



**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Customer Services*  
*Executive Director: Douglas Hendry*

*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*

16 January 2019

**NOTICE OF MEETING**

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 23 JANUARY 2019** at **11:45 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director of Customer Services

**BUSINESS**

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

**3. MINUTES**

- (a) Planning, Protective Services and Licensing Committee 19 December 2018 at 11.00 am (Pages 3 - 8)
- (b) Planning, Protective Services and Licensing Committee 19 December 2018 at 2.00 pm (Pages 9 - 12)
- (c) Planning, Protective Services and Licensing Committee 19 December 2018 at 2.20 pm (Pages 13 - 16)
- (d) Planning, Protective Services and Licensing Committee 19 December 2018 at 2.40 pm (Pages 17 - 24)
- (e) Planning, Protective Services and Licensing Committee 19 December 2018 at 3.00 pm (Pages 25 - 34)

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI AND PRIVATE HIRE CAR SURVEY**

Report by Executive Director – Customer Services (Pages 35 – 38)

5. **ARDTARAIG WINDFARM LTD: ERECTION OF WIND FARM COMPRISING 7 WIND TURBINES WITH A MAXIMUM TIP HEIGHT OF 136.5M WITH ASSOCIATED INFRASTRUCTURE AND 4 BORROW PITS: ARDTARAIG WIND FARM, 3.1 KM TO THE EAST OF GLENDARUEL AND APPROX. 15KM WEST OF DUNOON, LOCH STRIVEN (REF: 18/01516/PP)**

Report by Head of Planning, Housing and Regulatory Services (Pages 39 – 86)

6. **ARGYLL AND BUTE COUNCIL: ERECTION OF NEW LEISURE BUILDING INCLUDING SWIMMING POOL, IMPROVED FLOOD DEFENCES, NEW CAR PARK INCLUDING PUBLIC REALM WORKS AND DEMOLITION OF EXISTING SWIMMING POOL: HELENSBURGH SWIMMING POOL, 1B WEST CLYDE STREET, HELENSBURGH (REF: 18/01614/PP)**

Report by Head of Planning, Housing and Regulatory Services (Pages 87 – 170)

7. **DIAGEO LIMITED: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED DISTILLERY: PORT ELLEN MALTINGS, PORT ELLEN, ISLE OF ISLAY (REF: 18/02639/PAN)**

Report by Head of Planning, Housing and Regulatory Services (Pages 171 – 176)

## **Planning, Protective Services and Licensing Committee**

Councillor Gordon Blair  
Councillor Robin Currie  
Councillor Lorna Douglas  
Councillor George Freeman  
Councillor David Kinniburgh (Chair)  
Councillor Roderick McCuish  
Councillor Alastair Redman  
Councillor Richard Trail

Councillor Rory Colville (Vice-Chair)  
Councillor Mary-Jean Devon  
Councillor Audrey Forrest  
Councillor Graham Hardie  
Councillor Donald MacMillan  
Councillor Jean Moffat  
Councillor Sandy Taylor

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 19 DECEMBER 2018**

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

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
 Angus Gilmour, Head of Planning, Housing and Regulatory Services  
 Sandra Davies, Major Applications Team Leader  
 David Moore, Senior Planning Officer  
 Sybil Johnson, Senior Planning and Strategies Officer  
 Alan Morrison, Regulatory Services Manager  
 Alex Linden, Area Team Leader – Building Standards

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, Graham Archibald Hardie and Alastair Redman.

**2. DECLARATIONS OF INTEREST**

Councillor Rory Colville declared a financial interest in the report at item 6 of this Minute as he was the owner of a private water supply. He left the room and took no part in the consideration of this item.

**3. MINUTES**

1. The Minute of the Planning, Protective Services and Licensing Committee held on 19 November 2018 was approved as a correct record.
2. The Minute of the Planning, Protective Services and Licensing Committee held on 21 November 2018 at 11.00 am was approved as a correct record.
3. The Minute of the Planning, Protective Services and Licensing Committee held on 21 November 2018 at 1.30 pm was approved as a correct record.

**4. ARGYLL AND BUTE COUNCIL: ERECTION OF NEW LEISURE BUILDING INCLUDING SWIMMING POOL, IMPROVED FLOOD DEFENCES, NEW CAR PARK INCLUDING PUBLIC REALM WORKS AND DEMOLITION OF EXISTING SWIMMING POOL: HELENSBURGH SWIMMING POOL, 1B WEST CLYDE STREET, HELENSBURGH (REF: 18/01614/PP)**

Before the Senior Planning Officer presented the application to the Committee it was confirmed by the Head of Governance and Law that only those Members who

attended the hearing on 19 November 2018 could take part in the consideration of this application.

The Major Applications Team Leader referred to supplementary report number 3 issued on 18 December 2018 which contained the details of a late submission from Helensburgh Community Council and an updated response from SEPA. She also referred to a late submission from the Applicant in response to the Community Council representation and a late submission from the Helensburgh & Lomond Chamber of Commerce which were both tabled at the meeting. Once the Committee were given time to read over these late submissions the Senior Planning Officer presented the application to the Committee. He referred to the presentation given to the Committee at the hearing on 19 November 2018. He also referred to supplementary report number 2 which advised of additional matters following continuation of the application at the hearing. Updates were provided on the flood defences; conformity of the proposal with the approved 2012 Masterplan addendum; the design reasons for the proposed location of the building; future skate park arrangements and additional representations received. It is the view of Officers that the proposal is in accordance with the adopted Local Development and with the approved 2012 Masterplan addendum and that it also fulfils its role as a landmark building on this prominent and important site. It is the view of Officers that the new leisure facility will provide benefits for the whole community and also tourists and visitors to the town. There have been no objections from statutory consultees, other than Helensburgh Community Council and there have been no technical objections raised on flooding matters which have now been fully addressed using the most up to date climate change information to inform the amended flood defence measures proposed. The application is recommended for approval subject to the revised conditions and reasons detailed in supplementary report number 2.

### **Motion**

To agree to approve the application subject to the conditions and reasons detailed in supplementary report number 2.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Councillor Lorna Douglas asked if time could be given to Members to discuss with Officers a competent amendment which could be put forward today.

The Chair ruled, and the Committee agreed, to adjourn the meeting at 12.50 pm for lunch to allow time for Members to explore the option of a further amendment.

The Committee reconvened at 1.30 pm.

### **Amendment**

To continue consideration of the application and request the Head of Planning, Housing and Regulatory Services to:

- a) Seek further information from the Applicant to ascertain whether altering the location of the building would change the flooding risk factor leading to vulnerability of the building; and

- b) Seek further advice seeking further reports from the Applicant on the impact of wave overtopping/wave action on the building.

Moved by Councillor Lorna Douglas, seconded by Councillor George Freeman

### **Decision**

On a show of hands vote the Amendment was carried by 6 votes to 3 and the Committee resolved accordingly.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 9 October 2018, supplementary report number 1, supplementary report number 2 dated 12 December 2018, supplementary report number 3 dated 18 December 2018, submitted, correspondence from Applicant dated 18 December 2018 and correspondence from Helensburgh & Lomond Chamber of Commerce dated 18 December 2018, tabled)

Councillor Jean Moffat left the meeting at this point.

## **5. HOUSES IN MULTIPLE OCCUPATION: TECHNICAL GUIDANCE**

A report addressing issues related to Houses in Multiple Occupation which are cross cutting in nature and require an integrated approach by Environmental Health, Building Standards and Planning was considered. The report recommends that a Technical Note is put out to consultation with a view to adopting it as non-statutory guidance, giving advice to help with the assessment of applications for Houses in Multiple Occupation across Argyll and Bute (excluding Loch Lomond and the Trossachs).

### **Decision**

The Committee agreed to:

1. note the content of the report; and
2. approve the Draft non-statutory planning guidance "Technical Note 3: Houses in Multiple Occupational", as set out in Appendix 1 for consultation online.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 19 December 2018, submitted)

Having previously declared an interest in the following item, Councillor Rory Colville left the meeting at this point.

## **6. PRIVATE WATER SUPPLY LEGISLATIVE CHANGES AND PROPOSED CHANGES TO THE CHARGING REGIME**

A report outlining the impact on the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to the Council and proposing a revised charging policy in respect of statutory monitoring samples which are taken from Regulated private water supplies was considered.

**Decision**

The Committee agreed to:

1. note the impact of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 in seeking to improve the quality of private water supplies, and the additional work placed on the Council's Environmental Health Service as detailed at section 6.5 of the report;
2. approve changes to the financial hardship amount for the private water supply improvement grant scheme; and
3. note the proposed charging regime which will be incorporated within the budget papers for fees and charges, which will be considered by Council in February 2019.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

**7. DRAFT SERVICE PLANS 2019-2022 FOR 2019/20 BUDGET ALLOCATION**

A report presenting the Draft Service Plans for 2019-2022 for the 2019/2020 budget allocation was considered.

**Decision**

The Committee agreed to:

1. approve the Draft Service Plans 2019-2022 for the 2019/2020 budget allocation; and
2. note that the budget allocation will be proposed at the Policy and Resources Committee on 14 February 2019 for final approval at Council on 21 February 2019.

(Reference: Report by Executive Director – Development and Infrastructure Services date November 2018, submitted)

**8. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEALS DECISIONS**

A report summarising the outcome of recent decisions by the Scottish Government Directorate for Planning and Environmental Appeals relative to planning application reference 18/01135/HH – High Hedge at Culvona, 4 Kennedy Drive, Helensburgh; and planning application reference 18/00301/PPP – Erection of 4 self-catering log cabins for holiday use at land at Taychreggan Hotel, Kilchrenan, by Taynuilt, was before the Committee for information.

**Decision**

The Committee noted the contents of the report.

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

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and 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.

**9. FASLANE PEACE CAMP - UNAUTHORISED ERECTION OF STRUCTURES**

A report providing an update on the unauthorised erection of structures as Faslane Peace Camp was considered.

**Decision**

The Committee agreed the recommendations detailed in the report.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 5 November 2018, submitted)

This page is intentionally left blank



**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 19 DECEMBER 2018**

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

Councillor Robin Currie	Councillor Donald MacMillan
Councillor Lorna Douglas	Councillor Roderick McCuish
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme McMillan, Solicitor  
Allegra Evans Jones, Trainee Solicitor  
Mr Belina, Applicant

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Mary-Jean Devon, Graham Archibald Hardie, Jean Moffat and Alistair Redman.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (L BELINA, BOWMORE, ISLAY)**

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

**APPLICANT**

Mr Belina advised that he lived and worked on Islay and wished to establish a taxi company in addition to those already on Islay. He advised that he had noticed a knish in the market for this type of business on Islay. He advised that he had collated some evidence on the increase of demand and made reference to a number of new businesses which included the Machrie Hotel with 50 bedrooms, whose customers looked to hire taxis on private hire as well as on demand. In the next two years there were plans to reopen it fully as well as the Ardnahoe distillery which would encourage an increase in numbers to the island for whisky. He advised that there was another proposal for a distillery outside Port Ellen and for a tourist centre at Lagavullin. He advised that from March 2018 Logan Air would be providing an additional flight to Edinburgh taking up to 34 passengers. He advised that quite often there was no availability on flights due to demand. He said that Caledonian MacBrayne had plans to replace the Hebridean ferry, which was the smaller ferry, with one of a similar size to the Finlaggan which would mean an increase in passengers to the island. Mr Belina provided the Committee with some statistical information on the increase of visitors to the island from passenger information he had collated from both the airport and Caledonian MacBrayne. He advised that it

was difficult to establish the correct number of tourists to the island but added that Islay was becoming more popular as a tourist attraction. Mr Belina told the Committee that there were currently a lot of private hire companies on Islay and car hire companies and that they were still struggling to meet demand. He advised that he could not give the correct number of private hires but there were approximately 21 vehicles on Islay. Mr Belina advised that during the summer tourists hire would taxis for a full day which meant that the company was tied to one customer for whole day and not able to pick up other customers therefore causing an increase in demand. Mr Belina told the Committee that he would like to offer free Wi-Fi for every customer on board his vehicles and to maintain a 24 hour operation which was currently not available on Islay, adding that it was hard to get a taxi after 1am at weekends. He added that eventually he would like to adopt or increase his fleet with a vehicle that supports disabled people and that there were currently no disabled vehicles on Islay. He advised that he would like to use electric vehicles and that there were currently 2 charging points on Islay, which would reduce his carbon footprint and the effect on the environment.

### **MEMBERS' QUESTIONS**

Councillor Douglas referred to the research that Mr Belina had undertaken and asked how long he had been a taxi driver for. Mr Belina advised that he had only applied for a taxi drivers licence to allow him to apply for a taxi operators licence.

Councillor Currie advised that he was very impressed by the research undertaken by Mr Belina and asked Mr Belina if he agreed that there had been a large influx of visitors to the island and that there was a large demand for taxis on the island, many of the customers of which money was no object. Mr Belina agreed that this was correct.

Councillor Taylor made reference to the fact that Mr Belina was not yet operating but asked him how easy it would be to get a taxi in Bowmore. Mr Belina replied that he worked 8am until 7pm but he had only ever seen one taxi on the rank at any one time and that this was in the evening hours.

Councillor Kinniburgh asked Mr Belina to confirm that this was just from his observations and not from working as a taxi driver. Mr Belina confirmed this was correct.

Councillor Trail asked Mr Belina how he planned to operate a 24 hour taxi service if he was currently employed. Mr Belina advised him that from March his roster would be changing to 4 days on 4 days off and that he planned to employ the person that would be working the other half of his shifts as a taxi driver, therefore, there would be 24 hour cover provided.

Councillor Kinniburgh asked Mr McMillan how many operators licences there were on Islay at the moment. Mr McMillan advised that he had figures for the Mid Argyll, Kintyre and Islay area but did not have a breakdown for Islay alone. Mr Reppke advised that although he did not have figures he could confirm there were a large number of private hire vehicles on Islay.

### **SUMMING UP**

**Applicant**

Mr Belina thanked the Committee for listening and said that he hoped he had answered all their questions correctly. He added that he hoped the grant of his licence would be positive.

When asked, Mr Belina confirmed that he had received a fair hearing.

Councillor George Freeman left the meeting at this point.

**DEBATE**

Councillor Taylor advised that he had been very impressed with the information and knowledge that the applicant had provided and had been moved by what Councillor Currie had said about the increase in visitors to the island and that money was often no object. He advised that he was minded to grant the application.

Councillor Currie advised that he had been blown away by the quality of information provided by the applicant. He added that there was a huge demand for taxis on the island and that he had no hesitation in awarding the applicant his licence.

Councillor Kinniburgh said that it was clear that there were big things happening on Islay that were bringing people to the island. He advised that normally he would like to consult the Halcrow report when determining an operator's licence but had felt that this was a unique situation, and therefore he moved that Mr Belina be granted with the licence.

**DECISION**

The Committee agreed to grant a Taxi Operator's Licence to Mr Belina.

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

This page is intentionally left blank

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 19 DECEMBER 2018**

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

Councillor Robin Currie	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Donald MacMillan	

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme McMillan, Solicitor  
Allegra Evans Jones, Trainee Solicitor  
Sergeant Ian MacNicol, Police Scotland  
Mr A Gallacher, Licence Holder  
Mrs J MacLeod, Licence Holder's Representative

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Mary-Jean Devon, Graham Archibald Hardie, Jean Moffat and Alastair Redman.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER'S LICENCE (NO. 2664) (A GALLACHER, DUNOON)**

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed.

Mrs MacLeod requested continuation as the matter had not yet been dealt with in court. She advised that Mr Gallacher had only received his citation that week with a court date of 31 January 2019 for the first calling, and that he was still to speak to his solicitor.

Mr Reppke advised that the Committee could determine to proceed with the hearing despite Mrs MacLeod's submission. He advised that in similar cases in the past the Committee had gone through the hearing procedure and then taken the decision to continue until after there had been an outcome from the courts.

The Chair intimated that the Committee would continue with the hearing process and invited Police Scotland to speak in support of the Chief Constable's complaint.

**POLICE SCOTLAND**

Sergeant MacNicol referred to a request from the Chief Constable that, in terms of Paragraph 11(1) of Schedule 1 of the Act, the Licensing Committee suspend Mr Gallacher's Licence. He advised that the Chief Constable complained, in terms of Paragraph 11(2)(a) of Schedule 1 of the Act that Mr Gallacher was no longer a fit

and proper person to hold the licence. He confirmed that the Chief Constable was also asking the Committee to order the immediate suspension of Mr Gallacher's Licence, in terms of Paragraph 12(1) of Schedule 1 of the Act, on the grounds that the carrying on of the activity to which his licence relates would likely cause a serious threat to public order or public safety. In support of the Chief Constable's request Sergeant MacNicol read out the details of an incident which occurred on 31 October 2018. He confirmed that as a result of this incident Mr Gallacher was charged with Section 3 of the Road Traffic Act 1988 and a report has been sent to the Procurator Fiscal. He advised that as this matter was sub-judice, he was constrained with regard to the nature of any further information he could provide at this time.

### **QUESTIONS FROM LICENCE HOLDER**

There were no questions from Mr Gallacher.

### **LICENCE HOLDER**

Mrs MacLeod spoke on behalf of the licence holder advising that the position was that Mr Gallacher had only received a citation to attend court that week and that he would be consulting with his solicitor with a view to entering a plea at the end of January. She advised that the complaint was not serious in nature and that there was a question around whether the crossing patrol officer had just stepped off the pavement when Mr Gallacher passed but she advised that she did not want to go into any further detail around the incident. She referred to a case where the Committee had continued a hearing for the suspension of licence where the driver had been involved in a much more serious incident and asked that the Committee took a similar view and continue the matter until the case had been through court.

### **QUESTIONS FROM POLICE SCOTLAND**

There were no questions from Police Scotland.

### **MEMBERS' QUESTIONS**

Councillor Kinniburgh asked Police Scotland to confirm that the time taken between the incident happening on 31 October 2018 and the first court date being called on 31 January 2019 was within the normal time scale. Sergeant McNicol confirmed that this was within normal timescale.

Councillor Trail asked how long Mr Gallacher had been a taxi driver. Mrs MacLeod confirmed that he had been a taxi driver since 1976, and therefore had been driving taxis for 40 plus years. She added that he was a part time driver with an excellent record and that his licence had never been challenged. She said that Mr Gallacher had a large client base in Dunoon and was a well-respected, popular driver.

### **SUMMING UP**

#### **Police Scotland**

Sergeant McNicol said that although the charge was for careless driving which was not the most serious charge, the point was that the incident had been captured on CCTV, that he had been charged with not stopping for a school crossing patroller and the disregard for the authority of the crossing patroller was what was concerning. He advised that his attitude should have been to stop, let the patroller do his job and then proceed and that was why this case had been brought to attention.

### **Licence Holder**

Mrs MacLeod said that as the case was still to come to court Mr Gallacher was entitled to be treated as not guilty until the matter had been to court.

When asked, both parties confirmed that they had received a fair hearing.

### **DEBATE**

Councillor Currie said that he was of the view that the Committee should continue determination until after the court case as a person was innocent until proven guilty.

Councillor Trail agreed with Councillor Currie but advised that he took a dim view of cars going past school crossing patrollers as they did a good job in dangerous circumstances.

Councillor MacMillan advised that he agreed with Councillor Currie also.

Councillor Kinniburgh agreed with Councillor Trail saying that he too took a dim view of someone passing a crossing patroller but taking into account the number of years Mr Gallacher had been driving he was willing to move continuation of the case until after the court case.

### **DECISION**

The Committee agreed to continue determination of the suspension of Mr Gallacher's licence until after the case had been to court.

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

This page is intentionally left blank



**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 19 DECEMBER 2018**

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

Councillor Robin Currie	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Donald MacMillan	

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme McMillan, Solicitor  
Allegra Evans-Jones, Trainee Solicitor  
David Haddow, Applicant  
Mr McCann, Applicant's Agent  
James Scott, Objector  
John Black, Objector  
Gary Owen, Objector  
John Allan, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Mary-Jean Devon, George Freeman, Graham Archibald Hardie, Jean Moffat and Alastair Redman.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (D HADDOW, ALEXANDRIA)**

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

**APPLICANT**

The Applicant's Agent, Mr McCann, spoke on behalf of the Applicant. He referred to Section 10(3A) of the Civic Government (Scotland) Act 1982 and advised that when considering an application for a private hire car the test to apply was whether or not this would lead to the over provision of private hire car services in the area. He said that it was his understanding that there were 56 private hire car vehicles in Argyll and Bute. He advised that he was unable to find out how many of these were within Helensburgh and Lomond. He indicated that Mr Haddow had received 8,000 client enquiries in May and that this had now risen to 9,000 per month. He advised that this led him to believe that there was currently an under provision and that the licence should be granted. He said that the car which the licence was being sought for was a wheelchair accessible vehicle and that it was his understanding that there was only one which could currently be booked at the booking office. He advised that

there were 11 care homes in the area which regularly sought to hire a wheelchair accessible vehicle. He further advised that a number of these hires had to be rejected as there was only one vehicle of that type at the moment and indicated there was a need for another vehicle. He said that Mr Haddow was a fit and proper person and had no convictions. He pointed out that he already had a taxi driver's licence. He said again that there was currently no over provision of private hire cars. He said that the Act enabled the Committee to reject an application if they determined there was over provision but they did not have to do that.

Mr McCann then addressed the concerns raised by Objectors. He advised that they referred to the last survey carried out which he assumed was the Halcrow report. He said that this report was outdated and did not apply to this application. He referred to the Objectors advising that there was less demand for taxis in the Helensburgh and Lomond area and he said that they had not provided any evidence of this. He indicated that in this digital age a lot of bookings were made by telephone and through the use of mobile phone apps. He said that if customers were calling Mr Haddow's office to book a wheelchair accessible vehicle as there were no others in the area then this would not affect other businesses. Mr McCann also referred to comments made that due to new sports facilities etc at the Faslane base this meant there was no longer a need for anyone to venture out of the base. He said that no evidence had been provided to back this up. He advised that just because there were new facilities this did not mean no one would want to leave the base. He said that there was still passing trade from the base. He pointed out that of all the objections received, 31 of these were written in identical terms with only the names, addresses and dates which were handwritten being the only difference. He asked that the application be granted.

### **QUESTIONS FROM OBJECTORS**

Mr Black referred to Mr McCann advising that there was a lack of wheelchair accessible vehicles. He pointed out that Mr Haddow, as Director of TOA which had bought over Trident Taxis, had approximately 20 drivers working for Trident. He asked why one of those drivers could not drive a wheelchair accessible vehicle. Mr McCann replied that Mr Haddow had advised that there was one wheelchair accessible vehicle on the road and being driven and that due to demand he was seeking the grant of a licence for another vehicle. He advised that the car would be driven by Mr Haddow in the first instance.

Mr Black suggested that one of the other drivers would be persuaded to buy a wheelchair accessible vehicle and drive this instead. Mr McCann advised that he would not speak for anyone else.

Mr Scott sought and received confirmation from Mr McCann that he had indicated there were 56 private hire vehicles within the Argyll and Bute Council area.

### **OBJECTORS**

Mr Scott

Mr Scott advised that he was here last month having to defend the livelihoods of taxi drivers in Helensburgh. He said that there were 160 taxis coming into Helensburgh from another area and that this was destroying the taxi drivers in Helensburgh. He listed 160 taxis coming in plus 53 taxis, 12 private hire vehicles and 3 wheelchair

accessible vehicles within the Helensburgh and Lomond area. He asked when this would all stop. He indicated that Mr Haddow was wealthier than himself and that he received an income from the 160 taxis. He said that this was a total of £61,000 coming from the taxi drivers for Mr Haddow and his colleagues. He asked when it was all going to stop and when was the Council was going to show a duty of care to the public plate drivers. He said that they were on their knees struggling to make a living. He advised that this issue was not just with this private plate. He indicated that it was his understanding that there were another 8 or 9 people standing by on the result of this plate. He advised that the taxi drivers were struggling and said that surely the Council must be saying there was enough plates to cover 2 constituencies never mind Helensburgh and that this could not go on.

#### Mr Black

Mr Black indicated that everyone had been here before discussing the same issues. He said that these issues had not gone away. He referred to the 2012 Scottish Government guidelines on the role of licensing the taxi and private hire trade. He said that the Committee were charged with balancing the situation with licences. He pointed out that there would be an excess of demand if there were not enough taxis and that there would be less demand if there were too many taxis. He indicated that there was a need to ensure the right number of vehicles were available at the right time. He pointed out that within the last year the Committee had issued a further 2 private hire licences and 2 taxi plates. He said that there were roughly 50 plates and that by issuing these further 4 the income of the Helensburgh and Lomond taxi drivers was being reduced by 8%. He advised that the only other option was to increase fares but the service needed to be available to the public at a reasonable cost. He referred to the difference between a Hackney cab and a private hire vehicle in a city like Edinburgh or Glasgow. He advised that in the city the Hackney cab was designed to travel short distances and carry luggage. He said that in Helensburgh there was very little difference between taxis and private hire vehicles. He advised that in agreeing to this application today the Committee would be issuing another vehicle into the Helensburgh and Lomond area which, he said, was contrary to the needs of the drivers trying to make a decent living. He referred to the Halcrow report and said that it suggested there was unmet demand. He said that there was now less demand than there was in 2013. He said that the Council was in default of the current survey. He referred to the issuing of licences for wheelchair accessible vehicles and advised that a wheelchair accessible vehicle operating for 6 or 7 months has never had a wheelchair in it. He said that this was an independent driver with no way for anyone to contact him other than at the rank. He suggested that the Committee should reject this application as it did not meet the requirements of the taxi trade in Helensburgh and Lomond.

#### **MEMBERS' QUESTIONS**

Councillor McCuish referred to Mr Haddow being refused a Taxi Car Licence on 17 September 2018 and asked what had changed since then. Mr Haddow advised that nothing had changed and that he was still getting numerous calls coming in for wheelchair accessible cars which he could not accommodate. He advised that when this type of vehicle was not available from the Helensburgh and Lomond area the Company were suggesting to the care home that they phone the Alexandria office to send a taxi which resulted in them having to pay a supplement. He said that this was grossly unfair to the Helensburgh wheelchair users. He indicated that his controllers have asked the care homes to contact the Council about this but he was

not aware if this had been made known to the Council. He advised that there was quite simply no other wheelchair accessible vehicles in the Helensburgh and Lomond zone.

Councillor McCuish referred to the comments made about the high demand for wheelchair accessible cars in the area. He asked if this application was granted would this vehicle only be used for wheelchairs or would it be available for others. Mr Haddow said that the car would be able to pick up other hires as they still needed to make a living. He advised that the wheelchair trade was very strong and he suggested that up to 40% would be taken up by wheelchair hires.

Councillor McCuish asked if it could be 100%. Mr Haddow replied that it possibly could be as high as that. He referred to people taking their elderly relatives out for trips at the weekend and that visits to Lomond shores were very popular, especially in the summer months.

Councillor McCuish referred to Mr Haddow's application being refused the last time and asked if this was due to over provision. Mr Haddow replied that he had been too late to find out. He said that at the time a lot had been laboured about the Halcrow report so thought that it would have been refused due to unmet demand. He advised that the report only dealt with taxi ranks and did not deal with the number of calls taken by the booking office. He said that the report gave a false report of demand and supply.

Councillor Kinniburgh commented that Mr Haddow had earlier referred to his vehicle as a taxi and received confirmation from Mr Haddow that this would be a private hire vehicle.

Councillor Currie sought and received confirmation from Mr Haddow that there were 20 cars which worked out of their office as Trident Taxis.

Councillor Currie asked why Mr Haddow could not replace one of these cars with a wheelchair accessible vehicle. Mr Haddow explained that they were not the Company's cars to do that. He said that the drivers owned and operated their own cars and rented radios from the company and received jobs over the data head. Mr Haddow indicated that this was the way of the world and that generally the cars were privately owned and run by the taxi drivers.

Councillor Currie said he thought that taxi firms generally owned a number of vehicles and that the taxi drivers had nothing to do with the ownership of the cars and that was why he thought it would have been easier to swap an existing car for a wheelchair accessible car. Mr Haddow confirmed that his company did not own any of the taxis and that they just provided a service and distributed the jobs and that whoever was first got the job. He said that their system was used internationally.

Councillor Forrest referred back to previous hearings where it had been said that people in Helensburgh had to phone the Alexandria Office to get a wheelchair accessible taxi. She asked Mr Haddow if he had cars that could drive in Alexandria and Argyll and Bute. Mr Haddow explained that their taxis in Alexandria would pick up in Helensburgh if a phone call was made. He said that you could only pick up outwith your area if you received a phone call through the booking office.

Councillor Douglas sought clarification on the figures Mr Scott had given. Mr Scott confirmed that there were 160 taxis available that could come into Helensburgh at any time. He said there were 53 public plates within Helensburgh and 10 to 12 private plates already available. He advised that the concerning thing for people who drove with public plates was if private plates were coming onto the system which he thought was going to happen here. He said that if 8 or 9 private plates were issued further down the line this would lead to running a private company alongside a public company. He said this was the main concern for public hire plates in Helensburgh. He said that it was okay if only one or two plates were issued but further down the line this company, which was operating from another constituency, would come in and overrule the public plates. He suggested that the Council had a duty of care to protect the public plate drivers. He said that their income had been halved and that if the Council continued going down this road they may as well hand their plates back.

Councillor Douglas asked what Mr Scott meant when he referred to public plates. Mr Scott explained that the public plates worked off the main phone system. He said that Mr Haddow wanted a private plate and that he would have the ability to work this on the public system.

Councillor Trail asked Mr Haddow how he intended operating this private plate. He asked if he would use a single number whether private or public. Mr Haddow confirmed that he operated the same system whether private or public. He said that the difference between a private and public plate was that a public plate could sit at the taxi rank but private plates had to receive a phone call.

Councillor McCuish asked Mr Haddow what it would mean to him if the licence was not granted. Mr Haddow said that the company would not be able to fulfil the wheelchair jobs that were coming through their system and that they needed another car desperately.

Councillor McCuish asked the Objectors what it would mean to their businesses if the licence was granted. Mr Scott said that it would certainly reduce their income as this plate would be operating through the public system. He said that he was sure he would be back here next month if this licence was granted as the company would come back for more plates. He referred to the sale of Trident Taxis to a firm outwith the area and the company not being offered to the Helensburgh drivers. He said that the Helensburgh drivers have been working for years and had built up a good rapport with the public and that this was under threat. Mr Black indicated that the office in Helensburgh had moved to Alexandria and that this had created a number of problems. He said that operationally both systems were together and not separate and that this involved all sorts of cross border disputes as there were different tariffs in the two areas.

### **SUMMING UP**

#### **Objectors**

##### **Mr Scott**

Mr Scott said that he just felt that at this point in time there was the threat further down the line of more plates being issued. He said that there was a threat to the Helensburgh drivers if this plate was issued today.

Mr Black

Mr Black said that it came down to the issue of supply and demand. He said that it was evident that there were too many taxis not making enough money and that granting this application would continue that trend. He said that there was no statutory requirement to have wheelchair accessible vehicles. He referred to the taxis coming from Alexandria to meet demand in Helensburgh and said that this was contrary to the law.

**Applicant**

Mr McCann advised that he had noted in the Objectors' presentations a lot had been said about Mr Haddow being a Director and the number of taxis. He said that there was nothing to stop anyone else applying for another plate and that just because Mr Haddow had taken the initiative to do this he should not be penalised. He said that Mr Haddow had applied for a Taxi Car Licence in September 2018 and that this had been refused with no reason given. He said that the Halcrow report did not apply in this case as it dealt with taxis. He said that the test for private hire vehicles was over provision and that nothing had been said by the Objectors to warrant the refusal of the application. He said that the application should be granted.

When asked, both parties confirmed that they had received a fair hearing.

**DEBATE**

Councillor Kinniburgh said that he shared the Objectors' concerns. He advised that he had heard about the previous application being refused. He said that he had not been at the meeting but he believed that it would have been refused because of unmet demand as stated in the Halcrow report. He confirmed that the Halcrow report did not apply here as it applied to taxis and that was where he had great difficulty. He said that he did not believe there was anything presented today which would mean he could refuse the licence. He advised that his own feeling was there was nothing he could put forward to make a recommendation to refuse. He said that he felt that he had no alternative but to grant the licence.

Councillor McCuish said that he did not feel a strong enough case had been made by the Applicant. He advised that he was aware of the fragile state of the taxi trade in the Helensburgh area and taking cognisance of the number of objections, he could not ignore them. He said that when the time came he would move refusal of the application. He said that he wanted to protect the trade in Helensburgh at the moment. He said that Mr Haddow was still able to meet the business of others.

Mr Reppke confirmed that the test was one of over provision for private hire cars and that if Members were minded to refuse then the Committee would need to satisfy themselves that there was an over provision of private hire vehicles in Argyll and Bute.

Councillor Douglas said that she realised that sometimes the Committee have shown discretion in balancing things out particularly when a wheelchair accessible vehicle came up regardless of what was said in the Halcrow report. She said that she was torn here. She advised that although they were looking at supply and demand of taxis and hire cars, they were also looking at meeting the needs of people. She said

that she believed there were ethical concerns or care concerns here for this Committee. She referred to fairness of opportunity across a community and whether you had an individual operating or a monopoly coming about. She asked if there was not a balance that needed to be struck here.

Mr Reppke confirmed that the Committee were required to have regard to legislation. He said there were two tests if there was a wish to refuse; whether or not someone was a fit and proper person and whether there was over provision. In legal terms there was no duty of care for a quasi-judicial Committee to determine.

Councillor Douglas asked, if it came to over provision how would the Committee know if there was over provision or not and would it be down to the number of phone calls. Mr McMillan advised that there were 56 private hire cars in Argyll and Bute and that 9 of those were registered at Helensburgh addresses. He explained that private hire vehicles were not zoned in the same way as taxis and they were entitled to operate across the whole of Argyll and Bute.

Councillor Douglas asked if any criteria was applied to private hire car licences. Mr Reppke confirmed that there were certain rules on how they operated and the main one was the ability to sit on the rank which only taxis could do. He said that private car vehicles could operate in the whole Council area but taxis were zoned. He advised that you also had to pre-book a private hire car.

Councillor Currie said that the problem here was the legislation. He questioned how the Committee could agree that there was over provision in Helensburgh if there was evidence to prove it which would mean a limit to 56 plates for the whole of Argyll and Bute. He indicated that this would mean if an application came at a later date for Colonsay it would have to be refused as the decision had already been made that there was over provision. Mr Reppke acknowledged that there were complications for large rural authorities but the test in the Act was over provision. He confirmed that at the moment private hire vehicles were licenced to operate within the whole Council area so the Committee would need to have evidence that there was over provision in Argyll and Bute. He advised that the Committee would need to set out their reasons why they were convinced of that argument from the hearing and that there were 56 plates across Argyll and Bute. He said that this has been the position since at least 1986 when, at that time, there were no computers or mobile phones. He said that at the moment the Committee needed to direct itself to this application and consider whether or not the argument had been made that there was over provision.

Councillor Taylor said that the Applicant's Agent had made it clear at the start of his presentation about over provision. He referred to the comments made by the Objectors. He advised that the Applicant had founded his case on disabled provision which, Councillor Taylor said, was something he has championed over time. He said that he could not see a way forward other than granting the licence.

Councillor McCuish said that he fully understood that hands were tied and he advised that he fully respected the advice being given. He said that the Committee would probably make a decision which was legally right but morally wrong which was the difficulty he found.

Councillor Kinniburgh said there was no evidence presented to suggest otherwise because the only real evidence the Committee had was the Halcrow report which

related to taxi operators not private hire operators. He advised that the comfort he had which, he said, was not really a comfort was that anyone could apply for a private hire plate. He said that private hire had moved so drastically away from the legislation that was in front of the Committee. He pointed out that the biggest private hire company out there was Uber. He confirmed that he fully supported what the Objectors were saying but he had nothing that gave him the power to refuse this application.

### **DECISION**

The Committee agreed to grant a Private Hire Car Operator Licence to Mr Haddow.

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



**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 19 DECEMBER 2018**

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

Councillor Robin Currie	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail
Councillor George Freeman	

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme McMillan, Solicitor  
Allegra Evans-Jones, Trainee Solicitor  
Remo Serapiglia, Applicant  
Jane MacLeod, Applicant's Agent  
Councillor George Freeman, Objector  
Iain Brown, Objector  
Fiona MacDonald, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Mary-Jean Devon, Graham Archibald Hardie, Donald MacMillan and Jean Moffat.

**2. DECLARATIONS OF INTEREST**

Councillor George Freeman declared a non-financial interest as he is an objector to this application.

Mr Reppke advised Councillor Freeman that in terms of the Councillors' National Code of Conduct, he would be required to leave the room at the point when the Committee came to determine the Application.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF A STREET TRADER'S LICENCE (R SERAPIGLIA, LARBERT)**

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

**APPLICANT**

Mrs MacLeod spoke on behalf of the Applicant. She advised that Mr Serapiglia was a member of a large Italian family. His father moved to Scotland in 1956 and has had an ice-cream van since 1957. No objections have been made in the past for Mr Serapiglia's previous applications for renewal and there have been no objections to him in the other Council areas he operates. Mrs MacLeod then read out the following statement on behalf of the Mr Serapiglia's Solicitor:

I have been asked by Patrick Campbell Corcoran of Miller Samuel Hill Brown to represent Mr Serapiglia at today's Hearing. I confirm that my instructions are to ask the Board to grant the Application but not to impose on the new Licence a newly worded condition which replaced a condition on Mr Serapiglia's previous Licence which prohibited trading within 100m of any establishment selling goods similar to those being sold by Mr Serapiglia.

The New Condition which I will read out shortly comes as a result of challenges made by Mr Serapiglia and his advisors who are not happy with the newly worded condition which they consider void from uncertainty and *ultra vires*.

I am accordingly asking the Licensing Authority to use the discretion referred to and not apply the New Condition to Mr Serapiglia's Licence.

### **Background**

Mr Serapiglia trades in parts of Kilcreggan, Rosneath, Garelochhead, Rhu, Helensburgh, Cardross, Tarbet, Arrochar, Luss, Oban, Campbeltown, Cowal, Inveraray, Furnace, Lochgilphead, Ardrishaig and Tarbert.

Two Luss shop-keepers and a Councillor have been vociferous in their opposition to Mr Serapiglia's ability to trade in Luss and have relied upon Condition 17 of the currently extant Licence (the "100m Condition").

Mr Serapiglia instructed Miller Samuel Hill Brown to apply to vary his Street Trader's Licence by way of removing the 100m Condition. The Application to Vary was first heard on 24<sup>th</sup> January 2018, continued to 21<sup>st</sup> March 2018, 16<sup>th</sup> May 2018 and 20<sup>th</sup> June 2018 on which date the Committee refused the Application to remove the 100m Condition.

A Court challenge was raised by Mr Serapiglia's agents. The case did not proceed as it would not have concluded before this Hearing and it was agreed that this is the correct forum to debate the New Condition at the same time as renewing Mr Serapiglia's Licence.

My instructions are to the effect that the 100m Condition and the New Condition are both *ultra vires* and separately void due to uncertainty. At earlier Hearings on this matter discussion centred on the reason for the 100m Condition with some Councillors accepting that it simply amounted to an attempt to unfairly protect local shops from competition. The Committee appears to have accepted one or both of those arguments, and have now decided upon the New Condition which is to the effect that:-

*"A mobile Street Trader shall not trade in any one location for longer than 30 minutes before moving to another location, not less than 200 metres away and shall not return to a previous location within the same calendar day. If a Licence Holder requires to trade in any one location for a duration which is longer than 30 minutes, they must ensure they have obtained the necessary planning permission and have sought and obtained exemption from the provisions of this Condition from the Licensing Authority. This Condition shall not apply to mobile Street Traders who are operating in an area which has been defined as an "Economically Fragile Area" in terms of Argyll and Bute Council's Local Development Plan, adopted in March 2015 (a copy of the map detailing said Economically Fragile Areas is attached as Appendix 1 to these conditions)." (the "New Condition")*

Luss is not an Economically Fragile Area.

Mr Serapiglia's advisors consider that the New Condition is also *ultra vires* and also void from uncertainty. The arguments made previously on Mr Serapiglia's behalf, and which appear to apply to the New Condition, are as follows.

### **Ultra Vires**

The Sheriff court decision of *McCluskey v North Lanarkshire Council* 2016 SLT (ShCt) 31 is the leading authority. This case concerned a restriction on burger vans operating within 250m of any school. At paragraph 17, the Sheriff narrates that the licensing authority was of the view that it was acting within its powers by imposing the condition in so far as it was furthering the aim of reducing childhood obesity.

At para. 73, the Sheriff held that a similar condition to Mr Serapiglia's is "unqualified and amounts to a blanket ban". It goes on, at para. 75, to consider the terms of para. 10(1) of Schedule 1 to the 1982 Act, and at para. 76 the last sentence, the Sheriff holds that if "the effect of the condition is to require street traders to do more than a licensing authority is empowered to require of them the condition must be held to be *ultra vires* of the local authority."

At para. 77: "In analysing the condition the first question to be asked is what is the effect of the condition? This will depend upon what it requires the pursuer to do...The next question to be asked is what effect, if any, this has on the street trader's contracts or dealings with her customers."

As regard the first question, the effect of the New Condition will, given (1) the small size of Luss and (2) the limited roads that it is expected that Mr Serapiglia be allowed to trade from, amount to a severe restriction on the amount of time that Mr Serapiglia be able to trade in Luss. This will clearly be to the benefit of local shops, and reduce competition.

On the second question, the effect of the New Condition will be to restrict heavily the volume of customers that Mr Serapiglia could deal with.

Returning to *McCluskey*, at para. 83: "...the condition attached to the licence must be for a licensing purpose and not for any ulterior purpose."

At para. 85 the Sheriff concludes that the licensing purpose for street traders is "the preservation of public order and safety and prevention of crime".

At para. 87, the Sheriff quotes from a Government circular which notes that the "purpose of licensing is not to restrict trade or competition".

At para. 100: "I am satisfied that Parliament cannot have intended local licensing authorities to have the implied power to attach a condition with such a significant effect on the commercial contracts of street traders."

My submission would therefore be that the New Condition falls foul of *McCluskey*, in so far as it does not appear designed to address the "preservation of public order and safety and prevention of crime". In reality, the effect of the New Condition will instead be to restrict trade and restrict competition – something that *McCluskey*

explicitly warned against. In the circumstances, the New Condition is *ultra vires* and should not be applied to Mr Serapiglia's licence.

### **Void from Uncertainty**

A separate challenge to the New Condition is that it should not be applied to Mr Serapiglia's licence because of how lacking in specification it is. Given that the breach of the condition could amount to an offence, and a loss of a licence, one would have thought that the Committee would have ensured that the New Condition was clear.

For example:-

*"...shall not trade in any one location for longer than 30 minutes..."*

When does the clock start – when one arrives at a pitch, when customers begin to migrate toward the ice cream truck, or when the first transaction is entered into? If one arrives at a pitch, waits 30 minutes, and no customers attend, does that count as trading? Does the clock pause where there are no customers, or here the trader has to take a break from serving customers? What happens to transactions that are entered into before the expiry of the 30 minutes, but conclude afterwards? Given the hostility that Mr Serapiglia feels he has experienced from local shops, it does not seem outwith the realms of possibility that he may be timed by owners of local shops.

*"...moving to another location, not less than 200 metres away..."*

How does one measure 200m – is it as the crow flies, or as one drives?

One of the objections is that Mr Serapiglia traded on 30<sup>th</sup> June and 1<sup>st</sup> July 2018, in breach of the 100m Condition. Mr Serapiglia's position is that he was outwith the 100m as one drives. Whether that is a matter of opinion or not, what is argued is that (1) the 100m Condition is *ultra vires*, accordingly is void and, therefore, not capable of being breached, and (2) following advice from his solicitor that it was legal to do so, Mr Serapiglia traded in Luss on 30<sup>th</sup> June and 1<sup>st</sup> July 2018 for the first time in very many months.

The other objection appears to be one based on health and safety, given the narrow street. Photographs have been lodged in that regard. Mr Serapiglia's position is that when the photographs were taken he was in the midst of asking customers to move back in order that he could move his ice cream van and turn around, in order that customers were in a safer location. The photographs do, of course, prove a demand for his ice-cream.

In his letter of objection Councillor Freeman refers to trading in Murray Place. That part of the complaint is factually inaccurate as Murray Place is, along with School Road, part of the areas of trade allowed in the Schedule to the current Licence.

### **QUESTIONS FROM OBJECTORS**

Councillor Freeman referred to Mrs MacLeod advising that Mr Serapiglia operated at Murray Place in line with his licence. He asked Mrs MacLeod if she could confirm that Mr Serapiglia did not have the permission of the landowner to operate in Murray

Place and that street traders do require the permission of landowners to operate on their land. Mrs MacLeod advised that she did not have instructions about that.

Councillor Freeman referred to the areas of trade listed by Mrs MacLeod and asked if she was indicating that Mr Serapiglia traded in these communities on a daily basis. Mrs MacLeod advised that she was reading out the list of areas where Mr Serapiglia was permitted to trade. Councillor Freeman asked if this was with the permission of the landowners and Mrs MacLeod replied yes.

Councillor Freeman asked Mrs MacLeod if she could confirm that the streets listed were the only areas where Mr Serapiglia actively traded. Mrs MacLeod advised that as far as she was aware Mr Serapiglia only traded in the areas permitted on his licence.

