

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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13 October 2010

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **HOLYROOD SUITE, QUEEN'S HALL, DUNOON** on **WEDNESDAY, 20 OCTOBER 2010** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 15 September 2010 (10.00am) (Pages 1 - 2)
 - (b) Planning, Protective Services and Licensing Committee 15 September 2010 (10.30am) (Pages 3 - 14)
 - (c) Planning, Protective Services and Licensing Committee 30 September 2010 (Pages 15 - 32)
- * 4. **PROPOSED AMENDMENTS TO PRE-DETERMINATION HEARING PROTOCOL**
Report by Head of Planning and Regulatory Services (Pages 33 - 38)
5. **BUILDING STANDARDS BALANCED SCORECARD AND GENERAL PERFORMANCE: UPDATE**
Report by Head of Planning and Regulatory Services (Pages 39 - 42)

6. **TRUSTEES OF REVEREND FELL: APPLICATION FOR DEMOLITION OF TWO BUILDINGS AND ERECTION OF TWO DWELLINGS: PORT MOLUAG, LISMORE (REF: 09/01676/PP)**
Report by Head of Planning and Regulatory Services (Pages 43 - 60)
7. **RWE NPOWER RENEWABLE LTD: APPLICATION FOR ERECTION OF A 15 TURBINE WINDFARM (45 MEGAWATT MAXIMUM CAPACITY): RAERA FOREST, KILNINVER (REF: 09/01874/PP)**
Report by Head of Planning and Regulatory Services (Pages 61 - 124)
8. **MR AND MRS MACGREGOR: APPLICATION FOR DEMOLITION OF OUTBUILDINGS AND ERECTION OF 5 DWELLINGS IN COURTYARD FORMATION: LAND AT LITTLE RAHANE FARM, RAHANE, HELENSBURGH (REF: 10/00536/PP)**
Report by Head of Planning and Regulatory Services (Pages 125 - 142)
9. **COWAL GOLF CLUB: APPLICATION FOR ERECTION OF 4 HOUSES AND 8 FLATS: COWAL GOLF CLUB, ARDENSLATE ROAD, KIRN, DUNOON (REF: 10/00899/PP)**
Report by Head of Planning and Regulatory Services (Pages 143 - 158)
10. **MR ROBERT BROWN: APPLICATION FOR REPLACEMENT OF ROOF COVERING ON BARN (RETROSPECTIVE), INSTALLATION OF CHIMNEY FLUE, ERECTION OF PORCH AND FENCING: COURTYARD COTTAGE, STRATHLACHLAN, CAIRNDOW (REF: 10/01128/PP)**
Report by Head of Planning and Regulatory Services (Pages 159 - 172)
11. **MR R YOUNG: APPLICATION FOR ERECTION OF ANEMOMETER MAST FOR TEMPORARY PERIOD (2 YEARS): SOUTH OF BEINN MHOR, CLACHAN SEIL (REF: 10/01147/PP)**
Report by Head of Planning and Regulatory Services (Pages 173 - 196)
12. **NHS HIGHLAND: APPLICATION FOR INSTALLATION OF GENERATOR: VICTORIA HOSPITAL, ROTHESAY (REF: 10/01251/PP)**
Report by Head of Planning and Regulatory Services (Pages 197 - 206)
13. **ARGYLL COLLEGE UHI LTD:APPLICATION FOR ERECTION OF CYCLE SHELTER: CAMPBELTOWN LEARNING CENTRE, HAZELBURN CAMPUS, CAMPBELTOWN (REF: 10/00738/PP)**
Report by Head of Planning and Regulatory Services (Pages 207 - 210)
14. **PROPOSED FELLING OF TREES AT THE BURIAL GROUND, KILMARTIN**
Report by Head of Planning and Regulatory Services (Pages 211 - 214)
- E1 15. **10/00323/ENOTH2**
Report by Head of Planning and Regulatory Services (Pages 215 - 220)
16. **10/00204/ENOTH2**
Report by Head of Planning and Regulatory Services (Pages 221 - 222)
17. **10/00012/ENOTH1, 10/00077/ENOTH2 & 10/00210/ENFOTH2**
Report by Head of Planning and Regulatory Services (Pages 223 - 226)

Items marked with an “asterisk” are items, on the basis of information available at the time this Agenda is published, on which the Committee may not have delegated powers to act, and which may therefore require to be referred to the Council or another Committee, and that referral may depend on the decision reached at the meeting.

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 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 **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.

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

Contact: Melissa Stewart

Tel. No. 01546 604331

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 15 SEPTEMBER 2010**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Neil Mackay
Councillor Robin Currie	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Bruce Marshall	Councillor Al Reay

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Paul Reynolds, Environmental Health Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Vivien Dance, Mary Jean Devon, Donald MacMillan, Alister MacAlister and Roderick McCuish.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: CONSIDER APPLICATION FOR GRANT OF A STREET TRADER'S LICENCE: C MORRIS, OBAN

Councillor Daniel Kelly welcomed everyone to the meeting.

The Head of Governance and Law advised that the applicant was not present and that she had failed to collect two separate recorded delivery letters advising her of this Hearing and it was for the Committee to determine whether or not they wished to go ahead with the Hearing in the applicant's absence.

The Senior Solicitor advised that a late objection had been received from Environmental Health and that the applicant was unaware of this objection.

The Chair asked the Environmental Health Officer to explain why the objection was late and he advised that this was due to awaiting comments from the Animal Health Officer and the RSCPA before determining whether or not an objection should be lodged.

Decision

1. Agreed to accept the late objection received from Environment Health given the explanation offered and to continue consideration of the application until the next meeting of the PPSL on 20 October 2010; and
2. Agreed that the applicant would be given a final opportunity to attend the Hearing and that notification of the revised Hearing date would be sent to

the applicant by record delivery and normal post.

(Reference: Report by Head of Governance and Law, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
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Councillor Robin Currie	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Bruce Marshall	Councillor Al Reay

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Alan Morrison, Manager – Environmental Health Operations

The Chair ruled and the Committee agreed to consider a report in respect of a Tree Preservation Order as a matter of urgency by reason of the need to prevent trees being removed from an area currently being cleared to allow access to improve drainage. This report is dealt with at item 17 of this Minute.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Vivien Dance, Mary Jean Devon, Donald MacMillan, Alister MacAlister and Roderick McCuish.

2. DECLARATIONS OF INTEREST

Councillor James McQueen declared a non financial interest in respect of the planning application submitted by Dunoon Amateur Boxing Club which is dealt with at item 12 of this Minute as he is a member of the Boxing Club. He left the room and took no part in the discussion of this item.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee of 9 August 2010 were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee of 10 August 2010 (10.30 am) were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee of 10 August 2010 (2.00 pm) were approved as a correct record.
- d) The Minutes of the Planning, Protective Services and Licensing Committee of 18 August 2010 (10.00 am) were approved as a correct record.
- e) The Minutes of the Planning, Protective Services and Licensing Committee of 18 August 2010 (10.30 am) were approved as a correct record.

4. ELECTRONIC IDENTIFICATION OF SHEEP IN ARGYLL AND BUTE

The Sheep and Goats (Identification and Traceability) (Scotland) Amendment Regulations 2007 placed a responsibility on the farming industry to electronically tag all sheep and goats, for traceability purposes, and for local authorities to enforce these provisions. A report advocating an enforcement strategy which is designed to support the industry in the interim, and to ensure that animal health and welfare are protected was considered.

Decision

1. Approved a strategy as detailed at paragraph 4.4 of the Executive Director's report for the proportionate enforcement of the Regulations which seek to support implementation, as opposed to "stringent" enforcement;
2. Noted that this strategy will run until 31 December 2010 and that a further report will be brought to the Committee in January 2011; and
3. Noted that the risks to animal health and to public health, in adopting this strategy, are perceived to be low as traceability will not be compromised and no animals will be allowed to move which are not identified electronically/or by paper based systems.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

5. ROSS OF MULL RENEWABLE ENERGY LIMITED: ERECTION OF A SINGLE 15 KILOWATT WIND TURBINE: LAND WEST OF HILL PARK, BUNESSAN, ISLE OF MULL (REF: 09/01157/PP)

The Principal Planning Officer advised that the application was for the erection of 1 No. 15 metre high (hub) 15 kilowatt wind turbine on an area of land southwest of Hillpark, Ardtun, Bunessan, Isle of Mull. The site is situated within a Rural Opportunity Area and is also situated within the Ross of Mull Area of Panoramic Quality. The application was originally one of five applications for wind turbines in the area and that there were now only two, one of which was still to come before the Committee for consideration. The proposals are consistent with Policies STRAT DC 4 and STRAT DC 8 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10 and LP REN 2 of the adopted Argyll and Bute Local Plan.

He recommended that the Committee approve the application subject to conditions.

Decision

Agreed to hold a Discretionary Hearing on Mull on Friday 15 October 2010 at 11.00 am at a venue to be confirmed.

(Reference: Report by Head of Planning and Regulatory Services dated 17 March 2010, submitted)

6. TESCO: ERECTION OF CLASS 1 FOODSTORE, PETROL FILLING STATION, CAR PARKING AND ASSOCIATED ACCESS: CAMPBELTOWN CREAMERY, WITCHBURN ROAD, CAMPBELTOWN (REF: 10/00239/PP)

The Head of Planning and Regulatory Services advised that the application was for the erection of a supermarket and petrol filling station located on the existing Campbeltown Creamery site on Witchburn Road, Campbeltown. He referred to a supplementary report tabled at the meeting which advised of two late representations received. The Head of Governance and Law also referred to a letter and fact sheet received from Campbeltown Bakery on behalf of Campbeltown Businesses.

The Head of Planning and Regulatory Services recommended that planning permission be approved as a minor departure from policies LP RET 1 and LP BUS 3 subject to a section 75 legal agreement and a PAN 41 Hearing and conditions.

Decision

Agreed to hold a PAN 41 Hearing on Thursday 30 September 2010 at 10.15 am within the Victoria Halls, Campbeltown.

(Reference: Report by Head of Planning and Regulatory Services dated 25 August 2010, submitted; supplementary report by Head of Planning and Regulatory Services dated 13 September 2010, tabled; and fact sheet from Campbeltown Businesses, tabled)

7. JAMES K B THOMSON: ERECTION OF DWELLING AND INSTALLATION OF PRIVATE SEWERAGE TREATMENT PLANT: LAND NORTH WEST OF PORTKIL LODGE, PORTKIL (REF: 10/00510/PP)

The Principal Planning Officer advised that this application was for the erection of a dwelling house and installation of a septic tank at land located north west of Portkil Lodge, Portkil. The current application was part of the larger site granted outline planning permission under reference 07/01864/OUT and was itself the subject of a hearing. As such the policy and principle of residential development has been established and dealt with. However, in terms of site based criteria, the outline application proposed single storey dwelling houses and this application is for a one and a half storey solution. In addition new issues have been raised in the representations.

He recommended approval of the application subject to conditions and a Discretionary Hearing being held given the level of representations received.

Decision

Agreed to hold a Discretionary Hearing in Cove on Monday 11 October 2010 at 11.00 am at a venue to be confirmed.

(Reference: Report by Head of Planning and Regulatory Services dated 23 August 2010, submitted)

8. NEIL MACINTYRE: ERECTION OF A CROFT HOUSE AND GARAGE: LAND WEST OF LARACHBHAN, KILCHRENAN (REF: 10/00598/PPP)

The Principial Planning Officer advised that this proposal was for the erection of a croft house and garage on land to the west of Larachbhan, Kilchrenan. It is considered that the development of a moderately sized, appropriately sited and designed dwelling house will be acceptable, on the basis of locational need associated with the management of associated croft land. The Area Capacity Evaluation (ACE) which forms a material planning consideration in the determination of this application, has concluded that the site in question will complement the existing development pattern and respect the landscape character within the locality. The proposal will not cause any privacy or amenity issues within the immediately surrounding area. The proposal satisfies Policies STRAT DC 4, STRAT DC 5, STRAT DC 8 and STRAT AC 1 (C) of the Argyll and Bute Structure Plan 2002 and Policies LP ENV 1, LP ENV 6, LP ENV 10, LP ENV 19, LP HOU 1, LP SERV 1, LP SERV 4, LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and a section 75 agreement.

Decision

1. Agreed that the ACE undertaken in association with the assessment of this application be endorsed as a material planning consideration in the determination of this application and in future assessment of any further applications for development within the boundary of the identified ACE compartment; and
2. Agreed that planning permission in principle be granted subject to a Section 75 Agreement requiring that the proposed dwelling and the associated croft holding are maintained in a single ownership and that neither are permitted to be sold separately and subject to the following conditions and reasons:-

(1) That the permission is granted in terms of Section 59 of the undernoted Act and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2007 on the basis of an application (or applications) for planning permission in principle that further approval of Argyll and Bute Council or of Scottish Minister on appeal shall be required, such application must be made before whichever is the later of the following:

- a) the expiration of a period of 3 years from the date of this permission.
- b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.
- c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.

and in the case of b) and c) above only one such application can be

made after the expiration of the period of 3 years from the original planning permission in principle.

Reason: In accordance with Section 59 (1) of the Town and Country Planning (Scotland) Act 1997.

(2) The development shall be implemented in accordance with the details specified on the application form dated 29th March 2010 and the approved drawing reference number:

- Plan 1 of 1 (1018 01) (Location Plan at a scale of 1:20,000 and Site Plan at a scale of 1:1000)

unless the prior written approval of the Local Planning Authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(3) No development shall be commenced until the Council as Planning Authority has given permission, on application, for the siting, design, external appearance of the dwelling house hereby approved, including materials to be used externally in construction, and the details of the construction of the means of access thereto. These details shall provide for a dwelling house which shall:

- (i) be finished in white wet dash render or natural stone or a mixture of both;
- (ii) have a roof covering of natural slate or good quality slate substitute;
- (iii) be one and a half storey in height;
- (iv) incorporate windows with a strong vertical emphasis;
- (v) have a roof pitch of not less than 37 and not greater than 42 degrees;
- (vi) be predominantly rectangular in shape with traditional gable ends;
- (vii) be sited to fit with the natural contours of the site and using existing landscape features as a natural backdrop.

Reason: In the interests of visual amenity and in order to integrate the proposed dwelling house with its surroundings.

(4) No development shall commence on site until the private vehicular access has been formed in accordance with the Council's Road Engineers Drawing No. (SD 08/004a) with visibility splays measuring 75.0m x 2.4m in each direction formed from the centre line of the proposed private vehicular access. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Local Planning Authority.

The proposed private vehicular access hereby granted permission shall be constructed to at least base course level prior to any works starting on site and the final wearing surface of the road shall be applied prior to the first occupation of the dwelling house hereby approved.

Reason: In the interests of road safety and to ensure the proposed development is served by a safe means of vehicular access and to accord with Policy 'LP TRAN 4' of the Argyll and Bute Local Plan 2009.

- (5) Prior to any works commencing on site, full details of a turning area and parking provision which is commensurate with the size of dwelling house hereby approved shall be provided within the curtilage and shall be drawn up in consultation with an Area Roads Engineer and then submitted to and approved in writing by the Local Planning Authority. The proposed parking and turning areas must be constructed and made available for use prior to the occupation of the dwelling house to which this permission relates.

Reason: In the interests of road safety and to accord with Policy 'LP TRAN 6' of the Argyll and Bute Local Plan 2009.

- (6) 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 Local Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisals 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 appraisals 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.

- (7) Prior to any works commencing on site, an ecological survey and report prepared by any appropriately qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority in order to assess the areas within the proposed development site which are subject to construction work, (including the construction of the proposed access, any tree removal/ground disturbance etc) where there

could potentially be the presence of the following protected species: bats, otter, badger and squirrel.

The submitted ecological survey and report shall include details of when the survey was carried out, the methodology employed and any mitigation measures required. Any duly identified and approved mitigation measures shall be implemented in full for the duration of the construction process.

Reason: To prevent disturbance of a European Protected Species and in accordance with the provision of Policy 'LP ENV 6'.

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

9. ARGYLL COLLEGE UHI LTD: ERECTION OF CYCLE SHELTER (RETROSPECTIVE): LOCHGILPHEAD CONSTRUCTION, SITE 18 KILMORY INDUSTRIAL ESTATE, LOCHGILPHEAD (REF: 10/00736/PP)

The Principal Planning Officer advised that retrospective planning permission was sought to retain a metal cycle shelter to the rear of the learning centre and accords with policies LP ENV 1, LP ENV 13a, LP ENV 19 and LP TRAN 3 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions.

Decision

Agreed to grant planning permission subject to the following condition and reason:-

1. The development shall be implemented in accordance with the details specified on the application form dated 22 April 2010 and the approved drawing reference numbers 001, 002 and 003 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

10. ARGYLL COLLEGE UHI LTD: ERECTION OF CYCLE SHELTER (RETROSPECTIVE): ISLAY LEARNING CENTRE, ISLAY HIGH SCHOOL, FLORA STREET, ISLE OF ISLAY (REF: 10/00737/PP)

The Principal Planning Officer advised that retrospective planning permission was sought to retain a metal cycle shelter at Islay Learning Centre and accords with policies LP ENV 1, LP ENV 13a, LP ENV 19 and LP TRAN 3 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following condition and reason:-

1. The development shall be implemented in accordance with the details specified on the application form dated 22 April 2010 and the approved drawing reference numbers 001, 002 and 003 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

11. ARGYLL COLLEGE UHI LTD: ERECTION OF CYCLE SHELTER (RETROSPECTIVE): CAMPBELTOWN LEARNING CENTRE, HAZELBURN CAMPUS, CAMPBELTOWN (REF: 10/00738/PP)

The Principal Planning Officer advised that retrospective planning permission was sought to retain a metal cycle shelter to the rear of the learning centre and accords with policies LP ENV 1, LP ENV 13a, LP ENV 19 and LP TRAN 3 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions.

Decision

Agreed to continue consideration of this application to establish ownership of the land and whether or not the cycle shelter could be re-sited away from the window on the gable end of the building.

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

Having previously declared an interest Councillor James McQueen left the room and took no part in the discussion of the following item.

12. DUNOON AMATEUR BOXING CLUB: CHANGE OF USE FROM WORKSHOP/STORE TO GYM (CLASS 11) AND EXTERNAL ALTERATIONS: 20 CHURCH STREET, DUNOON (REF: 10/00975/PP)

The Principal Planning Officer advised that this proposal was for the change of use of an existing Council Community Services building into a gymnasium for Dunoon Amateur Boxing Club. The application site is located in the main town settlement of Dunoon within the main town centre and is consistent with policies

LP ENV 19, LP REC 1 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 2 June 2010 and the approved drawing reference numbers: DABC (00) 001-A and DABC (00) 002-B, unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(Reference: Report by Head of Planning and Regulatory Services dated 17 August 2010, submitted)

Councillor McQueen returned to the meeting.

13. MR & MRS O'SULLIVAN: WIDENING OF EXISTING FOOTPATH TO FORM OUTDOOR SEATING AND SITING OF CANOPY AND SALTAIRE: PORT BANNATYNE POST OFFICE, MARINE ROAD, PORT BANNATYNE, ISLE OF BUTE (REF: 10/00978/PP)

The Principal Planning Officer advised that this proposal was for the widening of the pavement in front of the Post Office at Marine Road, Port Bannatyne. This is a very small scale operation that would not have a significant visual impact on the Conservation Area or adjacent Listed Buildings and is consistent with policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 13a , LP ENV 14, LP ENV 19 and LP BAD 1 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the approved drawings – Drawing No. LPb: Drawing No. 001b; Drawing No. 011b, Drawing No. 013; Drawing No. 015; and Proposed Pavement Café – Outline Dimensions unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. The seating area shall not be open except between the hours of 08.00 am and 5.30 pm and shall not be visited by members of the public in relation to the sale of food and drink outwith these times unless the prior written consent of the planning authority is obtained for variation.

Reason: In the interests of the amenities of the area and in accordance with the hours of business stated by the applicants in the submitted application form.

(Reference: Report by Head of Planning and Regulatory Services dated 18 August 2010, submitted)

14. FAMILY MEDIATION ARGYLL AND BUTE: CHANGE OF USE OF DWELLING (CLASS 9) TO FAMILY MEDIATION CENTRE (SUI GENERIS) (RETROSPECTIVE): ATHOLE COTTAGE, 20C WELLINGTON STREET, DUNOON (REF: 10/01036/PP)

The Principal Planning Officer advised that this proposal was for the change of use of a dwelling house to family mediation centre and accords with policies STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 1, LP COM 1, LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and a Discretionary Hearing being held given the level of representations received.

Decision

Agreed to hold a Discretionary Hearing in Dunoon on Wednesday 20 October 2010 at a time and venue to be determined.

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

15. ARGYLL AND BUTE COUNCIL: FORMATION OF DISABLED ACCESS RAMP AND INSTALLATION OF EXTRACTOR FAN: RHU COMMUNITY EDUCATION CENTRE, HALL ROAD, RHU (REF: 10/01145/PP)

The Principal Planning Officer advised that planning permission was sought for the erection of a disabled access ramp at Rhu Community Education Centre, Hall Road, Rhu. This is a Category B Listed Building within Rhu Conservation

Area. The conservation area is subject to an Article 4 Direction which removes the Council's permitted development rights. In addition, as it is a Council application, it also has to be presented to and considered by the PPSL Committee. A separate application for Listed Building Consent is under consideration and will be sent to Historic Scotland for decision.

He recommended approval of the application subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 12 July 2010 and the approved drawing reference numbers L00(00)1 A, L00(00)2 A and L00(00)3 A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(Reference: Report by Head of Planning and Regulatory Services dated 19 August 2010, submitted)

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraphs 13 and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

16. ENFORCEMENT REPORT - 10/00168/ENOTH

The Committee considered enforcement case 10/00168/ENFOTH.

Decision

Agreed to continue consideration of this matter to the Discretionary Hearing taking place on Wednesday 20 October 2010.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

17. TREE PRESERVATION ORDER

The Committee considered a proposal to impose a provisional Tree Preservation Order with immediate effect on an area of woodland in Rosneath.

Decision

1. Agreed that a provisional Tree Preservation Order (TPO) be imposed with immediate effect in accordance with Section 160 of the Town and Country Planning (Scotland) Act 1997 for the area marked on the plan attached to the Head Planning and Regulatory Services' report, subject to the provision of minor amendments following a more detailed survey, as may be deemed necessary;
2. Noted that during the period of the Provisional TPO Planning Officers would seek further comments from the Council's Horticultural Technical Services Officer; and
3. Noted that in the event of no representations being received during the required advertisement period that the Order will be duly confirmed and that in the event of any representations being received to the provisional TPO the matter will be referred back to the Committee for further consideration.

(Reference: Report by Head of Planning and Regulatory Services dated 14 September 2010 dated 14 September 2010, tabled)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the VICTORIA HALLS, KINLOCH ROAD, CAMPBELTOWN
on THURSDAY, 30 SEPTEMBER 2010**

Present:

Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor David Kinniburgh	Councillor Roderick McCuish
Councillor Bruce Marshall	Councillor Alex McNaughton
Councillor Alister MacAlister	Councillor James McQueen
Councillor Neil Mackay	

Also Present:

Councillor Donald Kelly	Councillor John MacAlpine
Councillor Robert MacIntyre	

Attending:

Charles Reppke, Head of Governance and Law
Richard Kerr, Team Leader – Major Applications
Sandra Davies, Senior Planner
Mark Lodge, Statutory Planning Officer
Bill Weston, Statutory Consultee – Roads Authority
Mr Wilson, Applicant
Mr MacLeod, Applicant's Agent
Mr Gould, Applicant's Agent
Mr R Millar, Supporter
Mr Wareham, Supporter
Mr Smith, Supporter
Mr T Millar, Supporter
Councillor Semple, Objector
Miss Drumgoole, Objector's Agent
Mr Campbell, Objector
Mr Kirk, Objector

Apologies:

Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor Vivien Dance	Councillor Al Reay

1. TESCO: ERECTION OF CLASS 1 FOODSTORE, PETROL FILLING STATION, CAR PARKING AND ASSOCIATED ACCESS: CAMPBELTOWN CREAMERY, WITCBURN ROAD, CAMPBELTOWN (REF: 10/00239/PP)

The Chair welcomed everyone to the meeting and asked that his colleagues introduce themselves. He asked the Head of Governance and Law to outline the procedure that would be followed at the meeting.

As there were papers tabled from the applicant and also from the Head of Planning and Regulatory Services it was agreed that there be a 5 minute recess to allow Members of the Committee opportunity to consider these documents.

Planning Authority

Mr Kerr spoke to the application advising that the proposal was for demolition of

an existing building and re-development of the site to form a class one foodstore, petrol filling station, car parking and associated access. He reported that the application had arisen due to the existing building being too small which, as a result, constantly overtrades requiring continuous re-stocking of shelves. There was no opportunity to re-develop or extend this existing site and accordingly alternative sites were looked into during pre-application discussions.

Mr Kerr spoke regarding the 'sequential test', advising that the preference was for supermarket developments to take place within defined Town Centre zones, but where no land was available with this allocation, Edge of Town Centre zones could be considered and thereafter the least favourable option would be to consider locations "Out of Town Centre". Mr Kerr advised that the site identified was out of the Town centre zones, even though it was closer to the centre of town than the existing store.

Mr Kerr then discussed policy LP BUS 3, advising that the application was recommended as a 'minor departure' to this policy on the basis that were the development to proceed, it would be on the basis that the exiting industrial user of the site would be accommodated on land with planning permission elsewhere in the town and that there was also sufficient remaining business and industry allocated land to ensure a future supply for at least 10 years at recent take-up rates. He cautioned Members that although the relocation and future of the creamery business was a material consideration, there was no absolute link between the two developments and that this application should be considered on its own merits. With regard to policy LP RET 1, it was considered that impacts of this could be minimised through a Section 75 agreement which would restrict the existing Tesco store from selling any convenience goods in the future. In addition to this, it was proposed that the Section 75 agreement would also secure a contribution of £120,000 from the developer towards projects with the Campbeltown Town Centre, fund a safer access at Campbeltown Heritage Centre (currently priced at £12,000) and a contribution from the developer in order to support the re-routing of public transport timetables for a one year period (valued at £15,000).

Mr Kerr then discussed the Retail Impact Assessment which had been submitted by the applicants which had indicated that there would be some detrimental impacts of the town centre shops. He advised that the Section 75 Agreement restricting sale of convenience goods from the existing store would limit this to 5.5% impact which was within acceptable limits and not significantly detrimental. Although the impact on comparison goods traders would be more significant, this would be in the context of substantial unfulfilled demand for comparison goods locally and leakage through internet sales and trips to higher order centres, estimated as being of the order of 60%. He nonetheless concluded that there would be detrimental impact where local retailers selling goods proposed to be sold by the applicants would overlap.

Mr Kerr then discussed access arrangements and "bad neighbour" issues advising that these could be covered by the suggested conditions to the satisfaction of statutory consultees. He referred to the extent and issues raised in the representations for and against the proposal and referred Members to the late representations addressed in Supplementary reports Nos. 1 and 2. In light of the material circumstances outlined earlier, he recommended approval of the application as a 'minor departure' to Local Plan policies LP BUS 3 and LP RET

1, subject to a Section 75 Agreement and conditions as contained within the report by the Head of Planning and Regulatory Services.

Consultees

Mr Weston spoke on behalf of the Roads Authority advising that a Traffic Assessment Analysis had been carried out by the applicant. It had concluded that there would be an increase in traffic at Witchburn Road but that the existing road network could deal with the expected flows.

With regard to travel for customers and staff, he reported that a number of changes were looked into and that the re-routing of bus routes would assist with this.

Mr Weston then discussed provision of traffic light control for pedestrians, the incorporation of a drop off point, the improvement of the bus stop at Tomaig Road and of pedestrian accesses and the benefit of improvements to the Heritage Centre access which was currently viewed as unsafe. On the basis of these, the Roads Authority were recommending that the application be granted.

Applicant

Mr Wilson advised that they were supportive of the recommendation from Planning and advising that the current store could not cope with the demand from customers and the operational difficulties which arose as a result of this demand.

He advised that having been in Campbeltown for 16 years, the current building was outdated and would not allow the company to meet their carbon reduction targets by 2020.

Mr Wilson discussed the public consultation meeting which had attracted over 300 attendees who had overwhelmingly supported the new store (96% of those who had attended).

Mr Wilson advised that the new store would create 200 new jobs in addition to the 90 currently employed within the existing store. Tesco would work with the job centre to focus recruitment within Campbeltown and the surrounding area. He asked that the Committee consider all of the merits of the application and approve the planning permission.

Supporters

Mr R Millar spoke on behalf of the dairy farmers who were in support of the application. He advised that if the application did not proceed, the creamery relocation could not take place and that his opinion was this would be the demise of Kintyre given the turnover of the creamery and farms was £18m per annum, 40% of the total income of Kintyre.

He discussed the benefits of the proposed new creamery and the benefits for local firms as a result of this. He advised that it would be more expensive to re-develop the existing creamery and that this would also require a one year closure meaning that the production of the award winning Kintyre Cheddar would

have to be given up.

He thanked the Committee for their time and hoped that they would see this as a positive for the economy.

Mr Wareham outlined the position of the creamery advising that the Committee had heard this application was linked to the new creamery at Snipefield. He advised that the developments couldn't happen in isolation and the creamery now struggled to cope with demands and good manufacturing process. He advised that a modern creamery would give a stronger opportunity to expand and that the future of milk processing was being determined at this meeting.

He considered that the application needed to be supported and thanked the Committee for the opportunity to speak.

Mr Smith advised that this was a massive opportunity for Kintyre with many beneficiaries. He questioned how far the consultation with local businesses had gone given that his wife was a partner in a local business and hadn't been consulted before the objection had been lodged.

Mr T Millar advised that he was a local resident who supported the need for expansion. He felt that Campbeltown was being held to a fuel monopoly regarding pricing and hoped that the competition this development would bring would assist in ending this.

Objectors

Councillor Semple advised that while he recognised the need for a new creamery in Kintyre it was not appropriate to trade off one part of the community against others. He was aware of the level of support but considered the size of the development to be overkill. He also felt that the 40% comparison goods Tesco were proposing to sell would have a significant impact on the town centre.

He discussed out of town shopping which he considered had destroyed Paisley stating that 20 years on from this decision the situation there had not improved.

Councillor Semple referred to the Section 75 Agreement proposed on page 11 of the agenda pack suggesting that £120,000 was the difference between a development being either a significant or minor departure.

Miss Drumgoole advised she had been engaged by Mr McGeachy and Mr Watson who strongly opposed the application. It was considered that the application should be refused on retail impact grounds and that the contribution to town centre development was not significant and would threaten future investment and vibrancy.

Miss Drumgoole discussed the RIA, advising that there were deficiencies within this which had been highlighted within her submission. These deficiencies were not minimal, the first of which being the site referred to as edge of town centre. Mr Kerr had already discussed sequential tests and advised that the allocation for the proposed site was "out of town centre".

Miss Drumgoole advised that she could not agree that the proposed Section 75

Agreement would be sufficient to move the category of departure from significant to minor. She stated that the terms of this seemed unworkable to her and that the impact would be greater than indicated in the applicant's assessment. She also commented that the Section 75 went with the site and not the operator so if the site were sold this could have an impact.

She then stated that the RIA was also contradictory given that it suggested a 16% vacancy rate when the national average was 9%. This suggested to her that the situation was already fragile but that the report concluded the town centre to be in "reasonably good health". She questioned which of these positions was the correct one suggesting that the town centre was fragile and that an out of town location of the proposed supermarket would not assist.

Miss Drumgoole then discussed the scale of the store turnover and impact which were at odds with each other. She stated that there was insufficient detail about where the figures had come from and suggested that the RIA was fundamentally flawed and that in relying on this RIA the recommendation by the Planning Authority was also flawed.

She was aware that the creamery was an emotional issue but this was not a relevant planning consideration and should not be taken into account.

She also raised traffic impact as an issue stating that the estimates of journey were quite low given there was 350 parking bays proposed. There was also issue with the service yard given 300 children used this area, stating that safety would be impacted on by lorries using the yard.

Although recommended as a minor departure to policy, Miss Drumgoole stated this was still a departure and there was no material considerations to justify the development given there was a need to disregard the creamery development which was off site, the Section 75 was unworkable, the planning gain was small in terms of the Council's own contribution, the RIA flawed and the seriously detrimental affect this development would have on the vibrancy of the town centre. She urged the Committee to refuse the application.

Mr Campbell spoke regarding the traffic impact assessment questioning the impartiality of this and suggesting it would be more appropriate for the Council to conduct their own study. He also had serious concerns about footway provision and the fact that there were 4 junctions 50ft from the new access. He then discussed the list of supporters and objectors advising there were 2 school children in support of a new tesco and that the signed petition objecting to the application had transformed into a petition of support.

Mr Kirk lived near the proposed new store and expressed his concern with air pollution resulting from increased exhaust emissions from vehicles using the new store. He advised these had been proven to increase risks of cancer and cardio disease. He also had concerns about the fire and explosion risk and wondered whether the Fire Brigade had been consulted given the close proximity to housing. He also wondered if the Duke of Argyll had been consulted about the change of use given this land had been gifted by him and felt the need to consult him would have been included in the feu disposition.

Question Time

Councillor Marshall asked Mr R Millar if construction has started on the new creamery. Mr Millar advised that this could not commence until contracts had been exchanged with Tesco.

Councillor Marshall asked if the Tesco application was refused would the creamery still go ahead. Mr R Millar advised that it absolutely would not.

Councillor Marshall asked what the options for diversification were for local shop keepers. Mr Kerr advised there was leakage identified with the RIA as people could not buy a range of goods and travelled to purchase these, or bought them from the internet or mail order catalogues. It was clear that there could be co-existence and it was up to the traders to consider the goods they sold in reacting to the changing local market conditions.

Councillor Marshall questioned Mr Kerr whether in his opinion, supermarkets caused ghost towns. Mr Kerr stated this was an issue affecting out of town shopping rather than out of centre sites operating in the context of existing centres. Councillor Marshall followed up by stating that this was an out of town proposal according to Argyll and Bute Policy and questioned whether as access to the supermarket would be by bus, people would bypass the town centre. Mr Kerr advised that access would be available by bus, car and foot. As the site was not far from the town centre, and connections were being improved as part of the proposal, it was quite possible that people would make linked trips.

Councillor Marshall asked how many retail premises were identified within the survey. Mr Kerr advised that this was part of the RIA and deferred the question to the applicant. Mr MacLeod advised that 139 retail units were identified and of those, 58 were class one use. Councillor Marshall then queried whether this would be £900 per premises. Mr MacLeod advised that the terms of the Section 75 Agreement meant it was for the Council to determine what to allocate the £120,000 towards and that it was envisaged to fund projects of benefit to the town centre as a whole rather than to comprise direct payments to shopkeepers.

Councillor Mackay queried the location of the proposed puffin crossing, asking whether this was adjacent to a listed building. Mr Kerr advised that this would be adjacent to the listed archway. Councillor Mackay then asked whether Mr Kerr considered LP ENV 19, which considered setting and design, could compromise the area given the residential nature of the site, the listed buildings and other factors. Mr Ken advised that during discussions the need to avoid impact on the adjacent buildings in the interests of residential amenity and to protect the setting of listed buildings and to keep servicing arrangements separate was taken into account. The building proposed was towards the rear of the site to lessen impact and that the service access was via Bengullion Road which was some away from the listed buildings and nearby residential property. He felt this was compliant with Policy. Councillor Mackay then discussed the fact that 24 policies were considered and that from these the development compromised approximately 8 although only 2 were specifically identified within the report. Given this affected 8 policies, he wondered why this was deemed a 'minor departure'. Mr Kerr reported that there were only 2 policies significantly at issue, LP RET 1 and LP BUS 3. In relation to BUS 1 he advised that there was

residual land allocated for business and industrial use which was considered sufficient in the context of past development rates. In terms of RET 1 provided that the development was linked to the removal of Tesco's existing store from convenience retailing, and on the basis of funding for town centre and public transport and road improvements, (with the addition of the Section 75 Agreement) a 'minor departure' was justifiable. Councillor MacKay then questioned the weight that should be afforded to whether these should be considered minor or significant departures. Mr Kerr advised that when something was not wholly consistent with policy but not entirely compliant it could be judged to be minor. A significant departure would be one which would be of a scale likely to prejudice the overall implementation of the development plan.

Councillor Mackay asked Councillor Semple for comment as to the impact of Vestas and Skycon developments in the area. Councillor Semple advised that these, along with the Council investment in infrastructure were significant and that the town should prosper as a result of these. He also noted that there were associated risks.

Councillor Colville asked Mr Kerr whether it was correct to say that the present Tesco store was not within a town centre designation. Mr Kerr advised that this was correct and that the edge of town Local Plan designation had been defined to include both the Tesco and Co-op stores as these were major retailers in the town. He felt that as part of the forthcoming Local Plan Review the boundaries could be extended to capture the proposed new site. Mr Lodge confirmed that this was the case. In a follow up question Councillor Colville asked whether if approved, this new building could be incorporated into the edge of town centre category. Mr Lodge advised that this would be looked at.

Councillor Colville questioned the weighting that should be given to the RIA and to the valid material considerations. Mr Kerr again stated that the creamery development was not directly linked in planning terms other than by the suggested condition 3 which prevents the proposed development taking place until the creamery becomes operational at the new site. However, there was an economic link which couldn't be completely disregarded. The weight to accord to this would be for the decision makers to decide on.

Councillor Colville referred to a fact sheet that had been sent to him from the Traders' Association. He referred to the bullet point which stated "the local business community does not fear competition. However any new store must be located in the commercial core where it can bring trade into the town, rather than in an out of town site which will drag business away from the main commercial centre". He asked Miss Drumgoole whether this meant that the objectors would not oppose the development if the proposal was for a store in Main Street. Miss Drumgoole confirmed that this was correct.

Councillor Colville asked the applicants why they had settled for this site rather than a site at Snipefield. Mr MacLeod advised that an assessment of edge of town and town centre sites were undertaken in order to comply with policy as far as possible. In this instance, the Snipefield site was further from the town centre than the proposed site and could not accommodate the store.

Councillor McCuish referred to the submission of the Mr R Millar who had

advised that it would be the end of dairy farming if the store didn't go ahead. He then asked the objectors what it would mean if it did go ahead. Miss Drumgoole advised that it would be the end of retail in the town centre, more closures would take place and that the town centre would become less attractive.

Councillor McCuish asked Miss Drumgoole to comment on the 63% leakage of convenience goods from Campbeltown. Miss Drumgoole advised that she had no figures to either support or refute this. He then asked the applicant for comment of the split of sales 60% convenience to 40% comparison goods, asking what the comparison goods would be. Mr MacLeod advised that it would include clothing, electrical goods, cds etc. Councillor McCuish asked whether the 40% comparison goods were required to survive. Mr MacLeod advised that the intention was to improve the quality of retail on offer in order to fill a gap in the market.

Councillor Kinniburgh asked what the difference was between a pelican and puffin crossing. Mr Lodge advised that a puffin crossing was traffic light controlled and therefore not on demand (the applicant added that it stopped people pressing the button and running away and also allowed mobility crossers more time to cross as the technology monitored movement).

Councillor Kinniburgh asked what impact there could be on users of the skate park and was he correct in thinking from the plans and site visit that this was beyond the proposed access point to the service yard. Mr Kerr advised that the service yard was off the highway and confirmed Councillor Kinniburgh's understanding was correct. As a supplementary question Councillor Kinniburgh asked where most of the young people using the store would approach from. Mr Kerr advised that in the immediate area he imagined users would use the footpath from Smith Drive, but it would depend where they lived, as there was an extensive housing area across the Meadows. .

Councillor MacAlister asked whether the 90 current jobs and further 200 were full time or part time positions. Mr Wilson advised that 60% would be part time posts with the remainder being full time posts. This was to allow flexibility in working patterns according to individual circumstances. In follow up to this question Councillor MacAlister also queried what the loss of jobs from the creamery would be if this application were refused. Mr R Millar advised that there were over 100 positions within the company.

Councillor Colville asked Councillor Semple about an email he had issued to the Members of the Committee which contained a list of Tesco Planning Applications. He asked Councillor Semple if he was aware of what the average number of objectors were in each case. Councillor Semple was not aware of the figure.

Councillor Mackay asked whether the Council should have commissioned their own Traffic Impact Assessment. Mr Kerr advised that where there may be significant impact TIA's are expected to be carried out at the developer's expense. The Council's Roads Engineers make sure the Assessment is carried out to an agreed methodology and that the conclusions and recommendations are sound.

Councillor MacKay questioned whether Mr Kerr was aware of any potential other

sites in the area if the application was amended on the basis of being larger than the existing store but smaller than the current proposal. Mr Kerr could not think of a site given the fairly significant footprint proposed and the conclusions of the applicant's RIA. He commented that it may not be worth the while of the applicant relocating to an alternative site unless the new store were substantial in size and capable of addressing all the shortcomings of the current operation. Councillor MacKay put the same question to Councillor Semple. Councillor Semple advised he could not think of anywhere obvious and that his concerns related to the scale of development not the site.

Councillor Mackay then questioned information received earlier in the meeting about narrow footpaths at Witchburn road given this was an area of concern. Mr Kerr advised that there was no room to either reduce the carriageway and increase the footway or alternatively to widen both. Councillor Mackay asked whether this footway was an acceptable standard. Mr Kerr advised that whilst it was not a wide footway he could think of plenty of examples of this to the same standard and commented that it was a useable width.

Councillor MacNaughton asked whether people who lived approximately 20 miles away and who had previously travelled to Oban might travel to Campbeltown given the attraction of a new store and in doing so, might also visit the town centre. Miss Drumgoole advised that there had been no assessment of this but given there was a direct bus route proposed to the store there may be no need to visit the town centre.

The Chairman ruled and the Committee agreed to adjourn the meeting at 12.30pm for lunch. The meeting resumed at 1.30pm with all parties to the hearing present with exception of Mr Weston.

Councillor McCuish alluded to the linkage to the creamery asking whether there were any guarantees. Mr Kerr advised that rather than seeing it as a link between two businesses it was more appropriate in land use planning terms to think of it as a loss of site for industrial use and redevelopment elsewhere.

Councillor Colville asked whether he was correct in saying that in terms of the Local Plan, all growth in Campbeltown would be to the west. Mr Kerr stated that this was not the case for all housing developments in the town but disregarding land already consented for residential use, in general, yes this was the case with PDA's being identified nearby.

Councillor Mackay asked Miss Drumgoole to elaborate on her comments about the application being a significant departure. Miss Drumgoole advised that she did not think it could be the case that a significant departure could become minor on the basis of a Section 75 Agreement when this related to another site than the one being considered. She also did not consider this to be competent.

Councillor Mackay asked Mr Kerr whether Tesco would be given the monopoly in light of the proposal that the existing site could not be sold for retail use. Mr Kerr advised that there would be no monopoly as there was already a Co-op in town. The reason for the Agreement was to prevent an overprovision of retail floor space in the town not to restrict competition. Councillor Mackay queried whether this had been used by the Planning Authority before. Mr Kerr advised that this had been used by other Planning Authorities but not by Argyll and Bute.

Summing Up

Mr Kerr advised that the proposal was not wholly consistent with the development plan and could only be accepted as a 'minor departure' to policy. Tesco could not expand their current site and wished to address the quality deficiency on the basis of a significant unmet demand which resulted in leakage of custom out of the area. This would have some effect on individual traders but would be unlikely to significantly prejudice the vitality of the town centre as a whole.

He reminded Members of the Committee that there was an economic link between the Creamery and Tesco but that this was not a direct link in land use planning terms. He advised that there was opportunity for the Committee to consider the imposition of a further condition in addition to the proposed Section 75 Agreement and the recommended 23 conditions. This would limit the net retail floor space to that specified in the applicant's proposal and the accompanying RIA, which would prevent the operator increasing the proportion of the retail area within the building. He commended the application to the Committee.

Mr Wilson commented that there had been good discussion and debate but wanted to address the pavement issue. He advised that there was a plan to widen and improve this in the application. He also spoke regarding the creation of local jobs and that it was for local traders to tap into the leakage. He urged the Committee to approve the application.

Mr R Millar emphasised the importance of the application for the area given the fragile economy. He commented that this was one of the best projects he had seen in his time.

Mr Wareham stated that if there was no Tesco the Creamery would have a shortened future and urged the Committee to approve the application.

Mr Smith urged the Committee to approve the application for the wider economy of Kintyre stating that every job was at stake.

Mr T Millar welcomed the expansion and competition regarding fuel prices. He welcomed the positive outcome of approval.

Councillor Semple commented that the key thing from this meeting would be what the price was for changing a recommendation from significant to minor. He urged the Committee not to replicate the Paisley scenario in Kintyre. While he supported farmers and the need for the Creamery to relocate he felt the scale of this proposal was excessive and did not think people would travel to the area as a result of it.

