

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



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9 February 2011

## NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 16 FEBRUARY 2011** at **10:30 AM**, or at the conclusion of the 10.00am Planning, Protective Services and Licensing Committee, whichever is the later, 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 19 January 2011  
(Pages 1 - 16)
  - (b) Planning, Protective Services and Licensing Committee 31 January 2011  
(Pages 17 - 28)
4. **J MCNAUGHTON: APPLICATION FOR ERECTION OF DWELLING: LAND SOUTH OF SALTHOUSE, COLINTRAVE (REF: 08/00607/DET)**  
Report by Head of Planning and Regulatory Services (Pages 29 - 46)
5. **KILCHATTAN WIND FARM LIMITED: ERECTION OF 16 WINDTURBINES (81 METRES TO BLADE TIP), FORMATION OF ACCESS TRACKS, ERECTION OF WIND MONITORING MAST, CONSTRUCTION OF SWITCH GEAR BUILDING AND TEMPORARY CONSTRUCTION COMPOUND: KILCHATTAN, LAND AT TODD HILL, SOUTHEND, BY CAMPBELTOWN (REF: 08/00138/DET)**  
Report by Head of Planning and Regulatory Services (Pages 47 - 136)

- 6. HIGHLAND HOUSE DEVELOPMENTS: APPLICATION FOR ERECTION OF PROPOSED HOUSING DEVELOPMENT: LAND NORTH OF CAIRNMORE, KILMORE, OBAN (REF: 10/01289/PPP)**  
Report by Head of Planning and Regulatory Services (Pages 137 - 158)
- 7. MR A READ AND MS A YOUNG: APPLICATION OF AGRICULTURAL BUILDING: LAND NORTH EAST OF KAMES FARMHOUSE, KILMELFORD (REF: 10/01410/PP)**  
Report by Head of Planning and Regulatory Services (Pages 159 - 168)
- 8. MR A READ AND MS A YOUNG: APPLICATION FOR ERECTION OF AGRICULTURAL SHED INCORPORATING FARM SHOP AND CAFE BUILDING AND INSTALLATION OF PRIVATE SEWERAGE TREATMENT PLANT AND SOAKAWAY: LAND NORTH WEST OF KAMES FARMHOUSE, KILMELFORD (REF: 10/01415/PP)**  
Report by Head of Planning and Regulatory Services (Pages 169 - 186)
- 9. MR AND MRS LOWE: APPLICATION FOR DEMOLITION OF VILLAGE HALL AND ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE/OFFICE AND IMPROVEMENTS TO VEHICULAR DRIVEWAYS: FORMER ST CATHERINE'S HALL, ST CATHERINE'S, CAIRNDOW (REF: 10/01566/PP)**  
Report by Head of Planning and Regulatory Services (Pages 187 - 202)
- 10. MR H HOOD: SITE FOR ERECTION OF A DWELLINGHOUSE: LAND WEST OF 15 LOCH DRIVE, HELENSBURGH (REF: 10/01578/PPP)**  
Report by Head of Planning and Regulatory Services (Pages 203 - 216)
- 11. MULL AND IONA COMMUNITY TRUST: APPLICATION FOR ADDITIONAL PLANT ROOM, AMENDED SITING, AMENDED FENESTRATION ON THE SOUTH EAST AND SOUTH WEST ELEVATIONS, UPGRADING OF ROOF COVERING TO NATURAL SLATE, ADDITION OF 7 SUNPIPES, DELETION OF SOLAR PANELS AND INSTALLATION OF A WASTE WATER DISCHARGE PIPE (RETROSPECTIVE) (REF: 10/01767/PP)**  
Report by Head of Planning and Regulatory Services (Pages 217 - 232)
- 12. MS JANET THOM AND MRS ANN SMITH: APPLICATION FOR CHANGE OF USE OF PAVEMENT TO FORM OUTSIDE SEATING AREA: JULIE'S CAFE HOUSE, 33 STAFFORD STREET, OBAN (REF: 10/01932/PP)**  
Report by Head of Planning and Regulatory Services (Pages 233 - 242)
- 13. MR COLIN GLADSTONE: APPLICATION FOR ERECTION OF 2 DWELLINGHOUSES AND INSTALLATION OF 2 SEPTIC TANKS: LAND NORTH OF EAST KAMES, KILMELFORD (REF: 10/02048/PPP)**  
Report by Head of Planning and Regulatory Services (Pages 243 - 258)
- 14. TERMS OF PROPOSED SECTION 75 CONSENT: TESCO STORE, CAMPBELTOWN (REF: 10/00239/PP)**  
Report by Head of Planning and Regulatory Services (Pages 259 - 262)
- 15. TPO CONFIRMATION: ST CLAIR ROAD, ARDRISHAIG**  
Report by Head of Planning and Regulatory Services (Pages 263 - 266)
- 16. APPEALS UPDATE**

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**

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

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 19 JANUARY 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Alister MacAlister
Councillor Robin Currie	Councillor Neil Mackay (from item 4 onwards)
Councillor Vivien Dance	Councillor Donald MacMillan
Councillor Mary-Jean Devon (from item 4 onwards)	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
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  
Sheila MacFadyen, Senior Solicitor

**Apologies:** Councillor James McQueen

## 1. DECLARATIONS OF INTEREST

Councillor MacAlister declared a financial interest in relation to item 3 (**Civic Government (Scotland) Act 1982: Taxi Fare Scale Review**) of these Minutes on the basis that he is the holder of a taxi car licence. He left the room during discussion of the item and accordingly took no part in the decision making.

## 2. MINUTES

(a) The Minutes of the Planning, Protective Services and Licensing Committee held on 14 December 2010 were approved as a correct record.

(b) The Minutes of the Planning, Protective Services and Licensing Committee held on 15 December 2010 (9.45am) were approved as a correct record.

(c) The Minutes of the Planning, Protective Services and Licensing Committee held on 15 December 2010 (10.15am) were approved as a correct record.

(d) The Minutes of the Planning, Protective Services and Licensing Committee held on 15 December 2010 (10.45am) were approved as a correct record.

Councillor MacAlister, having previously declared an interest in the following item of business, left the meeting at this point.

## 3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW

The Committee, at their meeting in January 2010, had agreed to retain taxi fares

at the existing level and given the indication that they would review this in January 2011.

A report was before them which in which they were invited to consider the representations received in response to the consultation regarding review of fares and to decide on what course of action to take.

### **Decision**

Agreed:-

1. to increase the fare structure as follows:-

Tariff 1 - £2.70

Tariff 2 - £3.20

Tariff 3 - £3.70

2. that the charges in respect of soiling, waiting and telephone bookings remain as £100 (maximum), 30p per minute and 30p respectively;

3. that there be no change to the yardage distances which are currently based on an initial charge per 860yds and a subsequent charge of 20p for each additional 200 yds;

4. that the new charges be advertised by the Head of Governance and Law and come into force 21 February 2011; and

5. that a further review of the fare structure should be undertaken in 12 months time rather than the normal period of 18 months.

(Ref: Report by Head of Governance and Law dated 16 December 2010, submitted)

Councillor MacAlister re-joined the meeting at this point.

#### **4. MR D CLARK: FORMATION OF VEHICULAR ACCESS AND ERECTION OF GATES (RETROSPECTIVE): ARDOCH COACH HOUSE, ARDOCH (REF: 09/00574/DET)**

The Principal Planning Officer spoke to the application advising that this was for the retrospective formation of vehicular access to a classified road and for erection of gates. He advised that his recommendation was for refusal and outlined the basis of this which related principally to road safety grounds, having established from the Roads Engineer that the visibility splays were significantly below that required. He also referred to a late representation made by Cardross Community Council who were firmly opposed to the development. He advised that there were also concerns about the integrity of the listed nature of the wall and concluded that the application contravened Policies LP TRAN 4, STRAT DC9, LP ENV13a and LP ENV13b.

### **Decision**

Agreed to refuse the application on the basis that:-

1. The access is located within a 60MPH section of the A814 Dumbarton – Helensburgh road where the Council’s Roads Engineers have assessed the 85% speed to be 50MPH in circumstances where Council standards would require visibility splays of 4.5m by 120.0m to be available in both directions. On site assessment indicates that visibility splays of only 2.4m x 30.0m are available, which is well below the standard required given traffic speeds at this location. The improvements required to meet the necessary visibility requirements would involve land outwith the applicant’s control and would also involve further undesirable alterations to the detriment of the continuity and historic integrity of the listed boundary wall. The access is therefore detrimental to the interests of road safety and is contrary to the provisions of Policy LP TRAN 4 of the ‘Argyll and Bute Local Plan’, as a satisfactory means of vehicular access cannot be achieved at this point without third party land and without substantial alteration to the boundary wall to afford the required visibility
2. The introduction of an opening within this listed boundary wall and the installation of gates disrupts its flow which has a traditional style. This is visually discordant and has an adverse impact on the character and appearance of the wall. The development has resulted in the loss of historic fabric, has degraded the integrity of the wall and has introduced a feature which fails to respect the traditional architectural and historic character of the area. As such it is contrary to Policy STRAT DC9 of the approved ‘Argyll and Bute Structure Plan’, Policy LP ENV13a and LP ENV13b of the ‘Argyll and Bute Local Plan’ and advice given in ‘Scottish Historic Environment Policy’ (Historic Scotland 2009).

(Ref: Report by Head of Planning and Regulatory Services dated 22 December 2010, submitted)

**5. MR D CLARK: FORMATION OF VEHICULAR ACCESS AND ERECTION OF GATES (RETROSPECTIVE): ARDOCH COACH HOUSE, ARDOCH (REF: 09/00575/LIB)**

The Principal Planning Officer advised that the application was linked to the previous application for the retrospective formation of vehicular access to a classified road and for erection of gates. He referred to the consultation response by Historic Scotland which required that consideration be given to the cumulative effect of opening in the wall in relation to both this and the neighbouring property, Ardoch. As with the previous application, his recommendation was for refusal

**Decision**

Agreed to refuse the application on the basis that:-

The introduction of an opening within this listed boundary wall and the installation of gates disrupts its flow which has a traditional style. This is visually discordant and has an adverse impact on the character and appearance of the wall. The development has resulted in the loss of historic fabric, has degraded the integrity of the wall and has introduced a feature which fails to respect the

traditional architectural and historic character of the area. As such it is contrary to Policy STRAT DC9 of the approved 'Argyll and Bute Structure Plan', Policy LP ENV13a and LP ENV13b of the 'Argyll and Bute Local Plan' and advice given in 'Scottish Historic Environment Policy' (Historic Scotland 2009).

(Ref: Report by Head of Planning and Regulatory Services dated 24 September 2009, submitted)

**6. MR JONATHON HOOPER: SITE FOR ERECTION OF A DWELLINGHOUSE:  
LOW UGADALE COTTAGE, PENINVER, CAMPBELTOWN (REF:  
10/01169/PPP)**

The Principal Planning Officer advised that the application was recommended for approval as a minor departure to policies STRAT DC 4, LP HOU 1, P/DCZ 4 and the 'North and South Kintyre Landscape Capacity Study'. This was on the basis that the application site shared identical landscape characteristics and was located sufficiently close to an 'area with potential for development' for an degree of flexibility to be exercised . He explained the application was also consistent with the other requirements for new development in the locality and the proposed dwelling would not result in a significant alteration or adverse impact upon landscape character.

He then advised that the application had not received any objections from statutory consultees and that there had been 91 letters of support lodged, which was a material consideration in assessing the application.

**Decision**

Agreed to approve the application 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 2008 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 21<sup>st</sup> May 2010 and the approved drawing reference numbers 1/3 to 3/3.

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

3. No development shall commence until details of the siting, design and finishes of the dwellinghouse hereby approved have been submitted to and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details. Such details shall show a dwellinghouse which incorporates the following elements:
  - i) The dwelling shall be single storey in height;
  - ii) The dwelling shall be sited within the south western corner of the application site and shall have a maximum external footprint of 120sqm;
  - iii) The window openings shall have a strong vertical emphasis.
  - iv) The walls shall be finished in a recessive wet dash render / smooth coursed cement render / natural stone / timber cladding.
  - v) The roof shall be symmetrically pitched to at least 37 degrees and be finished in natural slate or a good quality substitute slate.
  - vi) The building shall be of a general rectangular shape and gable ended;
  - vii) Any porches (which are encouraged in the design) shall have traditional "peaked" roofs.
  - viii) Details of the proposed finished floor level of the dwelling relative to an identifiable fixed datum located outwith the application site.

*Reason: In the interest of visual amenity, in order to integrate the proposed dwellinghouse with its surrounds and, no such details having been submitted.*

4. No development shall commence until details of the proposed boundary treatment, including details of location, height and materials of any walls/fences/gates, have been submitted to and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details prior to the first occupation of the dwellinghouse hereby approved in principle.

*Reason: In the interest of visual amenity, in order to integrate the proposed dwellinghouse with its surrounds and, no such details having been submitted.*

5. No development shall commence until details of the proposed access arrangements from the public highway and onsite parking turning provision have been submitted to and approved by the Planning Authority. Such details shall show:

- i) Connection to the public road as per drawing SD 08/004 Rev. A, access width to be a minimum of 5.5m;
- ii) Visibility splays of 53.0m x 2.4m in both directions from the centreline of the proposed access within which there will be no obstruction of 1.05m in height above the level of the adjoining carriageway;
- iii) Details showing the means of permanently closing the existing access to Ugadale Cottage, this should include for the soiling and seeding of the first 5.0m from the edge of the public highway;
- iv) Provision of onsite parking and turning to comply with the requirements of LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009;
- v) Provision of a refuse collection point adjacent to the public highway.

The duly approved details in respect of i) and ii) above shall be implemented prior to any work commencing on site; the provisions of iii), iv) and v) shall be fully implemented prior to the first occupation of the dwellinghouse hereby approved in principle.

*Reason: In the interest of road safety and, no such details having been submitted.*

6. No development shall commence until details of the proposed foul drainage arrangements to serve the development have been submitted to and approved by the Planning Authority. Thereafter the duly approved details shall be implemented prior to the first occupation of the dwellinghouse hereby approved in principle.

*Reason: In the interest of public health, to ensure that the development is served by an appropriate means of foul drainage commensurate to the scale of the development and, no such details having been submitted.*

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

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

8. No development shall commence until details of new planting proposals have been submitted to and approved by the Planning Authority. Such details shall show a planting scheme of native tree/shrub species designed to integrate and sympathetically extend adjacent existing woodland associated with Ugadale Cottage (to the north of the application site) so as to provide an appropriate landscape screen and backdrop to the development and access road hereby approved in principle. The details of the planting proposals shall be shown on a plan at a scale of 1:500 or greater and will include:
- i) Definition of the extent of the planting scheme and private curtilage for the dwellinghouse;
  - ii) Details of existing site contours at intervals of 0.5m;
  - iii) Details of ground preparation;
  - iv) Species of each tree/shrub;
  - v) Nursery stock size in terms of British Standards;
  - vi) Density of planting;
  - vii) Programme for completion and subsequent on-going maintenance/management.

All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of works unless an alternative phasing plan for such provision is agreed with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

*Reason: To ensure the implementation of a satisfactory scheme of tree/shrub planting which are required to satisfactorily integrate the proposals with the surrounding landscape setting and, no such details having been submitted for approval.*

(Ref: Report by Head of Planning and Regulatory Services dated 24 December 2010, submitted)

**7. MR AND MRS P CAIRNS: ERECTION OF DWELLINGHOUSES AND ASSOCIATED WORKS: GROUND TO THE NORTH OF DEAN HOUSE, EAST ABERCROMBY STREET, HELENSBURGH (REF: 10/01302/PP)**

The Principal Planning Officer advised that a supplementary report had been tabled at the meeting due to concerns raised by the Council's Conservation

Officer. He also referred to an e-mail circulated to Members from the applicant's daughter. He explained that the original recommendation was for approval subject to a discretionary hearing taking place given the large numbers of representation received. He requested that the Committee continue the matter to allow dialogue between the Conservation Officer and the applicant's agent, who it was noted was on leave until early February 2011.

### **Decision**

1. Agreed to continue the application to allow discussions to take place between the Council's Conservation Officer and the applicant's agent.
2. Agreed that in the event a hearing is necessary (i.e. if there is no material change following these discussions which would result in a fresh application being required) the Committee would hold this in Helensburgh on a date and time yet to be arranged.
3. Agreed that the Committee would undertake an unaccompanied site visit prior to the hearing taking place.

(Ref: Report by Head of Planning and Regulatory Services dated 30 December 2010, submitted and Report by Head of Planning and Regulatory Services dated 18 January 2011, tabled)

### **8. SCOTTISH WATER: APPLICATION FOR FORMATION OF LAYBY: ARDBEG ROAD, ARDBEG, BUTE (REF: 10/01777/PP)**

The Head of Planning and Regulatory Services advised that this application required to be considered by the Committee on the basis that the Council were the owners of the site for which permission was being sought. He referred the Committee to a supplementary report which had been tabled as a result of a late response from the Roads Authority which was suggesting that the application be deferred. He advised there were no objections from statutory consultees or other representations and that the proposals were consistent with the Development Plan. He therefore recommended that, despite the recommendation from Roads for deferral, the application be approved as there were no sound planning reasons to refuse the application and that other issues raised by Roads could be covered by the conditions recommended within his supplementary report.

### **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 and the approved drawing reference numbers: Drawing No. 400114-0000-20-DRG-9940; Drawing No. 400114-0000-20-DRG-9941; and Drawing No. 400114-0000-20-DRG-9942 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. Notwithstanding the provisions of Article 3 and Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no works shall be carried out within the development site in respect of the erection of the control kiosk until its details have been submitted to and approved in writing by the Planning Authority. Such details shall show the erection of a kiosk that shall be clad in stone and be no higher than 2.0 metres above the level of the carriageway as it adjoins the frontage of the site. The kiosk shall be erected in accordance with such details as may be approved, unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In order to safeguard the visual amenity of the Rothesay Conservation Area from the unsympathetic siting and design of sewerage infrastructure normally carried out without Planning Permission under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

4. The lay-by shall be formed with visibility splays of 42 metres in both directions measured from a distance of 2.4 metres back from the edge of the carriageway at the centre point of the access. Thereafter, no obstructions to visibility above a height of 1 metre from the level of the carriageway shall be permitted within the requisite splays unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

5. Prior to the first use of the lay-by hereby approved, it shall have a 10 mm upstand at the existing channel and 100 mm kerb face at the rear of the bay.

Reason: In the interests of road safety.

(Ref: Report by Head of Planning and Regulatory Services dated 30 December 2010, submitted and Report by Head of Planning and Regulatory Services dated 18 January 2011, tabled)

**9. SCOTTISH WATER: RE-PROFILING OF GROUND AND RE-ALIGNMENT OF HANDRAIL TO ACCOMMODATE BURIED PUMPING STATION CHAMBERS, FORMATION OF LAY-BY AND INSTALLATION OF ROCK ARMOURING AND RETAINING WALL: LAND OPPOSITE 8 MARINE PLACE, ARDBEG, ROTHESAY, ISLE OF BUTE (REF: 10/01977/PP)**

The Head of Planning and Regulatory Services advised that this application required to be considered by the Committee on the basis that the Council were the owners of the site for which permission was being sought. As with the previous application there was a supplementary report tabled which detailed a late response by the Roads Authority who sought deferral of the application. He advised there were no objections from statutory consultees and only one letter of representation received from a neighbouring property, the terms of which were highlighted within section (f) of the submitted report. The representations received were insufficient to alter his recommendation for approval and he therefore requested the Committee to approve the application subject to the conditions contained within his supplementary report.

**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 approved drawings numbers: Drawing No. 400114-0000-20-DRG-9920; Drawing No. 400114-0000-20-DRG-9921; Drawing No. 400114-0000-20-DRG-9922; and Drawing No. 400114-0000-20-DRG-9923 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. Notwithstanding the provisions of Article 3 and Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no works shall be carried out within the development site in respect of the erection of the control kiosk until its details have been submitted to and approved in writing by the Planning Authority. Such details shall show the erection of a kiosk that shall be clad in stone and be no higher than 2.0 metres above the level of the carriageway as it adjoins the frontage of the site. The kiosk shall be erected in accordance with such details as may be approved, unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In order to safeguard the visual amenity of the Rothesay Conservation Area from the unsympathetic siting and design of sewerage infrastructure normally carried out without Planning Permission under Article*

*3 of the Town and Country Planning (General Permitted Development)  
(Scotland) Order 1992.*

4. Prior to the commencement of any development, details shall be submitted of the composition of rock armour including, source and size of material. Such material, as may be approved in consultation with SEPA, shall be used in the approved development.

*Reason: In order to integrate the development along the shore and in the interests of health and amenity to ensure that there is no potential for flooding either within or outwith the site.*

5. No lighting units shall be installed unless the prior written consent of the Planning Authority is obtained in consultation with the Public Protection Service. Any lighting units that are approved shall be operated, positioned and angled to prevent any glare or light spillage outwith the boundary of the site, having regard to the Institute of Lighting Engineers Guidance.

*Reason: In order to avoid the potential of light pollution.*

6. The calculated noise levels, arising from the operation of the pumping station, shall not increase pre-determined ambient background noise levels (LA90), as agreed with the Planning Authority, by more than 3dBA at the nearest noise sensitive property. All measurements shall be taken in accordance with BS 4142:1997.

*Reason: In the interests of public health and amenity and in accordance with Policy LP BAD 1 of the Argyll and Local Plan 2009.*

7. No part of the development shall take place until a detailed scheme of odour control measures for the works has been submitted to, and approved in writing by the Planning Authority. Details shall include the design of plant, operational procedures and maintenance arrangements with particular reference to odour control. The scheme shall include details of the best practicable means of odour suppression and procedures to be followed in the event of an emergency.

*Reason: In the interests of public health and amenity and in accordance with Policy LP BAD 1 of the Argyll and Bute Local Plan 2009.*

8. The pumping station and all associated plant shall be maintained in accordance with the manufacturer's recommendations and a system for keeping records of maintenance and monitoring of plant performance, including response to complaints, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development.

*Reason: In the interests of public health and amenity and in accordance with Policy LP BAD 1 of the Argyll and Bute Local Plan 2009.*

9. Prior to the erection of any new handrails within the development site, details of their appearance and height shall be submitted to and approved in writing by the Planning Authority. The submitted details shall show the erection of handrails that reflect the appearance and height of the existing handrails in the vicinity of the site. The handrails shall be erected in accordance with the approved details prior to the first operation of the facility unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of visual amenity having regard to the location of the site within the Rothesay Conservation Area and for the avoidance of doubt.

10. Prior to the first use of the lay-by hereby approved, it shall have a 10 mm upstand at the existing channel and 100 mm kerb face at the rear of the bay.

Reason: In the interests of road safety.

11. The lay-by shall be formed with visibility splays of 42 metres in both directions measured from a distance of 2.4 metres back from the edge of the carriageway at the centre point of the access. Thereafter, no obstructions to visibility above a height of 1 metre from the level of the carriageway shall be permitted within the requisite splays unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

(Ref: Report by Head of Planning and Regulatory Services dated 30 December 2010, submitted)

**10. SCOTTISH WATER: ERECTION OF ACCESS GATES, WIDENING OF EXISTING ACCESS, FORMATION OF ACCESS TRACK AND HARDSTANDING AREA: LAND WEST OF PUBLIC CONVENIENCE, MARINE ROAD, PORT BANNATYNE, ISLE OF BUTE (REF: 10/01806/PP)**

The Head of Planning and Regulatory Services advised that this application required to be considered by the Committee on the basis that the Council were the owners of the site for which permission was being sought. He referred the Committee to a supplementary report which had been tabled and which set out comments and a request from the Roads Authority to defer consideration. He advised that the proposals were consistent with the Development Plan and that there was no justification on planning grounds to refuse the application. He therefore recommended that the application be approved.

**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 and the approved drawing reference numbers: Drawing No. 400114-0000-20-DRG-9900; Drawing No. 400114-0000-20-DRG-9901; Drawing No. 400114-0000-20-DRG-9902; Drawing No. 400114-0000-20-DRG-9903; and Drawing No. 400114-0000-20-DRG-9904 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. The access shall be formed with visibility splays of 42 metres in both directions measured from a distance of 2.4 metres back from the edge of the carriageway at the centre point of the access. Thereafter, no obstructions to visibility above a height of 1 metre from the level of the carriageway shall be permitted within the requisite splays unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

4. Unless otherwise agreed in writing with the Planning Authority, the access shall be constructed in accordance with Figure 10.16 of Argyll and Bute Council's Design Guidelines.

Reason: In the interests of road safety.

5. Prior to the commencement of works on surfacing within the site, details of the use of 'grasscrete' or similar material shall be submitted to and approved in writing by the Planning Authority. The surfacing shall be undertaken in accordance with the approved details prior to the first operation of the facility unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity having regard to the location of the site within an Open Space Protection Area and the provisions of Policy LP REC 2 of the Argyll and Bute Local Plan 2009.

(Ref: Report by Head of Planning and Regulatory Services dated 30 December 2010, submitted)

**11. MACAULAY CAMANACHD ASSOCIATION: TEMPORARY SITING OF PORTACABIN AND STORAGE UNIT FOR 3 YEARS: MOSSFIELD PARK, GLENCRUITTEN, OBAN (REF: 10/01969/PP)**

The Principal Planning Officer advised that this application required to be considered by the Committee on the basis that the Council were the owners of the site for which permission was being sought. He advised there were no objections from statutory consultees or other representations and that the proposals were consistent with the Development Plan. He recommended that the application be approved.

**Decision**

Agreed to grant temporary Planning Permission, for a 3 year period, subject to the following conditions and reasons:-

1. The use of land as a temporary site for a portacabin and storage unit shall cease on 31 January 2014 and the portacabin and storage unit shall be completely removed from the land on or

before that date. Thereafter, the land shall be reinstated to a grassed surface within the first seeding season following the date of the removal.

Reason: *Planning permission would not normally be granted for a development of this nature on a permanent basis, as temporary structures with limited life expectancy deteriorate over time with adverse consequences in terms of impact upon on the amenity of the local area.*

2. The height of the proposed portacabin and storage unit shall not exceed 3 metres in height above existing ground level unless otherwise first agreed in writing by the Planning Authority.

Reason: *In the interests of visual amenity to ensure the proposed development integrates into its surroundings.*

3. The portacabin and storage unit shall be finished externally in colours which shall be agreed in writing by the Planning Authority in advance of installation on the site.

Reason: *In the interests of visual amenity to ensure the proposed development integrates into its surroundings.*

4. The development shall be implemented in accordance with the details specified on the application form dated 12/11/10 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan at scale of 1:2500)  
Plan 2 of 2 (Site Plan at scale of 1:1500)

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.*

(Ref: Report by Head of Planning and Regulatory Services dated 22 December 2010, submitted)

- 12. MULL AND IONA COMMUNITY TRUST: ADDITIONAL PLANT ROOM, AMENDING SITING, AMENDED FENESTRATION ON THE SOUTH EAST AND SOUTH WEST ELEVATIONS, UPGRADING OF ROOF COVERING TO NATURAL SLATE, ADDITION OF 7 SUNPIPES, DELETION OF SOLAR PANELS AND INSTALLATION OF A WASTE WATER DISCHARGE PIPE (RETROSPECTIVE) - RELATIVE TO PLANNING APPLICATION REF: 07/02265/DET - ERECTION OF COMMUNITY BUSINESS RESOURCE CENTRE: LAND NORTH WEST OF DALRIADA, CRAIGNURE, ISLE OF MULL (REF: 10/01767/PP)**

The Principal Planning Officer advised that the application had been required to

address alterations in footprint, floor level, fenestration, drainage arrangements and other minor details to the previously approved consent 07/02265/DET. There had been 14 representations received, the responses to which were located within section (f) of his report. The proposal was consistent with the Development Plan and gave rise to no adverse privacy or amenity issues that could not be controlled by conditions and therefore he recommended that the application be approved.

**Decision**

Agreed to continue this application to the next meeting of the Committee for further information.

(Ref: Report by Head of Planning and Regulatory Services dated 22 December 2010, submitted)

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

**13. ENFORCEMENT REPORT - 09/00102/ENFLB**

The Committee were invited to consider a report regarding proposed Enforcement Action in respect of case number 09/00102/ENFLB.

**Decision**

Agreed the course of action as outlined within the submitted report.

(Ref: Report by Head of Planning and Regulatory Services dated 20 December 2010, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held in the VILLAGE HALL, CULLIPOOL, ISLE OF LUING**  
**on MONDAY, 31 JANUARY 2011**

**Present:**

Councillor Daniel Kelly (Chair)

Councillor David Kinniburgh  
 Councillor Alister MacAlister  
 Councillor Neil Mackay

Councillor Roderick McCuish  
 Councillor Alex McNaughton  
 Councillor Al Reay

**Attending:**

Charles Reppke, Head of Governance and Law  
 Richard Kerr, Senior Planning Officer  
 Fiona Scott, Planning Officer  
 Daniel Addis, Enforcement Officer  
 Paul Reynolds, Environmental Health Officer  
 Eddie Shaw, Health and Safety Officer  
 Donald Anderson, ATK Partnership  
 Shauna Cameron, Architect for Applicant  
 John Peden, Applicant  
 Jane MacLaughlan, Supporter  
 Peter Hooper, Supporter  
 Mairi Ritchie, Supporter  
 Alison Robertson, Supporter  
 David Ritchie, Supporter  
 Phillip Robertson, Supporter  
 Norman Bissell, Supporter  
 Fiona Rodgers, Objector  
 Paul Houghton, Objector  
 Barry Wilson, Objector  
 Peter Cook, Objector  
 Joe Hughes, Objector  
 Edna Whyte, Objector  
 Peter Lamont, Objector

**Apologies:**

Councillor Rory Colville  
 Councillor Robin Currie  
 Councillor Vivien Dance  
 Councillor Mary-Jean Devon

Councillor Bruce Marshall  
 Councillor Donald MacMillan  
 Councillor James McQueen

Charles Reppke apologised for the administrative errors that had been made in the report by the Head of Planning and Regulatory Services dated November 2010 with regard to planning application 10/01059/PP. Parties who had submitted letters of support had been wrongly listed in the report as objectors. Mr Reppke advised that a supplementary report had been issued to all interested parties prior to the meeting correcting these errors.

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

The Committee introduced themselves to those present and Charles Reppke outlined the procedure that would be followed during the hearing. He advised that there were 2 applications on the agenda to be considered by the Committee, that they would be heard together but determined separately. He asked that all persons wishing to address the Committee identify themselves.

### **Planning Authority**

Fiona Scott, Planning Officer, advised that there were 2 applications before the Committee for consideration. She advised that both applications had been presented to the PPSL Committee on 15 December 2010 and continued to a hearing due to the number of representations received and as a result of conflicting information within the structural reports provided by the applicants and the objectors. The Council had appointed an independent structural engineer, ATK Partnership, to assess both reports and provide a definitive response with regard to the structural integrity of the ruin of the engine shed. Due to the conclusion by ATK Partnership that the ruin did have the potential to be incorporated into a redevelopment scheme as a non-load bearing element Fiona advised that in light of this new information planning were now recommending refusal of conservation area consent for the demolition of the engine shed. She further advised that as the second application for the erection of the centre relied on the demolition of the shed, planning were recommending that this application also be refused as it would require to be withdrawn and a revised proposal incorporating the ruin submitted.

### **Applicant**

Shauna Cameron, architect for the applicants, introduced herself. She gave an overview of both applications and showed photographs within a presentation of the engine shed and quarry from both present and past. Shauna advised that the retention of the walls of the engine shed had been considered in the original design of the centre in 2007 but the design had since been changed to reuse the slate during construction of the centre. She added that the ruin had little impact on the overall appearance of the conservation area and as the ruin was not listed, not scheduled or had no planning conditions placed on it with regard to maintaining or stabilising the walls it was clear that it would only be left to deteriorate. Shauna made reference to the 3 engineers reports that had been produced. She advised that the structural report John Peden had carried out did not say that the walls could not be incorporated into the new design but had recommended demolition as the best option. She highlighted that the 3<sup>rd</sup> report by ATK had been produced using the previous 2 reports without visiting the site. ATK had concluded by recommending removal of 70% of the engine shed walls and Shauna questioned if keeping 30% of the existing wall could be considered retention of the engine shed. She added that structural engineers reports had suggested removing at least 70% of the existing walls. Shauna gave an overview of the costs that would be incurred by retaining the existing walls in the design, added that the maintenance costs would also be higher and would place a financial burden on the Community. Shauna advised that the engine shed had been the inspiration for the design of the new centre and showed the Committee pictures of the proposed design. She advised that it was a low maintenance design which would be sustainable by the small community. Shauna concluded by saying that if demolition was not approved then the project would be unlikely to go ahead as they would be likely to lose the European funding they had been awarded for the project. She asked that the Committee approve the development of the Atlantic Islands Centre as it was a valuable

gift from the present community to the children of Luing.

### **Consultees**

Peter Lamont read out a statement on behalf of Audrey Gardner of the Architectural Heritage Society of Scotland. The statement advised that the AHSS were committed to preservation of architecture, that the engine shed should only be demolished if no other option was available, that the proposed development did not enhance or contribute to the conservation area and that it would have a detrimental impact on the site. The statement advised that the use of glazing in the design distanced new from the old character of the engine shed. It concluded by saying that it was hoped that if the demolition of the engine shed was approved it was hoped that something new and good would come from it.

Paul Reynolds, Environmental Health Officer advised that concerns over noise and food smells had been addressed by appropriate planning conditions and that he had no further comment.

Eddie Shaw, Health and Safety Officer advised that the means of control that would be put in place after construction of the centre would enhance safety with regards to the flooded quarry and added that a further risk assessment would be undertaken should the application be approved.

### **Supporters**

Jane MacLachlan introduced herself as Vice Convener of Luing History Group Committee. She told the Committee that there was a desperate need for a museum on Luing as currently artefacts were being held in peoples homes with summer exhibitions organised in the village halls. She advised that the new centre would provide a study centre, reference point and a chance for the community to integrate without prior organisation. She added that she supported the demolition of the precarious structure that was the engine shed and highlighted that it was not a listed building. She concluded by saying that the centre would allow Luing's heritage to be made available and to be added to in the future.

Peter Hooper introduced himself as a Member of Luing Community Trust. Mr Hooper began by telling the Committee that any objections that had been made were with a view to stopping the project rather than conserving the walls of the engine shed. He advised that planning of the centre had begun in 2003 and at that point there had been no reference made to conservation of the walls. Mr Hooper advised that the Trust had looked at another two sites as well as the engine shed site and that this site was the most suitable. He advised that the project had secured £457,000 of European Funding which was available to claim until April 2011 and any delay of the project, such as resubmitting planning applications, would jeopardise this funding. Mr Hooper told the Committee that the implications made by objectors that the jobs created in the new centre would not be worthwhile were not true and that just one job created would be an advantage to the island. He concluded by saying that it was a community project that was supported by the majority of residents and that the centre would be both an asset and a gift to the community.

Mhairi Ritchie introduced herself as Chair of the Parent Council. She advised that all the parents she had spoken to were in favour of the project. She spoke of the recent threat of school closure and how the community had come together to resist the

proposal. She advised that the school encourages young families to stay on the island. Ms Ritchie advised that currently the children had little opportunity to develop their skills and that the centre would promote the children's work. The children had expressed the opinion that they too were in favour of the centre. Ms Ritchie compared the proposal to the centre that had been built on Lismore and told the Committee that the centre would encourage a deeper relationship with the island. She concluded by saying that today's children were the future of the Island.

Alison Robertson introduced herself and told the Committee that she was speaking for the people who were at work and school and could not attend the hearing. She told the Committee that most of the residents on the island were of retirement age and that there was a need for young families. She advised that there were currently 2 village halls on the island, who worked together to hold regular events, along with the school. She advised that currently there were no café/restaurant facilities on the island that people could use spontaneously and that any social events had to be organised by one of the halls. Ms Robertson advised the Committee that the Centre would boost economy on the island, boost tourism and would not work in competition with the halls and school but together with them. The Centre would be used all year, by tourists in the summer and as a place for residents to socialise in the winter; somewhere to have a meal without worrying about being back in time for a ferry crossing. Ms Robertson told Members that Easdale Island and other slate islands had featured on the television programme Coast recently and that Luing had not been mentioned; the island had felt excluded and this was a good reason for the introduction of something such as the Centre, it would bring interest to the island.

David Ritchie introduced himself, he told the Committee that he had been employed on the island for 10 years. Mr Ritchie advised that his son had lived on the island of Coll and that it was very similar to the Island of Luing apart from that Luing did not have hotel/café facilities. He advised that the hotel on Coll was very successful and that it brought employment benefits to the island all year round. He referred to comments made by objectors regarding the limited ferry service and advised that the ferry spent most of its time tied to the slip and that an increase in traffic to the island would secure the ferry service. Mr Ritchie advised that no one knew if the centre would be successful but if it was not approved then no one would ever know. He gave an example of a successful family business on Cullipool Pier. Mr Ritchie concluded by asking the Committee why they should knock back the opportunity for a centre for the sake of a ruin? He advised that the trust were trying to breathe life back into the island by introducing a new business.

Phillip Robertson introduced himself as a resident of Cullipool who had attended the primary school when he was younger and highlighted that he knew Cullipool very well. He stated that, in his opinion, the engine shed was a useless building. Mr Robertson told the Committee that he was in favour of the development, that he did not want a dead island. He gave examples of how busy the island was in the 1940s, 50s and 60s. He concluded by saying that he was proud to be local.

Normal Bissell began by telling the Committee that listening to the previous speakers had made him emotional. Mr Bissell told the Committee that he had lived on the island for 12 years and regularly joined in with community events. He referred to the report that had been before the Committee on 15 December and highlighted that planning had rejected every one of the objections that had been made. Mr Bissell continued by saying that there was no good reason why the recommendation should be changed to refuse the demolition of the engine shed, that ATK did not visit the site and that it could



be seen as grounds for appeal. He told the Committee that the overall design would be restricted should it be contained within the existing structure, that it would be too small and would have few windows. The existing structure would serve no purpose as it would not be part of the new structure and the hipped roof would not be attached. He highlighted that the proposal was in accordance with the local plan and that demolition could be supported as a minor departure. Mr Bissell advised that submitting revised plans would delay the project, jeopardise the European funding that had been awarded and the project would come to an end. Mr Bissell told the Committee that he had visited other Trusts to explain the project and to learn of their experiences in similar projects. They had all supported the project and had received the same kind of objections for their own projects. He explained that the grant was an opportunity for the island to move forward and that most residents supported the project. He explained that 24 of the objections had been from holiday home owners that wanted to preserve the peace and tranquillity of the island. Mr Bissell advised that the population of the island had been declining in recent years, that the centre was an opportunity to provide employment and to encourage new families to move to the island. He concluded by saying that he was asking for approval of both applications and that in his opinion the island would decline further if the centre was not approved.

### **Objectors**

Fiona Rodgers introduced herself and advised that she was speaking on behalf of a group of objectors who were asking the Committee for refusal of both applications. Ms Rodgers disputed the figures that had been quoted with regard to membership of the trust and advised that the majority of residents of the island were not members. Ms Rodgers advised that a meeting had been held in March before submission of the application for planning permission and at this point there had been no mention to the community of the demolition of the engine shed. She advised that the Community Council had declared an interest in the project and had refused to comment on the project or hold a meeting to discuss it. She made reference to the failure of the Trust to consult residents on the project and the fact that no one had seen the business plan for the project. They had been told that work on the plan had been put on hold until after the hearing and she advised that it was not possible to measure the viability of a project without a business plan. Ms Rodgers advised that the limited ferry service was a concern, maintenance costs of the new building were a concern, that there were concerns over the viability of the project and concerns over the impact on the community. She advised that she could not see how a decision could be made without knowing what the impact of such a project would be. Ms Rodgers continued by saying that there was no need for the centre, that the island already had 2 village halls and use of the school. She advised that the centre could have a detrimental effect on the existing halls and also on the shop which sold teas, coffees and crafts. She highlighted that any impact on the shop could be fatal and with no shop there would be no post office. Ms Rodgers told the Committee that there had been proposals to expand the use of the school as a café and exhibitions and that this lessened the need for a centre even more. Ms Rodgers advised that the engine shed had not been marketed publicly as required by planning policy. She concluded by telling the Committee that on behalf of the objectors she urged for refusal of both applications, that there was no need for the centre and that it would be harmful to the community. She advised that they were for preservation but not overdevelopment and that they wanted café facilities on the island but with use of the existing facilities. She highlighted that Luing was not the dying community it had been portrayed as, that the islanders were very actively involved.

Mr Paul Houghton introduced himself and advised that he had been asked to make reference to heritage issues and to provide a framework for the objections that had been made. Mr Houghton referred to planning policies and Historic Scotland Guidance and made reference to the fact that the engine shed had not been publicly marketed and had not been subject of a beyond economic repair test. He commented on the lack of documentation that had been made available by the trust. He Highlighted that there had been no business plan produced, no information on construction costs had been available until that day, no information on the alternative sites that had been considered had been made available until that day and no information on the public benefits that the centre would bring had been produced. Mr Houghton told the Committee that the possibility of retaining the building was supported by Historic Scotland and that the setting of the site and listed buildings in the surrounding conservation area should have been considered when the centre was designed. He advised that the proposal was out of scale, that the roof was higher than surrounding buildings and that the extension was too large. He advised that the design should have been made more sympathetic to the surrounding area. Mr Houghton concluded by telling the Committee that he urged for refusal of the applications. He again highlighted the lack of documentation that had been produced, that the design was unsympathetic to the village and if Members were minded to support, the proposal would be a significant departure to planning policy.

The meeting adjourned for lunch between 1.10pm and 1.40pm.

Barry Wilson introduced himself as the founder of the Community Trust. He advised that he had been involved with the project from the beginning and that he wanted to see the engine shed alone developed. He advised that the membership of the Trust had dwindled during the project development. He made reference to the reduced ferry service and how the increased traffic would affect this. Mr Wilson advised that in his opinion, 5 public buildings were too many for an island and that there was not enough money to maintain them. He advised that the revenue taken in by the centre would not cover the maintenance costs and made reference to Easdale Island museum and the fact that it had only taken 3,000 visitors the previous year. He advised that Easdale Island had recently had a new hall built and were struggling to maintain it. Finally Mr Wilson told the Committee that the centre was the wrong design and on the wrong site and that he would like to see something developed elsewhere on the island and with a different design.

Peter Cook advised that he had lived in Cullipool House for 3 and a half years. He highlighted that there had been some very emotional speakers and that he had been touched by some of the supporters speeches. Mr Cook advised that he could not support a project that did not have a business plan. He advised that he could not support the building in its present form, that it was too big for the site, that he would like to see the size of the building reduced or the site changed.

Edna White introduced herself. She advised that the proposals went against the culture of the island. She advised that 30 years previously Luig had been a depressed mining village, that there were 14 families on the island and now there were 24; that the prosperity and affluence on the island had grown and there was now a much better spread of ages. Ms White advised that the problem with the application was that it was on a restricted site, that there was no room for expansion. Finally she told the Committee that she resented the comments made by supporters around second home owners as many of them did come to live on the island when they reached retirement age.

## Questions

Councillor McCuish asked the Trust why they had chosen the engine shed site. He was told that the funding the Trust had been awarded was restricted to the engine shed site, if the site was moved they would lose the funding.

Councillor MacKay asked the applicants what the similarities were between the proposal and the Centre on Lismore. Shauna Cameron replied that it was very similar to Lismore Centre with regard to scale apart from an extra 50m<sup>2</sup> that would be used by the History Group. Councillor MacKay asked Planning why the 3<sup>rd</sup> engineer had not visited the site. Richard Kerr told him it was because he had been employed to assess the first two structural reports and not the site. Councillor MacKay asked if the recommendation for refusal of demolition was due to the findings of the 3<sup>rd</sup> report to which Mr Kerr replied yes. Councillor MacKay asked Mr Houghton to explain the assertion he had made that the Council had an interest in the site. Mr Houghton told him that he had heard that the Council had contributed to the costs of applying for planning permission. Mr Kerr advised that this was not correct.

Councillor Kelly asked where the money had come from to pay for the application costs. Mr Bissell replied that they had received £12,000 of Argyll and the Islands Leader funding and £10,000 of Big Lottery funding and advised that the Big Lottery Funding had been used to fund the application.

Councillor Reay asked Mr Bissell if there were sufficient remains to reflect the original site and if funding would be required to maintain it to which he replied that there were not and that funding would be required.

Councillor McCuish asked the objectors what the benefits to the community would be if the project did not go ahead. Ms Rodgers replied that it would be the majority of the community's wish and that the utilisation of the village halls and school would be encouraged.

Councillor McCuish asked the objectors how many visits had been made by visitors to the engine shed to which Ms Rodgers replied that they did not know.

Councillor Kinniburgh asked with reference to the survey that had been carried out on centre use, how many people had been surveyed and at what time this had taken place. Mr Hooper advised that 55 residents and 107 visitors had been surveyed at the ferry in the summer of 2009 over a period of 5 weeks when volunteers had the time.

Councillor Reay asked Mr Cook if he would support the proposed building if it was on a different site to which he replied that he would and that he would also support the use of the engine shed with a smaller extension.

Councillor McCuish asked Mr Houghton about the reference he'd made to listed buildings when the engine shed was not a listed building. Mr Houghton told him that he had made reference to non listed buildings within conservation areas.

Councillor Reay asked the applicants when applying for funding if the retention of the engine shed part of the required criteria. Mr Bissell confirmed that the funders were happy with the design of the centre and that there was no requirement to retain the engine shed as part of the new design. He added that they had provided information

on the nature and history of the site to the funders.

Councillor McCuish asked planning if the applications were not approved and nothing was developed on the site what would happen to the engine shed. Mr Kerr advised him that it would continue to deteriorate as it was not a listed building. He advised that the only policy protecting it was that of against demolition.

Councillor MacKay commented that in terms of policy ENV15; in order to approve demolition, planners must have plans for re-use of the site and asked planners if the outcome of the 3<sup>rd</sup> structural report was their only reason for refusal to which Mr Kerr replied it was.

## **Sum Up**

### **Planning**

Richard Kerr expressed to Members the importance of confining their decision to that of land use and not the non material considerations that had been conveyed during the meeting by interested parties. Mr Kerr again explained the reasons for the change in recommendation and highlighted that redevelopment was dependant on conservation area consent being granted for the demolition of the engine shed.

### **Applicant**

Ms Cameron asked that members consider the fact that if the shed was to be retained, 70% of the existing structure would be demolished which in her opinion was not retention. With regard to the new build she advised that full design statements had been submitted, parking issues had been addressed and that a full Business Plan was available. She advised that the design had been produced over a number of years, with careful consideration and that the demolition of the engine shed would not have been considered if it was not worth it.

### **Consultees**

Mr Lamont advised that he had no further comment on behalf of AHSS.

### **Supporters**

Ms MacLachlan advised that she had no further comment other than that she was desperate for the project to go ahead.

Mr Hooper in response made to the assertions that the site had not been placed on the open market told the Committee that he had a letter regarding the sale of the shed that clearly stated that the shed had been on the open market. He advised that consultation on the project always took place by means of open meetings and that the only private meeting the Trust had held was in March to finalise the decision on submission of final planning permission.

Ms Ritchie added that as Chair of the Hall Committee she had been approached by the Trust to discuss the impact of the Centre on the Hall and it had been agreed that the hall with community support would work around it.

Ms Robertson advised that the culture of the island was to work together as a

community and that the proposal was not for a third hall but for something different for the island.

Mr Ritchie told the Committee that he did not know how the project would evolve but the only way to find out was to go ahead with it.

Mr Robertson advised the Committee of a time that 6 houses were demolished on the island without objection due to the attitude live and let live and told the Committee there were too many people that complain about things.

Mr Bissell advised the Trust membership had actually increased recently and that 92% of members had voted for the project to go ahead. He added that out of 77 Trust members 69 had voted; with 63 voting for the project, 3 against the project and 3 abstaining from voting. With regard to the business plan he advised that the trust had obtained professional advice and support in producing this and the figures showed the project to be both viable and sustainable. In connection with alternative sites he noted that no written offer to sell had been received for one of the sites. Mr Bissell told the Committee the site could not be resold due to a deed of restriction and that if the proposal was not approved then the site would be left to deteriorate and that the funding would fall if not utilised.

### **Objectors**

Mr Houghton advised that the impact of businesses was in fact a material consideration when determining an application. He again made reference to the lack of a Business Plan and asserted that a decision could not be made without it. He made reference to a CRGP report, advised that this was also important and that a decision should not be made without it, that it should have been encompassed in the report.

Ms Rodgers advised that she disputed the consultation process carried out by the Trust. She advised that the 66 votes for the project made by Trust Members was not representative of the island. She added that there may be a viable project for the island but not the current one and not on the proposed site.

