NOTICE OF MEETING

A meeting of the OBAN LORN & THE ISLES AREA COMMITTEE will be held on WEDNESDAY, 10 JANUARY 2007 at 10:30 AM, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

3. CORPORATE SERVICES
   (a) Minute of meeting of the Oban, Lorn & the Isles Area Committee held on 6th December 2006 (Pages 1 - 12)
   (b) Note of site inspection meeting held on 11th December 2006 in regard to planning application ref.06/01652/OUT (Pages 13 - 14)
   (c) Report by Area Corporate Services Manager in regard to usable capital receipts (Pages 15 - 16)

4. COMMUNITY SERVICES
   (a) Report by Head Teacher, Tiree High School: Achievement Report 2007 (Pages 17 - 26)
   (b) Report by Director of Community Services in regard to School Holidays and In Service Days: 2008/2009 (Pages 27 - 30)

5. DEVELOPMENT SERVICES
(a) List of Building Standards delegated decisions issued by the Director of Development Services since the last meeting (Pages 31 - 40)

(b) List of Town and County Planning delegated decisions issued by the Director of Development Services since the last meeting (Pages 41 - 48)

(c) 06/00127/OUT: Mr C Rose: Erection of 10 dwellings and conversion of existing Land at Eredine House, Loch Awe (Pages 49 - 58)

(d) 06/01604/VARCON: Mr and Mrs MacLean: Deletion of conditions 2 and 4 from consent ref.05/01708/DET units 1 and 2 - remove 6 month occupancy and north elevation windows obscurity - The Garage, Breadalbane Street, Oban (Pages 59 - 66)

(e) 06/01690/DET: Easdale Island Cottages Ltd.: Erection of 3 cottages - Land south east of Ferry House, Easdale Island (Pages 67 - 80)

(f) 06/01858/OUT: Mr David Smith: Erection of a dwelling house - Site north of Barranrioch, Glencruitten, by Oban (Pages 81 - 90)

(g) 06/02030/MFF: Mainstream Scotland Ltd.: Renewal and modification of existing lease - Camas Bruaiche Ruaidhe (Pages 91 - 100)

(h) 06/02063/DET: Mr and Mrs B MacLeod: Erection of two dwelling houses - Land at Allt Glac na Ceadacht, Raeric Road, Tobermory, Isle of Mull (Pages 101 - 108)

(i) Letter dated 6th December 2006 from the Scottish Executive Inquiry Reporters Unit in regard to appeal decision in respect of the proposed erection of 2 houses north east of Tansor and Cramond, Dervaig, Tobermory, Isle of Mull (Pages 109 - 118)

(j) Report by Head of Planning in regard to the proposed upgrading of Cruachan Viaduct, Loch Awe from a category B to a category A listed building (Pages 119 - 122)

6. OPERATIONAL SERVICES

(a) Report by Head of Roads and Amenity Services in regard to Mull roads weight limits (Pages 123 - 124)

(b) Report by Head of Roads and Amenity Services in regard to Oban Development Road (Pages 125 - 126)

7. PUBLIC QUESTION TIME
The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an ‘E’ on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7A to the Local Government (Scotland) Act 1973.

The appropriate paragraphs are:

**E1 – Paragraph 9** Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

**E2, E3 – Paragraph 13** Information which, if disclosed to the public, would reveal that the authority proposes:

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

8. **ACQUISITION / DISPOSAL / LEASING OF PROPERTY**

(a) Report by Director of Operational Services in regard to Ganavan Sands Management Contract (Pages 127 - 128)

(b) Report by Director of Corporate Services in regard to sale of ground at Hazeldean, Oban (to follow)

(c) Report by Director of Corporate Services in regard to disposal of former primary school at Bridge of Orchy (to follow)

(d) Report by Director of Corporate Services in regard to sale of former primary school at Pennyghael, Isle of Mull (to follow)

(e) Report by Head of Legal and Protective Services in regard to formal Deeds and Documents executed between 15th November and 14th December 2006 (Pages 129 - 130)

9. **SECTION 75 AGREEMENTS**

(a) Report by Head of Planning in regard to Section 75 Agreements (Pages 131 - 138)

10. **ENFORCEMENT ACTION**

(a) Report by Head of Planning in regard to Development Control Enforcement Activity (Pages 139 - 180)

(b) Report by Head of Planning in regard to enforcement action ref. 05/00190/ENFOTH (Pages 181 - 182)

(c) Report by Head of Planning in regard to enforcement action ref. 06/00210/ENFOTH (Pages 183 - 184)

**OBAN, LORN & THE ISLES AREA COMMITTEE**
Councillor Robin Banks
Councillor Allan Macaskill
Councillor Sidney MacDougall
Councillor Donald McIntosh

Councillor Ian Gillies (Vice-Chair)
Councillor Alistair MacDougall (Chair)
Councillor Duncan MacIntyre
Councillor Elaine Robertson

Contact:
MINUTES of MEETING of OBAN LORN & THE ISLES AREA COMMITTEE held in the COUNCIL CHAMBER, MUNICIPAL BUILDINGS, ALBANY STREET, OBAN on WEDNESDAY, 6 DECEMBER 2006

Present: Councillor Alistair MacDougall (Chairman)

Councillor Robin Banks    Councillor Donald McIntosh
Councillor Allan Macaskill  Councillor Duncan MacIntyre
Councillor Sidney MacDougall Councillor Elaine Robertson

Attending: Kenneth Macdonald, Area Corporate Services Manager
Donald Kelly, Chief Solicitor
Hugh Blake, Senior Estates Surveyor
Paul Reynolds, Environmental Health Officer
Dawn Martin, Money Advice Officer
Sandy Taylor, Chief Protective Services Officer
Aileen McLennan, Press Officer
Niall Urquhart, Community Learning and Development Manager
Linda Kirkwood, Head Teacher, Oban High School
Chris Shirley, Quality Standards Manager, Education
Alex Taylor, Area Service Manager, Social Work
Angus Gilmour, Head of Planning
Ewen Stewart, Planning Officer
Andrew Scott, Senior Building Control Officer
Blair Fletcher, Transportation Manager
Neil Brown, Area Roads & Amenity Services Manager

1. APOLOGIES FOR ABSENCE

Councillor Ian Gillies

2. DECLARATIONS OF INTEREST

Councillor Alistair MacDougall declared a non-pecuniary interest in planning application ref. 06/01712/DET dealt with at item 7(e) of this minute as the applicant is a family relative.

Councillor Sidney MacDougall declared a non-pecuniary interest in planning application ref. 05/02377/OUT dealt with at item 7(c) of this minute, due to his professional involvement with the West Highland Housing Association.

Councillor Elaine Robertson declared a non-pecuniary interest in the Social Welfare grant application for the sensory garden dealt with at item 6(a) of this minute due to her involvement with the group; and in planning application ref. 05/02377/OUT dealt with at item 7(c) of this minute due to her position as a Council appointed member of the board of the West Highland Housing Association.
3. PRESENTATION OF PLANNING AWARD 2005

The Chairman intimated that the winner of the 2005 Oban, Lorn & the Isles Planning Award, Mr N MacDonald, Gramercy, The Grazings, Tobermory, Isle of Mull could not attend today’s meeting, and that he, as Local Member, together with the Area Planning Team Leader, would present the award to Mr MacDonald on site on a date to be arranged.

4. PRESENTATION ON MONEY ADVICE

The Members heard a presentation from the Chief Public Protection Officer and the Money Advice Officer in regard to the causes of debt, the support services available from the Council and areas for future development of the service.

5. CORPORATE SERVICES

(a) MINUTE OF MEETING OF OBAN LORN & THE ISLES AREA COMMITTEE HELD ON 8TH NOVEMBER 2006

The minute of the meeting of the Oban, Lorn & the Isles Area Committee held on 8th November 2006 was approved as a correct record, subject to the deletion of “consideration” and insertion of “information” as the last word in the penultimate sentence of the response to Mr K MacIntyre’s question under item 7.

(b) NOTE OF SITE INSPECTION MEETING HELD ON 30TH OCTOBER 2006 IN REGARD TO PLANNING APPLICATION REF. 06/01732/DET

The note of the site inspection meeting held on 30th October 2006 in respect of planning application 06/01732/DET was approved as a correct record.

6. COMMUNITY SERVICES

(a) APPLICATIONS FOR FINANCIAL ASSISTANCE UNDER THE SOCIAL WELFARE GRANT SCHEME

Members considered and dealt with applications for financial assistance from the Social Welfare Grants Scheme as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Project</th>
<th>Total Cost</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crossroads North Argyll</td>
<td>Atlantis Fun Club</td>
<td>£ 8,724</td>
<td>Grant of £2,275</td>
</tr>
<tr>
<td>Sensory Garden, Oban</td>
<td>Purchase of plants</td>
<td>£10,000</td>
<td>Grant of £ 500</td>
</tr>
</tbody>
</table>

The Members requested that further grant applications for the balance of funds remaining in the Leisure, Education and Social Welfare grants schemes be brought before the 10th January or 7th February 2007 Area
Committees for consideration.

(Ref: Report dated 14th November 2006 by the Director of Community Services, submitted)

(b) REPORT BY AREA COMMUNITY LEARNING & DEVELOPMENT MANAGER IN REGARD TO SCOTTISH INDEX OF MULTIPLE DEPRIVATION 2006 - CHANGES IN OBAN LORN & THE ISLES

Members considered, and noted, a report dated 16th November 2006 by the Area Community Learning and Development Manager in regard to changes in the position of data zones within the Oban, Lorn & the Isles area.

(Ref: Report dated 16th November 2006 by the Area Community Learning and Development Manager, submitted)

(c) REPORT BY DIRECTOR OF COMMUNITY SERVICES IN REGARD TO SCHOOL HOLIDAYS AND IN SERVICE DAYS 2007/2008 AND 2008/2009

Members considered a report dated 10th November 2006 by the Director of Community Services in regard to school holidays and in-service days for 2007/08 and 2008/09.

Decision:

Members agreed:-

(a) to endorse the final patterns of school holidays and in-service days for all schools in the Oban, Lorn & the Isles area as set out in the report; and

(b) that the details of school holidays and in-service days for 2007/08 and 2008/09 should now be circulated to schools and all relevant organisations.

(Ref: Report dated 10th November 2006 by the Director of Community Services, submitted)

(d) ACHIEVEMENT REPORT BY HEAD TEACHER, OBAN HIGH SCHOOL

Members considered, and noted, a report by Linda Kirkwood, Head Teacher, Oban High School, in regard to the major achievements of the school in 2005/06.

The Chairman congratulated the Head Teacher on the successes of the school.

(Ref: Report by the Head Teacher, Oban High School, submitted)

7. DEVELOPMENT SERVICES
(a) **LIST OF BUILDING STANDARDS DELEGATED DECISIONS ISSUED BY THE DIRECTOR OF DEVELOPMENT SERVICES SINCE THE LAST MEETING**

Members considered, and noted, a list dated 17th November 2006 of Building Standards applications in respect of which approvals had been issued since the last meeting.

(Ref: List of approvals dated 17th November 2006, submitted)

(b) **LIST OF TOWN AND COUNTY PLANNING DELEGATED DECISIONS ISSUED BY THE DIRECTOR OF DEVELOPMENT SERVICES SINCE THE LAST MEETING**

Members considered, and noted, a list dated 17th November 2006 of Town and Country Planning applications in respect of which decisions had been issued since the last meeting.

(Ref: List of delegated decisions dated 17th November 2006, submitted)

(c) **05/02377/OUT: WEST HIGHLAND HOUSING ASSOCIATION: SITE FOR THE ERECTION OF EIGHT DWELLINGHOUSES (AFFORDABLE) - LAND SOUTH OF AROS SALEN ISLE OF MULL**

It was agreed that consideration of this application be continued to allow a Development Plan Departure Hearing to be held in the Oban Council Chamber on 10th January 2007.

(Ref: Report dated 13th November 2006 by the Head of Planning, submitted)

(d) **06/01690/DET: EASDALE ISLAND COTTAGES LTD: ERECTION OF 3 COTTAGES - LAND SOUTHEAST OF FERRY HOUSE EASDALE ISLAND**

Copies were circulated of Supplementary Report No.1 dated 30th November 2006 by the Head of Planning, and it was agreed that this matter be continued to the next meeting to allow Members time to consider the terms of the aforesaid report in detail.

(Ref: Report dated 10th November and Supplementary Report No.1 dated 30th November 2006 by the Head of Planning, submitted)

Prior to consideration of the following item of business, Councillor Alistair MacDougall, having earlier declared an interest therein, vacated the Chair and left the room.

It was agreed to appoint Councillor Banks as interim Chairman.

(e) **06/01712/DET: MR C MACDOUGALL: ERECTION OF DETACHED DWELLINGHOUSE - LAND WEST OF HANNAY HOUSE, BY FIONNPHORT, ISLE OF MULL**

Approved, subject to (a) conditions 1-5 as set out in the report dated 14th
November 2006 by the Head of Planning; and (b) the addition to the final sentence of condition 6 of the words “and shall be maintained thereafter for a minimum of ten years”.

(Ref: Report dated 14th November 2006 by the Head of Planning, submitted)

Councillor Banks vacated the Chair, which was re-assumed by Councillor Alistair MacDougall.

(f) 06/02015/COU: MELFORT PIER AND HARBOUR: CHANGE FROM RESTAURANT LICENCE TO PUBLIC HOUSE LICENCE - RESTAURANT AT MELFORT PIER

Approved, subject to the standard condition as to the duration of the consent.

(Ref: Report dated 10th November 2006 by the Head of Planning, submitted)

(g) REPORT ON BUILDING STANDARDS PERFORMANCE MONITORING AND SIX MONTHLY SERVICE PLAN PROGRESS FOR PERIOD ENDING 30TH SEPTEMBER 2006 COUNCIL WIDE AND DECENTRALISED AREA TEAMS

Members considered, and noted, a report dated 23rd November 2006 by the Head of Planning in regard to the Building Standards performance with respect to processing building warrant and completion certificate applications over the period from 1st April to 30th September 2006.

(Ref: Report dated 23rd November 2006 by the Head of Planning, submitted)

(h) REPORT ON SIX MONTHLY DEVELOPMENT MANAGEMENT PERFORMANCE: COUNCIL WIDE AND DECENTRALISED AREA TEAMS - APRIL 2006 TO SEPTEMBER 2006

Members considered, and noted, a report by the Head of Planning in regard to the performance with respect to processing planning applications over the period from 1st April to 30th September 2006.

(Ref: Report by the Head of Planning, submitted)

(i) REPORTERS DECISION IN REGARD TO PLANNING APPLICATION BY MR J JENNETT - ERECTION OF A HOUSE, NORTH-WEST OF TIGH NA DROCHAI, PORT APPIN

Members considered, and noted, a copy letter dated 14th November 2006 from the Scottish Executive Inquiry Reporters Unit to HAA Design Ltd., advising of the dismissal of an appeal against the Council’s refusal to grant outline planning permission for the erection of a house north west of Tigh
REPORT BY HEAD OF PLANNING IN REGARD TO PROPOSAL FROM HISTORIC SCOTLAND TO RECLASSIFY LISTED BUILDING GRADING OF CRUACHAN VIADUCT, LOCHAWE

With reference to the minute of the meeting of the Area Committee held on 8th November 2006 when it was agreed to continue consideration of a request from Historic Scotland for the Council’s observations on a proposal to reclassify the Listed Building grading of the Cruachan Viaduct, Loch Awe from Category B to Category A, pending clarification of the views of Network Rail on the proposal, Members were advised that no response to the Council's request for this information had yet been received from Network Rail.

**Decision:**

It was agreed that consideration of this matter be continued to the next meeting to allow a further letter to be sent to Network Rail requesting a response. It was further agreed that all correspondence relating to this matter be copied to Members.

REPORT BY DIRECTOR OF DEVELOPMENT SERVICES IN REGARD TO REMOVAL OF SECTION 50 AGREEMENT - CALGARY FARMHOUSE HOTEL, CALGARY, ISLE OF MULL

With reference to the minute of the meeting of the Area Committee held on 8th November 2006 when it was agreed that a request for the removal of a Section 50 Agreement at Calgary Farmhouse Hotel be continued, pending submission of a report in regard to the imposition of conditions to control the future use of the premises, Members considered a supplementary report no.1 dated 27th November 2006 by the Head of Planning.

**Decision:**

It was agreed to instruct the Head of Legal and Protective Services to initiate relevant procedures in order that the legal agreement that prevents the sale of this former carpentry studio / workshop building from the Calgary Hotel can be removed.

REPORT BY PUBLIC TRANSPORT OFFICER IN REGARD TO RURAL TRANSPORT GRANT 2007/08

Members considered a report by the Head of Transportation & Infrastructure in regard to proposals for experimental public transport
services to be funded by the Rural Transport Grant 2007/08.

**Decision:**

It was agreed to note the corporate proposals to be submitted to the Strategic Policy Committee, and to recommend to the Strategic Policy Committee:-

(a) to use the 2007/08 Rural Transport Grant to provide the additional public transport services within the Oban, Lorn & the Isles area as detailed in the report with the following amendment:- that section B be amended to include the strengthening of the Citylink Oban to Glasgow summer service as a first priority at an estimated cost of £15,000;

(b) that the second priority will be the extension of the existing Barcaldine service to Creagan Bridge; and

(c) to request the Transportation Manager to investigate the provision of extending the Easdale Island – Ellenabeich ferry service to provide additional sailings on the evenings of meetings of the Seil and Easdale Community Council.

(Ref: Report dated November 2006 by the Head of Transportation & Infrastructure, submitted)

**(m) REPORT BY TRANSPORTATION MANAGER IN REGARD TO OBAN - FORT WILLIAM CYCLE ROUTE**

Members considered a report dated 22nd November 2006 by the Transportation Manager in regard to progress on the development of the Oban-Fort William cycle route.

**Decision:**

It was agreed:

(a) to note the progress made so far in the development of this cycle route, and reiterate its support for the project;

(b) to commit the Oban Lorn & the Isles area’s 2007/08 special allocation of £40,000 towards Cycling, Walking and Safer streets initiatives to this project; and

(c) to request the Strategic Policy Committee to consider that a sum of £60,000 per annum be included in the Council’s capital programme for 2007/08, 2008/09 and 2009/10 for this project.

(Ref: Report dated 22nd November 2006 by the Transportation Manager, submitted)

**(n) REPORT BY HEAD OF ROADS AND AMENITY SERVICES IN REGARD TO PROPOSED EXPENDITURE OF CAPITAL ALLOCATION IN RESPECT OF OBAN DEVELOPMENT ROAD**

Members considered a report by the Head of Roads and Amenity Services in regard to capital expenditure on the Oban Development Road.
**Decision:**

Members expressed concern at the delay in the carrying out of the survey and it was agreed to request that the Head of Roads and Amenity Services submit a further report to the next meeting in regard to progress.

(Ref: Report by the Head of Roads and Amenity Services, submitted)

**REPORT BY DIRECTOR OF DEVELOPMENT SERVICES IN REGARD TO THE SCOTTISH EXECUTIVE CONSULTATION ON SCOTLAND'S FIRST COASTAL AND MARINE NATIONAL PARK**

Members considered a report by the Senior Planning / Development Officer in regard to the announcement by the Scottish Executive of the commencement of a three month consultation on Scotland’s first Coastal and Marine National Park.

**Decision:**

It was agreed that it is premature to make any recommendation to the Strategic Policy Committee at this time as the Scottish Executive’s public consultation meetings have yet to be held. Accordingly, Members agreed that the matter be referred to the Strategic Policy Committee without recommendation from this Area Committee.

(Ref: Report dated 29th November 2006 by the Senior Planning / Development Officer, submitted)

8. **OPERATIONAL SERVICES**

(a) **REPORT BY DIRECTOR OF OPERATIONAL SERVICES IN REGARD TO REMOVAL OF OPEN COMMUNITY SKIPS ON TIREE**

Members considered, and agreed, a report dated 13th November 2006 by the Director of Operational Services in regard to the planned removal of unstaffed open community skips on Tiree on 1st February 2007.

(Ref: Report dated 13th November 2006 by the Director of Operational Services, submitted)

9. **PUBLIC QUESTION TIME**

There were no questions from the public.

10. **ACQUISITION / DISPOSAL / LEASING OF PROPERTY**

(a) **REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO LEASES AT CRANNOG LANE, OBAN**

Members considered, and noted, a report dated 5th December 2006 by the Head of Legal & Protective Services in regard to properties at 9 and 15 Crannog Lane, Oban.
(Ref: Report dated 5th December 2006 by the Head of Legal & Protective Services, submitted)

(b) REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO SALE OF GROUND AT HAZELDEAN, OBAN

Members considered, and noted, a report dated 4th December 2006 by the Head of Legal & Protective Services in regard to sale of land at Hazeldean, Oban. Members agreed, however, that payment of the outstanding rent must be made prior to sale of the ground being concluded.

(Ref: Report dated 4th December 2006 by the Head of Legal & Protective Services, submitted)

(c) REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO SALE OF LAND AT LORA VIEW, NORTH CONNEL - MR LACHLAN MACLEAN

Members considered, and approved, a report dated 15th November 2007 by the Director of Corporate Services in regard to the sale of ground at North Connel.

(Ref: Report dated 15th November 2006 by the Director of Corporate Services, submitted)

(d) REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO DISPOSAL OF FORMER PRIMARY SCHOOL AT BRIDGE OF ORCHY

Members considered, and noted, a report dated 4th December 2006 by the Head of Legal & Protective Services in regard to the disposal of the former primary school at Bridge of Orchy.

(Ref: Report dated 4th December 2006 by the Head of Legal & Protective Services, submitted)

(e) REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO THE WHITE BUILDING, NORTH PIER, OBAN

Members considered a report dated 15th November 2006 by the Head of Legal and Protective Services in regard to the position in relation to the sale of the White Building, North Pier, Oban.

**Decision:**

It was agreed to instruct the Head of Legal and Protective Services to proceed with the sale of the property to Black King Developments Limited and to negotiate a down-payment and payment period for the balance. It was further agreed that the Head of Legal and Protective Services issue a letter to the Trustees of the Oban War & Peace Museum requesting removal of their sign from the building.
(Ref: Report dated 15th November 2006 by the Head of Legal and Protective Services, submitted)

(f) REPORT BY HEAD OF LEGAL & PROTECTIVE SERVICES IN REGARD TO FORMAL DEEDS AND DOCUMENTS EXECUTED BETWEEN 12TH OCTOBER 2006 AND 14TH NOVEMBER 2006

Members considered, and noted, a list of formal deeds and documents relating to the Oban, Lorn & the Isles area executed between 12th October and 14th November 2006.