Miss Drumgoole advised that the Creamery relocation was not a material issue and one eye on this was too many in her opinion. Although she appreciated the emotion behind this, urged the Committee to set this aside. In terms of case law she didn't think the application was competent and even with the £120,000 proposed investment, this was not significant for the town centre. She considered the development would undoubtedly take trade away from the town

centre which would have a catastrophic consequence. She advised that the Planning Officer had commented that the pavements “are what they are” and that this would constitute in a significant departure. She urged the Committee to refuse the application.

Mr Campbell advised that in widening the pavement it would not make it any more suitable as it would bottle neck the road causing major road safety implications. He asked for the application to be refused.

Mr Kirk reiterated the points he had previously raised and asked the Committee not to grant the application.

The Chair advised that the Committee had heard a lot of detail at the meeting and advised the attendees that the Committee understood that the application before them was for a new Tesco store and therefore the Creamery, although linked in economic terms, was not a consideration at the meeting. He commented that in his view everyone had received a fair hearing (no parties present disagreed with this statement) He invited Members to commence the debate.

Debate

Councillor Colville advised that in reaching a decision he had considered the earlier questions raised about economic activity in the Town. He stated that if the Town were to grow then it needed exactly this type of application and considered that this could assist in turning Campbeltown around. He commented that there was no proper car park in the Town which needed to be addressed to assist retail outlets in the Town Centre.

Councillor MacMillan advised that he had sympathy for both sides but in his opinion if there were no Tesco or Creamery it would be the nail in the coffin for the Town and its community.

Councillor MacNaughton was saddened that in reaching this decision it would split the community but considered the application was a very good one.

Councillor McQueen was happy with the application in general.

Councillor MacAlister advised he had given the matter a great deal of thought weighing the out of Town site proposed against the economic benefits of job creation or loss depending on what the decision was. On balance he considered that it would be a disaster for Campbeltown and the Peninsula if the application did not go ahead.

Councillor Mackay was in a dilemma as he considered that the Planning Authority had got some of this application wrong given that a lot of the planning gain was to the benefit of the applicant. He felt that the gain to the Town Centre development was short of the mark but notwithstanding this, thought that the Town needed a large retail development. Whether this was to be shoehorned into the proposed site was an issue he thought could be debated for 2 weeks. He advised that Tesco in Oban was a major employer and gave customers a wonderful choice. He felt that Campbeltown should have the same opportunity but had issue with the level of planning gain on offer.

Councillor Marshall advised the meeting that there was a similar application being processed for Dunoon which he had concerns about. He could not accept that this application not being granted would cause the closure of the creamery. He expressed concern about the fragile nature of the Town Centre and that the loss in terms of vibrancy would be extreme if shops were forced to close. His view was that this represented a significant departure from policy which coupled with the congestion concerns he had in relation to Witchburn Road, the scale of development being too large and the out of town location meant he was not in a position to support the application as it stood.

Councillor Kinniburgh expressed his difficulty in coming to a decision but had concluded that this application represented an excellent opportunity for Campbeltown.

Councillor McCuish advised that there were four major supermarkets in Oban but that the difference they had was that the community went looking to attract them to the area and that there was co-existence with local shops. He expressed sympathy with the local traders but indicated that he was supportive of the application.

The Chair advised that he had given a lot of thought to the views expressed and that on balance he felt this was a good project for Campbeltown. As a former retailer he had experience what supermarkets could do but had survived this.

Decision

Agreed to approve planning permission subject to a Section 75 Agreement to secure the following:

1. A developer contribution of £120,000 in order to fund specific projects within Campbeltown Town Centre aimed at securing a vibrant and economically active town centre.

The full sum will be paid on implementation of the consent when works commence on site.

If not committed within a 5 year period, all monies shall be returned to the developer.

2. The restriction of the existing Tesco store from being used in future as a retail outlet for convenience goods. This should take effect as soon as the new Tesco store opens.

3. The funding of a safer access at Campbeltown Heritage Centre. This is currently priced at £12,000 and the developer's contribution shall not exceed this level.

If unused within a 5 year period, all monies shall be returned to the developer.

4. A contribution from the developer in order to support the re routing of public transport bus routes plus the installation of a display rack in store for public transport timetables. This subsidy is to the value of £15,000 and is for one year only and the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 2/2/10 and the approved drawing reference numbers 1436 (P) 001, 1436 (P) 002, 1436 (P) 003 REV B, 1436 (P) 004 REV B, 1436 (P) 005 REV A, 1436 (P) 006 REV A, 1436 (P) REV A, 1436 (P) 008 REV A, 1436 (P) 009 REV A, 1436 (P) 010, 1436 (P) 011 REV A, 1436 (P) 012, 1436 (P) 013, 1610 LO1 C, 1435 (P) 014 REV B, 1436 P 015, 1436 P 016, 1436 P 017, 1436 P 018, 1436 P 019, 1436 P 020, 1436 P 021 V 022, 1436 P 023, 1436 P 024, 1436 P 025, 1436 P 026, 1436 P 027, 1436 P 028, 1436 P 029, 1436 P 030 and 1437 P 031 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. That the development hereby permitted shall not commence until such time as the new creamery at Snipefield Industrial Estate approved under planning consent 09/01715/PP has been completed and brought into use.

Reason: Without this relocation taking place, a departure to development plan policy could not be justified.

4. That the hours of opening of the supermarket hereby approved shall be restricted to between 06:00 and 22:00 hours Monday to Sunday inclusive.

Reason: In the interests of residential amenity

5. That the hours of opening of the petrol filling station hereby approved shall be restricted to between 06:00 and 22:00 hours Monday to Sunday inclusive.

Reason: In the interests of residential amenity

6. That the hours of delivery to the supermarket and petrol filling station hereby approved shall be restricted to between 07:00 and 23:00 hours Monday to Sunday inclusive.

Reason: In the interests of residential amenity

7. That use of the jetwash and any associated car vacuums or similar shall be restricted to between 08:00 and 20:00 hours.

Reason: In the interests of residential amenity.

8. That use of the public recycling facilities including deliveries and collections shall be restricted to between 08:00 and 20:00 hours.

Reason: In the interests of residential amenity.

9. No development shall commence on the site until an assessment of the condition of the land has been undertaken and has been approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites. Where contamination is identified then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that the issue of contaminated land is thoroughly investigated and addressed.

10. Prior to work starting on site, the applicant shall have regard to the Scottish Government Guidance Note Controlling Light Pollution and Reducing Lighting Energy Consumption (March 2007) and follow the lighting design process described in this Guidance Note. The information recorded should be of a good standard to enable the lighting submission proposal to be evaluated. All lighting proposals should be submitted with a completed Lighting Design Check List as provided in Annex B. Such lighting proposals shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.

Reason: In order to protect the area from light pollution in the interest of amenity.

11. The development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved in writing by the Planning Authority. This shall provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising within the site, including the location, access and maintenance for on-site storage facilities. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.

Reason: In order to accord with the principles of sustainable waste management.

12. All landscaping shall be in accordance with drawing no. 1601 LO1 C. The landscaping scheme shall be completed during the first planting season following the first occupation of the development. Any trees or shrubs which fail to become established, which die, are removed or become seriously diseased within 10 years of the implementation of the scheme shall be replaced in the following planting season by equivalent size and species of trees or shrubs as those originally required to be planted.

Reason: In the interests of visual amenity and to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

- 13 No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided to the Planning Authority for approval before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

14. The level of noise emanating from the site shall not exceed 40dB(A) L_{night}, outside nor 45dB LA_{eq}(5 mins) nor 60dB LA_{max} between 23:00 hrs and 07:00 hrs and must not exceed 50dB LA_{eq}(1 hour) at any other time. The level of noise from the site is to be measured at the facade of the nearest noise sensitive receptor for night time noise, and at the boundary of the nearest noise sensitive receptor for daytime noise.

Reason: To minimise the adverse impact of noise generated by the operations on residents of the local community and the greater local community.

15. The development shall not begin until a scheme for protecting residents in nearby properties from noise emanating from fixed plant and/or machinery has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Authority.

Reason: In order to protect the amenities of the area from noise disturbance.

16. The development shall not begin until a scheme for protecting residents in nearby properties from noise emanating from service yard activity has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Authority.

Reason: In order to protect the amenities of the area from noise disturbance.

17. The development shall not begin until a scheme for protecting residents in nearby properties from noise emanating from petrol station forecourt activity has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Authority.

Reason: In order to protect the amenities of the area from noise disturbance.

18. Prior to the commencement of development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Council as Planning Authority in consultation with the Council's roads engineers. The Travel Plan will include details of:
- a) The proposed monitoring schedule and reporting procedures;
 - b) The management of the Travel Plan identifying the persons responsible for implementation;
 - c) Proposed pedestrian and cycle infrastructure within the site and connections to existing networks;
 - d) Cycle parking provision and location within the site;
 - e) Measures to improve public transport facilities;
 - f) Initiatives such as car share scheme and flexible working;
 - g) Employee locker facilities;
 - h) Travel information to be provided within the site;
 - i) Car parking provision and management.

Reason: To be consistent with the requirements of Scottish Government Planning for Transport documents SPP and PAN 75.

19. The drainage of the site shall be carried out in accordance with the Drainage Impact Assessment (plan 10867 500 C) unless otherwise agreed in writing with the Planning Authority. Prior to the commencement of development, full details of the method of surface water discharge shall be submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that the drainage of the site will operate effectively.

20. Prior to the commencement of the development hereby approved, the new access onto Witchburn Road including localised road widening and the two metre footway as detailed in the Transportation Statement dated 20/8/01 and plan nos. 11436 (P) 003 Rev B "Site Layout Plan" and 11436 (P) 031 "Proposed Pedestrian Linkages" shall be completed unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety in order to provide a safe access to the construction site.

21. That prior to the development hereby permitted being brought into use, the proposed off site highway improvements (other than those referred to in condition no.20 above) as detailed in the Transportation Statement dated 20/8/10 shall be completed to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

22. Prior to the commencement of development hereby approved a delivery management plan shall be submitted to and approved in writing by the Planning Authority. This shall provide detail on how vehicles servicing the site will avoid conflict with other road users and that adequate turning facilities are provided within the site boundaries.

Reason: In the interests of road and pedestrian safety.

23. That notwithstanding the detail of the approved plans, the finished floor level of the supermarket building hereby approved shall be 300 mm above the adjacent kerb height of 7.950m. Prior to the commencement of development full details of this freeboard shall be submitted to and approved in writing with the Planning Authority. The development shall thereafter be carried out in accordance with this plan unless otherwise agreed in writing with the Planning Authority.

Reason: In order to protect the development from flooding in the interests of public safety.

24. Retail floorspace within the building hereby approved shall be limited to 3,615 square metres net retail floorspace (excluding lobbies and toilet facilities)

Reason: In order to limit the extent of retail floorspace to that for which permission has been sought and upon which the application has been assessed.

Councillor Marshall, having moved an amendment which failed to find a seconder, requested that his dissent from the decision be recorded.

(Ref: Reports by Head of Planning and Regulatory Services dated 25 August 2010 and 13 September 2010 and critique of RIA by objectors agent, submitted; report by Head of Planning and Regulatory Services dated 29 September 2010 and comments by DPP, tabled)

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ARGYLL AND BUTE COUNCIL**Planning, Protective Services and
Licensing Committee****DEVELOPMENT AND
INFRASTRUCTURE****20th October 2010****PROPOSED AMENDMENTS TO PRE-DETERMINATION HEARING
PROTOCOL****1. SUMMARY**

1.1 This Report seeks to reflect upon and review the past 12 months of planning practice since the enactment of the 2006 Planning Act on 3rd August 2009.

1.2 It is a part of a wider review of the planning service post August 2009 which shall be reported to the Executive on 4th November and Council on 25th November. This report is solely concentrated on the topic of pre-determination hearings.

1.3 In summary, it is noted that the Planning, Protective Services and Licensing Committee (PPSL) has convened 14 pre-determination hearings since the new regulations came into force. They have generally been conducted in a venue close to the application site in order to bolster public access and have determined applications from windfarms, fishfarms, large scale residential development to change of use applications.

1.3 Whilst the rationale and format of the hearings have proved credible thus far, there has been Officer and Member concern about the relatively crude numbers threshold that currently exists to trigger a recommendation for a hearing. It has been noted that there may be scenarios where the current system is open to manipulation (standard representation canvassing, petitions, representations from friends and family out with Argyll and Bute) for the sole purpose of triggering a hearing process. Furthermore, there may also be scenarios where there has been significantly one sided public and statutory consultee representations supportive of Officer recommendation that still requires a hearing due to number of contributions.

1.4 This report therefore recommends a move away from the numbers threshold approach to one that seeks to 'add value' to the decision making process based on a set criteria. This is seen to be an efficient use of Officer and Member resources as time shall be concentrated on most pertinent applications and result in speedier decision for all involved.

2. RECOMMENDATIONS

It is recommended that Members:

- (i) Note the content of the report.
- (ii) Endorse the recommendation to discontinue number based trigger for hearing recommendation (ie > 20 representations) in favour of criteria based approach that seeks to add value to the decision making process.
- (iii) If agreed we recommend that the new protocol is implemented with immediate effect and available for use at October PPSL.

3. DETAILS

3.1 Scottish Government advice provides that Authorities may offer contributors the opportunity of appearing before them to state and explain their representations. Although such an invitation remains at the discretion of the PPSL, robust and consistent use of the practice will lead to greater confidence by the public in the PPSL's decisions. The hearing process can also better inform elected members in coming to a legally robust sustainable outcome to the planning decision making process.

3.2 In response to this and following the introduction of the new planning act, the council implemented a protocol that any application with equal to or greater than 20 representations (both in support and objection) would be recommended for a pre-determination hearing.

3.3 This practice has resulted in 14 pre-determination hearings being held in various locations across the authority such as Carradale, Helensburgh, Campbeltown, Sandbank, Dunoon and Rothesay (to end of Oct 2010). In general, the process has been well received and administered as there has been no adverse comments received when the Chair of PPSL seeks feedback at the end of each hearing. It is also deemed to be democratic as the PPSL hold the hearings at locations accessible to the community affected by the application giving them opportunity to verbally support their representation.

3.4 Notwithstanding this, concern has been noted throughout the year and notably at the recent Member Seminar (Review of new

Planning Act – 31st Aug 2010) from both Officers and Members that the volume of hearings has been steadily increasing. This has an associated impact of increasing workloads for both Officers and Members and also reducing speed of decision making / performance.

3.5

Whilst convening a pre-determination hearing is obviously part of the decision making process for contentious and significant applications the concern has been focussed on scenarios where there may be manipulation of the system (standard representation canvassing, petitions, representations from friends and family out with Argyll and Bute) for the sole purpose of triggering a hearing. There may also be scenarios where there has been significantly one sided public and statutory consultee representations supportive of Officer recommendation that still requires a hearing due to number of contributions. Furthermore, in smaller isolated settlements where there is a small number of households it can be difficult to raise the 20 representations even though the application is significantly important to that community due to economies of scale.

3.6

These scenarios require greater scrutiny whether there is actual 'added value' to convening a pre-determination hearing.

3.7

To this extent, we advocate that the existing number based threshold protocol is superseded by the following criteria based approach that seeks to resolve these tensions:-

3.8

'In deciding whether to exercise their discretion to allow respondents to appear at a hearing, the members of the PPSL Committee should be guided by :

- Whether the proposal constitutes a justified departure to the local development plan, and/or is a Council Interest Application and the degree of local interest and controversy
- The complexity of technical/material considerations raised
- How up-to-date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently (ie. within the 5 year life of the Plan) been considered through the development plan process
- The volume of representations and degree of conflict within the local community (eg. notwithstanding there may be significant representation if there is consensus between local community and planning authority in recommendation

a hearing may not be required)

- The degree of local interest and controversy on material considerations eg. the relative size of community affected set against the relative number of representations, and their provenance

- 3.9
- Whether there has been any previous decisions or pre-determination hearing held covering similar issues/material considerations'

- 3.10 For the avoidance of doubt, and in an effort to assist Members the Head of Planning and Regulatory Services will offer Members a view on whether to exercise a discretion at section 'B' and 'O' of the Report of Handing / Officers Report in each case.

In terms of Section 27 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 the Planning Authority are required to hold a pre-determination hearing to national and major development applications which are significantly contrary to the local development plan and where representations have been submitted.

4. CONCLUSION

- 4.1 Having the benefit of 13 months worth of practice we consider that the introduction of the new criteria based model to determine whether a pre-determination hearing is held shall 'add value' to the decision making process and be a more efficient use of both Officer and Member resources. It shall also eliminate tensions where there is the potential manipulation of the current number based thresholds.
- 4.2 If agreed we recommend that the new protocol is implemented with immediate effect and available for use at October PPSL.

10. IMPLICATIONS

- 6.1 Legal – No specific legal implication albeit that convening pre-determination hearings may allow Members to be best informed on making competent decisions based on full explanation of issues, particularly in complex cases. This new protocol shall allow for this even if there has not been a threshold of representation received.
- 6.2 Financial – Considered that new criteria based approach shall focus both Member and Officer resources more efficiently on complex, contentious, community significant and applications that conflict with policy. There is less opportunity for the system to be manipulated thereby utilising resources on hearings that do not

'add value' to the decision making process.

- 6.3 Personnel - No personnel implications other than Member and Officer resources shall be more efficiently utilised by focussing on hearings that 'add value' to decision making process.
- 6.4 Equal Opportunities – If protocol is consistently implemented then it improves the opportunity for even small communities to trigger hearings where it may difficult to trigger the current 20 representation threshold.
- 6.5 Policy - No policy implications

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ARGYLL AND BUTE COUNCIL**DEVELOPMENT AND INFRASTRUCTURE SERVICES**
October 2010

UPDATE REPORT ON BUILDING STANDARDS BALANCED SCORECARD AND GENERAL PERFORMANCE**FROM HEAD OF PLANNING AND REGULATORY SERVICES**

1. SUMMARY

- 1.1 This paper follows on from the report tabled in March 2010 and outlines Building Standards performance with respect to its Balanced Scorecard which is submitted annually to the Building Standards Division of the Scottish Government (BSD and the processing times in relation to building warrant and completion certificate applications for the calendar year to date. As intimated previously, there is no current Audit Scotland requirement for a return of figures for Building Standards although with the verifier process currently under review by the BSD with all Local Authority Verifier Licenses due to expire in 2011 this may be a further requirement placed on Local Authority Building Standards post 2011.
- 1.2 In accordance with the Council's Best Value reporting framework this paper also provides an update on customer feedback reviews for Building Standards

2. RECOMMENDATION

- 2.1 Members note with satisfaction the content of the report.

3. BACKGROUND

- 3.1 Members may recall from the report tabled in March 2010 that the Balanced Scorecard process originated with the search for a management tool to gauge the performance of the local Authority Building Standards function, replacing the existing system of comparison of statutory performance indicators. The scorecard is basically a comprehensive performance management tool, incorporating a "Best Value" approach, which measures Verifier performance in relation to 5 perspectives, i.e. Public Interest, Private Customer, Internal Business, Continuous Improvement and Financial.

Each perspective contains a number of actions determined by the Verifier which will contribute to service improvement and will seek to ensure "Best Value" service delivery to the public. These actions are linked to the strategic objective of the Council.

- 3.2 Members will recollect that in October 2008 the Council's Building Standards section was audited by the BSD scoring 'Good' in each of the five perspectives.
- 3.3 The final conclusion to take from the BSD audit is that there would be no need to undertake any further audits within the present verification appointment period.

- 3.4 Since then the Building Standards section has gone from strength to strength. This year it's annual scorecard submission was especially commented on by the BSD who stated in a letter to our Building Standards Manager '*I am impressed with your commitment to driving your service forward*'.
- 3.5 As previously reported annual work plans which flow from the Balanced Scorecard are drawn up with full consultation of staff and consistently delivered. The 2010 work plan is again on target.
- 3.6 These business improvement tools coupled with an analysis of the processing times for both Building Warrants and Completion Certificates allows the conclusion to be drawn that the service continues to meet the goals set out in its balanced scorecard and provides in Argyll & Bute a customer focussed and high quality successful service in terms of the criteria set down. This is particularly important given the corporate goals of Argyll & Bute Council and also the review of the verification role of all Local Authorities which is due on the 01st May, 2011.
- 3.7 Due to the global downturn applications for Building Warrant have remained sluggish, through 2010 however during the last few weeks of September the service has seen a massive influx of new applications from applicants and agents keen to lodge their application prior to the updated Technical Standards coming into force on 1st October. As reported in previous years, development patterns and projects vary enormously over this diverse area of Scotland as does the quality and detail of the application submissions.
- 3.8 This glut in applications being received in such a short period will undoubtedly provide a massive challenge to the section in the short term to continue to meet its challenging response times target.
- 3.9 Despite the difficulty in recruiting qualified successors to posts currently vacant in Oban and in Mid Argyll we have managed to fill a vacancy at assistant level in Helensburgh with a young graduate which will assist us in meeting our response times however we still have a senior surveyor on extended sick leave. Despite our staffing problems analysis has shown that response times have consistently improved and is a credit to the dedication of the existing staff.
- 3.10 Throughout 2010 the performance figures have continually exceeded targets with the last quarter's figures as follows:

July – September 2010

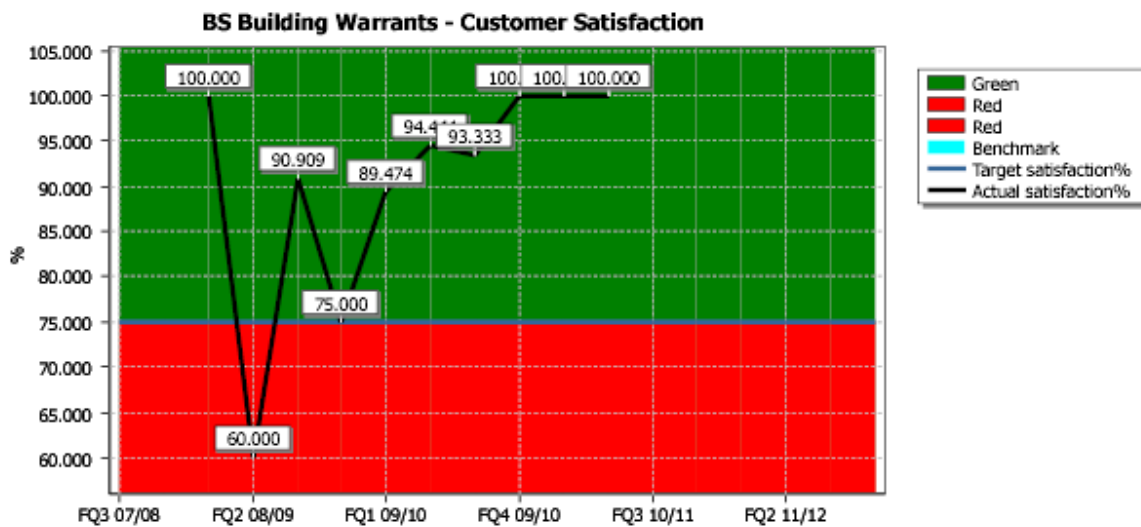
	Target	Actual	Trend
The percentage of requests for a building warrant responded to within 20 days	80%	90.24%	-
The percentage of completion certificates issued/accepted (or otherwise determined) within 3 days	80%	82.47%	-

3.11 Had there been a requirement to submit performance information to Audit Scotland the all areas average for Argyll & Bute Council show returns in excess of the historic targets.

4. CUSTOMER SATISFACTION

During 2010 Building Standards has continued to adopt a variety of measures to enable it to gauge customer satisfaction including the issuing of Customer Service Questionnaires with each Warrant Approval and Completion Certificate Acceptance

It is gratifying to note that through 2010 our customers continue to appear happy with our service delivery as demonstrated in the attached graph which shows that for the third quarter in a row 100% of customers who returned a questionnaire graded our service delivery as either good or excellent.



5. CONCLUSION

The effects of losing staff and the problems experienced in recruiting qualified replacements has made it challenging to achieve consistency in service delivery throughout the authority, however staff have risen to the challenge and the overall performance of the Building Standards section has been excellent and well received by its regular users and the Building Standards Division of the Scottish Government.

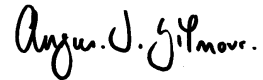
6. IMPLICATIONS

Policy In accordance with "Best Value" objectives

Financial: Due to the global downturn the total building warrant application fee income for the year is still down when compared to previous years although the trend is showing a modest recovery underway.

Personnel: The problems experienced in recruiting qualified building standards staff during the year increases the commitment to training consistent with the "grow your own" policy.

Equal Opportunity: None

A handwritten signature in black ink that reads "Angus J. Gilmore". The signature is written in a cursive style with a large initial 'A'.

04.10.2010

For further information contact: Martin Matheson, Building Standards Manager.

Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 09/01676/PP

Planning Hierarchy: Local

Applicant: The Trustees of the Rev J.A. Fell

Proposal: Demolition of 2 buildings and erection of 2 dwellinghouses

Site Address: Land at Port Moluag, Isle of Lismore, Argyll and Bute

DECISION ROUTE

(i) **Local Government (Scotland) Act 1973**

(A) THE APPLICATION

(i) **Development Requiring Express Planning Permission**

- Demolition of 2 buildings and the erection of 2 dwellinghouses
- Alterations/improvements to an existing private vehicular access
- Installation of 2 septic tanks and 2 soakaways
- Installation of a private water supply

(ii) **Other specified operations**

- None
-

(B) RECOMMENDATION:

Recommend that planning permission be granted subject to:

- 1) The conditions and reasons contained within this report; and
 - 2) A Discretionary Local Hearing being held in advance of the determination of the application in view of the number of representations which have been received.
-

(C) HISTORY:

No planning history relevant to the proposed development site.

(D) CONSULTATIONS:

Area Roads Manager

Response received 18th February 2010 – no objection subject to conditions

Council's Flood Risk Engineer

Response received 10th June 2010 – no objection

Legal and Protective Services

Response received 25th January 2010 – no objection subject to conditions

Scottish Environment Protection Agency

Response received 29th January 2010 – no objection but please see advisory comments which can be viewed within section 'Note to Applicant' below

Scottish Natural Heritage

Response received 22nd February 2010 – no objection subject to conditions and advisory comments which can be viewed within section 'Note to Applicant' below

Scottish Water

Response received 26th January 2010 – no objection as no mains services in the vicinity of the site.

West of Scotland Archaeology Service

Response received 27th January 2010 – no objection subject to conditions and advisory comments which can be viewed within section 'Note to Applicant' below

(E) PUBLICITY:

The proposal was advertised under (Regulation 20 – Advert Local Application). The publication date was 21st January 2010 and the closing date was 11th February 2010.

(F) REPRESENTATIONS:

Twenty seven letters of representation have been received from;

- Owner/Occupier, Kilmoluag House, Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (letter dated 23.02.2010)
- Mr T. Bradberry, 25 Johns Road, East Craigs, Corstorphine, Edinburgh (letter not dated but received by the Local Planning Authority on the 02.02.2010)
- Ms L. MacKinnon, Flat 5, 65 Partickhill Road, Glasgow, G11 5AD (e-mail sent 09.02.2010)
- Mrs G. Dixon-Spain, Sailean, Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (e-mail sent 09.02.2010)
- Mr R. Dixon-Spain, Sailean, Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (e-mail sent 09.02.2010)

- Mr I. A. MacKinnon, Kyle Rhea, Port Ramsay, Isle of Lismore, Oban, Argyll and Bute, PA34 5UN (letter dated 10.02.2010)
- Mr J. Gilchrist, 8 Port Ramsay, Isle of Lismore, Oban, Argyll and Bute, PA34 5UN (e-mail sent 10.02.2010)
- Mr Y. Paine, Ballimackilichan Isle of Lismore, Oban, Argyll and Bute (e-mail sent 10.02.2010)
- Mr D. Drysdale, Stac an Fhuran, Port Kilcheran, Isle of Lismore, Oban, Argyll and Bute, PA34 5UG (e-mail sent 10.02.2010)
- Mr J. C. Raymond, Strathlorne, Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (e-mail sent 10.02.2010)
- Mrs F. Drysdale, Stac an Fhuran, Port Kilcheran, Isle of Lismore, Oban, Argyll and Bute, PA34 5UG (e-mail sent 10.02.2010)
- Ms E. Buckle, 8 Port Ramsay, Isle of Lismore, Oban, Argyll and Bute, PA34 5UN (e-mail sent 10.02.2010)
- Mr and Mrs S. Inch (notified via e-mail sent 10.02.2010)
- Mr S. M. Ross, An Cala, Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (letter dated 10.02.2010)
- Mrs M. MacKinnon, Kyle Rhea, Port Ramsay, Isle of Lismore, Oban, Argyll and Bute, PA34 5UN (letter dated 10.02.2010)
- Mr J. Wormleighton, Craignich, Isle of Lismore, Oban, Argyll and Bute, PA34 5UG (letter dated 11.02.2010)
- Mr I. A. MacKinnon (Chairperson for Comann Eachdraidh Lios Mor (Lismore Historical Society), Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (letter dated 28.02.2010)
- Dr M. Currie (Secretary for Lismore Community Council), Achuaran Farm, Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (letter dated 28.02.2010)
- Ms F. McCann, 57 Crondall Lane, Farnham, Surrey, GU9 7DG (e-mail sent 12.04.2010)
- Ms P. Dowling, An Cala, Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (e-mail sent 12.04.2010)
- Mr J. McCann, 46 Poplar Way, Midhurst, West Sussex, GU29 9TA (e-mail sent 12.04.2010)
- Ms L. McCann, The Laurels, The Street, Graffham, West Sussex, GU28 0QA (e-mail sent 12.04.2010)
- Ms J. M. Allan, Mo Dhachaidh, Isle of Lismore, Oban, Argyll and Bute, PA34 5UL (e-mail sent 13.04.2010)
- Mrs V. Hain, 29 Hockenhull Lane, Chester, CH3 8LB (e-mail sent 24.04.2010)
- Mr M. Hain, 29 Hockenhull Lane, Chester, CH3 8LB (e-mail sent 24.04.2010)
- Ms V. Cumberbirch, The Firs, 36 Southwold Road, Wrentham, Beccles, Suffolk, NR34 7JF (e-mail sent 02.05.2010)
- Mr and Mrs W. Hain, Birketstr. 2 89312 Günzburg Germany 89312 (e-mail sent 02.05.2010)

The concerns raised may be summarised as follows:

- It appears that one of the proposed dwellinghouses will be situated in the middle of several mature trees and undergrowth where otters have had their home for several years. Consequently, I would like to kindly request that the proposed dwellinghouses are relocated.

Comment: During the determination process of this application Scottish Natural Heritage have been consulted and have been advised of this representation. They have not objected subject to conditions and advisory comments which can be viewed within section 'Note to Applicant' below. Recommended Condition 5 requires a pre-commencement otter survey and the applicants are reminded of their responsibilities towards protected species in the associated note.

- The proposed development site is one of significant historical, cultural and religious significance. It is considered that the proposal for the erection of 2 dwellinghouses would have an adverse impact on all of the above.
- The proposed development site is located immediately adjacent to an ancient chapel which is by local tradition, thought to be the original place of worship. The proposed development would have an adverse impact upon the chapel.
- A freshwater spring or well, known as 'Tobar na Slainte' which is also of historical significance, lies within the proposed development site and would be destroyed by the proposed access arrangements.
- The proposed private vehicular access would be built over the top of an existing old roadway which runs north from the proposed development site. Consequently, the proposed access will destroy the remains of an historic route.
- The proposed private water supply, according to the plans, would be taken from the site of a former whisky-still which is an important remain and may have historical significance.

Comments re the above: During the determination process of this application the Area Roads Manager and the West of Scotland Archaeology Service were both consulted and recommended no objection subject to conditions (Conditions 4 and 8 respectively).

- The proposed access, parking and turning area would cover a large proportion of the existing arable land which is present within this area of Port Moluag. This land should be excavated prior to the commencement of any works on site.

Comment: This is a non material planning consideration.

- Development is likely to compromise free access to this part of the raised beach. This shall consequently limit the use for islanders and visitors who currently enjoy the beauty and tranquillity of coastal walks which this area has to offer.

Comment: The proposal for the demolition of 2 existing buildings and erection of 2 dwellinghouses shall not limit access to this particular area.

- A major concern within the local community is that both of the proposed dwellinghouses shall be occupied as holiday homes or second homes.

Comment: The application is for 2 dwellinghouses. Control over potential occupancy of the dwellinghouses as holiday lets or second homes is outwith the jurisdiction of the Local Planning Authority.

- Several mature trees will have to be felled in order to allow for the erection of 2 dwellinghouses within this location.

Comment: In the interests of visual amenity and to safeguard as many trees on the site as possible, a condition has been attached (Condition 6) in order to limit tree removal to the minimum necessary and to safeguard adjoining trees from construction.

- The proposed development will have a detrimental visual impact upon the surrounding area when viewed from the Lynn of Lorn and from the passenger ferry port at Port Appin.

Comment: The proposal will not cause a significant detrimental visual impact upon the surrounding area as the size, scale, proportion and design of both proposed dwellinghouses is acceptable and complies with policy in the Local Development Plan and associated Design Guidance..

- The proposed development site will be at risk from flooding particularly during very stormy weather experienced at high tide.

Comment: During the determination process of this application the Council's Flood Risk Assessor has been consulted and has recommended no objection in relation to potential flood risk issues.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

The agent acting on behalf of the client submitted a 'Design Statement' which provided information in relation to the location of the application site, a description of the two existing buildings, general design principles primarily in relation to the roof, walls and windows and details of the proposed access and landscaping arrangements.

- (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: No**

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required: No**

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

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

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

Argyll and Bute Structure Plan (2002)

Policy 'STRAT DC 5 – Development in Sensitive Countryside' states that encouragement shall only be given to small scale infill, rounding-off,

redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with Policy 'STRAT AC 1 (C)'.

Policy 'STRAT DC 8 – Landscape and Development Control' states that 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.

Argyll and Bute Local Plan 2009

Policy 'LP ENV 1 – Development Impact on the General Environment' states that in all development control zones the Council will assess applications for planning permission for their impact on the natural, human and built environment.

Policy 'LP ENV 2 – Development Impact on Biodiversity (i.e. biological diversity)' states that where there is evidence to suggest that a habitat or species of local importance exists on a proposed development site, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment.

Policy 'LP ENV 6 – Development Impact on Habitats and Species' states that in considering development proposals, the Council will give full consideration to the legislation, policies and conservation objectives, that may apply to the Habitats and Species listed under Annex I, II and IV of the Habitats Directive.

Policy 'LP ENV 7 – Development Impact on Trees/Woodland' states that in accordance with Schedule FW 2, the Council will ensure, through the development control process, that adequate provision is made for the preservation of and when considered appropriate the planting of new woodland/trees.

Policy 'LP ENV 9 – Development Impact on National Scenic Areas (NSA's)' states that development in or adjacent to National Scenic Areas that would have a significant adverse effect on a National Scenic Area will be refused unless it is demonstrated that; the objectives of the designation and overall integrity of the area will not be compromised, and where acceptable, development must also conform to Appendix A of the Local Plan. In all cases the highest standards, in terms of location, siting, landscaping, boundary treatment, materials and detailing will be required within a National Scenic Area.

Policy 'LP ENV 17 – Development Impact on Sites of Archaeological Importance' states that there is a presumption in favour of retaining, protecting, preserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll and Bute. When development is proposed that would affect a site of archaeological significance, an assessment of the importance of the site will be provided by the prospective developer as part of the application for planning permission.

Policy 'LP ENV 19 – Development Setting, Layout and Design' states that all development shall be sited and positioned so as to pay regard to the context within which it is located, development layout and density shall effectively integrate with the countryside setting of the development and the design of developments and structures shall be compatible with their surroundings.

Policy 'LP CST 2 – Coastal Development on the Undeveloped Coast (Sensitive Countryside Zone)' states that applications for development on the undeveloped coast will not generally be supported unless the development is of a form, location and scale consistent with Policy 'STRAT DC 5'.

Policy 'LP CST 4 – Development Impact on the Natural Foreshore' states that development will only be acceptable on the natural foreshore so long as it does not damage nor undermine the general public access down to and along the foreshore and the attractive appearance of the foreshore itself and value of outlooks over and across the foreshore from land or sea.

Policy 'LP HOU 1 – General Housing Development' states that there is a general presumption in favour of housing development where there are no unacceptable environmental, servicing or access impacts.

Policy 'LP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems' states that connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 will be a prerequisite of planning permission for all development proposals in the main settlements identified in the plan with a population equivalent of more than 2000 and wherever significant development (large scale) is proposed. Elsewhere, connection to the public sewer will be required, unless the applicant can demonstrate that the proposal is not likely to result in or add to existing environmental, amenity or health problems.

Policy 'LP SERV 4 – Water Supply' states that there is support in principle for the use of private water supplies where a public water supply is not, or could not be made available. This support is subject to the private water supply being of adequate quality and quantity to serve the proposed development without prejudicing the lawful interests of neighbouring properties or land and water users. Applicants will be required to submit full details of the proposed private water supply arrangements with their application, including a report by independent and suitably qualified engineers demonstrating that the proposed water supply has sufficient capacity and quality to supply existing water users and the proposed new development.

Policy 'LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes' states that in the case of a new private access, it shall be constructed to incorporate adequate visibility splays to the satisfaction of the Area Roads Engineer at the access's junction with the public road network.

Policy 'LP TRAN 6 – Vehicle Parking Provision' states that off-street car and vehicle parking shall be provided for development on the following basis: the car parking standards (including disabled parking) set out in Appendix C shall be applied to those specified categories of development.

Appendix A: Sustainable Siting and Design Principles

Appendix C: Access and Parking Standards

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009**

Scottish Planning Policy (Feb 2010)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Argyll and Bute Council; Sustainable Design Guidance

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

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

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

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

(O) Requirement for a hearing (PAN 41 or other): Yes

A 'Discretionary Local Hearing' is recommended in view of the fact that there have been 27 objections received and having regard to the fact that this is a significant number in the context of a relatively small island community.

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

This application seeks planning permission for the demolition of 2 existing buildings and the erection of 2 dwellinghouses on land at Port Moluag, Isle of Lismore. The application site is located on the south eastern shores of the Isle of Lismore situated upon land at Port Moluag which lies to the south west of the minor settlement of Port Ramsay and to the north east of the minor settlement of Achnacroish.

With reference to the 'Argyll and Bute Local Plan' Proposal Maps Folder 2009, the application site is situated within the 'Sensitive Countryside' development control zone. With reference to the Argyll and Bute Structure Plan 2002, Policy 'STRAT DC 5 'Development in Sensitive Countryside' states that encouragement shall only be given to small scale infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with Policy 'STRAT AC 1 (C)'. Consequently, and in relation to all of the above, the proposal constitutes a form of redevelopment of the site of existing buildings and therefore satisfies the requirements of Policy 'STRAT DC 5'.

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

(R) Reasons why planning permission should be granted

The proposal for the demolition of 2 existing buildings and the erection of 2 dwellinghouses on land at Port Moluag, Isle of Lismore, is acceptable. The proposed development constitutes a form of redevelopment which consequently satisfies Policy 'STRAT DC 5' and the proposal will conform with the settlement character of the

surrounding area which is predominantly characterised by sporadic, single dwellinghouses and farm units which are set back from the natural foreshore.

Furthermore, the proposal will adhere to the specific landscape guidelines as defined in the Landscape Character Assessment of the Argyll and Firth of Clyde as the proposed development will conserve and restore existing dry-stone walls/dykes (via condition) and will complement the existing development pattern and respect the landscape character within the locality. The proposed development will help conserve the landscape setting of archaeological sites within the surrounding area - primarily St Moluag's Chapel and Tirefour Castle/Broch - as neither of the proposed dwellinghouses shall be visible from any of these sites. It is concluded that in terms of siting and design, the proposal will not cause any significant adverse landscape or visual impact upon the special qualities of the Lynn of Lorn National Scenic Area.

In relation to all of the above, the proposal satisfies Policies 'STRAT DC 5' and 'STRAT DC 8' of the Argyll and Bute Structure Plan 2002 and Policies 'LP ENV 1', 'LP ENV 2', 'LP ENV 6', 'LP ENV 7', 'LP ENV 9', 'LP ENV 17', 'LP ENV 19', 'LP CST 2', 'LP CST 4', 'LP HOU 1', 'LP SERV 1', 'LP SERV 4', 'LP TRAN 4' and 'LP TRAN 6' of the Argyll and Bute Local Plan 2009. It is considered that there are no other material considerations, including the matters raised by third parties, which would warrant the refusal of planning permission.

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

N/A – the proposal is in accordance with the Local Development Plan.

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

Author of Report: Walter Wyllie

Date: 30th September 2010

Reviewing Officer: Richard Kerr

Date: 1st October 2010

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 09/01676/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 28th October 2009 and the approved drawing reference numbers:

- Plan 1 of 11 (L (Ex) 001 Rev A) (Location Plan at a scale of 1:2500)
- Plan 2 of 11 (L (Ex) 102 Rev A) (Location Plan at a scale of 1:1250)
- Plan 3 of 11 (L (Ex) 103 Rev A) (Site Plan as Existing at a scale of 1:500)
- Plan 4 of 11 (L (PL) 102 Rev A) (Site Plan as Proposed at a scale of 1:500)
- Plan 5 of 11 (L (Ex) 113) (Existing Elevations of West Cottage at a scale of 1:50)
- Plan 6 of 11 (L (Ex) 112) (Existing Elevations of South Cottage at a scale of 1:50)
- Plan 7 of 11 (L (PL) 104 Rev A) (Proposed Elevations and Roof Plan of West Cottage all at a scale of 1:50)
- Plan 8 of 11 (L (PL) 106 Rev A) (Proposed Elevations and Roof Plan of South Cottage all at a scale of 1:50)
- Plan 9 of 11 (L (PL) 103) (Proposed Ground and Loft Floor Plan and Cross – Sectional Drawing of West Cottage all at a scale of 1:50)
- Plan 10 of 11 (L (PL) 105) (Proposed Ground and Loft Floor Plan and Cross – Sectional Drawing of South Cottage all at a scale of 1:50)
- Plan 11 of 11 (L (PL) 107) (Flood Prevention Details for Proposed West and South Cottages at a scale of 1:500 and 1:200)

unless the prior written approval of the Local Planning Authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. 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 Local 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.

4. No development shall be commenced on site until the junction serving the private vehicular access has been formed in accordance with the Council's Road Engineers Drawing No. SD 08/004a, with visibility splays measuring 60 metres x 2.4 metres in each direction having been formed from the centre line of the proposed private vehicular access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over 1 metre in height above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Local Planning Authority.

The proposed private vehicular access shall be constructed to at least base course level prior to any works starting on site and the final wearing surface of the road shall be applied prior to the first occupation of either of the two dwellinghouses hereby approved.

Reason: In the interests of road safety and to ensure the proposed development is served by a safe means of vehicular access and to accord with Policy 'LP TRAN 4' of the Argyll and Bute Local Plan 2009.

5. Prior to any works commencing on site, an otter survey which shall seek to establish their presence and usage within the proposed development site, shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out by appropriately qualified and competent person(s). Any recommended mitigation measures contained in the duly approved survey identified as being required in advance of, or during the course of, construction shall be implemented in full concurrently with the implementation of the development.

Reason: In accordance with Policy 'LP ENV 6' of the Argyll and Bute Local Plan 2009 and the legislation, policies and conservation objectives, that apply to the Habitats and Species listed under Annex IV of the Habitats Directive.

6. Prior to any works commencing on site, the applicant shall submit a detailed survey of all trees and hedging on or overhanging the site. This survey shall be displayed on a site layout plan and include their location, species, an estimation of their height and canopy spread and shall include any trees around the perimeter which overhang onto the site boundary. Those trees which it is proposed to fell or remove shall be identified separately from those who which are to be retained. Measures to protect those trees to be retained which could be subject to disturbance from access works, excavations, storage of materials or building works or other construction activities, shall be identified and submitted along with the tree survey. No trees on site, other than those identified for removal in the scheme duly approved in writing by the Planning Authority, shall be lopped, topped, felled or removed, either during the construction period, or thereafter . Those trees identified as requiring to be safeguarded shall be protected in accordance with the duly approved measures before development is commenced and shall be retained in place for the full duration of construction activities on site.

Reason: In the interests of visual amenity and to safeguard as many trees on the site as possible.

7. All existing dry-stone walls/dykes as shown on Plan No. (L (PL) 102 Rev A) shall be retained and repaired as part of the development and no sections shall be reduced in height or be removed without the prior written approval of the Local Planning Authority. No timber post and wire fencing techniques or other means of enclosure shall be permitted to be used to enclose boundaries or private areas without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and in order to reinforce the landscape characteristics of the area.

