

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 17 AUGUST 2016**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Neil MacIntyre	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Angus Gilmour, Head of Planning and Regulatory Services  
Sandra Davies, Senior Planning Officer  
David Love, Area Team Leader – Bute and Cowal  
Matthew Watkiss, Planning Officer  
Mark Lodge, Senior Planning and Strategies Officer

**1. APOLOGIES FOR ABSENCE**

An apology for absence was intimated from Councillor Robert G MacIntyre.

**2. DECLARATIONS OF INTEREST**

Councillor Alex McNaughton declared a non-financial interest in planning application reference 15/012060/PP, which is dealt with at time 4 of this Minute, as he is a member of the Colintrave and Glendaruel Development Trust which submitted the application. Councillor Rory Colville also declared a non-financial interest in this planning application as he is a member of a tripartite Social Enterprise Group which was applying for Scottish Government funding to develop a community renewables investment project, with wide community benefits.

Councillor Richard Trail declared a financial interest in planning application reference 16/00643/PPP, which is dealt with at item 10 of this Minute, as he is the land owner of the development site.

Councillor Alex McNaughton declared a non-financial interest in planning application reference 16/01595/PP, which is dealt with at item 13 of this Minute, as he is an Objector to this Application.

Councillors McNaughton, Colville and Trail left the room and took no part in the determination of the planning applications they had declared an interest in.

**3. MINUTES**

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 15 June 2016 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 22 June 2016 at 10.30 am was approved as a correct record.

- c) The Minute of the Planning, Protective Services and Licensing Committee held on 22 June 2016 at 2.00 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 22 June 2016 at 2.20 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 22 June 2016 at 2.40 pm was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 29 June 2016 at 11.00 am was approved as a correct record.
- g) The Minute of the Planning, Protective Services and Licensing Committee held on 29 June 2016 at 12 noon was approved as a correct record.

Having previously declared an interest in the following application Councillors Rory Colville and Alex McNaughton left the room.

**4. COLINTRAIVE AND GLENDARUEL DEVELOPMENT TRUST: ERECTION OF TWO WIND TURBINES (MEASURING UP TO 60 METRES TO HUB AND UP TO 86.5 METRES TO BLADE TIP), WITH ANCILLARY ELECTRICAL BUILDINGS, AREAS OF HARDSTANDING AND FORMATION OF VEHICULAR ACCESS: LAND AT CRUACH NAM MULT, STRONAFIAN FOREST, GLENDARUEL (REF: 15/02060/PP)**

The Senior Planning Officer spoke to the terms of the report. Following a discretionary hearing held on 15 June 2016 Members agreed to continue consideration of this application to look at the possibility of a competent motion to support approval of the proposal. Since the hearing, a representation has been received from Mr Harry Andrews of Auchenbreck House, Glendaruel, drawing attention to the recommendation by the Ministry Defence regarding the installation of aviation safety lighting. The detail of this representation and comment on this are detailed within supplementary planning report number 5. Reference was also made to further late representations received the day before this meeting which raised issues regarding economic benefit and concerns about aviation safety lighting.

The Chair advised that he would move that the application be refused for the reasons detailed in the report and this was seconded by Councillor Freeman.

Councillor Richard Trail moved an Amendment which was ruled incompetent and as there were no other amendments the Committee agreed the terms of the Motion.

**Decision**

The Committee agreed to refuse the planning application for the following reasons:-

1. The proposed wind turbines, inclusive of the means of access required, would be located on land at Cruach Nam Mult, which lies to the north of Stronafian Forest in Glendaruel. The site is within the '*Steep Ridgeland and Mountains*' Landscape Character Type as defined in the '*Argyll & Bute Landscape Wind Energy Capacity Study 2012*' which is intended to guide the Planning Authority on the acceptability of further wind turbine developments in the landscape. The proposal

would occupy a prominent location within a sensitive and highly valued landscape character type which has been accorded regional status by being designated as an Area of Panoramic Quality in the Council's adopted Local Development Plan. The site is also located only 1.4 kilometres to the north of, and would affect the landscape setting of, the Kyles of Bute National Scenic Area which is of national significance on the basis of its outstanding scenic interest.

The Landscape Capacity Study concludes that there is no scope to accommodate larger typologies (i.e. between 80 metres and 130 metres to blade tip) within this landscape without significant effects occurring on a number of key sensitivity criteria. It is considered that the proposed two wind turbines would impinge inappropriately on the highly sensitive landscapes of both the Area of Panoramic Quality and the Kyles of Bute National Scenic Area which have the least capacity to accommodate the effects of wind farm development due to their valued semi-natural character, high inter-visibility and open views, undeveloped skyline, sense of remoteness and tranquility, scale, complexity and their diverse and highly scenic composition.