(Ref: Report dated 14th November 2006 by the Head of Legal and Protective Services, submitted)

11. ENFORCEMENT ACTIONS

(a) REPORT BY HEAD OF PLANNING IN REGARD TO ENFORCEMENT ACTION REF. 05/00190/ENFOTH

Members considered a report dated 13th November 2006 by the Head of Planning in regard to enforcement action ref. 05/00190/ENFOTH.

Decision:

It was agreed to defer consideration of this matter pending the outcome of the relevant planning application.

(Ref: Reports dated 13th November 2006 by the Head of Planning, submitted)

(b) REPORT BY ACCESS MANAGER IN REGARD TO ENFORCEMENT ACTION UNDER SECTION 14 OF THE LAND REFORM (SCOTLAND) ACT 2003

Members considered, and noted, a report by the Access Manager in regard to enforcement action undertaken by the Council under Section 14 of the Land Reform (Scotland) Act 2003.

(Ref: Report by the Access Manager, submitted)

12. SECTION 75 AGREEMENTS

(a) REPORT BY HEAD OF PLANNING IN REGARD TO SECTION 75 AGREEMENTS

Members considered, and noted, a report dated 15th November 2006 by the Head of Planning in regard to the current status of applications which have been recommended for approval subject to the satisfactory conclusion of a Section 75 Agreement.

(Ref: Report dated 15th November 2006 by the Head of Planning, submitted)
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Note of Site Inspection Meeting held on Monday 11th December 2006 at Land north west of Antuim Farm, Dervaig, Isle of Mull, in regard to planning application ref. 06/01652/OUT: Site for the erection of two dwelling houses - land north west of Antuim Farm, Dervaig, Isle of Mull.

Present: Councillor Alistair MacDougall (Chairman)
Councillor Robin Banks
Councillor Allan Macaskill
Councillor Sidney MacDougall
Councillor Elaine Robertson

Also Present: Jane Gillies, Local Services Assistant
Ian MacIntyre, Area Team Leader, Planning Services
Kaz Bailey, Roads Engineer
Mr T Addy, Applicant
Mr J Addy
Ms S Benson
Mr H Boa, Landowner

Apologies: Councillor Ian Gillies
Councillor Donald McIntosh
Councillor Duncan MacIntyre

Declarations of Interest: None

In accordance with the decision of the Oban, Lorn & The Isles Area Committee on 8th November 2006, a site inspection meeting was held in regard to planning application reference 06/01652/OUT.

The Chairman outlined to those present the procedure that would be followed and invited Mr Ian McIntyre to address the meeting.

Mr Ian MacIntyre outlined to those present the details of the application, as set out in the report by the Head of Planning dated 24th October 2006 relative to the application. He added that he had looked at the access prior to the meeting and he distributed a map to those present to show the proposed access. He concluded by recommending that this application be refused for the reasons set out in the aforesaid report.

Ms Bailey advised that the sight lines were inadequate as there is only 52m visibility downhill and 46m uphill when they should be 70m in either direction. She advised that if a rocky outcrop on the uphill side were to be removed this would greatly increase the sight lines in that direction. Allowances would be made on the uphill side due to the steepness of the road and the sharp corner to be manoeuvred before being in view of the access.

Mr Addy advised that they had used the proposed access as the neighbouring one, running alongside, which had been approved previously. He added that
the size of the site is larger on the plan than that proposed and that his proposal constitutes rounding off.

The plan does not show approved or proposed accesses or developments around this application site. He also added that the fee of £2,600 charged for this outline application was more for a larger development and not for affordable housing for a young family.

In response to a question from Councillors Banks and Macaskill, the Roads Engineer explained the measurement of the sight lines.

In response to a question from Councillor Macaskill, Mr MacIntyre advised that the fees are based on the size of a site but are normally £260 per dwelling.

In response to a further question from Councillor Macaskill, the Applicant advised that they had chosen this site because it is closer to the centre of the village.

In summing up Mr MacIntyre stated that the Council had spent a long time preparing and producing the new Local Plan and added that the ancient monument referred to in his report is a possible reason for not having this area set aside for housing. He added that this area is not rounding off or infilling. The access could be solved but this would require a new application. He concluded by saying that in his view this application is contrary to the Mull, Coll and Tiree Local Plan, has an adverse effect on an ancient monument and should be refused for the five reasons set out in the aforesaid report.

In summing up Mr Addy said that this application is in keeping with the pattern for Dervaig as it is growing at present. He added that the plan doesn’t show accesses or developments around this application site. He said that the access problem could be overcome by either removing the outcrop of rock uphill or by submitting a new access. He concluded by saying that if the application is approved he would ensure that the house is in keeping with the landscape.

Ms Bailey said that it would be her preference for the access to be moved and would be happy with a new application showing this.

Decision:

It was unanimously agreed that this application be continued to allow the applicant to investigate other sites within the housing allocation area.

Corporate Services
14 December 2006
USABLE CAPITAL RECEIPTS

1.0 SUMMARY

1.1 This report is to advise Members in regard to capital receipts available for allocation against projects which meet the capital criteria.

2.0 RECOMMENDATION

2.1 Members are asked to consider allocation of the available sum of £13,879.88.

3.0 DETAIL

3.1 As at February this year all sums arising from the disposal of assets and allocated to the Oban, Lorn & the Isles Area Committee for spending on projects currently in the Capital Plan and programmed for 2006/07 or 2007/08 had been spent.

3.2 At the meeting of the Area Committee held on 8th March the Head of Strategic Finance advised that arising from the disposal of assets a further sum of £9,870.38 was available. At the meeting of the Area Committee on 4th October 2006 Members agreed to allocate this sum towards the cost of infrastructure improvements in relation to the Christmas lights in Oban. At the meeting on 8th November it was agreed to offset £5,000 of this sum by way of a grant to the Oban Town Centre Traders Amenity Association from the Leisure Development / Education Development Grant Schemes. Accordingly this left a balance of £4,870.38 of capital receipts available for allocation.

3.3 Advice has been received from the Head of Strategic Finance that arising from the disposal of assets a further sum of £9,009.50 is now available to the Oban, Lorn & the Isles Area Committee for allocation against projects which meet the capital criteria. The assets which have been disposed of to release this sum is as follows:

<table>
<thead>
<tr>
<th>Asset</th>
<th>Disposal Proceeds</th>
<th>Available to Area Cttee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land at Carnasserie Place, Lochgilphead</td>
<td>£ 450.00</td>
<td>£  62.00</td>
</tr>
<tr>
<td>Toward PC</td>
<td>£16,000.00</td>
<td>£1,600.00</td>
</tr>
<tr>
<td>Former Roads Depot, Ledaig, Tobermory</td>
<td>£15,000.00</td>
<td>£3,000.00</td>
</tr>
<tr>
<td>Land at Baliscate, Tobermory</td>
<td>£  450.00</td>
<td>£  90.00</td>
</tr>
<tr>
<td>Store, Broadcroft Lane, Rothesay</td>
<td>£41,500.00</td>
<td>£ 4,150.00</td>
</tr>
<tr>
<td>Land at High Acre, Station Road, Rhu</td>
<td>£  1,075.00</td>
<td>£ 107.50</td>
</tr>
<tr>
<td>Total</td>
<td>£9,009.50</td>
<td></td>
</tr>
</tbody>
</table>
3.4 The total sum currently available is therefore £13,879.88.

4.0 IMPLICATIONS

Policy: None
Financial: None – within appropriate financial capital allocation.
Personnel: None
Equal Opportunities: None

For further information contact: Kenneth Macdonald, Area Corporate Services Manager
01631 567902

Date: 24th November 2006
1. SUMMARY

A report on the performance of all Argyll and Bute pupils in the Scottish Qualifications Authority (SQA) examination results was presented to the Strategic Policy Committee on 16th November 2006.

This report, presented by the Head Teacher, Miss Myra McArthur, outlines the major achievements of the school in 2005/6 and includes the SQA examination results for pupils who sat examinations in May/June 2006. The results are based on pre-appeal data.

2. RECOMMENDATIONS

The Area Committee are asked to note the strong performance of pupils and the commitment of staff in their examination successes and in the wider aspects of achievement across the school.

3. DETAILS

The details are included in the attached report from the school.

4. IMPLICATIONS

Policy: None
Financial: None
Personnel: None
Equal Opportunities: None

For further information contact: Miss Myra McArthur, Head Teacher
Tiree High School
Telephone: 01879 220 383
Overview
The main focus for improvement in Tiree High School over the last year has been on Teaching and Learning. This has been approached on a number of fronts e.g. staff development, teaching methodology, resources, planning and preparation, evaluation and reflection.

Staff Development
Whole school staff development sessions have involved methodologies for teaching personal and social education, a focus on listening skills, Assessment is for Learning, target-setting and being a reflective practitioner. The work on being a reflective practitioner has involved peer observation and discussion. While this has proved to be challenging to staff, the value of the exercise is recognised and we will continue to develop the process.

Positive Learning Initiative
Over the last two sessions, this initiative has been developed in Tiree High School, with common themes running through both primary and secondary departments. Parents, pupils and staff have been consulted at intervals during this development and there is clear evidence of pupils striving to attain standards to gain merits and rewards.

Cross-Sectoral Collaboration
Although costly in resources, the literacy collaborative work carried out across the sectors was highly valued by staff and some very good examples of writers’ craft were produced by pupils from P6-S2. The school plans to develop this further with the focus on functional writing and by extending the project to include mathematics.

ICT provision
The last two sessions have seen a large investment in Information Technology. All primary teaching areas and all but home economics and technical classrooms in the secondary department have interactive whiteboards in place. Teachers are making rapid progress in developing their skill in using the boards. Teachers and pupils find them stimulating and value the range of resources and tools now routinely available in the classroom.

Two suites of 10 computers were installed in the school, one in the primary and another in the secondary department. These enable teachers to take a class of pupils to access on-line resources or to word process materials. Teachers are becoming more adept and pupils’ ICT skills are developing steadily. The S1/S2 ICT courses are now being reviewed and modified in light of the more advanced level of attainment of our P7 pupils.
Support for Pupils
The provision in the area of support for pupils is much improved. More effective communication with the Area Network Support Team has resulted in a series of visits to Tiree High School. These have proved to be invaluable to staff and have been of great benefit to pupils. Teachers have been able to access skilled personnel for information on how to best support children with additional support needs and to identify key resources for pupil support. It is hoped that the plan to increase this provision to four visits of 1.5 days this session will come to fruition.

Personal and Social Education Development
This year we have in place a new curricular plan for Personal, Social and Moral Education. This is being reviewed as we progress and the information gathered from staff and pupils will be used in modification of the course for next session. This area will be a priority for resourcing in the next financial year.

Academic Achievement

5-14 Attainment to June 2006

The percentage of the P3 roll attaining or exceeding 5-14 level A was as follows

<table>
<thead>
<tr>
<th></th>
<th>THS (English)</th>
<th>THS (Gaelic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Writing</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Mathematics</td>
<td>100 (whole year group)</td>
<td>100</td>
</tr>
</tbody>
</table>

The percentage of the P4 roll attaining or exceeding 5-14 level B was as follows

<table>
<thead>
<tr>
<th></th>
<th>THS (English)</th>
<th>THS (Gaelic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Writing</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Mathematics</td>
<td>100 (whole year group)</td>
<td>0</td>
</tr>
</tbody>
</table>

The percentage of the P6 roll attaining or exceeding 5-14 level C was as follows

<table>
<thead>
<tr>
<th></th>
<th>THS (English)</th>
<th>THS (Gaelic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>80 (whole yr gp)</td>
<td>80 (GMU)</td>
</tr>
<tr>
<td>Writing</td>
<td>80 (whole yr gp)</td>
<td>60 (GMU)</td>
</tr>
<tr>
<td>Mathematics</td>
<td>90 (whole year group)</td>
<td>70 (GMU)</td>
</tr>
</tbody>
</table>
The percentage of the P7 roll attaining or exceeding 5-14 level D was as follows:

<table>
<thead>
<tr>
<th></th>
<th>THS (English)</th>
<th>THS (Gaelic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>86</td>
<td>83 (GMU)</td>
</tr>
<tr>
<td>Writing</td>
<td>71</td>
<td>50 (GMU)</td>
</tr>
<tr>
<td>Mathematics</td>
<td>86</td>
<td>(whole year group)</td>
</tr>
</tbody>
</table>

The percentage of the S2 roll attaining or exceeding 5-14 level E was as follows:

<table>
<thead>
<tr>
<th></th>
<th>THS %</th>
<th>Argyll &amp; Bute %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>90</td>
<td>71</td>
</tr>
<tr>
<td>Writing</td>
<td>80</td>
<td>58</td>
</tr>
<tr>
<td>Mathematics</td>
<td>30</td>
<td>63</td>
</tr>
</tbody>
</table>

**SQA Results 2006**

The percentages of pupils gaining the levels of national qualifications shown are as follows:

<table>
<thead>
<tr>
<th></th>
<th>THS</th>
<th>Argyll&amp;Bute</th>
<th>Scotland</th>
</tr>
</thead>
<tbody>
<tr>
<td>In S4 5+ Level 3 (SG Foundation or equiv)</td>
<td>100</td>
<td>94</td>
<td>90</td>
</tr>
<tr>
<td>5+ Level 4 (SG General or equivalent)</td>
<td>100</td>
<td>80</td>
<td>76</td>
</tr>
<tr>
<td>5+ Level 5 (SG Credit or equivalent)</td>
<td>75</td>
<td>37</td>
<td>34</td>
</tr>
<tr>
<td>In S5 1+ Level 6 (Higher)</td>
<td>88</td>
<td>45</td>
<td>38</td>
</tr>
<tr>
<td>3+ Level 6 (Higher)</td>
<td>50</td>
<td>25</td>
<td>21</td>
</tr>
<tr>
<td>5+ Level 6 (Higher)</td>
<td>no data</td>
<td>11</td>
<td>09</td>
</tr>
<tr>
<td>In S6 3+ Level 6 (Higher)</td>
<td>45</td>
<td>28</td>
<td>30</td>
</tr>
<tr>
<td>5+ Level 6 (Higher)</td>
<td>27</td>
<td>18</td>
<td>19</td>
</tr>
<tr>
<td>1+ Level 7 (Advanced Higher)</td>
<td>18</td>
<td>13</td>
<td>12</td>
</tr>
</tbody>
</table>

(above data from Fyre Analysis 2006, pre-appeal)

Cumulative successes of pupils by end of S6 (three year averages, 2003-2006)

<table>
<thead>
<tr>
<th></th>
<th>THS</th>
<th>Argyll&amp;Bute</th>
<th>Scotland</th>
</tr>
</thead>
<tbody>
<tr>
<td>5+ Level 3 (SG Foundation or equiv)</td>
<td>100</td>
<td>96</td>
<td>91</td>
</tr>
<tr>
<td>5+ Level 4 (SG General or equivalent)</td>
<td>94</td>
<td>86</td>
<td>79</td>
</tr>
<tr>
<td>5+ Level 5 (SG Credit or equivalent)</td>
<td>58</td>
<td>53</td>
<td>47</td>
</tr>
<tr>
<td>1+ Level 6 (Higher)</td>
<td>55</td>
<td>49</td>
<td>43</td>
</tr>
<tr>
<td>3+ Level 6 (Higher)</td>
<td>35</td>
<td>33</td>
<td>30</td>
</tr>
</tbody>
</table>

(above data from Standard Tables and Charts, Scottish Executive, 2006, pre-appeal)
Achievements

Primary Playground
During the last session, a small group of staff, parents, and pupils worked together to raise funds to improve the primary playground. The results were impressive as a new climbing wall and an adventure trail made of wooden obstacles were in place for the grand opening in June. The committee are continuing their work and have already raised enough money for a similar improvement to the infant playground in the spring.

Music
The school music club continues to be very popular, with local volunteers providing tuition for many of our pupils. Their enthusiasm and commitment is mirrored by our young people, 55% of whom participate, from P5 to S6. The success of the club and music department is clear when each year we see pupils expressing interest in music as a career choice. For the second year in succession, a fifth-year pupil has successfully auditioned for the Argyll & Bute Concert Band. Our Cornaigmore Ceilidh Band continues to perform at local events and every month visits the eventide home to entertain the residents. Pupils enjoyed a visit from a group of musicians from the RSNO in September and several pupils performed in an excellent concert.

Drama
The school continues to take advantage of every opportunity to provide experiences in drama. Visiting drama specialists provide workshop experiences for pupils in both the primary and secondary departments. Over a period of weeks, primary and secondary pupils wrote and rehearsed their own Gaelic drama under the direction of Mairi Morrison, who is well respected in this field. This culminated in an excellent performance in the local hall in July. Pupils in the primary department and in S1 and S2 enjoyed performing in an operatic scene as part of a visit from a group from Scottish Opera.

Enterprise
Pupils regularly participate in enterprise activities, often working across subjects, year groups, and sectors. Currently, Christmas cards designed by P1 – P7 pupils and produced and marketed by S5 pupils are on sale to parents and friends.

S6 pupils recently organised fund-raising activities for Children in Need, not only making a financial contribution to the charity but also providing fun and entertainment for younger pupils and staff.

Primary pupils have been working this session on a study of the Treshnish Isles. The materials they have prepared will form part of an exhibition being set up in Tiree by the Hebridean Trust and will be viewed by visitors to the exhibition from Tiree and beyond.

Involvement of Parents and the wider community
The new School Board is very supportive and is interested in sharing information and encouraging participation of the parent body. We are
fortunate to have an active and enthusiastic PTA who organise fundraising events and are happy to support school events.

Parents and members of the community contribute in many ways e.g. making presentations to the modern studies class, forming the panel for pupil mock interviews, offering work experience placements, accompanying school trip, working in the school garden and this session local contractors provided labour to install our new playground equipment. It was pleasing to see the interest shown by parents in the literacy project and their support for their children’s writing.

**Careers and Vocational Education**

There is evidence that senior pupils are more focused on career pathways and have a greater understanding of the competitive element of attaining their goals. They are improving in terms of research skills and their personal requirements regarding individual career choices. This can be attributed to a greater emphasis on careers in the upper school, use of the *Centigrade* questionnaire and improved links with Careers Scotland. Pupils from S4 to S6 engage in interviews with the careers adviser by videoconference allowing a representative profile to be built up by the time pupils are progressing from school.

In S4 pupils undertake a week of work experience. For almost every pupil, this means leaving Tiree to work on the mainland and provides them with a very good confidence building opportunity.

A programme has now been introduced to provide opportunities for S6 pupils to develop their personal skills. Each pupil elects to work in the school supporting younger pupils e.g. as part of the paired reading scheme, supporting pupils in a secondary subject class or by helping individuals in the primary classroom. Where appropriate opportunities are exploited to provide skills particular to the pupil’s chosen career path e.g. an S6 pupil was given training in the use of Career Box by the careers adviser.

**Value of 3-18 Education**

Our unique situation provides opportunities to develop alternative methods for delivery of education and the very small number of pupils allows us to easily follow their progress from age 3 to 18. In the school, expressive arts are taught by secondary specialist teachers from the P1 stage. This allows pupils access to specialist resources from the earliest stages and results in, for example, some very impressive art displays around the school.

We are in an ideal situation to move forward on the Curriculum for Excellence agenda with opportunities to collaborate with all levels of school and pre-school education. We are currently planning to pilot two small scale projects which will facilitate cross-curricular working in both primary and secondary departments. In our aim to become a 3-18 Centre of Excellence, we will continue to develop collaborative working across the sectors. We will also focus on teaching and learning, building on the skills and knowledge of our pupils and making best use of the individual skills and talents of our staff.
School Wear
Following a lengthy period of consultation, a new policy on school wear was launched this session. The school holds stock of key items which pupils are encouraged to wear. Most pupils in the school wear the recommended clothing to school with only a small number of senior pupils failing to cooperate.

Target-Setting
As a school we have identified a need to improve our target setting processes and have been working on improving this element of pupil progress reports and target-setting reports. Pupil personal learning planning resources are being used to assist with this.

Myra McArthur
Head Teacher

12 December 2006
Appendix 1: List of Comparator Schools

The following list shows the schools with which Tiree High is compared in the boxplots. Schools are selected using FME data published by SEED in 2006. All of the comparator schools are six-year schools, i.e. S1-S6 and all have rolls less than 300.

<table>
<thead>
<tr>
<th>School</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinlochbervie High School</td>
<td>Highland</td>
</tr>
<tr>
<td>Kilchuimen Academy</td>
<td>Highland</td>
</tr>
<tr>
<td>Langholm Academy</td>
<td>Dumfries and Galloway</td>
</tr>
<tr>
<td>Tobermory High School</td>
<td>Argyll and Bute</td>
</tr>
<tr>
<td>Glen Urquhart High School</td>
<td>Highland</td>
</tr>
<tr>
<td>Mallaig High School</td>
<td>Highland</td>
</tr>
<tr>
<td>Moffat Academy</td>
<td>Dumfries and Galloway</td>
</tr>
<tr>
<td>Castlebay Community School</td>
<td>Eilean Siar</td>
</tr>
<tr>
<td>Sir E Scott School</td>
<td>Eilean Siar</td>
</tr>
<tr>
<td>Ullapool High School</td>
<td>Highland</td>
</tr>
<tr>
<td>Islay High School</td>
<td>Argyll and Bute</td>
</tr>
<tr>
<td>Tarbert Academy</td>
<td>Argyll and Bute</td>
</tr>
<tr>
<td>Brae High School</td>
<td>Shetland</td>
</tr>
<tr>
<td>Dornoch Academy</td>
<td>Highland</td>
</tr>
<tr>
<td>Farr High School</td>
<td>Highland</td>
</tr>
<tr>
<td>Gairloch High School</td>
<td>Highland</td>
</tr>
<tr>
<td>Kinlochleven High School</td>
<td>Highland</td>
</tr>
</tbody>
</table>
Appendix 2: Boxplots

The boxplots show the distribution of scores of a group of 18 comparator schools. The line above the box extends up to the highest value achieved in the group of schools and the line below the box extends down to the lowest value achieved. The box represents the scores between the lower and upper quartiles (ie 50% of the group, and the central line indicates the position of the median score (the average of the 15th and 16th scores). The special characters indicate the value achieved by Tiree High School.
1. **SUMMARY**

   1.1 The Strategic Policy Committee at its meeting on 18 May 2006 agreed the framework for the main holiday dates for schools in 2007/2008 and 2008/2009.

