

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the KILMELFORD VILLAGE HALL, KILMELFORD
on FRIDAY, 11 MARCH 2011**

Present: Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Alister MacAlister	Councillor Al Reay
Councillor Neil Mackay	

Also Present: Councillor Elaine Robertson

Attending: Iain Jackson, Governance and Risk Manager
David Love, Planning Authority
Fiona Scott, Planning Authority
Tom McCardle, on behalf of the Applicant
John Lesley, on behalf of the Applicant
John Heron, Statutory Consultee
Sue Stefek, Statutory Consultee
Marine Curran-Colthart, Statutory Consultee
Jane Rentoul, Objector
Lorna Hill, Objector
Catherine Hibbert, Objector
Colin Hibbert, Objector
Robert Hill, Objector
Ewan Kennedy, Objector

Apologies: Councillor Rory Colville Councillor David Kinniburgh
Councillor Robin Currie Councillor Roderick McCuish
Councillor Vivien Dance

**3. 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)**

The Chair welcomed everyone to the meeting and introductions took place.

Mr Iain Jackson, Customer Services, established who would be speaking for the Planning Authority, Applicant, Consultees and Objectors (noting that the Community Council were not represented and that there were no supporters present).

PLANNING AUTHORITY

Mr David Love presented the case on behalf of the Head of Planning and Regulatory Services. He advised that the Committee had agreed to hold this hearing on the basis of the large number of representations from a small community. He explained that the area was within a PDA (Potential

Development Area), within a APQ (Area of Panoramic Quality) which was deemed suitable for low density development.

Mr Love then discussed the history of the site from 2009 onwards and the access arrangements which could be achieved by condition. He also discussed surface water discharge and a habitat survey which had been submitted by the applicant and that indicated the site was not within an ecologically sensitive site.

Mr Love advised that the water source for the site was a private supply which would come from Kames Farm and, for the benefit of those Members who were not in attendance at the site visit, showed slides of the site. He stated that there were no objections from statutory consultees, 12 objections from individuals, 5 late representations and a letter from Councillor Robertson. He apologised for an error within the original report which wrongly attributed comments to the Council's advisors and advised that this was picked up in supplementary report number 1 and was covered by condition 7.

Mr Love stated that the application had been assessed on the basis that it was an established PDA within the Local Plan, the reduction from 6 to 2 dwellings provided better separation from the Fish Farm (that could have given rise to a bad neighbour in reverse situation) and less demand on the private water supply. The Local Plan is in favour of small scale development and there was an intention that the remainder of the PDA would remain undeveloped, this development having exhausted any further potential for development. He stated that there was no other material circumstances to warrant anything other than approval and requested that the Committee approve the application.

APPLICANT

Mr McCardle spoke to the application, expanding on the history as given by Mr Love. He advised that there had been many staff changes in the Planning Department but that he had been with this application since the beginning, 10 years ago. At this point he had sought advice about the chances of developing the site. He was advised that there was no chance at this time but as time went on the area was put forward as a potential area for development within the local plan. In May 2007 he entered into discussions with planners with a view that the application submitted could be used as a model application for PDAs. In October 2008 6 houses were applied for with a new access to serve the properties (as recommended by the Roads Authority). At this point there were many objections and therefore, in consultation with Planning, the application was withdrawn and re-submitted using the existing access in September 2009. At this time there was a habitat survey required and as a result of this the layout of the scheme was amended. Twelve months after this, intimation was received from Planning that they could not support the application as, in consultation with Environmental Health, they had determined that it would constitute a bad neighbour in reverse development. They did however suggested that plots 1 and 2 could be supported. Accordingly the application was withdrawn given it was obviously going to fail. The current application was re-submitted on 2 November 2010.

Mr McCardle advised that architects referred to the Local Plan in the first instance for guidance so they needed to be confident in it. He then commented about the water supplying the Committee with a plan which showed the existing

supply and the catchment for the proposed supply. He explained that there was unlikely to be any contamination between the two as there was a river running between supplies.

CONSULTEES

Mr Heron, on behalf of the Roads Authority, advised that he had attended numerous site meetings. He had checked that the site lines were achievable and that the ground was within the applicants control in order that growth could be cut back. As the first 2 metres was an integral part of the highway, he advised that the Roads Authority would take control of this. He explained that he had requested improvements to the junction to allow traffic in and out of the site to prevent cars waiting on the main road.