In particular, the skyline at the northern boundary of the National Scenic Area is perceived as semi-natural and is currently not noticeably affected by built structures. The wind turbines would change this important landscape characteristic due to their location on the defining 'ridge', their prominence, scale, colour and movement. The proposal would create a new, large scale focus on the horizon which would detract from the existing composition and the focus of the Kyles and from the dramatic scenery and setting of the National Scenic Area.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect local economic or community benefits which a development of this scale could deliver, or the modest contribution it could make towards the achievement of climate change related commitments.

The proposal would have a significant adverse impact on Landscape Character and would degrade designated scenic assets contrary to:

- Scottish Planning Policy;
- Scottish Government's Specific Advice Sheet on Onshore Wind Farms;
- Policies LDP STRAT 1 – Sustainable Development; LDP DM 1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 5 – Supporting the Sustainable Growth of Our Economy; LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; and LDP 10 – Maximising our Resources and Reducing Our Consumption of the 'Argyll & Bute Local Development Plan' (2015);

- Supplementary Guidance SG LDP ENV 12 – Development Impact on National Scenic Areas and SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality of the ‘Argyll and Bute Local Development Plan’ (2015);
  - Draft LDP SG – Renewables (February 2016)
  - Argyll and Bute Landscape Wind Energy Capacity Study’ (2012);
  - ‘Guidance on Siting and Designing Windfarms in the Landscape’ Scottish Natural Heritage (2014).
2. The proposal is prominently sited on a ridge providing the immediate setting to the northern end of the National Scenic Area in circumstances where the submitted Zone of Theoretical Visibility indicates the proposal will potentially be visible from a considerable part of the Kyles of Bute National Scenic Area. The proposal will significantly intrude on the defining skyline which encircles and visually contains the Loch Riddon/Ruel area and the northern end of the Kyles of Bute and would intrude onto a ridge that forms an important defining horizon in many of the area’s panoramic views.

The turbines will impinge on views from a range of key viewpoints on the shores including scattered settlement and key routes, and also from the water, popular for recreation. These effects would be greatest within 10 kilometres of the proposal site, which includes much of the shores and waters of the northern part of the National Scenic Area. In this area, the loch shore is accessible, settlement is scattered, and visitors to the area enjoy the scenic composition and recreational experience both onshore and offshore. The proposed turbines would intrude into, and detract from, key views and panoramas of importance to visitors and residents including loch edge locations, water based views from the head of the Kyles of Bute and Loch Riddon, views from parts of routes including the A8003 and A886/B886, the Cowal Way Long Distance Route, and NCR 75, along with views from elevated locations including Creag Dubh, the key National Trust viewpoint (layby off the A8003).

The proposal would give rise to significant visual effects upon visual receptors experiencing key views contrary to:

- Scottish Planning Policy;
- Scottish Government’s Specific Advice Sheet on Onshore Wind Farms;
- Policies LDP STRAT 1 – Sustainable Development; LDP DM 1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 5 – Supporting the Sustainable Growth of Our Economy; LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; and LDP 10 – Maximising our Resources and Reducing Our Consumption of the ‘Argyll & Bute Local Development Plan’ (2015);

- Supplementary Guidance SG LDP ENV 12 – Development Impact on National Scenic Areas and SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality of the ‘Argyll and Bute Local Development Plan’ (2015);
  - Draft LDP SG – Renewables (February 2016)
  - Argyll and Bute Landscape Wind Energy Capacity Study’ (2012);
  - Guidance on Siting and Designing Windfarms in the Landscape’ Scottish Natural Heritage (2014).
3. The proposal will involve the conveyance of abnormal loads along the B836, a route which is potentially sub-standard in width and alignment. The applicant has not submitted sufficient details to enable the planning authority to conclude that this access route can support the size of vehicles required for the delivery and erection of turbine components. A fully detailed transport management plan has not been submitted with the application and, therefore, it is not known how these loads will impact on the road infrastructure, what if any improvements will be required, if any third party land will be necessary for these works, and if so the availability of such land. In the absence of any satisfactory information being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development does not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes.

On the basis of the foregoing, the proposal would be contrary to Policy LDP 11 – Improving our Connectivity and Infrastructure and Supplementary Guidance SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan 2015.

