

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

*Customer Services*  
*Executive Director: Douglas Hendry*



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12 December 2012

## **NOTICE OF MEETING**

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 19 DECEMBER 2012** at **12 NOON**, 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 21 November 2012 (10.00 am) (Pages 1 - 4)
  - (b) Planning, Protective Services and Licensing Committee 21 November 2012 (10.20 am) (Pages 5 - 8)
  - (c) Planning, Protective Services and Licensing Committee 21 November 2012 (11.00 am) (Pages 9 - 30)
  - (d) Planning, Protective Services and Licensing Committee 21 November 2012 (2.20 pm) (Pages 31 - 32)
  - (e) Planning, Protective Services and Licensing Committee 21 November 2012 (2.40 pm) (Pages 33 - 34)
  - (f) Planning, Protective Services and Licensing Committee 3 December 2012 (Pages 35 - 42)

4. **NORTH BEACHMORE LLP: ERECTION OF AN 84M HIGH (TO BLADE TIP) WIND TURBINE AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS TRACKS, CONTROL BUILDING AND ELECTRICITY INFRASTRUCTURE, CONSTRUCTION COMPOUND, LAYDOWN AREAS AND CRANE PAD: LAND SOUTH/SOUTH EAST OF NORTH BEACHMORE, MUASDALE (REF: 11/02521/PP)**  
Report by Head of Planning and Regulatory Services (Pages 43 - 92)
5. **IAN DARBY NO 1 TRUST: ERECTION OF GATE PILLARS, CAST IRON GATES, FLANK WALLS AND RAILINGS; BALINAKILL COUNTRY HOUSE HOTEL, CLACHAN (REF: 12/01907/PP)**  
Report by Head of Planning and Regulatory Services (to follow)
6. **LOCHGILPHEAD PHOENIX PROJECT: ERECTION OF FREE STANDING COMMUNITY NOTICE BOARD: FRONT GREEN, LOCHNELL STREET, LOCHGILPHEAD (REF: 12/02443/ADV)**  
Report by Head of Planning and Regulatory Services (Pages 93 - 100)
- E1 7. **ENFORCEMENT REPORT - REF: 11/000107/ENOTH2 AND 11/00153/ENOTH2**  
Report by Head of Planning and Regulatory Services (to follow)

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

- E1 Paragraph 13** Information which, if disclosed to the public, would reveal that the authority proposes-
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.

## **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**

Councillor Gordon Blair	Councillor Rory Colville
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor George Freeman	Councillor Fred Hall
Councillor David Kinniburgh	Councillor Alistair MacDougall
Councillor Robert Graham MacIntyre	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor James McQueen
Councillor Sandy Taylor	Councillor Richard Trail

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 NOVEMBER 2012**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Richard Trail
Councillor Robert G MacIntyre	

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Solicitor  
Patricia O'Neill, Central Governance Manager  
Donald Simpson, Applicant  
David Morrison, Objector  
George Darroch, Objector  
Norma Birtles, Objector  
Susan Gauld, On behalf of William Tucker, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Mary Jean Devon and George Freeman.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR'S LICENCE (T SIMPSON, TIGNABRUAICH)**

The Chair invited the Committee and all parties present to introduce themselves.

Mr Reppke advised that 2 late objections had been received and that the applicant had received prior notification of these. He advised that the Committee should hear from the objection as to why these objections had been late.

Susan Gauld advised that Mr Tucker believed that he had sent his objection in on time, that it had been faxed from the Council's Hill Street Office and also sent in the mail. Mr Forrester advised that he had a date stamped copy in front of him which had been received in the mail and had been received later than the deadline. He advised that he was not aware of a faxed copy. Mr Reppke asked Mr Forrester to check with the Licensing office regarding the faxed copy.

Norma Birtles advised that she had also been under the impression that her objection had been submitted on time, she advised that she had posted the letter on 16 August 2012 but had not been sure of the exact deadline for submission. Mr Reppke explained that there had been some confusion over Mrs Birtles objection; he explained that the objection had been received on time but that it had contained no signature on one page and no name and address on the other page. He advised that these details were required in terms of the regulations

and by the time these details had been added, the deadline for submissions had passed. Councillor Kinniburgh enquired as to when the deadline had been and was told by Mr Reppke that it was 3 September 2012. Mrs Birtles confirmed that when she sent the objection in only one page had been received, the page that had not contained the name and address, the second page, that had contained her address had not been received and she had not been told on the telephone when she was asked to add the name and address to the submission to make it valid that the deadline had passed. She advised that it had been a misunderstanding.

After receiving confirmation from Mr Forrester, Mr Reppke advised the Committee that a fax had been received with Mr Tucker's objection on 4 September 2012. He advised that the deadline had been 3 September 2012 and therefore the objection had been late.

Mr Simpson was invited to speak. He advised that in his view these were not reasonable excuses for late submissions as both objectors had been taxi operators for a long time and were well aware of the procedures. He asked the Committee to reject the late objections.

After debate the Committee agreed not to take into consideration the late objections.

Mr Simpson was invited to speak in support of his application.

Mr Simpson advised that his application had been based on safety. He advised that private hire cars do not have signs and it is not clear to customers if the cars are in fact taxis. He advised that there had been two public hire operators in the Tighnabruich area which now ceased to operate and advised that Mrs Birtles operated from Innellan and worked in Dunoon. He advised that if he was awarded a public hire licence then this would replace one of two vacancies in the Tighnabruich area and there would still be an opportunity for one more public hire. Mr Simpson advised again that his application was from a safety aspect, that he would be paying £400 for the sign for the roof of his taxi and that he would not be using the fact that he would be public hire to stop in the street and pick up customers; he would continue to operate as he had been as a private hire, taking jobs by telephone. Mr Simpson advised that his main business came from Portavadie Marina and mainly from staff. He advised that he spent a lot of time outside the marina waiting on people to come out because they do not recognise that the car is a taxi. He added that most of the time he would need to go inside the establishment to let customers know that he was there. He advised that a sign would make this clearer to customers. Mr Simpson highlighted that he had no intention to work in Dunoon from the taxi rank, that he would continue to work from Tighnabruich area and no where else. He advised that there was a need for taxis in the Tighnabruich area as folk should be able to choose when they travel and not have to wait around on bus services. He advised that his local knowledge was a great advantage as he could take visitors to places they wished to visit and did not know how to get to. He added that operators from Dunoon did not have this advantage. Mr Simpson told the Committee about two bus hire services available in the area and that sometimes folk preferred a personal approach a taxi gave to them. He added that no objections had been received from either bus service. Mr Simpson concluded by saying that the main reason for his application was for safety and highlighted that

usually folk would not approach a car if they weren't completely sure that it was a taxi, that it was not obvious to customers if the taxi did not have a sign on it. He asked that the Committee grant his application.

Mr Darroch was given the opportunity to ask Mr Simpson any questions relevant to his statement. Mr Darroch advised that he had no questions. Mr Darroch was invited to speak to his objection.

Mr Darroch advised that the basis of the objection from the taxi drivers association was related to a review of taxi operators which had shown there was no demand in the Dunoon area for additional public hire taxi operators. He advised that it was hard to make a living from a taxi business working only standard hours and from the recent increase in fuel prices. Mr Darroch referred to the comment made by Mr Simpson about having to knock on customers doors to let them know that he was there; he advised that he ran a public hire taxi and did this regardless and therefore the argument made by Mr Simpson regarding safety had been weak. Mr Darroch advised the Committee that in Glasgow private hire taxi companies will phone customers and tell them the make, colour and registration of the car when the booking is made so that they know what car to expect. Mr Darroch advised that there was already a public hire operator in the Tighnabruaich area, that there was no need for another and that there was no taxi rank. Mr Darroch told the Committee that Mr Simpson seemed to be very busy and had enough business as a private operator. He asked the Committee to refuse the application.

Mr Simpson was given the opportunity to ask Mr Darroch questions regarding his statement. Mr Darroch advised he had no questions.

Councillor Kinniburgh highlighted the facts that Mr Simpson was currently operating as a private hire and that there was no taxi rank in Tighnabruaich; and asked Mr Simpson if he intended operating from the Dunoon taxi rank. Mr Simpson confirmed that he would not be using the rank and that he would continue to operate from the house as he always had; the only change would be the sign on the car.

Councillor Robert Graham MacIntyre asked what the cash difference was between an application for a public hire licence and a private hire licence was to which he was told by Mr Reppke that there was very little.

Councillor Hall asked Mr Darroch if overprovision was the main basis on his argument based on the fact that at the moment Mr Simpson could not currently enter the tax rank in Dunoon and pick up passengers whereas if he obtained a public hire operators licence he would be able to do this. Mr Darroch confirmed that it was.

Councillor Taylor asked Mr Simpson if he obtained a public hire operators licence would he pick people up in the street to which he replied that he would due to the safety aspect but he would not enter the taxi rank.

The Chair invited Mr Darroch to sum up.

Mr Darroch summed up by saying that Mr Simpson had a healthy business at the moment and that he believed that the safety argument was a red herring. He

again made reference to private taxi operators in Glasgow and how they notify customers of the car that will pick them up or knock on the customers' door when they arrive. He advised that this was the way he operated himself in Dunoon and that upgrading customer service levels would ensure that there was no safety issue.

The Chair invited Mr Simpson to sum up.

Mr Simpson summed up by saying that the cost of fuel has risen for everyone. He said that when a taxi had a sign on top of it 99% of people would come out of premises when they seen it. He advised the private hire was different; it was not obvious to customers that the car was a taxi. He advised that the only objection had been from operators in Dunoon and not in the Tighnabruaich area. He added that his application would replace one of two vacancies for operators in the Tighnabruaich area.

The Chair asked both parties if they considered that they had received a fair hearing to which they both confirmed that they had. The Chair invited the Committee to debate the application.

Councillor Currie advised that he had been in favour of granting the application for a private hire against the objections made by operators when it had come before the Committee in June or July. He advised that he could not understand Mr Simpsons reasons for the change from private to public hire as when he had used private hires in the past he had always been told by text or on the phone what car to expect. He advised that he would not recommend approval of the application.

Councillor Trail advised that he did not find the safety argument convincing and that there may be a secondary reason for the application; and therefore he would not support the application.

Councillor Kinniburgh said that he agreed with his colleagues and that he could not get his head around why Mr Simpson wanted to change from a private hire to a public hire and that he had found his reasoning weak. He added that he thought there was secondary reasoning for the application and that he did not support the application.

Councillor McNaughton advised that Mr Simpsons reasoning was not the best but that there was space for a public hire in Tighnabruaich and public hire was needed for functions.

Councillor McQueen advised that he did not support the application.

### **Decision**

The Committee agreed to refuse Mr Simpson's application for a taxi operators licence and noted that notification of this would be issued to Mr Simpson within 7 days.

(Ref: Report by Head of Governance and Law dated November 2012, submitted)

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held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 NOVEMBER 2012**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Solicitor  
Patricia O'Neill, Central Governance Manager  
Johan MacKinnon, Applicant

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Mary Jean Devon and George Freeman.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR AMENDMENT OF TAXI OPERATOR LICENCE (J MACKINNON, CARDROSS)**

The Chair welcomed everyone to the meeting and introductions were made.

Mr Reppke advised that email notification had been received from Maxine Fletcher advising that she would not be attending the hearing.

The Chair invited Ms MacKinnon to speak in support of the application.

Ms MacKinnon began by saying that when she had filled out the application for the amendment to the operators licence there had been no opportunity on the form to give reasoning for her amendment. Ms MacKinnon advised that it was necessary for her to be away from home on occasion due to family issues and that she needed someone to assist with the business. She advised that she was very fortunate to have the Campbell family to help her. Mrs MacKinnon made reference to the point made in the objection regarding her being a retired school teacher and advised that she had recently lost her partner and the taxi business gave her a purpose and a focus. Ms MacKinnon advised that there was no valid objection in the letter and told the Committee that she believed that the objection was due to a past grievance with Mr Campbell and the objector. She questioned whether if the application had been for a partner other than a member of the Campbell family if the same objection would have arisen.

Members were given the opportunity to ask Ms MacKinnon questions.

Councillor Taylor asked Ms MacKinnon to describe how her business currently operated. Ms MacKinnon advised that she currently ran the business and employed a driver, Kenny Mercer.

Councillor Kinniburgh asked if Mr Campbell would also drive if he became partner. Ms MacKinnon advised that Mr Mercer had set hours that he worked and that Mr Campbell would drive the hours that Mr Mercer didn't.

Councillor Currie asked why this application had come before the Committee. Ms MacKinnon advised that there had been an objection to the continuation of the licence when she applied stating that she would transfer the licence to Mr Campbell should it have been approved.

Councillor Trail asked if Ms MacKinnon intended to transfer the licence to Mr Campbell. Ms MacKinnon advised that she had no intention of transferring the licence to Mr Campbell.

Councillor Currie noted that when the application had come before the Committee for continuation that the same comments had been made.

Councillor Kinniburgh asked if a condition had been placed on the approval of the licence when it had come before the Committee for renewal. Mr Reppke confirmed that there had been a condition placed on the approval which required Ms MacKinnon to come before the Committee should she have requested any amendment to be made to the licence.

Councillor MacIntyre asked if this had been the only objection received to which he was told that there had also been objections from other taxi operators.

Councillor Colville asked if Mr Campbell wanted to take over the licence would it require to come before the Committee. Mr Reppke advised that generally this would be an administrative process dealt with by Licensing unless an objection was placed. He suggested that a similar condition could be placed as was when the licence was renewed should the Committee be minded to grant the amendment to the application. Councillor Colville commented that this would be helpful.

The Chair invited Ms MacKinnon to sum up and she advised that she had nothing further to add. The Chair then asked Ms MacKinnon if she considered that she had received a fair hearing to which she confirmed that she had.

Councillor Hall advised that he supported the application but requested that a condition be placed on it requesting that any further amendments to the licence come before the Committee. Councillor Kinniburgh agreed.

### **Decision**

The Committee agreed to grant the amendment to Ms MacKinnon's taxi operators licence subject to the condition that any further amendments to the licence come before the Committee for approval whether objections were received or not.



(Ref: Report by Head of Governance and Law dated November 2012, submitted)

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**Present:** Councillor Sandy Taylor (Chair)

Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Richard Kerr, Principal Planning Officer  
Tricia O'Neill, Central Governance Manager  
Iain MacKinnon, Environmental Health Manager

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Blair, Mary-Jean Devon, George Freeman and Donald MacMillan.

**2. DECLARATIONS OF INTEREST**

Councillor Alex McNaughton declared a non financial interest in relation to planning application reference 12/02153/ADV. He left the room and took no part in the discussion of this application which is dealt with at item 13 of this Minute.

Councillor Robert G MacIntyre declared a financial interest in relation to planning application reference 12/01287/PPP as he is the Applicant. He left the room and took no part in the discussion of this application which is dealt with at item 6 of this Minute.

**3. MINUTES**

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 25 September 2012 at 10.30 am (reconvened on 17 October 2012 at 10.40 am) were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 17 October 2012 at 10.00 am were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 17 October 2012 at 10.20 am were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 17 October 2012 at 11.00 am were approved as a correct record.
- (e) The Minutes of the Planning, Protective Services and Licensing Committee of 17 October 2012 at 1.50 pm were approved as a correct record.

- (f) The Minutes of the Planning, Protective Services and Licensing Committee of 18 October 2012 were approved as a correct record.
- (g) The Minutes of the Planning, Protective Services and Licensing Committee of 31 October 2012 at were approved as a correct record.
- (h) The Minutes of the Planning, Protective Services and Licensing Committee of 5 November 2012 were approved as a correct record subject to the following amendments:-

Final sentence in Sum Up by Planning Officer should read “He asked that Members disregard the suggestion of a temporary approval for 5 years as it had been found to be unreasonable in the view of a Government Reporter in view of the capital investment required to site a fish farm as a temporary consent would not be implementable and would be tantamount to a refusal”.

First sentence in third paragraph under Debate – “Councillor Colville” should be amended to read “Councillor Currie”.

#### **4. FOOD SAFETY ENFORCEMENT IN ARGYLL AND BUTE - OUTCOME OF FOOD SAFETY AGENCY AUDIT**

The Council is the statutory food authority under the Food Safety Act 1990 and this work is undertaken by Environment Health within Regulatory Services.

During 13 – 15 September 2011 the Food Standards Agency carried out an audit of the Council’s work in the approved sector and identified three major areas of best practice relating to the Council’s comprehensive inspection procedures and some areas for improvement. An action plan was approved by the PPSL Committee on 19 October 2011 and a report advising Members on the current position was before the Committee for consideration.

##### **Decision**

1. Noted that the audit report of September 2011 has been signed off by the Food Standards Agency and recognised the work undertaken to continue this “clean bill of health”; and
2. Noted that the Council’s Environmental Health service provides a risk based proportionate approach to enforcement to working with businesses and to protection of food safety and public health and, together with this health protection remit, also supports the local economy enabling businesses to trade nationally and internationally.

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

**5. MR AND MRS R CAMPBELL: ERECTION OF A DWELLINGHOUSE WITH ATTACHED MUNIMENTS ROOM, CONSTRUCTION OF A NEW PRIVATE VEHICULAR ACCESS AND THE INSTALLATION OF A SEPTIC TANK AND SOAKAWAY: LAND SOUTH WEST OF BARCALDINE CASTLE, BENDERLOCH, OBAN (REF: 11/02209/PP)**

The Principal Planning Officer spoke to the terms of a report advising that with reference to the Argyll and Bute Development Plan 2009, the application site was situated within the development zone identified as "Sensitive Countryside". Policy STRAT DC 5 applies a general presumption against development in the open countryside other than in special cases. This application is being recommended for approval on the basis of the economic, cultural and community benefits it will deliver. Prior to assessing this application Members were asked to consider a separate Area Capacity Evaluation (ACE) for Barcaldine Castle, Letterwalton. The proposal represents a form of small scale development with economic benefits and the ACE undertaken during the assessment of the application demonstrated that the proposal will integrate sympathetically with the landscape and settlement pattern of the immediately surrounding area and would not adversely affect the diversity of the land uses or the elevated wooded ridges which give enclosure and intimacy to discrete development in this area. No objections were received from statutory consultees, 1 objection was received from a third party and 23 representations of support were received. It is considered that with planning conditions and the conclusion of a Section 75 Agreement as detailed in the report the proposal satisfies Policies STRAT SI 1, STRAT DC 8, STRAT DC 9, STRAT HO1, LP ENV 9, LP ENV 12, LP ENV 13(a), LP ENV 16, LP ENV 17, LP ENV 19, LP TOUR 1, LP HOU 1, LP HOU 3, LP SERV 1, LP TRAN 4, LP TRAN 6 and LP COM 1.

**Decision**

Agreed that the Area Capacity Evaluation (ACE) appended to the report be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character and to grant planning permission subject to the prior conclusion of a Section 75 Legal Agreement as detailed in the report and subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 7<sup>th</sup> November 2011 and the approved drawing reference numbers:
  - Plan 1 of 4 (P03) (Location Plan at a scale of 1:10,000)
  - Plan 2 of 4 (P01 Rev A) (Site Plan, Cross-Sectional Drawing 1 from north east to south west through the application site and Cross-Sectional Drawing 2 from north west to south east through the application site all at a scale of 1:500)
  - Plan 3 of 4 (P02) (Proposed Elevations, Floor and Roof Plans of the Proposed Dwellinghouse and adjoining Muniments Room all at a scale of 1:100)
  - Plan 4 of 4 (Sk-03) (Proposed Elevation and Typical Sectional Drawing of the Proposed Retaining Wall all at a scale of 1:20)

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 by the Town and Country Planning Etc. (Scotland) Act 2006).

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

2. No development shall commence on-site or is hereby authorised until the existing shared private vehicular access at the junction of the UC39 Old Barcaldine Castle public road has been formed in strict accordance with the Council's Road Engineers Drawing No. (SD 08/004a) with visibility splays measuring 25 metres x 2.4 metres in each direction formed from the centre line of the altered/improved existing shared private vehicular access. No obstructions measuring over 1 metre in height will be permitted within 2 metres from the channel line of the UC39 Old Barcaldine Castle public road.