8. Prior to the commencement of any works on site, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Local Planning Authority during all ground disturbances. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeological Service, and approved by the Local Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Local Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on this site, and to allow any action required for the protection, preservation or recording of such remains to occur.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/01676/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

With reference to the 'Argyll and Bute Local Plan' Proposal Maps Folder 2009, the application site is situated within the development control zone of 'Sensitive Countryside'. With reference to the Argyll and Bute Structure Plan 2002, Policy 'STRAT DC 5 Development in Sensitive Countryside' states that encouragement shall only be given to small scale infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with Policy 'STRAT AC 1 (C)'. Consequently, and in relation to all of the above, the proposal constitutes a form of redevelopment and therefore satisfies Policy 'STRAT DC 5' and 'LP CST 2'.

B. Location, Nature and Design of Proposed Development

The proposal is for the demolition of 2 ruined former cottages and the erection of 2 single storey dwellinghouses on land at Port Moluag, Isle of Lismore. The buildings to be removed remain to wall head height with intact gables, and as substantial remnant structures they constitute legitimate redevelopment opportunities in terms of local plan policy having regard to the glossary definition of 'redevelopment'.

The application site is located on the south eastern shores of the Isle of Lismore situated upon land at Port Moluag which lies to the south west of the minor settlement of Port Ramsay and to the north east of the minor settlement of Achnacroish. Situated directly to the north of the application site is the existing property of Moluagsway Balure and situated directly to the east is an existing private vehicular access and situated further to the east is open agricultural grazing land. Situated directly to the south of the application site is the Lynn of Lorn and situated directly to the west is the existing property of Tirefour Cottage.

The proposed development site measures approximately 5200 square metres with the actual floor area of each proposed dwellinghouse measuring approximately 104 square metres. The proposed development site is situated on a relatively flat terrace of land which undulates in a gentle declining manner from south west to north east. The proposed development site is situated within a sheltered location from the prevailing south-westerly winds due to existing woodland and a steep coastal slope which rises abruptly by approximately 15 metres to the south west.

With regards to design, both properties are contemporary in appearance but are sympathetic to their location. They are single storey with attic accommodation, and long and narrow (one room wide) in shape, with a ridged and arch-sectioned zinc roof. The roof overhangs a deck at one end of the building where it takes on a prow shape giving the roof an overall appearance which is reminiscent of an upturned boat hull. The walls are to be constructed in a mixture of stone and natural finish timber boarding, with largely glazed panels rather than conventional windows.

Both proposed dwellinghouses will measure approximately 2.95 metres in height to the highest point of the curved roof, 12.4 metres in length and 2.85 metres in width. It is important to acknowledge that despite their contemporary design, the buildings proposed retain the simple rectangular layout and narrow gable width of the existing ruined cottages, which helps ensure that both of the proposed dwellinghouses will reflect the general form and scale of the existing buildings. The location and scale of both proposed dwellinghouses will ensure that they are constructed over the footprint of the

existing buildings and will involve no more than three times the cubic volume of those buildings, thereby satisfying the glossary definition of appropriate 'redevelopment' in the 'Argyll and Bute Local Plan' 2009.

In greater detail with regards to building materials, the outside walls of both proposed dwellinghouses will be finished in a combination of horizontal natural coloured timber boarding which shall reflect the site's former use as a boat building yard and a natural stone reclaimed from the demolition of the existing buildings. The roof covering for both proposed dwellinghouses will be finished in a grey coloured zinc material which will be able to accommodate the curved roof form and withstand any high winds which are likely to be experienced in this exposed location. The use of zinc as an appropriate roofing material is recognised by the Argyll and Bute Council's Sustainable Design Guide for its ability to provide an elegant roof solution which reflects the use of corrugated iron on many highland buildings. The desire for large sections of glass and large windows particularly upon the eastern elevations and the southern gables, in order to maximise views and solar gain, has been balanced with the recognition that large sections of glass and large windows could potentially result in long distance reflection. However, this has been avoided primarily via the design of the proposed windows by ensuring that there are large roof projections over the floor to ceiling window areas which are present upon the southern gables which will reduce long distance reflections. Also, the floor to ceiling glass areas which are present upon the eastern elevations have been divided by a stone pillar reducing the amount of glass.

Therefore, in relation to all of the above, the scale, form, proportions, materials, detailing and colour of both of the proposed dwellinghouses are acceptable. With reference to Policies 'LP ENV 1' and 'LP ENV 19' of the Argyll and Bute Local Plan 2009, both seek to ensure that the Council assesses applications for their impact on the natural, human and built environment and that all development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall effectively integrate with the countryside setting of the development. On the basis of the foregoing it is concluded that the proposal satisfies Policies 'LP ENV 1' and 'LP ENV 19'.

C. Natural Environment

The proposed development site is situated within the Lynn of Lorn National Scenic Area (NSA).

With reference to the Argyll and Bute Local Plan 2009, Policy 'LP ENV 9 – Development Impact on National Scenic Areas (NSA's)' states that development in or adjacent to National Scenic Areas, that would have a significant adverse effect on a National Scenic Area, will be refused unless it is demonstrated that; the objectives of the designation and overall integrity of the area will not be compromised, and where acceptable, development must also conform to Appendix A of the Local Plan. In all cases the highest standards, in terms of location, siting, landscaping, boundary treatment, materials and detailing will be required within a National Scenic Area. Having regard to the comments in Section B above, it is considered that the scale, form, proportions, materials, detailing and colour of both of the proposed dwellinghouses are acceptable which will consequently ensure that the proposed development will not have an adverse effect upon the Lynn of Lorn National Scenic Area. Therefore, in light of the above, the proposal satisfies Policy 'LP ENV 9'.

It has been raised in several letters of representation objecting to this proposed development that there are otters present within the proposed development site. Consequently, during the determination process of this application Scottish Natural Heritage have been consulted and indicated that a survey to investigate the presence

and usage of otters within the proposed development site should be carried out prior to the commencement of any works on site. Consequently and in relation to the above, a condition (see Condition 5) has been attached in the grating of planning permission for this particular proposal which shall ensure that the above study is carried out to the satisfaction of the Local Planning Authority prior to the commencement of any works on site. Therefore, subject to the requirements of (Condition 5) being satisfied, the proposal complies with Policies 'LP ENV 2' and 'LP ENV 6' of the Argyll and Bute Local Plan 2009.

With regards to the proposed development having a detrimental impact upon existing trees and woodland, a condition has been attached (see Condition 6) which shall ensure that a detailed tree survey and protection measures must be submitted to the Local Planning Authority prior to the commencement of any works on site and be implemented during construction. Therefore, subject to the requirements of (Condition 6) being satisfied, the proposal complies with Policy 'LP ENV 7' of the Argyll and Bute Local Plan 2009.

D. Built Environment

The proposed development site is located within an Archaeological Consultation Trigger Area primarily due to its close proximity to St Moluag's Chapel and the possible earlier settlement at Port Moluag, which is depicted on the 1st edition Ordnance Survey map 1869. The historical character of the area, with its visible associations with its past and its strategic importance which led to the Brochs and other historical features, give it a special historical character. However, it is important to acknowledge that both of the proposed dwellinghouses are not visually prominent from the key sensitive view looking north from Tirefour Castle/Broch. Consequently, the proposed development will not impinge upon the landscape setting of, or cause a detrimental impact upon, St Moluag's Chapel or the Tirefour Castle/Broch. The West of Scotland Archaeology Service have been consulted and have recommended no objection subject to conditions and advisory comments which can be viewed within section 'Note to Applicant' above. Therefore, the requirements of (Condition 8) will ensure that any existing archaeological heritage is retained, protected and preserved, which shall consequently ensure that the proposed development will not cause a detrimental impact upon the historical character of the surrounding area. The proposal therefore complies with Policy 'LP ENV 17'.

E. Landscape Character

The landform of the surrounding area is predominantly undulating south-east facing loch side escarpment extending from sea level to an elevation of approximately 20 metres above sea level. The landscape is characterised by predominantly small rocky knolls, hollows, crags and promontories. The land cover of the surrounding area is predominantly open semi-rough grazing with large areas of better quality improved grazing within the higher ground which is situated to the north west of the proposed development site. Small copses of deciduous trees are sporadically distributed particularly within the more sheltered areas, which are essential to preserve as this provides a sub-division between the heavily human influenced agricultural landscapes situated within the higher ground, from the relatively sheltered coastal strip.

With reference to the Argyll and Bute Structure Plan 2002, Policy 'STRAT DC 8 – Landscape and Development Control' states that 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. In relation to all of the

above, the proposal for the redevelopment of the two existing buildings within the proposed development site will conform with the existing development pattern and landscape characteristics and will compliment the landscape character within this location. The proposal will therefore not cause an adverse visual impact upon the wider landscape or the National Scenic Area, which shall consequently ensure that the proposal satisfies Policy 'STRAT DC 8' of the Argyll and Bute Structure Plan 2002.

F. Road Network, Parking and Associated Transport Matters

With regards to access arrangements, it is proposed to carry out alterations/improvements to an existing private vehicular access which leads down into the proposed development site off of the existing UC 1/4 Balure public road. During the determination process of this application the Area Roads Manager was consulted and recommended no objection subject to conditions. It is considered therefore that subject to the requirements of Condition 4 being satisfied, the proposed access arrangements are acceptable and will satisfy Policy 'LP TRAN 4' and 'LP TRAN 6' of the Argyll and Bute Local Plan 2009 which both seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area within the proposed development site.

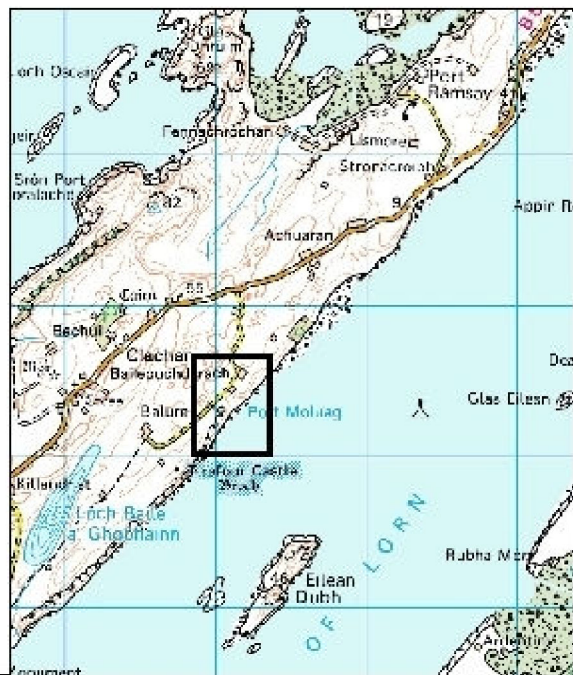
G. Infrastructure

With regards to drainage arrangements, it is proposed to install a septic tank and a soakaway within the curtilage of each proposed dwellinghouse. During the determination process of this application, Protective Services and the Scottish Environment Protection Agency were consulted and recommended no objection subject to conditions and various advisory comments which can be viewed within section 'Note to Applicant' above. It is considered therefore that the proposed drainage arrangements are acceptable and satisfy Policy 'LP SERV 1' of the Argyll and Bute Local Plan 2009 which seeks to ensure that where connection to a public sewer is not feasible due to locations which are remote from any settlement, the proposed private drainage arrangements will not cause any environmental, amenity or health problems.

With regards to water supply arrangements, it is proposed to take a private water supply from an existing burn. During the determination process of this application, Protective Services were consulted and both recommended no objection subject to conditions and various advisory comments which can be viewed within section 'Note to Applicant' below. It is considered therefore that subject to the requirements of Condition 3 being satisfied, the proposed water supply arrangements are acceptable and will satisfy Policy 'LP SERV 4' of the Argyll and Bute Local Plan 2009 which seeks to ensure that there is support in principle for the use of private water supplies where a public water supply is not, or could not be made available.



APPLICATION SITE



COMMITTEE PLAN RELEVANT TO APPLICATION:
09/01676/PP



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**Argyll and Bute Council
Development & Infrastructure**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No:	09/01874/PP
Planning Hierarchy:	Major
Applicant:	RWE Npower Renewable Ltd
Proposal:	Application for full planning permission for construction of a 15 turbine (45 megawatt maximum capacity) wind farm and ancillary development.
Site Address:	Raera Forest, Kilninver, Argyll & Bute

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 15 wind turbines (125m to blade tip);
- Formation of hard-standings at the base of each turbine to facilitate installation;
- Temporary construction compound and lay down area;
- A permanent access track onto site and between turbines;
- Erection of electrical sub-station; incorporating site office;
- Three anemometer masts;

(ii) Other specified operations

- Clearance of forestry plantation;
 - Five borrow workings to provide the aggregate required during construction (to be subject of separate planning applications);
-

(B) RECOMMENDATION:

This proposal is recommended for REFUSAL for the reasons stated in this report subject to a Discretionary Hearing being held in view of the number of representations which have been received.

(C) HISTORY:

01/01263/FDP - Forest Plan, Raera Forest, Kilmelford, Oban, Argyll – no objections 23rd August 2001.

09/01174/PP - Erection of a temporary anemometry mast for a period of 36 months, Raera Forest, Loch Melfort, Argyll - Application Approved 10th September 2009.

(D) CONSULTATIONS:

The Scottish Government - Climate Change & Greener Scotland Division (26th January 2010) – no comment on the Environmental Statement.

Health & Safety Executive (21st January 2010) – no comment.

Historic Scotland (27th January 2010) – Historic Scotland have some concerns with some of the criteria employed in the ES to assess the relative significance or sensitivity of historic environment assets of national importance in the vicinity of the development. Despite this, Historic Scotland accepts the conclusions reached in the ES that any impacts on sites of national importance are not as such a level of significance to warrant an objection.

Forestry Commission Scotland (3rd February 2010) – objects to the proposal as it currently stands. The main reason for their objection is that the proposal seeks to permanently remove some 720 hectares or thereabouts of forest (as well as not replanting a further 100 hectares or so of forest awaiting replanting after routine felling) and therefore does not address the Scottish Government's *'Policy on Control of Woodland Removal'* nor the statutory guidance on woodland removal contained in the National Planning Framework 2. In short, it does not take into account the need to minimise the inappropriate loss of existing woodland or the strong presumption in favour of compensatory planting where woodland is removed in association with development.

Scottish Natural Heritage (SNH) (11th August 2010) – object to the proposed development as it will have a significant adverse impact on the landscape character and the qualities of a distinctive and valued coastal landscape whose protection is in the national interest, adversely affecting a large number of its key views, including some located within the Scarba, Lunga, and Garvellachs National Scenic Area (NSA). SNH have not identified any mitigation that will change this position.

Royal Society for the Protection of Birds (26th July 2010) – does not object to this proposal but has concerns regarding the proposal's potential to impact on raptors, namely golden eagle and hen harrier (Annex 1 species of the EC Bird Directive) and has provided advice and suggested mitigation measures to minimise these impacts in the form of planning conditions.

West of Scotland Archaeology Service (26th January 2010) – does not object to this proposal but advises that should planning permission be granted a condition is attached to secure a programme of archaeological works and written scheme of investigation to be agreed by the Council and the West of Scotland Archaeology Service.

Scottish Water (6th January 2010) – no objection.

Scottish Environmental Protection Agency (SEPA) (8th January 2010) – have no objection to the proposal providing conditions are attached to any grant of planning permission in relation to: impacts on the water environment; private water supplies;

surface water drainage; construction method statement; full site specific environmental management plan; borrow pits; and, watercourse crossings.

Scottish Environmental Protection Agency (SEPA) (11th August 2010) – following receipt of additional information from the developer in response to their first consultation letter, SEPA advised that they are of the opinion that it is unlikely that the Private Water Supplies (PWS) for the properties details are at a significant risk from the development given the distance between them.

Area Roads (3rd August 2010) – No objection subject to conditions relating to: discussions to be entered into with ABC with respect to suitable traffic management arrangement for construction traffic delivering materials to the site and the access is subject to a separate planning application.

Transport Scotland (14th January 2010) – **advise that** overall there will be a minimal increase in traffic on the trunk road during the operation of the facility therefore the proposed development is not likely to have a significant impact on the operation of the trunk road network. However it is likely that as many of the construction loads may be categorised abnormal, authorisation from Scotland Transerv (TS) may be required.

Local Biodiversity Officer (1st February 2010) –The Local Biodiversity Officer has reservations in terms of the mitigation for protection of a number of species and peat land and freshwater habitats, and recommends a condition to secure an Environmental Management Plan (EMP).

Salmon Fishery Board (6th April 2010) – Overall have considerable concerns about the Raera wind farm development given the amount of potential disruption to watercourses within the site and the scale of the development itself. The main areas of potential impact on 'in river' species, including fish are: silting due to road building and forestry clearance; chemical (including concrete) pollution to water courses; and inappropriate bridges and culverts preventing fish access. It is recommended that these matters are controlled by relevant planning conditions.

Access Officer (13th August 2010) – no objections to the proposal, however, note that from their records there and from Ordnance Survey data it appears that a number of paths cross the site. These paths could be valuable and should be protected ensuring access is maintained and improved. Conditions are recommended to protect these paths should planning permission be granted.

Environmental Health Officer (9th August 2010) – no objection.

Ministry Of Defence (MOD) (22nd January 2010) - advise that the MOD has no objection. However, in the interests of air safety, they recommend that the turbines are fitted aviation lighting at the highest practical point.

National Air Traffic Services (NATS) NERL Safeguarding (25th January 2010) – no safeguarding objection to this proposal.

BAA Aerodrome Safeguarding (5th January 2010) – no objection - the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria as it is out with the area of concern for Glasgow, Edinburgh and Aberdeen Airports.

Civil Aviation Authority (CAA) (5th January 2010) – do not object to the proposal but advise that consultation is undertaken with the Airport licensee/operators, MoD, NATS, BAA and Local Emergency Services to establish their viewpoints. Several

conditions are also recommended should permission be granted for the scheme, relating to: aviation lighting, paint colour and the proposal being charted on civil aviation maps.

Scottish Ambulance, South West Division & National Air Wing (26th July 2010) – have confirmed that the wind farm would have no impact on air ambulance operations.

Oban Airport Manager (20th July 2010) – has looked at the ES for the development and advised the agent that Oban Airport will not be raising objections or conditions against the proposal. However, they have advised the agent that they are not in receipt of the ‘scoping request’ in order to make a formal safeguarding response to the Planning Department. Oban Airport were formally consulted by Development & Infrastructure at the same time as all other consultees and were sent a copy of the ES.

Joint Radio Company (4th January 2010) – does not foresee any potential problems based on known interference scenarios and data provided.

Ofcom (6th January 2010) – have found that within the assessed fixed link frequency bands, there are currently no fixed link ends within or fixed link path(s) that cross a 500 m radius coordination area for the stated turbine location as provided.

Kilniver & Kilmelford Community Council (10th February 2010) – at their bi monthly meeting to consider the proposal the vast majority of those in attendance certainly over 80% were against the project and wished their collective objections to be registered. These objections relate to: land allocation; constrained areas; area of panoramic quality; forest and ancient woodland removal; originally told turbines would be ‘keyholed’; no replanting proposals, contrary to Scottish Government Policy; PAN 45 - dwellings should be out with 2km radius of wind farms; height of wind turbines (biggest in Europe); Vague semantics of the application; grid connection and pier at Loch Melfort – difficult to consider all implications of the wind farm without considering these too; Noise implications; Sheer size of turbines and Visual Implications; Community Benefit; Economic impact; tourism impact; Traffic impact, and, unanswered questions and uncertainties

Seil & Easdale Community Council (26th July 2010) – consider that the proposal is located for the most part in Kilmelford Parish, but impacting primarily on Seil. Their objection to the proposal relates to: towers would be tallest on mainland Scotland; danger of setting a precedent for further developments; viewpoints; significant visual impact on Seil; lesser visual impact on Kilmelford; possible health hazards arising from low frequency noise; would be considerable pressure to grant permission for the Jetty & power lines should the wind farm receive permission; applicants have focused on Kilmelford; greatest long term impact will be on Seil; Community Benefit; Seil highly dependent on natural environment – attracts tourists in large numbers; very large scale of proposed towers, and the disproportionate impact that they would have on Seil; and, Consideration should be given to reducing the height of the towers.

Seil & Easdale Community Council (29th August 2010) – raised additional concern in relation to: private water supplies; and, the very large scale of the proposed towers, and the disproportionate impact that they would have on the environment of Seil and Easdale Community Council area.

(E) PUBLICITY:

- Environmental Assessment Regulations Advert – Expired 11th February 2010
- Regulation 20 Advert, Major Applications – Expired 11th February 2010

(F) REPRESENTATIONS:

At time of writing a total of 276 representations have been received - 32 in support, 237 against and 7 general. Full details of representees are shown at Appendix C.

Due to the large amount of written correspondence received, the key issues raised are summarised below and are addressed in the assessment at Appendix B

IN SUPPORT OF THE PROPOSAL**Location, Siting, Design & Layout**

- *The site is located on land that benefits from good wind speeds and is suitable for a wind farm development of this size.*
- *This is a brilliant site and should go ahead.*

Scale of Development

- *Saddened that amount of wind turbines has fallen from originally 40 to a miserable 14 turbines - those who protested against them should hold their heads in shame.*

Government Targets

- *The wind farm would help Scotland meet challenging Government targets of the country's electricity from renewable sources.*
- *The proposal is essential in securing the nation's power supply, combating global warming and meeting the Scottish Government's ambitious targets for renewables.*

Visual & Landscape Impact

- *The design and layout of the wind farm has taken into consideration the sensitivities of surrounding landscape and wouldn't detract from that landscape.*
- *Wind farms are an acceptable addition to the landscape given the urgent need for more renewable energy.*
- *Considering the pressure for renewable energy Europe wide but also being a great lover of the beautiful Scottish countryside, I think one should support any proposal which helps the one without destroying the other. This seems to be the case in this instance and I very much support the scheme.*

Environment

- *There will be substantial environmental benefits by emission reductions in CO₂.*
- *Argyll can lead the way in providing clean power from wind, tide, wave and hydro.*
- *In making a decision on such a proposal, one of the key issues is the impact on the environment and a balance has to be achieved between the need for renewable energy and any adverse effects that the development might have. I am of the*

opinion that in this case the site sensitivities in terms of fauna and flora are not high with none of the site, for example designated as a SSSI. In addition, the visual impact of the turbines is at an acceptable level given that Npower has reduced the number of turbines.

Noise

- *The proposal meets the noise limits prescribed in ETSU – R – 97 and therefore the development will not have any impact on those living in the surrounding area.*
- *There was a lot of objection to the two wind turbines on Luing and they are noisy but no worse than cars, tractors and planes.*

Climate Change

- *The wind farm will make a substantial contribution in this region towards combating the threat of climate change by generating electricity using renewable energy.*
- *The wind farm will assist in reducing emissions of the greenhouse gas carbon dioxide.*

Future Energy Supplies

- *Wind turbines have a limited life. When they approach their economic/engineering end it will give the community, public bodies and the Government both local and national the opportunity to review any continued need.*
- *Technology will certainly have advanced in the anticipated 35 year life of the turbines. However, we cannot wait for these advances, now is the time to start replacing fossil fuel for power generation regardless of any climate changed, perceived or actual.*
- *We are now reaching peak oil (watch the petrol prices going up) and peak coal is only 30 years away. We need to start investing in non-carbon energy now and we are going to have to get used to seeing more wind farms etc.*

Sustainability

- *The provision of all forms of renewable and sustainable energy is becoming ever more important, and I believe that wind turbines have a vital part to play in this. In addition they are beautiful structures.*

Economic & Social Benefit

- *Development of a wind farm would contribute to the local economy of Argyll through creation of construction jobs. Development of wind energy industry in Scotland will create jobs in the wider economy.*
- *The development has the potential to generate a range of economic and social benefits arising from creation and support of employment during the construction period where it is estimated that approximately 40 people will be employed during the 18 month construction period.*

- *Construction will benefit local businesses through the use of local services, accommodation, shops, etc by construction staff.*
- *During operation, the wind farm will contribute regularly to the Scottish economy through provision of Business Rates.*
- *As an added bonus there are the further benefits of job creation and infrastructure, as everybody is of course well aware.*
- *There is no doubt that such developments do provide local employment (a number of local people already earn their living in renewable) and this is clearly demonstrated by the article in the Oban Times last week regarding the good news about the expansion of tower production in Campbeltown.*

Community

- *Following RWE Npower renewable consultations and public exhibitions they have listened to the community by reducing the number of turbines in response to local feedback and Landscape & Visual Impact Assessment guidelines.*

Technology

- *I have visited wind farms on Gigha, Shetland and Wales and apart from Hydro generators are the best so far invented.*

Wind Speeds

- *We have a valuable resource in our local wind speeds which should be used to good effect, wind farms are to be encouraged.*

AGAINST THE PROPOSAL

Planning Policy/Decisions

- *The Argyll & Bute Local Plan defines the proposed site of the wind farm as a 'Potentially Constrained Area' for three major reasons:
1. It is an Area of Panoramic Quality;
2. It is adjacent to nesting protected birds of prey, including Golden Eagles which are nesting within the High Sensitivity area as defined by the RSPB;
3. Its proximity to settlements of under 2km.
These are critical reasons not to build a wind farm in this area and should be upheld.*
- *The Local Plan's Area of Search for windfarms does not include this site.*
- *The Local Plan's suggested development zones for wind farms on these maps are significantly further inland from the coast than the Raera proposal.*
- *The proposed development sits within Sensitive Countryside and Very Sensitive Countryside zoning.*

- *The proposal is in breach of a number of major stated policies of the Local Plan: Policy ENV 1, Development Impact on the General Environment: “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”. LP ENV 2, Development impact on Biodiversity and LP ENV 6 Development Impact on Habitats and Species: As well as Golden Eagles, the Raera Forest area is also home to bats, red squirrels, polecats, otters, black grouse, and wildcats to name but a few of the more important protected species as well as for example salmon, brown trout, red and roe deer. LP ENV 7, Development impact on Trees/Woodland in relation to protecting ancient woodland. The proposed area of clear fell (1,500+acres) includes Area of Ancient Semi-Natural Woodland and Semi-Natural Woodland, Area of Long Established Woodland, Area of Great Landscape Value and also multiple archaeological sites, hence the Forestry Commission’s objection. Policy LP ENV 9, Development impact on National Scenic Areas: “this policy is to provide the best landscapes within Argyll & Bute with adequate protection against damaging development. LP ENV 10, Development Impact on Area of Panoramic Quality: Development in or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape. If the Raera development is allowed to proceed while in breach of so many of the Local Plan policies it sets a dangerous precedent for our local community.*
- *It is contrary to several major policies in the Local Plan as follows: - Policy REN 1 – the site being within a constrained area as identified on the Local Plan wind farm map; Policy ENV 10 – Development Impact on Areas of Panoramic Quality; Policy LP ENV 1 – Development Impact on General Environment, specifically (b), (c) and (i). This potential breach of the Local Plan would set a dangerous precedent, contrary to National Policy via 2km exclusion zone.*
- *There were no strategic development plans for renewable energy in this area but a number of wind farms seem to be appearing randomly throughout the highlands of Argyll.*
- *Limit land allocations for wind farms*
- *No central thinking or co-ordination to these planning decisions*
- *Against National Policy*

Location, Siting, Design & Layout

- *There is objection to the siting of the windfarm. This is not an unobtrusive area it will be seen for many miles around in all directions, and as this is an area of outstanding natural beauty which relies very heavily on the fact that tourists visit. For that reason it would be detrimental to the area and a lot of people’s livelihoods.*
- *Wind farms should be sited where they are least intrusive as possible.*
- *Unsightly appearance of large turbine blades and structural posts protruding above the countryside*
- *It is the wrong location for such an industrial development.*
- *Whilst a supporter of renewable energy in principle, the scale of the proposal is entirely inappropriate.*

- *The height of the proposed turbines – at 125 metres the tallest on any land in Europe at present – is both unnecessary and severely detrimental to the surrounding landscape.*
- *The scale of the development will have a significant and serious detrimental effect on the currently unspoilt wild natural beauty of the area, classified as an Area of Panoramic Quality.*
- *The size of the 15 proposed turbines is out of place, against the surrounding landscape on which they stand and would be visible from over 25 miles around. This natural wild and beautiful landscape is the principal reason why most tourists visit the area.*
- *Rural areas being industrialised for the benefit of urban areas.*
- *The height will dwarf hills on which they stand.*
- *Scale of development is dominant*

Alternatives

- *While we support green and renewable energy - water sources of which there are plenty could be harnessed within the area for power.*
- *More consideration should be given to tidal and hydro schemes and less to wind power.*

Sustainability

- *Infrastructure to build – indecent amount of energy in fabrication and construction*
- *Environmental costs are greater than the benefits of the wind farm*
- *We should reduce electricity consumption rather than destroy our environment.*

Flooding, Hydrogeology & Water Supply

- *The site is the source of several private water supplies which may be adversely affected.*
- *Water Supply – the insertion of tons of concrete as a base for a turbine would be disastrous.*
- *Water pollution – large scale felling required*
- *Roots of trees (non-native) absorb large amounts of surplus water*
- *Release of surplus water will have an adverse effect on adjacent land and river systems*
- *Water pollution and deforestation*
- *Soil erosion – removal of forest*

Grid Connection

- *Lack of information – no mention made of grid connection – adverse impact*
- *Pylons would have an adverse impact on the landscape*
- *In addition to the turbines a line of pylons even more ugly than the turbines sprawling over yet more countryside will be needed to carry the electricity away.*
- *The route to be taken by the power lines to link the wind farm to the National Grid at Taynuilt. One possible route is along Scammadale, which is one of the most beautiful glens in this part of Argyll and will not be enhanced by more poles and cables.*

Decommissioning

- *Adverse impact of decommissioning*

Traffic Issues

- *Further damage to the current badly maintained highways, due to the excess of heavy vehicles en-route to the construction site.*
- *Disruption to the roads and villages in the area which would be caused by large lorries.*
- *What may not be so well known is the antagonism of the local population dependent on the tourist industry and the abysmal effect on the public roads of such a density of heavy traffic over a significant period.*
- *Local Roads – the route is an upgraded drove road, steep and tortuous. A more unsuitable route to transport long, awkward turbines and other heavy materials can hardly be imagined. From the proposed pier at Melfort to the main road it is narrow and equally awkward. In places it goes between houses and the shore and cannot be widened.*
- *Lorry movements – adverse impact on roads - Bridge over Oude and road along Loch –na – Drimnan.*
- *Timber lorry traffic and transport of items to the site is a road safety and road maintenance issue*
- *Disruption generally – nuisance and hazard to users of the A816 – road safety*
- *Insufficient information – how equipment will be transported by sea and road*

Precedent

- *The proposal will set a dangerous precedent*

Community Benefit

- *Proposed Community Benefit package - no details received.*

- *Split financial benefit between Kilninver and Kilmelford and Isle of Seil – likely to be cause for friction.*
- *We would be wrong to fall for the deception that wind farms will provide long-term local employment and benefit to the local community.*

Community Council

- *Recent meeting Kilmelford & Kilninver Community Council the vast majority of those present objected or had considerable reservations to the proposal.*
- *Kilmelford and Kilninver Community Council voted against the development.*

Profit

- *This project will never be profitable.*

Tourism

- *This destruction of our natural landscape will put at risk future visitor numbers to the area, undermining our local economy which is heavily dependent on tourism.*
- *Drastic impact on tourism industry – a large part of the livelihood of local population.*
- *The Scottish Government's study, The Economic Impacts of Wind Farms on Scottish Tourism, in section 13.7 Protection of Wilderness Areas: "There is evidence that the impact of wind farms is perceived to be greater on remoter, wilder landscapes. The local economies in these areas also tend to be very fragile and tourism extremely important. SPP6 currently states that designated areas should be protected".*
- *Local surveys show a clear risk of fewer repeat holidaymakers if their views are blighted by a wind farm, for example Kilninver Holiday Cottages where 62% surveyed said they would not return.*
- *Any decrease in tourism, as a result of this proposed development, both of visitors by land and by sea, will damage revenues of local shops, pubs, restaurants, tourist attractions and other businesses which are heavily reliant on the tourist industry, putting local jobs at risk.*
- *As a visitor to such a wonderfully unspoilt area I know a wind farm would be a travesty.*
- *I have been coming on holiday for years to the area. There have been several wind farms that have gone up in our area which have seriously affected the beauty of these areas and I find the area around the proposal one of the most magical places in Scotland and worry that this would be lost.*
- *I and many others from the UK and abroad come to this area for its unspoilt land, seascapes and wildlife and will be unlikely to return if wind farms proliferate. If others think as I do, this would have a most damaging effect on tourism that is so important to our economy.*
- *For the past 15 years we have taken a holiday cottage in the area. One of the attractions has been the unspoilt nature of the hills and countryside. The size of the proposed turbines would dominate the landscape and be visible from many points.*

- *If this proposal goes ahead I think it highly likely that we'll have to find another unspoilt area for our annual spring holiday.*
- *We would be naive to believe they will not adversely affect our tourist trade.*
- *In this area the hills are gentle, undulating and wooded. This is not an area of bleak remote moorland. It's easily accessible for walking to families and to pensioners who form the bulk of our holiday visitors.*
- *For 32 years we rented our holiday houses and during that time several families returned every year. They still return even though we have sold our houses. By the time we retired we were onto the 3rd generation of visitors – people who came as children are bringing their children. They are attracted by the exceptional charm and beauty of this small area.*
- *Almost everyone working here is involved in tourism. The beauty of our neighbourhood is our main source of revenue. A wind farm would change its character forever. It will not be possible to reverse the damage that such a scheme would do or to minimise its impact on so many people.*
- *Study should be done on Tourism Impact.*

Economic Impact

- *The risks to our local economy far outweigh any potential compensation from the corporate developer.*
- *Major loss of income from the tourist trade as people come to Argyll to view the countryside in its natural state and not to have these views impeded by huge turbines.*
- *Turbines will come from Europe – no boost to local economy*
- *Economic degradation*
- *Viability of holiday businesses will be affected.*
- *Principal economic activity – provision of tourist accommodation – significant component – local income.*
- *Kilninver Estate – 60% income from letting holiday cottages.*
- *Wind farms have not been common feature for long enough for evidence to be available regarding their economic impact.*
- *The operators are 'subsidy farming' at the taxpayers' expense. In these days of astronomical National Debt, this is just an additional drain on our country's resources in order to try and "appear" green.*
- *Threat to income*
- *Cost to local environment (fiscal and environmental)*

- *Local economy depends greatly on tourism and this is even more important at these critical times. Encouraging home tourism is very much more “green” than driving tourist away to fly overseas.*

Noise, Vibration & Adverse Health Impacts

- *Potential noise nuisance, health hazard and possible psychological effect on nearby residents (actual or perceived)*
- *The noise level from the blades when in motion plus negative side effects of low frequency noise and vibrations generated by large turbines.*
- *It is generally accepted that new wind farm projects should be at least 2kms from housing to prevent the possibility of their noise inducing health problems. Yet there are houses within 2km of Raera and at Clachan, several houses are less than 500 metres from the site.*
- *Most serious concern is the prospective noise level at houses at Lagganmore which are 1.6km’s line of sight from the nearest turbine. Recently BBC ‘Countryfile’ interviewed a couple who lived within 650 yds from a wind farm and were forced to leave their house permanently because of the noise. 1.6km is much further away than 650yds but the general direction of the prevailing wind is from the site to Lagganmore, thus increasing the distance that turbines might be audible.*
- *Noise at Blaran would be 60db based upon smaller wind turbines. Research shows a causal link between unwanted sound and sleep deprivation and stress.*
- *Adverse Health Effects – reference to study by Dr Nina Pierpoint. Minimum distance of dwellings from turbines should be 2km and living in Kilmelford, probably well beyond this safe distance – not convinced would be unaffected (bigger than wind farm in Dr Pierpoint’s study). This is of particular concern as we have a severely autistic son who has heightened sensitivity to many external stimuli and profound sensory disruption in his auditory, visual and defactory perceptions and processing. I’m very worried that he might be affected by the turbines where a neuro-typical individual without his issues may well be unaffected.*

Shadow Flicker

- *Adverse impact of Shadow Flicker.*

Visual Impact

- *The application material shows that the proposal would be clearly visible across a wide area including the islands of Seil, Torsa, Shuna, Jura, Luing, Scarba and Mull; Kilninver , Kilmelford and from the higher ground and local paths and tracks. This will impact future visitor numbers to the area, undermining the local economy, which is heavily dependent on tourism.*
- *Visual impact proposal will have from Toberonochy – tourism is a major earner and visitors highlight the peace and quiet and unspoilt nature of Toberonochy.*
- *The skyline will be changed by the proposal, I appreciate some concerns have been met, but please ensure restrictions are imposed to limit the height/scale of the turbines.*

- *Visual impact of excessively large turbines from a number of viewpoints or houses.*
- *The submitted photomontages are misleading*
- *Photomontages at exhibition showed tree covered slopes*
- *It is not possible to mitigate the visual impact*
- *Visibility and impact on tourism*
- *There will be significant visual impact from: high ground, principal roads (A816 and B844), and on local paths and tracks.*
- *Oban town will be screened but they will be visible in many of its higher suburbs. It will be seen from much of Kerrera, Lismore and the coast of Morvern and Ardgour beyond, to the north. To the west of Seil, Luing, Lunga, Scarba 'The Isles of the Sea', Colonsay and across the Firth of Lorn to Mull and to the south Shuna, Jura, the northwest and south east sides of Islay (yes about 80km away) and much of Knapdale and possibly Kintyre. It would be a spectacular eyesore on a truly epic scale.*
- *Will not have to climb very high on Ben Cruachan to be offended by the sight of them.*
- *One of the great beauties of the Highlands are the surprise glimpses of the great hills in the far distance. An intrusive sight of turbines would be most unwelcome.*
- *Careful examination of Ordnance Survey Map reveals height of monster machines is more than half the average altitude of the land on which they might be built. They will tower over everything for miles around.*
- *The proposal would be surrounded by and visible from 4 villages: Kilmelford, Kilninver, Balvicar and the Island of Seil. It would also be visible in the distance from the islands of Mull, Luing and Jura.*
- *The proponents of this wind farm are not local people but they have worked hard on their sales tactics. Their optimistic spin has left many residents with the false belief that it would be environmentally or politically incorrect to object. However, depictions of how the Raera and Clachan wind farm's will look are a cause for alarm: visible for miles around, they will be in stark contrast to the areas natural beauty.*

Landscape Impact

- *The proposed wind farm would have a significant and serious detrimental effect on the currently unspoilt wild natural beauty and tranquillity of the area, a sensitive landscape classified as an 'Area of Outstanding Panoramic Quality'*
- *At 125m tall the height of the 15 proposed turbines would dwarf the hills on which they stand and would be visible from over 25miles around.*
- *The turbines are completely out of proportion with, and would therefore ruin, the local landscape where the coastal ridge is only 160-250 m tall and directly impact the National Scenic Area of Scarba Island and its surrounds (Garvellachs, Lunga) as it would be highly visible from that area, which is one of only seven such areas in our county.*

- *Raera forest sits high on the local hills and will benefit from the full effect of the prevailing south-westerly winds. There is simply no reason to erect turbines of the height proposed they will dominate the landscape, an area of considerable panoramic quality and contravene a number of policies stated in the Argyll and Bute Local Plan.*
- *Adverse impact on landscape – tree removal. Accelerated fell over 18 months instead of phased over many years. It is proposed to fell the forest with no plans for replanting.*
- *The proposal will be a blight on our beautiful landscape which generates massive income from tourism.*
- *Instead of jumping on the band wagon why don't Argyll and Bute take the lead in showing wind farms for what they are a 'blot on the landscape' and a terrible inefficient use of public money.*
- *The legacy of wind turbines in this area will be like that of Japanese Knotweed: once imported for the 'good of the environment' they multiply to become a blot on the landscape, extremely difficult to eradicate. Once this process has begun, the damage done to our wild and beautiful environment will be irreversible.*
- *Environment – desecration of solitude*

Cumulative Impact

- *There are already two small wind farms on the island of Luing, these already dominate the skyline when viewed from the sea and the proposed turbines would be very much bigger than these.*

Natural Heritage & Ecology

- *Destruction of the countryside and disruption to wildlife in the area. Temporary disturbance to wildlife habitats and permanent loss of habitat*
- *Ruination of an Area of Natural Beauty.*
- *This is an Area of Outstanding Natural Beauty which will be spoilt by this proposal.*
- *There are sea-eagles and golden eagles in this area which might be adversely affected.*
- *Adverse effect on what is probably a unique selection of wildlife, eagles, red squirrels, pine martins, and other rare species.*
- *Wildcats are critically endangered in Scotland with less than 400 left living in the wild. The West Highland Region, particularly Argyll, has been recognised by numerous experts and SNH as one of the species last strongholds. Wildcat behaviour is well understood; they are highly fearful of people, human development scares them out of areas and they like to have good forestry within their territory, so wind farm installations can present a very significant threat to them.*
- *The sudden arrival of people, plant machinery, new roads and noise will almost certainly send any resident wildcats out of the area, onto unfamiliar roads, into*

conflict with other wildcats or onto unfamiliar farms and estates with snares and so on. Meanwhile the vacuum left over will most likely be filled by feral cats, these have little fear of man, over populate are a significant threat to cattle farmers especially and besides preventing wildcats being able to return to the area, ferals also represent the greatest threat to the future of the wildcat through a cross breeding process called hybridisation.

- *Beyond behavioural theory, the Wildlife & the Countryside Act makes it an offence to damage or destroy any place a wildcat uses for shelter or protection and this is reinforced by European Directive 92/43/EEC which seeks to protect natural habitats and wild animals and plants. Raera wind farm and its requirement for deforestation clearly goes against these legal protections.*
- *Compromises are necessary in achieving a carbon free energy system, but ripping down important habitat (including some ancient Caledonian forest) and further threatening one of our most endangered animals in order to be more balanced with nature simply makes no sense.*
- *In this region, the Scottish Wildcat Association certainly object to this proposal, in spite of a low human population we have eye witness sightings of wildcats from Ardnamurchan in Lochaber all the way across to Argyll Forest Park and feel this is without doubt one of the most important habitats left for the wildcat, our rarest mammal species in one of the last places they call home.*
- *“Acid Flush” – I understand that when there is a significant amount of deforestation then there is a good chance of a release of acidity into the surrounding rivers. This can lead to a major loss of invertebrates and subsequently loss of wild fish. Please confirm SNH, SEPA and AFT have been consulted about this potential hazard and that they have provided expert advice.*
- *Three types of bat in the area of Raera. Common Pipistrelles, Soprano Pipistrelles and Daubentons. Bats by law are a protected species. There is evidence that bats can detect a wind turbine and will not fly into it, yet their lungs cannot cope with the pressure difference caused by blades – their lungs explode causing a painful death. Turbines of this size are lethal to bats and the erection of them could be breaking the law.*
- *There have been local efforts to protect and improve the salmonids in the Euchar River and it would be a great pity if all of this work was put back by the proposal.*
- *The loss of habitat and apparent lack of any plan for the replanting of affected areas is also relevant.*
- *Npower have stated that the proposal will have a ‘low ornithological impact’. Some migrating birds fly at night in addition to the local nocturnal birds so the truth of the matter is that the total ornithological impact is unknown.*
- *Raera is within the hunting area of the resident pair of Golden Eagles in Scammadale and Sea Eagles have been seen roosting at Barnacerry.*
- *Deforestation – must be better sites that avoid clear felling.*
- *Glen Euchar – stunning ancient Oakwoods will be spoiled.*

- *Bird watchers – close to eagles nest at Scammadale – connection to grid could go right past nest.*
- *Disturbance to flora and fauna – migrant birds, eagles, buzzards, sparrowhawks, goshawks, pine martin, and otters.*
- *Significant population of red squirrels, black grouse, golden eagles, and wildcats all under pressure in dwindling habitat*

Built Heritage & Archaeology

- *Adverse impact on historic environment*
- *Ancient historical value of surrounding area – landscapes, ancient historical value – where Christianity began, 1st Christian monastery, historic islands, Irish invasion building forts, churches, Iona, Garvellach monastery. Cave of the Crags (middle of development).*

Construction

- *Adverse impact on local residents during construction phase*

Property Values

- *Property values will be adversely affected by the presence of a wind farm.*

Commercial considerations

- *Hopefully the promises made by the energy companies for vast profits won't be the main issue in persuading the Council into ignoring realities.*
- *No information about level of profit development might make nor amount taxpayer subsidy provision to development,*

Aircraft & Aerodromes

- *Air Safety concerns for Scottish Air Ambulance Service.*

Ancillary Development

- *As a direct consequence of granting a wind farm further intrusions occur in the form of more and higher voltage power lines, necessary for the distribution of any electricity generated.*
- *No details/consideration of ancillary structures.*
- *Residual matters – relies on other applications not submitted yet – jetty and grid connection – adverse impact should be considered.*
- *Cluster policy – once vast capital outlays made on jetty and grid – economic pressure from development to build even more wind farms in the neighbourhood.*

Government Energy Targets

- *Argyll is already doing more than its fair share to meet renewable targets.*
- *Proposed as money making business and to meet Government and EU targets and will not benefit the local or wider population.*
- *If no grants – no wind farms*

Technology & Efficiency

- *Whatever the output anticipated by the developer, the development would end up operating at a fraction of that suggested. Few windfarms operate at more than 22 – 25% efficiency and some even as low as 6 or 7%.*
- *Observations from my own meteorological station, with allowance for slightly greater exposure on the hill, only a couple of miles away, I estimate there would have been sufficient wind to run the turbines for 7% of the days during the very cold winter for 1/12/09 – 31/3/10. This is for the minimum 6 knots to turn the turbines, which does not produce much electricity. The remaining 29% days, below 6 knots would require 100% back up from other sources.*
- *Continental Europeans are protesting fiercely, albeit belatedly, about the damage done to their countryside by these unsightly structures which have turned out considerably less effective in providing energy than originally suggested.*
- *Wind farms inefficient generators of electricity since they only produce energy when the wind is blowing. Siting wind farms on hilly ground diminishes their efficiency further because of the turbulence caused by the uneven ground. To extract the maximum amount of energy, wind farms are better sited at sea where the wind is not affected by turbulence to the same degree.*
- *Offshore wind farms are up to 50% more efficient than onshore, due to superior aerodynamics. Power from waves generated in estuaries is also being developed. Large scale solar schemes are another source.*
- *Renewable energy to cut CO₂ emissions – not the case with Raera*
- *Efficiency of wind farms not competitive and do not make sense without subsidies*
- *Wind farms are expensive, inefficient and unsightly and are not the solution to emissions and global warming. If we must have them they must be sited sensitively.*
- *In Denmark found not to be worth the amount of electricity produced given the quirks of the weather – venture would be a colossal waste of money.*
- *Wind farms are expensive to construct and do not produce continuous electricity.*
- *Lifetime is only 25 years and in calm weather they produce no electricity at all.*
- *Wind farms are inefficient and a waste of public money for countless reasons. Denmark, which pioneered wind farms and has the greatest density of turbines, stated in June this year that their experience had been an unmitigated disaster.*
- *It is now generally accepted that wind turbines are so inefficient and erratic in the production of electricity that the building of power stations is still necessary to ensure a guaranteed uninterrupted supply of electricity.*

- *Germany has spent billions on wind power and recently announced that it has found it 'unreliable, expensive and ineffective at cutting CO₂ emissions.*
- *Wind farms suffer from a rather spineless degree of support – too little wind causes them to stop and too much causes them to be stopped artificially, so the various arguments in their favour do not necessarily equate to the rather exaggerated production figures and consequential value to the national grid. This must be well known to the developers.*
- *Wind turbines are at best 30% efficient*

Future Extensions

- *Once permission is given for a few turbines, it makes it easier for extensions and new wind farms in the area to be granted.*

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement (ES):** Yes
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) A design or design/access statement:** Yes
- (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**

Yes – Environmental Statement (4 volumes); Planning Statement; Non Technical Summary; Pre-Application Consultation Report; and, Design and Access Statement

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required:

A Section 75 Legal Agreement is not required as the proposal is recommended for refusal.