(Reference: Report by Head of Planning and Regulatory Services dated 27 April 2016, supplementary report number 1 dated 17 May 2016, supplementary report number 2 dated 8 June 2016, supplementary report number 3 dated 13 June 2016, supplementary report number 4 dated 14 June 2016 and supplementary report number 5 dated 21 July 2016, submitted)

Councillor Alex McNaughton returned to the meeting.

**5. MR JOHN MORRISON: INSTALLATION OF REPLACEMENT WINDOWS (RETROSPECTIVE): FLAT 1 AND 2, 19 BATTERY PLACE, ROTHESAY (REF: 16/00662/PP)**

Following a site inspection and further consideration of the application on 29 June 2016 the Committee had agreed to continue consideration of this application to look at the possibility of a competent motion to support approval of the proposal.

**Motion**

To agree to refuse planning permission for the reasons stated in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor Neil MacIntyre

## **Amendment**

The majority of the Members of the Committee have since our last deliberation here in Kilmory had the chance to visit Rothesay town centre, and Battery Place in particular.

In the course of their visit, Members were able to see at first hand the proliferation of uPVC and aluminium windows throughout the town, and the Rothesay Conservation Area, very few of which have the sought after 'stepped effect'.

The installation of uPVC windows without a stepped effect can therefore be said to "... mirror the existing traditional windows, or to match the predominant window style".

It is clear that the Applicant, Mr Morrison has committed a significant investment in this property and in so doing, has improved a building which we are advised was in an extremely poor condition.

I, therefore, submit the following motion:

*That the Committee approve the application of Mr John Morrison: Installation Of Replacement Windows (Retrospective): Flat 1 And 2, 19 Battery Place, Rothesay (Ref: 16/00662/PP) as a minor departure, not recognised within the Policy.*

*That the application be approved as a minor departure from the STRAT 1, LDP 3 and LDP 9 of the Argyll and Bute Local Development Plan adopted 2015; Policies SG LDP ENV 16(a) and SG LDP ENV 17 of the Argyll and Bute Local Development Plan Supplementary Guidance 2016; the Council's Rothesay Windows Technical Note 2015; on the basis of*

- *the significant environmental and built heritage improvement achieved by the applicant in renovating what was a derelict property, and*
- *the fact that the property is set back from the adjacent street/pavement, the impact of the lack of a stepped effect will be mitigated to such an extent that given this specific location, the previous dilapidated condition of the building, which was in danger of becoming so derelict as to prompt demolition and the specific setting of the property, the development can be permitted as a minor departure from the stated policies and technical note.*

Accordingly, I ask that the Committee approve the application of Mr John Morrison: Installation Of Replacement Windows (Retrospective): Flat 1 And 2, 19 Battery Place, Rothesay (Ref: 16/00662/PP)

Moved by Councillor Sandy Taylor, seconded by Councillor Robin Currie

The Amendment was carried by 6 votes to 4 and the Committee ruled accordingly.

## **Decision**

The Committee agreed to grant retrospective planning permission.

(Reference: Report by Head of Planning and Regulatory Services dated 26 April 2016, submitted)

Councillor Rory Colville returned to the meeting and Councillor Alistair MacDougall joined the meeting at this point.

**6. AVANT HOMES: SITE FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS, INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND MISCELLANEOUS WORKS: LAND NORTH OF CARDROSS PRIMARY SCHOOL, BARRS ROAD, CARDROSS (REF: 15/01794/PPP)**

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which was tabled at the meeting and advised of additional letters of objection, an update on the Applicant's endeavours to procure third party land adjacent to Darleith Road in order to accommodate off site road improvements, and details of comments from the Applicant on the proposed conditions. This application is for planning permission in principle for a residential development on a site allocated for housing within the adopted Argyll and Bute Development Plan. The application only deals with the principle of the development proposed and does not deal with the detail of layout, design, landscaping etc. The most significant determining issue with this application is the issue of vehicular access from the A814 to the site. A total of 26 representations have been received – 24 objections and 1 representation from the public and a representation from Jackie Baillie MSP. Concerns have also been expressed by Cardross Community Council. In view of the number of representations made it is recommended that a discretionary local hearing be held in advance of determining this application.