Councillor Freeman asked if Mr Serapiglia argued that he only traded on the streets listed on the schedule. Mrs MacLeod explained that he could be invited to an event like the Cowal Games and that would be allowed and in terms of his street trader's licence he could only trade in the areas listed on his licence.

Councillor Freeman referred to the McCluskey V North Lanarkshire Council case and asked if Mrs MacLeod would accept that this related to the promotion of healthy eating in school and was a different issue and did not apply to Mr Serapiglia. Mrs MacLeod advised that she had explained why she thought that it did apply. She referred to the commercial contracts of street traders not being restricted.

## **OBJECTORS**

### Councillor Freeman

Councillor Freeman advised that most Members of the Committee would be well aware of the history and well aware of the number of complaints he has received from his constituents and that there have been long standing issues. He said that Members would have been aware of the numerous complaints he has received over the past year or two relating to the operations of Mr Serapiglia at Luss and the view was that when he was operating in Murray Place he was in breach of the 100m rule which was part of the conditions attached to his licence. He indicated that there were a number of conditions attached to his licence. He said that Mr Serapiglia regularly failed to comply with Condition 3 which related to wearing a badge. He advised that his constituents have argued that Mr Serapiglia very seldom wore his badge as required by the Condition. He said that his constituents have argued that they have in the past requested to see Mr Serapiglia's licence which, Councillor Freeman said he believed they could do, and this request was refused. He said that his constituents have complained to the Police and that no action has been taken. Councillor Freeman advised that as far as the schedule was concerned, it was quite clear to him and others that Mr Serapiglia operated in many areas which were not included on his schedule. He said to the Committee that they may recall that this was raised in the past with Police Scotland but Police Scotland confirmed that the photos provided by one of his constituents were not dated and did not show Mr Serapiglia actually operating at that time. Councillor Freeman advised that over the past few months many photos had now been taken which he had copies of and that they did show Mr Serapiglia in his van. He indicated that they had clear evidence which could be taken to Police Scotland which showed Mr Serapiglia does not show his badge and operates on a number of streets not on his licence. Councillor

Freeman confirmed that the Objectors believed the new Condition 17 should apply to his licence. He said that he was not aware of any other street trader that has had that Condition waived.

Mr Brown

Mr Brown advised that he and his partner ran a reputable business which was established in 1970 and that they were the third owners during this time. He advised that they have 8 local employees and that their objection was due to the fact that the Applicant continued to trade within 40m of their business. He said that the only problem they had was with Mr Serapiglia continuing to trade against Condition 17.

**QUESTIONS FROM APPLICANT**

Mrs MacLeod asked Councillor Freeman how many complaints he had received. Councillor Freeman advised that he had received at least a dozen as well as from Luss and Arden Community Council.

Mrs MacLeod ask why there had been no more objections to this application. Councillor Freeman confirmed that the other objectors were happy for him to submit an objection on their behalf.

Mrs Macleod asked Councillor Freeman if he could name these objectors. Councillor Freeman advised that due to Data Protection he would be loathed to name anyone without their written consent. He advised that at least one of the named was produced to Legal Services along with the photos taken by an elderly constituent in Murray Place.

Mrs MacLeod referred to comments that Mr Serapiglia traded in areas outwith his areas of trade and suggested that he may have been parked up in these areas having lunch. Councillor Freeman advised that he would be happy to provide photos which showed the van, the registration of the van and Mr Serapiglia serving customers at the van. He advised that he would be happy to provide copies of these which were dated and provided the names of the streets.

Mrs MacLeod asked, if the Police Scotland had this evidence, why they had not objected to this application. Councillor Freeman advised that the reason Police Scotland gave was because the photos were taken by an elderly constituent and were not dated and did not show Mr Serapiglia operating from the van on these occasions. He said that the Police were commenting on the previous photos and not the new ones which had now been taken.

**MEMBERS' QUESTIONS**

Councillor Trail sought clarification on what the Committee were being asked to decide on today. Mr Reppke advised that this was an application for renewal of Mr Serapiglia's existing Street Trader's Licence. He pointed out that prior to the period of renewal the Council introduced new conditions across a range of licences including street traders and it was indicated to existing licence holders that the Committee would be likely to impose these new conditions. He confirmed that the Committee had before them an application for renewal and a submission from the Applicant's Agent that you should not apply Condition 17 to that licence. He advised

that it was at the discretion of the Committee to apply or not apply a standard condition to this licence.

Councillor McCuish asked the Objectors how long Mr Serapiglia had traded within 40m of their business. Mrs MacDonald advised that at times it had been up to 2 hours. She said that she had not gone out recently to time him as she had been working.

Councillor McCuish asked if there had been any objections to Mr Serapiglia from other parts of Argyll and Bute. Mrs MacLeod advised that these were the only objectors and that he had never had objections before. She confirmed that in other areas he had never received any objections.

Councillor Currie referred to a town such as Inveraray where there could be more than one shop close to each other selling ice cream. Mrs MacLeod advised that the more facilities we had the better it was for Argyll and Bute

Councillor Kinniburgh asked Mr Serapiglia if he ever had problems parking in Luss as since his current licence was granted there had been a parking review carried out in Luss and, although a Traffic Order was not taken forward, what did come out of it was the village experienced exceptional traffic in and out of it. Mr Serapiglia advised that he had not personally experienced any difficulty. Mrs MacLeod advised that the photos provided in the paperwork to the Committee showed Mr Serapiglia asking his customers to move so that he could move his van to a safer place.

Councillor Kinniburgh asked Mr Serapiglia if he had ever operated outwith the areas covered in his licence. Mr Serapiglia replied never. He indicated that there was only one occasion when he drove onto a street in Luss which he thought was School Road but was not and when he realised this he left. He said that was a genuine mistake at that time.

Councillor McCuish asked the Objectors what types of produce they sold. Mrs MacDonald advised that they sold hot and cold filled rolls, cakes, pies, hot and cold drinks.

Councillor McCuish asked Mr Serapiglia what types of produce he sold. Mr Serapiglia advised that he sold a selection of luxury Italian ice cream with many flavours and many toppings. He also sold slush puppies and candy floss and confirmed that there was a demand for his produce.

Councillor Kinniburgh referred to Condition 17 and asked Mrs MacLeod if she was asking for this to be removed completely from Mr Serapiglia's licence. Mrs MacLeod replied yes on the basis that it was ultra vires, vague and restricted competition. She asked that it be removed from all the areas referred to in his licence.

Councillor Kinniburgh referred to his concerns about Luss and the amount of traffic in and out of it which was a concern of the community too. Mrs MacLeod advised that Mr Serapiglia shared his concerns and that he would only trade if he was able to get parked. She advised that Mr Serapiglia was not going to waste time looking for a parking space.

Councillor Kinniburgh asked if there were other areas as lucrative as Luss. Mr Serapiglia advised that Luss was his first port of call and that if he could not get

parked there or if it was not busy he would move on. He confirmed that he was not there 7 days per week although his licence gave him the opportunity to do that. He said that he was not interested in working 7 days per week and that he just wanted to make a living and go home.

Councillor Kinniburgh asked Mr Serapiglia how often he traded. Mr Serapiglia replied that this was mostly at the weekends. Mrs MacLeod commented that Luss was popular in the summer time. She said that Mr Serapiglia was offering a discrete trade – Italian ice cream - and that tourists welcomed the provision of that facility in this area.

Councillor Kinniburgh asked Mr Reppke to comment on the interpretation of Condition 17 by the Applicant's Agent. Mr Reppke advised that the views expressed were not accepted by the Council and if needs be it would be debated at another time in a different forum.

Councillor McCuish asked the Objectors what difference it made to them whether Mr Serapiglia traded 40m away from their business or further. Mr Brown advised that they lost trade. He said that they were there all the time and that they had employees and suggested that Mr Serapiglia came in and took the cream. He said it was like Amazon in the High Street. He said that Mr Serapiglia was in and out with no overheads like they had.

Councillor McCuish asked, given that Mr Serapiglia was only there 2 days per week, how many days Mr Brown opened. Mr Brown advised that they were open 7 days per week from April till December.

### **SUMMING UP**

#### **Objectors**

Councillor Freeman advised that to recap it was clearly his view that Mr Serapiglia operated on many streets that were not included on his licence and that he held evidence to that effect. He advised that as it has not been accepted today clearly his only route was to take this back to Police Scotland with a further complaint to investigate it. He said that he had also highlighted that Mr Serapiglia failed to comply with Condition 3 as he did not wear his badge and that he has refused to make it available to those that have asked which he is required to do under Condition 3. He commented that his constituents paid non-domestic rates the same as other businesses in Luss. He advised that another 3 businesses in Luss have been affected and they have all confirmed in the past in writing that they objected to Mr Serapiglia operating at Murray Place. He said that Mr Serapiglia operating in Murray Place went against the previous Condition 17. He said that Mr Serapiglia operated without the approval of the landowner ACHA and that ACHA had wrote to him and told him he could not operate on this land. He said that he believed Mr Serapiglia had not operated there since then. Councillor Freeman confirmed that they were not asking that Mr Serapiglia's Street Trader's Licence not to be issued but they were asking that Condition 17 should apply and that Murray Place should not be included on the licence.

#### **Applicant**



Mrs MacLeod referred to Councillor Freeman's comments about his constituents paying taxes and rates. She advised that Mr Serapiglia paid VAT and fuel duty and stressed that business competition should not be stopped. She advised that Mr Serapiglia displayed his badge at the front of his van and that on the occasion when he was asked to produce his licence he was serving a customer at the time and that he also had a large queue of people. She advised that she was asking the Committee to renew Mr Serapiglia's licence and she noted that she did not think there was any objection to it being renewed. She advised that the only objection related to the wish of Objectors that Condition 17 should be included on the licence. She said that she put it to the Committee that any condition attached must be for licencing purposes and not an ulterior purpose. She said that it was her view that the objection did not relate to a licensing purpose and that the Objectors wanted it applied so Mr Serapiglia would not affect their business. She said that the licensing purpose for street traders was "the preservation of public order and safety and prevention of crime". She pointed out that no objector was saying that Mr Serapiglia was causing a crime. She noted that the Objectors have advised that other businesses were not happy and she commented that they were not here today. She advised that the only objections were from competitors and she questioned if they were really competitors. She referred to Mr Serapiglia's description of the products he sold and she advised that she was not aware of the Objectors selling Italian ice cream in their shop. She said that the purpose of the licencing authority was not to restrict trade or competition. She said that Parliament would not have intended an authority to have the power to restrict a street trader. She commented that the wording of the Condition itself was vague and asked how it could be determined where 200m started and finished and when 30 minutes started. She advised that if the Condition was included it could attract an appeal. She asked the Committee not to apply the Condition. She advised that Mr Serapiglia ran an excellent business and that the photos lodged showed there was a demand for his service. She advised that Condition 17 would be a restriction on trade and was too vague to make sense.

When asked, both parties confirmed that they had received a fair hearing.

Councillor Freeman left the meeting at this point.

## **DEBATE**

Councillor Trail advised that he had heard a good deal but a lot had been to the point. He advised that in principle he had not heard a good case for not applying Condition 17. He said that the Committee were not here to decide whether there was competition or not. He advised that he would have no hesitation in applying Condition 17 as the Committee had agreed the wording fairly recently.

Councillor McCuish advised that he thought the guidance they received was good and the guidance received was on the licensing purpose. He said that he did not think the licensing purpose had been met here. He advised that the Objectors were raising concerns about the effect on their business. He said that he could not find a reason to include this Condition.

Councillor Currie advised that normally when he said something he stuck with it. He said that he thought this was a stupid condition which was anti competition. He questioned how it could be policed. He also commented that it was vague. He said that it would be crazy to put this Condition on the licence. He asked why the

complaints were just from Luss. He referred to bigger areas like Inveraray. He commented that he often seen ice cream vans parked outside village shops and there were no objections. He commented that if there were that many people then surely there was enough to go round everyone. He said there was absolutely no need for the Condition.

Councillor Kinniburgh advised that he had his own view as to why it was only Luss. He referred to the amount of traffic that went in and out of Luss and that the Area Committee had picked this up in a report to them recently. He said that he thought that was why there was a problem in Luss. He said that he thought Condition 17 should remain quite simply because it had been discussed at length over a number of meetings. He advised that the Committee had asked Officers to go away and look at them again and that they came back with proposals which the Committee accepted. He advised that he could see no reason to remove Condition 17. He referred to Councillor Freeman's request to remove Murray Place from the licence. He advised that he could see justification from removing Murray Place or School Road based on the traffic management plan. Having said that, he advised that he thought the issue would be Mr Serapiglia getting parked in places he was supposed to park. He commented that he had heard from Mr Serapiglia today that if he could not get parked he would remove himself and go elsewhere. He said that if the Committee were to remove these places from his licence then this would be restricting trade.

### **Motion**

That the application be granted and that Condition 17 remains and that Murray Place and School road remain on the Licence.

Moved by Councillor David Kinniburgh, seconded by Councillor Richard Trail

### **Amendment**

That the application be granted as applied for and that Condition 17 be removed on the basis that the Objectors have not based their objection on licensing issues but purely for commercial reasons.

Moved by Councillor Roderick McCuish, seconded by Councillor Audrey Forrest

The Amendment was carried by 5 votes to 2 and the Committee resolved accordingly.

### **DECISION**

The Committee agreed to renew Mr Serapiglia's Street Traders Licence and that standard Condition 17 be not applied to that Licence.

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

---

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES AND  
LICENSING COMMITTEE

CUSTOMER SERVICES

23 JANUARY 2019

---

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**TAXI AND PRIVATE HIRE CAR SURVEY**

---

**1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to ask members whether they wish to commission a further survey in relation to whether there is unmet demand for taxis and /or over provision of private hire car vehicles within the local authority area.

**2.0 RECOMMENDATIONS**

- 2.1 Members are asked to note the contents of this report.
- 2.2 Members are asked to agree to commission a new taxi survey to ascertain whether there currently is any significant unmet demand for taxis and to include in this survey an assessment of whether there is over provision of private hire car licences in the locality.

---

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES AND  
LICENSING COMMITTEE

CUSTOMER SERVICES

23 JANUARY 2019

---

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**TAXI AND PRIVATE HIRE CAR SURVEY**

---

**3.0 INTRODUCTION**

- 3.1 The purpose of this report is to ask members whether they wish to commission a further survey in relation to whether there is unmet demand for taxis and /or overprovision of private hire car vehicles within the local authority area.

**4.0 RECOMMENDATIONS**

- 4.1 Members are asked to note the contents of this report.
- 4.2 Members are asked to agree to commission a new taxi survey to ascertain whether there currently is any significant unmet demand for taxis and to include in this survey an assessment of whether there is over provision of private hire car licences in the locality

**5.0 DETAIL**

- 5.1 Section 10(3) of the *Civic Government (Scotland) Act 1982* deals with taxi licences and provides that the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.
- 5.2 In carrying out this test to ascertain whether there is significant unmet demand in respect to the Bute and Cowal, Helensburgh and Lomond, Oban, Lorn and the Isles and Mid Argyll, Kintyre and Islay areas, the Planning, Protective Services and Licensing Committee currently refer to surveys carried out between late 2013 and early 2014 in relation to those respective taxi zones.
- 5.3 At the meeting of this committee on 21<sup>st</sup> March 2018 members were advised has that since publication of the respective surveys, there have not been any significant changes to circumstances, population or taxi numbers in any of the taxi zones and for that reason, members were invited to continue to have

regard to the existing surveys until such a time that there are material changes to circumstances in either of the zones which render the reports out of date, at which point members may wish to determine that new surveys should be carried out.

- 5.4 Members agreed at their meeting on 21<sup>st</sup> March 2018 to continue to have regard to the existing Taxi Surveys at hearings for taxi operator licences, and consider at a later date whether new reports are required at such a time where circumstances have changed to a material degree.
- 5.5 Since that meeting concerns have been expressed that circumstances have now changed in some of the localities and that the current surveys are now 5 years old.
- 5.6 Further, Section 10 of the Civic Government (Scotland) Act 1982 has been amended to include the following provision in relation to private hire car licensing. Section 10(3A) provides that the grant of a private hire car licence may be refused by a licensing authority if, but only if, they are satisfied that there is (or, as a result of granting the licence, would be) over provision of private hire car services in the locality (or localities) in the area in which the private hire car is to operate.

## **6.0 CONCLUSION**

- 6.1 As the current survey is now 5 years old members may wish to consider commissioning a further survey and include within the survey an assessment of whether there is over provision of private hire cars in the locality.

## **7.0 IMPLICATIONS**

- 7.1 Policy - No changes are proposed at this time.
- 7.2 Financial - The Council will need to fund the cost of a further survey.
- 7.3 Legal - The Council require to comply with the terms of the Civic Government (Scotland) Act 1982
- 7.4 HR – None
- 7.5 Fairer Scotland Duty- None
- 7.5.1 Equalities – protected characteristics - None
- 7.5.2 Socio-economic Duty - None
- 7.5.3 Islands -none
- 7.5 Risk – There is a risk of challenge to any decision in relation to the granting of taxi /private hire car licences
- 7.7 Customer Service - None

**Douglas Hendry, Executive Director of Customer Services**

**Policy Lead: Councillor David Kinniburgh**

January 2019

**For further information contact:** Sheila MacFadyen, telephone 01546 604265.

This page is intentionally left blank

Argyll and Bute Council  
Development and Infrastructure Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

---

**Reference No:** 18/01516/PP

**Planning Hierarchy:** Major Application

**Applicant:** Ardtaraig Windfarm Ltd

**Proposal:** Erection of wind farm comprising 7 wind turbines with a maximum tip height of 136.5m with associated infrastructure and 4 borrow pits

**Site Address:** Ardtaraig Wind Farm, 3.1Km to the East of Glendaruel and Approx. 15Km West Of Dunoon, Loch Striven, Argyll and Bute

---

## DECISION ROUTE

Local Government Scotland Act 1973

---

### (A) THE APPLICATION

#### i) Development Requiring Express Planning Permission

- Erection of 7 wind turbines with a maximum blade tip height of 136.5m;
- Wind turbine foundations x 7;
- Crane hardstandings x 7
- Temporary Construction Compound (100m x 150m);
- Formation of Substation Compound (66m x 30m);
- Control Building, Battery Storage Facility, including Welfare Facilities (single storey – 6m x 26.33);
- Formation of on-site access tracks
- Formation of four 'borrow pits' i.e. temporary mineral workings
- Formation of seven watercourse crossings

#### ii) Other Specified Operations

- Grid connection (subject to separate Section 37 application);
- 

**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.

---

### (C) HISTORY:

**17/02949/PP** - Erection of metrological mast (80 metres high) for a temporary period of 3 years, Land approximately 1593 Metres North West of Craigmendive, Loch Striven, Argyll and Bute – Application Approved

**17/02486/PAN** - Proposal of Application Notice for proposed erection of up to 8 wind turbines and associated ancillary infrastructure, Ardtaraig Estate, Loch Striven, Argyll And Bute - Closed

**16/03257/SCRSCO** - Proposed wind farm, Ardtaraig Wind Farm, Ardtaraig Estate Forest, Loch Striven, Argyll and Bute – Opinion Issued

**95/00008/WGS002** - Ardtaraig estate, by Dunoon, Argyll, Land for planting, Ardtaraig Estate Forest, Loch Striven, Argyll and Bute – Withdrawn NCR Only

**95/00107/WGS002** - Ardtaraig estate, Dunoon, Argyll, land for planting forestry commission ref 032 000 746, Ardtaraig Estate Forest, Loch Striven, Argyll and Bute – Refuse Permission, NCR only

**95/05188/WGS** - Land for planting, Ardtaraig Estate Forest, Glenstriven, Dunoon, Argyll – Prior Notification – no objection

---

**(D) CONSULTATIONS:**

**Scottish Natural Heritage** (4<sup>th</sup> October 2018) - This proposal will have an adverse effect on the special qualities and integrity of the Kyles of Bute National Scenic Area (NSA). SNH do not consider that these adverse impacts can be mitigated. SNH therefore object to the proposal. In the event that planning permission is granted SNH recommend that a condition to secure a Habitat Management Plan is imposed.

**Historic Environment Scotland** (4<sup>th</sup> September 2018) – no objection

**Transport Scotland** (22<sup>nd</sup> August 2018) – no objection to the proposal subject to conditions relating to approval of the abnormal load route, including accommodation measures and any additional signing or temporary traffic control measures.

**Forestry Commission Scotland** (29<sup>th</sup> August 2018) – no objection to the proposal as it stands. However, recommend that Argyll and Bute Council should consider asking for clarification on this matter and consider whether compensatory planting should be conditioned.

**West of Scotland Archaeology Service** (17<sup>th</sup> August 2018) – no objection

**Scottish Water** (15<sup>th</sup> August 2018) – no objection

**Scottish Environment Protection Agency** (6<sup>th</sup> September 2018) – no objection subject to conditions to secure the submission and approval of a detailed Peat Management Plan (PMP) and a CEMP.

**Environmental Health** (6<sup>th</sup> September 2018) – no objection subject to conditions: requiring a wide-ranging CEMP; noise immissions; report to demonstrate compliance with noise limits; assessment by independent consultant; logging of wind speed, wind direction and power generation data; and point of contact for local residents.

**Glasgow Airport** (28<sup>th</sup> August 2018) – no objection



**National Air Traffic Services (NATS)** (17<sup>th</sup> August 2018) – no objection

**Scottish Wild Land Group** (9<sup>th</sup> September 2018) – objects to the proposal on the grounds that the environmental and other impacts hugely outweigh any benefits.

**Argyll Raptor Study Group** (18<sup>th</sup> September 2018) – Argyll Raptor Study Group objects to this application on the basis of the anticipated damaging effects of a wind farm in the proposed location with particular reference to birds of prey of high conservation concern namely Hen Harrier, Golden Eagle and Short Eared Owl.

**Colintraive and Glendaruel Community Council** (3<sup>rd</sup> September 2018) – either oppose or support the proposed wind farm. The community are fairly even split with people for and against.

**Strachur Community Council** (3<sup>rd</sup> September 2018) – no specific comments to make on the proposal but wish to express an interest and to be kept informed at subsequent stages in the application process.

**Local Biodiversity Officer** (26<sup>th</sup> September 2018) – no objection recommends that all ecological bases are covered in various habitat and species plans and staff education and awareness training is overseen by an Ecological Clerk of Works, and that this should be included as part of any Construction Environment Management Plan.

**Ofcom** (11<sup>th</sup> August 2018) – advised that provision of fixed link information is currently under review to ensure compliance with GDPR Legislation Ofcom apologies for any inconvenience this causes but is unable to provide comment on the application.

**Roads Bute & Cowal (19<sup>th</sup> December 2018)** – no objection subject to conditions to secure required sightlines and maintenance of visibility splay. Should any carriageway or verge alterations be required for delivery of plant or components for the wind farm the local roads authority must be consulted. There may be a requirement for a Road Opening Permit for such works. Any Abnormal Loads must be reported as per the usual procedure.

**Ministry of Defence (18<sup>th</sup> December 2018)** – no objection subject to condition to ensure that turbines are fitted with MOD accredited aviation lighting.

**Loch Lomond and the Trossachs National Park** (22<sup>nd</sup> October 2018) – do not object to the proposal but highlight that the proposal will at its current height have moderate adverse landscape impacts on the landscape setting and visual experience of the National Park particularly from aspects of the Cowal Peninsula including Beinn Ruadh, Beinn Mhor and Clach Bheinn. Whilst these views are from elevated locations the height of the turbines means that there will be a significant local impact upon important hills including those classified as Grahams.

**The Joint Radio Company Limited** – no response at time of writing

**Prestwick Airport (Infratil Airports Europe Limited)** – no response at time of writing

**CSS Spectrum Management Services** – no response at time of writing

**BAA Aerodrome Safeguarding** – no response at time of writing

**Core Paths** – no response at time of writing

**The Royal Society for the Protection of Birds (13<sup>th</sup> November 2018)** – do not object, they do however raise concerns that potential impacts of this proposal are underestimated in relation to open peatland heath habitat and associated bird species. RSPB advise that further mitigation is required and recommend that conditions are secured as part of any planning permission.

**Civil Aviation Authority**– no response at time of writing

**Kilmun Community Council**– no response at time of writing

**South Cowal Community Council**– no response at time of writing

**Isle of Bute Community Council**– no response at time of writing

**Kilfinan Community Council**– no response at time of writing

**(E) PUBLICITY:**

<b>Advert Type:</b>	<b>Expiry Date:</b>
ENVASS - Environmental Assessment Regs Advert (28)	14 <sup>th</sup> September 2018
MREG20 - Regulation 20 Advert Major Application	7 <sup>th</sup> September 2018

---

**(F) REPRESENTATIONS:**

At time of writing a total of 356 letters of representations have been received, comprising: 293 objections, 5 petitions from the NAW group, 56 support and 2 representations.

**Objections**

Landscape and Visual Issues

- The turbines and the associated tracks will be visually intrusive.
- The development will decimate the NSA and will therefore negatively impact on tourism.
- These turbines are huge and will be visible and visually dominant.
- The scale of the turbines are disproportionate to the surrounding landscape.
- There will be a cumulative impact with Cruach Mhor and other wind farms. There are six other windfarms within 22km of the site including Cruach Mor, A Cruach, An Suidhe, Sronoire, Alt Dearg and A Cruach II.
- It is understood that the turbines will require to be illuminated which will also lead to a degradation of visual amenity.

- The turbines would also impact negatively on the scenery from the land based areas.
- The development is likely to be visible from the designated wild land area in the north of Arran. This will reduce the experience of perceived wilderness.
- The submitted ES does not adequately address landscape character and sensitivity, underestimating the sensitivity of the receiving landscape at points. Developers own analysis indicates that the development will have significant/major effect on 15 viewpoints and still noticeable on the remaining 5. Leaving a significant negative effect in relation to visual impact. Important to recognise that all key viewpoints are affected with no potential for mitigation.
- The erection of the proposed wind turbines would cause very serious detriment to the views sailors have of the scenery as they sail through the Kyles of Bute.

*Comment: Landscape and Visual Issues are addressed in Appendix A of this report.*

### Ornithology and Wildlife

- The development will impact on bird habitats.
- The development will be damaging to wildlife including hen harriers, short eared owl, golden eagles and black grouse.
- The proposed quarry pits will be detrimental to bird nesting areas and wildlife habitat.

*Comment: Ornithology and Wildlife Issues are addressed in Appendix A of this report.*

### Peat

- The development will cause damage to peatland and release carbon as the habitat types are primarily modified bog and blanket bog and both are particularly sensitive to disruption generally and hydrological disruption specifically.
- Do not consider that the EIA has adequately addressed potential damage and negative ecological effects on peatland disruption.

*Comment: Peat Issues are addressed in Appendix A of this report.*

### Hydrology and Hydrological Impact

- Proposal is located within catchment of Thamhnic and Balliemore Burns. Development risks causing contamination to drinking water supplies and groundwater in general. This would be contrary to legislation to protect the water environment

*Comment: Hydrology and Hydrological Impact is addressed in Appendix A of this report.*

### Community Benefit

- The turbines would have no positive financial benefits for the local community.
- The community fund is an inappropriate way to secure planning permission.
- The local community, and Glendaruel in particular, do not support the proposal irrespective of perceived socio economic and community benefits. The affected communities overwhelmingly do not consider the economic and social benefits to be significant enough to support this proposal. 869 object to and 55 support the proposal. The transportation of materials to the site would generate increased traffic for which the existing roads infrastructure is ill equipped to accommodate.

*Comment: Community Benefit is addressed in Appendix A of this report*

### Amenity

- Infrasound generated by the turbines affects other mammals and some birds and this will have an unqualified effect of the animal ecology of the NSA and surrounding area.
- The proposed windfarm will cause noise pollution.
- The wind farm causes health problems due to noise and vibration.
- With regard to the watercourse document, there is no mention or consideration or risk assessment to disruption to local water supplies. The water supply to Hillhouse comes from the hillside above the house. Thousands of pounds have been spent installing an infiltration system and new tanks. The owner of this property would like to know what Infinergy will do to protect the supply and equipment. There are also concerns that chemicals used on site will pollute the supply.
- The quarrying and blasting will produce water course and air pollution.
- Due to the height of the turbines warning lights for aircraft will have to be put on each turbine operating around the clock. These flashing lights will be distinctly noticeable during non-daylight hours. The proposals will therefore cause significant light pollution as apart from infra-red additional flashing lights on each turbine will be required.

*Comment: Amenity is addressed in Appendix A of this report.*

### Policy

- The site lies within a Group 2 location in terms of the proposed spatial strategy within SPP and Policy LDP 6, which is one of significant protection where any development would be expected to demonstrate that any significant effects can be substantially overcome by siting, design or other mitigation. The proposal is contrary to SPP policy advice and in particular paragraphs 29 and 33.
- The proposal is contrary to the LDP which states that no large scale development should take place within the area of outstanding scenic beauty.
- The proposal does not accord with Argyll and Bute Council's LWECs which is a significant material consideration

- NPF3 support for windfarms as a component of renewable energy production is not unqualified and environmental impacts must be considered to ensure that the impact on the receiving environment is properly considered.

*Comment: Policy is addressed in Appendix A of this report*

## Tourism

- The wind farm will be detrimental to the promotion of “Argyll’s Secret Coast.
- The development will have an adverse impact on the Cowal Way.
- Proposal will have a negative effect on tourism by affecting the outdoor experience of many potential tourists to this highly scenic and wild area. The lack of windfarm development thus far next to the NSA has means that the NSA remains no non-degraded and tourism remains a key draw to the area as set out in the Argyll and Bute Economic Forum Report 2016 and its findings on tourism.

*Comment: Tourism is addressed in Appendix A of this report.*

## Other

- The proximity of wind farms has been proven to reduce property value. (London School of Economics 10 Year Study published in 2014).
- There is growing evidence of harmful health impacts of such developments and adverse impacts are contrary to Human Rights Legislation.
- It is understood that the turbines that are proposed are out of date stock and use elements that are no longer used by reputable companies.
- There is an abandoned settlement on the southern part of the site which may have a long archaeological history. This merits much further attention than given in the report and should be considered for listing as a historical monument.
- The wind farm will do untold damage to marine life, especially whales.
- The proposal has information missing such as the size, appearance and location of the ancillary sub-station and how will the electricity be transported to the National Grid?
- Important to note the reasons for refusal for 15/02060/PP on 24.8.16. This sets a legal precedent for the appropriate approach to the current application having regard to the comments of SNH on this matter.

## **Support**

### Climate Change

- Reducing the need for fossil fuels is a critical part of the solution and wind energy is one of the best alternatives open to us to help tackle this ever urgent matter.
- Any view that the farm will be unsightly are unfounded and far outweighed by the benefits of renewable energy.

### Tourism

- Research undertaken by Biggar Economics, a leading economic consultancy has clearly demonstrated that onshore wind developments do not impact negatively on the majority of people's decisions to visit an area.

### Landscape and Visual Issues

- It is not considered that the proposal will be highly visible. Just being visible from several viewpoints will not stop anyone from enjoying the sights and sounds of this truly remarkable 360 degree landscape focused on the Kyles themselves.

### Community Benefit

- The community investment from the existing windfarm has greatly benefitted both the older and younger members of our communities.
- There are considerable benefits of such a scheme available to the local community through participation in ownership.

### Roads Issues

- The speed limit on the A886 should be reduced to 30mph in the vicinity of the site.

### Representations

- It is questioned as to whether the montages the objectors used when they were collecting signatories for their petition is authentic.
- There will be many days when the turbines will not be visible due to the weather.
- The proposed wind turbines will be attractive.
- Wind farm projects allow companies to maintain / increase employment levels and provide real jobs, training and thus an economic benefit at a local level in areas which are often short of external investment and stimulus.
- The planning officer has been quoted in an advert placed in the Dunoon Observer by the objectors. It is hoped that there is no prejudice in the officer's mind and that the application will get a fair hearing with due weight given to the differing opinions

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 representation are available for viewing on the Council web site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

---

## **(G) SUPPORTING INFORMATION**

- i) Environmental Statement: Yes - Environmental Statement (June 2018) comprising:

Volume 1 – Written Statement

Volume 2 – Figures

Volume 3 – LVIA Figures

Volume 4 - Appendices

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

Environmental Statement (June 2018)

Design and Access Statement (June 2018);

Non-Technical Summary (June 2018)

Planning Statement (June 2018);

Pre-Application Consultation Report (June 2018).

---

**(H) PLANNING OBLIGATIONS**

**Is a Section 75 (S75) agreement required: No**

- 
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**
  - (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**
  - (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

**Local Development Plan Policies**

- LDP STRAT 1 – Sustainable Development
- LDP DM1 – Development within the Development Management Zone
- LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
- LDP 4 – Supporting the Sustainable Development of our Coastal Zone
- LDP 5 – Supporting the Sustainable Growth of Our Economy
- LDP 6 - Supporting the Sustainable Growth of Renewables
- LDP 8 – Supporting the Strength of our Communities
- LDP 9 – Development Setting, Layout and Design
- LDP 10 – Maximising our Resources and Reducing our Consumption
- LDP 11 – Improving our Connectivity and Infrastructure

**Local Development Plan – Supplementary Guidance Policies**

- SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity)

- SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
- SG LDP ENV 6 – Development Impact on Trees / Woodland
- SG LDP ENV 7 – Water Quality and the Environment
- SG LDP ENV 11 – Protection of Soil and Peat Resources
- SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
- SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs)
- SG LDP ENV 14 –Landscape
- SG LDP ENV 15 –Development Impact on Historic Gardens and Designed Landscapes
- SG LDP ENV 16(a) – Development Impact on Listed Buildings
- SG LDP ENV 19 –Development Impact on Scheduled Ancient Monuments
- SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
- SG LDP Sustainable - Sustainable Siting and Design Principles
- SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems
- SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
- SG LDP SERV 3 – Drainage Impact Assessment (DIA)
- SG LDP SERV 5 – Waste Related Development and Waste Management
- SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
- SG LDP SERV 6 – Private Water Supplies and Water Conservation
- SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
- SG LDP MIN 2 – Mineral Extraction
- SG LDP TRAN 1 – Access to the Outdoors
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 –Vehicle Parking Provision
- SG LDP TRAN 7 –Safeguarding of Airports
- Supplementary Guidance 2 (December 2016)
- [Supplementary Guidance 2 - Windfarm map 1](#)
- [Supplementary Guidance 2 - Windfarm map 2](#)

**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 other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

- National Planning Policy Framework 3 (NPF3), Scottish Government (June 2014)
- Scottish Planning Policy (SPP), Scottish Government (June 2014)
- The future of energy in Scotland: Scottish Energy Strategy, Scottish Government (December 2017)
- Onshore wind policy statement, Scottish Government (January 2017)
- SNH Review 78 – Landscape assessment of Argyll and the Firth of Clyde (1996)
- SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017)
- 'Argyll and Bute Landscape Wind Energy Capacity Study' SNH and A&BC (2017);



- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- Historic Environment Scotland Policy (June 2016)
- Views of statutory and other consultees;
- Legitimate public concern or support expressed on relevant planning matters

---

**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** This proposal is a Schedule 2 EIA Development and an EIA has been required due to the potential for significant environmental impact.

---

**(L) Has the application been subject of statutory pre-application consultation (PAC):** Yes - a Pre-Application Consultation (PAC) Report dated June 2018 accompanies the application.

---

**(M) Has a sustainability check list been submitted:** No - separate consideration of the proposal's degree of sustainability has been required as the concept is implicit within the EIA process.

---

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

---

**(O) Requirement for hearing (PAN41 or other):** Yes.

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The current Local Development Plan was approved in 2015 and the relevant policies within it are not considered to be outdated. At the time of writing this application has attracted 293 objections and 5 petitions, 56 expressions of support and two representations. Scottish Natural Heritage has also objected to the application. Given the level of interest in the applications, with representations both for and against and the complexity of the issues raised, it is considered that there would be merit in holding a pre- determination Local Hearing to allow Members to visit the site, question participants and consider the arguments on both sides in more detail. It is the view of officers that this would add value to the decision-making process.

---

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

The Ardtaraig Wind farm site is located within the Ardtaraig Estate 3.1 km to the east of the nearest settlement Glendaruel and approximately 15 km west of Dunoon. The

site extends to approximately 2,160 hectares (ha) and largely consists of gently sloping open upland with intersected burns. The site is bounded to the west by Stronafian community forest. The site covers an area of open, rugged moorland on the west facing flanks of A'Chruach (365m AOD) and Cruach nan Cuilean (432m AOD). Landcover is rough moorland with some rocky outcrops and areas of steep slopes. The site is surrounded on all sides by commercial forestry plantations and is located immediately south of the existing Cruach Mhor Wind Farm (35 turbines each of 71m tip height). Access to the site would make use of the existing access to the Cruach Mhor Wind Farm. To the south-east lies Loch Striven and to the east Loch Tarsan. The B836 runs to the south of the site linking across the high moorland between Glendaruel and Loch Striven. The Tamhnich Burn is located to the west of the Site.

The Kyles of Bute National Scenic Area (NSA) is the closest national landscape designation to the site, approximately 1.8 km to the south-west. The focus of this NSA is the relationship between the surrounding land, sea lochs and the Kyles of Bute. Loch Lomond and the Trossachs National Park covers the eastern areas of Cowal and at its closest point is around 3 km to the nearest proposed turbine.

The closest residential property is located approximately 1.24km away from the nearest wind turbine, that being Craigen dive to the south east of turbines T6 and T7. There are a number of Core Paths, cycle routes and long distances routes within a 15km radius of the site.

There are two statutory designated ecological sites within 5 km of the proposed development. The Ruel Estuary Site of Special Scientific Interest (SSSI) is around 2.7 km from the nearest proposed turbine location. The Glendaruel Wood and Crags SSSI is around 570 m from the Cruach Mhor access to the site and 2.53 km from the main site area.

The proposal consists of up to 7 wind turbines each with a maximum height to blade tip of 136.5m, together with associated turbine foundations and hardstandings; a battery storage facility; an onsite network of underground cables linking the turbines to a grid connection; a series of onsite access tracks connecting each of the turbine locations; an onsite substation and control/maintenance building; seven watercourse crossings; 4 borrow pit search areas; and temporary works including a construction compound. The candidate turbine would have a maximum generating capacity of up to 4.2 megawatts (MW). The proposal would have an installed capacity of 29.4MW and would have an operational life of 25 years.

In principle, the proposed development is considered to be a sustainable form of development that will offset the emission of over 900,000 tonnes of Carbon Dioxide equivalent per annum (tCO<sub>2</sub>e) that would otherwise be emitted should the same amount of electricity be generated from fossil fuel sources.

In terms of the SPP's requirement for spatial frameworks for onshore wind energy proposals and the Spatial Framework for Argyll & Bute as set out in SG2 (December 2016) the site is located within a Group 2 area (Areas of significant protection) due to the mapped presence of Class 2 nationally important carbon-rich soils, potentially of high conservation value and restoration potential.

Permanent access to the site would be via the entrance to the existing Cruach Mhor wind farm located directly off the A886 some 18km south of the A815/A886 junction. The access junction with the A886 would be modified to accommodate the larger

turbine components associated with the proposed development. Subject to conditions this is acceptable to Transport Scotland and the Area Roads Engineer.

Noise, Shadow Flicker and other potential residential amenity impacts during construction and operation phases are not a concern in this case.

Scottish Natural Heritage has objected to the proposal on the grounds that the proposal would have an adverse effect on the special qualities and integrity of the Kyles of Bute National Scenic Area. SNH considers that these effects cannot be mitigated. SNH also have significant concerns regarding the landscape and visual impacts of this proposal.

Scottish Wild Land Group has also objected on the grounds that they believe the environmental and other impacts hugely outweigh any benefits and they raise particular concern about adverse impact on: raptors; protected areas; wild land tourism; questionable impacts on global warming; decommissioning/repowering; and ancient woodland.

No objections have been raised by any of the other consultees, subject to appropriate conditions.

At time of writing a total of 356 letters of representations have been received, comprising: 293 objections, 5 petitions from the NAW group, 56 support and 2 representations.

---

**(Q) Is the proposal consistent with the Development Plan:** No

---

**(R) Reasons why Planning Permission should be REFUSED**

In summary, the proposal is considered contrary to government policy, guidance and local development plan policy expressed in: SPP; Onshore Wind Policy Guidance; Energy Strategy; the adopted Local Development Plan and associated Supplementary Guidance, and guidance published by the Council in the 'Argyll & Bute Landscape Wind Energy Capacity Study'; insofar as it will have an adverse effect on the special qualities and integrity of the Kyles of Bute National Scenic Area (NSA) and it is not considered that these adverse impacts can be mitigated. It is also considered that the proposal will have significant adverse landscape and visual impacts. Furthermore, that as a consequence of the proposals significant adverse landscape and visual impacts. The proposed development may influence public attitudes to a point where tourists might become dissuaded from visiting. The full recommended reasons for refusal appear on the following page.

---

**(S) Reasoned justification for a departure to the provisions of the Development Plan:** N/A

---

**(T) Need for notification to Scottish Ministers or Historic Scotland:** In the event that Members are minded to GRANT planning permission against the recommendation of Officers the proposal will be required to be notified to Scottish Ministers due to the fact that SNH has objected.

---

**Author of Report:** Arlene Knox      **Date:** 11<sup>th</sup> January 2019

---

**Reviewing Officer:** Sandra Davies      **Date:** 11<sup>th</sup> January 2019

Angus Gilmour  
Head of Planning, Housing and Regulatory Services

**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 18/01516/PP**

1. Kyles of Bute National Scenic Area (NSA)

Argyll and Bute Council will resist any development in, or affecting, National Scenic Areas that would have an adverse effect on the integrity of the area, or that would undermine the Special Qualities\* of the area unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

It is considered that the impacts of Ardtaraig wind farm on the Kyles of Bute National Scenic Area (NSA) would compromise the objectives of the designation and the overall integrity of the NSA for the following reasons: the wind farm's location and scale in close proximity to this relatively small NSA would adversely affect the appreciation of the special qualities by affecting their landscape context and wider landscape setting; given the small extent of this NSA, the scale of the turbines is also likely to significantly detract from key views from within and of the NSA; the proposal will introduce a large, prominent wind energy development into the views and setting of the NSA, appearing incongruous on the skyline at the northern end of the NSA; and, there is currently no noticeable wind energy development in this nationally important landscape and the adjacent uplands provide an open and undeveloped skyline and setting for many highly scenic views and coastal panoramas.

It is considered that the proposal would result in a significant adverse effect on the special qualities of the Kyles of Bute NSA and that it will undermine its integrity. This environmental consideration is of such magnitude that it cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including the achievement of climate change related commitments.

**Having due regard to the above it is considered that the proposal is contrary to the provisions of SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 - Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017); and ‘Argyll and Bute Landscape Wind Energy Capacity Study’ SNH and A&BC (2017);**

2. Landscape Effects

Argyll and Bute Council will resist any development in, or affecting, National Scenic Areas that would have an adverse effect on the integrity of the area, or that would undermine the Special Qualities\* of the area unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. Argyll and Bute Council will also resist development in, or affecting, an Area of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which

the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance.

The receiving landscape's overall high landscape and visual sensitivity is confirmed by the Argyll and Bute Landscape Wind Energy Capacity (2017) (LWECS). This report categorises the receiving character type (Steep Ridgeland and Mountains (1)) as being of the highest sensitivity in the regional combined sensitivity score for Argyll and Bute. For this landscape character type the LWECS states: "there is no scope to accommodate turbines >50m high as additional new developments within this landscape without significant effects occurring on a number of key sensitivity criteria." These hills are notably rugged forming distinctive ridges, increasing their sensitivity. Sensitivity is heightened due to the close proximity to the valued NSA designation, and their location within the APQ. These hills are especially important in providing a wider backdrop to the NSA and are highly visible from the NSA. This skyline is currently not noticeably affected by built structures. It is perceived visually as a semi-natural northern boundary to the NSA.

It is considered that the wind farm would change this important landscape characteristic due to the location of the turbines on the defining 'ridge', their prominence, scale, colour and movement. The proposal would create a new, competing focus on the horizon which would detract from the existing composition and the focus of the Kyles. They would also intrude on the views and setting of the coastal fringes of the NSA, including spectacular panoramic views over the Kyles from the A8003. The wind farm would significantly detract from the dramatic scenery and setting of the NSA and the special qualities of the APQ would also be diminished by turbines sited on this visually prominent hill. This environmental consideration is of such magnitude that it cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including the achievement of climate change related commitments.

**Having due regard to the above it is considered that the proposal is contrary to the provisions of SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs); SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 - Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017); and ‘Argyll and Bute Landscape Wind Energy Capacity Study’ SNH and A&BC (2017);**

### 3. Visual Effects

Argyll and Bute Council will resist any development in, or affecting, National Scenic Areas that would have an adverse effect on the integrity of the area, or that would undermine the Special Qualities\* of the area unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. Argyll and Bute Council will also resist development in, or affecting, an Area of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which

the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance.