   1.2 These dates were then circulated to schools and school boards for the inclusion of local holidays and in-service days.

   1.3 These dates were then endorsed by the Area Committee at its meeting on 6 December 2006.

   1.4 Head teachers of schools in the Oban area have now requested that the 10 local holidays selected by them in October ie. schools closing on 3 October and reopening on 20 October 2008 be changed to the schools closing on 10 October and reopening on 27 October 2008 as outlined in Appendix 1. This change will enable pupils to attend and compete in the Mod.

2. **RECOMMENDATIONS**

   2.1 Members are asked to agree to this change.

3. **DETAIL**

   Head teachers of schools in the Oban area originally chose that the schools close on 3 October and reopen on 20 October 2008. They now wish to change this arrangement to schools closing on 10 October and reopening on 27 October 2008 to enable pupils to attend and compete in the Mod.
4. CONCLUSION

This alteration is agreed by all the schools detailed in Appendix 1.

5. IMPLICATIONS

Policy: None
Financial: None
Personnel: None
Equal Opportunity: None
Legal: None

Douglas Hendry
Director of Community Services
20 December 2006

For further information contact: Carol Walker, Head of Pre School and Primary Education, Oban Education Office, Dalintart Drive, Oban, Argyll PA34 4EF. Tel: 01631 564 908.
# Appendix 1

## OBAN, LORN AND THE ISLES

Oban and Lorn, Lismore, Luing and Coll, Bunessan and Iona

<table>
<thead>
<tr>
<th>Oban High School</th>
<th>Kilchrenan Primary School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Achaleven Primary School</td>
<td>Kilninver Primary School</td>
</tr>
<tr>
<td>Ardchattan Primary School</td>
<td>Lismore Primary School</td>
</tr>
<tr>
<td>Arinagour Primary School</td>
<td>Lochnell Primary School</td>
</tr>
<tr>
<td>Barcaldine Primary School</td>
<td>Luing Primary School</td>
</tr>
<tr>
<td>Bunessan Primary School</td>
<td>Park Primary school</td>
</tr>
<tr>
<td>Dalmally Primary School</td>
<td>Rockfield Primary School</td>
</tr>
<tr>
<td>Drummore School</td>
<td>St Columba's Primary School</td>
</tr>
<tr>
<td>Dunbeg Primary School</td>
<td>Strath of Appin Primary School</td>
</tr>
<tr>
<td>Easdale Primary School</td>
<td>Taynuilt Primary School</td>
</tr>
<tr>
<td>Iona Primary School</td>
<td></td>
</tr>
</tbody>
</table>

### TERM 1

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 and 19 August 2008</td>
<td>In-service days</td>
</tr>
<tr>
<td>20 August 2008</td>
<td>Pupils return</td>
</tr>
<tr>
<td><strong>10 October 2008</strong></td>
<td><strong>School closes</strong></td>
</tr>
<tr>
<td><strong>27 October 2008</strong></td>
<td><strong>School re-opens</strong></td>
</tr>
<tr>
<td>14 November 2008</td>
<td>School closes</td>
</tr>
<tr>
<td>17 November 2008</td>
<td>In-service day</td>
</tr>
<tr>
<td>18 November 2008</td>
<td>School re-opens</td>
</tr>
<tr>
<td>19 December 2008</td>
<td>School closes</td>
</tr>
</tbody>
</table>

### TERM 2

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 January 2009</td>
<td>School re-opens</td>
</tr>
<tr>
<td>11 February 2009</td>
<td>School closes</td>
</tr>
<tr>
<td>12 and 13 February 2009</td>
<td>In-service days</td>
</tr>
<tr>
<td>17 February 2009</td>
<td>School re-opens</td>
</tr>
<tr>
<td><strong>3rd April 2009</strong></td>
<td><strong>School closes</strong></td>
</tr>
</tbody>
</table>

### TERM 3

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 April 2009</td>
<td>School re-opens</td>
</tr>
<tr>
<td>1 May 2009</td>
<td>School closes</td>
</tr>
<tr>
<td>5 May 2009</td>
<td>School re-opens</td>
</tr>
<tr>
<td>30 June 2009</td>
<td>School closes</td>
</tr>
</tbody>
</table>
This page is intentionally left blank
<table>
<thead>
<tr>
<th>CASENO</th>
<th>APPLICANT NAME/PROPOSAL AND SITE ADDRESS</th>
<th>RECEIVED DATE</th>
<th>VETTED DATE</th>
<th>DECISION DATE</th>
<th>DECISION TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/00016/ERD/A</td>
<td>Mr Michael Campbell  Land North West Of Willow Cottage Arduaine Oban Argyll</td>
<td>08/08/2005</td>
<td>29/08/2005</td>
<td>04/12/2006</td>
<td>WARAPP</td>
</tr>
<tr>
<td>04/01621/ERD/B</td>
<td>R And J MacEachen  Land North Of Flat 1 Tigh-An-Ur Kilchrenan Taynuilt Argyll</td>
<td>03/10/2006</td>
<td>15/11/2006</td>
<td>04/12/2006</td>
<td>WARAPP</td>
</tr>
<tr>
<td>05/00151/ERD/A</td>
<td>Mr Mrs S Jackson  Land South Of La Cala Ganavan Road Oban Argyll</td>
<td>13/11/2006</td>
<td>20/11/2006</td>
<td>20/11/2006</td>
<td>WARAPP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CASENO</th>
<th>APPLICANT NAME/PROPOSAL AND SITE ADDRESS</th>
<th>RECEIVED DATE</th>
<th>VETTED DATE</th>
<th>DECISION DATE</th>
<th>DECISION TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/01592/INSTAL</td>
<td>Ms Elizabeth Rhodes, Fasgadh, 54 Easdale Island Oban Argyll PA34 4TB</td>
<td>26/10/2005</td>
<td>16/12/2005</td>
<td>22/11/2006</td>
<td>WARAPP</td>
</tr>
<tr>
<td>05/01665/ERECDW</td>
<td>C Bowden And F Bickford, Land West Of The Old Stables Glenforsa Aros Isle Of Mull</td>
<td>14/11/2005</td>
<td>06/02/2006</td>
<td>21/11/2006</td>
<td>WARAPP</td>
</tr>
<tr>
<td>06/00209/STAGE2/B</td>
<td>Melfort Pier And Harbour, Melfort Pier Restaurant Kilmelford Argyll And Bute</td>
<td>18/09/2006</td>
<td>05/10/2006</td>
<td>28/11/2006</td>
<td>WARAPP</td>
</tr>
</tbody>
</table>

Alteration and Extension of Hotel to Form New Bunk House - final stage - underground drainage, first floor superstructure, external walls and cladding, roof, internal walls and their linings, electrical, ventilation, heating, and plumbing system; Amendment to B(S)A: 05/01038/STG/A: alteration to bathroom locations and door positions.

Conservatory extension to dwelling house and relocation of gas storage cylinder and associated pipe work.

Alterations to internal layout to subdivide bedroom to form kitchen and bathroom, install patio doors and septic tank with associated soakaway.

Erection of dwelling house, Fin-Lodge Type 6 and Bio Disc BC treatment plant with associated Purflo treatment system with discharge to burn.

Erection of Restaurant: Stage 2 - underground drainage, external wall cladding, internal walls and their linings, roof cladding, glazing, electrical, ventilation, heating and plumbing system. Amendment to B(S)A: 06/00209/STAGE2 granted 09th August 2006 - to change internal layout, omit external steps and change balustrades, window size increased, cladding to kitchen walls, location of gas storage tanks, and alteration to foul drainage system by adding a Bio-digester tank with associated Puraflo units.

<table>
<thead>
<tr>
<th>CASENO</th>
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<th>VETTED DATE</th>
<th>DECISION DATE</th>
<th>DECISION TYPE</th>
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</thead>
<tbody>
<tr>
<td>06/00538/ERECT</td>
<td>Drumaglea Ltd, Drumaglea Cornaigmore Isle Of Tiree Argyll And Bute PA77 6XA; Erection of Building to form Veterinary Practice</td>
<td>24/04/2006</td>
<td>02/08/2006</td>
<td>07/12/2006</td>
<td>WARAPP</td>
</tr>
<tr>
<td>06/00667/ERECT</td>
<td>Mr Angus Cheape, Craig Glen More Isle Of Mull Argyll And Bute PA70 6HG; Erection of Boat Shed</td>
<td>18/05/2006</td>
<td>04/10/2006</td>
<td>28/11/2006</td>
<td>WARAPP</td>
</tr>
<tr>
<td>06/00689/EXTEND</td>
<td>Mr Mrs Charrington, Treshnish Farm Calgary Isle Of Mull Argyll And Bute PA75 6QX; Remove part of existing extension and extend to form new sunroom</td>
<td>22/05/2006</td>
<td>04/10/2006</td>
<td>11/12/2006</td>
<td>WARAPP</td>
</tr>
<tr>
<td>06/00692/ERECDW</td>
<td>M And K Macleod Ltd, Plot 2, Land West Of Lagganmore Farm Scammadale Kilninver Argyll And Bute; Erection of a 5 apartment 3 bedrooms 1+1/2 storey timber framed dwelling house with associated biodisk treatment plant and soakaway</td>
<td>22/05/2006</td>
<td>10/10/2006</td>
<td>20/11/2006</td>
<td>WARAPP</td>
</tr>
<tr>
<td>06/00751/EXTEND</td>
<td>Mr + Mrs B Walsh, Glenforsa Hotel Glenforsa Isle Of Mull Argyll And Bute PA72 6JW; Extend existing Kitchen Store to provide Housing for New Chiller Room</td>
<td>01/06/2006</td>
<td>28/09/2006</td>
<td>11/12/2006</td>
<td>WARAPP</td>
</tr>
</tbody>
</table>

WARAPP=Building Warrant Approved  WARREF=Building Warrant Refused  
WARWIT=Building Warrant Withdrawn  COMF=Letter of Comfort issued  COMFR=Letter of Comfort refused  
EXEMPT=Exempt Building Warrant  LOCWIT= Letter of Comfort withdrawn  SUPERS=Superceded by new Building
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</thead>
<tbody>
<tr>
<td>06/00777/ALTER</td>
<td>Mr And Mrs R Harmer Gruline Old House Gruline Isle Of Mull Argyll And Bute Alteration and Renovation of dwellinghouse with associated services</td>
<td>05/06/2006</td>
<td>10/08/2006</td>
<td>20/11/2006</td>
<td>WARAPP</td>
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<tr>
<td>06/00782/ERECDW</td>
<td>Ronald S McColl Esq Plots 1 And 2 East Of Lonruadh Cottages Tynribbie Argyll And Bute Erection of 2 no semi detached, 2 storey timber framed dwelling houses - one 5 apartment, one 6 apartment with integral garage, and associated separate oil storage tank to each.</td>
<td>06/06/2006</td>
<td>01/11/2006</td>
<td>21/11/2006</td>
<td>WARAPP</td>
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<tr>
<td>06/00812/EXTEND</td>
<td>Mrs E Blomfield Drimcruaidh Fionnphort Isle Of Mull Argyll And Bute PA66 6BP Single storey timber framed kitchen extension to dwelling</td>
<td>09/06/2006</td>
<td>04/10/2006</td>
<td>28/11/2006</td>
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</tr>
<tr>
<td>06/00886/ERECDW</td>
<td>John And Mary MacKinnon Land North Of Dalnabreac Kilmore Argyll And Bute PA34 4XU Erection of four single storey cottages with communal SBR and associated piped infiltration bed system and underground LPG tank</td>
<td>21/06/2006</td>
<td>12/10/2006</td>
<td>05/12/2006</td>
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<tr>
<td>06/00912/ALTER</td>
<td>Mr S Chaudhry 99 George Street Oban Argyll And Bute PA34 5NR Internal alterations to shop to form restaurant/takeaway with basement and gallery</td>
<td>28/06/2006</td>
<td>11/09/2006</td>
<td>29/11/2006</td>
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<tr>
<td></td>
<td>Erection of 5 apartment, 4 bedroom one and half storey timber framed dwellinghouse and oil tank with communal 6000L septic tank and associated infiltration bed system</td>
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<tr>
<td>06/00935/DISAB2</td>
<td>Miss V Archbold Tigh Bainne Lochdon Isle Of Mull Argyll And Bute PA64 6AP</td>
<td>03/07/2006</td>
<td>15/11/2006</td>
<td>13/12/2006</td>
<td>WARAPP</td>
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<tr>
<td></td>
<td>Conversion of attached derelict store to provide ground floor disabled accommodation and first floor bedroom within attic space</td>
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<tr>
<td>06/01035/CONV01</td>
<td>Mr Hutton And Ms Vande Pol Druimmacroish Country House Hotel Dervaig Isle Of Mull Argyll And Bute PA75 6QW</td>
<td>24/07/2006</td>
<td>16/10/2006</td>
<td>07/12/2006</td>
<td>WARAPP</td>
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<tr>
<td></td>
<td>Conversion of Hotel lounge and void above to form part of existing owners dwelling house</td>
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<tr>
<td>06/01043/EXTEND</td>
<td>Dr John Holliday Taigh Na Podaraidh Balephuil Isle Of Tiree Argyll And Bute PA77 6UE</td>
<td>25/07/2006</td>
<td>23/08/2006</td>
<td>05/12/2006</td>
<td>WARAPP</td>
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<tr>
<td></td>
<td>Rear one and half storey extension to house</td>
<td></td>
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<tr>
<td>06/01080/EXTEND</td>
<td>Sandy MacIntosh Urvaig Caolis Isle Of Tiree Argyll And Bute PA77 6TS</td>
<td>01/08/2006</td>
<td>07/09/2006</td>
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<td></td>
<td>Single storey timber framed side extension to house</td>
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<td>CASENO</td>
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<td>06/01128/ERECDW</td>
<td>Mr And Mrs Stevens</td>
<td>10/08/2006</td>
<td>03/10/2006</td>
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<tr>
<td></td>
<td>Land South Of An Cala Erray Road Tobermory Isle Of Mull Argyll And Bute</td>
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<tr>
<td></td>
<td>Erection of one and a half storey 7 apartment, 4 bedroom timber framed dwellinghouse with oil tank - Stage 1- Foundations, substructure and underground drainage only.</td>
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<tr>
<td>06/01209/ERECDW</td>
<td>Mr Mrs R Bryant</td>
<td>28/08/2006</td>
<td>04/10/2006</td>
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<td>Land North West Of Tigh Ghael Taynuilt Argyll And Bute</td>
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<tr>
<td></td>
<td>Erection of a 7 apartment, 4 bedroom, one and a half storey timber framed dwellinghouse with septic tank and associated piped infiltration bed system and detached garage</td>
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<tr>
<td>06/01269/ALTEXT</td>
<td>Mr J Beamish</td>
<td>10/07/2006</td>
<td>29/11/2006</td>
<td>07/12/2006</td>
<td>WARAPP</td>
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<td></td>
<td>Collaig Kilchrenan Argyll And Bute PA35 1HG</td>
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<tr>
<td></td>
<td>Alterations to kitchen window to form opening into extension to form dining room and oil tank</td>
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<tr>
<td></td>
<td>Corran Halls Corran Esplanade Oban Argyll And Bute PA34 5AB</td>
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<td>Alterations to Production Lighting System</td>
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<tr>
<td>06/01352/ALTER</td>
<td>Mr A Gascoigne</td>
<td>04/10/2006</td>
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<td></td>
<td>Oyster Brewery Ellenabeich Isle Of Seil Oban Argyll And Bute PA34 4RQ</td>
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<td></td>
<td>Internal alterations to repositioning of bar.</td>
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<tr>
<td>06/01354/ALTER</td>
<td>Matthew Milroy 2 Glengallan Road Oban Argyll And Bute PA34 4HH</td>
<td>04/10/2006</td>
<td>06/11/2006</td>
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<tr>
<td></td>
<td>Alterations to fit out office for UK Passport services including new partitions and services.</td>
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<tr>
<td>06/01371/ALTER</td>
<td>Mr And Mrs E MacKinnon Yulara Oban Argyll And Bute PA34 4QA</td>
<td>10/10/2006</td>
<td>12/10/2006</td>
<td>22/11/2006</td>
<td>WARAPP</td>
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<tr>
<td></td>
<td>Alterations to kitchen window to form new door opening with associated raised decking.</td>
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<tr>
<td>06/01410/INSTAL</td>
<td>T Davies Fioryn Clachan Seil Isle Of Seil Argyll And Bute PA34 4TJ</td>
<td>20/10/2006</td>
<td>31/10/2006</td>
<td>07/12/2006</td>
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<tr>
<td></td>
<td>Installation of solid fuel appliance and chimney</td>
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<td>Installation of bunded oil storage tank and replacement of oil fired boiler.</td>
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<td></td>
<td>Blocking up of Existing Doorway and Forming New Internal Opening</td>
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</tbody>
</table>

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14 December 2006
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<tbody>
<tr>
<td>06/01451/INSTAL</td>
<td>Mr And Mrs Donald Skinner Ard-Craobh Connel Oban Argyll And Bute PA34 1PT</td>
<td>25/10/2006</td>
<td>30/10/2006</td>
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<tr>
<td>06/01456/ALTER</td>
<td>Mr And Mrs S Jordan 13 Castle Road Dunbeg Argyll And Bute PA37 1QH</td>
<td>27/10/2006</td>
<td>08/11/2006</td>
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<tbody>
<tr>
<td>06/01628/DEMOL</td>
<td>John R MacFarlane Esq 19 Balvicar Isle Of Seil Argyll And Bute PA34 4TF</td>
<td>07/12/2006</td>
<td>07/12/2006</td>
<td>11/12/2006</td>
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</table>

Demolition of dwelling house

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Application Types:
ADV App. for Advertisement Consent,
ART4 App. Required by ARTICLE 4 Dir,
CLAWU App. for Cert. of Law Use/Dev. (Existing),
CLWP App. for Cert. of Law Use/Dev. (Proposed),
COU App. for Change of Use Consent,
CPD Council Permitted Dev Consultation,
DET App. for Detailed Consent,
FDP Forest Design Plan Consultation,
FELLIC Felling Licence Consultation,
GDCON Government Dept. Consultation,
HAZCON App. for Hazardous Substances Consent,
HYDRO Hydro Board Consultation,
LIB Listed Building Consent,
LIBECC App. for Consent for ecclesiastical building,
MFF Marine Fish Farm Consultation,
MIN App. for Mineral Consent,
NID Not. of intent to develop app.,
NMA Not. for Non-Materail Amnt,
OUT App. for Permission in Principal,
PNAGRI Prior Not. Agriculture,
PNDEM Prior Not. Demolition,
PNELEC Prior Not. Electricity,
PNNFOR Prior Not. Forestry,
PNGAS Prior Not. Gas Supplier,
PREAPP Pre App. Enquiry,
REM App. of Reserved Matters,
TELNOT Telecoms Notification,
TPO Tree Preservation Order,
VARCON App. for Variation of Condition(s),
WGS Woodland Grant Scheme Consultation

Decision Types
PER Approved
WDN Withdrawn
NOO No Objections
AAR Application Required
CGR Certificate Granted
OBR Objections Raised
PDD Permitted Development
PRE Permission Required
NRR New App. Required
### TOWN AND COUNTRY PLANNING
### DELEGATED DECISIONS SINCE LAST COMMITTEE
### OBAN, LORN AND THE ISLES

<table>
<thead>
<tr>
<th>App No</th>
<th>Applicant name, address and proposal</th>
<th>Valid date</th>
<th>Decision date</th>
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<tbody>
<tr>
<td>06/02491/TELNOT</td>
<td>Airwave O2, Telecommunications Base Station Land, Dunollie Beg, Dunollie Beg Farm, Oban, Argyll And Bute</td>
<td>30/11/2006</td>
<td>12/12/2006</td>
<td>PDD</td>
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<td>Development of 2 No. Transmission Dishes and 1 No. Equipment Cabinet with Ancillary Development</td>
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<td>Installation of 1 No. 0.6m transmission dish and ancillary development</td>
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<tr>
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<td>Installation of 1 No. transmission dish ancillary equipment cabinet, enclosures and cabling.</td>
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<tr>
<td>06/02429/PNELEC</td>
<td>SSE Power Distribution, Coopers Croft, Kilvaree, Connel, Argyll And Bute</td>
<td>20/11/2006</td>
<td>12/12/2006</td>
<td>PER</td>
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<td>Erection of 230v overhead wood pole</td>
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<tr>
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<td>Non material amendment to 06/00479/DET - reposition of proposed dwelling house within the proposal site to a position approximately 5 metres to the north of that previously approved</td>
<td></td>
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<tr>
<td>06/02389/DET</td>
<td>Mr Mrs Fedor Bunge, Pentleugh, Fasnaclorch, Argyll And Bute, PA38 4BJ</td>
<td>16/11/2006</td>
<td>12/12/2006</td>
<td>PER</td>
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<tr>
<td></td>
<td>Formation of kitchen and sunroom (Demolition of existing sunroom)</td>
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<tr>
<td>06/02364/NMA</td>
<td>British Trust Hotels</td>
<td>10/11/2006</td>
<td>12/12/2006</td>
<td>PER</td>
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</table>
Isle Of Mull Hotel
Craignure
Isle Of Mull
Argyll And Bute
PA65 6BB

Leisure extension to existing hotel: Minor change to east elevation

06/02283/DET Ms Mhairi Blue And Mr Laurence Larmour 27/10/2006 06/12/2006 PER
Barbelth
North Connel
Argyll And Bute
PA37 1QX

Temporary (retrospective) siting of residential caravan - Period of 12-18 months

06/02254/MFF J MacGregor And Sons 24/10/2006 29/11/2006 PER
Site North West Of Barraille Lodge
Seil Sound
Ardmaddy
Argyll And Bute

Marine Fish Farm Modification

06/02231/DET Eriska Enterprises 03/11/2006 12/12/2006 PER
Isle Of Eriska Hotel
Benderloch
Argyll And Bute
PA37 1SD

Erection of storage building

06/02209/OUT Mr And Mrs A Colthart 20/10/2006 13/11/2006 PER
Land Opposite The Bungalow
Tynribbie
Argyll And Bute

Site for erection of Dwellinghouse - Renewal of Consent 03/00840/OUT

06/02188/NMA Mr A Jordan 18/10/2006 07/12/2006 PER
Dererach
Pennyghael
Isle Of Mull
Argyll And Bute

Non Material Amendment to Consent 05/01798/DET for changes to fenestration and repositioning of garage from integral to detached position