**Decision**

The Committee agreed to hold a pre determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 13 June 2016, submitted and supplementary report number 1 dated 16 August 2016, tabled)

**7. SEAVISION (SCOTLAND) LTD: INCREASE IN HEIGHT OF PART OF INFILLED AREA (PART RETROSPECTIVE): HOLY LOCH MARINA, RANKINS BRAE, SANDBANK (REF: 15/02969/PP)**

The Area Team Leader spoke to the terms of the report. This application site is located within Sandbank and comprises part of the marina granted planning permission under reference 06/00589/DET. Part of the application site is also a Potential Development Area (PDA) Mixed use – tourism/marine. The proposal seeks to increase an area of existing infill on the southern boundary of the Marina site parallel with the A815 by 1 metre from 5.2 metres to 6.2 metres. The additional infill is required to combat climate change and the potential for flooding of the site. A total of 88 representations have been submitted – 32 objectors, 55 supporters and 1 representation. An objection has also been received from Sandbank Community Council. Given the level of representation and local community interest it is considered that a hearing would give added value and would be justified in this instance prior to determination of this application.

## **Decision**

The Committee agreed to hold a pre determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 29 July 2016, submitted)

**8. MR AND MRS R AND G MCINTYRE: RENEWAL OF PLANNING PERMISSION IN PRINCIPLE REFERENCE 12/01287/PPP SITE FOR THE ERECTION OF 5 DWELLINGHOUSES: LAND SOUTH EAST OF MAMORE FARM, PEATON ROAD, RAHANE (REF: 15/03112/PPP)**

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised of a request from the Applicant's Agent to continue consideration of this application so that further discussions could be had in respect of condition 10 proposed by Planning Officers.

## **Decision**

The Committee agreed to continue consideration of this application to allow further discussion to be had in respect of Condition 10 proposed by Planning Officers.

(Reference: Report by Head of Planning and Regulatory Services dated 22 July 2016 and supplementary report number 1 dated 16 August 2016, submitted).

**9. SCOTTISH WATER: INSTALLATION OF 2 SERVICE RESERVOIRS AND ASSOCIATED WORKS: PENNYFUIR SEWAGE WORKS, DUNOLLIE ROAD, OBAN (REF: 15/03176/PP)**

The Area Team Leader spoke to the terms of the report. . Planning permission is sought to replace the existing service reservoir with two new reservoirs and other associated works at Pennyfuir Wastewater Treatment Works, Oban. This application was first presented to Members at the March meeting when it was agreed to continue the application to allow the impact of the proposal on the route of the proposed Oban Development Road to be fully assessed. Due to a misinterpretation of the Local Development Plan map covering the site, the proposal was originally assessed as being within the Countryside Development Control Zone and an Area Capacity Evaluation was undertaken by the Planning Service. This has since been rectified and the proposal has been correctly assessed as a development within the 'Settlement' of Oban where Policy LDP DM 1 gives encouragement to sustainable forms of development, including large scale, on appropriate sites, subject to compliance with other policies and supplementary guidance. It is considered that the proposal represents a suitable opportunity for development to provide essential upgraded infrastructure which will help facilitate future growth of the community yielding a significant local community and economic benefit and has a clear locational need. The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG 2, SG LDP ENV 14, SG LDP ENV 20 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2015 and is recommended for approval subject to the conditions and reasons detailed in the report.

## **Decision**

The Committee agreed to grant planning permission subject to the following conditions and reasons:-

### **General**

1. The development shall be implemented in accordance with the details specified on the application form dated 19/11/15 and the approved drawing reference numbers:

Plan 1 of 8 (Drawing Number 5000557681-WN-DRA-00091064-0C)  
Plan 2 of 8 (Drawing Number 5000557681-WN-DRA-00091065-0C)  
Plan 3 of 8 (Drawing Number 5000557681-WN-DRA-00091066-0B)  
Plan 4 of 8 (Drawing Number 5000557681-WN-DRA-00091067-0B)  
Plan 5 of 8 (Drawing Number 5000557681-WN-DRA-00091069-0C)  
Plan 6 of 8 (Drawing Number 5000557681-WN-DRA-00091072-0A)  
Plan 7 of 8 (Drawing Number 5000557681-WN-DRA-00091073-0B)  
Plan 8 of 8 (Supporting 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 (as amended).

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

### **Roads, Access and Parking**

2. The proposed passing places shall be constructed in accordance with Standard Roads Drawing SD 08/003a to the satisfaction of the Planning Authority in consultation with the Roads Authority before the development is first brought into use.