Ms Stefek, Environmental Health Officer, had no comment at this stage.

Ms Curran-Colthart, Local Biodiversity Officer, had no comment at this stage.

OBJECTORS

Mrs Rentoul

Mrs Rentoul advised that she would discuss the history of the site. She explained that in June 1991 there had been an application for a dwellinghouse, workshop and store which was refused in August 1991 with the comment from the Planning Authority that the application should be “strongly resisted with respect to the setting of an undesirable precedent for further uncoordinated prominent development which in itself and incrementally will erode the landscape character of this area of Regional Scenic Value”.

In February 1992, a second application was submitted with an amended layout which sited the house behind a rocky knoll. The applicant had put forward a special needs case given the need to operate a special water testing business and the application was granted in June 1991 with the comment “the applicant’s special needs case (taking account of the site size requirements and bad neighbour elements) was felt to totally undermine and negate against any undesirable precedent for further ribbon development eastward.”

Mrs Rentoul advised that from these conflicting statements there was some comfort in the repeated statements in official reports that there would be no further development on the peninsula.

Mrs Rentoul then discussed the 2008 application for six houses which had been set out by Mr McCardle. She stated that this had attracted 50 letters of objection, including one from the Kilniver and Kilmelford Community Council. The application was a potential departure from Policies RUR 1 and RUR 2 of the Lorn Local Plan and was withdrawn in July 2009. A few weeks later, on the eve of the adoption of the Lorn Local Plan, which had the site identified as a PDA, a further application was made. She explained that given the site was a **Potential** Development Area, it was assumed that it would have to satisfy critical criteria to become an **allocated** Development Area. She said that it was not unreasonable to think that the application would fail given the repeated statements from Planners.

Mrs Rentoul made reference to a letter in May 2010 from the Planning Authority which referred to new pieces of information being received including an amended indicative site layout and the proposal to include two affordable units within the six proposed dwellings. She commented that this appeared to be a sign of desperation. The application was withdrawn in July 2010 for reasons given by Mr McCardle.

Mrs Rentoul advised that the application before the Committee was the fourth application made. She referred to a covering letter which referred to the fact that the application was a fresh application and that as there had been colossal expense to the applicant the fee had been waived. She considered that the "colossal expense" was as a result of the applications being fraught with difficulty and commented that the objectors, having sent over 300 reasonable and well argued letters of complaint and two reports from Keppie Planners and a critique of the Quadrat Ecological Assessment, could not have their outlays waived.

Mrs Rentoul made a final comment that she hoped the Committee would agree that it was difficult to understand how this site was ever zoned correctly as a PDA in the first place.

Mrs Hill

Mrs Hill raised a query as to why the site had been given the status of a PDA when it was within an APQ. She had referred this to Mr Jackson-Stark of the Planning Authority who had led her to believe that the applicant had replied to an advert inviting landowners to submit plots for consideration as a PDA. She was since advised that the Council put this forward which she felt was extraordinary given their past position. She advised that this had been done without consultation and with no neighbour notification.

Mrs Hill then questioned why the applicant had applied for 6 dwellings when the PDA was on a small scale of up to 5. She discussed constraints which had been identified at the time of the designation such as water, sewerage, access and road safety, built heritage and nature conservation. She quoted from an email from Mr Jackson-Stark from June 2010 which confirmed the designation as potential due to the fact there were issues still to be resolved. She stated the issues had not been resolved but listed as conditions which she felt was an unacceptable compromise.

Mrs Hill then discussed water supply stating the besides the current application, Kames Farm had various applications lodged which would require considerable water. All of these developments would require to access the source behind Kames Farm who were looking to invest in a borehole. She expressed concern about the supply running out during the dry season. She advised that the supply had run dry last year and had taken 5 days before the supply returned to some of the houses.

