

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 28 SEPTEMBER 2022**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Jan Brown	Councillor Andrew Kain
Councillor Amanda Hampsey	Councillor Liz McCabe
Councillor Graham Hardie	Councillor Luna Martin
Councillor Fiona Howard	Councillor Peter Wallace
Councillor Willie Hume	

Attending: Stuart McLean, Committee Manager
Peter Bain, Development Manager
Alan Morrison, Regulatory Services and Building Standards Manager
Matt Mulderrig, Development Policy and Housing Strategy Manager
Howard Young, Area Team Leader (Bute & Cowal/Helensburgh & Lomond)
Arlene Knox, Senior Planning Officer
David Moore, Senior Planning Officer
Norman Shewan, Planning Officer
Derek Wilson, Development Management Officer
Steven Gove, Planning Officer
Kim de Buiteleir, Design and Conservation Officer
Donna Lawson, Traffic and Development Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Daniel Hampsey and Paul Kennedy.

2. DECLARATIONS OF INTEREST

Councillor Mark Irvine declared a non-financial interest in planning application reference 21/01943/PP as he had submitted representations on behalf of his constituents. He confirmed he would leave the meeting and take no part in the consideration of this application dealt with at item 4 of this Minute.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 17 August 2022 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 17 August 2022 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 17 August 2022 at 2.30 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 17 August 2022 at 3.00 pm was approved as a correct record.

- e) The Minute of the Planning, Protective Services and Licensing Committee held on 17 August 2022 at 3.30 pm was approved as a correct record.

Having previously declared an interest in the following item, Councillor Mark Irvine left the meeting at this point.

4. MR PAUL RODGER: DEMOLITION OF DETACHED DWELLINGHOUSE, ERECTION OF 3 DETACHED DWELLINGHOUSES AND FORMATION OF VEHICULAR ACCESS: PEAT KNOWE, BACK ROAD, CLYNDER, HELENSBURGH (REF: 21/01943/PP)

At the PPSL Committee meeting on 17 August 2022, Members agreed to continue consideration of this application to the September PPSL Committee to allow the Applicant the extended opportunity to prepare and submit a Civil Engineering Report on the ground engineering works required to ensure stability of the sloping ground to prevent any slippage or flooding onto neighbouring properties.

The Planning Officer spoke to the terms of supplementary report 3 which advised of the detail of the investigative work carried out by the Applicant's consultant, Ardmore Point Ltd which provides Geomatics, Geotechnical, Drone UAV and Construction Management Services. This work included a desktop assessment of relevant information and documentation already available supplemented by a walkover survey in July 2022. A further assessment based on in-situ testing and intrusive ground investigation including boreholes was also carried out.

The conclusions as set out the covering letter from the Applicant's consultant, based on the desk-top and site investigation survey information contend that the existing site is stable in its current state, and "subject to a suitably designed retaining wall to the front", the ground would be stable for the intended road development.

On this basis it is recommended that the application be approved, subject to the conditions and advisory notes as set out in full in the main report of handling with the exception of an additional planning condition as detailed in supplementary report number 3.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons and the advisory notes detailed in the report of handling:

1. The development shall be implemented in accordance with the details specified on the application form dated 10th October 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
Location Plan	PL-659-00	A	20.10.2021
Existing Site Plan	PL-659-01	-	13.09.2021
Proposed Site Plan, Elevations and Sections	PL-659-02	C	24.05.2022

Proposed Floorplans and Site Elevation	PL-659-03	B	20.10.2021
Site Section E-E & Photographs	PL-659-04	-	24.05.2022

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

2. Notwithstanding the provisions of Condition 1, no development shall commence until the following information is submitted to and approved in writing by the planning authority in consultation with the Area Roads Engineer; -

- A scaled drawing showing a long section demonstrating that the following gradients can be achieved. The gradient of the new shared driveway shall be no steeper than 1 in 20 (5%) over the first 5 metres and thereafter no greater than 1 in 8 (12.5%).