*Reason: In the interests of road safety to ensure a safe vehicular access in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015.*

### **Archaeology**

3. Notwithstanding the provisions of condition 1, the developer shall secure 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 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: In order to protect archaeological resources in accordance with Policy LDP DM 3 and Supplementary Guidance SG LDP ENV 20 of the adopted 'Argyll and Bute Local Development Plan' 2015.*

### **Site Levels**

4. No development shall commence on site until details of the existing and proposed site levels shown in the form of sectional drawings/contour plans/site level survey, or a combination of these, for the access track to the telecommunications mast have been submitted to and approved by the Planning Authority. Such details shall include details of mitigation measures to reduce the visual impact of the proposed track. The development shall be implemented in accordance with the approved details.

*Reason: In order to secure an acceptable relationship between the development and its surroundings.*

### **Site Reinstatement**

5. Within three months of the service reservoirs becoming fully operational, all temporary site offices, containers, machinery and equipment shall be removed, and the temporary compound shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Planning Authority, unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to secure appropriate reinstatement of those areas disturbed by construction in the interests of amenity in accordance with Policy LDP 9 and SG 2 of the adopted 'Argyll and Bute Local Development Plan' 2015.*

6. Within three months of the service reservoirs becoming fully operational, the temporary access track shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Planning Authority unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to secure appropriate reinstatement of the temporary access track in the interests of amenity in accordance with Policy LDP 9 and SG 2 of the adopted 'Argyll and Bute Local Development Plan' 2015.*

### **Landscaping**

7. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
  - i) Existing landscaping features and vegetation to be retained;
  - ii) Proposed tree and shrub planting to the south and south-east margins of the approved new service reservoir (denoted as SR 1 on the approved drawings) including the location, species and size of every tree/shrub to be planted;
  - iii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved 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 25 July 2016, submitted)

Having previously declared an interest in the following application Councillor Richard Trail left the room.

**10. CALA MANAGEMENT: SITE FOR RESIDENTIAL DEVELOPMENT INCLUDING ROADS, INFRASTRUCTURE, OPEN SPACE AMENITY AND AFFORDABLE HOUSING: LAND EAST OF HERMITAGE ACADEMY, SAWMILL FIELD, HELENSBURGH (REF: 16/00643/PPP)**

The Senior Planning Officer spoke to the terms of the report. Planning Permission in Principle is sought for a residential development within the settlement boundary within the Main Town of Helensburgh on a site allocated for housing within the adopted Argyll and Bute Development Plan. The application only deals with the principle of the development proposed and does not deal with the detail of layout, design, landscaping etc. It is considered that the proposal would accord with development plan policy subject to conditions requiring the submission of further details at the Approval of Matters subject to Conditions stage. It is recommended that planning permission in principle be approved subject to conditions and reasons numbered 1 – 2 and 4 - 16 detailed in the report and that the wording for condition 3 be amended to correct a typographical error.

**Decision**

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons numbered 1 -2 and 4 – 16 and agreed to delegate to the Head of Planning and Regulatory Services in consultation with the Chair and Vice Chair of the PPSL Committee the amendment of the wording for Condition 3:-

1. Plans and particulars of the matters specified in conditions 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 15 and 16; 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 details contained within the approved plans and particulars.

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.*

2. 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 have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located outwith the application site. Thereafter the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements and protection and enhancement of green networks established by policies SG LDP TRAN 3, SG LDP HOU 2 and SG LDP ENV 8.

*Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.*

4. Pursuant to Condition 1 – no development or ground breaking works shall commence until an archaeological field evaluation has been undertaken and submitted to the Planning Authority for approval, the results of which shall inform as necessary the layout of the development to be submitted for the purposes of the Approval of Matters Subject to Conditions.

This archaeological field evaluation shall be prepared by a suitably qualified person and shall consist of a trial trenching programme of a distributed sample of 8% of the full application area. The West of Scotland Archaeology Service shall be notified at least 14 days in advance of the evaluation in order to facilitate monitoring of the work evidence of which to be submitted along with the archaeological field evaluation as part of the Approval of Matters Specified in Conditions submission. If archaeological remains on the site are confirmed proposals for their preservation shall also be included.

*Reason: In order to protect archaeological resources.*

5. 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. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted. This shall include additional tree planting along the Cardross Road frontage of the site;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting

season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

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

6. Pursuant to Condition 1 – no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:
  - i) A plan showing the location and extent of communal open space and equipped play areas;
  - ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
  - iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
  - iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
  - v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

*Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.*

7. Pursuant to Condition 1 – no development shall be commenced until the following plans and particulars have been submitted to and approved by the Planning Authority in consultation with the Road Network Manager. Thereafter the development shall be carried out in accordance with the approved details. Such details shall incorporate:
  - i) a Method Statement detailing the proposals for safely accessing the development site during the construction phase. This shall include the provision of a right turn facility from the A814 into the site. Thereafter the construction site access shall proceed in accordance with the approved Method Statement.
  - ii) details of the new vehicular access. This shall serve both the site and the existing access opposite (Iona Stables) and have suitable visibility sightlines including a right turn facility from the A814. The access located shall provide sufficient capacity to accommodate future improvements to allow access into the allocated business site to the south. This access shall be completed to the satisfaction of the planning authority prior to the occupation of the first house hereby permitted;

- iii) details of provision to accommodate public transport within public road network of the development site.

