

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 20 APRIL 2022**

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

Councillor Gordon Blair	Councillor Roderick McCuish
Councillor Rory Colville	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

**Attending:** Stuart Mclean, Committee Manager  
Peter Bain, Development Manager  
Sandra Davies, Major Applications Team Leader  
Howard Young, Area Team Leader – Bute & Cowal/Helensburgh & Lomond  
Arlene Knox, Senior Planning Officer  
Derek Wilson, Development Management Officer  
Steven Gove, Planning Officer – Bute and Cowal  
Antwi Tiwaah, Planning Officer – Mid Argyll, Kintyre and the Islands  
Fiona Scott, Planning Officer – Oban, Lorn and the Isles  
Graeme McMillan, Solicitor

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest and Graham Archibald Hardie.

**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 23 March 2022 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 23 March 2022 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 24 March 2022 was approved as a correct record.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE VEHICLES**

Following the Committee's decision on 17 November 2021 to publish a list of designated wheelchair accessible vehicles (WAVs) for licensed taxis and private hire cars within the Council's area for the purposes of Section 167 of the Equality Act 2010, and subsequent approval of the WAV Specification Document on 15 December 2021, a consultation exercise with potentially affected operators has been concluded.

A report setting out the findings of that consultation exercise and a finalised list of designated WAVs for approval by Members was considered.

## **Decision**

The Committee agreed:

1. to note the responses received as part of the consultation exercise with the relevant taxi and private hire vehicle operators;
2. to approve the finalised list of designated wheelchair accessible vehicles as detailed at Appendix 1 of the report; and
3. that the finalised list of designated WAVs would be published on the Council's website as of 21 July 2022.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 11 April 2022, submitted)

### **5. THE SCOTTISH GOVERNMENT ON BEHALF OF ENERGIEKONTOR UK LTD: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO NARACHAN WIND FARM: NARACHAN HILL, LAND EAST OF TAYINLOAN (REF: 20/00212/S36)**

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised on correspondence received from the Applicant in regard to aviation lighting, West Kintyre Community Council, Ironside Farrar, and night time visualisations. Since publication of the supplementary report the Energy Consents Unit have advised that confirmation has been received from Ironside Farrar that they are content with the revised Peat Landslide Hazard Risk Assessment submitted by the Applicant.

In Scotland, any application to construct or operate an onshore power generating station, in this case, a wind farm, with an installed capacity of over 50 megawatts requires the consent of Scottish Ministers under Section 36 of the Electricity Act. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit. Section 52(2) of the Town and Country Planning (Scotland) Act 1997 allows the Scottish Ministers, on granting consent under Section 36, to direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction. The Council's role in this process is one of consultee along with various other consultation bodies. In the event that consent is given the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement of such conditions.

The site is located approximately 1.6km east of Tayinloan. It extends to approximately 1228 hectares and consists predominately of coniferous plantation. There are areas of peat and blanket bog present throughout, and a number of water features. There are no large settlements within 5km of the proposal. Residential development within the locality of the site is limited to a small number of settlements and farmsteads linked by minor roads. In terms of the Local Development Plan Settlement Strategy, the main wind farm site area is located within a combination of Countryside Zone and Very Sensitive Area; the southern access is located in a combination of Rural Opportunity Area and Countryside Zone.

This report reviews the policy considerations applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with consultation undertaken by the Council, and third party opinion expressed to the Scottish Government.

It was recommended that Members agree that the Council does not object, subject to the Energy Consents Unit considering the pre determination matters and conditions as detailed in the report.

### **Motion**

To agree that the Council should not object to this proposal, subject to the Energy Consents Unit considering the pre determination matters and conditions as detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Gordon Blair.

### **Amendment**

To agree to object to this application on the grounds of visual impact.

Moved by Councillor Alastair Redman, seconded by Councillor Roderick McCuish.

A vote was taken by calling the role.

#### Motion

Councillor Blair  
Councillor Colville  
Councillor Green  
Councillor Kinniburgh  
Councillor MacMillan  
Councillor Taylor  
Councillor Trail

#### Amendment

Councillor McCuish  
Councillor Moffat  
Councillor Redman

The Motion was carried by 7 votes to 3 and the Committee resolved accordingly.

### **Decision**

The Committee agreed that the Council should not object to this proposal, subject to the Energy Consents Unit considering the pre determination matters and conditions as detailed in Appendix A (section X) of the report.

(Reference: Report by Head of Development and Economic Growth dated 11 April 2022 and supplementary report number 1 dated 14 April 2022, submitted)

Councillor George Freeman left the meeting during consideration of the foregoing item.