The altered/improved existing shared private vehicular access hereby approved shall be constructed to at least base course level prior to any works commencing on-site and the final wearing surface shall be applied prior to first occupation of the dwellinghouse or opening of the adjoining muniments room hereby approved

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

3. No development shall commence on-site or is hereby authorised until details of the proposed means of surface water drainage have been submitted to and approved in writing by the Planning Authority. Such details shall include a drainage layout plan which shall include any mitigation measures required to address surface water run-off from the development site. The development shall be completed in strict accordance with such details as are approved.

*Reason: To ensure that there is a satisfactory drainage system in place for the development, in the interests of health and amenity and environmental protection and to accord with Policies 'LP ENV 12' and 'LP SERV 2' of the Argyll and Bute Local Plan 2009.*

4. No development shall commence on-site or is hereby authorised until details of the proposed means of foul water drainage, including the location, capacity and means of discharge, have been submitted to and approved in writing by the Planning Authority. The development shall be completed in strict accordance with such details as are approved.

*Reason: To ensure that foul drainage arising from the development is safely and hygienically disposed of, and because this detail is unclear from the submitted plans.*

5. No development shall commence on-site or is hereby authorised until full details of the colour finishes for all external wall, roof, window and doors have been submitted to and approved in writing by the Planning Authority. The development shall be completed in strict accordance with such details

as are approved and shall be so maintained thereafter in perpetuity.

*Reason: To ensure that there is a satisfactory drainage system in place for the development, in the interests of health and amenity and environmental protection and to accord with Policies 'LP ENV 12' and 'LP SERV 2' of the Argyll and Bute Local Plan 2009.*

6. No development shall commence on-site or is hereby authorised until full details of the proposed hard and soft landscaping measures and all new tree planting within the site, along with details of the proposed boundary treatment has been submitted to and approved in writing by the Planning Authority. The development shall be completed in strict accordance with such details as are approved within one year of the initial occupation of the house or first use of the muniments building hereby approved, and shall be so maintained thereafter in perpetuity.

*Reason: To ensure the development integrates with its landscape setting.*

7. Unless otherwise first agreed in writing by the Planning Authority, the existing car parking spaces within the landholding shall remain available for the use of visitors to the muniments building, in addition to the new parking spaces being provided in association with the development hereby approved.

*Reason: In the interests of road safety, to ensure that there is adequate parking for visitors to use clear of the public road, and in accordance with the development applied for.*

(Reference: Report by Head of Planning and Regulatory Services dated 14 November 2012, submitted)

Having previously declared an interest Councillor Robert G MacIntyre left the room and took no part in the discussion of the following item.

**6. MR AND MRS R AND G MCINTYRE: ERECTION OF 5 DWELLINGHOUSES: LAND SOUTH EAST OF MAMORE FARM, PEATON ROAD, RAHANE (REF: 12/01287/PPP)**

The Principal Planning Officer spoke to the terms of the report advising that this application was before the Committee as the applicant is a Member of the Council. Planning permission in principle is sought for the erection of 5 houses within the settlement boundary of Rahane. Rahane is defined as a 'minor settlement' within Table C of the adopted Argyll and Bute Local Plan. As this is an application in principle not all design details have been given, however, the agent has submitted sufficient information to be able to demonstrate that the application site would be capable of accommodating 5 houses in accordance with all other relevant policies contained within the Structure and Local Plans. The Principal Planning Officer advised that the Applicant's Agent had questioned the need for a footway which the Roads Officer had advised was a necessary requirement to access the bus stop on the main road. There have been no objections received from statutory consultees. 4 objections have been received from third parties and a summary of these are contained within the report of handling. It is considered that the proposal would accord with Development Plan

policy subject to the satisfactory fulfilment of the conditions recommended.

### **Decision**

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

1. Plans and particulars of the matters specified in conditions 3 to 10 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

*Reason: To accord with Section 59 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 11/6/12, supporting information and the approved drawing refs AL(0)01, AL(0)02, AL(0)03B, AL(0)04 and AL(0)05A. The layout plans reference nos. AL(0)03B and AL(0)05A are for indicative purposes only and are not approved as part of this permission.

*Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.*

3. Pursuant to condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

*Reason: To ensure that an adequate means of foul drainage is available to serve the development.*

4. Pursuant to Condition 1 – no development shall commence until a Drainage Impact Assessment, which includes a scheme for management of surface water within the development site, has been submitted to and approved by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and shall be maintained as such thereafter.

*Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.*

5. Pursuant to condition 1 - no development shall commence until details of a Sustainable Urban Drainage system has been submitted to and approved by the Planning Authority. This shall be compliant with the guidance set out in CIRIA's SUDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.



*Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.*

6. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. Thereafter the development shall proceed in accordance with the approved details. The scheme shall include details of:
- (a) Location, design and materials of proposed walls, fences and gates;
  - (b) Surface treatment of proposed means of access and hardstanding areas. Road and driveway surfacing shall be a mixture of stone sett type pavements and natural gravel with the exception of the first 2 metres at the access onto Peaton Road which shall be of a bituminous material;
  - (c) Any proposed re-contouring of the site by means of existing and proposed ground levels including details of any retaining walls.
  - (d) Full details of the native tree belt to be planted along the entire length of the settlement edge. This shall include the location, species and size (to BS standard) of each tree. This tree belt shall be planted during the first planting season following the occupation of the first dwellinghouse hereby approved.
  - (e) A tree survey of all existing trees along the watercourse on the site, indicating the position of each existing tree, its species, height, canopy width and condition including details of replacement planted where any of the existing trees are of a condition which would warrant their remove. Details of the replacement trees shall include the location, species and size (to BS standard) of each tree and shall include a timetable for the completion of these works.
  - (f) Full details of how the existing watercourse which crosses the site will be integrated into the overall scheme;
  - (g) Full details of how the stone from the existing dykes on the site will be incorporated into the overall scheme.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.*

7. Pursuant to Condition 1 – no development shall commence in respect of any individual plot; until plans and particulars of the site layout, design and external finishes of the development within that plot have been submitted to and approved by the Planning Authority. Thereafter the development shall proceed in accordance with the approved details. These details shall incorporate:

- (a) Maximum of 1.5 storeys in design;
- (b) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
- (c) External walls finished in natural stone and / or timber cladding or a mixture of both which may include a limited amount of traditional render;
- (d) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
- (e) Details of arrangements for the storage, recycling, composting where appropriate, separation and collection of waste from within the development site.

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.*

8. Pursuant to condition 1. - no development shall commence until details of the proposed private access and connection with the existing public road have been submitted to and approved by the Planning Authority. Thereafter the development shall proceed in accordance with the approved details. Such details shall incorporate:
- (a) At the junction with the existing public road (Peaton Road) visibility splays of 2.4 x 7.5 x 1.05 metres to the west side and 2.4 x 4.2 x 1.05 metres to the east side formed from the centre line of the junction. These sight lines to be in place prior to the commencement of any house construction works and maintained in perpetuity;
  - (b) The new vehicle access shall be a minimum 4.5 metres in width for the first 10 metres with the first 5 metres surfaced in a bituminous material or other approved hard material. The gradient shall be no greater than 5% (1 in 20) for the first 5 metres and thereafter no greater than 12.5%(1 in 8);
  - (c) Details of the proposed vehicle access crossing of the existing water course. This shall include a Structural engineer's report to confirm that the structure has the capacity to accommodate emergency and service vehicles. Also on completion of the works prior to occupation of the first house to the north of the water course, a Structural engineer's certificate shall be submitted to confirm the construction of the crossing is in accordance with the approved design;
  - (d) The provision of a turning area to accommodate emergency and service vehicles.

*Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development*

*and having regard to the status of the proposed access as a residential service road.*

9. Pursuant to Condition 1 – no development shall be commenced in respect of any individual building until plans and particulars of the means of vehicular access and parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:
  - (a) Driveway gradients of no greater than 5% (1 in 20) for the first 5 metres and thereafter no greater than 12.5% (1 in 8).
  - (b) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009.

*Reason: In the interests of road safety.*

10. Pursuant to Condition 1 – no development shall be commenced in respect of any individual building until details of a footway from the east side of the development vehicular access to the existing footway on the east side of Peaton Road near the junction with Shore Road is submitted to and approved in writing by the Planning Authority. This footway shall be constructed to the satisfaction of the planning authority prior to the occupation of the first dwelling house.

*Reason: In the interests of road safety and the creation of link to the public transport facility.*

(Reference: Report by Head of Planning and Regulatory Services dated 27 September 2012, submitted)

Councillor Robert G MacIntyre returned to the meeting.

**7. MR DONALD BERRY: ERECTION OF DWELLINGHOUSE: LAND TO NORTH WEST OF 4 RUAIG, ISLE OF TIREE (REF: 12/01517/PP)**

The Principal Planning Officer spoke to the terms of the report advising that this proposal involves the erection of a dwelling house on the site at land north west of 4 Ruaig on the island of Tiree. The site has previously received permission under reference 09/01748/PP for the erection of a five bedroom living accommodation for educational holiday use. This permission remains capable of implementation until January 2013 following which it would lapse unless a material start on the development had been made in the interim. The current application is for the same siting, design, access etc as previously approved. The current permission contains no condition limiting the occupancy of the building to that expressed in the application, nor in any other manner. The previous consent was for a development within a Rural Opportunity Area within which there would have been no justification to limit the occupancy of the building given the acceptability of single dwellings in policy terms in the absence of environmental constraints. Reference was made to supplementary planning report number 1 which addressed representations received from Dr N Wyatt, owner of 4 Ruaig and Mr S Laird, owner of Taigh Uilleam, Brock, Tiree along with

legal opinion from Counsel provided to Dr Brock as to the legitimacy of the current permission on the site. There have been no objections received from statutory consultees and eighteen individual objections received from third parties. A summary of these objections are detailed in the report. The merits of the development of this site were considered at the time of the original application when the proposal was deemed consistent with the Rural Opportunity Area policy applicable to this locality, the informal guidance provided by the Tíree Landscape Capacity Study 2006 and the advice given in the Tíree Design Guide. Circumstances have not changed materially since that permission was granted, other than for the absence of neighbour notification on the original application having come to light. The Officer also advised that less weight should be afforded to the previous consent given the procedural issue only recently highlighted. Given the lack of change in policy and other circumstances the amended description of the proposal remains consistent with the provisions of the Development Plan and is recommended for approval subject to conditions and reasons detailed in the report.

### **Decision**

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

1. No development shall commence or is hereby authorised until the proposed access to Ruaig Road has been provided with visibility splays measuring 25 metres by 2.4 metres from the centre line of the existing access. The visibility splays shall be cleared of all obstructions over 1.0 metre in height above the level of the adjoining carriageway. The visibility splays shall thereafter be maintained clear of all obstructions over 1.0 metre in height.

*Reason: In the interests of road safety.*

2. No development shall commence or is hereby authorised until full details of the layout and surfacing of a parking and turning area to accommodate 3 vehicles within the application site shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interest of road safety.*

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E and Part 2 and Classes 8 and 9 of the of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1C: The erection, construction or alteration of any porch outside any external door of a dwellinghouse.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2A: The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

### PART 2: SUNDRY MINOR OPERATIONS

Class 8: Formation of means of access to an unclassified road.

Class 9: Stone cleaning or painting of the exterior of a building.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

*Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out*

*without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.*

4. The development shall be implemented in accordance with the details specified on the application form dated 08/07/12 and the approved drawing reference numbers:

Plan 1 of 5 (Location Plan at scale of 1:10000)  
Plan 2 of 5 (Site Plan at scale of 1:1250)  
Plan 3 of 5 (Site Plan at scale of 1:500)  
Plan 4 of 5 (Block Plan at scale of 1:200)  
Plan 5 of 5 (Plans, Sections & Elevations at scale 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 (as amended).

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

(Reference: Report by Head of Planning and Regulatory Services dated 2 November 2012 and Supplementary Planning Report No 1 dated 20 November 2012, submitted)

**8. HELENSBURGH CRICKET & RUGBY CLUB: IMPROVEMENTS TO SPORTS GROUND COMPRISING NEW VEHICULAR AND PEDESTRIAN ACCESS POINTS, INTERNAL ROADWAYS, FORMATION OF VIEWING MOUND AND BRIDGE CONNECTION TO ADJACENT SCHOOL PITCHES: HELENSBURGH CRICKET & RUGBY CLUB, RHU ROAD HIGHER, HELENSBURGH (REF: 12/01533/PP)**

The Principal Planning Officer spoke to the terms of the report advising that planning permission was sought for the installation of a separate pedestrian and vehicular access to Helensburgh Cricket and Rugby Football Club. The proposal also involves the construction of a bound gravel roadway, a section of reinforced grass and the formation of a viewing mound along with a new pedestrian bridge across the burn to provide a link with the playing field to the north. The site lies within the designated green belt. There have been no objections to the proposal either from statutory consultees or third party representatives. One letter of representation was received from the Helensburgh Green Belt Group who have no objection but have recommended a condition regarding the viewing mound. The proposal accords with policies STRAT DC 3, LP REC 1, LP REC 2, LP TRAN 4 and LP ENV 19 and is recommended for approval subject to conditions and reasons detailed in the report.

**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 13/7/12 and the approved drawing reference numbers 1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5 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. Following the completion of the viewing mound, it shall be seeded in grass during the first available growing season and maintained with a grass surface thereafter.

*Reason: In the interests of visual amenity in order that the view mound is sympathetic to the Green Belt setting.*

(Reference: Report by Head of Planning and Regulatory Services dated 29 October 2012, submitted)

**9. MRS ROSEMARY NOON: ERECTION OF DWELLINGHOUSE: GARDEN GROUND OF 9 STAFFORD STREET WEST, HELENSBURGH (REF: 12/01688/PP)**

The Principal Planning Officer spoke to the terms of the report advising that planning permission was sought for the erection of an L-shaped dwellinghouse within the garden ground of 9 Stafford Street West, Helensburgh. There has been one objection received from a statutory consultee, Helensburgh Community Council and eighteen objections and an eleven signature petition submitted and a summary of the issues of concern are detailed at section D and F of the report of handling. It is recommended that a discretionary local hearing be held in response to the number of third party representations received.

**Decision**

Agreed to hold a discretionary local hearing on Monday 3 December 2012 at 10.30 am in the Victoria Halls, Helensburgh.

(Reference: Report by Head of Planning and Regulatory Services dated 5 November 2012, submitted)

**10. JD WETHERSPOON PLC: CHANGE OF USE OF RETAIL UNIT (CLASS 1) TO PUBLIC HOUSE (SUI GENERIS) AND EXISTING EXTERNAL AREA TO PAVEMENT CAFE, INSTALLATION OF NEW SHOP FRONT DOORS AND SLIDING FOLDING DOORS TO NORTH ELEVATION, MECHANICAL EXTRACT FOR KITCHEN AND FIREPLACE AND INSTALLATION OF AIR CONDITION CONDENSERS TO REAR YARD: CAITHNESS GLASS, RAILWAY PIER, OBAN (REF: 12/01833/PP)**

The Principal Planning Officer spoke to the terms of the report advising that planning permission was sought for change of use of a retail unit (Class 1) to a public house (Sui Generis) at the former Caithness Glass shop, Railway Pier, Oban. The premises are currently used as a retail unit by a factory outlet store. In terms of the adopted Argyll and Bute Local Plan the site is within the main

town centre of Oban where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives encouragement to development serving a wide community of interest subject to compliance with other relevant local plan policies. The site is within an Area for Action (AFA 5/1) Oban – South Pier/Railway which has been designated primarily to ensure that any redevelopment or new building conforms to strategic level objectives for the overall area. In this case while the proposal has elicited 27 representations, 20 objections and 7 of support it is not considered that the application raised any complex or technical issues. Most objections are based on issues that are not material planning considerations, such as legitimate business competition. Given that the site is situated within the main town centre of Oban where there is a presumption in favour of new commercial uses, it is not considered that a hearing would add value to the process. The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP BAD 1, LP ENV 1, LP ENV 10, LP ENV 19 and LP RET 1 of the adopted Argyll and Bute Local Plan and is therefore recommended for approval subject to the conditions detailed in the report.

### **Decision**

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

1. No development shall commence on site, or is hereby authorised, until full details, in plan form, of a proposed barrier to enclose the external seating areas has been submitted and approved in writing by the Planning Authority. Thereafter, such details as are approved to contain the outdoor seating area shall be utilised at all times when the seating area is in use and all temporary barriers must be removed during all times when the business is closed unless otherwise first agreed in writing by the Planning Authority.

*Reason: In the interest of pedestrian safety.*

2. Notwithstanding the plans hereby approved, the proposed pavement cafes shall in no way encroach onto the Railway Pier Service Road. Any change to the areas proposed for the pavement cafes will require the prior written approval of the Planning Authority.

*Reason: In the interest of road and pedestrian safety.*

3. The development shall be implemented in accordance with the details specified on the application form dated 26/09/12 and the approved drawing reference numbers:

Plan 1 of 6 (Drawing Number AS03)  
Plan 2 of 6 (Drawing Number AS02/A)  
Plan 3 of 6 (Drawing Number AS01)  
Plan 4 of 6 (Drawing Number AL01 Rev D)  
Plan 5 of 6 (Drawing Number AV01 Rev D)  
Plan 6 of 6 (Drawing Number AV02 Rev D)

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.*

Having moved an amendment which failed to find a seconder, Councillor Robin Currie asked that his dissent be recorded from the foregoing decision.

(Reference: Report by Head of Planning and Regulatory Services dated 31 October 2012, submitted)

**11. MR PAUL MCFATRIDGE: ERECTION OF 4 SEMI-DETACHED DWELLINGHOUSES: LAND EAST OF LYNWOOD, NORTH CONNEL, OBAN (REF: 12/01908/PP)**

The Principal Planning Officer spoke to the terms of the report advising that planning permission was sought for the erection of 4 semi-detached dwellinghouses on land situated to the east of the existing property at Lynwood, North Connel. There have been no objections received from statutory consultees and 14 representations of objection from third parties received which is significant in the context of a small settlement such as North Connel. However the majority of the issues which have been raised either relate to the principle of the development or constitute non material planning considerations. Given that the development site falls within the local plan defined 'settlement' boundary within which the principle of development is supported by development plan policy it is not considered that there would be value added to the process by convening a hearing in these circumstances. The proposal will conform with the settlement pattern and landscape character of the immediate surrounding area which ensures that the proposal satisfies Policy STRAT DC 1. The proposal also satisfies Policies STRAT SI 1, STRAT DC 1, STRAT DC 7, STRAT DC 8, STRAT DC 9, LP ENV 1, LP ENV 2, LP ENV 6, LP ENV 7, LP ENV 12, LP ENV 16, LP ENV 17, LP ENV 19, LP CST 4, LP HOU 1, LP SERV 1, LP SERV 2, LP TRAN 1, LP TRAN 4 and LP TRAN 6. Therefore there are no material considerations, including those raised by third parties, that would warrant the refusal of planning permission for this particular proposal.

**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 4<sup>th</sup> September 2012 and the approved drawing reference numbers:

- Plan 1 of 1 (Drawing No. 1146 Rev 07) (Location Plan at a scale of 1:2500, Site Plan as Proposed at a scale of 1:500 and Proposed Elevations and Floor Plans at a scale of 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: or the purpose of clarity and to ensure that the development is implemented in accordance with the approved details.*

2. No development shall commence on-site or is hereby authorised until the proposed shared, private vehicular access at the junction of the C25 Bonawe public road has been constructed in accordance with the Council's Road Engineers Drawing No. (SD 08/004a) with visibility splays measuring 42 metres x 2.4 metres in each direction formed from the centre line of the proposed shared, private vehicular access. Prior to any works commencing on-site these visibility splays shall be cleared of all obstructions measuring over 1 metre in height above the level of the adjoining C25 Bonawe public road and thereafter maintained to the satisfaction of the Planning Authority. No obstructions measuring over 1 metre in height will be permitted within 2 metres from the channel line of the C25 Bonawe public road.

The shared, private vehicular access hereby approved shall be constructed to at least base course level prior to any works commencing on-site and the final wearing surface of the shared, private vehicular access shall be applied prior to first occupation of any of the 4 semi-detached dwellinghouses hereby approved.

