

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 30 MAY 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor David Kinniburgh
Councillor Mary-Jean Devon	Councillor Robert G MacIntyre
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor Richard Trail

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
Graeme Forrester, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Alistair MacDougall, Robert E Macintyre and Donald MacMillan.

2. DECLARATIONS OF INTEREST

Councillor George Freeman declared a non financial interest in respect of the business dealt with at item 10 of this Minute (Planning Application Ref: 12/00818/PP) as he has, in his capacity as the local Member, submitted an objection to this Application. He left the room and took no part in the discussion of this Application.

3. MINUTES

(a) The Minutes of the Planning, Protective Services and Licensing Committee of 18 April 2012 (9.30 am) were approved as a correct record.

(b) The Minutes of the Planning, Protective Services and Licensing Committee of 18 April 2012 (10.00 am) were approved as a correct record.

(c) The Minutes of the Planning, Protective Services and Licensing Committee of 18 April 2012 (10.30 am) were approved as a correct record.

*** 4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: PUBLIC ENTERTAINMENT LICENCE**

Concerns have been expressed and representations received in relation to the impact of the amendment to the Civic Government (Scotland) Act 1982 by the Criminal Justice and Licensing (Scotland) Act 2010 in relation to public entertainment licensing whereby free to enter public entertainment events require to be licensed with effect from 1 April 2012. Consideration was given to a report regarding Standard Conditions for Public Entertainment Licences and setting fees for these licences.

Decision

Agreed to recommend to the Council that:-

- (a) The draft standard conditions attached at Appendix A to this report be approved and published on the Council's website;
- (b) No fee should be charged for a free to enter event if the event is organised by a formally constituted voluntary or charitable organisation on the basis that this exemption from payment of a fee only applying if the following criteria are met (i) there is no admission charge or fee; (ii) no charge for use of any of the facilities provided by the event organiser; and (iii) no donations are made towards the cost of running the event;
- (c) If entry to an event held by a voluntary or charitable organisation is not free there is no fee for the first 2 events held per year by the organisation with subsequent events held in the same year being charged a reduced fee of £40 per event.
- (d) There is a monitoring period of a year in relation to any change in the fees agreed in relation to voluntary and charitable based organisations with a further report being placed before the PPSL Committee to advise on cost implications in administering and any other issues in May 2013.

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

5. M AND K MCLEOD LTD: TEMPORARY USE OF FORMER AMBULANCE DEPOT FOR CLASS 6 (STORAGE OR DISTRIBUTION): FORMER AMBULANCE STATION, MANSE BRAE, LOCHGILPHEAD (REF: 11/02280/PP)

The Principal Planning Officer spoke to the terms of a report advising that this proposal seeks retrospective planning permission for the change of use of a former ambulance depot (sui generis) to form a storage building with approximately 80 sqm of storage space with ancillary office accommodation. Notwithstanding the concerns raised by the Community Council and third party objectors, it is considered that whilst a permanent permission as applied for would be undesirable, a temporary permission sufficient to enable the site to serve the needs of the remainder of the housing development it currently serves and providing an opportunity to review the operation of the site in the light of experience would be an appropriate response to the situation. The proposal would be consistent with the relevant provisions of both the Argyll and Bute Structure Plan 2002 and the Argyll and Bute Local Plan 2009.

Decision

1. Noted the request from Councillor Douglas Philand that a site visit be undertaken in advance of determining this Application and agreed that this would not be necessary;
2. Agreed to grant planning permission on a temporary basis subject to the following conditions and reasons:-

- (a) This permission shall cease on or before 30th June 2015 other than in the event of a further permission for continued use having been granted upon application to the Planning Authority.

Reason: To define the permission and to provide opportunity to review the operation of the permitted use in the light of experience in order to protect the amenity of the locale.

- (b) The development shall be implemented in accordance with the details specified on the application form dated 10.11.2011 and the approved drawing reference numbers 1 to 8 of 8 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.

- (c) Notwithstanding the combined provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order(s) 1992, Schedule 1, Class 12, the premises shall only be used for a class 6 (storage and distribution) use as defined in the Town and Country Planning (Use Classes)(Scotland) Order 1997, and the use of the premises subsequently for any class 4 (business) use shall be prevented by this condition, requiring separate planning permission for any such use.