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**

No Direction has been issued by Scottish Ministers in this case, in terms of Regulations 30, 31 or 32 of the The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

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

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

Argyll & Bute Structure Plan (approved 2002)

Policy STRAT SI 1: Sustainable Development
 Policy STRAT DC 5: Development in Sensitive Countryside
 Policy STRAT DC 7: Nature Conservation & Development Control
 Policy STRAT DC 8: Landscape & Development Control
 Policy STRAT DC 9: Historic Environment & Development Control
 Policy STRAT DC 10: Flooding & Land Erosion
 Policy STRAT FW 2: Development Impact on Woodland
 Policy STRAT RE 1: Wind Farm/Wind Turbine Development

Argyll & Bute Local Plan (adopted 2009)

Policy LP ENV 1: Development Impact on the General Environment
 Policy LP ENV 2: Development Impact on Biodiversity
 Policy LP ENV 6: Development Impact on Habitats and Species
 Policy LP ENV 7: Development Impact on Trees/Woodland
 Policy LP ENV 10: Development Impact on Areas of Panoramic Quality
 Policy LP ENV 11: Development Impact on Historic Gardens and Designed Landscapes
 Policy LP ENV 12: Water Quality and Environment
 Policy LP ENV 13a: Development Impact on Listed Buildings
 Policy LP ENV 14: Development in Conservation Areas and Special Built Environment Areas
 Policy LP ENV 16: Development Impact on Scheduled Ancient Monuments
 Policy LP ENV 17: Development Impact on Sites of Archaeological Importance
 Policy LP ENV 19: Development Setting, Layout and Design
 Policy LP BAD 1: Bad Neighbour Development
 Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development

Policy LP SERV 4: Water Supply
 Policy LP SERV 6: Waste Related Development and Waste Management in Developments
 Policy LP SERV 9: Flooding and Land Erosion
 Policy LP TRAN 4: New and Existing, Public Roads and Private Access Regimes
 Policy LP TRAN 6: Vehicle Parking Provision
 Policy LP TRAN 7: Safeguarding of Airports

Note: The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

- EU, UK Government and Scottish Government policy,
- National Planning Framework
- Scottish Planning Policy, Advice and Circulars
- National Waste Management Plan
- Environmental Impact of the proposal
- Design of the proposal and its relationship to its surroundings
- Access,
- Provision of Infrastructure
- Planning History
- Views of Statutory and Other Consultees
- Legitimate Public Concern and Support expressed on 'Material' Planning Issues

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:

This proposal is a Schedule 2 Development, but, in this case it was considered that an Environmental Impact Assessment was required, due to the potential for significant Environmental Impact.

(L) Has the application been the subject of statutory pre-application consultation (PAC):

Yes, this application has been the subject of formal pre-application consultation, as it was submitted when this process was a statutory requirement.

(M) Has a sustainability check list been submitted:

No separate consideration of the proposal's degree of sustainability has been required as the concept was implicit to and wholly integral with the Environmental Impact Assessment process for this case.

(N) Does the Council have an interest in the site:

No.

(O) Requirement for a hearing (PAN41 or other):

There is a requirement to hold a Discretionary Hearing given the extent of representation received.

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

- The proposal seeks the construction of wind farm comprising fifteen turbines, crane hard standings, 3 anemometer masts, access tracks onto site and between turbines, temporary construction compound and laydown area, five borrow pits (required to be subject of separate planning applications), and an electrical sub-station incorporating a site office.
- SNH has objected to the proposal, on the grounds of the significant adverse impact the proposal will have on Landscape Character. The site is located within a '*Potentially Constrained Area*' in terms of the local plan wind farm map, as well as being designated '*Sensitive Landscape*' and an '*Area of Panoramic Quality*'. There are, habitats, species and scenic designations in the surrounding area, including the Scarba, Lunga, and Garvellachs National Scenic Area, which would be affected by the presence of a wind farm, the significance of which has been assessed in the Environmental Statement accompanying the application, the validity of which has been reviewed by SNH and other relevant consultees. The principal issue in this case is the consequence of the presence of the development for the landscape character of the site and for adjoining landscape character areas. All other technical details raised by relevant consultees can, if required, be dealt with by planning condition or Section 75 Legal Agreement. Notwithstanding the contribution that this development can make towards combating climate change, development giving rise to inappropriate environmental consequences cannot be viewed as being sustainable. Development which would erode the landscape and scenic qualities of the area would be inappropriate as it would undermine the primary assets which support the tourism economy. Accordingly it is recommended that permission be refused.
- The proposal can be considered consistent with the requirements of:
 - PAN 81: Community Engagement – Planning with People;
 - Policies STRAT FW 2 – Development Impact on Woodland;
 - STRAT DC 7: Nature Conservation & Development Control;
 - STRAT DC 9: Historic Environment & Development;
 - STRAT DC 10: Flooding & Land Erosion of the Argyll & Bute Structure Plan (approved 2002) and Policies
 - LP SERV 4: Water Supply;
 - LP TRAN 4: New and Existing, Public Roads and Private Access Regimes;
 - LP TRAN 6: Vehicle Parking Provision;
 - LP TRAN 7: Safeguarding of Airports;
 - LP BAD 1: Bad Neighbour Development;
 - LP ENV 7: Development Impact on Trees/Woodland;
 - LP ENV 2: Development Impact on Biodiversity;
 - LP ENV 6: Development Impact on Habitats and Species;
 - LP ENV 11: Development Impact on Historic Gardens and Designed Landscapes LP ENV 13a: Development Impact on Listed Buildings;
 - LP ENV 14: Development in Conservation Areas and Special Built Environment Areas;
 - LP ENV 16: Development Impact on Scheduled Ancient Monuments;
 - LP ENV 17: Development Impact on Sites of Archaeological Importance;
 - LP ENV 12: Water Quality and Environment;
 - LP SERV 6: Waste Related Development and Waste Management in Developments, and
 - LP SERV 9: Flooding and Land Erosion of the Argyll & Bute Local Plan (adopted 2009);
- The proposal is considered contrary to:
 - PAN 45: Renewable Energy Technologies;

Scottish Planning Policy;
 Policies STRAT DC 5: Development in Sensitive Countryside;
 STRAT DC 8: Landscape & Development Control;
 STRAT RE 1: Wind Farm/Wind Turbine Development;
 STRAT SI 1: Sustainable Development; of the Argyll & Bute Structure Plan (approved 2002); and Policies
 LP REN 1: Commercial Wind Farm and Wind Turbine Development;
 LP ENV 1: Development Impact on the General Environment;
 LP ENV 9: Development Impact on National Scenic Areas;
 LP ENV 10: Development Impact on Areas of Panoramic Quality;
 LP ENV 19: Development Setting, Layout & Design;
 of the Argyll & Bute Local Plan (adopted 2009)

- Scottish Natural Heritage; Kilmelford & Kilninver Community Council; and Seil & Easdale Community Council object to this proposal. All other consultees are satisfied subject to appropriate conditions/Section 75 Legal Agreement.
- A total of 276 letters of representation have been received of which 237 are objections

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

No.

(R) Reasons why planning permission should be refused:

This proposal is inconsistent with the provisions of the Development Plan. All 'other' material issues have been taken into account but these are not of such weight as to overcome the significant adverse impact consequences of the scale and location of the development upon landscape character, which cannot be overcome by relevant planning conditions or by way of legal agreement.

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

There is no justifiable reason for a departure to be made from the provisions of the Development Plan in this case.

(T) Need for notification to Scottish Ministers or Historic Scotland:

There is no requirement for notification to Scottish Ministers (other than in the event of Members being minded to support the application which would be contrary to the views of a statutory consultee which would prompt the need for Scottish Ministers to consider 'calling-in' the application for determination. .

Reviewing Officer: Richard Kerr

Date: 7th October 2010

Angus Gilmour
Head of Planning

REASON FOR REFUSAL RELATIVE TO APPLICATION 09/01874/PP

1.	The development proposed would be inappropriately located on elevated land in a coastal location where its presence on the skyline would, by virtue of its height, scale and movement, assert a commanding presence upon its surroundings, which in turn would have adverse consequences for landscape character. This influence would be particularly significant when experienced in terms of close quarter views from and in the vicinity of the A816, from locations across and above Loch Melfort and Loch Feochan, from locations above the Loch Avich Road, and from the island of Luing; particularly from the panoramic vantage point above Cullipool. It would also impact upon more distant panoramic views
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from the Scarba, Lunga, and Garvellachs National Scenic Area, which is vulnerable to inappropriate changes in surrounding landscape character, due to the sensitivity of receptors visiting this particularly scenic location.

The height of the development is disproportionate to the scale of the landform upon which it is to be situated, would impact adversely upon the scenic sensitivity this landform derives in establishing the inter-relationship between seascape and landscape, and would have adverse consequences for the maintenance of landscape character. The introduction of prominent development into the upland area containing the site, having regard to the role it performs in defining and enclosing Seil Sound and Loch Melfort, and with the availability of views across water, would extend the influence of windfarm development to a sensitive coastal fringe area not currently subject to such influence, thereby degrading part of Argyll's prime landscape resource. The value and distinctiveness of this landscape is recognised by its designation as an Area of Panoramic Quality by the adopted development plan. Furthermore, the Scarba, Lunga, and Garvellachs NSA recognises the special qualities to be enjoyed in a remote island setting which this development would influence. The development will adversely impact on the enjoyment of the landscape as currently experienced, detracting from the quality of visitor experience of the area. Its presence would degrade the scenic contribution which the area as a whole makes to the wider tourism resource of the west coast.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

The proposal would have a significant adverse landscape impact, along with adverse implications for views available from key viewpoints, to the detriment of the scenic quality and tourism value of the landscape, contrary to the provisions of Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; and Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (approved 2009) along with Policies LP ENV 1: Development Impact on the General Environment; LP ENV 9: Development Impact on National Scenic Areas; LP ENV 10: Development Impact on Areas of Panoramic Quality; and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/01874/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP

This site lies within a '*Potentially Constrained Area*' for windfarm development identified by the 'Argyll & Bute Local Plan' Wind Farm Proposals Map and '*Sensitive Countryside*' on the Proposals Maps subject to the effect of Structure Plan policy STRAT DC 5. '*Sensitive Countryside*' is defined in the Structure Plan as countryside area which is very vulnerable to adverse development impacts.

In special cases, Policy STRAT DC 5 states that: development in the open countryside and medium or large scale development may be supported if it accords with an area capacity evaluation. This proposal constitutes large scale development in the open countryside. However, it is not normal practice for an area capacity evaluation to be undertaken for a wind farm which has been subject to Environmental Impact Assessment (where consideration of alternatives is required). In this case, it has not been demonstrated that the scale and location of the development proposed will integrate sympathetically with the landscape, without giving rise to adverse consequences for landscape character.

Policy STRAT DC 5 also requires proposals to be consistent with all other Development Plan Policies. For the reasons detailed below in this report, it is considered that this proposal would have a significant adverse effect on: local communities, natural environment, landscape character & visual amenity.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of the Scottish Planning Policy (2009); PAN 45: Renewable Energy Technologies; Policies STRAT DC 5: Development in Sensitive Countryside and STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (Approved 2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan (Adopted 2009).

B. LOCATION, NATURE & DESIGN OF PROPOSED DEVELOPMENT

The Planning Application is for a 15 turbine wind farm within an area of the Raera Forest, which is located approximately 8km south of Oban on the west coast of Argyll & Bute. Within a radius of 2km of the proposed Raera Forest Wind Farm lie the sea lochs of Feochan to the north, Melfort to the south, and with Seil Sound 2km to the west. The site is bounded immediately to the east by the A816, beyond which lies a mixture of upland moorland and coniferous plantation interspersed with a number of lochs and watercourses. The site is dominated by coniferous plantation (established between 1964 and 1985) overlying an undulating terrain.

Each wind turbine would have a capacity of up to 3 MW, providing a total maximum generating capacity of up to 45MW. The maximum height to blade tip would be 125m and the maximum hub height 80m.

The following elements are included in the planning application: 15 wind turbines; crane hard standings adjacent to each turbine; three anemometer masts, of lattice construction up to 90m high; permanent access tracks onto the site and between the turbines; temporary construction compound and lay down area; five borrow pits designed to provide stone for a variety of construction activities (which are required to be the subjects of separate planning applications); and an electrical sub-station, incorporating site office.

Should this proposal be successful, notwithstanding the requirement for separate mineral planning applications for the borrow pits; a further application/notification would also be required for:

- 1) a jetty on Loch Melfort to allow delivery of components to the site (Scoping Opinion has already been provided) and
- 2) an overhead line from the site to the 132 kV electricity distribution network (details of this grid connection do not form part of this application).

In relation to the power line, jetty and wind farm, objectors and consultees have raised concern about the fact that separate applications are required and the difficulty this creates in enabling the total impact of the overall development to be assessed. However, firstly, the grid connection/power line will not require planning permission as it will constitute 'permitted development' as it will constitute work carried out by a statutory undertaker in terms of the General Permitted Development (Scotland) Order 1992. Secondly, the wind farm site and jetty site are geographically separate and therefore in terms of planning law require separate consideration and must be the subject of separate planning applications.

The general design of the turbines and ancillary structures is acceptable with the exception of the substation building. It is considered that the design of this building would appear unsympathetic in the landscape were permission to be granted. As it is only an ancillary aspect of the wider proposal, it is not considered that it is eligible to be included in the reasons for refusal as design could be controlled by means of a condition in the event of an approval.

Whilst the design of the development is appropriate for a windfarm, its intended location is not due to the adverse impacts upon the receiving environment and therefore in terms of the overall sustainability of the proposal, it is considered that it would have an adverse consequences for the conservation of the natural environment, landscape character and the character of settlements.

The proposal conflicts with the provisions of Policies LP ENV 1: Development Impact on the General Environment and LP ENV 19: Development Setting, Layout & Design of the Argyll & Bute Local Plan (Adopted 2009), insofar as the development fails to respect the context into which it is to be located and fails to protect the established character and local distinctiveness of the landscape into which development is to be introduced. Furthermore, that in light of the proposals likely adverse landscape and visual impact it would be unsustainable and inconsistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policy STRAT SI 1: Sustainable Development of the Argyll & Bute Structure Plan (Approved 2002).

C. LANDSCAPE CHARACTER & LANDSCAPE IMPACT

Landscape impacts may be considered in terms of the disturbance, damage or loss of individual features of landscape character, such as streams, woodlands and open moorland. Landscape character is a fundamental starting point for assessing whether a landscape is suitable for assimilating wind energy development successfully, without giving rise to unacceptable impacts upon the countryside.

Scottish Natural Heritage (SNH) have objected to the proposal as it would have a significant adverse impact on the landscape character and the qualities of a distinctive and valued coastal landscape the protection of which is in the national interest, as it would adversely affecting a number of its key views, including some located within the Scarba, Lunga, and Garvellachs National Scenic Area (NSA). SNH has not identified any mitigation that will change this position. SNH believe this is the wrong location for this type and scale of development. They have taken account of the socio-economic benefits and wider environmental effects of the proposal based on current information, and do not consider that the likely impacts on the natural heritage are clearly outweighed by wider public interests.

The landscapes of Argyll's coastal edge are distinct in Scotland, made up of features including sea lochs, islands and peninsulas (which are often forested and with raised beaches), rising sharply to the coastal ridge and the start of craggy uplands. Behind the craggy uplands highlands can be glimpsed in the form of mountains such as Ben Cruachan. It is the inter-relationship of these landscape features that makes Argyll's coastal landscape so distinct. This regional landscape pattern can be found in and around Raera, the site of the proposed development.

The value of this landscape is recognised by the fact that Argyll & Bute Council has designated it as an 'Area of Panoramic Quality'. Furthermore, the Scarba, Lunga, and Garvellachs National Scenic Area recognise the special qualities to be enjoyed in a remote island setting which this area also influences. Scottish Planning Policy recognises that some parts of our coasts are of national significance.

Transport and recreational routes in these coastal landscapes are dictated by landforms, whether via the sea navigating sounds in between and around islands or on land, travelling around the fringes of sea lochs and over dips in the shoulder of a peninsula before dropping down towards the next sea loch. The landform often forces road and recreational routes to double back on themselves. Subsequently, the user experiences this landscape from many different perspectives, which are constantly changing whilst on a single journey. These will include views out to open sea, across sea lochs to the craggy uplands coastal ridge with glimpses of highlands, from the head of sea lochs out to sea, seascapes with islands and the mainland in the background and stretches along and over coastal ridges.

The mixture of landscape features, from open sea through to craggy uplands and glimpses of highlands, in a relatively confined narrow area creates a visually very complex landscape inviting exploration and understanding. The transport corridors through the landscape facilitate a rewarding and intimate experience with discovery round every bend.

The majority of developments in these coastal landscapes are small scale, along the coastal edge, and do not dominate or overpower the natural landform or the experience of the landscape. In addition, the scale of the existing development is such that it does not impact on the experience and enjoyment of the landscape and the relative distances and relationships of its individual components.

This proposed development will introduce turbines, which in turn introduce movement, on a large scale into this regionally-important landscape. The elevated location of the development site means the impact will be over a large area both in its own right and cumulatively (sequentially) with other wind farm development, introducing a dominant, overpowering landscape feature. This will have the effect of changing the landscape experience from one of where human influence has been moulded by the landform and has not changed its sense of scale, to one which is dominated by human influence, reducing the landscapes grandeur and scale by the sheer size of the development and the large area over which it has an impact.

This dominating aspect has the potential to be exaggerated due to the coastal ridges, which, whilst appearing quite high, are, in reality, quite low (approximately 300m). In many views the development will sit on or behind the coastal ridge. These ridges will still be perceived as high but, in turn, the turbines will be interpreted as being massive, further increasing the perception of overpowering presence of human influence. Due to the interaction of the turbines with glimpses of the highlands, the scale of the mountains such as Ben Cruachan will be diminished in some views. Additionally, the turbines may appear to be located close to Ben Cruachan. This effect will be exacerbated on clear days.

One of the main ways visitors enjoy the area is to tour. As such, the resident community and visitors will experience the dominating impacts of this development from a large variety of

different locations and landscape settings. SNH believe that this development will adversely impact on the enjoyment and benefits of the landscape as currently experienced, detracting from the quality of life for the resident communities and the quality of visitor experience of the area. It is for this reason that SNH object to this application.

The impacts on some views from within the afore-mentioned NSA itself are adverse and will erode the quality of the NSA. There are also cumulative impacts on the Craggy Uplands landscape character type in Argyll. SNH do not consider that these impacts alone would merit an objection. The objection relates to the totality of the proposed development's impact on the sensitive and important coastal landscape.

Due to the proposal's sensitive location, where its influence is over a wide area and the individual views and context are so varied, it has not been possible to identify any significant mitigation of visual impacts. SNH do not believe, for instance, that the removal of 1 or 2 individual turbines or a redesign of the proposed development would make it acceptable.

The developer does not agree with SNH's advice and has submitted a response to SNH's objections/concerns entitled 'comments on the Landscape and Visual Impact Assessment, dated September 2010 (this is available on the Council's website). SNH have advised that the content of this letter in no way alters their position with regards to the adverse impact of the proposal.

The views expressed by SNH in respect of landscape impacts are endorsed by officers. The application site is located on a sensitive coastal edge, recognised for its scenic qualities derived from the interplay between the land, the sea and the islands. It constitutes part of Argyll's prime landscape resource, valued for its inherent character and qualities and also for the role which it plays in the local tourism economy. The introduction of a development of the scale proposed would impose itself upon its landscape setting to the detriment of landscape character and would impinge on key views, some from panoramic viewpoints, where receptors would be particularly sensitive to change of this magnitude. Approval of the development would represent an unwelcome move away from the location of approved windfarm developments in upland areas inland, where they do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the interplay between the land and the sea and the views available from one to the other.

Having due regard to the above it is considered that this proposal will have a significant adverse impact on Landscape Character, will adversely affect a number of key views and will degrade designated scenic assets including an 'Area of Panoramic Quality' and a National Scenic Area. it is therefore inconsistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (approved 2009) and Policies LP ENV 9: Development Impact on National Scenic Areas; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 11: Development Impact on Historic Gardens and Designed Landscapes; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan (adopted 2009)

D. VISUAL IMPACT

Visual impact relates to the proposal's visibility and its impacts on views, as experienced by people. In determining the proposal's visual impact, the layout of the wind farm has been assessed from key viewpoints. Visually sensitive viewpoints include those where there are views to, or from, designated landscapes (e.g. National Park); however, sensitivity is not confined to designated interests. Visually sensitive viewpoints can include those which are frequently visited by people (such as well-used transport corridors, tourist roads, or picnic

spots), settlements where people live, other inhabited buildings or viewpoints which have a landscape value that people appreciate (and which they might visit for recreational pursuits such as the National Park or areas for hill walking, cycling or education).

In order to assess the visual impact, the developer has selected a series of viewpoints identified to reflect the sensitivity of receptors. These are located in local settlements, transportation corridors, places of cultural/historical interest and known popular viewpoints. It is accepted that photomontages and other visual information can only give an indication of the relative scale of the proposals in relation to the surrounding landscape. There is no disguising the visual impact of the proposal, as 125 metre tall structures will be clearly seen in the surrounding area.

Scottish Natural Heritage (SNH) object to the proposal as it will have a significant adverse impact on the landscape character and the qualities of a distinctive and valued coastal landscape whose protection is in the national interest, adversely affecting a large number of its key views, including some located within the Scarba, Lunga, and Garvellachs National Scenic Area (NSA). SNH has not identified any mitigation that will change this position. SNH have specific concerns regarding the quality of the supporting visuals and advise caution in their use for making informed decisions when determining the application as they believe they underplay the impact of the development. SNH did not request additional work to be undertaken as an improved Landscape and Visual Impact Assessment would not change the adverse landscape impacts or SNH's position with regard to the development.

SNH further advise that the impacts on some views from within the afore-mentioned NSA itself are adverse and will erode the quality of the NSA. However, SNH do not consider that this impact alone would merit an objection. SNH's objection relates to the totality of the proposed development's impact on the sensitive and important coastal landscape. The developer does not agree with SNH's advice and has submitted a response to SNH's objections/concerns entitled 'comments on the Landscape and Visual Impact Assessment, dated September 2010 (this is available on the Council's website). SNH have advised that the content of this letter in no way alters their position with regards to the adverse impact of the proposal.

The views expressed by SNH in respect of visual impacts are endorsed by officers. Although appropriate representative viewpoints have been chosen by the applicants to inform the assessment of the visual effects of the development, officers share the reservations expressed by SNH as to how the photomontages depict the suggested impact of the development, as appreciation on the ground does wholly reflect that which would be gained from consulting the photomontages (although it is accepted that these are intended as an aid in appreciation of the development when visiting the viewpoints, rather than being relied on independently).

Officers consider that the impact of the development on key views from the following locations would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity of the receiving environment:

- Close quarter views from and in the vicinity of the A816 (even though they would only be experienced by travelers over short distances);
- From locations across and above Loch Melfort and Loch Feochan;
- From locations above the Loch Avich Road (footpath routes);
- From the island of Luing (particularly from the panoramic vantage point above Cullipool);
- From within the Scarba, Lunga, and Garvellachs National Scenic Area (due to the sensitivity of receptors visiting this scenic location).

Having due regard to the above, it is considered that in terms of visual impact although its influence is not widespread, in terms of certain key views the impact will be significant particularly given the sensitivity of receptors experiencing such views. The proposal conflicts with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development;

STRAT DC 5: Development in Sensitive Countryside Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (approved 2009) and Policies LP ENV 9: Development Impact on National Scenic Areas; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan (adopted 2009)

E. CUMULATIVE IMPACT (NOISE, VISUAL, AVIATION, LANDSCAPE, ECOLOGICAL & HYDROLOGICAL)

Cumulative impact is difficult to assess and can have significant land use planning implications, particularly in relation to noise, visual, aviation, landscape, ecological, and hydrological impacts. The acceptability of proposals depends on the nature and character of the location, and sensitive visual receptors, wildlife species, and habitats. The Cumulative Impact Assessment considers other existing or approved wind energy developments and those subject to a scoping opinion (where information about the development was available).

SNH advise that there will be cumulative impacts on the Craggy Uplands landscape character type in Argyll. However, they do not consider that this impact alone would merit an objection. Their objection relates to the totality of the proposed development's impact on the sensitive and important coastal landscape.

Consultees have not raised any concern about adverse cumulative impact in terms of: noise, aviation, ecological or hydrological impact. Non-cumulative concerns/comments they may have are detailed in the appropriate sections of this report.

Having due regard to the above it is considered that in terms of 'Cumulative Impact' this proposal is consistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan (adopted 2009)

F. ECOLOGICAL IMPACT

Argyll & Bute is rich in natural heritage. Several areas of Argyll & Bute have been designated to reflect their international, national or local importance for the protection of species, habitats, geology, landforms, or a combination of these. However, there are many other habitats and species of importance found out with designated sites. Proposals outwith designated sites, can still affect areas of natural heritage protected under national or international designations. To assist in the consideration of the magnitude of ecological effects SNH, The Salmon Fishery Board and the Local Biodiversity Officer have been consulted

In terms of Habitat and Species impacts, SNH agree with the conclusions of the ES and the proposed mitigation it contains for all the natural heritage resources relating to habitat and species.

The Salmon Fishery Board overall has considerable concerns about the Raera wind farm development given the amount of potential disruption to watercourses within the site and the scale of the development itself. The main areas of potential impact on 'in river' species,

including fish are: silting due to road building and forestry clearance; chemical (including concrete) pollution to water courses; and inappropriate bridges and culverts preventing fish access. It is recommended that these matters be controlled by appropriate planning conditions should Members be minded to grant permission.

The Council's Local Biodiversity Officer has reservations in terms of the mitigation for protection of a number of species and peatland and freshwater habitats, and would recommend the requirement for an Environmental Management Plan (EMP) (to include species and habitats named in the site reports) to reflect the site preparation process and subsequent completion of the wind farm. The EMP should include the timing of operations to have the least impact on the habitats and species, primarily, ground nesting and migratory bird species, bat species, otter, lichens and bryophytes, fish and invertebrate species. This plan should be submitted prior to any development to allow time for natural heritage and biodiversity interests to assess the information. In the meantime, the Local Biodiversity Officer reserves her opinion on this application until an Environment Management Plan has been submitted and agreed. This could be secured by way of an appropriate planning condition in the event of permission being granted.

Having due regard to the above it is considered that subject to appropriate conditions (should planning permission be granted), the ecological impact of the proposal is acceptable and subject to the implementation of an Environment Management Plan the proposal is capable of being consistent with the provisions of Policy STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan (Adopted 2009) and Policies LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the Argyll & Bute Local Plan (adopted 2009)

G. ORNITHOLOGICAL IMPACT

Development of a wind energy development can affect bird species either in terms of bird strikes or in terms of disturbance to foraging and nesting sites. The construction of turbines, tracks and ancillary development in those areas frequented by breeding birds should occur outwith the nesting season. The risk of disturbance to bird species during operation should be seriously considered (PAN 45, 2002).

The Royal Society for the Protection of Birds does not object to this proposal but does have concerns regarding: the proposal's potential to impact on raptors, namely golden eagle and hen harrier (Annex 1 species of the EC Bird Directive) and has provided advice and suggested mitigation measures to minimise these impacts in the form of planning conditions. Scottish Natural Heritage has not raised any objection to the proposal in relation to ornithological concerns.

Having due regard to the above it is considered that subject to appropriate conditions (should planning permission be granted), the ornithological impact of the proposal is acceptable and the proposal is consistent with the provisions of Policy STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan (Adopted 2009) and Policies LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the Argyll & Bute Local Plan (adopted 2009)

H. HYDROLOGICAL IMPACT

Hydrology and the potential effects of drainage from turbine, access tracks and other ancillary development should be considered, as there could be significant effects on or adjacent to the application site. Watercourses, underground streams and private springs should be avoided, and private water supplies should not be adversely affected.

SEPA do not object to the planning application provided that, in the event that planning permission being granted, conditions are attached relating to: impacts on the water environment (to ensure that the risk to groundwater and private water supplied in the vicinity of the development is adequately assessed); impact of borrow pits on general environment and hydrogeology (this is not applicable as they must be subject to separate planning applications); detailed specification for surface water drainage arrangements; construction method statement; full site specific environmental management plan; and watercourse crossings.

The developer has submitted some of the information requested by SEPA in relation to private water supplies (initially required to be controlled by condition). The information submitted clarified that the private water supply locations in the ES referred to the location of private water supply properties. SEPA have confirmed that the information provided is satisfactory and are of the view that the private water supplies for the properties detailed are unlikely to be at risk from the development, given the distance between them. They also note that the details of how the private water supplies will be protected during construction will be detailed in the Construction Method Statement and Environmental Management Plan (should permission be granted).

Having due regard to the above, subject to appropriate conditions, it is considered that the proposal is consistent with the provisions of: Policy STRAT DC 10: Flooding & Land Erosion of the Argyll & Bute Structure Plan (Approved 2002) and Policies LP ENV 12: Water Quality and Environment; LP SERV 6: Waste Related Development and Waste Management in Developments, and LP SERV 9: Flooding and Land Erosion of the Argyll & Bute Local Plan (adopted 2009)

I. PEAT IMPACT

A Peat Stability Assessment is contained within the Technical Appendices of the Environmental Assessment. The wind farm site has been assessed for peat stability; the assessment has been based on a thorough inspection of the digital terrain map, detailed mapping of the proposed access route and turbine locations and constraints, and a four day walk-over and peat probing survey. The overall conclusion regarding peat stability is that there is an existing low risk of peat instability at the site. Given these ground conditions, the proposed site activities do not constitute a significant hazard, thus the risk of causing instability is assessed as low. Should the potential for peat stability occur locally, it may be mitigated by appropriate design, construction methodology and supervisory control of construction works.

SEPA advise that although peat is found on site it is not seen as a significant hazard. They note from BGS maps that peat is mapped around turbine no. 6. SEPA recommend that a peat survey is undertaken in this area to evaluate peat stability around the turbine foundation. They further advise that mitigating measures may be required to deal with peat stability and drainage.

The peat survey includes an investigation of the ground around Turbine 6. The survey found that the peat at these locations is between 0.5m and 1.0m thick and is predominantly associated with small patches of deeper peat contained within hummocky terrain. No groundwater seepages were noted and surface water was beyond 50m from the location. There was no significant slopes noted at the location and the survey concludes that peat instability is unlikely.

SEPA has requested that a condition is attached to any grant of planning permission to secure a site specific Construction Method Statement. Furthermore, they have noted from the Environmental Statement that construction control measures to mitigate peat damage will be defined and included in the Construction Method Statement.

Having due regard to the above it is considered that the stability of peat deposits has been given appropriate cognisance and the proposal is consistent with the provisions of

Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll and Bute Local Plan (2009).

J. BUILT HERITAGE & ARCHAEOLOGICAL IMPACT

The built and cultural heritage of Argyll & Bute contributes towards the identity of the area, and every effort must be made to protect it. Advice has therefore been sought from Historic Scotland and the Council's Archaeological Service, to ensure that there will be no adverse impacts on the site or setting of scheduled ancient monuments, listed buildings, conservation areas or any historic design landscapes.

Historic Scotland has undertaken an appraisal of the ES and their comments concentrate on their statutory remit at the national level for: scheduled monuments and their settings; category A listed buildings and their settings; historic gardens and designed landscapes appearing in the inventory. Historic Scotland do have some concerns with some of the criteria employed in the ES to assess the relative significance or sensitivity of historic environment assets of national importance in the vicinity of the development. Despite this, Historic Scotland accept conclusions reached in the ES that any impacts on sites of national importance are not as such a level of significance to warrant an objection. It has therefore been concluded that the proposal will not harm any built and cultural heritage within or relative to the site.

The West of Scotland Archaeology Service does not object to the proposal providing a condition is attached to any grant of planning permission to secure a programme of archaeological works and written scheme of investigation to be agreed by the Council and the West of Scotland Archaeology Service.

Having due regard to the above it is considered that the proposal will not have adverse impact on the Built Heritage & Archaeology of Argyll (subject to recommended conditions should permission be granted) and is therefore consistent with the provisions of Policy STRAT DC 9: Historic Environment & Development Control of the Argyll & Bute Structure Plan (adopted 2009) and Policies LP ENV 11: Development Impact on Historic Gardens and Designed Landscapes; LP ENV 13a: Development Impact on Listed Buildings LP ENV 14: Development in Conservation Areas and Special Built Environment Areas; LP ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17: Development Impact on Sites of Archaeological Importance of the Argyll & Bute Local Plan (adopted 2009)

K. TOURISM, RECREATION & ACCESS TO THE COUNTRYSIDE IMPACT

Argyll & Bute's landscapes and townscapes are a major economic asset for the tourism industry. The sensitive coastal edge within which the application site is situated forms part of Argyll's most valued prime landscape resource, with recognition of this being given in the scenic designation of the area. It also influences an area of national landscape importance in the Scarba, Lunga, and Garvellachs National Scenic Area.

Wind farm proposals are expected not to result in the unacceptable loss of amenity to individuals who enjoy recreation pursuits on land or water. Proposals should also have no adverse effect on any existing or proposed public access for walking, cycling or horse riding, unless it retains existing or potential public access, while maintaining or enhancing its amenity value; or an alternative access is provided, which must be no less attractive and is safe and convenient for public use. In light of this proposal's likely adverse landscape and visual impacts detailed above, it must be concluded that the presence of development in a location of sensitivity in terms of landscape character and with turbines of the scale proposed, would be likely to have an adverse impact on tourism within Argyll & Bute by adversely affecting unique landscapes and townscapes which are important local and national tourism resources. This is

especially the case where tourists visit an area specifically to appreciate landscape, seascape and panoramic views and are particularly sensitive receptors as a consequence.

Although studies commissioned to assess the sensitivity of tourists to the presence of windfarm developments have not produced entirely consistent responses, it should be noted that in recent Scottish Ministers appeal decisions, in both cases, the Reporters accorded weight to the extent of the importance of tourism on the local economy in Argyll & Bute. (14 turbines Corlarach Hill, east of Glen Fyne, Bullwood Road, Dunoon, PPA-130-209 dismissed 27th May 2009 and 16 turbines Black Craig to Blar Buidhe, Glenfyne, Cowal, PPA-130-214 dismissed 22nd September 2009).

The Access Officer has no objections to the proposal, however, notes that from records and from Ordnance Survey data it appears that a number of paths cross the site. These paths could be valuable and should be protected ensuring access is maintained and improved. The Council has an obligation to ensure that access is maintained along existing paths. This means that paths and access rights are a material planning consideration. Conditions are recommended to protect these paths should planning permission be granted.

Having due regard to the above it is considered that the proposal will not have any adverse impact on access and is consistent with the provisions of Policy LP ENV 1 (B): Development Impact on the General Environment of the Argyll & Bute Local Plan (adopted 2009). However, it is considered that due to the adverse impact this proposal will have on the landscape, this proposal will have consequent adverse implications for tourism resources and it is therefore inconsistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan (adopted 2009)

L. IMPACT ON WOODLAND

If a wind energy development will result in the felling and reshaping of existing woodland, a forest design plan, including felling and restructuring, proposals should be supplied as part of the application. The forest design plan should be carried out and presented in accordance with Forestry Commission guidelines.

Forestry Commission Scotland object to the proposal as it currently stands. The main reason for their objection is that the proposal seeks to permanently remove some 720 hectares or thereabouts of forest (as well as not replanting a further 100 hectares or so of forest awaiting replanting after routine felling) and therefore does not comply with the Scottish Government's '*Policy on Control of Woodland Removal*' nor the statutory guidance on woodland removal contained in the National Planning Framework 2. In short, it does not take into account the need to minimise the inappropriate loss of existing woodland or the strong presumption in favour of compensatory planting where woodland is removed in association with development.

SNH agree with the Forestry Commission on the need for the developers to compensate for the loss of carbon storage. The provision of carbon storage provides an opportunity for some habitat enhancement. As such SNH recommend that any habitat management of the site, to offset carbon storage loss, compliments and enhances the existing semi-natural ancient broadleaf resource to be found in and around the site by seeking to further expand this habitat type. Such management should also protect any existing important habitat types found on the site, including those along the side of rivers and burns.

The developer has responded to the concerns raised by the Forestry Commission in correspondence dated 9th September 2010. Further analysis has indicated that replanting the area from the wind farm edge to the 500m radius boundary would be possible and it is proposed that these areas are replanted with short crop sitka spruce. Comments are also provided in relation to Forest Structure; Updated Felling Design Plan; Red Squirrel (no evidence of red squirrels has been found); and Deer Management (the developer has agreed to provide the Forestry Commission with deer management plan).

Deer management is not a planning issue and will be dealt with jointly by the Forestry Commission and Scottish Natural Heritage. The developer is aware of the protection which is afforded red squirrels in terms of the Wildlife and the Countryside Act and surveys undertaken have not identified any evidence of red squirrels. However, should permission be granted 'red squirrels' will be protected by the Wildlife and the Countryside Act should any be discovered on site during construction.

This leaves the matter of the strong presumption in favour of compensatory planting for the woodland proposed to be removed. In the event that Members are minded to grant planning permission, it will be necessary to secure a scheme of compensatory planting to be agreed with the Forestry Commission by way of condition/Section 75 Legal Agreement (whichever is the most appropriate mechanism). It should be noted that in order to satisfy the Forestry Commission's requirements, compensatory planting would not necessarily have to take place in the vicinity of the development site, nor necessarily within the confines of Argyll.

Having due regard to the above it is considered that providing a scheme of Forestry Plan/Compensatory Planting is agreed with the Forestry Commission and secured by an appropriate mechanism, the proposal will not have any adverse impact on woodland in terms of the National Planning Framework 2 and National Policy and would therefore be consistent with the provisions of Policy STRAT FW 2 – Development Impact on Woodland of the Argyll & Bute Structure Plan (approved 2002) and Policy LP ENV 7: Development Impact on Trees/Woodland of the Argyll & Bute Local Plan (adopted 2009).

M. NOISE

Potential noise nuisance an issue raised by several objectors. The developer has confirmed to the satisfaction of the Environmental Health Officer that the requirements of PAN 56 will be met in relation to noise and its impact on neighbouring residential properties.

In assessing the impact of noise from this proposal regard has been paid to the best practice document published by ETSU and the DTI '*The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)*'. This is accepted as a national reference for the assessment of noise from wind farms and details criteria and standards that should be considered and applied.

The Environmental Health Officer has no objection to the proposal and advises that the conclusions in the ES confirm that the noise levels likely to be produced by the operations of the wind farm will have no impact upon the residential properties around the development site.

Having due regard to the above it is considered that the proposal will not have any adverse noise impact and is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (Approved 2002) and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan (Adopted 2009).

N. SHADOW FLICKER

Another issue to be considered is that of shadow flicker. Under certain combinations of geographical position, time of day and time of year, the sun may pass behind the rotor and cast

a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect known as “shadow flicker”.

The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the potential site. PAN 45 advises that where separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters). At the proposed site the ES confirms that the separation between the wind farm and the nearest residential property is greater than 10 x rotor diameter (10 x 90m = 900 metres). Under accepted good practice and guidance, this will ensure that shadow flicker will not present a problem and the Council’s Environmental Health Officer is satisfied with the proposal in this regard.

Having due regard to the above it is considered that the proposal is acceptable in terms of ‘Shadow Flicker’ and that it will not have any adverse impact on amenity and is consistent with the Provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (Approved 2002) and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan (Adopted 2009).

O. TELEVISION RECEPTION

Television reception can be affected by the presence of wind turbines. This is of a predictable nature, and can be alleviated by installing or modifying the local repeater station or some cable connection. Terrestrial television services for domestic reception within the UK are the joint responsibility of the BBC and Ofcom. In the event of television reception problems, there may be straightforward potential solutions such as improving the receiving aerials or providing affected households with an alternative source of suitable television signals – off air from a different transmitter, from an existing cable system, or in some circumstances from a satellite. This source should be analogue or digital. Details of this would need to be included in a Section 75 Legal Agreement should planning permission be granted for the proposal.

Having due regard to the above it is considered that the proposal is acceptable and that it will not have any adverse impact on amenity and is consistent with the Provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (Approved 2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan (Adopted 2009).

P. AIRCRAFT, AERODROMES & TECHNICAL SITES (SAFEGUARD ZONES & ELECTRO-MAGNETIC INTERFERENCE)

Tall structures such as wind turbines can potentially interfere with electromagnetic transmissions of aviation operations, depending on their size, shape, construction materials and location. Their support structure and rotating blades can have an effect on communication, navigation and surveillance by giving off false radar returns and masking (shadowing) genuine aircraft returns.

Tall structures can also act as obstructions to low flying aircraft as they take off and land or interfere with visual aids such as landing lights. There are also issues of cumulative impacts that should be considered - Cumulative impact is a significant concern to the British Aviation Authority (BAA). For this reason, major airports and technical sites (civil and military) must be safeguarded. Consequently, the relevant licensee and operators have been consulted about this proposal and have confirmed, subject to certain conditions, that they are satisfied with the proposal.

Defence Estates has no objection. However, in the interests of air safety, they recommend that the turbines are fitted with 25 candela omni-directional red aviation lighting at the highest practical point. This night-time lighting and its consequential visual impact, albeit small, is of

concern, due to the proposed location of the wind farm in a rural area with limited light pollution. Although such lighting will have minimal environmental impact, it is recommended that should permission be granted a condition is attached requiring the use of Infra Red lights as an alternative. This will ensure that there is no environmental impact on the surroundings as the Infra Red will be invisible to the naked eye.