06/02182/DET Miss M Smith 26/10/2006 12/12/2006 PER
17 Combie Street
Oban
Argyll And Bute

Installation of new double glazed units throughout flat

06/02167/DET Mr And Mrs G Smith 02/11/2006 13/12/2006 PER
Neither Lerags
Lerags
Argyll And Bute
### Erection of Extension and installation of new windows and roof windows

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Name and Address</th>
<th>Date of Application</th>
<th>Date of Completion</th>
<th>Authority</th>
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<tbody>
<tr>
<td>06/02158/DET</td>
<td>W And M Carrick  Pier House  Fionnphort  Isle Of Mull  Argyll And Bute  PA66 6BL</td>
<td>10/10/2006</td>
<td>17/11/2006</td>
<td>PER</td>
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<tr>
<td>06/02152/DET</td>
<td>Miss Nicola Cannon  Springbank  Middle Brae  Tobermory  Isle Of Mull  Argyll And Bute  PA75 6PA</td>
<td>20/10/2006</td>
<td>13/12/2006</td>
<td>PER</td>
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<tr>
<td>06/02143/DET</td>
<td>Melfort Pier And Harbour  Melfort Pier Restaurant  Kilmelford  Argyll And Bute</td>
<td>26/10/2006</td>
<td>25/11/2006</td>
<td>PER</td>
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<td>06/02140/DET</td>
<td>Mr Mrs A Keppie  Plot 5 Old Filling Station  Lochawe  Argyll And Bute</td>
<td>11/10/2006</td>
<td>17/11/2006</td>
<td>PER</td>
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<tr>
<td>06/02133/DET</td>
<td>Mr And Mrs A MacPhail  11 Hayfield  Oban  Argyll And Bute  PA34 4PJ</td>
<td>06/10/2006</td>
<td>27/11/2006</td>
<td>PER</td>
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<tr>
<td>06/02128/DET</td>
<td>Mr And Mrs J Moore  Ashfield  Barcaldine  Argyll And Bute  PA37 1SF</td>
<td>24/10/2006</td>
<td>16/11/2006</td>
<td>PER</td>
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<td>06/02123/MFF</td>
<td>Isle Of Shuna Shellfish  South Ardaclach  Loch Creran  Appin  Argyll And Bute</td>
<td>05/10/2006</td>
<td>24/11/2006</td>
<td>PER</td>
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### Reconstruction of Dwellinghouse

### Alterations to dwelling house

### Installation of sewage treatment works

### Erection of Garage: Amended proposal to consent 05/01299/DET
<table>
<thead>
<tr>
<th>Code</th>
<th>Appellant</th>
<th>Proposed Plan</th>
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<tbody>
<tr>
<td>06/02122/DET</td>
<td>Mr And Mrs Wardhaugh</td>
<td>Extension to provide owners accommodation</td>
</tr>
<tr>
<td></td>
<td>Kathmore Soroba Road Oban Argyll And Bute</td>
<td>PA34 4JF</td>
</tr>
<tr>
<td>06/02105/DET</td>
<td>Highland House Developments Ltd</td>
<td>Erection of dwellinghouses (revised designs for plots 6, 7 and 8)</td>
</tr>
<tr>
<td></td>
<td>Land South Of Brochroy Farm Taynuit</td>
<td>Argyll And Bute</td>
</tr>
<tr>
<td>06/02052/COU</td>
<td>Stacey Pollock</td>
<td>Change of use from shop to two flats</td>
</tr>
<tr>
<td></td>
<td>85 George Street Oban Argyll And Bute</td>
<td>PA34 5NN</td>
</tr>
<tr>
<td>06/02042/DET</td>
<td>Dr J M Lyon And Mrs C Lyon</td>
<td>(Site 2) Formation of new access, erection of dwelling house and installation of septic tank</td>
</tr>
<tr>
<td></td>
<td>Land Between Beach And Gate Cottage</td>
<td>Argyll And Bute</td>
</tr>
<tr>
<td></td>
<td>Airds Bay</td>
<td></td>
</tr>
<tr>
<td>06/02022/TPO</td>
<td>M F Wells (Hotels) Ltd</td>
<td>Felling (2), replanting (1) and lopping (10 trees)</td>
</tr>
<tr>
<td></td>
<td>Loch Awe Hotel Lochawe Argyll And Bute</td>
<td>PA33 1AQ</td>
</tr>
<tr>
<td>06/01947/OUT</td>
<td>Mr Colin Leitch</td>
<td>Renewal of Planning Consent 03/00996/OUT, granted 14 November 2003 - Site for erection of dwelling house</td>
</tr>
<tr>
<td></td>
<td>Land 300 Metres North Of Collaig Cottage Kilchrenan Argyll And Bute</td>
<td></td>
</tr>
<tr>
<td>06/01911/DET</td>
<td>Corbett Builders</td>
<td>Erection of Two Dwelling Houses</td>
</tr>
<tr>
<td></td>
<td>Land Adjacent To Old Schoolhouse Port Appin Argyll And Bute</td>
<td>PA34 4JF</td>
</tr>
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</table>
06/01875/DET  Mrs Carol Harris
Alltavona
Corran Esplanade
Oban
Argyll And Bute
PA34 5AQ

Alterations and extension

06/01849/DET  Mr And Mrs H MacLean
1 Duart Place
Oban
Argyll And Bute
PA34 4RU

Erection of Livingroom/Bedroom Extension

06/01837/DET  Mr And Mrs John Boyce
44 Achlonan
Taynuilt
Argyll And Bute
PA35 1JJ

Erection of Single Storey Extension

06/01779/DET  Miss Yvonne Grant
Flat A
10 Alma Crescent
Oban
Argyll And Bute
PA34 4LT

Replacement of 3 Windows (2 Front and 1 Rear)

06/01778/LIB Miss Yvonne Grant
Flat A
10 Alma Crescent
Oban
Argyll And Bute
PA34 4LT

Replacement of 3 Windows (2 Front and 1 Rear)

06/01699/DET  Alan Parker
Sealladh Carrachan
Tobermory
Isle Of Mull
Argyll And Bute
PA75 6PY

Proposed extension to dwellinghouse to form additional dwellinghouse

06/01459/TPO Kathleen McMahon
Calumcille
Gallanach Road
Oban
Argyll And Bute
PA34 4PD

Re-pollarding, thinning, limbing and crown-raising of trees within a TPO
06/01325/DET Mr G Whaite  
Dalmally Railway Station  
Dalmally  
Argyll And Bute  
PA33  
1AA  
Community Housing Development

06/01290/DET John MacKay  
Brackens  
Dervaig  
Isle Of Mull  
Argyll And Bute  
PA75 6QN  
Proposed Improvement of Road Junction

06/01253/DET The Ardanaiseig Hotel  
Ardanaiseig Hotel  
Kilchrenan  
Argyll And Bute  
PA35 1HE  
Erect four lodges and plant hut for ancillary accommodation

06/00503/DET Georgia O'Neil  
Ceann Cuin  
Dervaig  
Isle Of Mull  
Argyll And Bute  
PA75 6QR  
Site for erection of dwellinghouse, formation of vehicular access and ancillary works including the installation of reed bed, formation of reservoir and erection of small wind turbine.

05/02019/DET Mark And Julie Hands  
Land South West Of Torastan, Killunaig  
Isle Of Coll  
Erection of Dwelling House
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28th November 2006

Reference Number: 06/00127/OUT
Applicants Name: Mr C. Rose
Application Type: Outline Planning Permission
Application Description: Erection of a 10 dwellings and conversion of existing ruin
Location: Land at Eredine House, Loch Awe.

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of 10 dwellings and conversion of an existing ruined dwelling (the application represents a total of 11 dwellings, one which has been previously approved under an earlier application).
- Provision of water supply and drainage to septic tanks.
- Flood prevention measures from private supply.
- Construction of service roads.

(B) RECOMMENDATION

The application is recommended for approval as a minor departure from the approved development plan subject to a Section 75 agreement and conditions.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

Eredine House is a substantial house which stands on a knoll overlooking Loch Awe. Between the house and the Loch is a low-lying area of meadow, woodland, parkland and garden which contains the proposed development. The house is presently a guest house with attached holiday lets.

The proposal takes a new access from the B804 to the south of the existing house which would serve the following:

- A group of four new houses to the south of the existing house.
- A new house between that group and the Loch shore.
- Three small dwellings to the east of the existing house.
- An existing boat house.
- A new loch side house on Rubha Eredine.
- The conversion of an existing ruin and the provision of a new house to the north of the existing house.

Following an assessment landscape analysis I consider that the groups of, and individual, houses are appropriately placed in terms of the landscape and that detailed schemes in the context of this overall plan will not exceed that capacity of the landscape.

Development Plans.

Adopted Plans

Eredine is a village where new housing may only be formed by infilling, rounding off and redevelopment related to the existing built form. The proposal represents a departure from this policy. In addition the proposal occupies a green field site and is contrary to Policy HO 4.

The site is in the Loch Awe Local Scenic Area and proposals must satisfy policies RUR 1 and RUR 2 which embody the criteria in RUR 2 as to Environmental Impact, Locational Need, Economic Benefit
and Infrastructure. The inclusion of the whole site in the settlement zone and a potential development area in the Finalised Draft Argyll and Bute Local Plan establishes that the Council considers the development of the site to be acceptable in terms of the landscape and necessary in terms of economic benefits. The application contains supporting information which shows that there are no adverse infrastructure considerations. On balance I consider the development to be consistent with Policy RUR 2 of the adopted plan and hence with STRAT DC 8 of the Structure Plan which is concerned with landscape impact.

**Finalised Draft Argyll and Bute Local Plan**

The site in the settlement zone and a potential development area. That PDA is designated for “low density housing development” and the proposal is consistent with that description. The PDA and settlement zone have not been the subject of adverse consultation responses and may be given significant material weight.

Eredine is a minor settlement in the plan in which Policy STRAT DC 1 normally restricts the individual proposals to “small scale” or 5 dwellings. This application represents nine totally new dwellings (over and above previous approvals on the site). The Finalised Daft Argyll and Bute Local Plan (Para 7.2) makes an exception where, inter alia, a particular housing need will be met. I consider that the settlement zone in Eredine is an important node on the west side of Loch Awe where development opportunities are generally limited to the small settlement zones along its shore. This planned approach to a Potential Development Area represents a significant opportunity to provide additional housing along the west loch shore and to support local services and I consider there to be demand for such housing, and limited opportunities to provide it. I note that the master plan indicates that the site can be effectively serviced without adverse impact on the local infrastructure, and I consider that this proposal will in no sense overwhelm or alter the social balance of Eredine.

I consider the proposal to be in accordance with the emerging plan.

**Design.**

A design statement has been submitted with the application which sets out sound principles of modern sustainable design. This statement will form a basis for reserved matter or detailed applications.

In my view the clustering of the proposed houses is sensitive to the quality of the landscape and meets the precepts of government advice in PAN 72.

**Access.**

The Area Roads Manager has not objected to the application. Conditions are attached to ensure that satisfactory details are obtained. This approach is consistent with Policy LP TRAN 4 of the Finalised Draft Argyll and Bute Local Plan.

**Amenity.**

The application raises no adverse amenity issues.

**Flood Risk.**

A detailed flood risk study was requested in this case (which resulted in the protracted processing of the application). The study which has been submitted proposes land raising on part of the site and the channelling of two burns. The proposal has been approved by SEPA and the Council’s own flood risk advisor.

**Previous Permissions.**

The redevelopment of the existing dwelling has been previously approved. The two applications are mutually exclusive and I consider there to be no need to take any action. Permission has also been given for a dwelling on a site which overlaps this application site and I consider it important to enter into a legal agreement with the owner to ensure that this permission cannot be implemented.
(D) CONCLUSION

A minor departure is justified because of the age of the Local Plan and the imminence of the emerging new Argyll and Bute Local Plan with which this proposal is consistent. There have been no objections to this potential development area or to this application.

I consider that this departure is modest in its impact and as there have been no objections there is no need for a hearing in this case.

Given the inclusion of this site in a potential development area and considering that the development is consistent with the character of that area, the application is recommended for approval as a minor departure from the adopted Lorn Local Plan, subject to conditions and subject to a section 75 agreement to the effect that the approved new dwelling which was the subject of an earlier permission which is partly within this application site will not be implemented.

Angus J Gilmour
Head of Planning

Author: Robert Walker 01631 567954
Contact: Ian McIntyre 01631 567951
CONDITIONS AND REASONS RELATIVE TO APPLICATION 06/00127/OUT

1. This permission is granted under the provisions of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced:

   (a) the siting, design and external appearance of the proposed development;
   (b) the landscaping of the site of the proposed development;
   (c) details of the access arrangements;
   (d) details of the proposed water supply and drainage arrangements.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

4. Any subsequent application for the approval of reserved matters, as required by Condition 1 above, shall be accompanied by:

   i. plans and elevations of the houses (and where appropriate garages) showing dimensions and type and colour of external materials;
   ii. details of existing and finished ground levels, finished floor levels in relation to a fixed datum, preferably ordnance datum, cross sections of the site showing the position of any built form and full details of all land raising and under building necessary to accommodate such built form;
   iii. designs in accordance with the design statement submitted with this application, which take into account both the matters listed above and any other material justification for the nature of housing development that is submitted at the reserved matters stage. Any further application shall include, an analysis of the landscape setting of the site and the relationship and response of the proposed development to the surrounding environment, both built and natural;

Any development subsequently granted planning permission shall thereafter be carried out in accordance with the approved reserved matters unless otherwise formally agreed by the planning authority.

Reason: It is necessary that such details be submitted to ensure that appropriately designed development, which is befitting and responsive to the surrounding landscape and adjacent development, is secured within the site.

5. The adopted parts of the access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council’s Transportation and Property Department to the satisfaction of the Council as Planning Authority.

Reason: In order to ensure that provision is made for a service “road” commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.
6. The first application to be submitted in respect of Condition 1 above shall show full details of the proposed access way within the site and at its junction with the public road. Prior to the first occupation of any dwelling subsequently approved following consideration of the reserved matters (as detailed within Condition 1 above) the access shall be constructed in accordance with the approved details and thereafter retained.

Reason: To ensure that drivers of vehicles entering or leaving the site from the track to/from the public road can do so in such a way as to avoid causing hazardous movements in the highway that would be to the detriment of the safety of other users of the highway.

7. Any subsequent application for the approval of the reserved matters shall include full details of all external lighting to serve the development. The submitted details shall show the position of all proposed external lights pointing downwards and their illumination levels (provided in lux), together with appropriate mitigation measures to prevent light spillage and glare beyond the site boundary. Thereafter, the development shall be carried out in accordance with the agreed details unless otherwise approved in writing by the planning authority.

Reason: The application site is in an area defined by a rural character. Therefore in order to protect and enhance the visual character and integrity of the area, particularly during the hours of darkness, the submission of such details is necessary in order that the planning authority could consider such matters fully.

8. Any details pursuant to Condition 1(b) above shall show a scheme for the management of the existing landscape features within the site edged blue and a scheme of new hard and soft landscaping work. Such details shall include:

- Location and design, including materials of any walls, fences and gates;
- Surface treatment of means of access and hard standing areas;
- Soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub; and
- Programme and arrangements for completion and subsequent on-going maintenance for a period of at least 10 years.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. Any trees or plants which within a period of ten years from the completion of the development die, or for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity in order to help integrate the proposal into its landscape setting.

9. No trees shall be felled, topped or lopped on the site or on the adjacent site edged blue without the written permission of the Planning Authority

Reason: In the interests of visual amenity in order to help integrate the proposal into its landscape setting.

10. The application to be submitted in respect of the reserved matters, as detailed within Condition 01 above, shall include full details of the proposed means of foul and storm drainage to serve the development. Those details shall show plots 1 – 5 served by a common drainage system and the five houses at the north end of the site served by a common drainage system. Thereafter, prior to the first occupation of the dwelling, the drainage shall be fully operational and constructed in accordance with the approved details, unless otherwise agreed in writing with the planning authority.

Reason: Insufficient information has been submitted with regard to the proposed means of drainage within the application and therefore it is necessary for the above details to be submitted for the consideration of the planning authority in order to protect public health.
11. Prior to the development commencing a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

12. Any subsequent application for the approval of the reserved matters shall include full details of all works to watercourses and flood mitigation measures.

Reason: Part of the application site is known to be liable to flood. The details required are to supplement those submitted with this application and to ensure that up-to-date information is used as a basis for flood mitigation measures.
APPENDIX RELATIVE TO 06/00127/OUT

A. POLICY OVERVIEW

In terms of Section 25 of the Act the following Development Plan Policies are applicable:

**Argyll and Bute Structure Plan**

<table>
<thead>
<tr>
<th>STRAT DC 8</th>
<th>Landscape and Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Development which, by reason of location, siting, scale, form, design or cumulative impact, damages or undermines the key environmental features of a visually contained or wider landscape or coastscape shall be treated as ‘non-sustainable’ and is contrary to this policy. Outwith the National Park particularly important and vulnerable landscapes in Argyll and Bute are those associated with:</td>
<td></td>
</tr>
<tr>
<td>1. National Scenic Areas</td>
<td></td>
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<tr>
<td>2. Historic landscapes with close links with archaeology and built heritage and designed landscapes.</td>
<td></td>
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<tr>
<td>3. Landward and coastal areas with semi-wilderness or isolated or panoramic quality.</td>
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<tr>
<td>B) Enhancement to landscape will also be encouraged in association with development and land use proposals.</td>
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</tbody>
</table>

| STRAT DC 1 | Limits proposals in minor settlements to “small scale” developments unless certain exceptions apply |

**Lorn Local Plan**

| HO 21 | Identifies Eredine as a settlement where infill rounding off and redevelopment related to the existing built form may be encouraged. |
| HO 4 | The Council will not normally grant additional planning consents for the development of green field sites in Lorn. |
| RUR 1 | The Council will seek to maintain and where possible enhance the landscape quality of National and Regional Scenic Areas and coasts and areas of local landscape significance and within these areas will resist prominent or sporadic development which would have an adverse environmental impact: |
| (a) National Scenic Area : (i)Lynn of Lorn; (ii) Ben Nevis and Glencoe |
| (b) Regional Scenic Areas : (i) Knapdale/Melfort; (ii) North Argyll |
| (c) Regional Scenic Coasts : North West Argyll |
| (d) Areas of local landscape significance : (i) Loch Etive/Benderloch Coast; (ii) Loch Awe; (iii) Loch Nell; (iv) Glen Lonan; (v) Loch Avich; (vi) Glen Gallian/Loch Scammadale. |

| RUR 2 | Proposals for development in or affecting National Scenic Areas, Regional Scenic Areas and Coasts or areas of local landscape significance will require to be justified against the following criteria |
| (a) economic benefit |
| (b) infrastructure implications |
| (c) specific locational/operational need |
| (d) environmental impact |
Government Advice/Guidance

PAN 72  Siting and Design of New Housing in the Countryside

The principal objectives are to encourage a more sympathetic approach to siting and a more widespread adoption of house design which pays greater regard to variations in landscape and building design within Scotland.

The principle on which the policy on housing in the countryside is based are:-

• Development should be encouraged on suitable sites in existing settlements.
• Urban sprawl, the coalescence of settlements and ribbon development should be avoided.
• Isolated development should be discouraged in the open countryside except where provision is made in development plans or there are special needs.

(B) OTHER MATERIAL CONSIDERATIONS

(e) Site History

05/01841/OUT Redevelopment of existing ruin. Approved.
05/01287/OUT Erection of a dwelling. Approved. The applicant has agreed to the voluntary revocation of this application but I consider this to be best dealt with by a Section 75 Agreement.

(ii) Consultations

<table>
<thead>
<tr>
<th>Response Date</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Roads Engineer</td>
<td>24th October 2006, No objection subject to conditions.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>8th February 2006, No objections subject to conditions.</td>
</tr>
<tr>
<td>SEPA</td>
<td>9th February and 27th February 2006, No objections.</td>
</tr>
<tr>
<td>Flood Risk Advisor</td>
<td>27th November 2006, No objections.</td>
</tr>
</tbody>
</table>

(iii) Publicity and Representations

Advert Type: Potential Departure
Closing Date: 20th April 2006

Representations: None received.
5th December 2006

Reference Number: 06/01604/VARCON
Applicants Name: Mr and Mrs MacLean
Application Type: Variation of conditions
Application Description: Deletion of Condition 2 and 4 from consent 05/01708/DET units 1 and 2 - remove 6 month occupancy and north elevation windows obscurity
Location: The Garage, Breadalbane Street, Oban

(A) THE APPLICATION

Variation of Conditions

• Condition 2, which restricts the occupation of the letting units
• Condition 4, which requires 3 windows on the north elevation of the building to be in obscured glass

(B) RECOMMENDATION

It is recommended that the application for variation of conditions be refused for the reasons detailed below.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

Detailed planning permission was originally granted in 2004 for three letting units at this site to replace former garage buildings (reference 04/00634/DE T). Permission was subsequently granted (retrospectively) for two of the units (comprising one building) to be in a revised position (reference 05/01708/DET). These two units are completed and occupied; the construction of the third unit has not yet commenced.

On both previous consents a condition was imposed that restricted the occupancy of the units to no more than six months in a calendar year by any one person, family or group; a condition was also imposed that required windows on the north elevation to be in obscure glazing. Permission is now sought to vary both of these conditions on the most recent consent for the two completed units (reference 05/01708/DET). Should permission be granted on the present application it is expected that a further application would be submitted to vary the occupancy condition on the third unit as the considerations would be substantially the same.

In the determination of this application the key issue is whether there is any sufficient material change in circumstance or other justification for varying these conditions, such that the reasons for which they were originally imposed are no longer valid.

Condition 2: occupancy restriction

Condition 2 of consent 05/01708/DET states that “The two letting units hereby approved shall not be occupied by any one person, family or group for more than 6 months in any one calendar year, unless otherwise first agreed in writing by the Planning Authority. A register of occupation, showing dates of arrivals and departures shall be maintained by the owner of the letting units and shall be available at reasonable times for inspection by the Planning Authority”. This condition was imposed for the following reason: “In accordance with the use applied for as the letting units, by reason of their lack of individual curtilages would be unsuitable for use as permanent residential accommodation”.

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This condition was imposed due to the extremely limited extent and shared nature of the curtilage and amenity space around the letting units, which falls short of the standards that would normally be expected of permanent residential accommodation in this location. The Council has long applied an informal policy of requiring a minimum of 100 square metres of garden ground or amenity space for a dwellinghouse; this standard is also contained in the Modified Finalised Draft Local Plan (Sustainable Siting and Design Principles). These letting units have approximately 150 square metres of space in total (i.e. around 75 square metres per unit), which is entirely shared with no individual or private space.