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

3. No development shall commence on-site or is hereby authorised until details of a Sustainable Urban Drainage System (SUDS) must be submitted to and approved in writing by the Planning Authority. Such details shall include a drainage layout plan which shall include any mitigation measures required to address surface water run-off from the development site. The development thereafter shall be carried out in accordance with this plan.

*Reason: To ensure that there is a satisfactory drainage system in place for the development, in the interests of health and amenity and environmental protection and to accord with Policies 'LP ENV 12' and 'LP SERV 2'.*

4. No development shall commence on-site or is hereby authorised until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

*Reason: To enable the opportunity to identify and examine any items of archaeological interest and finds which may be found within the application site, to allow any action required for the recording, recovering or reporting of such remains to occur and to accord with Policies 'STRAT DC 9', 'LP ENV*

16' and 'LP ENV 17'.

5. All existing trees and shrubs present within the application site as identified by the red line within Plan 1 of 1 (Drawing No. 1146 Rev 07) shall not be lopped, topped, felled, lifted or removed without the prior written approval of the Planning Authority.

*Reason:* To ensure the retention of the existing trees and shrubs to so that they contribute to the environmental quality of the development and to accord with Policies LP ENV 2 and LP ENV 7.

6. As details pursuant to Condition 5 above, prior to occupation of any of the 4 semi-detached dwellinghouses hereby approved, details of a landscaping scheme which shall include a screen planting belt not less than 45 metres in length along the south western boundary and not less than 25 metres along the north eastern boundary of the application site, shall be agreed with the Local Biodiversity Officer and approved in writing by the Planning Authority. The proposed landscaping scheme and screen planting belt shall include full details such as the location, species and size (to BS standard) of each tree to be included in the screen planting belt. The proposed landscaping scheme and screen planting belt shall not encroach onto the required visibility splays but must screen the respective gable ends of either semi-detached unit from the C25 Bonawe public road.

*Reason:* To ensure that the proposal is satisfactorily screened in the interest of visual amenity, in order to successfully integrate the proposal with its surroundings and to accord with Policies 'LP ENV 2' and 'LP ENV 7'.

7. No development shall commence on-site or is hereby authorised until the developer has submitted an Ecological Survey which is to be carried out by an ecological organisation acceptable to the Planning Authority. The submitted Ecological Survey must be carried out during the optimum time of the year and include relevant mitigation details which shall ensure that no detrimental impacts are caused upon the natural environment. The submitted Ecological Survey shall be agreed by the Local Biodiversity Officer and approved in writing by the Planning Authority.

*Reason:* In the interests of biodiversity and to accord with Policy 'LP ENV 2'.

8. No development shall commence on-site or is hereby approved until a path measuring a minimum of 3 metres in width is constructed along the south western boundary of the application site as identified by Plan 1 of 1 (Drawing No. 1146 Rev 07). The proposed path shall measure approximately 1.5 metres in width and shall be finished in a Type 1 material. A verge measuring approximately 1 metre in width shall be kept clear of landscaping or planting on either side of the proposed path. The proposed path shall be levelled and the gradient shall be minimised between the 2 end points.

*Reason:* In the interests of public access and rights of way and to accord with Policies 'LP CST 4' and 'LP TRAN 1'.

(Reference: Report by Head of Planning and Regulatory Services dated 2

November 2012, submitted)

**12. ARGYLL COLLEGE UHI LTD: ERECTION OF EXTENSION: ARGYLL COLLEGE, ISLAY HIGH SCHOOL, FLORA STREET, BOWMORE, ISLE OF ISLAY (REF: 12/01984/PP)**

The Principal Planning Officer spoke to the terms of the report advising that this application involves land within the Council's ownership. This application relates to the Islay High School buildings in Bowmore, an educational complex within the defined 'settlement' area and one which incorporates a small self contained area within the main school premises utilised as a learning centre for Argyll College. It is proposed to enlarge the learning centre area by the erection of a modest single storey extension to the front of the building to provide a new general study area and two new video conferencing rooms. This proposed small scale development would be in accordance with locational strategy policy STRAT DC 1 and would provide additional educational facilities benefitting the wider island community and supported by Local Plan Policy LP COM 1. The design and detailing of the proposed development is considered acceptable and appropriate to the site and its surroundings in accordance with the provisions of Development Plan policies LP ENV 1 and LP ENV 2 and raises no adverse amenity access or serving implications and is therefore recommended for approval subject to one condition.

**Decision**

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

The proposed development shall be carried out in accordance with the details specified in the application form dated 10<sup>th</sup> September 2012; and the approved drawings numbered 1 of 6 to 6 of 6; 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.*

(Reference: Report by Head of Planning and Regulatory Services dated 30 October 2012, submitted)

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

**13. COLINTRAIVE HOTEL: PAINTED ADVERTISEMENT ON SEA WALL: SEA WALL WEST OF A886 GENERALLY SOUTH WEST OF CUL MHOR (REF: 12/02153/ADV)**

The Principal Planning Office spoke to the terms of the report advising that in terms of the Argyll and Bute Local Plan the site is located in 'Countryside Around Settlement' development control zone adjacent to the village settlement of Colintraive. The application is made for retrospective permission to site an advanced advertisement on the seaward side of the concrete seawall adjacent to the A886. The application is intended to regularise a breach of advertisement control following receipt of a complaint in June 2012 and subsequent

enforcement investigation and challenge. Fifteen representations from third parties have been received, two of those in support and thirteen objecting to the proposal. A summary of the issues raised are detailed at section F of the report. Given its substantial size and location in a Countryside development control zone, this sign does not comply in full in terms of Local Plan Policy LP ADV 1 or Appendix B of the adopted Local Plan. However, given the purpose of the sign which is designed to be of assistance to visiting yachtsman, the fact that it has been in place for many years, its advisory function and moderate visual impact when viewed from the landward side, a 'minor departure' from adopted policy can be justified in this case.

### **Motion**

To grant planning permission subject to the conditions and reasons detailed in the report.

Moved by Councillor Richard Trail, seconded by Councillor Robert G MacIntyre

### **Amendment**

To refuse planning permission by reason of the design, material and method of display the proposed sign is inappropriate to the location and detrimental to the visual amenity of the National Scenic Area contrary to Policies LP ADV 1 and Appendix B of the Argyll and Bute Local Plan 2009.

Moved by Councillor Rory Colville, seconded by Councillor Fred Hall

The Amendment was carried by 5 votes to 4 and the Committee resolved accordingly.

### **Decision**

Agreed to refuse planning permission by reason of the design, material and method of display the proposed sign is inappropriate to the location and detrimental to the visual amenity of the National Scenic Area contrary to Policies LP ADV 1 and Appendix B of the Argyll and Bute Local Plan 2009.

(Reference: Report by Head of Planning and Regulatory Services dated 5 November 2012, submitted)

Councillor Alex McNaughton returned to the meeting.

#### **14. WINTER FESTIVAL STEERING GROUP: TEMPORARY CHANGE OF USE FOR FORMATION OF OPEN AIR MARKET INCLUDING THE ERECTION OF STALLS, FAIRGROUND RIDE, BOUNCY CASTLE AND MARQUEES: COLQUHOUN SQUARE, HELENSBURGH (REF: 12/02203/PP)**

The Principal Planning Officer spoke to the terms of the report advising that planning permission was sought for the temporary change of use of land at Colquhoun Square in Helensburgh town centre for the formation of an open air market including the erection of stalls, fairground ride, bouncy castle and marquees. He also referred to supplementary planning report number 1 which provided an update on the consultation response from Environmental Health. It

is proposed to set up the market on Friday 30 November 2012 and operate on Saturday 1 December and Sunday 2 December 2012. The site is within the defined town centre where retail developments are generally located therefore this proposal is consistent with Policy LP RET 1 of the adopted Local Plan. The Area Roads Manager has been consulted and has no objections to the proposal. The proposal is consistent with Policies LP ENV 1, LP ENV 13 (a), LP BAD 1 and LP TRAN 1 of the Argyll and Bute Local Plan and recommended for approval subject to conditions and reasons detailed in the report.

### **Decision**

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

1. The development to which this consent relates shall only take place between Friday 30 November 2012 and Sunday 2 December 2012. It will operate from 10.00 until 19.00 on Saturday 1 December 2012 and between 12.00 until 17.00 on Sunday 2 December 2012. It will include a setting up period between 08.00 and 11.00 on Friday 30 November 2012 and a period for dismantling the market and related operations between 18.00 and 20.00 on Sunday 2 December 2012, unless otherwise agreed in writing with the Planning Authority. All market stalls and associated plant and equipment, fairground ride, bouncy castle and marquees associated with the open air market shall be removed from site thereafter.

*Reason: In order to safeguard the amenity of the users and occupiers of the property within the surrounding area.*

2. The development shall be implemented in accordance with the details specified on the application form dated 04/10/2012 and the approved drawing reference numbers 1/2 and 2/2 unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. The stalls and any other plant and equipment associated with the open air market shall be sited so as to ensure that the full width of pedestrian facilities shall remain available, and existing access(es) to adjacent properties are maintained at all times.

*Reason: In the interest of road and pedestrian safety.*

(Reference: Report by Head of Planning and Regulatory Services dated 30 October 2012, Supplementary Planning Report No 1 dated 19 November 2012, submitted)

**15. ARGYLL AND BUTE COUNCIL: UPGRADING OF SYNTHETIC GRASS SPORTS PITCH INCORPORATING A LARGER PITCH, NEW BALLSTOP FENCING AND FLOODLIGHTING: TIREE HIGH SCHOOL, CORNAIGMORE, ISLE OF TIREE (REF: 12/02228/PP)**

The Principal Planning Officer spoke to the terms of the report advising that the application site is within the 'settlement' boundary of Cornaigmore, Isle of Tiree adjacent to the Tiree High School. The site itself is currently used as an artificial sports pitch facility with informal recreation areas surrounding, all within the existing school grounds and is located in a Local Nature Conservation Site. The proposal seeks to upgrade the existing sports facilities and will provide recreational opportunities in an accessible location. The proposal conforms to the relevant development plan policies STRAT DC 1 and LP REC 1 and is recommended for approval subject to conditions and reasons detailed in the report.

**Decision**

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

1. No development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the initial use of the development and maintained as such thereafter.

*Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.*

2. The development shall be implemented in accordance with the details specified on the application form dated 03/10/12 and the approved drawing reference numbers:

Plan 1 of 7 (Location Plan at scale of 1:10000)  
Plan 2 of 7 (Site Plan at scale of 1:1250)  
Plan 3 of 7 (General Layout at scale of 1:250)  
Plan 4 of 7 (Floodlighting – Light Levels at scale of 1:500)  
Plan 5 of 7 (Fencing Details at scale of 1:50)  
Plan 6 of 7 (Typical Section at scale of 1:10)  
Plan 7 of 7 (Lighting Column Details at scale of 1:50)

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.*

3. No development shall commence or is hereby authorised until full details of the proposed colour finish to the lighting columns and fencing hereby

approved have been submitted to and approved in writing by the Planning Authority. The development shall be completed and maintained thereafter in strict accordance with such details as are approved, unless any variation thereof is agreed in advance in writing by the Planning Authority.

*Reason: In the interests of visual amenity.*

(Reference: Report by Head of Planning and Regulatory Services dated 30 October 2012, submitted)

## **16. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISIONS**

Consideration was given to a report advising of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals relative to an Enforcement case in respect of Land at Camsail Woodland, Rosneath Road – Unauthorised Engineering and other Operations.

### **Decision**

Noted the contents of the report.

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

Councillor Donald MacMillan joined the meeting.

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.

## **17. ENFORCEMENT REPORT: 10/00319/ENAMEN**

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

### **Decision**

Noted the contents of the report.

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



**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 NOVEMBER 2012**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Rory Colville

Councillor Robert G  
MacIntyre

Councillor Robin Currie

Councillor Donald MacMillan

Councillor Fred Hall

Councillor Alex McNaughton

Councillor David Kinniburgh

Councillor James McQueen

Councillor Alistair MacDougall

Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Solicitor  
Linda Jean Scriven, Applicant

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Blair, Mary-Jean Devon and George Freeman.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (L SCRIVEN, SANDBANK, DUNOON)**

The Chair welcomed everyone to the meeting and introductions were made. Thereafter the Chair outlined the procedure that would be followed and invited the Applicant to speak in support of her Application.

**Applicant**

Ms Scriven referred to her previous conviction which she had declared on her application form and advised that this was in relation to having no car insurance. She advised that she had not realised the car was not insured as her previous partner had left and taken the car and unknown to her had not kept the insurance up to date. She advised that she has worked with Mr Gemmell in the taxi office for over 7 years and was now seeking a taxi driver's licence to enable her to drive taxis for Mr Gemmell.

As there were no objectors to this Application the Chair invited the Members to ask questions.

As there were no questions the Committee went on to determine the Application.

**Decision**

Agreed to grant a taxi driver's licence to Ms Linda Jean Scriven.

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 NOVEMBER 2012**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Solicitor  
Paul McDonald, Applicant  
Inspector Watson, Strathclyde Police

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Blair, Mary-Jean Devon and George Freeman.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (P MCDONALD, DUNOON)**

The Chair welcomed everyone to the meeting and introductions were made. Thereafter the Chair outlined the procedure that would be followed and invited the Applicant to speak in support of his Application.

**Applicant**

Mr McDonald advised that he has a family to support and was presently unemployed. He advised that he has always worked and that there were not many jobs in the area. He advised that he was applying for a taxi driver's licence as he has been offered a job as a taxi driver and that this was something he thought he would be able to do.

The Chair then asked the Police if they had any questions. Inspector Watson advised that he had no questions. The Chair then invited Inspector Watson to speak regarding the representation made by Strathclyde Police.

**Police**

Inspector Watson advised that the Police had no objections to this Application however he would like to advise that they had some concerns about a speeding conviction Mr McDonald had incurred quite some time ago when he was caught

driving at 41 mph in a 30 mph zone which was just outside the criteria for being brought before the Lord Advocate. He advised that in the role of taxi driver Mr McDonald would not only be driving for himself but would be responsible for the passengers he was carrying and that it was important that he realised that the maximum speed allowed was not necessarily a safe speed to drive and that this should be determined by the road conditions. He advised that Mr McDonald has held a driving licence for 21 years and that in all this time he only had 3 points on his licence and that the Police had no objection to the Committee granting Mr McDonald his taxi driver's licence.

The Chair invited the Applicant to ask questions.

As the Applicant had no questions the Chair invited Members to ask questions.

### **Members' Questions**

Councillor Kinniburgh asked why Mr McDonald had only declared 2 convictions on his application form when the Police had information regarding 4 convictions.

Mr McDonald advised that as one of his convictions was admonished he thought he did not need to declare it. He advised that in relation to the other conviction he had not referred to this because he had forgotten all about that one.

The Chair invited the Applicant and the Police to sum up.

### **Sum Up**

#### **Applicant**

Mr McDonald advised that he was not a dangerous person and that he was a decent person. He acknowledged that he had made mistakes in the past and that he had learnt from these and that he was a responsible driver.

#### **Police**

Inspector Watson advised that he had nothing further to add and that he had noted that Mr McDonald had acknowledged the mistakes he had made.

The Chair invited the Applicant and Police to confirm they had received a fair hearing and they both confirmed this to be the case.

### **Decision**

Agreed to grant a taxi driver's licence to Mr Paul McDonald.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the PILLAR HALL, VICTORIA HALLS, HELENSBURGH  
on MONDAY, 3 DECEMBER 2012**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Howard Young, Area Team Leader  
David Moore, Planning Officer  
Rosemary Noon, Applicant  
David Jamieson, Puregreenspace, Applicant's Agent  
Mike Hyde, Applicant's Agent

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, George Freeman and Fred Hall.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. MRS ROSEMARY NOON: ERECTION OF DWELLINGHOUSE: GARDEN GROUND OF 9 STAFFORD STREET WEST, HELENSBURGH (REF: 12/01688/PP)**

The Chair invited everyone to the meeting and Charles Reppke, Head of Governance and Law, outlined the procedure that would be followed and invited anyone who wished to speak at the meeting to identify themselves. Thereafter introductions were made and the Chair invited the Planning Officer to set out his recommendations.

**PLANNING**

Howard Young, Area Team Leader, spoke to the terms of the report advising that this application was for an L shaped dwelling house within the curtilage of 9 Stafford Street West, Helensburgh. The site is within the 'settlement' boundary of Helensburgh as defined by the adopted Local Plan where there is a presumption in favour of development subject to site specific criteria being met. The site is also within the Upper Helensburgh Conservation area and as such the development must preserve or enhance the character and appearance of the Conservation Area. He referred to a number of slides showing the location of the plot, the design of the proposed development, elevations, developments in the nearby vicinity of the site, and other infill developments approved in the last 2 years. The site as a whole measures approximately 960 sqm of which the area of the proposed building is approximately 540 sqm. He advised that it is

considered that the application site is large enough to accommodate a dwelling and that a new house will not appear as overdevelopment or undermine the character of the Conservation area. He advised that the design of the dwelling house was acceptable and would not impact on neighbouring properties or the surrounding area by way of overlooking, overshadowing or loss of daylight and as such accords with policy and is recommended for approval subject to the conditions detailed in the report.

## **APPLICANT**

Bruce Jamieson of Puregreenspace advised that he and Mike Hyde of MH Planning were here to speak on behalf of the Applicant. He advised that the proposal accorded with the Development Plan and that there were no other material considerations that caused any concern. He advised that Puregreenspace were approached by Mrs Noon following the pre planning application stage with Mr Hyde and advised that Mr Hyde was here to give some more background information on this pre planning application stage.

Mike Hyde advised that he looked at the site during the initial stage and met at the site with Howard Young in November 2011. He subsequently received written confirmation from Mr Young advising that the principle of building a house on this site would be acceptable depending on the size and design of the house. Mr Hyde advised that the proposed development was not a large house on a small plot. He advised that the proposed dwelling would only occupy 29% of the whole the site and that policy allowed for dwellings up to 33% of a plot. He advised that the proposal was for a modest, well designed, new development which would be developed sensitively and that impact would be limited. He advised that he did not feel there would be any adverse impact on the setting, and no impact on nearby listed buildings with no overlooking or overshadowing. He referred to a previous planning application at Dean House when there were over 100 letters of objection and that the objectors had raised similar concerns in respect of this current application. He advised that it was clear from the end result that many of the concerns in that instance were misplaced and that this site can accommodate the development.

Bruce Jamieson advised that Puregreenspace were approached after the pre application process. He advised that Mrs Noon was not a developer and that she wished to build a special house in the area she already lived at. He advised that Puregreenspace design sustainable green houses. He advised that he had looked at how other houses were built in the surrounding area and also looked at the street patterns in the surrounding area. With the aid of plans he demonstrated that blocks in Helensburgh's Conservation area were divided North-South and that the houses on the south were set back from the road with front gardens and that the houses on the north tended to be built up to the verge with centrally located gardens to the south. He advised that this plot was 23 m wide and was one of the wider plots in the area. He referred to the original plan for the site. He advised that they had taken into consideration the objection from Helensburgh Community Council regarding integration within the local urban landscape and noted their concern that the house would dominate the site and would be out of proportion. In response to this concern he advised that the footprint of the development had now been reduced by 10% down to 159.32 sqm and that the open space ratio was now 28.8% instead of 31.7%. He advised that the amendment to the plan still included a garage in the proposal which could

have been added at a future date under permitted development rights. He advised that the development was DDA compliant and that the house would be highly adaptable in the future, whether for a family or anyone of ambulant disabled or disabled status. He advised that the proposed building will aim to meet the Gold Standard for sustainability and that the long south facing elevation means maximised solar gains, without affecting amenity of neighbouring properties. He referred to a plan showing how the property will look from the street and the height of the elevation of the proposed property in relation to neighbouring properties. He advised that further to the various objections received on the application the design was altered and since making the following amendments there have been no further objections:-

- Overall footprint of the house was reduced by 10% to take account of concerns by Helensburgh Community Council
- The open space ratio was reduced to under 29%
- The distance to the neighbour on the west boundary wall was increased by 1m to 2.5m
- The depth of the living room was lowered by 600mm to minimise impact
- The roof finish was changed from zinc to more traditional slate, responding to concerns that materials were too modern
- The zinc extrusion at the front entrance and South Gable was removed
- The new entrance in the wall was reduced by 70% to 2m
- The width of the bedroom window in the North gable was reduced to the same size as No.30

Mr Jamieson then went onto show a number of photomontages of how the proposed development would look and advised that it would be in keeping with the scale of the street. In conclusion he advised that the house would fit into the street in terms of its scale, ridge height and spacing with adjacent houses. He advised that the house would not affect the amenity of any other house in the street and would attain Gold Level of Sustainability. He advised that the house would be completely DDA compliant and would fit discreetly into the street and would be mainly concealed by the Victorian wall.