For the avoidance of doubt, no preparation or working of materials by power or other tools shall be permitted within the site as this would constitute a change of use to Class 5 – General Industrial, which is not compatible with the existing mixture of uses surrounding the site, including noise sensitive uses.

Reason: The site is compact with limited car parking for which reason it will need to be assessed through a fresh planning application as to whether there is sufficient parking for any specific class 4 (business) use as might be proposed and in order to protect the amenity of the locale.

- (d) No materials, goods, containers, caravans, trailers or waste products shall be stored outside the building.

Reason: In the interest of neighbouring residential amenity and because of the limitations of the site.

- (e) The operation of the premises and the management of traffic to and from the premises shall conform to the applicants' site and traffic management plan as specified in the statement of the 9th February 2012 attached hereto.

Reason: In the interest of residential amenity.

- (f) Within three months of the date of this permission, the roadworks altering the bellmouth and kerb line of the site access with the private road shall be implemented in full in accordance with the details specified on drawing 3 of 8 (J568/C/01).

Reason: In the interests of highway safety.

- (g) Within three months of the date of this permission, the 4 on site car parking spaces and vehicle turning area as shown on drawing 2 of 8 (4482/102) shall be constructed and made available for use. Thereafter the approved car parking layout shall be retained for the parking, turning and manoeuvring of vehicles.

Reason: In the interests of highway safety.

- (h) The hours of operations for all delivery/dispatch activities shall be restricted to between 08.00 and 18.00 hours Monday to Saturday only with no activities permitted on Sundays or Scottish Public Holidays without the prior written approval of the Planning Authority.

Reason: To safeguard residential amenity.

- (i) No external lighting shall be installed without the details of it having being first submitted to and approved in writing by the Planning Authority in consultation with the Council's Environmental Health Officers. Any lighting as may be permitted pursuant to the requirements of this condition shall be installed and maintained in a manner which ensures no spillage of light onto neighbouring premises.

Reason: To safeguard residential amenity.

- (j) The land and premises shall be used in such a way that the existing core footpath on the western side of the private road, and the private road itself shall both remain surfaced and free of obstruction for the movement of pedestrians (on the core path) and the movement of vehicles (on the private road) through the site.

Reason: In the interest of pedestrian and highway vehicular safety.

(Reference: Report by Head of Planning and Regulatory Services dated 15 May 2012, submitted)

6. SCOTTISH POWER PLC: FORMATION OF A TEMPORARY CONTRACTOR'S SITE COMPOUND: LAND TO NORTH OF CRUACHAN POWER STATION, TAYNUILT (REF: 12/00213/PP)

The Head of Planning and Regulatory Services spoke to the terms of a report advising that the proposal seeks planning permission for the formation of a temporary contractor's site compound on land owned by the Council to the north of Cruachan Power station, by Taynuilt. Reference was also made to supplementary planning report number 1 which clarified the position of a mobile toilet portakabin on the site. Temporary planning permission was originally granted on 1 October 1996 by virtue of 96/00776/COU for the formation of a

contractor's compound and the siting of portakabins to serve works associated with the operation and maintenance of Cruachan Power Station. Since then there have been numerous applications granted to renew the temporary planning permission with the most recent having been granted on 10 April 2008 by virtue of 08/00425/DET which expired on 30 September 2011. Although the site lies within 'Very Sensitive Countryside' it benefits from a long established locational need related to a renewable energy development and it satisfies Parts A and B of Policy STRAT DC 6 and policies STRAT SI 1 and STRAT DC 8 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 1, LP ENV 12, LP ENV 19, LP SERV 1, LP SERV 4, LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan 2009. In the circumstances, it is recommended that permission be granted on a permanent rather than a further temporary basis subject to conditions and reasons detailed in the original report and to conditions and reasons detailed in the supplementary report in respect of the mobile toilet portakabin.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 25th January 2012 and the approved drawing reference numbers:

- Plan 1 of 1 (OB.02.01/01)

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 and to ensure that the development is implemented in accordance with the approved details.

2. In the event that the site has not been occupied for its intended purpose during the course of a continuous period of 18 months, the permitted use shall be deemed to have ceased and all structures, containers and materials shall be removed from the site, unless otherwise agreed in writing by the Planning Authority, and immediately thereafter the land shall be reinstated in accordance with details which shall be submitted to agreed in writing in advance by the Planning Authority.

Reason: In the interests of amenity and to ensure that the site is reinstated to an appropriate and satisfactory standard.