The proposal will potentially be visible from a wide range of views from within and to the Kyles of Bute National Scenic Area. It is very prominently sited on a ridge providing the immediate setting to the NSA. It will significantly intrude on the defining skyline which encircles and visually contains the northern end of the Kyles of Bute area, an important component of many of the area's views and panoramas. Areas of visibility of the proposal often coincide with areas enjoyed for recreation frequented by both visitors and residents in particular the popular and highly scenic landscape of the Kyles of Bute NSA, key approach routes and popular hill views from part of the adjacent Loch Lomond & the Trossachs National Park. The turbines will impinge on and detract from views from a range of key viewpoints on the shores including potentially scattered settlement, key routes, hill views, and also from the water, popular for recreation. These effects would be greatest, but not limited to, within 10km of the proposal.

It is likely to become a competing focus for people enjoying views, from within and to the NSA, due to its size, contrast of scale, incongruous character and rotating blades on the immediate containing skyline. These criteria combined with the proximity of views would result in a significant adverse impact on a range of key panoramas and views, important to people's experience of this landscape. It is considered that the proposal would have a significant adverse visual effects on the following:

- Views from the water's edge including potentially scattered settlement (no assessment viewpoint) as represented by, for example, VP 10 (Cowal Way)
- Water based views as represented by, for example, VP 11 (Kyles of Bute NSA) where scenic coastal views are strongly contained and channelled towards the wind farm by the steep - sided hill slopes. The wind farm is framed and would become the focus of the view. The Kyles of Bute area (Loch Ridden/Ruel and the Kyles) are very popular for recreational sailing and sea kayaking with anchorages at Caladh Harbour, Salthouse and Ormidale (Craig Lodge) and sailing schools nearby. The proposal would appear prominent on the skyline of hills which provide the wider setting to these seascapes. This would be experienced by, for example: recreational water users on the narrow channels of the Kyles/Loch Ruel where the coast is highly visible.
- Views from parts of key routes including the A8003/NCR75 and A886/B836, and the promoted Cowal Way Long Distance Route, which lies close to the coast as represented by, for example VP 8, 2, 5 and 10.
- Key views from elevated locations including Creag Dubh, the NTS viewpoint (layby off the A8003) as represented by, for example, VP8. The proposal will appear prominent and incongruous on the skyline.
- Hill views popular with walkers e.g. Cruach nan Caorach as represented by VP7
- Views of the NSA from near the boundary are also significantly affected including south of Kames as represented by VP14, VP2 B836 a key approach to the NSA from Dunoon and elevated views in the LLTNP including popular hills as represented by VP9 Beinn Mhor. These views are important in providing residents and visitors an appreciation of the richness of this scenic landscape.
- Views from the northern end of Bute as represented by VP20 are also adversely affected and may be underrated in the ES.

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, including the achievement of climate change related commitments.

Having due regard to the above it is considered that the proposal is contrary to the provisions of SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs); SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 - Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017); and ‘Argyll and Bute Landscape Wind Energy Capacity Study’ SNH and A&BC (2017).

4. Tourism and Recreation Effects

As detailed in reason for refusal no.1, the proposal would result in a significant adverse effect on the special qualities of the Kyles of Bute NSA which will undermine its integrity.

The presence of adverse landscape and visual impacts in the Kyles of Bute NSA would suggest that the development may influence public attitudes to a point where tourists might become dissuaded from visiting. This is supported by SPP 2014 which deems windfarms in National Scenic Areas to be unacceptable ostensibly as a consequence of their scenic sensitivity to large scale development and their value to Scotland’s tourist economy. Whilst the proposed windfarm is not within the NSA, it will be visible from within these areas and an inappropriately scaled and sited development will raise similar issues in relation scenic sensitivity and capacity to absorb large scale development.

Having due regard to the above, the proposal poses adverse impacts on tourism and recreation and is therefore inconsistent with the provisions of: SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs); SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.



**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01516/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The site is located within the Development Management Zone ‘Very Sensitive Countryside’ as defined by the Local Development Plan. Within ‘Very Sensitive Countryside’, Policy LDP DM 1 – Development within the Development Management Zones, encourages sustainable forms of renewable energy related on appropriate sites. It is considered that the proposal is contrary to the provisions of Policy LDP DM1 – Development within the Development Management Zones, as the site is not considered to be ‘appropriate’ for the proposed wind farm due to the significant adverse landscape and visual effects the proposal will have on the National Scenic Area. Furthermore, it is considered that due to these adverse effects the proposal cannot be considered to be sustainable. The proposal must also be considered in relation to all other policies of the Local Development Plan and Supplementary Guidance where these are relevant. This assessment is detailed below.

**Having due regard to the above it is considered that the proposal is contrary to the provisions of LDP DM1 – Development within the Development Management Zones; Scottish Planning Policy (2014); and National Planning Framework 3**

**B. SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES**

Argyll and Bute Council is keen to ensure that Argyll and Bute continues to make a positive contribution to meeting the Scottish Government’s targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels. The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects.

**C. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT**

The site is located on the Ardtaraig Estate, approximately 3.1km to the east of Glendaruel, and 17km north west of Dunoon. The site extends to approximately 798 hectares and largely comprises gently sloping open upland with intersected burns. The site is predominately bound by commercial forestry to the west and a steep ridgeline to the east. The A866 runs parallel along the western boundary of the site. The B836 lies to the south east of the site. The operational Cruach Mhor Wind Farm, consisting of 35 wind turbines is located immediately to the north.

The proposed development would comprise: seven wind turbines of up to 136.5m at their highest point; control building and substation compound, including a battery storage facility; underground electrical cables connecting the turbines to an on-site substation; site access tracks; provisions for four borrow pits; and crane hardstanding areas. During the anticipated 12 month construction phase the wind farm would also include a temporary construction compound along with a temporary laydown area adjacent to each crane hardstanding for turbine assembly purposes. Access to the site will be via Scottish Power’s Cruach Mhor wind farm entrance, located directly off the A886 some 18km south of the A815 / A886 junction.

Borrow Pits - Suitable locations within the site boundary for on-site borrow pits (temporary quarries) have been identified. Four borrow pit search locations have been chosen. The estimated volume of material available from each borrow pit is identified. Although these temporary quarries have been assessed within the ES, and as detailed information has been provided in this case they form part of this planning application. They will provide a source of construction aggregate, which will minimise the amount of material required to be imported to the site. In this case they are not required to be the subject of individual mineral consent applications in the event that planning permission is granted for the wind farm.

Infrastructure - During construction, a temporary construction compound would be required to house a site office and welfare facilities. The welfare facilities will include toilets, drying rooms with provision for sealed waste and storage. If possible, the site welfare facilities would utilise services already in existence i.e. Low voltage power, potable water and sewerage. Where possible, water extraction for welfare facilities would be provided via mains water supply. Where a mains supply is not available, water would be provided by ground water extraction. Scottish Water has no objection to this planning application, however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. A review of Scottish Water's records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed development.

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 wind farm would be connected into the national transmission system at Dunoon GSP substation, located approximately 17 km away. It is anticipated overhead lines would be utilised to connect both substations, the route would follow existing power lines where possible to minimise impact. A new sub-station at the proposed development site would be built and would be connected into the existing grid transmission network. The grid connection will be considered separate from the planning process by means of an Electricity Act Section 37 application to the Scottish Government (upon which the Council would be consulted in its capacity as Planning Authority).

#### **D. SPATIAL FRAMEWORK FOR WIND FARMS**

Supplementary Guidance has been prepared in accordance with SPP which provides a Spatial Framework for wind farms and wind turbine developments over 50 metres high, which identifies: Areas where wind farms will not be acceptable; Areas of significant protection; and Areas which may have potential for wind farm development. The Spatial Framework as set out in the SG demonstrates that the site is located in a Group 2 area 'Areas of Significant Protection' where wind farms may be acceptable and proposals will need to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The site is in Group 2 due to peat resources, which is discussed further on in this report.

#### **E. NET ECONOMIC IMPACT, INCLUDING LOCAL AND COMMUNITY SOCIO-ECONOMIC BENEFITS SUCH AS EMPLOYMENT, ASSOCIATED BUSINESS AND SUPPLY CHAIN OPPORTUNITIES**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewables and Scottish Planning Policy require applications for wind turbine developments to be assessed against net economic impact, including local and community socio-economic

benefits such as employment, associated business and supply chain opportunities.

Opportunities for job creation through the construction phase is estimated to generate 28 FTE jobs, with a further 2 FTE jobs during the operational phase. There will also be potential supply chain benefits during the construction phase with workers making use of local accommodation and other facilities. If taken up, the offer of a 10% stake in the proposed development could also have material benefits for the local community;

Community Benefit is not considered to be a 'material planning consideration' in the determination of planning applications. 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. It is understood from the ES that the applicant is proposing to follow Scottish Government guidance on best practice for community benefit associated with onshore renewable energy developments in this regard. Furthermore, that consultation on shared ownership has taken place with the local community and it is noted that any shared ownership deal would be done in accordance with the Scottish Governments *Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments* and would be agreed during the post consent stage.

**Having due regard to the above the proposals net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities has been assessed and it is concluded that the proposal is consistent with the provisions of Supplementary Guidance 2 (December 2016); LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; Scottish Planning Policy (June 2014) and the Onshore wind Policy Statement (January 2017) in this regard.**

#### **F. THE SCALE OF CONTRIBUTION TO RENEWABLE ENERGY GENERATION TARGETS**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against the scale of contribution to renewable energy generation targets. The proposed development could generate up to 29.4MW of renewable electrical energy, equivalent to 84.98 gigawatt hours (GWh) per year of electricity, which is estimated to be equivalent to the average annual electricity demand of around 23,378 typical homes;

**Having due regard to the above the proposals scale of contribution to renewable energy generation targets has been assessed and it is concluded that the proposal is consistent with the provisions of SG 2; Supplementary LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; Scottish Planning Policy (2014); and the Onshore wind Policy Statement (2017) in this regard.**

#### **G. EFFECT ON GREENHOUSE GAS EMISSIONS**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against their effect on greenhouse gas emissions. The

proposed development could prevent the emission of over 900,000 tCO<sub>2</sub>e by generating electricity from renewable sources over its proposed 25 year operational life, when compared to grid mix electricity generation;

**Having due regard to the above the proposals effect on greenhouse gas emissions has been assessed and it is concluded that the proposal is therefore consistent with the provisions of SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; Scottish Planning Policy (2014) and the Onshore wind Policy Statement (January 2017) in this regard.**

**H. IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS, INCLUDING VISUAL IMPACT, RESIDENTIAL AMENITY, NOISE AND SHADOW FLICKER (INCLUDING CUMULATIVE IMPACTS).**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.

The Environment Protection Officer notes that the wind farm is planned for a rural afforested area located to the north of the B836. The closest occupied residential properties less than 2km from the nearest turbine include: Craigendaive, Colbruach, Lochside Cottage, Hydro Cottages, Lochview and Balliemore. The main issues of concern to the Environment Protection Officer are: noise and vibration; air quality; lighting and private water supplies.

Construction Noise & Blasting – It is anticipated that the noise impact of construction activities on nearest residential property will not be significant outwith the limited time period that the off-site cabling and highway works are undertaken. Blasting is deemed likely in the extraction of rock from four proposed borrow pits which are sited in parts of the development area remote from habitation. The ES recommends the adoption of a Construction Environmental Management Plan (CEMP) to be submitted with the application and it is suggested this is required by an appropriate condition with the CEMP requiring approval by the Planning Authority. The CEMP should include provisions to control noise and blasting.

Air Quality - The Environment Protection Officer has confirmed that there are no matters associated with the proposal that are considered to pose a threat to ambient air quality objectives. The main potential risk to air quality nuisance during the construction phase, including dust from vehicles travelling along access tracks albeit the risk is low as there are no receptors within close proximity. This is another aspect that should be considered by the CEMP.

Lighting - The Environmental Protection Officer has confirmed that the wind farm development itself is unlikely to require significant lighting and given that there are no known sensitive receptors within a reasonable distance of the proposed construction activities, it is not anticipated that light pollution will be a matter to control via planning condition.

Private Water Supplies - The Environmental Protection Officer notes that the ES has determined that there is one active private water supply in the area that may be impacted by the development and mitigation measures are this has been assessed

and monitoring and mitigation measures proposed included in the proposed CEMP. It is not anticipated that site welfare facilities during the construction and operational phases will require the provision of a potable water supply.

The Environment Protection Officer advises that if the application is approved then in addition to a condition requiring a wide-ranging CEMP it is recommended that conditions are also attached to the planning permission to restrict noise immissions; report to demonstrate compliance with noise conditions; following a noise complaint the employment of independent consultant to assess noise immissions; provision of all calculations, audio recordings and raw data following complaint; continuous logging of wind speed, wind direction and power generation data; and submission of details of nominated representative to act as a point of contact for local residents in regard to noise complaints.

Shadow Flicker - Government guidance advises that if separation (10 x rotor diameters) is provided between turbines and nearby dwellings 'shadow flicker' should not generally result in adverse effects. Under accepted good practice and guidance, this will ensure that shadow flicker will not present a problem. At the proposed development, there are no residential properties within ten rotor diameters (i.e. 1170 m, based upon the 117 m rotor diameter turbines proposed for this scheme) of the proposed turbine locations. The Environmental Protection Officer has not raised any concerns in this regard.

Visual Impact is addressed in the Landscape and Visual Impact section of this report below.

**Having due regard to the above it is concluded that the proposal will have not have any adverse impacts on communities and individual dwellings, including, residential amenity, noise and shadow flicker and is therefore consistent with the provisions of SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; Scottish Planning Policy (SPP), (2014); and the Onshore Wind Policy Statement (2017) in this regard.**

#### **I. LANDSCAPE AND VISUAL IMPACTS, INCLUDING EFFECTS ON WILD LAND (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any landscape and visual impacts including wild land.

The turbines (136.5m high) are located 1.77km from the northern boundary of Kyles of Bute National Scenic Area (NSA) and fully within the Kyles of Bute Area of Panoramic Quality (APQ). The proposal is 2.9km from the adjacent Loch Lomond and the Trossachs National Park (LLTNP).

Loch Lomond and the Trossachs National Park has considered the scale of the turbines and their appropriateness in regard to landscape character and their impact on visual experience of the landscape of the National Park. Whilst there will be visibility of the turbines from areas of the National Park it is considered that the impacts will be of a very localised nature. It is considered that the proposed wind farm will not have a significant adverse impact overall on the landscape character or setting of the National

Park and will not have a significant adverse impact on the visual experience of the landscape experience of the National Park. Therefore the National Park does not object to the proposal but highlights that the proposal will at its current height have moderate adverse landscape impacts on the landscape setting and visual experience of the National Park particularly from aspects of the Cowal Peninsula including Beinn Ruadh, Beinn Mhor and Clach Bheinn. Whilst these views are from elevated locations the height of the turbines means that there will be a significant local impact upon important hills including those classified as the Grahams.

Scottish Natural Heritage object to the proposal and provide the following advice

Kyles of Bute National Scenic Area (NSA) - Scotland is renowned for its outstanding scenery. NSA's are nationally important areas "of outstanding scenic value in a national context" (Planning (Scotland) Act 2006) and where an area is designated as a NSA, "... special attention is to be paid to the desirability of safeguarding or enhancing its character or appearance." NSAs represent the finest examples of Scotland's scenery, highly valued by residents and visitors alike. The impacts of Ardtaraig wind farm on the Kyles of Bute NSA would compromise the objectives of the designation and the overall integrity of the NSA.

The wind farm's location and scale in close proximity to this relatively small NSA would adversely affect the appreciation of the special qualities by affecting their landscape context and wider landscape setting. Given the small extent of this NSA, the scale of the turbines is also likely to significantly detract from key views from within and of the NSA. The proposal will introduce a large, prominent wind energy development into the views and setting of the NSA, appearing incongruous on the skyline at the northern end of the NSA. There is currently no noticeable wind energy development in this nationally important landscape and the adjacent uplands provide an open and undeveloped skyline and setting for many highly scenic views and coastal panoramas. In our opinion, the proposal would result in a significant adverse effect on the special qualities of the NSA and will undermine integrity.

Strategic Implications and Issues of Precedent – Ardtaraig wind farm is contrary to the strategic pattern of wind energy development and would introduce large typology wind energy development to the views and setting of the NSA. Currently, no wind energy development is sited within the NSA and wind energy development does not significantly impact on the immediate setting of the NSA. While the operational Cruach Mhor wind farm (35 No turbines at 71m to tip) in north Cowal, (c6km), has some limited theoretical visibility from the NSA; it is not noticeable and does not intrude into the views and setting of the NSA. This is largely due to its successful location in a basin, set back from the NSA and the coast. Existing and approved wind farms presently visible in Ayrshire from the NSA are more than 20km away. The proposal could therefore set a precedent for further development of this type and scale in this highly sensitive landscape setting. This could potentially result in significant cumulative effects including sequential effects.

Special Qualities – The wind farm's location and scale in close proximity to the NSA would adversely affect the appreciation of the special qualities by affecting their landscape context and wider landscape setting. Given the small extent of the NSA, the scale of the turbines is also likely to significantly detract from key views from within and of the NSA. Further information on the special qualities can be found on the SNH website. SNH consider the key SQ's likely to be adversely affected by this proposal include: the drama of the Kyles; the juxtaposition of human settlement and a wider undeveloped landscape of sea and hills; and ever-changing vistas. These are covered in more details below:

The drama of the Kyles – the ‘Kyles’ relates to the three arms of water and their associated coast as defined by the NSA boundary. The northern continuation of the Kyles, though mapped as Loch Ruel or Loch Riddon, is part of ‘the Kyles’. The NSA boundary and special qualities confirms this indicating that the view north ‘overlooks the three arms of water’. While some views are highlighted in the SNH special qualities report, key views are not limited to those listed.

This is a small NSA where the sea is the focus combined with islands, straits, promontories, steep ridges and bluffs, flats and bays, resulting in a dramatic and scenic composition. Narrow sea channels converge at the northern end of Bute, contained by steep hill slopes and the Cowal peninsulas. The appreciation of this dramatic composition will be adversely affected by the proposal as it would distract from the focus of the Kyles. The drama of the Kyles is particularly experienced from both the coast and the sea including: the popular promoted A8003/NCR75 National Trust (NT) elevated viewpoint – where there is the opportunity to stop and appreciate the panoramic striking views over much of the NSA with views north drawn towards the steep rocky hills and the wind farm and views southeast along the Kyle; from northern Bute (e.g. Buttock Point) where the three channels converge and the complex shoreline backed by wooded craggy hill slopes and steep ridges is particularly pronounced and important to the experience of the NSA; and from the deeply enclosed, narrow sea channels – very popular for sailing/recreation where the often intimate scale, rich variety and drama of the NSA can be appreciated sequentially as a journey.

In these views, turbines located on a prominent hill above the Kyles, forming the backdrop to the NSA and immediate containment to panoramic coastal views of the NSA, would detract from the scenic coastal edge and create a competing focus. The proposal’s prominent location, scale and movement on the skyline would draw the eye detracting from the dramatic and highly scenic composition.

The juxtaposition of human settlement and a wider undeveloped landscape of sea and hills – this is an overarching quality appreciated throughout the NSA. Built development is small scale, has a strong pattern generally limited to the narrow coastal strip, and relates well to landform, achieving a good landscape fit. The area often has an intimate scale due to the strong enclosure and the richly diverse landscape cover including woodlands and tidal wetlands, emphasised by occasional small buildings fringing the shore. There is relatively little built development in this NSA and the skyline of the receiving ridge which backdrops views of the area is not noticeably affected by built structures. This landscape has a valued semi-natural and undeveloped character. Although readily accessible by land and sea it retains a sense of remoteness and seclusion.

Turbines of this size will appear out of scale, especially in relation to small buildings and small scale or complex landscape features. The clearly legible settlement pattern and its successful relationship to the landscape of undeveloped rugged hills, sea and small scale, diverse landscape features will be compromised by the introduction of Ardtaraig wind farm on the skyline above the Kyles. Turbines will appear incongruous, and erode the undeveloped character of this landscape. Visitors come here specifically to enjoy the relatively remote, undeveloped and scenic character of the area, despite its relative accessibility.

The proposal would change the character and perception of the defining ridge as a semi-natural boundary to the NSA detracting from this highly scenic composition. It is also likely to compromise the enjoyment and experience of the landscape in particular the recreational experience and the sense of seclusion.

Ever-changing vistas – the NSA is small in extent and most of the area can be seen from key viewpoints in relative proximity. The varied elevation and twisting nature of the coastal roads and openness of views across the water allows high visibility with a wide variety of views and vistas. The NSA is frequently experienced and enjoyed from both land and sea with sea views important in this area; a renowned sailing route, also popular for kayaking, boat trips and PS Waverley.

The proposal would be highly visible and significantly adversely affect a range of views and vistas within the NSA, including key routes, the sea, the shore, and hill views; ultimately compromising the appreciation of the special qualities and the scenic composition. The promoted NTS viewpoint on the A80003/NCR75 as represented by VP8 provides a rare opportunity to enjoy easily accessible, elevated striking panoramic views across most of the NSA and along the sea channels. In these views, rotating turbines on this distinctive, very prominent ridge which immediately contains the NSA would be highly visible and would detract from the juxtaposition of the undeveloped backdrop of hills, narrow sea channels, and small scale, richly diverse land cover and complex coastal edge which combine to create this highly scenic composition. Similarly, views from the sea are particularly important as they allow appreciation of the combination of special qualities as a journey through the NSA with ever-changing and uninterrupted views across the water. Views north along the Kyles as represented by, for example VP 11 (Kyles of Bute), are framed by the steep coastal hills, accentuating the wind farm as the focus of the view. While the turbines may be partially screened in views from the northern end of Bute, as represented by VP20, they will be perceived as detractive elements given their location on the immediate containing skyline flicking over the horizon in views of this richly diverse, dramatic and scenic composition. The view from northern Bute provides a rare opportunity to appreciate the convergence of the three water channels and is a particularly fine example of the combination of the sea, complex shoreline, wooded craggy hill slopes and rugged steep ridges. The ES acknowledges that a range of views will be significantly adversely affected – both panoramic and more intimate – from a range of elevations and locations around the NSA and key views of the NSA.

In terms of effects on the special qualities, the ES indicates that, as the precautionary principle applies in the NSA, there will be a significant adverse effect on the special quality ‘the juxtaposition of human settlement and a wider undeveloped landscape of sea and hills’; but considers that the other special qualities and the overall integrity of the NSA will not be significantly adversely affected.

SNH consider the effects on the NSA are underrated in the ES. In their view, Ardtaraig wind farm will compromise each of the special qualities described above, and the contribution they make to the NSA as a whole. The rotating blades, colour, contrasting scale of the wind farm with the often complex and intimate scale of the NSA, and the location of the turbines on the ridge which immediately contains the NSA all contribute to significant adverse effects on the special qualities described.

Landscape Effects - The receiving landscape’s overall high landscape and visual sensitivity is confirmed by the Argyll and Bute Landscape Wind Energy Capacity (2017) (LWECS). This report categorises the receiving character type (Steep Ridgeland and Mountains (1)) as being of the highest sensitivity in the regional combined sensitivity score for Argyll and Bute. For this landscape character type the LWECS (Ref LWECS, Main Report, p33, 4.3.5) states: "there is no scope to accommodate turbines >50m high as additional new developments within this landscape without significant effects occurring on a number of key sensitivity criteria."



These hills are notably rugged forming distinctive ridges, increasing their sensitivity. Sensitivity is heightened due to the close proximity to the valued NSA designation, and their location within the APQ. These hills are especially important in providing a wider backdrop to the NSA and are highly visible from the NSA. This skyline is currently not noticeably affected by built structures. It is perceived visually as a semi-natural northern boundary to the NSA. The wind farm would change this important landscape characteristic due to the location of the turbines on the defining 'ridge', their prominence, scale, colour and movement. The proposal would create a new, competing focus on the horizon which would detract from the existing composition and the focus of the Kyles. They would also intrude on the views and setting of the coastal fringes of the NSA, including spectacular panoramic views over the Kyles from the A8003. In officers' opinion, the wind farm would significantly detract from the dramatic scenery and setting of the NSA. The special qualities of the APQ would also be diminished by turbines sited on this visually prominent hill.

Visual Effects - The ZTV indicates the proposal will potentially be visible from a wide range of views from within and to the NSA. The proposal is very prominently sited on a ridge providing the immediate setting to the NSA. The proposal will significantly intrude on the defining skyline which encircles and visually contains the northern end of the Kyles of Bute area, an important component of many of the area's views and panoramas.

Areas of visibility of the proposal often coincide with areas enjoyed for recreation frequented by both visitors and residents in particular the popular and highly scenic landscape of the Kyles of Bute NSA, key approach routes and popular hill views from part of the adjacent LLTNP. The turbines will impinge on and detract from views from a range of key viewpoints on the shores including potentially scattered settlement (no assessment viewpoint), key routes, hill views, and also from the water, popular for recreation. These effects would be greatest, but not limited to, within 10km of the proposal.

Ardtaraig wind farm is likely to become a competing focus for people enjoying views, from within and to the NSA, due to its size, contrast of scale, incongruous character and rotating blades on the immediate containing skyline. These criteria combined with the proximity of views would result in a significant adverse impact on a range of key panoramas and views, important to people's experience of this landscape. Significant adverse visual effects include:

- Views from the water's edge including potentially scattered settlement (no assessment viewpoint) as represented by, for example, VP 10 (Cowal Way)
- Water based views as represented by, for example, VP 11 (Kyles of Bute NSA) where scenic coastal views are strongly contained and channelled towards the wind farm by the steep - sided hill slopes. The wind farm is framed and would become the focus of the view. The Kyles of Bute area (Loch Ridden/Ruel and the Kyles) are very popular for recreational sailing and sea kayaking with anchorages at Caladh Harbour, Salthouse and Ormidale (Craig Lodge) and sailing schools nearby. The proposal would appear prominent on the skyline of hills which provide the wider setting to these seascapes. This would be experienced by, for example: recreational water users on the narrow channels of the Kyles/Loch Ruel where the coast is highly visible.
- Views from parts of key routes including the A8003/NCR75 and A886/B836, and the promoted Cowal Way Long Distance Route, which lies close to the coast as represented by, for example VP 8, 2, 5 and 10.

- Key views from elevated locations including Creag Dubh, the NTS viewpoint (layby off the A8003) as represented by, for example, VP8. The proposal will appear prominent and incongruous on the skyline.
- Hill views popular with walkers e.g. Cruach nan Caorach as represented by VP7
- Views of the NSA from near the boundary are also significantly affected including south of Kames as represented by VP14, VP2 B836 a key approach to the NSA from Dunoon and elevated views in the LLTNP including popular hills as represented by VP9 Beinn Mhor. These views are important in providing residents and visitors an appreciation of the richness of this scenic landscape.

Views from the northern end of Bute as represented by VP20 are also adversely affected and may be underrated in the ES.

SNH **object** to this development due to impacts on the Kyles of Bute National Scenic Area (NSA).

The Argyll and Bute Landscape Wind Energy Capacity Study (2017)(LWECS) - The LWECS categorises the receiving character type (Steep Ridgeland and Mountains (1)) as being of the highest sensitivity in the regional combined sensitivity score for Argyll and Bute. For this landscape character type the LWECS (Ref LWECS, Main Report, p33, 4.3.5) states: “that there is no scope to accommodate turbines >50m high as additional new developments within this landscape without significant effects occurring on a number of key sensitivity criteria”.

Wild land is not an issue for this application.

**Having due regard to the above it is concluded that the proposal will have adverse landscape and visual impacts and is therefore contrary to the provisions of SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs); SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; Scottish Planning Policy (2014); Onshore wind policy statement, (2017); SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017); and the ‘Argyll and Bute Landscape Wind Energy Capacity Study’ SNH and A&BC (2017)**

**J. EFFECTS ON NATURAL HERITAGE INCLUDING BIRDS (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any impact they may have on natural heritage including birds.

Forestry Commission Scotland advise that while the development of the wind farm itself does not directly impact on woodland the proposed access track upgrade run through existing woodland. There is reference to 5.32ha of Ancient Woodland and 17.94ha of conifer woodland within the study area in the ES, however, it is not clear from the information provided whether any areas will require felling to accommodate the road upgrade. CoWRP has a strong presumption against removing some types of woodland including ancient semi-natural woodland. FCS advise that the Scottish

Governments 'Control of Woodland Policy' would apply and that UKFS should apply to any woodland activity. As the scale is small within the context of the woodland FCS would not object to the proposal as its stands. However, Argyll and Bute Council should consider asking for clarification on this matter and consider whether compensatory planting should be conditioned. It is understood from the agent that discussions are ongoing with Forestry Commission Scotland in this regard and it is recommended that the final agreed condition be attached in the event that planning permission is granted.

Outline Construction Environmental Management Plan - SEPA acknowledge the developers intention to prepare a site specific Construction Environmental Management Plan (CEMP) and welcome the outline CEMP. SEPA ask that a condition is attached to any permission granted such that the site specific CEMP is submitted for approval to the determining authority, in consultation with SEPA, at least 2 months prior to the proposed commencement (or relevant phase) of development. The document should incorporate detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. SEPA expect that this also consider how it is intended to collect, contain, treat and dispose of contaminated site drainage. It should also include any site specific Construction Method Statements provided by the contractor as requested by the planning authority and statutory consultees.

Groundwater Dependent Terrestrial Ecosystems (GWDTE) - GWDTE are specially protected under the Water Framework Directive and in this respect SEPA regulates discharges, abstractions and engineering activities which could impact upon wetlands. These are sensitive receptors to the pressures that are potentially caused by development. SEPA have considered the information submitted with the ES and notes that a number of areas of moderate and high potential to support GWDTE have been identified within the immediate vicinity of proposed infrastructure. The ES suggests that these GWDTE are in fact "predominantly maintained by water contained within the peat rather than the bedrock aquifer". SEPA would still consider this to be GWDTE however SEPA acknowledge that the assessment treats all the potential sensitive habitats on a precautionary worst case scenario.

SEPA acknowledge that the majority of the site infrastructure has been sited in areas least likely to cause disruption and that the planned mitigation is in line with best practice. Although the majority of the site has some degree of potential GWDTE their impact should be limited to actual lost habitat during infrastructure construction. As such SEPA has no objection regarding the impact of the development on GWDTE but recommend that the CEMP includes the proposed mitigation measures in the ES.

Existing Groundwater Abstractions including Private Water Supplies (PWS) - The ES outlines the existing groundwater abstractions within the vicinity of the development. All CAR authorised groundwater abstractions and registered private water supplies in the vicinity of the site have been confirmed after consulting with Argyll and Bute Council, Scottish Water and SEPA. All the sources have been confirmed as outwith the buffer zones specified within SEPA's guidance on assessing the impacts of wind farm development proposals on groundwater abstractions and groundwater dependent terrestrial ecosystems.

Micro-siting - SEPA understand that a 50m micro-siting tolerance is proposed. SEPA would expect that any proposed micrositing reflect the environmental constraints as set out in the ES and accompanying assessment. Whilst SEPA would welcome if this allowed for further mitigation through avoidance of sensitive habitats/features SEPA

would expect to be given the opportunity to comment on any proposed changes to the design if required.

The Council's Local Biodiversity Officer has no objection, to the proposal, but recommends that all ecological bases are covered in various habitat and species plans and staff education and awareness training is overseen by an Ecological Clerk of Works, and that this should be included as part of any Construction Environment Management Plan.

### **Birds**

Scottish Natural Heritage - have advised that there are a number of protected bird species recorded at the site, including golden eagle, hen harrier, and short eared owl. Furthermore, that this species diversity is reflected in the Bird Sensitivity map (RSPB Research Report no 20) which indicates this area is highly sensitive to wind farm development. SNH advise that Survey methodologies have not been carried out in accordance with guidance. There are short-comings in terms of Vantage Point (VP) survey periods and timings and a number of relevant wind farms are missing from the cumulative assessment. Collision risk predictions may also be under-estimated, particularly in respect of golden eagle. Whilst SNH recognise that the proposal may have an adverse localised impact on a number of protected bird species, it is unlikely to create a Natural Heritage Zone (NHZ) population level risk for any one species. Further details of mitigation measures should, however, be provided within the Bird Protection Plan for hen harriers, short-eared owl and black grouse to ensure that disturbance risks are minimised during the construction and operational phases of the development.

Royal Society for the Protection of Birds - Although RSPB Scotland do not object, they have concerns that potential impacts of this proposal are underestimated in relation to open peatland heath habitat and associated bird species. RSPB advise that further mitigation is required to address these issues. RSPB recommend that mitigation is provided as advised by them and that if the Council are minded to approve the application, conditions as recommended by them are secured as part of any permission. RSPB recommend that further mitigation/enhancement is provided in the form of a habitat/species management plan to minimise impacts on hen harrier, eagles and black grouse and conditions to ensure that: no construction works/vegetation clearance/tree felling or decommissioning are carried out during the bird breeding season (April to July inclusive) unless undertaken after a bird disturbance management plan has been agreed and implemented; that a Habitat Management Plan (HMP) (including mitigation measures for hen harriers, eagles, and black grouse) is submitted to and approved in writing by the planning authority in consultation with SNH (and RSPB); the employment of a suitably qualified and experienced Ecological Clerk of Works (ECoW) to oversee construction of turbines, tracks and other infrastructure and delivery of mitigation measures in order to minimise ecological impacts; and the establishment of an appropriate programme of post-construction monitoring of bird populations and habitat monitoring on the area identified for mitigation under the Habitat Management Plan (HMP).

**Having due regard to the above it is concluded that the proposal will not have any adverse impacts on the natural heritage including birds and is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 6 – Development Impact on Trees / Woodland; SG LDP ENV 7 – Water Quality and the Environment; SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 –**

Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; Scottish Planning Policy; Onshore wind policy statement, Scottish Government (January 2017); The Scottish Government’s Policy on ‘Control of Woodland Removal’ (Forestry Commission Scotland 2009);

**K. IMPACTS ON CARBON RICH SOILS, USING THE CARBON CALCULATOR (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2 and Scottish Planning Policy require applications for wind turbine developments to be assessed against any impact they may have on carbon rich soils, using the carbon calculator

Peatland – SNH advise that the applicant correctly identifies that much of the peatland on this site is degraded and effort has been made to site most of the infrastructure on the more degraded areas of peatland. As a result, the area which may be affected by the proposed wind farm is not considered by SNH to be of National Interest for its peatland habitat. Given that the development will result in a net loss of peatland habitat and some loss of peat, SNH advise that, should planning permission be granted, it should be subject to the condition that a Habitat Management Plan is developed with an objective to restore a significant area of blanket bog.

Disturbance and re-use of Excavated Peat - SEPA note that the impact of the development on peat is considered within the ES. An Outline Peat Management Plan (OPMP) has also been provided. SEPA welcome the measures described to minimise disturbance and excavation of this resource through micro-siting around deeper areas and the adoption of floating roads ‘on the last section of track A005’. Despite these measures 164,072m<sup>3</sup> of peat will require to be excavated to facilitate the construction of the development. Details of this and the proposed reuse strategy are set out within the OPMP. SEPA are largely satisfied with the measures in the OPMP and consider that it is imperative that these are implemented as proposed. SEPA recognise that changes may need to be made to the plan post permission for example as a result of micro-siting or additional surveys. Therefore, to ensure that the finalised strategy is appropriate and accords with SEPA’s guidance on the assessment of peat volumes, reuse of excavated peat and minimisation of waste SEPA request a condition is imposed requiring the developer to prepare and submit a detailed PMP for approval to the determining authority, in consultation with SEPA, at least 2 months prior to commencement of development on site. The plan should also describe the contingencies in place to address how any surplus peat excavated on site will be managed.

Spatial Strategy (SPP & SG2) - The site is located within a Group 2 area as defined by SPP and Supplementary Guidance due to the mapped presence of Class 2 nationally important carbon-rich soils, potentially of high conservation value and restoration potential. According to SNH’s narrative accompanying the Carbon and Peatland 2016 map, the map “*can only indicate that carbon-rich soils, deep peat and priority peatland habitat are likely to be present and that the presence, or potential presence, of such resources is not a ban on development*”. Following the advice of SNH and SEPA, it is not considered that this status would be an impediment to the proposal being permitted subject to conditions to secure a Peat Management Plan and a Habitat Management Plan.

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on carbon rich soils, using the carbon calculator and is therefore consistent with the provisions of is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; Scottish Planning Policy; Onshore wind policy statement, (January 2017).

**L. PUBLIC ACCESS, INCLUDING IMPACT ON LONG DISTANCE WALKING AND CYCLING ROUTES AND THOSE SCENIC ROUTES IDENTIFIED IN THE NPF (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any impact they may have on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF. No rights of way, cycle paths or long distance footpaths would be directly affected by the proposed development such that temporary closure or re-routing is required. Some of these receptors would gain visibility of the wind turbines including stretches of the Cowal Way Long Distance Route, National Cycle Route (NCR) 75 and Regional Cycle Route 94. Landscape and Visual Impact is considered above.

Having due regard to the above it is concluded that the proposal will not have any adverse physical impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF and is therefore consistent with the provisions of SG 2 Renewable Energy, SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; Scottish Planning Policy; Onshore wind policy statement, (January 2017).

**M. IMPACTS ON THE HISTORIC ENVIRONMENT, INCLUDING SCHEDULED MONUMENTS, LISTED BUILDINGS AND THEIR SETTINGS (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any impact they may have on the historic environment, including scheduled monuments, listed buildings and their settings. Historic Environment Scotland (HES) do not object to the proposed development and have no specific comments to make on the EIA Report. The West of Scotland Archaeology Service (WOSAS) has advised that no substantive archaeological issues are raised and confirmed they have no objection to the proposal.

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on the historic environment, including scheduled monuments, listed buildings and their settings and is therefore consistent with the provisions of SG LDP ENV 15 – Development Impact on Historic Gardens

and Designed Landscapes; SG LDP ENV 16(a) – Development Impact on Listed Buildings; SG LDP ENV 19 –Development Impact on Scheduled Ancient Monuments; SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; Scottish Planning Policy; the Onshore Wind Policy Statement and Historic Environment Scotland Policy (2016) in this respect.

**N. IMPACTS ON TOURISM AND RECREATION (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any impact they may have on tourism and recreation. Tourism and recreation around the site focuses on the natural environment, with visitors generally being transient in nature. Key receptors include the Cowal Way Long Distance Route, National Cycle Route 75, Regional Cycle Route 94 and the Loch Lomond and Trossachs National Park. The main effects would result during the operation of the proposed development from visibility of the turbines. The EIA concludes that it is expected that whilst there may be localised pockets of significant visibility, the overall experience of visitors and recreational users would not be significantly affected by the proposed development.

Loch Lomond and the Trossachs National Park considers that the proposed wind farm would introduce a new prominent man-made visual feature into the landscape and have a local significant impact on the views and landscape experience of walkers from the top of Beinn Mhor, Beinn Ruadh and Clach Bheinn. It is considered that the proposed wind farm could be a competing focus for people enjoying views from the tops of these hills due to its size, contrast of scale, incongruous character and rotating blades on the immediate containing skyline. However, the National Park recognises that these adverse visual impacts of the proposed wind farm will be largely limited to the summits of these hills and that these impacts will therefore be very localised. LLTNP have no objection to the proposal.

SPP 2014 deems wind farms to be unacceptable in National Parks and National Scenic Areas, ostensibly as a consequence of their scenic sensitivity to large scale development and their value to Scotland's tourism economy. This would indicate that at government level there is recognition that wind farms sited inappropriately in sensitive locations valued for their scenic qualities would be unlikely to be in the interests of sustaining Scotland's tourism economy.

The Council also regards landscape as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism economy. For all types of development the maintenance of landscape character is an important facet of decision-making in the countryside in Argyll and Bute, regardless of the scale of development proposed. The Council's Local Development Plan Policy LDP 6 identifies impacts on tourism and recreation as a material consideration in the assessment of wind turbine developments on the basis that inappropriate developments with significant adverse effects which contribute to the degradation of landscape character are unlikely to be in the interests of the Argyll tourism economy.

It is considered that current research on the impact of wind farms on tourism is based upon the existing situation where approved wind farms are generally well sited and scaled. Officers are of the view that the outcome of such research may be different if

it were to consider and encompass wind farms which are inappropriately sited and scaled (such as is considered to be the case here). It is considered that the Ardtaraig proposal would result in a significant adverse effect on the special qualities of the Kyles of Bute NSA which will undermine its integrity. The presence of these adverse landscape and visual impacts in the Kyles of Bute NSA would suggest that the development may influence public attitudes to a point where tourists might become dissuaded from visiting. This is supported by SPP 2014 which deems windfarms in National Scenic Areas to be unacceptable ostensibly as a consequence of their scenic sensitivity to large scale development and their value to Scotland's tourist economy. Whilst the proposed windfarm is not within the NSA, it will be visible from within these areas and an inappropriately scaled and sited development will raise similar issues in relation scenic sensitivity and capacity to absorb large scale development.

**Having due regard to the above, the proposal poses adverse impacts on tourism and recreation and is therefore inconsistent with the provisions of: SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs); SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.**

**O. AVIATION, DEFENCE AND SEISMOLOGICAL RECORDING (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any impact they may have on Aviation, Defence and Seismological Recording.

This Ministry of Defence has no objection to the proposal subject to condition to ensure that turbines are fitted with MOD accredited aviation lighting. NATS has no safeguarding objection to this proposal. Glasgow Airport has no objection to this proposal.

**Having due regard to the above it is concluded that the proposal will not have any adverse impacts on aviation and defence interests and seismological recording and is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.**

**P. IMPACTS ON TELECOMMUNICATIONS, BROADCASTING INSTALLATIONS AND TRANSMISSION LINKS (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any impact they may have on telecommunications, broadcasting installations and transmission links. Whilst Ofcom and CSS Spectrum Management have been unable to provide responses. No significant environmental effects on any such receptors are identified in ES.



**Having due regard to the above it is concluded that the proposal will not have any adverse impacts on aviation and defence interests and seismological recording and is therefore consistent with the provisions of SG 2, Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.**

**Q. IMPACTS ON ROAD TRAFFIC AND ADJACENT TRUNK ROADS (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any impact they may have on road traffic and adjacent trunk roads. Transport Scotland has no objection to the proposal subject to conditions to: secure approval of the proposed route for any abnormal loads on the trunk road network; to secure approval of any accommodation measures required including the removal of street furniture, and traffic management; and to ensure acceptable additional signing or temporary traffic control is undertaken by a recognised Quality Assured traffic management consultant. The Area Roads Engineer notes that the proposed development is to be accessed from A886 from the existing access which currently serves Cruach Mhor Wind Farm and has no objection to the proposal subject to conditions to ensure that: any alternative vehicular access being used for delivery of materials; plant or components is agreed with Local Roads Authority; the required sightlines are 160 x 2.4 metres are provided; and that all walls, hedges and fences within the visibility splays will be maintained at a height not greater than 1 metre above the road. The Area Roads Engineer further advises that the design and construction of the access is acceptable. However, should any carriageway or verge alterations be required for delivery of plant or components for the wind farm that the local roads authority must be consulted. Finally, that there may be a requirement for a Road Opening Permit for such works and any Abnormal Loads must be reported as per the usual procedure.

**Having due regard to the above it is concluded that the proposal will not have any adverse impacts on road traffic and adjacent trunk roads and is therefore consistent with the provisions of SG2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.**

**R. EFFECTS ON HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against effects on hydrology, the water environment and flood risk. No significant environmental effects on any such receptors are identified in the ES.

**Having due regard to the above it is concluded that effects on hydrology, the water environment and flood risk have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local**

**Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.**

**S. THE NEED FOR CONDITIONS RELATING TO THE DECOMMISSIONING OF DEVELOPMENTS, INCLUDING ANCILLARY INFRASTRUCTURE, AND SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration. The proposal has been designed with an operational life of 25 years. At the end of the operational period it would be decommissioned and the turbines dismantled and removed. Any alternative to this action would require permission from Argyll and Bute Council and so is not considered in the ES.

During decommissioning the bases would be broken out to below ground level. All cables would be cut off below ground level, de-energised and left in the ground. Access tracks would be left for use by the landowner. No stone would be removed from the development site. This approach is considered to be less environmentally damaging than seeking to remove foundations, cables and roads entirely. In accordance with SEPA and SNH's guidance it is recommended that in the event planning permission is granted that a requirement for decommissioning and site repowering plan (DRP) should be included in the planning conditions. This would ensure that at the end of the proposals operational life the turbines would be decommissioned and principle elements removed, the site would be restored to its former use leaving little if any visible trace.

**Having due regard to the above it is concluded that the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration has been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.**

**T. OPPORTUNITIES FOR ENERGY STORAGE (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against any opportunities for energy storage which exist. In addition to the installation of 7 wind turbines, the proposed development incorporates a battery storage facility to further maximise the electricity generated from the proposed wind turbines. The battery storage facility has several benefits: when the local grid network is not able to absorb the additional wind power created by a quick wind speed increase the battery storage facility would catch this extra generation and then store it in the batteries and release back onto the grid when possible; it provides predictable and consistent power to the local grid network. The battery storage facility would have the ability to smooth out any short-term wind peaks and troughs; and Frequency Regulation - this allows the wind farm to store energy in the battery storage facility in order to immediately and precisely respond to changes in load, further improving turbine generation flexibility.

Having due regard to the above it is concluded that opportunities for energy storage have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.

**U. THE NEED FOR A ROBUST PLANNING OBLIGATION TO ENSURE THAT OPERATORS ACHIEVE SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and Scottish Planning Policy require applications for wind turbine developments to be assessed against the need for a robust planning obligation to ensure that operators achieve site restoration. This matter can be covered by planning conditions or a legal agreement consistent with other projects across Argyll & Bute in the event that the proposed development obtains planning permission.