National Air Traffic Services advise that the proposed development is unlikely to impact on their electronic infrastructure and they have no safeguarding objection to this proposal.

BAA Aerodrome Safeguarding has no objection to the proposal; it has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria as it is out with the area of concern for Glasgow, Edinburgh and Aberdeen Airports.

The Civil Aviation Authority has no objection to the proposal providing consultation is undertaken with the Airport licensee/operators, MoD, NATS, BAA and Local Emergency Services and they are afforded the opportunity to comment upon the application and that any concerns expressed are taken into account during any related future planning deliberations. Several conditions are also recommended should permission be granted for the scheme, relating to: aviation lighting, paint colour and the proposal being charted on civil aviation maps.

The Scottish Ambulance, South West Division & National Air Wing have confirmed that the wind farm would have no impact on air ambulance operations.

The Oban Airport Manager has not formally responded to the consultation sent by Development Management. They have confirmed in correspondence to the agent that they have looked at ES and advised the agent that they will not be raising objections or conditions against the proposal.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine Development Argyll & Bute Structure Plan (approved 2002) and Policies LP REN 1: Commercial Wind Farm and Wind Turbine Development and Policy LP TRAN 7: Safeguarding of Airports of the Argyll & Bute Local Plan (adopted 2009)

Q. ELECTRO-MAGNETIC INTERFERENCE (COMMUNICATION SYSTEMS)

Wind turbines produce electro-magnetic radiation, which can interfere with broadcast communications and signals. It is impossible to obtain a definite picture of all the transmission routes across any proposed site for a wind energy development due to the large number of bodies who use communication systems.

Relevant authorities and bodies which use communication systems such as: Defence Estates, British Aviation Authority, Civil Aviation Authority, National Air Traffic Control Service, Ofcom, and the Joint Radio Company have been consulted in order to identify any potential wireless communication issues and have confirmed that the proposal would have no adverse impact on the communication networks under their jurisdiction.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine Development Argyll & Bute Structure Plan (approved 2002) and Policies LP REN 1: Commercial Wind Farm and Wind Turbine Development and Policy LP TRAN 7: Safeguarding of Airports of the Argyll & Bute Local Plan (adopted 2009)

R. ROAD NETWORK & TRANSPORT MATTERS

Transport Scotland advise that: 'Overall there will be a minimal increase in traffic on the trunk road, during the operation of the facility, therefore the proposed development is not likely to have a significant impact on the operation of the trunk road network. However, it is likely that as many of the construction loads may be categorised abnormal, authorisation from their management organization Scotland Transerv (ST) may be required. Transport Scotland have advised that ST be consulted on the feasibility of transportation of items to site and that due to the frequency and number of these loads it is UK policy to restrict these movements via the nearest suitable port. Consequently, should Members be minded to grant planning permission for this proposal, it would be appropriate to attach an advisory note to this effect.

The Area Roads Manager has no objection to the proposal subject to conditions (should Members be minded to grant planning permission) on the basis that discussions are entered into with ABC with respect to suitable traffic management arrangement for construction traffic delivering materials to the site and the access via the proposed jetty is subject to a separate planning application.

Having due regard to the above, and subject to the recommended conditions should planning permission be granted, it is considered that the proposal will not have any adverse road network or transport impact and the proposal is consistent with the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 6: Vehicle Parking Provision of the Argyll & Bute Local Plan (adopted 2009).

S. INFRASTRUCTURE

Scottish Water has no objection to this proposal. They advise that there are no public sewers or public water mains in the vicinity of the proposal. SEPA has confirmed that it is unlikely that the proposal will have any adverse impact on private water supplies.

Having due regard to the above it is concluded that the proposal will not have any adverse impact on private water supplies and is therefore consistent with the provisions of Policy LP SERV 4: Water Supply of the Argyll & Bute Local Plan (Adopted 2009).

T. HEALTH & SAFETY

The Health and Safety Executive were consulted on this application and made no comment on the environmental statement.

U. WIND REGIME

Wind farm proposals should be located in areas of suitable wind speeds. An anemometer which was subject to separate planning permission has been erected on site for quite some time and has provided data demonstrating that wind speed on site is at an acceptable level.

V. GRID NETWORK

The best wind speeds are often some distance from a national grid connection point. There are also issues relating to the capacity of the national grid, and although this is not a matter of land use policy, many wind farm proposals may sit in abeyance for a number of years before capacity can be made available. No details of the grid connection have been provided as part of this application. It has been indicated that this may comprise an overhead line from the site to the 132 kV electricity distribution network. Several objectors and consultees have raised concerns about the exclusion of the grid connection from this application. However, as detailed previously in this report there is no legal requirement for it to be included.

W. COMMUNITY BENEFIT

Several representees have raised the issue of 'Community Benefit'. This issue has not been considered as a 'material planning consideration' in the determination of this proposal. In the event that permission were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

X. DECOMMISSIONING

Wind turbines are temporary structures, with an estimated life span in the region of 25 years, and decommissioning needs to be considered.

A requirement for decommissioning and site clearance should be included in the planning condition(s) and/or legal agreement, should the application be approved, which will be triggered by either the expiry of the permission or if the project ceases to operate for a specific period (PAN 45, 2002).

Having due regard to the above, as decommissioning can be controlled by condition/Section 75 Legal Agreement, it is considered that the proposal is acceptable in terms of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (Approved 2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan (Adopted 2009).

Y. SCOTTISH GOVERNMENT ADVICE

Scottish Planning Policy

Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Development plans should provide a clear indication of the potential for development of wind farms of all scales, and should set out the criteria that will be considered in deciding applications for all wind farm developments including extensions. The criteria will vary depending on the scale of development and its relationship to the characteristics of the surrounding area, but are likely to include: landscape and visual impact; effects on the natural heritage and historic environment; contribution of the development to renewable energy generation targets; effect on the local and national economy and tourism and recreation interests; benefits and disbenefits for communities; aviation and telecommunications; noise and shadow flicker, and cumulative impact.

The design and location of any wind farm development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

Planning Advice Note 45 'Renewable Energy Technologies'

Developers should seek to ensure that through good siting and design, landscape and visual impacts are limited and appropriate to the location. The visual effect will be dependent on the distance over which a wind farm may be viewed, whether the turbines can be viewed adjacent to other features, different weather conditions, the character of the development and the landscape and nature of the visibility.

Having due regard to the above and based on the likely adverse Landscape & Visual Impact it is considered that the proposal is inconsistent with this advice.

Planning Advice Note 81 'Community Engagement – Planning with People'

Community engagement and consultation at all stages is an increasingly important aspect of all development proposals, as a result of the responsibility set out in the Planning etc. (Scotland) Act 2006. This PAN provides advice on how best to carry out the community engagement process. This application was subject to the Pre-Application Consultation process and the developer has undertaken community engagement and submitted the results in their 'Pre-Application Consultation' document.

Scottish Government is strongly committed to developing wind power and other renewable technologies. It is Government policy to seek to stimulate the development of new renewable energy sources whenever they have the prospect to be economically attractive and environmentally acceptable in order to contribute to diverse, secure and sustainable energy supplies and a reduction in the emission of pollutants. As a result a market based support mechanism for renewable energy has been introduced which places an obligation on electricity suppliers to buy an increasing proportion of their electricity from renewable sources. This is called the Renewables Obligation Scotland (ROS) and to enable this to happen the Government has advised Planning Authorities in its National Planning Guidance to provide positively for renewable energy developments *where this can be achieved in an environmentally acceptable manner*.

Having due regard to the above it is considered that the developer has engaged with the community appropriately and the proposal is consistent with the provisions of PAN 81: Community Engagement – Planning with People. However, due to the potential adverse landscape, visual and cumulative impact the development could have it is considered that the proposal is inconsistent with the provisions of PAN 45: Renewable Energy Technologies and Scottish Planning Policy.

Z. SCOTTISH GOVERNMENT RENEWABLE ENERGY TARGETS & ARGYLL & BUTE'S CONTRIBUTION

In assessing the acceptability of windfarm developments, it is necessary to have regard to the macro-environmental aspects of renewable energy (reduction in reliance on fossil fuels and contribution to reduction in global warming) as well as to the micro-environmental consequences of the development proposed (in terms of the impact of its presence upon its surroundings).

Scottish Government's '*Climate Change in Scotland Annual Report 2009-10*' - this report states that in terms of renewables targets Scotland is currently committed to achieving a headline target of 20% of total Scottish energy use coming from renewable sources by 2020. In terms of electricity, the target is to achieve 50% of gross electricity consumption from renewable sources by 2020, with an interim target of 31% by 2011. The 2011 milestone for renewable electricity generation equates to around 5 GW of installed renewable generation capacity. This target is one of the Scottish Government National Indicators and is reported on annually by the Scottish Government. Current performance against this indicator stands at 22%, based on 2008 electricity generation statistics.

Based on the Council's most up to date wind farm proposal map and associated information there are a total of 9 operational wind farms in Argyll & Bute, namely: Carn Gaibhre, Taynuilt; Deucheren Hill by Carradale; Beinn an Tuirc by Carradale; Tangy by Kilkenzie; Cruach Mhor, Glendaruel; Isle of Luing; Clachan Flats by Cairndow; Isle of Gigha; Tangy by Kilkenzie 2; and, An Suidhe. The total capacity of these amounts to approximately 175.5 MW or 0.175 GW. These figures do not include wind farms with permission which have not been constructed yet.

Whilst the 45 megawatt maximum capacity of the development is palpable in terms of the additional resource the development could add to Argyll and Bute's contribution to Scotland's renewable energy commitments and aspirations, it is not considered that the macro-environmental benefits of the proposal in terms of renewable generating capacity are such as to

warrant the setting aside of the other development plan policy considerations identified above which have prompted the recommendation of refusal of the application.

APPENDIX C – REPRESENTATIONS RELATIVE TO APPLICATION NUMBER: 09/01874/PP

AGAINST THE PROPOSAL

M MacNeil	1 Cnoc Achalltuinn Clachan Seil PA34 4TR	18/06/2010	O
M McPhee	1 Gylen Close Oban Argyll And Bute PA34 4RL	05/07/2010	O
The Occupier	1 Kilbrandon Cottages Balvicar Oban Argyll And Bute PA34 4RA	06/07/2010	O
Colina MacInnes	1 Rowantree Cottages Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TP	18/06/2010	O
Jayne And Roy Gillions	10 Picasso Place Aylesbury Bucks HP19 8SX	08/06/2010	O
Mr And Mrs P Hines	11 Balvicar Isle Of Seil Oban Argyll And Bute PA34 4TF	09/06/2010	O
J L Alexander	11 Cullipool Isle Of Luing Oban Argyll And Bute PA34 4UB	25/06/2010	O
Caroline Johnston	112 Balcarres Avenue Glasgow G12 0QR	21/03/2010	O
B J Smith	12 Balvicar Isle Of Seil Oban Argyll And Bute PA34 4TF	29/06/2010	O
Derek Lyall	12 Easdale Island Oban Argyll And Bute PA34 4TB	06/07/2010	O
Mary Withall	13A Easdale Island By Oban Argyll PA34 4TB	08/06/2010	O
Lucy H G Files	14 The Glebe Kilmelford Oban Argyll And Bute PA34 4XF	05/07/2010	O
P J Long	14B Easdale Island Oban	08/07/2010	O

	Argyll And Bute PA34 4TB 15 Balvicar Seil Island Oban		
S Wharton	Argyll And Bute PA34 4TF 15 Kersley Street London	28/06/2010	O
The Occupier	SW11 4PR 15 Langton Street London	06/07/2010	O
The Occupier	SW10 0JL 16 Forestry Cottages Eredine Dalmally	28/09/2010	O
Karl Pipes	Argyll And Bute PA33 1BS 174B Iverson Road West Hampstead London	30/03/2010	O
Mr S P Hines	NW6 2HL 2 Kilbrandon Cottages Balvicar Isle Of Seil Oban	06/07/2010	O
Martin Wadell	Argyll And Bute PA34 4RA 2 Kilbrandon Cottages Balvicar Isle Of Seil Oban	18/06/2010	O
Myra Waddell	Argyll And Bute PA34 4RA 2 Pitcote Lane Poundbury Dorchester	09/06/2010	O
Captain And Mrs James Briggs	Dorset 2 Valley View Prudhoe Northumberland	24/03/2010	O
J R F Kruse	NE42 5BL 21 Lindisfarne Road Newcastle Upon Tyne	13/04/2010	O
Mrs Deborah Anne Macdonald	NE2 2HE 22 Iona Drive Trowell Nottingham	14/07/2010	O
The Occupier	NG9 3RF 23 Cairns Drive Glasgow	01/07/2010	O
Hugo Struthers	G62 8AJ 23 Cairns Drive Milngavie	14/05/2010	O
Mrs A L Struthers	G62 8AJ 25 Dunmore Gardens Dundee	21/05/2010	O
I And C Taylor	DD2 1PP 3 Easdale Island By Oban	05/07/2010	O
Heather Chaplin	Argyll PA34 4TB 3 Park Lane Lunga	30/07/2010	O
The Occupier	Craobh Haven PA31 8UU 3 Rowantree Cottages Clachan Seil	09/06/2010	O
A Kennedy		18/06/2010	O

	Isle Of Seil Oban Argyll And Bute PA34 4TP 33a Easdale Island By Oban Argyll		
H Tarball	PA34 4TB 34 Ellenabeich Isle Of Seil Oban	30/06/2010	O
Donald And Lynn MacPherson	Argyll And Bute PA34 4RQ 38 Ellenabeich Isle Of Seil Oban	21/06/2010	O
J D MacKay	Argyll And Bute PA34 4RQ 39 Ellenabeich Isle Of Seil Oban	07/06/2010	O
The Occupier	Argyll And Bute PA34 4RQ 39 Toberonochy Isle Of Luing Oban	18/06/2010	O
Denise Cowley	Argyll And Bute PA34 4UE 4 Cnoc Beag Balvicar Isle Of Seil Oban	11/02/2010	O
H Clark	Argyll And Bute PA34 4TH 4 Creag Bhan Village Glengallan Road Oban	09/07/2010	O
C Dryden	Argyll And Bute PA34 4BF 4 Seaview Terrace Easdale By Oban	26/08/2010	O
Mr And Mrs Johnston	PA34 43g 4 Whinbank Clachan Seil Isle Of Seil Oban	01/07/2010	O
Margaret Morrison	Argyll And Bute PA34 4TW 41 Ellenabeich Easdale By Oban	21/06/2010	O
George Doyle	Argyll And Bute PA34 4RQ 42 Easdale Island Oban	24/06/2010	O
Alistair Knox	Argyll And Bute PA34 4TB 46 Easdale Island Oban	06/07/2010	O
A Clayton	Argyll And Bute PA34 4TB 46 Easdale Island Oban	08/07/2010	O
Mrs A Clayton	Argyll And Bute PA34 4TB 55 Easdale Island Oban	07/06/2010	O
Keith Oversby	Argyll And Bute	08/06/2010	O

	PA34 4TB		
	55 Easdale Island Oban Argyll And Bute		
Tina Jordan	PA34 4TB 6 Acha Balvicar Isle Of Seil Oban	21/06/2010	O
	Argyll And Bute		
R K And J C Stowe	PA34 4RJ 6 Balvicar Isle Of Seil Oban	28/06/2010	O
	Argyll And Bute		
Eileen Clark	PA34 4TF 6 Cnoc - A - Challtuinn Clachan Seil	09/07/2010	O
	Argyll		
Mr P Gillespie	PA34 4TR 6 Seaview Terrace Easdale	18/06/2010	O
	Argyll		
J And L McLean	PA34 4RG 61 Ellenabeich Easdale Seil By Oban	23/06/2010	O
	Argyll		
Ruth Morris	PA34 4RQ 61 Ellenabeich Isle Of Seil Oban	11/06/2010	O
	Argyll And Bute		
The Occupier	PA34 4RQ 7 East Vows Walk Kirkcaldy Fife	11/06/2010	O
	Argyll		
Mr J R And Mrs P J Pattison	KY1 1SQ 8 Seaview Terrace Easdale Oban	13/07/2010	O
	Argyll		
Linda Brown	PA34 4RG 8 Wallace Terrace Barrhill Girvan	11/06/2010	O
	Argyll		
Lily And Douglas Niven	KA26 0QS 9 Osborne Terrace Wester Coates Edinburgh	30/06/2010	O
	Argyll		
Richard Glover	EH12 5HG Ach Na Clach Clachan Seil Oban	25/03/2010	O
	Argyll		
Elizabeth Galloway	PA34 4TL Achnaseilach Clachan Seil Isle Of Seil Oban	18/06/2010	O
	Argyll And Bute		
Mr G W Stewart And Mrs J M Stewart	PA34 4TJ Alma Cottage Clachan Seil Isle Of Seil Oban	04/06/2010	O
	Argyll And Bute		
The Occupier	PA34 4TL	09/08/2010	O

Professor M S Baxter	Ampfield Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TL	08/06/2010	O
Mrs S Downie	An Cala Isle Of Seil Argyll PA34 4RF	08/06/2010	O
Carol Collis	An Fhuaran Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TL	25/06/2010	O
Donald McBurnie	Ard Gorm Barran Kilmore Argyll PA34 4XR	11/02/2010	O
Donald McBurnie	Ard Gorm Barran Kilmore Oban Argyll And Bute PA34 4XR	11/02/2010	O
J K Taylor	Ardencaple Farm Clachan Seil Oban PA34 4TN	02/06/2010	O
Mr A J Struthers	Ardmaddy Castle Ardmaddy Oban Argyll And Bute PA34 4QY	14/05/2010	O
Mrs S Struthers	Ardmaddy Castle Ardmaddy Oban Argyll And Bute PA34 4QY	13/05/2010	O
Sabrina And Archie Struthers	Ardmaddy Castle By Oban Argyll And Bute PA34 4QY	03/09/2010	O
Charles Struthers	Ardmaddy View Clachan Seil Isle Of Seil Oban Argyll PA34 4QY	12/05/2010	O
A Shann And Y Shann	Ardmaddy View Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TN	03/06/2010	O
Frances Hill	Ardross Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TL	18/06/2010	O
The Occupier	Ardruighe Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TL	01/07/2010	O

	Ardshellach Farm Ardmaddy Oban		
Doreen And James Gilbert	Argyll And Bute PA34 4QY Arran Cottage Ardmaddy Oban	11/02/2010	O
Mrs T Campbell	Argyll And Bute PA34 4QY Arran Cottage Ardmaddy Oban	09/06/2010	O
N Campbell	Argyll And Bute PA34 4QY Asselholm Cottage Pinmore	09/06/2010	O
Mr Charles Welsh	Grivan KA26 0HY Balvicar Stores Balvicar Isle Of Seil Oban	01/07/2010	O
Mr A McFarlane	Argyll And Bute PA34 4TE Balvicar View Clachan Seil Isle Of Seil Oban	28/06/2010	O
Mr J E Ferris	Argyll And Bute PA34 4TL Balvicar View Clachan Seil Isle Of Seil Oban	18/06/2010	O
Mr J Ferris	Argyll And Bute PA34 4TL Barndromin Farm Knipoch By Oban	18/06/2010	O
Mrs Morag Mellor	Argyll PA34 4QS Barndromin Farm Knipoch By Oban	12/02/2010	O
Jamie Mellor	Argyll PA34 4QS Barocheal Kilninver By Oban	12/02/2010	O
Nigel Mitchell	Argyll PA34 4UT Barochreal Kilninver By Oban	10/02/2010	O
Mrs A N M Mitchell	Argyll PA34 4UT Barochreal Kilninver Oban	21/01/2010	O
Antionette N M Mitchell	Argyll And Bute PA34 4UT Barochreal Kilninver Oban	10/02/2010	O
The Occupier	Argyll And Bute PA34 4UT Barrmore Cnoc Achalltuinn Clachan Seil	19/01/2010	O
Barbara MacAlister	Isle Of Seil	30/06/2010	O

	By Oban Argyll Belnahua Seaview Easdale By Oban Argyll And Bute PA34 4RF Belvoir Cottage Bells Drove Welney Wisbech		
The Occupier	Argyll And Bute PA34 4RF Belvoir Cottage Bells Drove Welney Wisbech	24/06/2010	O
Mr A Darvill	Cambs PE14 9TG Braefoot Farm Balvicar Isle Of Seil Oban	12/02/2010	O
The Occupier	Argyll And Bute PA34 4RA Braeside Guesthouse Kilmore	09/06/2010	O
John Freeman	By Oban PA34 4QR Bragleen House Kilninver Oban	14/01/2010	O
A C Robertson	PA34 4UU Bragleenbeg Kilninver By Oban	22/01/2010	O
Jackie Handley	Argyll PA34 4UU Caladh Cottage Easdale Oban	12/02/2010	O
Helen Simcox	Argyll PA34 4RF Callanish Clachan Seil Isle Of Seil Oban	23/06/2010	O
The Occupier	Argyll And Bute PA34 4TN Callanish Clachan Seil Oban	09/06/2010	O
Felicity Barr	Argyll PA34 4TN Camus Nan Eun Clachan Seil Isle Of Seil Oban	19/07/2010	O
The Occupier	Argyll And Bute PA34 4TL Castle Hill Filleigh Barnstaple Devon	02/07/2010	O
The Occupier	EX32 0RQ Ceo Na Mara 12 The Glebe Kilmelford Argyll And Bute	06/07/2010	O
Dr Graham Wardle	PA34 4XF Ceo Na Mara The Glebe Kilmelford	19/01/2010	O
Val Wardle	The Glebe Kilmelford	28/01/2010	O

The Occupier	PA34 4XF Charene North Connel Oban Argyll And Bute PA37 1RD Clach Na Sula Clachan Seil Isle Of Seil Oban	04/06/2010	O
T Robilliard	Argyll And Bute PA34 4QZ Clachan Beag By Oban	07/07/2010	O
Lesley Addison	Argyll PA34 4RH Clachandubh House Balvicar Isle Of Seil Oban	14/06/2010	O
Dr M Brooks	Argyll And Bute PA34 4RA Cnoc Crom Clachan Seil By Oban	28/06/2010	O
S Mitchell	Argyll PA34 4QZ Cnoc Fennaig House Balvicar Isle Of Seil Oban	14/06/2010	O
The Occupier	Argyll And Bute PA34 4TF Coast House Kings Saltern Road	21/06/2010	O
C H Layman	Lymington SO41 3QD Coille Dharaich Kilmelford Oban	29/03/2010	O
Peter Stott	Argyll And Bute PA34 4XD Coille Dharaich Kilmelford Oban	11/02/2010	O
Peter Stott	Argyll PA34 4XD Craggie House Daviot Inverness	12/02/2010	O
Neil MacPherson	IV2 5XQ Craig House Colmonell Girvan	16/06/2010	O
Harriet Ellis	Ayrshire Craigiebeag Clachan Isle Of Seil Oban	02/07/2010	O
K Hall	Argyll And Bute PA34 4TL Craigiebeag Clachan Isle Of Seil Oban	01/07/2010	O
F M Hall	Argyll And Bute PA34 4TL	01/07/2010	O

R McCann	Craobh Deargh Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4QZ	10/06/2010	O
Henry M Hiscock	Craobh Mor Clachan Seil By Oban Argyll PA34 4TJ	30/06/2010	O
Mrs M L Hiscock	Craobh Mor Clachan Seil By Oban Argyll PA34 4TJ	30/07/2010	O
The Occupier	Craobh Mor Clachan Seil By Oban Argyll PA34 4TJ	30/06/2010	O
David Stevenson	Creachan Cottage Lagganmore Kilninver Oban Argyll And Bute PA34 4UU	09/02/2010	O
D J Stevenson	Creachan Cottage Scammadale Kilninver Oban Argyll PA34 4UU	11/06/2010	O
Dr L Reid	Cruach Scarba Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TL	21/06/2010	O
Mr Peter Cooke	Cullipool House Cullipool Isle Of Luing Oban Argyll And Bute PA34 4TX	28/05/2010	O
Jim Cunningham	Dorus Mor Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TR	18/06/2010	O
Patrick And Gill Cadzow	Duachy Farm Kilninver By Oban Argyll PA34 4QU	07/06/2010	O
David And Jean Ausley	Dunaverty Easdale By Oban PA34 4RR	30/06/2010	O
Goodwin	Dunfillan Cuan Ferry Isle Of Seil Oban Argyll And Bute PA34 4RB	16/06/2010	O
Fiona Gully	Dunmor Farm Easdale By Oban	19/07/2010	O

	Argyll PA34 4RF Dunmor Easdale Oban		
Edward Gully	Argyll PA34 4RF Dunvegan Cnoc-A-Challtuinn Clachan Seil Oban	19/07/2010	O
Mr And Mrs D Pearson	PA34 4TR Fasgadh Clachan Seil Oban	21/06/2010	O
David Foster	Argyll PA34 4TJ Fearnach House Kilmelford Oban	29/06/2010	O
Ken Scaife B.Vet.Med	Argyll And Bute PA34 4XD Fearnach House Kilmelford Oban	08/02/2010	O
Diane Scaife	PA34 4XD Feorlin Balvicar Isle Of Seil Oban	28/01/2010	O
The Occupier	Argyll And Bute PA34 4TF Fioryn Clachan Seil Isle Of Seil Oban Argyll And Bute	28/06/2010	O
Mr. T. Davies	PA34 4TJ Glenfearnach House Kilmelford Oban	29/01/2010	O
Jennie Campbell-Gibson	Argyll And Bute PA34 4XD Glenfeochan House Kilmore Oban	10/02/2010	O
Hugh And Elizabeth Whittle	Argyll And Bute PA34 4QR Glenfeochan House Kilmore Oban	09/02/2010	O
Hugh Whittle	Argyll And Bute PA34 4QR Glenshellach Clachan Seil Isle Of Seil Oban	09/03/2010	O
Mr T J B Sinclair	Argyll And Bute PA34 4TR Grove Cottage Wooddalling Norwich	07/07/2010	O
Colin De Chair	NR11 6RS Harbour Cottage Ellenabeich	30/06/2010	O
E J Reid	Isle Of Seil	04/06/2010	O

Daniel Pearce-Higgins	Oban Argyll And Bute PA34 4RQ Hawkhurst Farm Bromyard Herefordshire HR7 4SB Innie Kilninver Oban	05/10/2010	O
Robin And Anne Grey	Argyll And Bute PA34 4UX Innish Clachan Seil Isle Of Seil Oban	11/02/2010	O
Michael G Breslin	Argyll And Bute PA34 4QZ Innish Clachan Seil Oban	10/06/2010	O
Mrs Irene Breslin	Argyll PA34 4QZ Innishail Clachan Seil Isle Of Seil	10/06/2010	O
James Mellor	Argyll PA34 4TJ Inshaig House Ellenabeich Isle Of Seil Oban	07/06/2010	O
Fioan Baroness Thyssen	Argyll And Bute PA34 4RF Kames Lodge Kilmelford Oban Argyll And Bute	08/06/2010	O
Lorna Hill	PA34 4XA Keepers Cottage Kilninver By Oban	14/06/2010	O
Ian Tegner And Meriel Tegner	Argyll PA34 4UT Kenmore Barn Kilmelford Oban	22/02/2010	O
H J Gassert	Argyll And Bute PA34 4XA Kenmore Barn Kilmelford Oban	11/02/2010	O
Vivien Gassert	Argyll And Bute PA34 4XA Keno Hill Isle Of Seil Oban	11/02/2010	O
C Hartley	Argyll And Bute PA34 4TN Keno Hill Isle Of Seil Oban	09/06/2010	O
Lorne D Fowler	Argyll And Bute PA34 4TN Kilbrandon House Balvicar	09/06/2010	O
The Hon Michael Shaw	Isle Of Seil	28/05/2010	O

	Oban Argyll And Bute PA34 4RA Kilchoan Farm Kilmelford Oban		
Helen Keate	Argyll And Bute PA34 4XD Kilchoan Farmhouse Kilmelford	08/03/2010	O
Diarmid Campbell	Argyll PA34 4XD Kilchoan House Kilmelford By Oban	24/03/2010	O
Mrs Susan Keate	Argyll PA34 4XD Kilchoan House Kilmelford Oban	02/03/2010	O
H R Keate	Argyll And Bute PA34 4XD Kildalton Cottage Cuan Ferry Isle Of Seil Oban	02/03/2010	O
The Occupier	Argyll And Bute PA34 4RB Kildalton Cottage North Cuan Ferry Isle Of Seil By Oban	14/07/2010	O
M Brown	PA34 4RB	14/07/2010	O
Ewen Kennedy	Kilmelford Kilninver House Kilninver Oban	15/02/2010	O
Rebecca Nicholson	Argyll And Bute PA34 4UT Kilninver House Kilninver Oban	10/02/2010	O
Robin Nicholson	Argyll And Bute PA34 4UT Laroch Kilmelford Oban	10/02/2010	O
John Rentoul	Argyll PA34 4XA Laroch Kilmelford Oban	12/02/2010	O
Mrs Jane Rentoul	Argyll PA34 4XA Lavenderhead Winston Winchester	12/02/2010	O
K Walker	SO21 3LR Lendal Lodge Lendalfoot Nr Girvan	13/07/2010	O
Ms Heather Shuckburgh	South Ayrshire KA26 0JB Little Torwood The Glebe Kilmelford Oban	12/07/2010	O
Mrs Margaret Cross	Argyll And Bute	09/02/2010	O

	PA34 4XF		
	Loch Melfort Hotel And Restaurant Arduaine By Oban		
Calum And Rachel Ross	PA34 4XG Lochend Kilmelford Oban Argyll And Bute	12/02/2010	O
Dorothy Bark	PA34 4XD Lochend Kilmelford Oban Argyll And Bute	07/02/2010	O
Iain Bark	PA34 4XD Lochend Kilmelford Oban Argyll And Bute	07/02/2010	O
Malcolm Bark	PA34 4XD Luing Chalet Balvicar Chalets Balvicar Isle Of Seil By Oban	07/02/2010	O
Kneale B Smith	PA34 4TE Mansefield House Pinwherry Girvan Ayrshire	14/06/2010	O
Mr Rory Boyle	KA26 0RU Mansefield House Pinwherry Girvan Ayrshire	30/06/2010	O
Mrs Victoria Boyle	LA26 0RU Maolachy House Lochavich Taynuilt Argyll	30/06/2010	O
James Dalton	PA35 1HJ Maolachy Lochavich By Taynuilt	22/02/2010	O
A D F Dalton	PA35 1HJ Maolachy Lochavich By Taynuilt	22/02/2010	O
Mrs G Dalton	PA35 1HJ Melfort House Kilmelford Oban Argyll And Bute	01/02/2010	O
Mr M Anderson	PA34 4XD Model Farm Holkham Wells-next-the-Sea Norfolk	11/02/2010	O
The Countess Of Leicester	NR23 1RP	05/07/2010	O
The Earl Of Leicester	Model Farm Holkham	05/07/2010	O

	Wells-next-the-Sea Norfolk NR23 1RP Morleen Kilninver By Oban Argyll PA34 4UY		
J A MacLean		18/02/2010	O
Allan And Sarah Henderson	No Address Given	06/07/2010	O
Andrea Lea	No Address Given	24/03/2010	O
Angela E McLeod	No Address Given	02/06/2010	O
Ann Cunningham	No Address Given	18/06/2010	O
D McLeod	No Address Given	02/06/2010	O
Elma And Danny Nee	No Address Given	18/06/2010	O
Ewen Kennedy	No Address Given	10/02/2010	O
J E And J C Bisp	No Address Given	28/06/2010	O
J J Lund	No Address Given	25/08/2010	O
K L Barrett	No Address Given	18/06/2010	O
Mrs Patricia Bedford	No Address Given	10/02/2010	O
Mrs Patricia Bedford	No Address Given	10/02/2010	O
S Robertson	No Address Given	23/06/2010	O
The Occupier	No Address Given	09/06/2010	O
Tom Dalton	No Address Given	22/02/2010	O
	North Cuan Croft Cuan Ferry Isle Of Seil Oban Argyll And Bute PA34 4RB		
Mrs Ruth Jacqueline Coney		15/07/2010	O
Dorothy Bark	Not Given	11/02/2010	O
Ian Bark	Not Given	11/02/2010	O
Malcolm Bark	Not Given	11/02/2010	O
	Oban Caravan Site Oban Argyll		
H Fleming		25/06/2010	O
	Oban Seil Farm Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TN		
Bette Hunter		08/03/2010	O
	Olig Clachan Seil By Oban Argyll		
A J Durley		19/07/2010	O
	PA34 4TL Olig Clachan Seil By Oban Argyll		
Susan Durley		19/07/2010	O
	PA34 4TL Port Beag Kilninver By Oban Argyll		
Mrs Vanessa Kilpatrick		08/02/2010	O
	Port Beag Kilninver By Oban Argyll		
Mr David R Kilpatrick		03/02/2010	O
	PA34 4UT Raera Farm Kilninver Oban Argyll		
S A And J W Inglis		12/02/2010	O
	PA34 4UT		

H M M Blakeney	Reay Cottage Clachan-Seil By Oban Argyll PA34 4TL	23/06/2010	O
Annabel Buik	Rectory Farm Glen Road Castle Bytham Grantham Lincs NG33 4RJ	27/07/2010	O
D B Buik	Rectory Farm Glen Road Castle Bytham Grantham LINCS NG33 4RJ	06/07/2010	O
The Occupier	Rock Cottage Clachan Seil Oban PA34 4TL	24/06/2010	O
Steve Piper	Scottish Wildcat Association C/o Shepherd And Wederburn LLP 1 Exchange Crescent Conference Square Edinburgh EH3 8UL	07/07/2010	O
Linda Findlay	Seil Chalet Balvicar Chalets Isle Of Seil PA34 4TE	19/08/2010	O
Jean Miller	Seil Haven Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TL	04/06/2010	O
A J Barr	Seilcreag Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4TL	09/06/2010	O
C Breslin	Sona Fardach Clachan Seil By Oban PA34 4QZ	15/06/2010	O
Karen Breslin	Sona Fardach Clachan Seil By Oban PA34 4QZ	15/06/2010	O
Mr J Penney	Stone's Throw Cottage Easdale Island Oban Argyll PA34 4TB	30/06/2010	O
Dick And Heltie Smyly	Sunderlandhall House Galashiels Selkirkshire TK1 3PG	02/09/2010	O
S J Croft	The Bield Clachan Seil Isle Of Seil Oban Argyll And Bute PA34 4QZ	18/06/2010	O
Christopher Rose	The Bothy Achnaclach Clachan Seil By Oban PA34 4TL	01/02/2010	O

	The Former Manse 9 Cnoc Mhor Balvicar Isle Of Seil Oban		
The Occupier	Argyll And Bute PA34 4TF The Haven Clachan Seil	06/07/2010	O
Caroline Curley	By Oban PE34 4TN The Longhouse Blackmill Bay Isle Of Luing By Oban	27/08/2010	O
The Occupier	Argyll PA34 4TZ The Longhouse Blackmillbay Isle Of Luing By Oban	12/07/2010	O
Owner/Occupier	Argyll PA34 4TZ The Old House Clachan Seil Isle Of Seil Oban	19/07/2010	O
Hugh Martin	Argyll And Bute PA34 4TL The Old House Clachan Seil Isle Of Seil Oban	13/07/2010	O
The Occupier	Argyll And Bute PA34 4TL Tigh Creagan Clachan Seil Isle Of Seil Oban	09/06/2010	O
J And M Blackstock	Argyll And Bute PA34 4TL Tigh Innis Balvicar Bay Isle Of Seil Oban	21/06/2010	O
The Occupier	Argyll And Bute PA34 4TF Tigh Na Faire Acha Balvicar Isle Of Seil Oban	29/06/2010	O
The Occupier	Argyll And Bute PA34 4RJ Tigh Na Faire Acha Isle Of Seil Oban	06/07/2010	O
The Occupier	Argyll And Bute PA34 4RJ Tigh Na Faire Acha Isle Of Seil Oban	06/07/2010	O
The Occupier	PA34 4RJ Tir Aluinn Clachan Seil Isle Of Seil Oban	05/07/2010	O
Mrs Iris Bell	Oban	21/06/2010	O

	Argyll And Bute PA34 4TL Torbeag Clachan Seil Isle Of Seil Oban		
Stuart Reid	Argyll And Bute PA34 4TJ Traighuaine Tri Arduaine By Kilmelford Oban	20/01/2010	O
Neil Goulding	PA34 4XQ Tullach Ard Balvicar Seil Island Oban	12/02/2010	O
S Hunt	PA34 4TF Whin Cottage Clachan Seil Isle Of Seil Oban	29/06/2010	O
Denise MacMahon	Argyll And Bute PA34 4TJ Whin Cottage Clachan Seil Isle Of Seil Oban	08/06/2010	O
R J MacMahon	Argyll And Bute PA34 4TJ Willowburn Clachan Seil By Oban	09/06/2010	O
The Occupier	Argyll PA34 4TJ Zanadu Cuan Road Balivar Oban	24/06/2010	O
Mrs M Willoughby	Argyll PA34 4RA	22/06/2010	O

FOR THE PROPOSAL

Mr And Mrs P Hammick	1 Cuilfail Terrace Kilmelford Argyll And Bute PA34 4XH 2 Seaview Terrace Easdale Oban	09/03/2010	S
Sheila Macgregor	PA34 4RG 6 Tramway Cottages Ellenabeich Isle Of Seil Oban Argyll And Bute	01/02/2010	S
Paul Anfield	PA34 4RQ 6 Tramway Cottages Ellenabeich	30/01/2010	S
Mr Anfield Paul	Easdale	01/02/2010	S

	Oban PA34 4RQ 6 Tramway Cottages Ellenabeich Isle Of Seil Oban Argyll And Bute		
Mr Paul Anfield	PA34 4RQ 7 Seaview Terrace Easdale Oban	03/02/2010	S
Mr Rodgers	PA34 4RG 8 Cuilfail Cottages Kilmelford Oban	01/02/2010	S
Colin Clark	Argyll And Bute PA34 4XB An Caorann Kilmore Oban	15/02/2010	S
Robert K Clarke	Argyll And Bute PA34 4XR An Teallach Arduaine Oban	19/01/2010	S
Alastair Thom	PA34 4XQ Ardentigh Glenoran Road Rhu Helensburgh Argyll And Bute	29/01/2010	S
Terence Brownrigg	G84 8JU Balnahua Seaview Easdale Oban	15/03/2010	S
Mrs Constable	PA34 4RF Benton Farm Dingleden Benenden Cranbook Kent	29/01/2010	S
Dr Gudrun Von Tevenar	TH17 4JU Camasbeg Arduaine By Oban	04/03/2010	S
Peter Gerard-Pearse	PA34 4XG Camus Arsa Craobh Haven Lochgilphead Argyll And Bute	01/02/2010	S
Christine Sugden	PA31 8UU Caravan Stance Opposite 54 Easdale Island Oban Argyll And Bute	26/01/2010	S
Keren Cafferty	PA34 4TB Caravan Stance Opposite 54 Easdale Island Oban Argyll And Bute	13/01/2010	S
Mike Cafferty	PA34 4TB	13/01/2010	S

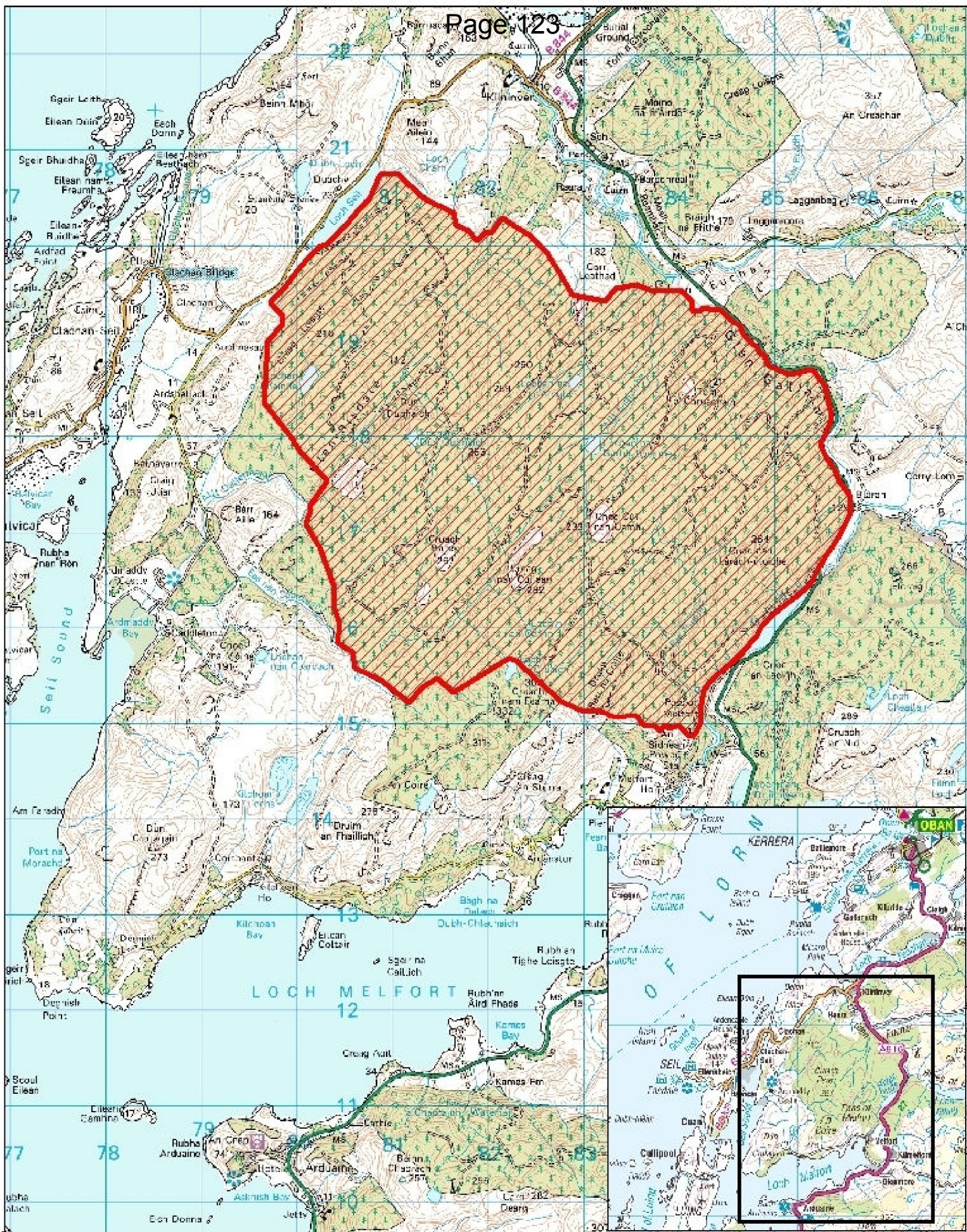
Caroline Younger	Carolineyounger@yahoo.com Corie Lodge Craobh Haven Lochgilphead Argyll And Bute	02/02/2010	S
Jane Wilding	PA31 8UU Fashven Musadale Road Kilmore Oban Argyll And Bute	26/01/2010	S
Julian Overnell	PA34 4XX Fuaim An T-Sruth South Cuan Isle Of Luing By Oban	02/02/2010	S
Margaret H G King	PA34 4TU Morven Cullipool Isle Of Luing Oban Argyll And Bute	19/01/2010	S
Mrs Elizabeth C Lyon	PA34 4TX Nell Beag Musdale Road Kilmore Oban Argyll And Bute	09/02/2010	S
Alistair Maccalman	PA34 4XX	02/02/2010	S
Keren Cafferty	No Address Given	15/01/2010	S
Mike Cafferty	No Address Given Otters Ardfern Lochgilphead Argyll And Bute	15/01/2010	S
Clive Brown	PA31 8QN Seall-Na-Mara Arduaine Oban Argyll	25/01/2010	S
J P Stannard	PA34 4XQ Smart Riverdale Barran Kilmore Oban	02/02/2010	S
Alexander And Heather Stuart	PA34 4XR Tahsis Musdale Road Kilmore Oban	26/01/2010	S
Keith Brimelow	PA34 4XX The Swallows South Cuan Isle Of Luing By Oban	29/01/2010	S
Peter Hooper	PA34 4TU The Walled Garden Craignish Lochgilphead Argyll And Bute	28/01/2010	S
R W Goudy	PA31 8QS	27/01/2010	S

A And J Robertson	Tigh Phadruig Barran Kilmore Oban Argyll And Bute PA34 4XR Traighuaine Ard Arduaine Oban	09/02/2010	S
Fiona Wyllie	Argyll PA34 4XQ	18/02/2010	S

GENERAL REPRESENTATIONS

A E And P D Wharton	4 Craggyknowe Blackfell Village Washington Tyne And Weir NE37 1JY Bolam 1 Grianach Gardens Oban	02/07/2010	R
Mr C S G Liversedge	Argyll PA34 4LB Corranbeg House Ardfern Lochgilphead Argyll And Bute	21/01/2010	R
Sandy Mackiligin	PA31 8QN Mardavhal Shore Road Strone Dunoon Argyll And Bute	26/01/2010	R
David Moore	PA23 8TB	04/02/2010	R
Jane Wilding	No Address Given	02/02/2010	R
R W Goudy	Not Given Torbeag Clachan Seil Oban	02/02/2010	R
Mr Stuart Reid	PA34 4TJ	14/01/2010	R

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**Committee Plan Relative to Application:
09/01874/PP**



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**Argyll and Bute Council
Development & Regulatory Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00536/PP

Planning Hierarchy: Local Application

Applicant: Mr and Mrs MacGregor

Proposal: Demolition of outbuildings and erection of 5 No. new dwellinghouses in courtyard formation

Site Address: Land at Little Rahane Farm, Rahane, Helensburgh

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of five dwellinghouses.
- Formation of hardstanding
- Installation of sewerage treatment plant
- Alterations and improvement to existing access and access road from B833

(ii) Other specified operations

- Connection to existing public water main
 - Demolition of outbuildings
-

(B) RECOMMENDATION:

It is recommended that permission be refused for reasons given overleaf subject to:

- a) A discretionary local hearing being held under current arrangements pertaining to the holding of hearings, in view of the number of representations received; or
- b) In the event of revised criteria based arrangements being adopted pertaining to the holding of hearings (report appears elsewhere on the agenda) and that Members propose to accept the recommendation to refuse permission, that no discretionary local hearing be held, on the basis that those persons making representation are objectors to the application.