Mr Wilson told the Committee of the public meetings that had taken place. He advised that the first had taken place in February 2009, 52 people had attended and only one objected because it had been made clear what was going to happen. At the second meeting postal votes had been brought in already opened, he claimed that 4 of the votes against the project had gone missing and highlighted that they should not have been opened in private before the meeting. He advised that the original plans for redevelopment had incorporated the shed but this had not proved viable and so a bigger design had been produced.

Mr Cook stated that it was a shame that the Community had been divided by the application. He questioned whether the possible loss of funding was part of the consideration by the Committee.

Ms White told the Committee she objected to the presentation of a large building on a small site and questioned what the funders would think if they were brought to the island to see what they had approved. She advised that people had assumed that the engine shed would be incorporated into the new design and did not realise that it would involve demolition.

Councillor Kelly asked all those present if they considered that they had had a fair hearing to which they agreed they had.

### **Determination**

Councillor MacKay noted that there had obviously been extensive pre-application discussions and that the design had been produced in accordance with policy. He advised that he had taken into account that all three structural reports had recommended demolition of 70% of the existing walls. Councillor MacKay advised that he had been impressed with the community spirit over the school closure and that it was important that the community was not divided over the application. He advised that when looking at the benefits the centre had brought to Lismore it was apparent that the Centre would be an asset to the community and for that reason he advised that he would approve the demolition of the engine shed.

Councillor McCuish advised that he had been saddened at the split in the community that the application had caused. He stressed the importance of the island moving forward and advised that he would go against the recommendation by planning and approve the demolition of the engine shed.

Councillor McNaughton advised that he was from a rural community and was sad to see the split in the community. He advised that although it was hard for a community to move forward it was important that they did to prevent stagnation. Having seen the condition of the shed he advised that he would approve demolition of the shed.

Councillor Reay advised he was from Helensburgh which had little community spirit. He advised that although it was important for a site to reflect its history, there was nothing on the site that was viable and that he too supported the demolition of the shed.

Councillor Kinniburgh advised that this was a very difficult decision to make but having visited the site and looking at the shed he would not revisit the island to look at the shed. He advised that if there was a heritage centre on the island he probably would come back to visit it and therefore he supported the demolition of the engine shed.

Councillor Reay added that during the hearing both sides had given very passionate cases and that he wished the two sides had come forward and compromised on the proposal.

Councillor MacAlister advised that he believed a different site would not reflect the memento of the slate quarry. He advised that after looking at the site, once the soft mortar had been removed from the remains of the shed there would be nothing left and therefore he advised he supported demolition of the shed.

The chair noted the various opinions from members and indicated that he would now deal with each of the applications in turn .

## **2. ISLE OF LUING COMMUNITY TRUST: DEMOLITION OF UNLISTED BUILDING IN CONSERVATION AREA: LAND SOUTHEAST OF CULLIPOOL HOUSE, CULLIPOOL, ISLE OF LUING (REF: 10/01348/CONAC)**

**Decision**

The desk top interpretation of the two reports by John Peden Associates and David Narro Associates, does not indicate any new factors that would have sufficient weight to overturn the previous recommendation to approve this application by the Planning Department. The proposal accords with policies STRAT DC1 and STRAT DC9 of the approved Argyll and Bute Structure Plan 2002. Likewise it accords with policies LP COM 1, LP ENV 1, LP ENV 13 B2 and LP ENV 15 of the Argyll and Bute Adopted Local Plan 2009. It can be justified as a 'Minor Departure' from Policy LP ENV 13 B1 as the demolition of the structure will allow the site to be developed with a larger social and heritage scheme, subject of Planning Application 10/1059/PP which will benefit the local community and visitors to the island. It will also be subject to appropriate conditions agreed by the Chair and Vice Chair of this Committee and the Head of Planning and subsequently referred to Historic Scotland for final clearance. All three structural reports indicate the need for substantial rebuilding in the event that any attempt is made to retain the structure or to incorporate it within a new building, as a result of which, the historical integrity of the building would be compromised to a significant extent.

(Reference: Reports by Head of Planning and Regulatory Services dated November 2010 and January 2011)

**3. ISLE OF LUING COMMUNITY TRUST: ERECTION OF BUILDING INCORPORATING MUSEUM, LICENSED CAFE, EXHIBITION/FUNCTION ROOM AND OFFICE: LAND EAST OF CULLIPOOL HOUSE, CULLIPOOL, ISLE OF LUING (REF: 10/01059/PP)**

**Decision**

That planning permission be granted subject to the conditions and reasons as set out in the report by the Head of Planning and Regulatory Services dated November 2010.

(Reference: Reports by Head of Planning and Regulatory Services dated November 2010 and January 2011)

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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 Number: 08/00607/DET

Applicants Name: John McNaughton

Application Type: Detailed

Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.

Location: Site 1, Land 200 metres South of Salthouse, Colintraive, Argyll.

---

**SUPPLEMENTARY REPORT No. 2**

**1. INTRODUCTION**

This application was recommended for refusal at the Planning Protective and Licensing Committee of 15 December 2010 on the basis that the dwelling proposed and the engineering works required to accommodate it on this sloping site, would not enable the development to be satisfactorily implemented into its landscape setting. In the event, following a request from the agent that further negotiation should be allowed over siting and design, Members resolved that the application be continued to allow further discussions to take place between the Planning Authority and the applicant.

The applicant has since submitted revised plans showing a reduction in the footprint of the proposed dwellinghouse, some reconfiguration of internal floorspace and a reduction in a proposed patio area. Together with a minor repositioning of the dwelling, this has enabled a slight reduction in visible underbuild for the dwellinghouse

**2. ASSESSMENT**

The amendments to the proposed dwellinghouse are perhaps the most that could be considered to be minor amendments to the application within the terms of s.32(A) of the Town & Country Planning (Scotland) Act 1997. More radical redesign would need to be the subject of a new planning application.

The reduction in footprint has enabled the finished floor level to be reduced from 15.7m to 15.15m which, together with the elimination of a proposed balustraded walkway across the front elevation, enables the visible underbuild to be reduced to approx. 1.5m above existing ground level. Furthermore, the access drive is now shown to be accommodated in

cut for much of its length and sections indicate that the exposed faces will be planted with whin and broom in order to soften its impact. The amendments contribute to some reduction in the visual impact of the dwellinghouse, especially when viewed from below from the B886 shore road at a level of approx.8m.

However, although the conclusion of The Landscape Capacity Study was that the application site is within an 'area with potential to accommodate development', it is considered that these amendments are not sufficient to overcome previously expressed concerns regarding the scale, footprint and design of the proposed dwellinghouse and access road, as set out in my original report to the Bute & Cowal Area Committee.

The topography of the site is steep, undulating ground which rises from the B886 to the A886. The proposal will require a significant amount of earth works and the dwellinghouse will be positioned in excess of 7 metres higher than the B886 road in an elevated position. The steepness of the site also dictates that the path of the proposed vehicular access and this combined with the excessive bulk and massing of the proposed dwellinghouse, at its elevated position, results in a development that has an unacceptable wider landscape impact within the Kyles of Bute National Scenic Area.

Notwithstanding the marginal improvements proposed since the application was continued by Members, it remains the case that the impact of this large, inappropriately designed dwellinghouse, combined with an excessive access layout and located in an elevated position, results in a development that would have an unacceptable landscape impact within an area which has been nationally designated as a sensitive landscape.

The scale and position of this dwellinghouse reduces the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which provides a number of key vantage points from which the site can be seen. This includes, importantly, the panoramic viewpoint on the Tighnabruaich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Under the circumstances, it is considered that the proposal as amended remains unacceptable, although there could be potential for a more radical redesign and revised siting of a dwelling, which would require withdrawal of the current application and a resubmission in respect of a material amendment.

### **3 RECOMMENDATION**

That the application be refused for the attached reasons.

**Author of Report:** David Eaglesham      **Date:** 28/01/11

**Reviewing Officer:** Richard Kerr      **Date:** 28/01/11

**Angus Gilmour**

**Head of Planning**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00607/DET**

1. Given the topography of the site and its location within the Kyles of Bute National Scenic Area, the excessive massing and scale of the proposed dwellinghouse and associated sweeping access track results in a development with an unacceptable wider landscape impact. The scale and elevated footprint position of this dwellinghouse and required underbuild removes the ability of the existing woodland along the lower slopes of the site to successfully screen and absorb the development. The proposal is therefore considered to be contrary to Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' and STRAT DC 8 '*Landscape & Development Control*' of the Argyll & Bute Structure Plan 2002, policies LP HOU 1 '*General Housing Development*' and LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' along with Appendix A of the Argyll & Bute Local Plan (2009). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy (2010) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
  
2. While the dwellinghouse boasts elements of traditional design, it is considered that the overall scale, massing and proportion of the dwellinghouse is excessive and this is amplified by the required underbuild. Furthermore, the topography of this site has dictated an excessive access road layout and limited the amount of meaningful external amenity space. The proposal is therefore considered to be contrary to Policy LP ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Argyll & Bute Local Plan (2009) and the Argyll & Bute Council Sustainable Design Guidance 1 '*Small Scale Housing Development*' 2006. Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy (2010) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).

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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 Number: 08/00607/DET  
Applicants Name: John McNaughton  
Application Type: Detailed  
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.  
Location: Site 1, Land 200 metres South of Salthouse, Colintraive, Argyll.

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**SUPPLEMENTARY REPORT No. 1**

**1. INTRODUCTION**

The Bute and Cowal Area Committee at their meeting on 13 January 2009 considered the attached report but recommended to the (then) Protective Services and Licensing (PSL) Committee that this application be approved.

The PSL Committee at their meeting on 18 February 2009 resolved that the application be continued until the completion of a landscape capacity study.

Subsequently, the Argyll & Bute Local Plan was formally adopted on 9 August 2009.

**2. ASSESSMENT**

A 'Landscape Capacity Study for Bute & Cowal', prepared by Gillespies, was approved by the Bute & Cowal Area Committee on 7 December 2010. Consequently, reason for refusal 4 of my original report (absence of landscape capacity study) no longer applies.

The Landscape Study shows the application site within an '*area with potential to accommodate development*' within Rural Opportunity Area CB27, a linear area stretching for over 1km along the eastern shore of Loch Riddon, west of the A886. On this basis, it may be concluded that in landscape terms there is capacity for 'small scale' development within this particular Rural Opportunity Area consistent with Policy LP HOU 1. Therefore, reason 1 (conflict with STRAT DC 5 and in turn LP HOU 1) of my original report no longer applies.

Remaining recommended reasons for refusal 2 and 3 relate to the design and siting of the building and the extent to which it should reasonably be assimilated into its landscape setting. These matters were considered to be acceptable by the Bute & Cowal Area Committee in its expression of support for the proposal in January 2009. However the PSL Committee did not adjudicate this matter and continued the application in February 2009 pending the outcome of the impending Landscape Capacity Study.

Notwithstanding that the application site has been identified within an '*area with potential to accommodate development*', there remain concerns regarding the scale, footprint and design of the proposed dwellinghouse and access road. Consequently reasons 2 and 3

of my original report still stand, but require updating to reflect subsequent changes to the status of local and national policies.

Under the circumstances, it is considered that the proposal remains unacceptable.

**3. RECOMMENDATION**

That the application be refused for the attached reasons.

**Author:** David Eaglesham 01369 708608

**Reviewing Officer:** Richard Kerr 01546 604845

**Angus Gilmour**  
**Head of Planning**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00607/DET**

1. Given the topography of the site and its location within the Kyles of Bute National Scenic Area, the excessive massing and scale of the proposed dwellinghouse and associated sweeping access track results in a development with an unacceptable wider landscape impact. The scale and elevated footprint position of this dwellinghouse and required underbuild removes the ability of the existing woodland along the lower slopes of the site to successfully screen and absorb the development. The proposal is therefore considered to be contrary to Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' and STRAT DC 8 '*Landscape & Development Control*' of the 'Argyll & Bute Structure Plan' 2002, policies LP HOU 1 '*General Housing Development*' and LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' along with Appendix A of the 'Argyll & Bute Local Plan' (2009). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy (2010) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
2. While the dwellinghouse boasts elements of traditional design, it is considered that the overall scale, massing and proportion of the dwellinghouse is excessive and this is amplified by the required underbuild. Furthermore, the topography of this site has dictated an excessive access road layout and limited the amount of meaningful external amenity space. The proposal is therefore considered to be contrary Policy LP ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Argyll & Bute Local Plan (2009) and the Argyll & Bute Council Sustainable Design Guidance 1 '*Small Scale Housing Development*' 2006. Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy (2010) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).

**DEVELOPMENT SERVICES  
PLANNING APPLICATION REPORT  
BUTE & COWAL AREA COMMITTEE**

Ward Number - 6 Cowal  
Date of Validity - 12<sup>th</sup> March 2008  
Committee Date - 2<sup>nd</sup> December 2008

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Reference Number: 08/00607/DET  
Applicants Name: John McNaughton  
Application Type: Detailed  
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.  
Location: Site 1, Land 200 metres South of Salthouse, Colintraive, Argyll.

---

**(A) THE APPLICATION**

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

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank

**(ii) Other specified operations**

- Connection to public water main
- 

**(B) RECOMMENDATION**

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reasons set out overleaf.

---

**(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS**

**(i) Development Plan Context:**

With regards to the adopted Cowal Local Plan, the principal policy assessment relates to Policy RUR 1 and HO 10, as this application site lies within the Kyles of Bute National Scenic Area. It is considered that the proposal will have an adverse environmental impact (both landscape and visual) on the National Scenic Area, by virtue of it being contrary to the existing settlement pattern, introducing a new use in the open countryside that is important to separating the nodes of development which make up the defined settlement pattern along the B866 and which prevent unacceptable ribbon development. The proposed development is contrary to the provisions of Policies RUR 1 and HO 10 of the adopted Cowal Local Plan.

The site is identified within a 'Rural Opportunity Area' (ROA) in the Post Inquiry Modified Argyll and Bute Local Plan. The Directorate's report on this emerging local plan recommended that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside' designation. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council.

Structure Plan Policy STRAT DC 5 states that, within areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings. In special cases development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).



However, given that the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is contrary to the emerging Local Plan and established settlement pattern and will have an adverse landscape and visual impact of the area. The proposal is, therefore, contrary to Policy STRAT DC5 of the Structure Plan along with policy LP HOU 1 of the Post Inquiry Modified Local Plan.

**(ii) Representations:**

No letters of representation have been received.

**(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:**

N/A

**(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.**

N/A

**(v) Is the Proposal a Schedule 1 or 2 EIA development:**

No.

**(vi) Does the Council have an interest in the site:**

No.

**(vii) Need and Reason for Notification to Scottish Ministers.**

No.

**(viii) Has a sustainability Checklist Been Submitted:**

No.

**Angus J Gilmour**  
**Head of Planning**  
28 November 2008

**Author:** John Irving  
**Reviewing Officer:** David Eaglesham

**Date:** 25<sup>th</sup> November 2008  
**Date:** 25<sup>th</sup> November 2008

**NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, 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](http://www.argyll-bute.gov.uk)**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00607/DET**

3. As the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' of the Argyll & Bute Structure Plan 2002 and Policy LP HOU 1 '*General Housing Development*' of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
4. Given the topography of the site and its location with the Kyles of Bute National Scenic Area, combined with the excessive massing and scale of the proposed dwellinghouse and associated sweeping access track, results in a development with an unacceptable wider landscape impact. The scale and elevated footprint position of this dwellinghouse and required underbuild removes the ability of the existing woodland along the lower slopes of the site to successfully screen and absorb the development. The proposal is therefore considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' and STRAT DC 8 '*Landscape & Development Control*' of the Argyll & Bute Structure Plan 2002, policies POL RUR 1 '*Landscape Quality*' and POL HO 10 '*Housing Development in the Countryside*' of the Cowal Local Plan 1993, policies LP HOU 1 '*General Housing Development*' and LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
5. While the dwellinghouse boasts elements of traditional design, it is considered that the overall scale, massing and proportion of the dwellinghouse is excessive and this is amplified by the required underbuild. Furthermore, the topography of this site has dictated an excessive access road layout and limited the amount of meaningful external amenity space. The proposal is therefore considered to be contrary Policy LP ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008) and the Argyll & Bute Council Sustainable Design Guidance 1 '*Small Scale Housing Development*' 2006. Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
6. Approval of this application is considered premature until the Council has undertaken a landscape capacity study for the Rural Opportunity Area that this site is located within, as required by the Post Inquiry Modified Argyll and Bute Local Plan 2008.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00607/DET**

**MATERIAL CONSIDERATIONS AND ADVICE**

**(i) POLICY OVERVIEW AND MATERIAL ADVICE**

**Argyll & Bute Structure Plan 2002**

Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' encourages, within Rural Opportunity Areas, small-scale developments on suitable sites that, in terms of siting and design, will visually integrate with the landscape and settlement pattern.

Policy STRAT DC 5 '*Development in Sensitive Countryside*' restricts small scale development to infill and rounding off sites, redevelopment and change of use of existing buildings.

Policy STRAT DC 8 '*Landscape & Development Control*' seeks to resist development within NSA's which has an adverse wider landscape or coastscape impact.

**Cowal Local Plan 1993**

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the *Kyles of Bute* National Scenic Area and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy POL RUR 13 '*Development in the Countryside*' seeks to support development in the countryside that are sensitive to and integrated with their surroundings.

Policy POL HO 10 '*Housing Development in the Countryside*' seeks to encourage single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

Policy POL PU 3 '*Protection of Existing Properties with Private Services*' seeks to resist development that could have a detrimental effect on existing services (water and sewerage) to properties.

**Post Inquiry Modified Argyll and Bute Local Plan (November 2008)**

LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' seeks to refuse development in NSA's unless the integrity of the designation is not compromised and any adverse effects are outweighed by social or economic benefits of national importance.

LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

**Note (i):** The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

**Note (ii):** The Full Policies are available to view on the Council's Web Site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

### **National Guidance**

Scottish Planning Policy 3 'Planning for Housing' (2003) promotes housing development in the countryside that supports the rural economy, local services, embodies the principles of sustainable development and enhance the rural environment. Encouragement of careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character found across Scotland. This document stresses the importance of factors such as appropriate design and layout, development form and landscape impact.

Planning Advice Note 72 'Housing in the Countryside' (2005) sets out key design principles which need to be taken into account when determining planning applications. This includes single house developments and important factors such as location within the landscape, woodland setting, layout, scale, design and materials. The PAN reinforces the need for Planning Authorities to determine planning applications taking account of the aforementioned principles in a clear and concise manner. The PAN also reiterates that design is a material consideration in determining planning applications.

### **(ii) SITE HISTORY**

Planning application 05/01663/OUT for the erection of two dwellinghouses was withdrawn on 7 July 2006. Southern end of application site lies within this current application site

There is an associated planning application 08/00611/DET elsewhere on this agenda for the erection of a dwellinghouse on land to the immediate south of this site.

### **(iii) CONSULTATIONS**

**SEPA** (letters dated 16<sup>th</sup> April and 17<sup>th</sup> June 2008): No objection subject to condition.

**Scottish Natural Heritage** (letter dated 22<sup>nd</sup> May 2008): Objection

**Area Roads Manager** (memo dated 17<sup>th</sup> April 2008): No objection subject to conditions.

**Scottish Water** (letter dated 7<sup>th</sup> April 2008): No objection.

### **(iv) PUBLICITY AND REPRESENTATIONS**

No letters of representation have been received. The applicant has submitted a design statement received 12<sup>th</sup> March 2008. The points raised are detailed below:

*The house is to be no more than one and a half storey with dormer windows to accommodate bedrooms in the roof space.*

*The aesthetics to the West highland in essence, making use of traditional materials such as natural stone, white render and stained timber in the walling and natural slate and lead on the roofs.*

*The principal living accommodation to have views across the loch to the west, but also to have south facing glazing to take maximum advantage of sunlight and solar gain.*

*It was recognised at an early stage that due to the site contours there would always be a fair amount of underbuilding to the elevations facing the B886 and that the impact of this would have to be minimised by terracing or garden retaining walls in natural stone.*

**APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00611/DET**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The adopted Cowal Local Plan encourages single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform. Given the elevated site topography and position of the proposed dwellinghouse and associated access track, it is considered that there is an unacceptable landscape (environmental) impact, while the proposal does not relate to the surrounding built form. As such the proposal is contrary to the adopted local plan policy.

**The proposal is contrary to Policy POL HO 10 of the adopted Cowal Local Plan 1993.**

The site was designated as a Rural Opportunity Area (ROA) in the Argyll & Bute Modified Finalised Draft Local Plan 2006. As members will be aware, the Reporters' recommendations on the emerging local plan included a specific recommendation that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside'. The Council has resolved to treat such ROA designations as 'Sensitive Countryside' until a landscape capacity study has been undertaken of the ROA and its findings agreed by Council. Given the aforementioned, in terms of determining this planning application the site must be assessed as being located within 'Sensitive Countryside'.

In terms of Structure Plan Policy STRAT DC5, there is a presumption in favour of 'small scale' development provided it is restricted to infill, rounding off, redevelopment or change of use of buildings. The proposed development does not meet the definition of infill, rounding off or redevelopment as defined in the Post Inquiry Modified Argyll and Bute Local Plan. Therefore, there is an initial presumption against development, unless a 'Special Case' can be substantiated, together with an Area Capacity Evaluation (ACE). No such special case or circumstance has been submitted with this application.

The erection of a dwellinghouse in this open countryside location, within 'Sensitive Countryside' cannot be justified as infill or rounding off development in close proximity to existing buildings or indeed a change of use or redevelopment opportunity. In policy terms, the proposal is contrary to the housing policy for 'Sensitive Countryside' contained within the approved Structure Plan and emerging Local Plan.

**The proposal is therefore considered to be contrary to Policy STRAT DC 5 of the adopted Structure Plan and Policy LP HOU 1 and Appendix E of the Post Inquiry Modified Local Plan.**

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

This application is for the erection of a large single one and a half storey dwelling house. The building will boast two dormer window features and incorporate the use of sympathetic finishing materials such as a natural slate roof along with stone cladding, timber windows and a chimney feature. This results in a dwellinghouse which boasts elements of meaningful design. However, owing to excessive size, massing and scale of the proposed dwellinghouse it is considered that the overall design of the proposal is not acceptable.

The topography of the site is steep, undulating ground which rises from the B886 to the A886. The proposal will require a significant amount of earth works and the dwellinghouse will be positioned in excess of 7 metres higher than the B886 road in an elevated position. The steepness of the site also dictates that the path of the proposed vehicular access and this combined with the excessive bulk and massing of the proposed dwellinghouse, at its elevated

position, results in a development that has an unacceptable wider landscape impact within the Kyles of Bute National Scenic Area.

Furthermore, while there is not considered to be any privacy or overlooking concerns associated with this proposal it is considered that the topography of the site dictates that the proposed dwellinghouse will lack meaningful garden ground and external amenity space.

**The proposal is therefore considered to be contrary to policy LP ENV 19 and Appendix A of the Post Inquiry Modified Local Plan along with the Sustainable Design Guidance 1 'Small Scale Housing Development'.**

## **C. Natural Environment**

This site is located in the Kyles of Bute National Scenic Area (NSA) on the east bank of Loch Riddon, south of Salthouse, on the steep section of open rough grass and wooded land sandwiched between the B886 and A886.

This area is identified as the 'Craggy Upland' landscape character (see section below). The NSA designation identifies this area as highly sensitive to further development, in particular the shoreline at Salthouse to the north and Tigh-na-Creige to the south.

As raised in the previous section of this report the impact of this large, inappropriately designed dwellinghouse, combined with an excessive access layout and located in an elevated position, results in a development that has an unacceptable landscapes impact within an area which has been nationally designated as a sensitive landscape.

The scale and position of this dwellinghouse reduces the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which boasts a number of key vantage points where the site can be seen from. This includes, importantly, the panoramic view point on the Tighnabraich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Scottish Natural Heritage have raised an objection to this application on adverse landscape impact grounds on its own merits as well as in combination with the proposed dwellinghouse located to the south of this site (08/00611/DET), see associated report elsewhere on this committee agenda.

It is the Planning Authority's duty to protect sensitive landscapes from inappropriate and unsympathetic development and, given the aforementioned, it is considered that this proposal will have a significant adverse wider landscape impact.

**The proposal is therefore considered to be contrary to Policy STRAT DC 8 of the adopted Structure Plan, Policy POL RUR 1 of the Cowal Local Plan and Policy LP ENV 9 of the Post Inquiry Modified Local Plan.**

## **D. Landscape Character**

The landscape character of the Kyles of Bute comprises a mix of 'Craggy Upland', 'Steep Ridgeland and Mountains', and 'Open Ridgeland' as outlined in the Argyll and Bute Firth of Clyde Landscape Character Assessment (1996).

The area combines deeply enclosed passages of sea, scattered with islands, diverse mixed woodland on lower slopes, opening on higher ground to reveal a mix of smooth steep ridgeland and rocky roughly undulating hill country. These elements combine to create a great sense of visual drama of contrasting scale and form.

The description of the Kyles of Bute NSA notes the striking views, which are offered over three arms of water from the mainland hills and high degree of enclosure, which confer an appearance of peaceful calm on these narrow waters, which underlies their physical beauty.

**E. Road Network, Parking and Associated Transport Matters.**

The site will be accessed from the B866 Colintraive back road. Parking for two vehicles and a turning area will be provided on site. The Area Roads Manager has raised no objection to this application subject to conditions concerning the formation of a passing place at the site entrance, sightlines, gradients and surface water drainage.

**The proposal is therefore considered to be consistent with Policy LP TRAN 4 of the Post Inquiry Modified Local Plan.**

**F. Infrastructure**

It is proposed to provide a private foul drainage system, with treatment and partial soakaway, discharging to the adjacent watercourse. SEPA has raised no objection to this proposal.

It is proposed to connect to the public water main and Scottish Water has advised that while there are potential water pressure issues, they have no objection in this regard.

**The proposal is therefore considered to be consistent with Policy LP SERV 1 & 4 of the Post Inquiry Modified Local Plan & Policy POL PU 3 of the Cowal Local Plan.**

**G. Other Scottish Executive Advice**

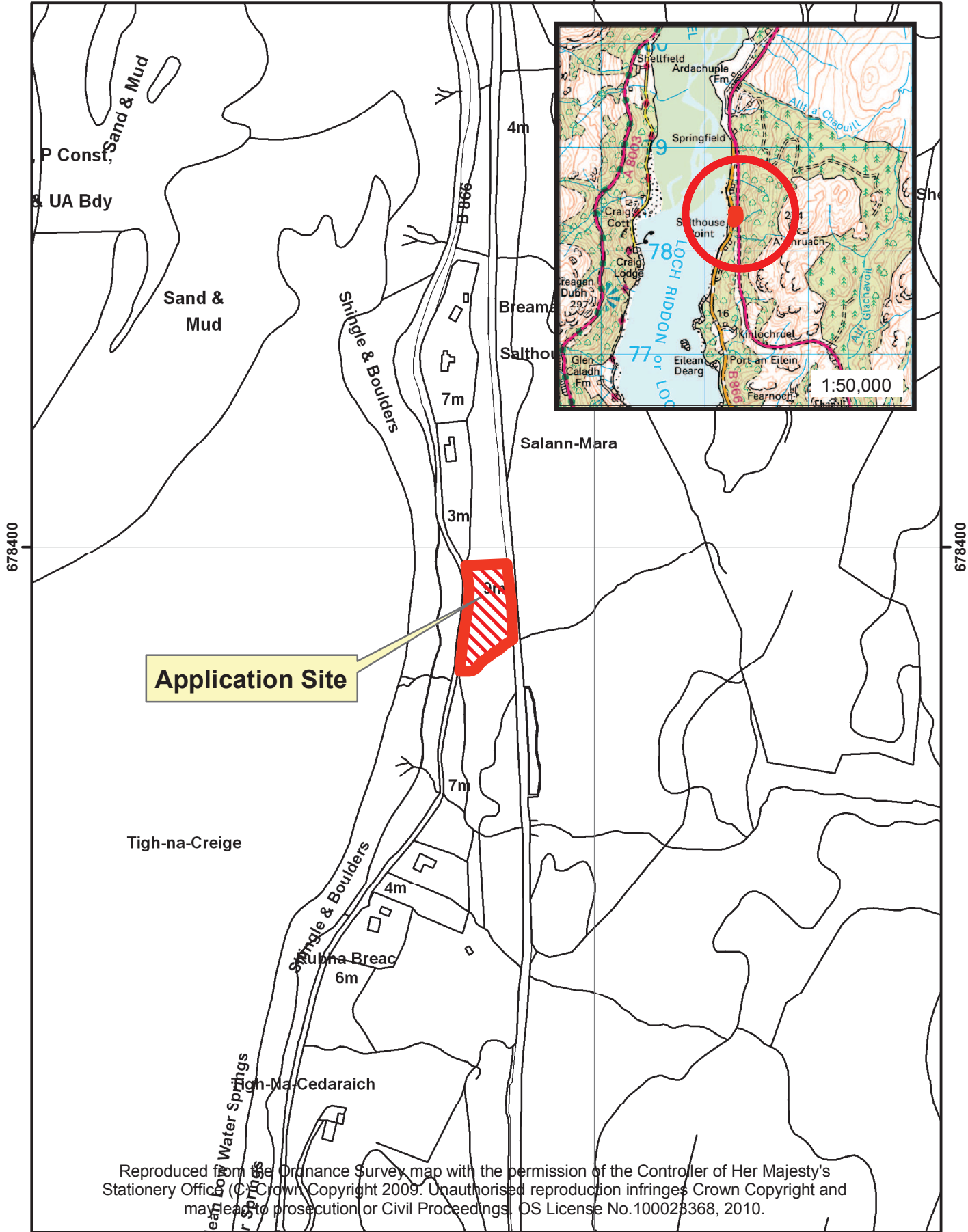
This proposal is considered to be contrary to the provisions of Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005), as detailed in Section (i) of Appendix A above.

**H. CONCLUSION**

The impact of this proposal, of inappropriate design and siting, located within a nationally designated sensitive landscape is unacceptable and contrary to development plan policy. Given all of the aforementioned, this application is recommended for refusal.

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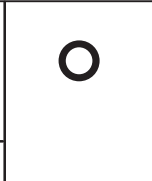


Application Site

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# Location Plan relative to Application Ref: 08/00607/DET



Date: 27.01.2011

Scale: 1:5,000

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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**

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**Reference No:** 08/00138/DET

**Planning Hierarchy:** Local

**Applicant:** Kilchattan Wind Farm Limited

**Proposal:** Erection of 16 wind turbines (81 metres to blade tip), formation of access tracks, erection of wind monitoring mast, construction of switch gear building and temporary construction compound.

**Site Address:** Kilchattan, Land At Todd Hill, Southend, Argyll & Bute

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## **DECISION ROUTE**

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

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

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

- Erection of 16 wind turbines (81m to blade tip);
- Formation of access tracks;
- Erection of wind monitoring mast;
- Construction of switchgear building;
- Construction of temporary construction compound;
- Formation of hard-standings at the base of each turbine to facilitate installation;
- Temporary lay down area;
- Erection of electrical sub-station (switchgear building);

#### **(ii) Other specified operations**

- Borrow working to provide the aggregate required during construction (to be subject of separate planning application);
-

**(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.

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**(C) HISTORY:**

07/00943/DET - Erection of a 50m wind monitoring mast on land at Tod Hill, Southend, Argyll & Bute – application approved 19<sup>th</sup> July 2007.

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**(D) CONSULTATIONS:**

**The Scottish Government, Climate Change Division** (22<sup>nd</sup> February 2008) – response provided in relation to Scottish Ministers' responsibilities for water supply, water protection, sewerage, flood prevention, coastal protection, waste disposal, soils, air quality and noise. Advised no comments to offer on the Environmental Statement (ES) but, note that noise is an issue for consideration within the proposed EIA. Furthermore, that the developers and the local authority may therefore be interested in 'A Review of Published Research on Low Frequency Noise and its Effects' and other low frequency noise research papers which have been produced for DEFRA.

**The Scottish Government, Air, Noise, and Nuisance Team** (27<sup>th</sup> July 2010) – response provided in relation to Scottish Ministers responsibilities for air quality and noise. Advised no comments to offer on the Addendum to the Environmental Statement.

**Health & Safety Executive** (12<sup>th</sup> February 2008, 8<sup>th</sup> July and 20<sup>th</sup> July 2010) – no comment.

**Historic Scotland** (17<sup>th</sup> March 2008) – Historic Scotland has advised that in terms of the ES, whilst they do have some concerns over the extent to which the proposal will have a significant impact on the scheduled monuments: Gleneherve, fort; Machariorch, chambered cairn; St Coivin's chapel and burial ground; Machariorch, motte; and, Blasthill, long cairn on balance these are not sufficiently serious to warrant an objection.

**Historic Scotland** (28<sup>th</sup> July 2010) – Historic Scotland has advised that in terms of the Addendum to the ES and planning application they advise that on the whole, the addendum does not contain any information that leads them to alter their view on the proposal. In light of this they have no further comments to add to their original response.

**Scottish Natural Heritage** (15<sup>th</sup> May 2008) – SNH objects on the grounds of significant adverse landscape and visual impacts; cumulative impact; potential impacts on birds listed in Annex 1 of the EC Wild Birds Directive; habitat grounds (due to lack of information) and, subject to further information being made available on peat depth and peat stability. SNH also objects to the proposal as submitted subject to appropriate legal agreements being secured as a condition of any permission, forming part of a Habitat Management Plan agreed for the site and subject to appropriate legal agreements being secured as a condition of any planning permission with regard to black grouse and habitats. In addition, SNH recommend that the Council apply conditions to any grant of planning permission to mitigate the possible impacts of the proposal on European

Protected Species and small pearl-bordered fritillary. Provided the mitigation proposed in the ES is included as a condition of any planning permission, SNH agree with the assessment of the ES in terms of the possible impact of the development on European Protected Species (Bats and Otter)

**Scottish Natural Heritage** (21st January 2011) - having considered the Addendum, provides the following advice: SNH object on the grounds of significant adverse landscape and visual impact; cumulative impact; and, an inadequate assessment of ornithological interests. SNH has no objection on the grounds of impact on otters and bats.

**Royal Society for the Protection of Birds** (6<sup>th</sup> March 2008) – does not object to this proposal. However, recommend that additional information be sought on the proposed habitat management plan before any planning permission is issued and that conditions be applied to any consent to secure adequate mitigation for hen harrier and black grouse.

**Royal Society for the Protection of Birds** (21<sup>st</sup> December 2010) - having considered the Addendum, objects to this proposal due to the potential impacts upon hen harrier (an Annex 1 species of the EC Bird Directive). RSPB have concerns with the extra information submitted with regard to both the survey work and the related habitat management plan. The RSPB seek an explanation for the discrepancies in the survey data and will reconsider their position once this is provided. RSPB strongly advise that should the Planning Authority be minded to grant consent, against their advice, conditions be applied to secure comprehensive mitigation for hen harrier and black grouse. The RSPB also ask that post-construction monitoring is secured as a condition of consent to enable consideration of impacts on these species and alterations to the mitigation to be implemented, as appropriate.

**West of Scotland Archaeology Service** (13<sup>th</sup> February 2008) – no object subject to condition to secure a written scheme of investigation and programme of archaeological works to account for the potential during onsite works of encountering buried archaeological remains which could be associated with the recorded remains across the site or be of any period.

**West of Scotland Archaeology Service** (21<sup>st</sup> July 2010) – no further comment on Addendum. Position remains the same as initial letter.

**Scottish Water** (30<sup>th</sup> January 2008) –no objection.

**Scottish Environmental Protection Agency** (18<sup>th</sup> February 2008) – no objection providing a condition is attached to any grant of planning permission to secure a detailed site specific method statement.

**Scottish Environmental Protection Agency** (22<sup>nd</sup> July 2010) – no objection providing a condition is attached to any grant of planning permission to secure a Peat Management Plan.

**Roads Operations Manager** (3<sup>rd</sup> March and 16<sup>th</sup> April 2008) – recommended that the decision be deferred and advised that they were unable to comment until the applicant provided a plan showing the transportation route for the wind turbines and construction traffic. Furthermore, that the public road close to the proposed site access is narrow, minimal construction and has poor vertical and horizontal alignment, and may require

substantial improvements. Applicant to provide the following information: a route swept path assessment for the type of vehicle they proposed to use; an undertaking from the applicant to provide carriageway widening and crest reduction where required; an undertaking from the applicant to provide additional passing places, where required; a delivery profile for materials such as concrete and stone for the whole project, in order that they may assess the effect this may have on the existing road structure, and an assessment of any existing bridge, culvert and embankment. Furthermore, that the applicant will be responsible for securing land for the aforementioned road improvements, and all costs for such improvements.

**Roads Operations Manager** - (21<sup>st</sup> July 2010) - Recommend refusal of the application for the following reasons: The proposed access route is not acceptable on the grounds that the UC 38 Moss Road and the C19 Campbeltown-Polliwilline-Machrimore Road are not capable of sustaining the traffic that would be generated during construction and installation; and it is unlikely that the cost of reconstructing these roads to a standard capable of sustaining traffic is economically viable. There is no other obvious route to the site.

**Roads Operations Manager** - (2<sup>nd</sup> February 2011) - no objections subject to conditions relating to: a traffic management plan; road and structure monitoring scheme and remedial works; restricted times of vehicular access to the site; scheme of lay-by, corner and junction improvements; upgrading of junction to the East of Mill Park; surface water run-off; wheel washing facility; structural assessment of all structures along the proposed routes; condition surveys of the roads to include all drains and culverts and; surface of access to site and agreed geometry standard.

**Transport Scotland** (via JMP consultants) (21<sup>st</sup> February 2008) – the proposed development represents intensification in the use of this site and may increase associated traffic movements on the local road network. However, the percentage increase in traffic is such that the proposal is likely to cause minimal environmental impact on the trunk road network. As such we offer no comment.

**Argyll District Salmon Fishery Board** (28<sup>th</sup> July 2010) – no objection providing present SEPA guidelines on pollution of watercourses and the enforcement of these from activities connected with construction projects of this type are rigorously upheld.

**Environmental Health Officer** (17<sup>th</sup> April 2009) – no objection subject to conditions being attached to any grant of planning permission relating to: wind farm noise investigation and mitigation measures; wind farm construction hours and methods; restriction of noise (no interest in site); restriction of noise (interest in site); and details of control of lighting.

**Environmental Health Officer** (14<sup>th</sup> July 2010) –no further comments in respect of the Addendum.

**Defence Estates (MOD)** (23<sup>rd</sup> January 2008) – advise that the MOD has no objections.

**National Air Traffic Services** (13<sup>th</sup> February 2008) – the proposal has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

**National Air Traffic Services** (20<sup>th</sup> July 2010) – no objection.

**Civil Aviation Authority** (28<sup>th</sup> January 2008) – no objection subject to consultation with HIA, MOD and NATS and provision of safety lighting if deemed necessary.

**Civil Aviation Authority** (21<sup>st</sup> July 2010) – position remains as previously advised.

**Highlands & Islands Airports** (28<sup>th</sup> January 2008) – object to this proposal until an assessment can be made of the impact on Campbeltown Airport's operation. The basis of the objection is that the safety and efficiency of the airport may not be maintained and HIA, as are all airport operators, are under a remit from the CAA to remove or reduce obstructions within safeguarded areas around airports.

**Highlands & Islands Airports** (12<sup>th</sup> July 2010) – calculations show that the development would fall within the safeguarded areas for Campbeltown Airport. Steady red obstacle lights will be required to be fitted at the hub height of the 4 highest turbines. Provided that this condition is met, and National Air Traffic Services have no issues, then Highlands and Islands Airports would not object to this proposal.

**Joint Radio Company** (11<sup>th</sup> February 2008) – JRC analyses proposals for wind farms in order to assess their potential to cause interference to radio systems operated by utility companies in support of their regulatory operational requirements. In the case of this proposal the JRC does not foresee any potential problems based on known interference scenarios and the data provided.

**CSS Spectrum Management** (4<sup>th</sup> April 2008) – The application has been examined in relation to UHF Radio Scanning Telemetry communications and there is no objection to the proposal.

**Ofcom** (8<sup>th</sup> and 15<sup>th</sup> February 2008) – Ofcom has found that link 86444 (Airwave MMO2 Limited) may be affected by the proposal, furthermore, that the applicant should have clearance from the licensed link operators mentioned, stating that they are satisfied that the proposed turbines will not affect the operation of the microwave link. Ofcom has found that no civil fixed links should be affected by the proposal for wind turbines.

**Infratil (Prestwick Airport)** (19<sup>th</sup> February 2008 and 24<sup>th</sup> July 2010) – no objection.

**North Ayrshire Council** – no response.

**Southend Community Council** – no response.

**Laggan Community Council** – no response.

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**(E) PUBLICITY:**

Environmental Assessment Regulations Advert – 6<sup>th</sup> August 2010  
Section 34 and Article 9 Advert – 15<sup>th</sup> February 2008

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**(F) REPRESENTATIONS:**

At time of writing, a total of 519 representations have been received – 296 in support, and 223 against. Full details of representees are given at Appendix C.

A letter has also been received from: James Macdonald; 11B Union Street, Campbeltown, dated 9<sup>th</sup> May 08 advising that a letter of support has been submitted fraudulently in his name. Mr Macdonald further advised that he is a committed supporter of wind farms, but that this type of fraud is unacceptable.

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**

### **Government Targets**

- *The UK Government has made a commitment to reduce carbon dioxide emissions by 20% (of 1990 levels), by 2010 and 60% by 2050. The Scottish Government has also set a target that 50% of Scotland's electricity requirements should be met from renewable sources by 2020, with an interim target of 31% by 2011.*

### **Climate Change**

- *I am deeply concerned about the irreversible damage that man-made climate change, arising from the burning of fossil fuels, will have upon our environment and potentially that of my family's health and quality of life.*
- *The publication last year of the United Nations IPCC report into Climate Change concludes that there is now indisputable evidence that the burning of fossil fuels caused by human activities has warmed the climate. In simple terms, global warming threatens our way of life and potentially our future. David King, the UK Government's chief scientist has said that global warming is the greatest threat we face.*
- *To prevent the worst effects of global warming, action must be taken now to reduce the amounts of greenhouse gases we release into the atmosphere. Onshore wind power must play a key role in our energy mix, along with other renewable technologies and energy efficiency measures.*
- *The building of the Kilchatten Wind Farm in a bid to reduce carbon dioxide emissions is a step in the right direction and a step we must take.*

### **Future Energy Supplies**

- *This wind farm, if built, will consist of 16 wind turbines. As well as producing enough clean energy to meet the demands of around 7500 household, while offsetting the release of countless thousands of tonnes of CO2 annually.*

### **Economic & Social Benefit**

- *It will also aid the local economy as the application is based on Vestas turbines. The site at Kilchatten has the opportunity to accommodate a wind farm that will make a significant contribution in the battle against climate change, as well as bring positive economic investment to the area.*



**Tourism**

- *As a tourist to the area, and soon personally living near far larger (125m) turbines myself, I fully support this application, that is in keeping with the local area and enhances the area!*

**AGAINST THE PROPOSAL**

**Planning Policy/Decisions**

- *The proposal contravenes multiple Argyll & Bute planning policies;*
- *This is outwith the proposed area for preferred sites of wind farms and would have exceptionally high visual impact.*
- *Unless the Council take a stance to defend their own Development Plan, they might as well call open season for all types of development and completely relinquish control of planning for the area.*

**Location, Siting, Design & Layout**

- *There is objection to the siting of the wind farm. 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.*
- *This is simply an inappropriate location for such a development.*

**Alternatives**

- *Utilise Water Power instead of intrusive and inefficient wind power.*
- *Rather than spoiling the areas beauty spots and the main source of employment in the area (tourism) why aren't the turbines put underwater as Scottish power are doing. The turbines work for 23 hours a day 365 days a year.*

**Profit**

- *Windfarms in general do nothing to reduce the cost of power to the local consumer who is now paying more in Scotland than anywhere. The only people to benefit from a scheme like this are the greedy land owners who see a mighty profit to be had for allowing eyesores to be erected on land that has been unspoiled for hundreds of years.*

**Tourism**

- *I live within 1 mile of the proposed development and part of my family income comes from tourism. We have a holiday cottage also within 1 mile. I feel that wind factories should be limited to the areas designated by the planning authorities'. Allowing wind factories in areas of outstanding beauty, spoiling them for many years, when there are alternative sites with infrastructure already in place is folly.*

- It seems incredible that a council that gets the majority of its income from tourism should back the destruction of the one thing that attracts visitors - our scenery and wildlife!
- *It will compromise future sustainable tourism development in the area, which could bring much wider economic benefit to the community in the medium term.*
- *The developers claim that the only 'visitor attraction' in the area is Glenbarr Abbey. This is fundamentally inaccurate - the abbey may be the only visitor attraction which charges an entry fee. However, Kilchattan would be clearly visible from / en route to the sandy beaches, the hills, the Kintyre Way, the pre-historic remains at Blasthill and the world-famous Mull of Kintyre, all of which are the very reasons why tourists currently visit the area*
- *Tourism is a primary local industry. Do not destroy it through inappropriate sited development justified by its alleged green benefits. Turbines for a significant majority of the time do not generate, however, the eyesore is their 100% of the time.*

#### **Economic Impact**

- *The proposal will seriously harm the local economy in one of Kintyre's most popular tourist areas;*

#### **Noise, Vibration & Adverse Health Impacts**

- *We are in a direct line of sight of the proposed development and are concerned at the noise levels as we are approximately 1 mile downwind.*

#### **Ornithology**

- *Large turbines do kill eagles and that is a fact. As all young eagles travel the whole of Argyll looking for territories and many could be killed, yet we have built an economy here on our wildlife and wild places.*

#### **Visual Impact**

- *The proposal would have an unacceptable visual impact on Southend village and surrounding coastal area;*
- *I know this area well and this wind farm will despoil the visual amenity of the area;*
- *We are very concerned about the visual impact of Kintyre wind farms from the Isle of Arran. This will seriously impact on tourism on Arran.*
- *The visual impact is absolutely unacceptable considered against the insignificant level of energy generated and the negligible reduction in carbon dioxide emissions.*

#### **Landscape Impact**

- *This area is far too beautiful to be blighted by these God awful monstrosities. They really do not add sufficient benefits to the national power to warrant the destruction of the Scottish countryside. It is high time local planning took a stand and outlawed all*

*planning applications for windfarms. They seem to be springing up like mushrooms and enough is enough. Scotland has got more than its fair share of these things.*

- *Impact on regional scenic area and wildlife*
- *You only have to look out over Machrihanish bay to see what was a beautiful panorama now ruined by wind turbines !!*
- *This wind farm will make no difference to global warming but will have a lasting negative impact on the landscape and therefore tourist potential of the area. Wind farms should be sited where the power is required most ie near the conurbations*
- *The little benefits gained from such a scheme are far outweighed by the detrimental impact on the surrounding countryside. There would seem little point destroying the landscape of Argyll & Bute now in the hope of possibly saving it from 'global warming' in the future.*
- *The impact on the scenery of this beautifully untouched area of Scotland would be unacceptable. The amount of energy supplied by this windfarm is disproportionate to the blot on the Mull of Kintyre landscape. Why has tidal power not been considered for this area? Wind turbines can only operate in certain wind conditions where billions of tons of water flows past our shores twice every day. These undersea turbines operate with little visible impact.*

#### **Cumulative Impact**

- *The proposal would add unacceptably to the cumulative impact of existing wind farms in Kintyre;*

#### **Natural Heritage & Ecology**

- *The proposal would have an unacceptable impact on the area's abundant biodiversity;*
- *Living for much of the time in Kintyre, this proposal is very unwelcome, spoiling the natural environment, which makes the peninsula so special.*
- *The natural flora and fauna also attract visitors and will be seriously damaged by this insensitive and dominant development;*

#### **Built Heritage & Archaeology**

- *The proposal would have an unacceptable impact on the area's wealth of historical and archaeological sites;*
- *It is in the midst of an area of pre-historic archaeological interest;*

#### **Ancillary Development**

- *There must also be grave concern for the number of pylons and power lines associated with this development*

### **Government Energy Targets**

- *If our politicians are serious about global warming, leaving the solution to profit motivated market forces cannot be taken seriously. Wind farms will have no impact on global warming. Only fundamental changes in lifestyle and the way we use global resources will have an impact. I see no reason to blight the Scottish landscape with these industrial monstrosities. Only small scale, local community renewable projects should be considered.*

### **Technology & Efficiency**

- *Ineffective machines with load factors of 27% and less - absolute madness as any qualified power engineer will tell you!*
- *Wind energy need the back up of coal or gas or oil power station either replacing or accompanying the up and down production.*
- *The proposal will have no significant effect on reducing carbon dioxide emissions or global warming.*
- *Wind farms do not in any economically viable way contribute to the reduction of our "carbon footprint" to use the current jargon. The next generation will think we must have indeed been so well bribed or completely blinkered that we agreed to sell off our greatest asset, our scenery. North of the Highland boundary fault this is our major industry. Why destroy it for short term gain to multi national companies. No matter how they present their plans to you they are in there for the mega -bucks. They do not care about Scotland or about our future on the long term.*
- *Our future here is on the edge of the biggest period of growth of any small country in all time. We have so many options for renewable energy, why should we choose one that would damage our biggest selling point for tourism? Our hills, mountains and lochs and the views people get arriving and leaving. Why would any one want to damage and probably destroy that?*
- *Whilst the media furore against global warming persists, what nobody appears to consider is that every watt generated by wind, must be backed up with an available watt from a more reliable power source. To that end, there is no ecological benefit from onshore wind power. It is merely an exercise to cash in on ill conceived legislative requirements from which the only beneficiaries are the shareholders in the parent companies*
- *Totally ineffective wind machines with load factors of 30% and less - rubbish!*

### **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](http://www.argyll-bute.gov.uk)

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**(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:** No
- (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 and Further Information (Addendum to Environmental Statement).

