



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

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11 September 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, 18 SEPTEMBER 2019** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

3. MINUTES

- (a) Planning, Protective Services and Licensing Committee 21 August 2019 at 11.00 am (Pages 5 - 22)
- (b) Planning, Protective Services and Licensing Committee 21 August 2019 at 2.30 pm (Pages 23 - 28)
- (c) Planning, Protective Services and Licensing Committee 21 August 2019 at 2.50 pm (Pages 29 - 32)
- (d) Planning, Protective Services and Licensing Committee 28 August 2019 (Pages 33 - 62)

4. MR FRANK PHIPPS: ERECTION OF 9 DWELLINGHOUSES, INSTALLATION OF SEWAGE TREATMENT PLANT AND FORMATION OF VEHICLE ACCESS: LAND NORTH OF WEST SHORE COTTAGE, FORT ROAD, KILCREGGAN (REF: 16/02218/PP)

Report by Head of Development and Economic Growth (Pages 63 – 96)

5. **GAEL FORCE FUSION LIMITED: PROPOSAL OF APPLICATION NOTICE FOR CHANGE OF USE AND REDEVELOPMENT OF FORMER SEA LIFE CENTRE TO USE CLASSES 4, 5 AND 6 (OFFICE, INDUSTRIAL, STORAGE AND DISTRIBUTION CENTRE), INCLUDING NEW INDUSTRIAL, OFFICE AND ANCILLARY USE BUILDINGS, OUTSIDE WORKING AND STORAGE AREAS, CAR AND LORRY PARKING, RELATED INFRASTRUCTURE AND LANDSCAPING: FORMER SEA LIFE CENTRE, BARLCALDINE, OBAN (REF: 19/01542/PAN)**

Report by Head of Development and Economic Growth (Pages 97 – 102)

- * 6. **HELENSBURGH TOWN CENTRE CONSERVATION AREA PROPOSAL**

Report by Executive Director with responsibility for Development and Economic Growth (Pages 103 – 116)

7. **BRITISH TELECOM'S PUBLIC PAYPHONE RATIONALISATION CONSULTATION**

Report by Executive Director with responsibility for Development and Economic Growth (Pages 117 – 124)

8. **PLANNING AND REGULATORY SERVICES PERFORMANCE REPORT FQ1 2019-20**

Report by Executive Director – Development and Infrastructure Services (Pages 125 – 134)

- E1 9. **TREE PRESERVATION ORDER**

Report by Head of Development and Economic Growth (Pages 135 – 140)

Items marked with an “asterisk” are items, on the basis of information available at the time this Agenda is published, on which the Committee may not have delegated powers to act, and which may therefore require to be referred to the Council or another Committee, and that referral may depend on the decision reached at the meeting.

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

The appropriate paragraph is:-

- E1 **Paragraph 13** Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
(b) to make an order or direction under any enactment.

Planning, Protective Services and Licensing Committee

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

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

Councillor Alastair Redman
Councillor Richard Trail

Councillor Sandy Taylor

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 AUGUST 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Lesley Montague, Senior Solicitor
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
David Love, Area Team Leader – Mid Argyll, Kintyre and the Islands
Arlene Knox, Senior Planning Officer
Malcolm Chattwood, Environmental Protection Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Graham Archibald Hardie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 19 June 2019 at 11.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 19 June 2019 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 19 June 2019 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 26 June 2019 was approved as a correct record.

**4. THE SCOTTISH GOVERNMENT ON BEHALF OF LUC: SECTION 36
CONSULTATION FOR PROPOSED WIND FARM: AIRIGH WIND FARM, SOUTH
WEST OF TARBERT (REF: 17/02484/S36)**

The Committee at their meeting 22 May 2019 agreed to object to this Section 36 wind farm proposal. The Council's objection to the proposal was submitted to the Energy Consents Unit on 23 May 2019. It was confirmed that this matter was now before the Committee as further information had been received which was

considered a material change and required clarification from Members. The Development Manager referred to supplementary report number 4 which provided clarification in respect of the consultee response submitted by South Knapdale Community Council to the Energy Consents Unit and advised of a consultee response from Ardrishaig Community Council which was not previously reported to the Committee. Additional late representations were also circulated to the Committee from Mr J Lithgow, Force 9 Energy and Directors of Port Bann Holiday Park. In view of these Community Council consultee responses and late representations received, confirmation from the Committee was sought on whether or not they wished to amend their objection to the Section 36 consultation on the proposed Airigh Wind Farm.