Thereafter the proposed access shall be formed in accordance with the following criteria: -

- Visibility splays in both directions of 2.40 metres to point X by 42 metres to point Y from the centre line of the proposed access.
- The first 5.0 metres of the shared access driveway shall be surfaced with a bituminous material or other alternative hard material approved in writing by the planning authority.
- The driveway shall be formed in accordance with the approved minimum gradients.
- Surface water must not be able to flow from the site onto the public carriageway.

Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the first occupation of any of the houses and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety and to ensure that the proposed development is implemented in accordance with the provisions of the Local Development Plan policy LDP 11 and SG LDP TRAN 4.

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate 3 no. vehicles per dwellinghouse within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

4. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the

Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- (i) Existing and proposed ground levels in relation to an identified fixed datum;
- (ii) Existing landscaping features and vegetation to be retained;
- (iii) Location design and materials of proposed walls, fences and gates;
- (iv) A biodiversity statement demonstrating how the planting strategy contributes towards biodiversity and creation of wildlife habitat;
- (v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- (vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and to encourage biodiversity and provide compensatory species habitat in order to mitigate against loss of habitat potential as a result of site clearance.

5. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority. The design shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding of nearby properties and/or the public adopted roads in accordance with the provisions of policy LDP 10 and SG LDP SERV 2.

6. Notwithstanding the provisions of Condition 1, construction activity shall be restricted to between the hours of 08:00 – 18:00 Mon-Fri and to 08.00 - 12.00 on Saturdays. No construction activity shall take place outside of those periods or at any time on Sundays and Bank Holidays when such activity shall not be permitted at all.

Reason: In order to protect the amenity of the area.

7. 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, 2A, 2B, 3A,

3C, 3D and 3E and Part 2 and Classes 8 and 9 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 2A: The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse.

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

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

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

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).

8. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of walls, roofs, window and door frames have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

9. The existing core footpath C283 which follows the public roads including Pier Road and Back Road directly adjoining the application site the site shall be retained free from obstruction across its full width, including by construction vehicles, plant or materials associated with the proposed development, unless alternative provision has

been implemented with the prior written approval of the Planning Authority in consultation with the Council's Access Officer.

Reason: In order to maintain pedestrian access.

10. Notwithstanding the provisions of Condition 1, no development shall commence until full technical construction details of the proposed retaining wall, including the means of vehicle restraint, directly adjacent to the east of the proposed shared roadway have been submitted to and approved in writing by the Planning Authority. The retaining wall and vehicle restraint barrier shall be implemented in full in accordance with the approved details prior to commencement of any other development on the site in relation to the construction of any roads/driveways or the construction of the houses including ground excavation, and shall be retained and maintained to the satisfaction of the planning authority unless otherwise agreed in writing by the planning authority.

Reason: To ensure that the proposed development does not result in any ground instability by reason of excavation and land-raising engineering operations carried out as part of this development, and to protect adjacent land and property from potential damage by reason of unstable ground conditions.

(Reference: Report by Head of Development and Economic Growth dated 8 June 2022, Supplementary Report number 1 dated 4 August 2022, Supplementary Report number 2 dated 16 August 2022 and Supplementary Report number 3 dated 9 September 2022, submitted)

Councillor Luna Martin joined the meeting during consideration of the foregoing item.

Councillor Mark Irvine returned to the meeting at this point.

5. ARDFIN ESTATE LTD: ERECTION OF BUILDINGS TO FACILITATE RESIDENTIAL STAFF ACCOMMODATION WITH ASSOCIATED ACCESS AND PARKING ARRANGEMENTS: LAND NORTH EAST OF COASTGUARD STATION, CRAIGHOUSE, ISLE OF JURA (REF: 21/02141/PP)

The Development Management Officer spoke to the terms of the report and to supplementary report number 1 which advised of late representations consisting of a petition and representations from local Members. The application seeks detailed planning permission for the erection of staff accommodation that would be occupied by employees of Ardfin Estate. The proposal would provide accommodation that is suitable for longer term occupation by employees currently living in temporary accommodation on the island.

At the time of writing the main report of handling the proposal had been subject to an expression of concern from Jura Community Council and objections from 24 individuals.