Having due regard to the above it is concluded that opportunities for energy storage have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, Scottish Planning Policy and the Onshore Wind Policy Statement in this respect.

**V. The Scottish Energy Strategy & Onshore Wind Policy Statement 2017**

The Scottish Energy Strategy (SES) 2017 - The SES was published in December 2017 and sets out the Scottish Government's strategy through to 2050, marking a '*major transition*' over the next three decades in terms of energy management, demand reduction and generation. The SES sets two new targets for the Scottish energy system by 2030: The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; and, an increase by 30% in the productivity of energy use across the Scottish economy. The SES recognises that reaching the 50% target by 2030 'will be challenging' but the target demonstrates 'the Scottish Government's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland'.

These energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.

The Statement goes on to state that: '*This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes "where it can be accommodated"*'.

'Onshore Wind Policy Statement' (December 2017) – The onshore wind policy statement sets out the Scottish Government's position on onshore wind and supports the aims of the Scottish Energy Strategy:

*"The Scottish Government acknowledges the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them **without significant adverse impacts**".*

Having due regard to the above it is considered that the proposal is contrary to the provisions of the Scottish Energy Strategy 2017 and Onshore Wind Policy

**Statement 2017, in that it cannot constitute ‘sustainable development’, as it is considered that it cannot be accommodated on the chosen site without significant adverse landscape and visual impacts on nationally and locally designated landscapes (National Scenic Area and Area of Panoramic Quality) contrary to the provisions of these documents, which represent the Scottish Governments most up to date position on this type of development.**

**Appendix - Representations Received for: 18/01516/PP**

**Objection**

A Baugh 14 Ferrymans Sandbank Dunoon Argyll And Bute 27.09.2018  
A Bryce Achnasheen Gartness Road Drymen G63 0BH 30.08.2018  
A Ellis 6 Shaftesbury Avenue Radcliffe-on-Trent NG12 2NH 26.09.2018  
A MacDonald Faolinn Lower Colintrave 22.10.2018  
A Moreland 108 Edward St Dunoon PA23 7AK 01.10.2018  
A Y Morgan 16 Baycrofts Close Strachur Cairndow PA27 8BW 13.09.2018  
Adele Lyons Cladh-a-Mhuillin Lodge Millhouse Tighnabruaich PA21 2BL  
02.11.2018  
Adrian Robertson Hillhouse Lock Striven Argyll And Bute PA23 8RG 29.08.2018  
Aileen Dennis Ferguslie Tighnabruaich Argyll And Bute 13.09.2018  
Ailsa C A Lamb 15 Manor Way Tighnabruaich 13.09.2018  
Alan McCorquodale No Address Given 27.09.2018  
Alastair Colin Hamilton Springfield Colintrave Argyll And Bute PA22 3AH  
14.09.2018  
Alastair Lindsay No Address Given 26.09.2018  
Alex Mitchell Davaar Toward Dunoon Argyll 13.09.2018  
Alice Maitland 31 Methley Street London 02.11.2018  
Alison Cowan Knapdale Ardmory Road Rothesay Isle Of Bute 20.09.2018  
Alistair M Dennis Fereuslie Tighnabruaich 13.09.2018  
Alistair Townend Church Close Church Hill Bilthorpe NG22 8RU 25.09.2018  
Allister Hamilton Heywood Cottage 13 Shore Road Skelmorlie North Ayrshire  
05.09.2018  
Andrew J Sinclair Fourwinds Kilfinan Tighnabruaich Argyll And Bute 10.10.2018  
Andrew White Breamanach Colintrave Argyll PA22 3AH 23.08.2018  
Andy Grant No Address Given 05.09.2018  
Angela King Hillhouse Lock Striven Argyll And Bute PA23 8RG 29.08.2018  
Ann Galliard Glenshiel Pier Road Sandbank Argyll 05.09.2018  
Anna Marie Dessing 1 Cedarcroft Hafton Hunters Quay Dunoon 12.09.2018  
Anne Lee 36A Station Road Shepley Huddersfield HD88SS 05.10.2018  
Anne Murphy 5 George Street Hunters Quay PA23 8JT 18.09.2018  
Anne Slinger Hillside Royal Brae Tighnabruaich PA21 2BE 15.10.2018  
Annette J Kelly 9 Ettrickdale Road Port Bannatyne Isle Of Bute PA20 0QZ  
27.09.2018  
Argyll Raptor Study Group No Address Given 18.09.2018  
Arlene Mairi Cochrane Langford 3 Duror Drive Gartcosh Glasgow G69 8FQ  
B M McVicar Andacheanbeg Cottage Glendaruel Argyll PA22 3AE 13.09.2018  
Barbara McNaughton Ardachuple Farm Glendaruel PA22 3AH 13.09.2018  
Bernadette Miles 2 Calderwood Innellan Dunoon PA23 7QA 18.10.2018

Bookle Emmett Fyne View Kilfinan Tighnabruaich PA21 2EP 10.10.2018  
Brian Hargate 57 City Road Beeston Nottingham NG9 2LQ 26.09.2018  
Brian Leech No Address Given 30.08.2018  
Brooke Gage 4 St Johns Drive PA20 9JB 20.09.2018  
Bruce Chambers Auchnabreck Farm Colintrave Argyll And Bute PA22 3AH  
06.09.2018  
C E Hickling 10 Aston Green Toton Nottingham NG9 6LG 26.09.2018  
C J Mason 2A Dhailing Court Kirn Dunoon Argyll And Bute 27.09.2018  
C M Ward 40 Mount Pleasant Rd Rothesay PA20 9HJ 20.09.2018  
C Reader Auchnaskeoch Farmhouse Kilfinan Tighnabruaich 10.10.2018  
Cameron McGuinness 57 Forest View Strachur Cairndow Argyll And Bute  
13.09.2018  
Cameron Tulloch 146 Auchamore Road Dunoon Argyll And Bute PA23 7LR  
13.09.2018  
Campbell Barandachoid Croft Strathlachlan Cairndow Argyll And Bute  
10.10.2018  
Carissa Neill 13 Castle St Port Bannatyne Bute PA20 0ND 27.09.2018  
Catherine Gilmour Kilkerran Cromlech Grove Sandbank Dunoon 27.09.2018  
Catherine Grant 2 Stronafian Glendaruel PA22 3AJ 24.08.2018  
Catriona Dingwall Redstones Torphins Banchory AB31 4PA 13.09.2018  
Charles McLaughlin Clacheranmor West Street Glendaruel By Colintrave  
05.09.2018  
Chris Trainer No Address Given 13.09.2018  
Christina Thompson No Address Given 27.09.2018  
Christine McFarlane 5 Duiletter Glendaruel PA22 3AG 14.10.2018  
Christopher Bruce Fry Annfield Cottage Kilfinan Tighnabruaich Argyll And Bute  
15.10.2018  
Christopher Kelly Langdale Auchnamore Road Dunoon PA23 7NA 13.09.2018  
Christopher Leigh Kilmodan Manse Glendaruel Colintrave Argyll And Bute  
23.08.2018  
Clive Vitler Cala Na Sith Stonifian 30.08.2018  
Colin Scotland Caol Ruadh Colintrave PA22 3AR 14.09.2018  
Colin Slinger Hillside Royal Brae Tighnabruaich PA21 2BE 15.10.2018  
Cristina Rotari 11 Shaftesbury Avenue Radcliffe On Trent Notts NG12 2NH  
26.09.2018  
D Cooper Glenkyle Cromlech Road Sandbank PA23 8QH 27.09.2018  
D Coulson 6 Glenmorag Ave PA23 7LG 13.09.2018  
D Ferguson 4 Kilbride Ave Dunoon 13.09.2018  
D Morgan 16 Baycroft Close Strachur 13.09.2018  
Dan Whyte Strathaven Cromiech Grove Sandbank Dunoon 27.09.2018  
Dane Williamson 2 Bishop Terrace Rothesay Isle Of Bute Argyll And Bute  
20.09.2018  
Daniel Ashman 19 Old Church Street Leicester LE2 8ND 26.09.2018  
Daniel T Carder No Address Given 12.09.2018  
Danielle De Bisschop 2 Ferry Bank Colintrave PA22 3AR 27.08.2018  
David Bridge Redesdale House Skipness Tarbert Tarbert 15.08.2018  
David Campbell Crossaig Strachur PA27 8BY 15.10.2018  
David Clutterbuck Thistlebank Clyde Street Kirn Dunoon 16.08.2018  
David Eaglesham Ardachuidh Colintrave Argyll And Bute PA22 3AR  
David Goodfellow 56 Avon Street 27.09.2018

Deborah Kirby 1 Striven Cottage Loch Striven Dunoon PA23 8RG  
Deborah Smith Rainbows End Shore Road Blairmore PA23 8TJ 06.09.2018  
Denise Sinclair Forwinds Kilfinan 10.10.2018  
Diana Stewart Barge House Colintrave PA22 3AT 27.09.2018  
Dilys Griffin The Oaks Kilbride Rd Dunoon 13.09.2018  
Don McNeil No Address Given 12.09.2018  
Donald Galbraith 52 Alexander St Dunoon 20.09.2018  
Donnie MacKinnon 38 Sandhaven Sandbank Dunoon Argyll And Bute  
05.09.2018  
Douglas Black Dunoon 13.09.2018  
Douglas Fonby 9 Gordon St Dunoon 13.09.2018  
E Blakeway 60 Fairhaven Kirn Dunoon PA23 8NR 21.09.2018  
E F Harrison 3 Top Lodge NG12 2JL 01.10.2018  
E L Kirson 31 Glenmorag Cres Dunoon 13.09.2018  
E L Mack Stonefield Letters Strachur PA27 8DP 13.09.2018  
Eileen Barry 25 Cromwell Street Dunoon 20.09.2018  
Eileen Gibson 40 Alexander Street Dunoon Argyll And Bute PA23 7EW  
20.09.2018  
Eilidh McNaughton 2 Ure Crescent Bonnybridge FK4 1NA 05.10.2018  
Eleanor M F Oliver Tighnafaslinn Auchenlochan Tighnabruaich PA21 2BE  
13.09.2018  
Eleanor McLaughlin Clacheranmor West Street Glendaruel By Colintrave  
05.09.2018  
Elizabeth Gilfillan 4 Ferrymans Sandbank Dunoon PA23 8RN 27.09.2018  
Em Evans Creag Bhreac Strathlachlan PA27 8BU 10.10.2018  
Emily Allan Rudha Na Moine Colintrave Argyll PA22 3AR 06.09.2018  
Ernest Chambers 3 Langbank Rise Kilmacolm PA13 4LF 20.09.2018  
Ernie Smart Ranachan House Cluitr Road Innellan 14.09.2018  
Euan Hayward Burnbrae 2 The Clachan Balfon Stirlingshire 13.09.2018  
Fiona Chrystie 1 The Terrace Ardbeg Rothesay 20.09.2018  
Fiona Cooper Tigh-Na-Gall Sandbank Dunoon Argyll And Bute 17.09.2018  
Fiona Page No Address Given 06.09.2018  
Fiona Richardson 12 Shaftesbury Ave Nottingham NG12 2NH 05.10.2018  
Flora Bryce 48 Alexander St Dunoon PA23 7EW 20.09.2018  
Frans Van Bommel Stronafian House Colintrave PA22 3AH 06.09.2018  
G C Garrett 12 Kilbride Road Dunoon Argyll And Bute PA23 7LN 13.09.2018  
G Griffin 18C Kilbride Road Dunoon PA23 7LN 13.09.2018  
G I Dickie 11 Forest View Strachur Cairndow Argyll And Bute 13.09.2018  
G Molloy 13 Castle St Port Bannotyne Bute PA20 0NJ 27.09.2018  
Gary Anthony Kirby 1 Striven Cottage Loch Striven Dunoon PA23 8RG  
09.08.2018  
Gary Beck Rainbows End Shore Road Blairmore Dunoon 06.09.2018  
George Graham 20D William Street Dunoon Argyll And Bute PA23 7JH  
13.09.2018  
George Taylor Dumbie Dykes Tighnabruaich Argyll And Bute PA21 2BE  
14.09.2018  
Geraldine MacCormack An Fuaram Kilfinan 10.10.2018  
Gillian Brereton-Smith Inverneill Colintrave Argyll PA22 3AU 27.08.2018  
Glen B Alcorn Glen Cottage Kilmun Argyll PA23 8PY 14.09.2018  
Gordon Hayward Tighnanros Glen Caladh Tighnabruaich PA21 2EH 12.09.2018

Gordon McDonald 12 Baycroft Cairndow PA27 8BW 13.09.2018  
Gordon T Stevenson 48 Ardmory Rd Ardbeg PA20 0PG 20.09.2018  
Grace Rogerson Craigmuiie Shore Road Colintrave PA22 3AT 21.08.2018  
Graham Clark 2 Ferry Bank Colintrave PA22 3AR 07.09.2018  
Gwen Gatland 29 Alexander Street Dunoon Argyll And Bute PA23 7EN  
27.09.2018  
H Barber 28 New Ave Howwood PA9 1BD 13.09.2018  
H Brabender Dunmore House Strone PA23 8RX 13.09.2018  
Harry Andrews Auchenbreck House Glendaruel PA22 3AH 13.09.2018  
Harvey Brown 15 Ferrymans Sandbank Dunoon Argyll And Bute 27.09.2018  
Hazel Appleton Glenburn House Aberdeenshire AB31 4NY 14.09.2018  
Hazel Walker Mandurah Cromlech Grove Sandbank Dunoon 06.09.2018  
Heather Monteith 4 Craigienure 30 Shore Road Innellan PA23 7TL 12.09.2018  
Helen Waddell No Address Given 12.09.2018  
Helen Wyatt Kilfinan Hotel Kilfinan PA21 2EP 10.10.2018  
Hugh Gilbert Cladach Strachur PA27 8BY 13.09.2018  
Iain G Thomson 21 Main Street Winchburgh EH52 6RU 13.09.2018  
Iain M Ross Cliff Cottage 47 Shore Road Innellan PA23 7TJ 13.09.2018  
Ian Amory Craig Lodge Glendaruel Colintrave Argyll And Bute 13.09.2018  
Ian Anderson 40 Mountpleasant Rothesay 20.09.2018  
Ian Asher 18 Baycrofts Strachur PA27 8BW 13.09.2018  
Ian Doran 5 Ferrymans Sandbank Dunoon Argyll And Bute 27.09.2018  
Ian Doran 9 Kilbride Avenue Dunoon PA23 7LH 13.09.2018  
Ian Jeffrie 5 Gordon Street Dunoon Argyll And Bute PA23 7EJ 13.09.2018  
Ian Thompson No Address Given 13.09.2018  
Inverclyde Ramblers No Address Given 25.09.2018  
Irvine McArthur 62 Forest View PA27 8QN 13.09.2018  
Isabel Graham Merligen Letters Way Strachur Argyll 13.09.2018  
Isobel Strong Lilybank Glebelands Rothesay 20.09.2018  
J A Richardson The Brambles Cotgrave Nottingham NG12 3HB 26.09.2018  
J Crawford-Brown 10 Ferrymans Ardnadam PA23 8RW 27.09.2018  
J Delaford Finbracken Cromlech Road Sandbank Dunoon 27.09.2018  
J M Haddon Fyne House Strachur Argyll PA27 8BW 13.09.2018  
J MacFarlane 27 Shore Rd 20.09.2018  
J MacNaughton 8 Ferrymans Sandbank Dunoon Argyll And Bute 27.09.2018  
J N Ross Ballibraichy 24 Dhailing Rd Dunoon PA23 8BX 27.09.2018  
J Starsmore 27 Hartington St Loftus Yorks 20.09.2018  
J Thomson 90 Cowal Place Dunoon Argyll And Bute PA23 7PX 27.09.2018  
Jackie Ellis Rhubodach Farm North Bute Isle Of Bute PA20 0QL 23.10.2018  
James Cochran 36 Alexander Street Dunoon Argyll And Bute PA23 7EW  
20.09.2018  
James John Ross 24 Dhailing Rd Dunoon PA23 8BX 27.09.2018  
James Macdonald Colbruach Loch Striven Dunoon Argyll And Bute 31.08.2018  
James Murray Underwood Cottage Sandbank Dunoon Argyll And Bute  
17.08.2018  
James Nolan No Address Given 13.09.2018  
James P Halley 4 Duiletter Glendaruel Colintrave PA22 3AG 27.08.2018  
James Rogerson Craigmuiie Colintrave PA22 3AT 21.08.2018  
Jane Taylor Dumbie Dykes Tighnabraich Argyll And Bute PA21 2BE 14.09.2018  
Jean McKissock 12 Ardenslate Rd Kirk Dunoon PA23 8LY 27.09.2018

Jeanetta Conner 4 Dhailing Court Dunoon 27.09.2018  
Jennifer Davie-Smart Bealachandrain Farm Glendaruel Colintrave Argyll And Bute 06.09.2018  
Jennifer E Woodward 3 Ferrymans Sandbank 27.09.2018  
Jennifer Macalister Hall Millhouse Colintrave Argyll And Bute PA22 3AS 10.09.2018  
Joan Travers 57 Forest View Strachur Cairndow Argyll And Bute 13.09.2018  
Joanne Townend Church Close Church Hill Bilthorpe NG22 8RU 25.09.2018  
Jocelyn Johnston 12 Shaftesbury Avenue Radcliffe-on-Trent Nottingham NG12 2NH 31.08.2018  
John Charrison 15 Baycrofts Strachur 13.09.2018  
John Cochrane 9 Summerfield Road Condorrat Cumbernauld G67 4PA 05.10.2018  
John Dawson 10 Ferrymans Ardnadam PA23 8RW 27.09.2018  
John Everett 20 Brand Mount Edinburgh 20.09.2018  
John Mann Clashmore Toward PA237UA 12.09.2018  
John Marshall Flat 2/3 176 Argyll Street Dunoon Argyll And Bute 27.09.2018  
John McNaughton Salann-Mara Colintrave Argyll And Bute PA22 3AH 10.09.2018  
John Mundie 7 Pilot St Dunoon 13.09.2018  
Joseph Connor 3B Kyle Road Kildrum Cumbernauld G67 2DL 27.09.2018  
Joseph Stewart 7 Glenmorag Ave Dunoon 13.09.2018  
Judith Pickup 14 Shaftesbury Ave Radcliff Nottingham NS12 2NH 05.10.2018  
Juirn Lunden Rockview 16 Kilbride Rd Dunoon 13.09.2018  
Julie Forrester 29 Royal Crescent Dunoon PA23 7AQ 07.09.2018  
Julie Scott 13 Baycrofts Strachur PA27 8BW 13.09.2018  
Julie Thompson 4 Nelson Street Dunoon PA23 7EL 13.09.2018  
K Mirick Gill House West Stontsdale North Yorks 20.09.2018  
Kate Fraser 20D William Street Dunoon Argyll And Bute PA23 7JH 13.09.2018  
Kathleen Halley 4 Duiletter Glendaruel Colintrave PA22 3AG 27.08.2018  
Kathleen Morrison 43 Victoria Road Dunoon PA23 7AE 30.08.2018  
Kathleen Norman The Ferry House Kilmun Dunoon Argyll And Bute 19.09.2018  
L W Whitehall Auchnaskeuch Farmhouse Kilfinan PA21 2ER 10.10.2018  
Laura Todd 2 Oldhall Drive Kilmacolin PA13 4RF 27.09.2018  
Linda Anderson 1 Napier Point Kilmun Dunoon PA23 8SA 27.09.2018  
Linda Lewis 52 Shore Road Innellan PA23 7TH 12.09.2018  
Linda M Stevely Fairwinds Cromlech Road Sandbank Dunoon 27.09.2018  
Liz Bowshell No Address Given 25.09.2018  
Lorna McClean Cladach Strachur Cairndow PA27 8BY 14.09.2018  
Lorraine Lewis The Hillock Cromlech Road Sandbank PA23 8QH 12.09.2018  
Louise Hayward Tighnanros Glen Caladh Tighnabruaich PA21 2EH 14.09.2018  
Lynda Clutterbuck Thistlebank Clyde Street Kirn Dunoon 16.08.2018  
M Bryce Achnasheen Gartness Road Drymen G63 0BH 30.08.2018  
M Kerr 11 Gordon Street Dunoon Argyll And Bute PA23 7EJ 13.09.2018  
M Woddell 33 Newton Park Innellan By Dunoon PA23 7ST 13.09.2018  
Malcolm Crawford Annfield Cottage Kilfinan Tighnabruaich Argyll And Bute 18.10.2018  
Margaret Asher Ardsealladh Baycroft 13.09.2018  
Margaret Cochrane 189 Alexandra Parade Kirin PA23 8HA 15.10.2018  
Margaret Kelly 136 Argyll Street Dunoon PA23 7LR 27.09.2018



Margaret Kelly Langdale Auchnamore Road Dunoon PA23 7NA 13.09.2018  
Margaret Logan 44 Sandhaven Sandbank Argyll PA23 8QN 31.08.2018  
Margaret Martin 22 Mary St Dunoon PA23 7ED 27.09.2018  
Margaret Morgan 21 Glen Morag Crescent Dunoon 13.09.2018  
Margaret Stewart 7 Glenmorag Ave Dunoon 13.09.2018  
Marion Forsyth 5 Dhalling Court Dunoon 27.09.2018  
Marion Fyfe 5 Queens Gdns Kirn Dunoon 01.10.2018  
Marion MacKay 2 Striven Cottages Loch Striven Dunoon PA23 8RG 09.08.2018  
Marjory Martin 1A Dhalling Court Kirn Dunoon Argyll And Bute 27.09.2018  
Mark Chambers Kinlochruel Boathouse Colintrave Argyll And Bute PA22 3AH  
25.09.2018  
Mark Chambers PA22 3AH 02.10.2018  
Mark Jenkins 25 Sandhaven Sandbank Dunoon PA23 8QN 30.08.2018  
Martin McFarlane 5 Duiletter Glendaruel PA22 3AG 15.10.2018  
Metteje De Boer Stronafian House Colintrave PA22 3AH 06.09.2018  
Michael Donnili 11 Kilbride Ave Dunoon 13.09.2018  
Michael Hall 9 Ferrymans Sandbank Dunoon Argyll And Bute 27.09.2018  
Michael Hartley Smithy Cottage Glendaruel Colintrave Argyll And Bute  
04.09.2018  
Michael Lewis The Hillock Cromlech Road Sandbank PA23 8QH 12.09.2018  
Michael O'Neill 11 Shaftesbury Avenue Radcliffe On Trent NG12 2NH  
26.09.2018  
Mike Dingwall Redstones Tornaveen Torphins Banchory 13.09.2018  
Miranda Hamilton Springfield Colintrave Argyll And Bute PA22 3AH 14.09.2018  
Monica Haran No Address Given 31.08.2018  
Murray M 9B Darst Road Roslin 20.09.2018  
Neil Burnip 2 Ros-Mhor Gardens Sandbank Dunoon Argyll And Bute 27.09.2018  
Neil Hammatt Honeysuckle Cottage Clachaig Dunoon Argyll And Bute  
05.09.2018  
Noelle Parlane 6 Gordon Street Dunoon Argyll And Bute PA23 7EJ 13.09.2018  
Norma Murray Underwood Cottage Main Road Sandbank Dunoon 31.08.2018  
Norma Perry Tigh Na Beag Colintrave Argyll And Bute PA22 3AR 30.08.2018  
Norman Mack Stonefield Letters Way Strachur PA27 8DP 13.09.2018  
P S John Inverneill Colintrave PA22 3AU 27.08.2018  
P Waite 117 Bayswater Road Jesmond Newcastle NE2 3HP 05.10.2018  
Paul Morley The Old Steading Glendaruel Argyll PA22 3AA 07.09.2018  
Paul Paterson 2 Manor Way Tighnabruaich Argyll And Bute PA21 2BF  
17.11.2018  
Paula McColl 41 Craiglea Stirling FK9 5EE 12.09.2018  
Pauline Brown 15 Ferryman Sandbank 27.09.2018  
Peter Baker Rhubodach Farm North Bute Isle Of Bute PA20 0QL 23.10.2018  
Peter Dessing 1 Cedarcroft Hafton Hunters Quay Dunoon 12.09.2018  
Peter Harridge 149 Marine Parade Hunters Quay Dunoon PA23 8HJ 01.10.2018  
Peter Kelly 9 Ettrickdale Rd Isle Of Bute PA20 0QZ 20.09.2018 and 25.09.2018  
Peter Macalister Hall Millhouse Colintrave Argyll And Bute PA22 3AS 06.09.2018  
Phil Kelly Lawndale 140 Auchamore Road Dunoon 13.09.2018  
Pieter Van Der Werf Tigh Na Ceardaich Colintrave PA22 3AH 12.09.2018  
R McImairnie Elderslie Serpentine Rd 20.09.2018  
R S MacDonald Volunteer Co-ordinator NAW 15.08.2018  
R Spence 11 Duhback Place Whitburn 27.09.2018

R Trybis Stoneywood Toward Argyll 12.09.2018  
Reg MacDonald Colbruach Loch Striven PA23 8RG 27.08.2018  
Rhona McNaughton Salann Mara Colintrave PA22 3AH 13.09.2018  
Rhona Pettigrew Auchnabreck Farm Colintrave Argyll And Bute PA22 3AH  
06.09.2018  
Rhuna McCarron 11 Royal Crescent Dunoon Argyll And Bute PA23 7AH  
27.09.2018  
Richard Ellis 6 Shaftesbury Avenue Radcliffe-on-Trent NG12 2NH 26.09.2018  
Richard Hunt 44 Hmloway Close East Bridgford 05.10.2018  
Richard W Gault 88 Sandhaven Sandbank Dunoon Argyll 13.09.2018  
Rita Carder No Address Given 13.09.2018  
Rita McCheyne Fairwinds Cromlech Road Sandbank Dunoon 27.09.2018  
Robert Fletcher Craig Cottage Kames Tighnabruaich 10.10.2018  
Robert I Bastors Kildonan Baycroft Strachur 13.09.2018  
Robert Keen Broxwood Park Sandbank Dunoon PA23 8PD 06.09.2018  
Robert Perry Tigh Na Beag A886 Through Colintrave From Camusfernan To  
The Ferry Terminal Colintrave Argyll And Bute PA22 3AR  
Robin Dow 40 Mountpleasant Rd Rothesday PA20 9HJ 20.09.2018  
Ruaridh Norton 19 Muir Wood Drive Currie Edinburgh EH12 0AL 27.08.2018  
S Baugh 14 Ferrymans Sandbank Dunoon Argyll And Bute 27.09.2018  
S Wilson Strachur 13.09.2018  
Sally Livingston 86 Murrayfield Gardens Edinburgh 18.10.2018  
Save Cowals Hills 4 Craigenure 30 Shore Road Innellan PA23 7TL 12.09.2018  
Scottish Wild Land Group Kildonan House Caerlaverock Muthill Perthshire  
12.09.2018  
Sheila Keen Broxwood Park Sandbank Dunoon PA23 8PD 06.09.2018  
Shona Campbell Barandachoid Cottage Strathlachlan Cairndow Argyll And Bute  
10.10.2018  
Simon Evans Creag Bureac Strathlachlan PA27 8BU 10.10.2018  
Stella Ranford 3 Rockhill Terrace 13 Hill St Dunoon PA23 7AL 27.09.2018  
Stephen Hargate 58 City Street Beerton Notts NG9 2LQ 25.09.2018  
Stewart McCulloch 15 Levan Point Cloch Road Gourock PA19 1BL 17.09.2018  
Sue Read Auchenbreck House Glendaruel Argyll PA22 3AH 13.09.2018  
Susan Crawford 18 Mount Pleasant Rd 20.09.2018  
Sylvia Anne Hoskins Craigshannoch Lodge Midmar Inverurie Aberdeenshire  
17.09.2018  
Sylvia Anne Hoskins Craigshannoch Lodge Midmar Inverurie Aberdeenshire  
14.09.2018  
T Gibson Ros Mhor Cottage Cromlech Road Sandbank Dunoon 27.09.2018  
Teresa Lenton Ardachuidh Colintrave Argyll And Bute PA22 3AR 08.12.2018  
V Haddon Fyne House Strachur Argyll PA27 8BW 13.09.2018  
Valerie J Richardson The Brambles Cotgrave Nottingham NG12 3HB 26.09.2018  
Wallace Brackenridge 24 William St Dunoon 13.09.2018  
Walter C Gilfillan 4 Ferrymans Sandbank PA23 8RN 27.09.2018  
Wendy Lewis Heatherbloom Shore Road Sandbank Dunoon 01.10.2018  
WM M McVicar 5 Kilbride Avenue Dunoon PA23 7LH 13.09.2018

**Objection – Petition**

NAW Petition 2 No Address Given As Petition 28.08.2018  
NAW Petition 3 No Address Given As Petition 04.09.2018  
NAW Petition 4 No Address Given As Petition 04.09.2018  
NAW Petition 5 No Address Given As Petition 13.09.2018  
NAW Petition No Address Given As Petition 20.08.2018

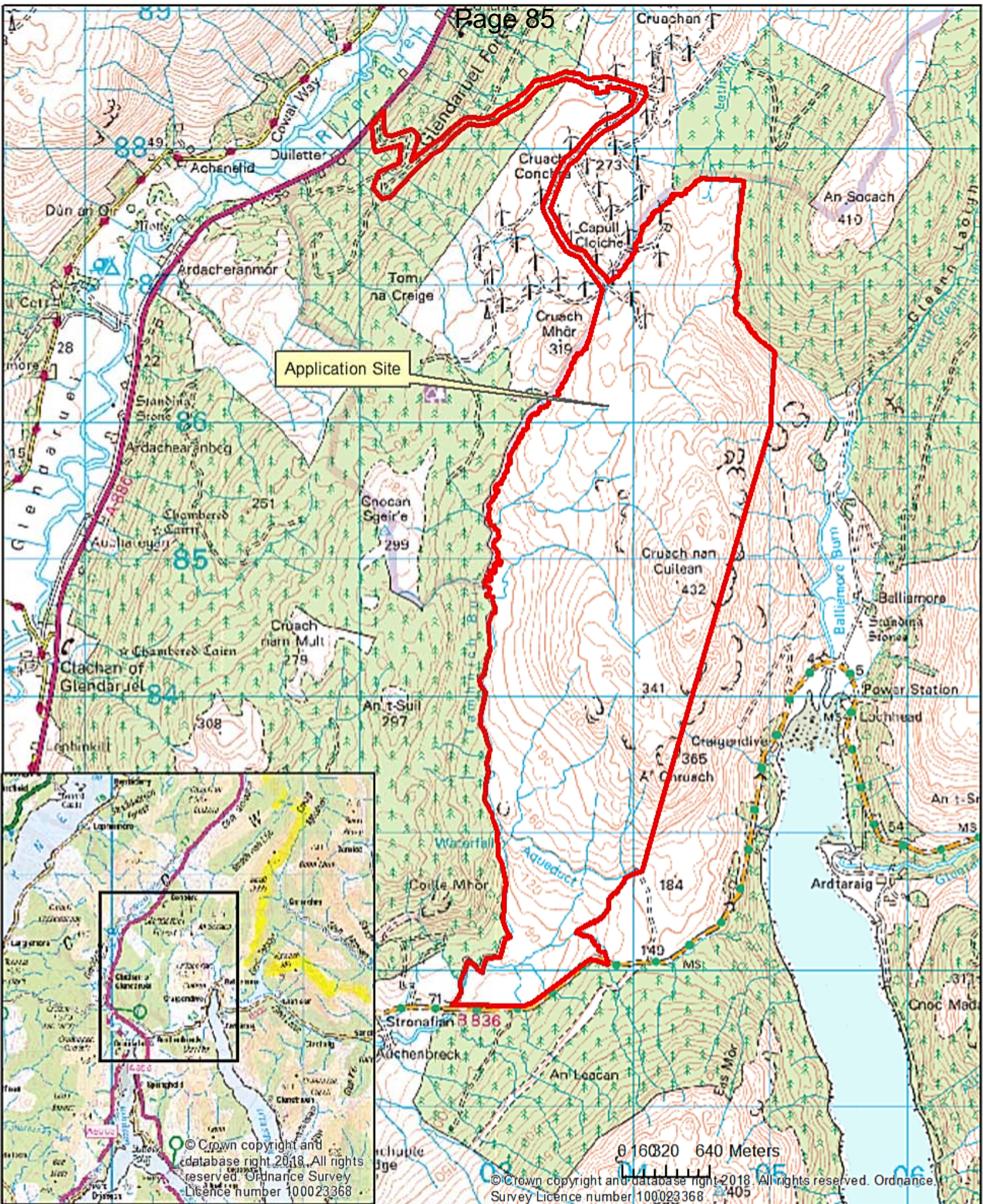
### Support

Adelaide Carlow No Address Given 11.09.2018  
Alan Stewart Brackley Cottage Toward Dunoon PA23 7UN 20.09.2018  
Alastair Carlow No Address Given 11.09.2018  
Alice Geddes Colesmoor Farm Toller Porcorum Dorchester DT2 0DU  
Alicia De Las Cuevas Rojo No Address Given 11.09.2018  
Angus Hannah Glenmore Rothesay Isle Of Bute PA20 0QU 27.08.2018  
Anna Davies North Lodge Ormidale Colintrave PA22 3AF 17.09.2018  
Anne Archer 2 The Meadows Toward PA23 7UP 30.08.2018  
Catherine Cameron Coille Dubh West Loch Tarbert Argyll And Bute 26.08.2018  
Charles Dixon-Spain Dunans Castle Glendaruel Colintrave Argyll And Bute  
06.09.2018  
Charlie Carlow No Address Given 07.09.2018  
Christine McLelland Larachbeag North Campbell Road Innellan Dunoon Argyll  
And Bute 31.08.2018  
Christopher Austin 6 Ballimore Estate Otter Ferry Tighnabruaich PA21 2DH  
06.09.2018  
Colin Goodwille 29 Urwin Gardens Cambridge CB2 0AP 08.09.2018  
Colin Goodwille No Address Given 11.09.2018  
Cordelia Batt No Address Given 11.09.2018  
Dennis Archer 2 The Meadows Toward PA23 7UP 27.08.2018  
Derek Crook Bruach Mhor Fionnphort Isle Of Mull Argyll And Bute 24.08.2018  
Duncan McNicol Cowal And Bute Construction Cosagach 98 Ardenslate Road  
Kirn 11.09.2018  
E Carnie No Address Given 07.09.2018  
Elizabeth Doig Glenmore North Bute PA20 0QU 31.08.2018  
Elizabeth Sargent Moyses Farm Sussex TN22 3SA 11.09.2018  
Fiona Goodwille 29 Urwin Gardens Cambridge CB2 0AP 07.09.2018  
G Carnie No Address Given 07.09.2018  
Grace Kirk 29 Cooper Close London SE1 7QU 11.09.2018  
Iain Connon Upper Altgaltraig Colintrave Argyll And Bute PA22 3AS 21.11.2018  
Ian Geddes No Address Given 11.09.2018  
J Kenneth Black 1 Kylesview Colintrave PA22 3AS 11.09.2018  
James McLuckie Craigliath Glendaruel Colintrave Argyll And Bute 04.09.2018  
Jamie Corser 241 London Road Glasgow G32 8XT 14.08.2018  
Janet M M Macbrayne 6C Albyn Avenue Campbeltown PA28 6LY 27.08.2018  
Jean B Howman Borland Blacklunans PH10 7LA 07.09.2018  
Jock Hamilton Dunmar Tighnabruaich PA21 2EA 23.08.2018  
Jonathan Hill 34 King Street Dunoon PA23 7PF 18.10.2018  
Julia Hollis 119 Buckland St Alexandria 2015 NSW Australia 11.09.2018  
Liese O'Brien Gate Lodge Strachur Argyll PA27 8BX 31.08.2018  
Lorna Ahlquist Holyrood 93A Shore Rd Innellan PA23 7SP 27.08.2018

Louisa M Black 1 Kylesview Colintrave PA22 3AS 11.09.2018  
Lucy Hollingworth Aonach Mor Hamlet Hill Cove Helensburgh 06.09.2018  
Malcolm W Shaw 6C Albyn Avenue Campbeltown PA28 6LY 27.08.2018  
Marcus Geddes Mile Tree House Crawley Winchester so21 2qf 12.09.2018  
Max Wade Elworth Farmhouse West Elworth Portesham Dorset 13.09.2018  
Michael Bowe Dalshian Erskine Road Gullane EH31 2DQ 07.09.2018  
Nigel Ashfield Paisley House Monxton Hampshire SP11 8AP 11.09.2018  
Peter Cochran No Address Given 11.09.2018  
Phoebe Hunter-Mcilveen The Corner House Chapel Lane Yetminster Dorset  
14.09.2018  
Richard Knight Flat 7 3 Calypso Crescent London SE15 6FP 12.09.2018  
Richard Sargent Moyses Farm Sussex TN22 3SA 11.09.2018  
RJ McLeod Construction Limited 2411 London Road Glasgow G32 8XT  
17.08.2018  
Rob Carlow No Address Given 06.09.2018  
Rorie Geddes Colesmoor Farm Toller Porcorum Dorchester Dorset 07.09.2018  
Rowena Pitt 3 Kilnaish Cottage Glendaruel Colintrave Argyll And Bute  
10.09.2018  
Serena Geddes Aguilar Ardtaraig House Loch Striven Dunoon PA23 8RQ  
12.09.2018  
Sue Rule Rosehaugh Blairmore Dunoon Argyll And Bute 26.08.2018  
Tom Williams Middleton Farm Norton Bavant Warminster Wilts 07.09.2018  
William Carlow Balliemore Loch Striven Dunoon Argyll 06.09.2018

### **Representation**

Dennis Archer 2 The Meadows Toward Dunoon PA23 7UP 19.09.2018  
Eric Roy Ar Tir Glendaruel Colintrave Argyll And Bute 14.09.2018



Application Site



© Crown copyright and  
 database right 2018. All rights reserved. Ordnance Survey  
 Licence number 100023368

© Crown copyright and database right 2018. All rights reserved. Ordnance Survey  
 Licence number 100023368



**Location Plan Relative to planning application: 18/01516/PP**



1:35,000

This page is intentionally left blank

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

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

---

**Reference No:** 18/01614/PP

**Planning Hierarchy:** Major Application

**Applicant:** Executive Director Development and Infrastructure Argyll and Bute Council

**Proposal:** Erection of new leisure building including swimming pool, improved flood defences, new car park including public realm works and demolition of existing swimming pool

**Site Address:** Helensburgh Swimming Pool, 1B West Clyde Street, Helensburgh

#### **SUPPLEMENTARY REPORT NO. 4**

### **1.0 INTRODUCTION**

The purpose of this report is to advise Members of additional matters following continuation of the application at PPSL on 19 December 2018. Continuation of the item was requested in order that the Head of Planning, Housing and Regulatory Services could:

- a) Seek further information from the Applicant to ascertain whether altering the location of the building would change the flooding risk factor leading to vulnerability of the building; and*
- b) Seek further advice seeking further reports from the Applicant on the impact of wave overtopping/wave action on the building.*

By letter dated 21.12.18 the applicant has provided further information in respect of such matters. Details of which are set out below.

### **2.0 ADDITIONAL SUBMISSIONS BY THE APPLICANT TO ADDRESS THE REASONS FOR CONTINUING THE APPLICATION**

In respect of the first reason for continuing the application relating to “*whether altering the location of the building would change the flooding risk factor leading to vulnerability of the building*”, the applicant submits that:

*The simple answer to this question would be an unequivocal NO, moving the building would not reduce the flood risk.*

*This is because the flood risk reduction measures that we have proposed in our application are designed to provide enhanced protection to the site in its entirety, as opposed to just looking to protect the Leisure Building.*

*In our proposals the flood risk reduction is delivered through the combination of a number of factors, including:*

- 1.1. *Raising the Finished Levels across the site –*
  - *+4.7m AOD for the car park – this is 640mm above the still water level in 2018 (4.06m AOD) and 310mm above the equivalent level (4.39m AOD) in 2060*
  - *+4.8m AOD for footways - this is 740mm above the still water level in 2018 (4.06m AOD) and 410mm above the equivalent level (4.39m AOD) in 2060*
  - *+5.1m AOD for the Phase 2 development area - this is 1040mm above the still water level in 2018 (4.06m AOD) and 710mm above the equivalent level (4.39m AOD) in 2060*
  - *+5.4m AOD for the Finished Floor Level of the Leisure Building - this is 1340mm above the still water level in 2018 (4.06m AOD) and 1110mm above the equivalent level (4.39m AOD) in 2060*
  
- 1.2. *Improved Sea Wall Defences and Rock Armour –*
  - *+5.9m AOD for the southern sea defence wall - this is 1840mm above the still water level in 2018 (4.06m AOD) and 1610mm above the equivalent level (4.39m AOD) in 2060*
  - *+5.4m AOD for the eastern flood defence wall - this is 1340mm above the still water level in 2018 (4.06m AOD) and 1110mm above the equivalent level (4.39m AOD) in 2060*
  - *+5.9m AOD for the section of the western flood defence wall adjacent to the existing slipway - this is 1840mm above the still water level in 2018 (4.06m AOD) and 1610mm above the equivalent level in 2060*
  - *+5.4m AOD for the rock armour generally - this is 1340mm above the still water level in 2018 (4.06m AOD) and 1110mm above the equivalent level (4.39m AOD) in 2060*
  
- 1.3. *Improved Surface Water Drainage –*
  - *Our surface water drainage system utilises a combination of gullies, ACO channels and weep holes, which ultimately discharge the surface water back out to the River Clyde.*
  - *The discharge pipework is fitted with what are effectively non-return valves. This means that the water can only flow in one direction i.e. out to the river, so even if the still water level and/or maximum sea level (still water + 1 in 0.5 year wave height) is higher than the height of the discharge point, the sea water cannot come back up the pipe to flood the site.*
  - *The ACO channels specified for the southern perimeter of the site have a capacity, which is significantly greater than the volume of water, which could 'overtop' the rock armour at high tide:*
    - *Along the southern elevation of the Leisure Building the ACO Channel has a capacity of 10.1l/s. The maximum overtopping volume at the rock armour in 2018 is 2.01l/s, rising to 5.13l/s in 2060.*
    - *Along the southern edge of the car park the ACO Channel has a capacity of 22.1l/s, with a maximum overtopping volume at the rock armour in 2060 of 3.65l/s.*

*Our Flood Risk Advisor, Dr Yusuf Kaya (BSc in Civil Engineering, PhD in Civil Engineering Hydraulics, Chartered Engineer and Member of the Institute of Civil Engineers) has advised that 'The calculations show that should an extreme event of the order of 1 in 200 year return period occur during the design life of the development, any waves which could overtop the proposed defences would not cause damage to the building. Therefore based on the EurOtop guidance there is no justification for moving the building as the calculations show no damage at its current location.'*



In response to the second reason for continuing the application to “*Seek further advice seeking further reports from the Applicant on the impact of wave overtopping/wave action on the building*”, the applicant submits that:

*Members concern focussed on whether a wave could reach the building and cause damage to it.*

*It must be stressed that there is a difference between a wave, a natural and physical phenomenon, and the spray created by it when it comes in contact with a stationary and immovable object such as a flood defence wall.*

***Waves can't reach the building***, however, as will be explained in the following paragraphs, it would be possible that spray from some waves hitting the sea defences, would be capable of overtopping the defence. **None of that spray is capable of causing any damage to the Leisure Building.**

***There will be a greater volume of rainwater capable of hitting that side of the building, than there will be as a result of the spray that may occur.***

#### WAVE OVERTOPPING / WAVE ACTION

*The issue of wave overtopping/wave action is more complex and involved as compared to general flooding.*

*It is important to note the guidance provided in the EurOtop Manual (Second Edition 2016), which provides technical guidance on 'wave overtopping of sea defences and related structures'. This states that 95% of the volume of water, which initially overtops a flood defence, will have landed on the ground, within a distance which is equal to ¼ of the length of the wave which caused the overtopping.*

*For the site in Helensburgh this means that 95% of the volume of water, initially overtopping the sea defence, will have landed on the ground within 6.25m of the outer (seaward) edge of the flood defence. As we have set our Leisure Building back from the outer edge of the sea defence by 6.3m, this means that only a maximum of 5% of the volume water, initially overtopping the sea defence, would be capable of actually making contact with the building itself, before landing on the ground.*

***As previously stated in our response to Question 1 - The ACO channels specified for the southern perimeter of the site have a capacity, which is significantly greater than the volume of water, which could 'overtop' the rock sea defence at high tide.***

*The overtopping rate is calculated in litres/second/linear metre (l/s/m) and the EurOtop Manual gives some guidance as to what rate would be considered tolerable. For a building behind flood defences and with doors and windows facing the sea an overtopping rate no greater than 1l/s/m is considered tolerable.*

*By raising the height of the southern flood defence wall to +5.9m AOD and setting the southern elevation of the Leisure Building back by a distance of 6.3m from the crest of the rock armour, we have calculated that the maximum rate of overtopping, which could reach the building, would be 0.80l/s/m in 2060. **This is the equivalent of 40mm of***

**water** for every meter length of **a building that is some 60m in length by 11m in height** which is well within what the EurOtop manual considers to be a tolerable level.