It is contended by the applicant's agent in a supporting statement that this condition is onerous and should be removed. It is claimed that the use of the dwellings is clearly intended as letting units and use as permanent dwellings would require a change to the original consent. This is indeed correct, however the change to the original consent described is in fact the subject of the present application for variation of this condition; should the present application be granted the units could lawfully be occupied on a permanent basis and would effectively become full-time dwellinghouses. Therefore this argument is considered to be entirely tautological and does not provide any substantiated justification for variation of the condition. As described above the units are considered appropriate only for short-term letting purposes and thus a six month occupancy condition is considered an appropriate means of controlling this and ensuring that use as a permanent dwellinghouse does not take place.

It is further claimed that the six-month limit is arbitrary and if the units are suitable as residential accommodation at all then this should be on a permanent basis, particularly as Building Regulations and car parking standards for a dwellinghouse have been met. However, as described above the Council seeks to ensure that any permanently occupied dwellings have a sufficient level of private curtilage and amenity space and these units fall short of these standards. While any time limit imposed by such a condition will inevitably be somewhat arbitrary, it is necessary to specify a specific time limit in order that the condition is precise and enforceable (in line with advice in Circular 4/1998 on the use of conditions). Six months is considered an appropriate and reasonable period of time in this instance that allows a degree of flexibility but also precludes permanent occupation.

A justification for variation of this condition is also claimed on the basis that at the end of a six-month period an occupier of one of the units would be made homeless. However, as described above the units are considered inappropriate for permanent residential use and it is for this reason that the condition was imposed, to ensure that they are used for short-term letting only. Any prospective occupier should be aware that the units are to be used for this purpose only and they should clearly only be let on this basis. Therefore this justification is considered to be somewhat circular in logic and insufficient to justify variation of the condition.

Lastly, it is also argued that the curtilage of the two units is increased from that originally proposed under the 2004 application as the retrospective application in 2005 involved a revised position for the building, making it further from the plot boundary. This is correct only in so far as the rear of the building is now slightly further from the plot boundary, however the overall area of the site has not been expanded and thus this argument could be slightly misleading. Furthermore, the distance from the rear of the building to the edge of the plot remains only around 3 metres, as opposed to around 1.5 metres as originally approved. The rear amenity space comprises an area totalling approximately 30 square metres, which is shared between the properties and is presently taken up by washing lines and wheelie bins. To the front of the building there is a shared area of hardstanding of approximately 120 square metres. This is largely a car parking and turning area and is not considered to be useable amenity space such as would normally be expected with a conventional dwellinghouse. It is therefore considered that, despite the amended position of the building from that originally proposed in 2004, the levels of amenity space fall short of the normal standards that would be expected of permanent residential accommodation and the stated justification is not considered to be sufficient for removal of the condition.

**Condition 4: obscure glazing**

Condition 4 of consent 05/01708/DET states that "Prior to the first occupation of the building shown as 'Unit 1 and 2' on the approved plans, the three windows on the north facing elevation shall be glazed with obscured glass. Thereafter the glazing in these three windows shall remain obscured in perpetuity, unless otherwise first agreed in writing with the Planning Authority". This condition was
imposed for the following reason: “In the interests of privacy and amenity in order to prevent overlooking of the adjoining residential property”.

It is contended by the applicant’s agent that this condition is unnecessary due to the distance of the units from the site boundary and the neighbouring property, the presence of a garden wall, the existing use of the adjacent garden area as car parking, and ground levels between the properties. However, although the windows in question are now further from the site boundary than originally envisaged in the 2004 consent, they are still within three metres of the site boundary and thus any outlook from them through non-obscured glass would rely to a very large extent on ground within the adjacent garden, which is not normally considered acceptable in terms of the levels of residential amenity enjoyed by occupants of that neighbouring property. The garden wall, approximately 1.2 metres in height, is considered to be insufficient to ameliorate this concern, as is the fact that the closest part of the adjacent garden is used as car parking. In terms of ground levels, the letting units are indeed at a lower level than the adjacent residential property but it is still considered that ‘overlooking’ of the garden area may result as this area would be clearly visible from the letting units. Moreover, it is considered that the obscure glazing also protects the privacy and amenity of occupiers of the letting units, although the precise wording of the reason given does not actually reflect this. There has been no material change in circumstances since the original approval and the agent’s justification is not considered to outweigh the concerns outlined above and therefore it is not considered appropriate to remove this condition.

(D) CONCLUSIONS

- It is not considered that there has been any sufficient material change in circumstances or other justification for varying conditions 2 and 4 of consent 05/01708/DET, and the reasons for which they were originally imposed remain valid.

- It is therefore considered that the present application to vary these conditions should be refused.

Angus J Gilmour  
Head of Planning

Author: Phil McLean 01631 567956  
Contact: Ian MacIntyre 01631 567951
REASONS FOR REFUSAL RELATIVE TO APPLICATION 06/01604/VARCON

1. Condition 2 of permission 05/01708/DET, which this application seeks to vary, states that the letting units approved under that consent cannot be occupied for more than 6 months in any one calendar year by any one person, family or group unless otherwise agreed in writing by the Planning Authority. This condition was imposed due to the lack of individual curtilages around the letting units, which means that they are considered unsuitable for use as permanent residential accommodation. There has been no material change in circumstances since the time the original application was considered that would justify a variation of this condition and the present application should therefore be refused.

2. Condition 4 of permission 05/01708/DET, which this application seeks to vary, requires three windows on the north elevation of the letting units to be glazed with obscure glass in the interests of privacy and amenity and in order to prevent overlooking of the adjoining residential property. There has been no material change in circumstances since the time the original application was considered that would justify a variation of this condition and the present application should therefore be refused.
APPENDIX RELATIVE TO 06/01604/VARCON

A. POLICY OVERVIEW

In terms of Section 25 of the Act the following Development Plan Policies are applicable:

Argyll and Bute Structure Plan

<table>
<thead>
<tr>
<th>STRAT DC 1</th>
<th>Development within the Settlements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Encouragement shall be given, subject to capacity, to development in the settlements as follows:</td>
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<td>A) within the Main Towns to development serving a wide community of interest, including large scale development, on appropriate infill, rounding off and redevelopment sites.</td>
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</tr>
<tr>
<td></td>
<td>C) Within the Minor Settlements to small scale development which is compatible with an essentially rural settlement location on appropriate infill, rounding-off or redevelopment sites; in exceptional circumstances medium or large scale development may be supported.</td>
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<td></td>
<td>D) Developments which do not accord with this policy are those outwith A), B) and C) above and urban bad neighbour developments which are essentially incompatible with the close configuration of land uses found in settlements e.g. mineral extraction or development which results in excessively high development densities, settlement cramming or inappropriate rounding-off on the edge of settlements.</td>
</tr>
<tr>
<td></td>
<td>E) Development in settlements are also subject to consistency with the other policies of this Structure Plan and in the Local Plan.</td>
</tr>
</tbody>
</table>
(B) OTHER MATERIAL CONSIDERATIONS

(a) Site History

- 05/01708/DET - Erection of 2 Letting Units - Revised Position for Units 1/2 Approved Under 04/00634/DET, approved 25th Jan 2006

- 04/00634/DET – Demolition of former garage buildings and erection of 3 letting units, approved 4th June 2004

For further detail see main body of report above.

(ii) Consultations

<table>
<thead>
<tr>
<th></th>
<th>Response Date</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Roads Engineer</td>
<td>27.11.06</td>
<td>No comments</td>
</tr>
<tr>
<td>Public Protection Unit</td>
<td>11.10.06</td>
<td>No objections or comments</td>
</tr>
</tbody>
</table>

(iii) Publicity and Representations

Advert Type : None
Closing Date: n/a

Representations : No
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18th December 2006

Reference Number: 06/01690/DET
Applicants Name: Easdale Island Cottages Ltd.,
Application Type: Detailed Planning Permission
Application Description: Erection of 3 Cottages
Location: Land Southeast of Ferry House Easdale island

SUPPLEMENTARY REPORT 2

(A) I have received further representations in relation to the revised plans from Anna Davidson, M. Baldock and W. Baldock, of Easdale Island, which raise no new material issues in addition to those set out in my earlier reports.

(B) I have received further representations from Henry Tarbert as follows:

i) The report should have recommended that a site visit be made.

ii) The amendments amount to material changes requiring a new application.

The Committee may decide to make a site visit on any application. In this case I considered that the issues were such that a Committee site visit is not essential given that the proposal is consistent with current and emerging planning policies, is approved by all statutory consultees and raises no significant amenity issues.

I have set out in the report that I consider the extent of the amendments non material in relation to the scale and form of the scheme.

(C) CONCLUSION

The site is in an area designated as suitable for development and can be developed without harming the conservation area or other material interests.

Approval is recommended subject to conditions.

Angus J Gilmour
Head of Planning

Author: Robert Walker 01631 567954
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SUPPLEMENTARY REPORT 1

(A) I have received further representations in relation to the revised plans from Mr K. Oversby and Ms. Tina Jordan making the following objections:
   i) These changes are very minor and do not overcome previous objections on the scale and bulk of the buildings.
   ii) The additional lean-to is not in keeping with the conservation area and should be the subject of a separate planning application.
   iii) An environmental impact assessment has not been carried out in accordance with Policy RUR 2.
   iv) The objections of the Conservation Officer and Historic Scotland have been ignored.
   v) The scheme represents piecemeal development.
   vi) The septic tank is not capable of being emptied.
   vii) The Committee has not made a site visit.

(B) I agree that the amendments are small and may be dealt with as an amendment. I consider that the slate lean-to is an appropriate feature and a non-material amendment in relation to the overall application. Because the site is in the HO22 area, the policy RUR 2 analysis has been done within the plan. The site is allocated for housing because it is considered to have capacity in terms of the wider environment.

The advice of Historic Scotland has, I consider, been taken into account, and the revised scheme has been accepted by the Conservation Officer. I cannot agree that the development of the peninsula has been piecemeal, far from it, the three ranges of cottages are coordinated and form a grass square similar to those in the historic village.

The drainage arrangements must be the subject of a Building Warrant which will be withheld if there are operational difficulties.

Your Committee may resolve to visit the site.

(C) CONCLUSION

The site is in an area designated as suitable for development and can be developed without harming the conservation area or other material interests.

Approval is recommended subject to conditions.

Angus J Gilmour
Head of Planning

Author: Robert Walker 01631 567954
10th November 2006

Reference Number: 06/01690/DET
Applicants Name: Easdale Island Cottages Ltd.,
Application Type: Detailed Planning Permission
Application Description: Erection of 3 Cottages
Location: Land Southeast of Ferry House Easdale island

(A) THE APPLICATION

Development Requiring Express Planning Permission.

• Erection of three dwellings.
• Installation of septic tank

Other Operations.

• Connection to water main.

(B) RECOMMENDATION

The application is recommended for approval

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

Adopted Lorn Local Plan.

The site is within the area allocated for new housing in Policy HO 22.

Effect on the Conservation Area.

The site is in a conservation area and subject to Policy BE 8. That policy states that the Council "will not permit new developments ... which would have a detrimental effect on the general character and setting (of the conservation area)".

In this case the proposed development is to one side of the complex of slaters’ cottages and the harbour. It is on a promontory which was drawn into the HO 22 area because it has capacity for development. A range of three cottages was built on the east side of the promontory some six years ago, and a further three are under construction forming a range parallel to the terrace proposed in this application.

The advice from Historic Scotland is that the Council should determine the capacity of the island to accept new development in relation to the conservation area. This has been done through the local plan and the designation of the settlement zone which the site is within. In addition it is suggested that the proportions and details of the new houses be carefully considered and that the rooflights be reduced in size. As noted elsewhere, it is considered that the broad massing of the proposal is acceptable. A condition is recommended to give further consideration to the rooflights. Historic Scotland also refers the need for care in the subdivision of garden plots. Again, this will be the subject of a landscaping condition.

The advice from the Council’s Conservation and Design Officer initially raised concerns about the further use of pastiche and about the massing of the new buildings but accepts the modest revision subject to the agreement of details of the chimneys and roof lights.
On balance, the historicist approach to the design of these two terraces is considered to be a successful approach to the development of the area. The terraced form, repeating design and local materials make visual reference to the traditional buildings on the island and sit reasonably comfortably in their company. This new scheme follows a similar design approach, and will not, in my opinion, harm the conservation area. The Council's Conservation and Design Officer has been consulted, and a design statement and amended plans were obtained which reflect her advice.

When the previous application was reported to the Area Committee I stated, “The application is recommended for approval, but it is also my opinion that the further development of the promontory should be of a different form to ensure that the massing of the overall development is of appropriate scale when viewed from the south and east.” I considered then that an alternative approach to the design, perhaps lower buildings of modern design would be more desirable.

I have reviewed the impact of the two previously approved terraces of cottages and consider that they demonstrate a satisfactory approach which would make the refusal of a third range of new cottages unsustainable. The applicant maintains that the proposal reflects the local vernacular both in the layout of the new dwellings, their scale and their detail. Given the difficulties of building on the island, it is maintained that the chosen design represents a practical and affordable approach. The new buildings are of a scale commensurate with the historic village and present a massing in near and far views which is acceptable. Provided that the same standard of materials and finishes is maintained I consider the impact of these new “pastiche” buildings to be acceptable and not damaging to interests of importance. Following discussions with the applicant a modest amendment to the original scheme has been submitted which lowers the roof ridge of one of the cottages. I consider this to be a non-material change but one which, never-the-less, improves the massing of the proposed third range of houses.

Easdale is in the Regional Scenic Area. Policy RUR 1 and RUR 2 apply.

i) Environmental Impact: Given that the development will preserve or enhance the character and appearance of the conservation area, it cannot be said to have a negative impact on the Regional Scenic Area.

ii) Locational Operational Need: There is no locational/operational need but the site is allocated for housing in the adopted plan.

iii) There are likely to be modest economic benefits arising from additional residents or visitors.

iv) There are no infrastructure constraints, the allocations in the plan presuppose that the ferry and water supply have sufficient capacity.

On balance, the proposal satisfies the considerations of the policy.

Finalised Draft Argyll and Bute Local Plan.

The site is within the designated settlement zone of Easdale and represents development in accordance with policy STRAT DC 1.

Policy LP ENV 14 seeks to preserve and enhance conservation areas. As noted above it is considered that the conservation area will not be adversely affected.

Policy LP ENV 10 seeks to protect areas of panoramic quality. As noted above it is considered that the proposal will not harm the wider landscape.

Amenity Issues.

The proposal has no adverse effect on the amenity on neighbouring properties. There will be loss of views to some properties, but that is not a material planning consideration.

Drainage.

A communal tank and soakaway are proposed. The principle of the system is acceptable; the details of the drainage system will be the subject of a building warrant application and SEPA consent. Maintenance will be a burden on the owner(s) of the cottages.
Protected Species.

Scottish Natural Heritage has not objected to the application.

(D) CONCLUSION

The site is in an area designated as suitable for development and can be developed without harming the conservation area or other material interests.

Approval is recommended subject to the attached conditions.

Angus J Gilmour
Head of Planning

Author: Robert Walker 01631 567954
CONDITIONS AND REASONS RELATIVE TO APPLICATION 06/01690/DET

1. Standard
   Reason : Standard

2. Prior to the commencement of the development, a scheme of hard and soft landscaping, including the provision of a slate wall along the eastern boundary of the site, shall be submitted for the written approval of the Council. The development shall not be occupied until the approved scheme is completed.
   Reason: To ensure that the development is landscaped in a manner appropriate to the conservation area.

3. Prior to their installation further details of the roof lights and chimneys, including their size, shape and construction shall be submitted for the written approval of the planning authority and the roof lights and chimneys shall be installed in accordance with that approval.
   Reason: The rooflights and chimneys are an important part of the external appearance of the building and it is in the interests of the appearance of the area that they are kept to the minimum practicable size.
**APPENDIX RELATIVE TO 06/01690/DET**

### A. POLICY OVERVIEW

In terms of Section 25 of the Act the following Development Plan Policies are applicable:

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<tr>
<th>STRAT DC 8</th>
<th>Landscape and Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Development which, by reason of location, siting, scale, form, design or cumulative impact, damages or undermines the key environmental features of a visually contained or wider landscape or coastscape shall be treated as ‘non-sustainable’ and is contrary to this policy. Outwith the National Park particularly important and vulnerable landscapes in Argyll and Bute are those associated with:</td>
<td></td>
</tr>
<tr>
<td>1. National Scenic Areas</td>
<td></td>
</tr>
<tr>
<td>2. Historic landscapes with close links with archaeology and built heritage and designed landscapes.</td>
<td></td>
</tr>
<tr>
<td>3. Landward and coastal areas with semi-wilderness or isolated or panoramic quality.</td>
<td></td>
</tr>
<tr>
<td>B) Enhancement to landscape will also be encouraged in association with development and land use proposals.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STRAT DC 9</th>
<th>Historic Environment and Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection, conservation, enhancement and positive management of the historic environment are promoted. Development damages or undermines the historic, architectural or cultural qualities of the historic environment will be resisted; particularly if it would affect a Scheduled Ancient Monument, or its setting, other recognised architectural site of national or regional importance, listed building or its setting, conservation are or historic garden and designed landscape. More detailed policy and proposals for the historic environment will be set out in the Local Plan.</td>
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</tbody>
</table>
RUR 1  The Council will seek to maintain and where possible enhance the landscape quality of National and Regional Scenic Areas and coasts and areas of local landscape significance and within these areas will resist prominent or sporadic development which would have an adverse environmental impact:

(a) National Scenic Area: (i) Lynn of Lorn; (ii) Ben Nevis and Glencoe
(b) Regional Scenic Areas: (i) Knapdale/Melfort; (ii) North Argyll
(c) Regional Scenic Coasts: North West Argyll
(d) Areas of local landscape significance: (i) Loch Etive/Benderloch Coast; (ii) Loch Awe; (iii) Loch Nell; (iv) Glen Lonan; (v) Loch Avich; (vi) Glen Gallain/Loch Scamadale.

RUR 2  Proposals for development in or affecting National Scenic Areas, Regional Scenic Areas and Coasts or areas of local landscape significance will require to be justified against the following criteria

(a) economic benefit
(b) infrastructure implications
(c) specific locational/operational need
(d) environmental impact

HO 22  The following are considered to be Sensitive Settlements where large scale or unsympathetic development could have a detrimental effect on the existing landscape setting and servicing.
Appin/Tynribbie/Portnacroish, Balvicar, Barcaldine, Benderloch/Baravullin/Keil Crofts/Kintaline Mill, Clachan Seil, Dalmally/Stronmilchan, Easdale/Ellenabeich, Kilchrenan, Kilmore/Cleigh, North Connel/Black Crofts, Port Appin and Taynilt.

The Council has accordingly restricted new housing development to areas identified on the inset maps. It will not grant approval for a house on greenfield sites outwith these areas other than in exceptional circumstances. Applicants will be required to demonstrate an overriding locational or operational need that makes it essential for them to have a house outwith rather than within the areas identified.

Where such need has been demonstrated, special attention will be given to ensure that the actual location of the house creates the minimum adverse environmental impact. Regard will also be had to the principles set out in the Government’s Planning Advice Note 36 when assessing all proposals within sensitive settlements.

(B) OTHER MATERIAL CONSIDERATIONS

(e) Site History
05/01003/DET: Approval of three houses on adjacent site

(ii) Consultations

<table>
<thead>
<tr>
<th>Consultation</th>
<th>Response Date</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scottish Environmental Protection Agency</td>
<td>03.06.05</td>
<td>No objections subject to conditions.</td>
</tr>
<tr>
<td>Scottish Water</td>
<td>07.09.06</td>
<td>No objections.</td>
</tr>
<tr>
<td>Scottish Natural Heritage</td>
<td>29.09.06</td>
<td>No comments.</td>
</tr>
<tr>
<td>Environmental Health Officer</td>
<td>12.09.06</td>
<td>No comments.</td>
</tr>
<tr>
<td>Historic Scotland</td>
<td>23.08.06</td>
<td>See report.</td>
</tr>
<tr>
<td>Conservation and Design Officer</td>
<td></td>
<td>See report.</td>
</tr>
</tbody>
</table>
(iii) Publicity and Representations

Advert Type: Conservation Area
Closing Date: 17th June 2005

Representations: YES

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Letter date</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Davies</td>
<td>39 Easdale Island</td>
<td>01.09.2006</td>
</tr>
<tr>
<td>C. Davies</td>
<td>39 Easdale Island</td>
<td>03.09.2006</td>
</tr>
<tr>
<td>H. Tarbatt and J. Smith</td>
<td>33a Easdale Island.</td>
<td>05.09.2006</td>
</tr>
<tr>
<td>E. Rhodes</td>
<td>49 Easdale Island</td>
<td>13.10.2006</td>
</tr>
<tr>
<td>E. Reid</td>
<td>Harbour Cottage, Ellenabeich</td>
<td>18.09.2006</td>
</tr>
<tr>
<td>T. Jordan</td>
<td>55 Easdale Island</td>
<td>12.09.2006</td>
</tr>
<tr>
<td>K. Oversby</td>
<td>55 Easdale Island</td>
<td>11.09.2006</td>
</tr>
</tbody>
</table>

Summary of points raised:

- The submitted plans are inconsistent.
  Comment: Revised plans were submitted to clarify inconsistencies.

- The site is at risk of erosion.
  Comment: The stability of the buildings will be considered through the building warrant process.

- The six houses already approved are sufficient and further houses will adversely effect infrastructure and services including water, the ferry, parking on Seil, waste collection and telephones.
  Comment: Scottish Water has not objected. There is no evidence that other facilities are at capacity. The development is part of an allocation in the Adopted Plan and is within the settlement zone of the Modified Finalised Draft Argyll and Bute Local Plan which has been approved in terms of the capacity of the area and its infrastructure.

- The new houses stand out from the old houses in an incongruous way from the island and the mainland creating a wrong and unsightly vista. It would harm both the Easdale and Ellenabeich Conservation Areas. This is contrary to the Landscape Character Assessment Report for Argyll.
  Comment: The overall development of nine cottages, done in a piecemeal way has and will change the landscape of the village for the worse.

- The recently constructed houses have spoilt the conservation area and are visually dominant from within it.
  Comment: The development is of inappropriate design

- The development of nine cottages, done in a piecemeal way has and will change the landscape of the village for the worse.
  Comment: See my report above in respect of the impact on the conservation area.

