

# Public Document Pack

## Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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12 October 2022

## NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 19 OCTOBER 2022** at **11:30 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**
  - (a) Planning, Protective Services and Licensing Committee held on 28 September 2022 at 10.30 am (Pages 3 - 22)
  - (b) Planning, Protective Services and Licensing Committee held on 28 September 2022 at 2.30 pm (Pages 23 - 24)
  - (c) Planning, Protective Services and Licensing Committee held on 28 September 2022 at 3.00 pm (Pages 25 - 26)
  - (d) Planning, Protective Services and Licensing Committee held on 28 September 2022 at 3.30 pm (Pages 27 - 28)
4. **MR RICHARD STEIN: ERECTION OF DETACHED GARDEN ROOM ANCILLARY TO DWELLINGHOUSE: EILEAN DA MHEINN, HARBOUR ISLAND, CRINAN, LOCHGILPHEAD (REF: 22/01248/PP) (Pages 29 - 50)**

Report by Head of Development and Economic Growth

## Planning, Protective Services and Licensing Committee

Councillor John Armour

Councillor Audrey Forrest

Councillor Amanda Hampsey (Vice-Chair)

Councillor Jan Brown

Councillor Kieron Green (Chair)

Councillor Daniel Hampsey  
Councillor Fiona Howard  
Councillor Mark Irvine  
Councillor Paul Donald Kennedy  
Councillor Luna Martin

Councillor Graham Hardie  
Councillor Willie Hume  
Councillor Andrew Kain  
Councillor Liz McCabe  
Councillor Peter Wallace

Contact: Fiona McCallum

Tel. No. 01546 604392

**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 10<sup>th</sup> 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

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

*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](mailto: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 Sronoire 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 Freasdail 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)

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**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 Peter Wallace
Councillor Fiona Howard	

**Attending:** Stuart McLean, Committee Manager  
Sheila MacFadyen, Senior Solicitor  
Fiona Macdonald, Solicitor  
Paul Cowin, Applicant

**1. APOLOGIES FOR ABSENCE**

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

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI CAR LICENCE (P COWIN, HELENSBURGH)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of audio call and joined the meeting by telephone.

The Chair outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

**APPLICANT**

Mr Cowin advised that he was seeking a Taxi Operator Licence for a taxi that he and his wife would drive. His wife had recently been granted a Taxi Driver Licence and he had held his own licence for 3½ years. He said that he has, up till now, been driving a private hire car which was a hybrid vehicle. He advised that over the last 8 months, since Covid restrictions ended, the demand for taxis in the Helensburgh and Lomond area has been strong. He pointed out that there were still 3 less taxis in the area than there were when the LVSA survey was carried out. He referred to being told of complaints being made to the Council about the number of taxis available in Helensburgh. He said that he regularly dropped customers off at the train station and people were regularly waiting for taxis. He explained that he had to drive away and leave them as he was not permitted to pick up passengers with his current licence. He referred to the location of the train station being within an empty triangle of the town with the station closing the gates and hiring security

guards. He advised that it was a quiet part of the town. He said he would like to add a visible taxi to the streets which would be available for immediate hire. He advised that this additional taxi licence should have a minimal effect on other taxi drivers' income as he also worked for Trident Taxis, which he said, was the biggest operator in the town and he would not be solely relying on work from the street.

## **MEMBERS' QUESTIONS**

Councillor Green asked how many taxis were operating in the Helensburgh and Lomond area at the moment and how many were operating pre Covid. The Council's Solicitor, Fiona Macdonald, advised that as of September 2022 there were 45 taxis operating in the Helensburgh and Lomond area.

Councillor Hardie referred to Mr Cowin advising of complaints from the public about a lack of taxis and he asked Officers if they had received any complaints. Both Council Solicitors advised that they were not aware of any complaints being made.

Referring to Councillor Green's earlier question, Ms Macdonald confirmed that when the LVSA survey was carried out there were 48 taxis operating in the Helensburgh and Lomond area. She advised that they did not have figures for immediately before Covid.

## **SUMMING UP**

### **Applicant**

Mr Cowin referred to his comment about complaints and advised that his customers had told him they had written to the Council about having to wait a long time for a taxi. He confirmed that he could not provide any evidence of these complaints.

Mr Cowin confirmed that he had received a fair hearing.

## **DEBATE**

Councillor Hardie advised that having used taxis in Helensburgh and having had to wait at times, he was aware of the situation. He advised that he would have no hesitation in granting this licence after noting the difference in the number of taxis operating now compared to when the LVSA survey was carried out.

Councillor Green advised that he was likeminded.

## **DECISION**

The Committee unanimously agreed to grant a Taxi Car Licence to Mr Paul Cowin and noted that he would receive written confirmation of this from Legal Services within 7 days.