3. This permission relates only to the use of the compound by contractors working within Cruachan Power Station and associated areas. Any structures, containers or materials shall only be sited on the land whilst maintenance or other contracted works are ongoing within Cruachan Power Station and shall be removed within 2 months from the completion of works on site.

Reason: In accordance with the use applied for.

4. Any structures shall be used only for site offices and storage accommodation and shall at no time be used for residential purposes.

Reason: In accordance with the use applied for.

5. No trees or shrubs within the application site as identified by the red line on Drawing No. (OB.02.01/01), shall be lopped, topped, felled or uprooted without the prior written approval of the Planning Authority.

Reason: The landscape features hereby protected, are important to the appearance and character of the development site and their retention ensures that the development is screened from existing properties in the immediately surrounding area.

6. Within 3 months from the date of this permission, the portable building providing toilet facilities hereby approved shall be painted in a recessive colour and thereafter shall be maintained as such. The proposed recessive colour to be used shall be agreed in writing by the Planning Authority prior to the portakabin being painted. Any replacement portable building shall be painted in the same colour as the original structure was required to be painted, unless any variation thereof has been agreed in writing in advance by the Planning Authority.

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

7. Permission is granted for the portable building providing toilet facilities and occupying the application site at the time of this permission for a period up to 30th May 2022, following which it shall be removed from the site, unless on application permission has been granted for its retention for a further period by the Planning Authority.

Reason This temporary structure is one of limited life expectancy, the future of which should be reviewed in the future in the interests of visual amenity.

(Reference: Report by Head of Planning and Regulatory Services dated 3 May 2012 and supplementary planning report number 1 dated 28 May 2012, submitted)

7. ARGYLL AND BUTE COUNCIL: ERECTION OF NEW VEHICLE WORKSHOP, WELFARE BUILDING, GLASSHOUSE AND BIKE SHELTER INCLUDING NEW VEHICLE ENTRANCE AND ADDITIONAL PARKING: COUNCIL MAINTENANCE DEPOT, LUSS ROAD, HELENSBURGH (REF: 12/00219/PP)

The Principal Planning Officer spoke to the terms of a report advising that this proposal seeks planning permission for the erection of a new vehicle workshop, welfare building, glasshouse and bike shelter including new internal vehicle entrance and additional parking within the Council's existing depot at Luss Road. There have been no objections received and it is considered that the scale and design of the proposed workshop building is acceptable and accords with Policies LP ENV 3, LP ENV 19, LP BAD 1, Appendix A and Appendix C of the

adopted Local Plan and, similarly, the welfare building and glasshouse are also acceptable and accord with Policy.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 24/11/2011 and the approved drawing reference numbers L(--)001 Rev A, L(--)002 Rev A, L(--)003 Rev A, L(--)004 Rev a L(--)006 Rev A, L(--)010 Rev B and L(--)015 Rev A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Development shall not begin until details of a 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) location and design, including materials, of walls, fences and gates;
 - ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub;
 - iii) a 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.

3. The parking provision shown on the docquetted plans shall be in place prior to the buildings hereby approved being completed or brought into use and shall be retained as such thereafter.

Reason: In the interests of road safety.

4. Development shall not begin until samples of materials to be used on external surfaces of the buildings have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried

out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

(Reference: Report by Head of Planning and Regulatory Services dated 10 May 2012, submitted)

8. ARGYLL AND BUTE COUNCIL: INSTALLATION OF A BIOMASS BOILER INCLUDING PLANT ROOM AND WOODCHIP STORE: ISLAY HIGH SCHOOL AND BOWMORE PRIMARY SCHOOL, FLORA STREET, BOWMORE, ISLAY (REF: 12/00564/PP)

The Principal Planning Officer spoke to the terms of a report advising that this proposal seeks planning permission for a Biomass Heating Plant to serve the adjacent Islay High School and Bowmore Primary School. The proposal is consistent with the provisions of policy LP REN 3 which seeks to encourage non-wind renewable energy development where this is compatible with the amenity of its surrounds and does not give rise to an adverse impact upon infrastructure. Furthermore the proposal will not give rise to detrimental impacts upon the amenity of the locale and is of appropriate scale, design, finishes and siting having regard to the setting of the school buildings within the Bowmore settlement area.

Decision

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

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 13th March 2012; and the approved drawings numbered 1 of 7 to 7 of 7; and stamped approved by Argyll and Bute Council.