*Reason: In the interests of road safety.*

- 8. Pursuant to condition 1 – no development shall commence until full details of the internal road layout within the development have been submitted to and approved in writing by the planning authority. The internal roads shall be constructed in accordance with the principles of Designing Streets.

*Reason: In the interests of road safety and good place making.*

- 9. Unless otherwise agreed in writing by the planning authority in consultation with the Council's Road Network Manager no dwelling house shall be occupied unless and until the existing 30 miles per hour (mph) speed restriction on the A814 has been extended and brought into effect to a location at the eastern end of the site, the exact location to be agreed in consultation with the Council's Road Network Manager.

*Reason: In the interests of road safety.*

- 10. Car parking provision shall be provided in accordance with the Argyll and Bute Council supplementary guidance policy SG LDP TRAN 6. Parking provision shall be constructed and made available for use prior to the first occupation to the dwelling(s) to which it relates and shall be maintained thereafter for the parking of vehicles.

*Reason: In the interests of road safety.*

- 11. Pursuant to condition 1 – no development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

*Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5 (b).*

- 12. Pursuant to condition 1 – no development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Planning Authority.

*Reason: In order to ensure the minimisation of waste generated during construction in accordance with policy SG LDP SERV 5 (b).*

- 13. Pursuant to condition 1 – no development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved in writing by the planning authority. The scheme shall comprise:

- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction."

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme, unless otherwise agreed in writing by the Planning Authority.

*Reason: In order to protect trees on and overhanging the site in the interests of amenity and nature conservation in accordance with supplementary guidance policy SG LDP ENV 6.*

14. The details of any further application pursuant to Condition 1 shall be wholly compliant with the recommendation of the Flood Risk Assessment (dated May 2016) submitted in support of the application for planning permission in principle.

The finished ground floor level of dwellings within the development shall be a minimum of 5.05 metres relative to Ordnance Datum and all built development shall be located outside the river and coastal 1 in 200 year floodplain unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to ensure appropriate mitigation for flood risk.*

15. Pursuant to condition 1 – no development shall commence until a Drainage Impact Assessment has been submitted to and approved in writing by the Planning Authority. This shall include details of post-development overland flow pathways. Any overland flows leaving the site shall be no greater than pre-development amounts. Surface water drainage and SUDS shall be designed in accordance with CIRIA C753 and Sewers for Scotland 3<sup>rd</sup> Edition. 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.*

16. Pursuant to condition 1 – no development shall commence until full details of the design and appearance of the proposed SUDs facility has been submitted to and approved in writing by the Planning Authority.

*Reason: In order to ensure that the SUDs facility is both a functional and attractive feature.*

Having moved an amendment which failed to find a seconder, Councillor George Freeman asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning and Regulatory Services dated 29 July 2016, submitted)

Councillor Richard Trail returned to the meeting.

**11. THE CO-OPERATIVE GROUP: PARTIAL DEMOLITION OF EXISTING BUILDING, ERECTION OF EXTENSION AND CHANGE OF USE FROM CLASS 7 (HOTEL) TO CLASS 1 (SHOP): MUIRHOLM HOTEL, MAIN ROAD, CARDROSS (REF: 16/00972/PP)**

The Senior Planning Officer spoke to the terms of the report and supplementary report number 1 which advised of discussions with the Applicant regarding the proposal to attach a condition, Condition 11, regarding a landscape plan. Planning permission is sought for the part demolition of an existing building, the erection of a new single storey rear extension, retention of an existing flat and subsequent change of use of the resultant building from Class 7 (Hotel) to Class 1 (Shop) at Muirholm Hotel, Main Street, Cardross. The proposed development would be implemented, and the shop would be operated by the Co-op, to serve the convenience shopping needs of the residents of Cardross. Objections have been received by 9 individuals with one of the objections endorsed by Jackie Baillie MSP. A petition of objection with 28 signatures has also been submitted. There has also been 2 letters of support and a further 2 representations. In this particular instance, there has not been an overwhelming number of people making comment relative to the size of the community and some of the representations received relate to issues of retail competition which is not a material planning consideration. The Community Council has raised concerns but not objected to the application. Since the application was original submitted it has been amended to address road safety concerns to the satisfaction of the Road Network Manager. Given these considerations it is not considered that the undertaking of a discretionary hearing would add significant value to the determination of this application. It is considered that the proposal is consistent with the Local Development Plan and it is recommended that planning permission be approved subject to conditions and reasons detailed in the report of handling.