In light of significant local objection to the development Officers considered that a pre-determination hearing would, in this instance, add value to the decision making process.

The Committee were asked to consider whether or not they would wish to hold a hearing for this application.

Decision

The Committee agreed to hold a discretionary pre-determination hearing on the island of Jura.

(Reference: Report by Head of Development and Economic Growth dated 14 September 2022 and supplementary report number 1 dated 27 September 2022, submitted)

6. MR KEITH TURNER: USE OF ENTIRE GROUND FLOOR PREMISES AS FOOD AND DRINK ESTABLISHMENT (CLASS 3) AND USE OF NORTH EASTERN PART AS AN ANCILLARY SPACE FOR EVENTS (CLASS 10): FIVE WEST, ROYAL BUILDINGS, TIGHNABRUAICH (REF: 21/02608/PP)

The Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised of late representations. He also advised of a further late objection submitted by Mrs Karen Raeburn on 27 September 2022 regarding residential privacy and amenity, along with an email received this morning enclosing an objection from Mr and Mrs Raeburn's solicitors expanding on the issues previously raised by Mr and Mrs Raeburn.

The application site is within the row of commercial properties situated at the centre of the village of Tighnabruaich. It is located on the ground floor of a two-storey building with attic accommodation that incorporates three residential flats. Planning permission 20/00227/PP was approved on 17 April 2020 in relation to the 'use of ground floor premises as food and drink establishment (class 3) and multi-functional space (class 10)' and, in early September 2020, the Planning Department was advised that the entire ground floor premises had opened as a Class 3 food and drink establishment. The current application has been submitted in order to regularise this use. The application has attracted objections from 3 sources and expressions of support from 57 sources.

The proposal is considered to be consistent with the relevant provisions of the Development Plan and it was recommended that planning permission be granted subject to the conditions, reasons and informative notes set out in the report.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 7th December 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
Location Plan	Drawing No. 574_01	C	21/04/2021
Block Plan	Drawing No. 574_02	C	21/04/2021
As Proposed Plan	Drawing No. 574_03	E	21/04/2021

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

2. Unless otherwise agreed in writing with the Planning Authority, the opening hours of the premises for customers or patrons shall be between 0800 hours and 2100 hours on any given day.

Reason: In order to protect the privacy and amenity of the area.

NOTES TO APPLICANT

- It is strongly recommended that the applicant engage with all relevant parties with the objective of connecting the premises currently known as Five West into the Scottish Water foul drainage system. Such parties would include the other owners of the property known as Royal Buildings; Scottish Water; and the Scottish Environment Protection Agency (SEPA).
- The Environmental Health Service has stated that, should the applicant intend to make any structural alterations or to change the layout of the food preparation area, they should make contact with the Environmental Health Officer (Pamela Fraser on 01369 708686 or at pamela.fraser@argyll-bute.gov.uk) prior to starting works.

(Reference: Report by Head of Development and Economic Growth dated 20 September 2022 and supplementary report number 1 dated 27 September 2022, submitted)

Councillors Willie Hume and Peter Wallace left the meeting during consideration of the foregoing item.

7. ARGYLL COMMUNITY HOUSING ASSOCIATION: DEMOLITION OF FIVE TENEMENT BLOCKS COMPRISING 46 FLATS: BLOCK A 19-9E JOHN STREET, BLOCK C (1-5 DALINTOBER AND 24-26 HIGH STREET), JOHN STREET, PRINCE'S STREET AND HIGH STREET, CAMPBELTOWN (REF: 21/02738/LIB)

The Development Manager spoke to the terms of the report. The application seeks listed building consent for the substantial demolition of a category B listed building as a means to facilitate the redevelopment of the site by a Registered Social Landlord to provide affordable housing.

National policy and guidance is provided respectively in Scottish Planning Policy and Historic Environment Scotland's Managing Change Demolition publication. The latter setting out a presumption against the demolition of listed buildings except where it can be satisfactorily demonstrated that either i) the building no longer merits being listed; and/or ii) that the building is incapable of meaningful repair; and/or iii) that the demolition is essential to delivering significant benefits to economic growth or the wider community. Policy LDP ENV 3 and SG LDP ENV 16(b) of the Argyll and Bute Local Development Plan 2015 set out similar protection for the historic built environment.