Reason: in order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 1 above, the Council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non material amendment (NMA) should be made in writing to Planning Services, Dalriada House, Lochgilphead, PA31 8ST which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. It should be noted that only the original applicant can apply for an NMA under the terms of Section 64 of the Town and Country Planning (Scotland) Act 1997. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

2. The use hereby permitted shall not commence until full particulars and details of a scheme for the dispersion of atmospheric pollutants from the

development, including a calculation of the required flue heights from the boiler plant, has been submitted and approved by the Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason: In order that the Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to atmospheric pollutants.

(Reference: Report by Head of Planning and Regulatory Services dated 11 May 2012, submitted)

9. TOWARD SAILING CLUB: ERECTION OF 5 KILOWATT WIND TURBINE (15 METRES HIGH TO BLADE TIP): TOWARD SAILING CLUB, TOWARD, DUNOON (REF: 12/00663/PP)

The Principal Planning Officer spoke to the terms of a report advising that this application is for a small wind turbine to be sited on land owned by the Council close to Toward Sailing Club's clubhouse. Whilst the site of the wind turbine is flanked by the Category B listed Toward Quay and Category B listed Castle Toward Gate Lodge, the visual impact will be reduced by the presence of the Sailing clubhouse and other buildings, poles and masts and the use of a dark grey colour for the wind turbine which is not considered to present an obtrusive or conspicuous object in the landscape and is consistent with policies STRAT SI 1, STRAT DC 5, STRAT DC 8, STRAT DC 9, and STRAT RE 1 of the Argyll and Bute Structure Plan and to policies LP ENV 1, LP ENV 10, LP ENV 11, LP 13(a), LP ENV 19, LP BAD 1 and LP REN 1 of the Argyll and Bute Local Plan.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 21 March 2012 and the approved drawing reference numbers: 1:10,000 Location Plan, 1:500 Block Plan, 0130-AD-00174 D, 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.

2. For the avoidance of any doubt, the monopole and turbine blades shall be painted in RAL 7000 Dark Squirrel Grey, unless otherwise agreed in writing by the Planning Authority.

Reason: In terms of visual impact and to integrate the wind turbine in its surroundings.

3. This permission shall be for a period of 20 years from the date of this permission. Within 6 months of the end of that period, or following the earlier cessation of use of the wind turbine for a continuous period in excess of 12

month, whichever is the earlier, the wind turbine and ancillary equipment shall be dismantled and removed from the site and the land reinstated in accordance with details to be submitted to and approved by the Planning Authority, unless a further planning application for the retention of the turbine is has been approved by the Planning Authority.

Reason: In order that the Planning Authority has the opportunity to review the circumstances pertaining to the consent, which is considered to be of a temporary nature and in the interests of the visual amenity of the area.

(Reference: Report by Head of Planning and Regulatory Services dated 4 May 2012, submitted)

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

10. MR AND MRS JOHN SMITH: ERECTION OF DWELLINGHOUSE, INSTALLATION OF PRIVATE SEWAGE TREATMENT FACILITY AND FORMATION OF NEW ACCESS: LAND NORTH WEST OF FINNART FARMHOUSE, FEUINS ROAD, PORTINCAPLE (REF: 12/00818/PP)

The Principal Planning Officer spoke to the terms of a report advising that this proposal seeks planning permission for the erection of a dwelling and the installation of an associated sewage treatment plant and access. Reference was also made to supplementary planning report number 1 which advised of a late representation received. The majority of the house plot (93%) site lies within the 'settlement' boundary of the minor settlement of Portincaple/Whistlefield as defined by the adopted Local Plan. The remaining 7% of the site which is located at the north western corner of the plot lies within an area defined as 'countryside around settlement'. There is a presumption against residential development in these areas in order to avoid pressure for development to creep beyond defined settlement boundaries. However, given the small size of the area, the fact that it is to form part of the garden, and will not accommodate any built development, and given the opportunity to preclude ancillary structures within the proposed curtilage can be justified as a 'minor departure' from Structure Plan Policy STRAT DC 2 and Local Plan Policy LP HOU 1. The site also lies within an area designated as an Area of Panoramic Quality. It is considered that the proposal would be acceptable in this regard given its siting, scale and design. It is recommended that this application be approved as a minor departure to development plan policy subject to conditions and a PAN 41 hearing.