**Decision**

The Committee 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 06/05/16 and the approved drawing reference 1/14-14/14 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. Opening hours of the shop hereby approved shall be limited to between the hours of 0700hrs - 2300hrs Monday – Sunday and no deliveries or collections shall take place from the premises outwith these hours.

*Reason: in the interests of residential amenity.*

3. Prior to the commencement of development, the design, exact location and number of bollards to be installed on the existing footways, and the design and

location of 'in' and 'out' signage for the car park shall be agreed in writing by the Planning Authority in consultation with the Roads Network Manager. Thereafter the layout of the car parking area, installation of bollards, changes to the access from Main Road as shown on the approved plans, and the installation of 'one way' signage shall be completed prior to the shop hereby approved being first brought into use.

*Reason: In the interests of road safety.*

4. The one-way internal traffic system on drawing reference number BL(2-)009 shall remain in operation with signage in place in for the life of the permitted use.

*Reason: In the interests of road safety.*

5. Development shall not begin until samples of materials to be used (on external surfaces of the buildings) and in construction of hard standings 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.*

6. All external ducts/grills shall be coloured to match the adjacent wall colour.

*Reason: In the interests of visual amenity.*

7. The satellite dish supporting poles as shown on drawing BL-(2-) 007 (North Elevation) shall be coloured white unless otherwise agreed in writing by the planning authority.

*Reason: In the interests of visual amenity.*

8. Prior to the commencement of development, full details of a construction waste management and a plan detailing the arrangements for the storage, recycling, composting where appropriate, separation and collection of waste during the operation of the use hereby permitted shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall proceed in accordance with these details unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to ensure the minimisation of waste generated during construction and to ensure that there are satisfactory waste arrangements in place for the development in accordance with the requirements of Local Plan Policy LP SERV 5.*

9. The rating level for any externally mounted condenser, air conditioning or other wall units shall have a rating level 5dB(A) above the background noise levels. A noise impact assessment and details of the externally mounted condenser, air conditioning or other wall units shall be submitted to and agreed in writing by the Planning Authority prior to works commencing on the construction of the new retail building. Thereafter the development shall be operated in accordance with the duly approved details.

*Reason: To ensure that any externally mounted wall units do not exceed a set limit and adversely affect the amenity of adjacent residential properties.*

10. Notwithstanding condition 1 above no consent is hereby given for the wall lights on the West elevation on plan reference number BL(2-)007.

*Reason: In the interests of residential amenity.*

11. No development shall commence until a landscaping plan including the area at the end of Barrs Road leading onto Main Road, Cardross has been submitted to and has been approved in writing by the Planning Authority. This shall include the widening and resurfacing of the existing footpath, the removal of the metal barrier between the Muirholm carpark and Barrs Road and Barrs Road and Main Road and hard/soft landscaping proposals. Such details as may be approved shall be implemented prior to the shop hereby approved being first brought into use in the case of hard landscaping works, and in the first planting season following the shop being first brought into use in the case of soft landscaping works. Any planting which fails to become established, which dies, becomes seriously diseased or is removed shall be replaced in the following planting season with the same size and species as originally required to be planted.

*Reason: In the interests of visual amenity.*

12. Details of any proposed fencing on the site including design and colour shall be submitted to the Planning Authority for its approval. Such details as may be approved shall be implemented and retained.

*Reason: in the interests of amenity.*

Having moved an Amendment which failed to find a seconder, Councillor George Freeman asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning and Regulatory Services dated 25 July 2016 and supplementary report number 1 dated 15 August 2016, submitted)

- 12. KANOK BOSE: ERECTION OF DWELLINGHOUSE WITH INTEGRAL GARAGE/DOMESTIC WORKSHOP, RAISED PAVED TERRACE, INSTALLATION OF SEWAGE TREATMENT PLANT, FORMATION OF VEHICULAR ACCESS, PARKING AND TURNING AREA AND FOOTPATH TO SHORE: LAND SOUTH OF THE GALLEY OF LORNE INN, ARDFERN (REF: 16/01331/PP)**

The Committee noted that the Applicant had withdrawn this application.