(Reference: Report by Head of Legal and Regulatory Support, submitted)



**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 Peter Wallace
Councillor Fiona Howard	

**Attending:** Stuart McLean, Committee Manager  
Sheila MacFadyen, Senior Solicitor  
Fiona Macdonald, Solicitor

**1. APOLOGIES FOR ABSENCE**

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

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI CAR LICENCE (M FRANKS, HELENSBURGH)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of written submission which was contained within a supplementary Agenda pack issued to the Committee.

In the absence of the Applicant the Committee considered the application before them.

**DECISION**

The Committee unanimously agreed to grant a Taxi Car Licence to Mr Mark Franks and it was noted that he would receive written confirmation of this from Legal Services within 7 days.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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**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 Peter Wallace
Councillor Fiona Howard	

**Attending:** Stuart McLean, Committee Manager  
Sheila MacFadyen, Senior Solicitor  
Fiona Macdonald, Solicitor  
Sgt David Holmes, Police Scotland

**1. APOLOGIES FOR ABSENCE**

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

**2. DECLARATIONS OF INTEREST**

Councillor John Armour declared a non-financial interest in this case as the Licence Holder was a neighbour. Councillor Armour left the meeting and took no part in this hearing.

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 Paragraphs 3 and 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NUMBER 5680) (S MATHIESON, DRUMLEMBLE, CAMPBELTOWN)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing Police Scotland opted to proceed by way of audio call and Sgt David Holmes joined the meeting by telephone.

It was noted that the Licence Holder was not present. The Council's Solicitor explained that it would be competent for the Committee to proceed with this interim hearing and consider the request for the immediate suspension of the Taxi Driver Licence.

The Committee agreed to proceed with the hearing and the Chair, having previously outlined the procedure that would be followed, invited Police Scotland to speak in support of the Chief Constable's complaint.

## **POLICE SCOTLAND**

Sgt Holmes read out the contents of a letter from the Chief Constable dated 11 August 2022 which requested the immediate suspension of the licence and outlined the reasons for this.

## **MEMBERS' QUESTIONS**

The Members were given the opportunity to ask Sgt Holmes questions.

## **SUMMING UP**

### **Police Scotland**

Sgt Holmes advised that he had nothing further to add and confirmed that he had received a fair hearing.

## **DEBATE**

The Members of the Committee debated the request to suspend the Taxi Driver Licence.

## **DECISION**

The Committee unanimously agreed to the immediate interim suspension of the Taxi Driver Licence pending a full suspension hearing taking place no later than 6 weeks from the date of this hearing.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

**Argyll and Bute Council  
Development & Economic Growth**

**Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 22/01248/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Richard Stein

**Proposal:** Erection of detached garden room ancillary to dwellinghouse

**Site Address:** Eilean Da Mheinn Harbour Island Crinan Lochgilphead Argyll And Bute PA31 8SW

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#### **DECISION ROUTE**

Local Government Scotland Act 1973

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#### **(A) THE APPLICATION**

- (i) Development Requiring Express Planning Permission**
    - Erection of detached garden room ancillary to dwellinghouse
  - (ii) Other specified operations**
    - None
- 

#### **(B) RECOMMENDATION:**

It is recommended that:

- i) Members consider the requirement for a pre-determination hearing; and
  - ii) That Planning Permission be granted for the proposal subject to conditions and reasons appended below.
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#### **(C) CONSULTATIONS:**

##### **Environmental Health**

No objection – 29/08/2022

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#### **(D) HISTORY:**

17/01819/PP – Erection of two storey rear extension, replacement conservatory, alterations to dwellinghouse and installation of air source heat pump. Granted – 03.10.2017

21/02308/PP – Erection of detached garden room ancillary to dwellinghouse. Withdrawn – 01.06.2022.

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**(E) PUBLICITY:**

Neighbour notification (expiry date: 15.09.2022)

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

A total of 111 representations were received for the application – 57 of which were in objection, 53 in support and a neutral comment. Details of the contributors and contents of representations are summarised below.

Neutral comment received from:

- Fiona Higgins, Boathouse Crinan Lochgilphead Argyll and Bute PA31 8SW

Support comment received from:

All support comments were from received a representative.