- The site is outwith the designated settlement area.
  Comment: The site is within the settlement zone in the Modified Finalised Draft Argyll and Bute Local Plan
  - The development includes no affordable housing and is unlikely to be occupied by individuals living and working locally.

Comment: Current policies do not require the provision of affordable housing in a scheme of this scale.

- The proposal represents over development.
  Comment: The development is part of an allocation in the Adopted Plan which has been approved in terms of the capacity of the area and its infrastructure and accords with the settlement pattern.

- Concerns about water supply.
  Scottish Water has not objected.

- Will affect the privacy of existing cottages.
Comment: There is no unacceptable degree of overlooking.

- The development will harm the tourist industry.
  
  Comment: The development is unlikely to harm the tourism potential of the area.

- The social fabric of the island will be harmed because most of the new houses will become holiday cottages.
  
  Comment: The development is unlikely to reduce the present number of residents and may increase it. The application could not be refused for holiday home reasons.

- The plans are inadequate.
  
  Comment: The plans are adequate.

- The development will harm wildlife.
  
  Comment: Scottish Natural Heritage has been consulted and raises no objections.

- Decision on the development should await the outcome of a recently commissioned study of the transport infrastructure serving the island (STAG Report).
  
  Comment: The site is not key to the consideration of transport alternatives and capacity, either in terms of its scale or location, and I do not consider the delay of this application to be justified.
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14 December 2006

Reference Number: 06/01858/OUT
Applicants Name: Mr David Smith
Application Type: Outline Planning Permission
Application Description: Erection of a Dwellinghouse
Location: Site North of Barranrioch, Glencruitten, By Oban

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of a dwellinghouse (no details submitted)
- New vehicular access to UC Connel/Kilmore Road
- Private water supply and drainage to septic tank

(B) RECOMMENDATION

I recommend that the application be approved as a minor departure from the local plan, subject to the attached conditions and reasons.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

Background

This application seeks to erect a single dwellinghouse (no details submitted) on land adjacent to the Oban Rare Breeds Park, Kilmore. The site, which resides next to the Oban/Kilmore junction, currently houses a small former BT Exchange building, which will be demolished and redeveloped as part of the proposal.

Adopted Lorn Local Plan & Finalised Draft Argyll and Bute Local Plan

The application site lies within the Oban Catchment Area and Policy HO 25 of the adopted Lorn Local Plan, within which there is a presumption against housing development where it does not constitute infill, rounding-off or redevelopment. While an existing building exists on site, it is considered too small in terms of scale/footprint for its replacement with a dwellinghouse to be considered reasonable redevelopment.

However, the finalised draft Argyll and Bute Local Plan has identified this area as being part of a ‘Rural Opportunity Area’. Within such development control zones, encouragement is given to relatively small scale residential development on suitable sites which, in terms of siting and design, will visually integrate with the landscape. This includes development in the open countryside.

An Area Capacity Evaluation was undertaken by Council Officers during summer 2006, during which this particular site was identified as being the most suitable development site within the Rural Opportunity Area (ROA). It was considered that focusing development around the junction would prevent sprawl and ribbon development from emerging elsewhere in the ROA.

The erection of a modest, well-designed dwellinghouse on this site, tying in closely to the adjacent junction, is reflective of and in keeping with the roadside/crossroad settlement pattern evident along the Connel back road. The relative small scale of any development would maintain the low density...
rural character of the settlement and thus lessen any visual impact. It will also protect the residential amenity of neighbouring residents.

It is considered that a new house on this site could be successfully integrated into the landscape and existing settlement/infrastructure and would not have an adverse impact on the landscape quality or any key environmental features within the area. The proposal therefore accords with policy LP ENV 1 of the finalised draft Argyll & Bute Local Plan.

With regard to the validity of the emerging plan and associated policies, the Statutory Plans Team have commented as follows: “No objections outstanding here to ROAs”.

In light of the above, and as there have been no public objections to this site during the Argyll and Bute Local Plan consultation process, the proposal is considered to represent a suitable opportunity for development and is therefore consistent with policy STRAT DC 4 of the adopted Argyll and Bute Structure Plan and policy LP ENV 1 of the finalised Draft Local Plan.

Other Material Considerations

It is proposed to connect the dwelling to a private septic tank (no details submitted). No objections have been raised by consultees.

It is proposed to connect the dwelling to the public water main. However, Scottish Water has intimated that there is no public main in the vicinity. Thus, a condition will be applied requiring that a private water supply appraisal is carried out as one of the reserved matters.

It is proposed to form a new access within the application site. The Area Roads Manager has not objected to the application, however has requested that bellmouth and visibility splay conditions are attached to ensure the site can be accessed in a safe manner without affecting the free flow of traffic on the public road.

(D) NEED FOR DEVELOPMENT PLAN DEPARTURE HEARING

As no letters of representations were received regarding the proposal, it is considered that no hearing is required.

(E) JUSTIFICATION FOR MINOR DEPARTURE

Given the age of the current adopted Local Plan, the fact that no letters of representation have been received relative to the proposed site and that the proposal is consistent with emerging policy, and represents an appropriate form of small scale development in tune with the landscape and settlement pattern, there is a justification for a minor departure from adopted local plan policy in so far as the site is now included in a Rural Opportunity Area.

(F) CONCLUSION

The proposal is considered to represent a justified departure from Policy HO 25 of the adopted Lorn Local Plan.

The proposal is consistent with Policies STRAT DC 4 of the adopted Argyll and Bute Local Plan and policy LP ENV 1 of the finalised draft Local Plan.

Angus J Gilmour
Head of Planning

Author: David Baldwin 01631 567977
Contact: Ian McIntyre 01631 567951
CONDITIONS AND REASONS RELATIVE TO APPLICATION 06/01858/OUT

1. This permission is granted under the provisions of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced:

(a) the siting, design and external appearance of the proposed development;
(b) the landscaping of the site of the proposed development;
(c) details of the access arrangements;
(d) details of the proposed water supply and drainage arrangements.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

4. Any details pursuant to Condition 1(a) above shall incorporate a design statement in accordance with the provisions of PAN 68 Design Statement and shall show a house which shall incorporate the following elements:-

(i) the walls shall be finished in a white wet dash render/smooth coursed cement render/natural stone;
(ii) with a roof covering of natural slate or good quality slate substitute;
(iii) 1½ storeys in height;
(iv) incorporating windows with a strong vertical emphasis;
(v) traditional "peaked" roof dormers and porches shall be encouraged;
(vi) the roof shall be symmetrically pitched of not less than 37° and not greater than 42°;
(vii) predominantly rectangular in shape with traditional gable ends;
(viii) the principal elevation shall face the UC 19 Connel/Kilmure road.

Reason: In the interests of visual amenity in order to reflect the vernacular building traditions of the area and integrate the proposal into its landscape setting.

5. Any details pursuant to Condition 1(c) above shall show an access formed in accordance with the Council’s Highway Drawing No. NA/32/05/02a and shall have visibility splays of 2.4 x 90m in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

6. Any details pursuant to Condition 1(c) above shall include a number of car parking spaces within the site at a level commensurate with the size of dwelling house proposed, i.e. one car parking space per bedroom and a turning area to ensure that all vehicles can enter and exit the site in forward gear.

Reason: To enable vehicles to be parked clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.
7. Any details pursuant to Condition 1(c) above shall show an access constructed to ensure that no surface water is discharged to the public highway and a 300 mm diameter twin-walled culvert pipe shall be installed in the existing ditch, to the satisfaction of the Planning Authority.

**Reason:** To prevent surface water from being discharged onto the public highway in the interests of road safety.

8. Any details pursuant to Condition 1(a) above shall include details of the scheme of hard and soft landscaping works to be implemented on site. Details of the scheme shall include:

   i) existing and finished ground levels in relation to an identified fixed datum;
   ii) existing landscaping features and vegetation to be retained;
   iii) location and design, including materials, of walls, fences and gates;
   iv) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub;
   v) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

**Reason:** To ensure the implementation of a satisfactory scheme of landscaping

9. Any details pursuant to Condition 1(a) above shall show a dwellinghouse located no further north or west than the indicative house position shown on the approved outline plans.

**Reason:** To ensure the development ties in with the crossroad settlement pattern evident in the locality.

10. Any details pursuant to Condition 1(d) above shall include a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

**Reason:** In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

11. Any details pursuant to Condition 1(a) above shall include a full details of any external lighting to be used within the site or along its access shall be submitted to and approved in writing by the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled downwards to prevent any glare or light spillage outwith the site boundary.

**Reason:** In order to avoid the potential of light pollution infringing on surrounding land uses/properties.
APPENDIX RELATIVE TO 06/01858/OUT

A. POLICY OVERVIEW

In terms of Section 25 of the Act the following Development Plan Policies are applicable:

**Argyll and Bute Structure Plan**

<table>
<thead>
<tr>
<th>STRAT DC 4</th>
<th>Development within Rural Opportunity Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Within Rural Opportunity Areas encouragement shall be given to small scale developments on suitable sites which, in terms of siting and design, will visually integrate with the landscape and settlement pattern; this may include small scale development in the open countryside as well as small scale infill, rounding-off, redevelopment and change of use of building development.</td>
<td></td>
</tr>
</tbody>
</table>

**Lorn Local Plan**

<table>
<thead>
<tr>
<th>HO 25</th>
<th>All proposals within the Oban Catchment Area will be assessed using the following criteria:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Environmental Impact</td>
<td>(b) Locational/operational need</td>
</tr>
<tr>
<td>(c) Economic benefit</td>
<td>(d) Infrastructure and servicing implications</td>
</tr>
<tr>
<td>(e) Sterilisation of natural resources</td>
<td>(f) Archaeological implications</td>
</tr>
<tr>
<td>(g) Alternative policies and proposals contained in the local plan</td>
<td></td>
</tr>
</tbody>
</table>

Within the Catchment Area there will be a presumption against housing development except when it is infill, rounding off and redevelopment related to the existing built form. Proposals which encourage ribbon development will normally be resisted. Regard will be had to the principles set out in the Government's Planning Advice Note 72.

**Government Advice/Guidance**

<table>
<thead>
<tr>
<th>PAN 72</th>
<th>Siting and Design of New Housing in the Countryside</th>
</tr>
</thead>
<tbody>
<tr>
<td>The principal objectives are to encourage a more sympathetic approach to siting and a more widespread adoption of house design which pays greater regard to variations in landscape and building design within Scotland.</td>
<td></td>
</tr>
</tbody>
</table>

The principle on which the policy on housing in the countryside is based are:-

- Development should be encouraged on suitable sites in existing settlements.
- Urban sprawl, the coalescence of settlements and ribbon development should be avoided.
- Isolated development should be discouraged in the open countryside except where provision is made in development plans or there are special needs.
**Finalised Draft Argyll & Bute Local Plan**

<table>
<thead>
<tr>
<th>ENV 1</th>
<th>Development Impact on the General Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In all development control zones the Council will assess applications for planning permission for their impact on both the natural, human and built environment. When considering development proposals, the following general considerations will be taken into account, namely:</td>
</tr>
<tr>
<td></td>
<td>(A) The development is of a form, location and scale consistent with Structure Plan Policies STRAT DC 1 to 6:</td>
</tr>
<tr>
<td></td>
<td>(B) Likely impacts, including cumulative impacts, on amenity, access to the countryside and the environment as a whole and in particular, the designated sites listed in (I) and (J) of this policy statement;</td>
</tr>
<tr>
<td></td>
<td>(C) All development should protect, restore or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. The 'Landscape Assessment of Argyll and the Firth of Clyde' (ERM 1996, Review No. 78) will be used to inform assessment of development proposals.</td>
</tr>
<tr>
<td></td>
<td>(D) The location and nature of the proposed development, including land use, layout, design, external appearance, density, landscaping, open space, safety hazards, flood risk, air quality, crime prevention measures and privacy of existing and proposed development;</td>
</tr>
<tr>
<td></td>
<td>(E) The relationship to the road and public transport network, means of access, particularly access for the physically impaired, emergency services, parking provision, and likely scale and type of traffic generation;</td>
</tr>
<tr>
<td></td>
<td>(F) The availability of infrastructure and relationship to existing community facilities;</td>
</tr>
<tr>
<td></td>
<td>(G) Water resources and the marine environment (particularly pollution controlled waters by any contaminants associated with the land); biodiversity; and</td>
</tr>
<tr>
<td></td>
<td>(H) Current Government guidance, other policies in the Argyll and Bute Structure and Local Plan and particularly those relating to the proposed type of development.</td>
</tr>
<tr>
<td></td>
<td>(I) Special Areas of Conservation; Special Protection Areas; Ramsar sites; Sites of Special Scientific Interest; National Nature Reserves; Local Nature Conservation Sites; National Scenic Areas; Greenbelt; Marine Consultation Areas and Areas of Panoramic Quality.</td>
</tr>
<tr>
<td></td>
<td>(J) Listed Buildings; Conservation Areas; Special Built Environment Areas; Scheduled Ancient Monuments and Historic Gardens or Designed Landscapes.</td>
</tr>
</tbody>
</table>
(B) OTHER MATERIAL CONSIDERATIONS

(i) Site History

n/a

(ii) Consultations

<table>
<thead>
<tr>
<th></th>
<th>Response Date</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Roads</td>
<td>14.12.06</td>
<td>No objections</td>
</tr>
<tr>
<td>Oban Airport</td>
<td>28.09.06</td>
<td>No objections</td>
</tr>
<tr>
<td>Scottish Water</td>
<td>05.10.06</td>
<td>No objections</td>
</tr>
</tbody>
</table>

(iii) Publicity and Representations

Advert Types: Potential Departure
Closing Dates: 30.11.06

Representations: None
NOTE TO APPLICANT RELATIVE TO APPLICATION 06/01858/OUT

Scottish Water has advised as follows:

There are no known public water mains in the vicinity of the proposed development.

There are no known public sewers in the vicinity of the proposed development.

You are advised to contact them direct to discuss this matter.

Scottish Water
Developer Services
Clyde House
419 Balmore Road
Glasgow
G22 6NU
Tel: 0845 601 8855

The Council’s Area Roads Manager has advised as follows:

A Road Openings Permit is required.

You are advised to contact them direct to discuss this matter:

Contact:

Area Roads Engineer
Transportation and Property Services
Argyll and Bute Council
Kilbowie House
Gallanach Road
Oban
Tel: 01631 562125
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27th November 2006

Reference Number: 06/02030/MFF
Applicants Name: Mainstream Scotland Ltd
Application Type: Marine Fish Farm
Application Description: Renewal and modification of existing lease
Location: CAMAS BRUAICHE RUAIMHE

(A) THE APPLICATION
The application is for the renewal of the existing lease with the retention of the existing installation, part of which was not included in the original lease.

(B) RECOMMENDATION
The proposal is recommended for approval for a period of three years subject to conditions.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

1. The site has been in use for approximately ten years and is worked by Mainstream in association with its other site in Loch Etive at Ardochattan. Both sites are used for the production of trout under the company’s “Loch Etive Trout” brand.

2. The application has been submitted with an environmental statement which refers to the scientific, visual and other material issues which attach to the application as examined in detail below. The statutory consultees have raised no fundamental objections to the proposal subject to conditions, but a number of users who share the bay in which the farm is sited have raised objections.

3. Planning Policies:

National Guidance.

Camas Bruaich Ruaidhe is part of “undeveloped coast” in terms of PAN 53 (rather than being “developed” or “isolated”). The bay is close to a major road, it contains a jetty (for which there is permission to enlarge) and is used for boat mooring. It is at the edge of the built up area of Connel and in the same visual domain as North Connel, Dunstaffnage Marina and the omnipresent Connel Bridge. It does however have a more or less rural landward backdrop at present. NPPG 13 states that in considering proposals requiring a coastal location in undeveloped coast Planning Authorities must weigh any detrimental effects against any economic benefits and consider alternative sites. These matters are dealt with below in relation to the Council’s own plans.

Adopted Lorn Local Plan.

Impact on the Local Scenic Area.

The site is in a Local Scenic Area and proposals must be assessed against Policy STRAT DC 8 and Policy RUR 2 as follows:

Environmental Impact: The impact of the proposal is not a matter of conjecture, it can be seen. It is in fact one of the most publicly visible sites in Lorn. As noted above, the bay is close to a major road, it contains a jetty (for which there is permission to enlarge) and is used for boat mooring. It is at the edge of the built up area of Connel and in the same visual domain as North Connel, Dunstaffnage Marina and Connel Bridge. It does however have a more or less rural landward backdrop at present. I consider that the fish farm does have a negative impact on the landscape, but it is an impact on a
landscape of less than pristine quality. That impact could be reduced by mitigation measures referred to in the environmental statement concerning the form and colour of the equipment on the site.

Operational need: The applicant considers the site to be a viable site for which there is no alternative if there is to be a continuing and sustainable operation of this site with the company's other site at Ardchattan. I am not able to recommend any alternative given the generally high level of development in Loch Etive.

Economic benefit: The Company employs local people and is therefore beneficial to the area.

Infrastructure: The proposal has no adverse implications for infrastructure and servicing

The key issue is whether the present impact is so damaging as to warrant a recommendation of refusal against the likely negative economic impact of the company withdrawing from Loch Etive. On balance, and given the lack of any firm recommendation of refusal from consultees, I consider that refusal is not justified in terms of impact on the local scenic area. Conditions relating to mitigation measures are recommended below.

Impact on the Marine Consultation Area.

Policy STRAT DC 7 and Policy RUR 3 state that the Council will resist proposals with an adverse effect on sites of ecological importance. Scottish Natural Heritage has recommended approval for the application subject to conditions. Application of those conditions would therefore satisfy this adopted plan policy.

Fish Farming Policies.

Policy RUR 10A sets out the criteria for assessing applications. Landscape and nature conservation are considered above. The policy also requires regard to the following:

Quality and capacity of water catchments:

None of the technical advisors, such as SEPA, have objected to this proposal in terms of impact on the water environment.

Other water users:

The principal objections to this application come from other recreational users of the bay and Dunstaffnage Marina. Specific conflicts are:

i) The disturbance caused by the farm's acoustic predator control equipment. The Applicant has installed new predator nets and would accept a condition limiting the use of acoustic measures.

ii) The noise and dirt from seagulls which swarm around the site for the food which is scattered for the fish. New feeding measures have been introduced which have controlled the seagull nuisance.

iii) The production of polluting scum. The control of pollution is a matter for other agencies. Given that the scientific advice is positive, this matter is one of management and control.

iv) The navigational hazard to small boats caused by the farm. The Lighthouse Board recommends approval subject to adequate marking.

v) The shooting of seals which allegedly causes a hazard to other users on sea and land. Seal shooting is not undertaken by the applicant.

On balance, the objections to the application cover operational matters which are ostensibly controlled by other agencies or which could be the subject of conditions of the lease. The conflicts with a relatively small number of boat users at present would not sustain a recommendation of refusal on this aspect of the policy.

Modified Finalised Daft Argyll and Bute Local Plan.

The Plan has the following implications:

i) The site is outwith panoramic coast.

ii) The site is adjacent to countryside around settlement and sensitive countryside.
iii) The land side is in Potential Development Area 5/54 which is allocated for marina related leisure development.

iv) The sea side is in Area for Action 5/5 which is intended to instigate studies of the potential of the area for recreation and other development.

In terms of the Policy LP AQUA 1 the proposal does not presently have a significant adverse effect on communities, settlements and their settings, national scenic areas or areas of panoramic quality, nature conservation, navigational interests, areas of isolated coast, areas of search for wild land, existing aquaculture sites, current recreational interests or water quality. It does have a negative effect on landscape character and visual amenity, but as noted above the coast is not of panoramic quality and the negative visual impact is small in relation to the economic effects of denying the application.

However, the new plan seeks to maximize development and recreational opportunities through a PDA and an AFA and both the Local Plan and the Structure Plan require the production of a Coastal Framework Plan for Loch Etive, which will inform its development aspirations. In view of these elements of the plans, I consider the longer term maintenance of this fish farm potentially to be in direct conflict with them. It is difficult, for example, to envisage any developer investing in the PDA while the fish farm is in place, and the recreational potential of the bay is severely restricted by the farm.

In view of this clear potential conflict with the plan I consider it prudent only to recommend approval for a limited period. I have suggested three years which should cover the period of the adoption of the Local Plan and the production of a coastal framework plan. The limited period will allow the applicant to seek alternatives but will ensure the reconsideration of the proposal in the light of up-to-date plans.

(D) CONCLUSION

Given the consideration required in the adopted and emerging plans, and the consultation responses received, I consider the application to be acceptable in terms of the current circumstances. The site is however in an area where the plan envisages recreational development and I consider the fish farm to potentially be in conflict with that aspiration. Therefore, on balance, my recommendation is for approval for a temporary period only.

Angus J Gilmour, Head of Planning

Author: Robert Walker 01631 567954
Contact: Ian McIntyre 01631 567951
CONDITIONS AND REASONS RELATIVE TO APPLICATION 06/02030/MFF

1. The lease shall run for three years from its grant or until 1st March 2010 whichever is earliest.

   **Reason:** The Draft Argyll and Bute Local Plan designates surrounding areas as a potential development area and an area for action and requires the production of a coastal framework plan. These designations and plans are likely to significantly change the planning context of the site and give rise to potential conflicts with other users of the Loch.

2. The farm shall be stocked with trout.

   **Reason:** The District Salmon Fishery Board advises that the site is close to important salmon rivers and therefore unsuitable for salmon production.

3. Acoustic predator control measures shall only be used during the hours of daylight.

   **Reason:** To prevent nuisance to other users of the Loch.

4. The applicant shall submit to the Planning Authority a scheme of mitigation measures aimed at improving the appearance of the farm prior to March 31st 2007 and shall implement the agreed measures within three months of the Planning Authority advising the applicant of its agreement to the measures.

   **Reason:** The farm has a negative effect on the appearance of the area and its continuing presence can only be justified if all practicable steps are taken to improve its appearance.

