

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 23 FEBRUARY 2022**

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

Councillor Rory Colville	Councillor Roderick McCuish
Councillor George Freeman	Councillor Jean Moffat
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail
Councillor Donald MacMillan BEM	

**Attending:** Fergus Murray, Head of Development and Economic Growth  
Shona Barton, Committee Manager  
Peter Bain, Development Manager  
Tim Williams, Area Team Leader – Oban, Lorn and the Isles  
Sandra Davies, Major Applications Team Leader  
Howard Young, Area Team Leader – Bute & Cowal/Helensburgh & Lomond  
Derek Wilson, Development Management Officer  
Steven Gove, Planning Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mary-Jean Devon, Audrey Forrest and Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES**

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 19 January 2022 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning Protective Services and Licensing Committee held on 19 January 2022 at 2.00 pm was approved as a correct record.

**4. MR ASHLEY TOOLE: SUB DIVISION OF 1 NO. 2 BEDROOMED FLAT INTO 2 NO. 1 BEDROOMED FLATS: 5 POLFEARN HOUSE, TAYNUILT (REF: 19/00774/PP)**

The Area Team Leader spoke to the terms of the report. Planning permission is sought for the sub division of a single two bedroomed flat split over two storeys (ground floor and first floor) into two separate one bedroom flats utilising the same access/egress arrangements and wholly contained within the existing building without the need for any extension or material external alteration. The sub division of the flat into two separate units is considered to be an acceptable proposal within this building which was previously sub divided to form individual apartments. However, the site is within the coastal flood risk area and at the limits of the fluvial flood plain of the River Awe (which is tidal at this point) as per SEPA Flood Maps (2014). Accordingly, SEPA has objected to the proposal

advising that they categorise the proposed development as one seeking to add 'buildings used for dwelling houses', which comprises a 'Highly Vulnerable Land Use' within an area of 'medium to high coastal and fluvial flood risk'. Whilst SEPA acknowledge that the development would have the same footprint, they state that it would increase the number of properties located within an area identified as being at flood risk and with no safe access/egress. SEPA maintain that this is contrary to national planning policy and that the proposed development does not accord with their published flood risk and land use vulnerability guidance.

The considered and pragmatic opinion of Officers in this specific case is that whilst the proposal will, technically, result in the creation of one additional residential unit within what is currently an 11 apartment residential complex, there will be no actual physical increase in the development at risk of flooding, with each of the proposed two flats having one bedroom whereas the current flat has two bedrooms. There will, therefore, be no likely increase in the actual occupancy levels of the building. Accordingly, it is not considered that there will be any 'real world' change in vulnerability of the proposed development from flood risk.

While it must be accepted that the proposed development is contrary to both national and local flood risk planning policy, it is recommended that having due regard to the Development plan and all other material considerations that planning permission be granted as a minor departure to the provisions of the Local Development Plan subject to the condition and reason detailed in the report of handling and that the Scottish Government be notified of the Council's intention to grant planning permission for this development contrary to the advice of SEPA under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

## Decision

The Committee agreed to grant planning permission as a minor departure to the provisions of the Local Development Plan subject to the following condition and reason and the Scottish Government being notified of the Council's intention to grant planning permission for this development contrary to the advice of SEPA under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009:-

1. The development shall be implemented in accordance with the details specified on the application form dated **15.04.2019**; supporting information and, the approved drawings listed in the table below 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.

Plan Title.	Plan No.	Ref.	Version	Date Received
Location Plan	1926 03			18.04.2019
Plan and Elevations as Existing	1926 01			18.04.2019
Plan and Elevations as Proposed	1926 02			18.04.2019

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

(Reference: Report by Head of Development and Economic Growth dated 31 January 2022, submitted)

**5. MR SEAN MURDOCH: SUB DIVISION OF 1 NO.4 BEDROOM FLAT TO 2 NO. 2 BEDROOM FLATS: FLAT 2/1, 14 SOROBA ROAD, OBAN (REF: 21/01202/PP)**