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:**

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

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**(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 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

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

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

Argyll & Bute Structure Plan (approved 2002)

Policy STRAT SI 1: Sustainable Development  
 Policy STRAT DC 4: Development in Rural Opportunity Areas  
 Policy STRAT DC 5: Development in Sensitive Countryside  
 Policy STRAT DC 6: Development in Very 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 3: Development Impact on European and Ramsar Sites  
 Policy LP ENV 4: Management of Sites  
 Policy LP ENV 5: Development Impact on Sites of Special Scientific Interest (SSSIs)  
 Policy LP ENV 6: Development Impact on Habitats and Species  
 Policy LP ENV 7: Development Impact on Trees/Woodland  
 Policy LP ENV 8: Development Impact on Local Nature Conservation Sites  
 Policy LP ENV 9: Development Impact on National Scenic Areas (NSAs)  
 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 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 3: Drainage Impact Assessments (DIA)  
 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 5: Off-site Highway Improvements  
 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](http://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

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

This proposal is a Schedule 2 EIA Development, and in this case it was considered that an Environmental Impact Assessment should be required, due to the potential for significant environmental effects associated with the development.

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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 separate consideration of the proposal's degree of sustainability has been required as the concept is integral to the Environmental Impact Assessment process.

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

No.

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**(O) Requirement for a hearing:**

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

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

The proposal seeks the construction of wind farm comprising sixteen turbines, crane hard standings, an anemometer mast, access tracks onto site and between turbines, temporary construction compound and lay down area, a borrow pit (required to be subject of separate planning application), and an electrical sub-station/switchgear building incorporating a site office.

The site is located within a '*Potentially Constrained Area*' in terms of the local plan wind farm map. The turbines are to be sited in the 'Very Sensitive Countryside' development control zone designated by the adopted Local Plan and fall within an identified 'Area of Panoramic Quality'. There are habitats, species and scenic designations in the surrounding 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.

Scottish Natural Heritage has objected to the proposal, on the grounds of the significant adverse landscape and visual impacts and insufficient information having been supplied in respect of cumulative impact and ornithological impact. The RSPB also objects on the grounds of adverse ornithological impact.

A total of 519 letters of representations have been received – 296 in support, and 223 against.

The principal issues in this case are the consequence of the presence of the development for landscape character of the site and for adjoining landscape character areas, for visual amenity and for ornithological interests. The extent of these impacts along with insufficiency of information in respect of key interests has led to conflict with development plan considerations and has led to the recommendation for refusal. All other technical details raised by relevant consultees could, if required, be dealt with by planning condition or Section 75 Legal Agreement.

The proposal can be considered consistent with the requirements of the following development plan policies:

STRAT FW 2 – Development Impact on Woodland;  
 STRAT DC 9: Historic Environment & Development;  
 STRAT DC 10: Flooding & Land Erosion  
 LP SERV 4: Water Supply;  
 LP TRAN 7: Safeguarding of Airports;  
 LP BAD 1: Bad Neighbour Development;  
 LP ENV 7: Development Impact on Trees/Woodland;  
 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 TRAN 4: New and Existing, Public Roads and Private Access Regimes;  
 LP TRAN 6: Vehicle Parking Provision;  
 LP SERV 6: Waste Related Development and Waste Management in Developments, LP  
 SERV 9: Flooding and Land Erosion

The proposal is considered contrary to the requirements of the following development plan policies and government advice:

STRAT DC 4: Development in Rural Opportunity Areas;  
 STRAT DC 5: Development in Sensitive Countryside;  
 STRAT DC 6: Development in Very Sensitive Countryside  
 STRAT DC 7: Nature Conservation & Development Control;  
 STRAT DC 8: Landscape & Development Control;  
 STRAT RE 1: Wind Farm/Wind Turbine Development;  
 STRAT SI 1: Sustainable Development  
 LP REN 1: Commercial Wind Farm and Wind Turbine Development;  
 LP ENV 1: Development Impact on the General Environment;  
 LP ENV 2: Development Impact on Biodiversity;  
 LP ENV 6: Development Impact on Habitats and Species;  
 LP ENV 10: Development Impact on Areas of Panoramic Quality;  
 LP ENV 19: Development Setting, Layout & Design;



PAN 45: Renewable Energy Technologies;  
Scottish Planning Policy.

Notwithstanding the contribution that this development could 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. Additionally, inadequate assessment of the consequence of the development for ornithological interests has meant that there remains uncertainty as to the impact of the development upon this interest. Accordingly, it is recommended that permission be refused.

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

No.

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**(R) Reasons why planning permission should be refused:**

This proposal is inconsistent with the provisions of the Development Plan due to the significant adverse landscape and visual impacts of the development and the insufficient information provided regarding cumulative impact and ornithology. 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 development, which cannot be overcome by relevant planning conditions or by way of legal agreement.

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**(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.

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**(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).

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**Author of Report:** Arlene H Knox

**Date:** 26<sup>th</sup> January 2011

**Reviewing Officer:** Richard Kerr

**Date:** 28<sup>th</sup> January 2011

**Angus Gilmour**  
**Head of Planning**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00138/DET**

1. The proposal is located within South Kintyre 'Area of Panoramic Quality' (APQ) and affects the adjacent Sanda Island APQ, both of which are designated for their scenic value and panoramic views. Development of the scale proposed will have significant adverse impacts on the character, key views and qualities of this valued coastal landscape as a result of the proposal's large scale nature and prominence in key views arising from its poor design, poor landscape fit and location. Its presence would alter the perception of the scale of the landform and would result in a significant adverse impact on the distinctiveness, character, experience and integrity of the Mull of Kintyre. The proposal would undermine the distinctive character and identity of the Mull of Kintyre area, which is known and valued for its landscape/seascape including undeveloped hills and dramatic sea views. Its presence would degrade the scenic contribution which the area as a whole makes to the wider tourism resource of the west coast.

Given its proposed location on the terminal section of Kintyre, set apart from the main spine of the peninsula, the development would be seen as an outlier from the established pattern of windfarm development in Kintyre which is contained within the interior uplands of the Kintyre spine and associated with the woodland hinterland. It is considered that this location is inappropriate for wind farm development and that development in this location could significantly compromise the future pattern of wind farm development in the surrounding area. It would extend the influence of wind farms into the sensitive coastal edge, and into areas of landscape which are small scale, farmed in some areas, characterised by complex topography, diverse vegetation and a sense of seclusion, along with a concentration of historical/cultural features and strong cultural associations. In addition, the proposal would be in a prominent location on the top of two hills which are an important feature in the setting of surrounding settlement and the coast when experienced from key recreational areas and from offshore. Given the disproportionate scale of the turbines relative to their landscape setting and the scenic sensitivity of the receiving environment, development of the scale proposed will impinge on key views, including coastal views, and detract from the character, experience and enjoyment of the Mull of Kintyre and offshore locations.

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 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside, STRAT DC 6: Development in Very 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).

continued.....

2. It is considered that this proposal could lead to a significant adverse cumulative visual impact, as insufficient information on cumulative effects has been presented in the submitted Environmental Statement to demonstrate that this would not be the case. On Kintyre, wind farms are generally contained in the Upland Forest Moor Mosaic character type on the spine, which is of a scale and extent which has proven to be able to accommodate wind farm development satisfactorily, where large scale developments are not overwhelming and are largely hidden from coastal views, and where they do not exert influence over the appreciation of the coast and those landscapes which are characterised by the interplay between the land and the sea. The addition of Kilchatten on the southern terminal region of the peninsula will encroach upon the more complex, smaller scale and more sensitive landscapes of the Mull. This will extend the influence of wind farms over a wider geographic area and to more landscape character types, which will have a wider impact on character and scenic quality than consolidating the existing focus for development, and which will give the perception that most of the upland areas on Kintyre are occupied by wind farms. Development along the plateau of the peninsula is likely to interrupt the profile of Kintyre when viewed from offshore locations. Given Kilchatten is not associated with the existing cluster of development; it will fragment the visual unity of the remaining skyline and extend visual clutter along the spine, with its location and presence contributing disproportionately to the cumulative impact of windfarm development in Kintyre.

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.

It has not been demonstrated that cumulative effects arising from this development in conjunction with other consented windfarm sites in Kintyre are acceptable, and in the absence of this, the proposal is inconsistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside Policy; STRAT DC 6: Development in Very Sensitive Countryside; 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).

3. It is considered that there insufficient information has been presented in the Environmental Statement to be able to be able to properly appraise the potential impacts of the development on Hen Harrier, a protected species listed in Annex 1 of the EC Wild Birds Directive, with both Scottish Natural Heritage and the RSPB having raised objection in this regard. In the absence of assessment to demonstrate that any impacts upon protected bird species will not be of significance, there remains doubt as to the magnitude of effects upon European ornithological interests.

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.

Having due regard to the above it is considered that the ornithological impact of the

proposal has not been assessed adequately and therefore the proposal is inconsistent 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).

**APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00138/DET****PLANNING LAND USE AND POLICY ASSESSMENT****A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP**

The site lies within a '*Potentially Constrained Area*' for wind farm development identified by the 'Argyll & Bute Local Plan' Wind Farm Proposals Map and 'Very Sensitive Countryside' (turbines); 'Sensitive Countryside' and 'Rural Opportunity Area' (access); and, 'Rural Opportunity Area' (compound and switchgear) on the Proposals Maps.

This proposal constitutes 'large scale' development in the open countryside, which would normally prompt the requirement for an area capacity evaluation (ACE). It is not normal practice for an ACE to be undertaken for a wind farm which has been subject to Environmental Impact Assessment (where consideration of alternatives is mandatory).

In this case, having regard to the more detailed assessment in the sections below, it has not been demonstrated that the scale and location of the development proposed would integrate sympathetically with the landscape, without giving rise to adverse consequences for landscape character.

**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 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 6: Development in Very 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 proposal is to be located on rough grazing land 3km north east of Southend, on Todd Hill and the un-named hill to the north east. Access to the site during both construction and operation would be gained from the C classified road to the south of the site. The access route would then utilise an existing track that runs north.

The wind farm would provide a total maximum generating capacity of up to 13.5 MW. The maximum height of the turbines to blade tip would be 81m. The following elements are included in the planning application: 16 wind turbines; crane hard standings adjacent to each turbine; a 55m anemometer mast; permanent access tracks onto the site and between the turbines (internal tracks 5m wide); temporary construction compound and lay down area; a borrow pit designed to provide stone for a variety of construction activities (which would be required to be the subject of a separate planning application); and an electrical sub-station/switchgear building 16 x 6m.

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 wind farm, 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 (see section D below).

**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. FURTHER INFORMATION**

Further information (in the form of an Addendum to the Environmental Statement) was submitted in June 2010 in an attempt to address concerns raised by consultees in respect of the original Environmental Statement. This provides additional details in relation to a number of topics, including: landscape, ecology, hydrology, grid connection and access. This submission was advertised in accordance with the EIA Regulations and consultees have been given the opportunity to comment further on the proposal in light of the submission of this information.

### **D. 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, in their view, it would give rise to significant adverse landscape and visual impacts; in particular in relation to the southern Kintyre peninsula and offshore locations including the South Kintyre and Sanda Island Areas of Panoramic Quality. The proposal will detract from the character, experience and enjoyment of the southern section of the peninsula and impinge on key views and coastal panoramas. Strategically, notwithstanding the absence of an approved spatial strategy, SNH do not consider the proposed site to be an appropriate location for wind farm development.

The existing and consented wind farms on Kintyre have been well sited and as a result have been assimilated into the landscape without significantly detracting from the character, experience and enjoyment of the peninsula. Visually, the existing wind farms are not overwhelming and are largely hidden from coastal views. They are clearly associated with the wooded hinterland and are contained within the elevated interior uplands of the Kintyre peninsula. This proposal would erode the successful pattern of development which has been established: i.e. wind farm development contained within the interior uplands of the spine and associated with the woodland hinterland. The Kilchatten wind farm is located on the terminal section of Kintyre, set apart from the main spine of the peninsula and will be seen as an outlier.

Kilchatten would extend the influence of wind farms into the sensitive coastal edge and areas of landscape which are small scale, farmed in some areas, characterized by complex topography, diverse vegetation and a sense of seclusion, with a concentration of historical/cultural features. In addition, the proposal is in a prominent location on the top of two hills which are an important feature in the setting of surrounding settlement, the coast when experienced from key recreational areas and from offshore. It will impinge on key views, including coastal views, and detract from the character, experience and enjoyment of the Mull of Kintyre ('the Mull') and offshore locations.

The Upland Forest Moor Mosaic landscape in which existing wind farms are located is larger scale, more extensive and less complex, which means it can more readily accommodate the size and scale of wind farm development. The proposal would introduce wind farm development into a 'new area' of the peninsula. The proposal would disperse development geographically; spreading wind farm development, along the length of the peninsula, from Deucheran Hill in the north to the terminal section of the peninsula in the south. The terminal sections of the peninsula are important as key entry/exit points to the peninsula, and visually important as focal points in views up and down the coast and along the Kilbrannan Sound. In SNH's opinion, it is critical to keep the north and south ends of the peninsula undeveloped as they contain and manage the developed section of the spine.

In the context of the Kintyre landscape, the Mull has its own distinctive character which forms a marked contrast to the rest of the peninsula. The area is characterised by small scale, complex and relatively rugged topography, a diverse vegetation pattern, open uplands, well defined fields and a range of coastal features including sandy bays, skerries and offshore islands which add to the diversity of the composition. Given the size of the Mull, development in this location would affect the whole of the Mull, and inevitably intrude upon a number of views and character types. The turbines will perch above, and in close proximity, dominate the small scale landscapes. These hills have an important role to play in the setting of the surrounding settlement, (Southend and scattered farms and houses), the coastal landscape setting and recreational use of the area. Access is promoted on the Kintyre Way (start/finish at Southend) and other locations including Dunaverty Golf Course where marked footpaths/the golf course offer panoramic views of the coast and the site.

The introduction of the proposal would adversely affect the key characteristics of the landscape including the scale – it would alter the perception of (landform) scale; the undeveloped character of the hills; it would conflict with the pattern of development and undermine the distinctiveness of the Mull. The proposal would result in a significant adverse impact on the landscape character, experience and integrity of the Mull of Kintyre. The Mull of Kintyre also has strong cultural associations and a concentration of designated archaeological and historical sites. SNH consider the landscape has an important historical character which would be undermined given the proximity to the proposal and its prominence in views. The South Kintyre and Sanda Island Areas of Panoramic Quality (APQ) are designated for their scenic value and panoramic views and specifically visited by tourists and others for enjoyment of the scenery within them, and as viewed to and from them. The proposal would detract from these scenic qualities and views, including panoramic coastal views. SNH consider that the introduction of Kilchattan would have a significant adverse impact in relation to South Kintyre APQ and Sanda Island APQ.

The proposal is in a prominent location on the skyline of the coastal ridges which form a key feature of both the interior of the Mull and the coastal edge. It impinges on and adversely affects the key views and landscape character of this sensitive coastal landscape where attention naturally focuses. SNH advise that the development has the potential for significant adverse landscape and visual impacts due to it being contrary to the established wind farm development

pattern on the Kintyre peninsula; its impact upon landscape character and qualities of the Mull of Kintyre area and the experience of this landscape/ seascape, its high visibility and prominence in key views to and from the Mull including the coast, the hilltop views, key routes, and offshore including Sanda Island and Kilbrannan Sound and its impact upon South Kintyre and Sanda Island Areas of Panoramic Quality.

The views expressed by SNH in respect of landscape impacts are endorsed by officers. The application site 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 established location of approved wind farm 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)**

## **E. 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; 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 or areas for hill walking, cycling or education).

In order to assess the visual impact, the developer has agreed to appraise 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 81 metre tall structures will be clearly seen in the surrounding area.



This proposal is visually prominent; spread across the top of two hills on the Mull of Kintyre, which form part of a backdrop of hills to the lower coastal strip to the south. These hills are embraced in coastal views. There will be extensive visibility in close proximity on the Mull and more distant views from offshore. The development contrasts with existing and consented wind farm developments which are generally well hidden in close proximity (including from coastal roads) and viewed at a distance from offshore.

The Kilchatten location at the terminal section of the peninsula allows radial views all round both onshore and offshore; including views from within the interior of the Mull, the coast, the sea, from Sanda island and at a distance from Arran.

Kilchatten will be highly visible in close proximity from a range of views including coastal roads, scattered settlement (some less than 1km), tourist facilities, cultural/historical sites, recreational areas, e.g. Dunaverty Golf Course, the scheduled monument at Dunaverty and the beach and will encroach upon key coastal panoramas/views, sea views, internal views and popular/important hilltop views.

Kilchattan will be visible from the A83 (nr Kilchenzie) the main west coast route, and prominent from both the B842 and the east coast road to Campbeltown – the only entry/exit points to and from the Mull – as well as much of the minor road network within the Mull.

Given the extensive visibility in close proximity on the Mull of Kintyre and views from offshore including Sanda Island, SNH consider there will be a significant adverse visual impact.

SNH consider there will be a significant adverse impact from a range of key views/locations including: Southend area (represented by VP2); A number of residential properties including those immediately opposite the site (represented by VP14 Langholm); Roads/footpaths on the Mull including coastal roads and the Cattadale loop road which links to the B842 (represented by VP5) Druma Voulin; Conie Glen (represented by VP4); Hilltop views (represented by VP6) Beinn Ghuilean and the Kintyre Way at Remuil Hill (represented by VP8); and, offshore including Sanda Island and Kilbrannan Sound (represented by VP7 and VP3 respectively)

SNH are also concerned that the visualisations presented are not in accordance with SNH's *'Visual Representation of Windfarms Good Practice Guidance'* 2006. Their key concern is that they seem to under-represent the actual impact of the proposal. This includes poor quality photomontages and omission of the full context and focal points within the view. For example, Viewpoint 1, 'View from Sheanachie' in the original ES is taken from a location which screens most of the proposal, although there is a clear view of the proposal in very close proximity as can be seen when compared with the revised visualisation in the Addendum.. It also fails to portray the coastal and panoramic nature of the view; the wider context of the view, including the focal point of the view the sea/ coast is not included. It therefore does not illustrate the 'worst case scenario' and may be misleading. This is an important revelatory view, from which the first views of the interior of the Mull open up with a view to the sea.

The views expressed by SNH in respect of visual impacts are endorsed by officers. Officers consider that the impact of the development on key views would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity of the receiving environment:

**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).**

## **F. CUMULATIVE IMPACT**

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). The principal cumulative concerns in respect of this proposal would be in terms of landscape and visual effects.

On Kintyre, wind farms are generally contained in the Upland Forest Moor Mosaic character type on the spine. It is of a scale and extent which can accommodate wind farm development. The addition of Kilchatten on the southern terminal region of the peninsula will encroach upon the more complex, smaller scale and more sensitive landscapes of the Mull. This will extend the influence of wind farms over a wider geographic area and to more character types which will have a wider impact on character and scenic quality than consolidating the existing focus for development.

The skyline of the main Kintyre peninsula reads as a long, smooth level plateau interrupted by more dramatic landform in the central section of the spine in the hinterland of Carradale and at the southern end on the Mull of Kintyre. Given Kilchatten is not associated with the existing cluster of development; its presence would fragment the visual unity of the remaining skyline and extend visual clutter along the spine. The addition of Kilchatten could therefore give the perception that most of the upland areas on Kintyre are occupied by wind farms.

SNH consider this could potentially result in a significant adverse cumulative visual impact, and that insufficient information has been provided by the applicants as part of their Environmental Statement to demonstrate that this will not be the case. SNH therefore objects to the proposal because insufficient information presented to enable a proper appraisal of the cumulative impact of the development. SNH considers that although further work would be required in this regard it is their expectation that this would be unlikely to address their key concerns in relation to this proposal.

**Having due regard to the above it is considered that in terms of 'cumulative impact' this proposal is inconsistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside Policy; STRAT DC 6: Development in Very Sensitive Countryside; 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).**

## G. 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 out with 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 and The Argyll & District Salmon Fishery Board have been consulted.

SNH objects to the proposal unless appropriate legal agreements are secured as part of any consent, to provide for a Habitat Management Plan for the site. The broad mitigation identified within the ES is supported by SNH in principle; however, the actual details, management practices, techniques, timings, monitoring protocols and definitive management compartments need to be clearly defined. The most appropriate way of ensuring the details are clearly defined and fully implemented is via the form of a Habitat Management Plan.

SNH recommends that the Planning Authority apply conditions to any consent or seeks further information in order to minimise natural heritage impacts on European Protected Species and small pearl-bordered fritillary.

SNH accept the conclusions, as set out in the ES, for the predicted impacts upon populations of otter and bats and therefore have no objection to this aspect of the proposed development. However, given the likely timescale for this development to reach construction if consented, a preconstruction survey will be required as a condition of consent.

SNH considers that the value of the dwarf shrub heath habitat on-site has been under-played by the ES and that, consequently, the mitigation measures proposed in the ES for loss of/damage to these habitats are inadequate. They would be able to reconsider this point should agreed proposals for a long-term Habitat Management Plan be secured by way of a legal agreement.

SNH recommends a condition to further minimise impacts arising from the development in relation to the small pearl bordered fritillary butterfly. Small pearl-bordered fritillary are listed as a priority species on the UK Biodiversity Action Plan and are classed as a Species of Conservation Concern and as such the species is a material consideration for the determination of a planning application.

Wet grassland, damp open deciduous woodland, and moorland edge are the habitats most favoured by the small pearl-bordered fritillary in Scotland. Although some colonies are discrete, the species often exists within metapopulations, networks of interlinked colonies which allow breeding over large areas in less fragmented landscapes. The loss, abandonment, drainage and agricultural 'improvement' of unimproved and semi-improved grassland has been the main impact attributable to the decline of the small pearl-bordered fritillary. The increasing isolation of remaining colonies has probably also led to local extinctions. SNH recommends that appropriate species specific mitigation is identified and agreed, in consultation with SNH, and is included within any long term Habitat Management Plan required in the event of planning permission being granted.

**Having due regard to the above, it is considered that subject to appropriate conditions/legal agreement (should planning permission be granted), the ecological impact of the proposal is acceptable, and that 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).**

#### **H. 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 out with the nesting season. The risk of disturbance to bird species during operation should be seriously considered (PAN 45, 2002).

In their initial consultation response, the Royal Society for the Protection of Birds did not object to this proposal. However, they did recommend that additional information be sought on the proposed habitat management plan before any planning permission was issued and that conditions be applied to any consent to secure adequate mitigation for hen harrier and black grouse. Since considering the Addendum to the Environmental Statement, the RSPB now objects to the proposal due to the potential impacts upon hen harrier (an Annex 1 species of the EC Bird Directive). RSPB have concerns with the extra information submitted with regard to both the survey work and the related habitat management plan. The RSPB advise that they seek an explanation for the discrepancies in the survey data and would reconsider their position once this is provided. RSPB strongly advise that should the Planning Authority be minded to grant consent, against their advice, conditions be applied to secure comprehensive mitigation for hen harrier and black grouse. The RSPB also ask that post-construction monitoring is secured as a condition of consent to enable consideration of impacts on these species and alterations to the mitigation to be implemented, as appropriate.

SNH also objects to the proposal because there is insufficient information presented in the ES to properly appraise the potential impacts on hen harrier (listed in Annex 1 EC Wild Birds Directive). They could review this objection should adequate information on birds in provided by the applicant.

**Having due regard to the above it is considered that the ornithological Impact of the proposal is unacceptable and the proposal is inconsistent 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).**

#### **I. HYDROLOGICAL & HYDROGEOLOGICAL 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.

Scottish Government in relation to their responsibilities for water protection, flood prevention, and coastal protection made no comments on the ES.

Argyll District Salmon Fishery Board's main concerns are over the upgrading of the present track leading from the Eden/Kildavie Road up Lag na Muic, which presently crosses three tributaries of Corachan Burn. They do not consider that the proposals warrant a fish survey, but recommend that the upgraded water crossings are designed to allow the passage of fish. It should also be drawn to the developer's attention that the guidelines on the prevention of silt and substrates entering the burns during the construction phase must be followed and machine operators on site should be made aware of the importance of adherence. Pro-active preventative measures such as silt traps, matting, straw bales etc must be in place before any rainfall events occur as it is extremely difficult to rectify silting events once the damage is done. Any silt and substrates entering the water sources during the access road's construction phase are likely to deposit below the road where the dynamic of the flow diminishes as it reaches the flood plain. It is possible this may lead to flooding events and access to fish and siltation of any spawning areas may also be impaired. The Board requests that the present SEPA guidelines on pollution of watercourses and the enforcement of these from activities connected with construction projects of this type are rigorously upheld.

SEPA have considered the ES and do not object to the proposal provided that, in the event that planning permission being granted, a condition is attached to secure a detailed site specific construction method statement for the site to be agreed by the Planning Authority, in consultation with SEPA, prior to the commencement of works on site and implemented in full during works onsite. This is in order to prevent potential water pollution. SEPA requests that the method statement address the following: Surface water run-off – including measures to prevent erosion, sedimentation or discolourisation of controlled waters should be provided, along with monitoring proposals and contingency plans; Timing of works – works undertaken to avoid periods of high rainfall; Fuel and/or chemicals – measures to ensure any fuel/chemicals from compound and vehicles does not cause pollution; Landscaping works – minimising the movement and temporary storage of soil, peat etc.; and, Waste – all waste streams associated with works should be identified with details of handling.

**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).**

## **J. PEAT IMPACT**

A Peat depth survey and a Peat Hazard Risk Assessment are provided in the Addendum to the Technical Appendices the ES. The wind farm site has been assessed for peat stability. The overall conclusion regarding peat stability is that providing mitigation is carried out the likely impact is insignificant 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. Where the potential for peat instability occurs, it may be mitigated by micro-siting, stripping peat from footing area, appropriate design, construction methodology and supervisory control of construction works.

SEPA advise that since their earlier response on the proposal they have adopted a Regulatory Position Statement for Developments on Peat. Having considered the Addendum, SEPA further advise that they have no objection to the proposal providing a condition is attached to any grant of planning permission to secure a Peatland Management Plan be submitted and agreed with

the Planning Authority in consultation with SEPA and SNH as appropriate prior to commencement of works on site.

An accurate and complete peat depth survey for the site should be provided. This is required to determine construction method and possible waste issues. SEPA welcome the incorporation of a Habitat Management Plan (HMP) aimed at appropriate management of all potentially negative environmental impacts but were disappointed that this does not include a Peatland Management Plan. A Peat Management Plan would encompass all aspects surrounding peat on site including peat handling storage, waste and after use. It is therefore requested that the aforementioned condition be attached to any grant of planning permission requiring a Peatland Management Plan

**Having due regard to the above it is considered that the stability of peat deposits not a significant concern and that the development satisfies Policy LP REN 1 – Wind Farms and Wind Turbines of the ‘Argyll and Bute Local Plan’ (2009) in this regard.**

#### **K. 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’s appraisal of the ES indicates that they can agree with its conclusions that the proposal is likely to have a significant impact on a number of scheduled ancient monuments in its vicinity. The monuments likely to experience this affect are: Glenehervie, fort; Machariorch, chambered cairn; St Coivin’s chapel and burial ground 270m W of Machariorch; Machariorch, motte; and Blasthill, long cairn .

The wireframes provided in support of the assessment show that the proposal will be almost entirely visible in views out from all the above monuments along the northern slopes of the valley, with the majority of turbines skylined and visible to full height. It would appear that given the level of visibility and the close proximity to the monuments that the proposal would significantly dominate views out from these monuments and alter their landscape setting. In particular, it is likely to affect a number of important views from these monuments, including northern views over the secondary chamber in the Blasthill Chambered Cairn and the wider viewshed from Machariorch Motte.

Historic Scotland concur with the assessment that the wind farm will have a ‘major significant’ impact on the settings of these monuments. However, the impacts will be confined to their more distant landscape setting, and in views which, although important, are not crucial to our understanding of them. Historic Scotland state that they have given careful consideration to their position on the application and that whilst they continue to have serious concerns about this development, these are not sufficiently serious to warrant an objection.

Historic Scotland provided further comment on the Addendum and the planning application. Historic Scotland understands that the information in the addendum relates to the proposed alternative locations for the onsite switchgear building and construction compound. Additional information has also been provided to address the reporting of alternatives and landscape and visual and ornithological impacts.

The Addendum also includes some information on how any pre-construction modifications to the road network will be undertaken. Historic Scotland has provided specific comments on this issue. They note the findings of the cultural heritage assessment of the potential impacts of the proposed switchgear building and construction compound and have no further comments to add to its conclusions. On the whole, the Addendum does not contain any information that leads Historic Scotland to alter its previous view on the proposal. In light of this they have no further comments to add to their original response.

Historic Scotland has also given its comments in respect of carriageway widening and passing places which would be required in connection with the development. There are scheduled monuments adjacent to the B842 at: Killeonan, chapel & burial ground, and Killelan House, chapel.

Historic Scotland note the proposed method of dealing with these works as individual planning applications as set out in the ES of the Addendum. Given the proximity of these sites to the road identified as a potential access route to the site, Historic Scotland should also be consulted on any planning applications potentially affecting these two sites. Direct Impacts Any road widening proposals and locations for passing places should be designed and chosen to avoid direct impacts with the legally protected areas of these monuments. Any direct work to these monuments would require scheduled ancient monument consent in addition to any planning permission sought. Without pre-empting the decision of Scottish Ministers, it is unlikely that Scheduled Monument Consent would be granted for any works that would cause damage to or loss of these monuments. In addition to this, in the event of the grant of the planning permission currently being sought, the developer should be made aware of the location of these monuments and their proximity to the road in order that accidental damage to them does not occur in the transporting of any turbine parts to the site. If this access route to the site were to be adopted, it would be advisable for the developer to mark out the extent of the monument to reduce the chances of any accidental damage.

The West of Scotland Archaeology Service has considered the ES and the Addendum and 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.

In light of the advice provided by these two consultees it has therefore been concluded that the proposal is acceptable in terms of its impact on built and cultural heritage within or relative to the site.

**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).**

### **L. TOURISM, RECREATION & ACCESS TO THE COUNTRYSIDE IMPACT**

Argyll & Bute's landscapes and townscapes are a major economic asset for the tourism industry. Visitors and residents value Kintyre for its beaches and panoramic coastal views to surrounding islands and mountains and the sense of seclusion. In the Mull of Kintyre area this combination of landscape and seascape features is valued by people for recreation including the sandy beaches of South Kintyre, the Kintyre Way, and watersports e.g. sea kayaking and surfing. Kilbrannan Sound and the North Channel are important navigation routes for watercraft from many areas including the Firth of Clyde and Ireland. There are also boat trips to Sanda Island and the Mull of Kintyre including summer trips on the Waverley paddle steamer.

The proposal is frequently in close proximity and clearly visible to these sensitive receptors. The image of the wind farm will vary from full turbines visible along the length of the coastline, reducing to the heads of the turbines moving on the ridge; varying between backclothed and skylined. This will adversely impact on the views and recreational experience of the landscape.

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 wind farm 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 27<sup>th</sup> May 2009 and 16 turbines Black Craig to Blar Buidhe, Glenfyne, Cowal, PPA-130-214 dismissed 22<sup>nd</sup> September 2009).

**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).**

### **M. NOISE & LIGHTING**

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.

Scottish Government in relation to their responsibility for noise made no comment on the ES or the Addendum. However, they did note that noise was an issue for consideration within the proposed EIA. Consequently, they advised that the developers and the local authority may be interested in 'A Review of Published Research on Low Frequency Noise and its Effects' and other low frequency noise research papers produced for DEFRA.

The Environmental Health Officer has no objection subject to conditions being attached to any grant of planning permission relating to: wind farm noise investigation and mitigation measures; wind farm construction hours and methods; restriction of noise (no interest in site); restriction of noise (interest in site); and details of control of lighting.

The Environmental Health Officer also advises that he has no objection to the proposal in terms of light pollution providing a condition is attached to any grant of planning permission to secure full details of the external lighting to be used within in the 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 separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters). There are no residential properties within 520 metres of a proposed Kilchatten turbine. 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 Officers have no objection to 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. 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.

The Ministry of Defence (MoD), Civil Aviation Authority, NATS En Route Plc (“NERL”); Infratil (Prestwick Airport) and Highlands and Islands Airports Limited were consulted in relation to potential impacts upon aviation in the area.

Following consultation with the MoD no objections were raised to the development on the basis of military air safety.

NATS (NERL Safeguarding) has examined the proposal from a technical safeguarding aspect and has confirmed that it does not conflict with their safeguarding criteria. Accordingly, they have no safeguarding objection to the proposal.

Infratil (Prestwick Airport) believe that the majority, if not all, of the turbines will be visible to their Primary Surveillance Radar (PSR) and will therefore potentially generate radar clutter in their approach environment. However, given the size of the proposed turbines and the fact that they are confined to a small area on the Kintyre peninsula they believe they will be able to treat the proposal as a small area of clutter and the turbines (and the radar clutter they generate) will not have a substantive effect on their air traffic control service (ATS). Therefore, they have no objection to the proposal.

The Civil Aviation Authority has no objection to the proposal providing consultation is undertaken with the Airport licensee/operators, MoD, NATS 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.

**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, Infratil, 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.

Defence Estates advise that the MOD has no objections with the proposal. Infratil (Prestwick Airport) has also advised that they have no objections to the proposal.

The Civil Aviation Authority do not object to the proposal but, strongly recommends that Highlands & Islands Airports Ltd are provided the opportunity to comment upon the ES and planning application as a whole. Finally, to validate related comment within the ES, it is recommended that both the MOD and NATS are provided the opportunity to comment upon the application and that any concerns expressed are taken into account during any related future planning deliberations. In response to the addendum they advise that their position remains fundamentally the same.

Highlands & Islands Airports initially objected to the proposal until an assessment was made of the impact on Campbeltown Airport's operation. Since receipt of the addendum they have confirmed that they have no objection to the proposal in this regard.

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. CSS Spectrum Management has examined the proposal in relation to UHF Radio Scanning Telemetry communications within their jurisdiction and have no objection to the proposal. The Joint Radio Company has advised that they do not see any potential problems with the proposal causing interference to radio systems operated by utility companies in support of their regulatory operational requirements.

Ofcom advised in their most recent consultee response that there is a possibility that links operated by Airwave MMO2 (link 86444) may be affected by the proposed Kilchattan Wind Farm development and that the applicant should obtain clearance from Airwave MMO2 as operator. The applicant has since advised (January 2011) that they contacted Ofcom to obtain accurate technical details of the link, and were advised that Ofcom cannot find any record of the link in question (86444 as detailed in their original consultation response). It is therefore likely that this link is no longer in operation.

Ofcom have been requested to provide confirmation that this link no longer exists and that there are no 'new' links operating in the area – at time of writing this has not been received. Although the possibility of degradation of signals would now appear unlikely, the applicant has advised that they are prepared to resolve any such problems should they arise as a result of the construction of the wind farm. To alleviate any concern regarding this issue it is recommended to attach a condition to any grant of planning permission to secure 'clearance' from any relevant operator prior to commencement of development.

**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**

In the Area Road Manager's most recent advice he advises that he has no objection to the proposal subject to conditions relating to: a traffic management plan; road and structure monitoring scheme and remedial works; restricted times of vehicular access to the site; scheme of lay-bys, corner and junction improvements; upgrading of junction to the East of Mill Park; surface water run-off; wheel washing facility; structural assessment of all structures along the proposed routes; condition surveys of the roads to include all drains and culverts and; surface of access to site and agreed geometry standard.

The Roads Operations Manager further advises that in view of the existing standard of the roads providing access to the site that the applicants would be undertaking a substantial liability, one which may not be financially viable given the improvements required, and the reinstatement and reconstruction which could be attributed to such a large construction project served by roads of this standard. If the developers proposed to take that liability and undertake the mitigating improvements and remedial works then Roads Operations would have to accept that undertaking with appropriate safeguards in place.

JMP have provided advice on behalf of Transport Scotland who consider that the development will cause minimal environmental impact on the trunk road network and as such they have no comment.

Officers are in agreement with the Roads Operations Manager and in the event of development being approved there would be a requirement for conditions and a Section 75 Legal Agreement to address roads issues.

**Having due regard to the above it is considered that providing the recommended requirements of the Roads Operations Manager are secured by condition/section 75 Legal Agreement the proposal will not have an adverse impact on the local road network and the proposal is consistent with the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes of the 'Argyll & Bute Local Plan' (adopted 2009).**

## **S. INFRASTRUCTURE**

Scottish Water has no objection to this proposal. They advise that none of their assets will be affected. .

**Having due regard to the above it is concluded that the proposal is 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 the addendum and have no comments or objection.

**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 the export line from the switchgear building would lead underground, following the edges of the internal access tracks, to the C classified road to the south of the site. From this point the connection will follow a route as prescribed by Scottish and Southern (SHETL), the owners and operators of the electrical grid network in Argyll. There is no requirement for the precise details of this connection to be included in this planning application.

**W. 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.**

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 due to the potential adverse impacts 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 wind farm 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 13.6MW 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:  
08/00138/DET**

**FOR THE PROPOSAL**

Rebecca Russell	1 Coast Guard House Southend PA28 6RW	01/11/2010	S
Cathie Martin	1 Combie Court Oban	01/11/2010	S
Isobel Reid	1 Muneroy Cottages Southend Campbeltown Argyll And Bute PA28 6RW	01/11/2010	S
Kathleen McSporrán	10 Ardminish Isle Of Gigha Argyll And Bute PA41 7AB	01/11/2010	S
Susan McMillan	10 Craigowan Park Campbeltown Argyll PA28 6HQ	02/05/2008	S
Nan Robertson	10 Fisher Row Campbeltown Argyll PA28 6BP	18/03/2008	S
N. Roberston	10 Fisher Row Campbeltown Argyll PA28 6BP	04/06/2008	S
Denise MacIndeor	10 Glentorran Place Campbeltown Argyll PA28 6HJ	02/05/2008	S
Christine MacIndeor	10 Glentorran Place Campbeltown Argyll PA28 6HS	02/05/2008	S
D.R Ensley	10 Manse Road Kingussie PH21 1JF	01/05/2008	S



Marian Ensley	10 Manse Road Kingussie PH21 1JF	01/05/2008	S
Darren Stevens	10 Saddell Street Campbeltown Argyll	04/06/2008	S
Maria McIntyre	100 Ralston Road Campbeltown Argyll PA28 6LF	02/05/2008	S
William Bell	100 Smith Drive Campbeltown Argyll PA28 6LA	18/03/2008	S
Shona McGill	11 Cara View Tayinloan Tarbert Argyll And Bute PA29 6XJ	01/11/2010	S
S Graham	11 Roding Cottage Campbeltown Argyll PA28 6LU	19/03/2008	S
Ben Ballantyne	112 Millknowe Campbeltown Argyll PA28 6HB	02/05/2008	S
E. Hemmings	112 Sound Of Kintyre Campbeltown Argyll PA28 6GA	02/05/2008	S
Karen McGill	114 Wierwood Avenue Glasgow G69 6CW	01/11/2010	S
Mrs E Young	117 Ralston Road Campbeltown Argyll PA28 6LG	19/03/2008	S
James MacDonald	11B Union Street Campbeltown Argyll PA28 6HX	18/03/2008	S

James Macdonald	11B Union Street Campbeltown Argyll PA28 6HX	01/11/2010	S
Natalie Goddard	11E Princes Street Campbeltown Argyll PA28 6DX	04/06/2008	S
Claire McHeavey	12 Albyn Avenue Campbeltown Argyll PA28 6LY	06/05/2008	S
R McKinven	12 Barochan Place Campbeltown Argyll PA28 6AX	19/03/2008	S
Kathleen McAllister	12 Dalriada Court Campbeltown Argyll PA28 6BH	04/06/2008	S
Marina McAllister	12 Dalriada Court Campbeltown Argyll PA28 6BH	04/06/2008	S
Robert Dalziel	12 Harbour View Campbeltown Argyll	19/03/2008	S
Stephanie Mitchell	12 Kintyre Gardens Campbeltown Argyll PA28 6DH	04/06/2008	S
The Owner/Occupier	12 Miller Road Campbeltown Argyll PA28 6DX	19/03/2008	S
Thomas Ferris	12 Miller Road Oban Argyll	04/06/2008	S
L Brannigan	12 Wallace Cottages Southend Campbeltown Argyll And Bute PA28 6RX	01/11/2010	S

Mr W Brannigan	12 Wallace Cottages Southend Campbeltown Argyll And Bute PA28 6RX	01/11/2010	S
J. Gorman	120 Davaar Avenue Campbeltown Argyll PA28 6NH	04/06/2008	S
Mr Reath	125 Old Edinburgh Inverness IV2 3BX	01/11/2010	S
Louise Gillett	13 Front Row Drumlembie Campbeltown PA28 6PS	04/06/2008	S
Mr F Durnan	13 Mill Road Campbeltown Argyll And Bute PA28 6SS	18/03/2008	S
M. Morrison	13 Princes Street Campbeltown Argyll PA28 6DX	02/05/2008	S
The Owner/occupier	134 Davaar Avenue Campbeltown Argyll	02/05/2008	S
O. Morgan	135 Sound Of Kintyre Machrihanish By Campbeltown	04/06/2008	S
O Morgan	135 Sound Of Kintyre Machrihanish By Campbeltown PA28 6GA	08/03/2008	S
S. Morgan	135 Sound Of Kintyre Machrihanish By Campbeltown PA28 6GA	04/06/2008	S
Elizabeth Blackstock	14 Hillside Road Campbeltown Argyll	02/05/2008	S

	PA28 6NE		
Margaret MacDonald	14 Smith Drive Campbeltown Argyll PA28	02/05/2008	S
The Occupier	14 Wallace Cottages Southend Campbeltown Argyll And Bute PA28 6RX	01/11/2010	S
Sharon McCallum	148 Ralston Road Campbeltown Argyll PA28 6LQ	19/03/2008	S
Heather Englefield	14a Davaar Avenue Campbeltown PA28 6NG	04/06/2008	S
A Mansfield	15 Green Lane Letchworthy Herts	01/11/2010	S
Neil McGeachy	15 Woodside Cottages Carradale Campbeltown Argyll And Bute PA28 6SB	01/11/2010	S
Diane McIntyre	153 Ralston Road Campbeltown Argyll PA28 6LG	04/06/2008	S
T Kimm	16 Front Row Campbeltown Argyll PA28 6PS	18/03/2008	S
T. Kimm	16 Front Row Campbeltown Argyll PA28 6PS	04/06/2008	S
Fiona Pye	16 Glenside Campbeltown PA28 6HH	01/05/2008	S
Betty Mason	16 Glenside Campbeltown	02/05/2008	S

	Argyll PA28 6HH		
Gillian McCready	16 Lennoxmill Lane Lennoxtown G66 7GN	01/11/2010	S
J.A Doyle	16 Oakwood Avenue Paisley PA2 9NG	01/05/2008	S
Mr W. Glendinning	17 Kirk Street Campbeltown Argyll PA28 6BL	04/06/2008	S
W. Callum	17 Meadowpark Campbeltown Argyll PA28 6TF	02/05/2008	S
L. Law	17 Princes Street Campbeltown Argyll PA28 6DX	02/05/2008	S
The Owner/Occupier	173 Ralston Road Campbeltown Argyll PA28 6LG	18/03/2008	S
Bryan Norris	18 Rugby Road Rainworth Nottinghamshire NG21 0AT	01/05/2008	S
Bryan Norris	18 Rugby Road Rainworth Nottinghamshire NG21 0AT	01/11/2010	S
James Deavey	19 Glenside Campbeltown Argyll PA28 6HH	02/05/2008	S
The Owner/occupier	19 Glenside Campbeltown Argyll PA28 6HH	02/05/2008	S
J.M Neill	19 Sound Of Kintyre Machrihanish	02/05/2008	S

	By Campbeltown Argyll PA28 6NE		
Julian McGill	193 Edinburgh Road Garrowhill G69 6RQ	01/11/2010	S
Wendy Bristow	19E John Street Campbeltown PA28 6DZ	01/05/2008	S
Jean Townsley	1A Dalintober Campbeltown Argyll PA28 6EB	18/03/2008	S
S McGeachy	1A Dalintober Campbeltown Argyll PA28 6EB	19/03/2008	S
E. Millar	1c Davaar Avenue Campbeltown Argyll PA28 6NF	04/06/2008	S
Kyle Stevens	1d Saddell Street Campbeltown PA28 6DN	06/05/2008	S
Eilidh McLaughlin	2 Coastguard House Southend By Campbeltown PA28 6RW	01/05/2008	S
Anne Baird	2 Coastguard Houses Southend Campbeltown	13/03/2008	S
G. Baird	2 Coastguard Houses Southend Argyll PA28 6RW	30/04/2008	S
Angus McGregor	2 Kirk Street Campbeltown PA28 6BG	01/05/2008	S
Fraser McFadyen	2 Lochview Avenue Campbeltown Argyll PA28 6FN	02/05/2008	S

Scott Gallagher	2 Millers Park Saddell Campbeltown PA28 6RA	06/05/2008	S
Maggie Wilkieson	2 New Quay Gigha PA41 7AD	01/11/2010	S
Deborah Scott	20 Roseburn Court Glasgow G67 3PS	01/11/2010	S
Mrs M Muir	20 Wallace Cottages Southend Campbeltown Argyll And Bute PA28 6RX	01/11/2010	S
P Mair	21 Kirk Street Campbeltown Argyll PA28 6BL	19/03/2008	S
Colin Young	21 Meadows Place Lochgilphead PA31	01/10/2011	S
Carly McIntosh	21b Main Street Campbeltown Argyll PA28 6AD	19/03/2008	S
Robert Morrison	21b Main Street Campbeltown Argyll PA28 6AD	02/05/2008	S
Mr S. Moore	22A Burnside Street Campbeltown Argyll PA28 6JE	02/05/2008	S
Dean Maclean	23 Albyn Terrace Campbeltown Argyll PA28 6LX	04/06/2008	S
Chelsea Mclean	23 Burnside Cottages Stewarton Campbeltown Argyll	04/06/2008	S

	PA28 6PQ		
Krystal McLean	23 Burnside Cottages Stewarton Campbeltown Argyll PA28 6PQ	04/06/2008	S
Wendy Thompson	23 Cheltem Way Mablethorpe Lincs LW12 2AX	01/05/2008	S
Kelly Brodrick	23B Calton Avenue Campbeltown Argyll PA28 6ND	18/03/2008	S
Jean Allen	24 Crosshill Avenue Campbeltown Argyll And Bute PA28 6LH	02/05/2008	S
Pauline Lloyd	24 School Road Meadowbank Warford CWT 2PG	01/05/2008	S
Alison Lang	25B Kirk Street Campbeltown Argyll PA28 6BL	04/06/2008	S
Allison Lang	25b Kirk Street Campbeltown Argyll PA28 6BL	19/03/2008	S
Michelle McMillan	26 Benmore Street Campbeltown Argyll PA28 6DP	19/03/2008	S
Angela Quigley	26 Croftgates Road Manchester M24 4PF	01/11/2010	S
M. Marlon	26 Helma Street Radcliffe Bury Manchester England	01/05/2008	S



Grant Lloyd	26 Main Street Campbeltown Argyll PA28 6AG	01/05/2008	S
M Johnston	26 Meadowburn Place Campbeltown Argyll PA28 6ST	18/03/2008	S
Agnes Strang	26 Ralston Road Campbeltown Argyll PA28 6LE	04/06/2008	S
B Callander	26 Spoutwells Drive Scone Perth PH2 6RR	01/11/2010	S
Alana McDonald	28 Cara View Tayinloan By Tarbert Argyll PA29 6XJ	18/03/2008	S
Lee Thomson	28 Craigowan Park Campbeltown Argyll PA28 6AJ	19/03/2008	S
L. Martin	28 Crosshill Avenue Campbeltown Argyll PA28 6LH	02/05/2008	S
A. Morrison	28 Davaar Avenue Campbeltown Argyll PA28 6NG	06/05/2008	S
Margaret McCallum	28 Wallace Cottages Southend Campbeltown Argyll And Bute PA28 6RX	01/11/2010	S
Isobel McMillan	28a Calton Avenue Campbeltown Argyll PA28 6NA	02/05/2008	S
The Owner/Occupier	29 Argyll Street	18/03/2008	S