As there were no statutory consultees or other third party representatives in attendance to speak at the Hearing the Chair invited the Members to ask questions.

### **MEMBERS' QUESTIONS**

Councillor Trail asked if Helensburgh Community Council had come back with any further comments after the alterations were made to the proposal in response to the concerns raised by objectors.

Mr Jamieson advised that they had expected further comment but there had been no further objections received since the amended Plans were submitted.

Councillor Kinniburgh advised that he was disappointed that Helensburgh Community Council had not come back with further comments. He then went onto ask if the shrubs that would be removed during development would be replaced.

Mr Jamieson advised that most of the greenery in the garden had been planted

by Mrs Noon in the last 12 years and that she would like to dig out the root balls of some of the shrubbery in order to have it replanted at the boundaries.

Councillor Kinniburgh asked Planning if condition 5 was to ensure that shrubs removed were replanted.

Mr Young advised that this was the case. He advised that initially he had concerns when some of the representations mentioned the loss of trees. The trees in the garden are not protected by a TPO. However, as the site is in the Conservation Area they are protected as if they had a TPO until a new development is proposed. At that point the Planning Department has to decide if they should be formally protected by a TPO. Following a site visit he considered that the trees to be removed did not make a significant contribution to the Conservation Area. However, it was important to include a landscaping condition to add some replacement species and to help soften the impact of the proposed development.

Councillor Kinniburgh sought clarification on what garden space would be left for the existing dwelling if the proposal was implemented.

Mr Jamieson advised that the open space ratio for the Coachhouse would be 31%.

Councillor Blair asked if adjustments had not been made to the plans would Planning have still supported this application.

Mr Young advised that the original proposal was supported and that the amendments to the plans had improved the proposal.

Councillor Kinniburgh sought clarification on the dubiety of when the access was created as there did not appear to be any record of planning permission for it.

Mr Young advised that it was his understanding that the access had been created in 1996 and that if planning permission was required at that time it was now exempt from enforcement action due to the time for taking such action now having expired. He advised that his Roads colleagues were happy with the access.

Councillor Taylor sought and received clarification on what the Gold Standard for Sustainability would entail.

Councillor Taylor asked if local materials would be used for the development.

Mr Jamieson confirmed that as far as possible locally sourced aggregate for the block work would be used and that timber would also be sourced from local timber mills.

The Chair invited Planning and the Applicant to sum up.

### **SUM UP**

#### Planning



Mr Young advised that the site was within the 'settlement' boundary of Helensburgh where there was a presumption in favour of development subject to site specific criteria being met. He advised that the site was also within the Upper Helensburgh Conservation area whereby development must preserve or enhance the character and appearance of the Conservation area. He advised that the site was big enough to accommodate the dwelling house and would not appear as overdevelopment or undermine the Conservation area. He advised that the design was good and that the proposal would not impact on the surrounding area or neighbouring properties. As such the proposal accorded with policy and other material considerations and was recommended for approval subject to the conditions detailed in the report.

#### Applicant

Mr Jamieson advised that the proposal accorded with the Local Development Plan and that there were no material considerations or objections that would make it unacceptable. He advised that it was a well thought out design and would be a successful house when built.

The Chair asked both Planning and the Applicant to confirm they had received a fair hearing and they both confirmed this to be the case.

#### **DEBATE**

Councillor Kinniburgh advised that he was disappointed that Helensburgh Community Council was not here to clarify their position following the amendments that had been made to the proposal. He advised that the Architects had done a good job of addressing the concerns raised by the objectors. He advised that this was an excellent design and that he had no hesitation in accepting the Planner's recommendation to approve as the proposal would not affect the Conservation area.

Councillor Trail advised that he agreed with Councillor Kinniburgh and Planning. He advised that this was a fine design which would enhance and fit in well with the area.

Councillor McNaughton advised that he totally agreed with his colleagues that this was an excellent design and that the Architects had gone out of their way to address the concerns raised by objectors and that he supported this application.

Councillors Blair, MacMillan, McQueen, MacDougall and MacIntyre also indicated their support for the application.

#### **DECISION**

It was unanimously 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 03/08/2012 and the approved drawing reference numbers D001, Location Plan, D003, Ground Floor Plan (Amended), D004 (Amended), First Floor Plan, D005 (Amended), Elevations, D006 (Amended), Sections and 3D, D007 (Amended), Additional Information

and D008, Design Statement 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 samples of materials to be use (on external surfaces of the buildings and/or in constriction of hard standings/walls/fences) 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.*

3. All surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual for Scotland and Northern Ireland (2000) unless otherwise agreed with the planning authority. Details and specifications of the treatment of surface water shall be submitted for the written approval of the planning authority prior to the commencement of works which shall be implemented in accordance with the duly approved details.

*Reason: To ensure that an acceptable scheme of surface water drainage is implemented.*

4. Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply (and/or public sewer).

Reason: In the interests of public health and to ensure the availability of an adequate water supply (and/or drainage system) to serve the proposed development.

5. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
  - i) Location, design and materials of proposed walls, fences and gates;
  - ii) Surface treatment of proposed means of access and hardstanding areas;
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels;
  - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance, with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.*

(Reference: Report by Head of Planning and Regulatory Services dated 5 November 2012, submitted)

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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:** 11/02521/PP

**Planning Hierarchy:** Local

**Applicant:** North Beachmore LLP

**Proposal:** Erection of an 84m high (to blade tip) wind turbine and associated infrastructure including access tracks, control building and electricity infrastructure, construction compound, laydown areas and crane pad.

**Site Address:** Land south/southeast of North Beachmore, Muasdale, Kintyre

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## **DECISION ROUTE**

Local Government Scotland Act 1973

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

#### **Development Requiring Express Planning Permission**

- Erection of wind turbine, hub height 60m and rotor diameter of 48m (84m to blade tip);
- Erection of 2.7m palisade fence;
- Formation of new access track and upgrading of existing track;
- Formation of crane hardstanding area;
- Erection of electrical control building;
- Erection of temporary construction compound.

#### **Other Aspects of the Proposal**

- Connection to existing 11Kv overhead line
- 

**(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:** 11/00542/PPP - Site for the erection of dwellinghouse and installation of septic tank on land south of North Beachmore, Muasdale - application approved 3<sup>rd</sup> June 2011 (land adjoining existing dwellings to the north of the application site)

11/00781/PP - Temporary installation of 50m high anemometer mast for a period of 2 years, land east of south Beachmore Farm, Muasdale - application approved 10<sup>th</sup> August 2011.

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**(D) CONSULTATIONS:**

**Area Roads Manager** (22<sup>nd</sup> February 2012) – no objection subject to a condition relating to the construction of the connection of the private access with the public road.

**Scottish Natural Heritage (SNH)** (13<sup>th</sup> March 2012) – no objection to the proposal given the lack of conflict with national designations, but serious concerns expressed with regards to a turbine of this scale in this location. SNH recommend mitigation to reduce any adverse ecological impacts in the event of permission being granted.

**SNH** (26<sup>th</sup> October 2012) – the proposal is contrary to the recommendations of the 'Argyll & Bute Landscape Wind Energy Capacity Study', March 2012, which is now a material consideration in decision-making.

**Historic Scotland (HS)** (21<sup>st</sup> February 2012) – are content that the turbine will be sufficiently distant from designated buildings/sites and will not interfere with any key views to or from them. However, advise that the proposed turbine is in closer proximity to a number of archaeological sites recorded in the Sites and Monuments Record maintained by the West of Scotland Archaeology Service, and in this regard Historic Scotland recommended that they be contacted for their advice.

**HS** (1<sup>st</sup> June 2012) - no further comments to add. However, as previously advised, the proposed turbine is in close proximity to a number of archaeological sites recorded in the National Monuments Record and the local Sites and Monuments Record for Argyll, which consist of a group of rocks decorated with cup and ring markings, and a form of rock art probably dating to the early Bronze Age. Reiterate that the West of Scotland Archaeology Service, should be contacted for advice on the impact of the development on these archaeological sites.

**Scottish Environmental Protection Agency (SEPA)** (30<sup>th</sup> March 2012) – no objection, reference made to their standing advice.

**SEPA** (7<sup>th</sup> June 2012) – objection raised on the grounds of lack of information on watercourse engineering.

**SEPA** (22<sup>nd</sup> June 2012) – objection removed following the provision of further information by the applicants.

**Ministry Of Defence (MoD)** (20<sup>th</sup> February 2012) – no objection, however, in the interests of air safety the turbine is required to be fitted with aviation lighting, which should be secured by condition should the Council determine to grant planning permission.

**Public Protection** (6<sup>th</sup> February 2012) – no objection

**National Air Traffic Services (NATS)** (7<sup>th</sup> February 2012) - no objection

**Glasgow Prestwick Airport (Infratil)** (4<sup>th</sup> July 2012) – no objection

**Core Paths** (28<sup>th</sup> November 2012) – no objection

**West of Scotland Archaeologist Service (WoSAS)** (4<sup>th</sup> December 2012) – advise that the proposal will have adverse cumulative impacts on the landscape settings of a number of Scheduled Ancient Monuments as well as indirect impacts on the landscape setting of the highly significant cultural heritage assets of North Beachmore. The proposal is therefore contrary to national and local policies for the protection of nationally important heritage resources within an appropriate setting, and should be refused.

**West Kintyre Community Council** (29<sup>th</sup> February 2012) – forwarded a petition which was sent to them by West Kintyre residents, and pointed out the concerns for the impact of the turbine on the residents' immediate environment, wildlife and tourism.

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(E) **PUBLICITY:** Regulation 20 Advert (Local Application) – expired 2<sup>nd</sup> March 2012

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(F) **REPRESENTATIONS:** At time of writing, a total of 137 representations have been received – 64 in support and 73 against (including a petition with 11 signatures).

Councillor Anne Horn is an objector to the proposal on the grounds that the proposal is detrimental to the interests of nearby residents and the local area in general. .

Full details of representees are given at Appendix B. Due to the large amount of correspondence received, the key issues raised are summarised below and are addressed in the assessment at Appendix A

## **IN SUPPORT OF THE PROPOSAL**

### Landscape Character & Landscape Impact

- The turbine has been well designed to minimise impact on landscape and to keep effects localised.

### Climate Change

- There is not enough being done in the renewable sector, and we are seeing direct instances of global warming which seems to be coming sooner than later;
- Germany has many turbines and people's attitude toward them is straightforward and accepting, wherever they are placed, as they seem to understand the perils of global warming more than us;
- Community Energy Scotland is committed to meeting targets on climate and carbon reduction and help local communities to find renewable energy solutions;

- The proposal would reduce harmful greenhouse emissions;
- The proposal will reduce dependency on imported fossil fuels.

## Economic & Social Benefit

- The Council has identified renewable energy as an important economic driver and as such the Planning Department should be supportive;
- The erection of this turbine this will increase job prospects in the area.

## Profit/Community Benefit

- It is understood that a community benefit payment will be made to the local community amounting to £5000 per MW installed which is a substantial amount for a small community;
- Smaller locally owned developments are a great opportunity to increase rural incomes and this project will also help Community Energy Scotland which has helped community projects elsewhere in Argyll too - on Islay, Tiree, Kerrera and at Kilfinan;
- The money given to the local community will help schools, youth groups, village halls and be a welcome source of funding for those in need;
- The proposal will assist community regeneration;
- This venture differs distinctly between the vast majority of commercial developer led projects where funds are used to benefit a small number of shareholders who have no connection with Scotland, its governments plans and objectives and its people. It is understood that profits will be split between a local farming family and a national not for profit charity that is concerned with furthering locally distributed sustainable energy projects throughout Scotland.

*Comment: Members will be aware that it is necessary to confine consideration to the macro and micro environmental aspects of the proposal (inclusive of any direct link to other sustainable energy projects) but that community benefit in terms of financial payments cannot be regarded as a material planning consideration.*

## Technology & Efficiency

- Anything which provides a source of renewable energy has to be applauded and wind turbines should be seen in a positive light so any site that can support one should be pursued;
- This is the way of the future. It's environmentally friendly and will be naturally powered by the wind.

## Scottish Government Renewable Energy Targets



- Projects that work towards the government's renewable energy target ought to be supported;
- The proposal is aligned with Scottish Governments 2020 Roadmap and its 500MW target of community energy generation.

### Other policy considerations

- The proposal is aligned with the Argyll & Bute Council Renewable Energy Action Plan.

## **AGAINST THE PROPOSAL**

### Location, Siting, Design, Layout & Scale of Development

- This is not an appropriate location for this development and the siting and scale of this turbine will only strengthen ill feeling towards other future projects which do deserve support;
- The location of the turbine is confusing as three different sites are named :- Muasdale Wind Turbine, North Beachmore Community wind farm and initially South Beachmore. Surely the location has to be precise as this is very confusing as to where the location will ultimately be;
- The turbine is inappropriately sited, bang in the middle of open countryside, very far away from any premises that it is supposedly intended to serve where it is far too large and is grossly out of scale with the local landscape. This is a huge turbine which would be totally inappropriate in this setting.

### Landscape Character & Landscape Impact

- The scale of the proposal may be acceptable on the spine of Kintyre on high, remote moorland, but this is lowland farmland with a mix of hay meadows and pasture. In such a landscape smaller turbines such as the one at High Bellachantuy Farm are an acceptable size.
- This proposal would be inappropriately sited having an adverse impact upon the landscape. It is outwith the accepted location of the spine of Kintyre which is the preferred area for large wind turbines;
- The proposal is out of scale with and would have a significant impact upon landscape character of land bordering an area designated as being of panoramic quality;
- It would impinge significantly on the landscape in an area of scenic beauty and would intrude into views of everyone travelling the road and visiting the beaches, as well as visitors to Gigha;
- The access track will cut right up the gully of Alt an Fheuraich. This is both impractical and damaging to the environment. It will necessitate the placing of numerous stone gabions which themselves will probably not be sufficient to prevent a repeat of the landslip that happened recently in almost that exact spot. A substantial section of the burn will need to be culverted, thus destroying (along with

the erection of gabions) the landscape character of this gully, which, along with other gullies in the area, help make up distinctive features as they carve through the former sea cliffs of glacial till;

- Planning permission for a dwelling in close proximity to the proposed access road for this project has been refused as the area had been designated by Argyll and Bute Local Plan as 'an area of panoramic quality'. That ruling is contradictory to this proposal for a more intrusive form of development in the landscape.

## Visual Impact

- I speak as someone who lives nearer the proposed wind turbine site than anyone else. The turbine would only be a few hundred metres away and considering its height and its position on the skyline where it would not be masked by any hill or even fold in the land it would have a massive visual impact;
- Proposal would be detrimental to visual amenity and character of area for both residents and tourists alike.

## Cumulative Impact

- This inappropriately scaled proposal would contribute to the 'pin-cushion' effect from the multiple applications for wind turbines in Argyll, and especially Kintyre;
- As a visitor to the Kintyre Peninsula for many years I am appalled at the number of wind turbine applications in the area;
- The cumulative effect of this type of development has been under-played by the applicant and must be realised for its high significance. The proliferation of this type of development must be guarded against and appropriate siting of wind turbine developments must be of primary importance.

## Separation Distances

- It would be too close to the Community of North Beachmore which is slowly developing. Already there are two new builds, three plots still to be utilised, the former farmhouse, the converted restaurant (which is now a two bed roomed cottage). This area has been carefully chosen by these residents for the peace and tranquillity in one of the most beautiful areas of Scotland. A huge wind turbine would be too near these houses.
- The proposed location of the turbine to the nearest inhabitants at North Beachmore is only 627 metres. This is in conflict with Scottish Government guidelines that a minimum separation distance of 2km be adopted.

## Natural Heritage & Ecological Impact

- The proposal will have an adverse impact upon the natural diversity of wildlife in the area caused by the destruction of the environment which would be necessary in the creation of an access road to the proposed site;
- This proposal would result in the destruction of sensitive countryside which is only available at this location and which supports a diverse range of fauna and flora including barn owl, tawny owl, hen harriers, bats, buzzard, sparrow hawks, warblers, tits, pheasant, partridge, geese, roe deer, red deer, suka deer, foxes, rabbits and grouse;

- The ecology report has failed to include in its survey area the sections of land and water directly affected by the construction of a new roadway and widening of a section of existing roadway. Considering this represents some of the most invasive and damaging construction activity and also the most varied habitat within the proposed development, it represents a failure to assess the suitability of the site for this type of development;
- Unimproved pasture (i.e. grazings that have never been cut, sprayed, ploughed or seeded), are locally important habitats. Although they may not have national importance, they are still relatively rare habitat given the amount of hill ground that has been lost to plantation forestry. The lower of these two fields consists of well-drained areas interspersed with poorly drained areas and my initial (winter only) survey suggests a high diversity of plant species. In the past the drier areas are likely to have been cut for hay so may qualify as unimproved hay meadow – and this is a nationally rare habitat which enjoys a high level of protection. The proposed track will cut right through the middle of this field and thus cause a high degree of damage. I am also concerned about the hanging hazel wood beside the existing tarmac track up the gully. The widening of this track plus the new track coming across the field at the bottom will damage this wood, with some of the hazels needing to be grubbed out. Hazel woods (part of the Atlantic Oakwood's) are a priority habitat under Argyll and Bute Biodiversity Action Plan. This particular wood contains bluebell and (on a nearby verge) moschatel (town hall clock) which are both indicators of ancient woodland;
- The proposal represents a schedule 2 development under the Town and Country planning (Environmental Impact Assessment) (Scotland) regulations 2011 and as such should be accompanied by an Environmental Impact Assessment. No such assessment has been carried out.

*Comment: EIA for Schedule 2 developments is at the discretion of the Planning Authority, rather than being mandatory, and would only be warranted for a single turbine where 'significant environmental effects' warranting the production of an Environmental Statement are anticipated at the inception of the project. No EIA has been requested in this case, as it was considered that relevant issues could be addressed by the submission of the necessary details outwith the full EIA process.*

#### Ornithological Impact

- The ornithology report has failed to include in its survey area the sections of land and water directly affected by the construction of a new roadway and widening of a section of existing roadway. Considering this represents some of the most invasive and damaging construction activity and also the most varied habitat within the proposed development, it represents a failure to assess the suitability of the site for this type of development;
- The ornithology report outlines the results of a survey undertaken on three occasions. This survey is inadequate in both scale and scope and has failed to identify the existence of; Golden Eagle; Kestrel; Hen Harrier; Tawny Owl; and Barn Owl. All of these species are afforded protection under the law and exploit the existing undisturbed habitat at the proposed development location. Any industrial development of the type proposed would damage the environment and habitat enjoyed by these protected species;
- Concerns about the effect on the birds in the area by the destruction of their habitats and/or foraging areas which will occur if this proposal is permitted.

## Health & Safety

- Concerns raised regarding health and safety dangers arising from the development.

## Shadow Flicker

- The proposed location of this turbine is in far too close proximity to many homes in the area and there is a real danger of shadow flicker for these residents.