- David and Elly Bittleston, Druim Aird, Crinan
- Grace Bergius, Craignish House, Ardfern
- Anna and Edward Hughes, 184 Seaford Road, London
- Cristophe and Jilly Lefebre, 2 Rowanside Terrace, Ardrrossan
- Brendan and Doris Gerrard, Girtrig Cottage, Crinan
- Bennie, Prels, David and Malcolm Bridgeland, Drummond House, Crinan
- Andy and Kerrien Grant, Innisfree, Achnamara
- Chris Perring, Ruadh Sgeir, Crinan
- Cristine Tallon and Adrian Cole, Y Fan, Caerphilly
- Sue Hillman, Kilmory Ross, Tayvallich
- Iain and Kim Ritchie, Crinan House, Crinan
- David Sillar, Tigh na Neul, Crinan
- Janet Foster, Ashfield Farm, Achnamara
- William and Karen Sillar, Island Macaskin, Kilmartin
- Mike, Nina and Daphne Murray, Kilmahumaig, Crinan
- Josef Elias, Kilmahumaig, Crinan
- Jane Jay, 42 Kingsborough Gardens, Glasgow
- Conny Graf, Barnakill Farm, Cairnbaan
- Maitland Black, Cruachan Cottage, Kilmartin
- Mike and Monica Stewart, The School House, Cairnbaan
- Catherine MacLennan, 5 Achnamara
- Derek McKinnon, 8 Crinan Cottages, Crinan
- Sally Wilkin, 5 Slockavullin
- Victoria Winters and John Martin Hall, Barr, Minard, Inveraray
- Olivia Fitzgerald and Will Murray, Kilmahumaig, Crinan

- Max and Louise G Bittleston. 103 Landells Road, London
- Peter Smith and Louise C Bittleston,, 21a Sumatra Road, London
- David Wolfe and Amanda Illing, Wakelyns, Fressingfield
- Richard and Carol Sloan, Ardmore, Crinan
- Sarah Jane Pinkerton, Oliver Sumner and Andy Weston, 7 Crinan Cottages, Crinan

Objection comments received from:

Of the 57 objections, majority were received from two representatives (MKO Ireland and Crinan Harbour Community (CHC)) with 8 from individuals as detailed below.

MKO Ltd Ireland representation

- J MacFarlane, No. 2 Harbour House Crinan Harbour Lochgilphead PA31 8SW
- M MacIntyre, Fuaran Crinan Harbour Lochgilphead PA31 8SW
- A and S Murdoch, Harbour Cottage Crinan Harbour Lochgilphead PA31 8SW
- K Campbell, Shore Cottage Crinan Harbour Lochgilphead PA31
- D Robertson, 92 Fauldshead Road Renfrew PA4 0RU (Also on CHC below)
- L Docherty, Flat 1 19 Myrtle Place Glasgow G42 8UJ (Also on CHC below)
- J Lehmann, Mheall, Kilmichael Glassary, Lochgilphead, PA31 8QJ
- Alexandra Rutland, 43 The Avenue London NW6 7NR (Also on CHC below)
- Robin Pigott, Craignish Castle Craignis Argyll PA31 8QS (Also on CHC below)
- Jesse Mandy, Craignish Castle Craignis Argyll PA31 8QS (Also on CHC below)

Crinan Harbour Community (CHC) representation

- Frances Ryan The Cottage Crinan Argyll PA31 8SR
- Alasdair and Lauren Taylor, 2 Crinan Cottages, PA31 8SS
- Alexi and Savanna Murdoch, Harbour Cottage Crinan Harbour PA31 8SW
- Kristie Campbell, Shore Cottage Crinan Harbour PA31
- Angus, Laura and Jamie Pigott, Dunvullaig, Craignish Argyll PA318QS
- Sarah Phizacklea, Duntaynish Tayvallich PA31 8PW
- Archie, Jock and Julia Spencer, The Dancing Fox, Lunga, Craobh Haven PA31 8UU
- Marina Lewin, 50 Staveley Rd London W4 3ES
- William and Bea Goudy, 1 The Anchorage, Ardfern, Argyll PA31 8QN
- Megan Barker, Moat House Skenfrith Abergavenny NP7 8UH
- Rosamund and Boyd McNab, Crinan Harbour PA31 8SW
- Sophie Barker, 53 Burlington Close, London W9 3LY
- Philip Murdoch and Eleonora Pinzi, Via Barellai 54, 55049 Viareggio, LU Italy
- Louise Boisot, Flat 13, 55-59 Grange Road, London, W5 5BU
- Linda Fitzsimmons, Garway Mill, HR2 8 RL
- Joseph Barker, 57 Duckett Rd, N13 6HY
- Katie Sinfield, 75 Tottenham Rd, N13 6HY
- Richard Barker, Treferwydd Llagaffo, Ynys Mon, LL60 6LP
- Aidan Stephen, 45/2 East Claremont St, Edinburgh EH7 4HU
- Cat Berry, 128 E Trinity Road, Edinburgh, EH5 3PR

- Simon Cook, 6 Orchard Close, Skenfrith, NP78UH
- Jay Griffiths, Bwthyn Afallen Mount Lane, Llanidloes, SY18SEY
- Clem Sandison, 2 Clayton Terrace, Glasgow, G31 2JA

Individual representations

- Hugh Kidd and Katherine Froggatt, 20 Hala Grive, Lancaster LA1 4PS
- Alison Kidd, Corlan Pencelli Brecon Powys LD3 7LX
- Ryan Ross and Ann Rasheva, Westering Crinan Argyll PA 31 8SW
- David and Frances Sedgwick, Tigh-a-Chinil, Badabrie, Fort William PH33 7LX
- Andrew Hugh, Birlinn Ltd West Newington House 10 Newington Road Edinburgh EH9 1QS