Our Flood Risk Advisor, Dr Yusuf Kaya, has advised that 'Our Flood Risk Assessment report contains the best available guidance on the calculation and assessment of wave overtopping. **It should be noted that the calculations being discussed are based on an event with a 200 year return period, which is a highly infrequent event that may not occur at all during the lifetime of the building.**

'Wave overtopping is not an everyday phenomenon, and only occurs when there is the combination of a very specific set of circumstances: wind speed; wind direction; spring tide, all coming together to cause overtopping.

**'The design places the building at a distance where no damage is predicted even during this extreme event.** In addition, there will be a drainage system behind the defences that will capture any water resulting from wave overtopping of the defences.'

WHAT IS THE IMPACT OF WAVE OVERTOPPING/ WAVE ACTION ON THE LEISURE BUILDING?

The simple answer is NONE.

**As our building has been set back 6.3m from the outer edge of the southern sea defence, and the maximum rate of overtopping during its design life will remain below 1l/s/m, the highest rate being 0.8l/s/m in 2060, we are confident that the leisure building will not be at risk from spray.**

The fact that the Leisure Building is not at risk from overtopping hasn't prevented us from ensuring that the materials of construction are robust, resilient and designed, manufactured and fabricated for use in a marine environment, as you would quite rightly expect of competent and experienced professionals –

- The south elevation will be formed using traditional blockwork cavity wall construction and faced with a "battered" random rubble natural stone base designed to be robust in appearance, provide protection from the elements and to minimise future maintenance.
- There will be six sets of windows, non-opening, set into the ground floor, and located towards the southwest corner. These are formed of glass set into a, Polyester Powder Coated aluminium, curtain walling window system.
- There will be an escape door from the plant room, of a flood proof security design, manufactured out of powder coated galvanised steel and providing flood proofing to its full height.
- The upper floor is formed primarily of glass set into a Polyester Powder Coated aluminium, curtain walling window system to combat the marine environment.

The plant room louvres, which are located on the first floor are again Polyester Powder Coated aluminium to combat the marine environment

The submission concludes that:

The various reports, drawings etc., and more specifically the calculations provided in our Flood Risk Assessment report demonstrate that should an extreme event of the order of

*1 in 200 year return period occur during the design life of the development, any waves which could overtop the proposed defences would not cause damage to the building. The same would be the case if the building was moved further away from the sea defences.*

*We trust that the above provides the necessary clarification to enable the members of the Committee to come to a determination on the suitability of our application.*

Additional commentary in respect of representations by Dr Peter Brown are also contained within the submission. These are essentially a rebuttal of his representations on behalf of the Community Council, and therefore not a matter which it is considered appropriate to specifically include or comment upon on within this report. Full details can be viewed on the Council's website [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

### **3.0 FLOODING CONSULTEE RESPONSES**

All flooding consultees remain content that the proposals meet necessary standards on flooding and drainage and offer no objections to the proposals.

SEPA have previously confirmed that they have no objection to the current proposals. The details of the updated sea defence measures, following review of the latest climate change data, are considered by this statutory flooding consultee to be acceptable.

SEPA consider that:

*To summarise, we offer no objection to the proposed development for the aforementioned reasons which demonstrate that the proposal complies with the principles of SEPA guidance and SPP. In addition, upon review of the revised Kaya Consulting FRA Addendum (December 2018) and Technical Memo (Patrick Parson, 7th December 2018) which have been revised to include the best available climate change figures (UKCP18), we are satisfied that the proposed development should benefit from a flood risk betterment in comparison to the existing developed site where there is a clear coastal flood risk susceptibility.*

The Council's own flooding advisor also offers no objection to the proposals on flooding grounds subject to the imposition of an appropriate condition. In response to the letter dated 21.12.18 from the applicant, the Council's flooding advisor has added the following additional comment by response dated 4.1.19:

*The formal flood risk response on this application remains as per that of 10 December 2018 and the following is a comment upon the applicant's letter, dated 21 December 2018, to the Head of Planning, following continuance of this application in December 2018.*

*With respect to item 1) "Position of Building and Flood Risk", per the flood risk consultation response of 10 December 2018, the proposals remain acceptable with respect to protecting the building from the estimated joint probability 1 in 200 year flood event through 2060. Relocating the building on the same site would require the same type of flood protection measures to those proposed for the existing location (i.e. land raising, flood defences and drainage). The applicant's argument that moving the building would not reduce flood risk is therefore accepted.*

*As regards item 2) "Impact of Wave Overtopping/Wave Action on the Leisure Building", the applicant's information is acceptable with respect to the appropriate design standard for this location (i.e. the estimated joint probability 1 in 200 year flood event through 2060).*

Officers can identify no reason to set aside the views of these expert consultees, both of whom offer no objection in respect of the current application.

#### 4.0 ADDITIONAL REPRESENTATIONS

Since the production of the previous report additional representations objecting to the proposals have been received from

- Helensburgh Community Council
- Helensburgh Chamber of Commerce

These were reported verbally to members at the PPSL on 19.12.18 by Ms Davies at the start of the committee, and a short recess to allow Members to review and consider these late submissions was agreed. It is not considered that any new substantive planning issues have been raised in respect of the two submissions.

It is however considered appropriate to briefly comment that that the arguments relating to the cost of the proposals contained within both the Community Council and the Chamber of Commerce submission are not considered to be a material planning consideration in respect of this application. Costs will be for the appropriate committee to consider and any grant of planning permission which may be given does not compel any other part of the Council to thereafter implement the planning permission.

An additional submission in support of the application has been received from Ms Jacky Hood. No new issues are raised in this submission.

#### 5.0 CONCLUSION

In respect of the first reason for continuing the application relating to “*whether altering the location of the building would change the flooding risk factor leading to vulnerability of the building*”, the applicant confirms that:

*The simple answer to this question would be an unequivocal NO, moving the building would not reduce the flood risk.*

In response to the second reason for continuing the application to “*Seek further advice seeking further reports from the Applicant on the impact of wave overtopping/wave action on the building*”, the applicant confirms that:

*Waves can't reach the building, however....it would be possible that spray from some waves hitting the sea defences, would be capable of overtopping the defence. None of that spray is capable of causing any damage to the Leisure Building.*

*It should be noted that the calculations being discussed are based on an event with a 200 year return period, which is a highly infrequent event that may not occur at all during the lifetime of the building.*

*'The design places the building at a distance where no damage is predicted even during this extreme event. In addition, there will be a drainage system behind the defences that will capture any water resulting from wave overtopping of the defences.'*

The Councils flooding advisor concurs with the above submissions.

In summary, it remains the view of officers that:

- i. The proposal is in accordance with the policies of the adopted LDP.
- ii. The proposal is in accordance with the approved 2012 Masterplan addendum.

- iii. There have been no objections from statutory consultees other than Helensburgh Community Council.
  - iv. The proposal fulfils its role as a landmark building on this prominent and important site.
  - v. The new leisure facility will provide benefits for the whole community and also tourists and visitors to the town.
  - vi. No technical objections are raised on flooding matters which have now been fully addressed using the most up to date climate change information to inform the amended flood defence measures proposed.
- 

## **6.0 RECOMMENDATION**

It is recommended that planning permission be granted subject to the revised conditions appended to supplementary report no.2.

**Author of Report:** David Moore

**Date:** 4.1.2019

**Reviewing Officer:** Sandra Davies

**Date:** 4.1.2019

**Angus Gilmour**

**Head of Planning, Housing and Regulatory Services**

This page is intentionally left blank

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

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

---

**Reference No:** 18/01614/PP

**Planning Hierarchy:** Major Application

**Applicant:** Executive Director Development and Infrastructure Argyll and Bute Council

**Proposal:** Erection of new leisure building including swimming pool, improved flood defences, new car park including public realm works and demolition of existing swimming pool

**Site Address:** Helensburgh Swimming Pool, 1B West Clyde Street, Helensburgh

**SUPPLEMENTARY REPORT NO. 3**

**1.0 INTRODUCTION**

The purpose of this report is to advise Members of additional matters following continuation of the application at the Hearing on 19 November 2018. Clarification in respect of the reason for continuation of the item has been set out in Supplementary Report No.2.

Since the completion of the previous report two further submissions have been received which Members require to be informed of as set out below

- 1) Updated SEPA response dated 17.12.18 to amended flood defence proposals
- 2) Further objections in respect of the proposals have been submitted by Helensburgh Community Council on 17.12.18.

**2.0 SEPA RESPONSE TO AMENDED FLOOD DEFENCES**

SEPA have formally confirmed that they continue to have no objection to the current proposals. The details of the updated sea defence measures, following review of the latest climate change data, are considered by this statutory flooding consultee to be acceptable.

SEPA consider that:

*To summarise, we offer no objection to the proposed development for the aforementioned reasons which demonstrate that the proposal complies with the principles of SEPA guidance and SPP. In addition, upon review of the revised Kaya Consulting FRA Addendum (December 2018) and Technical Memo (Patrick Parson, 7th December 2018) which have been revised to include the best available climate change figures (UKCP18), we are satisfied that the proposed development should benefit from a flood risk betterment in comparison to the existing developed site where there is a clear coastal flood risk susceptibility.*

The Councils own flooding advisor also offers no objection to the proposals on flooding grounds subject to the imposition of an appropriate condition.

### 3.0 ADDITIONAL SUBMISSIONS BY HELENSBURGH COMMUNITY COUNCIL (HCC)

HCC have submitted a lengthy late additional representation in respect of the proposals. Many of the issues contained within this document have been subject to previous submissions and therefore do not require to be commented upon. However a number of new objections /concerns have been raised as set out below:

- 1) The proposed sea defence wall will now be 1.2m high and this will block sea views to those in cars, children and those in wheelchairs

#### *Officer Comment*

*The raising of the sea wall addresses the concerns over flooding and ensures that the closing of off the footway at the southern end of the site is minimised and public safety improved. Views of open water and the Clyde are still available to the east and west and for any party over 1.2m in height. It is considered that the balance of judgement favours some limited impairment of some southerly views, to a limited sector of the population, to ensure flood protection measures meet the needs of the design life of the building in accordance with the latest climate change information.*

- 2) The amended plans were only made public a week ago and Members of the public have not had sufficient time to comment.

#### *Officer Comment*

*These proposed alterations to the proposal are considered to be minor and non-material in the context of the overall scale of the proposals and address a specific technical issue. Therefore a further planning application is not required it is not considered by officers that a full re-consultation exercise is necessary or justified in this instance. It is noted that Mr Brown, who spoke to these matters at the hearing on behalf of HCC has been able to review and provide additional comment within the timescale available.*

*Members should also be reassured that officers have been sending information to Mr Brown of HCC directly in advance of it being available on civica. Mr Brown has thanked officers for this courtesy and an exchange to this effect has been placed on public record.*

- 3) HCC Updated Consultation Findings

The previous community consultation did not include a 5.9 mAOD sea wall which is a recent amendment

#### *Officer Comment:*

*This is factually correct*

The previous survey was completed before the flood risk assessment was made public. The community had not been informed about the risks to the building.

#### *Officer Comment*

*The issue of potential flooding of the site and building was clearly a matter of concern to respondents at this initial consultation stage and is not a new matter in respect of the proposals. This is clarified in the HCC report itself where in respect of 61% of the*



*consultees favouring the location of the proposals at the southern seaward end of the site and not closer to the town centre (as set out in Supplementary report 2), the HCC report clarified on P26 that:*

*A similar proportion, though, also commented that they disapproved of the plan because the location of the building was too exposed due to the risk of flooding or exposure to the wind and waves*

*It is clear therefore that matters relating to flooding, although not technically presented in detail as part of the consultation, was still clearly a matter the community were aware of and concerned about in respect of the first community consultation exercise.*

The new consultation exercise undertaken has been reported by HCC to have generated some 650 responses with the following reported outcomes:

- 93% said it was important “that the leisure centre is protected from flooding damage for its lifespan”
- 85% said the “the building should be moved closer to West Clyde Street to protect it while reducing the cost of the flood defences”.

#### *Officer Comment*

*The revised flood defences will ensure the building is protected for its lifespan and therefore the proposal is in accordance with the views of 93% of respondents to the new consultation exercise.*

*Any costs associated with flood defence works are not material planning considerations in respect of the determination of this planning application. It is for an applicant to determine how to fund and whether to implement any planning approval which may be given.*

Officers have been made aware that Architecture and Design Helensburgh have submitted an additional Design Assessment to Members. Officers have reviewed this document but do not consider it raises any new matters which require to be addressed in this report as a similar design appraisal document has been previously submitted.

#### **4.0 ADDITIONAL REPRESENTATIONS**

Since the production of the previous report only one additional representation objecting to the proposals has been received from Mr S Noble. This raises no new issues.

#### **5.0 CONCLUSION**

In summary, it is the view of officers that:

- i. The proposal is in accordance with the policies of the adopted LDP.
- ii. The proposal is in accordance with the approved 2012 Masterplan addendum.
- iii. There have been no objections from statutory consultees other than Helensburgh Community Council.
- iv. The proposal fulfils its role as a landmark building on this prominent and important site.
- v. The new leisure facility will provide benefits for the whole community and also tourists and visitors to the town.

- vi. No technical objections are raised on flooding matters which have now been fully addressed using the most up to date climate change information to inform the amended flood defence measures proposed.
- 

## **6.0 RECOMMENDATION**

It is recommended that planning permission be granted subject to the revised conditions appended to this report.

**Author of Report:** David Moore

**Date:** 18.12.2018

**Reviewing Officer:** Sandra Davies

**Date:** 18.12.2018

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

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

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

---

**Reference No:** 18/01614/PP

**Planning Hierarchy:** Major Application

**Applicant:** Executive Director Development and Infrastructure Argyll and Bute Council

**Proposal:** Erection of new leisure building including swimming pool, improved flood defences, new car park including public realm works and demolition of existing swimming pool

**Site Address:** Helensburgh Swimming Pool, 1B West Clyde Street, Helensburgh

**SUPPLEMENTARY REPORT NO. 2**

**1.0 INTRODUCTION**

The purpose of this report is to advise Members of additional matters following continuation of the application at the Hearing on 19 November 2018. The application was continued for the following reason:

*..to allow members to seek advice to put forward a competent amendment reflecting the UK Climate Projections changes due at the end of the month and other relevant issues raised in the hearing."*

The hearing raised a number of issues where additional clarification was sought by Members either in summing up, or in the questioning of parties. This report therefore seeks to provide further information and clarification to Members on the following matters:

- The flood defences being of appropriate design standards, with particular reference to wave overtopping for the design life of the building based upon updated climate change data published on 26.11.18
- The proposals being in accordance with the approved 2012 Masterplan addendum,
- Further clarification from the applicant on why the building is located at the southern end of the site adjacent to the water, and
- Details of interim skate park arrangements until a permanent solution is achieved.

Further comment on each of these matters is set out below.

## 2.0 FLOOD DEFENCES

This was a matter of considerable debate at the Hearing on 19.11.18 and many Members in their summing up before the vote to continue the application raised concerns over whether the flood defences, and in particular the wave overtopping defences, were adequate given the fact the new climate change information on projected sea levels was due to be published in the near future which could potentially influence these calculations.

The new climate change data was published on 26.11.18, one week after the hearing on 19.11.18. Following this publication, the applicant has prepared an updated Technical Memo on flooding matters dated December 2018. This is clearly a complex technical submission, however the main points to be extracted, following review of the updated climate change information on sea levels are that:

- The proposed floor levels of the building do not need to be changed
- The proposed height of the site does not need to be changed
- The sea defences have been raised to reflect the new climate change data and address wave overtopping for the projected lifetime of the building. This involves raising the height of the sea wall from 5.4 mAOD to a maximum height of 5.9 mAOD at necessary sections

The result of the changes to the sea wall defence is that the flood defences will last the life time of the building of some 40 years. This provides confidence that robust and up to date climate change information has been used in arriving at the design of these features.

The Council's flooding advisor by response dated 10.12.18 confirms that the proposal can continue to be recommended for approval subject to the following matters to be addressed by condition:

*1. Finished floor level of the main building to be at least 5.4 mAOD. Finished floor level of the plant room to be at least 4.7 mAOD. The plant room to incorporate additional flood mitigation measures including raised equipment and a flood proof access door.*

*2. The site operator(s) of the building, car park, and coastal defences must maintain appropriate flood mitigation measures through the lifetime of the development*

*3. Severe weather plan to be developed and implemented by the site operator(s) of the building, car park and coastal defences. This to include actions to be undertaken in the event of forecast or actual severe weather (including high winds and flooding) such as closure of the public footway at the flood defences, management of the plant room fire exit door during a severe weather event, and safe evacuation of the site.*

Members are requested to note that the previous wording of condition 10 requiring a review of flood defences following the publication of new climate change information has been amended as this exercise has now been undertaken by the applicant. The current proposals now reflect the most up to date information available on climate change. Indeed this proposal is likely to be one of the first major developments of this type to be designed to be fully in accordance with this revised climate change information.

Revised condition 10 is set out at **Appendix 1** to this report.

SEPA, the Government agency with statutory responsibility for flooding matters has also been re-consulted based upon the updated climate change data and amended sea defence proposals. At time of writing the response is still awaited.

### 3.0 CONFORMITY WITH THE APPROVED 2012 MASTERPLAN ADDENDUM

Discussion was led at the hearing as to whether the current proposals are in accordance with the approved 2012 Masterplan addendum. Given the discussions on 19.11.18 it is considered appropriate to provide some additional commentary on this point.

The Scottish Government clarifies in Planning Advice Note 83 in respect of Masterplans that :

*...Most commonly, it is a plan that describes and maps an overall development concept, including present and future land use, urban design and landscaping, built form, infrastructure, circulation and service provision. It is based upon an understanding of place and it is intended to provide a structured approach to creating a clear and consistent framework for development.*

*..... Although a masterplan may specify more detailed governing principles such as building heights, spaces, movement, landscape type and predominant uses, **it does not necessarily preclude a degree of flexibility in designs within the plan.**(\*Council emphasis)*

PAN 83 continues:

*A major challenge is to ensure that the vision is capable of implementation. All parties must be realistic about what can be achieved with the available budget.*

Officers remain of the opinion that the proposed building location and other external works are in conformity with the approved 2012 Masterplan addendum in respect of planning considerations, in that the application:

- Promotes a high quality Landmark Building on the site
- Locates the new building at the southern end of the site
- Does not compromise the future development of the northern section of the site for retail (which is the approved Masterplan use)
- Creates a strong linkage to the town centre through architectural detailing of the entrance to the building and high quality public realm works connecting it to West Clyde Street.

Masterplans are not detailed planning permissions, and as PAN 83 clarifies, flexibility and realistic aspirations are an essential part of moving Masterplans forward to detailed planning permission. The essential elements of the approved Masterplan, from a planning perspective, are delivered by the current planning application and therefore officers remain of the opinion that the proposals are in accordance with the 2012 Masterplan addendum and the current proposals are a welcome “first step” in delivering the whole site Masterplan aspirations.

### 4.0 DESIGN REASONS FOR THE PROPOSED LOCATION OF THE BUILDING

A number of questions were asked at the Hearing on 19.11.18 as to why the building was proposed to be located at the very southern edge of the site and what design or other reasons were behind this rather than locating it further to the north. The applicant provided verbal response at the Hearing, and has now provided a short additional addendum to the

design and access statement covering these matters. By submission dated 4.12.18 it is clarified that;

*...The concept is to provide a prominent building along the waterfront esplanade with a significant and clear main entrance with good accessibility in terms of movement and visual connections to the proposed surrounding development...*

*....The siting of the building within the southwest corner of the site is a deliberate and decisive place making decision. This move allows the building to engage physically with the pier head, slip way and sea wall defences and visually with the wider context of the town of Helensburgh...*

*.....We will, by good design, at all times eliminate technical aspects that relate directly to swimming pool construction, siting and orientation. In this instance by the siting of the building we are able to use the mass and form as a shield to the south westerly's, providing enclosure and shelter to the building users as they walk towards the building from town and car park. By placing the pool halls on the north façade we are able to eliminate the phenomenon of spectral glare and have embraced this opportunity by opening the pool hall up to the town with large expanses of glazing whilst the random rubble walling synonymous with sea defences transitions into dressed stone panelling to accord with the civic qualities of the Helensburgh street scape and thus creating an important dialogue from building to town...*

*.....The large glazed areas on the elevations allow views into the entrance foyer, pool hall, and fitness suite and studio spaces. At night these spaces will generate activity and provide visual interest towards the building. It is intended that these elevations will provide a shop window for the new facilities and locating these animated spaces would enhance the building both internally and externally....*

This further clarification, of the design process, is welcomed in providing further clarity. Officers remain of the opinion that this is an attractive building which is well designed and appropriately located to meet both its civic function and its role as a landmark building on a prominent and important development site.

The positioning of the building at the southern end of the site also has the benefit of promoting an efficient use of the overall site by leaving no redundant space at the Pierhead and maximising the available land for other uses such as parking, open space and future retail provision on the site.

At the hearing on 19.11.18 a presentation was led by HCC stating that the majority of responses to their own consultation exercise did not support the current proposals. However a more detailed examination of this HCC report, focussing in of the main planning considerations of design/appearance and location, and not operational matters such as internal facilities, provides further clarity on how the Community viewed this proposal.

Members are requested to note that the Community Council's own consultation exercise, which attracted 1100 responses asked specific questions on the appearance and location of the pool building. Set out below is an extract from the HCC community consultation report which clarifies at paragraph 6.2:

*The first question in the survey asked whether the public felt that the proposed location of the leisure centre, at the seaward end of the carpark, was appropriate or whether it should be closer to the town. The response was:*

- Seaward end of the carpark: 59%
- Closer to the town: 41%

It is also considered material to note that in respect of the appearance of the proposed building that again a specific question was asked in the consultation exercise as follows:

6.7 “Does the appearance of the building do justice to the prominence of the site?”

- Yes: 70%
- No: 30%.

The HCC Consultation exercise found that the majority of the 1100 community respondents, in respect of these specific and important planning matters, supported the current planning application proposals.

## 5.0 FUTURE SKATE PARK ARRANGEMENTS

Members will recall that as part of their presentation at the previous hearing the applicant clarified that the existing skate park equipment would be reinstated for a temporary period following the raising of the ground levels. This would continue to provide this facility until such time as the permanent design and site can be brought forward as endorsed by the Area Committee, thus minimising the period of time the facility will be unavailable to users.

To clarify this matter the applicant has provided a short submission formally confirming this intention. Officers are content that this can be secured through the use of an additional condition which requires details of the temporary skate park location and provision to be submitted and approved prior to the removal of the existing facility. A new condition 15 is therefore recommended to address this matter.

## 6.0 ADDITIONAL REPRESENTATIONS

An updated list of those who have made representations for and against the proposals to 06.12.18 at 9.10am is included as **Appendix 2**. No new substantive planning matters have been raised in new representations.

## 7.0 CONCLUSION

In summary, it is the view of officers that:

- i. The proposal is in accordance with the policies of the adopted LDP.
- ii. The proposal is in accordance with the approved 2012 Masterplan addendum.
- iii. There have been no objections from statutory consultees other than Helensburgh Community Council.
- iv. The proposal fulfils its role as a landmark building on this prominent and important site.
- v. The new leisure facility will provide benefits for the whole community and also tourists and visitors to the town.
- vi. No technical objections are raised on flooding matters which have now been fully addressed using the most up to date climate change information to inform the amended flood defence measures proposed.

---

## 8.0 RECOMMENDATION

It is recommended that planning permission be granted subject to the revised conditions appended to this report.

**Author of Report:** David Moore

**Date:** 12.12.2018

**Reviewing Officer:** Sandra Davies

**Date:** 12.12.2018

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



## APPENDIX 1

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 18/01614/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 20.7.2018 and the approved drawing reference numbers

1251-DB3-B01-01-DR-A-2000	Basement Plan
1251-DB3-B01-01-DR-A-2001	Ground Floor Plan
1251-DB3-B01-01-DR-A-2002	First Floor Plan
1251-DB3-B01-01-DR-A-2003	Roof Plan
1251-DB3-B01-ZZ-DR-A-20200	Proposed Elevations
1251-DB3-B01-ZZ-DR-A-20301	General Sections 1
1251-DB3-B01-ZZ-DR-A-20302	General Sections 2
1251-DB3-B01-ZZ-DR-A-90000	Site Location Plan
1251-DB3-B01-ZZ-DR-A-90001	Existing Site Plan
1251-DB3-B01-ZZ-DR-A-90002	Proposed Site Plan Rev E
1251-DB3-B01-ZZ-DR-A-90003	Existing Site Sections
1251-DB3-B01-ZZ-DR-A-90004	Proposed Site Sections
00045-02-003E	Proposed Site Plan
00045-02-004F	Proposed Sections
00045-02-005F	Site Sections
00045-02-006H	Alternate Indicative Method of Construction
00045-02-007B	South-West Slipway Section
00045-02-008B	Proposed East Slipway
00045-02-009D	Flood Defence Construction Sequence
00045-02-010C	Retaining Wall and Sections
00045-02-011B	Outline Traffic Management Plan
1450-01/D	Landscape Proposals West Boundary and Pier
1450-02/E	Landscape Layout and Finishes
1450-03/B	Soft works Specifications
1450-04/C	Landscape Layout Waterfront Walkway
1450-05/A	West Boundary and Pier Sections
1450-06/B	Landscape Layout West Clyde Street
G17050_281_2	Existing Drainage Layout
G17050_281_3	Preliminary Drainage Strategy Layout and SuDS
G17050_200	Proposed Surface Water Drainage Layout
Entrance Visual	3D Image
South Context Visual	3D Image
West Elevation Visual	3D Image
Existing Swimming Pool	1 of 3
Existing Swimming Pool	2 of 3
Existing Swimming Pool	3 of 3
1251-DB3-B01-EX-DR-E-63 01	Proposed External Lighting Scheme
1251-DB3-B01-EX-DR-E-63 02	Proposed External Lighting Scheme

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. Prior to development commencing, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall address requirements arising from the construction phases of the development and shall inform the production of construction method statements. This shall include details of the following:
- A construction method statement to demonstrate how potential impacts on otters and their safety shall be incorporated into normal site working practices and having regard to the recommendation contained in the Protected Species Survey Report
  - In the event that piling is required a noise impact assessment on Marine Mammals together with proposed mechanisms to mitigate any identified adverse impacts
  - A ground works phasing and waste management plan associated with movement/storage of all waste materials.
  - Details of the location of construction compounds to be formed
  - Details of the number of existing parking spaces lost at each main construction phase of the development in order to minimise the loss of existing parking during construction.
  - Details of any external lighting to be used during construction
  - Full land restoration details; to ensure that the land within the application site where it has been physically altered by the construction of the development or demolition of existing buildings/structures and the ground level raised, is restored to an acceptable appearance.
  - Details of arrangements to retain access for emergency services to the far southern pier head area delineated as area 16 in the proposed site plan.
  - Adherence to the requirements of any other submitted and approved details and other conditions

The development shall be implemented in accordance with the duly approved Environmental Management Plan unless any variation thereof is agreed in writing by the Planning Authority.

*Reason: To ensure unacceptable environmental, wildlife or amenity consequences do not arise due to the construction of the development and appropriate mitigation measures, where required, are implemented.*

3. No development shall be commenced until the following plans and particulars have been submitted to and approved in writing by the Planning Authority in consultation with the Head of Roads. Thereafter the development shall be implemented in accordance with the approved details. Such details shall incorporate:
- (i) A detailed construction method statement including the construction phasing and the material delivery plan.
  - (ii) The interim car parking arrangements to address the loss of existing parking provision during the construction phases.

*Reason: In the interests of roads safety and to maximise available parking spaces availability during construction.*

4. No public use of the building shall commence until a minimum of 155 parking spaces (including disabled spaces) and all vehicular servicing areas associated with the operational use of the building have been provided in accordance with the details hereby approved. Thereafter the remaining parking spaces shall be provided within 12 months of the building being first brought into use.

*Reason: In the interests of roads and pedestrian safety and to ensure that there is sufficient parking to support the leisure facility and town centre.*

5. Notwithstanding the effect of condition 1, no development shall commence until samples and/or full details of materials to be used in the construction of:
- (i) external material finishes of the building
  - (ii) any other visible walls/retaining structures to be constructed;
  - (iii) roads and parking areas;
  - (iv) footpaths;
  - (v) shared surfaces

have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed using the approved materials, or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to secure the use of appropriate materials in the interests of visual amenity.*

6. No occupation of the approved building 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 building.

*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).*

7. Details the specific species and size/mix/numbers of the proposed planting throughout the site on those areas identified to be landscaped shall be submitted for the written approval of the Planning Authority in consultation with the Biodiversity Officer within six months of the date of this permission, together with details of the proposed maintenance regime associated with the planting and clarifying the parties responsible for such future maintenance. Thereafter the duly approved planting shall be implemented in the first available planting season following the substantial completion of the development. Any planting which fails to become established, dies, becomes seriously diseased or is removed within the first 12 months of having been planting shall be replaced in the following planting season with equivalent sizes and species as those originally required to be planted.

*Reason: In the interests of amenity and biodiversity.*

8. No construction plant and/or machinery shall be operated on the site outwith the following times: 08.00 – 18:00 Monday – Friday, 08:00 – 13:00 Saturday. No construction plant and /or machinery shall be operated at any time on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Planning Authority in consultation with Environmental Protection.

*Reason: In order to control noise nuisance in the interest of amenity.*

9. Prior to commencement of development, full details of all external lighting shall be submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. Thereafter the development shall be completed in accordance with these details

*Reason: In order to avoid light pollution in the interest of amenity*

10. Notwithstanding the provisions of Condition 1, the development shall be implemented in accordance with the flooding amelioration details and recommendations set out in the Kaya Flood Risk Assessment (December 2018) and approved plans; 00045-02/004F, 00045-02/005F, 00045-02-006H, 00045-02-007B, 00045-02-10C and 1450-04/B

1. Finished floor level of the main building to be at least 5.4 mAOD. Finished floor level of the plant room to be at least 4.7 mAOD. The plant room shall incorporate additional flood mitigation measures including raised equipment and a flood proof access door. Details of the flood proof access door shall be submitted to the Planning Authority for their written approval prior to the use of the building commencing.

2. The site operator(s) of the building, car park, and coastal defences shall maintain the approved flood mitigation measures through the lifetime of the development.

3. A severe weather plan shall be developed, and thereafter implemented by the site operator(s) of the building, car park and pathways adjacent to the coastal defences prior to the use of these areas by members of the public. This shall include actions to be undertaken in the event of forecast or actual severe weather (including high winds and flooding) such as closure of the public footway at the flood defences, management of the plant room fire exit door during a severe weather event, and safe evacuation of the site. Full details of this plan shall be submitted to and approved in writing by the Planning Authority prior to the building and other land being brought into use by members of the public.

*Reason: In order to ensure appropriate mitigation for flood risk and to safeguard public safety.*

11. Surface water drainage to serve the development shall be implemented in full compliance with the details set out in the Drainage Impact Assessment 5<sup>th</sup> revision dated 11.10.18 and in accordance with the details set out in drawing G17050\_200 concurrently with the construction of the development and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

12. Prior to the first occupation of the building, a comprehensive Green Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The Travel Plan shall include details of:

- i) The proposed monitoring schedule and reporting procedures;
- ii) The management of the Travel Plan identifying the persons responsible for implementation;
- iii) Proposed pedestrian and cycle infrastructure within the site and connections to existing networks;
- iv) Cycle parking provision and location within the site;
- v) Measures to improve public transport facilities;
- vi) Initiatives such as, electric car facilities, car share scheme and flexible working;
- vii) Employee locker facilities;
- viii) Travel information to be provided within the site.

Thereafter the provisions of the plan shall be implemented as part of the operation of the approved development.

*Reason: To ensure an appropriate level of public transport infrastructure is available to residents of the new development.*

13. Prior to commencement of development, an assessment of the condition of the land shall be undertaken, submitted and approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites.

Where contamination is identified, then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and be subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development with the exception of those actions required to carry out remediation unless otherwise agreed in writing by the Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation must be produced, and is subject to the approval in writing of the Planning Authority.

*Reason: In order to ensure that contamination issues on the site have been fully investigated and remediated.*

14. The level of noise emanating from the site following commencement of the permitted use shall not exceed the established background noise level LAeq (90) at the survey location by more than 5dB(A) unless otherwise approved in writing by the Planning Authority. Any plant and machinery should not produce any noise that has a distinguishable, discrete, continuous note or distinctive impulses.

*Reason: In order to avoid noise nuisance in the interest of amenity.*

15. Prior to the removal of the existing skate park, details of the proposed temporary skate park to be reinstated following the raising of the land shall be submitted to and approved in writing by the Planning Authority. These details shall include the location and type of equipment to be reinstated and timescales for the reinstatement of this facility which should be adhered to unless as otherwise agreed in writing.

*Reason: To ensure the continued provision of a skate park facility until an application relating to a permanent new facility is submitted and approved*

## **NOTES TO APPLICANT**

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. Notwithstanding the requirements of condition 13 in respect of addressing site contamination issues, the applicant's attention is drawn to the requirements of CAR General Binding Rule 10 to ensure all reasonable steps are taken to ensure discharge associated with construction does not result in pollution of the water environment.
5. All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.
6. The road improvements within West Clyde Street and at the junction with Sinclair Street will require approval under Section 56 of the Roads Scotland Act 1984. Contact should be made with the Argyll and Bute Council Head of Roads.

**APPENDIX 2**

As of 06.12.18 at 9.10am there have been 151 objections, 97 submissions in support and 4 Representations

**i) Representations received from:**

**Objection**

Carl Dixon 5 Butt Avenue Helensburgh Argyll And Bute G84 9DA 09.08.2018  
Joanne Brown 5 Howie Crescent Rosneath Helensburgh Argyll And Bute 09.08.2018  
Tariq Durrani 14 Duchess Park Helensburgh Argyll And Bute G84 9PY 13.09.2018  
Fiona McLeod Upper Flat Heatherbank Fairway Garelochhead Helensburgh Argyll And Bute  
Ian MacQuire 20 Rosedale Gardens Helensburgh Argyll And Bute G84 7RW  
Norman Muir 52 Grant Street Helensburgh Argyll And Bute G84 7EW 15.08.2018  
Ian Grout 18A Upper Glenfinlas Street Helensburgh Argyll And Bute G84 7HD 19.08.2018  
Sue Thornley Glenarn House Glenarn Road Rhu Helensburgh 14.09.2018  
Christine Gaskell 13 Kenilworth Avenue Helensburgh Argyll And Bute G84 7JR 14.09.2018  
Robert McPartland 8 Endrick Wynd Helensburgh Argyll And Bute G84 7SU 14.09.2018  
Garth Randal Address Not Supplied 14.09.2018  
Clare Hennessey 9 West Abercromby Street Helensburgh Argyll And Bute G84 9LH 05.10.2018  
Kimberly Chapman 4 Straid-A-Cnoc Clynder Helensburgh Argyll And Bute 31.08.2018  
Valerie Reynard 31.08.2018  
Jean Senior 107 East Princes Street Helensburgh Argyll And Bute G84 7DN 31.08.2018  
Rebecca Wetherhill 11 South King Street Helensburgh Argyll And Bute G84 7DU 31.08.2018  
Kirsty Horn 11 Blackhill Drive Helensburgh Argyll And Bute G84 9AF 31.08.2018  
Melany Boyde 58 Fisher Place Helensburgh Argyll And Bute G84 9RJ 31.08.2018  
Claire Balneaves 23 Redgauntlet Road Helensburgh Argyll And Bute G84 7TW 31.08.2018  
Lucy Wright 59 Drumfork Road Helensburgh Argyll And Bute G84 7TN 31.08.2018  
Maura McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB 31.08.2018  
Lisa Johnstone 36 Lawrence Avenue Helensburgh Argyll And Bute G84 7JJ 31.08.2018  
May Hadi 17 Kidston Drive Helensburgh Argyll And Bute G84 8QB 24.08.2018  
Benjamin Gibson 96 Drumfork Road Helensburgh Argyll And Bute G84 7TY 29.08.2018  
Urlan Wannop 43 Lomond Street Helensburgh Argyll And Bute G84 7ES 28.08.2018  
L.J. Duncan Shoreacres Artarman Road Rhu Helensburgh Argyll And Bute  
Marie Therese Hayes Strathconon Cumberland Road Rhu Helensburgh 29.08.2018  
Bethany Scott 6 Nelson Place Helensburgh Argyll And Bute G84 9ES 29.08.2018  
Grant McIntosh 66A Colquhoun Street Helensburgh G84 8JP 29.08.2018  
Barbara Warren 20 Lever Road Helensburgh Argyll And Bute G84 9DP 31.08.2018  
Peter Brown  
Lois Smith 25 Queens Crescent Garelochhead Helensburgh Argyll And Bute 04.09.2018  
Norman McNally 2 Maitland Street Helensburgh G84 7PB 20.08.2018  
Claire Stevenson 1 28 Ferry Road Rosneath Helensburgh 06.09.2018  
Janus Basnov 1 28 Ferry Road Rosneath Helensburgh 06.09.2018  
Sarah Urquart 15 Bain Crescent Helensburgh Argyll And Bute G84 9DB 06.09.2018  
Roz Patterson 1 Portkil House Kilcreggan 06.09.2018  
John McMurtrie Flat 2/2 24 Sinclair Street Helensburgh Argyll And Bute 06.09.2018  
Stewart Noble 28 East Abercromby Street Helensburgh Argyll And Bute G84 7SQ 09.09.2018  
Fiona Macpherson 31 Kennedy Drive Helensburgh Argyll And Bute G84 9AR 17.09.2018  
Noble Macpherson 31 Kennedy Drive Helensburgh Argyll And Bute G84 9AR 17.09.2018  
Heather Wilson Birchwood Rhu Road Higher Helensburgh Argyll And Bute 18.09.2018  
Alan Johnston 12A Cairndhu Gardens Helensburgh G84 8PG 13.08.2018  
Jean Johnston 12A Cairndhu Gardens Helensburgh G84 8PG 13.08.2018  
Ron Ellis 8 Lineside Walk Rhu Helensburgh Argyll And Bute 12.09.2018

Ian Reynard 34 Loch Drive Helensburgh Argyll And Bute G84 8PZ 12.09.2018  
Leila Reynard 34 Loch Drive Helensburgh Argyll And Bute G84 8PZ 12.09.2018  
Kathryn Polley Flat 1/1 2 James Street Helensburgh Argyll And Bute 12.09.2018  
Christina Atkins Inchcruin Redgauntlet Road Helensburgh Argyll And Bute 12.09.2018  
Patricia Lawson 5 Tower Place 6 East Clyde Street Helensburgh 12.09.2018  
Nick Cowie Garemount Lodge Shore Road Shandon Helensburgh 12.09.2018  
William S Quaile Ulston Grove Spys Lane Rhu Helensburgh 12.09.2018  
Kathy Black Strathlee Shore Road Cove Helensburgh Argyll And Bute 19.09.2018  
Pauline Macdonald 33 Camperdown Court Helensburgh Argyll And Bute G84 9HH  
20.09.2018  
Claire Davidson 54 Colquhoun Street Helensburgh Argyll And Bute G84 8UX 05.09.2018  
David Allan 145 West Princes Street Helensburgh Argyll And Bute G84 8EZ 05.09.2018  
Jane Allan 145 West Princes Street Helensburgh Argyll And Bute G84 8EZ 05.09.2018  
Gaynor Jakeman 38 Kildonan Drive Helensburgh Argyll And Bute G84 9SA 05.09.2018  
Jenny Wainwright 24 Tower Place East Clyde Street Helensburgh Argyll And Bute  
05.09.2018  
Paula McIntosh 66 A Colquhoun Street Helensburgh G84 05.09.2018  
Paul Dods 8 Kildonan Drive Helensburgh Argyll And Bute G84 9SA 30.08.2018  
Norman McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB 20.08.2018  
Debbie Stevenson 27 Guy Mannering Road Helensburgh Argyll And Bute G84 7TJ  
30.08.2018  
Fiona Baker Hillcroft Station Road Rhu Helensburgh Argyll And Bute 06.09.2018  
James Kerr 20 Ardenconnel Way Rhu Helensburgh Argyll And Bute 04.09.2018  
Andrew Watts The Olde School House Kilcreggan 04.09.2018  
Rayna Watts The Olde School House Kilcreggan 04.09.2018  
Emma Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84 7NN 04.09.2018  
Neil Petrie 9 South King Street Helensburgh Argyll And Bute G84 7DU 04.09.2018  
Terri Colloton 7 Armstrong Road Helensburgh Argyll And Bute G84 7UE 04.09.2018  
Veronica Davis 7 Kilmahew Court Cardross Dumbarton Argyll And Bute 04.09.2018  
Veronica Davis 2 Talisman Crescent Helensburgh Argyll And Bute G84 7TD 04.09.2018  
Elizabeth Clarke 2 Talisman Crescent Helensburgh Argyll And Bute G84 7TD 04.09.2018  
James Taylor 75 West Clyde Street Helensburgh Argyll And Bute G84 8AX 04.09.2018  
Toni Taylor 75 West Clyde Street Helensburgh Argyll And Bute G84 8AX 04.09.2018  
Colin Shannon 38 Suffolk St Helensburgh G84 9PD 07.09.2018  
Stella Kinloch Craigend Cardross Dumbarton Argyll And Bute 08.09.2018  
M W Whitlock 28 Bain Crescent Helensburgh Argyll And Bute G84 9DF 11.09.2018  
H R Whitlock 28 Bain Crescent Helensburgh Argyll And Bute G84 9DF 11.09.2018  
Lynn Smith 7 Lower Sutherland Crescent Helensburgh Argyll And Bute G84 9PG  
11.09.2018  
B M Annesley 26 Duchess Drive Helensburgh Argyll And Bute G84 9PR 11.09.2018  
C A Annesley 26 Duchess Drive Helensburgh Argyll And Bute G84 9PR 11.09.2018  
Graham Jefferies 52 William Street Helensburgh Argyll And Bute G84 8XX 11.09.2018  
Mairi Jefferies 52 William Street Helensburgh Argyll And Bute G84 8XX 11.09.2018  
Alan MacNicol Aros Road Rhu Helensburgh 11.09.2018  
Kay Court 07.09.2018  
Lynne Dow 6 East Montrose Street Helensburgh Argyll And Bute G84 7HU 07.09.2018  
Fiona McLeod Upper Flat Heatherbank Fairway Garelochhead 07.09.2018  
Vivien Dance 07.09.2018  
Alan Jack 188 West King Street Helensburgh Argyll And Bute G84 8QR 07.09.2018  
Frances Baxter 69 Dennistoun Crescent Helensburgh Argyll And Bute G84 7JQ 12.09.2018  
Chris Henderson 6 Laggary Park Rhu Helensburgh Argyll And Bute 12.09.2018  
Peiwah Lee Harwood Church Avenue Cardross Dumbarton 12.09.2018  
Geoffrey Atkins Inchcruin Redgauntlet Road Helensburgh Argyll And Bute G84 7TP  
08.09.2018  
Colin Keir 16 Barclay Drive Helensburgh Argyll And Bute G84 9RD 09.09.2018  
Philip Dye 9 Glen Drive Helensburgh Argyll And Bute G84 9BJ 14.09.2018  
Mike Green No Address Provided 17.09.2018