## Built Heritage & Archaeological Impact

- The proposal would have a significant impact upon the landscape character and would interfere with the setting of both a scheduled ancient monument (Beacharr Standing Stone and Long Cairn) and a schedule A listed building (A Cleit Church). The environs of A'Chleit would be overwhelmed by it, reducing the quality of the visual amenity of the area for visitors and residents;
- The development would detract from the setting of some of Kintyre's most important standing stones and would have an adverse impact upon the landscape character and setting of an A-listed building and a scheduled ancient monument;
- There are many significant historical sites in the surrounding area, in particular the two Scheduled Ancient Monuments at Beacharr. These are very important sites, which are visited often by historians and archaeologists, and by tourists all throughout the year. The proposal would have a belittling impact on the sites at Beacharr, as the turbine would be clearly visible in the background when looking from one monument to the other. The Local Plan has policies in place to protect the settings of ancient monuments, which defend these important tourist attractions and significant historical monuments from the negative impact of the proposal;
- The proposal would interfere with the setting of both a scheduled ancient monument (Beacharr Standing Stone and Long Cairn) and a schedule A – listed building (A Cleit Church). There are also cup and ring-marked rocks and stones which are to be found near to the proposal. These – and the numerous Iron Age settlements in the area and ancient field systems - demonstrate that, from an archaeological perspective, a whole landscape approach is necessary. The proposal would definitely detract from this. Gaelic names are another recognised form of landscape heritage. In this case, the proposed track will cut right up the gully in which is situated Alt an Fheuraich – Fast Flowing burn of the Hay Meadow. This indicates that for many centuries (during the time of the Townships before the Clearances) the fields beside the burn were recognised as good hay meadows.

## Noise, Air Quality, Vibration, Lighting & Adverse Health Impacts

- The proximity of the proposal to the nearest residences would result in noise disturbance and noise pollution is a real risk which renders the site unsuitable for this type of development;
- The noise levels – which, though not high, consist of low frequency noise which can cause harm even at low levels. It is presumably for these reasons that it is recommended that turbines are not located within 2km from human habitation. North Beachmore may only consist of four families but we still constitute a settlement.

*Comment: The 2km separation distance recommended in government guidance relates to the designation by planning authorities of 'areas of search' for wind farms in the*

*development plan, rather than to the assessment of individual proposals (which SPP notes will need to take account of specific local circumstances and geography). Whilst there is a body of opinion that infra sound can cause adverse amenity effects or even psychological consequences, this is not a scientifically accepted conclusion and has not been adopted in government advice on turbine noise.*

## Hydrological Impact

- The proposal would adversely affect the waterway and gully as a result of construction of 1000m of new roadway;
- The dwellings at North Beachmore only have the choice of two private water supplies, one supply from Allt Achapharic and one supply from a borehole. Disruption to and pollution of these supplies seems inevitable as a result of the proposed construction works. Also flash floods heading for the A83 culverts also seem inevitable due to the proposed road drainage proposals. The existing culvert at the A83 simply will not cope.

## Climate Change

- The proposal will do nothing to combat global warming or reduce CO<sub>2</sub> emissions.

## Economic and Tourism Considerations

- The project may have an impact on local business by making the area less attractive to tourists;
- The site is an area of outstanding natural beauty - and on the main visitor route into Kintyre;
- Blighting the landscape will affect the tourist experience which we are all working hard to enhance;
- A turbine of this scale would be completely conspicuous within the landscape of North Beachmore and would destroy the view from many locations in Kintyre. This would surely have a negative impact on both the number of tourists who visit Kintyre and the pleasure of the experience for those who continue to come.

*Comment: Consequences for tourism are difficult to quantify and research into public opinion in this regard has not proven conclusive. Given the importance of scenery as a tourism resource and its value to the Argyll economy, it is fair to assume that development with identified landscape shortcomings will not be in the interests of maintaining Kintyre as a tourist destination.*

## Property Value

- Property prices will be negatively impacted

*Comment: This is not a material planning consideration.*

## Profit/Community Benefit

- This development is neither community owned nor is it community supported and should have been described as what it is; a private limited liability partnership for profit;

- The local people of Kintyre will not benefit by having cheaper electricity as it will be fed into the national grid, either to Ireland or the Ayrshire Coast, but we will have to put up with this new blight on our beautiful countryside;
- Supporting documentation for the development gives the impression that this is a community project. This is not the case it is understood that the great majority of the profits of the project will be split between the landowner and Community Energy Scotland (CES). The CES profit will help fund an officer to assist communities gain substantial financial benefit from wind turbine proposals. This is ironic since, in this case, the proposed community benefit is tiny compared to – for example - the nearby Gigha turbines which are genuinely owned and operated by the community. This is not a genuine community project;
- There will be no or little benefit to the local community and the proposal does not have widespread community support. The immediate community affected by the project are strongly opposed.

### Precedent

- The proposal could lead to a precedent being set in favour of further individual large scale wind turbine developments;
- There is a real risk of a precedent being set if permission were granted for this development, and a real fear that further development permission would be sought at the same site once the associated infrastructure had been put in place. This proposal is primarily about establishing access to the site, and if it were granted permission, then demand for further development would follow.

### Planning Policy

- The proposal contravenes local plan policy - LP ENV 16, LP REN 1, LP REN 2, LP ENV 1 and sections 1.6, 1.10, 1.11, 1.12, 5.1 and does not meet criteria of sustainability checklist;
- The proposal conflicts with the following sections of the Local Plan: a) 1.6... To maintain and enhance the quality of the natural heritage and built environment; b) 1.10... To promote the safeguarding and the enhancement of the natural and historic environment and the maintenance of biodiversity within Argyll and Bute; c) 1.11... Economic and Social Objectives. To treat the rich natural and historic environment of Argyll and Bute as a not fully realised asset which, if safeguarded and enhanced, can stimulate further investment and increased economic activity; d) Environmental Objectives. To safeguard the diverse and high quality natural and built heritage resources including the abundant landward and maritime biodiversity of Argyll and Bute; e) Sustainable Development principles 1.12... The biodiversity maintenance principle – reinforcing habitats and variety of life, allied to the local biodiversity action plan and partnership process;
- The proposal does not comply with Local Plan, Policy LP REN 2 as it is not “located as close to the premises which it is intended to serve as is safely and technically possible”;
- The proposal does not comply with local plan Policy LP ENV 1, part C “All development should protect, restore or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design”;

- The proposal would be on land designated as sensitive countryside, would be on land designated as potentially constrained for wind turbine development and would be on land bordering an area designated as of panoramic quality;.
- The proposal is contrary to LP REN 1 in the local plan. The proposal is not in a preferred area of search. This policy states that development will be resisted in constrained areas, (the proposed site is in an area designated potentially constrained) except if it can be demonstrated that it does not have various effects.

*Comment: The Local Plan Wind Farm Policy Map relates solely to developments with a capacity of 20MW or more, and accordingly there is no development plan spatial strategy for single turbines which are to be assessed against the criteria set out in Policy LP REN 1 or LP REN 2, as appropriate. Policy LP REN 2 relates to turbines with an output which does not exceed the energy requirements of the premises they are intended to serve by more than 25%, so does not apply in this case. Turbines which are intended solely to produce electricity for export to the grid are to be assessed against Policy LP REN 1. This proposal falls to be considered under local plan policy LP REN 1 so is not required to demonstrate any affiliation with existing premises.*

#### Road Traffic Impact

- The small single track road leading to the proposal will suffer greatly from the additional construction vehicles which will have to use it. This will cause disruption to the existing road users.
- The existing road end to North Beachmore is dangerous and moving it 25 metres will not improve this situation significantly. From the south, vehicles often begin overtaking on seeing overland and do not appreciate the existence of emerging vehicles let alone the resultant considerable plant and HGV traffic that would result if this proposal were granted permission. Sight lines are limited even with the proposed amendments to the entrance. To propose slow moving HGV traffic at this junction seems dangerous.
- Access road visually intrusive and lack of detail submitted with regard to it and how it will tie in with existing road
- This proposal has a most direct impact upon the residents living around North Beachmore who have shared legal access of the road included within this application and disagree with it being used for this purpose and do not believe it is possible to gain access to the proposed site without agreement from the hamlet that is North Beachmore.

*Comment: Any conflict with private access rights is a civil legal matter rather than a material planning consideration.*

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):** No
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) A design or design/access statement:** No
- (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes – Landscape & Visual Appraisal Report (December 2011); Cultural Heritage Report (December 2011); Noise Report (December 2011); Ecology & Ornithology Report (December 2011); Planning Statement (December 2011); and Project Description (December 2011). The applicant has also submitted 2 rebuttal letters to SNH's consultee responses.

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 (S75) agreement required:** Due to the recommendation of refusal a S75 is not required.

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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 & Bute Structure Plan 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 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 RE 1: Wind Farm/Wind Turbine Development

Argyll & Bute Local Plan 2009



Policy LP ENV 1: Development Impact on the General Environment  
Policy LP ENV 2: Development Impact on Biodiversity  
Policy LP ENV 6: Development Impact on Habitats and Species  
Policy LP ENV 10: Development Impact on Areas of Panoramic Quality  
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 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 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 (SPP), Advice and Circulars
- National Waste Management Plan
- Argyll & Bute Landscape Wind Energy Capacity Study, March 2012
- Environmental Impact of the proposal
- Design of the proposal and its relationship to its surroundings
- Access and 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 (EIA):** Yes. As the proposed turbine exceeds 15m in height, the proposal falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011 where at the discretion of the planning authority an Environmental Statement may be called for. In this case it was concluded that no EIA was required subject to submission of particular supporting information.

**(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:** 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 a single wind turbine with a hub height 60m and rotor diameter of 48m (84m to blade tip the formation of new access track and ancillary development. The application has been submitted on behalf of a partnership between the landowner and Community Energy Scotland Trading, a wholly owned subsidiary of Community Energy Scotland, a registered charity. The development is proposed to export energy to the grid, with income being apportioned between the landowner (who has indicated his intention to support locally based employment initiatives) and CES (who have indicated their intention to subsidise the retention of a local development officer and to develop local community energy projects).
- 139 third parties have made representations, comprising 73 objections and 64 expressions of support.
- The West of Scotland Archaeology Service has advised that the proposal will have adverse cumulative impacts on the landscape settings of a number of Scheduled Ancient Monuments as well as indirect impacts on the landscape setting of the highly significant cultural heritage assets of North Beachmore. They further advise that the proposal is contrary to national and local policies for the protection of nationally important heritage resources within an appropriate setting, and should be refused.
- SNH have not objected to the proposal (as formal objections are not now raised by them other than in cases where national interests are significantly prejudiced). However they have raised what they describe as 'serious concerns' relating to landscape, visual and cumulative impacts which are detailed below and which they would wish to be taken into account by the Council in reaching its decision.
- No other consultees have objected to the proposal.
- The principal issues in this case, and reasons why the proposal is considered unacceptable are the adverse consequences of its presence in terms of: the landscape character of the site and adjoining landscape character areas; cumulative impact; adverse visual impact; associated consequences for tourism interests and built heritage and archaeological impact.
- The proposal is considered contrary to: SPP; Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT RE 1: Wind Farm/Wind Turbine Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside;; and STRAT DC 9: Historic Environment & Development; of the 'Argyll & Bute Structure Plan' (2002); Policies Policy LP ENV 1: Development Impact on the General Environment; LP ENV 10: Development Impact on Areas of Panoramic Quality; ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17:

Development Impact on Sites of Archaeological Importance; Policy LP ENV 19: Development Setting, Layout and Design; LP REN 1: Commercial Wind Farm and Wind Turbine Development; of the 'Argyll & Bute Local Plan' (2009).

- Notwithstanding the contribution that this proposal could make towards combating climate change, inclusive of the support which it could provide to the functioning of Community Energy Scotland, development giving rise to inappropriate environmental consequences cannot be viewed as being sustainable; consequently, the proposal is recommended for refusal.

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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 its potential adverse landscape, visual, cumulative and built heritage and archaeological impact. All other material issues have been taken into account but these are not of such weight as to overcome these potential adverse impacts, which cannot be overcome by the imposition of planning conditions or by way of a S75 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.

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**Author of Report:** Arlene H Knox      **Date:** 3<sup>rd</sup> December 2012

**Reviewing Officer:** Richard Kerr      **Date:** 12<sup>th</sup> December 2012

**Angus Gilmour**  
**Head of Planning and Regulatory Services**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 11/02521/PP**

1. The proposed turbine, inclusive of the means of access required, is located on the small edge hills on the outer western edge of the uplands of the Kintyre peninsula, within the 'Upland Forest Moor Mosaic' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012' - SNH/Argyll & Bute Council) in very close proximity (c 0.5km) to the highly sensitive coast 'Rocky Mosaic' Landscape Character Type. Sensitivity increases at the transition between these two landscape character types due to the smaller scale of the hills on the western edge of the upland area, proximity to settled and farmed landscapes and to the coast where sensitive receptors are concentrated. The proposal will intrude on the setting and views from adjacent small scale and settled areas. It will also impinge on views from offshore, in particular the Isle of Gigha and the sea. The proposal is not associated with the larger scale, simple upland interior where development of this scale has better prospects of being assimilated successfully in its landscape setting.

The 'Argyll and Bute Wind Energy Capacity Study' March 2012 states clearly that: 'New development should be sited away from the more complex irregular small hills found on the outer edge of the Kintyre Peninsula...' Furthermore that: ' Significant intrusion on the setting and views from the adjacent settled and small scale 'Rocky Mosaic' ...should be avoided by larger turbines being set well back into the interior of these uplands – this would also accord with the established pattern of existing wind farm development within the Kintyre peninsula thus limiting cumulative landscape impacts'. The landscape capacity study also states that: ' Larger typologies (80 – 130m) sited on the often small and irregular 'edge' hills which form a more visible and immediate setting to the settled small scale Rocky Mosaic (20) ...would affect the presently uncluttered skyline which backdrop these areas' .

At 84m in height to the blade tip the proposal would be out of scale with its landscape context, where it would dominate the scale of the smaller more complex edge hills on the western edge of the upland area, impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge including key coastal panoramas and views. The west coast of Kintyre is designated as an Area of Panoramic Quality (APQ) in recognition of the regional value and scenic qualities of this sensitive coastal landscape. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the coast where development on this scale would undermine these qualities to the detriment of landscape character contrary to Local Plan Policy LP REN 1. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farm/turbine 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 contrast between the land and the sea.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect 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 this proposal would have a significant adverse impact on Landscape Character, would adversely affect a number of key views and would degrade designated scenic assets including the adjacent 'Area of Panoramic Quality'. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

2. The proposal would have relatively high visibility, compared to other wind farm development on the peninsula, being visible from coastal routes including from the A83 coast road (in very close proximity) and the B8024 at the southern end of Knapdale, as well from the sea, other distant coastlines and the Isle of Gigha. The turbine itself would also break the skyline of Kintyre, spreading development on the skyline to the coastal edge of the peninsula where it would exert an unwelcome influence over the adjacent west Kintyre Area of Panoramic Quality. It would also involve the formation of an intrusive means of access to facilitate construction, which would intrude along the valley of a small watercourse and necessitate intrusive engineering works in the form of excavation, surfacing and the installation of gabion retention, which locally would have adverse consequences for visual amenity.

The methodology employed for the landscape and visual impact assessment of the proposal has not been wholly in accordance with recognised Guidelines for Landscape and Visual Impact Assessment. In particular, neither locations on the nearby A83 nor residential properties in very close proximity were not selected as viewpoints for the preparation of photomontages despite recommendation to that effect by SNH. On the basis of the information supplied it has been concluded that significant adverse visual effects are likely to arise in respect of properties in very close proximity such as North and South Beachmore; historic environment assets such as the Beacharr standing stone; the settlement of Muasdale; the Tayinloan to Gigha ferry route and Point Sands holiday park, which also forms part of the Kintyre Way, all of which constitute tourism assets of importance.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct and indirect 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 proposal would have a significant adverse visual impact contrary to the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind

Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

3. North Beachmore is not generally visually associated with the existing clusters of wind farm development being a location more closely associated with the coast. The addition of this proposal to the 'Upland Forest Moor Mosaic' character type on the edge of the 'Rocky Mosaic' landscape character type would erode the established pattern of wind energy development on the Kintyre peninsula and would spread large scale turbine development away from the interior hills to the smaller scale and more sensitive coast and seascape spreading influence to areas which are not currently affected by wind development.

The existing focus of development around the central part of the spine of Kintrye is now well established, so the proposal should be regarded as an outlier with influence over the coast, in circumstances where the prospect of approval of individual turbines with coastal influence along the length of the peninsula would contribute towards adverse sequential impact in the context of existing wind farm development, and give rise to a disproportionate cumulative impact on landscape character and scenic quality.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct and indirect 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 this proposal would have an adverse cumulative sequential impact. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

4. The methodology used by the applicant's archaeological consultants has deficiencies which may have resulted in omissions from the supporting Cultural Heritage and Landscape and Visual Appraisal reports. It is therefore considered unsafe to accept the conclusions of said report and it must be concluded that the assessment of the impacts of the proposal on cultural heritage assets has not demonstrated that the proposal will not lead to unacceptable adverse archaeological impacts. It is considered that the assessment of the predicted indirect effects of the proposal minimises its potential adverse effects, particularly in regard to settings and the appreciation of scheduled ancient monuments.

It is considered that the proposal will have an adverse impact on the landscape settings of the Scheduled Ancient Monuments: Beachmeanach, enclosure; Dun Beachaire, dun; Beacharr, standing stone & long cairn; Dunan Muasdale, dun; Dun Domhnuill, dun SW of North Crubasdale; Carragh Muasdale, standing stone 225m N of South Muasdale and

Dun Ach'na h-Atha, dun. Furthermore, it is considered that the proposal will have an indirect adverse impact on the setting of the highly significant cultural heritage assets of the complex site of the North Beachmore cup-and-ring markings (which the West of Scotland Archaeology Service believe to be of potential national importance and of schedulable quality).

Due to the scale and the highly visible location of the proposal, it would have an adverse impact on the amenity and settings of these surrounding scheduled ancient monuments and nationally-important cultural heritage resources to the detriment of their historic qualities and their appreciation. Furthermore, due to the scale and location of the proposal, it is considered that it would also have an adverse visual impact on the landscape setting of the Category A listed A'Chleit church, particularly given that most of the wind turbine, (including the entire moving rotor) would be clearly visible in important views from and of this building to the detriment of its setting.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct and indirect benefits which a development of this scale would make to the achievement of climate change related commitments and there is no acceptable mitigation available to alleviate these concerns.

The proposal will have an adverse impact on the historic environment of Argyll and is therefore inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of the 'Argyll & Bute Structure Plan' (adopted 2009) and LP ENV 13a: Development Impact on Listed Buildings LP ENV 14; 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).

## **A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP**

The site is not subject to any spatial zoning for wind farm development by the local plan Wind Farm Proposals Map, as this is restricted to proposals over 20MW, whereas this scheme is 0.9MW. Consideration is thereby by way of a criteria based approach established by local plan Policy LP REN1.

The turbine, part of the internal access track, HV Kiosk, 2.7m palisade fence, crane hardstanding, electrical control building and temporary construction compound are all to be located within Sensitive Countryside (subject to the effect of Structure Plan Policy STRAT DC 5), and part of the access track will be located within a Rural Opportunity Area (subject to the effect of Structure Plan Policy STRAT DC 4) as designated by the Local Plan Proposals Maps. The section of access in between the public road and the Rural Opportunity Area is also located within the west Kintyre Area of Panoramic Quality and the turbine itself exerts an influence over land falling within this regional designation.

In special cases both Policy STRAT DC 4 and STRAT DC 5 state that development in the open countryside and medium or large scale development may be supported if it accords with an area capacity evaluation (ACE). This proposal constitutes large scale development in the open countryside. However, it is not normal practice for an ACE to be undertaken for a wind turbine which has been subject to separate detailed landscape and visual impact assessment. In this case, it has not been demonstrated that the scale and location of the proposal will integrate sympathetically with the landscape, without giving rise to adverse consequences for visual impact and landscape character.

Policies STRAT DC 4 and STRAT DC 5 also require proposals to be consistent with all other Development Plan Policies. For the reasons detailed below in this report, it is considered that this proposal would have significant adverse Landscape, Visual, Cumulative, Built Heritage and Archaeological Impacts.

**Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP (2009); Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; and STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan.**

## **B. LOCATION, NATURE & DESIGN OF PROPOSED DEVELOPMENT**

The proposal is for the erection of a single wind turbine and ancillary development on farmland approximately midway down the Kintyre Peninsula. The wind turbine would have a capacity of 0.9MW. The maximum height to blade tip would be 84m and the maximum hub height 60m, giving a rotor diameter of 48m. The following elements are included in the planning application: wind turbine; crane hardstanding adjacent to turbine; new vehicular access and onsite track construction; temporary construction compound and laydown area; and a control building.

The Planning Statement indicates that the grid connection for the turbine would be via a new control building located on-site to the west of the turbine; furthermore, that the transmission of



electricity to the wider grid therefore needs no new infrastructure to be connected, so this issue is not considered further.

The design of the turbine and ancillary structures follows current wind energy practice. The general design of the control building is considered acceptable and sympathetic to the receiving landscape were permission to be granted, subject to the standard of finishing materials being controlled by condition in the event of Members determining to grant planning permission.

Whilst the design of the proposal is appropriate for a wind farm of this scale, its intended location is not due to the adverse impacts upon the receiving environment detailed in this report, and therefore in terms of the overall sustainability of the proposal, it is considered that the turbine and the formation of the means of access to it would have adverse Landscape, Visual, Cumulative and Historic Environment Impacts.

**Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policy STRAT SI 1: Sustainable Development of the Argyll & Bute Structure Plan; and, Policies LP ENV 1: Development Impact on the General Environment and LP ENV 19: Development Setting, Layout & Design of the Argyll & Bute Local Plan.**

### **C. LANDSCAPE CHARACTER & LANDSCAPE IMPACT**

Scottish Natural Heritage have advised that this proposal is situated in the Upland Forest Moor Mosaic character type but influences a number of adjacent more sensitive coastal character types including 'Rocky Mosaic' and 'Coastal Plain'. The turbine (at 84m to blade tip) is at an elevation of c140m AOD to give a total height to blade tip of 224m AOD. This is of a similar overall elevation to a number of the nearby summits; with the highest point at 364m AOD. In some of the visualisations it appears that it is likely to alter the perception of landform scale and may impinge on the setting of the summits. SNH consider a turbine of this scale in this location would dominate these small hills and the sensitive adjacent landscape character types. It would also intrude into sensitive coastal panoramas in the west including offshore. It would introduce relatively large scale development on the skyline of the hills resulting in intrusion in both coastal and inland views, which will adversely affect the character, key view and qualities of this local landscape.

AMEC (on behalf of the applicant) submitted a rebuttal letter to SNH's consultation response on the 13<sup>th</sup> September 2012 and note that whilst SNH do not object they do have '*serious concerns*', which are considered to be pure landscape and visual matters. The letter covers the Argyll & Bute Landscape Wind Energy Capacity Study (March 2012), SNH's Position Statement, Strategic Implications, Landscape Effects, Visual Effects, Methodology, Cumulative, Ecology and concludes that SNH's representations on the LVIA have not been formulated with any degree of planning balance, which means there is no acknowledgement that to achieve renewable energy generation through turbine use there has to be some visual effects. From AMEC's reading of SNH's representations they consider they are largely founded on an opinion of where turbines should or shouldn't be located, which isn't based on existing policy or guidance, nor on a review of the evidence presented to them in the application. AMEC believe that SNH's representations are missing the level of objective evidence which would be expected to assert their concerns, and as such, the weight to be afforded to them must be limited (A full copy of this response is available on the Council's website).

SNH have since provided a further response reiterating their previous concerns, prompting Community Energy Scotland to submit a further rebuttal to SNH's comments on behalf of the applicant, which covers: SNH's advice; Local Objections; Socio-Economic Value of the Project; Local and National Policy Impact; and a summary of the response to SNH advice (dated 27<sup>th</sup> November 2012). A full copy of this response is available on the Council's website. No further consultation with SNH has been considered necessary.

The 'Argyll and Bute Wind Energy Capacity Study' March 2012 has been produced by SNH in association with the Council to identify those areas in Argyll which are likely to have capacity for wind turbines of various sizes, and those areas which do not have capacity either as a consequence of their particular qualities, or as a result of having no residual capacity given previous turbine consents. Whilst this study only addresses landscape considerations, following its approval by the Council it is a significant material consideration in subsequent decision-making, albeit of lesser weight than development plan policy.

The study states that: *'New development should be sited away from the more complex irregular small hills found on the outer edge of the Kintyre Peninsula...'* Furthermore that: *'Significant intrusion on the setting and views from the adjacent settled and small scale 'Rocky Mosaic' ...should be avoided by larger turbines being set well back into the interior of these uplands – this would also accord with the established pattern of existing wind farm development within the Kintyre peninsula thus limiting cumulative landscape impacts'*

It also states that: *'Larger typologies (80 – 130m) sited on the often small and irregular 'edge' hills which form a more visible and immediate setting to the settled small scale Rocky Mosaic (20) ...would affect the presently uncluttered skyline which backdrop these areas'*. Due to the proposal's scale and location it is clearly contrary to the advice given in the Landscape Capacity Study.

Based on the guidance contained in the Landscape Capacity Study and the conclusions expressed by SNH in respect of landscape impacts of the proposal, it is considered that approval of the proposal would represent an unwelcome move away from the established location of larger scale wind turbines 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.

In previous decisions to refuse wind turbine developments at Kilchatten, Raera and Clachan Seil, Members have been particularly cognisant of the disadvantages of commercial scale turbine development proposed to be located away from upland plateau areas within influencing distance of the coast, where it can exert inappropriate effects over settlements, transport routes, historic assets and scenic locations of tourism importance all of which tend to predominate in coastal locations. Although this is a single turbine rather than a windfarm, at 84m in height to the blade tip, its location would exert a disproportionate influence over its receiving environment where it would be out of scale with its landscape context. It would dominate the scale of the smaller more complex edge hills on the western edge of the upland area, impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge designated as an Area of Panoramic Quality in recognition of the regional value and scenic qualities of this sensitive coastal landscape. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the coast, where development on this scale would undermine these qualities to the detriment of landscape character

**Having due regard to the above it is considered that this proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; 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 and Policies 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 and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.**

#### **D. VISUAL IMPACT**

Scottish Natural Heritage have provided the Council with advice as to the visual attributes of the proposal concluding that the proposal would have relatively high visibility compared to other wind farm development on the peninsula, being visible from coastal roads, as well as the offshore islands and the sea. It would also break the skyline of Kintyre, spreading development on the skyline to the coastal edge of the peninsula. Furthermore, that the proposal will be visible from many coastal routes including from the A83 (in very close proximity) on the Kintyre peninsula and the B8024 at the southern end of Knapdale as well from the sea, other distant coastlines and the Isle of Gigha. This is partly due to the high elevation of surrounding coastal roads and because of the physical separation of the hill from the main plateau.

SNH do not consider that the methodology for the landscape and visual impact assessment is in accordance with GLVIA. For example some of the images used in the photomontages were not clearly annotated for illustrative purposes. In addition visual receptors including residents were excluded from the viewpoint selection. SNH are disappointed to note that no properties in very close proximity were selected as viewpoints including north and south Beachmore, despite being recommended by them. The absence of viewpoints from the A83 (main road in Kintyre) is also disappointing. SNH consider that there may be an underestimation of the sensitivity of the receptor/magnitude of effect for some viewpoints.

SNH consider that significant adverse visual effects are likely to arise on: properties in very close proximity such as north and south Beachmore (not represented by any of the viewpoints selected); historical tourist attraction such as the Beacharr standing stone (as represented by viewpoint 2); settlements such as Muasdale (as represented by viewpoint 3); the Tayinloan to Gigha ferry route (as represented by viewpoint 6); point sands holiday park which also forms part of the Kintyre Way as represented by viewpoint 7 (SNH suggest that walkers are also of high sensitivity given their focus on the landscape, and consider the magnitude of change will be higher than that indicated in the LVIA); and the Isle of Gigha (as represented by viewpoints 8 and 10, where SNH consider the magnitude of change will be higher than that indicated in the LVIA).

The development site does not benefit from a readily available means of access given the geometry, width, gradient and construction of the narrow road with its steep hairpin bend leading to the cluster of dwellings at North Beachmore. Accordingly, it would be necessary to access the fields east of Beachmore for a construction project of this scale by way of a new access which necessarily has to leave the existing route prior to the hairpin being encountered. This only afford the option of the formation of a new access along the route of the Allt an Fheuraich watercourse, the initial section of which forms a narrow valley in its descent from the

fields above. This would involve the formation of a means of access which would intrude along the valley of this watercourse and necessitate intrusive engineering works in the form of excavation, surfacing and the installation of gabion retention. Accordingly, the formation of access to the site would have locally adverse consequences for visual amenity, in addition to the local and more distant visual consequences of the presence of the turbine itself.

As detailed in Section C above AMEC and Community Energy Scotland (on behalf of the applicant) have submitted rebuttals to the stance adopted in SNH's consultation response. Notwithstanding those, 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 turbine relative to its landscape setting and the sensitivity and scenic value of locations within the regionally important Area of Panoramic Quality. Visual impacts would also be of importance in terms of their influence over the settings of historic environment assets as well as in terms of the disproportionate contribution the development would contribute to the cumulative effects of wind turbine development, as considered below.

**Having due regard to the above, it is considered that the proposal conflicts with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; 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 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.**

#### **E. SUGGESTED REDUCTION IN HEIGHT**

In their most recent correspondence dated 27<sup>th</sup> November 2012, the applicants have advised that they *"have reviewed the scope for lowering the turbine and would be willing to consider lowering the turbine by 5m (giving a tip height of 79 m) if this would help reduce the perceived visual impact"*.

The possibility of this suggested height reduction has been put forward almost 10 months after this application was received. at a time when the applicant was aware that the proposal was due to be reported to PPSL as submitted. No amended drawings have been submitted along with this most recent rebuttal letter to the comments made by SNH on landscape and visual grounds, and the application has not been formally amended to this effect.

Notwithstanding this position, had amended drawings been submitted this would have resulted in implications for the proposal in regard to its categorisation in terms of the Argyll & Bute Landscape Wind Energy Capacity Study, March 2012 (LWECS) and would have prompted a revised assessment as a consequence. The turbines current height of 84m means that it is to be regarded as a 'larger typology' (80 – 130m) in terms of the LWECS, as detailed above. A 5m height reduction would have brought it to just within the upper limit of the 'medium typology' category (50 – 80m) thereby reducing its visual sensitivity in terms of the LWECS from what is expressed to be 'high-medium' to 'medium'. At 79m this turbine would have still been at the high end of the medium category and only 1m away from being classed as a larger typology.

Given the sensitivity of the location in which it is proposed to be sited, it is not considered that a 5m height decrease, had it been pursued, would have reduced the landscape and visual impact of the proposal to an acceptable level. It is considered that either a turbine of 79m or 84m sited on this small edge hill, which forms a more visible and immediate setting to the settled small scale Rocky Mosaic and to the Hidden Glens Landscape Character Types (LCT) would affect the presently uncluttered skyline which backdrop these areas, intruding into sensitive coastal panoramas, furthermore, resulting in intrusion in both coastal and inland views, to the detriment of the character, key views and qualities of this local landscape. The extensiveness of this LCT is such that its sensitivity reduces provided development is located within the “interior” of the uplands and set well back from the more sensitive “edge” hills; which is the pattern which has been followed by existing medium-large scale development on the Kintyre peninsula. Accordingly a proposal of either 84m or 79m located so far forward towards the coast would be equally unacceptable, so the offer of a marginal reduction in height has not been pursued as it would not be a sufficient for this location to be considered appropriate on the basis of height reduction.

## **F. CUMULATIVE IMPACT**

It is considered that the proposal would be both highly visible as well as being visible from areas which are not currently affected by wind development. SNH have advised that they have particular concerns regarding the proposal’s cumulative sequential visibility from the Kintyre peninsula and associated transport routes (road and ferry) and the Isle of Gigha. The proposal would spread visibility of wind development along the Kintyre peninsula thereby creating a sense of extended wind farm development.

As detailed in Section C above AMEC and Community Energy Scotland (on behalf of the applicant) have submitted rebuttals to the stance adopted in SNH’s consultation response. Notwithstanding those, the views expressed by SNH in respect of visual impacts are endorsed by officers. Officers consider that the creation of a sense of extended wind farm development would be unacceptable and detrimental in landscape and visual terms.

A locational advantage of Kintyre is its length and the degree to which coastal locations do not generally benefit from views of the upland spine. This has enabled large scale windfarms with significant separation and only limited visibility from the A83 coast road to be assimilated successfully in their landscape setting, albeit with enhanced visibility from offshore from the sea and locations such as Gigha. The limited influence of these locations would however be undermined by the presence of individual turbines within influencing distance of the coast such as this, which due to their more prominent locations closer to sensitive receptors would be disproportionate in terms of their sequential and cumulative impacts.

**Having due regard to the above it is considered that in terms of Cumulative Impact the proposal is inconsistent with the provisions of SPP and Scottish Government’s Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; 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 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.**

## G. ECOLOGICAL IMPACT

Scottish Natural Heritage advise that the ecological report indicates that there may be bats roosting at the property at North Beachmore. However, since the property is at a distance greater than 500m from the proposal they are unconcerned about their presence locally. The access track appears to follow the course of Allt an Fheuraich water. SNH advise that otter have been recorded along this coastline including several streams. SNH advise that a pre-construction otter survey be conducted along the course of the access track and should evidence be found of otters a Species Protection Plan be adopted. Should Members be minded to grant planning permission officers would recommend that a condition to this effect be attached.

SNH further advise that they have concerns relating to the close proximity of the access track to the riparian habitat of the Allt an Fheuraich water. The construction of an access in such close proximity may result in the loss of habitat as well as sediment enrichment of the watercourse. SNH therefore recommended that an alternative access route be considered or a reasonable buffer strip incorporated into the plans, which mitigates the impacts on the watercourse.

AMEC (on behalf of the applicant) submitted a rebuttal letter to SNH's consultation response on the 13<sup>th</sup> September 2012. The letter covers Ecological Impact amongst other things. (A full copy of this response is available on the Council's website). SNH responded to this rebuttal letter and their response no longer refers to any ecological concerns associated with the proposed development.

**Having due regard to the above, it is considered that the proposal is consistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan and Policies LP REN 1 – Wind Farms and Wind Turbines, LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the Argyll & Bute Local Plan.**

## H. ORNITHOLOGICAL IMPACT

With regards to the breeding bird survey and point counts SNH have advised that they are in agreement with the findings of the ornithological report that the construction of a single wind turbine on the site will have a negligible impact on the local breeding bird populations. SNH do however recommend as stated in the ornithological report that a pre-construction breeding bird survey be undertaken due in part to the presence of breeding skylark and song thrush, both UK BAP and Argyll LBAP species.

In the event of Members determining to grant planning permission it is recommended that a pre-commencement bird survey is secured by a planning condition in accordance with the advice of SNH to establish the presence of any bird species of nature conservation importance, identify appropriate mitigation and ensure its implementation.

**Having due regard to the above it is considered that the proposal is consistent, from the point of view of ornithological interests, with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation &**

**Development Control of the Argyll & Bute Structure Plan and Policies LP ENV 2: Development Impact on Biodiversity, LP ENV 6: Development Impact on Habitats and Species and LP REN 1 – Wind Farms and Wind Turbines of the Argyll & Bute Local Plan.**

**I. HYDROLOGICAL & HYDROGEOLOGICAL IMPACT**

At one point the Scottish Environment Protection Agency raised objection in respect of incomplete information relating to the water environment – hydrology and watercourse crossings. Additional information was submitted by the agent in response to SEPA's concerns, who have now confirmed that they are satisfied with the proposal in this regard. There are no outstanding concerns regarding the implications of the development for the water environment.

**Having due regard to the above, it is considered that in terms of hydrology the proposal is consistent with the provisions of: Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll & Bute Local Plan.**

**J. MANAGEMENT OF PEAT**

There is no requirement for any peat survey work or the submission of a peat stability report in this case. Deep peat deposits are normally only encountered in the interior upland beyond the boundary of this site.

**Having due regard to the above it is considered that in terms of ground conditions the proposal is consistent with the requirements of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll and Bute Local Plan.**

**K. BORROW PITS**

No borrow pits are proposed as part of this application, it is proposed that any stone required will be sourced from quarries.

**L. HISTORIC ENVIRONMENT IMPACTS**

The west coast of Kintyre is a location which is rich in archaeological and historic assets the settings of which, and the interrelationship between sites, warrant particularly careful consideration, especially where large scale developments such as this are proposed which exert influences over considerable distances.

Historic Scotland are of the opinion that the turbine will be sufficiently distant from those designated sites within their remit and will not interfere with any key views to or from them. However, they note that the proposed turbine is in closer proximity to a number of archaeological sites (including a group of rocks decorated with cup and ring markings, and a form of rock art probably dating to the early Bronze Age) and that consultation with the West of Scotland Archaeology Service (WoSAS) should be undertaken. It should be noted that Historic Scotland expects that issues of setting should be considered by the Planning Authority as

guided by their archaeological advisors and that objections on their behalf would only be prompted where historic assets and their immediate surroundings are directly affected by development.

WoSAS have raised concerns regarding potential deficiencies in the methodology used by the applicant's archaeological consultants which may have resulted in omissions from the Cultural Heritage and Landscape and Visual Appraisal reports. This has led them to recommend that the Council should consider it unsafe to accept the conclusions of the current Cultural Heritage and Landscape and Visual Appraisal reports, in that the assessment of the impacts of the proposal on cultural heritage assets has not demonstrated that the proposal will not lead to unacceptable adverse archaeological impacts.

With regard to predicted direct archaeological impacts from the proposal, WoSAS has advised that with the caveat that WoSAS do not currently accept the interpretation of the character and significance of the new features identified by the applicant's consultant and any statement regarding the archaeological potential of the sub-surface deposits within the application area, they are content with the process for agreeing mitigation proposals suggested by the applicants' archaeological consultants in the Cultural Heritage report should Members be minded to grant planning permission.

The cultural heritage report includes assessments of the predicted indirect effects of the proposed turbine on the landscape setting of a range of cultural heritage assets. WoSAS find that while they are in broad agreement with the inclusion of those significant sites selected for assessment, there may be a number of such sites that have been omitted due to the potential failings in selection methodology (referred to above). WoSAS are in disagreement with some of detailed results of the assessments, which appear to attempt to minimise the potential adverse effects of the proposal in terms of accessibility; modern landscape changes; and importance of direction of view from particular sites.

WoSAS have provided the following comments on the conclusions of the Cultural Heritage report: Beachmeanach, enclosure (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting but prominently visible as a peripheral element in background to principal views from the asset, and assess the magnitude of impact as "low". WoSAS do not agree that the turbine will lie outwith the setting, nor that its location would be peripheral. Given its admitted prominence in views from the monument, WoSAS would assess the impact as "medium", leading to a moderate to substantial adverse effect. Given the proximity of other prehistoric potentially associated assets, such as the Beachmeanach Burnt Mound and a series of cairns and cup-markings which lie in the area between the designated site and the proposed turbine, WoSAS would assign a final effect that was "substantial".

Dun Beachaire, dun (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of, and clearly separated from the asset, but accept that it will be clearly visible in views from the monument to the south. They also report that the turbine will be visible in background of views of this monument from other designated assets to the north. They assess the magnitude of impact on this monument as "low". WoSAS do not agree that the turbine will lie outwith the visual landscape setting of this monument, and taking into account the other details of its visibility, and allowing for the likely effects of distance, WoSAS would assess the impact as "medium", leading to a moderate to substantial adverse effect.



Beacharr, standing stone & long cairn (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of, and clearly separated from these monuments, but accept that it will be clearly visible in views from the monuments to the south. They assess the magnitude of impact on the monuments as “low”. WoSAS do not agree that the turbine will lie outwith the visual landscape setting of the monuments, and taking into account the other details of its visibility, and allowing for distance effects, WoSAS would assess the impact as “medium”, leading to a moderate to substantial adverse effect.

Dunan Muasdale, dun (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of this monument but visible in the background of views to the north from the monument and in minor views of it from the south. They assess the magnitude of impact on the monument as “negligible”. WoSAS do not agree that the turbine will lie outwith the visual landscape setting of the monuments, and taking into account the other details of its visibility, and allowing for distance effects, WoSAS would assess the impact as “low”, leading to a moderate adverse effect.