The Area Team Leader spoke to the terms of the report. Planning permission is sought for the sub division of a first floor four bedroom flat into two separate two bedroom flats utilising the same access/egress arrangements and wholly contained within the existing building without the need for any extension or material external alteration. The site is located within the main town centre of Oban. All works to facilitate the sub division of the flat are internal and with no works proposed to the exterior of the building. The sub division of the flat is considered to be an acceptable proposal within this area of the town centre. However, the site is completely overlain by the indicative limits of flooding as per the SEPA Fluvial Flood Maps (2014) due to the proximity of the site to the Black Lynn Burn and accordingly SEPA has objected to the proposal advising that they categorise the proposed development as one seeking to add 'buildings used for dwelling houses', which comprises a 'Highly Vulnerable Land Use' within an area of 'medium to high coastal and fluvial flood risk'. Whilst SEPA acknowledge that the development would have the same footprint, they state that it would increase the number of properties located within an area identified as being at flood risk and with no safe access/egress. SEPA maintain that this is contrary to national planning policy and that the proposed development does not accord with their published flood risk and land use vulnerability guidance.

The considered and pragmatic opinion of Officers in this specific case is that whilst the proposal will, technically, result in the creation of one additional unit of residential accommodation within what is currently a single residential unit, there will be no actual physical increase in the development at risk of flooding, with each of the proposed two flats having two bedrooms whereas the current flat has four bedrooms. There will, therefore, be no likely increase in the actual occupancy levels of the building. Accordingly, it is not considered that there will be any 'real world' change in vulnerability of the proposed development from flood risk.

While it must be accepted that the proposed development is contrary to both national and local flood risk planning policy, it is recommended that having due regard to the Development plan and all other material considerations that planning permission be granted as a minor departure to the provisions of the Local Development Plan subject to the condition and reason detailed in the report of handling and that the Scottish Government be notified of the Council's intention to grant planning permission for this development contrary to the advice of SEPA under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

### **Decision**

The Committee agreed to grant planning permission as a minor departure to the provisions of the Local Development Plan subject to the following condition and reason and the Scottish Government being notified of the Council's intention to grant planning permission for this development contrary to the advice of SEPA under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009:-

1. The development shall be implemented in accordance with the details specified on the application form dated **07/06/21**; supporting information and, the approved drawings listed in the table below 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.

<b>Plan Title.</b>	<b>Plan No.</b>	<b>Ref.</b>	<b>Version</b>	<b>Date Received</b>
As Existing and Scheme Design	2125 01			08/06/21

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

(Reference: Report by Head of Development and Economic Growth dated 27 January 2022, submitted)

**6. CREAG DHUBH RENEWABLES LLP: CONSTRUCTION OF WIND FARM COMPRISING OF 9 WIND TURBINES (MAXIMUM BLADE TIP HEIGHT 145M), FORMATION OF 5.6KM NEW ACCESS TRACK, ERECTION OF SUB STATION BUILDING, WELFARE BUILDING TEMPORARY CONSTRUCTION COMPOUND AND 2 BORROW PITS: CREAG DHUBH WINDFARM, CREAG DUBH, NORTH EAST OF STRACHUR VILLAGE (REF: 19/02544/PP)**

The Major Applications Team Leader spoke to the terms of the report. Before proceeding with her presentation, she referred to an error at section J of Appendix A of the report which stated that the Argyll Raptor Study Group had not responded to information sent to them. She explained that it was thought this information was sent to the Group at the same time as to NatureScot and the RSPB. On further investigation it was established that the information was not sent to the Group as they were not a statutory consultee. Officers have apologised to the Group for this error and oversight.

The site is situated over 1km to the northeast of the village of Strachur, with the proposed wind turbines located approximately 3km from the village. The wind farm would be located on the slopes of Creag Dhub, 484m AOD at its summit, and partially below Creag an t-Suidheachain, across an area of commercial forestry and open moorland. In terms of the SPP's requirement for spatial frameworks for onshore wind energy proposals and the Spatial Framework for Argyll & Bute as set out in SG2 (December 2016) the site is located within a Group 2 area (Areas of significant protection) due to the mapped presence of Class 2 nationally important carbon rich soils, potentially of high conservation value and restoration potential. Objections have been received from NatureScot and Loch Lomond & the Trossachs National Park on the grounds that it would have an adverse effect on the special qualities and that the objectives of the designation and the overall integrity of the area would be compromised. NatureScot considers that these effects cannot be mitigated. The RSPB have objected on the grounds of insufficient Golden Eagle data. Sixteen letters of representation have also been received comprising 14 objections and 2 letters of support.