**6. MR RUSSELL CHOPPING & MRS SUSAN KERR: ERECTION OF FENCING AND DECKING; ERECTION OF TWO WOOD STORES; AND SITING OF STORAGE BOX (RETROSPECTIVE): 5 ARDENCRAIG CHALET, ARDENCRAIG ROAD, ROTHESAY, ISLE OF BUTE (REF: 21/02023/PP)**

The Planning Officer for Bute and Cowal spoke to the terms of the report. The site comprises an existing chalet and its associated curtilage located within the main town settlement of Rothesay. The seven chalet development at Arden Craig is located within the Rothesay Conservation Area. Chalet 5, which is the subject of the current application, is located at the southern end of the single tier of chalets. It is the property that has been altered the most since the seven chalets began to be sold as separate entities in the mid-2000s. It has been extended and modified so is larger than the other chalets and planning permission was also given in April 2009 for it to be occupied as a dwellinghouse as opposed to the original holiday accommodation. A total of 15 objections to the application have been received. It is considered that, whilst the development is not wholly consistent with the relevant provisions of the Local Development Plan, there are mitigating measures that can be undertaken that allow the development to be approved as a minor departure.

It is considered that the fencing, whilst introducing a physically defined boundary at odds with the predominant openness of the chalet curtilages, can be suitably landscaped such that its visual impact would be lessened to an acceptable level. As such, it can be supported as a minor departure to the Local Development Plan.

The replacement decking and minor ancillary structures have a 'neutral' effect thereby preserving the character and appearance of both the subject chalet and the wider Rothesay Conservation Area in accordance with the relevant national and local planning policy and supplementary guidance.

It was recommended that planning permission be granted as a minor departure to the Local Development Plan subject to the condition and reason set out in the report of handling.

### **Decision**

The Committee agreed to grant planning permission as a minor departure to the Local Development Plan subject to the following condition and reason:

1. Within two months of the date of this permission, a planting plan and schedule shall be submitted to and approved in writing by the Planning Authority that shall include details of:
  - (i) Existing landscaping features and vegetation to be retained.
  - (ii) Proposed landscaping works in relation to the boundary fence and the land below the decking including the location, species and size of every shrub to be planted.
  - (iii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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 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: In the interests of visual amenity in order to integrate the development with its surroundings and in order to preserve the character of this part of the Rothesay Conservation Area.

(Reference: Report by Head of Development and Economic Growth dated 29 March 2022, submitted)

**7. MR RICHARD STEIN: ERECTION OF DETACHED GARDEN ROOM ANCILLARY TO DWELLINGHOUSE: EILEAN DA MHEINN, HARBOUR ISLAND, CRINAN, LOCHGILPHEAD (REF: 21/02308/PP)**

The Planning Officer for Mid Argyll, Kintyre and the Islands spoke to the terms of the report and to supplementary report number 1 which advised of further representations received which has resulted in a total of 113 representations; 71 objections, 41 in support and one neutral comment from a Local Member. Reference was also made to a further two representations received since publication of the reports from John MacFarlane, Alexi Murdoch, Mike MacIntyre, representing Crinan Harbour Community members, and another from Mr A Hutchinson of Bellanoch. Despite the large number of representations received, the land use planning related issues raised are not considered to be unduly complex and, as such it is considered that a hearing would not add value to the determination process. The decision on whether or not to hold a hearing would remain the prerogative of the PPSL Committee.

The application site is accessible via a short boat trip from the end of the C39 public road to Crinan. In terms of the adopted Argyll and Bute Local Development Plan, the application site includes land within a Very Sensitive Countryside Zone where Policy LDP DM 1 only gives encouragement to specific categories of development on appropriate sites. In this case, it is accepted that the site forms part of the managed garden ground of the main house. The well concealed location, scale, massing, design and finishing materials are deemed acceptable in that it will not result in a materially detrimental impact on the visual character of the Island nor the National Scenic Area where it is located.

The proposal, subject to the conditions detailed in the report, was deemed compliant with the adopted Argyll and Bute Local Development Plan policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, LDP 10 and Supplementary Guidance SG LDP ENV 6, SG LDP ENV 12, SG LDP SERV 1, SG LDP SERVE 2, SG LDP SERV 6 and SG LDP Sustainable, and was recommended for approval.

**Decision**

The Committee agreed to:

1. hold a virtual discretionary hearing; and
2. undertake an informal site visit in advance of this hearing.