The Applicant has sought to demonstrate in their submission that the building is incapable of meaningful repair or reuse in any manner that would both retain the special characteristics of the building and provide a viable modern housing development that meets the requirements of the Applicant and the Campbeltown community. Historic

Environment Scotland (HES) have formally objected to the application and raise concern that, in their opinion, the Applicant has not exhausted consideration of all viable options for re-use/partial retention of the building, and that in the absence of the property being marketed, it cannot be satisfactorily established that demolition is acceptable as a means of last resort.

It is the consideration of Officers, notwithstanding the concerns raised by Historic Environment Scotland in their objection, that the Applicant has satisfactorily demonstrated that the category B listed building is incapable of meaningful repair or reuse for modern purposes without loss of the key attributes of its distinctive massing and external architectural form that provides its special interest. Furthermore, it is recognised that the demolition of the building would facilitate the redevelopment of the site for affordable housing that would be tailored to meet the housing demand of the local community and would contribute toward local and national targets for delivery of new affordable housing.

It was recommended the Council determine to grant listed building consent subject to the conditions and reasons detailed in the report, and accordingly, notify the decision to Scottish Ministers in light of objections from a statutory consultee.

Decision

The Committee determined to grant listed building consent subject to the following conditions and reasons and noted that this decision would be notified to Scottish Ministers in light of the objections from Historic Environment Scotland:

1. LIB - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 24.12.2022, supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	20351-ECD-XX-XX-DR-A-07001	PO2	14.09.2022
Site Plan	200351-ECD-XX-XX-DR-A-05100	PO2	14.03.2022
Plans and Elevations as Existing	200351-ECD-XX-XX-DR-A-05101	PO2	14.09.2022

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

Note to Applicant:

This consent will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended).]

2. No Demolition Until A Contract Has Been Let For Redevelopment

No demolition works shall commence until satisfactory evidence has been submitted to the Planning Authority to show that a contract has been let for the redevelopment of the whole site in accordance with proposals for which detailed planning permission/approval of matters specified in conditions has been obtained.

Reason: In order to protect the amenity of the locale and the built environment by preventing the premature demolition of the property concerned, and in order to underpin the justification for development of the building as being essential to delivering significant benefits to the wider community.

Note to Applicant:

- Under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 7(2)(b)(c), applicants receiving consent for works of demolition to a listed building/unlisted building in a conservation area must: notify RCAHMS of their intention to carry out the work; thereafter allow RCAHMS reasonable access to record the building for at least 3 months following the granting of consent and the giving of notice to the Commission, during which time demolition may not be undertaken unless RCAHMS has indicated in writing that its record has been completed or that they do not wish to record it. The RCAHMS contact details are as follows:

The Royal Commission on Ancient Historical Monuments (RCAHMS),
Threatened Buildings Survey,
John Sinclair House,
16 Bernard Terrace,
Edinburgh, EH8 9NX.
Tel. 0131 651 6773

3. Demolition Method Statement

No demolition works shall commence until a Demolition Method Statement has been submitted to and approved in writing by the Planning Authority. The Demolition Method Statement shall address the developer's intentions in respect of:

- Demolition Methodology - Type and sequence of demolition and site establishment;
- Disposal of Waste Materials – details of the intended means of disposing of all materials arising from the demolition including any special arrangements required for the potential removal and disposal of hazardous materials;
- Notification of demolition to adjacent property owners and local residents;
- Dust & Noise Reduction Strategy - steps to be taken to minimise the risk and nuisance to adjoining land, building or road users;
- Proximity to Buildings, Other Structures, Roads and Accesses – measures to protect structural integrity, to ensure exposed gables remain weather tight and protection of means of access;
- Traffic Management – to protect safety of pedestrians and vehicular traffic.

The development shall be implemented in accordance with the approved Demolition Method Statement, unless otherwise approved in writing by the Planning Authority.

Reason: In the interest of public safety and in order to protect the amenity of the locale and the built environment.