The proposal is considered contrary to National and Local Policy and Guidance. It is also considered that the proposal will have significant adverse landscape and visual impacts and it is recommended that planning permission be refused for the reasons detailed in the report of handling.

### **Decision**

The Committee agreed to refuse planning permission for the following reasons:

## 1. Loch Lomond & the Trossachs National Park (LLTNP)

The location and scale of the proposal represents a step change in the proximity, prominence and visual intrusion of wind farms on this western part of the Loch Lomond and the Trossachs National Park giving rise to significant effects on some of the National Parks Special Landscape Qualities. The scale and location of the proposal will result in a significant adverse effect on four Special Landscape Qualities of the National Park – Arrochar’s Mountainous and Distinctive Peaks; A Remote Area of High Hills and Deep Glens; Tranquility; and The Easily Accessible Landscape Splendour. Significant effects will result in relation to two sets of qualities:

- Specific effects on the Argyll Forest area and in particular to the views west from the distinctive hilltops, ridges and glens closest to the proposed turbines and the general experience of remoteness, isolation and stillness experienced in these locations.
- General qualities of tranquillity and landscape splendour applicable to the LLTNP as a whole, but which are also well expressed in the study area on its western edge.

Consequently, the proposal would result in a significant adverse effect on some of the Special Landscape Qualities of Loch Lomond and the Trossachs National Park, and the objectives of the designation and the overall integrity of the area would be compromised.

**Taking into account that NatureScot and the National Park Authority have both objected to this proposal and having due regard to the above it is considered that the proposal is contrary to the provisions of SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 - Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP; The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore Wind Policy Statement; SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017); and ‘Argyll & Bute Landscape Wind Energy Capacity Study’ SNH and ABC (2017);**

## 2. Landscape Effects

The proposal would have significant adverse effects on part of the Steep Ridges and Mountains Landscape Character Type principally extending up to 4km from the development site. The proposal would introduce new large-scale infrastructure to this unit of the Landscape Character Type and would detract from the sharp ridges and open tops which are key characteristics of the Landscape Character Type. The proposed turbines would dominate the narrow extent and intimate scale of Succoth Glen.

The Rocky Coastland Landscape Character Type comprises a narrow intermittent coastal fringe on both the north-west and south-east coasts of Loch Fyne. This a small-scale, settled landscape which is highly sensitive to large wind turbines. The proposal would not be located in the Landscape Character Type but would lie in close

proximity to unit LCT53 (1) and within approximately 6km from unit LCT53 (2) which covers the Inveraray area. Argyll & Bute Council consider that there would be significant adverse effects on LCT53 (1) in the Strachur area. These effects would principally relate to the effects of the introduction of new large-scale infrastructural features which would dominate the scale of settlement and detract from the setting of this small part of the *Rocky Coastland* LCT.

**Having due regard to the above it is considered that the proposal is contrary to the provisions of SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 - Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP; The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore Wind Policy Statement; SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017); and ‘Argyll & Bute Landscape Wind Energy Capacity Study’ SNH and A&BC (2017);**

### 3. Visual Effects

Visibility of the proposed wind farm would be focussed at the head and middle sections of Upper Loch Fyne within Argyll & Bute (but with views also from the summits and elevated slopes and ridges of the Arrochar Alps and other mountains within the Loch Lomond & the Trossachs National Park). The wooded nature of the shores and slopes above Loch Fyne will restrict visibility of the proposal with more open views occurring in the Strachur, Inveraray areas, from the open waters of the loch and intermittently from the A83 and the adjacent north-western fringes of Loch Fyne within Argyll & Bute. Argyll & Bute Council consider that the following significant adverse effects would occur on visual amenity within the Council area:

- ***On sections of the important tourist route of the A83.*** While woodland screens views from much of the A83, there would be intermittent open views between Minard and Furnace, from Dalchenna to Inveraray and on elevated shoulders around VP10 and above Minard Castle in the Tullochgorm area which offer expansive views along Loch Fyne when travelling north-eastwards. The full vertical extent of turbines would not be seen although the proposal would introduce built features on the presently open skyline of hills and ridges which backdrop and frame views along Loch Fyne to its dramatic head and in an area where very little obvious large built infrastructure is currently present this increasing the focus provided by the proposed turbines. Additional Viewpoint 23 from near Furnace further demonstrates these effects.
- ***Views from settlement on the north-western shores of Loch Fyne*** Representative VPs 4, 12 and 16 are located in Inveraray, Furnace and Minard. It is accepted that effects on Furnace would not be significant due to screening by landform and woodland. The Cultural Heritage section of the EIAR found no significant effects on the Inveraray Conservation Area with reference to key views. This appraisal additionally considers views from the Shore Walk which is popular with visitors and concludes that effects would be significant taking into account the high susceptibility and value (and therefore sensitivity) of VP4, the magnitude of change would be medium (taking into account the proximity of the development, the extent and composition of the view and its horizontal spread but also the