(Reference: Report by Head of Development and Economic Growth dated 5 April 2022 and supplementary report number 1 dated 19 April 2022, submitted)

At this point Councillor Alastair Redman declared a non-financial interest in the following planning application reference: 21/012393/PP. He advised that a number of his constituents had spoken to him about this application and he considered that these conversations may prejudice his decision in respect of this proposal. He left the meeting at this point and took part in the consideration of this application.

**8. MRS CAROLINE JANE KEENAN: SITE FOR THE ERECTION OF DWELLINGHOUSE, 3 HOLIDAY CABINS AND ANCILLARY BUILDING: LAND ADJACENT TO BRAESIDE, PORTNAHAVEN, ISLE OF ISLAY (REF: 21/02393/PPP)**

The Development Management Officer spoke to the terms of the report. Reference was made to a representation received after publication of the report advising that the land was registered as a croft and known as 6 Portnahaven. Officers revisited their original search of the Land Registers for Scotland sites and could not find a listing under this address of the croft reference number. Notwithstanding this no croft management plan has been submitted with the proposal to support housing on a croft.

The proposal seeks planning permission in principle for the erection of a single dwellinghouse, three holiday cabins, an ancillary building, and car parking within the 'countryside' zone adjacent to the 'settlement' area of Portnahaven. The site is located within the Rhinns of Islay Site of Special Scientific Interest and Special Protection Area designations. The proposal is considered to be contrary to the provisions of the Local Development Plan settlement strategy and is considered likely to give rise to significant adverse impacts upon the landscape character of the North and West Islay Coast Area of Panoramic Quality, and upon the character, appearance and setting of the Portnahaven and Port Wemyss Conservation Area. Furthermore, the development would be served by a substandard private access regime where land required to provide commensurate improvements lie outwith the control of the Applicant. The proposal has been subject to 36 third party representations raising objection and one third party submission making observation both for and against various aspects of the proposal. An objection has also been received from Roads. Other consultees have not objected subject to conditions.

It was recommended that planning permission in principle be refused for the reasons set out in the report of handling.

### **Decision**

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

1. The application site is located in an open location within a 'countryside zone', wherein policies LDP DM 1, LDP 5, SG LDP HOU 1, and SG LDP TOUR 1 set out a presumption against small-scale housing/tourism development on open/undeveloped sites. The proposal is directly contrary to the provisions of these policies and, with no significant material considerations to weigh in opposition, the application should be refused.
2. The proposed development would occupy a prominent elevated/skyline location that will render the proposed development as an incongruous addition to the landscape setting of Portnahaven. It is considered that the proposed development would accordingly give rise to a significant adverse visual impact upon the North West Islay Area of Panoramic Quality and the proposal is accordingly contrary to the provisions of policies LDP 3, and SG LDP ENV 13.

3. The proposed development would occupy a prominent elevated/skyline location that will render the proposed development as an incongruous addition within views into and out of the Portnahaven and Port Wemyss Conservation Area. It is considered that the proposed development would accordingly give rise to a significant adverse impact upon the character, appearance and setting of the Portnahaven and Port Wemyss Conservation Area and the proposal is accordingly contrary to the provisions of policies LDP 3, and SG LDP ENV 17.
4. The proposed development would be served by an existing substandard private access. The land required for necessary commensurate improvement of the access bellmouth and formation and maintenance of visibility splays that meet current standards as set out in the Council's Roads Development Guide require land outwith the current application site boundary and control of the applicant. The proposal is contrary to the relevant provisions of policies LDP 11 and SG LDP TRAN 4.

(Reference: Report by Head of Development and Economic Growth dated 6 April 2022, submitted)

Councillor Donald MacMillan left the meeting at this point.

Councillor Alastair Redman returned to the meeting at this point.

**9. MR & MRS ADAM & LISA MURPHY: ERECTION OF DWELLINGHOUSE, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF A PRIVATE WASTEWATER TREATMENT PLANT: LAND NORTH OF 1 ARDMINISH, ISLE OF GIGHA (REF: 21/02465/PP)**

The Development Manager spoke to the terms of the report. The site of the proposal comprises of vacant land within the Key Settlement Zone of Ardmish identified in the Argyll and Bute Local Development Plan and the principle of the proposal is considered to comply with the settlement strategy. Residential houses are located to the west and south of the site. The proposed 2 bedroom dwellinghouse will be single storey with useable living space within the roof. It will be set back within the site from the C22 public road with a new access formed onto the C22 public with parking and turning area at the front of the dwellinghouse. A total of 14 objections and one expression of support to the application has been received.