A Brian Aitken Foinne Bhein Shandon Helensburgh Argyll And Bute 17.09.2018  
G A Quickfall 25 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 17.09.2018  
Raymond Williams 22 Blackhill Drive Helensburgh Argyll And Bute G84 9HR  
Pauline Williams 22 Blackhill Drive Helensburgh Argyll And Bute G84 9HR  
Iain MacLaren Twiga Glenoran Road Helensburgh Argyll And Bute  
James Chapman 10 Cardross Road Helensburgh Argyll And Bute G84 7JW 23.08.2018  
T G Calder 15 East Lennox Drive Helensburgh Argyll And Bute G84 9JD  
Iain M Cameron No Address Provided  
Peter Brown Ravenswood 32 Suffolk Street Helensburgh Argyll And Bute  
L E Aitken Foinne Bhein Shandon Helensburgh Argyll And Bute 03.09.2018  
Lynn Henderson 9 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 03.09.2018  
Helen Bowie 16 East Argyle Street Helensburgh Argyll And Bute G84 7RR 03.09.2018  
George Bowie 16 East Argyle Street Helensburgh Argyll And Bute G84 7RR 03.09.2018  
Anne Helstrip 33 Loch Drive Helensburgh Argyll And Bute G84 8PZ 03.09.2018  
Michelle Scotland Upper Greenhill Shore Road Kilcreggan 03.09.2018  
Ben McNally Florastrasse 59 Wurenlos 5436 Switzerland 03.09.2018  
Emma Henderson 22 Barclay Drive Helensburgh Argyll And Bute G84 9RB 03.09.2018  
Connor McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB 03.09.2018  
Catherine Grout 18A Upper Glenfinlas Street Helensburgh Argyll And Bute G84 7HD  
28.08.2018  
John Black 6 Woodhollow House Maclachlan Road Helensburgh Argyll And Bute  
13.11.2018  
Margaret McCallum 35 Keil Court 12 Hanover Street Helensburgh G84 7AW 16.11.2018  
David A McGowan 114 West King Street Helensburgh Argyll And Bute G84 8DQ  
14.11.2018  
Margaret McGowan 114 West King Street Helensburgh Argyll And Bute G84 8DQ  
14.11.2018  
Richard Grieves Flat 1/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
A M P Rycraft 60 Marmion Avenue Helensburgh Argyll And Bute G84 7JN 14.11.2018  
Leonard M Rycraft 60 Marmion Avenue Helensburgh Argyll And Bute G84 7JN 14.11.2018  
G A Kitt The Briars House The Briars Shandon Helensburgh 14.11.2018  
Linda Lewin 36 Queen Street Helensburgh Argyll And Bute G84 9PU 14.11.2018  
M Cudby Flat 1/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
N Cudby Flat 1/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
Fiona McWilliam Flat Ground/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
Marie Muir 9 Maitland Street Helensburgh Argyll And Bute G84 7PB 14.11.2018  
Edward OBrien 15 Dryburgh Road Bearsden Glasgow G61 4DJ 14.11.2018  
Ian Duncan 58 Colquhoun Street Helensburgh Argyll And Bute G84 8UX 14.11.2018  
Mary Duncan 58 Colquhoun Street Helensburgh Argyll And Bute G84 8UX 14.11.2018  
Sallie Lloyd Jones 26 East Clyde Street Helensburgh Argyll And Bute G84 7PG 14.11.2018  
Ann Holling 201 Rosslyn Terrace 5 Maitland Street Helensburgh Argyll And Bute  
14.11.2018  
Richard Holling 201 Rosslyn Terrace 5 Maitland Street Helensburgh Argyll And Bute  
14.11.2018  
Alistair Macindoe Flat 1/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
Mr John Tacchi 27 Havelock Street Helensburgh Argyll And Bute G84 7HQ 16.11.2018  
Architecture And Design Helensburgh Full Address Not Provided  
G D Kitt The Briars House The Briars Shandon Helensburgh 15.11.2018  
Eilean M Yendell Elston Gareloch Road Rhu Helensburgh 15.11.2018  
David Lewin 36 Queen Street Helensburgh Argyll And Bute G84 9PU 15.11.2018  
G R Lloyd Jones 26 East Clyde Street Helensburgh Argyll And Bute G84 7PG 15.11.2018  
Francesco Aranci 106C Sinclair Street Helensburgh Argyll And Bute G84 9QE 15.11.2018  
Nico Aranci 106C Sinclair Street Helensburgh Argyll And Bute G84 9QE 15.11.2018  
Thomas Hudspith Sunnyside Main Road Cardross Dumbarton 15.11.2018  
Richard Cameron 16 Park Grove Cardross Dumbarton Argyll And Bute 15.11.2018  
Gavin McColl Church 15 Feorlin Way Garelochhead Helensburgh Argyll And Bute  
15.11.2018

Hudspith Sunnyside Main Road Cardross Dumbarton 15.11.2018  
I A Hubbard 15 Dennistoun Crescent Helensburgh Argyll And Bute G84 7JG 15.11.2018  
Ellen Renton Full Address Not Provided 19.11.2018  
Christine Woods Winford 3A Victoria Crescent Helensburgh Argyll And Bute

**Support**

Rebecca Mair 38 Woodbank Court Alexandria G83 0LG 20.09.2018  
Nicholas Davies The Copse Donaldsons Brae Kilcreggan Helensburgh Argyll And Bute  
06.09.2018  
Alison Barclay Craigarran Shore Road Kilcreggan Helensburgh Argyll And Bute 15.10.2018  
Jacqueline Davis 20 Jeanie Deans Drive Helensburgh Argyll And Bute G84 7TQ  
17.10.2018  
J Royal 15 West Princes Street Helensburgh Argyll And Bute G84 8TF  
Nicola Hackett 66 Shore Road Innellan Dunoon Argyll And Bute 19.09.2018  
Colin Crichton 800 Crow Road Glasgow G13 1LY  
Kenneth White 20 West Lennox Drive Helensburgh Helensburgh Argyll And Bute  
02.09.2018  
Kevin Anderson 6 Broomfield Drive Dunoon Argyll And Bute PA23 7LJ  
Diane McMillan 7 Victoria Terrace Ardrishaig Lochgilphead Argyll And Bute  
Chris Turnbull 108 Mains Hill Erskine pa8 7je  
Laurence Slavin Flat 1 Ponderosa Shore Road Kilcreggan Helensburgh Argyll And Bute  
Amy Birch 6 Fairfield Gardens Helensburgh  
Margaret McGhee 132 Cardross Road Westcliff Dumbarton  
A Fletcher Flat 2/1 3 Brabloch Park Paisley PA3 4QD  
David Unsworth 87 Methven Road Paisley  
Rachel Nicolson West Clyde Street Helensburgh  
Angela Gibson 2 Charles Terrace Balloch G83 8LD  
S Cameron Full Address Not Provided  
Isabel Ward 20 St Michael Drive Helensburgh Argyll And Bute G84 7HG  
Esther Cowan Full Address Not Provided  
John Tetler 64 Old Luss Road Helensburgh Argyll And Bute G84 7LN  
Lorraine MacKenzie 9 Duncombe Avenue Hardgate Clydebank  
Rebecca Mair Address Not Provided  
Lorraine Welsh 72 Campbell Street Helensburgh G84 9QW  
Laura Judge 97 Davaar Avenue Campbeltown Argyll And Bute PA28 6NQ  
Robert Judge 97 Davaar Avenue Campbeltown Argyll And Bute PA28 6NQ  
Vincent Madden 38 Hunters Avenue Dumbarton  
Helen Taylor Full Address Not Provided  
Colin Crichton 800 Crow Road Glasgow  
Charlotte Savage 0/3 33 Castlegreen Street Dumbarton  
Alex Benn Beechdale Linnburn Shandon  
Aileen Baird 234 West Princes Street Helensburgh Argyll And Bute G84 8HA  
Alex Macfarlane 28 Abercromby Crescent Helensburgh Argyll And Bute G84 9DX  
Douglas Welsh 48 Manse Crescent Stanley PH1 4NZ  
Charles Breslin 3 Kennedy Drive Helensburgh Argyll And Bute G84 9AR  
Fiona Baird 35 Lochranza Drive Helensburgh Argyll And Bute G84 9DY  
N Parlane 43 William Street Helensburgh Argyll And Bute G84 8XX  
Steve Worsford 15 Collins Road Helensburgh Argyll And Bute G84 7UA  
Angela Pyne 92 Berwick Road Greenock  
Phil Taylor 3 John Street Lane Helensburgh Argyll And Bute G84 9NA  
Julie Nicol 30 Glenshira Drive Dumbarton  
Richard Millar Full Address Not Provided  
Paul Henderson Full Address Not Provided  
Karen Smith 34 West Montrose Street Helensburgh Argyll And Bute G84 9NQ  
Stuart Mason Cala Na Sythe Stuckenduff Road Shandon  
Chris Mckell 28 Kirkmichael Road Helensburgh Argyll And Bute G84 7NQ  
Daryl Walker 15 Mackintosh Court Helensburgh Argyll And Bute G84 7HZ  
Leah Walker 15 Mackintosh Court Helensburgh Argyll And Bute G84 7HZ

J G Dean 25 Maclachlan Road Helensburgh G84 9BU  
K Brady Full Address Not Provided  
Ellen Morton 18 Adelaide Street Helensburgh Argyll And Bute G84 7DL  
Pat McCann 28 Rowan Dr Dumbarton G82 5EH  
Cathie Boyle Flat 6 1 Park Lane Helensburgh Argyll And Bute  
Les Donald Flat 1/1 107 West Clyde Street Helensburgh Argyll And Bute 28.08.2018  
Unknown Address Not Provided  
Sinead Rooney Full Address Not Provided  
Richard Stephen 1 East Rossdhu Drive Helesnburgh  
Irene Telfer 64 Old Luss Road Helensburgh Argyll And Bute G84 7LN  
L Baird 3/3 69 Station Road Renfrew  
Paula Gill 51 Malcolm Place Helensburgh Argyll And Bute G84 9HW  
Cecilia Chisholm 23 Machrie Drive Helensburgh Argyll And Bute G84 9EJ  
Andy Donald No Address Provided 13.11.2018  
Andrew Stocks 14 Sutherland Street Helensburgh Argyll And Bute G84 8EW 12.11.2018  
Thomas McMahon 140 Dumbuck Road Dumbarton 09.11.2018  
John O'Brien 30 Loch Drive Helensburgh Argyll And Bute G84 8PY 08.11.2018  
Annmarie Carson 25 Charlotte Street Helensburgh Argyll And Bute G84 7EZ 14.11.2018  
Jay Bennett 3 Knowes View Faifley Clydebank G81 5AT 09.11.2018  
Zak Daly 22 Oakburn Walk Jamestown G83 9NJ 09.11.2018  
Finlay Mitchell 39 Oakburn Walk Jamestown G83 9NR 09.11.2018  
Ross Grace 33 Lamont Crescent Renton Dumbarton 09.11.2018  
Callum Mitchell 39 Oakburn Walk Jamestown G83 9NR 09.11.2018  
Lee Daly 22 Oakburn Walk Jamestown G83 9NJ 09.11.2018  
Leon Hutton 41 Murroch Crescent Bonhill G83 9QG 09.11.2018  
Callum Cowan 18 Dalnair Place Milngavie G62 7RD 09.11.2018  
Sherril O'Brien 30 Loch Drive Helensburgh Argyll And Bute G84 8PY 09.11.2018  
Carol Wainwright Address Not Given 09.11.2018  
Jill Coleman Morvern Rahane Helensburgh Argyll And Bute 12.11.2018  
Annmarie Carson Ardlui House 25 Charlotte Street Helensburgh G84 7EZ 07.11.2018  
Julie Ward Address Not Provided 07.11.2018  
Lyndsay Barras 25 Charlotte Street Helensburgh Argyll And Bute G84 7EZ 07.11.2018  
Mrs Eileen McCrory Depot 29 Lomond Street Helensburgh Argyll And Bute 16.11.2018  
Jill Coleman Morvern Rahane Helensburgh Argyll And Bute 09.11.2018  
Elizabeth Royal 63 East Princes Street Helensburgh Argyll And Bute G84 7DG  
B Higginson 4 Park Grove Cardross Dumbarton Argyll And Bute  
Alex Brown Ground Floor Flat Braeholme Cumberland Road Rhu  
Jamie Senior 107 East Princes Street Helensburgh Argyll And Bute G84 7DN  
Johnny Brown Ground Floor Flat Braeholme Cumberland Road Rhu  
Oliver Curran 28 Collins Road Helensburgh Argyll And Bute G84 7UB  
Joanne Air 4 Park Terrace Cardross Dumbarton Argyll And Bute  
Adam Mulrainey 4 Park Terrace Cardross Dumbarton Argyll And Bute  
Benjamin Hood 11 East Montrose Street Helensburgh Argyll And Bute G84 7ER  
Oliver Hood 11 East Montrose Street Helensburgh Argyll And Bute G84 7ER  
Dennis Royal 63 East Princes Street Helensburgh Argyll And Bute G84 7DG  
Glen Roy Address Not Provided 08.11.2018  
Veronica Davis 7 Kilmahew Court Cardross Dumbarton Argyll And Bute  
Andrew Donald Tairlaw Rhu Road Higher Helensburgh Argyll And Bute 13.11.2018

**Representation**

Patricia Lawson Flat 5 Tower Place 6 East Clyde Street Helensburgh 14.08.2018  
Jackie Hood 11 East Montrose Street Helensburgh Argyll And Bute G84 7ER 03.10.2018  
John Penniston Townhead Farm Drumfork Road Helensburgh Argyll And Bute 06.09.2018  
Ian Ward Rowallan 29 East Montrose Street Helensburgh Argyll And Bute 11.08.2018  
John Urquhart 45 Colquhoun Street Helensburgh Argyll And Bute G84 9JP 18.11.2018

This page is intentionally left blank

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

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

---

**Reference No:** 18/01614/PP

**Planning Hierarchy:** Major Application

**Applicant:** Executive Director Development and Infrastructure Argyll and Bute Council

**Proposal:** Erection of new leisure building including swimming pool, improved flood defences, new car park including public realm works and demolition of existing swimming pool

**Site Address:** Helensburgh Swimming Pool, 1B West Clyde Street, Helensburgh

**SUPPLEMENTARY REPORT NO. 1**

**1.0 INTRODUCTION**

The purpose of this report is to advise Members of additional information which has been submitted by the applicant in support of the above planning application, and to provide clarity on an application to Historic Environment Scotland (HES) to List Helensburgh Pier which has recently been received by them and to provide updated information in respect of representations made in respect of the application.

The additional information comprises the following reports:

- A Technical Note on flooding, wave action and minimum floor levels
- Amended surface water drainage details
- A recent application to list Helensburgh Pier before HES

**2.0 TECHNICAL NOTE ON FLOODING AND MINIMUM FLOOR LEVELS**

The Councils flooding advisor by response dated 11.10.18 confirmed that the proposal could be recommended for approval subject to the following condition:

Condition 10.

*Notwithstanding the provisions of Condition 1, the development shall be implemented in accordance with the flooding amelioration details and recommendations set out in the Kaya Flood Risk Assessment (June 2018) and approved plans; 00045-02/004C, 00045-02/005C and 0045-02/009D*

1. *Finished floor levels of the building shall be a minimum of 5.4m AOD*
2. *Detailed design of flood defences to be appropriate and fully account for wave overtopping through the lifetime of the development.*

3. *Flood plan to be developed and implemented. This to include actions to be undertaken in event of a flood, including safe evacuation.*

Further evaluation and discussions in respect of the proposals confirmed that the plant room of the proposed building would be below this suggested minimum floor level (4.7m AOD) and therefore not in strict compliance with the wording of the suggested condition. Further consideration of this matter has been undertaken between the applicant and the Council's Flooding Advisor and a short technical note has been submitted by the applicant clarifying that:

*While the leisure centre as an entity has been designed with floor levels in the publicly accessible areas of the building of 5.4mAOD in accordance with the latest flood risk assessment advice, it is understood that the plant room will be located at a lower elevation of 4.7 mAOD for operational reasons. This is the same level as the adjacent car park and the plant room is not accessible to the public. 4.7 mAOD is also 0.22 m higher than the estimated 1 in 200 year predicted still water level (in 2080) of 4.48 mAOD. Flood risk to the plant room will be addressed by individual items of plant will sitting on plinths, some 300mm in height, giving an overall protection level of 5.0 mAOD. Flood water ingress to the plant room should be minimised by flood proofing of the door.*

*The building and the enhanced food defences which will surround it, together with pedestrian and vehicular access to it, have been designed with specific reference to the coastal location. It is fully recognised that climate change will have an influence upon future flood risk, and that the size of that influence is uncertain. Decisions on any adaptations to the current defences or further flood defence measures if necessary will be taken at the appropriate time in the future as climate conditions dictate or as established guidance is revised. The current designs have allowed for this by including for sufficient space along the development perimeter for potential raising of the sea defences to protect against further climate change and any consequent rise in the sea level.*

*The site is located within a SEPA Flood Warning area and development and implementation of a flood plan which ties into the SEPA Flood Warning and provides safe evacuation routes will further help mitigate potential flood risk.*

It is therefore recommended that condition 10 is amended to reflect the lower floor level of the plant room.

As part of ongoing discussions on flooding matters, and to provide additional reassurance over potential climate change impacts raised in representations, it has also been deemed appropriate to amend condition 10 to require regular review of the flood defences to accommodate the findings of UK Climate Projections (UKCP) climate change scenarios (or their equivalent) which are published every 10 years or so.

Any substantive changes in projected sea levels and resultant wave action impacts from the estimates in the Kaya Report will be apparent upon review. Any required actions in respect of sea/flood defence measures, and the flood plan (including evacuation arrangements) will require to be undertaken to ensure the future safety of users of the building. The owner/operator of the land and building will also have a "Duty of Care" in respect of such matters.

Given that the most vulnerable groups can use the new facilities due to improved access it is considered expedient to amend the suggested condition to provide further clarification in respect of such matters to reassure third parties that the building and land shall be operated in a safe and appropriate manner, notwithstanding potential future climate change update information.

The Council's flooding advisor has therefore provided an updated response on 15.11.18 taking into account the above matters. It is therefore recommended that condition 10 be amended to state:

1. *Finished floor level of the main building to be at least 5.4 mAOD. Finished floor level of the plant room to be at least 4.7 mAOD. The plant room to incorporate additional flood mitigation measures including raised equipment and a flood proof access door.*
2. *The site operator(s) of the building, car park, and coastal defences must maintain appropriate flood mitigation measures through the lifetime of the development. This includes review of the defences by the site operator(s) following each new release of UK Climate Projections (UKCP) climate change scenarios or their equivalent.*
3. *Flood plan to be developed and implemented by the site operator(s) of the building, car park and coastal defences. This to include actions to be undertaken in event of a flood, including safe evacuation.*

Revised condition 10 is set out at **Appendix 1** to this report.

### **3.0 UPDATED SURFACE DRAINAGE PROPOSALS**

At time of completing the previous report SEPA had concerns over the treatment of the surface water from the site and had requested that this be reconsidered. The matter was previously covered by the imposition of a condition requiring appropriate details to be submitted and approved prior to the commencement of development (Condition 11).

Updated proposals have been submitted by the applicant and SEPA have clarified by response dated 6.11.18 that:

*We have completed our assessment of the revised surface water drainage arrangements provided by Patrick Parsons and would confirm that we are now satisfied with these proposed arrangements and these amended proposals address the concerns as detailed in our previous response – (PCS/160583 – 22August 2018).*

Given that amended details have been submitted and approved by SEPA following the production of the last report, it is considered appropriate to amend condition 11 to require the implementation of approved details and not submission of details as was previously the case.

Revised condition 11 is set out at **Appendix 1** to this report.

### **4.0 APPLICATION TO LIST HELENSBURGH PIER TO HISTORIC ENVIRONMENT SCOTLAND (HES)**

Following the completion of the previous report HES contacted the Council on 6.11.18 to notify them that an application had been received from a third party to list Helensburgh Pier.

Officers have sought clarification from HES on whether the site they were going to consider for listing had any materiality to the current planning application. It has been confirmed by e-mail dated 12.11.18 from HES that:

*I can confirm that the site proposed for listing does not fall within the boundary of the application site. It instead relates to the pier head (to the southwest) and potentially the*

*stone built approach (to the west). Therefore the listing application will not impede or effect the outcome of the current planning application on 19 November.*

*For your information, our review of new listing proposals usually takes a period of 6 months. Please do get in touch if you require anything further.*

Given the above clarification, and having regard to the fact that no listing of any part of the pier has been agreed or proposed by HES at this time, this is not considered to be a matter which impedes the proper determination of the current planning application by Members at this hearing.

## **5.0 Additional Representations**

An updated list of those who have made representations for and against the proposals to 14.11.18 is included as **Appendix 2**. No new substantive planning matters have in the opinion of Officers been raised in these new representations. However the following matters have been raised by Mr J Black by objection dated 13.11.18

- The ownership of the ground is uncertain and the north part of the car park was donated to the town by Sir James Colquhoun which contains restrictive clauses.

*Comment - Land ownership and/or restrictions on land title are not matters for consideration through the planning process in respect of restricting the implementation of a planning permission. These are legal matters and the grant of any planning permission does not override any legal restrictions on land which will, if necessary, require to be addressed by the developer. This is therefore not a matter of materiality to the determination of the planning application.*

Members are also requested to note that Helensburgh Community Council, through Architecture and Design Helensburgh have on 1.11.18 submitted an addendum to their original objection of 29.9.18. This substantially comprises an evaluation of the proposal using the Scottish Governments "Place Standard" assessment tool.

---

## **6.0 RECOMMENDATION**

It is recommended that planning permission be granted subject to the revised conditions appended to this report.

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



## APPENDIX 1

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 18/01614/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 20.7.2018 and the approved drawing reference numbers

1251-DB3-B01-01-DR-A-2000	Basement Plan
1251-DB3-B01-01-DR-A-2001	Ground Floor Plan
1251-DB3-B01-01-DR-A-2002	First Floor Plan
1251-DB3-B01-01-DR-A-2003	Roof Plan
1251-DB3-B01-ZZ-DR-A-20200	Proposed Elevations
1251-DB3-B01-ZZ-DR-A-20301	General Sections 1
1251-DB3-B01-ZZ-DR-A-20302	General Sections 2
1251-DB3-B01-ZZ-DR-A-90000	Site Location Plan
1251-DB3-B01-ZZ-DR-A-90001	Existing Site Plan
1251-DB3-B01-ZZ-DR-A-90002	Proposed Site Plan Rev E
1251-DB3-B01-ZZ-DR-A-90003	Existing Site Sections
1251-DB3-B01-ZZ-DR-A-90004	Proposed Site Sections
00045-02-003E	Proposed Site Plan
00045-02-004C	Proposed Sections
00045-02-005C	Site Sections
00045-02-006E	Alternate Indicative Method of Construction
00045-02-007	South-West Slipway Section
00045-02-008B	Proposed East Slipway
00045-02-009D	Flood Defence Construction Sequence
00045-02-010A	Retaining Wall and Sections
00045-02-011B	Outline Traffic Management Plan
1450-01/D	Landscape Proposals West Boundary and Pier
1450-02/E	Landscape Layout and Finishes
1450-03/B	Soft works Specifications
1450-04/A	Landscape Layout Waterfront Walkway
1450-05/A	West Boundary and Pier Sections
1450-06/B	Landscape Layout West Clyde Street
G17050_281_2	Existing Drainage Layout
G17050_281_3	Preliminary Drainage Strategy Layout and SuDS
G17050_200	Proposed Surface Water Drainage Layout
Entrance Visual	3D Image
South Context Visual	3D Image
West Elevation Visual	3D Image
Existing Swimming Pool	1 of 3
Existing Swimming Pool	2 of 3
Existing Swimming Pool	3 of 3
1251-DB3-B01-EX-DR-E-63 01	Proposed External Lighting Scheme
1251-DB3-B01-EX-DR-E-63 02	Proposed External Lighting Scheme

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. Prior to development commencing, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall address requirements arising from the construction phases of the development and shall inform the production of construction method statements. This shall include details of the following:
- A construction method statement to demonstrate how potential impacts on otters and their safety shall be incorporated into normal site working practices and having regard to the recommendation contained in the Protected Species Survey Report
  - In the event that piling is required a noise impact assessment on Marine Mammals together with proposed mechanisms to mitigate any identified adverse impacts
  - A ground works phasing and waste management plan associated with movement/storage of all waste materials.
  - Details of the location of construction compounds to be formed
  - Details of the number of existing parking spaces lost at each main construction phase of the development in order to minimise the loss of existing parking during construction.
  - Details of any external lighting to be used during construction
  - Full land restoration details; to ensure that the land within the application site where it has been physically altered by the construction of the development or demolition of existing buildings/structures and the ground level raised, is restored to an acceptable appearance.
  - Details of arrangements to retain access for emergency services to the far southern pier head area delineated as area 16 in the proposed site plan.
  - Adherence to the requirements of any other submitted and approved details and other conditions

The development shall be implemented in accordance with the duly approved Environmental Management Plan unless any variation thereof is agreed in writing by the Planning Authority.

*Reason: To ensure unacceptable environmental, wildlife or amenity consequences do not arise due to the construction of the development and appropriate mitigation measures, where required, are implemented.*

3. No development shall be commenced until the following plans and particulars have been submitted to and approved in writing by the Planning Authority in consultation with the Head of Roads. Thereafter the development shall be implemented in accordance with the approved details. Such details shall incorporate:
- (i) A detailed construction method statement including the construction phasing and the material delivery plan.
  - (ii) The interim car parking arrangements to address the loss of existing parking provision during the construction phases.

*Reason: In the interests of roads safety and to maximise available parking spaces availability during construction.*

4. No public use of the building shall commence until a minimum of 155 parking spaces (including disabled spaces) and all vehicular servicing areas associated with the operational use of the building have been provided in accordance with the details hereby approved. Thereafter the remaining parking spaces shall be provided within 12 months of the building being first brought into use.

*Reason: In the interests of roads and pedestrian safety and to ensure that there is sufficient parking to support the leisure facility and town centre.*

5. Notwithstanding the effect of condition 1, no development shall commence until samples and/or full details of materials to be used in the construction of:
- (i) external material finishes of the building
  - (ii) any other visible walls/retaining structures to be constructed;
  - (iii) roads and parking areas;
  - (iv) footpaths;
  - (v) shared surfaces

have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed using the approved materials, or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to secure the use of appropriate materials in the interests of visual amenity.*

6. No occupation of the approved building 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 building.

*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).*

7. Details the specific species and size/mix/numbers of the proposed planting throughout the site on those areas identified to be landscaped shall be submitted for the written approval of the Planning Authority in consultation with the Biodiversity Officer within six months of the date of this permission, together with details of the proposed maintenance regime associated with the planting and clarifying the parties responsible for such future maintenance. Thereafter the duly approved planting shall be implemented in the first available planting season following the substantial completion of the development. Any planting which fails to become established, dies, becomes seriously diseased or is removed within the first 12 months of having been planting shall be replaced in the following planting season with equivalent sizes and species as those originally required to be planted.

*Reason: In the interests of amenity and biodiversity.*

8. No construction plant and/or machinery shall be operated on the site outwith the following times: 08:00 – 18:00 Monday – Friday, 08:00 – 13:00 Saturday. No construction plant and /or machinery shall be operated at any time on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Planning Authority in consultation with Environmental Protection.

*Reason: In order to control noise nuisance in the interest of amenity.*

9. Prior to commencement of development, full details of all external lighting shall be submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. Thereafter the development shall be completed in accordance with these details

*Reason: In order to avoid light pollution in the interest of amenity*

10. Notwithstanding the provisions of Condition 1, the development shall be implemented in accordance with the flooding amelioration details and recommendations set out in the Kaya Flood Risk Assessment (June 2018) and approved plans; 00045-02/004C, 00045-02/005C and 0045-02/009D
1. Finished floor level of the main building to be at least 5.4 mAOD. Finished floor level of the plant room to be at least 4.7 mAOD. The plant room to incorporate additional flood mitigation measures including raised equipment and a flood proof access door.
  2. The site operator(s) of the building, car park, and coastal defences must maintain appropriate flood mitigation measures through the lifetime of the development. This includes review of the defences by the site operator(s) following each new release of UK Climate Projections (UKCP) climate change scenarios or their equivalent.
  3. Flood plan to be developed and implemented by the site operator(s) of the building, car park and coastal defences. This to include actions to be undertaken in event of a flood, including safe evacuation.

*Reason: In order to ensure appropriate mitigation for flood risk and to safeguard public safety.*

11. Surface water drainage to serve the development shall be implemented in full compliance with the details set out in the Drainage Impact Assessment 5<sup>th</sup> revision dated 11.10.18 and in accordance with the details set out in drawing G17050\_200 concurrently with the construction of the development and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

12. Prior to the first occupation of the building, a comprehensive Green Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The Travel Plan shall include details of:

- i) The proposed monitoring schedule and reporting procedures;
- ii) The management of the Travel Plan identifying the persons responsible for implementation;
- iii) Proposed pedestrian and cycle infrastructure within the site and connections to existing networks;
- iv) Cycle parking provision and location within the site;
- v) Measures to improve public transport facilities;
- vi) Initiatives such as, electric car facilities, car share scheme and flexible working;
- vii) Employee locker facilities;
- viii) Travel information to be provided within the site.

Thereafter the provisions of the plan shall be implemented as part of the operation of the approved development.

*Reason: To ensure an appropriate level of public transport infrastructure is available to residents of the new dwellings.*

13. Prior to commencement of development, an assessment of the condition of the land shall be undertaken, submitted and approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and

identify any potential risks to human health, the water environment, property or designated ecological sites.

Where contamination is identified, then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and be subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development with the exception of those actions required to carry out remediation unless otherwise agreed in writing by the Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation must be produced, and is subject to the approval in writing of the Planning Authority.

*Reason: In order to ensure that contamination issues on the site have been fully investigated and remediated.*

14. The level of noise emanating from the site following commencement of the permitted use shall not exceed the established background noise level LAeq (90) at the survey location by more than 5dB(A) unless otherwise approved in writing by the Planning Authority. Any plant and machinery should not produce any noise that has a distinguishable, discrete, continuous note or distinctive impulses.

Reason: In order to avoid noise nuisance in the interest of amenity.

#### **NOTES TO APPLICANT**

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. Notwithstanding the requirements of condition 13 in respect of addressing site contamination issues, the applicant's attention is drawn to the requirements of CAR General Binding Rule 10 to ensure all reasonable steps are taken to ensure discharge associated with construction does not result in pollution of the water environment.
5. All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

6. The road improvements within West Clyde Street and at the junction with Sinclair Street will require approval under Section 56 of the Roads Scotland Act 1984. Contact should be made with the Argyll and Bute Council Head of Roads.

## APPENDIX 2

As of 15.11.18 at 11.30am there have been 148 objections, 96 submissions in support and 4 Representations

### i) Representations received from:

#### Objection

Carl Dixon 5 Butt Avenue Helensburgh Argyll And Bute G84 9DA 09.08.2018  
Joanne Brown 5 Howie Crescent Rosneath Helensburgh Argyll And Bute 09.08.2018  
Tariq Durrani 14 Duchess Park Helensburgh Argyll And Bute G84 9PY 13.09.2018  
Fiona McLeod Upper Flat Heatherbank Fairway Garelochhead Helensburgh Argyll And Bute  
Ian MacQuire 20 Rosedale Gardens Helensburgh Argyll And Bute G84 7RW  
Norman Muir 52 Grant Street Helensburgh Argyll And Bute G84 7EW 15.08.2018  
Ian Grout 18A Upper Glenfinlas Street Helensburgh Argyll And Bute G84 7HD 19.08.2018  
Sue Thornley Glenarn House Glenarn Road Rhu Helensburgh 14.09.2018  
Christine Gaskell 13 Kenilworth Avenue Helensburgh Argyll And Bute G84 7JR 14.09.2018  
Robert McPartland 8 Endrick Wynd Helensburgh Argyll And Bute G84 7SU 14.09.2018  
Garth Randal Address Not Supplied 14.09.2018  
Clare Hennessey 9 West Abercromby Street Helensburgh Argyll And Bute G84 9LH  
05.10.2018  
Kimberly Chapman 4 Straid-A-Cnoc Clynder Helensburgh Argyll And Bute 31.08.2018  
Valerie Reynard 31.08.2018  
Jean Senior 107 East Princes Street Helensburgh Argyll And Bute G84 7DN 31.08.2018  
Rebecca Wetherhill 11 South King Street Helensburgh Argyll And Bute G84 7DU  
31.08.2018  
Kirsty Horn 11 Blackhill Drive Helensburgh Argyll And Bute G84 9AF 31.08.2018  
Melany Boyde 58 Fisher Place Helensburgh Argyll And Bute G84 9RJ 31.08.2018  
Claire Balneaves 23 Redgauntlet Road Helensburgh Argyll And Bute G84 7TW 31.08.2018  
Lucy Wright 59 Drumfork Road Helensburgh Argyll And Bute G84 7TN 31.08.2018  
Maura McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB 31.08.2018  
Lisa Johnstone 36 Lawrence Avenue Helensburgh Argyll And Bute G84 7JJ 31.08.2018  
May Hadi 17 Kidston Drive Helensburgh Argyll And Bute G84 8QB 24.08.2018  
Benjamin Gibson 96 Drumfork Road Helensburgh Argyll And Bute G84 7TY 29.08.2018  
Urlan Wannop 43 Lomond Street Helensburgh Argyll And Bute G84 7ES 28.08.2018  
L.J. Duncan Shoreacres Artarman Road Rhu Helensburgh Argyll And Bute  
Marie Therese Hayes Strathconon Cumberland Road Rhu Helensburgh 29.08.2018  
Bethany Scott 6 Nelson Place Helensburgh Argyll And Bute G84 9ES 29.08.2018  
Grant McIntosh 66A Colquhoun Street Helensburgh G84 8JP 29.08.2018  
Barbara Warren 20 Lever Road Helensburgh Argyll And Bute G84 9DP 31.08.2018  
Peter Brown  
Lois Smith 25 Queens Crescent Garelochhead Helensburgh Argyll And Bute 04.09.2018  
Norman McNally 2 Maitland Street Helensburgh G84 7PB 20.08.2018  
Claire Stevenson 1 28 Ferry Road Rosneath Helensburgh 06.09.2018  
Janus Basnov 1 28 Ferry Road Rosneath Helensburgh 06.09.2018  
Sarah Urquart 15 Bain Crescent Helensburgh Argyll And Bute G84 9DB 06.09.2018  
Roz Patterson 1 Portkil House Kilcreggan 06.09.2018  
John McMurtrie Flat 2/2 24 Sinclair Street Helensburgh Argyll And Bute 06.09.2018  
Stewart Noble 28 East Abercromby Street Helensburgh Argyll And Bute G84 7SQ  
09.09.2018  
Fiona Macpherson 31 Kennedy Drive Helensburgh Argyll And Bute G84 9AR 17.09.2018

Noble Macpherson 31 Kennedy Drive Helensburgh Argyll And Bute G84 9AR 17.09.2018  
Heather Wilson Birchwood Rhu Road Higher Helensburgh Argyll And Bute 18.09.2018  
Alan Johnston 12A Cairndhu Gardens Helensburgh G84 8PG 13.08.2018  
Jean Johnston 12A Cairndhu Gardens Helensburgh G84 8PG 13.08.2018  
Ron Ellis 8 Lineside Walk Rhu Helensburgh Argyll And Bute 12.09.2018  
Ian Reynard 34 Loch Drive Helensburgh Argyll And Bute G84 8PZ 12.09.2018  
Leila Reynard 34 Loch Drive Helensburgh Argyll And Bute G84 8PZ 12.09.2018  
Kathryn Polley Flat 1/1 2 James Street Helensburgh Argyll And Bute 12.09.2018  
Christina Atkins Inchcruin Redgauntlet Road Helensburgh Argyll And Bute 12.09.2018  
Patricia Lawson 5 Tower Place 6 East Clyde Street Helensburgh 12.09.2018  
Nick Cowie Garemount Lodge Shore Road Shandon Helensburgh 12.09.2018  
William S Quaille Ulston Grove Spys Lane Rhu Helensburgh 12.09.2018  
Kathy Black Strathlee Shore Road Cove Helensburgh Argyll And Bute 19.09.2018  
Pauline Macdonald 33 Camperdown Court Helensburgh Argyll And Bute G84 9HH  
20.09.2018  
Claire Davidson 54 Colquhoun Street Helensburgh Argyll And Bute G84 8UX 05.09.2018  
David Allan 145 West Princes Street Helensburgh Argyll And Bute G84 8EZ 05.09.2018  
Jane Allan 145 West Princes Street Helensburgh Argyll And Bute G84 8EZ 05.09.2018  
Gaynor Jakeman 38 Kildonan Drive Helensburgh Argyll And Bute G84 9SA 05.09.2018  
Jenny Wainwright 24 Tower Place East Clyde Street Helensburgh Argyll And Bute  
05.09.2018  
Paula McIntosh 66 A Colquhoun Street Helensburgh G84 05.09.2018  
Paul Dods 8 Kildonan Drive Helensburgh Argyll And Bute G84 9SA 30.08.2018  
Norman McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB 20.08.2018  
Debbie Stevenson 27 Guy Mannering Road Helensburgh Argyll And Bute G84 7TJ  
30.08.2018  
Fiona Baker Hillcroft Station Road Rhu Helensburgh Argyll And Bute 06.09.2018  
James Kerr 20 Ardenconnel Way Rhu Helensburgh Argyll And Bute 04.09.2018  
Andrew Watts The Olde School House Kilcreggan 04.09.2018  
Rayna Watts The Olde School House Kilcreggan 04.09.2018  
Emma Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84 7NN 04.09.2018  
Neil Petrie 9 South King Street Helensburgh Argyll And Bute G84 7DU 04.09.2018  
Terri Colloton 7 Armstrong Road Helensburgh Argyll And Bute G84 7UE 04.09.2018  
Veronica Davis 7 Kilmahew Court Cardross Dumbarton Argyll And Bute 04.09.2018  
Veronica Davis 2 Talisman Crescent Helensburgh Argyll And Bute G84 7TD 04.09.2018  
Elizabeth Clarke 2 Talisman Crescent Helensburgh Argyll And Bute G84 7TD 04.09.2018  
James Taylor 75 West Clyde Street Helensburgh Argyll And Bute G84 8AX 04.09.2018  
Toni Taylor 75 West Clyde Street Helensburgh Argyll And Bute G84 8AX 04.09.2018  
Colin Shannon 38 Suffolk St Helensburgh G84 9PD 07.09.2018  
Stella Kinloch Craigend Cardross Dumbarton Argyll And Bute 08.09.2018  
M W Whitlock 28 Bain Crescent Helensburgh Argyll And Bute G84 9DF 11.09.2018  
H R Whitlock 28 Bain Crescent Helensburgh Argyll And Bute G84 9DF 11.09.2018  
Lynn Smith 7 Lower Sutherland Crescent Helensburgh Argyll And Bute G84 9PG  
11.09.2018  
B M Annesley 26 Duchess Drive Helensburgh Argyll And Bute G84 9PR 11.09.2018  
C A Annesley 26 Duchess Drive Helensburgh Argyll And Bute G84 9PR 11.09.2018  
Graham Jefferies 52 William Street Helensburgh Argyll And Bute G84 8XX 11.09.2018  
Mairi Jefferies 52 William Street Helensburgh Argyll And Bute G84 8XX 11.09.2018  
Alan MacNicol Aros Road Rhu Helensburgh 11.09.2018  
Kay Court 07.09.2018  
Lynne Dow 6 East Montrose Street Helensburgh Argyll And Bute G84 7HU 07.09.2018  
Fiona McLeod Upper Flat Heatherbank Fairway Garelochhead 07.09.2018  
Vivien Dance 07.09.2018  
Alan Jack 188 West King Street Helensburgh Argyll And Bute G84 8QR 07.09.2018  
Frances Baxter 69 Dennistoun Crescent Helensburgh Argyll And Bute G84 7JQ 12.09.2018  
Chris Henderson 6 Laggary Park Rhu Helensburgh Argyll And Bute 12.09.2018  
Peiwah Lee Harwood Church Avenue Cardross Dumbarton 12.09.2018

Geoffrey Atkins Inchcruin Redgauntlet Road Helensburgh Argyll And Bute G84 7TP  
08.09.2018  
Colin Keir 16 Barclay Drive Helensburgh Argyll And Bute G84 9RD 09.09.2018  
Philip Dye 9 Glen Drive Helensburgh Argyll And Bute G84 9BJ 14.09.2018  
Mike Green No Address Provided 17.09.2018  
A Brian Aitken Foinne Bhein Shandon Helensburgh Argyll And Bute 17.09.2018  
G A Quickfall 25 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 17.09.2018  
Raymond Williams 22 Blackhill Drive Helensburgh Argyll And Bute G84 9HR  
Pauline Williams 22 Blackhill Drive Helensburgh Argyll And Bute G84 9HR  
Iain MacLaren Twiga Glenoran Road Helensburgh Argyll And Bute  
James Chapman 10 Cardross Road Helensburgh Argyll And Bute G84 7JW 23.08.2018  
T G Calder 15 East Lennox Drive Helensburgh Argyll And Bute G84 9JD  
Iain M Cameron No Address Provided  
Peter Brown Ravenswood 32 Suffolk Street Helensburgh Argyll And Bute  
L E Aitken Foinne Bhein Shandon Helensburgh Argyll And Bute 03.09.2018  
Lynn Henderson 9 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 03.09.2018  
Helen Bowie 16 East Argyle Street Helensburgh Argyll And Bute G84 7RR 03.09.2018  
George Bowie 16 East Argyle Street Helensburgh Argyll And Bute G84 7RR 03.09.2018  
Anne Helstrip 33 Loch Drive Helensburgh Argyll And Bute G84 8PZ 03.09.2018  
Michelle Scotland Upper Greenhill Shore Road Kilcreggan 03.09.2018  
Ben McNally Florastrasse 59 Wurenlos 5436 Switzerland 03.09.2018  
Emma Henderson 22 Barclay Drive Helensburgh Argyll And Bute G84 9RB 03.09.2018  
Connor McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB 03.09.2018  
Catherine Grout 18A Upper Glenfinlas Street Helensburgh Argyll And Bute G84 7HD  
28.08.2018  
John Black 6 Woodhollow House Maclachlan Road Helensburgh Argyll And Bute  
13.11.2018  
David A McGowan 114 West King Street Helensburgh Argyll And Bute G84 8DQ  
14.11.2018  
Margaret McGowan 114 West King Street Helensburgh Argyll And Bute G84 8DQ  
14.11.2018  
Richard Grieves Flat 1/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
A M P Rycraft 60 Marmion Avenue Helensburgh Argyll And Bute G84 7JN 14.11.2018  
Leonard M Rycraft 60 Marmion Avenue Helensburgh Argyll And Bute G84 7JN 14.11.2018  
G A Kitt The Briars House The Briars Shandon Helensburgh 14.11.2018  
Linda Lewin 36 Queen Street Helensburgh Argyll And Bute G84 9PU 14.11.2018  
M Cudby Flat 1/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
N Cudby Flat 1/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
Fiona McWilliam Flat Ground/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
Marie Muir 9 Maitland Street Helensburgh Argyll And Bute G84 7PB 14.11.2018  
Edward OBrien 15 Dryburgh Road Bearsden Glasgow G61 4DJ 14.11.2018  
Ian Duncan 58 Colquhoun Street Helensburgh Argyll And Bute G84 8UX 14.11.2018  
Mary Duncan 58 Colquhoun Street Helensburgh Argyll And Bute G84 8UX 14.11.2018  
Sallie Lloyd Jones 26 East Clyde Street Helensburgh Argyll And Bute G84 7PG 14.11.2018  
Ann Holling 201 Rosslyn Terrace 5 Maitland Street Helensburgh Argyll And Bute  
14.11.2018  
Richard Holling 201 Rosslyn Terrace 5 Maitland Street Helensburgh Argyll And Bute  
14.11.2018  
Alistair Macindoe Flat 1/1 1 Maitland Street Helensburgh Argyll And Bute 14.11.2018  
Architecture And Design Helensburgh Full Address Not Provided  
G D Kitt The Briars House The Briars Shandon Helensburgh 15.11.2018  
Eilean M Yendell Elston Gareloch Road Rhu Helensburgh 15.11.2018  
David Lewin 36 Queen Street Helensburgh Argyll And Bute G84 9PU 15.11.2018  
G R Lloyd Jones 26 East Clyde Street Helensburgh Argyll And Bute G84 7PG 15.11.2018  
Francesco Aranci 106C Sinclair Street Helensburgh Argyll And Bute G84 9QE 15.11.2018  
Nico Aranci 106C Sinclair Street Helensburgh Argyll And Bute G84 9QE 15.11.2018  
Thomas Hudspith Sunnyside Main Road Cardross Dumbarton 15.11.2018



Richard Cameron 16 Park Grove Cardross Dumbarton Argyll And Bute 15.11.2018  
Gavin McColl Church 15 Feorlin Way Garelochhead Helensburgh Argyll And Bute  
15.11.2018  
Hudspith Sunnyside Main Road Cardross Dumbarton 15.11.2018  
I A Hubbard 15 Dennistoun Crescent Helensburgh Argyll And Bute G84 7JG 15.11.2018  
Christine Woods Winford 3A Victoria Crescent Helensburgh Argyll And Bute

**Support**

Rebecca Mair 38 Woodbank Court Alexandria G83 0LG 20.09.2018  
Nicholas Davies The Copse Donaldsons Brae Kilcreggan Helensburgh Argyll And Bute  
06.09.2018  
Alison Barclay Craigarran Shore Road Kilcreggan Helensburgh Argyll And Bute 15.10.2018  
Jacqueline Davis 20 Jeanie Deans Drive Helensburgh Argyll And Bute G84 7TQ  
17.10.2018  
J Royal 15 West Princes Street Helensburgh Argyll And Bute G84 8TF  
Nicola Hackett 66 Shore Road Innellan Dunoon Argyll And Bute 19.09.2018  
Colin Crichton 800 Crow Road Glasgow G13 1LY  
Kenneth White 20 West Lennox Drive Helensburgh Helensburgh Argyll And Bute  
02.09.2018  
Kevin Anderson 6 Broomfield Drive Dunoon Argyll And Bute PA23 7LJ  
Diane McMillan 7 Victoria Terrace Ardrishaig Lochgilphead Argyll And Bute  
Chris Turnbull 108 Mains Hill Erskine pa8 7je  
Laurence Slavin Flat 1 Ponderosa Shore Road Kilcreggan Helensburgh Argyll And Bute  
Amy Birch 6 Fairfield Gardens Helensburgh  
Margaret McGhee 132 Cardross Road Westcliff Dumbarton  
A Fletcher Flat 2/1 3 Brabloch Park Paisley PA3 4QD  
David Unsworth 87 Methven Road Paisley  
Rachel Nicolson West Clyde Street Helensburgh  
Angela Gibson 2 Charles Terrace Balloch G83 8LD  
S Cameron Full Address Not Provided  
Isabel Ward 20 St Michael Drive Helensburgh Argyll And Bute G84 7HG  
Esther Cowan Full Address Not Provided  
John Tetler 64 Old Luss Road Helensburgh Argyll And Bute G84 7LN  
Lorraine MacKenzie 9 Duncombe Avenue Hardgate Clydebank  
Rebecca Mair Address Not Provided  
Lorraine Welsh 72 Campbell Street Helensburgh G84 9QW  
Laura Judge 97 Davaar Avenue Campbeltown Argyll And Bute PA28 6NQ  
Robert Judge 97 Davaar Avenue Campbeltown Argyll And Bute PA28 6NQ  
Vincent Madden 38 Hunters Avenue Dumbarton  
Helen Taylor Full Address Not Provided  
Colin Crichton 800 Crow Road Glasgow  
Charlotte Savage 0/3 33 Castlegreen Street Dumbarton  
Alex Benn Beechdale Linnburn Shandon  
Aileen Baird 234 West Princes Street Helensburgh Argyll And Bute G84 8HA  
Alex Macfarlane 28 Abercromby Crescent Helensburgh Argyll And Bute G84 9DX  
Douglas Welsh 48 Manse Crescent Stanley PH1 4NZ  
Charles Breslin 3 Kennedy Drive Helensburgh Argyll And Bute G84 9AR  
Fiona Baird 35 Lochranza Drive Helensburgh Argyll And Bute G84 9DY  
N Parlane 43 William Street Helensburgh Argyll And Bute G84 8XX  
Steve Worsford 15 Collins Road Helensburgh Argyll And Bute G84 7UA  
Angela Pyne 92 Berwick Road Greenock  
Phil Taylor 3 John Street Lane Helensburgh Argyll And Bute G84 9NA  
Julie Nicol 30 Glenshira Drive Dumbarton  
Richard Millar Full Address Not Provided  
Paul Henderson Full Address Not Provided  
Karen Smith 34 West Montrose Street Helensburgh Argyll And Bute G84 9NQ  
Stuart Mason Cala Na Sythe Stuckenduff Road Shandon  
Chris Mckell 28 Kirkmichael Road Helensburgh Argyll And Bute G84 7NQ