(C) HISTORY:

02/01690/WGS - Afforestation of hill land to west of Little Rahane Farm – No objections
23.10.2002

(D) CONSULTATIONS:

SNH Helensburgh	08.07.2010	No objections
Roads Helensburgh And Lomond – Public	19.05.2010	No objections subject to conditions
Public Protection	19.08.2010	Recommend refusal of the application on the grounds of 'bad neighbour in reverse' due to the the inability to mitigate noise emanating from an adjacent smallholding and
Scottish Water	31.05.2010	No objections
Core Paths	08.06.2010	No objections
Flood Risk Engineer	20.07.2010	No objections subject to conditions.
Rosneath & Clynder Community Council	06.06.2010	Object to siting the dwellings next to a registered smallholding as this is contrary to Local Plan Policy, in particular LP BAD 2

(E) PUBLICITY: Regulation 20 Advert Local Application (expired 14.05.2010)

(F) REPRESENTATIONS:

(i) Summary of issues raised

29 persons have made representation (four of the representations received are either by, or on behalf of, the occupiers of Little Rahane Farm):

Shirley and Steven Dalziel, Little Rahane Farm, Rahane (letters dated 10/05/10, 05/06/2010, 06/07/2010, 14/08/2010, 24/08/210)

Michael Hyde, The Mews, 11B West Abercromby Street, Helensburgh (on behalf of Mr & Mrs Dalziel) (letter dated 20/06/2010)

Mr and Mrs S H Dalziel, Per Raeburn Hope Solicitors, 77 Sinclair Street, Helensburgh (letter dated 28/04/2010)

Sandy Taylor on Behalf of Mr & Mrs Dalziel (letter dated 30/08/2010)

Robert F Mill, Annfield, 20 West Montrose Street, Helensburgh (letter dated 25/04/2010)

Mr and Mrs P Walker, Carmyle Cottage, Glenfalloch (email dated 27/05/2010)

Denise Jarvis, 36 Burns Avenue, Larbert (email dated 28/05/2010)

Gwynneth Rees, New East Frew, Thornhill, Stirling (letter dated 26/05/2010)
Kate Donne, Maple Cottage, Sauchie, Alloa, Clackmannanshire (email dated 31/05/2010)
C Cornish, 4 Old Shandon Church, Shandon, Helensburgh (letter dated 05/06/2010)
Reid and Robertson, Ballagan, Stirling Road, Balloch (email dated 12/06/2010)
Mr and Mrs D A MacIntyre, Tarnar, 25 Portnalong, Isle of Skye (email dated 26/04/2010)
George and Lorna Douglas, 8 Craigendoran Avenue, Helensburgh (letter dated 28/04/2010)
Valerie Cairns, The Bungalow, Rahane, Helensburgh (letter dated 03/05/2010)
Alistair McIntyre, Craggan, Garelochhead, Helensburgh (letter dated 10/05/2010)
Seona Nairn, Fasgadh (Upper Flat), 4 Hall Road, Rhu, Helensburgh (letter dated 12/05/2010)
Gordon and Christine Bain, 177a Old Inverkip Road, Greenock (email dated 20/05/2010)
Gordon Jack, 31 Leman Drive, Houston (letter dated 21/05/2010)
Margaret McKernan, Flat 3/3, 250 Old Rutherglen Road, Glasgow (letter dated 20/05/2010)
Judith Strange, 22 Kenilworth Road, Bridge Of Allan, Stirling (email dated 21/05/2010)
Emma Cuckow, Lochview, Church Road, Rhu (email dated 23/05/2010)
Joan Spy, Sunnyside Hall Road, Rhu, Helensburgh (letter dated 20/05/2010)
Ailsa Boyle, 5 Lawers Drive, Bearsden (email dated 25/05/2010)
Lorraine Smart, 16 Levenbank Gardens, Jamestown, Alexandria (email dated 26/05/2010)

(ii) Summary of issues raised

No neighbour notification was received.

Comment: Initially an error was made and the Council did not notify the appropriate neighbours. As soon as this was realised, the correct notification was carried out.

The layout and configuration of the plans are predicated on erroneous information and are misleading.

Comment: It was clear after the site visit that the existing houses on site were not plotted correctly on the submitted plans. The agents were advised of this and asked to amend the location plans, which they did.

The development of five houses in a rural farm setting represents over intensification of the site:

Comment: See my assessment

We (Mr & Mrs Dalziel) begin work early in the morning and the animals and machinery can be very noisy:

Comment: See my assessment.

Policy LP BAD 2 seeks not to prejudice the operational integrity of existing land use. The proposed residential use would be contrary to this policy.

Comment: See my assessment.

The house on plot 2 would be directly overlooking our (Little Rahane Farm) conservatory, bedroom and bathroom.

Comment: The distance between the gable windows of the proposed dwelling at plot one and the closest gable end of the neighbouring property is approximately 28 metres which exceeds the minimum separation distance between habitable rooms of 18 metres as set out in Appendix A of the Local Plan.

The layout of the proposed development squeezes our access (Little Rahane Farm) between a large house and an embankment with another house. The area is used for a turning area by delivery vehicles of various sizes. The proposed turning area on the plans is unsuitable.

Comment: The Area Roads Engineer has no objections to the proposal. There is a turning area identified within the plans submitted and this would be able to accommodate commercial vehicles.

There are more compatible locations for residential development within the land owned by the applicant.

Comment: The application site is within a Rural Opportunity Area where small scale development may be acceptable. The application deals only with whether the site proposed is acceptable and the availability of other development opportunities cannot be taken into account. All planning applications submitted are assessed on their merits against Development Plan policies and other material considerations.

The land at the proposed site, a registered agricultural holding, is currently being successfully used by a sheep farmer and the buildings to be demolished are being used for this. This demonstrates that agriculture remains a viable land use for the site. The proposed houses are not a site for site replacement of the outbuildings.

Comment: Like for like replacements are not required. This application looks at what is proposed and whether or not it is acceptable at the location.

The outbuildings are also used by swallows, house martins and bats.

Comment: Scottish Natural Heritage was consulted and a bat survey completed which show no signs of bat roosts. If the application is approved a condition can be placed on the consent to ensure that no wild birds nests are present before development commences.

We currently have right of access to the hillside for planted woodland. This access would be blocked by the proposed development.

Comment: The access officer was consulted and he has no objections. Issues relating to rights of access would be a civil matter.

The proposed development of five houses is contrary to planning guidance. The houses are too large and the development would dwarf our small farmhouse (Little Rahane).

Comment: See my assessment.

The increased level of lighting would be considerably intrusive and contrary to the current land use.

Comment: The site is within a Rural Opportunity Area where small-scale developments are acceptable, and as such lighting associated with a domestic development would be acceptable.

Approval will set a precedent for further incompatible development on this site.

Comment: Each application is assessed on its own merits against Development Plan policies and other material considerations. The site is a Rural Opportunity Area where small-scale developments may be acceptable provided they are fitted in sensitively in the context of the existing settlement pattern.

The present infrastructure is not suitable for such a large development. There is already a reduction in water pressure when being used elsewhere.

Comment: Scottish Water has no objections to the proposal. As detailed in Scottish Water's letter, if they become aware of issues of low pressure when connecting, the developer will be required to fund works to mitigate the effects on existing customers.

The proposed single treatment plant would be situated directly above one of our fields which we use for livestock and growing vegetables. A lot of water flows of the hillside and we are concerned that a soakaway at this location would not be acceptable.

Comment: The Council's Flood Alleviation Manager has no objections to the proposal.

Concerned regarding access/egress to the main road as a result of the intensification of traffic of such a large development.

Comment: The Area Roads Manager has no objections to the proposal. The proposals include junction improvements with enhanced sightlines.

The proposed upgrade of the track with compacted hardcore seems inappropriate for the expected increase in vehicle use.

Comment: The Area Roads Manager has no objections to the proposal. The proposed improvements are in accordance with the Local Plan and the Road Development Guide.

Planners were provided with erroneous information in the form of incorrect plans (given that that the official application was wrong, it is fair to assume that all pre-application drawings were also incorrect). Mr Howard Young made no site visit during the pre-application process, so he had to rely only on the drawings provided. The erroneous information was made clear to him when he visited the site (6th May) after the application was submitted.

Comment: The Area Team Leader visited the site before the application was submitted. The accuracy of the plans has been rectified.

Despite the agent/architect having information from a previous planning enquiry for Mr Duncan McIntyre, they still planned to use his land, without his knowledge, as part of the access improvements for this application. Also, information provided by the agent to the Validation Team stated that the land surrounding the red boundary of the development was only vacant fields. Our presence was completely ignored. How much investigation work is done by planners during the pre-application process?

Comment: As in other pre-application discussions, an assessment was made against Section 25 of the Planning Act. Applicants/agents are advised that any interim assessment is an officer opinion and does not take into account that issues may be raised by third parties or other consultees if and when a formal application is received.

With regard to the Noise Impact Survey, we are concerned that this will be done at a time when we are on holiday and therefore any results will be inaccurate. Our busiest time (and therefore noisiest) is in the winter months, when the animals are housed in the barns at nights. In summer, we still have to operate machinery early in the morning and late in the evening, but not to the same extent, as it can depend on weather or individual animal situations arising.

Comment: See my assessment.

We are concerned about the suggestion made in the conclusion of the agent's letter and that this threat will be given undue weight in the decision process. The applicants' two years of time on the project and the expense they may have gone to is dwarfed by our seven years of work (since July 2003) and the greater expense we have put into Little Rahane for our future lives. Ours is an ongoing, lifetime project to maintain and improve this valuable agricultural resource, which is being threatened by this proposed residential development.

Comment: If the application is refused the applicants have a right of appeal.

I (Mr MacIntyre) own the land to the south of the access road and achieving the roads requirements would encroach on my land.

Comment: This is a civil matter.

We are concerned that the pre-application discussions between the applicant and the planners did not include information on our registered smallholding, i.e. planners were not made aware of our presence and our smallholdings operational practices which would result in complaints from residents about the noise and smells created:

Comment: As in other pre-application discussions an assessment was made against Section 25 of the Planning Act. Applicants/agents are advised that the interim assessment is an officer opinion and does not take into account that issues may be raised by third parties or other consultees when a formal application is received.

As a regular visitor of Little Rahane Farm I feel that the proposal would spoil the tranquillity afforded.

Comment: The land is designated as a rural opportunity area and as such it has been accepted that development on this site may be acceptable.

The animals' lives would be severely disrupted and as most of them are rescue animals, I feel this would be detrimental to their wellbeing and contentment.

Comment: This is not a material planning consideration.

Any potential neighbours would complain about the noise and smell living in such close proximity to this smallholding.

Comment: This application site is within a rural setting where agricultural noise and smells are to be expected. See also my assessment.

Argyll & Bute policies encourage biodiversity, farming and agriculture in general; planning should not contradict this by allowing purely residential properties to encroach on such a valuable resource in this area.

Comment: This area is designated as a Rural Opportunity Area where small scale residential developments may be acceptable.

The design of the dwellings is poorly executed and their scale is fundamentally at odds with the scale of the surrounding built form.

Comment: See my assessment.

I am concerned that since the Assessment was commissioned by the applicants' agent, it is possible that results will be interpreted to suit their application. Surely, this Assessment should have been commissioned independently by the local authority and charged to the applicant.

Comment: It is the applicant's responsibility to provide the information required in order to assess the application. Environmental Health has been consulted with a copy of the report for their comments.

There are a number of concerns about how these measurements are interpreted to suit potential inappropriate development, and about where the measurement point was located. I believe only one measurement point was used, whereas PAN 56 recommends more.

Comment: Environmental Health consider there to be adequate information to be able to assess the noise issue.

The photograph in the brief report shows that the measurement device was either near or in the storage container next to the barn, or in the barn. It is difficult to see due to poor image reproduction online. Our main working area is over 20m from that point. The nearest proposed house is only 5m from our work area next to the old caravan.

Comment: The measurement device was located at the boundary between Little Rahane Farm and the development site.

The conclusion reached by the report writer is that the site falls into NEC B for night and day, but the level recorded for day time is stated as LAeq 64dB which falls into Category C according to PAN56 – not Category B as stated. This important point should surely be acknowledged.

Comment: The site falls between Category B and Category C since the day time levels just fall into Category C while the night time levels are within Category B.

The levels taken do not fully accord with PAN 56 and are worded in the applicants favour.

Comment: Environmental Health has looked at the report independently and considers that there is a noise nuisance.

The applicants Noise Consultants seem to lack impartiality and feel they are representing the applicant's case. Their further analysis of noise levels shows this.

Comment: Environmental Health has looked at the report independently and the further comments from the noise consultants and still consider that there is a noise nuisance.

It is seen that the measured background noise and incident noise regularly exceeds +10dB in the later evening and early morning indicating the potential for reasonable complaint in the periods from 1300 – 2200 hours and 0600 and 1000 hours. Based on the information to hand, were the application approved then both you and the Council would expect to receive reasonably made complaints of noise nuisance.

Comment: This point is noted.

Applicants' Supporting points in relation to noise impact:

1. The Environmental Health (EH) officer confirmed by e mail on 17.9.10. *"I have no issues with the noise consultants methodology and his comments re BS4142, what I was trying to point out was that there is noise from the smallholding which would constitute a Nuisance regardless of the methodology used to measure it"*.
 2. During the planning application process we were asked to carry out a Noise Impact Assessment (NIA) over a 24 hour period to measure possible vehicle and animal noise from the adjoining small holding. There was no request for the NIA to be manned.
 3. An unmanned NIA was carried out over a 24 hour period and the NIA report was issued. The report does record some high noise levels which are considered to be from running water, vehicle movement and a barking dog close to the monitoring equipment. All of these are normal noises and there is no evidence to support or confirm that they came from the adjoining small holding.
 4. The EH officer appears to be stating that any noise from the small holding constitutes a nuisance. Surely this cannot be the case or no development around small holdings or farms would be allowed and they would also be considered bad neighbours, which they are not.
 5. We have now consulted with and taken advice from the noise consultant that carried out the NIA, a separate noise consultant and a planning consultant regarding this issue and all are of the opinion that nuisance cannot be assessed on the basis of the NIA report and that a meeting between the EH officer and noise consultant would be required to discuss the issues and agree any further tests that may be required. However despite repeated requests for such a meeting with the EH officer, these have been declined and he has confirmed that he does not see any reason for such a meeting.
-

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Y
- (iii) **A design or design/access statement:** N
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Y

Summary of main issues raised by each assessment/report

A Daytime Survey and Bat Activity Survey were carried out

Conclusion

- No bats were observed to be roosting in any of the buildings
- Four species of bat were recorded flying and feeding around the site

Recommendation

- Persons working on the site should be aware of the possibility that single bats may be found during demolition/construction
- It is suggested that specific sites for bat roosting may be designed into the new buildings on site.

Noise Impact Assessment

Initial assessment (dated July 2010)

The measurements were carried out at the boundary nearest the existing farm house.

PAN 56 states noise levels should include an assessment of daytime and night time levels.

The levels measured were LAeq 64dB (Day) and LAeq 55dB (Night)

- This falls within PAN 56 Cat B for Night and Day
 - Higher levels will be allowed if the permission contains the conditions ensuring acceptable noise levels.

The planning application will need to include a scheme to protect the building. It should be possible to design the building using normal building materials and procedures.

Analysis of Noise Impact Assessment (dated August 2010)

It is surprising that the Council has responded to the Noise Impact Assessment by advising they will be recommending refusal. Analysis of the report will now be provided that was not in the original report.

The microphone was unmanned. During its set up and removal people were present which caused dogs to bark and accounted for a high level of noise. There was a continuous noise from running water. The day and night LAeq

levels are increased by some occasional higher hourly levels over LAeq 60dB. These occur during the first and last hours of measurement when there were vehicle movements and dogs barking. The only other high hours were 07.00, 08.00 and 13.00. It is assumed that this is due to vehicle movement.

The graph provided shows the noise levels is affected by short term maxima and not constant noise. High levels exist for less than 6 minutes in the hour. There is no indication from these figures that suggest any continuous noise from the farm.

Based on the measurements, there is no indication that the noise from farm activities will cause unacceptable noise levels. The proposed mitigation measures will reduce the exterior noise to acceptable interior noise levels.

Initial assessment (dated July 2010) with added observations (received 24/09/2010)

Observations – The mike was located close to the road for safety and security at a point nearest to the existing property. There was a noise of running water. The only animals seen were pet dogs. There was a distant noise of boats on the loch from a previous visit and the intermittent rail and traffic noise.

(H) PLANNING OBLIGATIONS

(i) **Is a Section 75 agreement required:** No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 4 – Development in Rural Opportunity Areas

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 6 – Impact on Habitats and Species

LP ENV 19 – Development Setting, Layout and Design

LP BAD 2 – Bad Neighbour Development in Reverse

LP HOU 1 – General Housing Development

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

LP TRAN 1 – Public Access and Rights of Way

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

PAN56 Planning and Noise

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

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

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

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

-
- (O) **Requirement for a hearing (PAN41 or other):** Under current arrangements, a discretionary hearing is recommended in view of the number of representations which have been received. In the event of revised criteria based arrangements being adopted pertaining to the holding of hearings (report appears elsewhere on the agenda) and that Members propose to accept the recommendation to refuse permission, that no discretionary local hearing be held, on the basis that those persons making representation are objectors to the application, and the applicant retains a right of appeal.

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

Planning permission is sought for the erection of five dwellinghouses on land adjacent to Little Rahane Farm, Rahane. The development would also require the installation of a single sewerage treatment system.

The site lies within a Rural Opportunity Area (ROA) as defined by the adopted 'Argyll and Bute Local Plan'.

Structure Plan Policy STRAT DC4 supports appropriate small scale development on sites within ROA's. However, such developments are required to visually integrate with the landscape and settlement pattern and must also accord with other Local Plan policies.

The only existing development within this ROA is that of Little Rahane Farm, therefore it is considered that development should be located next to these existing buildings as this would reinforce the settlement pattern of the area. It is also considered that the layout of the proposed dwellings in a steading style development and the proposed design are acceptable and accord with Policy LP ENV 19 and Appendix A of the adopted Local Plan.

However Little Rahane Farm is a registered smallholding and as such has associated noise. A Noise Impact Assessment was carried out by the applicant which the findings of which have been considered by the Council's Environmental Health Manager. The noise is such that Environmental Health has advised that they consider the noise from the farm to be a nuisance and therefore consider that Little Rahane Farm constitutes a 'Bad Neighbour'. Policy LP BAD 2 presumes against new incompatible development in or adjacent to areas with developments classed as 'Bad Neighbour'. The development is therefore contrary to this Policy.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

N/A

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

N/A

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

Author of Report: Stephanie Glen

Date: 24/08/2010

Reviewing Officer: Howard Young

Date: 30/09/2010

Angus Gilmour
Head of Planning

GROUNDS OF REFUSAL RELATIVE TO APPLICATION 10/00536/PP

The proposed development is located directly adjacent to the existing smallholding, Little Rahane Farm. A Noise Impact Assessment has been submitted in support of the proposal and it is considered that the difference, subjectively, between the background levels and the average levels at the application site is such that if residential development were to be permitted as proposed, the noise from Little Rahane Farm would constitute a Public Health Nuisance. In order to mitigate the levels recorded, it would require potential design and build measures such as triple glazing and increased insulation and may require the windows to remain shut when levels were highest. Even if these design measures were the minimum necessary as required by PAN 56, there would also still be the issue of external noise levels within the curtilage of the proposed properties and consequences for residential amenity. Consequently, it is considered that five dwellinghouses located immediately adjacent to such an existing use would result in disturbance to prospective occupiers generated by noise, which would result in the new dwellinghouses having a poor standard of amenity and introduce new incompatible development and associated land uses into, or adjacent to, an area already containing development constituting a 'Bad Neighbour'. Accordingly, the development would be contrary to Policy LP BAD 2 '*Bad Neighbour in Reverse*' of the 'Argyll and Bute Local Plan' and PAN 56 "*Planning and Noise*", which state that only in exceptional circumstances should satisfactory noise levels only be attainable by windows being shut and other means of ventilation provided. In addition to resisting development which seeks to ensure that sound levels within dwellings are compatible with residential use, it is also necessary to have regard to the effects of noise upon the environment generally and the degree to which a reasonable degree of peaceful enjoyment can be achieved within gardens and adjacent amenity areas. In all development control zones there is a general presumption against proposals that will introduce new incompatible development and associated land uses into, or adjacent to, areas already containing developments classed as 'Bad Neighbour' developments. The development would not secure a reasonable standard of residential amenity for prospective occupiers having regard to the presence of a 'Bad Neighbour' use adjacent to the site, contrary to Policy LP BAD 2 of the 'Argyll and Bute Local Plan' (2009).

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 22 March 2010 and the refused drawing reference numbers 1/1, PB-747-01C, PB-747-02A, PB-747-01C, PB-747-03B, PB-747-04A, PB-747-05A and PB-747-06A

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00536/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A Settlement Strategy

Planning permission is sought for the erection of five dwellinghouses adjacent to Little Rahane Farm, Rahane. The site lies within a Rural Opportunity Area (ROA) as defined by the adopted 'Argyll and Bute Local Plan'.

Structure Plan Policy STRAT DC 4 gives encouragement to small scale developments (up to five houses) on suitable sites within these areas where it can be shown that they visually integrate with the landscape and settlement pattern in terms of siting, scale and design. This may include housing in the open countryside as well as existing building-focussed development. There is a further requirement to satisfy other policies contained in the local plan.

B. Location, Nature and Design of Proposed Development

The Rahane Rural Opportunity Area is rectangular in shape and runs along the western side of the B833 for approximately 850 metres and continues up the hill for approximately 280 metres. This area is sloping open countryside. The only buildings within this ROA are those at Little Rahane Farm and a scatter of agricultural buildings in the adjacent field.

The application site is located towards the upper boundary of this ROA, adjacent to Little Rahane Farm, a registered smallholding. There are a number of existing farm buildings on site which are to be demolished to make way for the development. The application was subject to pre-application discussions and it was considered that any development within this ROA should be sited next to the existing buildings on the hillside.

The layout of the proposed dwellings are designed as a steading type development with four of the dwellings being formed around a main courtyard area, with one larger house to the front of these. This is intended to represent a traditional farmhouse and steading pattern which is representative of this countryside area.

The dwellings will be traditional in appearance with pitched roofs, gable ends and windows with a vertical emphasis. They will be finished with a natural slate roof, roughcast and stone walls and timber framed windows, all which are considered appropriate at this location.

Plot 2 and Plot 5 will sit to the north and south of the courtyard facing each other. They will each be 2 storeys, with four bedrooms. Plots 3 and 4 are located to the west of the courtyard and will form two semi detached 3 bedroom dwellings. Because of the sloping nature of the site, the dwelling will be split level, with two storeys to the front and single storey to the rear elevation. Plot 1 will be the main 'farmhouse' building. This is a larger more prominent building set to the east of the courtyard to the front of the site. It will be 2 ½ storeys high with 7 bedrooms.

It is considered that the proposed design of the dwellings is acceptable. The proportions are traditional and the scale and positioning of the dwellings successfully replicate the farmhouse and steading style developments that are prevalent within this area. It is, therefore, considered that the current scheme would accord with Policy STRAT DC 4 of the Structure Plan and policies LP HOU1, LP ENV 1 and LP ENV 19 of the adopted Local Plan.

C. Natural Environment

The proposed development would require the removal of seven structures including an old barn. It was noted through a letter of representation that bats, swallows and house martins use these structures. Because of this, the applicants were required to undertake a bat survey. This survey was carried out and no evidence of bat roosts was found. This survey was forwarded to Scottish Natural Heritage who concurred with the findings of the report. They also suggested that, if the application is minded for approval, a condition be attached to ensure that breeding bird species such as swallows and house martins are no longer nesting before demolition works begin.

D. Built Environment

The proposed development will be sited directly adjacent to an existing registered smallholding, Little Rahane Farm. This is a working smallholding where the owners keep a wide range of animals including horses, pigs, goats, sheep, chickens and dogs. This smallholding has an associated dwellinghouse and animal barn. The main bulk of the objections relating to this application stem from the fact that the development is sited so close to this smallholding. The owners feel that their smallholding generates considerable noise at unsociable hours and as such should be classified as a 'Bad Neighbour' and therefore Policy LP BAD 2 (Bad Neighbour in Reverse) should apply.

A Noise Impact Assessment was carried out by the applicant. Environmental Health were consulted with the findings of this report and it was considered that the difference, subjectively, between the background levels and the average levels is such that if the proposed residential development was present, the noise levels from Little Rahane Farm would constitute a Public Health Nuisance. In order to mitigate the levels recorded it would require design and build measures such as triple glazing and increased insulation and may require the windows to remain shut when levels were highest. However, even if these design measures were the minimum necessary as required by PAN 56, there would also still be the issue of external levels within the curtilage of the proposed properties. Environmental Health considers that Little Rahane Farm should be considered as a 'Bad Neighbour' and therefore they recommend refusal of the application.

E. Road Network, Parking and Associated Transport Matters.

The Area Roads Manager has no objection to the proposal. He is satisfied that the visibility splays as shown on the plans are adequate for the speed of traffic in that area. He has advised that a condition should be placed on the consent for the details of surface water drainage to ensure that it does not cascade onto the public road.

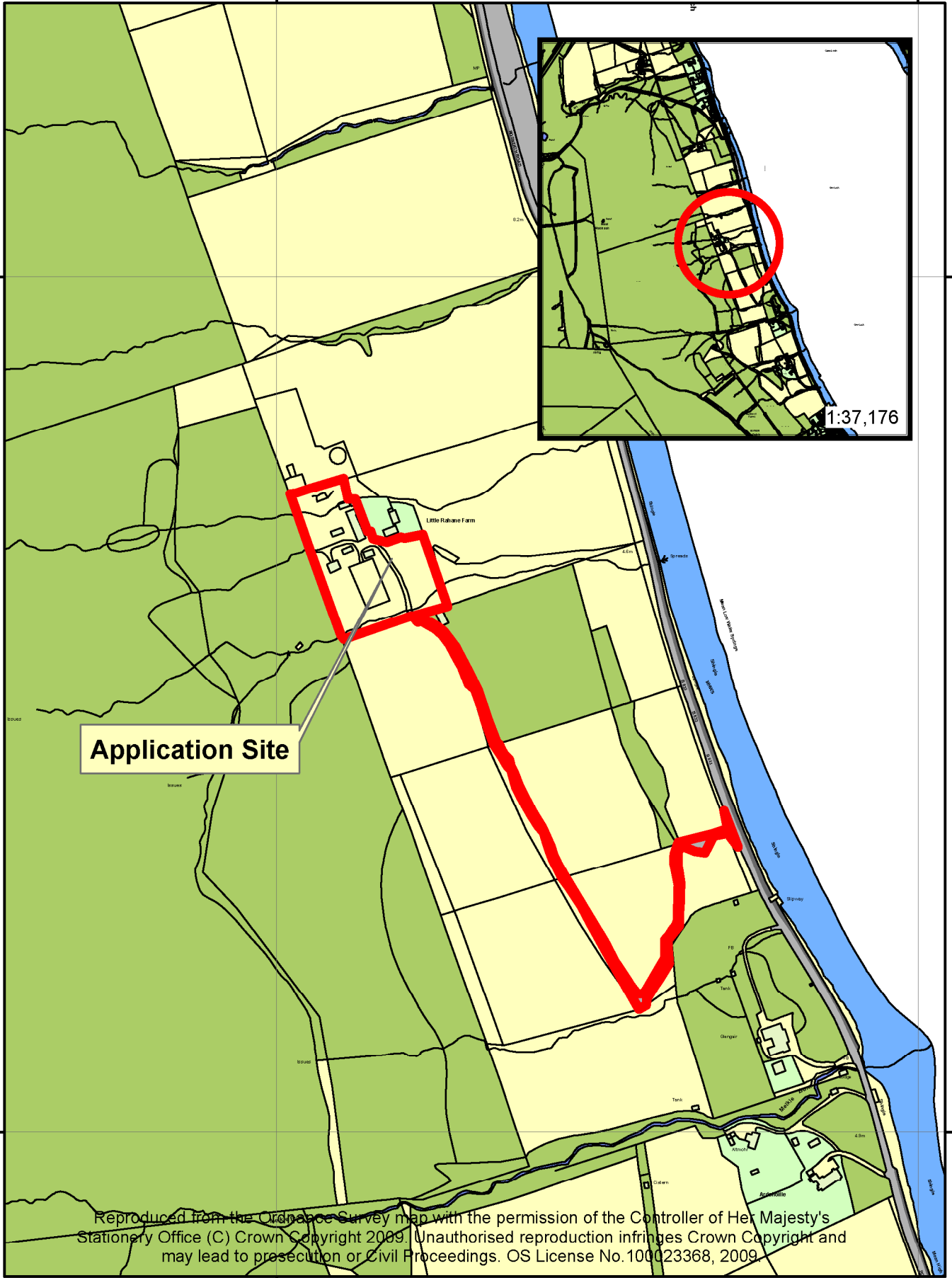
F. Infrastructure

The development would connect to the public water supply. In terms of foul drainage a new sewage treatment plant with a soakaway would be installed. This is consistent with Policy LP SERV 1 as the development would be located in a rural area and there are no public sewers in the vicinity which could serve the development.

G. Residential Amenity.

It is considered that development on this site, in principle, would be acceptable in terms of development plan policy and that the farm steading type arrangement would be an appropriate rural solution sympathetic to the landscape and development character of

the area. The design, scale and materials would also accord with the policies of the development plan and the Council's Sustainable Design Guide. However, the proposed development is located directly adjacent to the existing smallholding, Little Rahane Farm. The operators of the smallholding contend that the activities associated with their lawful use of the site would be such as to prejudice the residential amenity of the dwellings proposed. The Council's Environmental Health officers have concluded that the Noise Impact Assessment carried out indicates that five dwellinghouses located immediately adjacent to such an existing use would result in a poor standard of amenity, resulting in disturbance generated by noise. Government advice and Development Plan policy presumes against locating noise sensitive uses in situations where they would be adversely influenced by legitimate activities carried out on adjacent sites. Accordingly, the development is considered contrary to PAN 56 "*Planning and Noise*", and Policy LP BAD 2 '*Bad Neighbour in Reverse*' of the 'Argyll and Bute Local Plan'. As such it is recommended for refusal.



Application Site

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**Location Plan relative to
Application Ref: 10/00536/PP**

Date: 23.08.10

Scale: 1:5,000



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Argyll and Bute Council
Development and Infrastructure Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00899/PP

Planning Hierarchy: Local application.

Applicant: Argyll Properties Ltd

Proposal: Erection of 4 terraced dwellinghouses and block of 8 flats (modification to permission ref. 07/02508/DET) and land engineering works.

Site Address: Cowal Golf Club, 44 Ardenslate Road, Kirn, Dunoon

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Erection of two-storey terraced block comprising 4 dwellinghouses;
Erection of four storey block comprising 8 flats;
Associated vehicular accesses and car parking;
Land engineering works to golf course.

(ii) Other specified operations

Connection to public water main and public sewer.
Installation of SuDS drainage scheme.

(B) RECOMMENDATION:

It is recommended that planning permission be granted, subject to the completion of a variation to an existing Section 75 legal agreement and subject to the conditions, reasons and notes to the applicant set out below.

(C) HISTORY:

A detailed application (ref. 07/00664/DET) for the erection of 64 2-bed flats was withdrawn on 30th October 2007 following discussions regarding affordability issues.

Planning permission (ref. 07/02508/DET) for the erection of 72 flats and formation of vehicular access and car parking court; extension of golf club car parking, erection of green keepers workshop/ bothy and re-location of 18th green was approved on 19th June 2008, following conclusion of a Section 75 Agreement in respect of the provision of 16 affordable flats.

On 5 August 2008, the Bute & Cowal Area Committee agreed to the developer's request to vary the terms of the s.75 Agreement to allow the affordable housing objective to be met by the sale of the site of one block of 24 flats to a registered social landlord. However, that variation has not been concluded.

A non-material amendment (ref. 09/01435/NMA) for changes to flood mitigation measures relevant to residential development approved under 07/2508/DET was approved on 19th October 2009.

(D) CONSULTATIONS:

Area Roads Manager (expiry date 6th August 2010): No objections.

Scottish Water (response dated 12th August 2010): No objections in principle. Due to scale of development a Development Impact Assessment form to be submitted. Advisory notes recommended.

Flood Alleviation Manager (email response dated 22nd July 2010): Confirm acceptability of Flood Risk and Surface Water Drainage Impact Assessment, subject to additional detail being supplied by way of condition.

(E) PUBLICITY:

Regulation 20(1) Advert (publication date 30th July 2010, expiry date 20th August 2010).

(F) REPRESENTATIONS:

One representation was received from Brian J. Croasdell, 83 Fairhaven, Kirn (email dated 29 July 2010) but this was a request for information . There have been similar requests for clarification of the scheme but no formal representations.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: No

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No

(iii) A design or design/access statement: Yes

The original Design Statement has been revised (November 2009) to take account of changes to the site layout in the south-eastern portion of the site. The Design Statement incorporates minor changes made to the originally approved scheme under non-material amendment ref. 09/01435/NMA in respect of enlarging the existing drainage ditch down the eastern side of the site to allow storm water attenuation and subsequent repositioning of flatted Block F.

The changes to the approved scheme involve a reduction in the size of flatted Block B (from 16 flats to 8 flats) and the erection of a 4-unit terraced block that will retain and reinforce the street frontage along Ardenslate Road. The revised car parking court for Block B and the terraced block, now reflects the Block A car park and offers a better

balanced plan with car parking to the rear of the street frontage. The original landscaping principles remain with the structured landscape belt retained and more fully complimented by the natural break created with the street blocks' rear parking courts.

- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

Flood Risk and Surface Water Drainage Impact Assessment by Dougal Baillie Associates dated February 2010. The report concludes that the development can be implemented whilst ensuring that there would be no detriment to existing or proposed flood risk, water quality or water environment issues. Flood risk issues will be managed on site via the formation of a new watercourse channel, compensatory flood storage area and through a SuDS scheme which will incorporate hydraulic controls and a subsurface attenuation storage. Water quality in the receiving watercourse will be managed post-development by ensuring that surface water run-off is routed through the SuDS scheme which is designed to provide treatment of surface water. It is acknowledged that a CAR licence will be required from SEPA for works to realign the existing watercourse.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes.

The original Section 75 Agreement concluded for permission ref. 07/02508/DET requires to be altered to reflect the change in the number of flats and the inclusion of 4 dwellinghouses and to allow the affordable housing objective to be met by the sale of the site of one block of 24 flats to a registered social landlord.

If agreement not completed in four months, grounds for refusal:

The lack of a mechanism to secure the provision of affordable housing within a combined development of the 12 residential units proposed as part of this application along with the 56 units remaining from the layout previously approved under permission 07/02508/DET would contrary to the Council's stated policy on affordable housing as set out in policy LP HOU 2 of the 'Argyll and Bute Local Plan' 2009. Policy LP HOU 2 requires housing development of greater than eight units to have a minimum of 25% affordable units. Accordingly, the proposals fail to meet the Council's strategy for affordable housing provision.

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

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

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

Argyll and Bute Structure Plan 2002

STRAT SI 1 - Sustainable Development;
STRAT DC1 Development Within The Settlements;

STRAT DC10 – Flooding and Land Erosion;
STRAT HO1 – Housing – Development Control Policy;
PROP TRANS1 - Development Control, Transport and Access;

Argyll and Bute Local Plan (June 2009)

LP ENV1 Development Impact on the General Environment;
LP ENV12 Water Quality and Environment;
LP ENV19 Development Setting, Layout and Design
LP HOU1 General Housing Development;
LP HOU2 Provision of Housing to meet Local Needs including Affordable Housing Provision;
LP HOU4 Housing Green-Space;
LP SERV1 Private Sewage Treatment Plants and Wastewater Systems;
LP SERV2 Incorporation of Natural Features/Sustainable Drainage Systems (SuDS);
LP SERV3 Drainage Impact Assessment (DIA);
LP SERV7 Contaminated Land,
LP SERV8 Flooding and Land Erosion;
LP TRAN2 Development and Public Transport Accessibility;
LP TRAN3 Special Needs Access Provision;
LP TRAN4 New and Existing, Public Roads and Private Access Regimes;
LP TRAN5 Off site Highway Improvements;
LP TRAN6 Vehicle Parking Provision;
LP REC2 Safeguarding of Recreational Land and Important Open Spaces

Appendix A Sustainable Siting and Design Principles;

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Planning Policy (February 2010);
Circular 2/2010 – ‘Affordable Housing and Housing Land Audits’;
Planning Advice Note 67 – ‘Housing Quality’;
Planning Advice Note 68 – ‘Design Statements’;
‘A Policy Statement for Scotland - Designing Places’;

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

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

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

(N) Does the Council have an interest in the site: Yes. Restriction in title in favour of the Council

(O) Requirement for a hearing (PAN41 or other): No

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

Detailed planning permission (ref. 07/02508/DET) for the erection of a residential development comprising 72 flats in six four-storey blocks was granted on 19th June 2008. One of these blocks (Block A) is potentially to be developed by ACHA as the affordable housing contribution. Since planning permission was granted, the applicants wish to vary Block B from a 16-unit flatted block to an 8-unit block with separate two-storey terraced block of 4 dwellinghouses adjacent. The changes to the original permission are considered to be acceptable and many of the conditions are replicated for consistency. The Section 75 Agreement will require to be re-worded to reflect the change in the number of flats and to allow the affordable housing objective to be met by the sale of the site of one block of 24 flats to a registered social landlord.

No letters of representation have been received and Roads, Scottish Water and the Council's Flood Alleviation Manager find the revised scheme acceptable.

The proposed development would accord with policies contained in the Argyll and Bute Structure Plan and the Argyll and Bute Local Plan (August 2009) and there are no material considerations which would justify refusal of permission.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The development conforms with the requirements of 'Argyll and Bute Local Plan' policies LP ENV19, HOU1, HOU2, HOU4, SERV1, SERV2, SERV3, SERV7, SERV8, TRAN4, TRAN6 and REC2 and there are no material considerations which would warrant anything other than the application being determined in accordance with the provisions of the approved development plan.

(S) Reasoned justification for a departure from the provisions of the Development Plan
n/a

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

Author of Report: Brian Close

Date: 24th September 2010

Reviewing Officer: David Eaglesham

Date: 24th September 2010

**Angus Gilmour
Head of Planning & Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/00899/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 16th April 2010 and the approved drawing reference numbers: 2634/P/102 RevA, 2634/P/101, 2634/P/200 RevC, 2634/P/201 RevC, 2634/P/300, 2634/P/301, 2634/P/302, 2634/P/303 RevA, 2634/P/304, 2634/P/305, 2634/P/500 RevA, 2634/P/501, 2634/P/503, 2634/P/901, 2634/P/902, Flood Risk and Surface Water Drainage Impact Assessment Report by Dougal Baillie Associates dated February 2010 including drawings and details contained in Appendices A to H (or as amended), unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. Within one year of any work commencing on site, the applicant/developer shall provide an equipped children's play area (as shown on Proposed Site Plan 1:500 drawing no. 2634/P/200 Rev C and 1:200 Proposed Site Plan drawing no. 2634/P/201 RevC) that shall be completed and ready for use. Prior to any works commencing on site full details shall be submitted in writing for the approval of the Planning Authority in respect of play equipment, seating, landscaping, boundary treatment and maintenance/ factoring of this area.

Reason: In order to provide on-site play provision for the proposed development.

4. No development, including any site works, shall commence until the written agreement of Scottish Water has been received confirming that the site foul drainage system can be connected to the public sewerage system, unless otherwise agreed in writing by the planning authority.

Reason: In order to provide for sustainable development of the site, and to avoid any unacceptable adverse impact on the water environment.

5. Prior to the commencement of any construction works, the following information to supplement the submitted 'Flood Risk and Surface Water Drainage Impact Assessment Report' by Dougal Baillie Associates dated February 2010 shall be submitted for the prior written approval of the Planning Authority in consultation with the Council's Flood Alleviation Manager. Such details shall include :

- Details of access to intakes MH1, MH2 and MH4 which should have a platform at the end of the access with a handrail;
- Detail of intakes showing horizontal section of intake grill 900mm long;
- Details of flow path should intake MH1 overtop;
- Confirmation of maintenance procedures for surface water drainage systems, SuDS, watercourses, surface water outfalls and intakes and that the property owners will be responsible for the maintenance of these systems.

Reason: To avoid potential for flooding at the site in the interests of health and amenity.

6. The drainage proposals as detailed in the submitted Flood Risk and Surface Water Drainage Impact Assessment Report by Dougal Baillie Associates dated February 2010 including drawings and details contained in Appendices A to H (or as amended) shall be fully implemented prior to the occupation of the first flat or dwellinghouse, or such other timescale as may be agreed in writing with the Planning Authority.

Reason: In order to provide for a sustainable drainage scheme for the development.

7. Prior to the commencement of any site works, a preliminary contaminated land assessment, carried out by a competent person, shall be undertaken and submitted to the Planning Authority. The assessment should be sufficient, given the past use(s) of the site, to demonstrate the likely presence or absence of contaminants and their nature and make recommendations for further investigation if needed to quantify any hazards posed.

Reason: In the interest of public health and amenity as previous site uses may have resulted in contamination which may pose a hazard to the proposed residential development.

8. Where the preliminary investigation has concluded that contamination is present and may pose a hazard to the development, a secondary assessment, carried out by a competent person, shall be undertaken and submitted to the Planning Authority prior to the commencement of any site works. The assessment should seek to define any risks to the development posed by contamination, and make recommendations as to the requirement for any actions necessary to render the site suitable for the proposed use. The recommendations shall be agreed in writing by the Planning Authority, prior to the commencement of any site works.

Reason: In the interest of public health and amenity as previous site uses may have resulted in contamination which may pose a hazard to the proposed residential development.

9. Where the secondary investigation has indicated that action is necessary to render the site suitable for the proposed use, a remediation plan shall be devised by a competent person and submitted to the Planning Authority, prior to the commencement of any site works. The plan shall include details of the methodology that will be employed to demonstrate that the site will be rendered suitable for the proposed use.

Reason: In the interest of public health and amenity.

10. The remediation works shall be carried out as detailed within a remediation plan, unless otherwise agreed, in writing, with the Planning Authority. Upon completion of remediation works a completion certificate shall be issued, by a competent person, certifying that the works identified within the remediation plan have been carried out in accordance with the plan.

Reason: In the interest of public health and amenity.

11. Prior to the commencement of any construction works, samples of all external finishes (including car park surfaces) and roof coverings shall be submitted for the written approval of the Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity and to help integrate the proposal within its surroundings.

12. 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 Area Roads Manager, unless the prior consent for variation is obtained in writing from the 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.

13. Prior to the construction of any of the flats or dwellinghouses hereby approved or such other timescale as may be agreed in writing with the Planning Authority, the proposed vehicular access shall be constructed to adoptable standards as per the Council's Development Guidelines and shall be 'fit for purpose' for existing users at Kirn Hunters Quay Bowling Club and Cowal Indoor

Bowling Club. The access shall have a minimum radius of 6 metres, width 5.5 metres and 2 metre wide footway/service strip on both sides with a turning area at or near the end of the road.

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.