Motion

To agree to reaffirm that the Council should object to the proposals on the grounds agreed by the PPSL Committee on 22 May 2019 as set out in section 4 of supplementary report number 4.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman

Amendment

To agree not to object to this proposal for the following reasons:-

1. Landscape impact is minimised given that the site sits lower in the landscape due to the surrounding topography and as such it does not have a significant impact on the Upper Forest Moor Mosaic and the Rocky Mosaic character types.
2. The location of the proposed wind farm is distant from visual receptors and as such the impact is minimised by this separation and as such it does not have a significant adverse visual impact on the appreciation of South Knapdale.
3. The distance from existing wind farms is substantial which minimises the cumulative impact that can be perceived. Given that the proposed wind farm will sit in a bowl it will not extend the cumulative visual impact from Kintyre into Knapdale.
4. Given the compact footprint of the proposed development site, the variable height of the turbines nevertheless creates a homogeneous grouping which can be assimilated into the landscape having regard to the proposed layout of the turbines, it is considered that this clearly lessens the visual impact and does not give a jumbled appearance. As such, it is also considered that this is therefore fully acceptable in landscape terms, particularly from the viewpoint at Gigha North End which is approximately 14 km away.

Given those views, the PPSLC agrees to raise no objection on the basis of being consistent with the specified policies and guidance in the Local Development Plan.

Moved by Councillor George Freeman, seconded by Councillor Lorna Douglas

The Amendment was carried by 6 votes to 3 and the Committee resolved accordingly.

Decision

The Committee agreed not to object to the proposal for the following reasons:

1. Landscape impact is minimised given that the site sits lower in the landscape due to the surrounding topography and as such it does not have a significant impact on the Upper Forest Moor Mosaic and the Rocky Mosaic character types.
2. The location of the proposed wind farm is distant from visual receptors and as such the impact is minimised by this separation and as such it does not have a significant adverse visual impact on the appreciation of South Knapdale.
3. The distance from existing wind farms is substantial which minimises the cumulative impact that can be perceived. Given that the proposed wind farm will sit in a bowl it will not extend the cumulative visual impact from Kintyre into Knapdale.
4. Given the compact footprint of the proposed development site, the variable height of the turbines nevertheless creates a homogeneous grouping which can be assimilated into the landscape having regard to the proposed layout of the turbines, it is considered that this clearly lessens the visual impact and does not give a jumbled appearance. As such, it is also considered that this is therefore fully acceptable in landscape terms, particularly from the viewpoint at Gigha North End which is approximately 14 km away.

Given those views, the PPSLC agrees to raise no objection on the basis of being consistent with the specified policies and guidance in the Local Development Plan.

(Reference: Report of Handling dated 22 December 2017, supplementary report number 1 dated 22 January 2018, supplementary report number 2 dated 6 February 2018, supplementary report number 3 dated 20 May 2019 and supplementary report Number 4 dated 13 August 2019, submitted and late representations, tabled)

Councillor George Freeman left the meeting at this point.

5. **SCOTTISH GOVERNMENT PER SSE: SECTION 36 CONSULTATION FOR PROPOSED WIND FARM: BLAIRGHOUR WIND FARM (REF: 18/01216/S36)**

Consideration was given to the recommended response to the Scottish Government's Energy Consents and Development Unit Section 36 consultation regarding the proposed Blarghour wind farm. The Senior Planning Officer spoke to the terms of the report. In Scotland, any application to construct or operate an onshore power generating station, in this case, a wind farm, with an installed capacity of over 50 megawatts requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of consultee along with various other consultation bodies. The site is located within Mid Argyll, between Loch Awe and Loch Fyne and lies approximately 7 km to the north west of Inveraray and approximately 4.5 km to the south of Portsonachan. The proposal would comprise

17 turbines of a maximum ground to tip height of 136.5m and other elements as detailed at Section A of the report of handling. At the time of writing the report a total of 105 letters of representation had been made to the Scottish Government's Energy Consents Unit – 65 in support and 40 objections. Officers have concluded that for the reasons set out in the report, the proposed development does not accord overall with the relevant provisions of Scottish Planning Policy and the Local Development Plan and that there were no material considerations which would justify anything other than the Council objecting to this proposal.