	Campbeltown Argyll		
Susan Mauchline	29 Rhudal Cottages Drumlemble By Campbeltown Argyll PA28 6PR	06/05/2008	S
Natalie Smith	29 Wallace Cottages Southend Campbeltown Argyll And Bute PA28 6RX	01/11/2010	S
Piveteau Cecile	2A Octavia Place Gilbratar Street Oban Argyll PA34 4AX	01/11/2010	S
P.A Ward	2b Burnside Street Campbeltown Argyll PA28 6JE	06/05/2008	S
Christine McKay	2B Queen Street Campbeltown Argyll PA28 6DY	18/03/2008	S
J. MacTaggart	3 Longrow South Campbeltown Argyll PA28 6AH	02/05/2008	S
Valerie Gillies	3 St Clair Terrace Low Askomil Campbeltown Argyll PA28 6EP	18/03/2008	S
C. Strang	3 Tosh's Park Campbeltown Argyll PA28 6QN	02/05/2008	S
Linda Piere	3 Wat's Dyke Sychdyn MOLD Cheshire CH7 6DX	01/05/2008	S

Mr Duncan Galbraith	30 Cara View Tayinloan Argyll PA29 6XJ	25/03/2008	S
The Owner/occupier	30 Davaar Avenue Campbeltown Argyll PA28 6NH	02/05/2008	S
Jennifer McLaughlin	30 Muirton Place Perth PH1 5DL	01/11/2010	S
Jean Miller	32 Limecraigs Campbeltown Argyll PA28 6JT	06/05/2008	S
Isobel McNaughton	33 Hillside Road Campbeltown Argyll PA28 6NE	02/05/2008	S
Mr S Young	34 Limecraigs Road Campbeltown Argyll PA28 6JT	18/03/2008	S
Emma McNaughton	34c Albyn Avenue Campbeltown Argyll PA28 6LZ	02/05/2008	S
Amanda Harrogate	34e Meadowburn Place Campbeltown Argyll PA28 6ST	04/06/2008	S
Owner-occupier	35 Dalaruan Street Campbeltown Argyll PA28 6HG	04/06/2008	S
John Cook	35 Upper Glenfyne Park Ardrishaig PA30 8HH	01/11/2010	S
E. McLean	36 Albyn Avenue Campbeltown Argyll PA28 6LZ	04/06/2008	S

Derek Brock	36 Corstorphine Road Edinburgh EH12 6HP	01/05/2008	S
Isobel Brock	36 Corstorphine Road Edinburgh EH12 6HP	01/05/2008	S
Jill Skellorn	36 High Street Campbeltown Argyll PA28 6EA	06/05/2008	S
Sharon McLellan	36c Albyn Avenue Campbeltown Argyll PA28 6LZ	04/06/2008	S
Owner/occupier	37 Sound Of Kintyre Campbeltown Argyll PA28 2NZ	04/06/2008	S
B Cairns	3A Dell Road Campbeltown Argyll PA28 6JG	19/03/2008	S
Catherine Thompson	3a Glebe Street Campbeltown Argyll PA28 6JJ	01/05/2008	S
David D. MacNaughton	3C Hillside Road Campbeltown Argyll PA28 6NE	04/06/2008	S
The Owner/Occupier	4 Fisher Row Campbeltown Argyll PA28 6BP	19/03/2008	S
R. McLean	4 John Street Campbeltown Argyll And Bute	02/05/2008	S
R. McLean	4 John Street Campbeltown Argyll	02/05/2008	S
Glen McMurchy	4 Woodlands Drive Campbeltown PA28 6LG	04/06/2008	S

John McLaughlin	40 Balhousie Street Perth PH1 5HW	01/11/2010	S
G. McAllister	41 Mill Street Campbeltown PA28 6ML	01/05/2008	S
C Mansfield	42 Kyrkeby Letchworth Herts SG6 4PT	01/11/2010	S
Alan A McShannon	43 Dalaruan Street Campbeltown Argyll PA28 6HG	18/03/2008	S
Margaret McCallum	43 Meadows Avenue Campbeltown Argyll PA28 6LW	02/05/2008	S
M Wareham	46 Crosshill Avenue Campbeltown Argyll PA28 6LJ	19/03/2008	S
Keith Lester	46 Main Street Campbeltown Argyll PA28 6AD	19/03/2008	S
Emma Borthwick	47 High Street Campbeltown Argyll PA28 6CA	02/05/2008	S
A. Read	47 Sound Of Kintyre Machrihanish By Campbeltown PA28 6GA	04/06/2008	S
Zara Kakpenske	4b Queen Street Campbeltown Argyll PA28 6DY	01/05/2008	S
The Owner/Occupier	5 Bellmhor Court Campbeltown Argyll	18/03/2008	S

Owner/occupier	5 Bellmhor Court Campbeltown Argyll	04/06/2008	S
Mark Fee	5 Cyril Avenue NG 1DS	01/05/2008	S
N Fee	5 Cyril Avenue NG9 1DS	01/05/2008	S
May West	5 Glenburn Court Campbeltown Argyll PA28 6GZ	02/05/2008	S
May West	5 Glenburn Court Campbeltown Argyll PA28 6GZ	02/05/2008	S
Alison MacCallum	5 Long Rigg Clachan By Tarbert Argyll PA29 6XP	01/11/2010	S
Elaine MacCallum	5 Long Rigg Clachan PA29 6TP	01/11/2010	S
I MacPherson	5 Wallace Cottages Southend By Campbeltown Argyll	07/02/2008	S
I MacPherson	5 Wallace Cottages Southend Campbeltown Argyll And Bute PA28 6RX	01/11/2010	S
The Owner/occupier	5 Witchburn Road Campbeltown Argyll PA28 6JC	02/05/2008	S
Elsie Campbell	50 Crosshill Avenue Campbeltown Argyll PA28 6LJ	19/03/2008	S

Mrs A. McLean	53 Smith Drive Campbeltown Argyll PA28 6LA	04/06/2008	S
J MacDonald	54 Calton Avenue Campbeltown Argyll PA28 6NA	19/03/2008	S
Tanya Clements	55d Mill Street Campbeltown Argyll	01/05/2008	S
Margaret McMillan	55D Mill Street Campbeltown Argyll And Bute PA28 6HL	01/05/2008	S
Norman McKay	56 High Street Campbeltown Argyll PA28 6EL	18/03/2008	S
Mary McLatchie	5c North Shore Street Campbeltown Argyll PA28 6EQ	06/05/2008	S
Andrew Downie	6 Harbour View Campbeltown Argyll PA28 6BY	02/05/2008	S
Kerry McGeachy	6 Middlesex Gardens Glasgow G41 1EL	01/11/2010	S
R Heseltine	6 Seabourne Court Woodlands Road Ansdell Lytham FY8 1DD	01/11/2010	S
Robert G. Johnston	62 Longrow Campbeltown Argyll PA28 6DD	02/05/2008	S
Janet Macintyre	64 Crosshill Avenue Campbeltown Argyll PA28 6HJ	18/03/2008	S

W. McLarty	64 Crosshill Avenue Campbeltown Argyll PA28 6LJ	06/05/2008	S
The Owner/occupier	64 Kirk Street Campbeltown Argyll PA28 6BW	02/05/2008	S
Margaret McMillan	7 Bayview Machrihanish By Campbeltown Argyll PA28 6PX	19/03/2008	S
The Owner/Occupier	7 Castle Park Campbeltown Argyll PA28 6LP	18/03/2008	S
D. MacFarlane	7 Castleacres Campbeltown Argyll PA28 6SJ	02/05/2008	S
Barbara McLean	7 Castlehill Court Campbeltown Argyll	02/05/2008	S
N. Hunter	7 Roding Cottages Campbeltown Argyll PA28 6LU	02/05/2008	S
R.A Nelson	7 Smith Drive Campbeltown Argyll	02/05/2008	S
Alexandra Pitt	7 Wallace Cottage Southend PA28 6RX	01/11/2010	S
H McAulay	70 Millknowe Campbeltown Argyll PA28 6HA	18/03/2008	S
Linda Gilchrist	73 Tomaig Road Campbeltown Argyll PA28 6LP	02/05/2008	S



Catherine Allan	76 Crosshill Avenue Campbeltown Argyll PA28 6LJ	18/03/2008	S
J Benjamin	78 Smith Drive Campbeltown Argyll And Bute PA28 6LA	19/03/2008	S
April Dunn	7b Hillside Road Campbeltown PA28 6NT	04/06/2008	S
J. Earne	8 Ciaran Court Campbeltown Argyll PA28 6FB	04/06/2008	S
Owner/occupier	8 Ciaran Court Campbeltown Argyll PA28 6FB	04/06/2008	S
The Owner/occupier	87 Ralston Road Campbeltown Argyll PA28 6LG	02/05/2008	S
Mrs V. O'May	8B Argyll Street Campbeltown Argyll PA28 6AX	02/05/2008	S
Darren McSporrán	8B Saddell Street Campbeltown Argyll PA28 6DN	04/06/2008	S
John Russell	8E Union Street Campbeltown Argyll PA28 6HZ	02/05/2008	S
Duncan Sharp	9 Kirk Street Campbeltown Argyll PA28 6HP	02/05/2008	S
Mrs B Carney	9 Satley Gardens Wrekenton Gateshead	01/11/2010	S

	NE9 7ET		
E MacKelvie	9 St Oswalds Court Redland Bristol BS6 7HX	01/11/2010	S
Mrs V. McGillvary	90 Ralston Road Campbeltown Argyll PA28 6LF	02/05/2008	S
Catriona Conley	91 Roothing Campbeltown Argyll PA28 6LU	02/05/2008	S
L. Brodie	93 Davaar Avenue Campbeltown PA28 6NQ	01/05/2008	S
Catherine McPhee	94 Millknowe Campbeltown Argyll PA28 6HB	18/03/2008	S
S Watt	97 Millknowe Terrace Campbeltown Argyll PA28 6NJ	19/03/2008	S
Dawn Gladstone	9d Glebe Street Campbeltown PA28 6JJ	04/06/2008	S
Bob	Address Illegible	01/11/2010	S
Christopher Lindsay	Address Illegible	01/05/2008	S
I Geffen	Address Illegible	01/11/2010	S
Jonathan Lincoln	Address Illegible	01/11/2010	S
Name Illegible	Address Illegible	04/06/2008	S
The Occupier	Address Illegible	01/11/2010	S
Mr And Mrs J Tanner	An Caladh Southend By Campbeltown Argyll PA28 6RW	29/01/2008	S

Barbara Baxter	Aran View Ardnacraig Avenue Campbeltown Argyll PA28 6JP	19/03/2008	S
Catharine Forbes	Ardcarrach Carradale PA28 6SQ	01/11/2010	S
Roy Penman	Argyll Arms Hotel Southend By Campbeltown Argyll	30/04/2008	S
W. Penman	Argyll Arms Hotel Southend By Campbeltown Argyll PA28 6RP	30/04/2008	S
Margaret Penman	Argyll Arms Hotel Southend PA28 6RP	01/05/2008	S
Mr D McArthur	Argyll Property McLean Place Campbeltown Argyll PA28 6AG	19/03/2008	S
David And Elizabeth Barbour	Aucharua Farm Southend Campbeltown PA28 6RF	26/03/2008	S
Janet Johnstone	Auchencorvie Farm Southend By Campbeltown PA28 6PH	01/05/2008	S
T Millar	Ballygreggan Farm Campbeltown Argyll PA28 6PW	19/03/2008	S
M. Newol	Ballygreggan Road Campbeltown Argyll PA28 6NW	02/05/2008	S
M. Armour	Ballygrennan Southend	01/05/2008	S

	By Campbeltown Argyll PA28 6PJ		
Natasha Mayberry	Bellochantuy By Campbeltown Argyll PA28 6QE	04/06/2008	S
The Owner/Occupier	Benair Balegreggan Road Campbeltown PA28 6NN	01/05/2008	S
Semple	Birch Grove Carradale PA28 6QG	01/11/2010	S
Jean W. Armour	Calmaig East Backs Campbeltown Argyll	02/05/2008	S
Kevin Mathew	Campbell Terrace Dumbarton By Glasgow	01/05/2008	S
Brian Galbraith	Cara View Tayinloan Argyll PA28 6XJ	02/05/2008	S
N A Galbraith	Cara View Tayinloan By Tarbert PA29 6XJ	19/03/2008	S
W. Matthews	Castlehill Dumbarton By Glasgow	01/05/2008	S
Helen Owen	Ceol Mara Peninver PA28 6TP	01/11/2010	S
Anne Leibrick	Chiskan Southend Campbeltown Argyll And Bute PA28 6RF	01/11/2010	S
The Occupier	Christlach Farmhouse Southend Argyll And Bute	01/11/2010	S

	PA28 6PJ		
C Aindow	Coach House Glenbarr By Tarbert Argyll PA29 6UT	18/03/2008	S
Steve Markham	Cornwall PL17 7HW	01/05/2008	S
S. Wareham	Craigowan Crescent Campbeltown Argyll PA28 6QH	02/05/2008	S
Mary W Graham	Craigruadh Farm Tayinloan Tarbert PA29 6XF	01/11/2010	S
Campbell MacBrayne	Creag-Ruadh Southend Argyll PA28 6RW	01/11/2010	S
Mrs Louise Brown	Crosshill Farm Campbeltown Argyll PA28 6PE	02/05/2008	S
L Bryce	Crubasdale Lodge Muasdale PA29 6XD	01/11/2010	S
Mears	Daiglen Shore Road Carradale PA28 6SH	01/11/2010	S
E. Pattison	Dalriada Court Campbeltown Argyll PA28 6BH	02/05/2008	S
K Blair	Dell House Dell Road Campbeltown Argyll	19/03/2008	S
Eilidh Brown	Dell Road Campbeltown Argyll	04/06/2008	S

	PA28 6JG		
M.T Clark	Drumore Villa East Dalaruan Street Campbeltown Argyll PA28 6HD	04/06/2008	S
Catherine Martin	Dunalaister Kilkerran Road Campbeltown Argyll PA28 6RB	19/03/2008	S
K.McGougan	Ellangowan Dell Road Campbeltown PA28 6JG	02/05/2008	S
May And John Barbour	Eradil Southend Campeltown PA28 6RF	26/03/2008	S
G. Durham	Fernbank Campbeltown Argyll	02/05/2008	S
E.Stalker	Flat 1 Bellmhor Court Campbeltown Argyll PA28 6AN	02/05/2008	S
Martha Cox	Flat 3 Bellmhor Court Campbeltown Argyll	04/06/2008	S
W. Rutherford	Flat 3 31 Main Street Campbeltown Argyll PA28 6AD	04/06/2008	S
Jane Gallagher	Flat 8 18 Hall Street Campbeltown Argyll PA28 6BU	06/05/2008	S
N. Carlin	Fonn-Na-Mara Peninver	04/06/2008	S

	By Campbeltown Argyll PA28 6QP		
T. Mullen	Fort Argyll Farm Campbeltown PA28 6EN	04/06/2008	S
A. Mullen	Fort Argyll Farm High Askomil Campbeltown Argyll PA28 6EN	04/06/2008	S
Joseph Brown	Garvachy Cottage Oakfield Campbeltown Argyll PA28 6PH	02/05/2008	S
P. MacNab	Gc/2 Merchiston Park Edinburgh EH10 4PW	01/05/2008	S
Marina Currie	Glen Cottage Glenbarr PA29 6UT	01/11/2010	S
Florence Mibha	Gowanpark Campbeltown Argyll PA28 6JH	02/05/2008	S
A. Cremend	Highfield Isle Of Gigha Argyll PA41 7AA	02/05/2008	S
Stuart Thomson	Inverasdale Gallowhill Road Campbeltown Argyll PA28 6JH	18/03/2008	S
Marian M. McIntyre	Kilbrannan 6 Kintyre Gardens Campbeltown Argyll	02/05/2008	S
Margaret Emilsson	Kilkerran Farm Campbeltown Argyll PA28 6RB	02/05/2008	S

Isabel Hamilton	Kilwhipnach Farm Campbeltown Argyll	02/05/2008	S
Isabel Hamilton	Kilwhipnach Farm Campbeltown Argyll	08/05/2008	S
Ash	Kinloch Road Campbeltown Argyll PA28 6EG	02/05/2008	S
L. McFadyen	Kirklea Argyll Street Campbeltown Argyll PA28 6AZ	02/05/2008	S
Craig Edwards	Kirkview 49 Longrow Campbeltown Argyll PA28 6ER	19/03/2008	S
Alan Bateman	Langholm farm southend Campbeltown	06/03/2008	S
Mr Duncan MacKinnon	Largie Tayinloan Argyll PA29 6YG	25/03/2008	S
S A Burn	Leach Dunaverty Court Southend PA28 6 RW	01/11/2010	S
I Burn	Leachd Dunaverty Court Southend PA28 6RW	01/11/2010	S
Andrew Williamson	Lindley Pierview Low Askomil Campbeltown Argyll PA28 6EP	19/03/2008	S
Keith Wright	Lochside	02/05/2008	S



	Campbeltown Argyll PA28 6EP		
A. Ellila	Low Askomil Campbeltown Argyll PA28 6EP	02/05/2008	S
A MacBrayne	Low Machrimore Southend Argyll And Bute PA28 6RQ	01/11/2010	S
Becky McTaggart	Macharioch House Southend PA28 6RF	30/04/2008	S
Ellen Armour	Machrihanish By Campbeltown Argyll PA28 8PT	02/05/2008	S
S Mallison	Mill House Roy Bridge PH1 4AG	01/11/2010	S
Mr And Mrs Barbour	No Address Given	24/01/2008	S
Elaine Munro	PA28 6DH	01/05/2008	S
B. Stobo	Peninver By Campbeltown PA28 6QP	04/06/2008	S
Alen M Oman	Pier House Carradale PA28 6SQ	01/11/2010	S
D Carmichael	Revoan Ardnacraig Avenue Campbeltown Argyll	18/03/2008	S
Sorley McKinven	Springbank Low Askomil Campbeltown Argyll PA28 6EP	02/05/2008	S
M. Jones	Springhill Witchburn Road Campbeltown	04/06/2008	S

	Argyll PA28 6PD		
C.R And W.A McCallum	Stacan Na Mara Muasdale Argyll PA29 6XD	02/05/2008	S
W.A McCallum	Stacan Na Mara Muasdale Tarbert Argyll PA29 6XD	04/06/2008	S
Henry Mclan	Stevenson Avenue Campbeltown Argyll PA28 6SW	02/05/2008	S
James MacKay	Strathaird Place Campbeltown Argyll PA28 6BL	02/05/2008	S
Kathleen Martin	Tonrioch Farm Campbeltown Argyll PA28 6PN	19/03/2008	S
Mr John Childs	Vestas - Celtic Wind Technology Ltd 302 Bridgewater Place Birchwoos Park Warrington WA3 6XG	06/03/2008	S
Lynn Wilson	West Drumachro Isle Of Gigha Argyll PA41 7AD	04/06/2008	S
Mary Wilson	Whitehouse Tarbert Argyll PA29 6XR	01/11/2010	S
Mrs McDonald	Witchburn Terrace Dale Road Campbeltown PA28 6JG	04/06/2008	S
Glen McMurphy	Woodland Drive Campbeltown Argyll	18/03/2008	S

	PA28 6LW		
Johnathan Lincoln	Y Doraig Deg Tany Grisiau Gwyndd LL41 5JA	01/05/2008	S

**AGAINST THE PROPOSAL**

Michael Bradley	1 Churchill Wood Inverneil Lochgilphead Argyll PA30 8ES	02/03/2008	O
A Fulton	1 Streamfield Gate Glasgow G33 1SJ	26/03/2008	O
Mike Power And Lorna Power	10 Meadows Place Lochgilphead PA31 8AB	15/05/2008	O
John McAvoy	10 The Glebe Kilmelford Argyll PA34 4XF	03/03/2008	O
John McAvoy	10 The Glebe Kilmelford Argyll PA34 4XF	02/04/2008	O
Jean Kiani And Raymond Gould	101 Sound Of Kintyre Machrihanish PA28 6GA	04/03/2008	O
Joost Heijgelaar	105 Alexandra Parade	02/03/2008	O

	Dunoon Argyll PA23 8AN		
Hennie Heijgelaar	105 Alexandra Parade Dunoon PA23 8AN	02/03/2008	O
T Heijgelaar	105 Alexandra Parade Dunoon Argyll PA23 8AN	28/02/2008	O
Philip Norris	141 Alexandra Parade Dunoon Argyll PA23 8AW	03/03/2008	O
Alexander James McKinven	155 Ralston Road Campbeltown Argyll PA28 6LG	19/03/2008	O
Edward Byers	165 Osborne Road Newcastle Upon Tyne NE2 3JT	12/08/2008	O
Mr A Anderson	17 Rhudal Cottages Drumlemble Campbeltown Argyll PA28 6PR	21/03/2008	O
Graham Lawrie	17 Riverside Road Kinlochleven PH50 4QH	05/03/2008	O
Dr Deanna Baeza-Barbier And Prof. Alain Pierre Barbier	188 Rue De La Are Longeville Sur Mer France 85560	01/03/2008	O
Gaile Smiley	19 Dalriada Court Campbeltown Argyll	05/03/2008	O
Simon Williams	19 Heol Haydn Ammanford Carmar Wales SA18 2LG	02/03/2008	O
O. Allan	2 Ardminish Isle Of Gigha	12/03/2008	O

	Argyll PA41 7AB		
J Brodie	2 Lady Mary Row Campbeltown Argyll PA28 6HS	05/03/2008	O
M.C Cunningham	20 Earls Way Ayr KA7 4HE	11/04/2008	O
W.M Cunningham	20 Earls Way Ayr KA7 4HE	11/04/2008	O
Charles Tighe Linda Tighe And Nicola Tighe	20 St Clair Way Ardrishaig By Lochgilphead PA30 8FB	07/03/2008	O
M C Cunningham	20Earls Way Ayr KA7 4HE	11/04/2008	O
Mrs Pamela Whitehead	21 St Conans Road Lochawe Argyll PA33 1AL	11/03/2008	O
Craig Hopkins	23 Gruchy Avenue Chelsea Heights 3196	02/03/2008	O
Mark Payne	24 Maple Grove Northwich CW8 4AX	03/03/2008	O
Stuart Malcolm	25 Kilbride Avenue Dunoon PA23 7LH	02/03/2008	O
J.T.M Armstrong	25 Wallace Cottages Southend PA28 6RX	29/02/2008	O
Gwen Mcginty	28 Ardenfield Ardentinny Argyll PA23 8TU	09/03/2008	O
Gerry McGinty	28 Ardenfield Ardentinny	09/03/2008	O

	Argyll PA23 8TU		
Gerry McGinty	28 Ardenfield Ardentinny Argyll PA23 8TU	09/03/2008	O
Gwen McGinty	28 Ardenfield Ardentinny Argyll PA23 8TU	09/03/2008	O
James Murray	3 Duntrune Place Lochgilphead Argyll PA31 8TT	05/03/2008	O
Peter Cairns	3 John Street Helensburgh G84 9NA	03/03/2008	O
Alastair Gray	35 School Lane Thriplow Royston Herts SG8 7RH	05/03/2008	O
Lisa Ketchen	38 Gatehead Road Crosshouse Ayrshire KA2 0JG	05/03/2008	O
Jillian White	38 Tyburn Lane Pulloxhill Bedfordshire MK45 5HG	28/02/2008	O
C M Cameron	4 Ardpatrik Place Kilmory Lochgilphead Argyll PA31 8TN	25/03/2008	O
Dawn Kermani	4 Mid Steil Edinburgh EH10 5XB	29/02/2008	O
H Lansborough	4 Oakhill Tarbert Argyll PA29 6TN	20/03/2008	O

Ann R Thomas	4 The Ridge Tarbert Argyll PA29 6YN	05/03/2008	O
Mrs V A Harwood	5 Ballimore Otter Ferry Tighnabruaich Argyll PA21 2DH	13/03/2008	O
Alex Samborek	5 Dun Mor Avenue Lochgilphead PA31 8TP	03/03/2008	O
Alan Stephen	5 Erines House Tarbert PA29 6YL	03/03/2008	O
Susan Smith	55 Blackwell Avenue Newcastle Upon Tyne NE 4DR	29/02/2008	O
D Mclsaac	6 Glenbarr Cottages Glenbarr By Tarbert Argyll PA29 6UX	04/03/2008	O
M Mclsaac	6 Glenbarr Cottages Glenbarr Tarbert Argyll PA29 6UX	04/03/2008	O
S Sargent	6 Lady Mary Row Campbeltown Argyll And Bute PA28 6HS	05/03/2008	O
Kyle M. Porpotage	626 Sand Crane Court Bradenton Florida United States Of America 34212	03/03/2008	O
Claire Mercer	7 Locharber Crescent Kinlochleven Argyll PH50 4QS	03/03/2008	O
Geoff Caldwell	76 Main Street Dunlop	03/03/2008	O

	Ayrshire KA3 4AG		
David Roberts	8 Hutcheon Road Campbeltown Argyll PA28 6JR	01/03/2008	O
G. MacDonald	8 King Street Dunoon Argyll PA23 7BH	05/03/2008	O
Alan Stobie	Achavit Dunmore Cottage Kilberry Road Tarbert Argyll PA29 6XZ	03/03/2008	O
A Colls	Achnaha Clachan By Tarbert Argyll PA29 6XS	28/02/2008	O
Judi Collins	Achnaha Clachan By Tarbert Argyll PA29 6XS	28/02/2008	O
Diana Mowbray	Achnaha Clachan PA29 6XS	02/04/2008	O
M Patterson	Annfield Pirnhill Isle Of Arran KA27 8HP	11/03/2008	O
Dr R G Beddows And Mrs A L Beddows	Ardmarnoch House Kilfinan Argyll PA21 2ER	03/03/2008	O
Graham Sutherland	Ardmarroch House Annexe Kilfinanan PA21 2ER	08/03/2008	O
Archibald Tait And Diana Tait	Ardtur 68 Shore Road Innellan	20/03/2008	O



	Argyll PA23 7TR		
Brian J. John	Balaghoun Kilmartin PA31 8QF	03/03/2008	O
Derek Neill	Ballochroy Tayinloan Tarbert Argyll PA29 6XG	05/03/2008	O
Marion Neill	Ballochroy Tayinloan Tarbert Argyll PA29 6XG	05/03/2008	O
Robert And Anne Love	Ballygown Glenlonan Oban Argyll PA34 4QE	25/03/2008	O
Robert Kidd and Heather McKinlay	Ballyshear Macharioch Southend	20/02/2008	O
Mr Neil Duncan	Barravalla Tarbert Argyll PA29 6XX	02/04/2008	O
Margaret Mitchell	Benroy Argyll Street Campbeltown Argyll PA28 6AZ	05/03/2008	O
Kathryn Logan	Benview Tayinloan Argyll PA29 6XG	29/02/2008	O
Iain Logan	Benview Tayinloan Tarbert Argyll PA29 6XG	03/03/2008	O
Norman Crawford	Blasthill Cottage Southend	15/05/2008	O

	Campbeltown PA28 6RF		
Miss V A Togneri	Bracholm Teapot Lane Southend Campbeltown Argyll PA28 6RW	05/03/2008	O
A.P Hetherington	Brackenbank Tighnabruaich Argyll PA21 2EJ	18/04/2008	O
J.T Hetherington	Brackenbank Tighnabruaich Argyll PA21 2EJ	18/04/2008	O
Miss J Hex	Braeholm Southend Campbeltown Argyll PA28 6RW	04/03/2008	O
James Daniels	Briarlea Campbeltown Argyll PA28 6EP	28/02/2008	O
Lynwen Evans	Brynarael Mydroilyn WALES SA48 7RN	03/03/2008	O
Alexander McKinlay	Burnbank West Skipness Tarbert Argyll PA29 6XT	01/03/2008	O
Nicola Holt And David Sherratt	Burnside Waterfoot Carradale By Campbeltown Argyll PA28 6QX	02/03/2008	O
Carlos Sanchez	Cadalso De Los Vidrios,4 Madrid SPAIN 28035	03/03/2008	O

J Dyson	Cala Grianach Cove Tarbert Argyll PA29 6TX	10/03/2008	O
J Judson	Cala Grianach Cove Tarbert Argyll PA29 6TX	10/03/2008	O
Christopher Bluer	Carnliath Strathtay Perth PH9 0PQ	03/03/2008	O
Allan Angus And Moira Robertson	Cherrygate Cottage Portavadie By Tighnabruaich Argyll PA21 2DA	03/03/2008	O
Mrs A Lowe Miss M Lowe Miss B Lowe And Miss J Lowe	Chirnside Shore Road Innellan Dunoon Argyll PA23 7TN	12/03/2008	O
Mrs Alma Lowe	Chirnside Shore Road Innellan Dunoon Argyll PA23 7TN	05/08/2008	O
Miss Janet Lowe	Chirnside Shore Road Innellan Dunoon Argyll PA23 7TN	05/08/2008	O
Miss Marjorie Lowe	Chirnside Shore Road Innellan Dunoon Argyll PA23 7TN	05/08/2008	O

Mrs Alma Lowe	Chirnside Shore Road Inellan Dunoon Argyll PA23 7TN	03/03/2008	O
Miss Brenda Lowe	Chirnside Shore Road Innellan Dunoon Argyll PA23 7TN	05/08/2008	O
Kath Barrar	Claonaig Lodge Skipness By Tarbert PA29 6YG	05/03/2008	O
Tony Russell	Coalashee By Tayinloan Argyll	02/04/2008	O
Tony Russell	Colashee Cottage Tayinloan Tarbert PA29 6XG	12/08/2008	O
M J Leech	Corra Farm Ardlamont Tighnabruaich Argyll	13/03/2008	O
B.V Leech	Corra Farmhouse Ardlamont Tighnabruaich Argyll	18/03/2008	O
Tom Callan And Shirley Callan	Corra Otter Ferry Tighnabruaich Argyll PA21 2DH	01/03/2008	O
Jean Wallace And Jack Wallace	Craigbank Campbeltown Argyll PA28 6JN	03/03/2008	O
Sandra Enock	Craigdene Ardrishaig By Lochgilphead Argyll	04/03/2008	O

	PA30 8HJ		
Frances Hood	Craiglussa Peninver Campbeltown PA28 6QP	03/03/2008	O
Alexander Lang	Craigton Waterfoot Carradale PA28 6QX	02/03/2008	O
G Forrester	Creagan Breac Portavadie Argyll PA21 2DA	03/03/2008	O
CJL Walker	Cruachan 11 Tandlehill Road Kilbarchan PA10 2DF	04/03/2008	O
E Walker	Cruachan 11 Tandlehill Road Kilbarchan PA10 2DF	05/03/2008	O
N Carstens	Cuildrynoch House Carse By Tarbert Argyll PA29 6YB	11/03/2008	O
H B Carstens	Cuildrynoch Carse By Tarbert Argyll PA29 6YB	11/03/2008	O
Christine Mohamed	Dassia Machrihanish By Campbeltown PA28 6PZ	05/03/2008	O
Margaret Davidson	Davdell Sandbank Dunoon PA23 8QS	03/03/2008	O
William Gibbs	Dougarie Isle Of Arran KA27 8EB	02/04/2008	O

R.A Campbell Byatt	Drim Na Vullin Lochgilphead PA31 8LE	18/03/2008	O
W S Sutherland	Drum Cottage Kilfinan Tighnabruaich Argyll PA21 2ER	02/03/2008	O
Alexander Steven	Dunagoil Kingarth Isle Of Bute PA20 9LX	05/03/2008	O
Alexander Steven	Dunagoil Kingarth Isle Of Bute PA20 9LX	05/03/2008	O
R J N Wilson	Dunalvinn West Bank Road Ardrishaig PA30 8HG	05/03/2008	O
Kintyre Civic Society	Dunara Carradale By Campbeltown Argyll	25/03/2008	O
Mrs Kathleen M. Singleton And Michael J.H Singleton	Dunara Lochpark Carradale East Campbeltown PA28 6SG	02/04/2008	O
John Ball And Elizabeth	Dunultach Clachan By Tarbert Argyll PA29 6XW	04/04/2008	O
Elizabeth Peacock	East Trodigal Cottage Machrihanish By Campbeltown Argyll PA28 6PT	02/03/2008	O
Alex Harvey And Agnes Harvey	Echalpurnie Southend Campbeltown Argyll PA28 6RF	25/03/2008	O

Gordon Doughty	Feoran Kilmory Knap Achnamara Lochgilphead Argyll PA31 8PT	09/03/2008	O
Gordon Doughty	Feoran Kilmory Knap Achnamara Lochgilphead Argyll PA31 8PT	09/03/2008	O
Amy Templeman And Juan De Dios Leon Gomez	Flat 1F3 19 Learmonth Place Edinburgh EH4 1AX	18/03/2008	O
J. Downie	Flat 6 Dunmore 203a Alexandra Parade Kirn Dunoon	18/03/2008	O
John Thomson	Flat C Colgrain Farm Cardross Dumbarton G82 5HG	28/02/2008	O
Bill O'Hara And Lorraine O'Hara	Four Winds Kilfinan Argyll PA21	18/03/2008	O
William Walsh	Garden Cottage Benmore Dunoon Argyll PA23 8QU	28/02/2008	O
R M Parr	Giac Connaidh Cairnbaan PA31 8SD	26/03/2008	O
Barry Pope	Glen Cottage Glen Sluain Strachur Argyll PA27 8DH	05/03/2008	O

Sheina MacMillan	Glendale Glen Breckerie Southend Argyll PA28 6RN	27/03/2008	O
Sheina MacMillan	Glendale Near Southend Kintyre Argyll PA28 6RN	10/03/2008	O
Gus Greenlees	Glenkerran House Southend Argyll PA28 6PJ	26/02/2008	O
Barbara Collinson	Glenmassen Cottage Glenmassen By Dunoon Argyll PA23 8RA	23/04/2008	O
Dave Haskell	Golygfa Frenni Fawr Newchapel Road Boncath Pembrokeshire SA37 0JL	05/03/2008	O
Pat And Dave Haskell	Golygfa Frenni Fawr Newchapel Road Boncath Pembrokeshire SA37 0JL	04/03/2008	O
J.H Jones	Haulfryn Stryt Cae Rhedyn Leeswood MOLD CH74 4SS	05/03/2008	O
Gordon Furzer	Hazelbank Pirnhill Isle Of Arran KA27 8HP	01/03/2008	O
D.R Johnston	Heatherfield Shore Road Kames Argyll PA21 2AG	26/03/2008	O



J.M Johnston	Heatherfield Shore Road Kames Argyll PA21 2AG	26/03/2008	O
Alex Pasteur	High Loup Clachan By Tarbert Argyll PA29 6XN	10/03/2008	O
Derek David Shrewsbury	Hillside Tighnabruaich PA21 2BE	03/03/2008	O
Mrs Janet Ronaldson	Igh-ne-Mara 1 Milton Road Dunoon Argyll PA23 8AT	03/03/2008	O
Nicholas Ferguson	Inveryne Farm Kilfinan Argyll PA21 2ER	04/03/2008	O
P. Campbell And S. Finlayson	Isle Of Mull Silver And Goldsmiths Ltd Tobermory PA75 6NT	05/03/2008	O
Linda Graham	Jabouf 18 Cobbler View Arrochar Argyll G83 7AD	01/03/2008	O
John Campbell	Kilberry Castle Kilberry Tarbert Argyll PA29 6YD	01/03/2008	O
Dr William B. Mair	Kilbride Southend Campbeltown Argyll And Bute  PA28 6RF	04/10/2010	O

Mrs Linda M. Mair	Kilbride Southend Campbeltown Argyll And Bute	04/10/2010	O
Agnes Kinloch	PA28 6RF Kilcharmaig Carsaig Tayvallich Lochgilphead Argyll PA31 8PN	05/03/2008	O
Dr James Alan Kinloch	Kilcharmaig Carsaig Tayvallich Lochgilphead Argyll PA31 8PN	05/03/2008	O
Tony Shorey	Laundry Brae Cottage Mount Stuart Isle Of Bute PA20 9LR	03/03/2008	O
Alison And John Bailey	Little Orchard Hilldrop Lane Ramsbury Wiltshire SN8 2RB	07/04/2008	O
Lawrence And Camilla Weaver	Loup Cottage Clachan Nr Tarbert PA29 6XN	03/03/2008	O
Tom And Sarah Pasteur	Loup Farm Clachan Argyll PA29 6XN	04/03/2008	O
Mrs Sarah Pasteur	Loup Farm Clachan By Tarbert Argyll PA29 6XN	01/03/2008	O
Mrs J Organ	Lower Achachenna Taynuilt Argyll PA35 1HG	10/03/2008	O

Jackie McCorkindale	Macharioch Farm Campbeltown Argyll PA28 6RF	20/03/2008	O
Archie McCorkindale	Macharioch Farm Southend By Campbeltown Argyll PA28 6RF	13/03/2008	O
Alan Anderson	Machribeg Caravan Park Southend By Campbeltown Argyll	18/06/2008	O
Mr James Barbour	Machribeg Southend Campbeltown Argyll PA28 6RW	05/03/2008	O
Mrs Jane E Taylor	Machrimore Mill Farm Southend Campbeltown Argyll PA28 6RQ	07/04/2008	O
D D Allison - Norman And J S Allison - Norman	Malin Minard Argyll PA32 8YB	29/02/2008	O
Mr A D Dalton Mrs G H Dalton Mr P J F Dalton Mr T E F Dalton	Maolachy Lochavich Taynuilt Argyll PA35 1HJ	28/02/2008	O
Mr I M Gamage And Mrs S J Gamage	Medrox Cottage Tighnabraich Argyll PA21 2BB	03/03/2008	O
John Bute	Mount Stuart Bute PA20 9LR	03/03/2008	O
Adeline O M. Clark	Northlea Tarbert Argyll PA29 6TT	03/03/2008	O

Mr E S Clark	Northlea Tarbert Argyll PA29 6TT	03/03/2008	O
Emma Cowan	Oatfield House Campbeltown Argyll PA28 6PH	01/05/2008	O
George Cowan	Oatfield House Campbeltown Argyll PA28 6PH	01/05/2008	O
John Cowan	Oatfield House Campbeltown Argyll PA28 6PH	01/05/2008	O
Lesley Cowan	Oatfield House Campbeltown Argyll PA28 6PH	01/05/2008	O
Mairi Cowan	Oatfield House Campbeltown Argyll PA28 6PH	01/05/2008	O
William Cowan	Oatfield House Campbeltown Argyll PA28 6PH	01/05/2008	O
Elisabeth R Sharp	Otterburn Tighnabruaich Argyll PA21 2EG	29/02/2008	O
Argyll Windfarms	P.O. Box 2 Tarbert Argyll PA29 6YU	28/02/2008	O
Colin Winyard	Palm Court Kames PA21 2AF	26/03/2008	O
Eric Stone And Avril Stone	Pamastone Southend Campbeltown Argyll	01/03/2008	O

	PA28 6RF		
Dr Thomas Gough	Parkhead Farmhouse Ballindalloch Banffshire AB37 9BJ	18/03/2008	O
Mr And Mrs Davies	Pennyland Farm Southend Campbeltown Argyll PA28 6RG	22/07/2010	O
Christian Wild	PO Box 531 Daylesford Victoria 3460 Australia	05/03/2008	O
Jennifer Galbraith	Polliwilline Farm Southend PA28 6RF	23/03/2008	O
Mrs Nanette Sellars	Rhu Cottage By Tarbert Argyll PA296YF	10/03/2008	O
Mr I.C Sellars	Rhu Cottage Tarbert Argyll PA29 6YF	04/03/2008	O
Fabrice Delorme	Rue Des Lavandieres Tavel FRANCE 30126	03/03/2008	O
Colin W. Campbell	Saligo Inverneill Ardrishaig Argyll PA30 8ES	02/04/2008	O
Charles MacLean	Shore Cottage Kildonan Isle Of Arran KA27 8SE	29/02/2008	O
Elizabeth Evans And Raymond Evans	Shore Cottage Pirnmill Isle Of Arran KA27 8HP	04/03/2008	O

Wendy Steadman	South Crossaig Skipness Tarbert Argyll PA29 6YQ	27/02/2008	O
Kenneth Gilmour And Jennifer Gilmour	Sparrows Retreat Kilberry Road Tarbert PA29	12/08/2008	O
Mrs Jill Jones And Mr Elwyn Jones	St Brides Lochranza Isle Of Arran KA27 8JF	10/03/2008	O
Janet P. Woodhouse	Straan Cottage Advie Grantown On Spey PH26 3PW	05/03/2008	O
Jeremy Angus	Sunnycroft Portavadie Millhouse Argyll PA21 2DA	03/03/2008	O
Mr P.S Metcalfe And Mrs V.C.K Metcalfe	Taigh A Luana Loch Avich Taynuilt Argyll PA35 1HJ	05/03/2008	O
John Carter And Ann Carter	Taigh Sona Tayinloan By Tarbert Argyll PA29 6XG	11/03/2008	O
Jamie N. Hay And Alison	The Glen The Walk Campbeltown PA28	12/08/2008	O
Mrs J Green	The Hill House Loch Striven Argyll PA23 8RG	09/03/2008	O
Mrs J Green	The Hill House Loch Striven	09/03/2008	O

	Argyll PA23 8RG		
Andrew Jardine And Helen Jardine	The Knowe Lochranza Isle Of Arran KA27 8JF	02/04/2008	O
James And Judy Houston	The Lodge Kilberry By Tarbert Argyll PA239 6YD	03/03/2008	O
David McCallum And Anne McCallum	The North Lodge Meall Mhor Tarbert Argyll PA29 6YL	13/03/2008	O
Ms Zoe F.A McCallum	The North Lodge Meall Mhor Tarbert Argyll PA29 6YL	31/03/2008	O
Tom Buckle And Fiona Buckle	The Old Manse Skipness By Tarbert Argyll PA29 6XT	29/02/2008	O
Mike Vanden	The Old School Strontian Acharacle Argyll PH36 4JA	02/03/2008	O
Sheila Tracey	The Shorehouse Shore Road Brodick Isle Of Arran KA27 8AJ	02/03/2008	O
M Lushington	The Square Tighnabruaich Argyll PA21 2DX	03/03/2008	O
Patricia Hurst	The Steading Carradale By Campbeltown PA28 6QG	04/03/2008	O

Catherine Pendreigh	The Whins Ferry Road Tayinloan Argyll PA29 6XQ	04/03/2008	O
Katie Pendreigh	The Whins Ferry Road Tayinloan Bt Tarbert Argyll PA29 6XQ	02/03/2008	O
Graham Henderson	Tigh An Drochaid Kilchrenan Taynuilt PA25 1HD	24/03/2008	O
Anthony Philips	Tigh Na Linne Kilchrenan Taynuilt Argyll PA35 1HG	02/03/2008	O
Marilyn Henderson	Tigh-an-Drochaid Kilchrenan PA35 1HD	15/04/2008	O
C.A Allan	Tighanearunn Isle Of Gigha PA41 7AD	12/03/2008	O
W T Cooper	Tigh-an-t-Struthan Garval Road Tarbert Argyll PA29 6TR	27/06/2008	O
Catriona Matthews	Tigh-Na-Braec Skipness Tarbert Argyll PA29 6XT	01/03/2008	O
J A Philips	Tigh-na-Linne Kilchrenan Argyll PA35 1HG	02/04/2008	O
K Georgian	Tigh-na-Linne Kilchrenan	02/04/2008	O



	Argyll PA35 1HG		
Karine Georgian	Tigh-Na-Linne Kilchrenan By Tanuilt Argyll And Bute PA35 1HG	02/03/2008	O
Alan S. Peace	Toberdarroch West Bank Road Ardrishaig Argyll PA30 8HB	18/03/2008	O
David Woodhouse	Torr Buan House Ulva Ferry Isle Of Mull PA73 6LY	03/03/2008	O
J M And L Y Murray	Trem - Y - Mor Southend Campbeltown Argyll PA28 6RF	29/02/2008	O
Mrs Norma Murray	Underwood Cottage Main Road Sandbank By Dunoon PA23 8PD	02/03/2008	O
Kathleen Norman And Alan Norman	Upper Rockside Blairmore Argyll PA23 8TE	05/03/2008	O
Tina Setina	Vrtnarija 12a Vrhnika Slovenia 1360	01/03/2008	O
Andrew Oldacre And Diana Oldacre	Wild Cottage Lochdon Isle Of Mull Argyll PA64 6AP	28/02/2008	O
Robert And Frances Porter	Woodhouse West Loch Tarbert Tarbert Argyll PA29 6YF	28/02/2008	O



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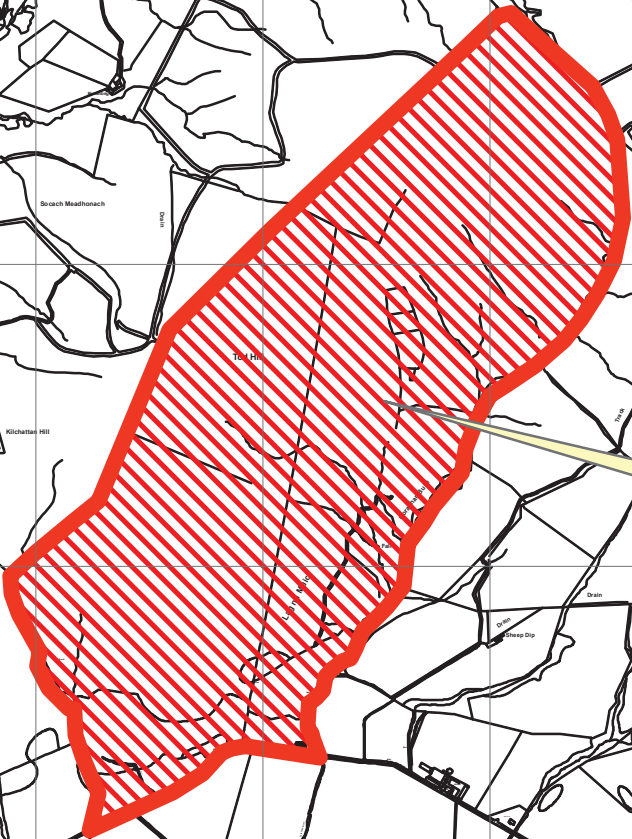
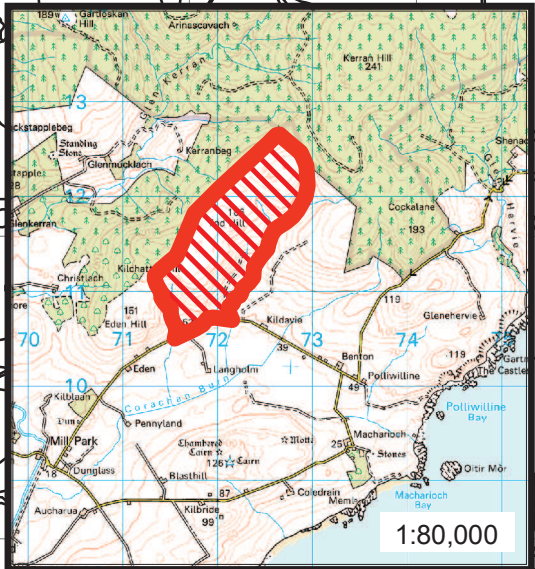
610400

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609600

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170800 171400 172000 172600 173200 173800



**Application Site**

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# Location Plan relative to Application Ref: 08/00138/DET

Date: 27.01.2011

Scale: 1:20,000



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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**

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**Reference No:** 10/01289/PPP

**Planning Hierarchy:** Local

**Applicant:** Highland House Developments

**Proposal:** Site for the erection of proposed housing development (22 houses)

**Site Address:** Land north of Cairnmore, Barran, Kilmore, Oban

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## **DECISION ROUTE**

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

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

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

- Erection of 22 houses
- Formation of road and access tracks
- On site play area
- On site gas tanks
- Private surface water drainage arrangements

#### **(ii) Other specified operations**

- Off site road improvements
  - Connection to public water main
  - Connection to public foul sewer
- 

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

Recommend that planning permission be granted subject to:

- 1) A Discretionary Local Hearing being held in advance of the determination of the application in view of the number of representations received.
  - 2) Prior conclusion of a Section 75 Agreement to address affordable housing provision.
  - 3) The conditions and reasons contained within this report.
-

**(C) HISTORY:**

No planning history relevant to the proposed development site.