14. Prior to the first occupation of any of the flats or dwellinghouses hereby approved, the car parking area for 24 vehicles serving Block B and the terraced block as shown on approved site plan drawings 2634/P/200 RevC and 2634/P/201 RevC, shall be provided together (unless otherwise agreed in writing with the Planning Authority) and the northernmost 12 no spaces identified on this plan suitably surfaced in 'grasscrete' (or other similar material that may be agreed with the Planning Authority) and thereafter be retained in perpetuity for such a dedicated purpose.

Reason: In the interest of traffic and pedestrian safety and to ensure suitable car parking provision for the development that will be surfaced to integrate with the surroundings in terms of visual amenity.

15. Prior to the occupancy of any of the flats or dwellinghouses hereby approved, the vehicular accesses onto Ardenslate Road and internal access shall be formed with sightlines of 90 metres in each direction formed from a 2.5 metres setback. No obstruction to visibility shall be permitted thereafter within these visibility splays above a height of 1.0 metres from the level of the highway.

Reason: In the interests of road safety and to ensure that appropriate sightlines can be achieved and maintained.

16. No development (including any land engineering works or any associated operations) shall take place within the site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in consultation and agreement with the West of Scotland Archaeology Service.

Reason: In order to allow the recovery and recording of any finds of archaeological significance.

17. No downpipes, burglar alarms, balanced flue extracts, meter boxes or service pipes shall be installed on the front elevations (south) on all of the flatted blocks, unless otherwise agreed in writing with the Planning Authority.

Reason: In order that such external fittings do not detract from the appearance of the building.

18. Prior to the commencement of any construction works, a detailed landscaping and tree planting scheme shall be submitted to the Planning Authority for approval. The scheme shall provide for a high quality scheme that shall include all landscaping including tree planting, shrub planting, hedges and soft/hard landscaping proposals for the site including all communal areas including details of the management and maintenance regime. The landscaping scheme, as may be approved, shall be fully implemented no later than the first planting and seeding season following the commencement of the development and thereafter shall be maintained for a period of ten years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.

Reason: In the interest of visual amenity and to help integrate the proposal into its surroundings.

19. Notwithstanding any details submitted, and prior to the commencement of any construction works a detailed scheme indicating a common boundary treatment to the flatted development shall be submitted for the written approval of the Planning Authority. The scheme shall be provided around all communal open space areas (including car parking areas and bin shelters) and shall provide for a natural hedge and/or stone boundary wall that shall be consistent throughout in terms of height, material and appearance and implemented commensurate with the development of the individual dwellinghouse(s). Thereafter and notwithstanding the provision of Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no fence or wall shall be erected fronting the new road without the prior written approval of the Planning Authority.

Reason: In the interests of visual amenity and to help integrate the proposal into the surrounding townscape setting and in terms of health and safety.

20. Prior to any construction works on site, full details (in respect of design and materials) of all proposed bin stores, cycle shelters, screening of electricity sub-station and any seating areas shall be submitted to and approved in writing by the Planning Authority.

Reason: No such details having been submitted.

21. Prior to any construction works on site, full details of a public art scheme(s) at the entrance to and within the development, shall be submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented prior to the first occupation of the last of the units to be occupied.

Reason: In the interest of visual amenity and to create a sense of place.

22. No works shall commence until further details including a timetable for ground engineering works has been submitted to and approved by the Planning Authority. Such details shall include confirmation and extent of soil redistribution and regarding of fairways and other land within Cowal Golf Course included within the application boundary. Given potential contamination on parts of the existing site close to the green keeper's buildings, no soil or material shall be moved around the site until the contamination conditions above have been formally discharged and subsequent details of earthworks submitted for consideration.

Reason: As no details have been submitted and to avoid redistribution of potential contaminated material.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00899/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the 'Argyll and Bute Local Plan' (August 2009) the site is located within the small town and village settlement of Kirn.

Planning permission (ref. 07/02508/DET) has already been granted for 72 flats in six blocks and the current application is for alterations to flatted Block B to create a smaller block of flats and a terraced unit of 4 dwellinghouses.

As the proposal is to vary an approved permission, the proposed development is acceptable in terms of settlement strategy and land use.

Accordingly, the proposal would be consistent with policy STRAT DC1 of the Argyll and Bute Structure Plan and policies LP ENV 1 and LP HOU1 of the Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site is located at the edge of the existing Kirn settlement boundary and bounded by Cowal Golf Course to the north and north-west, by Cowal Golf Clubhouse and car-park and detached dwellinghouses and terraced housing development to the west. It is bounded by Cowal Indoor and Outdoor Bowling Clubs to the east and by Fairhaven (a dense flatted development that comprises a combination of two to four storey flats beneath large monopitch roof structures) and former Council housing stock comprising semi-detached and terraced residential properties to the south. In terms of siting, the proposed development would be located on low ground overlooked by Cowal Golf Clubhouse and other dwellings at a higher level to the north of the site. The site is adjacent to Ardenslate Road (a classified road and bus route) which is an urban corridor typified by a wide range of building types including the new Dunoon Grammar School building situated some 150 metres west of the application site.

(ii) Proposal

The previous permission (ref. 07/02508/DET) was for the demolition of existing golf club buildings and the erection of a flatted development of six four-storey blocks with a total of 72 flats (16 x 1-bed and 56 x 2-bed), with car parking for 128 spaces and a new vehicular access from Ardenslate Road. The proposal also involves the repositioning of the existing 18th green, alterations to the existing golf club car park, erection of a new green-keeper's store, landscaping and tree planting. A Section 75 Agreement (agreed but not yet concluded) for this permission confirmed that ACHA would purchase the land that would contain flatted Block A and thereafter build the approved flatted block comprising 24 flats as socially rented units.

The current proposal involves alterations to Block B to create a smaller four-storey block of 8 flats (instead of the 16 flats approved) adjacent to the main entrance and the erection of a two-storey terraced block comprising four dwellinghouses on the space between Block B and the eastern boundary of the site. The changes to Block B also result in modifications to the previously approved car park layout and it is proposed to create a large car parking court to the rear of Block B and the terraced block.

The site boundary has been amended to incorporate ground engineering works to Cowal Golf Course comprising top soil distribution and regrading of fairways.

The proposal involves the realignment of the existing watercourse and the introduction of a SuDS scheme incorporating site attenuation measures. A connection is to be made to the public mains and public wastewater systems.

(iii) Assessment

The reduction of Block B and the erection of a terraced block adjacent are considered to strengthen the Ardenslate Road street frontage while adding variety to mix and layout of dwellings approved under the previous scheme. The changes allow the large car parking court (24 spaces) to be located to the rear of Block B and the terraced block and similar to the situation on the western half of the site to the rear of Block A. The design of the smaller and squatter flatted Block B and the two-storey terraced block is considered to be acceptable in terms of scale, design and materials.

The proposed ground engineering works on the golf course has not been qualified at this stage but the agent has confirmed that this has been included within the red line boundary as a contingency measure for the purpose of top soil redistribution which may involve the regrading of two fairways. It is confirmed that it is unlikely that there would be any perceptible contour changes or ecology disruption. This aspect is addressed via a suspensive planning condition.

It is considered that the proposed development is acceptable in layout, design and materials and would not have a significant visual impact, consistent with Policies LP ENV 19 (including Sustainable Design Guidance) and LP HOU1 of the 'Argyll and Bute Local Plan'.

C. Road Network, Parking and Associated Transport Matters

Roads have no objection to the proposal but comment that the proposed development will require Roads Construction Consent which will include traffic calming, footways, service strips, drainage measures, parking and turning. Roads note that the parking areas are regarded as housing courts and will not be adopted by the Council but will require Roads Construction Consent. Roads find the level of car parking acceptable and required sightlines can be achieved.

On the basis of the above, the proposal is considered consistent with Policies LP TRAN4 and LP TRAN 6 of the 'Argyll and Bute Local Plan'.

D. Flooding

There are no significant changes to the scheme in respect of the submitted Flood Risk Assessment which has been generally accepted by the Council's Flood Alleviation Manager. Some additional details are required in respect of access to intakes, provision of handrail, intake grill, flow path and confirmation of maintenance procedures for Suds systems but it is considered that these can be addressed via a suspensive planning condition.

On the basis of the above, the proposal is considered consistent with Policies LP SERV2, LP SERV3 and LPSERV8 of the 'Argyll and Bute Local Plan'.

E. Contaminated Land

The established and lawful use of this site is a golf course with associated green-keeper's storage buildings. The Drainage Impact Assessment includes information and suggestions that there may be contaminated areas around the green-keepers buildings. Public Protection previously recommended safeguarding conditions requiring further data and analysis to determine the type and level of remediation needed. This information has not yet been submitted.

On the basis of this safeguarding condition, the proposal is considered consistent with the provisions of Policy SERV7 of the 'Argyll and Bute Local Plan'.

E. Conclusion

It is considered that the minor changes to the previously approved scheme help to break up the massing and monotony of an all flatted four-storey development and help to open up the site in addition to screening the car parking court to the rear of the street frontage buildings. There are no other changes to the previously approved scheme under ref. 07/02508/DET and 09/01435/NMA and previous conditions, reasons and advisory notes have been replicated and amended to reflect any changes for the current proposal. The concluded Section 75 Agreement for permission ref. 07/02508/DET will require to be reworded to reflect changes made to the overall scheme under the current application. The proposal is considered to be in accordance with policies contained in the Argyll and Bute Structure Plan and Argyll and Bute Local Plan (August 2009) and there are no reasonable grounds to recommend refusal.

Having due regard to the Development Plan and all other material considerations and on the basis of the above, the proposal is considered to be acceptable.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 10/00899/PP

(A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

No

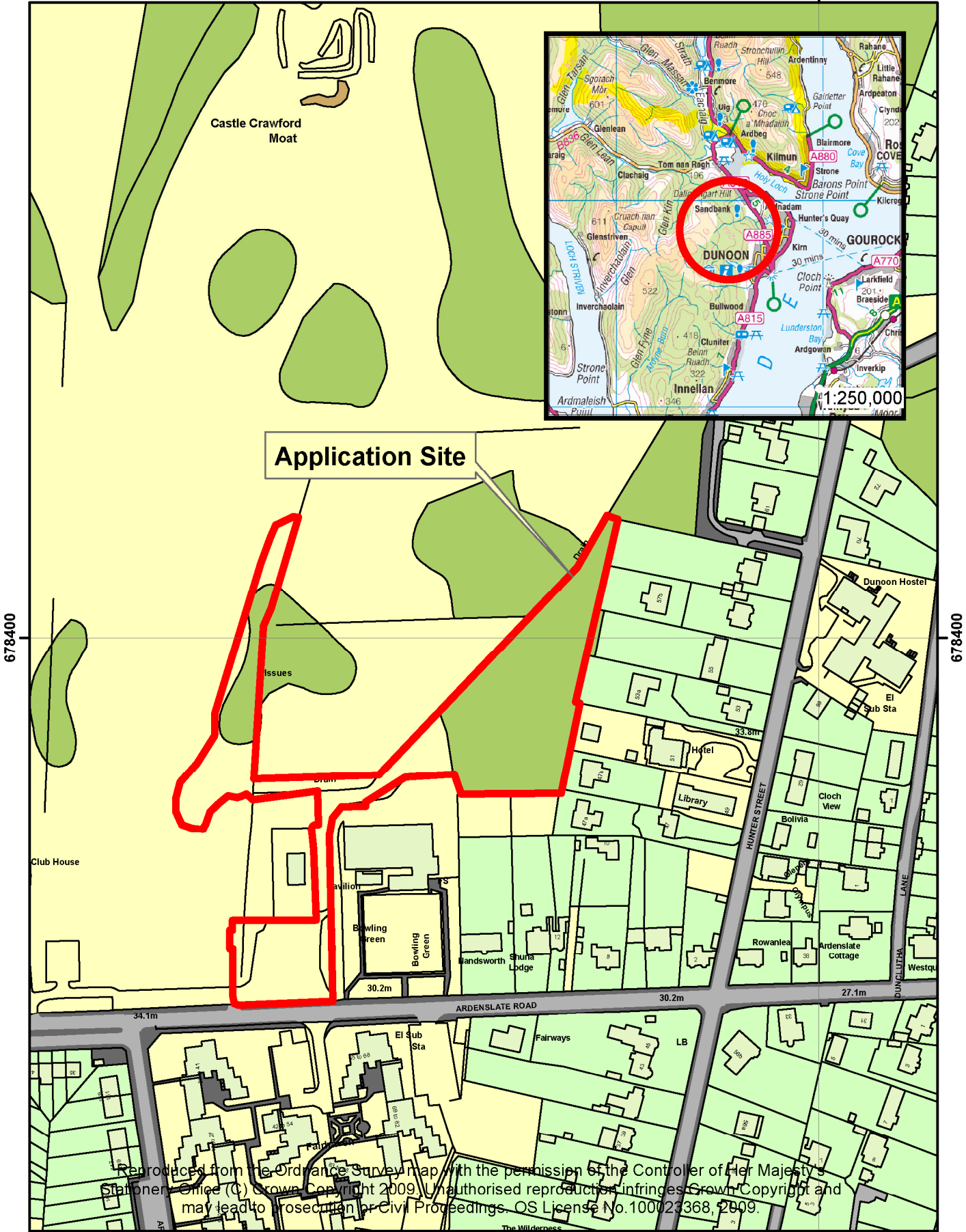
(B) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

No.

(C) The reason why planning permission has been approved.

The development conforms with the requirements of ‘Argyll and Bute Local Plan’ policies LP ENV19, HOU1, HOU2, HOU4, SERV1, SERV2, SERV3, SERV7, SERV8, TRAN4, TRAN6 and REC2 and there are no material considerations which would warrant anything other than the application being determined in accordance with the provisions of the approved development plan.

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**Location Plan relative to
Application Ref: 10/00899/PP**

Date: 01.12.09

Scale: 1:2,500



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**Argyll and Bute Council
Development & Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01128/PP

Planning Hierarchy: Local

Applicant: Mr Robert Brown

Proposal: Replacement of roof covering on barn (retrospective) and formation of entrance porch enclosure.

Site Address: Courtyard Cottage, Strathlachlan, Cairndow, Argyll.

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Replacement of roof covering on barn (retrospective)
Formation of entrance porch enclosure.

(ii) Other specified operations.

Erection of 2 metre high deer fence.
Installation of chimney flue.

(B) RECOMMENDATION:

- a) Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons set out in this report, subject to;
 - b) A discretionary local hearing being held under current arrangements pertaining to the holding of hearings, in view of the number of representations received; or
 - c) In the event of revised criteria based arrangements being adopted pertaining to the holding of hearings (report appears elsewhere on the agenda), that no discretionary local hearing be held, on the basis that the criteria prompting the need for a hearing are not satisfied in this case.
-

(C) HISTORY:

Planning permission 99/01273/COU granted on 21st September 1999 for the use of building as a separate dwellinghouse at Letter Farm Strathlachlan. This planning permission was duly implemented and the converted building is now known as Courtyard Cottage.

Complaint received (ref: 10/00204/ENOTH2) on 8th June 2010 regarding alleged unauthorised roof works to the barn building at Courtyard Cottage.

(D) CONSULTATIONS:

Strachur District Community Council (letter dated 16th September 2010): No comment.

(E) PUBLICITY:

Neighbour notification and public advertisement (expired 3rd September 2010).

(F) REPRESENTATIONS:

34 letters of representation have been received.

(i) Representations received from:

Objection has been received from the following:

- John Tidbury (letters dated 11th August 2010 & 13th September 2010), Letters Farm House, Strathlachlan, Argyll, PA27 8BZ.
- David Dutch & Claire Kinna (letters dated 30th August, 16th September 2010, and 29th September), Letters Lodge North, Strathlachlan.
- Frieda Bos (letter dated 30th August 2010 & emails dated 6th & 14th September 2010), Letters Lodge South, Strathlachlan, Argyll, PA27 8BZ.
- Ms M Gerrie (email dated 1st September 2010)
- Michael McArthur (letter dated 1st September 2010), 5 Kyles of Bute Holiday Lodges, Kames, Tighnabruaich, PA21 2BY.

Support has been received from the following:

- Cllr Ron Simon (email dated 23rd August 2010).
- G. J. Thomas & Mrs J. F. Thomas (letters dated 23rd August, 7th September & 18th September 2010), Kilkatrine, St Catherines, Argyll, PA25 8AZ.
- Charles Gordon Mather (letter dated 23rd August 2010) Clachan Bar, Strachur, Argyll, PA27 8DG.
- Crawford & Heather Grier (letter dated 23rd August 2010), Poll Schoolhouse, St Catherines, Cairndow, PA25 8AZ.
- H. Moffat (letter dated 23rd August 200), No 6 Swedish houses, Glenbranter.
- Owner/Occupier (letter dated 23rd August 2010), Strone Farm, Strathlachlan, Cairndow, PA27 8DB.
- Alex Tickell (letters dated 23rd August 2010 & 2nd September 2010), Leanch, Strathlachlan, Strachur, Argyll.
- Alex McPhail (letter dated 23rd August 2010), The Birches, The Bay, Strachur, Argyll, PA23 8DE.

- Douglas MacPherson (letter dated 23rd August), 30 Forest View, Strachur, Cairndow, PA27.
- Owner/Occupier (letter dated 23rd August 2010), Strone Farm, Strathlachlan, Cairndow, PA27 8DB.
- Robert Somerville (letter dated 23rd August 2010, The Pines, St Catherines, Cairndow, PA25 8AZ.
- Mr & Mrs Speirs (letter dated 23rd August 2010), Cnoc Cottage, Leachd, Strathlachlan, Strachur, PA27 8DA.
- C. McPhail (letter dated 23rd August 2010), 14 Forest View, Strachur, Argyll, PA27 8DR.
- Gordon Neish (letter dated 23rd August 2010), 3 The Bay, Strachur, PA27 8DE.
- T. G. Black Post Mistress, Strachur P.O. (letter dated 23rd August 2010), Bay Cottage, The Bay, Strachur, Argyll, PA27 8DD.
- Mr I. W. Asher (letter dated 23rd August) Ardsealladh, 18 Baycrofts, Strachur, PA27 8BW.
- Fiona & Alan Clayton (letter dated 23rd August 2010), Westfield, Letters Way, Strachur, Argyll, PA27 8DP.
- Alexandra A. Wilson (letter dated 23rd August 2010), Mid village Croft, Newton, Strachur, Argyll.
- Brian Salisbury (letter dated 23rd August), 47 Forrest View, Strachur, PA27 8DQ.
- James Nolan (letter dated 23rd August 2010), Veyatie, The Bay, Strachur.
- C. R. Stevenson (letter dated 23rd August 2010), Hillside, Strachur, Argyll, PA27 8BY.
- Rachel, Alistair and Tommy McCuaig (letter dated 24th August 2010), Larchfield, Leanach, Strathlachlan, PA27 8DB.

(ii) Summary of representations received:

- i. The material used on the roof has no characteristics of any of the material removed prior to its installation.

Comment: The development represents a material change of roof covering. Hence the need for planning permission and the submission of this retrospective planning application.

- ii. The original roofing material was natural slate.

Comment: The original roofing covering at the time the building was constructed would have been slate, but this was removed by the previous owners of the property and replaced by a mis-match of Scottish slate, corrugated PVC sheeting, profiled steel sheeting and clear plastic sheeting.

- iii. The new roofing is completely different and intended for industrial usage.

Comment: The new metal roof sheeting is different to the previous roof covering, hence the submission of this planning application. The use of metal roof sheeting is not alien to rural settings and non-industrial buildings. Examples of metal roof cladding being used in sympathetic conversions and refurbishments are detailed in the Council's approved Sustainable Design Guide (2006).

- iv. My outlook now includes that of a characterless artificial roof that glaringly reflects the sun. The new roof covering causes significant glare and dazzle.

Comment: See assessment below.

- v. The new roof has a negative effect on the visual harmony of the surrounding complex of buildings. It has changed the character of the barn and all of the related neighbouring buildings.

Comment: See assessment below.

- vi. The entrance porch/extension will look directly into our living and bedroom windows.

Comment: See assessment below.

- vii. Pleased to see the south side of the barn with a new roof replacing the rusty corrugated sheets but disappointed the roofing sheets were also used at the courtyard side of the barn. This has changed the character of the courtyard as all the buildings had slated roofs.

Comment: See assessment below.

- viii. The new roof is totally at odds with the surroundings and does nothing to enhance the building which is visible from the A886 road.

Comment: See assessment below.

- ix. With the new guttering all the water from the roof drains through the one down pipe close and runs off towards my property.

Comment: There has been no change to the existing drainage arrangements. The new guttering drains into existing down pipes upon both the north and south elevation of the barn.

- x. The deer fence was erected after Mr. Brown submitted the planning application.

Comment: The deer fence does not require planning permission by virtue of Class 7 of the 1992 General Permitted Development Scotland Order.

- xi. Apart from the applicant there is 100% objection to this application from residents whose properties make up the rest of the courtyard complex.

Comment: This application will be considered entirely on its own merits taking into consideration the views of all representations received.

- xii. The new roof is a vast improvement on the rusting corrugated iron that was previously in situ. There are several examples of this solution in Cowal.

Comment: See assessment below.

- xiii. I wish to endorse the work already carried out to the barn as this property has laid in a deteriorating condition.

Comment: See assessment below.

- xiv. The new roof has made the building in line at Letters so much better when viewed from the southerly approach and is welcomed addition to the building stock in Strachur.

Comment: See assessment below.

- xv. The new roof blends in with the neighbouring buildings and landscape.

Comment: See assessment below.

- xvi. A condition attached to the grant of planning permission 99/01273/COU, which allowed the conversion of the barn building to a dwellinghouse where the applicant resides required opaque glazing to be fitted to the lower pane of six windows upon the front elevation of this property, in the interest of privacy and amenity. We request that this be taken into consideration when looking at the porch/extension element of the application.

Comment: The proposed porch enclosure has been considered in terms of overlooking and privacy, see assessment below.

- xvii. As above, these existing windows are fitted with clear glazing at present, in breach of planning permission 99/01273/COU, so we would appreciate if you could let us know when the obscure glass will be fitted.

Comment: This matter will be the subject of a separate planning enforcement investigation and should not be considered as part of this application.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
- (v) **Applicants Supporting Information** summary of correspondence dated 2nd, 7th and 15th September 2010:

The roof project, apart from saving this redundant agricultural building from dereliction has employed a material whose colour and tone correspond to slate which could not be used for structural reasons. The building is and always has been non residential and is used for storage and garaging.

The material used on the roof is lightweight and classified as similar to approximately 75% of what existed and has been used in order to provide a maintenance free, look alike, solution to the ongoing and dangerous problem of a degenerating, high level, inclined plane.

The porch applied for is a porch, not a kitchen extension. There is no electrical supply to it nor space for even the smallest kitchen storage unit. The concept is for an area between our kitchen and the courtyard which will act as a lobby to help reduce the effect of the prevailing SW wind on our exposed kitchen door.

The aspect from the porch could be considered to be NW and SW but given that the entrance platform currently in use to access our kitchen would form the underbuilding for it, nothing will change to prevent the objectors' fears of being overlooked from the existing platform. Enclosing it in glass wouldn't change a thing in that respect. The vertical plane facing their building would not move any closer to them than the 12.5m it presently is. The proposed porch will have 5 sq.m of floor space, hardly a comfortable viewing platform particularly enclosed in glass on a sunny day. I have no idea what reducing it in size would achieve.

Objections assume that the roof on the courtyard elevation was completely covered with slate. This was not the case.

The roof prior to re-surfacing had CI rainwater gutters and downpipes. The gutters were in poor condition when the roof surface was removed and could not be re-used.(sample retained as evidence) The existing downpipes (north and south elevations) were retained and new deep-flo gutters fitted to both elevations of the barn and connected to them (photographs already supplied are proof of their existence). Both of these rain water downpipes were historically terminated at ground level with the rain water allowed to soak away. In order to prevent excess surface water lying on the courtyard, we installed new land drains around the barn and linked these to new vented drainage outflow pipes which were installed under the courtyard.

It should be noted that since the barn first existed, all rain water was allowed to soak away either onto the courtyard or onto the ground to the south of the barn. Between then and now the original r/w rone pipes have become damaged and were not doing what they were designed to do. This however did not mean that the rain water suddenly disappeared. It still ran to the lowest point on both sides of the barn where it was slowly absorbed into the ground. Some years ago I had new surface water drains installed under the courtyard exiting in our local burn.

Subsequent to that I had deep land drains installed round the east and south edges of the barn and linked to the existing courtyard drainage. This drainage can and is coping with the rainwater around the barn including in the courtyard.

Also submitted by the applicant are detailed photographs of the entire roof (before and after) and when viewed from the A886 from the north and south.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Local Plan' 2009

LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)
LP ENV 19 – Development Setting, Layout and Design

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

N/A.

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

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

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

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

- (O) Requirement for a hearing (PAN41 or other):**

Under current arrangements a Members are recommended to hold a discretionary local hearing in view of the number of representations received. In the event of revised criteria based arrangements being adopted pertaining to the holding of hearings (report appears elsewhere on the agenda) it is recommended that no discretionary local hearing be held, on the basis that the criteria prompting the need for a hearing are not satisfied in this case.

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

The determining issue, with the replacement roof covering, is the appropriateness of the material which has been used and its impact upon the character of the barn building, the wider cluster of neighbouring buildings and its wider landscape impact. These key considerations have generated a significant number of representations.

The replacement roof covering of the barn building is not considered to detract from the character of the barn building or the wider cluster of buildings at Letters Farm. The new roof covering replaced a roof previously covered in a variety of roofing materials including natural slate, corrugate iron sheeting, plastic sheeting and metal sheeting. The use of the profiled dark grey metal sheeting is considered to be an entirely appropriate roofing material that is not alien to this rural countryside location. The new roof covering arguably enhances the visual appearance of the barn given the assorted and aged appearance of the previous roof coverings. The barn can be partially viewed from a southerly direction on the A886 road, but the building is viewed within a cluster of existing buildings and against a woodland back drop so it is not a prominent feature in the landscape. Indeed from a distance, given the slate like colour of the metal sheeting, it is difficult to establish whether the roof covering on the barn is or is not slate.

In respect of the proposed entrance porch enclosure, there are not considered to be any substantiated privacy or amenity concerns given the existing small entrance stepped structure in situ, the courtyard formation of the buildings, the size of the subject windows and the window to window distance.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policies LP ENV 1, LP ENV 10 and LP ENV 19 of the Argyll and Bute Local Plan (2009) and there are no other material considerations, including the views expressed by third parties which would warrant anything other than the application being determined in accordance with the provisions of the approved development plan.

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

N/A

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

Author of Report: John Irving

Date: 21.09.2010

Reviewing Officer: David Eaglesham

Date: 05.10.2010

**Angus Gilmour
Head of Planning & Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01128/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 25th June 2010 and the approved site plan titled '*Application Ref no. 10/01128/PP*', received on 22nd July 2010 and approved drawings titled '*Plan of Building & Adjacent Property to Letter Farm Showing Extent of Land Belonging to Courtyard Cottage Letters*', received 22nd July 2010, '*Plans & Elevations Existing & Proposed*', Drg, No. RGB/10/1, received 22nd July 2010, '*Details of Proposed Entrance Porch At Courtyard Cottage, Letter Farm*' (x2), received 22nd July 2010 and unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Prior to the first use of the porch enclosure, its roof shall be fitted with opaque glazing and its north facing elevation shall be of solid construction. The porch enclosure shall be retained with this design and appearance in perpetuity, unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interest of privacy and amenity of the adjoining property.

NOTE TO APPLICANT

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

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 10/01128/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The premises lie in the Settlement Zone of Strachur as detailed in the adopted Argyll & Bute Local Plan 2009.

B. Location, Nature and Design of Proposed Development

Replacement roof covering – Barn

Letters Farm and Courtyard Cottage form a cluster of farmhouses and former farm/agricultural buildings which have been converted into dwellinghouse. This excludes the derelict barn building which belongs to Courtyard Cottage and is the subject of this application. This barn building is one of the southernmost buildings at this location. The roofs of the neighbouring buildings to this vacant barn are finished in traditional Scottish slate. The barn building, prior to its recent re-roofing, was finished in a variety of different roof coverings. The northern roof elevation, facing into the courtyard, was covered in a mixture of natural slate, corrugated sheeting, clear plastic sheeting and metal sheeting. Natural slate covered approximately 70% of this north facing roof plane. The south facing roof face did not boast any natural slate but was covered in corrugated iron sheeting and clear plastic sheeting. The barn roof, in its entirety, has been reroofed in dark grey profiled metal sheeting with four clear plastic rooflights upon the south facing roof elevation and one similar rooflight upon the north facing roof elevation. No other alterations are proposed to this building. New guttering has been installed but this connects to existing down pipes.

The determining issue, with this aspect of the application, is the appropriateness of such a replacement roof covering and its impact upon the character of the barn building, the wider cluster of neighbouring buildings and its wider landscape impact. These key considerations have generated a significant number of representations.

This building did not have an intact slate roof, with the majority of the building's roof being covered in a mis-match of different roof coverings, as detailed above. The installation of this single roof covering, of a material that is not alien to this rural setting, arguably improves the character and setting of this building. There are examples of similar metal roof coverings being used on both agricultural and residential properties in similar rural/countryside locations. Indeed, the Council's published Sustainable Design Guidance 3 'Working with Argyll & Bute's Built Heritage' (2006) recognises metal sheeting as traditional building material and uses similar successful examples on pgs 30 & 41. It is not considered this new roof covering compromised the character of this barn building.

The barn building and the immediate neighbouring properties are not listed buildings and are therefore not recognised as being of historical importance or of architectural merit. While the north facing roof elevation of this barn did boast some natural slate covering this does not require the new replacement roof covering to be natural slate. As mentioned above, metal roof coverings can be viewed an appropriate roof covering, particularly in a rural setting such as this and given its dark grey slate colour, effort has been made to integrate the development into the surrounding built environment. It is not therefore considered that the character and appearance of the neighbouring properties have been compromised by this new roof.

Formation of entrance porch enclosure

It is proposed to form an enclosure around an existing stepped entrance way upon the front elevation of Courtyard Cottage. The existing stepped entrance way currently boasts a 1.5 metre high concrete wall. It is not proposed to extend the footprint size of the structure but to install a uPVC double glazed frame, upon the existing blockwork which will create an enclosure with a shallow single pitched roof. The proposed structure will measure a maximum height, from ground level, of 3.26 metres. The structure has been designed with a solid wall upon its northern elevation and an opaque roof. This will address any overlooking or privacy issues associated with the adjoining property (Letter Farm House).

The rear elevation of the neighbouring property to the west (Letter Lodge North) measures 12 metres from the west facing elevation of the proposed entrance porch enclosure. Specific objection has been received from the owners of this property as they consider their amenity and privacy will be compromised as it will allow overlooking into their living area and bedrooms. Appendix A of the Adopted Local Plan prompts a minimum window to window distance of 18 metres but acknowledges that this may not always be possible in densely built areas and 'courtyard type' developments, such as this. It is considered that of the four rear windows upon the rear elevation, one is an opaque bathroom window and two are narrow slit windows. These windows can already be overlooked from this existing structure and from the immediate courtyard area that the applicant owns and can access. The development proposal is the formation of an enclosure upon an existing small raised structure and, given all of the above, a distance of 12 metres from both properties is sufficient and will not result in any decreased levels of amenity or privacy for the occupants of Letter Lodge North.

Deer fence and chimney extraction flue

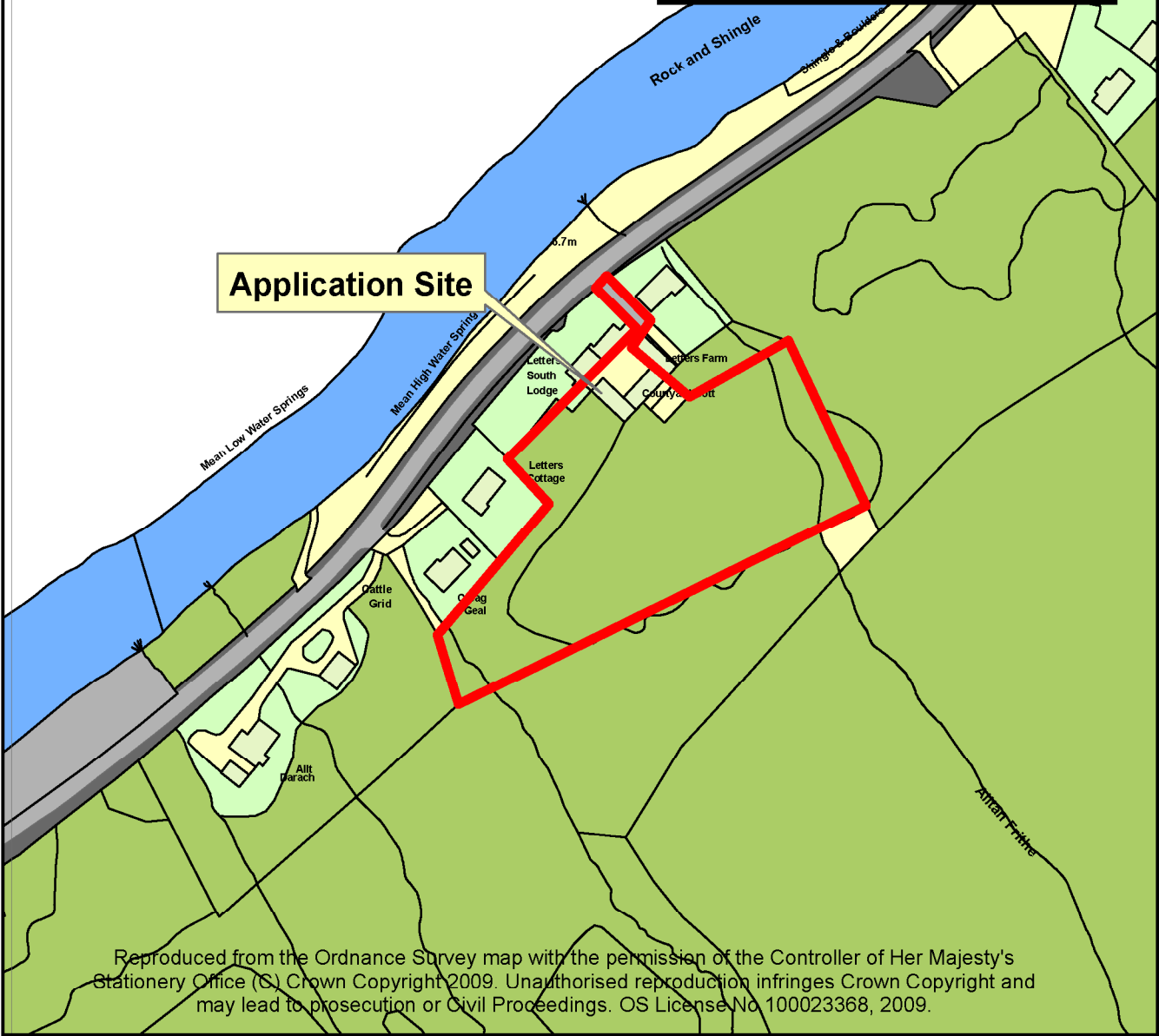
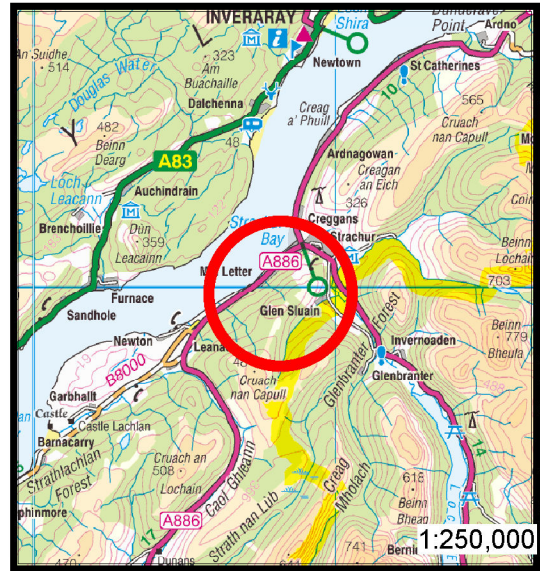
This application also incorporates the erection of a 2 metre high deer fence and a chimney extraction flue. Under Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, given the fence's height and distance from the public road, it does not require planning permission. Similarly, under Class 6F of the same order, the new extraction flue does not require planning permission as it does not exceed one metre above the highest point of the roof on which the flue is to be fixed.

C. Natural Environment

While the site is located within a defined Area of Panoramic Quality, the barn building can only be fully viewed from within the immediate vicinity of the site. The barn can be partially viewed from a southerly direction on the A886 road, but the building is viewed within a cluster of existing buildings and a woodland back drop and it therefore not a prominent feature in the landscape. Indeed from a distance, given the slate like colour of the metal sheeting, it is difficult to establish whether the roof covering on the barn is or is not natural slate. There is not considered to be any wider adverse landscape impact associated with this development in terms of policy LP ENV 10.

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Application Site

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207400



**Location Plan relative to
Application Ref: 10/01128/PP**

Date: 01.12.09

Scale: 1:2,500



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**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01147/PP

Planning Hierarchy: Local Development

Applicant: Mr R. Young

Proposal: Erection of Anemometer Mast for Temporary Period of 2 years

Site Address: South of Beinn Mhor, Clachan Seil, by Oban

DECISION ROUTE**Local Government (Scotland) Act 1973**

(A) THE APPLICATION**(i) Development Requiring Express Planning Permission**

- Erection of Anemometer Mast for Temporary Period of 2 years
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that:

- a) planning permission be granted subject to the conditions and reasons set out in this report, subject to:
 - b) A discretionary local hearing being held under current arrangements pertaining to the holding of hearings, in view of the number of representations received; or
 - c) In the event of revised criteria based arrangements being adopted pertaining to the holding of hearings (report appears elsewhere on the agenda), that no discretionary local hearing be held, on the basis that the criteria prompting the need for a hearing are not satisfied in this case.
 - d) The conclusions of the Area Capacity Evaluation undertaken to accompany the assessment of this proposal be endorsed as a material consideration in the determination of this application and in the consideration of subsequent applications within the defined ACE compartment.
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(C) HISTORY:

No history relevant to this particular site.

(D) CONSULTATIONS:

National Air Traffic Systems - Letter dated 12/08/10 advising no safeguarding objections.

Scottish Natural Heritage - e-mail dated 24/08/10 advising no objection.

Royal Society for Protection of Birds - Letter 19/08/10 advising no objection provided a condition requiring bird deflectors to be fitted is imposed.

Public Protection Unit - e-mail dated 17/09/10 advising no objection.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 09/09/10.

(F) REPRESENTATIONS:

58 representations have been received regarding the proposed development.

Minette Struthers, Ardmaddy Castle, Ardmaddy, Oban, PA34 4QY

Caroline Curley, The Haven, Clachan Seil, Isle Of Seil

Keith Oversby, 55 Easdale Island, PA34 4TB

Larry Butler, 2/1 14 Garrioch Drive, Glasgow, G20 8RS

Elizabeth Newton, 26 Astbury Lane Ends, Congleton, Cheshire, CW12 3AY

Mike Newton, 26 Astbury Lane Ends, Congleton, Cheshire, CW12 3AY

Ann Reid, Torbeag, Clachan Seil, By Oban, PA34 4TJ

Mrs S Struthers, Ardmaddy Castle, Ardmaddy, Oban

Alice Wilson, 19 Kelsey Avenue, Wokingham, Berkshire, RG40 4TZ

Dr M Brooks, Clachandubh House, Balvicar, Isle of Seil

Nicholas Duncan Gilmour, 9 Balvicar, Isle Of Seil, PA34 4TF

Mrs P M Wakeford, Barnacarry, Kilninver, PA34 4QU

'All staff and pupils' Kilninver Primary School, Kilninver, by Oban

Sabrina Struthers, Ardmaddy Castle Ardmaddy, Oban, PA34 4QY

Archie Struthers, Ardmaddy Castle, Ardmaddy, Oban, PA34 4QY

Hugo Struthers, 23 Cairns Drive, Milngavie, Glasgow, G62 8AJ

Stuart Reid, Torbeag, Clachan Seil, By Oban, PA34 4TJ

Jean and Steve Stratford, The Former Manse, Balvicar, Isle of Seil, PA34 4TF

Kathy Bowles, 2 Cnoc Beag, Balvicar, by Oban, PA34 4TH

Nick Bowles, 2 Cnoc Beag, Balvicar, by Oban, PA34 4TH

Julian Taylor, Ardencaple, Isle of Seil, by Oban, PA34 4TN

Dr Margaret E Brooks, Clachandubh House, Balvicar, Isle Of Seil, by Oban

Morag Mellor, Barndromin Farm, Knipoch, by Oban, PA34 4QS

Jamie Mellor, Barndromin Farm, Knipoch, by Oban, PA34 4QS

F Whyte, Gallery House, Cullipool, Isle of Luing, Oban

Kristina Wood, Ardencaple, Clachan Seil, Isle of Seil, by Oban

Brenda McGeogh, Cluain Siar, Cullipool, Isle of Luing, by Oban

Leonard V McGeoch, Cluain Siar, Cullipool, Isle of Luing, by Oban

Sarah Henderson, Old Clachan Farmhouse, by Oban, PA34 4RH

Dr A F H Henderson, Old Clachan Farmhouse, by Oban, PA34 4RH

L. Addison, Clachan Beag, by Oban, PA34 4RH

A J Barr, Seilcreag, Clachan Seil, by Oban

Nick Bowles, 2 Cnoc Beag, Balvicar, Isle of Seil, by Oban

Julia Hannah, Ardross, Clachan Seil, by Oban, PA34 4TL

Mr Nigel A Mitchell, Barochreal, Kilninver, by Oban, PA34 4UT

Antoinette N M Mitchell, Barochreal, Kilninver, by Oban, PA34 4UT

Keith Oversby, 55 Easdale Island, by Oban

Donald Campbell, Dalnasaig, Clachan Seil, by Oban, PA34 4TJ

Jean Campbell, Dalanasaig, Clachan Seil, by Oban, PA34 4TJ

Felicity M Barr, Callanish, Clachan Seil, by Oban

Colin A M Barr, Callanish, Clachan Seil, by Oban

Robert J Rae, Ardara, Cnoc A' Challtuinn, Clachan Seil, by Oban

Martyn H C Webster, 9 Whittinghame Drive, Glasgow, G12 0XS

George Hannah Finlaggan, Clachan Seil, by Oban, PA34 4TL

Juliet MacLennan, The Loghouse, Blackmillbay, Isle of Luing, by Oban

David MacLennan, 10 Park Terrace, Glasgow, G3 6BY

James Gully, Dunmor, Easdale, by Oban, PA34 4RF

Tim Bowles, 36 Balvicar, Isle of Seil, Oban

Alice Wilson, 19 Kelsey Avenue, Workingham, Berkshire, RG40 4TZ

N I C Hunter, Oban Seil Farm, Isle of Seil, by Oban PA34 4TN

Ian Hunter, Oban Seil Farm, Isle of Seil, Oban, PA34 4TN

Katinka Hunter, Oban Seil Farm, Isle of Seil, Oban, PA34 4TN

Bette Hunter, Oban, Seil Farm, Isle of Seil, Oban, PA34 4TN

Lise - Lotte Hunter, Oban Seil Farm, Isle of Seil, Oban, PA34 4TN

Carol Collis, An Fhuaran, Clachan Seil, Oban, PA34 4TL

Sheila Downie, An Cala, Isle of Seil, by Oban, PA34 4RF

Robert C Nicolson, Kilninver House, Kilninver, by Oban, PA34 4UT

Rebecca Nicolson, Kilninver House, Kilninver, by Oban, PA34 4UT

(i) Summary of issues raised

- The purpose of the mast is to determine the viability of the area for a wind farm, which would be unacceptable in this area.

Comment: The proposed mast is for a temporary period for wind monitoring purposes only and its approval would not imply that the site would be suitable for a wind farm development. The issue of a wind farm is an entirely separate matter which would be dealt with and assessed should a formal application be submitted.

- The site for is a scenic and unspoilt coastal landscape, an area of outstanding beauty, and the proposed mast will have an adverse impact upon this sensitive landscape. Additionally the proposed mast will have an adverse impact on the tourist industry upon which the local economy relies heavily.

Comment: The proposed mast is for a temporary period of two years only and given its relatively thin profile its impact on the landscape is considered to be minimal. This is further addressed in Appendix A of this report.

- The proposed mast is contrary to Structure and Local Plan Policies which seek to encourage development on a scale, form, design and location appropriate to the character of the landscape and settlements of Argyll. The Landscape Capacity Study commissioned from Gillespie's by Argyll and Bute Council states that the visual impacts of new developments needs to be carefully considered. The proposed mast will dominate the Atlantic Bridge, Seil's tourist gateway and signature feature.