Note to Applicant:

In devising the Demolition Method Statement consultation should take place with the Council's Building Standards Officers, Environmental Health Officers and the Roads Authority to ensure compliance with other statutory requirements.

4. Reclamation of Materials

No demolition works shall commence until a schedule of items to be reclaimed from the site during or prior to demolition has been drawn up in consultation with, and approved in writing by the Planning Authority. These materials and items shall be satisfactorily set aside, stored and/or used in a manner which shall first be agreed with by the Planning Authority, prior to any demolition taking place.

Reason: In order to protect and save materials and items which can reasonably be retrieved, in the interests of the historical and architectural qualities of the building to be demolished.

Note to Applicant:

Consultation with the Council's Design & Conservation Officer should be undertaken in identifying items to be reclaimed.

(Reference: Report by Head of Development and Economic Growth dated 13 September 2022, submitted)

8. THE SCOTTISH GOVERNMENT ON BEHALF OF ENERGIEKONTOR UK LTD: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO ROWAN WIND FARM: LAND APPROXIMATELY 4.5KM NORTH WEST OF TARBERT, ARGYLL & BUTE (REF: 22/00385/S36)

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised of errors in the main report and concerns raised by the Applicant. Reference was also made to supplementary report number 2 which advised of a representation from Councillor Ross Moreland. The Committee were also advised of 2 further representations received this morning, one in support from Mr Jonathan Shieldrick, which she believed had been circulated to the Committee, and an objection relating to amplitude modulation syndrome and shadow flicker. The Senior Planning Officer confirmed that Planning were satisfied with the proposal in terms of shadow flicker and that the Council's Environmental Health Officer had advised that amplitude modulation was a matter for the Energy Consents Unit to consider and that this could be controlled with a condition.

In Scotland, any application to construct or operate an onshore power generating station, in this case, a renewable energy development with an installed capacity of over 50 megawatts, requires the consent of Scottish Ministers under Section 36 of the Electricity act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with various other consultation bodies. It is open to

the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by the Scottish Government. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry if they are minded to approve the proposal.

The proposed development site lies within the Knapdale Upland Forest Moor Mosaic Landscape Character Type which covers much of the Knapdale area between West Loch Tarbert and the southern edge of the Knapdale National Scenic Area. In term of the Local Development Plan, the main wind farm area is located primarily within a combination of Countryside Zone and Very Sensitive Area, with small areas adjacent to the B8024 located within Rural Opportunity Area.

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

It was recommended that the Council raise an objection to this Section 36 consultation on Landscape & Visual Grounds for the reasons detailed in the report of handling.

Decision

The Committee agreed, on behalf of the Council, as Planning Authority, to object to this proposal for the following reasons and that the Scottish Government be notified accordingly:

1. Landscape & Visual Impact (including cumulative)

Argyll & Bute Council will assess development proposals with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Argyll & Bute Council will resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The proposed development site lies within the Knapdale Upland Forest Moor Mosaic Landscape Character Type (LCT) which covers much of the Knapdale area between West Loch Tarbert and the southern edge of the Knapdale National Scenic Area. This landscape has a simpler landform in the south-west but is complex and craggy in the north-east. The operational Allt Dearg and Srondoir wind farms occupy a prominent location in the LCT. The consented Airigh wind farm, while comprising larger turbines, is associated with the more subdued terrain occurring in the south-west of this LCT.

This proposal, which comprises very large turbines of up to 200m, would be sited in a basin which reduces its prominence and intrusion seen from Loch Fyne and from the settled eastern coastal fringes of this loch. The containment provided by landform is diminished in views from the south around West Loch Tarbert however where turbines would be visible in closer proximity and where their scale would be more appreciated

due to greater visual exposure and because they would be seen in close conjunction with the smaller scale settled loch fringes.

Visibility from the northern shores of West Loch Tarbert will be minimal and while this proposal would be visible from parts of Gigha, the Ardpatrik Point area and from the west Kintyre coast, it would not have a significant effect due to the greater distances involved and also because of the presence of the consented Airigh wind farm which is more prominent in some of these views. The greatest degree of visibility (and intrusion) would occur from the waters of West Loch Tarbert, from its south-eastern coastal fringes and from parts of the northern Kintyre uplands.