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**(D) CONSULTATIONS:**

Area Roads Manager

Response received 24<sup>th</sup> September 2010 – no objection subject to conditions. Conditions to include: upgrade of existing private access to adoptable standards with 2m footway and 2m service strip, drainage and turning head to Diagram 5.24 of the Council Guidelines; no walls etc within 2m of the channel line with the public road; visibility splays of 42 x 2.4m; 3.5m width for new road with passing places; and additional conditions controlling geometry of new works.

Scottish Water

No objections. Drainage Impact Assessment will be required by Scottish Water prior to granting connections to public infrastructure. Capacity for water supply at present. Limited capacity at Kilmore Waste Water Treatment Works at present. Separate surface water drainage system is required.

West of Scotland Archaeology Service

Highlight proximity to an enclosure and a burial cairn (150m), which are Scheduled Ancient Monuments requiring input from Historic Scotland.

No recorded sites of interest within the application site. The site is within a wider area of high archaeological sensitivity, so there is a good prospect of construction ground works uncovering further remains. Recommend an archaeological evaluation is undertaken pre-determination, but accept that a planning condition is an acceptable alternative approach.

Historic Scotland

The development extends existing housing development north-west, towards the Scheduled Ancient Monuments (cairn and enclosure SM No 3967). Landscape impact is limited and no important views will be directly affected. No objections, but suggest mitigation of impacts through design and planting.

Oban Airport

No response. Assume no objections due to lack of response, as per consultation letter.

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**(E) PUBLICITY:**

Advertised under Regulation 20 – expired 7<sup>th</sup> October 2010.

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**(F) REPRESENTATIONS:**

26 objections, 6 representations, and 80 letters of support, have been received from:

Representations:

Duncan Sinclair, Creaglinnhe, Barran, Kilmore, Oban Argyll And Bute  
David Mudie, The Croft, Kilmore, Oban, Argyll PA34 4XX (received 26.11.10)  
Mr & Mrs D. Valentine, Burnside, Barran, Kilmore, Oban, Argyll And Bute (received 21.09.10)  
Duncan Sinclair Not Given (received 11.10.10)  
Mr And Mrs Valentine Burnside, Barran, Kilmore (received 07.10.10)  
David Whyte, Braikley, Kilmore, Oban Argyll And Bute (received 24.11.10)

Supporters:

Clare Ballantine, 13/12 Ravelston Terrace, Edinburgh, EH4 3TP (received 25.11.10)  
B Cassels, 11 Lunga Road, Soroba, Oban (received 24.11.10)  
Peter MacCuish, Torlundy Guest House, Oban (received 24.11.10)  
Mark Ferguson, Top Left Flat 3 Drimvargie Terrace, Oban (received 24.11.10)  
Brenden McMillan, 24 Rhuvaal Road, Oban, Argyll PA34 4BT (received 24.11.10)  
Dennis Russell, 15 Camus Road, Dunbeg, Oban PA37 1DQ (received 24.11.10)  
Neil MacDonald, 5E Lonsdale Crescent, Oban, Argyll PA34 5JP (received 24.11.10)  
D Smith, 2 Islay Road, Soroba, Oban PA34 4YG (received 24.11.10)  
J Johnstone, 4 Seaview Easdale, Oban (received 03.12.10)  
S McCuish, 10 Miller Road, Oban PA34 4DX (received 03.12.10)  
M Higgins, 4 Cuilfail Terrace, Kilmelford, Oban PA34 4XH (received 03.12.10)  
A Robb, 3G Colonsay Terrace, Oban PA34 4YL (received 03.12.10)  
The Owner, Keil Farm, Benderloch, By Oban (received 03.12.10)  
Colin MacColl, 23 Longsdale Crescent, Oban, Argyll And Bute PA34 5JP (received 24.11.10)  
A Buchanan, 14b Corran Brae, Dunollie, Oban PA34 5AL (received 03.12.10)  
Mrs K MacInnes, The Knoll, Duncraggan Road, Oban PA34 5DU (received 24.11.10)  
Stuart Logan, 5H Ulva Road, Oban, Argyll And Bute PA34 4YA (received 24.11.10)  
Callum MacLeod, Tigh Bhaan, Appin, Argyll (received 24.11.10)  
D Murray, 23 Achaleven Cottages, Connel, Oban Argyll And Bute PA37 1PE (received 24.11.10)  
Mr And Mrs Carmichael, 7 Airds Place, Oban, Argyll And Bute (received 24.11.10)  
Jon Torrie, 156 Gallowhill Road, Paisley, PA3 4UF (received 24.11.10)  
R Campbell, Flat 3 16 Stevenson Street, Oban (received 24.11.10)  
A Barr, 1 Albany Street, Oban PA34 4AR (received 24.10.10)  
Andrew Anderson, Tynedale Breadalbane Lane, Oban Argyll And Bute PA34 5PA (received 24.10.10)  
David Campbell, 3 Stevenson Street, Oban, Argyll And Bute (received 24.11.10)  
Stuart Gillies, 37 The Glebe, Kilmelford, Oban, Argyll And Bute PA34 4XF (received 24.11.10)  
David Ferguson Welders, Units 3, 4 And 5 Glengallan Road, Oban (received 24.11.10)  
Eric McMurphy, Varragill, 7 Hayfield, Oban, Argyll (received 24.11.10)  
F Gemmell, 30F McCaig Road, Soroba, Oban PA34 4YD (received 24.11.10)  
Sean For, 23 Lunga Road, Soroba, Oban Argyll And Bute PA34 4NP (received 24.11.10)

Andrew MacIntyre, 6 Glenfoot Terrace, Miller Road, Oban, Argyll And Bute PA34 4DH (received 24.11.10)  
Allan Thomson, Glencruitten Drive, Oban, Argyll (received 24.11.10)  
The Owner/Occupier, 5B Knipoch Place, Oban, Argyll And Bute PA34 4ED (received 24.11.10)  
The Owner/Occupier, 8a Miller Road, Oban, Argyll And Bute (received received 24.11.10)  
The Owner/Occupier, Tigh Bhaan, Appin, Argyll And Bute PA38 4BL (received received 24.11.10)  
The Owner/Occupier, 42 Longsdale Crescent, Oban, Argyll And Bute PA34 5JR (received 24.11.10)  
R MacKay, 19F Shuna Terrace, Oban, Argyll And Bute PA34 4YE (received 24.11.10)  
The Owner/Occupier, 24G Shuna Terrace, Oban, Argyll And Bute PA34 4YE (received 24.11.10)  
The Owner/Occupier, Duncraggan, Duncraggan Road, Oban, Argyll And Bute PA34 5DU (received 24.11.10)  
Sally Orr, 12A Alma Crescent Gallanach Road, Oban, Argyll And Bute PA34 4LT (received 24.11.10)  
Tracy Di Ciacca, Tidereach Old Shore Road, Connel, Oban, Argyll And Bute (received 24.11.10)  
Mr R Di Ciacca, Tidereach Old Shore Road, Connel, Oban, Argyll And Bute (received 24.11.10)  
The Owner/Occupier, Ardmor, Ardconnel Terrace, Oban PA34 5DJ (received 24.11.10)  
David Thomson, Allt-A-Bhile, Glen Lonan Road, Taynuilt, Argyll And Bute PA35 1HY (received 24.11.10)  
The Owner/Occupier, 13 McCalls Terrace, Oban, Argyll And Bute PA34 4JE (received 24.11.10)  
Jeff King, 21 Oakfield, Tarbert, Argyll And Bute PA29 6TD (received 24.11.10)  
Calum Fox, 11D Colonsay Terrace, Oban, Argyll And Bute PA34 4YN (received 24.11.10)  
Mr C Ireland, 4 Hayfield, Glenshellach Road, Oban, Argyll And Bute PA34 4PJ (received 24.11.10)  
Gordon MacNiven, 30 Lochnell Road, Dunbeg, Oban PA37 1QJ (received 03.12.10)  
David MacIntyre, 8 Graham Court, Dunollie, Oban PA34 5BD (received 03.12.10)  
Craig Cameron, 47 Stevenson Street, Oban, PA34 5NA (received 03.12.10)  
David Laurie, 11 Achlonan Taynuilt PA35 1JJ (received 03.12.10)  
Darin Bryars, 8 Corran Brae, Dunollie, Oban PA34 4AL (received 03.12.10)  
S MacIntyre, Burnbank Terrace, Oban, Argyll (received 03.12.10)  
C Darbyshire, 30 Albany Street, Oban PA34 4AL (received 03.12.10)  
Sandy Cameron, 4 Longsdale Terrace, Oban, Argyll PA34 5JS (received 03.12.10)  
Derek Crooks, Benvoullin Lodge, Benvoullin Road, Oban PA34 5EF (received 03.12.10)  
Mary Buchanan, Corran Brae, Oban, Argyll (received 03.12.10)  
A MacPhee, 13 Castle Road, Dunbeg, Oban, Argyll And Bute PA37 1QH (received 03.12.10)  
Leanne Philip, Soroba Road, Oban PA34 4HY (received 03.12.10)  
Willie Neilson, 23 Nant Drive, Oban, Argyll And Bute PA34 4LA (received 24.11.10)  
A M Birnie, Glenview, Connel, Oban Argyll And Bute PA37 1RN (received 24.11.10)  
Graeme Fraser, 42A Combie Street, Oban PA34 4HS (received 24.11.10)  
C MacGregor, Eorisdale, North Connel, Oban Argyll And Bute PA37 1RP (received 24.11.10)  
E C May, Fairhaven, Glencruitten Road, Oban, Argyll And Bute PA34 4DN (received 24.11.10)  
Neil O'Hara, 27 Rhuvaal Road, Oban, Argyll And Bute PA34 4BT (received 24.11.10)



Sean MacMillan, Smerclait ,24 Pulpit Drive, Oban Argyll And Bute PA34 4LE (received 24.11.10)  
Paul Wiseman, Raslie, Glenshellach Road, Oban, Argyll And Bute PA34 4PP (received 24.11.10)  
Iain Alexander, 26 Morvern Hill, Oban, Argyll And Bute PA34 4NS (received 24.11.10)  
A Cameron, 22 McKelvie Road, Oban, Argyll And Bute PA34 4GB (received 24.11.10)  
John MacMillan, 25 Lismore Crescent, Oban, Argyll And Bute PA34 5AX (received 24.11.10)  
Stan Burgar, 34F McCaig Road, Soroba, Oban (received 24.11.10)  
B MacGregor, 8 Knipoch Place, Oban, Argyll And Bute (received 24.11.10)  
M McAuley, 9G Colonsay Terrace, Oban, Argyll And Bute PA34 4YN (received 24.11.10)  
Iona Bethune, 23 Park Road, Oban, Argyll And Bute PA34 4GZ (received 24.11.10)  
J MacDougall, Craigoran, Glenmore Road, Oban, Argyll And Bute PA34 4NB (received 24.11.10)  
Yvonne Johnston, Bruach, Glen Lonan Road, Taynuilt, Argyll And Bute PA35 1HY (received 24.11.10)  
J Buchanan Slater, 12b Dalintart Drive ,Oban PA34 4EE (received received 24.11.10)  
Stephen Davidson, 16 Cowan Place, Oban, Argyll And Bute PA34 4GA (received 24.11.10)  
Gavin Stobbart, 3a Lismore Crescent, Dunollie, Oban, Argyll And Bute PA34 5AX (received 24.11.10)

Objectors:

Janet Duncan, Tiroran, Barran, Kilmore, Oban, Argyll And Bute (received 27.09.10)  
Mrs Sona Campbell, Cleigh, Kilmore, By Oban, Argyll PA34 4XT (received 07.10.10)  
Mr Sham Yadav M.S F.R.C.S, Kinarra, Barran, Kilmore, Oban PA34 4XR (received 08.10.10)  
James Still, Fasgadh, Kilmore, Argyll PA34 4XR (received 29.09.10)  
MJ Diamond, 17 Barran , Kilmore, By Oban PA34 4XR (received 12.10.10)  
J A Parker, Ashburn, Barran, Kilmore, Oban, Argyll (received 12.10.10)  
Mairi Morrison, Ardchoille, Barran, Kilmore PA34 4XR (received 12.10.10)  
Lynda Still, Fasgadh, Kilmore, Oban, Argyll (received 12.10.10)  
Christine Groat, Cairnmore, Barran, Kilmore, Oban, Argyll And Bute (received 16.09.10)  
A And J Robertson, Tigh Phadruig, Barran, Kilmore, Oban ,Argyll And Bute (received 26.09.10)  
David Whyte, Braikley, Barran, Kilmore ,Oban PA34 4XR (received 12.10.10)  
Kathleen Whyte, Braikle, Barran, Kilmore, Oban PA34 4XR (received 12.10.10)  
Oonagh Fielden, Gylen , Soroba Mews, Oban (received 12.10.10)  
Craig Morrison, Ardchoille, Barran, Kilmore ,Oban Argyll And Bute (received 12.10.10)  
Kirsteen Morrison, Ardchoille, Barran, Kilmore, Oban (received 12.10.10)  
Ann Ferguson, Dalantobair, Musdale Road, Kilmore, Oban , PA34 4XX (received 12.10.10)  
Donald McBurnie, Ard Gor, Barran, Kilmore PA34 4XR (received 05.11.10)  
David Mudie, The Croft, Kilmore , Oban Argyll And Bute, PA34 4XX (received 11.10.10)  
Andrew Spence, Nellbank , Kilmore, Oban, Argyll And Bute, PA34 4XT (received 12.10.10)  
James Parker, Ashburn, Barran, Kilmore, Oban PA34 4XR (received 07.10.10)  
Janet Duncan, Tiorann, Barran, Kilmelford (received 07.10.10)  
A And J Robertson, Tigh Phadraig, Barran, Kilmore (received 07.10.10)  
Allan Morrison, Ardchoille, Barran, Kilmore, Oban PA34 4XR (received 07.10.10)  
Christine Groat, Cairnmore, Barran, Kilmore, Oban, Argyll And Bute (received 07.10.10)  
I M Diamond ,Dunadd, Barran, Kilmore, By Oban PA34 4XR (received 07.10.10)

J R Inglis Not Given (received 12.10.10)

Material concerns raised are summarised as follows:

- Condition of existing public road from A816 to Barran - including junction alignment with A816, forward visibility, unrestricted speed limit, inadequate passing places, lack of footpaths requires pedestrians including school children to walk on the road, and restricted access at narrow weight restricted humpback bridge over River Nell. Road considered inadequate to serve the increased traffic associated with the development. Alternative access via new bridge suggested.

*Comment: When allocating the site as a PDA, the Local Plan considered issues including road safety and general location in terms of existing infrastructure. PDA Schedule 5/133 confirms road safety needs to be addressed. The Area Roads Engineer has been consulted and does not object to the application subject to conditions.*

- Barran Estate road is inadequate to serve the development. Unadopted, without streetlights, pavements or drainage facilities.

*Comment: The applicant acknowledges the existing road requires to be upgraded to facilitate the development. Area Roads give detailed comment on the layout required in their consultation response. A suspensive planning condition is recommended to ensure that sufficient upgrade works are completed before any works commence on the site.*

- Foul drainage – alleged that sewage treatment plant operates at capacity and odour nuisance exists at present. A new plant should be provided at greater distance from existing housing.

*Comments: Scottish Water confirm limited capacity exists at present for foul drainage connection. Direct consent from Scottish Water would be required irrespective of the planning decision, but as Scottish Water has not objected or has expressed that no capacity exists, this is sufficient to allow the planning permission in principle to progress.*

- Water supply, telecoms and electricity are at capacity.

*Comment: Scottish Water confirm capacity exists for water supply at present. Direct consent from Scottish Water is required to enable connection to their infrastructure. Electrical and telecom capacity are not relevant planning considerations.*

- Outline permission exists for 5 houses in the area already.

*Comment: Kilmore and Barran are identified in the Local Plan for a reasonable amount of development. A five plot development has been approved approximately 250m to the south-west but has yet to be developed. The existence of that consent need not preclude determination of the application.*

- Increased noise levels arising from construction activity and traffic generated will be a nuisance.

*Comment: Environmental Health legislation controls normal construction activity and noise. The development of the site for 22 houses is not considered to involve an unacceptable degree of noise or activity that merits special planning controls on construction hours.*

- The development is out of keeping with the rural character of existing development in terms of density, layout and scale of proposed buildings (1½ storeys compared to existing bungalows).

*Comment: The PDA allocation is for a low density housing development, alongside existing housing at Barran. In terms of indicative layout and density, the project compares closely to existing development at Barran. Although some bungalow housing exists closest to the site, there is also 1½ storey housing in the wider Barran settlement and provision of 1½ storey houses on the site is considered compatible with the existing settlement.*

- The demand for housing does not match the number of units proposed as part of the development.

*Comment: The housing demand is a matter for the market to determine. Albeit that house sales have slowed during the recession, indications are that housing demand and affordable housing demand both remain high.*

- Red squirrels and geese regularly use the field.

*Comment: This claim is unsubstantiated. Inputs from SNH and the Council's Biodiversity Officer do not raise concerns over use of the site by squirrels or geese. The open field is not ideal habitat for squirrels, and the remaining open fields to the west and north will be suitable alternative landing sites for geese.*

Non material concerns raised include:

- Surface water flooding/drainage provision around existing housing at Barran
- No benefit to local community
- There is no shop, school or recreation area in the village
- The village hall needs upgrading
- Potential division between community due to extent of proposed road upgrading and disparity between maintenance costs for those remaining properties taking access from private spurs
- Potential length of construction phases leading to disturbance over several years
- Price range of anticipated housing

Supporters of the development highlight:

- The land is designated for housing
- £5 million investment in the community over 4 years
- Employment for up to 50 people and their families (tradesmen, suppliers, infrastructure and professional)
- This is a marginal project that should not be burdened with onerous conditions

*Comment: support for the project is noted. The policy position is detailed below, including the Local Plan allocation of the site as a Potential Development Area. The*

*investment and construction jobs associated with the project are important aspects, but these do not override wider policy or planning objectives.*

Full text of all representations is available on request from the Planning Service or by searching the application reference on:

<http://www.argyll-bute.gov.uk/content/planning/publicaccess>

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**(G) SUPPORTING INFORMATION**

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

- (i) **Environmental Statement:** Not required
  - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Not required
  - (iii) **A design or design/access statement:** Not required
  - (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Not required
- 

**(H) PLANNING OBLIGATIONS**

(i) **Is a Section 75 agreement required:**

Yes, to secure affordable housing provision associated with the development.

**Reason for refusal if Section 75 Agreement not concluded within 4 months:**

- 1) The application fails to make adequate provision for affordable housing associated with the market housing development as applied for. Argyll & Bute Council Local Plan identifies the site as Potential Development Area 5/133, which requires a minimum 25% affordable housing. The applicant's offer for offsetting against the flatted development approved under ref. 09/01613/PP at Stevenson Street is not acceptable to the Planning Authority. Whilst the Council does accept offsetting (as a second choice) through the affordable housing policy, this provision has only been applied concurrently and not in retrospect, and offsetting must be compatible in terms of development type and location within the same housing market in order to represent a suitable alternative. It is considered that the separation distance of approximately 5 miles between Barran and Stevenson Street is too far to represent a suitable alternative within the same community and that the nature of the dense flatted development at Stevenson Street is considerably different from the low density detached housing applied for at the application site.

Argyll & Bute Council's Affordable Housing Guidance implicitly requires that offsetting affordable housing provisions should be undertaken on concurrent

proposals rather than in retrospect. If applied retrospectively, this would create a precedent across the Council area for accepting such offsetting calculations which would reduce the number of affordable houses provided, contrary to Argyll & Bute Council Local Plan Policy LP HOU 2 and allocation PDA 5/133.

- 
- (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 DC 1 – Development within the Settlements  
STRAT DC 7 – Nature Conservation and Development Control  
STRAT DC 9 – Historic Environment and Development Control  
STRAT DC 10 – Flooding and Land Erosion  
STRAT HO 1 – Housing – Development Control Policy

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 16 – Impact on Scheduled Ancient Monuments  
LP ENV 17 – Impact on Sites of Archaeological Importance  
LP ENV 19 – Development Setting, Layout and Design  
(Potential Development Area PDA 5/133)  
LP HOU 1 – General Housing Development  
LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision  
LP HOU 4 – Housing Green-Space  
LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems  
LP SERV 3 – Drainage Impact Assessment (DIA)  
LP SERV 4 – Water Supply

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes  
LP TRAN 5 – Off-site Highway Improvements  
LP TRAN 6 – Vehicle Parking Provision

LP PG 1 – Planning Gain

Appendix A – Sustainable Siting and Design Principles  
Appendix C – Access and Parking Standards  
Appendix E – Allocations, Potential Development Area Schedules and Areas for Action Schedules

**(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 (Feb 2010)

Planning Advice Note (PAN) 42 – Archaeology

PAN 44 Fitting New Housing Development into the Landscape

PAN 2/2010 Affordable Housing and Housing Land Audits

Affordable Housing Guidance Note (2007)

Argyll and Bute Council; Sustainable Design Guidance

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

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

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

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

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**(O) Requirement for a hearing: Yes**

A Discretionary Local Hearing is recommended in view of the level of public interest in the application. The Community Council requests that if such a meeting is to be arranged, it is held locally at the Kilmore Village Hall.

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

The proposal lies within a Potential Development Area (PDA) site within the settlement zone of Kilmore/Barran (PDA 5/133), allocated as suitable for low density housing including 25% affordable housing provision. The site lies to the immediate north of established housing at Barran on an open, generally level field bounded to the east by

rising hillside and to the west by the River Nell and riparian woodland. Access is taken through the Barran settlement and spurring from an existing turning head between houses known as Tiroran and Cairnmore.

Although Kilmore/Barran is recognised as a 'minor settlement', where STRAT DC 1 normally supports small scale developments, the Local Plan PDA allocation for low density housing development on this size of site (just under 2 hectares) supports the principle of 'medium scale' development subject to overcoming issues outlined in the PDA Schedule. Medium scale housing development is defined in the Local Plan as between 6 and 30 units. Low density development is defined as up to 11 houses per hectare. The issues to address in respect of this PDA are: water supply, waste water drainage, access constraints/road safety, and the need for a master-planned approach.

The application is for planning permission in principle only, supported by an indicative site plan covering the entire PDA, which is sufficient as a master-planned approach. The application site boundaries show very minor fluctuations from the allocated PDA by giving up some land on the western boundary and taking an equivalent area to the north. As the PDA boundary does not correlate with any landscape feature or defined area on the site, it is considered these variations are very minor in nature and the PDA allocation is what is proposed for development to all intents and purposes.

The indicative layout shows space for 22 house plots, new access road and private spur tracks, an area of on-site open space, and communal underground gas tanks. The indicative plots are similar in size and layout to existing development at Barran and as such, this is considered acceptable.

In terms of water supply and foul drainage, Scottish Water raises no objections. Although there is limited capacity for waste water drainage at the existing Scottish Water works, their direct consent is required prior to any connection to public drainage infrastructure. Scottish Water confirm capacity exists for water supply at present.

In terms of road safety, the Roads Authority confirms no objections to the development subject to appropriate planning conditions, notably the upgrading of the existing sub-standard road through Barran to facilitate the development.

There is a disagreement over how affordable housing provision can be achieved from this development. The applicant proposes that the Council accept offsetting against the 15 flat development granted under ref 09/01613/PP at Stevenson Street, Oban. The developer confirms that 6 units have yet to sell and that these can be used to offset the required six units which would constitute 25% of the 22 house development proposed at this site. For the reasons detailed in the appendix to this report, that approach is not considered acceptable to the Planning Service, and a Section 75 Agreement is recommended, prior to the granting of planning permission in principle, to secure an affordable housing solution, which may include a commuted sum payment. In the event that the applicant remains opposed to entering the agreement, they would be free to appeal against the subsequent refusal.

It is considered that the issues identified as requiring to be addressed in the PDA Schedule have been satisfactorily addressed by the applicant, or can be further controlled by appropriate planning conditions. Accordingly, it is recommended that planning permission in principle be granted, following the conclusion of a Section 75 Agreement as noted above.

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

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**(R) Reasons why planning permission should be granted**

The applicant has sufficiently addressed the issues outlined in the PDA schedule, within the Argyll & Bute Local Plan 2009, which identifies the site as suitable for a low density housing development including 25% affordable housing provision. Subject to planning conditions, and the prior conclusion of a Section 75 Agreement, the proposal conforms to the relevant development plan policies and there are no other material considerations, including issues raised by third parties, which warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

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

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

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**Author of Report:** Stephen Fair

**Date:** 28<sup>th</sup> January 2011

**Reviewing Officer:** Richard Kerr

**Date:** 28<sup>th</sup> January 2011

**Angus Gilmour**  
**Head of Planning**



**CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01289/PPP**

1. This 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 58 of the Town and Country Planning (Scotland) Act 1997.*

2. Prior to the commencement of works at the site, full details shall be submitted for the approval of matters specified in conditions by the Planning Authority in respect of the following matters:
  - a. The siting, design and external appearance of the proposed development;
  - b. The boundary treatment of the site of the proposed development, including proposed tree planting utilising native species, including structural planting around the northern and western boundaries to give the development a natural context;
  - c. Details of the access arrangements within the site including the proposed extent of adoptive standard road and private access spurs;
  - d. Details of the proposed surface water drainage arrangements;
  - e. Details of the proposed means of burn crossing at the site entrance
  - e. Details of the equipped (min. 6m<sup>2</sup>/house) and unequipped (min. 12m<sup>2</sup>/house) on-site open space provision including arrangements for ongoing maintenance and aftercare.

*Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 and ensure the proposed dwellings are consistent with the character of the surrounding natural and built environment.*

3. In addressing the terms of condition 2 above, the houses hereby approved in principle shall be designed within the following parameters:
  - Scale shall not exceed 1½ storeys
  - Mainly rectangular form with gabled end walls and symmetrically pitched roofs
  - Roof pitch between 35 and 42 degrees
  - Wall finishes shall be predominantly masonry render
  - Windows shall have a vertical emphasis
  - If chimneys are incorporated they will be set squarely on the main building ridge.

*Reason: To ensure suitable integration with the landscape setting of the site.*

4. The development shall be designed and implemented in accordance with the details specified on the application form dated 28<sup>th</sup> October 2009 and the approved drawing reference numbers:

- Plan 1 of 1 (1037 02 Rev A) (Location and Site Plans at a scale of 1:2500 and 1:500 respectively)

unless the prior written approval of the Local Planning Authority is obtained for an alternative layout or an amendment to the approved details is granted 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.*

5. No development shall commence on site or is hereby authorised until existing private track between the edge of the existing public road, through the existing Barran housing development and up to the site entrance, is upgraded to the Council's adoptive standards in strict accordance with details that shall first be the subject of a Road Construction Consent granted by the Roads Authority. The upgraded road shall include a 2m wide footway and a 2m wide service strip, with 3.5m width bituminous macadam surfacing, passing places, and visibility splays onto the existing public road all to the satisfaction of the Roads Authority; adequate drainage arrangements and a turning head to Diagram 5.24 of the Council Guidelines for Development. Surface water management shall include measures to deal with surface water running off the existing spur road adjoining the track to be upgraded and ducting shall be installed to avoid the need for excavating the road for road lighting if the Council wishes to provide this at a later date.

Visibility splays measuring 42 metres x 2.4 metres in each direction shall be formed from the centre line of all proposed private vehicular accesses onto the upgraded public road. 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 upgraded carriageway and thereafter maintained to the satisfaction of the Local Planning Authority. No walls, hedges, fences or other obstructions will be permitted within 2m from the channel line of the upgraded public road.

*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.*

6. As details pursuant to condition 2 above, full details of the proposed means of surface water drainage shall be submitted to the Planning Authority. The development shall be completed in strict accordance with such details as are approved.

*Reason: To ensure that surface water drainage arising from the development is adequately managed.*

7. No development shall commence or is hereby authorised until evidence is submitted to demonstrate that Scottish Water has given consent to connect to its infrastructure for both water supply and foul drainage disposal from the development.

*Reason: To ensure the development can be adequately serviced in terms of water supply and foul drainage disposal before works commence in the interests of public health.*

8. No development shall commence or is hereby authorised 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 Archaeological Service, and approved in writing by the Planning Authority. Thereafter, the developer must ensure that the programme of archaeological works is fully implemented in accordance with the agreed details and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

*Reason: To evaluate and protect 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, to preserve the historic interest of the site.*

#### **NOTE TO APPLICANT**

- Please see the attached consultation responses in full, received from Area Roads (Operational Services), Scottish Water, Historic Scotland (Ancient Monuments), and West of Scotland Archaeology Service.

**APPENDIX B – RELATIVE TO APPLICATION NUMBER: 10/01289/PPP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The proposal lies within a Potential Development Area (PDA) site within the settlement zone of Kilmore/Barran (PDA 5/133), allocated as suitable for low density housing including 25% affordable housing provision. The site lies to the immediate north of established housing at Barran on an open, generally level field bounded to the east by rising hillside and to the west by the River Nell and riparian woodland. Access is taken through the Barran settlement and spurring from an existing turning head between houses known as Tiroran and Cairnmore.

Although Kilmore/Barran is recognised as a minor settlement, where STRAT DC 1 normally supports small scale developments, the Local Plan PDA allocation for low density housing development on this size of site (just under 2 hectares) supports the principle of medium scale development subject to overcoming issues outlined in the PDA Schedule. Medium scale housing development is defined in the Local Plan as between 6 and 30 units. Low density development is defined as up to 11 houses per hectare. The issues to address in respect of this PDA are: water supply, waste water drainage, access constraints/road safety, and the need for a master-planned approach.

This PPP proposal for 22 houses on the PDA is considered an appropriate form of low density housing development in accordance with STRAT DC 1.

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

The PDA site allows for the expansion of existing housing development at Barran in a northerly direction across an open, generally level field, accessed via an upgraded road running through Barran.

This is an application for 22 houses in principle only. As such, detailed designs have yet to be submitted. An indicative layout has been supplied, showing a new central access road with cul-de-sac spurs to both sides, serving detached houses in a general grid pattern, with allowances for suitable on-site open space provision in accordance with LP HOU 4, and communal underground gas tanks. The layout and plot sizes are comparable to existing housing at Barran.

The submitted plans also detail a proposal for mixed single and 1½ storey housing, and structural planting is also expected.

**C. Natural Environment**

There are few natural heritage constraints on the site. Given the open nature of the site and land further north and west, it is considered that structural planting at or near the proposed northern and western boundaries is necessary to give the development a better context.

**D. Built Environment**

Existing housing at Barran includes a mixture of single and 1½ storey houses in a style fairly typical of the 1970's and 1980's. The simple form, layout and designed settlement is currently fairly well contained by areas of mature vegetation.

The simple layout and built form is reflected in the indicative layout submitted. Given the form and finish of existing development at Barran, it is difficult to argue for an higher standard of design and finish at the site, but planning conditions and the future Approval of Matters Specified in Conditions (AMSC) application will present an opportunity to fully evaluate the design proposals that are developed by the applicant. Neighbours of the site would also have an opportunity for further comment at that stage.

**E. Landscape Character**

The site is a generally flat, open field with little context for a housing development on anything other than the southern boundary, where the existing Barran housing development is located. Strategic planting is necessary for the northern and western boundaries to give the new housing development a better natural context, failing which the housing will appear open to remaining open fields and pressurise those areas for further development. As they lie on Countryside Around Settlement, such further expansion would be contrary to current Development Plan Policy. The site is bounded to the east by rising hillside, which acts as an important backdrop from the public road to the north-west of the site.

**F. Road Network, Parking and Associated Transport Matters**

Many of the objectors, Area Roads, and the applicant all recognise that the existing private track spur is inadequate and sub-standard. Suspensive planning conditions will require the upgrading of the track to a public road standard prior to development commencing on the site. The applicant highlights that this is approximately 400m of road and that the works will benefit existing householders.

Beyond the conditions sought by the Area Roads Engineer, it is not considered that there are any insurmountable road safety issues associated with the development.

**G. Infrastructure**

Private surface water drainage infrastructure is proposed. Full details of this will be required as part of the AMSC, but on site soakaways is the simplest form of Sustainable Urban Drainage System (SUDS) scheme and this is likely to be acceptable on the site given the anticipated free draining ground conditions.

Public water supply and foul drainage connections are proposed. Scottish Water confirm that capacity exists for water supply and limited capacity exists for foul drainage at present. Direct consents are required from Scottish Water prior to connecting to their infrastructure and these proposals are considered sufficient for the purposes of the PPP application.

## H. Affordable Housing

Applicant's position – The applicant proposes that the Council accepts offsetting of the affordable housing contribution on this site (6 out of 22 units), against the 15 flat development granted planning permission under ref 09/01613/PP at Stevenson Street, Oban. Work on that development has commenced and it is understood that 6 units remain unsold.

The applicant asserts that the Council's policy on affordable housing encourages suitable off site provision and does not exclude offsetting in retrospect. It is highlighted that the Council's Technical Note on Affordable Housing advises that the Council will apply a range of mechanisms flexibly depending on the relative circumstances of individual cases on a site by site basis to achieve affordable housing.

Due to the significant costs of upgrading the existing sub-standard road through Barran, the developer considers the infrastructure costs of the site high. In the context of a slow housing market, the developer seeks that the Council apply flexibility in this instance.

Planning Service assessment – The fundamental objective of affordable housing policies at national, strategic and local level is to deliver affordable housing such that the demonstrated affordable housing needs in an area are met.

PAN 2/2010 confirms that developments of 20 or more houses should include affordable housing at a rate of 25% as a benchmark figure, but that the threshold will reduce in rural areas.

Argyll & Bute Council requires 25% provision for developments of 8 or more houses, and in the case of PDA allocations, identifies the on-site affordable housing provision on a site by site basis. PDA 5/133 requires 25% affordable housing for the site, irrespective of the identity of the developer. The affordable housing guidance stresses that a range of development types are necessary to meet affordable housing demand, and policy aims to achieve contributions from individual developments, not individual developers.

The proposal by the applicant for offsetting at Stevenson Street has been fully considered and judged unacceptable. That development included 15 small flats considered to be affordable by design (i.e. they were so small that the costs would always remain affordable). Four out of the fifteen were required as affordable units. It is understood the units were advertised for sale at £87,500. Two of the units were accepted as offsetting the affordable housing requirements for the 10 flat development at Ganavan Sands approved under ref 09/01553/PP, which was considered by PPSL at the same time as 09/01613/PP. Offsetting affordable provision at one flatted development for another flatted development two miles from the Ganavan site was accepted by the Planning Authority. In the case of Stevenson Street, a high density flatted project was supported in a town centre site, and this justified the lack of parking, lack of outdoor space, higher density, and lack of other controls on the "affordable" nature of the project such as a planning condition or Section 75 Agreement.

It is considered that to include the Stevenson Street development for a further offsetting calculation, after the development has already been approved, achieves little except relieving the developer of the costs of providing affordable housing at the Barran site, and undermining the Council's affordable housing policies by establishing a precedent for retrospective offsetting throughout the Council area. Whilst the Council does accept offsetting (as a second choice) through the affordable housing policy, this provision has only been applied concurrently and not in retrospect, and offsetting should always be

compatible in terms of development type and location within the same housing market in order to represent a suitable alternative. If the Council was to apply this provision retrospectively, this could significantly reduce the number of affordable units that are actually delivered through the affordable housing policy. Albeit the developer considers the policy does not explicitly preclude this method of offsetting, the Planning Service considers this to be an implicit part of the policy, and that this assessment is further supported by the identification of the on-site affordable housing requirements in the Schedule for PDA5/133.

National and local policy both seek to provide mixed communities through supporting a range of house types and sizes for private and affordable purposes. Barran generally, and PDA5/133 specifically, are considered suitable for on-site affordable housing provision in association with this development. It is also considered that the separation distance of approximately 5 miles between Barran and Stevenson Street weakens any argument that the site is a suitable alternative within the same community. The nature of development is also considerably different being a proposal for low density detached housing as opposed to a dense flatted development.

Recommendation – On the basis that national and strategic policy supports on-site affordable housing for this scale of development, and the other matters discussed above, it is considered appropriate to seek a Section 75 Agreement to secure a minimum 25% on-site affordable housing provision, or such other alternatives as may be agreed within the terms of the Council's Affordable Housing Guidance. This may include a commuted sum payment.

The applicant could appeal and have the matter independently examined by a Scottish Government Reporter if they are aggrieved by this decision.

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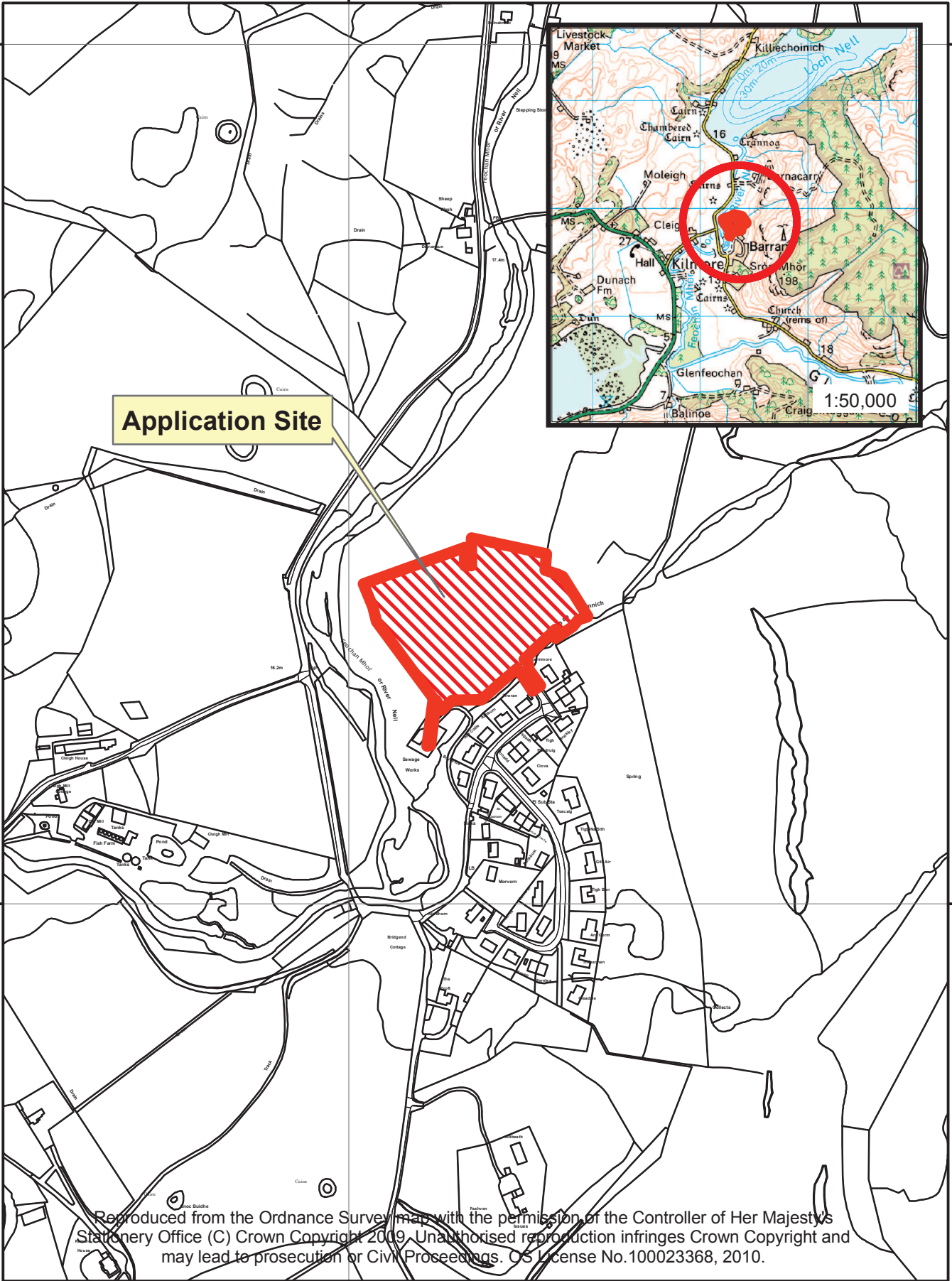
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Application Site

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**Location Plan relative to  
Application Ref: 10/01289/PPP**



Date: 27.01.2011

Scale: 1:5,000

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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**

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**Reference No:** 10/01410/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr A Read & Ms A Young

**Proposal:** Erection of Agricultural Building

**Site Address:** Land northeast of Kames Farmhouse, Kilmelford

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## **DECISION ROUTE**

### **Local Government Scotland Act 1973**

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

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

- Erection of agricultural building
- 

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

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to:

- 1) The holding of a discretionary local hearing in view of the number of representations received in the context of a small community, and
  - 2) the conditions and reasons appended to this report.
- 

#### **(C) HISTORY:**

##### 10/01653/PNAGRI

Erection of polytunnel – prior approval : 09/11/10.  
Land at western extremity of landholding.

##### 10/01759/PNAGRI

Erection of polytunnel – prior approval : 09/11/10.  
Land immediately east of application site.

##### 10/01410/PP

Agricultural building incorporating farm shop and cafe under consideration by PPSL  
16/02/11

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**(D) CONSULTATIONS:**

Area Roads Manager

Report dated 11/10/10 advising no objection subject to conditions.

Kilninver and Kilmelford Community Council

Letter dated 09/11/10 raising serious concerns about the ability of the Kames water supply to serve the development without affecting supplies to existing residents on the Kames peninsula.

Further letter dated 09/11/10 suggesting that the positioning of the building would detract from the present attractive group of buildings. It is also pointed out that the applicants are rarely in residence as they spend most of their time on their large farm in Cumbria.

*Comment: No water supply is required for this agricultural building. The building is a typical agricultural building which is commonly found within and adjacent to farmyard complexes. Whether the applicants reside on the holding year round basis is not a material planning consideration.*

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 21/10/10.

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**(F) REPRESENTATIONS:**

13 individuals have objected to the development as follows:

John Rentoul, Laroch, Kilmelford, Oban, PA34 4XA (02/11/10)

Jane Rentoul, Laroch, Kilmelford, Oban, PA34 4XA (02/11/10)

Robin and Alison Wells, Ardbeithe, Kames, Kilmelford, PA34 4XA (31/10/10)

Shain Wells, Ardbeithe, Kames, Kilmelford, PA34 4XS (31/10/10)

Adrian Wells, Ardbeithe, Kames, Kilmelford, PA34 4XS (31/10/10)

Rosemary Wells, Ardbeithe, Kames, Kilmelford, PA34 4XS (undated)

Peter S Halstead, Tigh-an-Rudha, Kilmelford, Oban, PA34 4XA (31/10/10)

Lorna Hill, Kames Lodge, Kames Peninsular, Kilmelford, PA34 4XA (undated)

Ewan Kennedy, Kinloch, Degnish Road, Kilmelford, PA34 4XD (13/11/10)

Mr Robert Hill, Kames Lodge, Kilmelford, by Oban, PA34 4XA (29/10/10)

Allan Loughray, Creag Na Linne, Kames Bay, Kilmelford, PA34 4XA (26/10/10)

James Dinsmore, Tulloch Beag, Kilmelford, Oban, PA34 4XA (29/10/10)

**(i) Summary of issues raised**

- Concerns regarding the ability of the existing Kames water supply to serve the proposed development.

*Comment: The application is for an agricultural building for use as a livestock shed and indicates that no water supply is proposed to serve it.*

- The design and positioning of the building would spoil the existing attractive settlement of buildings and detract from the Area of Panoramic Quality.

*Comment: The building is a typical agricultural building which is commonly found within farmyard complexes. The building is to be sited within the existing farmyard complex set against a rising rocky knoll which will help integrate it into the landscape minimising the area of land impacted on by the structure. It is also in close proximity to a proposed polytunnel approved under ref. 10/01759/PNAGRI, which will form a pair of agricultural buildings against the rising backdrop.*

- The applicants are rarely in residence as they spend most of their time on their large farm in Cumbria.

*Comment: This is not a material consideration in the determination of this planning application.*

- Concerns over advertising and neighbour notification of the application.

*Comment: All notifiable properties were issued with neighbour notification and the proposal was advertised under Regulation 20 procedures in the local press. Community Councils receive weekly lists of applications from the Planning Service.*

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:**

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

**(H) PLANNING OBLIGATIONS**

(i)	<b>Is a Section 75 agreement required:</b>	No
(I)	<b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b>	No
(J)	<b>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</b>	
(i)	<b>List of all Development Plan Policy considerations taken into account in assessment of the application.</b>	
	<u>Argyll and Bute Structure Plan 2002</u>	
	STRAT DC 2 – Development within the Countryside Around Settlements	
	STRAT AC 1 – Development in Support of Farms, Crofts and Estates	
	<u>Argyll and Bute Local Plan 2009</u>	
	LP ENV 1 – Impact on the General Environment	
	LP ENV 10 – Impact on Areas of Panoramic Quality (APQ)	
	LP ENV 19 – Development Setting, Layout and Design	
	LP TRAN 4 – New and Existing Public Roads and Private Access Regimes	
	Appendix A – Sustainable Siting and Design Principles	
	Appendix C – Access and Parking Standards	
(ii)	<b>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.</b>	
	Argyll & Bute Sustainable Design Guidance (2006)	
	The Town & Country Planning Act (Scotland) 1997	
	The Planning etc. (Scotland) Act, 2006	
	SPP, Scottish Planning Policy, 2010	
	PAN73, Rural Diversification, 2005	
(K)	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	No
(L)	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	No

**(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):** Yes

Representations have been received from 13 individuals and from the community council, which is a significant number in the context of the small community at Kames. Accordingly, it is considered that a discretionary local hearing would be appropriate in this case.

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

Planning permission is sought for erection of an agricultural building to house livestock within the grounds of Kames Farm, Kilmelford.

The proposed building is approximately 564 square metres in size and the application shows it to be constructed with blockwork external walls to mid height with juniper green coloured profile metal sheeting above and the same profile sheeting to the roof. However, further to discussions with the applicant's agent, it has been agreed that the front elevation of the building will be finished in timber cladding to help soften the impact the building may have on the wider landscape. This change to finishing materials can be dealt with satisfactorily via condition.

The design is in a typical style for agricultural buildings that are commonly found within farmyard complexes. The proposal requires planning permission rather than 'agricultural prior notification' due to its size and because the applicant has already used the majority of the 465 square metre floorspace allowance for previous prior notifications within the preceding 2 year period.

Albeit that agricultural buildings are not categorised in the Local Plan, this type of development is similar in appearance to many industrial buildings and as such, it is considered appropriate to have regard to this building in terms of Schedule B1 of the local plan (page 35), where an equivalent industrial building would be categorised as being of 'medium scale'.

In terms of the adopted 'Argyll and Bute Local Plan', the site is situated within the 'Countryside Around Settlement' Zone (CAS) within which Policy STRAT DC 2 of the approved 'Argyll and Bute Structure Plan' gives encouragement to development which accords with the settlement plan for the area; including appropriate small scale, infill, rounding-off, redevelopment and change of use proposals subject to compliance with other relevant local plan policies. In special cases, a locational need or special circumstance may justify a development.

Policy LP ENV 1 assesses applications for their impact on the natural, human and built environment.

Policy LP ENV 10 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.

Policy LP ENV 19 states that 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 integrate with the setting of development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

The site lies within the existing farm complex to the northeast of Kames Farmhouse. To the north the site is bounded by the A816 Oban – Lochgilphead public road and to the west and east by open fields. The agricultural building is proposed to be set against a rising rocky knoll to the south which will help integrate it into the landscape and minimising the area of arable land impacted on by the structure.

The settlement pattern in the area around Kames is characterised by well spaced, low density single houses or groups of farm related buildings and occasional industrial development. The proposed structure is a medium scale structure sited alongside an approved polytunnel, which together would form a pairing of buildings spaced out from the existing farmhouse, but set against the rising land and within the same visual envelope.

Whilst development is not normally supported within the CAS zone when there is available land within a Rural Opportunity Area (ROA), the boundary of the adjacent ROA has been drawn tightly around the farmhouse and adjacent steading and leaves little room for the future development of the farmholding.

The applicants produced a farm plan which demonstrated the proposed functioning of their farm business and which shows the subdivision of the farm holding into grazing areas served by separate sheds. This arrangement was considered the most appropriate for animal husbandry, herd separation, ease of movement within the holding and ease of access to pasture. Furthermore this would ensure that the agricultural buildings were not located in the centre of fields, but kept to the periphery to minimise land loss.

The proposed building subject of this application forms part of a wider package of investment and diversification at an existing farm which will support both agriculture and the rural economy.

Prior permission has recently been granted for two polytunnels within the farmholding and a separate planning application has been submitted for the redevelopment of the farm steading into holiday units. Siting the building subject of this application within the adjacent ROA would result in an adverse impact on the holiday unit venture associated with the proposed steading conversion, as the scale of the building and the farming activities associated with it, would impinge upon the amenity of the proposed holiday accommodation.

Whilst the site is situated within CAS, the building has been sensibly sited on an area of ground which is set back from the road against a steep backdrop.