**(ii) Summary of issues raised:**

Summary of support comments:

- We the undersigned write to express our support for this application as proposal is for a small, single storey, single room building designed to provide ancillary facilities for the house on Harbour Island.
- *[Comment: This point raised in support of the application is noted.]*
- As visitors of the island will note, the topography and the proposed location away from the shore, within the long-established garden, will mean that the building will be virtually invisible, day or night, from anywhere off the island. It will have no measurable environmental impact.
- *[Comment: This point raised in support of the application is noted.]*
- To address objections to the original application, the applicants have amended the proposal as follows:
  - All dimensions of the building have been significantly reduced
  - The floor area has been reduced from over 30 sqm to 24 sqm
  - The spire and sleeping loft have been removed completely
  - The ridge height has been reduced from 6.5m to 3.7m
  - The kitchen/preparation area has been removed
  - The skylights have been deleted to reduce the already insignificant potential of light pollution
- *[Comment: This point raised in support of the application is noted.]*
- The only remaining ground of objection raised following the revised proposal relates to the interpretation of the planning policy. However, we support the expert view taken by officers that this ancillary building accords with the policies and therefore support approval of the application.
- *[Comment: This point raised in support of the application is noted.]*



- The applicants have done amazing work to restore the garden and the island. They have worked to clear rubbish from the beaches and garden which was overgrown and in a poor state for the plants that were trying to live there. Having visited the island, the proposed site for the garden room will be well suited – it is an established garden area on the same site as an existing ruins footing where it cannot be seen.
- *[Comment: This point raised in support of the application is noted and verified during site visit. It is however worth noting that the footing as observed on site are not substantial to be given material weighting or consider for a redevelopment]*

### Summary of neutral comment:

- Plan of South West beach shows a boat landing/slipway on the west side of the beach which does not appear to exist. The slipway is not shown on the OS map
- *[Comment: This point is noted. However, during site visit, there were signs of the boat landing/slipway's previous existence.]*

### Summary of objection comments:

- Reference made relative to the application's description as a 'garden room' being misleading as it appears to be a whole building with cooking and toilet facilities.
- *[Comment: This point is noted and addressed in the main body of the report below. It is worth noting the revised proposal omitted the open plan kitchen area but does require the toilet/shower facility for Island workers to purposefully utilise the building.]*
- Concerns raised regarding the proposal being located outside the existing curtilage as such significantly extending the curtilage of the main dwellinghouse.
- *[Comment: This point is noted and address in the main body of the report below.]*
- Concern raised regarding the proposed building not within the specific categories of development encouraged for the Very Sensitive Countryside zone as per Policy LDP DM 1. This policy is viewed as a reassurance to protect the continual scarcity of invaluable and fragile areas of natural, ancient and unspoilt environment in the country.
- *[Comment: This point is noted and addressed in the main body of the report.]*
- Reference was made to the Supplementary Guidance which states that the Council will resist any development in or affecting National Scenic Areas... unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been

designated are clearly outweighed by social, environmental or economic benefits of national importance – which we read to reflect that this application should be resisted.

- *[Comment: This point is noted and has been addressed in the main body of the report below.]*
- Concerns raised regarding potential light pollution from the development which would obstruct the dark skies and island's natural beauty – contributor therefore appeals for a hearing to resolve this.
- *[Comment: Due to the further reduced scale of the development and its concealed location, it is considered that light from the development at night will not be visible from any of the neighbouring properties on the harbour road overlooking the Loch. Matters regarding hearing is addressed in the main body of the report below.]*
- Comment refers to the proposal not maximising the community benefits, not respecting the setting and character of the settlement, does not offer a wider range of housing choice and not offering sustainable economic growth.
- *[Comment: In response to this comment, the proposal is not intended for a business or residential accommodation which would warrant such assessments.]*
- The island is central to the area of outstanding scenic beauty and importance with the proposal representing a very substantial damage to the area.
- *[Comment: This point is noted and the detailed report below addresses the development's impact on the designated NSA.]*
- The proposal is incompatible with the overarching designations of the site and if granted would set precedence across the area.
- *[Comment: This has been addressed in the main body of the report below.]*
- Contrary to the applicant's claim in the design report, the previous owners of the island are said to have frequently use the Boat House Bay (which is feasible) to the South Western shore for arriving/departing the island.
- *[Comment: This is noted.]*
- Concerns raised regarding the intended delivery of materials being inaccurately described as no path currently exists on the new boat landing/slipway as shown on the site plan (ref: AR/281/A/03).
- *[Comment: This point is noted. However, it can be confirmed, following a visit to the application site, that a path exists at the referenced the boathouse and through the garden ground to the main house as indicated on the site plan. There were also signs of the boat landing/slipway having been used previously.]*