relatively limited vertical extent of turbines visible) resulting in a significant effect. In Minard while many residential properties within this settlement face directly across the loch towards Lachlan Bay and therefore away from the proposal, views would be more direct and open for walkers and watercraft users on the loch itself. The turbines would interrupt views to the Arrochar Alps within the Loch Lomond & the Trossachs National Park, with some highlighted against the darker backdrop of these mountains increasing visibility in certain lighting conditions.

- **Strachur area** Views from in and around Strachur including from the A886 on the approach to the core of this settlement and from the open waters of Strachur Bay where there are moorings. The southern-most (up to two) turbines would be intrusive and would appear visually precarious in some close views (for example EIA VP3) due to their location on very steep slopes and in views from the A815 and from the Cowal Way where it is aligned in Glen Succoth.
- **Views from within the Inveraray Castle GDL** including from the popular walk to Dun na Cuaiche on the approach to and from the watch tower and its surrounds. Although the wind farm would be seen in the least dramatic part of the view from Dun na Cuaiche (away from Inveraray town and the mountains of the Loch Lomond & the Trossachs National Park) it would be distracting, with some turbines visible above hub height and with the movement of blades clearly seen over the skyline of the long and relatively low Creag Dhubh ridge. The Watch Tower has two window openings facing south-west towards Inveraray and down Loch Fyne and south-east directly towards the Creag Dhubh ridge and the proposal.

**Having due regard to the above it is considered that the proposal is contrary to the provisions of SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 - Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP; The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore Wind Policy Statement; SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017); and ‘Argyll & Bute Landscape Wind Energy Capacity Study’ SNH and ABC (2017).**

#### 4. Effects on valued landscapes

There would be visibility of the proposal from parts of the Area of Panoramic Quality (APQ) designated area around Loch Fyne. While the APQ is mapped as a terrestrial designation, Loch Fyne is an essential part of the panoramic quality of this part of the designation. The proposal would not be located in the APQ designated area around Loch Fyne but would have indirect effects on some of its special qualities. These comprise significant adverse effects on the dramatic head of Loch Fyne, experienced in more distant intermittent views from the north-western side of Loch Fyne and from the open waters of Loch Fyne (VPs 10, 11 and 16 demonstrate these views although it should be noted that no viewpoint has been produced in the EIA from the loch itself). Significant cumulative effects would occur with the operational Clachan Flats on some of these long views along Loch Fyne where both wind farms would interrupt and distract from the dramatic mountains of the LLTNP. The proposal would significantly adversely affect the presently open and uncluttered hills which provide a backdrop and

frame views across and along Loch Fyne seen from the elevated views from within APQ such as Dun na Cuaiche summit.

**Having due regard to the above it is considered that the proposal is contrary to the provisions of SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 - Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP; The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore Wind Policy Statement; SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017); and ‘Argyll & Bute Landscape Wind Energy Capacity Study’ SNH and ABC (2017).**

## 5. Tourism and Recreation Effects

As detailed in reason for refusal no.1, the proposal would result in a significant adverse effect on some of the Special Landscape Qualities of Loch Lomond and the Trossachs National Park and consequently, the objectives of the designation and the overall integrity of the area would be compromised. The presence of adverse landscape and visual impacts on Loch Lomond and the Trossachs National Park would suggest that the development may influence public attitudes to a point where tourists might become dissuaded from visiting. Whilst the proposed wind farm is not within the Loch Lomond and the Trossachs National Park, it will be visible from within the National Park and an inappropriately scaled and sited development will raise issues in relation to scenic sensitivity and capacity to absorb large scale development.