Comment: The proposal has been assessed against the relevant Structure and Local Plan Policies at Appendix A of this report. Given its relatively thin profile its impact on the landscape is considered to be minimal. This is further addressed in Appendix A of this report.

- There are other more 'green' and efficient methods for producing electricity, such as wavepower, which do not have an impact on the landscape.

Comment: This is not a material consideration in the determination of this planning application.

- The applicant does not live within the area and will not be affected by its presence.

Comment: This is not a material consideration in the determination of this planning application.

- The proposed mast would have an adverse impact on sea eagles and golden eagles which are starting to nest nearby.

Comment: Both the Royal Society for Protection of Birds and Scottish Natural Heritage were consulted on the proposal and raised no objection to the proposal subject to a condition requiring bird deflectors being fitted to the guy wires of the mast to protect birdlife.

- Concerns over the associated development required to service and build the turbines.

Comment: This is not a material consideration in the determination of this planning application which purely relates to a temporary anemometer mast.

- The development would compromise the setting of the Scheduled Ancient Monument nearby.

Comment: The site for the mast is situated a considerable distance from the site of the Duachy Standing Stones and it is not considered it will have any impact on their setting.

- The mast will be a distraction to road users on the B844.

Comment: The Area Roads Manager was consulted on the proposed development and raised no objection in terms of road safety.

- The proposal has not been any discussion of the proposal at the Community Council meetings and the residents are being offered no opportunity to have their say in the matter.

Comment: The proposal did not require any pre application consultation with the local community. However, the application was advertised in the local press to allow interested parties opportunity to submit any representations.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|---|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

- | | | |
|-----|-------------------------------------|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|-------------------------------------|----|

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 5 – Development in Sensitive Countryside

STRAT DC 8 – Landscape and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 6 – Development Impact on Habitats and Species

Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (SPP), 2010

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O) Requirement for a hearing (PAN41 or other):

It is recommended that a discretionary local hearing be held under current arrangements pertaining to the holding of hearings, in view of the number of representations received. However, in the event revised criteria based arrangements being adopted pertaining to the holding of hearings (report appears elsewhere on the agenda), it is recommended that no discretionary local hearing be held, on the basis that the criteria prompting the need for a hearing are not satisfied in this case.

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

In terms of the adopted Argyll and Bute Local Plan the site is identified as being within Sensitive Countryside within which Policy STRAT DC 5 of the approved Argyll and Bute Structure Plan only gives support to 'small scale' development or in exceptional cases, a development with locational need may be supported and subject to compliance with other relevant Local Plan Policies.

Policy LP ENV 1, Development Impact on the General Environment seeks to ensure that developments are of an appropriate form, location and scale and that they protect, restore or where possible enhance the character and local distinctiveness of the landscape.

Policy LP ENV 6, Development Impact on Habitats and Species seeks to ensure protected species are not affected by adverse development.

The site is also situated within the Knapdale and Melfort Area of Panoramic Quality within which Policy LP ENV 10, Impact on Areas of Panoramic Quality states that development in, or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape.

Appendix A of the adopted Argyll and Bute Local Plan states that the impact on the landscape is a major consideration when new development is proposed and all significant developments require to be assessed for their compatibility with the present landscape character as detailed in the SNH Landscape Character Assessment.

The proposed mast has a relatively thin profile and it is considered that given its small scale diameter it will not become prominent or incongruous within the wider landscape, particularly as it will only be viewed at a distance from normal public vantage points. Therefore it is not considered that it will have a significant adverse visual impact on the wider landscape setting of the area.

It should be noted that temporary approval of this mast for wind monitoring purposes does not imply that the surrounding area is a suitable site for a wind farm development.

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

(R) Reasons why planning permission should be granted

The proposed mast has a relatively thin profile and it is considered that given its small scale diameter it will not constitute a significant or obtrusive feature within the wider landscape, particularly as it will only be viewed at a distance from normal public vantage points, and it is only required for a temporary period for data collection purposes. Therefore it is not considered that it will have a significant adverse visual impact on the wider landscape setting of the area.

The proposal accords with Policies STRAT DC 5 and STRAT DC 8 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 6, LP ENV 10 and Appendix A of the adopted Argyll and Bute Local Plan and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Fiona Scott Date: 09/09/10

Reviewing Officer: Richard Kerr Date: 23/09/10

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01147/PP

1. Permission is hereby granted for 2 years from the date of this permission. The anemometer mast, supporting guy wires (and any base and associated fencing) shall be completely removed from the site no later than 31 October 2012. Thereafter the site shall be reinstated with the planting of indigenous vegetation within one month of the mast being removed from the site, unless a further period for an extended period is obtained from the Planning Authority.

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

2. The wind monitoring mast shall not be erected until full details of bird deflectors (which should be spaced at no greater than 2.5 metre intervals) to be installed on all guy wires of the mast have been submitted to and approved by the Planning Authority in consultation with Scottish Natural Heritage. The approved deflectors shall be installed on the mast for the duration of its installation and any that break or become detached shall be replaced.

Reason: In the interest of nature conservation to protect important bird species, as the application site is located within an important area for raptors, principally Golden Eagle, which are specifically protected under Annex 1 of the EEC Birds Directive 1979 and Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

3. The development shall be implemented in accordance with the details specified on the application form dated 25/06/10 and the approved drawing reference numbers:

Plan 1 of 2 (Drawing Number ANM – 001)
Plan 2 of 2 (Drawing Number ANM – 002)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The applicant should be aware that the granting of this permission for the wind monitoring mast does not imply that the area is a suitable location for a wind farm.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01147/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted Argyll and Bute Local Plan the site is identified as being within Sensitive Countryside within which Policy STRAT DC 5 of the approved Argyll and Bute Structure Plan only gives support to 'small scale' development or in exceptional cases, a development with locational need may be supported and subject to compliance with other relevant local plan policies.

Policy LP ENV 1 of the Local Plan seeks to ensure that developments are of an appropriate form, location and scale and that they protect, restore or where possible enhance the character and local distinctiveness of the landscape.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for the erection of an anemometer mast for a temporary period of 2 years for data collection purposes at a site south of Beinn Mhor, Clachan Seil, by Oban.

The mast is a 50 metre high tubular structure restrained by a set of steel wire rope guys. The guys are anchored at various radii, the outermost being 35 metres from the mast.

The purpose of the mast is to measure wind speeds from a specific location to assess suitability for wind farm development.

The proposed mast has a relatively thin profile and it is considered that given its small scale diameter it will not be a significant or obtrusive feature within the wider landscape, particularly as it will only be viewed at a distance from normal public vantage points. Therefore it is not considered that it will have a significant adverse visual impact on the wider landscape setting of the area.

In addition to the above, the proposed mast is only to be sited for a temporary period of two years.

It should be noted that the granting of a temporary approval of this mast for wind monitoring purposes would not imply that the surrounding area is a suitable site for a wind farm development.

C. Natural Environment

The Royal Society for Protection of Birds (RSPB) was consulted on the proposal and advised that whilst there are no designated sites of nature conservation interest, Annex 1 species may occur. They advised that to ensure any impacts on bird interests are minimised, bird diverters should be fitted to the outer most guy wires as this will increase the visibility of the structure for birds and reduce potential collision risk. A condition to this effect will be attached to the permission.

Scottish Natural Heritage (SNH) was consulted on the proposal but advised no objections.

In this regard it is considered that the potential impact on protected species can be adequately dealt with by condition and therefore the proposal is consistent with the terms of Policy LP ENV 6 which seeks to ensure protected species are not affected by adverse development.

D. Landscape Character

The site is situated within the Knapdale/Melfort Area of Panoramic Quality.

In terms of the Landscape Assessment of Argyll and the Firth of Clyde (1996), it details the area as Craggy Upland providing a landscape characterised by upland moor with irregular, rather amorphous landform. It states that the upland valleys and coastlines are the most scenic and sensitive parts of this type of landscape and new development should be controlled.

Structure Plan Policy STRAT DC 8, Landscape and Development Control, states that 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.

Furthermore Policy LP ENV 10 Policy, Impact on Areas of Panoramic Quality of the adopted Argyll and Bute Local Plan states that development in, or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape.

However, as detailed above, the proposed mast has a relatively thin profile and it is considered that given its small scale diameter it will not be a significant or obtrusive feature within the wider landscape, particularly as it will only be viewed at a distance from normal public vantage points. Furthermore the mast is for a temporary period and therefore it is not considered that it will have a significant detrimental impact on the surrounding landscape or the wider Area of Panoramic Quality.

In this regard, it is considered that the proposal complies with the criteria set out in Policies STRAT DC 8 and LP ENV 10 which seek to ensure that developments do not have an adverse impact on the character of the landscape.

APPENDIX B - AREA CAPACITY EVALUATION (ACE)

BEINN MHOR, CLACHAN SEIL

a) Purpose of the assessment

This assessment has been undertaken in accordance with the Supplementary Planning Guidance approved by the Council on 19th February 2009. This sets out situations on which an assessment may be triggered, including, as in this case, a development demonstrating a special case to be within the Sensitive Countryside Development Control Zone.

The guidance requires that the findings should be made available to applicants and/or agents and to Members in advance of the determination of any related planning application(s) in order that, if necessary, there is an opportunity to prepare a response to the findings for consideration by Committee at the time the application(s) is/are determined and the ACE is given consideration as part of that determination process.

The area to be assessed should be identified as a wider 'area of common landscape character' within which the prospective development site(s) is/are located. ACE's will be considered by Members at the same time as the related development proposal(s) is/are being determined, and once endorsed will become a material consideration in respect of any future applications within that ACE compartment.

This assessment has been generated by a current application reference 10/01147/PP for temporary siting of a 50 metre high anemometer mast within the 'sensitive countryside' development control zone..

The assessment has been undertaken in respect of an area of common landscape character as detailed below and shown in the accompanying map.

b) Area of Common Landscape Character

The area of common landscape character comprises undeveloped open hill ground lying to the north-east of Clachan Seil. It comprises land lying largely above the 50 metre contour, which excludes firstly, the lower lying areas comprising woodland fringing the shore and secondly, the settled margins along the road to Clachan Seil.

The ACE compartment is in an area categorised by the Scottish Natural Heritage Landscape Assessment of Argyll and the Firth of Clyde 1996 as "Craggy Upland".

c) Key Environmental Features

The key characteristics of this landscape character type, relevant to this assessment, are:

- Upland moor with irregular, rather amorphous landform;
- Open moorland predominates, but with wooded margins and isolated settlement on lower lying ground;
- Numerous archaeological remains, largely concentrated on rounded knolls on lower slopes

The Landscape Assessment identifies the following main landscape issues that need to be considered, when addressing the acceptability of prospective development within this landscape character type:

- Development should be strictly controlled in upland valleys and along coastlines;
- Should development be applicable in coastal areas, utilise existing woodland or incorporate new broadleaf planting to ensure development is integrated sensitively into the landscape;
- Conserve the setting of archaeological sites.

In the case of the land forming the defined Area of Common Landscape Character, this is characterised by undulating open moorland forming a series of low rounded summits. The land has a relatively wild feel, due to the absence of man-made features and built development and a lack of tree cover. The undulating nature of the ground limits the potential for long distance views into and across the area.

d) Capacity to Absorb Development Successfully

The defined Area of Common Landscape Character comprises land falling within the 'very sensitive countryside' development control zone to the north and the 'sensitive countryside' zone to the south, which in itself indicates little, if any, capacity to absorb development successfully. Buildings in the locality are confined to the lower lying areas below the hill ground which is not considered suitable area for built development due to its elevation, its irregularity and the difficulty in achieving access.

The proposed anemometer mast which has prompted this ACE is a 50 metre high mast for the purpose of measuring and recording wind speeds from a specific location to assess the suitability of the locality for a wind farm development. On this basis, it is considered that the proposed mast has a locational need to be in this area, in order to afford reasonable opportunity to monitor the available wind resource.

The mast is a 50 metre high slender tubular structure restrained by a set of steel wire rope guys. The guys are anchored at various radii, the outermost being 35 metres from the mast. The mast has a relatively thin profile and it is considered that given its small scale diameter it will not constitute a prominent feature in the context of its landscape setting, particularly as it will only be viewed at a distance from normal public vantage points. Therefore, it is not considered that its presence will have a significant adverse visual impact on the wider landscape setting of the area.

In addition to the above, the proposed mast is only to be sited for a temporary period of two years after which it will be dismantled and removed.

The site is located within the 'sensitive countryside' development control zone, rather than the more elevated 'very sensitive countryside' to the north. The wider area lies within the Knapdale and Melfort 'Area of Panoramic Quality' Due to the relative homogeneity of the Area of Common Landscape character and the *de minimis* impact upon the wider area from the temporary presence of this particular form of development, there would be negligible, if any, benefit in considering an alternative location to that proposed by the applicants, which has been selected as being capable of fulfilling their technical requirements in terms of data collection. Any impact will be small scale, reversible and will not give rise to any change in the landscape character of the area in question.

In terms of the residual development capacity of the ACE compartment, the elevated, open and relatively wild character of the area is such that it would not lend itself to development with any sort of buildings. Demand for built development in the locality is capable of being accommodated within identified 'rural opportunity areas' lying below this Area of Common Landscape Character, where they would be capable of reinforcing the historic settlement pattern which has been influenced by the availability of level ground and ready access from the road.

The accompanying photographs give an indication of the landscape within the ACE compartment.



Annexe A to Area Capacity Evaluation

AREA CAPACITY EVALUATION MATRIX			
ACE Title		Beinn Mhor, Clachan Seil	
Date	01/10/10	Location	Land south of Beinn Mhor, Clachan Seil, by Oban
Surrounding Strategic Planning Zones			
Town Village:		N/A	
Minor Settlement:		N/A	
Green Belt:		N/A	
Countryside Around Settlements :		N/A	
Sensitive Countryside / Coast :		The site is situated within the 'sensitive countryside' development control zones.	
Very Sensitive Countryside / Coast:		N/A	
Landscape Character			
Landform & Cover		The area is characterised by an undulating landform which is mostly open rough grazing with large areas of bracken evident. There is very little tree cover within the site, any tree cover being confined to the north of the area subject of the ACE.	
Development Pattern		There are no buildings located within the area subject of the ACE. Development is confined to the lower areas which historically have been more practical to develop and where access can be readily achieved.	
Notable Key Environmental Features			
Significant Historical Interest and Important Cultural Associations	Scheduled Monuments Unscheduled Monuments etc		The Duachy Standing Stones are located approximately 700 m to the northeast.
	Gardens & Designed Landscapes		None
	Locations associated with people, events, art, literature, music culture		None
Built Heritage Importance	Important individual buildings inc. Listed and other locally important buildings		None

	Important groups or areas of buildings including Conservation Areas	None
	Other important examples of built heritage including transport / industrial heritage	None
Nature Conservation Importance	Internationally important wildlife sites including SPAs and SPAs SACs Ramsar Sites	None
	Nationally important wildlife sites including NNRs, SSSI, Marine Consultation Zones	None
	Locally important habitats, -SINC, SNW	None
	Nationally and regionally important Geological / Geomorphological Sites	None
Access and Amenity Importance	Long distance routes trails, mountain routes and other designated paths and their immediate corridors	None
	Important local paths / networks and their immediate corridors	Existing core path to the north of the development site
	Important views and prospects	None
	Named and other waterfalls shown on OS	None
	Important car parks lay byes etc	None
	Valued landscapes including NSAs RSAs & LSAs	Site is within the Knapdale and Melfort Area of Panoramic Quality
Health and Safety Constraints	Water catchment zones	None
	MoD Zones	None
	Air Safety - Airfield Safeguarding and CAA Consultation Zones	None
	Safety - Health and Safety Executive Consultation Zone	None

INFRASTRUCTURE	
Road Access	The area is accessed off of the B844 Kilniver to Ellenabeich Road.
Water	N/A
Sewerage	N/A
Electricity	N/A
DEVELOPMENT	
Proposed Development	Erection of Anemometer Mast for temporary period of 2 years
Other Issues/Notes	None

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Area subject of Area Capacity Evaluation

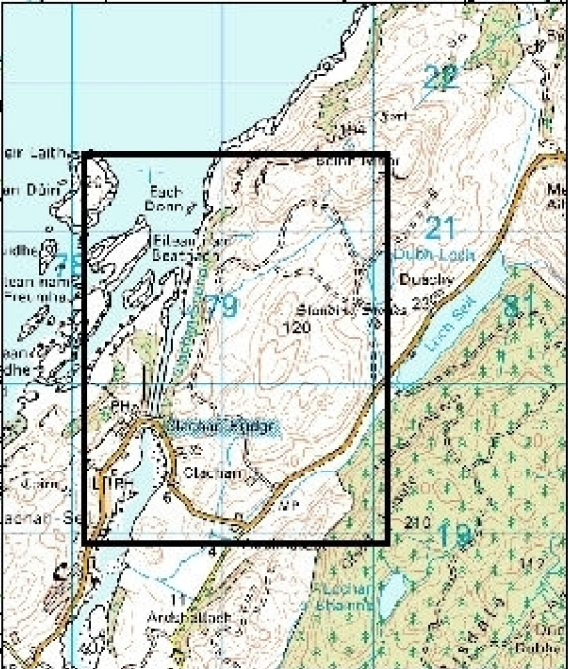
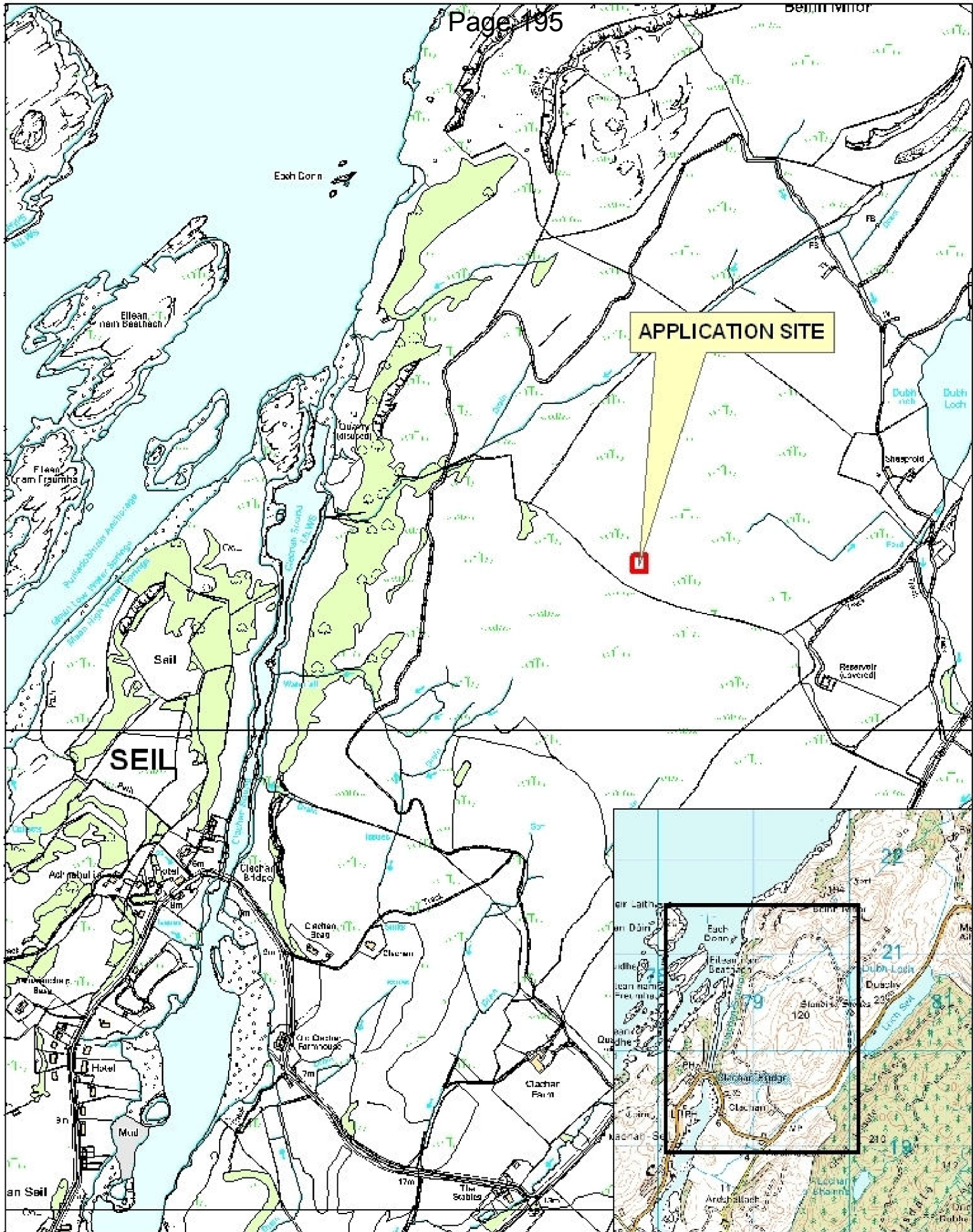


ACE Plan Relative to Application 10/01147/PP



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COMMITTEE PLAN RELEVANT TO APPLICATION:
10/01147/PP



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**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01251/PP

Planning Hierarchy: Local

Applicant: NHS Highland

Proposal: Formation of level platform to site a stand-by generator

Site Address: Victoria Hospital, High Street, Rothesay

DECISION ROUTE

(i) **Local Government (Scotland) Act 1973**

(A) THE APPLICATION

(i) **Development Requiring Express Planning Permission**

- Formation of steps and a level platform to site a transportable generator

(ii) **Other specified operations**

- None
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons attached.

(C) HISTORY:

Planning Permission (ref: 92/00250/DET) granted on 28th April 1992 for the replacement of a ramp and alterations at the hospital.

Planning Permission (ref: 97/00993/DET) granted on 11th July 1997 for an extension to the hospital.

Planning Permission (ref: 07/01447/DET) granted on 1st October 2007 for the erection of a temporary modular building to the rear of the hospital.

Planning Permission (ref: 09/01666/PP) granted on 13th January 2010 for the installation of two windows at the north end of the hospital.

(D) CONSULTATIONS:

Environmental Health Officer (memo dated 24th September 2010)

Recommends that a condition should be attached which requires additional sound measures to be undertaken to ensure that calculated noise levels arising from the operation of the generator should not increase pre-determined ambient background noise levels by more than 3 dB at the nearest noise-sensitive property.

(E) PUBLICITY:

Article 9 neighbour notification procedure (closing date 1st September 2010) and Regulation 20 Advert (closing date 10th September 2010).

(F) REPRESENTATIONS:

(i) Representations:

Objection has been raised from the following:

Owner/Occupier (petition dated 2nd September 2010), 9 Wallace Avenue, Rothesay

Owner/Occupier (petition dated 2nd September 2010), 11 Wallace Avenue, Rothesay

Mrs B Slaven (petition and emails dated 15th August 2010 and 2nd September 2010), 13 Wallace Avenue, Rothesay

Alice Colman and T Colman (petition dated 2nd September 2010), 15 Wallace Avenue, Rothesay

Janice Fleming and K Fleming (petition dated 2nd September 2010), 17 Wallace Avenue, Rothesay

Owners/Occupiers (petition dated 2nd September 2010), 21 Wallace Avenue, Rothesay

William Dickson (petition dated 2nd September 2010), 23 Wallace Avenue, Rothesay

Owner/Occupier (petition dated 2nd September 2010), 25 Wallace Avenue, Rothesay

(ii) Summary of Representations received:

- i. The installation of a generator will result in unacceptable noise levels in a very quiet residential area particularly in the evenings.

Comment: This issue is addressed in Annex A below.

- ii. The generator will only be used for standby purposes but the hospital can often be without power for several hours.

Comment: This comment is acknowledged and the running times of the generator are given in Section G (iv) below.

- iii. The generator will produce 76db at 1m distance, when you consider 85db is an extremely noisy workplace environment which would require users to wear protective ear equipment, then clearly 76db would be unacceptable in a quiet residential area.

Comment: This issue is addressed in Annex A below.

- iv. Given the amount of ground available on which to site the generator, there must be more suitable locations which would cause little disruption and noise pollution to the residents of Wallace Avenue.

Comment: The Council is in the position of having to determine the application on the basis of the site that has been identified and applied for.

- v. The weather here predominately comes from the West, so fume and noise emissions are going to pollute Wallace Avenue.

Comment: This issue is addressed in Annex A below.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** No
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) A design or design/access statement:** No
- (iv) Supporting Information**

In a letter dated 25th June 2010, David Ross (Service Planning Manager of NHS Highland) has stated that the generator will be utilised as follows:

Weekly on Thursdays – It will run 10 to 15 minutes during the working day.

4-6 Weekly on Thursdays – It will be run for four hours in the morning.

Annually – it will be run for up to four hours on a weekday.

Other than the above occasions, the generator will only be run during times of power outage at the hospital.

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

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll & Bute Local Plan 2009

LP ENV 10 seeks to resist development within Areas of Panoramic Quality where its scale, location or design will have a significant adverse effect on the character of the landscape.

LP ENV 19 '*Development Layout, Setting & Design*' requires developers to execute a high standard of setting, layout and design where new developments are proposed.

LP BAD 1 seeks to ensure that developments do not have an unacceptable adverse effect on the amenity of neighbouring residents and that they include appropriate measures to reduce the impact on amenity.

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Not applicable

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

The proposal involves the siting of a generator to the rear of the Victoria Hospital, High Street, Rothesay. The generator would be sited on a level platform and would measure 2.3 metres in length x 1.12 metres in width x 1.6 metres in height. In terms of visual impact, the generator is unlikely to be visible from High Street but it will be easily viewed from Wallace Avenue, which runs in a north-south direction approximately 30 metres to the east of the site. However, given the expanse of the rear elevation of the hospital and the various rather simple functional elements of its design, it is not considered that the proposed generator would represent an unacceptable addition. It is proposed that a condition be attached in order that details can be provided of some form of screening around the generator which would further reduce any impact that it might have.

In terms of the effect of the generator on the residential amenity of the nearest properties, the Environmental Health Service have been investigating matters by taking into account the concerns of residents and the information on noise levels provided by the applicant. Subject to the condition recommended by the Environmental Health Service, it is considered that the proposal would not be of detriment to residential amenity.

On the basis of the foregoing, the proposal is considered to be acceptable and to accord with the relevant Development Plan policies.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policies STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10, LP ENV 14, LP ENV 19 and LP BAD 1 of the Argyll and Bute Local Plan (2009) and there are no other material considerations, including the views expressed by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

Not applicable

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

Author of Report: Steven Gove

Date: 30/9/2010

Reviewing Officer: David Eaglesham

Date: 30/9/2010

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01251/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997)

2. The development shall be implemented in accordance with the details specified on the approved drawings: Drawing Number. 10011 00A; Drawing Number. 10017 01D; Drawing Number. 10017 03M; Drawing Number. 10017 20; and Drawing Number. 10017 21A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. Additional sound reduction measures should be taken to ensure that calculated noise levels, arising from the operation of the generator, shall not increase pre-determined ambient background noise levels, as agreed with the Planning Authority, by more than 3dB at the nearest noise-sensitive property. All measurements shall be taken in accordance with BS 4142: 1997. Such measures shall include erecting a suitable barrier around the generator to reduce both sound transmission and the visual impact of the generator. A competent person such as a noise consultant must be appointed to identify suitable sound reduction measures.

The sound reduction measures that are agreed shall be implemented prior to the first operation of the generator.

Reason: In the interests of visual amenity and no such details having been submitted.

ANNEX A – RELATIVE TO APPLICATION NUMBER 10/01251/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposed generator will be located to the rear of the Victoria Hospital, which is situated within the 'settlement' of Rothesay, where policies seek to focus development.

B. Location, Nature and Design of Proposed Development

The proposal involves the siting of a stand-by generator to the rear of the Victoria Hospital, High Street, Rothesay. The generator would be sited on a level platform and would measure 2.3 metres in length x 1.12 metres in width x 1.6 metres in height. In terms of visual impact, the generator is unlikely to be visible from High Street but it will be easily viewed from Wallace Avenue, which runs in a north-south direction approximately 30 metres to the east of the site. However, given the expanse of the rear elevation of the hospital and the various rather simple functional elements of its design, it is not considered that the proposed generator would represent an unacceptable addition. It is proposed that a condition be attached in order that details can be provided of some form of screening around the generator which would further reduce any impact that it might have.

On the basis of the foregoing, it is considered that the proposal can be justified in terms of its 'neutral' impact upon visual amenity and is, therefore, in accordance with policies LP ENV 10 and LP ENV 19 of the Local Plan.

C. Residential amenity

Representations have been received from a total of eleven people, who have objected to the proposal on the basis that the proposed generator would produce unacceptable levels of noise and fumes to the detriment of their residential amenity. The proposal therefore requires to be considered in terms of whether it ought to be construed as a potential 'bad neighbour' in terms of local plan policy BAD 1

The Environmental Health Service has investigated the concerns of these local residents and has taken into account the information on noise levels provided by the applicant. On the basis that the generator will normally only run for brief periods for testing and that a condition has been recommended by Environmental Health requiring sound attenuation measures to be agreed and undertaken, the Department is not in a position to raise objections to the proposal.

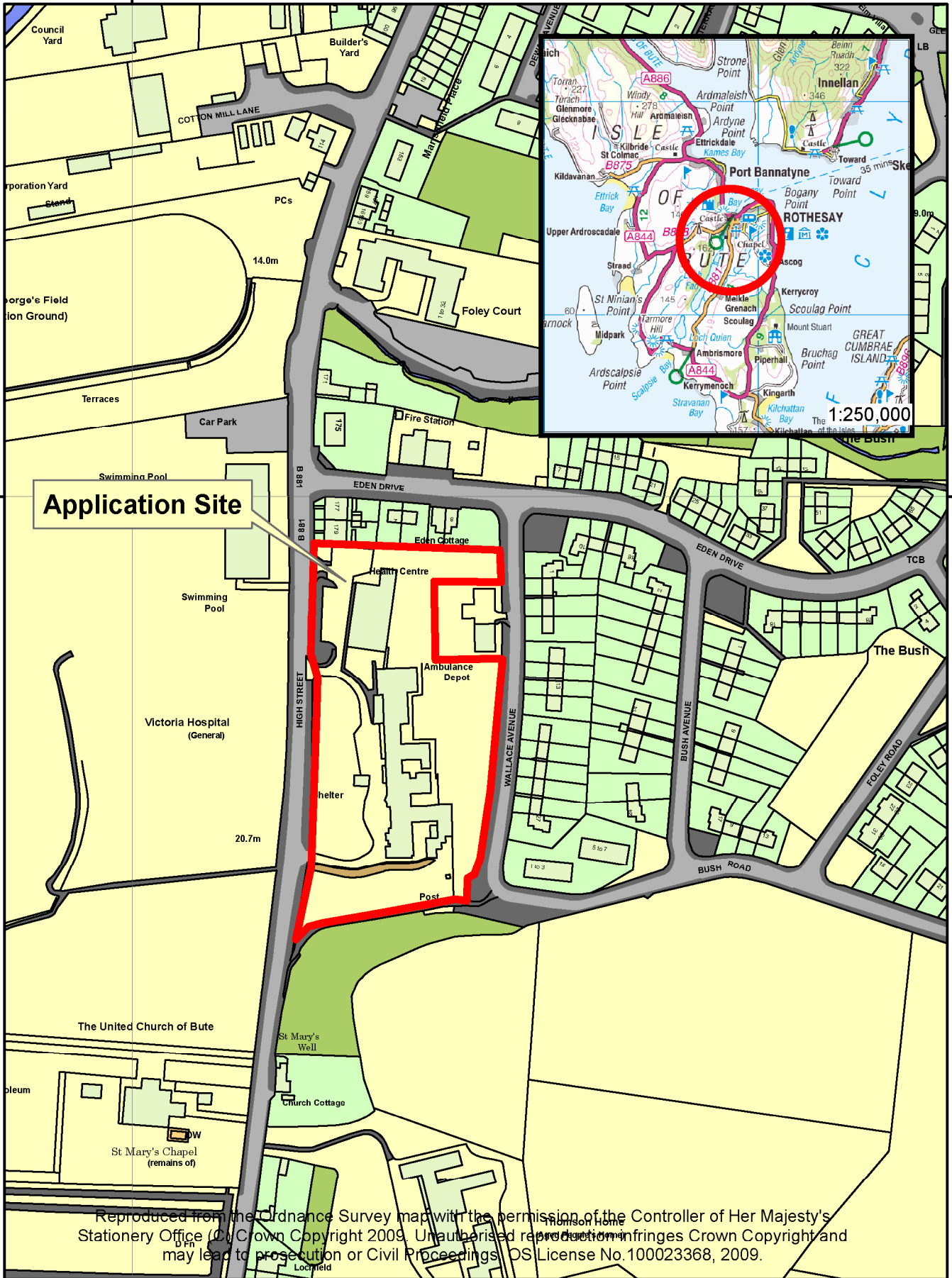
On the basis of the foregoing, the proposal is considered to accord with policy LP BAD 1 of the Local Plan.

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Location Plan relative to Application Ref: 10/01251/PP

Date: 01.12.09

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**Argyll and Bute Council
Development & Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00738/PP

Planning Hierarchy: Local

Applicant: Argyll College UHI Ltd

Proposal: Erection of cycle shelter (retrospective).

Site Address: Campbeltown Learning Centre, Hazelburn Campus, Campbeltown, Argyll.

SUPPLEMENTARY REPORT NO. 1

A) BACKGROUND

Further to the Head of Planning & Regulatory Services Report dated 26th August 2010 it was resolved at the September PPSL meeting that determination of this item be continued for one month to explore the alternative siting of the cycle shelter to a location which is less intrusive upon the setting of a B listed building and, to seek confirmation from the applicant as to the nature, if any, of the Council's interest in this application site.

It is advised that the applicant has been not submitted any further information to date in respect of either request.

B) RECOMMENDATION

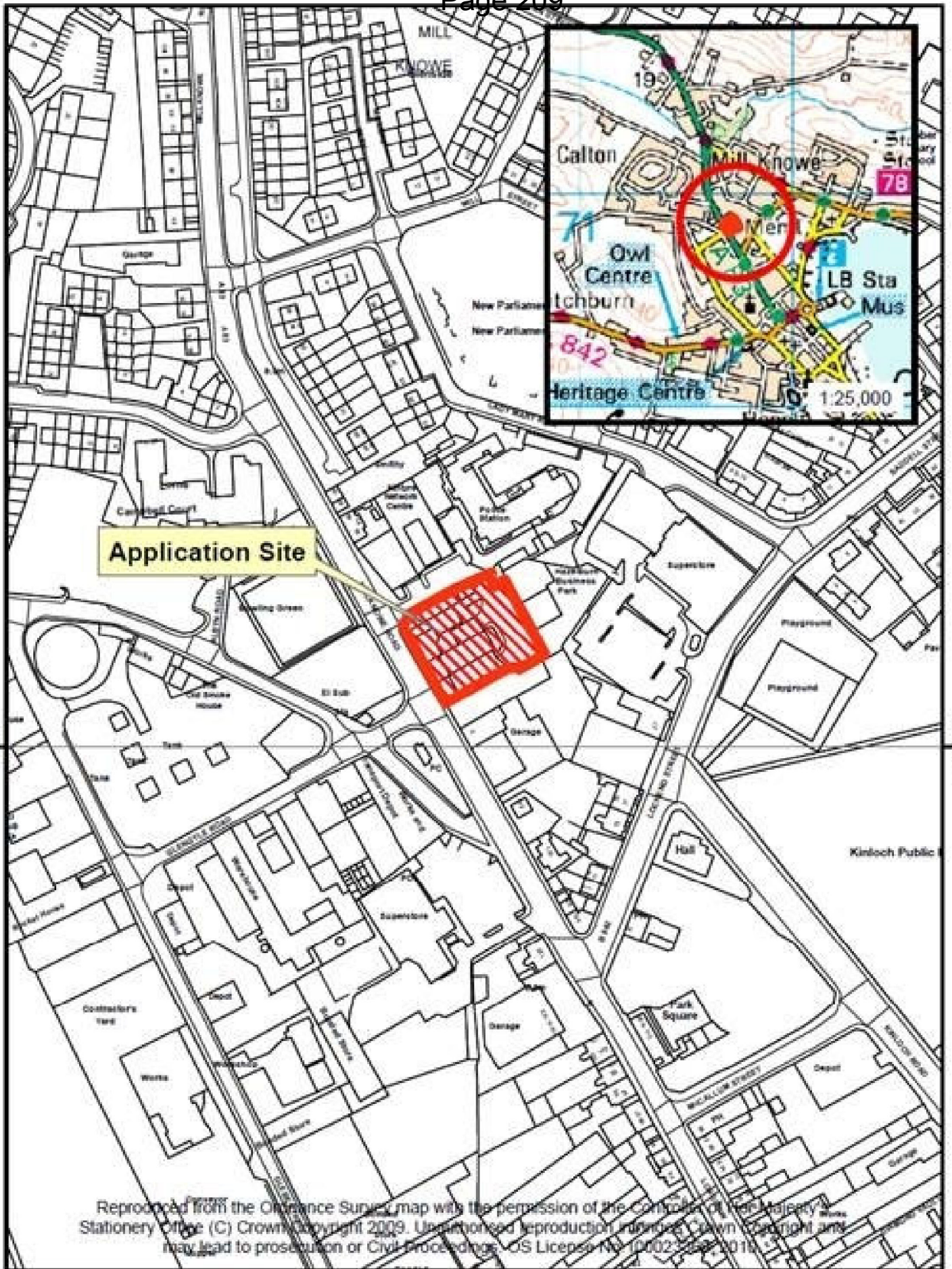
It is recommended that this item be continued for a further month to allow the opportunity for submission of further/amended details by the applicant.

Author of Report: Peter Bain **Date:** 6th October 2010

Reviewing Officer: Richard Kerr **Date:** 6th October 2010

Angus Gilmour
Head of Planning & Regulatory Services

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**Location Plan relative to
Application Ref: 10/00738/PP**

Date: 17.08.2010

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DEVELOPMENT AND INFRASTRUCTURE SERVICES
PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – 19TH May 2010

Reference No: 09/01778/TPO

Applicant: Roads and Amenity Services, Argyll & Bute Council

PROPOSED FELLING OF TREES AT THE BURIAL GROUND, KILMARTIN

SUPPLEMENTARY REPORT NO. 1

(A) SUMMARY

Members determined at the PPSL meeting of 19th May 2010 that permission be granted to fell a number of conservation area trees within Kilmartin Burial Ground subject to a satisfactory planting scheme for the provision of replacement trees within the cemetery being provided. Subsequently, Amenity Services have expressed the view that it is impractical to replant within the cemetery grounds and that attempts to agree planting on third party land outwith the site have been unsuccessful. Consequently it is necessary to reconsider the merits of the replanting requirement

(B) REPORT

Since permission for the felling of trees was granted, it has subsequently been established by the Council's Service Officer for Grounds & Horticulture that there is no suitable alternative site for the replanting of trees within the limits of the burial ground which would not either impact adversely upon graves or the site/setting of listed buildings/scheduled ancient monuments and in terms of potential future damage. Consequently, an attempt has been made to seek alternative locations within the vicinity of the burial ground for compensatory tree planting. However this has largely been met with resistance from land owners and despite best endeavours it must be concluded that it is unlikely that any meaningful planting can be readily achieved on adjacent land.

Over and above this, correspondence has been received from Dunadd Community Council which raises objection to the prospect of replacement tree planting, in addition to voicing serious concern that part of the burial ground remains closed and subject to further damage whilst this matter remains unresolved.

The Council's Service Officer for Grounds and Horticulture has further advised that the trees to be felled are most unlikely to have been part of any formal planting scheme within the cemetery given their location close to the retaining wall and graves. They would appear to be self-seeded sycamore and holly, the removal of which will not damage or detract from the tree cover and species range in the area.

Whilst it is usual practice to require the replacement of trees felled within a conservation area or trees subject to a tree preservation order, the Council is able to exercise discretion as to whether replanting ought to be a requirement in mitigation for the removal of protected trees. In the circumstances, given that planting cannot be accommodated within the graveyard without giving rise to adverse implications for graves and structures, the lack of opportunity to achieve planting on surrounding land,

and the low value of the trees being removed, it is considered that there is reasonable justification for waiving the requirement for replacement planting in this particular instance.

Members should note that as this report involves a decision being re-visited in less than 6 months of the original decision being made, the Committee will be asked (in terms of Standing Order 16.2) to review the previous decision of 19 May 2010 in light of the material change of circumstances which arises as a consequence of the assessment of the practicability of replanting and the opinion of the Council's Horticultural Officer, and which would have had a bearing on the original decision had it been known at the time.

(C) RECOMMENDATION

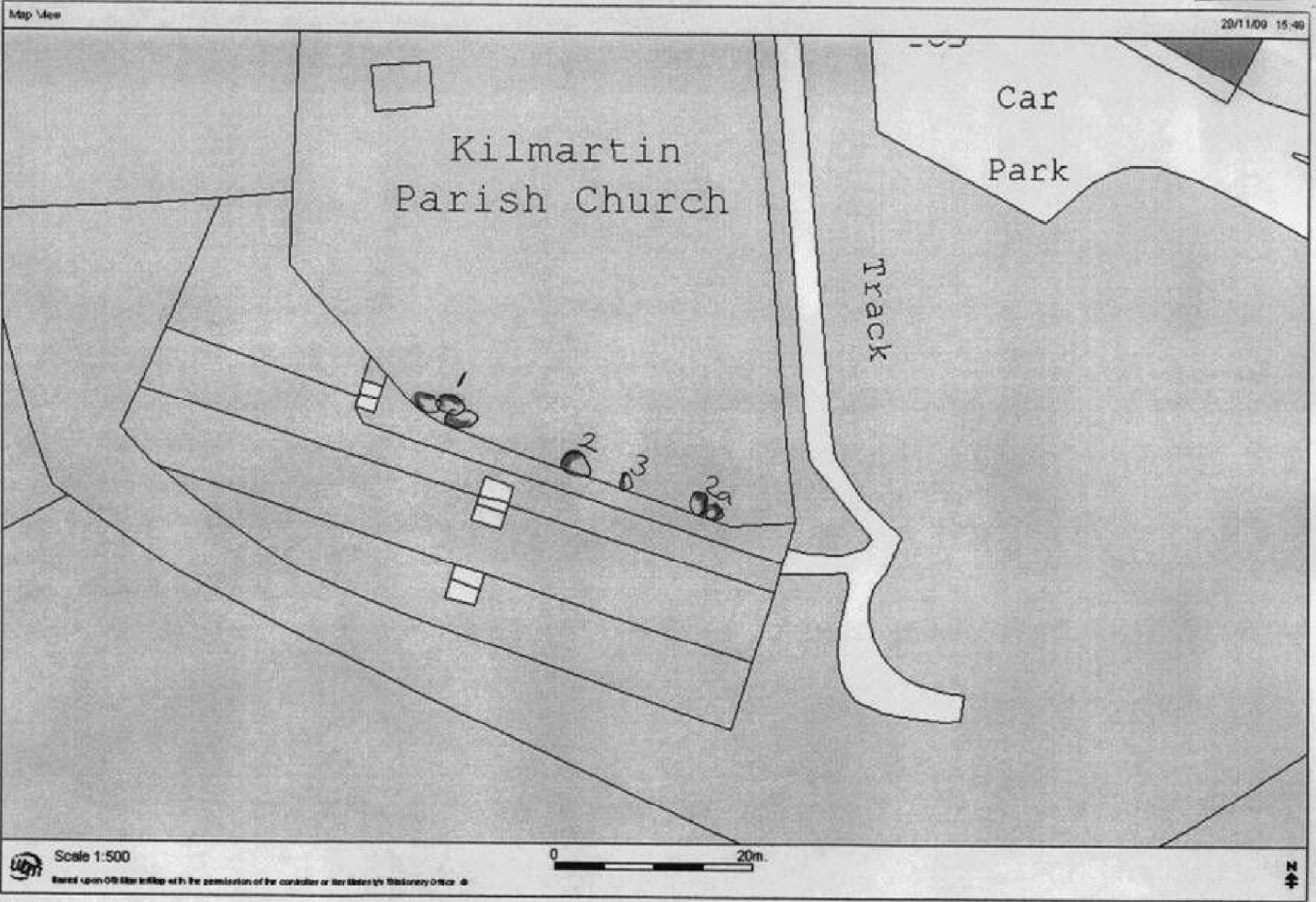
Having due regard to the Head of Planning & Regulatory Services recommendation dated May 2010, the Committee's decision of 19th May 2010, the subsequent further advice of the Council's Service Officer for Grounds and Horticulture and third party representation, it is recommended that consent be granted to fell the ten trees identified in the application without the previously identified requirement for compensatory planting.

Author of Report: Peter Bain Date: 4th October 2010

Reviewing Officer: Richard Kerr Date: 5th October 2010

**Angus Gilmour
Head of Planning**

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