The proposed development is considered to be acceptable in regard to all relevant material considerations including national and local planning policy and supplementary guidance.

It was recommended that planning permission be granted subject to the conditions and reasons outlined in the report.

### **Decision**

The Committee 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 18<sup>th</sup> November 2021; 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
Site Location Plan	PLG-01		16.12.2021
Existing Site Layout Plan	PLG-02		16.12.2021
Proposed Site Layout Plan	PLG – 03		16.12.2021
Proposed Floor Plan and Section	PLG –04		19.11.2021
Proposed Elevations	PLG – 05		19.11.2021
Proposed Polytunnel and Shed	PLG – 07		10.01.2021
Materials	PLG – 06		19.11.2021

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

2. Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access, service bay, parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:
  - (i) Formation of the junction serving the development site in accordance with the Council's Roads Standard Detail Drawing SD 08/004 Rev a; with visibility splays measuring 2.4 metres to point X by 75 metres to point Y from the centre line of the junction.
  - (ii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6.

Prior to work starting on site, the approved scheme of works in respect of junction layout 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 junction 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. A refuse point is to be provided adjacent to the road.

The approved parking and turning layout 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 interests of road safety.

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 Condition 1, no development shall commence until details confirming the adequacy and suitability of the proposed private sewage treatment system to accommodate the development proposed have been submitted to and approved in writing by the Planning Authority.

In the event that the existing private sewage treatment system proves to be inadequate the development works shall not commence until such time as an alternative means of foul drainage has been consented.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

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

**10. AUCH ESTATE: PROPOSAL OF APPLICATION NOTICE FOR DEMOLITION OF EXISTING LODGE AND FARM BUILDINGS, ERECTION OF NEW REPLACEMENT GUEST LODGE AND NEW GUEST STEADING ACCOMMODATION, WALLED GARDEN, ANCILLARY BUILDINGS, LANDSCAPE, ACCESS (MAIN ROAD JUNCTION IMPROVEMENTS, UPGRADE TO EXISTING ESTATE TRACK AND LODGE GATES), PATHS AND ALL ASSOCIATED SERVICE, SURFACE AND FOUL DRAINAGE AND ENERGY INFRASTRUCTURE: AUCH LODGE, BRIDGE OF ORCHY (REF: 22/00265/PAN)**

The Planning Officer for Oban, Lorn and the Isles spoke to the terms of the report. The site is contained within the extensive Auch Estate to the south east of the Minor Settlement of Bridge of Orchy; between the A828 Trunk Road, which forms its western boundary, with the West Highland Way (C193 Core Path) forming its eastern boundary. The land covering within the whole application boundary is generally flat with areas of well-established woodland. The adopted Argyll and Bute Local Development Plan 2015 identifies the site as being within the Countryside Zone.

The report sets out the information submission to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as any material considerations.

It was recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the Applicant in finalising any future planning application submission.

### **Decision**

The Committee noted the content of the report and submissions and provided the following feedback:

- As long as the scale of the development was kept proportionate to the local landscape this could be welcomed as an opportunity to improve the local economy.

(Reference: Report by Head of Development and Economic Growth dated 23 March 2022, submitted)

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

## **E1 11. UPDATE ON REQUEST FOR TREE PRESERVATION ORDER**

A report providing an update and background on a recent request for a Tree Preservation Order was considered.

### **Decision**

The Committee agreed the recommendation in the report.

(Reference: Report by Head of Development and Economic Growth dated 20 April 2022, submitted)

## **12. VALEDICTORY ADDRESS**

Councillor Kinniburgh thanked Officers and elected Members for their contributions over the term of the Council and especially over the last 2 years. He referred to the PPSL Committee being one of the busiest with Planning meetings, Civic Hearings, Local Review Bodies and Discretionary Hearings, which, he advised, amounted to over 100 meetings held online over the last 2 years. He thanked Officers for making that possible. He wished all those standing again all the best at the forthcoming local election and for those not coming back he wished them well in their retirement.

Councillor Blair thanked Councillor Kinniburgh for his conduct at the meetings.

Councillor Moffat said it had been a pleasure to be part of the Committee for the last 5 years with Councillor Kinniburgh in the Chair and support from Vice Chair Rory Colville. She gave her thanks to everyone and wished those standing again all the best.

Councillor Colville gave a vote of thanks to Councillor Kinniburgh for the way he had handled all of the Committee meetings, especially the virtual ones, and said it had been a pleasure working with him.