The overall development of the farmholding will show a pairing of a shed and polytunnel off to the left when facing the farmhouse both of which will be set against the rising land with open grazing land to the front; the farmhouse and converted steading will be in the centre in their original setting; then a further pairing of the shed/shop and polytunnel will be situated off to the right, set against existing large scale fish farm buildings with further grazing land in front.

In light of the above, given its purpose as an agricultural building related to the farmholding on which it is to be located, it is considered the proposal benefits from a justifiable locational need and is therefore compatible with Structure Plan Policy STRAT DC 2. The proposal utilises an appropriate location within the existing farm complex to site a building of this purpose and size, without creating unacceptable impacts on the



usable agricultural land, the development potential of existing buildings, or the wider landscape.

The Area Roads Manager has been consulted on the proposal and raises no objection but recommends that conditions be applied requiring upgrade of the access and clearance of visibility splays. However, as the proposal is for an agricultural building within an existing farm complex, it is not considered that there will be any material intensification of use and therefore a requirement to upgrade the farm access is not considered reasonable in the context of the development for which permission is being sought.

In light of the above the development is considered to represent a suitable opportunity for development consistent with the Development Plan. Provision of the agricultural building will assist the farm management and development and as such meets wider national, strategic and local policy aims to support agricultural enterprises and the rural economy.

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

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**(R) Reasons why planning permission should be granted**

It is considered that the site represents a suitable opportunity for development. The agricultural building is of a suitable scale, form, location and design which will not detract from the established character of the area. Provision of the agricultural building will assist the farm management and development and as such meets wider national, strategic and local policy aims to support agricultural enterprises and the rural economy.

On the basis of a locational need, the proposal accords with Policies STRAT DC 2 of the approved 'Argyll and Bute Structure Plan' and Policies LP ENV 1, LP ENV 10 and LP ENV 19 of the adopted 'Argyll and Bute Local Plan'.

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.

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

N/A

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

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**Author of Report: Fiona Scott Date: 25/01/11**

**Reviewing Officer: Stephen Fair Date: 25/01/11**

**Angus Gilmour  
Head of Planning**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01410/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. Notwithstanding the plans hereby approved, the front (north) elevation shall be finished in timber cladding, the details of which shall be submitted for the prior approval of the Planning Authority before development commences. Thereafter, the development shall be undertaken in strict accordance with the approved details.

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

3. The development shall be implemented in accordance with the details specified on the application form dated 06/09/10 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan - Drawing Number 2010 023-015)  
Plan 2 of 2 (Shed 2 - Drawing Number 2010 023-015)

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.

181600

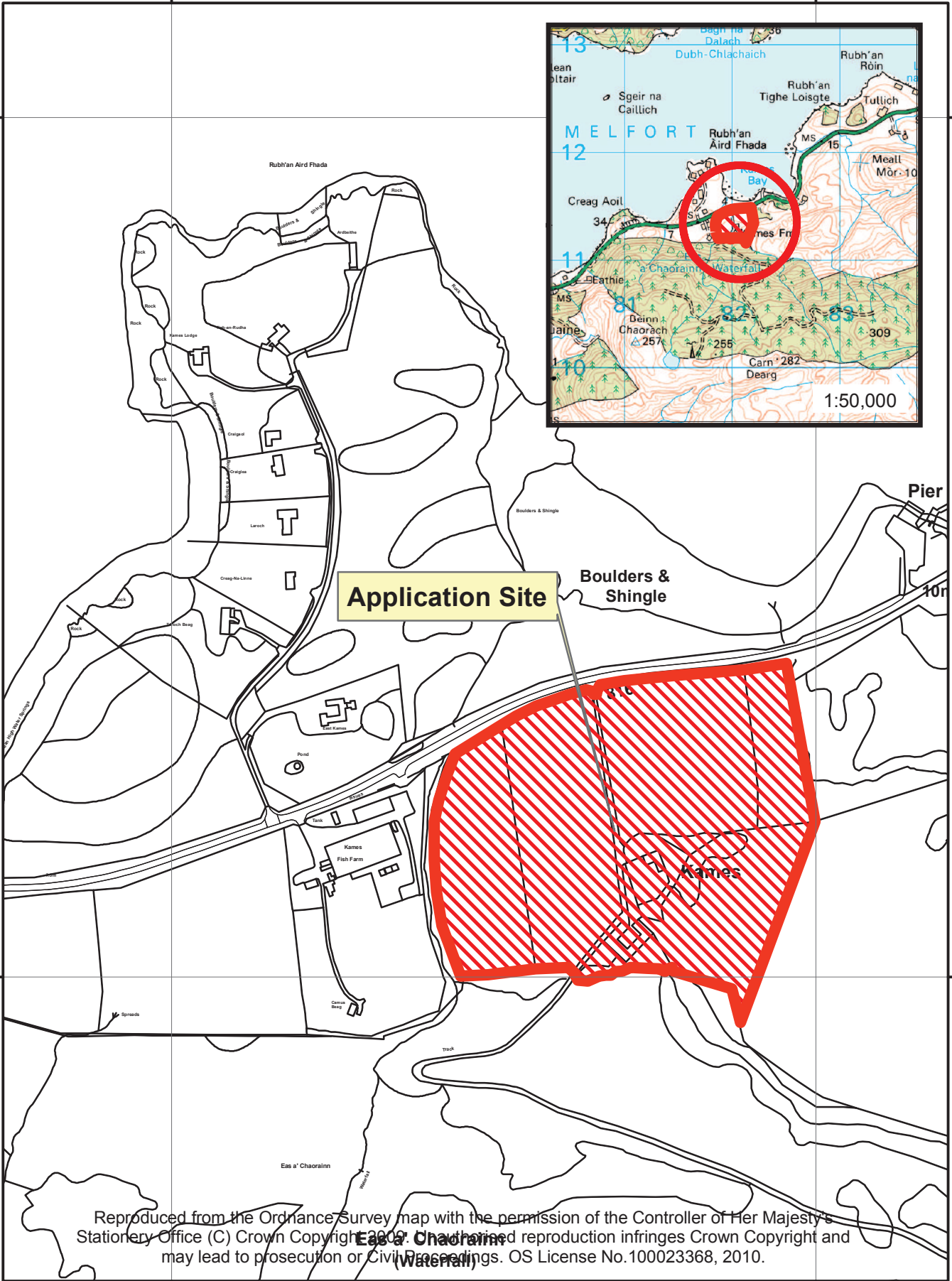
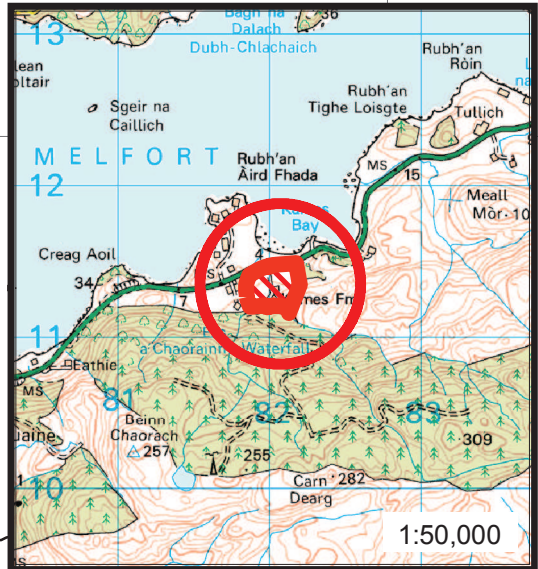
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**Location Plan relative to  
Application Ref: 10/01410/PP**



Date: 27.01.2011

Scale: 1:5,000

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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:** 10/01415/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr A Read & Ms A Young

**Proposal:** Erection of Agricultural Shed incorporating Farm Shop, Cafe Building and Installation of Private Sewage Treatment Plant and Soakaway

**Site Address:** Land northwest of Kames Farmhouse, Kilmelford

---

**DECISION ROUTE****Local Government Scotland Act 1973**

---

**(A) THE APPLICATION****(i) Development Requiring Express Planning Permission**

- Erection of Agricultural Shed incorporating Farm Shop and Cafe Building;
- Formation of vehicular access;
- Installation of Private Sewage Treatment Plant and Soakaway;
- Proposed private water supply.

**(ii) Other specified operations**

- New agricultural tracks in conjunction with approved polytunnel near the site
- 

**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted as a 'minor departure' to development plan policy RET 4 subject to:

- 1) A discretionary local hearing being held in view of the number of representations received in the context of a small community, and
  - 2) the conditions and reasons appended to this report.
-

**(C) HISTORY:**

10/01653/PNAGRI

Erection of polytunnel – prior approval - 09/11/10  
Land at western extremity of landholding

10/01759/PNAGRI

Erection of polytunnel – prior approval - 09/11/10  
Land immediately east of application site

10/01410/PP

Agricultural building under consideration by PPSL 16/02/11

---

**(D) CONSULTATIONS:**

Area Roads Manager

Report dated 11/10/10 advising no objection subject to conditions.

Public Protection Unit

Memo dated 07/10/10 advising no objection subject to conditions.

Kilninver And Kilmelford Community Council

Letter dated 13/10/10 raising concerns about the ability of the Kames water supply to serve the development without affecting supplies to existing residents on the Kames peninsula, otherwise stating it was an excellent project.

Further letter dated 09/11/10 reiterating the concerns regarding the water supply and raising additional concerns regarding the positioning of the building so close to the boundary of the fish farm would result in noise and smell issues and furthermore would not benefit of the view to Loch Melfort. It was also raised that the applicants are rarely in residence as they spend most of their time on their large farm in Cumbria.

*Comment: The application form indicated that the existing water supply was to be used to serve the proposed development. However this was an error and the applicant has since confirmed that a separate private water supply from that serving existing dwellings at Kames is proposed (via a borehole). The positioning of the building is considered to relate to the existing grouping of buildings and given the purpose of the building will not raise any 'bad neighbour' issues.*

*Whether the applicants reside on the holding year round basis is not a material planning consideration.*

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 21/10/10.

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**(F) REPRESENTATIONS:**

Objections have been received from 17 individuals as follows:

John Rentoul, Laroch, Kilmelford, Oban, PA34 4XA (02/11/10)

Jane Rentoul, Laroch, Kilmelford, Oban, PA34 4XA (02/11/10)

Robin Wells, Ardbeith, Kames, Kilmelford, Oban, PA34 4XA (31/10/10)

Alison Wells, Ardbeith, Kames, Kilmelford, Oban, PA34 4XA (31/10/10)

Rosemary Wells, Ardbeith, Kames, Kilmelford, Oban, PA34 4XA 2 letters (31/10/10)

Adrian Wells, Ardbeith, Kames, Kilmelford, Oban, PA34 4XA (31/10/10)

Shian Wells Ardbeith Kames Kilmelford By Oban PA34 4XA

Fergus, G R Gillanders, Craigaol, Kilmelford, PA34 4XA (18/10/10)

Caroline M Gillanders, Craigaol, Kilmelford, PA34 4XA 2 letters (23/10/10 & 22/01/11)

Lorna Hill, Kames Lodge, Kames Peninsular, Kilmelford, PA34 4XA (undated)

Robert Hill, Kames Lodge, Kilmelford, PA34 4XA (29/10/10)

Ewan Kennedy, Kinloch, Degnish Road, Kilmelford, PA34 4XD (13/11/10)

Allan Loughray, Creag Na Linne, Kames Bay, Kilmelford, PA34 4XA (26/10/10)

A M Timmins, The Old Kirk, Kilmelford, Oban, PA34 4XD (29/10/10)

James Dinsmore, Tulloch Beag, Kilmelford, Oban, PA34 4XA (29/10/10)

S. Peter Halstead, Tigh-an-Rudha, Kilmelford, Oban, PA34 4XA (31/10/10)

Jack Vennelle, Craiglea, Kilmelford, Oban, PA34 4XA (22/10/10)

**(i) Summary of issues raised**

- Concerns regarding the ability of the existing water supply to serve the proposed development.

*Comment: The application form indicated that the existing water supply was to be used to serve the proposed development. However this was an error, and the applicant has since confirmed that a new private water supply is proposed separate from that which serves the objectors' properties at Kames. The applicant has now written directly to the neighbouring properties affected to advise them of this.*

*In terms of water supply arrangements, the Council's Public Protection Unit was consulted and no objection is raised subject to the imposition of a condition requiring an appraisal of the proposed private water supply to ensure it is sufficient to serve the proposed development, prior to the commencement of development. This condition requires that such an appraisal shall 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.*

*In addition, the applicant has submitted an initial report from Argyll Geothermal who have undertaken a site inspection and identified five potential borehole locations with strong water sources.*

- Road safety concerns.

*Comment: The Area Roads Manager has been consulted on the proposed development and raises no issues in terms of road safety.*

- The proposed building will detract from the Area of Panoramic Quality and the design and positioning of the building would spoil the existing attractive settlement of buildings.

*Comment: The building is to be sited adjacent to the existing grouping of fish farm buildings set against the farm boundary which is partially screened from public view by an established tree belt running in a north to south direction parallel to the farm boundary which will help integrate it into the landscape and minimising the area of land impacted on by the structure. The building will form a pairing along with an approved polytunnel under ref 10/01653/PNAGRI, on an area of ground which relates to the adjacent grouping of buildings which form the fish farm and is to be set against the existing farm boundary which is partially screened from public view by an established tree belt running in a north to south direction which will help integrate it into the landscape. The workable farm land in the centre foreground of the holding is unaffected.*

- The employment claims of 5 - 10 people is overly optimistic.

*Comment: The number of employees likely to arise as a result of the development is a matter for applicants to consider and is not being assessed as having decisive weight in the determination of this planning application. The farm shop and cafe would create employment opportunities which do not exist at present.*

- The proposal is situated within 'Sensitive Countryside' and is therefore contrary to current Local Plan Policy.

*Comment: The site is actually situated within 'Countryside Around Settlement' which is further discussed in the assessment within Appendix A of this report.*

- Concerns over advertising and neighbour notification of the application.

*Comment: All notifiable properties were issued with neighbour notification of the proposed development and the proposal was advertised under Regulation 20 procedures in the local press on 21/10/10. Community Councils receive weekly lists of applications from the Planning Service.*

- The applicants are rarely in residence as they spend most of their time on their large farm in Cumbria.

*Comment: This is not a material consideration in the determination of this planning application.*



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)   | <b>Environmental Statement:</b>  | No |
| (ii)  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | No |
| (iii) | <b>A design or design/access statement:</b>  | No |
| (iv)  | <b>A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | No |

**(H) PLANNING OBLIGATIONS**

- |     |  |    |
|-----|--|----|
| (i) | <b>Is a Section 75 agreement required:</b> | No |
|-----|--|----|

- |     |   |    |
|-----|---|----|
| (I) | <b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | 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 2 – Development within the Countryside Around Settlements

STRAT AC 1 – Development in Support of Farms, Crofts and Estates

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 10 – Impact on Areas of Panoramic Quality (APQ)

LP ENV 19 – Development Setting, Layout and Design

LP RET 4 – Retail Development within Countryside Development Zone

LP SERV 1 – Private Sewage Treatment Plants

LP SERV 4 – Water Supply

LP TOUR 1 – Tourist Facilities and Accommodation, including Caravans

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)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

PAN73, Rural Diversification, 2005

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	No
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	No
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	No
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	No
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<b>(O)</b>	<b>Requirement for a hearing (PAN41 or other):</b>	Yes
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Representations have been received from 17 individuals and from the community council, which is a significant number in the context of the small community at Kames. Accordingly, it is considered that a discretionary local hearing would be appropriate in this case.

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

Planning permission is sought for erection of an agricultural building incorporating a farm shop and cafe at Kames Farm, Kilmelford.

The proposed building is approximately 558 square metres in size, comprising approx two thirds agricultural shed and one third shop/cafe. The shed section is to be constructed with blockwork external walls to mid height with juniper green coloured profile metal sheeting above, with the same profile sheeting to the entire roof. The

shop/cafe section walls comprise cedar lining and an area of glazing. The design is in a fairly typical for agricultural buildings that are commonly found within farmyard complexes, with the exception of the glazed shop/cafe section, located at the northern end of the building. The proposal requires planning permission and not prior notification due to the proposed usage.

Albeit that agricultural buildings are not categorised in the Local Plan, this type of development is similar in appearance to many industrial buildings and as such, it is considered appropriate to have regard to this building in terms of Schedule B1 of the local plan (page 35), where an equivalent industrial building would be categorised as being of 'medium scale'.

In terms of the adopted Argyll and Bute Local Plan, the site is situated within the 'Countryside Around Settlement' (CAS) zone within which Policy STRAT DC 2 of the approved 'Argyll and Bute Structure Plan' gives encouragement to development which accords with the settlement plan for the area; including appropriate small scale, infill, rounding-off, redevelopment and change of use proposals subject to compliance with other relevant local plan policies. In special cases, a locational need or special circumstance may justify a development.

In terms of the 'Argyll and Bute Local Plan' (2009):

Policy LP ENV 1 assesses applications for their impact on the natural, human and built environment.

Policy LP ENV 10 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.

Policy LP ENV 19 states that 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 integrate with the setting of development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

In addition to the above, the proposal also has to be assessed for compliance with other relevant local plan policies which are detailed in Appendix A of this report. The main issues in respect of the proposal are the siting and design of the building and its impact on the landscape and existing infrastructure.

The site lies between the existing farm holding of Kames Farmhouse to the east and the existing fish farm to the west of the site. To northern boundary meets the A816 Oban – Lochgilphead public road and open fields and a tree belt lie to the east. The building is to be sited against the farm boundary adjacent to the existing fish farm buildings and is partially screened from public view by an established tree belt running in a north to south direction which will help integrate it into the landscape. The siting minimises the area of arable land impacted on by the structure. The building will form a pairing along with an approved polytunnel under ref 10/01653/PNAGRI, on an area of ground which relates to the adjacent grouping of buildings which serve the fish farm and is to be set against the existing farm boundary which is partially screened from public view by an established tree belt running in a north to south direction which will help integrate it into the landscape. The workable farm land in the central foreground of the holding is unaffected.

The settlement pattern in the area around Kames is characterised by well spaced, low density single houses or groups of farm related buildings and occasional industrial development.

The proposed structure is a 'medium scale' building sited alongside an approved polytunnel, which together would form a pairing of buildings spaced out from the existing farmhouse.

Whilst development is not normally supported within the CAS zone when there is available land within a Rural Opportunity Area (ROA), the boundary of the adjacent ROA (as refined by the effect of the Landscape Capacity study) has been drawn tightly around the farmhouse and adjacent steading and leaves little room for the future development of the farmholding.

The applicants have produced a farm plan which demonstrates the proposed functioning of their farm business and which shows the subdivision of the farm holding into grazing areas served by separate sheds. This arrangement was considered the most appropriate for animal husbandry, herd separation, ease of movement within the holding and ease of access to pasture. Furthermore this would ensure that the agricultural buildings were not located in the centre of fields, but kept to the periphery to minimise land loss.

The proposed building subject of this application forms part of a wider package of investment and diversification at an existing farm which will support both agriculture and the rural economy.

Prior permission has recently been granted for two polytunnels within the farmholding and a separate planning application has been submitted for the redevelopment of the farm steading into holiday units. Siting the building subject of this application within the adjacent ROA would result in an adverse impact on the holiday unit venture by introducing a building which has the potential to generate noise and activity and which would conflict with the proposed use of the steading as holiday accommodation. This is not therefore an acceptable alternative location to the applicant having regard to his overall farm diversification and improvement plans.

Whilst the site is situated within CAS, the building has been sensibly sited on an area of ground which relates to the adjacent grouping of buildings which serve the fish farm and is to be set against the existing farm boundary which is partially screened from public view by an established tree belt running in a north to south direction which will help integrate it into the landscape. The overall development of the farmholding will show a pairing of a shed and polytunnel off to the left when facing the farmhouse both of which will be set against the rising land with open grazing land to the front; the farmhouse and converted steading will be in the centre in their original setting; then a further pairing of the shed/shop and polytunnel will be situated off to the right set against mature riparian woodland with further grazing land in front. The proposal utilises an appropriate location within the existing farm complex to site a building of this purpose and size, without creating unacceptable impacts on the usable agricultural land or the wider landscape.

In light of the above, given its purpose as a multi-purpose agricultural building related to the farmholding on which it is to be located, and given that it cannot reasonably be sited within the adjacent ROA without impinging on the proposed holiday unit development proposed as part of the wider package of investment and diversification proposed at the farm, it is considered that the proposal benefits from a justifiable locational need to be sited within the CAS, and is therefore compatible with Structure Plan Policy STRAT DC 2.

Policy LP RET 4 presumes against retail development in the 'countryside around settlement' (CAS) development control zone. However, in this case the proposal is for small scale retailing in the form of a farm shop and there are justifiable reasons outlined above as to why the development ought to take place on that part of the farm holding

located within CAS as opposed to elsewhere on the holding. It is therefore appropriate to permit a 'minor departure' to policy LP RET 4 in these circumstances.

The application indicates the existing vehicular access to be upgraded to serve the proposed development with drainage via installation of a new private system and water supply via a new private supply. The proposal has elicited a number of objections from local residents, the main thrust of which relates to the proposed water supply to serve the development. This is adequately controlled by means of a suspensive planning condition, which safeguards the neighbours and prevents development from commencing until such time as a suitable water source, separate from their supply, has been agreed.

The Area Roads Manager was consulted on the proposal and raised no objection subject to conditions requiring upgrade of the access and clearance of visibility splays. This will be addressed by appropriate planning conditions.

Subject to conditions recommended below, the development is considered to represent a suitable opportunity for medium scale development consistent with the settlement pattern and therefore in accordance with the Development Plan. Provision of the agricultural building, cafe and farm shop will assist diversification at the farm and as such meets wider national, strategic and local policy aims to support the rural economy.

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**(Q) Is the proposal consistent with the Development Plan:** No

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**(R) Reasons why planning permission should be granted**

It is considered that the site represents a suitable opportunity for development with the agricultural building incorporating a cafe and farm shop, which is of a suitable scale, form and design which will not detract from the established character of the area. Provision of the shed, farm shop and cafe support farm diversification and as such meets wider national, strategic and local policy aims to support the rural economy.

The proposal accords with Policies STRAT DC 2 and STRAT AC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10 and LP ENV 19 of the adopted Argyll and Bute Local Plan and can be justified as a 'minor departure' from Policy LP RET 4 as the small shop proposed forms part of a wider package of investment and diversification at an existing farm which will support both agriculture and the rural economy.

Furthermore 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**

The small shop proposed forms part of a wider package of investment and diversification at an existing farm which will support both agriculture and the rural economy. There is no preferable alternative location on the holding which would not prejudice the diversification proposals for the holding as a whole, and in these circumstances there are advantages to the rural economy in granting planning permission as a 'minor departure' to the effect of policy LP RET 4 of the 'Argyll and Bute Local Plan' (2009).

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

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**Author of Report: Fiona Scott Date: 24/01/11**

**Reviewing Officer: Stephen Fair Date: 24/01/11**

**Angus Gilmour  
Head of Planning**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/01415/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. No development shall commence on site until the vehicular access at the junction with the public road has been upgraded in accordance with the Council's Road Engineers Drawing Number SD 08/006a with passing places at 60 metre intervals along the access track and visibility splays of 160.0m x 2.4m having been formed in each direction formed from the centre line of the access where it meets the existing public road. Prior to work starting on site these visibility splays shall have been cleared of all obstructions above the level of the adjoining carriageway and shall be maintained free of obstruction thereafter to the satisfaction of the Planning Authority.

*Reason: In the interests of road safety to ensure that the proposed development is served by a safe means of vehicular access.*

3. No development shall commence on site until a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development has been submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

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

4. No development shall commence on site until full details of the foul drainage system, including the location, specification, capacity and means of discharge of any proposed treatment facility, has been submitted to and approved in writing by the Planning Authority. Thereafter, the approved details will be fully implemented prior to the proposed development first coming into use and maintained thereafter in perpetuity.

*Reason: In the interests of residential amenity and public health*

5. Development shall not begin until details of the scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- i) existing and finished ground levels in relation to an identified fixed datum
  - ii) existing landscaping features and vegetation to be retained
  - iii) location and design, including materials, of walls, fences and gates
  - iv) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
  - v) programme for completion and subsequent on-going maintenance.

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

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

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

6. The development shall be implemented in accordance with the details specified on the application form dated 06/09/10 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan - Drawing Number 2010 023-015)  
Plan 2 of 2 (Shed 2 - Drawing Number 2010 023-015)

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 Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development. An application form is enclosed for your use.



**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01415/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 the 'Countryside Around Settlement' (CAS) zone of Kames, by Kilmelford.

This designation stems from Policy STRAT DC 2 of the approved Argyll and Bute Structure Plan which gives encouragement to development which accords with the settlement plan for the area; including appropriate small scale, infill, rounding-off, redevelopment and change of use proposals subject to compliance with other relevant local plan policies. In special cases, a locational need or special circumstance may justify a development.

The CAS zone corresponds to those peripheral areas close-in and around settlements where compatible developments and small scale, infill, rounding off and redevelopment proposals will be supported where appropriate, provided they do not compromise the long term growth of the settlement.

Whilst development is not normally supported within the CAS zone when there is available land within a Rural Opportunity Area (ROA), the boundary of the adjacent ROA (as modified by the Landscape Capacity Study) has been drawn tightly around the farmhouse and adjacent steading and leaves little room for the future development of the farmholding.

The applicants produced a farm plan which demonstrated the proposed functioning of their farm business and which shows the subdivision of the farm holding into grazing areas served by separate sheds. This arrangement optimises available land for grazing whilst ensuring that the agricultural buildings are not located in the centre of fields, but kept to the periphery to minimise land loss through placement of buildings/roads. The possibility of locating the building in a location within the ROA has been considered but is not acceptable to the applicant, as the area within the ROA identified as having development potential in the Landscape Capacity Study is not extensive, and the siting of a large farm building close to the steading buildings proposed for conversion to holiday accommodation would result in an adverse impact on the holiday unit venture by introducing a building which has the potential to generate noise and activity and which would conflict with the applicant's overall intentions of the improvement and diversification of the farm.

In light of the above, given its purpose as a multi-purpose agricultural building related to the farmholding on which it is to be located, and given that it cannot reasonably be sited within the adjacent ROA without impinging on the proposed holiday unit development proposed as part of the wider package of investment proposed at the farm, it is considered that the proposal benefits from a justifiable locational need to be sited within the CAS and is therefore compatible with Structure Plan Policy STRAT DC 2.

Furthermore the proposal utilises an appropriate location within the existing farm complex to site a building of this purpose and size, without creating unacceptable impacts on the usable agricultural land or the wider landscape.

The proposal is considered to represent a suitable opportunity for medium scale development based on a locational need and underpinned by farm diversification endorsed by Structure Plan Policy STRAT AC 1, which will have minimal impact on the existing landscape and will not compromise the long term growth of the settlement.

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

The site lies between the existing farm buildings at Kames Farmhouse to the east and the commercial Kames Fish Farm operation to the west, beyond riparian woodland. To the north the site is bounded by the A816 Oban – Lochgilphead Road and to the east by open fields.

The agricultural building is to be set against the existing farm boundary which is partially screened from public view by an established tree belt running in a north to south direction and set against further riparian woodland to the west which helps it integrate into the landscape. The siting minimises the area of arable land impacted on by the structure, and it will form a pairing with an approved polytunnel along the western boundary of the holding.

The agricultural building is approximately 558 square metres in size and is to be finished in blockwork on the lower area of the external walls with juniper green coloured profile metal sheeting and above and a juniper green coloured profile metal sheet roof. The shop/cafe section contains an area of glazed wall and cedar clad walls. The design is fairly typical of agricultural buildings commonly found within farmyard complexes.

The majority of the building is to be used for agricultural use associated with the operation of the farm with approximately a third used as an associated farm shop and cafe.

It is considered the site represents an appropriate location within the existing farm complex to site the building without having any detriment to the wider landscape.

**Accordingly the proposal is considered to comply with the terms of Policy LP ENV 19 and Appendix A.**

Policy TOUR 1 gives a presumption in favour of new or improved tourist facilities provided they are consistent with Policy STRAT DC 2, respect the landscape character of the surrounding area; are reasonably accessible by public transport; are well related to the existing built form; and subject to compliance with other associated policies.

The development may be regarded as a positive asset as far as tourism of the area is concerned and its location adjacent to the existing farm complex and fish farm development will ensure it fits well with the existing development pattern and landscape characteristics and will not detract from the landscape character in this location.

**In this regard it is considered that the proposal satisfies the requirements of Policy LP TOUR 1.**

**C. Retail policy**

The proposal incorporates a small farm shop and has to be assessed in the light of the effect of Policy LP RET 4 'Retail Development in the Countryside'. This lends support to small scale retailing in the countryside particularly where associated with farm diversification schemes, but presumes against retail development in open areas of the CAS. In this case, no suitable development opportunity has been identified within the the limited area of 'rural opportunity area' within the farm which would not conflict with interests associated with other elements of the overall farm diversification plan for the holding. Given that the site within the CAS is set against the existing farm boundary and relates to the grouping of buildings serving the adjacent Fish Farm, in terms of location it is considered an appropriate site for the development.

**The small farm shop forms part of a wider package of investment and diversification at an existing farm which will support both agriculture and the rural economy and on this basis that there is not a potentially preferable site available, it is considered that it may be justified as a 'minor departure' to Policy RET 4.**

**D. Natural Environment**

There are no features of nature conservation interest on the site and there are no designations or issues to be taken into account of in the determination of this application.

**E. Landscape Character**

The site is situated within the Knapdale and Melfort Area of Panoramic Quality.

Structure Plan Policy STRAT DC 8 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 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.

It is considered that it has been successfully demonstrated that the development secures an appropriate fit with the development pattern of the area and the landscape characteristics of its surroundings, and will not adversely impinge upon landscape character.

**It is not considered that the proposal will have an adverse impact on the wider landscape and therefore is consistent 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.**

**F. Road Network, Parking and Associated Transport Matters.**

The application shows the existing vehicular access from the A816 Oban – Lochgilphead Road to be utilised to serve the proposed development with a new stretch branching to the west to serve the proposed development. A sufficient area for parking and turning to serve the development has been shown within the application site. The Area Roads Manager has been consulted on the proposal and raised no objection subject to conditions regarding the upgrading of the vehicular access and clearance of visibility splays.

**Subject to planning conditions, the proposal is acceptable from a road safety perspective and complies with the terms of Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area provided within the site.**

**G. Infrastructure**

The application indicates installation of a new sewage treatment plant with soakaway to serve the proposed development.

**The proposal is considered acceptable in terms of Policy LP SERV 1 in that there is no public sewer within the vicinity of the proposed development to allow connection.**

The application indicates a new private water supply to serve the proposed development. The Council's Public Protection Unit has been consulted on the proposal and whilst raising no objection, advises that a condition should be imposed requiring the submission of a report demonstrating that the proposed supply is sufficient to serve the development. This condition requires that such an appraisal shall 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.

**The proposal is considered acceptable in terms of Policy LP SERV 4 in that there is no public water supply within the vicinity of the proposed development to allow connection.**



**Committee Plan  
Planning Application 10/01415/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

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**Reference No:** 10/01566/PP

**Planning Hierarchy:** Local application.

**Applicant:** Mr and Mrs Lowe

**Proposal:** Demolition of village hall and erection of dwellinghouse and detached garage/office and improvements to vehicular driveways.

**Site Address:** Former St Catherines Hall, St Catherines, Cairndow, Argyll

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## DECISION ROUTE

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

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(A) **THE APPLICATION**

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

Erection of detached dwellinghouse;  
Erection of detached garage/office;  
Boundary treatments and tree planting / shrub planting;  
Installation of wastewater treatment system with outfall to adjacent ditch;  
Erection of deer fence;  
Alterations to existing access(es).

(ii) **Other specified operations**

Demolition of village hall;  
Connection to public water main;  
Removal of conifers.

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(B) **RECOMMENDATION:**

It is recommended that, subject to notification to the Scottish Ministers, planning permission be granted subject to the conditions, reasons and advisory notes set out below.

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(C) **HISTORY:**

Detailed planning permission (ref. 05/02436/COU) was granted on 17<sup>th</sup> February 2006 for the conversion of the former hall into two holiday units. A previous application (ref. 05/00655/COU) was withdrawn on 11<sup>th</sup> January 2006 for a similar proposal but with a different drainage system.

Detailed planning permission (ref. 07/01840/COU) for the conversion of village hall to create a dwellinghouse with timber balcony, external alterations and installation of septic tank system was granted on 16<sup>th</sup> November 2007. The applicants have been living in the former village hall for the past two years.

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**(D) CONSULTATIONS:**

**Scottish Natural Heritage** (responses dated 8<sup>th</sup> November, 16<sup>th</sup> December, 22<sup>nd</sup> December 2010) - object on the basis that the proposal will have a negative impact on the Ardchylene Wood Site of Special Scientific Interest (SSSI) and that no information on bats has been submitted. An updated response accepts the submitted bat survey but maintains their original objection that the proposal raises natural heritage issues of national interest. SNH comment that if the Council is minded to grant permission against their advice, then the application must be notified to Scottish Ministers.

**Area Roads Manager** (responses dated 2<sup>nd</sup> November and 1<sup>st</sup> December 2010): Original recommendation of deferral now addressed and now no objections subject to conditions regarding sightlines and access improvements and advisory notes regarding a Road Opening Permit.

**Scottish Water** (response dated 1 February 2011): No objection. Loch Eck treatment works has capacity to serve the development.

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**(E) PUBLICITY:**

The application was advertised under Regulation 20(1) Advert Statement (publication date 22<sup>nd</sup> October 2010, expiry date 12<sup>th</sup> November 2010).

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**(F) REPRESENTATIONS:**

No letters of representation have been received.

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**(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 applicants have submitted a Design Statement indicating that re-use of the former hall is impracticable due to the undermining of foundations from fir trees to the rear of the hall, lack of energy saving materials/insulation, close proximity of hall to the A815 and limited privacy and existing materials. It is therefore proposed to maximise the use of the site and views onto Loch Fyne, utilise modern innovative energy saving construction materials, allow a phased full-time occupancy of the site during development and integrate into the local amenity.

Phase 1 of the development would involve tree felling and removal, improvements to the accesses and erection of deer fence. Phase 2 involves the installation of the bio-disc, construction of outbuilding and formation of parking. Phase 3 comprises the



demolition of the hall, construction of the dwellinghouse and driveways/pathways. Phase 4 includes landscaping, strategic planting of native saplings to integrate the development with the SSSI and hedging to lessen the impact of the deer fencing. The choice of siting the dwellinghouse at an angle to the A815 was taken due to traffic noise, vibration at unsociable hours, to maintain a level of privacy and to maximise scenic views of Loch Fyne.

- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

A bat survey was requested and submitted in support of the proposed development. The survey found no bats to be present in the former hall but evidence of activity in the surrounding area. The survey suggests that suitable bat roosts could be provided within the site or development to provide alternative bat roosts.

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**(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 Structure Plan 2002:

STRAT SI 1 - Sustainable Development;  
STRAT DC 1 Development Within The Settlements;  
STRAT DC 7 – Nature Conservation and Development Control;  
STRAT HO 1 – Housing – Development Control Policy;  
STRAT FW 2 - Development Impact on Woodland.

Argyll and Bute Local Plan (August 2009)

Policy LP ENV 5 Development Impact on Sites of Special Scientific Interest (SSSI);  
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 19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;  
Policy LP HOU 1 General Housing Development;  
Policy LP TRAN 4 New and Existing Public Roads and Private Access Regimes;  
Policy LP TRAN 6 Vehicle Parking Provision including Appendix C Access and Car 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 (February 2010);  
PAN 60 Planning for Natural Heritage

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- (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**

Planning permission is sought to demolish the former St. Catherines Village Hall and replace it with a one-and-a-half storey dwellinghouse with detached double garage/office and twin vehicular accesses.

Whilst the department considers the proposed design and layout acceptable, the rear portion of the site lies within Ardchyline Wood Site of Special Scientific Interest (SSSI) and Scottish Natural Heritage (SNH) have raised an objection. SNH consider that encroaching into the protected woodland will compromise the conservation objectives and overall integrity of the protected woodland.

SNH originally raised concerns regarding the boundary of the SSSI during the Local Plan process but formally withdrew their objection on 1<sup>st</sup> February 2007 and the Local Plan was adopted in August 2009. Parts of the Ardchyline Wood SSSI overlap the minor settlement boundary of St. Catherines where the underlying policy criteria must also be assessed for environmental impact.

The small part of the site within the SSSI has no trees on it and forms part of a clearing beside an overhead power line wayleave. On this basis, it is considered that the proposed dwellinghouse and its associated buildings and vehicular access would have no significant impact on the SSSI while the removal of conifer trees (outwith the SSSI) and provision of bat roost facilities and other tree planting may actually improve the surrounding area, without detriment to existing habitats or species. The proposal therefore satisfies development plan policies STRAT DC 7 and LP ENV 5.

No letters of representation have been received and Roads, subject to conditions, find the scheme acceptable.

The proposed development is compliant with development plan settlement strategy in terms of policies STRAT DC 1 and LP HOU 1, and the plot size, layout and design are acceptable in terms of Local plan policy LP ENV 19. There are no other material considerations which would justify refusal of permission.

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

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**(R) Reasons why planning permission or a Planning Permission in Principle should be granted**

Given the planning history for development on the western part of the site, the dimensions of the application site within the defined settlement boundary of St. Catherines and a very limited (if any) impact on the Ardchylie Wood SSSI, the department do not concur with the views of Scottish Natural Heritage. On the basis that the proposed dwellinghouse and detached garage/office with appropriate materials and tree planting/shrub planting and boundary treatments will be capable of integrating within its surroundings, it is considered to be acceptable and consistent with policies LP ENV5, ENV6, ENV7, ENV10, ENV19, HOU1, TRAN4 and TRAN6 of the 'Argyll and Bute Local Plan' (2009). There are no reasonable grounds which would justify a recommendation of refusal.

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**(S) Reasoned justification for a departure from the provisions of the Development Plan**  
n/a

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

Scottish Natural Heritage has objected to this application so, under Category 2: Objection by Government Agency of Circular 3/2009: 'Notification of Planning Applications', this will require formal notification to Scottish Ministers.

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**Author of Report:** Brian Close

**Date:** 9<sup>th</sup> February 2011

**Reviewing Officer:** David Eaglesham

**Date:** 9<sup>th</sup> February 2011

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01566/PLANNING PERMISSION**

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 14<sup>th</sup> September 2010 and the approved drawing reference numbers: 1705.03, 1705.01 RevA received 31<sup>st</sup> January 2011, 1705.02 RevA, 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. No development shall commence, including any site works, until details are submitted for the prior written approval of the Planning Authority of a surface water drainage scheme (including any works to the existing watercourse through the site) that shall incorporate the basic principles of *Sustainable Urban Drainage Systems* identified in 'Planning Advice Note 61' and which shall provide details of surface water run-off, measures to slow down run off; methods of treatments and its release into the system, unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

*Reason: In order to provide for sustainable development of the site, and to protect existing and proposed development from the effects of potential increased surface water run-off.*

4. No works shall commence until full details of the provision of alternative accommodation for the bat population within the site (including the design and location of the bat buildings, boxes and roosts) and a management regime for the maintenance of this accommodation have been submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. These details shall generally be in accordance with the Protected Species Survey submitted by Mr. A. Kerr dated 12<sup>th</sup> December 2010.

*Reason: In the interests of nature conservation and to ensure that there are sufficient alternative bat roosts within the development.*

5. The visibility splays of 75.0 x 2.5 metres in both directions onto the A815 from both the existing access track and widened existing access shall be maintained in perpetuity free from all obstructions (i.e. walls, fences, hedges) over one metre in height.

*Reason: In the interests of vehicular and public safety and in order to achieve required sightlines.*

6. Prior to any works commencing on the demolition of the hall or construction of the outbuilding, the vehicular access(es) to the site shall be constructed as per standard detail drawing SD 08/005 and shall be constructed in consultation with the Roads Department of Development and Infrastructure Services. The gradient of the access shall not exceed 5% for the first 5m and 8% thereafter and the first 5m shall have a sealed surface to prevent debris running onto the public road/footway.

*Reason: In the interests of vehicular and public safety and in order to provide a suitable access.*

7. Prior to the occupancy of the dwellinghouse (or temporary habitation of the outbuilding), a parking area for two vehicles, together with a turning area, shall be provided within the curtilage

of the site and shall thereafter be retained in perpetuity for such a dedicated purpose, unless the prior consent for variation is obtained in writing from the planning authority.

*Reason: To ensure that adequate off-street car parking provision is provided.*

8. The dwellinghouse shall not be occupied until the first 5m of the access onto the A815 from the lane serving Halftown Cottages has been constructed with a sealed surface in accordance with details to be submitted to and approved by the planning authority.

*Reason: In the interests of vehicular and public safety and in order to provide a suitable access.*

9. No development work shall commence on site until full details regarding the proposed foul water drainage system including effluent discharge calculations have been submitted to and agreed in writing with the Planning Authority.

*Reason: To safeguard the waters of Loch Fyne, which are now a shellfish designation.*

10. No building, engineering or tree-felling works shall commence until shall commence until a detailed scheme of all boundary treatments has been submitted to and approved in writing by the Planning Authority. The scheme of boundary treatment is expected to comprise a dry stone wall with post and wire fence to the rear portion and frontage of the site with an enclosed area with protective deer fencing in the central portion only. The scheme as may be approved shall be implemented prior to the occupancy of the dwellinghouse, or as otherwise agreed in writing with the Planning Authority.

*Reason : In order to protect the visual amenity of the surrounding area.*

11. No work shall commence on site (unless consent for variation is approved in writing by the planning authority) until a detailed scheme of native tree planting and shrub planting has been submitted to and approved in writing by the Planning Authority. The planting scheme, as may be approved shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:

- (a) Completion of the scheme during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority.
- (b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

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

12. Notwithstanding the provisions of Article 3 and Class 1 (*the extension, enlargement, improvement, alteration of the dwelling*) and Class 3 (*building, enclosure, pool, incidental to the enjoyment of the dwelling and maintenance, improvement, alteration thereof*) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within that part of the curtilage of the dwellinghouse hereby permitted which falls within the Ardchyline Woodland Site of Special Scientific Interest without the prior written consent of the Planning Authority.

*Reason: In order to protect the nature conservation value of the Ardchyline Woodland Site of Special Scientific Interest*

13. Prior to the commencement of any construction works, samples of all external finishes and roof coverings shall be submitted for the written approval of the Planning Authority.

*Reason : In the interest of visual amenity and to help integrate the proposal within its surroundings.*

**NOTES TO APPLICANT**

3. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, 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.
4. 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.
5. The Area Roads Manager has advised that the proposed works will require a Road Opening Permit (S56) for the construction of the access. It is also advised that surface water drainage system will be required at the turning area and positive drainage measures should be agreed with the Area Roads Manager. The developer is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly upon these matters.
6. This permission is for the purposes of the Town and Country Planning (Scotland) Act 1997 only. Works not constituting 'development' in planning terms are further controlled by Scottish Natural Heritage under the Operations Requiring Consent procedure associated with the SSSI designation, with consent being required under Section 16(2) of the Nature Conservation (Scotland) Act 2004 in respect of works likely to damage the natural features of the SSSI. You are advised to contact Scottish Natural Heritage in advance of carry out any works within the confines of the SSSI to establish the works requiring consent in this case and to ensure that any necessary consents are in place before works are carried out on the land.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01566/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

In the 'Argyll and Bute Local Plan' (August 2009) the application site is located within the 'minor settlement' of St. Catherines, within an Area of Panoramic Quality and partially within Ardchyline Wood a Site of Special Scientific Interest (SSSI), where policies POL LP ENV5, ENV 6, ENV 7, ENV 10, HOU 1, TRAN 4 and TRAN 6 are all applicable.

Within the settlements, there is a general presumption in favour of development unless there is an unacceptable environmental, servicing or access impact. Whilst the boundary of the SSSI overlaps the settlement boundary, this should not rule out the potential for development within the 'settlement' zone provided the conservation objectives and overall integrity of the SSSI is not compromised (refer to Section C below). The principle of development has already been established by the granting of permission (ref. 07/01840/COU) to convert the former village hall to a dwellinghouse, but is considered that extending the site of the hall into a small part of the SSSI boundary would not undermine the conservation objectives or the integrity of the woodland while being consistent with the settlement character of dispersed dwellings backing onto the woodland.

**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**

*Site and Surroundings*

The site includes the former St. Catherines Village Hall, a single storey corrugated iron building located to the south of St. Catherine's village. The hall is currently occupied by the applicants. The site is currently served by twin accesses from the A815 to allow car parking within the site. A separate private access is located adjacent to the southern boundary of the application site and this serves Halftown Cottages to the rear. A row of mature conifer trees are located along the rear boundary of the site.

The application site is larger than previous schemes that sought to convert only the hall. The applicants have purchased land to the rear to make the site more suitable for a dwellinghouse and associated outbuildings, car parking and turning. The rear portion of the site lies within Ardchyline Wood, a Site of Special Scientific Interest.

*Proposal*

It is proposed to demolish the former hall and erect a one-and-a-half storey dwellinghouse with detached garage/office. The dwellinghouse (16 x 8 x 7.7 metres) would be set back from the A815 at an angle with the garage/office to the rear of the site. It is proposed to close off an existing access at the northern end of the site (by the siting of the septic tank) and improve the existing access in to the site at the southern end. It is also proposed to create a secondary access from the private access track serving Halftown Cottages where the applicants have a right of servitude.

The dwellinghouse would have a pitched and gabled roof with traditional dormer features on front and rear roof slopes and gabled chimneys. External materials would be white wet dash render with grey concrete roof tiles and white upvc windows. The garage/office outbuilding (13.0 x 10.7 x 5.65 metres) would be finished in vertical larch boarding or stained softwood with grey concrete roof tiles and stained softwood windows.



It is proposed to use a sunken Klargester bio-disc plant with filter tank soakaway system within the curtilage of the site and outfall to the adjacent burn. Connections are to be made to the public water main. The applicants have a right of servitude on adjacent land to lay an outfall pipe to discharge from the sewage treatment plant.

It is proposed to fell a row of Douglas fir trees that are located immediately to the rear of the hall. Tree planting and shrub planting is proposed around the site and a 2-metre high deer fence is proposed around the rear boundaries of the site.

Permission was previously granted for the conversion of the hall to two holiday units and a single dwellinghouse on a smaller site that only contained the hall with limited space for car parking, turning and amenity space. Due to site dimensions and issues in converting the hall, the applicants have purchased land to the rear to enable a modern dwellinghouse to be erected within the site together with associated outbuildings, access, turning, car parking and amenity space. In terms of siting, scale and design of the dwellinghouse and outbuilding, the proposal is considered to be acceptable and similar in design to nearby dwellings within St. Catherines village.

Within the settlements, there is a general presumption in favour of development unless there is an unacceptable environmental, servicing or access impact. In this case, the angled siting of the proposed dwellinghouse does not raise any significant design issues and is considered to be acceptable in terms of Policies LP ENV19 and LP HOU1 of the Argyll and Bute Local Plan.

**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. Impact on Woodland**

The rear portion of the site lies within Ardchylene Wood, which is designated as a Site of Special Scientific Interest (SSSI). Ardchylene Wood is one of the largest and most species rich ancient semi-natural woodlands in Cowal supporting the largest area of downy birch and purple moor grass woodland in Argyll. The SNH designation of the Ardchylene Wood SSSI shows the boundaries of the protected woodland enveloping the former hall that only extends some 4.4 metres from the rear of the hall. The proposal extends some 25 metres beyond the hall and it is this additional 20 metres encroaching into the woodland area to which SNH express serious concerns. SNH originally raised concerns regarding the boundary of the SSSI and these concerns were taken into account in the preparation of the 'Argyll and Bute Local Plan'. The Local Plan was drawn up with the SSSI zoning overlapping this part of the minor settlement. SNH raised no objections at that stage and the Local Plan was adopted in August 2009.

SNH object to the application on the basis that the protected natural features of Ardchylene Wood SSSI will be compromised as a result of the development and in particular regarding the construction of the built structures encroaching onto the SSSI that will essentially remove ground permanently from the woodland. It is also considered that the fencing out of this ground will remove it from the woodland in terms of its functionality and therefore threaten the integrity of the overall woodland feature. SNH consider that the proposal raises natural heritage issues of national interest which are not outweighed by wider benefits in the public interest. SNH also confirm that the applicants were made aware of the SSSI status in July 2007.

Policy LP ENV5 of the 'Argyll and Bute Local Plan' states that development in SSSIs will only be permitted where it can be adequately demonstrated that either the proposed development will not compromise the conservation objectives and overall integrity of the site or there is a proven public interest where national, social, economic or safety considerations outweigh the

ecological interest of the site and the need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means. SNH consider that even with mitigation, the proposal raises natural heritage issues of national interest.