**Having due regard to the above, the proposal poses adverse impacts on tourism and recreation and is therefore inconsistent with the provisions of: SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 –Landscape; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.**

(Reference: Report by Head of Development and Economic Growth dated 11 February 2022, submitted)



**7. SOUTH ISLAY DEVELOPMENT: ERECTION OF NEW COMMUNITY HUB TO REPLACE THE FORMER PAVILION, RELOCATION OF PLAY AREAS, UPGRADED ACCESS AND PARKING, INCREASED MOTOR HOME STANCES, CONSTRUCTION OF NEW TOILET/SHOWER BLOCK, SITING OF 5 NO. STORAGE CONTAINERS AND TEMPORARY CHANGE OF USE TO FACILITATE HOT FOOD TAKEAWAY VAN: PORT ELLEN PLAYING FIELDS LAND ADJACENT TO FILLING STATION, CHARLOTTE STREET, PORT ELLEN, ISLE OF ISLAY (REF: 21/01679/PP)**

The Development Management Officer spoke to the terms of the report. The application site relates to community owned land and playing fields at the Ramsay Hall, Port Ellen and is located within the Key Rural Settlement of Port Ellen. The site lies within the Islay Tourism Development Area and the extension of an existing motorhome site by provision 8 additional would cumulatively fall within the definition of 'medium' scale development. The development is however located within an Open Space Protection Area (OSPA). In this instance the creation of the motorhome site would result in the loss of an existing equipped play area within the OSPA; whilst the Applicant has proposed that this be relocated elsewhere there will be a net loss of land available for use as public open space within the OSPA as a result of the development. The proposal represents a significant investment in the improvement of existing community and playfield facilities. Whilst the net loss of public open space is identified to be a justified minor departure to the provisions of policies LDP 8 and SG LDP REC/COM2, the proposal is otherwise considered to be consistent with all other relevant aspects of the Local Development Plan. The application has given rise to 37 letters of objection, the majority of which cite matters relevant to planning and the use of land. Accordingly it is considered that a discretionary pre-determined hearing would add value.

It was recommended that planning permission be granted subject to holding of a discretionary pre-determination hearing and to the conditions and reasons detailed in the report of handling.

**Decision**

The Committee agreed to hold a virtual discretionary hearing and to not hold an informal site visit.

(Reference: Report by Head of Development and Economic Growth dated 15 February 2022, submitted)

**8. MR JON SEAR - PORT BANNATYNE DEVELOPMENT TRUST: REPLACEMENT OF ROOF COVERING; INSTALLATION OF SOLAR PV PANELS AND FORMATION OF NEW DOOR WITH FLAT ROOF ON SINGLE STOREY PART OF PUBLIC HOUSE; AND CHANGE OF USE OF LAND TO REAR TO FORM OUTDOOR SEATING AREA WITH ASSOCIATED GABION BASKET RETAINING WALL AND FENCE: 33 - 34 MARINE ROAD, PORT BANNATYNE, ISLE OF BUTE (REF: 21/01912/PP)**

The Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised of a late representation. The Anchor Tavern is located on Marine Road, which is visually prominent in the Port Bannatyne townscape. The application site is located within the Bute Area of Panoramic Quality and the Rothesay Conservation Area. The most significant changes are proposed to the rear of the building and, although this can be seen from Quay Street, the significance of this aspect is relatively minimal. It is

considered the various elements of the proposal that would alter the exterior of the building and adjoining land would have a 'neutral' effect thereby preserving the character and appearance of this part of the Conservation Area. A total of 17 objections have been received to the proposed development. However, land use planning related issues raised are not considered to be unduly complex. It is considered that the proposed development is consistent with the relevant provisions of the Local Development Plan. A Noise Management Plan has been submitted by the Applicant and, having considered the details contained in this document, the Environmental Health Officer is satisfied and is recommending no objection to this proposal.

It was recommended that planning permission be granted subject to the conditions and reasons and informative notes detailed in the report of handling.

## Decision

The Committee agreed to grant planning permission subject to the following conditions, reasons and informative notes:

1. Unless otherwise required by any of the conditions below, the development shall be implemented in accordance with the details specified on the application form dated 8<sup>th</sup> September 2021; the addendum dated 18<sup>th</sup> November 2021; the supporting information; and the approved drawings listed in the table below 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.