- The proposed plans does not indicate which paths are intended to be upgraded temporarily to allow the construction and reinstated afterwards.
- *[Comment: This point is noted and clarity has been sought from the agent which confirms the temporary improvement works will be to the existing path which runs between the Boathouse and the application site.]*
- Comment raised seeking clarity as to whether the proposed stove with flue is intended for wood burning or cooking.
- *[Comment: This point is noted and clarity has been sought from the agent which confirms the stove would be for wood burning purposes only.]*
- Further comment pertained to the stone-structure on site. It is noted that this element should not be given weighting as no historic records have been found to indicate there was a building at the location between 1865 to 1971 – though no further maps of a scale large enough to show the structure were published between 1899 and 1971.
- *[Comment: This comment is noted. As per the report, no material weighting is given to this feature in that the ruins are not deemed substantial to allow for a redevelopment of the site.]*
- Reference was made in relation to misinterpretation of Policy LDP DM 1 as per the Committee report for the previous application (21/02308/PP) which stated the policy is not intended to restrict acceptable extension of existing residential dwellings and their gardens within the very sensitive Countryside designation.
- *[Comment: In view of this, officers remain of the view that though this policy seeks to protect the Very Sensitive Countryside zone against new developments, it has been interpreted correctly and the development assessed against it accurately and without compromise.]*
- An appeal has been put forward for a hearing to be upheld prior to determination of the application to allow the contributors a chance to be heard.
- *[Comment: This is noted and addressed in the main body of the report below.]*
- A suggestion was made for the applicant to use the proper channel in bringing forth the proposal... by applying to the council for re-zoning the site in question from the Very Sensitive Countryside designation to a settlement zone to allow the proposed development to go ahead.
- *[Comment: This comment is noted. However, it is noted that the designation is not proposed to change in the proposed LDP2.]*
- The fully serviced building's proposed site is significantly further away from the main dwelling house than is shown in the submitted drawing, thus, inaccurate and misleading therefore misleading to be classed as ancillary.

- *[Comment: With regards to scale and location, it can be confirmed following a site visit that the proposed plans correspond with what is on site. The issue of proximity/curtilage and for which the area is accepted for the development is addressed in the main body of the report below.]*

Note: Full details of all representations can be view on the Council's website at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

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## **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |                                                                                                   |            |
|---------------------------------------------------------------------------------------------------|------------|
| <b>(i) Environmental Statement:</b>                                                               | <b>No</b>  |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | <b>No</b>  |
| <b>(iii) A design or design/access statement:</b>                                                 | <b>Yes</b> |

- Although recommended for approval by the planners, the original application (21/02308/PP) was withdrawn and replaced by this revised application in an attempt to address the substantial objections and reintroduce harmonious community relations in Crinan.
- The revised application addresses many of the concerns raised by objectors as follows:
  - All dimensions of the building have been reduced
  - Area of building reduced from 30+ sqm to 24 sqm
  - The spire removed completely
  - The ridge height reduced from 6.5m to 3.7m
  - The sleeping loft deleted
  - The kitchen/preparation area deleted
  - The skylights deleted
- The draft drawings for the revised proposal were circulated electronically to over one hundred local residents and other interested parties inviting comments and a site visit offered to anyone interested before the application re-submitted. However, only two responses were received, and one person visited the site at the time of submission on 14 June 2022.
- The indicated curtilage is by reference to the geological feature made up of the saddle containing the species garden glen located between two clear rock ridges.
- The purpose of the application building is to provide for guests and visitors to the island who may be working in the garden as a toilet/washing facility. The Applicants will also use the building as a quiet room, particularly for writing and as a creative space.

- The unique location of the garden room and very special nature of this hidden glen within the Island requires an equally unique and special design solution. The design here has evolved as a solution which compliments the nature of a very special area of land, using the existing foundation footprint.
- High quality locally sourced materials are to be used for the structure and external aesthetic. This material will have an immediate dialogue within the wooded garden specifically in terms of texture and colour.
- No trees will be affected in the construction of the garden room due to use of the existing foundation, which has itself been used of late for storage of gardening equipment and general detritus.
- The proposal intends use the existing pontoon access to the island. It will not alter existing access from the pontoon, the boathouse nor does it seek to create any new access.
- The proposal cannot be seen from Crinan Harbour to the south or from the house on the Island to the west. Any view toward the north east is substantially obscured by land contours (rocky ridge of some 25 metres in height) and existing trees (Scots Pines and other large conifers which provides further 20m high screen to the mainland) and shrub cover. The Applicants have already planted a substantial number of indigenous trees on the ridges bordering the glen with further planting intended.
- The keenest walker, along the Ardnoe peninsula path opposite the boathouse to the south may, during winter when the trees have no leaves, catch a glimpse of the garden room. But strategic planting and the nature of the materials and colours to be used in the construction will minimise this.
- The Applicant has ensured that the natural habitat will not be disturbed by virtue of its citing and the use of sustainable, locally sourced natural materials, and the design will contribute to, and indeed enhance the interest of an already special environment.
- The Site falls within the National Scenic Area and Very Sensitive Countryside Zone Designations. However, will have no impact on the NSA nor detract from the character of the Island. It will instead enhance the character of the island, habitat through form and function as well as experience of visitors to the island and garden.