The applicants have submitted supporting information suggesting that Ardchyline Wood covers 175 hectares. The whole application site measures approximately 1100m<sup>2</sup> with some treeless 600m<sup>2</sup> within the SSSI, resulting in the loss of approximately 0.03% of the SSSI. While SNH consider that the area of SSSI included in the application primarily constitutes open grassland with scrub birch, the applicants suggest that the removal of the row of Douglas Firs to be replaced with native shrub and tree planting would enhance rather than compromise the SSSI. As a goodwill gesture, the applicants suggest that they will convert the loft area above the office/garage as a bat maternity roost to support the lack of bat maternity roosts in the SSSI, erect a bat box, in addition to placing bird feeders and a bird table.

Whilst acknowledging that the site is slightly larger than the previous permissions, it is important to put the development proposal into perspective. Ardchyline Wood covers approximately 175 hectares that stretches for approximately 5km of hillside from St. Catherines to Ardnagowan. The land to the rear of the hall is scrub and, while SNH consider that the area of SSSI included in the application primarily constitutes open grassland with scrub birch, it is considered that the removal of the row of Douglas Firs to be replaced with native shrub and tree planting would enhance rather than compromise the SSSI. SNH consider that the erection of a fence would remove the site from the woodland but the SSSI already overlaps part of the settlement boundaries of St. Catherines, Poll and Ardnagowan settlements where deer fences are in evidence and necessary to protect gardens.

Whilst the proposal includes the felling of mature conifers to the rear of the site, SNH previously (for application ref. 05/02436/COU) were agreeable to the planting of birch trees to ensure a buffer zone between the application site and the SSSI. Even if such additional tree planting were proposed to the rear of the application site an overhead power line runs along the back of the site where wayleave restrictions exist. For the reasons above, the department cannot give significant weight to the comments from Scottish Natural Heritage.

It is considered that the proposal to include 600m<sup>2</sup> (approximately 0.03%) of the SSSI, will not compromise the conservation objectives or the overall integrity of Ardchyline Wood and that the development is therefore not contrary to Policy LP ENV5. The department does not accept the views of SNH, and considers that approval of the proposed development would not result in a dangerous precedent or (with safeguarding conditions) have an adverse impact on this small part of the SSSI.

In terms of the proposed deer fence, it is suggested that the area to the rear of the proposed dwellinghouse should have a dry stone wall with post and wire fence and any area of deer fencing to be restricted to the central portion of the site. The applicants agree to the erection of a dry stone wall but may need temporary deer fencing to act as an enclosure for their dogs during the construction period. This aspect can be covered by a recommended condition.

It should also be noted that recommended condition 12 removes domestic 'permitted development' rights from that part of the curtilage of the dwelling falling within the SSSI, thereby precluding the erection of walls, fences, outbuildings and other ancillary development within the confines of the designated area, unless specific permission has been granted. Additionally, works not constituting 'development' in planning terms are further controlled by Scottish Natural Heritage under the Operations Requiring Consent procedure associated with the SSSI designation, where consent would be required under Section 16(2) of the Nature Conservation (Scotland) Act 2004 in order to control works likely to damage the natural features of the SSSI.

**On the basis of this, the proposal is considered consistent with the provisions of Policy ENV5 and ENV7 of the Argyll and Bute Local Plan.**

## **E. Natural Environment**

In terms of bats, a bat survey has been submitted for the former hall. The survey finds no evidence of bat roosts within the building but identifies that the area has a good number of bats but few roosts, particularly maternity roosts for Brown Long Eared Bats, Soprano and common Pipistrelles. It is suggested that the new build office/garage loft space has the potential to provide a roosts site for bats in this area with the careful provision of the recommendations as outlined in the Method Statement.

SNH accept the findings of this survey. In terms of the Douglas firs, SNH have accepted their removal without the need for a bat survey. A suspensive condition is recommended that will require the provision of a bat roost within the proposed office/garage building and the provision of a further bat box on a nearby mature oak or a single topped mature Sitka spruce behind the hall.

**On the basis of the above, the proposal is considered consistent with Policy ENV6 of the Argyll and Bute Local Plan.**

#### **F. Road Network, Parking and Associated Transport Matters**

Roads previously deferred their decision until a single access only was formed, but now find that the proposal to utilise two accesses acceptable, on the basis that both are improved to required standards in terms of access design, sightlines, surfacing and drainage. The applicants are aware of these requirements and have indicated their willingness and ability to carry out the works required.

The applicants have a right of servitude and agreement with the land owner to upgrade the existing private access track in terms of surfacing and bellmouth improvements.

**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.**

#### **G. Conclusion**

The demolition of the former hall and erection of a dwellinghouse with detached garage/office outbuilding raises no design, privacy or amenity issues, and is considered to be acceptable and consistent with policies contained in the 'Argyll and Bute Local Plan' (August 2009).

Roads matters can be addressed by suspensive conditions where both of the southern accesses will be improved and the northern one removed by virtue of the siting of the septic tank and soakaway.

Whilst the applicants consider that the removal of a small part of the SSSI woodland area is not significant, SNH object strongly to the proposal that would essentially remove this area of ground from the woodland in terms of its functionality and therefore threaten the integrity of the overall woodland feature. It is considered that a reasoned justification has been made by the applicants, where the application site lies within the identified settlement boundary of St. Catherines and only relates to a very small treeless part of the SSSI. On the basis that part of the site is already developed and given the nature of the site, it is unlikely that approval would establish a precedent.

Given the size of the site and negligible impact on the Ardchylne Wood SSSI, the department does not concur with the views from SNH and consider that the proposed dwellinghouse with appropriate materials and tree planting/shrub planting will be capable of integrating within its surroundings and considered to be acceptable and consistent with policies LP ENV5, ENV6, ENV7, ENV10, ENV19, HOU1, TRAN4 and TRAN6 of the Argyll and Bute Local Plan (2009).

In the event that Members accept the recommendation to grant permission, notification of the application will be required to the Scottish Ministers in view of the conflict with the stated opinion of a statutory consultee.

**APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application 10/01566/PP

- 
- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

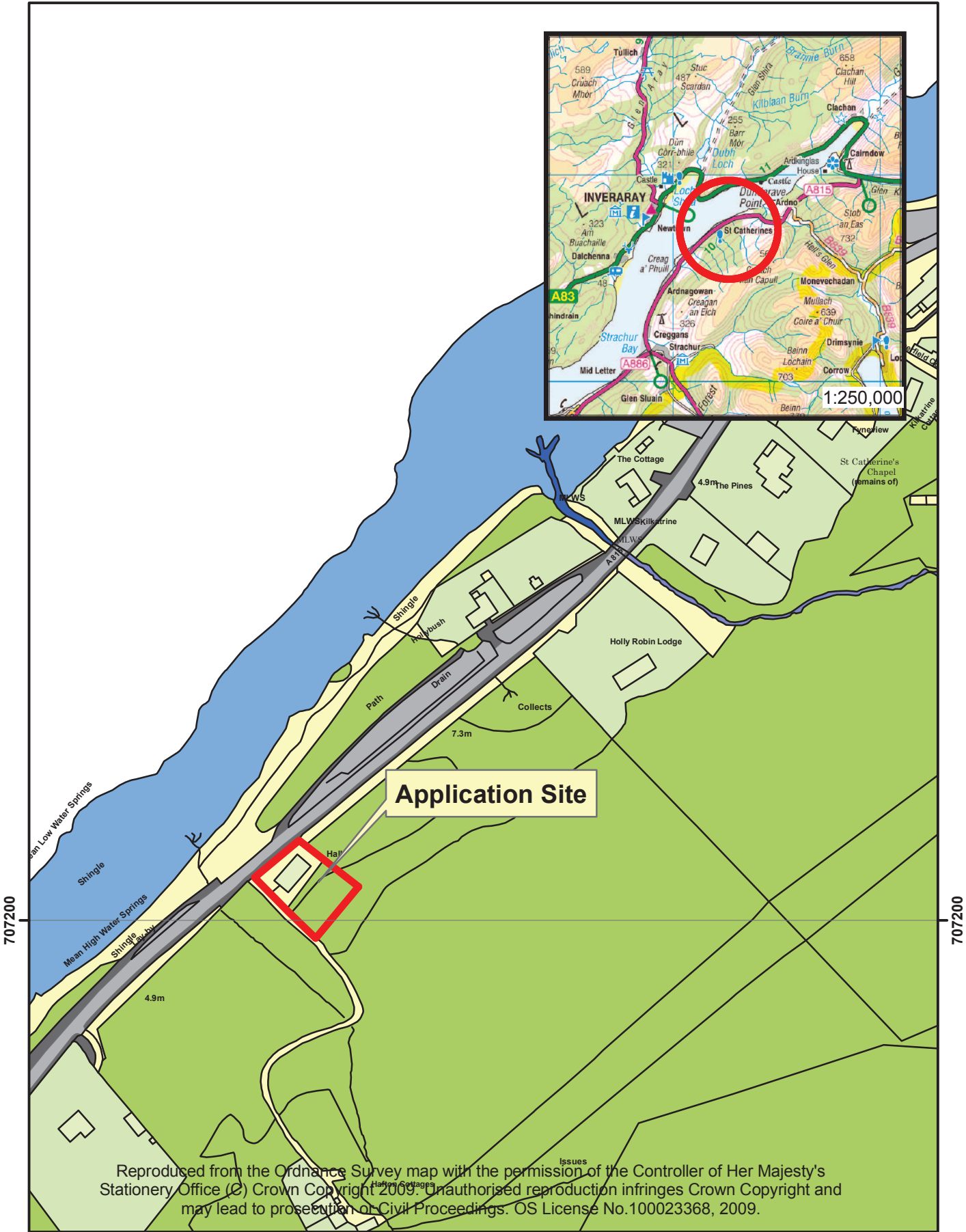
No

- 
- (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.

Yes. Minor changes made to the external materials of the garage/office from render to vertical timber boarding.

- 
- (C)** The reason why planning permission has been approved.

Given the planning history for development on the western part of the site, the dimensions of the application site within the defined settlement boundary of St. Catherines and a very limited (if any) impact on the Ardchylene Wood SSSI, the Council does not concur with the stated views of SNH. On the basis that the proposed dwellinghouse and detached garage/office with appropriate materials and tree planting/shrub planting and boundary treatments will be capable of integrating within its surroundings, and on the basis that it will not threaten the integrity of the wider SSSI, it is considered to be acceptable and consistent with policies LP ENV5, ENV6, ENV7, ENV10, ENV19, HOU1, TRAN4 and TRAN6 of the ‘Argyll and Bute Local Plan’ (2009).



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# Location Plan relative to Application Ref: 10/01566/PP



Date: 26.01.11

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:** 10/01578/PPP

**Planning Hierarchy:** Local

**Applicant:** Mr H. Hood

**Proposal:** Erection of Dwellinghouse

**Site Address:** Land West Of 15 Loch Drive, Helensburgh

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## **DECISION ROUTE**

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

---

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

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

- Site for the erection of a dwellinghouse

(ii) **Other specified operations**

- Connection to public water supply and sewer
- 

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

Having due regard to the development plan and all other material planning considerations, it is recommended that planning permission in principle be granted subject to:

- 1) a discretionary local hearing being held in recognition of the number of representations received;
  - 2) the conditions and reasons appended to this report.
- 

### **(C) HISTORY:**

00/01575/DET – Erection of conservatory (Approved 13/11/2000)

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### **(D) CONSULTATIONS:**

Area Roads Manager

Response dated 25<sup>th</sup> October 2010 – No objection subject to conditions.

Scottish Water

Response dated 22<sup>nd</sup> October 2010 – No objection.

Helensburgh Community Council

Response received 3<sup>rd</sup> November 2010 – Object to the proposal as it would not integrate with its setting and amount to overdevelopment, leaving the dwellinghouses on either side very enclosed and at odds with the rhythm and ratio of building to garden plot. Proposal is contrary to Policy LP ENV 19.

---

**(E) PUBLICITY:**

Regulation 20 Advert Local Application      Expiry Date: 12.11.2010

---

**(F) REPRESENTATIONS:**

Eleven e-mails and ten letters of representation (some of which are duplicates) were received during the determination process of this planning application. The representations have been received from;

David W. Bennett, Kingseat, 20 Loch Drive, Helensburgh, G84 8PY (e-mail dated 19/10/10)

Rona Thorne (no address supplied) (e-mail dated 20/10/10)

Glen Roy (no address supplied) (e-mail dated 21/10/10)

Ian Martin, 17 Loch Drive, Helensburgh, G84 8PY (e-mails dated 18/10/10 and 21/10/10 and letter dated 21/10/10)

A Livingstone, 26 Loch Drive, Helensburgh, G84 8PY (letter dated 20/10/10)

D Sammon, 10 Kidston Drive, Helensburgh (letter and e-mail dated 26/10/10)

Tom Haverson, 21 Loch Drive, Helensburgh, G84 8PY (letter undated and e-mail dated 25/10/10)

George S. Wootton, 16 Loch Drive, Helensburgh, G84 8PY (letter dated 21/10/10)

Dr. A Cameron, 24 Loch Drive, Helensburgh, G84 8PY (e-mail dated 27/10/10)

Bruce R. Mill, 16 Dennistoun Crescent, Helensburgh, G84 7JE (letter dated 29/10/10)

F. J. Meehan, 9 Kidston Drive, Helensburgh, G84 8OA (letter dated 2/11/10)

James and Patricia Crawford, 18 Loch Drive, Helensburgh, G84 8PY (e-mails dated 16/1/10 and 19/11/10 and letter dated 3/11/10)

Keith and Jean Crawford, Ardlamont, 3 Loch Drive, Helensburgh, G84 8PY (letter dated 9/11/10)

John Watters (no address supplied) (e-mail dated 5/11/10)

Ian and Margaret Martin, 17 Loch Drive, Helensburgh, G84 8PY (letter dated 18/11/10)

The concerns raised are summarised as follows:

The existing houses in Loch Drive have been built with a reasonable space between them which is part of the character and charm of the street. The proposal would be completely out of character with the rest of the street resulting in a significant loss of amenity to adjoining properties and the surrounding area. The proposal is therefore contrary to policy LP HOU1 and Policy LP ENV 19 of the adopted Local Plan.

*Comment: See my assessment (at Section P below).*

If approval was given this would set a precedent for similar garden areas in the street.



*Comment: Each application is judged on its merits against development plan policy and other material considerations.*

Although this is a reasonable sized garden, it is not wide enough to be developed with a detached property without seriously reducing the amount of natural light/sunlight in the living areas of adjoining properties. Privacy is also a concern, especially with the proposed access/parking in view of living areas. Any daylight assessment should include the impact on both number 17 and number 15.

*Comment: See my assessment (at Section P below).*

With regard to the daylight assessment both a one and a half storey and single storey building are shown. The one and a half storey looks like a two storey building on the east side with a half storey on the west side. This has been contrived to comply with the 25 degree rule and is not a one and a half storey building. The single storey building has been set some 4 metres from the boundary of number 15 to comply with the 25 degree rule. If either design was set 3 metres from the boundary it would fail the 25 degree test.

*Comment: The indicative layout submitted shows the proposed new house 4 metres from the boundary of number 15. This is an application for planning permission in principle and the final siting will be specified in later applications if Members are minded to agree the proposal. A condition has been attached requiring a single or one and a half storey house with eaves levels below either of the adjoining properties. It is considered therefore that on the basis of the daylight information submitted and the safeguard of the condition and the further application(s) then the scheme is acceptable. See also my assessment (at Section P below).*

Having three very large, tall properties close together, two with parking bays, little if any verges and an alleyway access to small rear gardens will do nothing to enhance the neighbourhood but merely detract and present the impression of an overbearing virtual Terrace Row. The original plans catered for larger and taller properties by allocating larger and wider plots. This foresight should not be thrown away for the sake of quick profit but retained as intended for the benefit of the neighbourhood.

*Comment: See my assessment (at Section P below).*

We consider that the applicant acknowledges that there is insufficient space. The cannibalising of the existing number 15, the dwelling design, lack of garage, seriously practical car access/turning space, absence of any side windows, etc, even down to placing four refuse bins per house as the back garden is limited all supports the view of over crowdedness.

*Comment: See my assessment (at Section P below).*

There is a well known problem with drainage and sewerage in the street and any further increase in load on sewerage might adversely affect the whole street.

*Comment: Scottish Water has no objections.*

The absence of garage accommodation in the existing property and the proposed new build could result in an increase in street parking which is detrimental to the appearance and amenity of the area. Moreover, the application may show standard parking slots but given the access and driveway these are impossible.

*Comment: The Area Roads Manager has no objections and it is not considered that any additional on-street parking will have a material impact on the character and amenity of the area.*

We would want reassurance that the available width of half of the plot is not over-represented on the plans. The sketches appear misleading giving the impression of

more space/size than actually exists. The drawings should show that overall width from the gable at number 17 to the gable at number 15 is 19 metres but on site is only 17 metres and when the side spaces are taken into account this only leaves very little given the other restrictions. The proposed plot is shown as 422m<sup>2</sup> where in reality it measures 393m<sup>2</sup>.

*Comment: The plans submitted show a rectangular shaped site (if the access is excluded) measuring 14 metres by 32 metres approximately. The distance from the gable of number 17 to the gable at number 15 is 18.5 metres. The width of the application site and the remainder of the curtilage at number 15 is 23 metres. The plans submitted show a two storey property whilst the daylight assessment shows single and one and a half storey. These are however for indicative purposes only. See also my assessment (at Section P below).*

We consider that there has been a material change of use to the land and house at 15 Loch Drive which is apparently unauthorised. The integral garage has already been demolished as has the front boundary wall. The front flower garden has been grubbed up and replaced with a red stoned surface. It appears to be an unauthorised change of use to remove the car parking space from the garage to the front garden. Burdens on our property require that the front parapet wall be maintained and that grass, flowers and shrubs be grown in the space between the house and wall. No property in this area has parking in front of its principal ground floor windows, presumably as a result of this covenant. We suggest that enforcement action would be preferable to a retrospective application.

*Comment: The site is not within a conservation area and the property at number 15 is not listed. Consequently, the works indicated do not require planning permission. The requirements of any covenant are a civil matter.*

As a previous owner of this property we looked at the option of selling the house but keeping the land with a view to building another property. Advice from planning was that permission would not be granted as there was not enough space. We were also worried that that if we sold the house, a developer might knock down the garage and build a house in the garden. We were assured this would not happen and that any planning application to do so in the future would be rejected.

We understand that planning officers gave a previous undertaking to the previous long-standing owner that consent would not be given for such development due to insufficient land availability.

*Comment: Pre-application advice has the caveat that it is an officer's opinion. In the event of a formal application being submitted, the Council must take into account views of consultees and representations as appropriate. Any report to Committee must reflect this and may therefore differ from an initial assessment. Each application is judged on its merits against development plan policy and other material considerations.*

15 Loch Drive was purchased recently on what could be considered a speculative and opportunistic basis. Therefore, would question the intention of the purchaser with regard to actually taking up residence. There are more than ample properties available of this size within Helensburgh at present and indeed, when the old Academy site is developed, there will be a large increase in the housing stock within Helensburgh.

*Comment: The issue of the motives of the applicant is not a material consideration. An application has been submitted for development within the settlement boundary and requires to be assessed against development plan policies and other material considerations.*

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>.

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**(G) SUPPORTING INFORMATION****Has the application been the subject of:**

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

**(H) PLANNING OBLIGATIONS**

- |     |  |    |
|-----|--|----|
| (i) | <b>Is a Section 75 agreement required:</b> | No |
|-----|--|----|
- 

- |     |   |    |
|-----|---|----|
| (I) | <b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | No |
|-----|---|----|
- 

- |     |  |  |
|-----|--|--|
| (J) | <b>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</b> |  |
|-----|--|--|

- |     |   |  |
|-----|---|--|
| (i) | <b>List of all Development Plan Policy considerations taken into account in assessment of the application</b> |  |
|-----|---|--|

Argyll and Bute Structure Plan 2002

Policy 'STRAT DC 1 – Development in Settlements

Argyll and Bute Local Plan 2009

Policy 'LP ENV 1 – Development Impact on the General Environment'

Policy 'LP ENV 19 – Development Setting, Layout and Design'

Policy 'LP HOU 1 – General Housing Development'

Policy 'LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes'

Policy '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**

Scottish Planning Policy (Feb 2010)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

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

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

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

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

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

In view of the number of representations received raising objection to the proposal it is considered that a discretionary local hearing is necessary in this instance.

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

Planning Permission in Principle is sought for the erection of a dwellinghouse within the garden ground of 15 Loch Drive, Helensburgh, a two storey semi-detached property. The application site sits within a larger development block running along Loch Drive to the north, Cairndhu Avenue on the east, Castle Avenue on the west and Kidston Drive to the south. This block comprises mainly detached dwellinghouses on rectangular shaped plots.

The Council's 'Sustainable Design Guidance' gives advice on how to approach sustainable urban infill. It offers three possible solutions. The first is contemporary landmark which is sensitive design of a high architectural quality which is essentially of a different architectural style to the buildings surrounding it. The second option is a design which more obviously is based on the architecture of the buildings adjacent. Finally, there is traditional design.

Although this is an application in principle indicative plans have been submitted. These show a 2 storey dwellinghouse with a rectangular shaped footprint of approximately 130 square metres and matching the existing building line. The key issues are whether the sub-division of this plot and the erection of a dwellinghouse will be visually intrusive in the streetscape and the impact of a new house on the amenity of adjoining properties.

The development block in which the application site is situated has a certain homogeneity with detached properties set in rectangular shaped plots approximately 37

metres deep by 23 metres wide. However, on Loch Drive this pattern is disrupted by two pairs of semi-detached dwellinghouses in the middle of the streetscape part of which comprises the application site. To the east after the two sets of semi-detached properties the regular pattern of detached properties resumes.

The original curtilage of number 15 measures approximately 851 square metres. The proposed sub-division will leave the new property with a curtilage of approximately 450 square metres and the existing property approximately 401 square metres. While this is smaller than the general pattern in the area, it is considered acceptable particularly as this central section of Loch Drive deviates from the general development pattern. Consequently, it is considered that a new dwellinghouse of appropriate design could be accommodated without having a detrimental visual impact on the streetscape.

The other key issue is the impact of the proposed new dwellinghouse on adjoining properties particularly in terms of daylight, dominance and privacy. A daylight assessment was requested and submitted. Using the British Research Establishment (BRE) Guide to Good Practice the daylighting component was assessed via the 25 degree method which defines the separation distance at which good interior daylighting can be achieved. In essence *“If any part of a new building or extension measured in a vertical section, perpendicular to a main window wall of an existing building from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffuse daylighting of the existing building may be adversely affected”*. In this case, neither a single storey nor one and a half storey building subtends the angle of 25 degrees with regard to the gable windows on number 17 Loch Drive. In terms of the existing property at number 15, a sunpath diagram was submitted. Any impact is likely to be on the existing conservatory but is within acceptable limits.

With regard to dominance the indicative drawing shows the footprint of the proposed dwellinghouse to be approximately 1 metre from the boundary and 4 metres from the gable of number 15 and 3 metres from the boundary and 5 metres from the gable of number 17 respectively. Given this proximity, a one and a half or two storey dwellinghouse could be overbearing and dominate both existing properties to the detriment of their amenity. Consequently, as this is a subdivision of an existing house and the potential impact a one and a half or two storey property could have it is considered that any dwellinghouse approved should be limited by condition to single storey. Similarly, as part of the same condition, it is considered appropriate to specify a minimum separation distance from the proposed new house to the existing properties.

As only indicative drawings have been submitted the impact on adjoining properties in terms of window to window distances cannot be fully assessed. However, it is considered that an appropriately designed single storey dwellinghouse can be accommodated on this site without a detrimental impact on the amenity of adjoining properties or the surrounding area. As such it is considered that it accords with policy and is recommended for approval.

#### **Road Network, Parking and Associated Transport Matters.**

The Area Roads Manager has no objections to the proposed access and parking arrangements.

#### **Infrastructure**

Scottish Water has no objections to the proposal.

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

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**(R) Reasons why planning permission in principle should be granted**

The original curtilage of number 15 measures approximately 851 square metres. The proposed sub-division will leave the new property with a curtilage of approximately 450 square metres and the existing property approximately 401 square metres. While this is smaller than the general pattern in the area it is considered acceptable particularly as this central section of Loch Drive deviates from the general development pattern. It is also considered that an appropriately designed single storey dwellinghouse can be accommodated on this site without a detrimental impact on the amenity of adjoining properties or the surrounding area. It is considered therefore that there are no material considerations, including views expressed by third parties that would warrant the refusal of planning permission in principle for this particular proposal.

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**(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.

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

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**Author of Report: Howard Young**

**Date: 28<sup>th</sup> January 2011**

**Reviewing Officer: Richard Kerr**

**Date: 28<sup>th</sup> January 2011**

**Angus Gilmour  
Head of Planning**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01578/PPP**

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 2008 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 approved drawings 167(L) 010A, Location and Site Plan 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. Notwithstanding Condition 2 above, no consent is hereby granted for the indicative street elevation shown on drawing 167(L) 010A. Prior to the commencement of development on site, details shall be submitted to the Planning Authority which shall identify the siting, design and external appearance of the proposed development. The proposed dwellinghouse shall be single storey with a footprint of 130 square metres and with a minimum separation distance from the boundary of the adjoining property at number 17 Loch Drive of 4 metres and a minimum separation distance from the boundary of the adjoining property at number 15 Loch Drive of 1 metre.

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

4. Prior to the commencement of development on the site, details shall be submitted to the Planning Authority which shall include a turning area within the plot and a number of car parking spaces associated with the dwellinghouse that would be commensurate with the size of dwellinghouse proposed. Those levels being: two spaces for a dwelling up to and including three bedrooms; three spaces for a four-bedroomed dwelling; four spaces for a five-bedroomed dwelling; and so on.

*Reason: In the interests of road safety in order to enable vehicles to park clear of the public road and to allow unimpeded vehicular access over the public road.*

5. Development shall not begin until details of a scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

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

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

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

*Reason: In the interests of visual amenity, for the avoidance of doubt and to ensure the implementation of a satisfactory scheme of landscaping.*

## **NOTES TO APPLICANT**

1. In order to comply with Section 27A(1) of the Town & Country Planning (Scotland) Act 1997, 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.
2. In order to comply with Section 27B(1) of the Town & 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 complete.
3. A footway crossover permit is required to form the driveway entrance.



**APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application **10/01578/PPP**

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- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

No

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- (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?

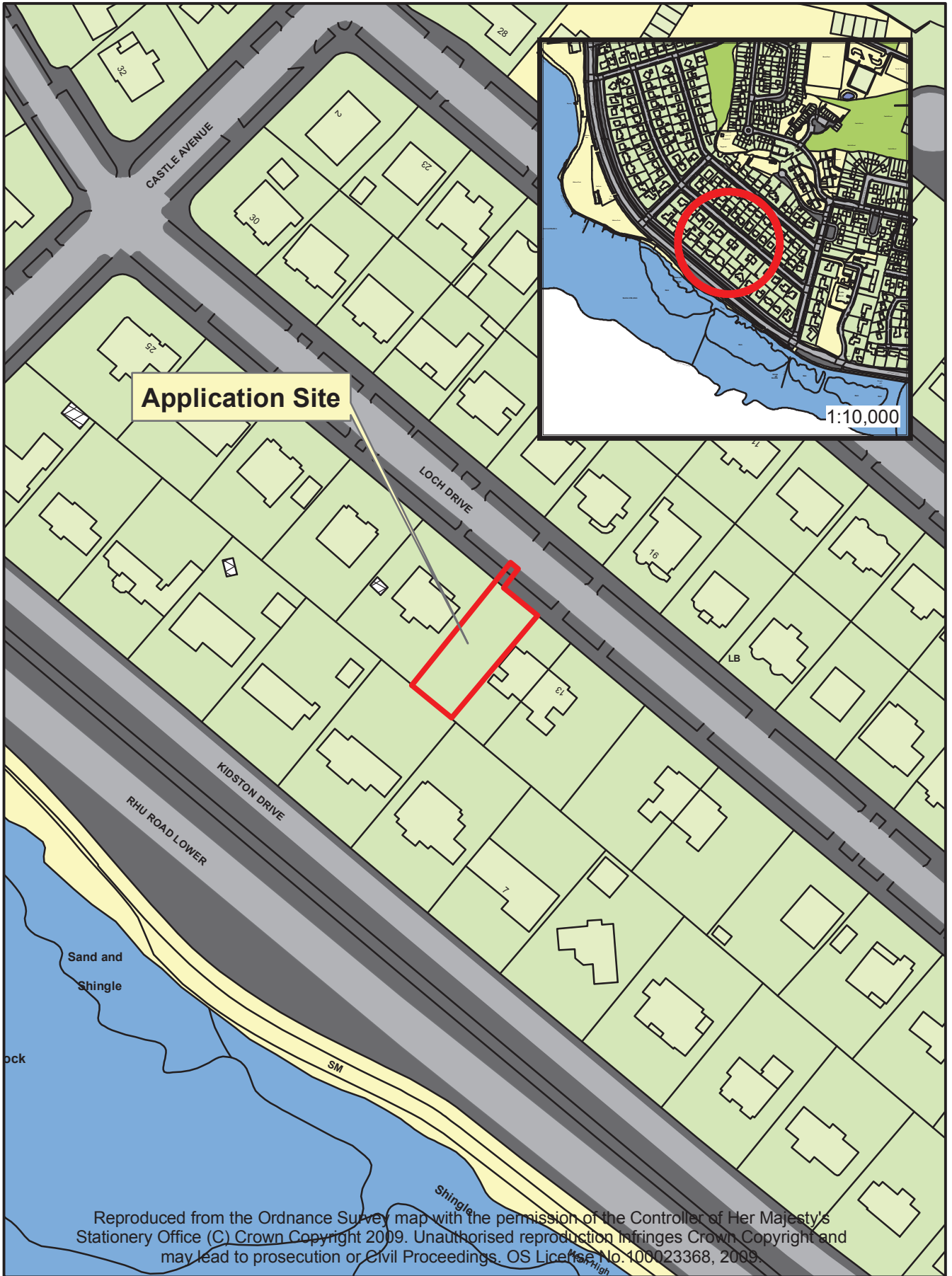
No

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- (C)** The reasons why planning permission in principle has been approved.

The original curtilage of number 15 measures approximately 851 square metres. The proposed sub-division will leave the new property with a curtilage of approximately 450 square metres and the existing property approximately 401 square metres. While this is smaller than the general pattern in the area it is considered acceptable particularly as this central section of Loch Drive deviates from the general development pattern. It is also considered that an appropriately designed single storey dwellinghouse can be accommodated on this site without a detrimental impact on the amenity of adjoining properties or the surrounding area. It is considered therefore that there are no material considerations that would warrant the refusal of planning permission in principle for this particular proposal.

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**Location Plan relative to  
Application Ref: 10/01578/PPP**



Date: 16.02.2011

Scale: 1:1,250

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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:** 10/01767/PP

**Planning Hierarchy:** Local Development

**Applicant:** Ms Sian Scott, Mull and Iona Community Trust

**Proposal:** Additional plant room, amended siting, amended fenestration on the south east and south west elevations, upgrading of roof covering to natural slate, addition of 7 sunpipes, deletion of solar panels and installation of a waste water discharge pipe (retrospective) - relative to planning application ref. 07/02265/DET – erection of community business resource centre.

**Site Address:** Land north west of Dalriada, Craignure, Isle of Mull

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**SUPPLEMENTARY REPORT NO 1****1) Background**

This application was considered at the meeting of the Planning Protective Services and Licensing Committee of 19<sup>th</sup> January 2011, and was continued in view of matters requiring clarification, which it was not possible to address in full on the day. This report now provides the required information.

**2) Additional Information**Glazing of side facing windows facing 'Dalriada'

The retrospective application addresses the matter of windows overlooking the garden ground of the adjacent cottage. The original approval provided for three small high level toilet windows towards the rear of the side elevation, plus one office window at the front of the side elevation. As the latter was to face the blank gable end of 'Dalriada', the means of glazing of this window was not specified in the original planning approval, and accordingly, as constructed, it was fitted with plain glass. The positioning of the building further back into the site than the location approved has afforded an oblique view across the rear garden of the cottage and the report to the last meeting recommended that this window should be the subject of a condition requiring opaque film to be applied to the glass in order to protect privacy. This was not acceptable to Members who requested that the window should be retro-fitted with obscure glass. This matter has been raised with the applicants who have indicated their willingness to do this and to accept a

condition to that effect. An additional window has also been added to the stairwell in the centre of the side elevation and the applicants are agreeable to this being obscure glazed also. Accordingly, all the side facing windows looking toward the garden ground of 'Dalriada' are to be fitted with obscure glass to overcome any privacy concerns. A revised condition is recommended to secure this.

## Discharge pipe serving foul drainage system

The retrospective application provides for an outfall pipe across the foreshore which was not included at the time planning permission was approved. The original application indicated that an existing outfall pipe was to be used in order to serve a proposed biodisc treatment plant to be installed on the site. In the event, as this discharges from the foot of the sea wall, this was not to prove acceptable to SEPA who required that it should be extended to the mean low water mark. It should be noted that this discharge is subsequent to treatment on the site, unlike other houses, commercial property and the public toilets nearby which discharge untreated sewage onto the foreshore, there being no other septic tanks in this area of Craignure.

The pipe is, however, unsightly and the report to the last meeting recommended that it should be undergrounded or concrete capped as far as practicable, in order to improve its appearance. The developers have confirmed that it is impractical to underground the pipe and feels that concrete capping will break up over the years with the action of the sea, presenting an undesirable maintenance problem. As an alternative, they have suggested that the pipe be bounded on both sides by rock armour to disguise its presence. This will have the benefit of allowing the sea to wash in and out of the stones and will prove more durable in the long term. It will also be less regular in appearance than concrete capping. This is an appropriate suggestion and a condition to that effect is recommended.

## Car parking

Although not part of the retrospective application under consideration, issues were raised at the meeting about firstly, the absence of on-site parking, and secondly, deficiencies in the means of access between the disabled person's car parking space and the ramped access at the front of the building. Subsequent contact with the Council's roads engineers has established that they were content that off-street parking was adequate nearby – adjacent to the bus park and also at Craignure toilets. No condition was attached to the original permission requiring on-site parking. In the event the developers have chosen to provide an area at the side of the building capable of accommodating a maximum of two cars, with a space dedicated for disabled persons use.

As far as disabled persons access is concerned, Building Standards have confirmed that they will be requiring for Building Warrant purposes, a means of access with a bound surface suitable for disabled persons' use between the dedicated parking space and the main entrance to the building. It is not therefore necessary to address this by way of a planning condition, as this would duplicate powers available under other regulation. A ramp from the disabled persons' space to the rear entrance of the building has already been provided, so ultimately there will be two means of access into the building suitable for use by a disabled person.

Solar panels

A question was raised at the last meeting as to the reason for the deletion from the build of the originally approved solar panels. In the event, the development has been served by a ground source heat pump which fuels the heating of the building, whilst a heat recovery system provides hot water. In that situation, solar panels would have provided too much hot water given the lack of domestic demand (for baths and so on) in a building of this type, and therefore solar panels were not fitted.

**3) Recommendation**

It is recommended that planning permission be granted subject to the revised conditions on the following page, which take account of the need to obscure glaze windows and to provide rock armour protection to the outfall pipe.

**Author of Report: Richard Kerr**

**Date: 26/01/2011**

**Angus Gilmour  
Head of Planning**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01767/PP**

1. Prior to the initial use of the centre hereby approved, the exposed outflow pipe running from the sea wall to the mean low water spring level shall be protected for its full length on either side by rock armour details of which, including type and size of stone, shall be submitted to and approved in writing in advance by the Planning Authority.

*Reason: In the interests of visual amenity and to ensure that the visually intrusive discharge pipe blends into its surroundings.*

2. Prior to initial use of the centre hereby approved, the six toilet windows (numbered 24, 25, 26 and 45, 46, 47) the office window (numbered 49) and the stairwell window (numbered 48), all on the south-east elevation, shall be fitted with obscure glazing, which shall thereafter be retained in perpetuity. ,

*Reason: To eliminate overlooking of the neighbouring residential property.*

3. The development shall be implemented in accordance with the details specified on the application form dated 20/10/2010 and the approved drawing reference numbers:

Plan 1 of 8 (Site Plan and Location Plan at scale of 1:500 and 1:2500)

Plan 2 of 8 (Elevations at scale of 1:1200)

Plan 3 of 8 (Section Thro Site NW to SW at scale of 1:100)

Plan 4 of 8 (Floor Plans at scale of 1:100)

Plan 5 of 8 (Roof Plan at scale of 1:100)

Plan 6 of 8 (Proposed Drainage Layout at 1:200)

Plan 7 Of 8 (Landscaping at scale of 1:100)

Plan 8 of 8 (Landscaping and access ramp elevation at 1:100)

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.*

**NOTE TO APPLICANT**

- 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.



**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:** 10/01767/PP

**Planning Hierarchy:** Local Development

**Applicant:** Ms Sian Scott, Mull and Iona Community Trust

**Proposal:** Additional plant room, amended siting, amended fenestration on the south east and south west elevations, upgrading of roof covering to natural slate, addition of 7 sunpipes, deletion of solar panels and installation of a waste water discharge pipe (retrospective) - relative to planning application ref. 07/02265/DET – erection of community business resource centre.

**Site Address:** Land north west of Dalriada, Craignure, Isle of Mull

---

**DECISION ROUTE**

Local Government Scotland Act 1973

---

**(A) THE APPLICATION**

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

- Addition of a plant room
  - Amended siting
  - Amended fenestration on the south east and south west elevations
  - Change to roof covering to natural slate
  - Addition of 7 sunpipes
  - Installation of a waste water discharge pipe
- 

**(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 attached conditions.

---

**(C) HISTORY:**

07/02265/DET – Erection of community business resource centre (approved 31.03.2008)

10/00326/ENOTH2 – Enforcement enquiry, deviation from approved plans (pending)

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**(D) CONSULTATIONS:**

No consultations were required

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20, closing date 02.12.2010.

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**(F) REPRESENTATIONS:**

14 letters of objection have been received in respect of this application:

Maria Tunikowska, Slough, Berks, SL1 5LT

Iain and Catherine MacFadyen, Ballymeanach, Gribun, Pennyghael

Laura Newton, Stag Land Junior School, Collier Drive, Edware, HA8 5RU

Fiona Jappy, 26 Rockfield Road, Tobermory, Isle of Mull, PA75 6PN

Linda Boswick, Craignure Stores, Isle of Mull, Argyll

William and Nicola 3 McClymont, 3 Java Houses, Craignure, Isle of Mull, PA65 6BE

Gillian, Margaret and Angus Black, 12 Bentallen, Salen, Isle of Mull PA72 6JH

Sheila and Charlie Weir, Redburn, Lochdon, Craignure, Isle of Mull, PA64 6AP

Marek Urbanowicz, 36 Knowe Drive, Harpenden, Herts, AL5 1RW

Elliot Bottomley and Annabelle Knight, Safehouse, Bennett Street W4 2AH

Yvonne Marjot, 6 Druimfin Gardens, Tobermory, Isle of Mull, PA75 6AB

Rhona Wilson, Corry-Lynn, Craignure, Isle of Mull

John and Morvern Archbold, Oakbank, Lochdon, Isle of Mull, PA64 6AP

Colin Newton, Dalriada, Craignure, Isle of Mull, PA65 6AY

1 letter of support has been received for this application:

Sandy Brunton, MICT, 20 Main St, Tobermory, Isle of Mull, PA75 6NU

**(i) Summary of material considerations raised**

- The building has been set back from what was approved

*Comment: The building has been constructed approximately 1.8 metres further onto the site than the approved scheme. The current application seeks to regularise this, which resulted from Building Standards requirements relating to disabled persons' access (ramp to site frontage). The increased set-back from the public road marginally reduces the massing of the building in the wider streetscape and as a result, is a slight improvement on the originally approved details.*

- The building has been raised from what was approved

*Comment: The building has been constructed approximately 0.5metres higher than the approved scheme, due to rock encountered on site. The change has resulted in a higher building, which is less desirable considering the relatively small scale built environment in which it is sited. Whilst the increased height is less desirable, its extent is not considered to be unacceptable in this instance. The building is set against rising land and the increased height does not create such adverse impacts on the street scene as to warrant refusal.*

- The windows on the south eastern elevation should be frosted glass as opposed to stick on plastic frosting

*Comment: The windows to the south east elevation are shown to be a mix of opaque glass/opaque film. Both measures will ensure that the privacy of the neighbouring property 'Dalriada' is protected. An appropriately worded planning condition will ensure that the windows remain opaque in perpetuity.*

- The concrete ramp has not been shown on the plans.

*Comment: Amended plans have been requested from and submitted by the agent. The ramp had to be relocated due to Building Standards requirements. The ramp is now included on the plans.*

- There could be flooding issues due to the site being raised.

*Comment: SEPA were consulted as part of the original planning application and raised no objection. Details of the drainage for the site have been assessed by Building Standards and they are satisfied that the silt trap to the rear of the site and the discharge to the sea are acceptable for surface water drainage. The raising of the site does not affect the roof drainage system in any way. The proposals are not materially different enough to re-visit surface water drainage from the site.*

- Trees and existing planting have been cleared from the site contrary to the application form and approved plans.

*Comment: Amended plans have been requested from and submitted by the agent. These show a vertical hit & miss timber fence along the southern boundary. Soft landscaping, previously approved by the department, has also been resubmitted which is acceptable.*

**(ii) Summary of other issues raised/questions asked**

- The proposal is not in keeping with its surroundings

*Comment: Planning permission has already been granted for a community business resource centre on the site. The current application seeks to regulate changes to the approved proposal, so the difference between the approved plans and the amended plans is the sole matter for determination by the Planning Authority. This opportunity cannot be used to question the previously approved design, siting or servicing of the approved building, nor to re-visit the principle of the development at the site. Only design of the amended building elements is a material consideration in this case.*

- The proposal will negatively impact the support of local businesses which sell refreshments and also provide conference facilities

*Comment: Planning permission has already been granted for the proposed use, which is not proposed for change as part of the current application. Legitimate business competition is not a material planning consideration in any event.*

- There is limited parking available to serve the development

*Comment: As part of the original planning application the Area Roads Engineer was consulted and had no concerns regarding parking provision. This current application seeks to regulate minor changes to the approved proposal that have no impact on parking demand or provision. Impact on local parking availability is therefore not a material consideration to this application.*

- Additional rooms and windows have been added to the building contrary to the approved plans.

*Comment: It is recognised that the building has not been built in accordance with the approved plans and hence this retrospective planning application has been submitted for consideration.*

- The windows to the north west elevation are intrusive and have removed a great deal of our privacy

*Comment: These windows were approved as part of the original planning permission and therefore are not material considerations to this application.*

- Many of the facilities are already available in Craignure, this building is not required.

*Comment: Neither the use of the building nor the duplication of facilities are material considerations to this application. The building use already has planning permission and is not the subject of this application.*

- We believe there are 30 computers to be used in the building, who will use these and what impact will this have on our connection speed?

*Comment: Neither the clientele of the property, nor the impact of computer users on the local broadband connection speed, are material considerations to this application.*

- Who approved the changes to the plans without contacting the adjacent property owners? Who authorised the additional rooms and windows?

*Comment: The changes have not been approved or authorised by the Planning Authority. The current application seeks authorisation.*

- Can changes be made to the approved plans without recourse to the planning department?

*Comment: Changes should only be made to a development once the approval of the planning department has been received. A change may be either non-material or material, in both cases approval is required from the Planning Authority. Unauthorised changes are sometimes made at the developer's risk and may be subject to enforcement action.*

- Who has the final say to stop construction when a building is not constructed as by the approved plans?

*Comment: It is for the local planning authority to decide and take appropriate action when a development is not built in accordance with the approved plans. Any enforcement action must be commensurate with the breach of planning control. In this instance, a retrospective planning application has been submitted in an attempt to regularise the matter.*

## **Support**

### **(i) Summary of supporting comments**

Mull and Iona Community Trust has submitted a letter containing general supporting information to this application. The letter indicates a wide level of support for the project both past and present. The letter gives background to the trust and details other projects that the Trust is involved with.

The above represents a summary of the issues raised. Full details of the letters of representation can be viewed on the Council's public access system by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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## **(G) SUPPORTING INFORMATION**

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

- |   |    |
|---|----|
| <b>(i) Environmental Statement:</b>   | No |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | No |
| <b>(iii) A design or design/access statement:</b>   | No |
| <b>(iv) A report on the impact of the proposed development</b>                                    | No |

e.g. retail impact, transport impact, noise impact, flood risk,  
drainage impact etc:

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**(H) PLANNING OBLIGATIONS**

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

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP BUS 1 – Business and Industry Proposals in Existing Settlements

LP COM 1 – Community Facility Development

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

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

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

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

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

No

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

Retrospective planning permission is sought for changes that have been made during construction to the approved design of a community business resource centre at Craignure on the Isle of Mull. The centre was granted planning permission in 2008 under planning reference 07/02265/DET.

The changes that have been made are:

- An additional plant room has been added to the south west elevation;
- The building has been set back 1.8 metres from the approved position;
- An additional window has been added to the south east elevation, at the top of the stairwell, this will be fitted with opaque glass;
- Two additional windows have been added to the south west elevation, one on the porch (No 15 of window schedule) and one above the plant room (No 43 of window schedule);
- The ground levels are 0.5m higher than originally anticipated due to rock encountered on site, which increases the level of the building within the site;
- The roof covering has been changed from slate substitute to natural slate;
- Seven sunpipes have been added to the roof;
- The solar panels on the roof have been omitted;
- A waste water discharge pipe has been installed running from the sea wall to the mean low water spring level.

It is important to acknowledge that the community business resource centre already benefits from planning permission and this application is only seeking to regularise the changes that have been made to the scheme approved by the original permission. Issues such as principle, basic design, building size, parking, and the use of the building are not material considerations in respect of this application. The sole matter for determination by the Planning Authority is the difference between the approved details and the amended details.

The building is located within the 'small town and village' settlement zone of Craignure. Structure Plan policy STRAT DC 1 supports development within small towns and villages where it will serve a local community of interest. The changes to the original application raise no conflict with STRAT DC 1.

The impact the changes will make to the general impact have been assessed in accordance with local plan policy LP ENV 1. Visually the development will change very little to what has been approved. The introduction of slate as a roof covering and the set back of the building will improve the overall scheme, by enhancing the external appearance and reducing the prominence of the building in the streetscape setting.

The additional window to the south east elevation could have resulted in overlooking of the neighbouring garden. However, the glass is proposed to be opaque and as a result of the set back of the building all other windows on this elevation are now proposed to have obscure screening added to them, which will be retained in perpetuity by planning condition. This adequately mitigates the potential impacts arising from the amended windows and their relative relationship to the neighbouring house.

The removal of the solar panels and their replacement with sunpipes will have a limited impact. The introduction of the waste water treatment pipe will have a localised impact due to its visual impact. To mitigate this, a planning condition is proposed to ensure the pipe is underground as far as practicable and covered by concrete or a suitably bound material over any remaining above ground sections, which will weather and attract natural sea life over time. The pipe has been installed with SEPA, FEPA and Crown Estates permissions. The plant room is small, will not affect the appearance of the building from the main vantage points, has a limited impact on the design of the building, and is required to house necessary infrastructure. For these reasons, it is considered the plant room is acceptable.

As mentioned, the overall design and scale of the building has been agreed through the previous permission. In terms of the setting and layout minor changes have been made on site: a 1.8 metre set-back in the site is introduced and an increase in height of approximately 0.5m due to rock being encountered on site. The set back has reduced the massing of the building and reduced the building's dominance of the streetscape. The increase in height has altered the building's relationship with the neighbouring properties, particularly 'Dalriada' to the south of the site. Notwithstanding the height increase, the building was approved with significant massing in relation to the neighbouring properties, and on balance, it is not considered that the increase in height within the site of 0.5m is unacceptable. The site lies within a village where ridge levels vary and the increase in site levels from the original approval is not of itself considered to be significantly higher than the existing approval. With the above assessment in mind, it is considered the changes accord with local plan policy ENV 19.

Local plan policy LP BUS 1 encourages business development of an appropriate scale within existing settlements. This policy supported the principle of the original proposal and also supports extensions/alterations to business developments that will benefit the functionality of the building. This proposal accords with the ethos of this policy and the building is to provide a community business resource centre.

Local plan policy LP COM 1 affords a presumption in favour of improved community facilities. The application is in accordance with this policy.

Taking the above assessment into account it is considered that the proposal accords with the development plan and it is therefore recommended that planning permission be granted subject to the conditions attached to this report.