Dun Domhnuill, dun SW of North Crubasdale (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of this monument and largely screened in views to and from the monument and in minor views of it from the south. They assess the magnitude of impact on the monument as “negligible”. WoSAS do not agree that the turbine will lie outwith the visual landscape setting of the monuments, but taking into account the details of its visibility, and allowing for distance and potential screening effects of the topography, WoSAS would assess the impact as “low”, leading to a moderate adverse effect.

Carragh Muasdale, standing stone 225m N of South Muasdale (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of this monument and visible as a distant and peripheral element in the background of views from the monument and in views of it from the south. They assess the magnitude of impact on the monument as “negligible”. Given the prominent headland location of this monument, which would appear to have been selected as a viewpoint, WoSAS do not agree that the turbine will lie outwith the broader landscape setting of the monument, so any new intrusion into those currently tranquil views could be argued to be very significant. However, WoSAS would accept that the proposal will lie in a peripheral area in relation to this monument, and allowing for the effects of distance, WoSAS would assess the overall impact as “low”, leading only to a moderate adverse effect.

Dun Ach’na h-Atha, dun (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of this monument and visible as a distant and peripheral element in the background of views from the monument. While WoSAS do not accept that the turbine would lie outwith the broader landscape setting of this monument, nevertheless, in this case WoSAS would not disagree with the consultants’ assessment of the impact as “negligible”.

The Argyll & Bute Local Plan (Policy LP ENV 16) states that ‘Developments that have an adverse impact on Scheduled Ancient Monuments and their settings will not be permitted unless there are exceptional circumstances.’ WoSAS find that no case has been made for such exceptional circumstances with regard to this application and recommend that the Council refuse the proposal on the grounds of cumulative adverse impacts on the landscape settings of a number of Scheduled Ancient Monuments.

In addition to the designated sites, the effects of the development on the setting of the complex site of the North Beachmore cup-and-ring markings will be considerable. WoSAS are of the view that these features are of potential national importance and of schedulable quality, and therefore worthy of consideration on an equivalent basis to the already designated sites. The proposal would involve the construction of a turbine within 300m to 400m of elements of these cup-and-ring markings. The consultants assert that the turbine would be prominently visible from the monument, but in views they would consider to be “minor” and not in “the existing key view”. They assess the magnitude of this impact on the setting to be “low”. Full understanding of the purposes of such monuments is lacking, but all experts in the field agree that views from the locations appear to be of great significance. Some of the features making up this monument are positioned so that views southwards are the most prominent, and it is reasonable to suppose that this was a factor in their placement and use, and that these views should be considered sensitive to change. Consequently, WoSAS believe it would be reasonable to argue that the turbine would sit prominently in one of the potential key views from the elements of this monument, or series of monuments. Therefore, WoSAS do not accept the assessment as presented, and instead would argue that it should be assessed as at least a medium magnitude and consequently a moderate to substantial impact on the intimate broader landscape setting of all elements of the monument. Given the proximity of the proposed turbine and its prominence in views from the monuments within their local setting, WoSAS would tend towards the “substantial” end of that scale in this case. WoSAS therefore recommend that the Council refuse the proposal on the grounds of indirect impacts on the landscape setting of the highly significant cultural heritage assets at North Beachmore.

The archaeological richness of this part of Argyll & Bute and the proximity of so many identified important monuments raises serious questions about whether these visually prominent coastal slopes are the right area for development of this kind and whether the significance of the area’s cultural heritage is such that the proposal should not have been brought forward. While the Council’s Local Plan supports the development of renewable energy schemes provided these are environmentally acceptable in relation to other policies, WoSAS would contend that in terms of the Scottish Government’s advice regarding the principle of protecting the historic environment, specifically that significant archaeological sites will be protected from development which will have a detrimental effect on the sites or their settings, these criteria have not been met in this case.

Given the potential failings of the applicants’ supporting documentation in relation to cultural heritage, WoSAS recommend that its conclusions are set aside and that assessment of the key issues is undertaken in accordance with Scottish Planning Policy. WoSAS advise that due to the proposal’s scale and highly visible location, it would have an additional deleterious impact on the amenity of a number of nationally-important cultural heritage resources. Furthermore, the expected setting impact would not be able to be fully mitigated, and would be impossible to offset during the working lifetime of the proposal. The proposal in their view should be regarded as being contrary to national and local policies for the protection of nationally important heritage resources within an appropriate setting, and should be refused.

Despite being specifically consulted regarding Officers concerns about the potential adverse impact of the proposal on the Category A listed A’Chleit Church, Historic Scotland have not raised any concern. Nonetheless officers consider that although the turbine lies some distance from the church it will exert a considerable visual influence upon its surroundings. Historic Scotland guidance is that listed buildings should at all times remain the focus of their setting,

and attention should never be distracted by the presence of any new development whether within or outwith the curtilage. Most of this turbine (including the entire moving rotor) would be clearly visible in important views from (as demonstrated by Viewpoint 1) and of this building which has led officers to conclude that its presence would be significant and to the detriment of the wider landscape setting of this nationally important building.

The context or setting in which the specific historic features referred to above sit and their patterns of past use are part of our historic environment. The historical and scenic associations of places and landscapes are some of the less tangible elements of the historic environment, which make a fundamental contribution to our sense of place and cultural identity. Officers accept the detailed conclusions which have been advanced by the West of Scotland Archaeology Service and consider that the archaeological richness of the area surrounding the proposed turbine location is such that it does not lend itself to development on the scale proposed, which would intrude inappropriately into the landscape setting of these historic environment assets, to the detriment of their innate qualities and to their appreciation by others.

**Having due regard to the above, it is considered that the proposal is inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of the Argyll & Bute Structure Plan and; LP ENV 13a: Development Impact on Listed Buildings; LP ENV 16: Development Impact on Scheduled Ancient Monuments and LP ENV 17: Development Impact on Sites of Archaeological Importance of the Argyll & Bute Local Plan.**

#### **M. TOURISM IMPACT**

The proposal would be clearly visible to sensitive receptors in locations surrounding the proposal. The image of the wind turbine will vary from full turbine, reducing to rotors and blades moving on the ridge; varying between backclothed and skylined. This will adversely impact on views and the recreational experience of the landscape and the settings of important historical features. In light of this proposal's anticipated adverse impacts upon its landscape setting, it must be concluded that its presence would be likely to have some adverse impact on tourism within Argyll & Bute, much of which is resource based.

Scottish Government published research entitled 'The Economic Impact of Wind Farms on Scottish Tourism' in May 2008. This report concludes that: *"The evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the Tourist Industry than a large number of small farms scattered throughout Scotland. However the evidence, not only in this research but also in research by Moran commissioned by the Scottish Government, is that Landscape has a measurable value that is reduced by the introduction of a wind farm"*.

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). Given that the magnitude of the likely effect upon tourism cannot be estimated reliably, it has not been cited specifically as a recommended reason for refusal, but clearly adverse landscape visual and cumulative impacts are likely to

impinge upon the tourism sector, which is of particular importance in the context of the Argyll economy.

**Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and Policies STRAT SI 1: Sustainable Development; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan 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.**

#### **N. NOISE**

Technically, there are two quite distinct types of noise sources within a wind turbine – the mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air. Concern has been raised by objectors regarding the issue of noise and also its impact on health.

The closest noise sensitive receptors are North Beachmore (626m), North Crubasdale (803m) and Burnt Mound (811m). It has been demonstrated to the satisfaction of Public Protection that noise (operational and construction) is unlikely to be an issue at these closest sensitive receptors.

**Having due regard to the above, it is considered that in terms of noise the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan.**

#### **O. SHADOW FLICKER & ICE THROW (EQUIPMENT SAFETY)**

Government guidance advises that if separation is provided between turbines and nearby dwellings (as general rule 10 rotor diameters), “shadow flicker” should not be a problem. The supporting documentation and plans confirm that the separation between the wind turbine and the nearest residential property is greater than 10 x rotor diameter (10 x 48m = 480 metres). Under accepted good practice and guidance, this will ensure that shadow flicker will not present a problem and Public Protection has no objection in this regard.

The Planning Statement advises that “the nearest residential property to the Muasdale Wind Turbine is located approximately 626m to the north west of the turbine...the potential for ice throw is restricted to an area equivalent to 1.5 x the height to blade tip of the turbine. In this instance this equates to a distance of 126m, which is well within the distance to the nearest residential receptor”. Ice throw is not a matter which falls under the auspices of Planning or Public Protection. This said, companies supplying products and services to the wind energy industry are required to operate to a series of international, European and British Standards.

**Having due regard to the above it is considered that in terms of shadow flicker the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan.**

**P. TELEVISION RECEPTION**

Television reception can be affected by the presence of turbines. The agent has consulted the online BBC wind farm tool, which indicated (October 2011) that there may be interference with the Gigha Island and Limavady transmitters, with the result of 2 homes being affected for which an alternative off-air service may not be available. Analogue television is quite seriously affected by signal reflections which can give rise to an effect known as ghosting (or delayed image interference). However, Analogue terrestrial television is being phased out in the UK as the digital switchover progresses (due to be completed by the end of 2012). The Gigha Island transmitter has undergone switchover, and the Limavady transmitter was scheduled for switchover in October 2012. Digital television signals are much better at coping with signal reflections and do not suffer from ghosting. Satellite TV reception is not generally affected by the installation of wind turbines (Ofcom, 2009). Consequently, due to the digital switch-over limited impact is anticipated, in the event that reception is impaired then it is the developer's responsibility to rectify the problem. This would need to be secured by condition should Members determine to grant planning permission.

**Having due regard to the above it is considered that in terms of TV reception the proposal is acceptable in terms of any potential impact on television reception and is therefore consistent with the Provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan.**

**Q. AVIATION MATTERS**

The Ministry of Defence (MoD), NATS En Route Plc ("NERL"); and Glasgow Prestwick Airport were consulted in relation to any potential impacts on aviation. The MoD has no objection to the proposal, providing that in the event of Members determining to grant planning permission a condition is attached to ensure that the turbines are fitted with aviation lighting. Concern has been raised about the potential adverse visual impact this type of lighting could have on what is characteristically a 'dark' area, it may therefore be advisable to secure the use of infra-red lighting (if feasible) which would not be visible to the naked eye. NATS (NERL Safeguarding), the Civil Aviation Authority, and Oban Airport Manager have also confirmed that they have no objection to the proposal.

**Having due regard to the above it is considered that in terms of aviation interests 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 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.**

**R. ELECTRO-MAGNETIC INTERFERENCE TO COMMUNICATION SYSTEMS**

Ofcom, the Joint Radio Company (JRC), Atkins (on behalf of various agencies including Scottish Water) and Linesearch (on behalf of the National Grid) have been consulted by the

applicant to determine whether their systems would be affected by electro-magnetic radiation from the turbine. All have confirmed that they have no objection to the proposal.

**Having due regard to the above it is considered that in terms of communications systems 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 and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.**

## **S. ROAD TRAFFIC IMPACT**

The main access to the site is from the A83 via the initial section of the road to North Beachmore and thence via an existing farm access which requires be substantially upgrading and extended as required. The access route travels in an easterly direction following the course of the Allt-an-Fheuraich watercourse. Concerns were raised by officers regarding this route with SEPA in regard to potential adverse construction impact on this watercourse and the culverting and other engineering works which would be required. However, SEPA have confirmed that this route would be acceptable to them from a water environment point of view. Despite its intrusive nature and the length of the access (c900m), the route of the access has not been taken into account by the applicants in their landscape and visual impact assessment. Given its locally adverse consequences an additional photomontage has been requested (not received at the time of writing).

The completed tracks will generally be 5m wide, widening at bends. In addition to new tracks the existing on-site roads are proposed to be utilised where possible and upgraded to be suitable for use. At bends the tracks will be widened as appropriate depending on bend radius and to a maximum of approximately 13m. All new tracks will be unpaved and constructed from material sourced from off-site quarries. There are three anticipated water crossings on site, subject to the final route of the access track. The initial section of the access will require retention by gabion baskets given the levels encountered and overall the engineering works associated with the access formation are a contributory factor to the unacceptable visual consequences of the development.

The supporting documentation states that the turbine components will be delivered to the site from Campbeltown via the A83, leaving the A83 via the existing access to North Beachmore. As far as transport related site works are concerned the existing access road onto the site will require to be upgraded as there is a section immediately off the A83 which leads to a hairpin bend. This section has a gradient of up to 15% (1in 6.7) in places, and is outside the normal transport guidelines of wind turbine manufacturers. Therefore this section will require to be upgraded as it is too steep and too sharp for the vehicles to navigate.

Due to the abnormal size and loading of the turbine delivery vehicles, it is necessary to review the public highways that will provide access to the site to ensure that they are suitable, and to identify any modifications required to facilitate access for delivery vehicles. A detailed study will be carried out by the turbine supplier should the proposal be granted planning permission. These points and general issues of management of construction traffic would be covered in a Temporary Traffic Management Plan (TMP) which could be a condition of planning approval. It

is anticipated that modifications may be required to the local highways and junctions to accommodate the delivery of turbine components, these modifications will be identified for agreement in any TMP.

The Area Roads Manager has no objection to the proposal subject to a condition requiring an improved bellmouth at the junction between the North Beachmore Road and the A83 (sufficient land for this purpose is included within the application site), and no other off-site road improvements are required, nor are there any anticipated concerns with construction traffic or the delivery of abnormal loads.

**Having due regard to the above it is considered that the proposal is consistent with the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan, although the new access works would have locally adverse visual amenity consequences as referred to in Section D above.**

#### **T. INFRASTRUCTURE**

The planning application form states that no new or altered water supply (no connection to the public water supply is required) or drainage arrangements are required to accommodate the development. Furthermore, that the proposal does make provision for the sustainable drainage of surface water (SUDS). Public Protection has not raised any concerns in regard to the impact of the proposal on private water supplies.

**Having due regard to the above it is concluded that in terms of drainage and water supply the proposal is consistent with the provisions of Policies LP SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. Drainage) Systems, LP SERV 2: Incorporation of Natural Features/Sustainable Drainage Systems and LP SERV 4: Water Supply of the Argyll & Bute Local Plan.**

#### **U. GRID NETWORK & CABLES**

Connection to the National Grid is not a matter of land use policy, however, it should be considered 'in the round' as part of the planning application process. The Planning Statement states that the grid connection for the turbine would be via the existing 11kV overhead line that runs approximately 1km west of the site. This line originates at Ballure substation, approximately 9km to the north of the site, and runs south to Campbeltown. The connection would be made by overhead line in a manner consistent with existing infrastructure in the area.

**Having due regard to the above it is considered that the proposal is consistent with the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.**

#### **V. COMMUNITY BENEFIT**

The Planning Statement details likely benefits which will arise as a result of this proposal. Community Benefit is not considered to be a 'material planning consideration' in the

determination of this planning application. 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.

## **W. DECOMMISSIONING**

Should Members determine to grant planning permission for this proposal, a requirement for decommissioning and site restoration should be included in the planning condition(s) and/or legal agreement, which will be triggered by either the expiry of the permission or if the project ceases to operate for a specific period. This will ensure that at the end of the proposal's operational life: the turbine would be decommissioned and principal elements removed; the site would be restored to its former use leaving little if any visible trace of the turbine; the foundation, new track and hardstandings would be covered over with topsoil and reseeded; the cables would be de-energised and left in place, and any cables marker signs removed; and, the electrical control building would be demolished to ground level with the foundation covered with topsoil and reseeded.

**Having due regard to the above, as decommissioning could be controlled by condition/Section 75 Legal Agreement it is considered that the proposal is acceptable in this regard in terms of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan, SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.**

## **X. SCOTTISH GOVERNMENT POLICY & ADVICE**

The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth (SPP). The current target is for 100% of Scotland's electricity and 11% of heat demand to be generated from renewable sourced by 2020 (2020 Routemap for Renewable Energy in Scotland).

SPP advises that wind farms should only be supported in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Furthermore, that the criteria for determining wind farm proposals varies depending on the scale of proposal and its relationship to the characteristics of the surrounding area, but usually includes: 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. Finally, that the design and location of any wind farm should reflect the scale and character of the landscape and the location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised. This proposal will have an adverse impact in regard to: landscape and visual, historic environment, natural heritage, road infrastructure and tourism and recreation.



**Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.**

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

The applicant as landowner is working in partnership with Community Energy Scotland (CES). CES is an independent Scottish Charity, which seeks to build 'confidence, resilience and wealth at a community level' in Scotland, through sustainable development. The organisation supports and funds community groups to develop sustainable energy projects and seeks to make the process of developing renewable and energy efficiency projects as easy as possible by providing support, advice and funding. Given that a proportion of the income derived from the project is intended to be channeled into an organisation supporting communities to develop community energy projects, there are indirect benefits, including potential local benefits, associated with the development, in addition to the renewable energy which would be generated. Although CES's involvement in the project does have a bearing on its overall acceptability, the indirect benefits which their participation would bring cannot be used to offset otherwise unacceptable environmental consequences of the development. Their status as a sustainable energy organisation is therefore material to the determination of the application, but not of over-riding weight in offsetting those matters legitimately requiring assessment in order to be able to satisfy local plan policy LP REN 1 and other relevant development plan policies.

In assessing the acceptability of wind farm/turbine proposals, 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 proposal (in terms of its impact on its receiving environment).

The Scottish Government's Specific Advice Sheet on Onshore Wind Farms point out that nationally there are now approximately 80 operational wind farms and Planning Authorities more frequently have to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed. Whilst the 0.9 MW maximum capacity of the proposal would add to Argyll & Bute's contribution to Scotland's renewable energy commitments, 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 for refusal.