Decision

Agreed to hold a PAN 41 hearing on a date and time to be determined.

(Reference: Report by Head of Planning and Regulatory Services dated 23 May 2012 and supplementary planning report number 1 dated 28 May 2012, submitted)

Councillor Freeman returned to the meeting.

11. NORTHERN ENERGY DEVELOPMENTS LIMITED: DEVELOPMENT OF LAND WITHOUT COMPLIANCE WITH CONDITION 1 OF PLANNING PERMISSION REFERENCE 08/00309/DET - ERECTION OF A WOOD FIRED COMBINED HEAT AND POWER PLANT AND FORMATION OF VEHICULAR ACCESS: LAND TO NORTH OF DALINLONGHART WASTE DISPOSAL SITE, SANDBANK, DUNOON (REF: 12/00838/PP)

The Principal Planning Officer spoke to the terms of a report advising that planning permission (ref 08/00309/DET) was previously granted on 9 June 2008 for a wood fired combined heat and power plant within the Council's Waste Management facility at Dalinlonghart and is due to expire on 9 June 2013. The Applicant's agent has confirmed that due to unforeseen circumstances, delays in the procurement process and the offer of a grid connection date beyond 9 June 2013, a revised construction schedule has been adopted for the project. As a result, it may not be possible to implement this consent within the prescribed period and as a precautionary measure, the Applicant's request an extension to the approved permission by which development must commence by three years to 9 June 2016. The scheme is unchanged from the previous proposal and is still considered to be acceptable in terms of use, siting, design and materials subject to conditions detailed in the report.

Decision

Agreed that planning permission be granted subject to the following conditions and reasons:-

1. For the avoidance of doubt, the development shall be implemented in accordance with the details specified on the application form dated 16 April 2012 and accompanying site location plan no. MG372/PA/F/01; and to the following drawings approved under planning permission ref. 08/00309/DET – HG347/PA/F/01, HG347/PA/F/02, HG347/PA/F/09, HG336/PA/F/04, HG347/PA/F/06, HG347/PA/F/05, 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.

2. No development shall be commenced until a Construction Method Statement (CMS) has been submitted to and has been approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency. The development shall be implemented in accordance with the provisions of the duly approved CMS.

Reason: In order to ensure that construction activities have regard to pollution control and amenity considerations.

3. No development shall be commenced until a detailed Sustainable Urban Drainage (SuDS) Scheme (designed in accordance with the agreed Draft Drainage Assessment/SuDS Strategy) has been submitted to and has been approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and Scottish Water. This shall have regard to the provisions of the outline drainage assessment submitted with

the application and shall seek to minimise surface water run-off from the site. The development shall be implemented in accordance with the provisions of the duly approved scheme.

Reason: In order to prevent potential pollution of controlled waters.

4. No development shall be commenced until a Site Waste Management Plan has been submitted to and has been approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency. This shall address the intended means of dealing with waste arising during the construction process and during the operational phase of the development. The development shall be implemented and operated in accordance with the provisions of the duly approved management plan.

Reason: In the interests of waste minimisation and pollution control.

5. Prior to the commencement of development, samples and/or full details of the materials/colour finishes to be applied to the boiler/turbine building, the cooling plant, chimney, wood chip handling equipment and portable buildings shall be submitted to and approved in writing by the Planning Authority. These shall comprise recessive colours appropriate to a forested location (e.g. a non-reflective material, dark green in colour). The development shall be completed in accordance with the duly approved details and shall be retained as such unless any subsequent variation thereof is agreed in advance in writing by the Planning Authority.

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

6. All emissions from the combined heat and power plant shall discharge from a chimney which shall not exceed an overall height of 30.0 metres.

Reason: In order to ensure that chimney height is limited to that necessary to safeguard air quality, in the interests of visual amenity.

7. Prior to the commencement of development, a dispersion modelling exercise shall be submitted to and approved by the Planning Authority to ensure that the air quality of the residential properties at Ballochyle and Sandhaven will not exceed stated objectives by the grounding of the plume from the 30-metre high stack.

Reason: In the interests of the amenity of the area and the protection of local air quality.

8. Prior to the commencement of development, a chimney height assessment using Technical Guidance Note D1 shall be submitted to and approved in writing by the Planning Authority, if the boiler is not to require authorisation as a prescribed process by SEPA.

Reason: In the interests of the amenity of the area and the protection of local air quality.

