 1 of the Argyll and Bute Local Plan (2009) nor with Policy LDP 6 and Supplementary Guidance SG LDP REN 1 of the Argyll and Bute Council Proposed Local Development Plan (as modified post-Examination 2014). Furthermore the proposal does not satisfy the guidance given in the Council's Landscape Wind Energy

Capacity Study 2012 and was recommended for refusal for the reasons stated in the report of handling. Members were advised that if they were minded to approve this application then a pre determination hearing was recommended in view of the number of objections made to this application.

Motion

To agree to refuse planning permission for the reasons stated in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman

Amendment

To agree to hold a hearing in advance of determination of this application.

Moved by Councillor Rory Colville, seconded by Councillor Gordon Blair

The Motion was carried by 6 votes to 4 and the Committee resolved accordingly.

Decision

Agreed to refuse planning permission for the following reasons:-

1. The proposal is to site a 61m high wind turbine within a relatively complex and intimate landscape type which the 'Argyll & Bute Landscape Wind Energy Capacity Study' considers to have 'high-medium' landscape sensitivity to the 'medium' typology assessed in the study. The LWECS identifies that 'medium' typology turbines of between 50m and 80m will be difficult to assimilate in areas of smaller scale landform, with smaller scale patterns of land use, as they are likely to exert visual influence over wider landscape settings. The turbine proposed, would produce a focal point disproportionate to the scale of the landscape by virtue of its location, height, rotor diameter and the motion of the blades. Development on this scale would detract from the landscape character of its immediate surroundings and its presence would impact adversely on the scenic qualities of the wider landscape designated as an 'Area of Panoramic Quality'. The proposal would exert an unwelcome and inappropriate visual presence in the landscape as experienced by users of the C31 and residents and visitors to Kilchrenan, and would have adverse consequences for visual amenity and degrade designated scenic assets within the wider 'Area of Panoramic Quality'. The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make to the achievement of renewable energy generation as a component of sustainable development, or the attainment of wider climate change related commitments. It is therefore inconsistent with the provisions of the Scottish Planning Policy 2014 and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2002), to Policy LP ENV 1: Development Impact on the General Environment; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles) and LP REN 1

Wind Farms and Wind Turbines; of the 'Argyll & Bute Local Plan' (2009); Policy LDP 6: Supporting the Sustainable Growth of Renewables and Supplementary Guidance SG LDP REN 1 of the 'Argyll & Bute Council Proposed Local Development Plan' (as modified post-Examination 2014) and guidance set out in the 'Argyll & Bute Landscape Wind Energy Capacity Study' (2012).

2. The proposal will involve the conveyance of abnormal loads along the B845 and C31 a route which is sub-standard in width and alignment. The applicant has not submitted sufficient details to enable the planning authority to conclude that this access route can support the size of vehicles required for the delivery and erection of turbine components. A transport management plan has been requested from the applicant but has not been forthcoming. It is not known how these loads will impact on the road infrastructure, what if any improvements will be required, if any third party land will be necessary for these works, and if so the availability of such land. In the absence of any satisfactory information being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development does not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes, contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the 'Argyll & Bute Local Plan' (2009) and Supplementary Guidance SG LDP TRAN 4: New and Existing, Public Roads and Private Access Regimes and SG LDP TRAN 5: Off-Site Highway Improvements of the 'Argyll & Bute Proposed Local Development Plan' (as modified post-Examination 2014).
3. The proposal has the potential to have significant adverse impacts on the historic environment by virtue of the development not being able to secure a satisfactory relationship with the settings of surrounding assets. The applicant has submitted an assessment of the proposal against the historic assets of the area which concludes that these impacts will be acceptable when set against the benefits of the proposed wind turbine. However, these conclusions are not substantiated by wire lines, photomontages or any other evidence which would enable the planning authority to conclude with certainty that the settings of historic assets would not be inappropriately degraded by development on this scale. Given the lack of suitable evidence to justify the conclusions of section 8 of the Supporting Statement there remains uncertainty as to the extent to which the development respects the settings of historic environment assets. In the absence of evidence to the contrary, the proposal should be regarded as being contrary to the provisions of Policies STRAT DC 9: Historic Environment and Development Control and LP ENV 17: Development Impact on Sites of Archaeological Importance of the 'Argyll & Bute Local Plan' and Policy LDP 3: Supporting the Protection, Conservation and Enhancement of our Environment and Supplementary Guidance SG LDP ENV 20 of the 'Argyll & Bute Proposed Local Development Plan' (as modified post-Examination 2014), and to the advice issued by Historic Scotland on 'Managing Change in the Historic Environment – Setting' (2010) which recommends viewshed analysis and graphic presentations be employed in the assessment of development impact upon the settings of historic environment assets.

(Reference: Report by Head of Planning and Regulatory Services dated 27 November 2014 and supplementary report number 1 dated 15 December 2014, submitted)

11. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS

A report advising of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals was considered.

Decision

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services dated 17 December 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 3 items of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13; 13; and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

12. ENFORCEMENT REPORT - 11/00117/ENOTH2

Consideration was given to enforcement case reference 11/00117/ENOTH2.

Decision

Agreed to note the position and take no action.

(Reference: Report by Head of Planning and Regulatory Services dated 3 December 2014, submitted)

13. ENFORCEMENT REPORT - 13/00276/ENOTH2

Consideration was given to enforcement case reference 13/00276/ENOTH2.

Decision

Agreed to the recommendations detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services dated 3 December 2014, submitted)

14. ENFORCEMENT REPORT - 13/00307/ENBOC2

Consideration was given to enforcement case reference 13/00307/ENBOC2.

Decision

Agreed to the recommendations detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services dated 4 December 2014, submitted)