

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

28 May 2012

SUPPLEMENTARY AGENDA PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

WEDNESDAY 30 MAY 2012 AT 10.30 AM

I enclose herewith supplementary planning reports in respect of items 6 and 10 of the above agenda.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 6. SCOTTISH POWER PLC: FORMATION OF A TEMPORARY CONTRACTOR'S SITE COMPOUND: LAND TO NORTH OF CRUACHAN POWER STATION, TAYNUILT (REF: 12/00213/PP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 4)

- 10. MR AND MRS JOHN SMITH: ERECTION OF DWELLINGHOUSE, INSTALLATION OF PRIVATE SEWAGE TREATMENT FACILITY AND FORMATION OF NEW ACCESS: LAND NORTH WEST OF FINNART FARMHOUSE, FEUINS ROAD, PORTINCAPLE (REF: 12/00818/PP)**
Report by Head of Planning and Regulatory Services (Pages 5 - 6)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Blair	Councillor Rory Colville
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor George Freeman	Councillor Fred Hall
Councillor David Kinniburgh	Councillor Alistair MacDougall
Councillor Robert Graham MacIntyre	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor Sandy Taylor
Councillor Richard Trail	

Contact: Fiona McCallum

Tel. No. 01546 604392

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Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00213/PP

Planning Hierarchy: Local Development

Applicant: Scottish Power Plc

Proposal: Formation of a temporary contractor's site compound

Site Address: Land to north of Cruachan Power Station, Taynuilt, Argyll and Bute, PA33 1AN

SUPPLEMENTARY REPORT NO. 1

(A) BACKGROUND

This Supplementary Report addresses the submission of further details in relation to this application.

An e-mail from the agent acting on behalf of the applicant (28th May 2012) has confirmed that the current application also seeks planning permission for the siting of a mobile toilet portakabin currently located within the south eastern section of the application site. The existing toilet portakabin is predominantly rectangular in shape with a flat roof and provides a facility available for us by visiting contractor's working at Cruachan Power Station on various short-term contracts. There has been no record of any difficulties raised by the retention of this portable building during periods when the site is otherwise unused, and subject to the requirements of recommended conditions being met; it is considered that there are no material considerations that would warrant the refusal of planning permission for this structure. A condition is appropriate to ensure that it is either removed after 10 years, or its condition is re-assessed on application at that time, in view of the limited life expectancy of the structure.

In addition, a further condition in the granting of planning permission is recommended. This requires that no trees or shrubs within the application site are to be lopped, topped, felled or uprooted without the prior written approval of the Planning Authority. The primary reason for this condition is to protect vegetation which is important to the appearance and character of the development site and the surrounding area. In the interests of privacy and amenity, the retention of the trees and shrubs will also ensure that the development is appropriately screened from existing properties in the immediately surrounding area.

(B) RECOMMENDATION:

Having due regard to the development plan and all other material planning considerations, it is recommended that planning permission be granted subject to the conditions and reasons listed in the original report along with those appended to this supplementary report.

Author of Report: Walter Wyllie

Date: 28th May 2012

Reviewing Officer: Richard Kerr

Date: 28th May 2012

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

ADDITIONAL CONDITIONS AND REASONS RELATIVE TO APPLICATION 12/00213/PP

5. No trees or shrubs within the application site as identified by the red line on Drawing No. (OB.02.01/01), shall be lopped, topped, felled or uprooted without the prior written approval of the Planning Authority.

Reason: The landscape features hereby protected, are important to the appearance and character of the development site and their retention ensures that the development is screened from existing properties in the immediately surrounding area.

6. Within 3 months from the date of this permission, the portable building providing toilet facilities hereby approved shall be painted in a recessive colour and thereafter shall be maintained as such. The proposed recessive colour to be used shall be agreed in writing by the Planning Authority prior to the portakabin being painted. Any replacement portable building shall be painted in the same colour as the original structure was required to be painted, unless any variation thereof has been agreed in writing in advance by the Planning Authority.

Reason: In the interests of visual amenity and in order to integrate the structure with its surroundings.

7. Permission is granted for the portable building providing toilet facilities and occupying the application site at the time of this permission for a period up to 30th May 2022, following which it shall be removed from the site, unless on application permission has been granted for its retention for a further period by the Planning Authority.

Reason This temporary structure is one of limited life expectancy, the future of which should be reviewed in the future in the interests of visual amenity.

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Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00818/PP

Planning Hierarchy: Local

Applicant: Mr and Mrs John

Proposal: Erection of dwellinghouse, installation of private sewage treatment facility and formation of new access

Site Address: Land north west of Finnart Farmhouse, Feuins Road, Portincaple

SUPPLEMENTARY REPORT 1

1.0 SUMMARY

The purpose of this report is to advise Members of a late letter of representation which has been received in connection with the above planning application.

2.0 ADDITIONAL INFORMATION

A letter with photographs dated 25th May 2012 has been received from Jerry Bernau, Road End Cottage, Portincaple. The main points of the letter and my comments on them are noted below:

- The site is covered in bluebells which are protected by the Wildlife and Countryside Act which makes it an offence to uproot the plant.

Comment: The Wildlife and Countryside Act 1981 (as amended) makes it an offence to intentionally or recklessly uproot any wild plant without the permission of the owner or occupier of the piece of land in question. The bluebell is listed under Schedule 8 but only receives partial protection which means that it is not an offence to pick bluebells but it is an offence to sell, offer, advertise or possess for sale live or dead plants. The presence of bluebell does not preclude the development of the site and it would not be an offence for the owner to excavate for development.

- Should the application be approved the soil containing the bluebells should be carefully stored and thereafter used for natural landscaping on the site.

Comment: It would be open to the applicant to do this, however, it would be unreasonable to require it as a planning condition.

- The land in question is home to a wide variety of wildlife including nightjars, cuckoos and bullfinches which are all species selected for action in the Argyll and Bute Biodiversity Action Plan.

Comment: The site does not have any statutory or non-statutory nature designations and the presence of above species would not provide a competent reason for the refusal of the planning application.

The above noted representation does not change the recommendation in the original report, namely that planning permission be granted as a 'minor departure' to development plan policy subject to conditions and a PAN 41 Hearing.

Author: Sandra Davies

Contact Point: Howard Young 01436 658884

Angus J Gilmour

Head of Planning & Regulatory Services

28th May 2012