Plan Title.	Plan Ref. No.	Version	Date Received
<b>Location Plan</b>	<b>Drawing No. 2107 – 001</b>	-	<b>09/09/2021</b>
<b>Site Plan</b>	<b>Drawing No. 2107 – 002</b>	<b>A</b>	<b>09/09/2021</b>
<b>Plan as Existing</b>	<b>Drawing No. 2107 – 010</b>	<b>A</b>	<b>01/02/2022</b>
<b>Plan of Roof as Existing</b>	<b>Drawing No. 2107 – 011</b>	<b>B</b>	<b>01/02/2022</b>
<b>Section A-A as Existing</b>	<b>Drawing No. 2107 – 012</b>	<b>B</b>	<b>01/02/2022</b>
<b>Elevation to South as Existing</b>	<b>Drawing No. 2107 – 013</b>	<b>B</b>	<b>01/02/2022</b>
<b>Plan of Ground Floor as Proposed</b>	<b>Drawing No. 2107 – 014</b>	<b>F</b>	<b>01/02/2022</b>
<b>Plan of Roof as Proposed</b>	<b>Drawing No. 2107 – 015</b>	<b>C</b>	<b>01/02/2022</b>
<b>Section A-A as Proposed</b>	<b>Drawing No. 2107 – 016</b>	<b>G</b>	<b>01/02/2022</b>
<b>Sections B-B and X-X as Proposed</b>	<b>Drawing No. 2107 – 017</b>	<b>C</b>	<b>01/02/2022</b>
<b>Elevation to South as Proposed</b>	<b>Drawing No. 2107 – 018</b>	<b>E</b>	<b>01/02/2022</b>

<b>External Door</b>	<b>Drawing No. 2107 – 020</b>	-	<b>21/10/2021</b>
<b>Boundary Fence Typical Detail</b>	<b>Drawing No. 2107 – 024</b>	-	<b>01/02/2022</b>

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

- Unless otherwise agreed in writing, and with the exception of the mitigation measure identified in Point No. 5, the management of the area referred to as 'Terrace' in Drawing No. 2107 – 014 Rev F ('Plan of Ground Floor as Proposed') shall be carried out in accordance with the document titled 'Noise Management Plan – The Anchor Garden, Port Bannatyne' that accompanied the e-mail from Mr Jon Sear dated 31<sup>st</sup> January 2022. The easternmost boundary treatment stated in Point No. 5 of the document shall be installed in accordance with the details approved under Condition 3 of this permission.

Reason: In the interests of protecting the privacy and amenity of the residents of neighbouring properties.

- Prior to the first use for the congregation of people of the area referred to as 'Terrace' in Drawing No. 2107 – 014 Rev F ('Plan of Ground Floor as Proposed'), full details of the fencing (or similar) that is to be erected along the easternmost boundary of the site shall be submitted to and approved in writing by the Planning Authority. The approved boundary treatment shall be fully installed prior to the first use of this area for the congregation of people unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of protecting the privacy and amenity of the residents that use the private amenity space to the immediate east of the application site.

- Prior to the commencement of any works in relation to the replacement of the roof hereby approved (or such other timescale as may be agreed in writing with the Planning Authority), details of the new roof covering that is to be installed shall be submitted to and approved in writing by the Planning Authority. The new roof shall be installed in accordance with the agreed details unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of visual amenity and for the avoidance of doubt.

- Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), full details of any external lighting to be used within the site shall be submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

No external lighting shall be installed except in accordance with the duly approved scheme.

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

6. Prior to the commencement of the development, a survey shall be undertaken within the application site in relation to the presence of bats, birds and other wildlife species and the results of this, together with details of a watching brief to be carried out during development works, shall be submitted to and approved in writing by the Planning Authority. The watching brief shall be undertaken in accordance with the agreed details unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

7. Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a scheme of surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall incorporate the following details of:
  - i) Existing and proposed ground levels in relation to an identified fixed datum
  - ii) Any works to trees in or adjacent to the application site
  - iii) Surface treatment for the area referred to as '*Terrace*' in Drawing No. 2107 – 014 Rev F ('*Plan of Ground Floor as Proposed*')
  - iv) Proposed landscaping works including the location, species and size of every tree/shrub to be planted
  - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance

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

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.

## NOTES TO APPLICANT

- **Length of permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion of Development' to the Planning Authority specifying the date upon which the development was completed.