**(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

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(I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

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(J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

(i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

**'Argyll and Bute Local Development Plan' Adopted March 2015**

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
LDP 4 – Supporting the Sustainable Development of our Coastal Zone  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption

Local Development Plan Schedules

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

**Natural Environment**

SG LDP ENV 6 – Impact on Trees / Woodland

**Landscape and Design**

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems  
SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 6 – Private Water Supplies and Water Conservation

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Scottish Planning Policy

*Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and*

*unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:*

- Policy 58 – Private Water Supplies and Water Conservation

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

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**(M) Has a sustainability check list been submitted: No**

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**(N) Does the Council have an interest in the site: No**

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**(O) Requirement for a hearing: No.**

A total of 111 representations were received for the application – 57 of which were in objection, 53 in support and a neutral comment. It is worth noting that at the April PPSL meeting Members determined, contrary to officer's recommendation, that the previous application (21/02308/PP) should be subject to a site visit and discretionary pre-determination hearing in light of the significant volume of public representation both in support and opposition to the development. Application ref. 21/02308/PP was however withdrawn prior to a hearing being convened.

Whilst officers acknowledge that the proposal has stimulated a significant body of public interest from near and far and the previous consideration of PPSL in respect of the earlier withdrawn application, officers respectfully remain of the opinion that a pre-determination hearing will not add significant value to the planning process in this instance as the proposal relates to a modest householder development that has not been identified as likely to give rise to any significant adverse effects upon the receiving environment or the amenity of the locale. The land-use planning related issues raised by the proposal are not considered to be unduly complex and are addressed in detail within the report of handling.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment, nonetheless, having regard to the PPSL Committee's earlier determination in April 2022 and the level of public representation received in respect of the amended proposal it would be appropriate in this instance that Members consider the requirement for a pre-determination hearing as part of their consideration of this application.

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**(P) Assessment and summary of determining issues and material considerations**

This application seeks for planning permission to construct a detached garden room ancillary to the main dwellinghouse on Eilean Da Mheinn, Harbour Island in Crinan. The application site is accessible via a short boat trip from the end of the C39 public road to Crinan. The application has been resubmitted following the withdrawal of the original application (21/02308/PP) which attracted over one hundred representations. During PPSL meeting on 20<sup>th</sup> April, 2022. That application was continued by PPSL to allow a pre-determination hearing and a site visit however the application was withdrawn prior to the hearing being convened. The current application presents an amended proposal that seeks to address the concerns raised by objectors to the original application.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) 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. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation.

While the proposed building is not located immediately beside the existing dwellinghouse on the island it has been established that this part of the island is managed and utilised as part of the garden ground of the main dwellinghouse. The application has therefore been deemed a householder application for a domestic garden room ancillary to the main house. Though Policy LDP DM 1 sets out categorical development allowed within Very Sensitive Countryside Zones, it does not seek to restrict extension to established residential dwellings including erection of ancillary annex/outbuildings.

The determining factors in the assessment of this application were to initially establish whether or not the site formed part of the existing garden ground of the main house. Further considerations pertained to the location, scale, massing, design, finishing materials of the proposal and its visual impact on the Island and the National Scenic Area (NSA) as a whole.

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 visual character of the Island nor the NSA where it is located.

The application has attracted high volume of representations and is referred to Members to be determined as per the Council's agreed scheme of delegation

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**(Q) Is the proposal consistent with the Development Plan: Yes**

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

The nature of the proposal constitutes small scale householder development deemed acceptable and consistent with the requirement for the Settlement area. By virtue of its location, massing, design, materials and infrastructure the development will be in keeping with the character of its immediate surrounding and the wider



National Scenic Area. It would not give rise to any detrimental residential or visual amenity concerns.

The proposal, subject to the appended conditions, is deemed compliant with the adopted Argyll and Bute Local Development Plan policies LDP STRAT1, LDP DM1, LDP 3, LDP 9, LDP 10, and Supplementary Guidance SG LDP ENV 6, SG LDP ENV 12, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 6, and SG LDP Sustainable. There are therefore no other planning material considerations which would justify refusal of this application for Planning Permission.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

Not applicable

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
No

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**Author of Report:** Tiwaah Antwi **Date:** 29/09/2022

**Reviewing Officer:** Peter Bain **Date:** 05.10.2022

**Fergus Murray**  
**Head of Development & Economic Growth**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/01248/PP****1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 14/06/2022, 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
Proximity and Location Plan	AR/287/A/01		25/08/2022
Site Plan with Curtilage (1:1250)	AR/287/A/02		25/08/2022
Site Plan (1:250)	AR/287/A/03		25/08/2022
Proposed Elevations	AR/287/A/05		26/07/2022
Proposed Elevation, Sections and Plans	AR/287/A/04		26/07/2022

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

2. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the building hereby permitted shall be utilised solely as a structure ancillary to the occupation of the main dwelling and shall not be occupied independently thereof as a separate dwelling unit.