(Reference: Report by Head of Planning and Regulatory Services dated 22 July 2016, submitted)

Having previously declared an interest in the following Application Councillor Alex McNaughton left the room.

**13. MR EWAN MACLEAN: ALTERATIONS AND CHANGE OF USE OF SHOP TO FORM RESIDENTIAL FLAT: PRESENT AND BYGONES SHOP, TIGHNABRUAICH (REF: 16/01595/PP)**

The Area Team Leader spoke to the terms of the report and supplementary report number 1 which advised of a further objection. The proposal seeks the change of use of a vacant shop unit in the row of commercial properties situated at the centre of the village of Tighnabruaich. In this particular instance, whilst there has not been an overwhelming number of people making comment, it should be recognised that one of the Local Councillors, the Tighnabruaich and District Development Trust and the Kilfinan Community Council have all expressed their concerns regarding the proposal. Given this interest, and the important role that the row of commercial properties makes to the village, it is considered that the undertaking of a discretionary hearing would add significant value to the determination of this application.

**Decision**

The Committee agreed to hold a pre determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 9 August 2016 and Supplementary Report number 1 dated 15 August 2016, submitted)

Councillor Alex McNaughton returned to the meeting.

**14. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION**

Consideration was given to a report summarising the outcome of a recent appeal decision by the Scottish Government Directorate of Planning and Environmental Appeals relative to planning application reference 13/02356/PPP and enforcement case 14/00265/ENFSH – erection of fence with trellis at Hapland, 48 Charlotte Street, Helensburgh.

**Decision**

The Committee agreed to note the contents of the report.

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

**15. ARGYLL AND BUTE SUSTAINABLE DESIGN AWARDS - LESSONS LOG**

Consideration was given to a report providing a reflected lessons log following on from the conclusion of the Sustainable Design Awards 2015/16. The report also discussed a variety of suggestions as to how any future process could provide greater input from PPSL Members whilst at the same time retaining a process that is deliverable within appropriate budgetary and timescale constraints.

**Decision**

The Committee agreed:-

1. to note the contents of the report; and

2. to note that a copy of the suggested options for amendments to the process would be circulated to Members for comment if they wished.

(Reference: Report by Head of Planning and Regulatory Services dated 7 July 2016, submitted)

\* **16. DUNOON CONSERVATION AREA APPRAISAL AND BOUNDARY EXTENSION**

Consideration was given to a report advising on the outcome of the public consultation process, which sought views on both the proposed extension of Dunoon Conservation Area, and the draft Dunoon Conservation Area Appraisal and Management Strategy.

**Decision**

The Committee agreed:-

1. to note the contents of the report; and
2. to recommend to Council the adoption of the variation of the Conservation Area Boundary and the Dunoon Conservation Area Appraisal and Management Strategy as a Technical Note to be used to inform planning decisions.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 12 July 2016, submitted)

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 6 items of business on the grounds that they were all 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 - REFERENCE 14/00064/ENOTH2**

Consideration was given to enforcement case reference 14/00064/ENOTH2.

**Decision**

The Committee agreed to take no action.

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

**18. ENFORCEMENT REPORT - REFERENCE 14/00046/ENOTH2**

Consideration was given to enforcement case reference 14/00046/ENOTH2.

**Decision**

The Committee agreed the recommendations detailed in the report.

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

**19. ENFORCEMENT REPORT - REFERENCE 15/00150/ENOTH2**

Consideration was given to enforcement case reference 15/00150/ENOTH2.

**Decision**

The Committee agreed the recommendations detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services and Supplementary Report number 1, submitted)

**20. ENFORCEMENT REPORT - REFERENCE 14/00115/ENBOC2**

Consideration was given to enforcement case reference 14/00115/ENBOC2.

**Decision**

The Committee agreed the recommendations detailed in the report.

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

**21. ENFORCEMENT REPORT - REFERENCE 14/00116/ENBOC2**

Consideration was given to enforcement case reference 14/00116/ENBOC2.

**Decision**

The Committee agreed the recommendations detailed in the report.

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

**22. ENFORCEMENT REPORT - REFERENCE 13/00142/ENBOC2**

Consideration was given to enforcement case reference 13/00142/ENBOC2.

**Decision**

The Committee noted the contents of the reports.

(Reference: Report by Head of Planning and Regulatory Services and supplementary report number 1, submitted)