Daryl Walker 15 Mackintosh Court Helensburgh Argyll And Bute G84 7HZ  
Leah Walker 15 Mackintosh Court Helensburgh Argyll And Bute G84 7HZ  
J G Dean 25 Maclachlan Road Helensburgh G84 9BU  
K Brady Full Address Not Provided  
Ellen Morton 18 Adelaide Street Helensburgh Argyll And Bute G84 7DL  
Pat McCann 28 Rowan Dr Dumbarton G82 5EH  
Cathie Boyle Flat 6 1 Park Lane Helensburgh Argyll And Bute  
Les Donald Flat 1/1 107 West Clyde Street Helensburgh Argyll And Bute 28.08.2018  
Unknown Address Not Provided  
Sinead Rooney Full Address Not Provided  
Richard Stephen 1 East Rossdhu Drive Helesnburgh  
Irene Telfer 64 Old Luss Road Helensburgh Argyll And Bute G84 7LN  
L Baird 3/3 69 Station Road Renfrew  
Paula Gill 51 Malcolm Place Helensburgh Argyll And Bute G84 9HW  
Cecilia Chisholm 23 Machrie Drive Helensburgh Argyll And Bute G84 9EJ  
Andy Donald No Address Provided 13.11.2018  
Andrew Stocks 14 Sutherland Street Helensburgh Argyll And Bute G84 8EW 12.11.2018  
Thomas McMahon 140 Dumbuck Road Dumbarton 09.11.2018  
John O'Brien 30 Loch Drive Helensburgh Argyll And Bute G84 8PY 08.11.2018  
Annmarie Carson 25 Charlotte Street Helensburgh Argyll And Bute G84 7EZ 14.11.2018  
Jay Bennett 3 Knowes View Faifley Clydebank G81 5AT 09.11.2018  
Zak Daly 22 Oakburn Walk Jamestown G83 9NJ 09.11.2018  
Finlay Mitchell 39 Oakburn Walk Jamestown G83 9NR 09.11.2018  
Ross Grace 33 Lamont Crescent Renton Dumbarton 09.11.2018  
Callum Mitchell 39 Oakburn Walk Jamestown G83 9NR 09.11.2018  
Lee Daly 22 Oakburn Walk Jamestown G83 9NJ 09.11.2018  
Leon Hutton 41 Murroch Crescent Bonhill G83 9QG 09.11.2018  
Callum Cowan 18 Dalnair Place Milngavie G62 7RD 09.11.2018  
Sherril O'Brien 30 Loch Drive Helensburgh Argyll And Bute G84 8PY 09.11.2018  
Carol Wainwright Address Not Given 09.11.2018  
Jill Coleman Morvern Rahane Helensburgh Argyll And Bute 12.11.2018  
Annmarie Carson Ardlui House 25 Charlotte Street Helensburgh G84 7EZ 07.11.2018  
Julie Ward Address Not Provided 07.11.2018  
Lyndsay Barras 25 Charlotte Street Helensburgh Argyll And Bute G84 7EZ 07.11.2018  
Jill Coleman Morvern Rahane Helensburgh Argyll And Bute 09.11.2018  
Elizabeth Royal 63 East Princes Street Helensburgh Argyll And Bute G84 7DG  
B Higginson 4 Park Grove Cardross Dumbarton Argyll And Bute  
Alex Brown Ground Floor Flat Braeholme Cumberland Road Rhu  
Jamie Senior 107 East Princes Street Helensburgh Argyll And Bute G84 7DN  
Johnny Brown Ground Floor Flat Braeholme Cumberland Road Rhu  
Oliver Curran 28 Collins Road Helensburgh Argyll And Bute G84 7UB  
Joanne Air 4 Park Terrace Cardross Dumbarton Argyll And Bute  
Adam Mulrainey 4 Park Terrace Cardross Dumbarton Argyll And Bute  
Benjamin Hood 11 East Montrose Street Helensburgh Argyll And Bute G84 7ER  
Oliver Hood 11 East Montrose Street Helensburgh Argyll And Bute G84 7ER  
Dennis Royal 63 East Princes Street Helensburgh Argyll And Bute G84 7DG  
Glen Roy Address Not Provided 08.11.2018  
Veronica Davis 7 Kilmahew Court Cardross Dumbarton Argyll And Bute  
Andrew Donald Tairlaw Rhu Road Higher Helensburgh Argyll And Bute 13.11.2018

**Representation**

Patricia Lawson Flat 5 Tower Place 6 East Clyde Street Helensburgh 14.08.2018  
Jackie Hood 11 East Montrose Street Helensburgh Argyll And Bute G84 7ER 03.10.2018  
John Penniston Townhead Farm Drumfork Road Helensburgh Argyll And Bute 06.09.2018  
Ian Ward Rowallan 29 East Montrose Street Helensburgh Argyll And Bute 11.08.2018

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

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

---

**Reference No:** 18/01614/PP

**Planning Hierarchy:** Major Application

**Applicant:** Executive Director Development and Infrastructure Argyll and Bute Council

**Proposal:** Erection of new leisure building including swimming pool, improved flood defences, new car park including public realm works and demolition of existing swimming pool

**Site Address:** Helensburgh Swimming Pool, 1B West Clyde Street, Helensburgh

---

**DECISION ROUTE**

**Local Government Scotland Act 1973**

---

**(A) THE APPLICATION**

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

Erection of new leisure building including swimming pool, improved flood defences, new car park including public realm works

**(ii) Other specified operations**

Demolition of existing swimming pool and skate park.

---

**(B) RECOMMENDATION:**

It is recommended that planning permission be granted subject to:

- i) the holding of a pre-determination discretionary local hearing;
  - ii) the conditions and reasons detailed in this report.
- 

**(C) HISTORY:**

98/01367/OUT: Mixed use development incorporating leisure development (restaurants/cafes) swimming pool, health club, multi-storey car park, public promenade and sculpture. Decision: Withdrawn 30.6.00.

00/00209/DET: Erection of supermarket and associated car parking and landscaping works. Decision: Called in. Application refused by Reporter.

00/01015/OUT: Mixed use development incorporating leisure development (restaurants/cafes), swimming pool health club, public promenade sculptural garden and surface car parking (revised application). Withdrawn 12.3.13

04/00271/DET: Erection of discovery centre and leisure facilities. Decision: Withdrawn

05/00891/PP: Change of use of land to skate park. Approved

August 2009 Masterplan Turley Associates - Mixed use development comprising leisure, retail, residential and recreational uses. Adopted as Supplementary Planning Guidance. Contained retail evaluation reports and market analysis information.

11/01767/PAN: Demolition of existing buildings. Mixed use development including retail (Class 1), residential, food and drink, petrol filling stations, public realm works, access, car parking and associated engineering works. Decision: PAN Agreed 25.11.11

May 2012 Masterplan Addendum – Gareth Hoskins

Masterplan deletes proposed residential development from 2009 Turley's Masterplan but retains both Leisure and retail uses. Places Leisure uses to south of site and retail to north.

18/00603/PAN: Proposal of Application Notice for Erection of new leisure building to include swimming pools, associated gym facilities, new flood defences and public realm areas. Decision 27.3.18.

18/01430/SCREEN - Pre application consultation screening opinion for Construction of new leisure building, new car park for 265 cars, improved flood defences, new public realm areas and demolition of existing swimming pool building. Decision: No EIA required 17.7.18

Planning history related to minor works to the existing pool building and also temporary planning permissions over a number of years for use of part of the site for amusement fair on a temporary basis is considered by Officers not to be material to the determination of the current planning application and have therefore not been separately listed. Full details of the complete planning history are available through public access.

---

**(D) CONSULTATIONS:**

**SEPA** (Dated 22.08.18) - No objection to proposals. The proposal constitutes no increase in land use vulnerability and provides the opportunity to provide flood risk betterment to a leisure facility through constructing flood defences and the adoption of appropriate finished ground levels. Expect Council to undertake their responsibilities as the Flood Risk Management Authority.

Alterations suggested to proposed method of surface water treatment.

Members are requested to note that SEPA have been approached separately by Helensburgh Community Council on matters relating to flooding. The response by SEPA to Helensburgh Community Council dated 26.9.18 and its contents will be addressed in the Officer report. The full SEPA response is available on public access.

**Area Roads Engineer** - (Dated 4.10.18) - No objection to proposals subject to conditions. Area Roads Engineer considers wider parking issues for Helensburgh Town Centre require further consideration in particular details to address loss of town centre parking during construction, further details on the construction, phasing and material delivery

arrangements and the provision of parking spaces for the building to be available before public use of building commences.

**Environmental Health** - (Dated 4.10.18) – No objection to proposals subject to conditions Suggested conditions in respect of addressing contamination on the site as a suspensive condition and also in respect of noise levels at sensitive receptors.

**Biodiversity Officer** (Dated: 22.08.18 and 14.9.18) – No objection. Notes original surveys undertaken outside optimum time.(\*Note: these have been updated September 2018) Welcomes the content of the construction method statement. This should be included in a Construction Environmental Management Plan (CEMP) as part of the site management documentation. CEMP should also address potential noise impact on Marine Mammals and include a nesting bird check.

Updated Response Dated 14.9.18 Satisfied with the bat and otter surveys and proposed mitigation measures during construction for otters.

**SNH** (Dated: 27.08.18) – No Objection. Consider proposals sufficiently distant from RAMSAR and SSSI to make impacts unlikely. A Habitats Regulations ‘appropriate assessment’ is therefore not required by SNH. In respect of otters, the development should be carried out in accordance with the Preliminary Ecological report (Page 15) recommendations and annex A. Proposals are unlikely to require a special licence under protected species legislation. Recommend that a bat survey of the existing building be carried out.

(\* Members should note this has now been undertaken September 2018 as set out in updated September 2018 ecology report)

Use of barge for construction unlikely to cause noise levels to disturb marine mammals and represent a low risk. If piling was required as part of construction then this position would change and noise which could cause disturbance to marine mammals could take place. Further details would be required for consideration in such a scenario.

**Council Flooding Advisor** (Dated 13.08.18 and 11.10.18) - No objection subject to conditions

1. Finished floor levels of the building shall be a minimum of 5.4m AOD
2. Detailed design of flood defences to be appropriate and fully account for wave overtopping through the lifetime of the development.
3. Flood plan to be developed and implemented. This to include actions to be undertaken in event of a flood, including safe evacuation.

**Access Manager** (No Response) No impact on core path network.

**West of Scotland Archaeology Service** (Dated 17.08.18) – No objection. No requirement for archaeological investigation.

**Scottish Water** (No Response). Will require to authorise fresh and foul water connections for the building as part of development process.

**Helensburgh Community Council** (Dated 29.9.18) – Object to the proposed scheme. Full grounds of objection set out in Consultation response with issues summarised at Page 4. Matters raised can generally be summarised as:

- Inadequate parking
- Inadequate pool facilities
- Retail space reserved with no assessment/justification of this
- Site of existing pool to be gravelled instead of landscaped, visually unattractive
- No budget set aside to replace skate park
- Building will be on most exposed location
- Leisure centre location not in accordance with 2012 Masterplan
- Contrary to SG LDP CST 1 – Coastal Development
- Contrary to LDP STRAT 1 – Sustainable Development
- A number of recommended changes to the scheme are also made in the submission related to addressing the above issues.

**Rhu and Shandon Community Council** (Dated: 15.10.18). Object to proposals  
Do not object to the provision of a new facility, but do not support the current proposals.

**Marine Scotland** (No Response)

Previous EIA screening for flood defence works undertaken by Marine Scotland. Confirmed that proposal raises no significant Environmental Issues. Marine Licence from Marine Scotland related to construction of rock armour will be required in accordance with normal practice.

**Council Marine and Coastal Development Officer** (Dated: 20.08.18.). No objection.

The proposal will contribute either directly or indirectly to Council priority/action in the Local Development Plan and Economic Development Action Plan. The adopted Local Development Plan and National Marine Plan are both supportive of improvements to existing developments. The proposal works are considered to be consistent with SG LDP CST 1 (Coastal Development), SG LDP TRAN 8 (Piers and Harbours), and relevant policies of the National Marine Plan.

---

**(E) PUBLICITY:**

Newspaper and Site notice in respect of development affecting a conservation area.  
Publicity period expired 06.09.2018.

---

**(F) REPRESENTATIONS:**

At the time of writing some 115 objections, 4 neutral representations and 61 expressions of support for the proposals have been received. Details of these are contained within Appendix B of the report:

**(i) Summary of issues raised by objectors**

1) Consultation Process with Community and incorporation of views into design

Applicant has failed to listen to the community and have ignored all the consultations that the community councils have done. Consultation process has not had any meaningful engagement unlike Hermitage Park development process, which has resulted in poor quality decision making in this case.

Should not rush into development but properly engage with the local community to get things right. If this is allowed by the Council it will show them to be out of touch with the majority of the Helensburgh Public who asked for a completely different brief for this project. Proposals should be halted and reconsidered through improved public consultation.

*Comment: Officers are content that the PAN process was undertaken appropriately and the PAC report which accompanied the application clarifies both the PAN process undertaken to consult the community, notes the comments given by the community, and clarifies how the proposals have been amended to take on board those comments received.*

2) Layout and Location of the Proposals

- Proposed location next to the water ignores SPP advice and the Council's own policies which require siting away from the shore and integration to the townscape. The building will be isolated both visually and functionally. Locating the leisure centre so far away from the town will harm the future viability of the town centre. Unless the plans are changed to more closely relate to the town centre, future impacts are likely to occur.
- Location of pool compromised by reserving land for a "retail opportunity". Would be better located where the current skate park is and where the old outdoor pool used to be, or as shown on 2012 Masterplan. If relocated away from the far edge of the pier would not require such expensive flood prevention measures and would be better connected to the town centre. This would allow more investment in the facilities.
- Proposed location of building does not comply with previously approved 2012 masterplan which had the pool midway up the pier aligned north-south. Change in location will increase exposure to elements. Moving it back to previous location would probably reduce flood defence costs.
- Proposals ignore the rest of the pier and will have a run-down pier next to development rather than incorporating it into proposals. The proposals should seek to refurbish the pier.
- If the retail element is a requirement of a viable scheme this will add an obtrusive and unattractive feature when viewed from West Clyde Street and if the leisure centre development depends on this it should not be approved.
- No room has been left for a skate-park, playpark, bonfire site and for other community events. There should be an area for an upgraded skate park. A commitment to provide space for a skate park was given by the Helensburgh and Lomond Area Committee. There is no commitment in the scheme to provide a replacement skate park. This contrary to the 2012 Masterplan proposals.

*Comment: These matters raised in the above points are addressed in the assessment below.*

- Chamber of Commerce and public wish the area identified for future retail use to be retained for leisure and recreation.

*Comment: No application to define the future use of the land in question has, as yet, been submitted. However the approved 2012 Masterplan indicates that the land should be used for retail purposes. To promote an alternative future use would not accord with the approved Masterplan.*

3) Design, Scale and Appearance

- Design is not of sufficient merit for such an important part of the town and proposal makes an £18m investment appear cut price, dull and in no way contemporary in appearance. Quality of materials has been reduced since pre-application consultations and design has been “value managed” to the detriment of the quality of the scheme.
- Design is aesthetically unappealing and lacking in ambition and modernity required when spending millions of pounds. Roof-scape and resultant box-like form uninspiring and entire project lacks vision. The development lacks the “wow” factor which would attract visitors to the town. A more ambitious design and range of facilities in the pool is required. This is a missed opportunity for real innovative design to act as a visitor attraction.
- Design does not comply with the pier head masterplan as this states that the new leisure centre should be of such a high standard that it will attract many more visitors to the town boosting local businesses. The current proposals fail to do this and does not meet the requirements of the Councils own long term economic plans.
- Key element of landscaping to link proposals to the town are absent from the proposal which is a major omission.

*Comment: In respect of all of the above matters, these are addressed in the assessment below.*

#### 4) Traffic, Parking and Access

- Reducing parking numbers and the number of available free parking spaces on the pier is short sighted given the expected increase in demand due to increased naval personnel and their families expected and the many new homes proposed. Tourists also need car parking next to the town. This will be detrimental to trade in the town centre, undermine the economic future of Helensburgh and deter people from visiting the town. Difficult to frame a detailed objection based on parking evidence when the latest traffic management plan for Helensburgh currently under preparation consultants.
- Unhappy with current parking arrangements, including area around the pier which is spoiled by car and coaches. Multi storey car park would be more appropriate and would generate income.
- There needs to be more spaces for visiting coaches and two spaces is far less than the five indicated in the previous masterplan. Parking survey recommended that coaches can park in residential streets which is unacceptable to residents.
- Disabled parking bays adjacent to West Clyde Street currently outside the leisure centre being moved some 220m from the town centre.
- Concerns expressed over circulation of pedestrian and vehicle traffic in proposed car park
- Insufficient electric charging points have been incorporated into the design.
- No truck parking has been provided.

*Comment: In respect of all of the above matters, these are addressed in the assessment below.*



- Concerned over lack of access for Helensburgh Lifeboat to land casualties and lack of access to the public slipway which would allow vehicle access for the use of boats and kayaks etc. to be launched from pier in a safe environment.

*Comment: Helensburgh lifeboat is based and launched from Rhu Marina not Helensburgh Pier. Access is maintained for Helensburgh Lifeboat to the existing pier at area 16 of the proposed site plan. No works are proposed to this area of the pier.*

5) Flooding and Drainage

- The relocation of the swimming pool to the far end of the pier will increase exposure to elements and the risk of flooding and damage. If the pool was relocated to the previous site set out in the 2012 Masterplan it would not be so vulnerable to weather and wave action flooding.
- The proposed location of the building exposes it to the most extreme wave actions and the issue of increasing wave heights due to climate change have been ignored. The leisure centre will therefore be subject to flooding through wave out topping within the life time of the building.
- The proposed flooding alleviation measures will not be adequate post 2080.

*Comment: In respect of all of the above matters, these are addressed in the assessment below.*

6) Other Material Considerations

- Swimming pool and all facilities need to be fully accessible to ensure fair treatment of persons with disability. A “changing places” toilet, not just an “accessible” toilet should be provided and the development should be fully inclusive.

*Comment: This has been provided in the development.*

- The changes of height will cause issues for access for significant groups of people

*Comment: The building and associated external works have all been designed to accommodate persons of mobility impairment in accordance with necessary access standards.*

- Application is incomplete due to a large portion of the site being shaded in white yet not included in the application. Construction of retail units may not take place for many years, if at all and whole of the NW corner shaded in white will be left in a rough state for an indefinite period. This will harm appearance of town and deter visitors.

*Comment: It is a requirement to determine the application that has been submitted. These matters are not part of the current planning application. Appropriate conditions to ensure the land is maintained in a tidy and appropriate manner will be imposed to address the appearance of the land. Future planning applications will be required for future development.*

7) Other matters raised not considered by Officers to be material planning considerations in determining this application.

- It is a waste of money to create a new swimming pool when a similar one already exists. Needs to have flumes, wave machines and indoor soft play areas etc. for

families to encourage time and money to be spent in Helensburgh. In promoting only a swimming pool the proposal fails to design in contemporary leisure “best practice” models followed by the competition in the vicinity. Most families will go to other pools with more fun facilities instead.

*Comment: The internal design of the pool and its operational characteristics are not matters which fall to be assessed as part of the planning process.*

- Challenge the validity of Area Committee’s decision to approve change of location for pier from 2012 Masterplan location in approving the project brief in December 2017, in advance of the public consultation process which ran from Feb 2018 to May 2018.

*Comment: This is not a planning matter*

- Plant rooms are located on SW west corner of building which has best views to the Clyde estuary.

*Comment: The internal design and layout of the pool is not a land use planning consideration.*

- No viewing area or capacity for swimming events and competitions. Helensburgh amateur swimming club (HASC) which has 82 members not officially consulted. Proposed design not suitable to accommodate club’s activities and has inadequate space or seating. Urges decision-makers to consider the importance to the community of HASC and its needs in making any decision.

*Comment: The internal design of the pool and its operational characteristics are not are not matters which fall to be assessed as part of the planning process.*

- Pool is not of an adequate size or scope for the growing needs of the area given projected growth in population.

*Comment: Capacity of the facility is not a land use planning consideration.*

- Proposals must be financially viable for running costs and maintenance. Concerned that there has been no assessment of economic impact to justify improvement claims as facilities are only what is there already. There is therefore no reason to think that it will cause significant economic improvement which is one of the objectives of the proposal.

*Comment: Operational and financial aspects of the development are not land use planning considerations. Any economic benefits associated with the proposal would be planning considerations and it would be for Members in their capacity as decision-makers to reach their own conclusions as to the likely extent of these, having regard to the details of the proposals.*

- If the pool was built to international standards there is an opportunity to attract international events. Breakwater and beach with sand should be incorporated into the design.

*Comment: The internal design of the pool and its operational characteristics are not are not matters which fall to be assessed as part of the planning process.*

- Reference to retail element being essential to viability of scheme not considered justified. The retail element will not add to the shops in Helensburgh instead it will

cause existing shops to close and lie empty. The Council should be doing more to encourage the re-use of buildings in the town not build new retail space.

- There is no economic impact assessment of the retail proposal which seems to be trying to sneak its way through on the coat tale of the current planning application for the new pool.
- Retail element should be dropped completely as Helensburgh already has enough retail space a lot of which is of poor quality and struggling. The retail site should be redeveloped for public leisure space.

*Comment: The application does not include retail development and any future retail proposals would require a separate planning application at which time any necessary details in respect of qualitative and/or quantitative need and impact analysis will require to be addressed.*

- Pier should be improved to accommodate larger vessels and promenade to council offices created. Pool and car park use of this land use not the right development for such a valuable site. A pool could go anywhere. A function hall would be better with improved landscaping.

*Comment: It is a requirement to determine the application that has been submitted. These matters are not part of the current planning application.*

- The location of the pool maximises exposure of the building and visitors to inclement weather.

*Comment: The weather climate of the proposed location is not a material planning consideration. The responsibility for ensuring that the building fabric is suitable for its location rests with the applicant and the Building Warrant process.*

**(ii) In support of the application the following matters have been raised as set out below:**

- The proposed pool, gym. Exercise rooms and café will be a vast improvement of current facilities. The new facility will be a big improvement with better access for those with disabilities.
  - Location at the end of the pier is a good choice and better than having a large building looming over West Clyde Street.
  - Car parking provision looks reasonable/adequate especially given the new spaces made available in the new car park off East Clyde Street. Support scheme but plenty of adjacent parking essential
  - Supports scheme but it would be nice to see flumes and water slides incorporated to appeal to the young.
  - Flooding protection should be over engineered to guarantee flooding will not occur.
  - The town desperately needs a new swimming pool and leisure centre as the old one has reached the end of its useful life.
  - A space is identified for a skate park which has the opportunity to provide a permanent facility.
-

**(G) SUPPORTING INFORMATION**

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

- (i) Environmental Statement: No**
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No**
- (iii) A design or design/access statement: Yes**
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: Yes**
  - PAC Report
  - Flood Risk Assessment
  - Drainage Impact Assessment and Drawings
  - Design and Access Statement
  - Noise Impact Assessment Report
  - Transportation Assessment
  - Development Masterplan Town Centre Parking Review
  - Geo-environmental Report
  - Preliminary Ecological Appraisal
  - Updated Ecological Appraisal
  - Ecological Survey

---

**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required: No**

- 
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**
-

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

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

Argyll and Bute Local Development Plan (adopted March 2015)

LDP STRAT 1 – Sustainable Development  
LDP DM1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment  
LDP 4 – Supporting the Sustainable Development of our Coastal Zone  
LDP 8 – Supporting the Strength of our Communities  
LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)  
SG LDP ENV 7 – Water Quality and the Environment  
SG LDP ENV 16(a) – Development Impact on Listed Buildings  
SG LDP CST 1 - Coastal Development  
SG LDP TRAN 8 – Piers and Harbours  
SG LDP BAD 1 – Bad Neighbour Development  
SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems  
SG LDP SERV 3 – Drainage Impact Assessment (DIA)  
SG LDP SERV 4 – Contaminated Land  
SG LDP SERV 5 – Waste Related Development and Waste Management in Development  
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development  
SG LDP - Climate Change  
SG LDP TRAN 2 - Development and Public Transport Accessibility  
SG LDP TRAN 3 – Special Needs Access Provision  
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes  
SG LDP TRAN 5 – Off-Site Highway Improvements  
SG LDP TRAN 6 – Vehicle Parking Provision

**(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.**

- August 2009 Turley Associates Masterplan
- May 2012 Masterplan Addendum (Gareth Roberts)
- Scottish Planning Policy (SPP), 2014
- Statutory/Non-Statutory Consultee Comments
- Equality Act 2010 and Fairer Scotland Duty (April 2018)
- Argyll and Bute Sustainable Design Guide

---

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

A screening opinion was issued on 17.7.18 advising an Environmental Impact Assessment was not required under the planning EIA Regulations.

In respect of the construction of the “rock armour” flood defences, Marine Scotland have also confirmed that an EIA for this element of the work will not be required as part of the Marine Licensing process.

---

**(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes**

A PAC report has been provided as part of the application submissions. This has demonstrated compliance with the terms of the approved PAN and has clarified the following changes have been made to the proposals in response to community and other feedback:

- Car park layout and number of designated parking spaces for the Leisure Building have been developed taking account of feedback from Argyll and Bute Council Development and Infrastructure department.
  - No. of bus parking and bus drop of areas have been developed as a result of the informal stakeholder and community engagement.
  - A servery has been added to the café as a result of the feedback from the informal stakeholder and community engagement.
  - As a result of consultation with the Central Scotland Green Network Trust regarding the John Muir Way we have proposed the finish of the long distance walk is relocated from its current location along the esplanade to the corner of the former Mariners site. In this location the start of the walk is more visible and closer to public transport links. The proposals include the relocation of the current stone/artwork that identifies the finish of the walk.
  - Feedback on the requirement for robust materials and planting for the landscaping proposals will be taken forward post consent when more detailed planting proposals are developed as part of the landscape design.
- 

**(M) Has a sustainability check list been submitted: Yes**

---

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

The land subject to application is owned by Argyll and Bute Council and the applicant is the Executive Director, Development and Infrastructure, Argyll and Bute Council

---

**(O) Requirement for a hearing (PAN41 or other): Yes**

There has been considerable local interest and objection to this application which has attracted in excess of 100 representations. Helensburgh Community Council has objected to the design and layout proposed and therefore it is considered that value will be added to the consideration of the proposal by the holding of a discretionary local hearing.

---

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

Section 25 of the Planning Act requires that planning applications should be determined in accordance with the policies of the adopted Local Development Plan (LDP) which has primacy in decision-making. Scottish Planning Policy (SPP) also clarifies that the planning system should have “a presumption in favour of sustainable development”. If an

application is in accordance with the LDP plan policies and is considered to represent sustainable development then the planning policy framework is not neutral, it favours approval of the development.

In the case of this particular proposal, it is also material to the determination of the application that Masterplan proposals for the site have been approved by the Council in 2009 (Turley Associates), with an addendum to this approved in 2012 (Gareth Hoskins). The extent to which the development complies with these approved Masterplans is therefore also a material consideration in the determination of this application.

Officers have reviewed the proposals against the policies of the development plan as set out in detail within this report, and consider that the proposals accord with the requirements of the LDP and that the proposal, being a community use within the major settlement of Helensburgh with good transportation links, also represents sustainable development.

Having examined the terms of the 2009 and 2012 addendum Masterplan approvals, it is also the view of officers that the proposals are in accordance with the objectives and layout requirements of the 2012 iteration of the Masterplan. The Masterplan sought a leisure development to the south and west of the site with the area of land currently occupied by the existing pool to be subject to demolition works and then retail use.

The current application is considered by officers to accord with this fundamental spatial layout of the site, and importantly, the current application moves the Masterplan objectives forward by providing the opportunity for future development opportunities on the existing pool site, in accordance with the masterplan objectives.

It is considered that the location, scale and design of the building is acceptable and that the design approach assists in breaking up the overall scale and massing of the building. The use of a clear entrance detail is also welcomed as it provides an architectural focus to the building clearly defining its main entrance. A condition requiring details of all external finishes shall be imposed to ensure that the actual materials to be used are appropriate.

Flooding solutions proposed in respect of protecting not only the proposed building, but also raising the height of the remainder of the larger site to make it suitable for future development are to be welcomed. The building is located and designed to ensure that it does not undermine or compromise the future development of the northern section of the site, as is required by both the 2009 and 2012 Masterplan Addendum.

In respect of the potential loss of car parking during the construction phase, this has been identified by the Area Roads Engineer as a matter of concern, and to this end a condition seeking clarification of the phasing of the development construction and associated car parking loss, and also a requirement to bring forward a plan to address any identified parking shortfall has been suggested to address this matter.

Officers are of the opinion that the scheme represents an attractive and appropriate solution for the site and its environs, and subject to the holding of a discretionary hearing in advance of determination, it is recommended that planning permission be granted subject to the imposition of appropriate conditions.

---

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

---

**(R) Reasons why planning permission or a Planning Permission in Principle should be granted**

The proposed development is in accordance with LDP policies and also accords with the parameters set out in the most recently approved 2012 Masterplan addendum for the development site. It is therefore recommended that that planning permission should be granted subject to the imposition of appropriate conditions.

---

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

N/A

---

**(T) Need for notification to Scottish Ministers or Historic Scotland:** Not required.

---

**Author of Report:** David Moore **Date:** 9.10.2018

**Reviewing Officer:** Sandra Davies **Date:** 9.10.2018

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



**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 18/01614/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 20.7.2018 and the approved drawing reference numbers

1251-DB3-B01-01-DR-A-2000	Basement Plan
1251-DB3-B01-01-DR-A-2001	Ground Floor Plan
1251-DB3-B01-01-DR-A-2002	First Floor Plan
1251-DB3-B01-01-DR-A-2003	Roof Plan
1251-DB3-B01-ZZ-DR-A-20200	Proposed Elevations
1251-DB3-B01-ZZ-DR-A-20301	General Sections 1
1251-DB3-B01-ZZ-DR-A-20302	General Sections 2
1251-DB3-B01-ZZ-DR-A-90000	Site Location Plan
1251-DB3-B01-ZZ-DR-A-90001	Existing Site Plan
1251-DB3-B01-ZZ-DR-A-90002	Proposed Site Plan Rev E
1251-DB3-B01-ZZ-DR-A-90003	Existing Site Sections
1251-DB3-B01-ZZ-DR-A-90004	Proposed Site Sections
00045-02-003E	Proposed Site Plan
00045-02-004C	Proposed Sections
00045-02-005C	Site Sections
00045-02-006E	Alternate Indicative Method of Construction
00045-02-007	South-West Slipway Section
00045-02-008B	Proposed East Slipway
00045-02-009D	Flood Defence Construction Sequence
00045-02-010A	Retaining Wall and Sections
00045-02-011B	Outline Traffic Management Plan
1450-01/D	Landscape Proposals West Boundary and Pier
1450-02/E	Landscape Layout and Finishes
1450-03/B	Soft works Specifications
1450-04/A	Landscape Layout Waterfront Walkway
1450-05/A	West Boundary and Pier Sections
1450-06/B	Landscape Layout West Clyde Street
G17050_281_2	Existing Drainage Layout
G17050_281_3	Preliminary Drainage Strategy Layout and SuDS
Entrance Visual	3D Image
South Context Visual	3D Image
West Elevation Visual	3D Image
Existing Swimming Pool	1 of 3
Existing Swimming Pool	2 of 3
Existing Swimming Pool	3 of 3
1251-DB3-B01-EX-DR-E-63 01	Proposed External Lighting Scheme
1251-DB3-B01-EX-DR-E-63 02	Proposed External Lighting Scheme

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. Prior to development commencing, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall address requirements arising from the construction phases of the development and shall inform

the production of construction method statements. This shall include details of the following:

- A construction method statement to demonstrate how potential impacts on otters and their safety shall be incorporated into normal site working practices and having regard to the recommendation contained in the Protected Species Survey Report
- In the event that piling is required a noise impact assessment on Marine Mammals together with proposed mechanisms to mitigate any identified adverse impacts
- A ground works phasing and waste management plan associated with movement/storage of all waste materials.
- Details of the location of construction compounds to be formed
- Details of the number of existing parking spaces lost at each main construction phase of the development in order to minimise the loss of existing parking during construction.
- Details of any external lighting to be used during construction
- Full land restoration details; to ensure that the land within the application site where it has been physically altered by the construction of the development or demolition of existing buildings/structures and the ground level raised, is restored to an acceptable appearance.
- Details of arrangements to retain access for emergency services to the far southern pier head area delineated as area 16 in the proposed site plan.
- Adherence to the requirements of any other submitted and approved details and other conditions

The development shall be implemented in accordance with the duly approved Environmental Management Plan unless any variation thereof is agreed in writing by the Planning Authority.

*Reason: To ensure unacceptable environmental, wildlife or amenity consequences do not arise due to the construction of the development and appropriate mitigation measures, where required, are implemented.*

3. No development shall be commenced until the following plans and particulars have been submitted to and approved in writing by the Planning Authority in consultation with the Head of Roads. Thereafter the development shall be implemented in accordance with the approved details. Such details shall incorporate:
  - (i) A detailed construction method statement including the construction phasing and the material delivery plan.
  - (ii) The interim car parking arrangements to address the loss of existing parking provision during the construction phases.

*Reason: In the interests of roads safety and to maximise available parking spaces availability during construction.*

4. No public use of the building shall commence until a minimum of 155 parking spaces (including disabled spaces) and all vehicular servicing areas associated with the operational use of the building have been provided in accordance with the details hereby approved. Thereafter the remaining parking spaces shall be provided within 12 months of the building being first brought into use.

*Reason: In the interests of roads and pedestrian safety and to ensure that there is sufficient parking to support the leisure facility and town centre.*

5. Notwithstanding the effect of condition 1, no development shall commence until samples and/or full details of materials to be used in the construction of:

- (i) external material finishes of the building
- (ii) any other visible walls/retaining structures to be constructed;
- (iii) roads and parking areas;
- (iv) footpaths;
- (v) shared surfaces

have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed using the approved materials, or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to secure the use of appropriate materials in the interests of visual amenity.*

6. No occupation of the approved building 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 building.

*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).*

7. Details the specific species and size/mix/numbers of the proposed planting throughout the site on those areas identified to be landscaped shall be submitted for the written approval of the Planning Authority in consultation with the Biodiversity Officer within six months of the date of this permission, together with details of the proposed maintenance regime associated with the planting and clarifying the parties responsible for such future maintenance. Thereafter the duly approved planting shall be implemented in the first available planting season following the substantial completion of the development. Any planting which fails to become established, dies, becomes seriously diseased or is removed within the first 12 months of having been planting shall be replaced in the following planting season with equivalent sizes and species as those originally required to be planted.

*Reason: In the interests of amenity and biodiversity.*

8. No construction plant and/or machinery shall be operated on the site outwith the following times: 08:00 – 18:00 Monday – Friday, 08:00 – 13:00 Saturday. No construction plant and /or machinery shall be operated at any time on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Planning Authority in consultation with Environmental Protection.

*Reason: In order to control noise nuisance in the interest of amenity.*

9. Prior to commencement of development, full details of all external lighting shall be submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. Thereafter the development shall be completed in accordance with these details

*Reason: In order to avoid light pollution in the interest of amenity*

10. Notwithstanding the provisions of Condition 1, the development shall be implemented in accordance with the flooding amelioration details and recommendations set out in the

Kaya Flood Risk Assessment (June 2018) and approved plans; 00045-02/004C, 00045-02/005C and 0045-02/009D

1. Finished floor levels of the building shall be a minimum of 5.4m AOD
2. Detailed design of flood defences to be appropriate and fully account for wave overtopping through the lifetime of the development.
3. Flood plan to be developed and implemented. This to include actions to be undertaken in event of a flood, including safe evacuation.

*Reason: In order to ensure appropriate mitigation for flood risk and to safeguard public safety.*

11. Prior to development commencing, details of the intended means of surface water drainage to serve the development shall be submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the construction of the development and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

12. Prior to the first occupation of the building, a comprehensive Green Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The Travel Plan shall include details of:
  - i) The proposed monitoring schedule and reporting procedures;
  - ii) The management of the Travel Plan identifying the persons responsible for implementation;
  - iii) Proposed pedestrian and cycle infrastructure within the site and connections to existing networks;
  - iv) Cycle parking provision and location within the site;
  - v) Measures to improve public transport facilities;
  - vi) Initiatives such as, electric car facilities, car share scheme and flexible working;
  - vii) Employee locker facilities;
  - viii) Travel information to be provided within the site.

Thereafter the provisions of the plan shall be implemented as part of the operation of the approved development.

*Reason: To ensure an appropriate level of public transport infrastructure is available to residents of the new dwellings.*

13. Prior to commencement of development, an assessment of the condition of the land shall be undertaken, submitted and approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites.

Where contamination is identified, then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and be subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development with the exception of those actions required to carry out remediation unless otherwise agreed in writing by the Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation must be produced, and is subject to the approval in writing of the Planning Authority.

*Reason: In order to ensure that contamination issues on the site have been fully investigated and remediated.*

14. The level of noise emanating from the site following commencement of the permitted use shall not exceed the established background noise level LAeq (90) at the survey location by more than 5dB(A) unless otherwise approved in writing by the Planning Authority. Any plant and machinery should not produce any noise that has a distinguishable, discrete, continuous note or distinctive impulses.

Reason: In order to avoid noise nuisance in the interest of amenity.

**NOTES TO APPLICANT**

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. Notwithstanding the requirements of condition 13 in respect of addressing site contamination issues, the applicant's attention is drawn to the requirements of CAR General Binding Rule 10 to ensure all reasonable steps are taken to ensure discharge associated with construction does not result in pollution of the water environment.
5. All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.
6. The road improvements within West Clyde Street and at the junction with Sinclair Street will require approval under Section 56 of the Roads Scotland Act 1984. Contact should be made with the Argyll and Bute Council Head of Roads.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01614/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The proposed development comprises a new leisure building to include swimming pools / gym facilities, new flood defences, public realm areas, cycle parking spaces, car parking spaces including electric charging machines and a coach and drop off facility. Vehicular access to the proposed development would be via the existing Sinclair Street / West Clyde Street / East Clyde Street signalised junction.

The proposal aims to deliver a new and modern leisure centre for the town of Helensburgh and surrounding area. The Helensburgh area has suffered from population decline, however, the Maritime Change Project, which involves the relocation of personnel to Faslane over a period up to the 2030s, has the capacity to redress this decline. The implications of this have been considered during the processing of this planning application. The development is proposed within the settlement boundary of the town, and the scale of the proposal is in accordance with the identification of the Town of Helensburgh as a 'major settlement', where larger development proposals such as this is appropriate in land use terms.

The proposals are located within the boundary of the LDP designated Town Centre and are of a scale appropriate to the settlement and are accessible by a range of transport modes.

The proposals are therefore considered to accord with the settlement strategy and more particularly policies STRAT 1 and LDP DM1. As a public facility located within a main town centre the proposal constitutes sustainable development under the requirements of SPP.

**B. Compliance with Approved Masterplan**

In September 2017 Argyll and Bute Council commissioned a project team lead by DarntonB3 Architecture to develop the Gareth Hoskins Masterplan Addendum Report dated May 2012 (which was itself an evolution of the Turley Associates Masterplan of August 2009).

The council brief applicable to the stage 3 stage study and report which has resulted in the current planning application comprises a number of key component parts:

- Swimming Pool
- Parking
- Coach Drop Off
- Sea wall defences and raising ground levels
- Urban Realm
- Landscaping
- Associated Infrastructure

The area of site within the approved Masterplan fronting onto West Clyde Street has been identified as a development site with potential to host a retail development. Future retail development is excluded from the current proposal. For the avoidance of doubt, the current planning application does not include any retail elements. These would require to be subject to a separate planning application(s) and consideration at a future date to ensure compliance with LDP policies.

Members will note that lack of compliance with the approved 2012 Masterplan has been raised as a reason to object to the current proposals by a number of parties. It is therefore

considered of assistance to examine the approved 2012 Masterplan in respect of its planning requirements. The 2012 addendum to the original Turley Associates Masterplan of 2009 produced by Gareth Hoskins confirms that the general approach to overall site development is envisaged as follows:

*“a landmark building on the southern edge of the site taking advantage of the waterfront location. Placing the building on this location allowed the remainder of the site adjacent the town centre to be considered for other development”.*

The 2012 Masterplan also recognises that:

*“The 2009 Masterplan identified the Pierhead as the key development site in the town and the aspirations set out in the Masterplan for high quality design and placemaking remain key to the success of the development and regeneration of the town as a whole.”*

The design of the building will be addressed in detail at section (B) of this report. However, in terms of general location and orientation of the new leisure building to the site, sea and town centre it is considered to accord with the general layout proposed in the 2012 Masterplan Addendum and the reasons for this approach. The layout guidance and urban design aspirations of the 2012 Masterplan document are considered to remain legitimate and well founded in seeking to locate the leisure building to the south of the site, with any future retail uses being to the north of the site, nearer West Clyde Street.

Although the indicated block plan location of the leisure building was further north than the current proposals in the 2012 layout, the location of the leisure use to the southern and western side of the site is considered to be in general accordance with the 2012 Masterplan and its urban design aspirations to create a landmark building for the waterfront, allowing intervening land to the north to accommodate future development with urban realm improvements and connections to the town centre.

It is the opinion of Officers that the proposals subject to this planning application are in accordance with the stated objectives and general layout of the approved 2012 Masterplan Addendum. Importantly, the current planning application does not constrain or undermine future development of the remainder of the site to provide future development which will require to be subject to future planning applications and consideration in respect of both compliance with the Masterplan and the policies of the LDP.

### **C. Location, and Design of Proposed Development**

As indicated in the submissions, it is proposed to locate the facility on the south-western corner of the pier site. As previously indicated, Officers consider the location is in general conformity with the approved 2012 Masterplan.

In respect of the design of the proposals, Officers note that views have been expressed by objectors that the design is not appropriate. However from a planning perspective it is necessary to judge the merits of the application currently submitted and consider whether it is acceptable in respect of compliance with the policies of the development plan. In respect of design matters this would primarily involve the evaluation of the proposals against Policies LDP 3 and LDP 9. An evaluation of the proposals in respect of location, scale and massing, design, materials and associated setting, are all relevant to the determination of this planning application.

The design and access statement in support of the application submits that the key design aims of the proposals are to provide:

- Attractive and active primary elevations;



- Implement the Approved Master plan Addendum 2012;
- Provide a layout which responds to the requirements of commercially effective operating principles;
- Integrated and cohesive public facilities;
- Standout, prominent entrance and approach;
- Well-proportioned and functional external public space;
- Areas of transparency on the façade, maximising views in and out, openings with scale and impact;
- Sensitive, yet durable materials that complement the site, context and invigorate the existing palette;
- The formation of a central core, a hub of activity and movement to act as the heart of the building;
- Improved relationships of internal spaces with others, and their function
- Significantly improved sustainability;
- Natural light and surrounding views maximised;
- Sensitivity to the surrounding town centre environment;
- Design durability and versatility.

The internal and operational objectives set out above and any commercial matters are not land use planning matters which are material to the determination of this planning application. It is noted that many objectors have raised concerns relating to internal operations of the pool and in particular in respect of the degree to which it would be “fun” and attract families and provide facilities for both children and other users as well as the commercial viability of the proposals. These are not material planning considerations in the determination of this application, but are rather operational matters for the applicant. Therefore the planning evaluation of the design of the building should be restricted to the external appearance of the building and its relationship to the site and surroundings, and not the internal attributes and operational characteristics of the facility, as there are matters for the applicant to define, not the Planning Authority.