Mrs Hill then discussed 2 water reports which had been posted on the website and comments from Iain MacKinnon, Area Environmental Health Manager, that the reports were poor and that the wrong data had been used. He had also commented that a borehole would not work as any borehole would just "rob the spring". Paul Reynolds, also of the Environmental Health Team, had

commented that a full survey was recommended. Given these comments, she had grave concerns about the Planning Authority providing accurate information. She also commented that the water supply issue had been referred to by Planning as a civil matter and not a planning concern.

Mrs Hibbert

Mrs Hibbert spoke regarding the comments from the Roads Authority that the access could be safe subject to improvements to provide 160m splays in both direction. She advised that she had tested this yesterday and that a car had disappeared at 122m. To the west of the site there was considerable clearing required and she had concerns as to who would maintain this when the applicant was not in the area. She advised that the plans had indicated a tarmac road which she stated would give an urban appearance and that visitors may take thinking they could access the sea. This would intensify traffic usage.

With regard to sewerage, she advised that there was no indication of where the septic tank and soakaway would be sited. It was unclear where these could be sited to be below the water table which was at 4m and that this might result in a health hazard to the new or existing properties.

Mrs Hibbert then discussed drainage and the issues in that the drainage appeared to flow uphill. Mr Jackson-Stark had commented in 2010 that this should be overcome before development. This was clearly not the case and therefore the application shouldn't progress.

Mr Hibbert

Mr Hibbert quoted from the Local Plan, LP BAD 2, which stated that developments should not be in close proximity of an industrial site. He commented on the noise, smell, bright lights and helicopter operations which were often at unsocial times. He referred to a conversation with Ms Stefek stating that Ms Stefek had been quoted as saying that "if she had her way there would be no houses on this bit of land".

Mr Hibbert then queried what had changed between the previous indications that an application would not be looked upon favourably from the Planning Authority and the current application. He discussed the location of the site in relation to the pier, the views from the proposed dwellings and a condition for a clear view which was imposed by the applicant and which he felt would not allow for adequate screening of noise, light and smells from the pier.

Mr Hill

Mr Hill spoke about the scenic impact in this area and his strong feelings about preserving it. He spoke about many of the characteristics of the area being similar to those in Cornwall. He had recently visited Cornwall and advised that he would not be in a hurry to go back as he considered the area had been ruined by small but incremental developments. He stated that the Local Plan sought to protect scenery and that the topography and planting suggested to cover the east side of the development would be more visible across the bay. The knolls were lower than the proposed houses and that any planting would be restricted by the East Kames sightline, unless they were within garden grounds, which he

considered was unreasonable.

He discussed the bigger picture which included the APQ and Kames Farm developments. He considered that there would be economic benefit with the Farm developments but that this could not be demonstrated in this case. He quoted from Local Plan Policy LP ENV 10 which Mr Love had referred to earlier but which was not addressed within the reports.

He discussed cumulative impact as a result of the proposed developments at the farm, the mussel farm and forestry works. When added together these would create a huge impact and the success of the Local Plan was dependent on a strict interpretation.

He then discussed habitat which, along with bad neighbour issues, he felt was critical to the application. He advised that the survey had identified a sensitive habitat. He advised that there were no low sensitivity areas on the site and that the site was moderate to high. He referred to the poor timing of the survey and that it had not picked up on several endangered species such as otters. He advised that it was a criminal offense to disturb otters and that it was best practise to follow up such surveys through the seasons.

Mr Kennedy advised that he did not live on the peninsular but that he was concerned about the threat to the panoramic areas. He referred to his recent attendance at the hearing for the Raera Windfarm when the issues were broadly similar in that panoramic quality of the countryside was being weighed against economic importance. In the Raera case, the argument was that the applicants claimed a national interest behind them whereas in this case there was a landowner seeking to land a speculative gain.

He reminded the Committee that PDA status does not create a presumption in favour of development and quoted from the Local Plan. He queried what had changed between 1992 when the site had deserved the strongest protection to the fact that this could be overcome by operational need and screening of a rocky knoll in the present day.

Mr Kennedy raised the concept of ribbon development and how the Planning Officer had indicated this was not ribbon development as it was not on the main road. His suggestion was that to be ribbon development it required a road but not necessarily a main road.

He referred to archaeology, commenting on Mr Love's apology and stating that there was most certainly was something on site according to West of Scotland Archaeological Services but that this was dealt with by yet another condition.