5. The Farm shall be marked in accordance with the attached letter of the Northern Lighthouse Board dated 28th September 2006

   **Reason:** In the interests of marine safety.

The Applicant should be advised of the following operational concerns raised by various expert bodies:

1. The need to improve sea lice control.
2. The need to improve containment including the introduction of tagging of fish to assist monitoring.
3. The need to improve net management.
4. The need to improve waste management.
APPENDIX RELATIVE TO 06/02030/MFF

A. POLICY OVERVIEW

In terms of Section 25 of the Act the following Development Plan Policies are applicable:

Argyll and Bute Structure Plan

<table>
<thead>
<tr>
<th>STRAT DC 7</th>
<th>Nature Conservation and Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Development likely to have a significant effect on a Natura site will be subject to an appropriate assessment. The development will only be permitted where the assessment indicates that it will not adversely affect the integrity of the site, or, there are no alternative solutions and there are imperative reasons overriding public interest.</td>
<td></td>
</tr>
<tr>
<td>B) On sites of national importance, SSSIs and NNRS, development will only be permitted where it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or where any adverse impacts are clearly outweighed by social or economic benefits of national importance.</td>
<td></td>
</tr>
<tr>
<td>C) Development which impacts on Local Wildlife Sites or other nature conservation interests, including sites, habitats or species at risk as identified in the Local Biodiversity Action Plan, shall be assessed carefully to determine its acceptability balanced along with national – or local – social or economic considerations.</td>
<td></td>
</tr>
<tr>
<td>D) Enhancement to nature conservation interests will also be encouraged in association with development and land use proposals.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STRAT DC 8</th>
<th>Landscape and Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Development which, by reason of location, siting, scale, form, design or cumulative impact, damages or undermines the key environmental features of a visually contained or wider landscape or coastscape shall be treated as ‘non-sustainable’ and is contrary to this policy. Outwith the National Park particularly important and vulnerable landscapes in Argyll and Bute are those associated with:</td>
<td></td>
</tr>
<tr>
<td>1. National Scenic Areas</td>
<td></td>
</tr>
<tr>
<td>2. Historic landscapes with close links with archaeology and built heritage and designed landscapes.</td>
<td></td>
</tr>
<tr>
<td>3. Landward and coastal areas with semi-wilderness or isolated or panoramic quality.</td>
<td></td>
</tr>
<tr>
<td>B) Enhancement to landscape will also be encouraged in association with development and land use proposals.</td>
<td></td>
</tr>
</tbody>
</table>
Lorn Local Plan

RUR 1  The Council will seek to maintain and where possible enhance the landscape quality of National and Regional Scenic Areas and coasts and areas of local landscape significance and within these areas will resist prominent or sporadic development which would have an adverse environmental impact:
   (d) Areas of local landscape significance: (i) Loch Etive/Benderloch Coast; (ii) Loch Awe; (iii) Loch Nell; (iv) Glen Lonan; (v) Loch Avich; (vi) Glen Gallain/Loch Scammadale.

RUR 2  Proposals for development in or affecting National Scenic Areas, Regional Scenic Areas and Coasts or areas of local landscape significance will require to be justified against the following criteria
   (a) economic benefit
   (b) infrastructure implications
   (c) specific locational/operational need
   (d) environmental impact

RUR 3  The Council will resist developments which would erode or have an adverse effect on features of wildlife and scientific value.

RUR 10A  When considering applications for fish farming the Council will have regard to:
   A. landscape quality,
   B. nature and heritage conservation,
   C. the quality and capacity of water catchments,
   D. other land/water uses and resources,

Finalised Draft Argyll and Bute Local Plan

LP AQUA 1  (A) There is general support for shellfish and fin-fish farming subject to there being no significant adverse effect, directly, indirectly or cumulatively on:
   1. Communities, settlements and their settings;
   2. Landscape character, scenic quality, and visual amenity;
   3. Loch Lomond and the Trossachs National Park;
   4. National Scenic Areas and Areas of Panoramic Quality;
   5. Statutorily protected nature conservation sites, habitats or species, including priority species and important seabird colonies along with wild fish populations;
   6. Navigational interests;
   7. Areas of Isolated Coast (coastal area of very sensitive countryside);
   8. Sites of historic or archaeological interest and their settings;
   9. Recreational interests;
   10. Areas of Search for Wild Land;
   11. Existing Aquaculture sites;

In the case of marine fish farming, this support is further conditional on the proposals being consistent with other policies of the Structure and Local Plan, and the Scottish Executive Strategic Framework Guidelines. If a coastal framework plan is in place it should be considered as a significant material consideration in assessing any proposal, along with advice from all relevant statutory consultees.

In the case of non-marine (i.e. development above Mean High Water Springs) fish farming, this support is further conditional on the proposals being consistent with other policies of the Local and Structure Plan, and the Scottish Executive Strategic Framework Guidelines.

In addition, a direct operational need tied to a specific location will need to be demonstrated where proposals are within the sensitive or very sensitive countryside development control zones.
(B) OTHER MATERIAL CONSIDERATIONS

(d) Site History

None relevant.

(ii) Consultations

<table>
<thead>
<tr>
<th>Name</th>
<th>Response Date</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argyll District Salmon Fishery Board</td>
<td>2nd November</td>
<td>The site should only be used for trout. Detailed conditions about the management of the site are required in respect of sea lice control, containment, nets, vaccination and waste management.</td>
</tr>
<tr>
<td>Scottish Environmental Protection Agency</td>
<td>9th October</td>
<td>No objections.</td>
</tr>
<tr>
<td>Royal Yachting Club</td>
<td>13th October</td>
<td>No objections.</td>
</tr>
<tr>
<td>RSPB</td>
<td>17th October</td>
<td>No objections.</td>
</tr>
<tr>
<td>Lighthouse Board</td>
<td>28th September</td>
<td>No objections subject to conditions.</td>
</tr>
<tr>
<td>Statutory Plans Team</td>
<td>28th November</td>
<td>The Local Plan has the intention of developing the wider area around this site for primarily tourism/leisure uses and this may conflict with aquaculture. In addition the Coastal Framework Plan is in the process of being formulated and this may have an impact on the future of this bay.</td>
</tr>
</tbody>
</table>

(iii) Publicity and Representations

Advert Type: Crown Estate
Closing Date: 7th October 2006

Representations:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Letter date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keith Wood</td>
<td>The Promenade, Edinburgh</td>
<td>5th April</td>
</tr>
<tr>
<td>Raider Thonnes</td>
<td>Lanark Road, Edinburgh</td>
<td>1st November</td>
</tr>
<tr>
<td>Malcolm Slesser</td>
<td>Salensligeanach, Benderloch</td>
<td>16th October</td>
</tr>
<tr>
<td>J. C. Smith</td>
<td>Ardconnel Hill, Oban</td>
<td>23rd October</td>
</tr>
<tr>
<td>Dunstaffnage Estate</td>
<td>Dunstaffnage</td>
<td>29th September</td>
</tr>
<tr>
<td>A. N. Quayle</td>
<td>Society Road, Queensferry</td>
<td>9th October</td>
</tr>
</tbody>
</table>

Summary of points raised:

The disturbance caused by the farm’s acoustic predator control equipment.
Comment: The Applicant has installed new predator nets and would accept a condition limiting the use of acoustic measures.

The noise and dirt from seagulls which swarm around the site for the food which is scattered for the fish.
Comment: New feeding measures have been introduced which have controlled the seagull nuisance.

The production of polluting scum and rubbish such as fish and feed bags.
Comment: The control of pollution is a matter for other agencies. Given that the scientific advice is positive, this matter is one of management and control.

The navigational hazard to small boats caused by the farm.
Comment: The Lighthouse Board recommends approval subject to adequate marking.

The shooting of seals causes a hazard to other users on sea and land.
Comment: Seal shooting is not undertaken by the applicant.

The area must be given time to regenerate.
Comment: The application which contained detailed scientific information has been agreed by SEPA which would suggest that pollution levels are acceptable.

The farm is a blight on a beautiful landscape
Comment: See my report above.

The site is not designated for fin fish under the proposed Loch Etive Policy Document.
Comment: No policy document exists at present. The Coastal Framework Plan has yet to be published.

The site will be vandalised and fish released because it is close to the road.
Comment: present guidance and practice do not consider this to be a material factor in considering the location of farms

The cages have shifted their anchorages in the past.
Comment: This is an operational matter which will be drawn to the attention of the Crown estate.
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15th December 2006

Reference Number: 06/02063/DET
Applicants Name: Mr Mrs B MacLeod
Application Type: Detailed application
Application Description: Erection of two dwellinghouses
Location: Land At Allt Glac Na Ceardaich, Raeric Road, Tobermory, Isle Of Mull

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of two detached dwellinghouses
- Upgrading of existing vehicular access and formation of new vehicular parking and turning areas

Other Specified Operations

- Connection to existing public water main
- Connection to existing public sewer

(B) RECOMMENDATION

It is recommended that planning permission be refused for the reasons detailed below.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

Detailed planning permission is sought for the erection of two dwellinghouses on this site in Tobermory, which comprises a narrow strip of vacant ground in a natural hollow and surrounded by other dwellings. The site is somewhat sloping, with a slight fall from north to south and also from east to west. A burn flows from north to south through the western portion of the site; the ground to the west of this is wooded, while the remainder of the site is open and mostly grassy. Immediately to the east of the site are the dwellings of Tigh Beag and Glengrant, which are at a higher level than the site and overlook it.

The site falls within the boundary of Tobermory as defined by Policy HO5 of the adopted Local Plan and is also within the Settlement Zone of the emerging new Local Plan. There is thus a presumption in favour of development on the site provided that it is of an appropriate scale and density and subject to servicing and infrastructure constraints. The site is somewhat restricted in size; it measures approximately 90m long and ranges between 10m wide at its southern end to almost 30m wide at the northern end. The burn flowing through the site further reduces the extent of developable space. The site has previously been the subject of outline planning permission for the erection of two semi-detached dwellinghouses (ref: 98/00679/OUT); this permission lapsed in 2001.

The previous application on the site originally proposed two detached dwellings with an indicative layout submitted that is substantially the same as that proposed under the present application. At that time it was considered that this would be inappropriate due to the fact that the access for the second house would pass very close to the first house and this was considered to result in unacceptably low levels of amenity and privacy for occupiers of the first dwelling. The agent was therefore advised that a single dwelling would be most appropriate for the site and was invited to submit amended plans. Amended plans were submitted showing a single building comprising two semi-detached dwellings, and outline planning consent for two dwellings was subsequently granted on this basis, with a
condition requiring that the reserved matters comprise semi-detached dwellings. This permission lapsed in 2001 with no reserved matters or detailed applications having been submitted.

The present application proposes the erection of two detached dwellinghouses on the same site with a very similar arrangement to that originally proposed in 1998. As detailed above, this layout results in the access for the second (northerly) dwelling running immediately adjacent to the first dwelling and would therefore result in the first dwelling having very low levels of privacy and amenity. The access road would be right in front of this house and the gables would be exposed to passing vehicles and would thus have no privacy. The entrance and front elevation face into the hillside.

Furthermore, notwithstanding this specific privacy and amenity issue, it is considered that the erection of two detached dwellings on this narrow and restricted site would constitute overdevelopment of the site and would result in a development with very limited plot sizes and unacceptably low levels of amenity space. The plots are not of a reasonable shape and size that would allow for the creation of adequate and useable front and rear gardens and they are smaller than comparable plots elsewhere in the Raeric Road area (to which this piece of land most closely relates). The amount of useable garden space and setting for the houses is further reduced by the burn that runs the length of the site. Furthermore, the houses would lack a reasonable level of amenity because of their positioning away from the burn, up against the slope and close to the access road, and not having an appropriate relationship to their gardens. The density of development within the surrounding area is acknowledged to be relatively high and plots tend to be small, however this is not considered to set a precedent that would justify the present proposals, particularly given the narrowness of the site. It is thus considered that the proposals are contrary to Policy BE(8A) of the adopted Local Plan, which seeks to ensure that all new development is of a high standard of layout and design, and are contrary to Scottish Executive advice within PAN67 (Housing Quality), which seeks high quality design and layout of new housing developments which respect their local context. The proposals are also contrary to the aims of the emerging Finalised Draft Local Plan, which seeks to ensure that new housing development within Settlements is of an appropriate scale and maintains the townscape character of the area.

The proximity of the proposed dwellings to neighbouring residential properties also requires to be considered. The east elevation of the southerly of the two proposed dwellings is to be less than 3m from the site boundary and is to be approximately 15m from the nearest part of Tigh Beag. The east elevation of the northerly proposed dwelling is also to be around 3m from the site boundary at its closest point and is around 20m from Tigh Beag. This close proximity to the site boundary raises potential privacy concerns with regards overlooking of the proposed dwellings and window to window distances between proposed and existing dwellings. As the present site is at a lower level than existing dwellings it is considered that the impact of the proposals on their residential amenity will be minimal, however the new dwellings may have unacceptably low levels of privacy and amenity due to being overlooked by these higher level dwellings.

It is possible to mitigate against privacy or amenity concerns in such circumstances through the imposition of suitable conditions, for example requiring the erection of fences along site boundaries in order to prevent overlooking between adjacent gardens and/or windows, or requiring that windows be in obscured glazing in order to prevent direct overlooking between otherwise inter-visible windows. In this case it is difficult to assess whether fencing could be appropriately conditioned due to the change in ground levels between existing and proposed dwellings. Unfortunately no levels or cross-sections have been submitted with the application, making it difficult to come to a sound and reasoned assessment of this issue. The previous outline consent on the site (described above) included a condition that required fencing to be provided along the eastern boundary of the site, of ‘sufficient height’ to prevent overlooking between gardens. Unfortunately this wording is rather imprecise as it leaves the required height open to interpretation. In line with Scottish Executive advice contained within Circular 4/1998 on the use of conditions, any similar conditions that may be imposed on future permissions should satisfy the tests of precision and enforceability and should therefore specify exactly what is to be done in order to comply with the condition; in this case this would require a height to be specified. Without suitable cross sections through the site it is difficult to determine the height of fencing that would be required, however it is likely that this would be sizeable. It is not considered appropriate to condition that all windows on the eastern elevations be in obscured glazing; this would involve three windows on the ground floor (to the lounge, porch and utility room) as well as two upper floor ‘velux’ windows to bedrooms.

The agent has been advised of the above concerns of overdevelopment and standards of privacy and amenity (letter of 25th October 2006). In subsequent telephone discussions the site history has been
explained and it has been expressed that a single dwellinghouse would be considered most appropriate for the site. It has also been explained that consideration may be given to a pair of semi-detached dwellings as per the lapsed outline consent, although this would not be the preferred option. However, the agent appears unwilling to enter into any discussions over the proposals and thus the present application should be determined as submitted without further delay. It should be borne in mind that any materially different proposals, whether for a single detached dwelling or for two semi-detached dwellings, would require to be the subject of a fresh application.

Notwithstanding the above concerns, the designs and materials proposed for the site are considered broadly acceptable for the area although in themselves they are of limited architectural interest. It is proposed to connect to the existing public water main and sewer; Scottish Water has no objections. An existing access into the site is to be upgraded; the Area Roads Engineer has no objections subject to conditions. It should be noted that, despite the site address being given as Raeric Road, the access is off Erray Road.

(D) CONCLUSIONS

- The erection of two detached dwellings on this narrow and restricted site is considered to represent overdevelopment by virtue of plot size and shape and lack of meaningful open space. It would result in a development with unacceptably low levels of private garden ground and amenity space; the site is considered most appropriate for a single dwelling.
- The proposed siting and design of the development would result in unacceptably low levels of privacy and amenity for the southerly of the two dwellings due to its close proximity to the access for the other dwelling. Due to the constraints of the site it is unlikely that this problem could be overcome.
- It is not possible to conclusively assess issues of privacy and overlooking in the absence of more detailed plans and site levels or cross-sections, however it is considered that the proposed dwellings and garden areas are likely to suffer from unacceptable levels of overlooking from adjacent properties, particularly Tigh Beag, due to the proximity of the proposed dwellings to the site boundary and to ground levels within and adjacent to the site.

Angus J Gilmour
Head of Planning

Author: Phil McLean 01631 567956
Contact: Ian MacIntyre 01631 567951
1. The design and density of the proposed development is considered to represent overdevelopment of a narrow and restricted site that would result in a development with poor standards of privacy and residential amenity and an inappropriate level of built form on the site. It is thus considered that the proposals are contrary to Policy BE(8A) of the adopted Local Plan, which seeks to ensure that all new development is of a high standard of layout and design, and are contrary to Scottish Executive advice within PAN67 (Housing Quality), which seeks high quality design and layout of new housing developments which respect their local context. The proposals are also contrary to the aims of the emerging Modified Finalised Draft Local Plan, which seeks to ensure that new housing development within Settlements is of an appropriate scale and maintains the townscape character of the area.

2. The proposed layout includes an access for the northerly of the two proposed dwellings that runs immediately adjacent to the southerly dwelling. It is considered that as a result the southern dwelling would have unacceptably low levels of privacy and amenity, which would be contrary to Policy BE(8A) of the adopted Local Plan, which seeks to ensure that all new development is of a high standard of layout and design, and to Scottish Executive advice within PAN67 (Housing Quality), which seeks high quality design and layout of new housing developments. The proposals are also contrary to the aims of the emerging Modified Finalised Draft Local Plan, which seeks to ensure that the design of new housing development within Settlements is of a high quality, and specifically that vehicular accesses do not compromise the amenity of neighbouring properties.

3. The proposed dwellings and garden areas are likely to suffer from unacceptable levels of overlooking from adjacent properties, particularly Tigh Beag, due to the proximity of the proposed dwellings to the application site boundary and to ground levels within and adjacent to the site. Insufficient detail has been submitted with the application in order to come to a sound and reasoned assessment of this issue and whether it could be satisfactorily addressed through the imposition of precise and enforceable conditions.
APPENDIX RELATIVE TO 06/02063/DET

A. POLICY OVERVIEW

In terms of Section 25 of the Act the following Development Plan Policies are applicable:

Argyll and Bute Structure Plan

<table>
<thead>
<tr>
<th>STRAT DC 1</th>
<th>Development within the Settlements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Encouragement shall be given, subject to capacity, to development in the settlements as follows:</td>
</tr>
<tr>
<td></td>
<td>A) within the Main Towns to development serving a wide community of interest, including large scale development, on appropriate infill, rounding off and redevelopment sites.</td>
</tr>
<tr>
<td></td>
<td>B) Within the Small Towns and Villages to development serving a local community of interest, up to and including medium scale development, on appropriate infill, rounding-off and redevelopment sites; in exceptional cases large scale development may be supported.</td>
</tr>
<tr>
<td></td>
<td>C) Within the Minor Settlements to small scale development which is compatible with an essentially rural settlement location on appropriate infill, rounding-off or redevelopment sites; in exceptional circumstances medium or large scale development may be supported.</td>
</tr>
<tr>
<td></td>
<td>D) Developments which do not accord with this policy are those outwith A), B) and C) above and urban bad neighbour developments which are essentially incompatible with the close configuration of land uses found in settlements e.g. mineral extraction or development which results in excessively high development densities, settlement cramming or inappropriate rounding-off on the edge of settlements.</td>
</tr>
<tr>
<td></td>
<td>E) Development in settlements are also subject to consistency with the other policies of this Structure Plan and in the Local Plan.</td>
</tr>
</tbody>
</table>

Mull, Coll and Tiree Local Plan

| HO 5   | The Council will identify a zone around Tobermory where the general presumption in favour of small scale residential development in the countryside will not apply. |
(B) OTHER MATERIAL CONSIDERATIONS

(a) Site History

98/00679/OUT – erection of two dwellinghouses, granted 17th Nov ’98 (lapsed 18th Nov 2001). For further detail see main body of report above.

(ii) Consultations

<table>
<thead>
<tr>
<th></th>
<th>Response Date</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Roads Engineer</td>
<td>14th Dec 2006 (by email)</td>
<td>No objections subject to conditions</td>
</tr>
<tr>
<td>Scottish Water</td>
<td>9th October 2006</td>
<td>No objections</td>
</tr>
</tbody>
</table>

(iii) Publicity and Representations

Advert Type: Article 9 (vacant land) and Local plan potential departure (policy HO5). Closing Date: 26th October 2006

Representations: Yes

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Letter date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tim and Sheila Barnard</td>
<td>Viewmount, Tobermory</td>
<td>19th October 2006</td>
</tr>
</tbody>
</table>

Summary of points raised:

- The site is too small to accommodate two dwellings.
  - **Comment**: It is considered that the site would be more appropriate for a single dwelling; see main body of report below.

- The access to the site is hazardous.
  - **Comment**: The Area Roads Engineer has no objections subject to conditions.

- The development would exacerbate the existing flooding problem in the area.
  - **Comment**: The application includes little information in respect of surface water drainage. However, as the application is recommended for refusal for other planning reasons it has not been considered appropriate to put the applicant to the expense of producing flooding information.

Issues regarding neighbour notification are also raised and points relating to other developments, which are not relevant planning issues in the determination of the present application.
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Dear Sir

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPEAL: LAND NE OF TANSOR & CRAMOND, DERVAIG, TOBERMORY, MULL

I enclose for your information a copy of the decision letter on this appeal.

Yours faithfully

CAROL-ANNE REDPATH

Enc
Dear Sir

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 47 AND SCHEDULE 4
PLANNING APPEAL: ERECTION OF TWO HOUSES NORTH-EAST OF TANSOR AND CRAMOND, DERVAIG, TOBERMORY, ISLE OF MULL

1. I refer to your appeal, which I have been appointed to determine, against the refusal of outline planning permission by Argyll and Bute Council for the erection of two houses at the above location. I have considered the written submissions and made an accompanied inspection of the appeal site and the surrounding area on 31 October 2006. The exchange of submissions concluded on 13 November.

INTRODUCTION AND BACKGROUND

2. The appeal site is 0.22 ha of pasture type land to the north of Cuin Road at the western end of Dervaig. Two modern houses at Tansor and Cramond to the south-west of the site front the road. Ardbeg, a detached house providing bed and breakfast accommodation, stands to the east of Cramond, beyond a track leading from Cuin Road to the appeal site. In topographical terms, the site takes the form of a shallow, broad-based valley located between higher land to the south-west and the north-east.

3. You applied for a house and a bungalow served by an access along the line of the existing track and a septic tank with reed bed effluent filtration. The 1:2,500 scale plan submitted with the application shows the new buildings located near the south-western boundary of the site, which is described as part of a registered croft. The surrounding land, including that occupied by Tansor and Cramond, is shown as being within your ownership.