Significant adverse effects would occur on the following landscape/seascape character areas:

- The Knapdale Upland Forest Moor Mosaic LCT extending approximately 2km from the proposed wind farm site
- The Rocky Mosaic LCT where it covers the south-eastern shores of West Loch Tarbert
- The West Loch Tarbert Local Coastal Character Area.

The significant adverse visual effects associated with the proposal would principally affect views in the West Loch Tarbert area as follows:

- The A83 where it is aligned on the south-eastern coastal fringe of West Loch Tarbert. This road is an important tourist route forming part of National Cycle Network 78 and the Kintyre 66.
- The Kennacraig to Islay ferry route within inner West Loch Tarbert
- Footpaths in the Dun Skeig area and from a section of the Kintyre Way.

In the above views, this proposal would be seen simultaneously or sequentially with the operational Freasdale and consented Airigh wind farms.

This proposal would be one of the first wind farm proposal to introduce lighting to the dark skies of Kintyre. While the intensity of lights will reduce when seen from lower elevation coastal fringes, it is considered that they would still be clearly visible from these more settled and frequented areas and that they may extend the duration of significant adverse effects on views from the West Loch Tarbert area. The potential cumulative effects of visible aviation lighting on character and views are a concern given the number of recent applications for turbines >150m in Argyll & Bute requiring such lighting although it should be noted that the recent Earraghail wind farm application is committed to the adoption of an Aircraft Detection Lighting Strategy (ADLS) which would substantially reduce the duration of night-time lighting.

Cumulative landscape and visual effects with the application-stage Sheirdrim wind farm are a key concern. If the Sheirdrim proposal is consented on appeal it is considered that the addition of the Rowan proposal would result in a major adverse combined cumulative effect on the West Loch Tarbert area significantly affecting its character and views from the A83, settlement, footpaths and the Islay ferry.

It is therefore concluded that this proposal is unacceptable in landscape and visual grounds principally because of its prominent location in relation to West Loch Tarbert

and its sensitive coastal fringes, including impacts on views from key transport routes which are important for visitors.

Having due regard to the above it is concluded that the proposal will have significant adverse landscape and visual impacts (including cumulative) and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 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; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore wind policy statement, (2017); and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.

2. Aviation

Argyll & Bute Council will assess development proposals with the aim of preventing unnecessary dangers aircraft. Policy requires that development is refused where it would constrain the present and future operations of existing airports and airfields.

National Air Traffic Services Safeguarding (NATS) have advised that an unacceptable technical impact is anticipated and they object. Glasgow Prestwick Airport advise that the development raises aviation safety concerns which have an operational impact on the airport as an air navigation services provider. Until all technical and operational aviation safety matters are addressed to the satisfaction of Glasgow Prestwick Airport, and a mitigation agreement is put in place for the life of the wind farm, the airport also objects to the proposal.

Local Development Plan Policy is clear that developments that have an adverse impact on the Safeguarding of Airports should be refused.

Having due regard to the above it is concluded that due to the fact that National Air Traffic Services Safeguarding (NATS) and Glasgow Prestwick Airport have advised the Energy Consents Unit that they object to the proposal, it will have an adverse impact on aviation and is therefore inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

Argyll & Bute Council therefore object to the proposal due to the adverse impact it would have on Aviation. The Energy Consents Unit should please note that in the event that National Air Traffic Services (NATS) and Glasgow Prestwick Airport withdraw their objections, then Argyll & Bute Council would no longer object on these grounds. Should these objections not be removed and the proposal progresses to an Inquiry, Argyll & Bute Council would defer to National Air Traffic Services and Glasgow Prestwick Airport as the Technical Experts on this matter.

(Reference: Report by Head of Development and Economic Growth dated 13 September 2022, supplementary report number 1 dated 23 September 2022 and supplementary report number 2 dated 27 September 2022, submitted)

The Chair ruled, and the Committee agreed, to take a short break at 1.25 pm. The Committee reconvened at 1.40 pm.

9. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 13.3 KM OF 275KV OVER HEAD LINE (OHL) FROM BETWEEN A PROPOSED SUBSTATION AT CREAG DHUBH TO THE EXISTING SCOTTISH POWER ENERGY NETWORKS (SPEN) 275 KV OHL THAT RUNS FROM DALMALLY TO INVERARNAN: LAND SOUTH OF DAMALLY AND EAST OF CLADICH (REF: 22/01298/S37)

The Senior Planning Officer spoke to the terms of the report and referred to late objections submitted to this proposal including emails Councillor Julie McKenzie had received containing objections from Mr Jon Strickland and Ms Sue Rawcliffe which had been circulated to the Committee by Officers. As of this morning 40 individual objections had been placed on the Energy Consents Unit site with no matters raised that had not already been addressed in the report.

In Scotland, any proposal to install and keep installed an overhead electric line, requires the consent of Scottish Ministers under Section 37 of the Electricity Act 1989. Section 57(2) of the Town and Country Planning (Scotland) Act 1997 also allows the Scottish Ministers, on granting consent under Section 37, 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.

With reference to the assessment and summary of determining issues and material considerations of this proposal, detailed at Section P of the report of handling, it is considered that the proposal is in accordance with the overall Local Development Plan policies and objectives and it was recommended that no objection be raised to this Section 37 proposal.

Decision

The Committee agreed, on behalf of the Council, as Planning Authority, to object to this proposal for the following reasons and that the Scottish Government be notified accordingly and noted that this would instigate the requirement for a Public Local Inquiry:

The proposal will have adverse landscape and visual impacts (including cumulative) within an Area of Panoramic Quality, and in particular from the Duncan Ban Monument, and is therefore inconsistent with the provisions of: LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; and SG LDP ENV 16(a) – Development Impact on Listed Buildings; of the Argyll and Bute Local Development Plan.

(Reference: Report by Head of Development and Economic Growth dated 13 September 2022, submitted)

Councillor Peter Wallace returned to the meeting during consideration of the foregoing item.

10. SCOTTISH POWER ENERGY NETWORKS (SPEN) ON BEHALF OF SCOTTISH POWER TRANSMISSION (SPT): TEMPORARY TRANSMISSION LINE DIVERSION, ERECTION OF TWO TEMPORARY TOWERS AND ONE PERMANENT TOWER (LINK TOWER FROM PROPOSED SSEN 13.3KM POWER LINE TO EXISTING SCOTTISH POWER HIGH VOLTAGE NETWORK): LAND APPROX 2KM EAST OF DALMALLY (REF: 22/01329/S37)

The Senior Planning Officer spoke to the terms of this report.

In Scotland, any proposal to install and keep installed an overhead electric line, requires the consent of Scottish Ministers under Section 37 of the Electricity Act 1989. Section 57(2) of the Town and Country Planning (Scotland) Act 1997 also allows the Scottish Ministers, on granting consent under Section 37, 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.

Officers consider that overall the landscape, ecological, historic environment and other potential effects have been appropriately mitigated in defining the proposed development.

In conclusion, it was recommended that no objection be raised to this Section 37 proposal.

Decision

The Committee agreed not to raise an objection to this Section 37 proposal.

(Reference: Report by Head of Development and Economic Growth dated 14 September 2022, submitted)

11. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: PROPOSAL OF APPLICATION NOTICE FOR FORMATION OF ACCESS TRACKS/ARRANGEMENTS RELATING TO REFURBISHMENT WORKS ON EXISTING 132KV OVERHEAD LINES: LAND BETWEEN SLOY SWITCHING STATION AND GLENMALLAN (REF: 22/01023/PAN)

The Senior Planning Officer spoke to the terms of the report. The proposed development will involve the formation of access tracks associated with the refurbishment of an existing 132kv overhead line. The length of the access tracks and their site area triggers the need for a major planning application. This overall site is also partly within the administrative boundary of Loch Lomond and The Trossachs National Park Authority (NPA) and therefore a separate planning application will be submitted to the NPA for those proposed access tracks which are within their administrative boundary.