Mr Kennedy discussed the current local plan housing allocation for Kilmelford at 40 units. He stated that this was more than satisfied by existing consents and referred to the fact that, in his opinion, the "unaffordable" part of the Glebe development was not being built on the basis there was no demand.

In conclusion, Mr Kennedy stated that the Planning Officer had an unseemly enthusiasm for this development in minimising the relevant constraints and had not properly assessed the impact in terms of ENV 10. He urged the Committee to refuse the application.

QUESTION TIME

Councillor Reay asked how many objectors, during the process of the Local Plan Designation, there were and whether there was a hearing as a result. Mr Love advised he was not involved in the process but that Mr Jackson-Stark had indicated there had been no objection.

Councillor Reay put the question to the objectors who stated that there was no objection as they hadn't been aware of the process. Councillor Reay was surprised by this as the consultation ran for several months.

Councillor Mackay asked for confirmation that the area was not included in the previous plan. Mr Love confirmed this was the case.

Councillor Mackay questioned whether any objectors were aware, through the Community Council, that the new Local Plan was looking at this designation or that subsequently the area had changed designation. Mrs Rentoul advised that a consultation at Community Council level had taken place on the new proposals and that she had seen the PDA designation on Kames Peninsula. She did not fully appreciate the significance of this and given it was potential and not allocated, felt any proposed development would fail on the basis of the comments made previously by Planners. She conceded this was perhaps foolish and naïve in light of events that had occurred since this consultation. Councillor Mackay commented that he did not think that this was foolish as there were many of the 13 Community Councils and communities in Ward 5 that had not realised the significance of the various designations.

Councillor Mackay asked if this application was put forward on the basis of operational need ie. in relation to the fish farm, would we be in a different position. Mr Love advised that we would be in exactly the same position.

Councillor Devon asked Ms Stefek if the bad neighbour in reverse test had failed in June 2010. Ms Stefek advised that there had been no evidence of any nuisance, no complaints to say that the farm was causing any problems.

Councillor Devon asked Mr Heron to comment on the suggestion that the visibility splays were only 122m. Mr Heron disagreed with this statement advising that the splays had been measured and were 160m in both directions.

Councillor Devon asked if Ms Curran-Colthart was aware that otters had been seen on the site. Ms Curran-Colthart stated that it had been requested for the report but that the person who conducted the survey didn't find any evidence. This could be reflected in the fact that the survey was undertaken in November but also due to the chances of finding them along the coastline were slim.

Councillor Chalmers asked about the drawing of water given the number of applications being processed. The Chair reminded the Committee that they were dealing with this application and that any other applications were not up for discussion.

Councillor Marshall commented on the high quality of presentations and asked about the comment made by Mr Love in an email to Ms Stefek in July 2010. Mr

Love explained he was attempting to gauge the impact of 6 houses and that he was try to assess the magnitude of adding a further 6 houses to the existing 9.

Councillor Marshall asked Ms Curran-Colthart about he scenic quality of the area and if there was any fear of creating a ribbon development. Ms Curran-Colthart explained that she could not comment on this as was for SNH to provide information on scenic quality.

Councillor Marshall asked if the loss of water last year was the first time it had happened. Mrs Rentoul stated there had been periods over the last 40 years where the supply had run out and that the previous farm tenant had always maintained there would be issues with the supply.

Councillor MacNaughton asked Ms Stefek to comment upon the statement made by the objectors as to whether houses should be permitted in the area. Ms Stefek stated this had been in the midst of a lengthy call and had been taken out of context. It was not her view and considered the area would be a nice area to live in.

Councillor MacAlister asked if there was any overlap in water supply. Mr McCardle stated that in his opinion there was no overlap, the hydro report had indicated there was sufficient supply for and additional 6 dwellings.

Councillor Devon asked Mr Love to shed some light on the comments made about the site and whether it may/may not be in the PDA. Mr Love advised that a new plan can review designations and also has the potential to remove designations.

Councillor Devon then ask Mr Love about his opinion on LP BAD 2 being appropriate to the application. Mr Love advised that the Hatchery was built already and that they couldn't take into consideration any future intensification in activity. His professional opinion was that the existing planning at East Kames together with additional planting in terms of the proposed condition was sufficient as a buffer to prevent LP BAD 2 being relevant.