Reason: To define the permission on the basis of the Planning Authority's assessment of the use applied for.

3. Notwithstanding the provisions of Condition 1, the proposed path improvement to be carried out between the boathouse and the application site for the delivery of materials and construction of the garden room, hereby approved, shall be removed and the ground reinstated within three months following completion of the structure.

Reason: To ensure the development integrates into its surroundings, in the interest of visual amenity.

**NOTE TO APPLICANT**

For the avoidance of doubt this permission only provides for the occupation of the ancillary building and the main dwelling by a single household and their non-paying guests. Specifically the occupation of the building independently from that of the main dwelling (e.g. as a separate fulltime residence or a holiday letting unit) shall require the benefit of a separate planning permission.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/01248/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The application seeks planning permission to construct a detached garden room ancillary to the main dwellinghouse on Eilean Da Mheinn, Harbour Island in Crinan. 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 (LDP) 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. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation.

Policy LDP 3 aims to protect, conserve and where possible enhance the built, human and natural environment. SG LDP ENV 6 elaborates on this policy and expects development in and around trees, groups of trees and areas of woodland do not have adverse impact on the trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

SG LDP ENV 12 also has a presumption against development that would have an adverse effect on the integrity of the area, or that would undermine the special qualities of the area. The application site falls within both a Semi-Natural Ancient Woodland and a NSA designation.

Policy LDP 9 requires developers to produce and execute a high standard of appropriate design and to ensure that development is sited and designed so as to pay regard to the context within which it is located. The SG LDP Sustainable provides further detail to this policy seeking development layouts to be compatible with, and consolidate the existing settlement taking into account the relationship with neighbouring properties to ensure no adverse impact on visual and/or residential amenities. Additionally, the scale, design and building materials should complement the house and not dominate it, or detract from its amenity or the amenity of the surrounding area and properties. The total amount of building on the site should not exceed 33% of the site area.

Detailed below is an assessment of the proposed development against the above referenced policies deemed relevant to the application.

**B. Location, Nature and Design of Proposed Development**

Eilean Da Mheinn is a small private island which lies approx. 190 metres west of Crinan village in Loch Crinan. The Island's topography is predominantly made up geological features of three rock formations lying almost parallel to each other with two valleys between them. The two glens are connected by a set of reconstructed metallic steps.

The main house is centrally located on the Island in one of the glens contained by rock spurs while the proposed garden room will be sited centrally on the other and narrower glen currently maintained as a domestic garden ground with various plant species. This proposed location for the ancillary building is confined by the rock ridges on the north west and south east boundaries. To the north east (at sea) and south west from the high level grounds of the Core path C130/Ardnoe which lies some 273 metres south east, the proposal will be bounded by established mature trees.

The proposed 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. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation.

The nature of the proposed development is small scale and therefore acceptable in that it is intended to be used in conjunction with the main dwellinghouse on the Island. It is worth noting that Policy LDP DM 1 is not intended to restrict acceptable extension of existing residential dwellings within the Very Sensitive Countryside designation – this includes erection of detached ancillary annex/outbuildings within their garden grounds.

While undertaking a site visit and due to the nature of the island, it was noted that the proposed location for the garden room forms part of the managed domestic garden ground of the main dwellinghouse – therefore accepted as part of the main dwelling's curtilage. Due to the constraint of available usable ground around the main dwellinghouse, it is considered that the proposed location for the garden room is appropriate though within the secondary glen. This part of the garden is accessible via a set of steps which connects the two glens yet separated by one of the geological formations which hinders views from both sides. It is considered that the proposed location is carefully chosen where it will be confined in the glen and on a brownfield site with evidence of ruins foundation (approx. 500mm above the ground). Based on the above, the Planning Authority is satisfied that the proposed development is within the curtilage of the main dwellinghouse and its intended domesticated use is acceptable and conforms to Policy LDP DM 1 without compromise.

The revised proposal is a standard single storey rectangular structure measuring 6.5 metres in length, 3.7 metres wide and 3.7 metres high. The structure would have a pitched roof design with a part over hang roof on the East elevation. Externally, the character of unit is uniquely designed to reflect the character of the Island finished in locally sourced larch cladding and Douglas fir or cedar shingles. Internally, the layout consists of a toilet/shower facility and sitting area with stove and associated flue. The supporting statement identifies that the purpose of the building is to provide guests and visitors to the island who may be working in the garden with a toilet/washing facility, the applicants also intend to utilise the building as a quiet room for writing and creative space. The building will replace makeshift facilities which are currently housed in a boat which is beached in the adjacent bay. The applicant has advised that regular visitors to the island include private guests, a gardener and the Woodland Trust.