The report sets out the information submissions to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application is likely to be judged against any potential 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.

Decision

The Committee noted the content of the report and submissions with no feedback being provided.

(Reference: Report by Head of Development and Economic Growth dated 13 September 2022, submitted)

12. MH PLANNING ASSOCIATES: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED TIMBER LOADING FACILITY: LAND NORTH OF BUNNAHABHAIN, ISLE OF ISLAY (REF: 22/01516/PAN)

The Senior Planning Officer spoke to the terms of this report. The proposed development will comprise construction of a pier which would extend 223m seaward from the high tide mark and be principally comprised of a 203m long causeway crossing foreshore and seabed built from infill rock and rock armour. The causeway would lead out to a 20m x 38m in plan hammerhead berthing point constructed of precast concrete units. There will also be a timber stacking and associated earthworks.

The report sets out the information submissions to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application is likely to be judged against any potential 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.

Decision

The Committee noted the content of the report and submissions with no further feedback being provided.

(Reference: Report by Head of Development and Economic Growth dated 14 September 2022, submitted)

13. ARGYLL AND BUTE DESIGN AWARDS 2022/23

Argyll and Bute Council has successfully held three rounds of Design awards over the past ten years, the most recent being held in 2015. In January 2020, the PPSL Committee agreed the launch of a further round of the competition as previously identified in the Service Plan. The entry period was opened in early 2020 however the competition was subsequently postponed due to Covid 19 restrictions.

A report inviting Members to agree the proposal to facilitate the relaunch of built environmental Design Awards in 2022 which would run to summer 2023, was considered.

Decision

The Committee:

1. noted and agreed the content of this report which set out the process required to prepare for the postponed 2020 built environment design competition to be relaunched in 2022;
2. agreed the inclusion of the Chair and Vice Chair as part of the judging panel; and
3. agreed the proposed new Members' Award as described.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 10 August 2022, submitted)

* **14. ARGYLL AND BUTE COUNCIL'S SHORT TERM LET LICENSING SCHEME**

A report seeking approval of the arrangements for the Council's Short-term Let Licensing Scheme was before the Committee for consideration.

The licensing scheme was brought in by the Scottish Government under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, with the aim to ensure short-term lets are safe, address issues faced by neighbours, to facilitate local authorities knowing and understanding what is happening in their area, and handling of complaints effectively. It also aims to balance the economic and tourism benefits from short-term lets with the needs and concerns of local communities to ensure the people providing short-term lets are suitable.

Local authorities must introduce a new mandatory licensing system for short-term lets for the 1 October 2022 to receive applications from existing and new "hosts" and thereafter determine them.

Decision

The Committee agreed to recommend to Council that they:

1. note the considerable work undertaken to develop the new licensing regime in a challenging timescale, and without any additional funding or resourcing from the Scottish Government;
2. welcome the high level of responses to the public consultation, and recognise that many of the issues raised had been incorporated into the final licensing regime;
3. approve the Short-term Let Licensing regime, Licensing Policy, additional conditions and fee and charges as set out in section 5.4 and 5.6 of the report;
4. note the intention to focus on "New hosts" initially until resources in place; and
5. amend the Council's Scheme of Delegation to delegate responsibility for the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 to the Executive Director with responsibility for Regulatory Services to enable the Council's Environmental Health Service to authorise officers to deliver the Short-term Let Licensing regime.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 September 2022, submitted)

15. LOCAL PLACE PLANS

A report advising Members of one of the measures which has been introduced as part of the Government's work on planning reforms introduced by the Planning (Scotland) Act 2019, with the publication of Local Place Plan Regulations 2021 and Planning Circular 1/2022 Local Place Plans, 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 dated 2 September 2022, submitted)

16. PLANNING PERFORMANCE FRAMEWORK 2021/22

A report introducing the 2021/22 Planning Performance Framework (PPF) Annual report as required by the Scottish Government Planning Reform Agenda 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 dated 14 September 2022 and Planning Performance Framework 2021/22, submitted)

17. PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL & BUTE

A report providing an update on the number of private hire cars and taxis across the licensing authority's area was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 31 August 2022, submitted)