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

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**(R) Reasons why planning permission should be granted**

The application purely relates to the amendments made from the previously approved planning permission for a community business resource centre at the site (07/02265/DET). These changes are considered acceptable. The proposal raises no adverse privacy or amenity issues that cannot be controlled by planning condition. The proposal accords with policy STRAT DC 1 of the structure plan and policies LP ENV 1, LP ENV 19, LP BUS 1 and LP COM 1, all of the adopted local plan.

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**(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**

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**Author of Report: Daniel Addis**  
**Reviewing Officer: Stephen Fair**

**Date: 22/12/10**  
**Date: 22/12/10**

**Angus Gilmour**  
**Head of Planning**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01767/PP**

1. Prior to the initial use of the centre hereby approved, the exposed outflow pipe running from the sea wall to the mean low water spring level shall be undergrounded as far as practicable, and any remaining above ground sections shall be encased in a recessive coloured suitably bound material such as self-coloured concrete, in accordance with details that shall be submitted to and approved in writing by the Planning Authority within two months of the date of this planning permission. The covering shall thereafter be maintained intact in perpetuity.

*Reason: In the interests of visual amenity and to ensure that the visually intrusive discharge pipe blends into its surroundings.*

2. Prior to initial use of the centre hereby approved the six toilet windows (numbered 24, 25, 26 and 45, 46, 47) and the office window (numbered 49) all on the south-east elevation shall have an opaque film applied to them or shall be fitted with obscure glazing, which shall thereafter be retained in perpetuity. Window number 48 will be fitted with opaque glass which shall thereafter be retained in perpetuity.

*Reason: To eliminate overlooking of the neighbouring residential property.*

3. The development shall be implemented in accordance with the details specified on the application form dated 20/10/2010 and the approved drawing reference numbers:

Plan 1 of 8 (Site Plan and Location Plan at scale of 1:500 and 1:2500)

Plan 2 of 8 (Elevations at scale of 1:1200)

Plan 3 of 8 (Section Thro Site NW to SW at scale of 1:100)

Plan 4 of 8 (Floor Plans at scale of 1:100)

Plan 5 of 8 (Roof Plan at scale of 1:100)

Plan 6 of 8 (Proposed Drainage Layout at 1:200)

Plan 7 Of 8 (Landscaping at scale of 1:100)

Plan 8 of 8 (Landscaping and access ramp elevation at 1:100)

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.*

**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.

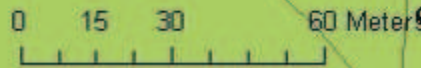


Craig

MLWS

Creag an Iubhair  
Craignure

APPLICATION SITE



**Committee Plan**  
**Planning Application 10/01767/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**

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**Reference No:** 10/01932/PP

**Planning Hierarchy:** Local Development

**Applicant:** Ms Janet Thom and Ms Ann Smith

**Proposal:** Change of use of pavement to form outside seating area

**Site Address:** Julie's Coffee House, 33 Stafford Street, Oban

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**DECISION ROUTE**

(i) Local Government Scotland Act 1973

---

**(A) THE APPLICATION**

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

- Change of use of pavement to form outside seating area
- 

**(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 attached conditions.

---

**(C) HISTORY:**

There is no relevant planning property history

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**(D) CONSULTATIONS:**

Area Roads Manager

Report dated 23 December 2010

No objection subject to conditions re barriers and duration.

Transport Scotland

Response dated 17 December 2010

No Comments

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**(E) PUBLICITY:**

The proposal has been advertised in the local press as it affects the setting of a listed building. A site notice was also posted; both share a closing date of 06.01.2011.

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**(F) REPRESENTATIONS:**

None received.

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**(G) SUPPORTING INFORMATION**

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

- |  |    |
|--|----|
| <b>(i) Environmental Statement:</b>  | No |
| <b>(ii) An appropriate assessment under the Conservation</b>   | No |
| <b>(iii) A design or design/access statement:</b>  | No |
| <b>(iv) A report on the impact of the proposed development<br/>e.g. retail impact, transport impact, noise impact, flood risk,</b> | No |
- 

**(H) PLANNING OBLIGATIONS**

- |  |    |
|--|----|
| <b>(i) Is a Section 75 agreement required:</b> | No |
|--|----|
- 

- |   |    |
|---|----|
| <b>(I) Has a Direction been issued by Scottish Ministers in terms of<br/>Regulation 30, 31 or 32:</b> | 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 and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment  
 LP ENV 13a – Development Impact on Listed Buildings  
 LP ENV 19 – Development Setting, Layout and Design

---

**(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

---

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

---

**(O) Requirement for a hearing (PAN41 or other):** No

---

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

Planning permission is sought for the change of use of an area of pavement to form an outside seating area at 33 Stafford Street, Oban.

The proposal falls within the Oban 'settlement' zone where there is a general presumption in favour of appropriate development. The proposal is compatible with the close configurations of building uses nearby – i.e. the Chinese restaurant, the Oban distillery and other small shops, the presence of the seating area is likely to draw passers-by into Stafford Street to the benefit of all the businesses.

The impact of the proposal on the general environment has been assessed in accordance with the guidance of local plan policy LP ENV 1. It is considered that the external seating area will contribute to the character and vitality of the area with no negative impact identified.

The Oban Distillery building and associated buildings are category B Listed. The outside seating area will have a localised visual impact and will not detract in any significant way from the setting of these listed buildings.

The Area Roads officer confirms no objection to the proposal subject to a condition requiring suitable barriers to enclose the seating area. It is recognised that due to low traffic volumes and speeds at this location, there will be no unacceptable impact on pedestrian safety. It is highlighted that separate permission to occupy the footway under roads legislation is required from Development and Infrastructure Services, which is

appropriately covered by a note to the applicant. Roads have recommended that the consent be limited to a period of five years given that it is development involving use of part of the highway, but as occupation of the footway will need to be the subject of an annual permit issued by them, it is not considered necessary to limit permission to a temporary period for planning purposes, as the Council will retain control over the duration of the use under roads legislation.

With the above assessment in mind I recommend that planning permission be granted subject the conditions attached to this permission.

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

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**(R) Reasons why planning permission should be granted**

The proposal is acceptable in terms of location, appearance and setting. The proposal raises no adverse privacy or amenity issues, nor unacceptable impacts on pedestrian safety. The proposal accords with structure plan policy STRAT DC 1 and local plan policies LP ENV 1, ENV 13a and ENV 19 of the adopted local plan.

---

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

N/A

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

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**Author of Report: Daniel Addis**

**Date: 24 January 2011**

**Reviewing Officer: Stephen Fair**

**Date: 25 January 2011**

**Angus Gilmour  
Head of Planning**



**CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01932/PP**

1. 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 (as amended).*

2. At all times when the external seating area is in use, the external seating area shall be bound by a restrictive barrier at both ends and the outside edge, the details of which shall be submitted to and approved in writing by the Planning Authority, prior to the commencement of the use hereby approved.

*Reason: In the interests of public safety, to ensure that the seating area does not become a thoroughfare and to ensure that the use is contained within the application site.*

3. The external seating area as identified on the approved plan shall only be used between the hours of 09:30am to 17:30pm. Outwith these time periods, the tables, chairs and barriers shall be removed from the footway and securely stored.

*Reason: To protect the amenity of the area and to ensure that the use of the pavement as a seating area is restricted to the hours of operation of the cafe.*

4. The development shall be implemented in accordance with the details specified on the application form dated 06/11/2010 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan at scale of 1:2500)  
Plan 2 of 2 (Site Plan at scale of 1:200)

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.*

**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 Area Roads officer has highlighted that separate permission under roads legislation to occupy the footway is required directly from Development and Infrastructure Services, in addition to this planning permission, before occupation of the footway can commence. Contact: 01631 569170.

**APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application **10/01932/PP**

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**(A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

**No**

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**(B)** Has the application been the subject of a 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**

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**(C)** The reason why planning permission has been approved.

The proposal is acceptable in terms of location, appearance and setting. The proposal raises no adverse privacy or amenity issues, nor unacceptable impacts on pedestrian safety. The proposal accords with structure plan policy STRAT DC 1 and local plan policies LP ENV 1, ENV 13a and ENV 19 of the adopted local plan.

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185800

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**Application Site**

**OBAN**

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185800



**Location Plan relative to  
Application Ref: 10/01932/PP**

Date: 27.01.2011

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:** 10/02048/PPP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Colin Gladstone

**Proposal:** Erection of 2 dwelling houses and installation of 2 septic tanks

**Site Address:** Land North East of East Kames, Kilmelford

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## **DECISION ROUTE**

### **Local Government Scotland Act 1973**

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

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

- Erection of 2 dwelling houses
  - Installation of 2 septic tanks
  - Alterations to the junction at the public road
  - Installation of access track serving each plot
- 

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

It is recommended that the application be granted subject to:

- 1) A discretionary local hearing being held in view of the number of representations received in the context of a small community, and
  - 2) the conditions and reasons detailed below.
- 

#### **(C) HISTORY:**

08/01835/OUT – Erection of 6 houses and septic tanks  
Application withdrawn prior to determination

09/01074/OUT – Erection of 6 houses and sewage treatment works

Application withdrawn due to conflict with LP BAD2 (Bad Neighbour in Reverse) policy. The proposal was considered to be in conflict with the operations of the neighbouring fish farm operations at a nearby pier and the hatchery building on the other side of the main road.

---

**(D) CONSULTATIONS:**

Area Roads Manager (report dated 21 December 2010) – raises no objections subject to several conditions to ensure a suitable access and road safety provisions. A summary of the requirements is detailed below.

- Access at junction to public road to be constructed with 4.5m radii, 5.5m width for first 10m
- No walls, hedges, fences etc will be permitted within 2m from the channel line of the public road. Visibility splays measuring 160m x 2.4m to be cleared and maintained.
- Carriageway width to be 3.5m to beyond access to dwellings
- 2m wide footway at radius of access road
- Turning head to diagram 5.24 of the Council's Guidelines for Developments at access to dwellings.
- 2m wide verge on both sides of the access road.
- A system of surface water drainage is required to prevent water from passing onto the public road.
- Parking for vehicles commensurate with the size of the dwelling to be provided.

Local Biodiversity Officer (letter dated 21 December 2010) - no objections and confirms that the Ecological Assessment Report has been carried out appropriately. Two conditions have been suggested relating to the use of mainly native species in the landscaping of the site and a site management plan relating to the construction phase of the development to ensure that the mitigation measures identified within the ecological assessment are adhered to during construction.

Public Protection Unit (memo dated 29 December 2010) - raise no objections but have asked for two conditions relating to external lighting and water supply.

*Note: It is considered unreasonable to attach a condition restricting permitted development rights for external lighting associated with houses unless there are very particular reasons for requiring it. No such circumstances have been identified in this case. There are other dwellings in the locality with no such restrictions. With regard to water supply, the applicant previously submitted a Hydrological Assessment detailing water supply in connection with planning application for 6 houses on the site and that was considered by Public Protection at the time. Whilst this provides comfort that the supply will be adequate to serve the two additional dwellings proposed, additional detail is required, hence the requirement for a water supply condition.*

Kilninver and Kilmelford Community Council (Letter dated 14<sup>th</sup> January 2011) - object on the basis that the applicant has not addressed the issues set out within the PDA schedule sufficiently. Concerns are expressed over the suitability of the water supply to service two additional dwellings, the impact on the proposal from the fish farm operations ('bad neighbour in reverse' scenario), and visual impact. The community council are also concerned that this proposal might be the start of a number of proposals to try and develop the PDA site further.



*Comment: Views expressed about the principle of the development must be considered in the light of the fact that the land forms part of a PDA identified in the local plan for housing development, subject to constraints being addressed. The proposal is not intended to be the precursor of further development but rather represents a scaling down of original proposals addressing water supply, 'bad neighbour in reverse' and visual and nature conservation considerations in the process. The level of information is adequate to establish the scale and location of acceptable development in the context of a planning application in principle.*

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20, closing date 13 January 2011

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**(F) REPRESENTATIONS:**

Lorna Hill, Kames Lodge, Kilmelford, Oban  
James Dinsmore, Tulloch Breag, Kames, Kilmelford, PA34 4XA  
Robert Hill, Kames Lodge, Kilmelford, Oban  
Alan Loughrey, Creag Na Linne, Kames Bay, Kilmelford PA34 4XA  
Gillian Dinsmore, Tulloch Breag, Kames, Kilmelford, PA34 4XA  
Ewen Kennedy, Kinloch, Degnish Road, Kilmelford, PA34 4XD  
Fergus G R Gillanders, Craigaol, Kilmelford, Oban PA34 4XA  
Caroline Gillanders, Craigaol, Kilmelford, Oban PA34 4XA  
Beryl P Brown, 20 Stonelawn, Marnhull, Dorset DT10 1HW  
A.T.H. Wells, 4 Home Farm Mews, Bingley Road, Menston, Ilkley LS29 6BF  
Mrs Shain Wells, 4 Home Farm Mews, Bingley Road, Menston, Ilkley LS29 6BF  
Rosemary Wells, Ardbeithe, Kames, Kilmelford PA34 4XA

**(i) Summary of issues raised**

- Adequacy of water supply and implications for existing users

*Comment: The applicant has previously submitted an assessment of the water supply in the area and the Council's Environmental Health department has agreed the supply would be suitable to serve this development without impacting adversely on the existing supply serving other residents in the area. Additional detail is required, hence the requirement for a water supply condition.*

- The proposed positioning of the house plots is over an existing water supply pipe.

*Comment: The positioning of the houses on the plots is, at this stage, indicative only and is subject to change as the application is for planning permission in principle. Supply pipes are potentially capable of re-routing if necessary. In any event, this is a civil matter and not a material planning consideration.*

- Impact on habit

*Comment: The applicant has commissioned a habitat survey on the entire PDA site and has identified areas of low, medium and high sensitivity. These two plots are outwith areas of medium and high sensitivity. The Council's Biodiversity Officer has agreed the findings of the survey.*

- Impact on visual quality of the area

*Comment: The proposals are in principle only therefore there are no details on the final design of the houses. However, it should be stated that the plots are located between East Kames and the houses on the other side of the access track. The proposal sits between 250m and 400m (east and north) from the coastline and will be suitably screened through planting and natural landform so as not to adversely impact on the visual quality of the wider area.*

- The proposal would result in a 'bad neighbour in reverse' situation

*Comment: The proposal is shielded from the fish farm hatchery building by a busy public road, significant planting and East Kames. Any impact from the pier is negated by natural undulations in the landform, a rocky knoll and planting. The relationship between the dwellings proposed and commercial activity locally will be no worse than that which exists with existing residential properties in the area. Additionally, windows of principal rooms can be kept to areas not facing the pier so as to further protect amenity. The Council's environmental health officers have not raised this as an issue with this application.*

- Responsibility of the upkeep of the access road

*Comment: The first section of the access road from the A816 is to be constructed to adoption standard up to the point where it serves the new dwellings. The remainder will remain privately maintained, as existing.*

- No future development should be permitted within the PDA

*Comment: The local planning authority cannot prevent further applications for development on the remainder of the PDA site. However, considering the constraints on the site is unlikely any further proposed development would be considered favourably. The applicant has reduced his intended development from six to two dwellings in recognition of this.*

- The site is a PDA not a housing allocation

*Comment: The PDA designation within the local plan presumes in favour of development provided that identified constraints are overcome. The applicant has addressed these issues within this submission relative to the limited scale of development now proposed.*

- No demonstrated need for the development

*Comment: The 'need' for development does not require to be demonstrated in this case.*

- Application should be detailed not in principle

*Comment: The local authority has accepted this application in principle as a detailed Design Statement has been submitted stating how houses will appear on the site and the parameters to which they should abide.*

- Waste water drainage

*Comment: The applicant has proposed separate septic tanks and soakaway systems. This aspect of the proposal will be thoroughly assessed during any application for Building Warrant.*

- Remainder of PDA site should be transferred to the ownership of current residents to ensure no further development occurs.

*Comment: This is not reasonable and in any event is outwith the Planning Authority's remit.*

- Archaeological remains

*Comment: The Council's archaeological advisers have advised that it is possible that remains are located on coastal areas. However as the site is between 250m and 400m from the coast and they do not consider that there is evidence to suggest that the site has any archaeological importance.*

- The application fee should not have been waived

*Comment: The application fee was waived due to the significant processing time taken by the local planning authority on a previous application (which had attracted a larger fee than required here as it was based on a development of six dwellings). If the issue of 'bad neighbour in reverse' had been identified earlier in the processing of the previous application, the applicant would have been able to have withdrawn the application and re-submitted without the requirement for a further planning application fee, as per the concession in planning fee regulations. In the circumstances, it was considered that the applicant had been prejudiced by the stance taken late in the day on the original application, hence the decision to waive the fee for the resubmission of a lesser scaled proposal.*

- Size of the plots is insufficient.

*Comment: The plot sizes are of a significant size and will easily be able to accommodate a dwelling houses of suitable scale and design without impacting adversely on the character of the area.*

- Junction of the access track with the public road is dangerous.

*Comment: The Council's roads engineers have indicated that the access will be safe with commensurate improvements as detailed above.*

---

**(G) SUPPORTING INFORMATION**

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

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

A design statement has been submitted confirming how the proposed houses should be designed and their appearance in light of their setting, giving details on landscaping, details of proposed foul and surface water drainage, water supply and habitat (references two further reports) and details on road access improvements as discussed with the Council's roads engineers

- |      |  |     |
|------|--|-----|
| (iv) | <b>A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | Yes |
|------|--|-----|

Ecological Assessment  
Hydrological Assessment for Water Supply

**Summary of main issues raised by each assessment/report**

Ecological Assessment

Provides an ecological survey of the site and also the entire area designated as a Potential Development Area (PDA) within which the site is located. The report outlines which areas of the larger PDA site are classed as low, medium and high sensitive areas. These two plots are outwith areas of medium and high sensitivity. The report also demonstrates why these areas are so graded. The report also details species found on the site and potential disturbances due to the construction works, along with a range of habitats and their importance to the local area in terms of international, national and local importance. The report confirms the presence of otters within the PDA and, as these are European protected species, outlines suitable mitigation measures as appropriate.

Hydrological Assessment for Water Supply

This report outlines the hydrology of the area and the potential impact on the existing water supply to the current houses located adjacent the site. The report demonstrates that the site has sufficient water to service the proposal without adverse impact on the supply serving the existing properties. The report states that there is a maximum daily consumption capacity of 3,750litres in the water supply and based on UK average water use figures 150litres per day then there is sufficient water supply to service these two additional units. The report also describes the method for water filtration for the proposal, although water quality is controlled under separate legislation.

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**(H) PLANNING OBLIGATIONS**

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

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

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

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

Argyll and Bute Structure Plan 2002

- STRAT DC 1 – Development within the Settlements
- STRAT DC 4 – Development in Rural Opportunity Areas
- STRAT DC 7 – Nature Conservation and Development Control
- STRAT DC 8 – Landscape and Development Control

Argyll and Bute Local Plan 2009

- LP ENV 1 – Impact on the General Environment
- LP ENV 2 – Impact on Biodiversity
- LP ENV 6 – Impact on Habitats and Species
  
- LP ENV 19 – Development Setting, Layout and Design
  
- LP CST 1 – Coastal Development on the Developed Coast
  
- 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 SERV 4 – Water Supply
  
- LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
  
- LP P/PDA1 – The Proposed Potential Development Areas
  
- Appendix A – Sustainable Siting and Design Principles
- Appendix E – Allocations, Potential Development Area Schedules and Areas for Action Schedules

**(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)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	No
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	No
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	No
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	No
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**(O) Requirement for a hearing:** Twelve individuals and the community council have objected to the application which is a significant number of representations in the context of the small community at Kames. Accordingly, it is considered that a discretionary local hearing would be appropriate in this case.

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

The proposal lies within a Potential Development Area (PDA) site within the settlement zone of Kames (P/PDA 5/156). With this in mind, the principle of development is accepted by the development plan subject to overcoming issues outlined in the PDA description. The issues to address in respect of this PDA are: water supply, waste water drainage and the need for a master-planned approach.

A preceding application for six dwellings was withdrawn in favour of this reduced proposal due to identified conflict with nature conservation considerations and between proposed dwellings within the remainder of the PDA and the fish farm operations at a nearby pier and the hatchery building on the other side of the main road. Those 'bad neighbour in reverse' considerations do not pertain in respect of the surviving two plots which are the subject of this application due to the local landform, as there are significant land undulations, a knoll and planting to the east between the site and the pier.

An ecological assessment has been submitted which confirms that this reduced scale of development avoids the more ecologically important areas of the PDA. The applicant has also submitted details of the proposed water supply and also a detailed Design Statement. Public Protection are satisfied that sufficient water is available to serve this limited development of two dwellings, although addition detail is still to be required by condition. Waste water drainage details have been submitted sufficient for planning purposes and will be further assessed at the Building Warrant stage.

The proposal is within a settlement boundary and a PDA and the principle of development is therefore established. The proposal is acceptable in layout terms as it forms a natural infill between the East Kames and the southernmost houses on the west side of the access track. Access issues have been addressed and verified by Area Roads. Sufficient detail is available to allow the determination of this application for two dwellings on the basis of an application for planning permission in principle. In the event that these two dwellings are approved, it is considered that the development capacity of PDA will have been reached.

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

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**(R) Reasons why planning permission or a Planning Permission in Principle should be granted**

The applicant has sufficiently addressed the issues outlined in the PDA schedule, within the local plan. The proposal has been developed so as to avoid areas of visual and habitat sensitivity. The issue of 'bad neighbour in reverse' has been addressed and will continue to be addressed at the detailed stage of the planning process. The proposal conforms to the relevant development plan policies and there are no other material considerations, including issues raised by third parties, which warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

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**Author of Report:** David Love **Date:** 27.01.11

**Reviewing Officer:** Stephen Fair **Date:** 27.01.11

**Angus Gilmour**  
**Head of Planning**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/02048/PPP**

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. Prior to the commencement of works at the site, details shall be submitted for the approval of the Planning Authority in respect of the undermentioned matters:
  - a. The siting, design and external appearance of the proposed development;
  - b. The boundary treatment of the site of the proposed development, including proposed tree planting utilising native species;
  - c. Details of the access arrangements;
  - d. Details of the proposed surface water drainage arrangements;

which shall be consistent with the provisions set out within the submitted Design Statement dated December 2010.

*Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 and ensure the proposed dwellings are consistent with the character of the surrounding natural and built environment.*

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 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. The development shall be implemented in accordance with the details specified on the application form dated 2<sup>nd</sup> December 2010 and the approved drawing reference numbers:

- Plan 1 of 8 (Location Plan at scale of 1:10000)
- Plan 2 of 8 (Site Plan at scale of 1:500)
- Plan 3 of 8 (Site Plan at scale of 1:1000)
- Plan 4 of 8 (Site Plan at scale of 1:2000)
- Plan 5 of 8 (New Turning Head at scale of 1:100)
- Plan 6 of 8 (Proposed Junction to A816 at scale of 1:100)
- Plan 7 of 8 (Location Plan at scale of 1:5000)
- Plan 8 of 8 (Site Plan – Habitat at scale of 1:1000)



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.*

5. No development shall commence until on site until a scheme incorporating the following access details have been submitted to and has been agreed in writing by the local planning authority in consultation with the Council's roads engineers.

- Access at junction to public road to be constructed with 4.5m radii and a 5.5m width for first 10m;
- No walls, hedges, fences etc to be permitted within 2m from the channel line of the public road.
- Visibility splays measuring 160.0m x 2.4m to be cleared in advance of development and maintained clear of all obstruction in excess of 1.0m in height;.
- Carriageway width to be 3.5m to beyond access to dwellings
- 2m wide footway to be provided at radius of access road;
- Turning head to diagram 5.24 of the Council's Guidelines for Developments at the access to the dwellings;
- 2m wide verge required on both sides of the access road.

The duly approved scheme shall be implemented in full prior to the occupation of either dwelling

*Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.*

6. Proposals subject to application for matters specified in condition and implementation of the development shall have regard to and be carried out in full compliance with the mitigation measures outlined within the submitted '*Ecological Assessment of Kames Farm Proposed Development*' dated November 2009 by Quadrat Scotland.

*Reason: In the interests of ecological and habitat preservation.*

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/02048/PPP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

This application relates to land within the Local Plan 'settlement' boundary for Kames subject to the operation of Structure Plan policy STRAT DC 1 and Local Plan policy LP HOU 1. It also forms part of PDA 5/156 which is identified as being suitable for low density housing development. An original proposal for the development of the whole of the PDA for residential purposes (six plots) was withdrawn in the face of conflict with established commercial activities in the local vicinity and due to localised habitat considerations. The applicant has now applied for an alternative reduced proposal for two dwellings in a bid to overcome the shortcomings of the original proposal. The issues identified in respect of this PDA are water supply, waste water drainage and a master-planned approach, all of which have been adequately addressed in the light of what has turned out to be a limited proposal for just two dwellings. .

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

The site is located to the south of Kilmelford along the A816 towards Lochgilphead. The site itself is accessed off a single track private road which is bounded by mature vegetation to either side and provides access to 6 existing houses facing west along the shore. The site is overgrown with scrub and sits between the property known as East Kames and opposite the first two of the six existing houses along the single track road. Houses in this area are generally single storey, sited comfortably in large plots within trees.

The proposal includes two large plots commensurate in size with other properties in the area. Although the application is for planning permission in principle, the Design Statement provides information on how the houses should appear in terms of massing and detailing. The Design Statement sets out to encourage single storey properties with accommodation in attic space and suggests that typical one and a half storey properties with dormers should be discouraged. Finishing materials should be natural timber and/or stone or a recessive coloured render. With this in mind, the properties should be similar in appearance to those already in the area and the local planning authority will attach conditions ensuring that the properties are appropriate in terms of design to the immediate built and natural environment.

It should be noted that a narrow strip of land has been left between the south side of plot 1 and East Kames. This strip is to allow access to the remainder of the PDA site for maintenance. It is not considered wide enough nor suitable for vehicular access. Additionally, it will provide a buffer between plot 1 and East Kames. The west of the plots has also been kept clear of the main access track in order to provide a buffer and ensure development is kept away from sensitive habitat areas. This will allow natural plant growth and will result in the proposals being set within existing vegetation which is more in-keeping with the existing properties.

Given the recent history of the site, the identification of conflicts with nature conservation interests and local commercial activities and the fact that the remainder of the PDA does not share the same habitat and topographical advantages as these two plots, it is unlikely that there would proved to be any residual development capacity within the remainder of the PDA.

**C. Natural Environment**

The applicant has submitted a habitat survey of the site which has been verified by the Council's Biodiversity Officer. The survey identifies areas of low, medium and high sensitivity within the entire PDA site. The application avoids areas of medium and high sensitivity. The Habitat Survey states that there is no evidence of otters within the development site.

**D. Road Network, Parking and Associated Transport Matters.**

The applicant intends to carry out improvements to the junction of the private road and the A816. The Council's roads engineers have verified that improvements are necessary and achievable and have responded to the application with conditions to be attached to any consent ensuring the works are carried out. To comply with Local Plan policy LP TRAN 4 the initial section of the private road serving the application properties will require to be constructed to adoption standard.

**E. Infrastructure**

The applicant intends to provide a private water supply as detailed in the hydrological report submitted to Public Protection in respect of the original proposal for six dwellings. The report provides sufficient comfort that two properties can be served without prejudicing existing users, although additional detail is being required by condition. Waste and surface water drainage is to be provided on-site with waste water being dealt with on site via a septic tank and soakaway system.

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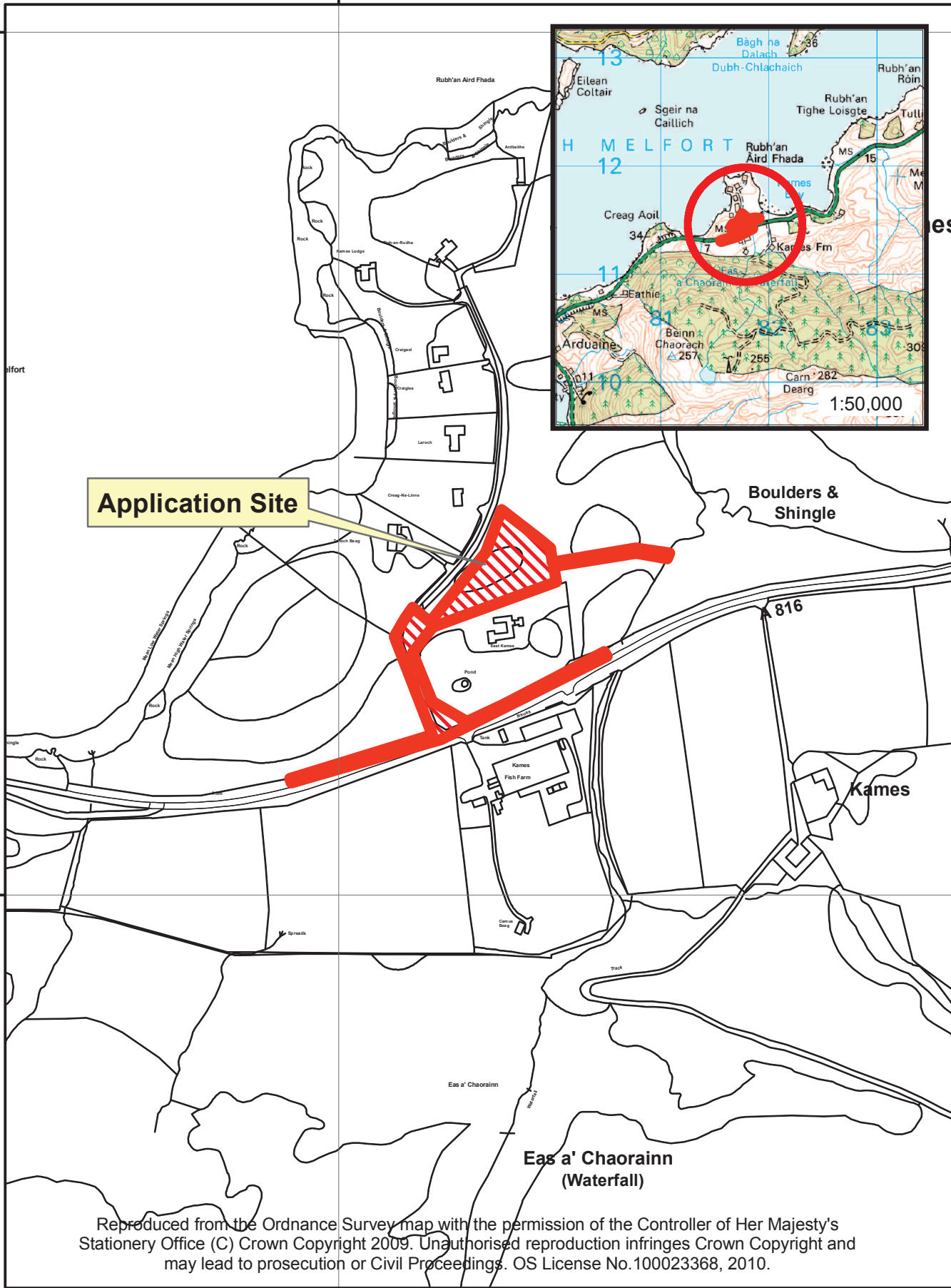
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Application Site

Boulders & Shingle

Kames

Eas a' Chaorainn (Waterfall)

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# Location Plan relative to Application Ref: 10/02048/PPP

Date: 27.01.2011

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:** 10/00239/PP

**Planning Hierarchy:** Major

**Applicant:** Tesco Stores Ltd

**Proposal:** Erection of Class 1 Foodstore, Petrol Filling Station, Car Parking and Associated Access

**Site Address:** Campbeltown Creamery, Witchburn Road, Campbeltown

**SUPPLEMENTARY REPORT NO.3**

**1.0 INTRODUCTION**

- 1.1 The purpose of this report is to advise Members of a proposed change of the terms of the section 75 legal agreement associated with the above proposal.
- 1.2 Members will recall that following a pre determination Hearing on 30 September 2010, they were minded to grant the proposal with a section 75 agreement with the following Heads of Terms:

***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.***

- 1.3 The Proposed Amended Terms of the Legal Agreement

**1.4 Head of Term 2: Restriction of Convenience Goods at Existing Store**

- 1.5 The principle reason for seeking this amendment is deliverability. For various reasons the original wording of the term regarding the restriction on the use of the Existing Store is unsatisfactory to both the Applicant and the Council. It is now proposed that a section 75 to be concluded prior to the grant of Planning Permission be amended to provide that; *“Commencement of Development shall not be permitted, unless and until an agreement under Section 75 of the 1997 Act, which provides that for so long as the Proposed Store remains open to the public, the Existing Store shall not be used for the sale of Convenience Goods, has been entered into between the Council and the Applicant or their successors (as proprietors of the Existing Store Site), and has been registered in the Land Register of Scotland/recorded in the General Register of Sasines, as appropriate”*.

This amendment will prevent the existing store from selling convenience goods when the new superstore opens. Whilst members were previously minded to grant planning permission subject to the applicant entering into an Agreement which placed a positive obligation on them to restrict the use of the existing store site upon the proposed store being opened by them, the amended wording places a negative obligation on the Creamery Site which provides that works cannot be commenced until such a time as the applicants have entered into a further s75 Agreement with the Council providing that the existing store shall not be used for the sale of convenience goods for so long as the proposed store remains open. Instead of a single section 75 being concluded, it is now proposed that an initial section 75 will be concluded which deals with points 1, 3 and 4 above at the outset. Where point 2 is concerned, the s75 will include provision for a further section 75 to be concluded prior to the commencement of works. This second section 75 will require that the existing store must not sell convenience goods for so long as the new store is open to the public. This mechanism of restricting the use of the existing store site would achieve the same outcome of the one s75 Agreement approach previously approved by members.

- 1.6 It is understood that the applicant would be unwilling to be a party to an Agreement based on the original one s75 approach which was advised in the committee report because there are a number of suspensive conditions contained in the missives entered into between the applicant and First Milk that require to be satisfied prior to the First Milk conveying the Creamery Site to the applicant. This includes First Milk's requirement to conclude Missives with HIE in respect of the Snipefield site. First Milk cannot progress this matter until such a time as they have ensured that planning permission will be issued in respect of the existing Creamery Site. Accordingly, it is not yet certain that the applicant will have control of the existing Creamery's site. If they commit to a legal agreement at this stage then there is a possibility that another retail operator could implement the consent thereby causing the applicant to have to stop selling convenience goods in their existing store. It is considered that the Committee had previously been minded to grant Planning permission on the understanding that the applicant would refrain from trading convenience goods from their existing store site in exchange for the opportunity to develop the Proposed Store. The applicant and First Milk remain committed to the development of the Proposed Store in Campbeltown.
- 1.7 Following a discussion with the parties involved, namely First Milk, the applicant and the planning and legal officers from the Council, the alternative noted above was proposed. While this would allow the applicant to be sure that they were going to secure the existing Creamery site before they entered into this element



of the section 75, in planning terms it would not preclude the possibility of another operator implementing the planning permission. The two s75 Agreement approach would serve the same planning purpose, namely that the new store could not open until such time as the existing store ceased selling convenience goods thereby providing protection to the existing town centre. The planning service is satisfied with this approach because in planning terms the end result would be exactly the same as if it had been achieved through the original single section 75 agreement.

**1.8 Head of Term 3: Campbeltown Heritage Access Contribution**

1.9 Consent for the development of the bunkhouse accommodation at Campbeltown Heritage Centre was approved on 22 December 2010 (ref. 10/01693/PP) and condition no. 5 of this consent requires that the new access arrangement be completed prior to works starting on site.

1.10 As the timetable for this development is running ahead of the superstore proposal, further negotiations were undertaken with the applicant. As a good will gesture the applicants have agreed to pay the Access Contribution to the Council within 7 days of the issue of planning permission rather than on the commencement of works on the superstore are previously agreed. This would allow the development of the bunkhouse to proceed in advance of the superstore.

**2.0 SUMMARY**

2.1 With regard to Term 2, the proposed amendment would serve the same planning purpose in that it would deliver the same requirements of the original section 75 at the same time, namely that the existing store would not be able to sell convenience goods when the new store opens.

2.2 Bringing forward the access payment referred to under Term 4 would be of benefit to the developers of the bunkhouse project which it is anticipated will be on site in March / April.

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**3.0 RECOMMENDATION:**

3.1 It is recommended that Members approve the amended terms of the section 75 agreement noted above.

**Angus Gilmour**  
**Head of Planning and Regulatory Services**  
**7 February 2011**

Author of Report: Sandra Davies 01436 658884  
Contact Point: Ross McLaughlin 01438 658914

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**DEVELOPMENT AND INFRASTRUCTURE SERVICES****PLANNING PROTECTIVE SERVICES AND LICENSING  
COMMITTEE**

16 FEBRUARY 2011

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**TREE PRESERVATION ORDER AT ST CLAIR ROAD, ARDRISHAIG (TPO ref. 09/10)**

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**1. SUMMARY**

- 1.1 This report seeks confirmation of a provisional Tree Preservation Order in respect of trees growing on land at St. Clair Road, Ardrishaig within land principally / or entirely owned by British Waterways recognised as the former garden lands of the former Canal House, more latterly known as the Bridge House, having regard to a representation received in respect of the provisional Order (reference 09/10).

**2. RECOMMENDATION**

It is recommended, having regard to an assessment of the representation received that the Order still be confirmed. Additionally, it is also recommended that upon the confirmation of the Order an advisory letter, as mentioned in the body of this report, be sent to the owners.

**3. DETAILS OF TREE PRESERVATION ORDER 09/10 – ST.CLAIR ROAD,  
ARDRISHAIG AND ASSESSMENT OF REPRESENTATIONS RECEIVED**

- 3.1 A Provisional Woodland Tree Preservation Order was made in September 2010 following committee authorisation.
- 3.2 The tree cover within the site of the provisional order comprises a feature stand of evergreen pines and Douglas Fir. The site also includes a number of sycamore and single stem self-seeded sycamore.

Whilst none of the trees within the site are in really good individual condition, the wooded nature of the area does contribute significantly to the area, providing a green '*lung*' which benefits the overall amenity and character of this part of the village. In particular it contributes not only to the amenity of the immediate locality but also to the character of the village as appreciated from across the loch, given that there are not many green '*lungs*' within the village.

The site is not presently well managed by the owners, being infested with Japanese knotweed. The site would benefit from the removal of 'invasive non native species' (INNS) such as the Japanese knotweed, and the better management of the woodland. Whilst the serving of a Tree Preservation Order would not of course not in itself guarantee such an outcome, it will secure the retention of the woodland for the benefit of the village.

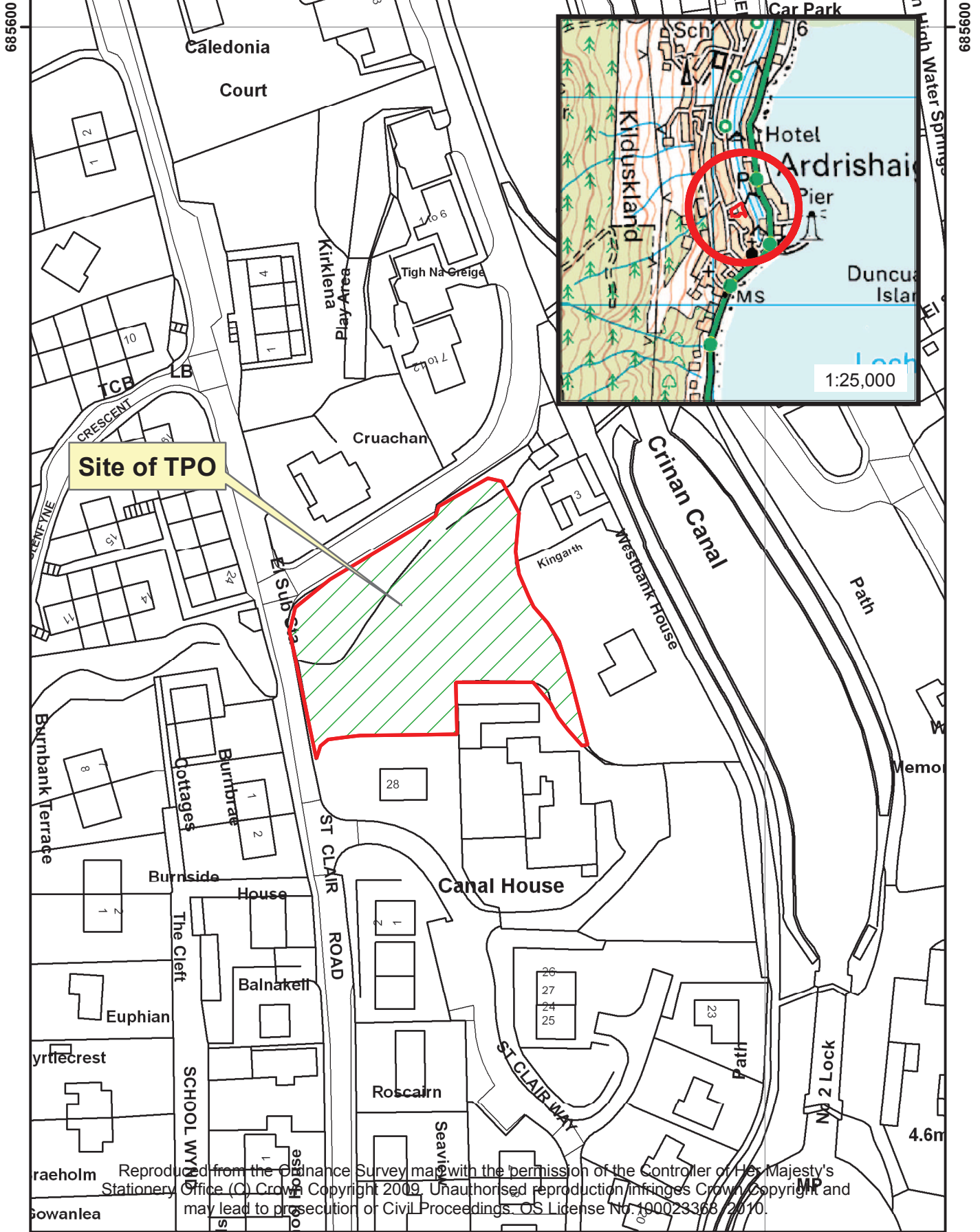
- 3.3 A representation has been received to the Provisional Order from Mr. Kenneth Rowan of neighbouring 'Pineview', St. Clair Road.
- 3.3 His objection relates to publicly safety, being concerned about the potential of shedding limbs falling into the highway or upon property. He mentions that the site includes Douglas Fir which he states are potentially very dangerous in strong winds when limbs are prone to snap, especially at the top of the tree from which they can be blown some distance before hitting whatever happens to be in the way. He offers the example of a whole tree falling from within this site previously, crashing across the road and destroying walls on both sides. He asks that if the Council continues to progress with the Order, that it should at least prior to confirmation, undertake an assessment of the health of these trees.
- 3.4 The Council's Grounds and Horticulture Officer has inspected the trees in the last few days. She acknowledges his point that the species, especially Douglas Fir and even healthy ones, can shed limbs. However, the responsibility for tree management and any public liability rests with the owner of the land
- 3.5 The value of the woodland to the amenity of the area is such that, notwithstanding the representation received, the Council should confirm the draft Tree Preservation Order. If the Order is confirmed, it should be made clear to the owners that this will not prevent them from commissioning a management plan for their trees, and seeking approval from this Council as relevant through the TPO procedures for the selective trimming limbs or even selective felling of trees through a phased programme linked to new tree planting of appropriate species thereby securing a more sustainable future for this area of woodland.

#### **4. CONCLUSION**

- 4.1 That the Order be confirmed, and that in conjunction with service, a letter be sent to the owners advocating the benefits in them preparing a phased tree management plan for their site.

#### **5 IMPLICATIONS**

Policy:	The proposed TPO is consistent with policies in the Council's development plan.
Financial:	None
Personnel:	None
Equal opportunities:	None
Legal :	None



Site of TPO

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# Location Plan relative to Tree Preservation Order Ref: 09/10

Date: 27.01.2011

Scale: 1:1,250



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Argyll and Bute Council  
Development and Infrastructure Services

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**16 FEBRUARY 2011**

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**UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISIONS**

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**A) INTRODUCTION**

This report advises of two recent appeal decisions by the Scottish Government Directorate for Planning and Environmental Appeals relative to the cases set out below

**B) RECOMMENDATION**

Members are asked to note the contents of the report.

**C) DETAILS OF APPEAL DECISIONS**

**PLANNING APPEAL DECISION – P/PPA/130/2018 – Dismissed**  
**Erection of detached house and improvements to vehicular access**  
**Land at Renfield House, Eccles Road, Hunters Quay, Dunoon, Argyll PA23 8LB**

Planning application 10/00007/PPP for the erection of a detached house and improvements to vehicular access was refused by the Planning, Protective Services and Licensing Committee on 16<sup>th</sup> June 2010 on the grounds of:

- Impact of the proposed dwellinghouse on Renfield House, or its successor building;
- Proposed dwellinghouse, sited in such a prominent position would be ungainly and at odds with the character of the established settlement pattern of the area and would constitute an alien and incongruous feature resulting in the over-development of the site;
- Visual impact on the adjacent ‘Special Built Environment Area’ and existing two-tier settlement character;
- Proposed dwellinghouse would be overlooked by Renfield House or its successor building. Dimensions and location of site would mean that an acceptable standard of residential amenity could not be achieved;
- No information submitted in respect of surface water drainage proposals (SuDS).

An appeal against the decision was submitted to Scottish Ministers during September 2010.

The Reporter was satisfied that the site could be developed with a modest, single-storey property without harm to the living conditions of local residents and in a manner that ensured adequate amenity standards for future occupants of the development. He was also content that SUDS-compliant drainage arrangements could be secured by planning condition. However, he felt that these positive aspects of the scheme did not compensate for the development plan conflict and the harm to townscape character and generally concurred with the department’s case and concluded that for reasons of an unacceptable

impact on the Special Built Environment Area, poor integration with the existing settlement character and pattern of development (including the relationship to Renfield House), the proposal did not meet the terms of local plan policies LP ENV14 and LP ENV19. He therefore dismissed the appeal.

**CERTIFICATE OF LAWFUL USE APPEAL DECISION – P/PPA/130/2018 – Dismissed  
Use of land for the storage and recycling of scrap metals  
Land south west of former Claddoch House, Moss Road, Ardmore, Cardross G82  
5HG**

An application for a Certificate of Lawful Use 09/01615/CLAWU for the use of land for the purposes of storing and recycling scrap metal (*sui generis* use) was refused as not proven by the Planning, Protective Services and Licensing Committee on 16<sup>th</sup> June 2010 on the grounds that the applicant had submitted insufficient evidence in order to satisfy the council that the use of land for these purposes was probable or lawful.

An appeal against the decision along with a claim for expenses was submitted on 29 September 2010. In his consideration of the case, the Reporter noted the existence of an enclosed contractor's compound which appeared to have been in existence for over a decade since the construction of the waste water treatment works. He took the view that this now formed a separate planning unit. He also noted the absence of a secure boundary fence around the wider site and the lack of a weigh bridge at the site entrance.

He considered that the most important issue was whether the site had been abandoned and assessed the evidence against the four recognised tests for abandonment:

**Physical Condition:** He considered that the long standing compound was a distinct planning unit. He also considered that the presence of three small skips of scrap metal did not look like a yard used for the storage and recycling of scrap metal.

**Passage of Time:** He considered that the presence of the compound and the up-filling of large sections of the land pursuant to a previous planning permission were consistent with a considerable time lapse since scrap metal was stored and recycled. He took the view that the claimed use faded away around 1996 and that subsequent metal handling was incidental to the importation of inert material onto the site.

**Evidence of Intervening Use:** The presence of the longstanding contractor's compound means that this test is passed and eliminates the scope to grant a certificate for the site with the boundaries shown on the application. In addition, although the golf driving range is an incomplete development the Reporter felt that the evidence suggested that the associated major operations extinguished any previous use from the greater part of the site.

**Evidence of Owners' Intentions:** This test of abandonment is also met as major work started after 1996 on raising ground levels pursuant to the planning permission for a golf driving range. In addition the compound, which could not have been authorised without the consent of the owner, physically obstructs access to the site for which a Certificate of Lawful Use is sought.



An appeal for expenses was also dismissed. The Reporter did not find that the Council acted in an unreasonable manner, and in particular, noted that he did not find it unremarkable that the Head of Service choose to refer a complex, sensitive or high profile case to Members. He also did not think that that it was out of the ordinary that the Council could not trace documents dating back to the 1960s and felt that would have been in the owner's interests or successors in title to maintain their own records. Finally, the Reporter felt that it was not unusual for Council officials to be divided over the way an application should be determined and felt that this was a good reason, among others, for referral to committee.

#### **D) IMPLICATIONS**

Policy: None

Financial: None

Personnel: None

Equal Opportunities: None

Authors: Brian Close and Sandra Davies

**Angus J Gilmour**

**Head of Planning**

24<sup>th</sup> January 2011

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