It is sufficient to generally acknowledge that the range of uses contained within the building, which falls within Class 11 ‘Leisure and Assembly’ of the Use Classes Order, accords with the 2012 Masterplan use envisaged to be developed on the site, and in this respect, as a matter of principle the proposal is acceptable.

From a purely locational stance it has already been outlined previously that the location in the south-western corner of the site is generally in accordance with the 2012 Masterplan location, and that this location does not undermine the further masterplan development objectives for the wider site. The location of the building within the site is therefore considered to be acceptable.

In terms of general scale, the building is much larger than others in the immediate vicinity, through necessity in order to accommodate the range of uses proposed over two floors. It is a new civic building and is therefore of a scale commensurate with its role and function where it will constitute a landmark building on this prominent and important development site. It is considered that the overall scale and massing of the building is appropriate for this location.

The concept proposed seeks to provide a prominent building along the waterfront esplanade, with a significant main entrance with good accessibility in terms of movement and visual connections to surrounding development. The integration of the new facility with the existing pier was considered by the applicant to be one of the most important guiding principles for design decisions, and led to the creation of an external public realm that integrates access routes with gathering points, flexible spaces and general areas to take in the attractive views the site affords. The location of the site entrance on the north-western corner of the building seeks to provide a visual link to the main entrance and to allow direct access from primary routes.

The entrance is marked by a colonnade of columns supporting a large roof canopy with feature soffit and lighting. This is stated to form the visual strength of the main elevation and solidifies the clean linear form of the building. Officers agree that this detailing is attractive and appropriate to define the entrance, and will form an important architectural feature of the building as appreciated from West Clyde Street.

The large glazed areas on the elevations allow views into the entrance foyer, pool hall, fitness suite and studio spaces. At night these spaces will generate activity and provide visual interest towards the building. The external elevations include architectural detailing to create interest and break up the overall massing of the building. The use of a wide pallet of materials also assists in adding interest to the building.

The external public realm proposals include variations in levels, form and materials to create an attractive linkage to the town centre, framing the building and its entrance in what is considered to be an attractive and appropriate manner. A range of external spaces are created which offer significant improvements in the urban realm over the current situation, and will complement the existing CHORD works within the town centre. All of these external urban realm elements have been designed to ensure that those of limited mobility are able to access and enjoy this new development both internally and externally

In respect of materials, Officers consider that the variation in finishes and materials for both the building and public realm are attractive and therefore acceptable. In accordance with normal practice samples will require to be submitted for final approval.

Officers consider that overall this is an attractive design, well-proportioned and suited to its intended civic role and located on such a prominent site. The external detailing of the building has both horizontal and vertical elements which break up the scale and mass of the building adding texture, diversity and interest. Given the need to have such a large building to meet functional requirements, Officers consider that the overall design, appearance and materials proposed are in accordance with the requirements of Policies LDP 3 and LDP 9 of the adopted plan.

There will be no material impact on the setting of any listed buildings in the locality due to the separation of the building to the extent that it will sit within its own setting at the end of the pier, defining its own immediate environmental and site characteristics and its spatial relationship to the town centre. The building is seen as a separate landmark feature in the townscape at this point. In this respect the proposal is in accordance with SG LDP ENV 16(a).

**D. Marine Environment Piers and Harbours and Biodiversity.**

The Council's Marine Policy Officer has provided a detailed response in respect of this application and its relationship to the Marine Environment and LDP plan policies in respect of coastal matters. No objections have been raised and the consultation response has been supportive of the proposals. Set out below are a number of relevant extracts from the response which provide clarification the support expressed:

Local Development Plan

*The proposed development is considered to be consistent with the proposed Supplementary Guidance - SG LDP TRAN 8 (Piers and Harbours) and SG LDP CST 1 (Coastal Development).*

Local Development Plan and National Marine Plan

*The proposed development extends into the marine environment (Mean High Water Springs) and therefore the Council as a public body is required to take authorisation decisions in accordance with the National Marine Plan, unless relevant considerations indicate otherwise.*

*The adopted Local Development Plan and National Marine Plan are both supportive of improvements to existing developments. The proposal works are considered to be consistent with SG LDP CST 1 (Coastal Development), SG LDP TRAN 8 (Piers and Harbours), and relevant policies of the National Marine Plan.*

Having regard to the above it is considered that the application accords with Policy LDP 4.

The Marine Policy Officer continues in respect of biodiversity matters to comment that:

*The Helensburgh Waterfront development is partially located at the Mean High Water Springs boundary. Access to the intertidal foreshore will be required to undertake repair works to the pier and North East and South West slipways. The development lies out-with 200-350 metres of the Inner Clyde SPA / Ramsar / SSSI boundaries. SNH recommend that the threshold distance for considering potential disturbance to feeding redshank in casework is set at 150m. SNH advise that the development will not have any likely significant effect on the SPA and that no further assessment in these terms will be required.*

As set out above, SNH have concluded that the proposal is unlikely to significantly prejudice Special Protection Area qualifying interests and have therefore not required the Council in its capacity as 'competent authority' to undertake an 'appropriate assessment' under the Habitat Regulations. No objections have been raised by SNH to the proposals. However, concerns have been expressed about potential impacts on Marine Mammals through noise disturbance in the event that piling were to be required during construction. This matter is addressed by the use of a planning condition requiring further details to be submitted for approval should piling works be found to be necessary.

In respect of biodiversity, initial site ecological surveys indicated that otters were foraging within the general environs of the site, but due to the lack of suitable foraging habitat within the area no holts or rest ups were identified on or near the site. Otters are European Protected Species (EPS) and therefore care has to be taken to ensure that they are not adversely impacted, as this can be criminal offence. No bat surveys were originally undertaken. However, these have now been carried out and the Biodiversity Officer is content that the updated September 2018 ecological surveys in respect of bats and otters are acceptable and that no protected species will be adversely impacted by the demolition of the existing pool building (bats) or the construction of the new leisure centre (otters).

She has however requested in her initial response dated 22.8.18 that appropriate site management protocols are undertaken to take account of the fact that otters may visit the locality of the site. This is considered necessary and therefore a condition to ensure site protocols to minimise potential impact on otters is recommended.

The Biodiversity Officer has also requested that a noise assessment on potential impact marine mammals should be submitted prior to construction commencing and this mirrors the comments from SNH in respect of potential impacts, depending on the construction approach which is ultimately undertaken. This matter is addressed by the recommended conditions.

Having regard to the foregoing, in terms of impacts on habitats and species, the proposals are therefore considered to be in accordance with the requirements of development plan policy

In respect of the proposed landscaping, this is not extensive; however, officers consider that further detailed proposals should be agreed with the Biodiversity Officer to maximise biodiversity benefit and add value to the proposals. It should, however be noted that this is an exposed location so careful consideration will be required.

Clarification has been sought from Marine Scotland as to whether an EIA would be required for the marine elements of the proposal. Marine Scotland have considered these matters and are of the opinion that subject to necessary marine licence requirements being met, that there should be no significant impacts and an EIA is not required.

**E. Archaeological Matters, Contaminated Land and Noise**

West of Scotland Archaeology Service (WOSAS) have confirmed that they do not consider the site to be of archaeological interest and therefore have not requested the imposition of any archaeological conditions.

Ground investigations have found some low level contaminants on the site. The Council's Environmental Protection Officer has requested the imposition of a suspensive condition, in accordance with normal practice, in order to ensure that this matter is properly addressed prior to works commencing. A condition requiring a remediation strategy prior to construction works commencing is therefore recommended.

The Environmental Protection Officer has also requested conditions to ensure adverse noise impact on sensitive receptors does not arise during construction, and to ensure that noise from the proposed plant and machinery will be acceptable. Suitably worded conditions have been recommended to address these matters and subject to their imposition the proposals will accord with the requirement of SG LDP SERV 4 and SG LDP ENV 7.

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

A transport assessment was undertaken to support this application and included the impact on the potential closure of the existing west exit from the pool car park. The existing junction at Sinclair Street/ East-West Clyde Street has the capacity to support the traffic generated from the proposed new leisure building including swimming pool, however, should the retail development be delivered as per the master plan, the junction will require an additional lane width from the car park. The public realm proposals at the junction takes this into consideration and have been located to support this future development or any other proposals that may be brought forward.

The reduction in the provision of car parking which has been the focus of concerns raised by many of the objectors was highlighted to the project team. To address this important matter, the project team have engaged an independent consultant to consider the implications and the impact on Helensburgh for the business community, the residents and visitors. The report includes detailed surveys taken in accordance with industry standards and the results demonstrate that both the on street and off street parking facilities have the capacity to support the reduction in provision at this location. I would also note that should the development for the retail units in accordance with the approved master plan be taken forward, further parking provision would be provided within this designated area of land.

The parking and access provision for the proposed development are therefore considered acceptable. However the Area Roads Engineer has also raised issues in respect of loss of parking during the construction works and has advised that the roads officers have considered a number of options in order to mitigate these concerns, however, these details require to be formally submitted for Council approval. These concerns are also reflected

in a number of the representations. The project team are aware of proposed mitigation measures, however, until such time as these are formally approved through the formal Council procedures, the detail of this is not available. The Area Roads Engineer has, however, confirmed that appropriate mitigation needs to be in place before the commencement of the construction phase. The Council is the applicant in this instance and other car parks are also under the control of the council. It is therefore considered reasonable to include suspensive condition to address this matter. This suspensive conditions also requires the provision of a construction method statement including the submission of a material delivery plan.

Post construction, the Town Centre Car Parking Review and Strategy in paragraph 7.2 notes that the Council are currently reviewing car parking provision within the full council area and specifically within the Helensburgh and Lomond Area. It states that *“This is a complex matter with varying demands for numerous different users. It will be necessary to undertake a thorough review of parking characteristics to ensure an outcome which provides the most suitable solution recognising the varying demands of differing users. The timescales for the delivery of the proposed HWD Masterplan are not expected for a number of years, this allows ABC the opportunity to ensure that these developments are taken into consideration during the wider car parking review.”* In response to this the Area Road Engineer has confirmed that that investigations into the overall parking provision within Helensburgh are currently underway.

The proposed development also requires off site road improvements on West Clyde Street at the junction with Sinclair Street. These have taken account the full Masterplan and have the capacity to facilitate the further development as indicated in the Masterplan.

In summary, the Area Roads Engineer has confirmed that the Transport Assessment and parking provision are acceptable for the development and that there are no objections subject to conditions.

Within the TA reference is made to the potential for a green travel plan to be drawn up in respect of the proposals. This will encourage Live Argyll who will be the occupiers of the proposed leisure building to promote modal shift to more sustainable forms of transport. A condition is, therefore, proposed requiring the submission of this Green Travel Plan.

The proposals are therefore considered to accord with SG LDP TRAN 2, SG LDP TRAN 3, SG LDP TRAN 4, TRAN 5 and SG LDP TRAN 6

Layouts have been provided which indicate the waste collection points associated with the proposals. Subject to further details being provided these are considered to be matters capable of being addressed in detail through the imposition of an appropriate condition. Therefore the proposals are considered to be in accordance with the requirements of SG LDP SERV 5.

#### **G. Flooding, Drainage and Other Infrastructure**

Given the proposed location of the building it is essential that flooding caused by wave action and climate change increases in sea levels is taken into account and is properly addressed in the consideration of the application. A number of objectors have raised this issue and it is particularly noted that Helensburgh Community Council in their objections have made lengthy submissions on this matter.

To address potential flooding two main approaches are proposed to be taken. Firstly, rock armour walls are proposed to a height sufficient to protect the building from wave action and overtopping. Secondly, the site as a whole is being raised in height to safeguard not only the new building from predicted coastal flood levels due to climate change, but also

the remainder of the site to ensure that that the main access route, parking provision and future development will also be protected from flood risk.

In response to the detailed reports submitted in respect of such matters, the Council's Flooding Advisor has recommended that planning permission can be granted subject to the imposition of appropriate conditions. He is of the opinion that subject to the following matters being addressed by condition that the proposals are acceptable and can operate safely.

1. Finished floor levels of the building shall be a minimum of 5.4m AOD
2. Detailed design of flood defences to be appropriate and fully account for wave overtopping through the lifetime of the development.
3. Flood plan to be developed and implemented. This to include actions to be undertaken in event of a flood, including safe evacuation.

The proposals are therefore considered to be acceptable, and subject to the imposition of appropriate conditions accord with SG LDP SERV 3, SG LDP SERV 7, SG LDP - Climate Change.

Members are also requested to note that SEPA have raised no objection to the proposals and are content that planning permission can be granted. It should be noted that SEPA have made a separate response to Helensburgh Community Council (dated 26.9.18) confirming that the development was in accordance with their policy advice and standards in respect of the proposed use at this location. Helensburgh Community Council in a detailed submission on flooding contend that overtopping of the flood defences beyond the 2080's will take place. Paragraph 1.6 of the SEPA response to the community council in respect of this matter confirms that the building should be set back by 6.25m. The location of the proposed building will meet this requirement.

#### **H. Equalities Assessment – Equality Act 2010 and Fairer Scotland Duty (April 2018)**

The "Fairer Scotland Duty" was introduced in April 2018 as Part 1 of the Equality Act. This requires Councils to put "tackling inequality genuinely at the heart of key decision-making".

In this instance, the proposals seek to provide a new and accessible public leisure facility within Helensburgh together with public realm designed to be accessible to all. By locating the facility in a main town centre the new building is able to be accessed by those without access to a car and therefore the proposed development will not discriminate against those who do not own a car. The proposals are therefore considered to accord with the objectives of assisting to address social and economic inequality by providing high quality modern and accessible facility for the benefit of the whole community.

It is therefore concluded that the proposals, if approved, will be in accordance with of the Equality Act 2010 and the Fairer Scotland Duty.

#### **I. Other Matters**

##### Treatment of land when swimming pool demolished

Concerns have been raised in objections to the potential visual impact upon the town centre and potential harm to visual amenity which could be caused if the land upon which the swimming pool is currently located is not satisfactorily restored following demolition works, given that no specific proposals or timescales for the re-use of the land are included in the current planning application.

As the land is to be raised to address flooding issues following removal of the existing structures, the works on this area of land fall within the scope of this planning permission

even though the demolition of the building itself would otherwise constitute 'permitted development' under the GPDO. Officers consider that it is important that the land is restored, even if only for a temporary period, to a condition that would not be detrimental to the amenity of area given the prominence of the site and uncertainty over redevelopment proposals and/or timescales. To address this matter a condition requiring details of the restoration of the land is recommended.

#### Skatepark removal/ future provision

Many objectors have raised concerns over the removal of the skatepark as part of the indicated development. The removal of the skate park is development (demolition), but is 'permitted development' by virtue of class 71 of the GDPO and therefore this aspect of the scheme requires no planning permission.

An area of land has been identified for a future skatepark/play use and in the proposed site plan this is annotated under Area 4. Objectors state that no firm commitment is contained within the current application as to when and how this will be replaced. The current application does not seek to develop this northern area of the site, only to alter ground levels as part of flood prevention works. The reinstatement of a skatepark following groundworks is a matter which will require to be addressed under the terms of the Masterplan at a future date when the remainder of the site is re-developed and more detailed proposals are subject to future application(s).

#### Retail policy/impact on existing shops

As has been clarified elsewhere in this report, no retail planning permission is sought by the current planning application and any separate proposals would require to address the appropriate policies of the LDP in order to define the scale and design which may ultimately be considered acceptable. This is not a matter for consideration as part of the current planning application and therefore no Retail Impact Analysis has been required to update the October 2011 Retail Study previously referenced in considering the 2012 Masterplan proposals. Such matters will be addressed in any future planning application for retail use on the site.

The renewal of the pool and the upgrading of facilities will assist in continuing to attract shared trips and assist in reinforcing the vitality and viability of the overall town centre offer.

## **J. Conclusion**

It is considered that the location, scale and design of the building is acceptable and that the design approach assists in breaking up the overall scale and massing of the building. The use of a clear entrance detail is also welcomed as it provides an architectural focus to the building clearly defining its main entrance. A condition requiring details of all external finishes shall be included to ensure that the actual materials to be used are acceptable.

Flooding solutions proposed in respect of protecting not only the proposed building, but also raising the height of the remainder of the larger site to make it suitable for future development is to be welcomed. The building has been located and designed to ensure that it does not undermine or compromise the future development of the northern section of the site, as required by both the 2009 and 2012 Masterplan Addendum.

It is the opinion of Officers that the proposal is in accordance with the 2012 Masterplan Addendum. The function of a Masterplan is not to "set in stone" future planning applications in terms of exact locations and design, but to provide a framework and guidance to work within. The proposed leisure building will be located to the south of the site and will leave space for a potential future retail use facing onto West Clyde Street, in

accordance with the 2012 Masterplan Addendum requirements. That it is in a slightly different location to that shown in approved masterplan is not considered a material departure, given adherence to the overall Masterplan layout rationale.

In respect of car parking and access arrangements the Area Roads Engineer along with the supporting Transport Assessment and Car Parking Study confirms that the proposals are in accordance with the LDP.

Officers are of the opinion that subject to the imposition of appropriate conditions that the proposals are of an appropriate design and scale for their intended civic function and accord with the policies of the LDP.



**APPENDIX B: REPRESENTATIONS**

**i) Representations received from:**

**Objection:**

Mr Carl Dixon 5 Butt Avenue Helensburgh Argyll And Bute G84 9DA 09.08.2018

Miss Joanne Brown 5 Howie Crescent Rosneath Helensburgh Argyll And Bute  
09.08.2018

Tariq Durrani 14 Duchess Park Helensburgh Argyll And Bute G84 9PY 13.09.2018

Mrs Fiona McLeod Upper Flat Heatherbank Fairway Garelochhead Helensburgh Argyll  
AndBute

Mr Ian MacQuire 20 Rosedale Gardens Helensburgh Argyll And Bute G84 7RW

Mr Norman Muir 52 Grant Street Helensburgh Argyll And Bute G84 7EW 15.08.2018

Mr Ian Grout 18A Upper Glenfinlas Street Helensburgh Argyll And Bute G84 7HD  
19.08.2018

Sue Thornley Glenarn House Glenarn Road Rhu Helensburgh 14.09.2018

Christine Gaskell 13 Kenilworth Avenue Helensburgh Argyll And Bute G84 7JR  
14.09.2018

Robert McPartland 8 Endrick Wynd Helensburgh Argyll And Bute G84 7SU 14.09.2018

Garth Randal Address Not Supplied 14.09.2018

Clare Hennessey 9 West Abercromby Street Helensburgh Argyll And Bute G84 9LH  
05.10.2018

Kimberly Chapman 4 Straid-A-Cnoc Clynder Helensburgh Argyll And Bute 31.08.2018

Valerie Reynard 31.08.2018

Jean Senior 107 East Princes Street Helensburgh Argyll And Bute G84 7DN 31.08.2018

Rebecca Wetherhill 11 South King Street Helensburgh Argyll And Bute G84 7DU  
31.08.2018

Kirsty Horn 11 Blackhill Drive Helensburgh Argyll And Bute G84 9AF 31.08.2018

Melany Boyde 58 Fisher Place Helensburgh Argyll And Bute G84 9RJ 31.08.2018

Claire Balneaves 23 Redgauntlet Road Helensburgh Argyll And Bute G84 7TW  
31.08.2018

Lucy Wright 59 Drumfork Road Helensburgh Argyll And Bute G84 7TN 31.08.2018

Maura McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB 31.08.2018

Lisa Johnstone 36 Lawrence Avenue Helensburgh Argyll And Bute G84 7JJ 31.08.2018

Dr May Hadi 17 Kidston Drive Helensburgh Argyll And Bute G84 8QB 24.08.2018

Mr Benjamin Gibson 96 Drumfork Road Helensburgh Argyll And Bute G84 7TY  
29.08.2018

Mr Urlan Wannop 43 Lomond Street Helensburgh Argyll And Bute G84 7ES 28.08.2018

Marie Therese Hayes Strathconon Cumberland Road Rhu Helensburgh 29.08.2018

Bethany Scott 6 Nelson Place Helensburgh Argyll And Bute G84 9ES 29.08.2018

Grant McIntosh 66A Colquhoun Street Helensburgh G84 8JP 29.08.2018

Mrs Barbara Warren 20 Lever Road Helensburgh Argyll And Bute G84 9DP 31.08.2018

Dr Peter Brown 03.10.2018

Lois Smith 25 Queens Crescent Garelochhead Helensburgh Argyll And Bute 04.09.2018

Norman McNally 2 Maitland Street Helensburgh G84 7PB 20.08.2018

Claire Stevenson 1 28 Ferry Road Rosneath Helensburgh 06.09.2018

Janus Basnov 1 28 Ferry Road Rosneath Helensburgh 06.09.2018

Sarah Urquart 15 Bain Crescent Helensburgh Argyll And Bute G84 9DB 06.09.2018

Roz Patterson 1 Portkil House Kilcreggan 06.09.2018

John McMurtrie Flat 2/2 24 Sinclair Street Helensburgh Argyll And Bute 06.09.2018

Stewart Noble 28 East Abercromby Street Helensburgh Argyll And Bute G84 7SQ  
09.09.2018

Fiona Macpherson 31 Kennedy Drive Helensburgh Argyll And Bute G84 9AR  
17.09.2018

Noble Macpherson 31 Kennedy Drive Helensburgh Argyll And Bute G84 9AR  
17.09.2018

Heather Wilson Birchwood Rhu Road Higher Helensburgh Argyll And Bute 18.09.2018

Alan Johnston 12A Cairndhu Gardens Helensburgh G84 8PG 13.08.2018

Jean Johnston 12A Cairndhu Gardens Helensburgh G84 8PG 13.08.2018

Ron Ellis 8 Lineside Walk Rhu Helensburgh Argyll And Bute 12.09.2018

Ian Reynard 34 Loch Drive Helensburgh Argyll And Bute G84 8PZ 12.09.2018

Leila Reynard 34 Loch Drive Helensburgh Argyll And Bute G84 8PZ 12.09.2018

Kathryn Polley Flat 1/1 2 James Street Helensburgh Argyll And Bute 12.09.2018

Christina Atkins Inchcruin Redgauntlet Road Helensburgh Argyll And Bute 12.09.2018

Patricia Lawson 5 Tower Place 6 East Clyde Street Helensburgh 12.09.2018

Nick Cowie Garemount Lodge Shore Road Shandon Helensburgh 12.09.2018

William S Quaile Ulston Grove Spys Lane Rhu Helensburgh 12.09.2018

Mrs Kathy Black Strathlee Shore Road Cove Helensburgh Argyll And Bute 19.09.2018

Pauline Macdonald 33 Camperdown Court Helensburgh Argyll And Bute G84 9HH  
20.09.2018

Mrs Claire Davidson 54 Colquhoun Street Helensburgh Argyll And Bute G84 8UX  
05.09.2018

David Allan 145 West Princes Street Helensburgh Argyll And Bute G84 8EZ 05.09.2018

Mrs Jane Allan 145 West Princes Street Helensburgh Argyll And Bute G84 8EZ  
05.09.2018

Gaynor Jakeman 38 Kildonan Drive Helensburgh Argyll And Bute G84 9SA 05.09.2018

Jenny Wainwright 24 Tower Place East Clyde Street Helensburgh Argyll And Bute  
05.09.2018

Paula McIntosh 66 A Colquhoun Street Helensburgh G84 05.09.2018

Mr Paul Dods 8 Kildonan Drive Helensburgh Argyll And Bute G84 9SA 30.08.2018

Professor Norman McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB  
20.08.2018

Mrs Debbie Stevenson 27 Guy Mannering Road Helensburgh Argyll And Bute G84 7TJ  
30.08.2018

Miss Fiona Baker Hillcroft Station Road Rhu Helensburgh Argyll And Bute 06.09.2018

James Kerr 20 Ardenconnel Way Rhu Helensburgh Argyll And Bute 04.09.2018

Andrew Watts The Olde School House Kilcreggan 04.09.2018

Rayna Watts The Olde School House Kilcreggan 04.09.2018

Emma Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84 7NN 04.09.2018

Neil Petrie 9 South King Street Helensburgh Argyll And Bute G84 7DU 04.09.2018

Terri Colloton 7 Armstrong Road Helensburgh Argyll And Bute G84 7UE 04.09.2018

Veronica Davis 7 Kilmahew Court Cardross Dumbarton Argyll And Bute 04.09.2018

Veronica Davis 2 Talisman Crescent Helensburgh Argyll And Bute G84 7TD 04.09.2018

Elizabeth Clarke 2 Talisman Crescent Helensburgh Argyll And Bute G84 7TD  
04.09.2018

James Taylor 75 West Clyde Street Helensburgh Argyll And Bute G84 8AX 04.09.2018

Toni Taylor 75 West Clyde Street Helensburgh Argyll And Bute G84 8AX 04.09.2018

Colin Shannon 38 Suffolk St Helensburgh G84 9PD 07.09.2018

Stella Kinloch Craigend Cardross Dumbarton Argyll And Bute 08.09.2018

M W Whitlock 28 Bain Crescent Helensburgh Argyll And Bute G84 9DF 11.09.2018

H R Whitlock 28 Bain Crescent Helensburgh Argyll And Bute G84 9DF 11.09.2018

Lynn Smith 7 Lower Sutherland Crescent Helensburgh Argyll And Bute G84 9PG  
11.09.2018

B M Annesley 26 Duchess Drive Helensburgh Argyll And Bute G84 9PR 11.09.2018

Mrs C A Annesley 26 Duchess Drive Helensburgh Argyll And Bute G84 9PR 11.09.2018

Graham Jefferies 52 William Street Helensburgh Argyll And Bute G84 8XX 11.09.2018

Mairi Jefferies 52 William Street Helensburgh Argyll And Bute G84 8XX 11.09.2018

Alan MacNicol Aros Road Rhu Helensburgh 11.09.2018

Kay Court 07.09.2018

Lynne Dow 6 East Montrose Street Helensburgh Argyll And Bute G84 7HU 07.09.2018

Fiona McLeod Upper Flat Heatherbank Fairway Garelochhead 07.09.2018

Vivien Dance 07.09.2018

Alan Jack 188 West King Street Helensburgh Argyll And Bute G84 8QR 07.09.2018

Frances Baxter 69 Dennistoun Crescent Helensburgh Argyll And Bute G84 7JQ  
12.09.2018

Chris Henderson 6 Laggary Park Rhu Helensburgh Argyll And Bute 12.09.2018

Peiwah Lee Harwood Church Avenue Cardross Dumbarton 12.09.2018

Geoffrey Atkins Inchcruin Redgauntlet Road Helensburgh Argyll And Bute G84 7TP  
08.09.2018

Colin Keir 16 Barclay Drive Helensburgh Argyll And Bute G84 9RD 09.09.2018

Mr Philip Dye 9 Glen Drive Helensburgh Argyll And Bute G84 9BJ 14.09.2018  
Mike Green No Address Provided 17.09.2018

A Brian Aitken Foinne Bhein Shandon Helensburgh Argyll And Bute 17.09.2018

G A Quickfall 25 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 17.09.2018

Raymond Williams 22 Blackhill Drive Helensburgh Argyll And Bute G84 9HR 18.09.2018

Pauline Williams 22 Blackhill Drive Helensburgh Argyll And Bute G84 9HR 18.09.2018

Mr Iain MacLaren Twiga Glenoran Road Helensburgh Argyll And Bute

Mr James Chapman 10 Cardross Road Helensburgh Argyll And Bute G84 7JW  
23.08.2018

T G Calder 15 East Lennox Drive Helensburgh Argyll And Bute G84 9JD 01.10.2018

Iain M Cameron No Address Provided 01.10.2018

Peter Brown Ravenswood 32 Suffolk Street Helensburgh Argyll And Bute 01.10.2018

Mrs L E Aitken Foinne Bhein Shandon Helensburgh Argyll And Bute 03.09.2018

Lynn Henderson 9 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 03.09.2018

Helen Bowie 16 East Argyle Street Helensburgh Argyll And Bute G84 7RR 03.09.2018

George Bowie 16 East Argyle Street Helensburgh Argyll And Bute G84 7RR 03.09.2018

Anne Helstrip 33 Loch Drive Helensburgh Argyll And Bute G84 8PZ 03.09.2018

Michelle Scotland Upper Greenhill Shore Road Kilcreggan 03.09.2018

Dr Ben McNally Florastrasse 59 Wurenlos 5436 Switzerland 03.09.2018

Emma Henderson 22 Barclay Drive Helensburgh Argyll And Bute G84 9RB 03.09.2018

Connor McNally 2 Maitland Street Helensburgh Argyll And Bute G84 7PB 03.09.2018

Mrs Catherine Grout 18A Upper Glenfinlas Street Helensburgh Argyll And Bute G84  
7HD 28.08.2018

**Support:**

Councillor Ellen Morton. Chair of Helensburgh and Lomond Area Committee. 18  
Adelaide Street Helensburgh Argyll And Bute G84 7DL 10.10.2018

Rebecca Mair 38 Woodbank Court Alexandria G83 0LG 20.09.2018

Mr Nicholas Davies The Copse Donaldsons Brae Kilcreggan Helensburgh Argyll And  
Bute 06.09.2018

Mrs Alison Barclay Craigarran Shore Road Kilcreggan Helensburgh Argyll And Bute  
15.10.2018

Mrs Jackie Hood 11 East Montrose Street Helensburgh Argyll And Bute G84 7ER  
03.10.2018

Mrs Nicola Hackett 66 Shore Road Innellan Dunoon Argyll And Bute 19.09.2018

Colin Crichton 800 Crow Road Glasgow G13 1LY 20.09.2018

Mr Kenneth White 20 West Lennox Drive Helensburgh Helensburgh Argyll And Bute  
02.09.2018

Mr Kevin Anderson 6 Broomfield Drive Dunoon Argyll And Bute PA23 7LJ 18.09.2018

Ms Diane McMillan 7 Victoria Terrace Ardrishaig Lochgilphead Argyll And Bute

Mr Chris Turnbull 108 Mains Hill Erskine pa8 7je 21.09.2018

Mr Laurence Slavin Flat 1 Ponderosa Shore Road Kilcreggan Helensburgh Argyll And Bute

Amy Birch 6 Fairfield Gardens Helensburgh 10.10.2018

Margaret McGhee 132 Cardross Road Westcliff Dumbarton 10.10.2018

A Fletcher Flat 2/1 3 Brabloch Park Paisley PA3 4QD 10.10.2018

David Unsworth 87 Methven Road Paisley 10.10.2018

Rachel Nicolson West Clyde Street Helensburgh 10.10.2018

Angela Gibson 2 Charles Terrace Balloch G83 8LD 10.10.2018

S Cameron Full Address Not Provided 10.10.2018

Isabel Ward 20 St Michael Drive Helensburgh Argyll And Bute G84 7HG 10.10.2018

Esther Cowan Full Address Not Provided 10.10.2018

John Tetler 64 Old Luss Road Helensburgh Argyll And Bute G84 7LN 10.10.2018

Lorraine MacKenzie 9 Duncombe Avenue Hardgate Clydebank 10.10.2018

Rebecca Mair Address Not Provided 10.10.2018

Lorraine Welsh 72 Campbell Street Helensburgh G84 9QW 10.10.2018

Laura Judge 97 Davaar Avenue Campbeltown Argyll And Bute PA28 6NQ 10.10.2018

Robert Judge 97 Davaar Avenue Campbeltown Argyll And Bute PA28 6NQ 10.10.2018

Vincent Madden 38 Hunters Avenue Dumbarton 10.10.2018

Helen Taylor Full Address Not Provided 10.10.2018

Colin Crichton 800 Crow Road Glasgow 10.10.2018

Charlotte Savage 0/3 33 Castlegreen Street Dumbarton 10.10.2018

Alex Benn Beechdale Linnburn Shandon 10.10.2018

Aileen Baird 234 West Princes Street Helensburgh Argyll And Bute G84 8HA 10.10.2018

Alex Macfarlane 28 Abercromby Crescent Helensburgh Argyll And Bute G84 9DX  
10.10.2018

Douglas Welsh 48 Manse Crescent Stanley PH1 4NZ 10.10.2018

Charles Breslin 3 Kennedy Drive Helensburgh Argyll And Bute G84 9AR 10.10.2018

Fiona Baird 35 Lochranza Drive Helensburgh Argyll And Bute G84 9DY 10.10.2018

N Parlane 43 William Street Helensburgh Argyll And Bute G84 8XX 10.10.2018

Steve Worsford 15 Collins Road Helensburgh Argyll And Bute G84 7UA 10.10.2018

Angela Pyne 92 Berwick Road Greenock 10.10.2018

Phil Taylor 3 John Street Lane Helensburgh Argyll And Bute G84 9NA 10.10.2018

Julie Nicol 30 Glenshira Drive Dumbarton 10.10.2018

Richard Millar Full Address Not Provided 10.10.2018

Paul Henderson Full Address Not Provided 10.10.2018

Karen Smith 34 West Montrose Street Helensburgh Argyll And Bute G84 9NQ  
10.10.2018

Stuart Mason Cala Na Sythe Stuckenduff Road Shandon 10.10.2018

Chris Mckell 28 Kirkmichael Road Helensburgh Argyll And Bute G84 7NQ 10.10.2018

Daryl Walker 15 Mackintosh Court Helensburgh Argyll And Bute G84 7HZ 10.10.2018

Leah Walker 15 Mackintosh Court Helensburgh Argyll And Bute G84 7HZ 10.10.2018

J G Dean 25 Maclachlan Road Helensburgh G84 9BU 10.10.2018

K Brady Full Address Not Provided 10.10.2018

Mr Les Donald Flat 1/1 107 West Clyde Street Helensburgh Argyll And Bute 28.08.2018

Sinead Rooney Full Address Not Provided 09.10.2018

Richard Stephen 1 East Rossdhu Drive Helesnburgh 09.10.2018

Irene Telfer 64 Old Luss Road Helensburgh Argyll And Bute G84 7LN 09.10.2018

L Baird 3/3 69 Station Road Renfrew 09.10.2018

Paula Gill 51 Malcolm Place Helensburgh Argyll And Bute G84 9HW 08.10.2018

Dr Cecilia Chisholm 23 Machrie Drive Helensburgh Argyll And Bute G84 9EJ 08.10.2018

**Neutral Representation:**

Mrs Patricia Lawson Flat 5 Tower Place 6 East Clyde Street Helensburgh 14.08.2018

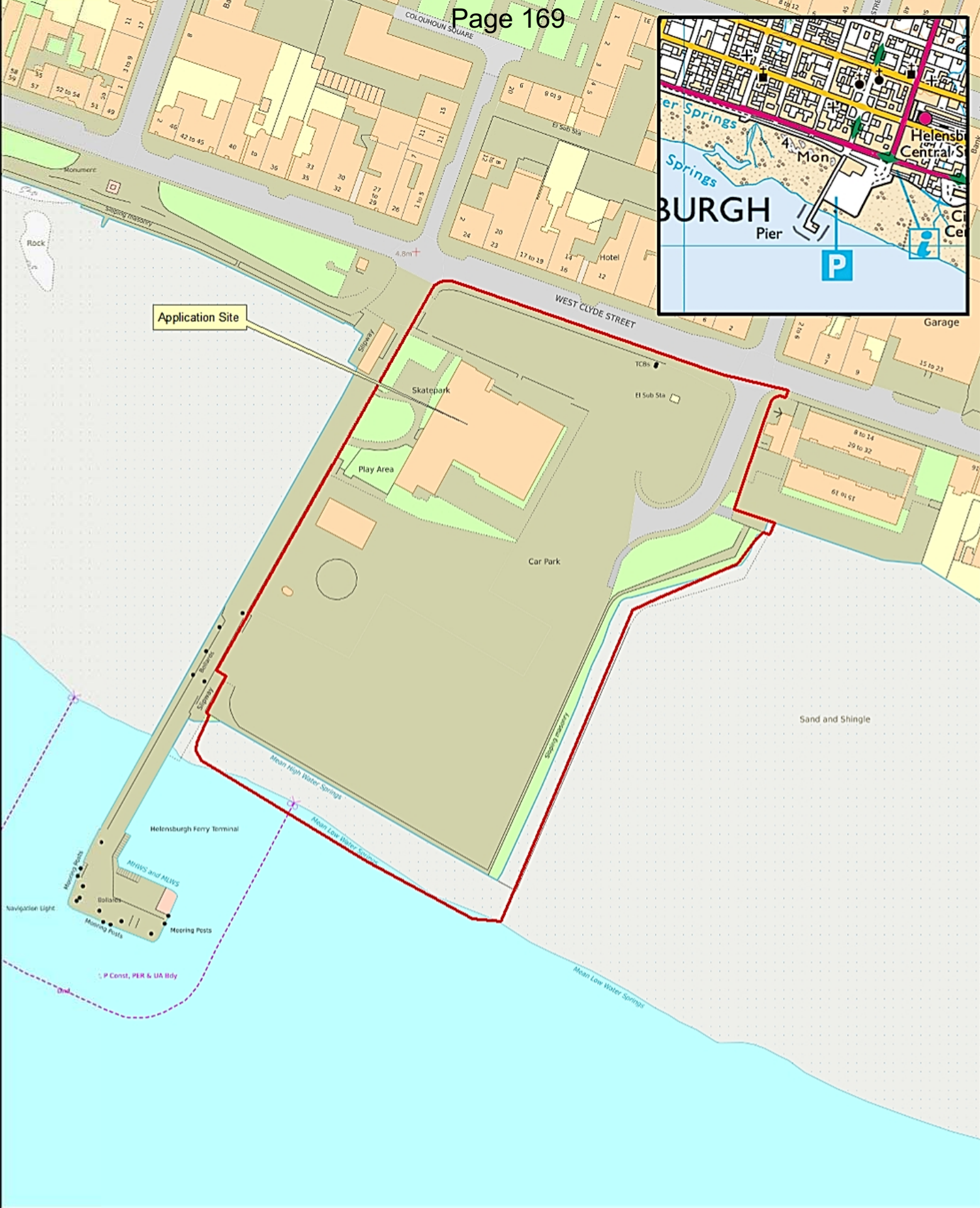
Mr John Penniston Townhead Farm Drumfork Road Helensburgh Argyll And Bute  
06.09.2018

Mr Ian Ward Rowallan 29 East Montrose Street Helensburgh Argyll And Bute  
11.08.2018

Peter F Stewart. Senior Coastal Operations Manager, HIM Coastguard, Greenock Fire  
Station, Rue End Street Greenock PA15 1HA 11.10.18

This page is intentionally left blank





<b>Location Plan relative to Planning Application</b>		
<b>Ref No: 18/01614/PP</b>		
Scale 1:1,250		

This page is intentionally left blank

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

---

**PROPOSAL OF APPLICATION NOTICE (PAN)**

---

**Reference:** 18/02639/PAN

**Applicant:** Diageo Limited

**Proposal:** Proposal of Application Notice for proposed distillery

**Site Address:** Port Ellen Maltings, Port Ellen, Isle of Islay

---

**1.0 INTRODUCTION**

Proposal of Application Notices (PAN) only relate to Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application. The PAN heralds the start of a minimum 12 week period to allow for community consultation before an application can be lodged.

In considering this item Members should restrict comments to issues relating to the material considerations which may be relevant in the determination of the proposed development and should refrain from expressing opinion as to the likely acceptability of development in advance of any subsequent application being presented for determination. Any opinions or views expressed by Councillors at the pre-application stage must be made mindful of the overarching requirements of fairness and impartiality and of keeping an open mind. The process provides opportunity for Officers to give feedback to the prospective applicant on issues which Members would wish to see addressed within the planning application submission.

**2.0 LOCATION AND SITE HISTORY**

The location of the proposal is the former Port Ellen distillery adjacent the malting in the northern end of the settlement just off the A846 public road. The only relevant history is that the site was the original location of the Port Ellen distillery which closed in 1983. There has been a number of permissions over the years for partial demolition and change of use at the site but none have been implemented.

The original buildings are all category B listed. There is no detail as to what works may be required to the buildings within the PAN. The site boundary bounds the malting and encompasses the wider industrial estate with the exception of the residential property to the west of the former distillery known as Dhoid Mhairi. No Screening/Scoping Opinions have been issued at time of writing.

**3.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

The PAN seeks to notify the Planning Authority of a prospective major planning application to re-open the former distillery with new buildings, associated infrastructure and visitor's experience. There are no details of what works or buildings this may involve. Drawing number AZ70764:00:001 shows the extent of the proposed site area.

The applicant intends to hold a public meeting on 29<sup>th</sup> January 2019 between 4pm and 9pm at Ramsay Hall, Port Ellen. Consultations will be undertaken with statutory bodies including SEPA, SNH, HSE and HMRC. A meeting will also be arranged with the local community council.

#### **4.0 SITE DESCRIPTION**

The site extends over approximately 4Ha. The landform may be described as undulating lowlands with gentle slopes; and slightly rocky. The western edge of the site rises up quite steeply leaving the area in a shallow bowl making it well contained. The adjacent land is used for agriculture.

The application site lies within the Key Rural Settlement of Port Ellen. Islay is identified in the Local Development Plan Spatial Strategy as a 'Tourism Development Area' (existing distilleries are considered to be key tourist attractions). A number of nature designations are also identified in the spatial strategy, and the entire island is designated a 'Water Conservation Area'. The site is located within settlement zone, an established business and industry area and Area for Action (reference 10/4 – environment enhancement) as defined by the Local Development Plan. The scale of the intended development is 'large' in terms of the typologies established by the LDP (site in excess of 2 hectares).

Officers consider that the potential main considerations in respect of the proposal are likely to be:

- location, nature and design of the proposed development;
- landscape and visual impact;
- impact on the natural environment;
- impact on the built environment and residential amenity;
- impact on the historic environment including the positive re-use of existing listed structures;
- impact on road network, parking and associated transport matters;
- infrastructure (water and drainage);
- flooding;
- economic considerations;
- health & safety implications; and,
- lighting and, noise, dust and vibration.

#### **5.0 DEVELOPMENT PLAN POLICY & OTHER GUIDANCE**

Argyll and Bute Local Development Plan adopted March 2015

Policy LDP STRAT 1— Sustainable Development

Policy LDP DM1—Development within the Development Management Zones

Policy LDP 3—Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 4 - Supporting the Sustainable Development of our Coastal Zone

Policy LDP 5—Supporting the Sustainable Growth of Our Economy

Policy LDP 9—Developing Setting, Layout and Design

Policy LDP 10—Maximising our Resources and Reducing our Consumption

Policy LDP 11—Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 - Sustainable Siting and Design Principles  
SG 5 - Sustainability Checklist  
SG LDP BAD 1 - Bad Neighbour Development  
SG LDP BUS 1 - Business and Industry Proposals in Existing Settlements  
SG LDP BUS 5 - Economically Fragile Areas  
SG LDP CC 1 - Climate Change and Sustainable Development  
SG LDP CST 1 - Coastal Development  
SG LDP ENV 14 - Landscape  
SG LDP ENV 16A - Development Impact on Listed Buildings  
SG LDP SERV 2 - Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)  
SG LDP SERV 7 - Flooding and Land Erosion the Risk Framework for Development  
SG LDP TOUR 1 - Tourist Facilities and Accommodation, including Static and Touring  
SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes  
SG LDP TRAN 6 - Vehicle Parking Provision

Local Development Plan Schedules

**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)

## 6.0 CONCLUSION

The report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

## 7.0 RECOMMENDATION

That Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN in order to allow these matters to be considered by the applicants in finalising any future planning application submission.

**Author of Report:** David Love

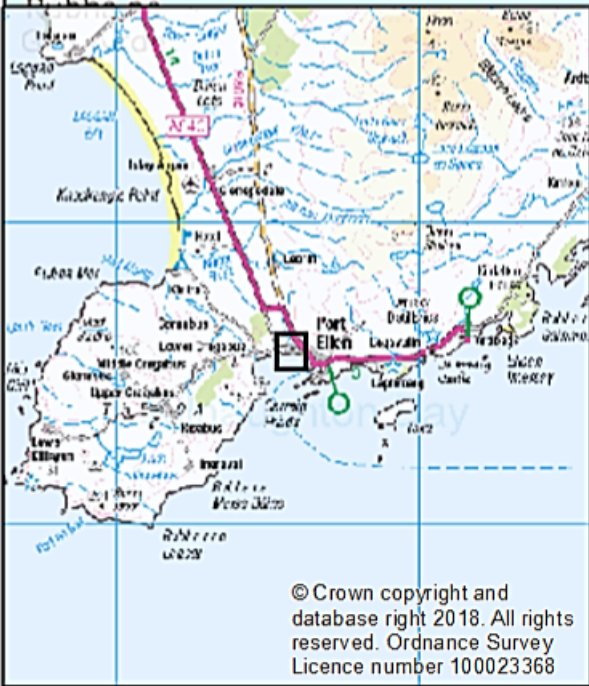
**Date:** 19/12/2018

**Reviewing Officer:** Sandra Davies

**Date:** 3/01/2019

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

This page is intentionally left blank



© Crown copyright and database right 2018. All rights reserved. Ordnance Survey Licence number 100023368

0 20 40 80 Meters

© Crown copyright and database right 2018. All rights reserved. Ordnance Survey Licence number 100023368



**Location Plan Relative to planning application: 18/02639/PAN**



1:4,500

This page is intentionally left blank