9. Prior to commencement of development, section drawings through the site

indicating a finished floor level for the boiler/turbine building relative to a fixed datum on the existing forestry road on the eastern boundary shall be submitted to and approved in writing by the Planning Authority. This shall also include full details of any cut and fill operations required and the development shall be implemented in accordance with the duly approved details.

Reason: In order to minimise the overall height of the building relative to surrounding ground levels in the interests of visual amenity.

10. No development shall commence until the developer has secured a programme for the management of woodland within 50m of the site boundary (including the selective felling, management and re-stocking of this area), in accordance with details to be submitted to and approved by the Planning Authority. Thereafter this area shall be retained and managed in accordance with the duly approved programme unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure tree management and replacement in the interests of visual amenity.

11. Prior to commencement of development, a Noise Impact Assessment for the chipping operation and operation of the plant shall be submitted to and approved in writing by the Planning Authority. The levels of noise arising from the operation of the combined heat and power plant shall not exceed the existing pre-determined background noise levels at the boundaries of the nearest noise sensitive properties (at Balagowan, Gleann Ban - and at An Creachan, Glen Kin) as agreed with the Planning Authority in consultation with Public Protection. All noise measurements shall be conducted in accordance with BS4142:1997.

Reason: In order to prevent noise disturbance to nearby properties.

12. Prior to the commencement of development, a scheme for the protection of the nearest residential properties from noise from the boiler/turbine plant and chipping operation shall be submitted to and be approved in writing by the Planning Authority. This scheme shall include details of any sound insulation to be provided on the western and northern elevations of the boiler/turbine building to achieve the noise limits specified in condition 11 above, and of any acoustic barriers to the site of the chipping operation. The development shall not be implemented and operated otherwise than in accordance with the duly approved details.

Reason: In order to ensure compliance with the terms of the permission.

13. Prior to the commencement of operation of the combined heat and power plant, a noise assessment plan shall be submitted and approved by the Planning Authority which shall include details of the monitoring to be carried out in order to ensure compliance with conditions 11 and 12 above.

Reason: In order to prevent noise disturbance to nearby properties.

14. Notwithstanding any submitted details, wood chipping shall only take place

between the hours of 0700 and 1800 hours Mondays to Fridays, excluding Scottish public holidays, unless otherwise agreed in writing with the Planning Authority in consultation with Public Protection.

Reason: In order to prevent noise disturbance to nearby properties.

15. Notwithstanding any submitted details, vehicle movements, collections and deliveries, and all other on-site external operations including the handling and loading of woodchips, to, from and within the site shall be limited to 0700 and 1800 hours Mondays to Fridays, excluding Scottish public holidays, unless otherwise agreed in writing with the Planning Authority in consultation with Public Protection.

Reason: In order to prevent noise disturbance to nearby properties.

16. The development shall only operate with the abatement equipment, including the electrostatic precipitator, in operation. In the event of failure of any abatement plant, the operator shall cease the combustion process as soon as reasonably practicable and the process shall not recommence until the abatement plant has returned to full working order.

Reason: In the interests of the amenity of the area and the protection of local air quality.

17. Prior to the commencement of development, details of the wood chip storage arrangements shall be submitted to and approved in writing by the Planning Authority, and the development shall not be operated other than in accordance with the duly approved details. These plans shall make particular reference to the management of dust on site.

Reason: In the interests of amenity.

18. Prior to work starting on site, full details of any external lighting to be used within the site and along its access shall be submitted to and approved in writing by the Planning Authority. Such information shall include full details of the location, type and angle of direction and wattage of each light, which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. For the purposes of this condition, any external lighting installations shall be designed to conform with Scottish Executive Guidance Note Controlling Light Pollution and Reducing Lighting Energy Consumption and having regard to the Institute of Lighting Engineers Guidance.

Reason: In order to avoid the potential of light pollution infringing on surrounding land uses/properties.

(Reference: Report by Head of Planning and Regulatory Services dated 23 May 2012, submitted)

The Committee resolved in terms of Section 50A(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.

12. ENFORCEMENT UPDATE: 10/00319/ENAMEN

Consideration was given to an update on enforcement case 10/00319/ENAMEN.

Decision

Noted the contents of the report and agreed to continue consideration of this to the next meeting of the PPSL Committee.

(Reference: Report by Head of Planning and Regulatory Services dated May 2012, submitted)