Councillor Mackay queried whether the planning policies were taken into account when reviewing or implementing designations. Mr Love advised that he was not part of the local plan team and therefore he could not confirm this although assumed this would be the case.

Councillor Mackay asked Ms Stefek whether she had approached the fish farm directly about complaints. Ms Stefek stated that she had done but there was no response. When they had realised there were 6 dwellings they did come back but there were no complaints from residents. Councillor Mackay stated that he had contacted them directly with a complaint about their lighting. They had directed this away from the main road and therefore there had been no need for him to take this any further. He suggested other residents may have done likewise.

Councillor Marshall asked about the proposals to develop at the farm and asked whether the 2 livestock buildings could have been built without planning permission in terms of permitted development rights. Miss Scott advised that they had already exhausted their rights by building 2 poly tunnels and therefore

they did require planning permission.

This concluded the questioning session and it was agreed to hold a 5 minute comfort break. The meeting re-convened at 12.40pm

Summing up

Planning Authority

Mr Love re-emphasised that applications should be determined in accordance with the Local Plan unless material circumstances proved otherwise. He stated that the PDA would be limited to these two plots and that the applicant had sufficiently addressed issues relating to water, waste water, avoidance of sensitive areas and the provisions of LP BAD 2. There were no other material circumstances and therefore the application should be granted.

Applicant

Mr McCardle discussed architects being guided by the Local Plan and the fact that if this application was not approved it would raise questions as to what to do with the plan and its use.

Consultees

Mr Heron advised that the site lines could be achieved, that maintenance of the site lines were an enforceable condition, no different to other roads. He suggested that entry issues raised could be dealt with by a restricting sign advising that the road was a private one.

Ms Stefek and Ms Curran Colthart had nothing further to add.

Objectors

Mrs Rentoul advised that the fish farm had been subject of 2 complaints. One in relation to burning of waste which resulted in a complaint to the Authorities and the second in relation to disposal of toxic waste for which there was a prosecution. She commented that other issues had been raised directly with the farm and that they had dealt with these.

Mrs Hill advised she had lodged a Freedom of Information request relating to the designation which had only produced one document which was a hand written note from Mr Gladstone. She was surprised there was no minuted decision on this. She also stated that the Planner's report had suggested that the windows to the dwellings should face away from the site thereby acknowledging there was something to be avoided.

Mrs Hibbert commented that the site lines were, in her opinion, 38m short of the required 160m. She stated these were currently maintained and did not know how the additional distance could be achieved.

Mr Hibbert referred to Mr Love's response about screening. He had concern that the only difference would be the additional planting which he did not consider would be a significant difference in terms of overcoming the bad neighbour in

reverse policy.

Mr Hill wondered whether the Council would consider a speed limit given the intensification in view of all of the proposed developments and the fact that buses stop at the belmouth of the access which may cause problems in accessing East Kames. With regard to the Bad Neighbour issue he felt that any new neighbour may take a different approach to the existing neighbours in making complaints directly to the Council. He reminded the Committee that the fish farm was a processing plant and not just a hatchery. He reported that there was significant lorry traffic with reversing beacons at night. He also commented that the sound was amplified as it travelled across the bay and that there was also an issue with smell which could not be screened by vegetation. He also referred to helicopter operations and the question of whether ENV 10 had been properly addressed.

Mr Kennedy did not wish to add anything further.

The Chairman asked all parties whether they had received a fair hearing. There were no adverse comments raised by the parties in attendance.

DEBATE

The Chairman advised that they had a lot of difficult issues to deal with and that was why the Committee held hearings. He advised that in his own ward there had been an issue with no response to the local plan which had led to similar problems. However, the consultations are well advertised and people should take note of them, not simply raise the issue when an application is put forward.

Councillor Reay expressed disappointed in the Community Council stating they should have been more active in making people aware of the consultation. He said that the Council had gone to great lengths to consult the public. Helensburgh alone had raised 3500 of the 4000 representations given the sensitivity in that area. He advised that the plan had now gone through, that planning were right to be recommending approval and that it was now down to subjective opinions.