4. The Council’s reason for refusing outline planning permission can be summarised as follows:

It is the Council’s policy, as contained in the adopted 1985 Mull, Coll and Tiree Local Plan (Policies STRAT 4, STRAT 4A, HO(7) and RUR(2)), the Argyll and Bute Structure Plan 2002 (Policies STRAT DC 2, STRAT SI 1 and STRAT DC 8), and the Argyll and Bute...
Finalised Draft Local Plan (Policies LP ENV 19 and LP HOU 1), and supplemented by Scottish Executive advice (SPP 1, SPP 3 and SPP 15), to protect the countryside around Dervaig from inappropriate forms of development in order to avoid the erosion of the setting of the settlement. As the site is not allocated in either the adopted or emerging development plans as appropriate for new development, the principle of development is contrary to their objectives. To allow the proposal would lead to the erosion of the settlement pattern of Dervaig, result in an inappropriate form of development that would fail to integrate with the setting and surroundings of the site, and set a precedent for future dwellings in the countryside that would further erode the settlement character. As the application is the second on the same croft, it would also result in the further break-up of croft land, contrary to the objectives of Structure Plan Policy STRAT DC 2.

5. The Mull, Coll and Tiree Local Plan incorporates a 1st Review and Alteration adopted in 1988. Policy STRAT 4(iii) excludes the countryside around Dervaig from the areas in which presumption in favour of single or small scale residential development applies. Policy STRAT 4A requires all proposals for such development to be examined in terms of their infrastructure and servicing implications and, in the areas covered by Policy STRAT 4(iii), to be justified against other criteria, including locational/operational need, economic benefit, environmental impact and effect on natural and heritage resources. Policy RUR(2) imposes a similar requirement in areas of local landscape significance, including around Dervaig. Policy HO(7) restricts infill development within Dervaig to sites identified in the plan.

6. Policy STRAT SI 1 of the Argyll and Bute Structure Plan lists the principles to which the Council will adhere in considering development proposals and in local plans. These include maximising opportunities for sustainable designs, including energy efficiency; respecting landscape character and the setting and character of settlements; and avoiding significant flood risk and adverse effects on land, air, and water quality. Policy STRAT DC 2 relates to Development within the Countryside Around Settlements (CAS). Part A of the policy encourages development that accords with the settlement plan for the area concerned, including small-scale infill or rounding-off and, subject to consistency with Policy STRAT AC 1 C), single houses on crofts. It also states that, in special cases, locational need or exceptional circumstance may justify development. Part B states that developments which do not accord with the policy are those with Category A) and development that would erode the setting of settlements or result in undesirable forms of ribbon development, coalescence, or the undesirable break-up of croft assets. Policy STRAT DC 8 A), Landscape and Development Control, treats development that would damage or undermine the key environmental features of a visually contained or wider landscape or “coastcape” as “non-sustainable” and contrary to the policy. Policy AC 1 C) supports a single house on bareland crofts or an additional house on crofts where required for crofting purposes, but does not support development that would result in the undesirable break-up of crofts and croft land assets.

7. The Finalised Draft Argyll and Bute Local Plan was published in May 2005. Policy LP ENV 19 requires developments to be of a high standard of design and to accord with the design principles in Appendix A of the plan and with the 6 criteria, (A)-(F), listed in the policy. Criteria (A)-(D) are, in summary: (A) that development harmonises satisfactorily with its setting and surroundings; (B) that its layout and density integrates effectively with its setting; and that its design is compatible with its surroundings (C) and with the reasonable expectations of special needs groups (D). Criterion (E) encourages energy efficient design and sustainable building practice while criterion (F) resists poor or unsatisfactory design. Policy LP HOU 1(A) presumes in favour of housing other than in the circumstances listed in category (B), which presumes against (among other things) small-scale housing development in open/undeveloped areas within CAS. The Proposals
Map for Dervaig shows the appeal site as CAS, immediately outwith the Settlement Zone, which includes Tansor and Ardbeg. A Modified Draft Local Plan published in June 2006 shows the Settlement Zone extended to the west of Tansor on each side of Cuin Road.

SUMMARY OF SUBMISSIONS

8. **In support of your appeal, you submit that** the two “zero energy eco houses” that you propose to build would be consistent with Government and local planning objectives, would not be “out of the curtilage” of the structure plan, and would not set a precedent for further development. The Council effectively set a new village boundary in 2002 when it granted planning permission for Cramond and Tansor on land that was outside the boundary in the local plan at that time. A good deal of the structure area of the houses you now propose was part of a site granted outline planning permission for housing in 2001. The houses would be built into a natural rock hillock and, from outwith the site, would only be visible from the far side of Cuin Loch about 1.6 km to the south-west. From there, only partially camouflaged roofs could be seen and it would be difficult to identify structures with the naked eye. An early version of the emerging Argyll and Bute Local Plan in 2003/2004 indicated land to the north-east of Tansor as suitable for development. Council planning officials were supportive of your proposal then and this continued into 2005. The Chairman of the Planning Committee was also supportive, as are most of your neighbours.

9. **You state that the reasons for refusal were obviously drafted without the benefit of a site visit.** This would have shown that your proposal would not erode the character of the settlement. In your view, it is an appropriate form of infill, is supported by the structure plan, and is sufficiently marginal in backland development terms as to make the CAS policy largely inapplicable. Structure plan Policy STRAT S1 supports development that maximises opportunities for sustainable designs, especially where there is potential for energy efficiency. Extending the Settlement Zone along the north side of Cuin Road beyond Tansor (onto what you describe as site B) as proposed in the published modifications to the local plan would constitute ribbon development. The land on the opposite side of the road (site C) would normally have been regarded as highly unsuitable for building. After you lodged your application in January 2005, the Council granted permission for two houses opposite Tansor (on site D) on croft land that the emerging local plan at that time showed as outwith the Settlement Zone. The Committee report on that application states that it would not prejudice the plan and that the Council had approved other “minor departures” to the plan. However, in refusing your application, the Council referred to the importance of adhering to the settlement boundaries in the plan. It also rejected your request in June 2006 to have the appeal site included in the Settlement Zone.

10. **You state that the original owner of the croft on which the appeal site is located has built a house on, at the Council’s insistence, a very prominent site at the northern edge of the village.** You also understand that planning officials have commented favourably on the prospect of further development in that area and on land to the east of the appeal site. The sole objector to the proposal to include sites B and C in the Settlement Zone, who lives opposite Tansor, has no objection to your proposal and agrees that the appeal site and the land to the north of the village are much better suited to development than sites B and C. Your proposal would also have the advantage of fully opening up the land to the east of your site for development. It would not result in an undesirable break-up of croft land. The ground is wet, has no agricultural potential, has been unused for 10-15 years, and is contiguous with the house plots to the south-west. These are built on what was derelict and unsightly land that has already been decrofted. The appeal site has been registered with the Crofters Commission as a site that will require decrofting. This process will be progressed once planning permission has been granted.
11. You also submit that the Council has taken an inconsistent approach with regard to visibility at accesses onto Cuin Road. Although it wants you to provide 2.5 m by 60 m sightlines, it allowed the two houses on site D to use an access where 2.5 m by 60 m visibility, far less the 70 m specified in the permission, cannot be provided. Visibility at the access to Tansor is only 30 m. In any event, you could provide satisfactory visibility within your own land by moving the junction of the track 3.6 m to the west. The Council Roads representative, although happy to deal with access details at reserved matters stage, refused to present this option at the site inspection. Although you changed your original proposal for sewage treatment to a conventional septic tank in order to obtain outline planning permission, you intend to provide self-contained foul and surface water drainage systems. Many of the points raised by local objectors relate to the building of Tansor and Cramond. You widened the track at that stage with a view to further development and intend to improve it further as part of the appeal scheme. You told the Council when you submitted the appeal application that you intended to build “eco” houses. Ardbeg did not have any guest rooms at the rear of the house until 2005. Your proposal would not add to drainage problems at the Blue House. The houses would not be visible from Glenview.

12. The Council’s submissions include a report on your application to the Planning Committee in November 2005, together with copies of the consultation responses and representations received. The report states that the adopted local plan is considerably out of date and does not adequately provide even for current housing needs. The finalised draft local plan, which seeks to accommodate current and future housing needs, shows the site within the CAS around Dervaig and subject to structure plan Policy STRAT DC 2. As none of the objections to this policy relates to the Dervaig area and there are no objections to the principle of CAS designation, the finalised draft plan is of material weight. The appeal site is greenfield land and cannot be regarded as infill, rounding-off, or redevelopment. Instead it represents backland development behind two houses that have already created a degree of ribbon development at a location where the character of built form changes from being reasonably dense to sparse and the rural nature dominates the visual context. It would not reflect the settlement pattern at Dervaig, which is largely within a defined area.

13. As you are not a registered crofter and do not claim a locational or operational need, allowing two more houses on this croft would also be contrary to the objectives of Policy STRAT DC 2. The objectives of SPP 1: The Planning System, which seeks to protect and enhance the quality of built and urban environments, would be contravened. SPP 15: Planning for Rural Development states that the aim is not to see small settlements increase in size to the extent that they lose their identity. Allowing your proposal would also set a precedent for more houses in the countryside around Dervaig, further eroding its character. Building “eco” houses would not overcome these objections. You have not substantiated an earlier claim that one of the houses is needed for your elderly parents or demonstrated that building two separate houses is the only way of accommodating them. As sites B and C are the subject of objection, the Council’s proposal to include them in the Settlement Zone is of no material weight at this time.

14. Among consultation responses, the Council’s Area Roads Manager states that the track should be upgraded, 2.5 m by 60 m sightlines provided at the junction with the public road, and drainage installed. However, as the sightline to the south-east of the junction is restricted by a wall at Ardbeg, determination of your application should be deferred to allow you to enter into a section 75 agreement with the owner of Ardbeg to clear and protect the sightline. The Scottish Environment Protection Agency (SEPA) states that effluent from the type of foul drainage arrangement described in your application would have to be discharged to a watercourse. Scottish Water objects to the application, stating that the site is within the catchment area for Tobermory
Water Treatment Works and that the proposal might prejudice the supply of potable water. However, it states that it would consider withdrawing its objection if you demonstrated that there would not be a significant impact.

15. The occupiers of Ardbeg objected to your application, stating that further work to the track would damage their boundary wall, cause nuisance, and exacerbate surface water drainage problems at their property. They also regard the track as an unsuitable access for houses, are concerned regarding potential pollution, that the materials proposed in the application (oak clad walls and slate roofs) would be out of keeping with the area, that construction vehicles could damage trees in the Dervaig Conservation Area, which includes their property, and that your proposal could set a precedent for further development. Issues raised following the appeal include that your application did not refer to “eco” houses, that the appeal site is not part of the site granted planning permission in 2002 and is not identified for development in the finalised draft local plan, and that the section 75 agreement sought by the Area Roads Manager has not been discussed with the objectors. Your account of the previous use of the land is disputed and it is alleged that development to date has spoiled the outlook from the objectors’ property. A resident of Glenview, to the south of Ardbeg, also comments on the 2002 permission and the finalised draft local plan, disputes your account of the history of the site and regards any further building as detrimental to the area. The occupiers of The Blue House, which lies to the east of Ardbeg, are concerned that your proposal could increase run-off problems and cause pollution at their property and at Ardbeg and wish the new houses to be connected to the public sewer.

CONCLUSIONS

16. Section 25 of the Act requires your appeal to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. I therefore consider, based on my inspection of the appeal site and its surroundings, and the written submissions, that the determining issues are whether your proposal is consistent with the relevant provisions of the development plan; and, if not, whether there are material considerations that justify an exception to these provisions.

17. The statutory development plan covering the appeal site comprises the adopted Mull, Coll and Tiree Local Plan, incorporating the 1st Review and Alteration of 1988, and the Argyll and Bute Structure Plan, which was approved by Scottish Ministers in 2002. The appeal site is within an area where Policy STRAT 4A of the adopted local plan requires new housing to be justified against the criteria in the policy. In the absence of any evidence that the houses you propose are required for operational purposes relating to the site, or would be of particular economic benefit, I find that they would not accord with this policy, or with Policy RUR (2). Policy HO(7) applies within the Dervaig settlement boundary identified in the plan, which extends as far west as Ardbeg.

18. However, as even the 1988 Review and Alteration is 18 years old, the Council’s acknowledgment that the adopted plan no longer provides a suitable basis for even current housing needs is not surprising. As matters now stand, the approved Argyll and Bute Structure Plan sets out the strategic planning framework for guiding future development in this area.

19. As far as Policy STRAT SI I of the structure plan is concerned, I am satisfied that the site could accommodate two houses that were sustainable in design terms and were energy efficient. There is no technical evidence that a solution that adequately addressed local concerns regarding drainage and satisfied Scottish Water in relation to water supply could not be devised. While building at the rear of roadside properties would be a departure from the current pattern of
development at this part of Cuin Road, recent developments in this area have already introduced a change in character. The appeal site is not conspicuous and is capable of accommodating two houses without detracting from the local landscape character or the setting and character of Dervaig. On this basis, Policy STRAT DC 8 also need not be contravened.

20. However, Policy STRAT DC 2 A) encourages development within CAS only where this accords with the relevant settlement plan, including, in the case of new buildings, infill, rounding-off and a single additional house on a croft. The appeal site is part of a much larger area of undeveloped ground beyond the present extent of built development at Dervaig. It also extends beyond the site of the 2001 outline permission. I find, as a matter of fact and degree, that it is not an infill site and that your proposal would not round off development at this location. In this context, I note your submission that developing your site could fully open up the land to the east for development. As 3 houses have already been built on this croft, the proposal would also not be consistent with Policy AC 1 C) which seeks to prevent the fragmentation of croft land, irrespective of the prospect of decrofting and the quality of the land concerned. As stated above, you do not claim a locational need for housing on the site. I conclude that your proposal would not accord with the principle on which Policy STRAT DC 2 A) is based, namely that development within CAS should take place in a planned and co-ordinated manner. As the structure plan looks to an Argyll and Bute Local Plan to map the boundaries of CAS, your argument that the Council has allowed development to take place on sites that were outwith the Settlement Zone at the time these decisions were taken is considered below, as a material consideration, in the context of the emerging local plan. The other main material considerations to be taken into account in considering whether there is justification for granting planning permission as an exception to the relevant provisions of the development plan, are the age of the adopted plan, SPP 1: The Planning System, SPP 3: Planning for Housing and SPP 15: Planning for Rural Development.

21. Dealing with these in turn, it is clear from the submissions that the settlement boundary at Dervaig in the adopted plan will have to be extended to provide for current, far less future, housing needs. SPP 1 states that other considerations such as more recent expressions of policy and planning guidance may outweigh the policies in the development plan and that similar circumstances may apply where plans are out-of-date and less relevant to changed circumstances. Given the terms of the structure plan, it is reasonable for the Council to consider applications for housing in the context of the emerging plan until such time as an adopted plan is in place.

22. In this context, Policy LP HOU 1 of the finalised local plan reiterates the principles in Policy STRAT DC 2 of the structure plan. When the permission for site D was granted, the consultation draft local plan showed the site in the Settlement Zone and this proposal had not attracted representations. However, the finalised version of the plan, which had been published when your application was determined, while continuing to show site D in the Settlement Zone, did not include the appeal site in the Zone. The proposed modifications that were subsequently published maintain this position. While it is difficult to reconcile the Council's criticism that housing development on your site would not integrate with its setting and surroundings with the extension of the Settlement Zone onto sites B or C, this proposal has attracted objection and could thus change. Sites E and G are not the subject of applications, far less permissions.

23. Drawing these matters together, the emerging local plan is seeking to implement structure plan policy by putting in place a settlement plan that will co-ordinate future planned development at Dervaig. It is important at this stage in the evolution of this plan that the type of incremental piecemeal development that could pre-empt the final form of the settlement is avoided as far as possible. SPP 15, while recognising considerable scope for small scale rural housing developments
including clusters and groups in close proximity to settlements, states that this should be expressed in development plans. It also identifies SPP 3, which states that development plans should show where new housing should be encouraged, as the first point of reference on the general policy for housing. Against this background, I find insufficient justification for allowing a proposal that would perpetuate the type of *ad hoc* decisions about which you complain.

24. I have taken account of all the other matters raised, and acknowledge that the access issue raised in the submissions and some of the principles in Policy LP ENV 19 seem likely to be capable of being satisfactorily addressed. However, none of these matters outweighs the considerations that have led me to conclude that your proposal is unacceptable for the reason that I have explained. Accordingly, in exercise of the powers delegated to me, I hereby dismiss your appeal and refuse to grant outline planning permission for the development to which it relates.

25. This decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks of the date of this letter, as conferred by sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant’s interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992 or of any orders, regulations or rules made under these Acts.

26. A copy of this letter has been sent to Argyll and Bute Council and to those who made representations regarding the proposal.

Yours faithfully

[Signature]

MISS J M McNAIR
Reported
REPORT TO OBAN, LORN AND THE ISLES AREA COMMITTEE
CRUACHAN VIADUCT, LOCH AWE
PROPOSED UPGRADE FROM CATEGORY B TO CATEGORY A LISTED BUILDING

SUPPLEMENTARY REPORT NO.1

1. INTRODUCTION

The proposed upgrading of the listing of this structure was reported to the 8th November Area Committee and continued to allow the Department to clarify whether Network Rail had been consulted.

I have clarified this matter. Historic Scotland have consulted Network Rail who have no objections in principle to the listing.

2. RECOMMENDATION

That the Committee notes the contents of the Historic Scotland letter and welcomes the upgrading of the category.

Angus J. Gilmour
Head of Planning

Contact Point: Ian McIntyre 01631 567951
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1. INTRODUCTION

I have received a letter from Historic Scotland whose Inspector has revised the grading of the above structure. Historic Scotland proposes to reclassify the structure from Category B to Category A and request the Councils observations.

I consider this upgrading in recognition of the viaducts historic importance should be welcomed.

2. RECOMMENDATION

That the Committee notes the contents of the Historic Scotland letter and welcomes the upgrading of the category.

Angus J. Gilmour
Head of Planning

Contact Point: Ian McIntyre 01631 567951
1. SUMMARY

The purpose of this report is to advise the Oban, Lorn & the Isles Business Day of recent developments concerning possible funding from the Scottish Executive in relation to the Mull Roads Weight Limits.

2. RECOMMENDATIONS

The Business Meeting is asked to note the various comments and request that the Head of Roads & Amenity Services continues to lobby with appropriate bodies to seek funding for the improvements to the Mull roads.

3. BACKGROUND

The legislation for signing weight restrictions on a laden weight basis on the Isle of Mull was brought into force in 1980. At this time laden weights was the way in which weight restrictions were signed. On 1 January 2005 legislation changed to use maximum gross weights, which refer to the potential that a vehicle can carry rather than the actual weight it is carrying.

There are currently 265 miles of public road in Mull of which 95% is single track road. Mull has weight restrictions on 6 bridges and 15 on roads. At the Strategic Policy Committee on 8 December 2005 it was agreed to accept the lowest tender submitted by SQW Consultants to undertake an Economic Impact Assessment of the effects of weight restrictions on Mull. Although the cost for this work was approximately £15,000, no other funding has been secured although the Scottish Executive and the Argyll & Islands Enterprise supported the work being undertaken.

This report was completed several months ago and copies of the report were submitted to all relevant stakeholders including all members of the Area Committee.

The report indicated that if the current restrictions were continued then this could lead to 261 job losses and an economic effect of just under £5 million. Initial preliminary work was carried out by staff within the Roads & Amenity Services and it was determined that approximately £15 million capital spend was required to remove the weight restrictions.
4. RECENT ISSUES

A meeting has been held with George Lyon MSP who fully supported the works undertaken by Argyll & Bute Council and in particular the report prepared by SQW. He recognises the issues which have been raised and he hoped that funding could be made available from alternative Scottish Executive sources.

Mr Lyon indicated that he would speak with Tavish Scott MSP, and then with Malcolm Reed, Chief Executive of Transport Scotland. Mr Lyon indicated that in the short term Transport Scotland would find it difficult to identify this level of funding especially taken into consideration the importance of the Salen-Tobermory works which has not yet secured funding. He gave positive indications that once the funding source for the Salen-Tobermory project had been identified then he would be involved in helping to identify funding sources for the weight limits work.

For further information, please contact Stewart Turner (Tel: 01546 604611).

Stewart Turner
Head of Roads & Amenity Services
29 November 2006
1. PURPOSE

The purpose of this report is to inform the Area Committee of the current position regarding the Topographical Survey work and its affect on the alignment design for the Oban Development Road.

2. RECOMMENDATIONS

It is recommended that Members note the contents of this report, and acknowledge that the Head of Roads & Amenity Services is taking steps to expedite the topographical survey work undertaken by Land and Marine Survey Services Ltd.

3. DETAIL

3.1 A topographical survey was commissioned with Land and Mineral Survey Services Ltd on 19 June 2006 and it was anticipated to take 12 weeks, with completion of the survey on 8 September 2006. The survey is still incomplete.

3.2 The latest programme from Land and Mineral Survey Services Ltd indicates a completion on 21 December 2006. A preliminary survey model received from Land and Mineral Survey Services was declared unacceptable as it contained significant data errors and had significant areas with no survey data. Therefore, there is a concern that the survey model due to be submitted on 21 December may also be unacceptable.

3.3 The delay in receiving the topographical survey now has a significant affect on the alignment design programme which is not now unlikely to start until January 2007 and this will lead to slippage in the capital expenditure for 2006/07.

3.4 The Oban, Lorn and the Isles Area Committee had a planning site meeting at Claremont on 4 October 2006 as concern had been expressed that the proposed house site may conflict with the proposed Oban Development Road. At that time the topographical survey was expected to be completed by the middle of October.
3.5 The Committee agreed to delay a decision on the application at Claremont for three months to allow the preliminary design work to be carried out and allow confirmation of the limits of the land required for the Oban Development Road. As no design work has been possible due to the delays in receiving information from our Contractors, a further 3 months will be required to determine the limits of land required.

3.6 Staff in Roads Design are also taking appropriate contractual steps to address the shortfall of the contractor.

4. **CONCLUSIONS**

4.1 There is now extensive slippage in the design of the Oban Development Road due to the failure of Land and Mineral Survey Services to complete the topographical survey within the agreed timeframe. Staff in Roads Design will continue to take appropriate measures to complete the design phase within the three years allocated in the Capital programme.

4.2 The delay in completing the topographical survey has prevented any alignment design work being undertaken and it will not be possible to determine the land limits required for the Oban Development Road for another three months.

5. **IMPLICATIONS**

5.1 Policy – None.

5.2 Financial – Slippage of expenditure from 2006/07 to 2007/08 which can be accommodated within the prudential accounting rules.

5.3 Personnel – None

5.4 Equalities Impact Assessment - None

5.5 Legal – None.

For further information, please contact Peter Ward (Tel: 01546 604651).

Stewart Turner
Head of Roads and Amenity Services
18 December 2006
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