It is worth noting the existing path which runs between the Boathouse and the application site is propose to be improved as a temporary access for the delivery of building materials and the construction of the garden room. This is intended to be removed and the ground reinstated following completion. For the benefit of doubt, a condition has been appended to ensure the temporary access is removed.

Due to the proposal's restrained location in the glen, its reduced scale and unique design to complement the character of both the Island and the existing dwelling, it is considered acceptable as an ancillary domestic outbuilding. The proposal will not be materially detrimental to any visual or residential amenities already established and enjoyed by neighbours or the general public.

The proposed location for the ancillary building is well confined by the rock ridges with hardly any glimpses from north east at sea and south west from the high level grounds of Ardnoe which lies some 273 metres south east of the proposed site.

It is therefore not considered that the proposal would hinder any views and its finishing materials would naturally blend in the existing natural environment. It is therefore considered acceptable and compliant with policy LDP 9 and SG LDP Sustainable.

### **C. Natural Environment**

The proposal is not located within any site designated for nature conservation purposes. The existing site is a brownfield location that is currently occupied by low stone walls of a former building; the surrounding land is currently being managed as a part of the extended garden ground of the sole dwelling on the island and there is sufficient evidence in the form of non-native tree species, management of ground vegetation and siting of disused cold frames to suggest that such activity has been ongoing for a substantial period of time and predates the current owners interest in the land.

The proposal will not give rise to any significant adverse impact upon biodiversity and is consistent with LDP 3 and SG LDP ENV 1.

### **D. Landscape Impact**

The application site lies within the Knapdale National Scenic Area National Scenic Area wherein the provisions of policy LDP 3 and SG LDP ENV 12 would seek to resist development that would have an adverse effect on the integrity of the area, or which would undermine the Special Qualities of the area.

The Special Qualities of the Knapdale National Scenic Area are defined by Nature Scot as:

- Distinctive ridges and loch-filled trenches
- A landscape of skylines
- A clothing of oak woodland over ridges and hollows
- A profoundly evocative, ancient place
- Ever changing patterns of colour, sound and smell
- In the north, dramatic juxtaposition of ridges and volcanic plugs arising from the flat expanse of Moine Mhor bog
- Long slow journeys to the sea
- Dramatic views in the south
- The Crinan Canal

Whilst Eilean da Mheinn is a key feature within the local landscape setting of Loch Crinan and Crinan Harbour it is not specifically mentioned or identified in the NSA description or list of its Special Qualities. The topography of the island however is somewhat a miniature representation of the wider the ridges and valleys that

characterise the northern part of the NSA along with the general restriction of existing built development to more sheltered locations within valleys.

The proposed development is a modest structure located within land currently managed as part of a domestic garden and will generally be screened from wider view by the surrounding landform and existing tree cover. Whilst it is accepted that the development may be partially visible from an elevated forest walk above Crinan Harbour it will not have a significant presence within the wider landscape setting, and where visible will not appear out of context in relation to existing built development either on the island or the wider locale. The development is backdropped by the settlements of Crinan Harbour and Crinan where built development, including dwellings of significant scale and mass are evident in much more prominent and elevated locations than the current proposal.

The proposal is considered to be acceptable having regard to the provisions of LDP 3 and SG LDP ENV 12.

### **E. Infrastructure**

The proposal intends to rely on the existing public water supply and electricity on site. Surface water drainage will be taken into a soakaway and an existing pond, with any excess flowing to sea through established surface water drains. However, foul water will be taken in a proprietary composting unit with solid waste taken to garden and light fluid discharge to a soakaway.

Policy LDP 10 supports all development proposals that seek to maximise our resources and reduce consumption and where they accord with other relevant policy requirements.

In response to this, private waste water treatment is proposed with clean water to be discharged to a soakaway and therefore is in line with the requirements of SG LDP SERV 1, SG LDP ENV 6. SEPA's Standing Advice has been considered in the assessment as the nature of the proposal falls below SEPA's threshold for consultation. It is worth noting the Sound of Jura (including Loch Crinan) is not designated under EC Shellfish Directives 79/923/EEC or 91/492/EEC. Furthermore, the development has been assessed against the relevant unopposed Policy 58 of the proposed LPD 2 which does not reflect much changes to their currently adopted policies, it is therefore considered that the development also conforms to this policy.

In conclusion, the proposed development has been assessed against all of the above potential constraints and designations and determined to raise no issues or concerns. It is consistent with relevant policies of the adopted LDP subject to the appended conditions.

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**Location Plan Relative to Planning Application: 22/01248/PP**



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