Councillor Mackay referred to the statement about architects giving clients advice based on the local plan and if it can't be used, what could. He accepted what Councillor Reay had said about the consultation on the local plan but stated that many of the smaller communities did seem to have realised the importance of the consultation. He spoke regarding the need to weigh the policies against the information provided at the hearing and that he felt LP BAD 2 was very significant and that he also had concern about the water supply issue. He thought that if permission was given it would give rise to problems given the size of the fish farm operation.

Councillor Chalmers advised that he agreed with Councillor Mackay having heard instances of complaint which had not been reported to Environmental Health. He felt that the incidents at the fish farm were the sort of thing any reasonable person would object to irrespective of proximity to the fish farm. However, he did not intend to afford as much weight to the proximity of the sites to the fish farm as Councillor Mackay and considered that the water issue would be suitably addressed by condition.

Councillor Devon had reservations about LP BAD 2 which were giving her mixed feelings about the development. She considered the proposed conditions relating to water supply and roads issues were suitably strong although felt that a more recent hydro study than the 2008 version before them would be beneficial.

Councillor Marshall, like his fellow Councillors, felt that consultation was prime on the current Local Plan. He suggested that Community Councils should pass this type of information on to the wider community and was sorry this hadn't happened in this case. Like Councillor Mackay he had serious concerns about bad neighbour and water supply issues.

Councillor McQueen indicated that he was supportive of the Planners in this particular case.

Councillor MacAlister expressed concern about the entry to the site but that he was comforted by the fact that the Roads Authority felt that safety issues could be resolved by condition.

Councillor MacNaughton stated that his initial concerns had been cleared up and that he intended to support the Planner's recommendation.

Councillor MacMillan concurred with Councillor MacNaughton's statement.

MOTION

That the application be granted subject to the conditions and reasons contained with the Report by the Head of Planning and Regulatory Services dated 7 March 2011.

Moved by Councillor Kelly, seconded by Councillor MacMillan

Councillor Mackay indicated that he wished to move an amendment and requested a short break to work on this. The Chairman agreed a five minute recess and the meeting re-convened at 1.15pm.

AMENDMENT

That the proposed development is Bad Neighbour in Reverse, on the grounds of noise, light and smell due to the close proximity of the proposed noise sensitive development.

Noise sensitive developments can be separated from noise sources and orientated and designed to minimise the impact of noise. The location of the proposed development will not provide this benefit to the residents.

Individual sensitivity to noise is highly subjective and is affected by a range of factors. As these can include non-acoustic matters such as attitude to the noise source, sensitivity may not always relate directly to the level of noise.

Scotland's rural areas possess an environmental quality from which people derive a range of benefits. Developments in areas that have been relatively undisturbed by noise nuisance are prized for their environmental or amenity

value. This is what the potential residents of the proposed development would be expecting, yet this would be the reverse. The pre-existing usage of the Commercial Fish Farm and Factory would negate this amenity.

The introduction of the development in this location is likely to give rise to complaints from new residents, relating to the operation of the Fish Farm and Factory and would more than likely have an adverse affect on the current operation and future development of the Fish Farm and Factory which is vital to the economic sustainability and development of the local area.

Possible mitigation measures by way of a Section 75 such as barriers, bunds, planting would not be appropriate. The only effective means to reduce the impact on the operation of the Fish Farm and Factory would be to relocate the development.

This application will introduce incompatible development in relation to an area already containing a development classed as a Bad Neighbour Development therefore this application is contrary to Policy LP Bad 2 – Bad Neighbour in Reverse of the current Argyll Local Plan Adopted 2009 and should be refused.

Moved by Councillor Mackay, seconded by Councillor Marshall.

Mr Love and Mr Jackson both confirmed that in their opinion this was a competent amendment. It was suggested by the Chair and agreed by the Committee that the matter had been well enough aired and that they would proceed to the vote.

Decision

The motion was carried by 6 votes to 4 and the Committee resolved to grant planning permission in principle 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. 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, which shall include indigenous tree and shrub 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 2nd 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.

7. No Development shall commence within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service

Reason: In the interests of preserving potential archaeological remains and the historic environment.

(Ref: Reports by Head of Planning and Regulatory Services dated 27 January, 28 February and 7 March 2011, submitted)