**APPENDIX B – LETTERS OF REPRESENTATION - RELATIVE TO APPLICATION NUMBER:  
11/02521/PP**

**LETTERS OF OBJECTION**

J McMurchy	11 Muasdale Cottages Muasdale Kintyre PA29 6XD
R McMurchy	11 Muasdale Cottages Muasdale Kintyre PA29 6XD
M Currie	12 Cara View Tayinloan PA29 6XS
Aaron O'Hanlon	12 Muasdale Cottages Muasdale Tarbert PA29 6XE
Stephanie Muir	12 Muasdale Cottages Muasdale Tarbert PA29 6XE
Bill Rawson	13 Muasdale Cottages Muasdale Kintyre PA29 6XD
Patricia J Rawson	13 Muasdale Cottages Muasdale Kintyre PA29 6XD
Mrs Judy Martin	13 Saddell Street Campbeltown PA28 6DN
R Kelly	14 Muasdale Cottages Muasdale Kintyre PA29 6XD
Patricia Johnstone	15 Cara View Tayinloan PA29 6XS
A Edney	15 Muasdale Cottages Muasdale Kintyre PA29 6XD
J Roney	16 Cara View Tayinloan PA29 6XJ
E McCormick	17 Cara View Tayinloan PA29 6XJ
Ms Henri Macaulay	2 Raon Mor

	Ardminish Isle of Gigha PA41 7AG
M McAlpine	26 Cara View Tayinloan PA29 6XJ
Alan McDonald	28 Cara View Tayinloan PA29 6XS
Alan McDonald Jr	28 Cara View Tayinloan PA29 6XS
D M McKeown	28 Cara View Tayinloan PA29 6XS
Anne Duncan	3 Garval Terrace Tarbert PA29 6TS
Kathleen Prentice	31 Cara View Tayinloan PA29 6XS
Leigh Gilchrist	32 Cara View Tayinloan PA29 6XS
M Weir	33 Cara View Tayinloan PA29 6XJ
Sarah Mills	37 Cara View Tayinloan PA29 6XS
Emma Byers	38 Cara View Tayinloan Tarbert PA29 6XJ
Ian Higgins	39 Cara View Tayinloan PA29 6XS
Councillor Anne Horn	4 Lochgair Place Tarbert Argyll PA29 6XH
B William	40 Cara View Tayinloan PA29 6XS
Zarley McAlpine	5 Church Terrace Tarbert PA29 6UR
Mr Alexander Forshaw	53 Smith Drive Campbeltown PA28 6LA
D Johnstone	6 Cara View Tayinloan PA29 6XJ

Mrs Violet Wright	7 Church View Mullavilly Tandragee Co Armagh BT62 2LT
Mr Bill Stewart	7 Muasdale Cottages Muasdale Kintyre PA29 6XD
Mrs Christine Stewart	7 Muasdale Cottages Muasdale Kintyre PA29 6XD
F Paterson	8 Muasdale Cottages Muasdale Kintyre PA29 6XD
S Lovegrove	9 Muasdale Cottages Muasdale Kintyre PA29 6XD
Rebecca Harvey	Achintien Tayinloan Tarbert Argyll PA29 6XG
Warren Harvey	Achintien Tayinloan Tarbert PA29 6XG
Ms Heather McKinlay	Ballyshear Macharioch Southend PA28 6RF
Henry O'Hanlon	Beacharr Farm Tayinloan Tarbert Argyll PA29 6XF
Hannah O'Hanlon	Beacharr Tayinloan Tarbert Argyll PA29 6XF
Christine O'Hanlon	Beacharr Tayinloan Tarbert PA29 6XF
Agnes Nugent	Bridge Cottage Tayinloan PA29 6XS
Robin Nolan	Camus Na Gaul Tayinloan Kintyre PA29 6XG
Miss Jessica O'Hanlon	Flat 3/3 720 Dumbarton Road Glasgow

	G11 6RB
Mr Kyle Mackintosh	Flat 3/3 720 Dumbarton Road Glasgow G11 6RB
Mr William Crossan	Gowanbank Kilkerran Road Campbeltown PA28 6JL
Mr John Seddon	Kilmaluag Cottage Glenbarr Tarbert PA29 6UZ
Anne And Thomas Shaw	Lime Kiln Cottage Isle Of Gigha Argyll
Imogen O'Hanlon	Low Crubasdale Muasdale Tarbert PA29 6XD
Catherine O'Hanlon	Low Crubasdale Muasdale Tarbert PA29 6XD
Darryl O'Hanlon	Low Crubasdale Muasdale Tarbert PA29 6XD
Mr Eric Gorman	North Beachmore Cottage The Old Restaurant, Muasdale Tarbert Pa29 6XD
Mrs Liz Anderson	North Beachmore Cottage Muasdale, The Old Restaurant Tarbert PA29 6XD
Mr Paul Sleboda	North Beachmore Farmhouse Muasdale Tarbert PA29 6XD
Geraldine McAnerney	North Beachmore Farmhouse North Beachmore Muasdale Tarbert PA29 6XD
M Louise Duncan	North Beachmore Muasdale Tarbert PA29 6XD
Mr Robin Nolan	North Beachmore Muasdale Tarbert PA29 6XD

Ann Campbell	North Muasdale Farm Muasdale Kintyre
Francis Campbell	North Muasdale Farm Muasdale Kintyre
Mr John Cowan	Oatfield House Campbeltown PA28 6PH
Mrs Lesley Cowan	Oatfield House Campbeltown PA28 6PH
Moyra Logan	Rockfield House Skipness Tarbert PA29 6YG
Dr Carina Spink	Ron Mara North Beachmore Muasdale PA29 6XD
Mr Edward Tyler	Ron-Mara North Beachmore Kintyre
Crawford Rae	Shore Cottage Muasdale Kintyre PA29 6XD
Susie Rae	Shore Cottage Muasdale Kintyre PA29 6XD
Edith Henderson	The Coach House 45 Eldon Street Greenock
Ian Henderson	The Coach House 45 Eldon Street Greenock
Mr And Mrs Alan And Linda Thomson	The Old Barn Kilcamb Paddock Strontian PH36 4HY
L Brown	The Salon Tayinloan PA29 6XS
K Pendreigh	The Whins Ferry Road Tayinloan Tarbert PA29 6XQ

Plus Petition of 64 signatures

**LETTERS OF SUPPORT**

Gordon J McLeod	1 Argyll Street Lochgilphead Argyll PA31 8LZ
Heather Gorman	1 Burnside Isle Of Gigha Argyll
Andrew Lawton	1 Woodside Carradale Argyll
Mr J. Niall Bastow	10 Longrigg Clachan Tarbert PA29 6XP
Mr Jamie Johnstone	10 Longrigg Clachan Tarbert PA29 6XP
Monica Bolton	14 Denholm Mill Denholm Hawick TD9 8NX
Iain Seddon	15 Croft Park Tarbert Argyll PA29 6SZ
John Marley	2 Burnside Isle Of Gigha Argyll And Bute PA41 7AD
Mr Barry McNeill	21 Cara View Tayinloan Tarbert pa29 6xj
Mrs Frances McNeill	21 Cara View Tayinloan Tarbert pa29 6xj
Ms Stacy Martin	21 Smith Crescent Girvan KA26 0DU
Mr Steven Watson	28 King Brude Terrace Inverness IV3 8PT
Mr Steven Watson	28 King Brude Terrace Inverness IV3 8PT
Eleanor Sloan	32 Tormhor Carradale Campbeltown Argyll And Bute PA28 6SD
Eleanor Sloan	32 Tormhor Carradale PA28 6SD

Mr Craig Johnson	4 The Spinney Edinburgh Eh177ld
Mr Martin Perry	4 Portree IV51 9JZ
Occupier	42 Forbes Road Edinburgh EH10 4ED
Roxburgh McEwan Architects	42 Forbes Road Edinburgh EH10 4ED
Mr Russell Brown	8 Long Rigg Clachan By Tarbert PA29 6XP
Mr Thomas McGrory	85 The Roothing Campbeltown PA28 6LU
John Ford	95 Main Street Golspie Sutherland KW10 6TG
Mull And Iona Community Trust	An Roth Community Enterprise Centre Craignure Isle Of Mull PA65 6AY
Chris And Sophie Browne	Anchor House Tayvallich PA31 8PN
Mr Tim Hedley	Ancruach Crinan PA31 8SW
Susan Allan	Bayview Isle Of Gigha Argyll PA41 7AD
Nicholas Clark	Business Development Manager Ore Valley Housing Association 114-116 Station Road Cardenden Fife KY5 0BW
Melness And Tongue Community Development Trust	C/o 32 Midmills Road Inverness IV2 3NY
Kingussie Community Dev Company	C/o Sulven Green Lane Kingussie PH21 1JU
Alness Transition Town Group	C/o West End Community Centre Firhill Alness IV17 0RS



John And Caroline McVean	Calag Ruadh Isle Of Gigha Argyll
Fiona McPhail	Carry Farm Tighnabruaich Argyll And Bute PA21 2AH
Nigel Burgess	Chair Of Sustainable Mull And Iona
William McSporran MBE	Chairman Gigha Renewable Energy Ltd Gigha Hotel Isle Of Gigha PA41 7AA
Alasdair McNeill	Chairman The Isle Of Gigha Heritage Trust Craft Workshop 1 Isle Of Gigha PA41 7AA
Mr D. S Bastow	Corran Farm Clachan Tarbert PA29 6XN
Mary Allan	Drumallan Isle Of Gigha Argyll And Bute PA41 7AD
Sarah MacDonald	Drumyeonmore Farm Isle Of Gigha Argyll And Bute PA41 7AA
Dr Rosalind Meldrum	Eriskay Whitehouse Tarbert Argyll And Bute PA29 6XR
Audrey Dickie And Stephen Dickie	Gigalum Cottage Isle Of Gigha PA41 7AD
Karen Beauchamp	Glenreasdale House Whitehouse Tarbert PA29 6XR
Kirsten A Scott	Islay House Garval Road Tarbert PA29 6TR
Donald Grant	Kingussie Community Dev. Company C/o Suilven Green Lane Kingussie PH21 1JU
Link Group	Link House 2C New Mart Road Edinburgh

	EH14 1RL
Dr Mandi Currie	Manager AliEnergy Lorn House Albany Street Oban PA34 4AR
Sybil Bertoli	Mid Lodge Stonefield Tarbert PA29 6YJ
Moray Finch	Mull And Iona Community Trust An Roth Community Enterprise Centre Craignure Isle Of Mull PA65 6AY
Ivan Carnegie	No Address Given
James MacNab	No Address Given
L McCrae	No Address Given
Paul Currie And Jackie Currie	North Ardmish Isle Of Gigha Argyll And Bute PA41 7AA
Owner/Occupier	North Drumachro Isle Of Gigha Argyll And Bute PA41 7AD
Lorne MacLeod	Orasaig Crannag A'Mhinisteir Oban PA34 4LU
Donald C Forsyth	Scott-Moncrieff Exchange Place 3 Semple Street Edinburgh EH3 8BL
Lawrence Robertson	Selkirk Regeneration Company Woodlands 46 Hillside Terrace Selkirk TD7 4ND
D A MacDonald	Site 13A Kilmory Industrial Estate Lochgilphead Argyll And Bute PA31 8RR
Robert McPhail	Sonamarg Lady Ileene Road Tarbert Argyll And Bute PA29 6TU
Mr Hugh Paterson	South Lodge Whitehouse By Tarbert

	PA29 6XR
Owner/Occupier	Taigh Aighearach Tayvallich By Lochgilphead PA31 8PW
Marine Munro	The Parc Trust Kershader South Lochs Isle Of Lewis HS2 9QA
North Harris Trust	Tigh An Urrais Tarbert Isle Of Harris HS3 3DB
Michael J.M. Adam	Treasurer St Ninians Old Parish Church 8 Glebe Crescent Stirling FK8 2JB

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**Location Plan relative to  
Application Ref: 11/02521/PP**

Date: 03.12.2012

Scale: 1:7,500



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

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

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**Reference No:** 12/02443/ADV  
**Planning Hierarchy:** Local  
**Applicant:** Lochgilphead Phoenix Project  
**Proposal:** Erection of free standing community notice board  
  
**Site Address:** Front Green, Lochnell Street, Lochgilphead

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### **DECISION ROUTE**

Local Government Scotland Act 1973

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

##### **(i) Development Requiring Advertisement Consent**

- Erection of free standing community notice board

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

- N/A
- 

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

That Advertisement consent be granted subject to the conditions and reasons contained in this report.

---

#### **(C) CONSULTATIONS:**

Transport Scotland – replied 21.11.12 – No objections  
Area Roads Manager – replied 09.11.12 – No objections

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#### **(D) HISTORY:**

12/00032/PP – Application for Planning Permission for community noticeboard – Withdrawn as a result of Planning Authority's advice and amended scheme resubmitted in its current form as an application for Advertisement Consent.

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**(E) PUBLICITY:**

None required.

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

- None received

**(ii) Summary of issues raised:**

- N/A
- 

**(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>  | Yes |
| <b>(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | No  |
- 

**(H) PLANNING OBLIGATIONS**

**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 9 – Historic Environment and Development Control



'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 14 – Conservation Areas and Special Built Environment Areas  
LP ENV 19 – Development Setting, Layout and Design

LP ADV 1 – Advertisements

LP REC 2 – Safeguarding of Recreational Land and Important Open Spaces

Appendix A – Sustainable Siting and Design Principles  
Appendix B – Shop Front/Advertising 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.**

- The Control of Advertisements (Scotland) Regulations 1984

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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: Yes - Landowner**

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**(O) Requirement for a hearing (PAN41 or other): No**

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

This application relates to the Front Green, Lochnell Street, Lochgilphead within the Lochgilphead Conservation Area. In relation to the adopted 'Argyll and Bute Local Plan 2009', this site is located within the settlement zone for Lochgilphead and is also contained within an 'Open Space Protection Area' and a designated 'Area for Action'.

It is proposed to erect a free standing community noticeboard slightly set back from the public footpath on the Front Green between the public toilets and the bus shelter. The structure consists of four galvanised steel posts with a Green Oak Cladding set into concrete foundations with a roof frame constructed from Green Oak which will be covered in West Highland slate with lead flashings. This frame will house eight separate illuminated noticeboards, each measuring 1182mm x 1050mm. The overall height of the structure will be approximately 3 metres and it will be sited on a wider

area of hardstanding which will match and tie in with the existing public footpath on the A83 Trunk Road. The panels will be externally illuminated by low voltage cold cathode tubing.

Policy LP ADV 1 of the Local Plan states that when assessing advertisement applications within settlements, the impact on the amenity of the site and surrounding area must be taken into account in terms of positioning, scale, design and materials and, additionally, if located within a Conservation Area, the proposal must preserve or enhance the character and amenity of the area.

This proposal is on a site which would ordinarily not be considered appropriate for commercial advertisement due to its prominence within the Conservation Area and relative isolation from other commercial activity within the area. However, as the principle of this application is to serve a function which will benefit the community and encourage tourist activity it is considered an appropriate location for the current proposal given its central and readily accessible location within the town for both locals and visitors given its proximity to other community facilities in the form of adjacent play area, open space, public toilets, pay phones and interpretation panels.

In the supporting statement which accompanies the application, the applicant argues that there is a need for a Community Noticeboard within Lochgilphead due to there being no "central focus" for the display of information by public, private and voluntary organisations within the Lochgilphead area and, additionally, the closure of the nearby Tourist Information Centre has resulted in a lack of information for tourists and visitors to the area. Given that the content of the noticeboard can be controlled by condition to ensure that it does not simply become a large commercial advertisement and does indeed advertise local businesses and community groups, this argument is persuasive.

In terms of the impact on the Conservation Area, the proposed noticeboard has been designed in a way which is sympathetic to the character of the area with a traditional slate roof and a supporting structure which will not appear particularly bulky or prominent within the wider area. Furthermore, it is sited in a location where the traditional appearance of the wider Conservation Area has already been devalued to a certain extent by bus stops, pay phones, trunk road signage, public toilets and play area. The granting of advertisement consent comes with a standard condition requiring the advertisement and associated land to be maintained in a clean and tidy condition to the reasonable satisfaction of the planning authority which will additionally serve to minimise the possibility of this proposal negatively affecting the character of the Conservation Area.

A number of local businesses have submitted letters in support of a community noticeboard and the applicant claims to have received "overwhelming support" from local people as a result of a public consultation they carried out in early 2011. There have been no letters of representation either in support or objecting to the current proposal.

The proposed notice board is situated within 'Open Space Protection Area' where there is a policy presumption established by Policy LP REC 2 against development which compromises the recreational or amenity value of designated land. In this case, the development is small in scale relative to the available open space and the information is being provided to serve a public function in meeting the requirements of both the local community and visitors. It is being sited on that part of the OSPA which is already subject to various forms of built development where it will not compromise useable open space, views of the loch or amenity in general. This site has been

specifically identified, in discussion with the applicants, to avoid locations in the centre of Lochgilphead where the presence of the noticeboard could compromise the setting of buildings in the conservation area, could cause obstruction of the footway or could reduce the amenity of the Front Green. The development does not compromise either the amenity value or useability of the Front Green and satisfies Policy LP REC 2.

Overall, it is considered that the proposed community noticeboard is appropriate in terms of scale, siting and design, will preserve the existing character and appearance of this particular location within the Lochgilphead Conservation Area and satisfies all other relevant Development Plan policies.

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

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

It is considered that the proposed community noticeboard is appropriate in terms of scale, siting and design, will preserve the character of the Lochgilphead Conservation Area and satisfies all other relevant Development Plan policies.

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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:** Rory MacDonald **Date:** 26<sup>th</sup> November 2012

**Reviewing Officer:** Peter Bain **Date:** 29<sup>th</sup> November 2012

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/02443/ADV**

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 1<sup>st</sup> November 2012; and the approved drawings numbered 1 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.*

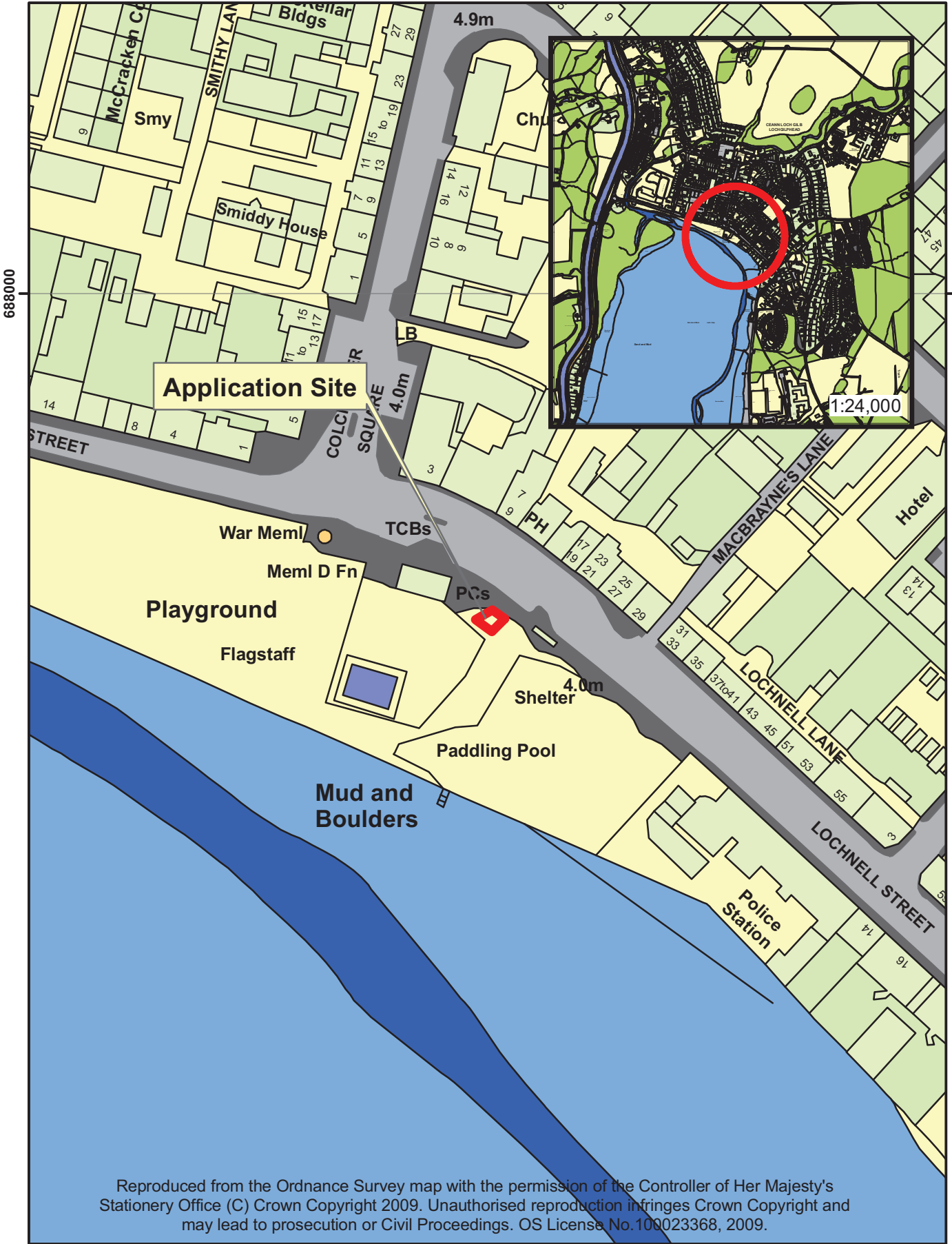
Standard Note: In terms of condition 2 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. 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. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

2. The content of the hereby approved community noticeboard shall be restricted to the breakdown contained within the approved schedule 'Appendix A' as submitted in support of this application unless otherwise agreed in writing by the Planning Authority.

*Reason: For the purposes of defining the scope of the consent as a community noticeboard and not for commercial purposes.*

**NOTE TO APPLICANT**

- The issue of planning permission does not carry with it the right to carry out works within the trunk road boundary, such permission must be requested from and granted by Transport Scotland, Trunk Road and Bus Operations. To obtain permission contact the Route Manager (A83) – tel. 0141 272 7100 – Network North, Buchanan House, 58 port Dundas Road, Glasgow, G4 0HF. The Operating Company have responsibility for co-ordination and supervision of the works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained. Operating Company – Transerv – tel. 01738 455300 – Broxden House, Broxden Business Park, Lamberkine Drive, Perth, 1RA.



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## Location Plan relative to Application Ref: 12/02443/ADV

Date: 03.12.2012

Scale: 1:1,250



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