(Reference: Report by Head of Development and Economic Growth dated 15 February 2022 and supplementary report number 1 dated 22 February 2022, submitted)

Councillor Donald MacMillan left the meeting at this point.

**9. MR DAVID BLAIR: CHANGE OF USE OF LAND FOR SITING OF TIMBER ARK SCULPTURE (RETROSPECTIVE): LAND TO THE NORTH WEST OF COILL BEAG WOODLAND, TIGHNABRUAICH (REF: 21/02190/PP)**

The Planning Officer spoke to the terms of the report. Planning permission is sought in retrospect for the siting of an ark sculpture on an elevated area of ground approximately 135 metres to the east of a car parking layby adjacent to the A8003 road and to the north west of Coill Beag woodland in Tighnabruaich. The site is located in 'Countryside' for the purposes of the Argyll and Bute Local Development Plan 2015, in which only certain scales and types of development gain immediate support. In this case, an 'exceptional case' requires to be demonstrated but it is not considered that the undertaking of a full Area Capacity Evaluation would add value to the assessment of the application. The Applicant has stated that the sculpture was created to raise awareness of the scale and urgency of the climate and ecological emergency; that it was designed to start conversations and inspire action; and was located so that it could be viewed from the car parking layby with the possibility of people choosing to walk up to it. It is considered that these points (and other factors), when taken cumulatively, represent a form of 'exceptional case'. The visual impact of the development is relatively confined given that it can be seen only over a very short stretch of the A8003. Although located within the Kyles of Bute National Scenic Area and in the 'Craggy Upland – Argyll' Landscape Character Type, it does not impinge to a significant degree on either the special qualities of the NSA or the key features of the Landscape Character Type that have been identified by NatureScot and its predecessor, Scottish Natural Heritage. An objection has been received from one source but many of the points raised do not have a material bearing upon the Planning aspects of the case.

It was recommended that planning permission be granted subject to the conditions and reasons set out in the report of handling. It was also recommended that prior to the decision paperwork being issued, the Development Management Service obtain appropriately scaled plans containing a red line within which the accurate description of the Ark Sculpture is drawn.

### **Decision**

The Committee agreed to grant planning permission subject to the following conditions and reasons, noting that prior to the decision paperwork being issued, the Development Management Service would obtain appropriately scaled plans containing a red line within which the accurate description of the Ark Sculpture is drawn:

1. This permission shall cease on or before 1<sup>st</sup> March 2027 other than in the event of a further Planning Permission for continued use having been granted upon application to the Planning Authority. Within one month of the cessation of the use, the ark sculpture shall be removed from the site and the land shall be restored in accordance with a

reinstatement scheme to be submitted to and approved in writing in advance by the Planning Authority.

Reason: In order that the Planning Authority may review the circumstances pertaining to the development within a reasonable period of time and in the interests of visual amenity.

2. Notwithstanding the requirements of condition 1, in the event that the condition of the structure falls into serious disrepair, the ark sculpture shall be removed from the site and the land shall be restored in accordance with a reinstatement scheme to be submitted to and approved in writing by the Planning Authority.

Reason: in the interests of amenity and public safety.

(Reference: Report by Head of Development and Economic Growth dated 3 February 2022, submitted)

#### **10. KEY PERFORMANCE INDICATORS FQ3 2021/22 - DEVELOPMENT AND ECONOMIC GROWTH SERVICE**

A paper presenting the FQ3 2021/22 Key Performance Indicators (KPIs) for the Development and Economic Growth Service was considered.

##### **Decision**

The Committee reviewed and scrutinised the FQ3 2021/22 KPI report as presented.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 24 January 2022, submitted)

#### **11. PLANNING PERFORMANCE FRAMEWORK 2020/21**

A report containing feedback from the Scottish Government in relation to the Council's Planning Performance Framework was considered.

##### **Decision**

The Committee agreed the content of the report and to publicise (*press, Twitter, Facebook and website release*) the positive feedback from the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 4 February 2022, submitted)

#### **12. UPDATE ON PLANNING APPEAL REFERENCE: PPA-130-2080 - LAND SOUTH EAST OF CASTLE TOWARD, TOWARD**

A report providing an update on the recent decision by the Planning and Environmental Appeals Division in relation to Planning Appeal Reference PPA-130-2080 was before the Committee for information.

##### **Decision**

The Committee noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth, submitted)