Decision

The Committee agreed that the Council as Planning Authority objects to this proposal for the following reasons and that the Scottish Government be notified accordingly:

1. Peat

Argyll and Bute Council will not support development proposals which do not protect, conserve or where possible enhance soils and peat. Argyll and Bute Council will only support development where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development. Development that would potentially have a significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is satisfactorily demonstrated that: such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; and a soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how any impacts will be mitigated as much as possible.

The proposed development will have significant adverse impacts on the nationally important carbon-rich soils, deep peat and priority peatland habitat which are present on the site. The significant effects of the proposal on this area have not been substantially overcome through siting, design or other mitigation, as required by Local Development Plan Policy and Scottish Planning Policy. The presence of high quality and extensive blanket bog on deep peat makes this an unsuitable site for a large scale wind farm. The proposal will damage nationally important carbon-rich soils, deep peat and priority peatland habitat.

Therefore Argyll & Bute Council objects to this application as it will damage nationally important carbon-rich soils, deep peat and priority peatland habitat.

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 local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have damage nationally important carbon-rich soils, deep peat and priority peatland habitat and is therefore inconsistent 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; SPP (2014); Onshore wind policy statement, (January 2017).

2. Landscape Impact

Argyll and Bute Council will assess with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Argyll and Bute Council will resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) identifies a number of strategic recommendations for Argyll and Bute which the development contradicts, in the case of recommendations for Loch Awe substantially and in the case of Loch Fyne to a smaller extent:

- ‘To conserve the rich scenic character found at the northern and southern ends of Loch Awe by locating additional wind farm development so it is well set back from the outer edges of the surrounding uplands of the Craggy Upland(7)’;
- To follow the established pattern of larger wind farm development associated with less sensitive landscapes and to minimise impacts on smaller scale settled landscapes by locating development well back into the interior and considering limitations on the height of development;
- Conserve the character and integrity of inner Loch Fyne by avoiding wind farm development on steep hill slopes and skylines

Recommendations for the Loch Awe area state that there is no scope for additional wind turbines over 130m and limited scope for turbines (80-130m high) to be accommodated either side of Loch Awe. The remaining undeveloped parts of these upland landscapes are often more constrained as they lie closer to more sensitive settled areas and valleys.

The turbines would be located in the ‘Craggy Upland’ Landscape Character Type (LCT7) on the higher ground to the east of Loch Awe. This ridge forms the immediate setting and landscape backdrop and skyline to the smaller scale 20 Rocky Mosaic LCT around Loch Awe and also the landscape backdrop of Loch Avich. The site is widely visible from around the Lochs and also from elevated views such as Ben Cruachan.

For the ‘Craggy Upland LCT7’ the Landscape Wind Energy Capacity Study (LWECS) identifies a high sensitivity to very large turbines (turbines over 130m) and a high to medium sensitivity to large turbines (100-130m). It finds that Large

turbines would be likely to impact on the smaller scale settled fringes and the shores of Loch Awe (LCT20) and inner Loch Fyne. If located on the outer edges of these uplands they would have potential to significantly increase effects on more settled and complex coasts, loch shores and islands.

Blaghour wind farm would bring a new, very large scale of wind farm development into the LCT 20 Rocky Mosaic and the LCT7 Craggy Upland which make up the shores, the settlements and roads around the Loch Awe and Loch Avich area.

Due to the size of turbines, its horizontal extent and also the proximity to Loch Awe the wind farm would be out of scale with the more intimately scaled landscape of the narrow Loch Awe. It would diminish the scale of the immediate landscape backdrop. This would result in a significantly heightened prominence and presence of large scale wind farms within this distinctive smaller scale landscape of the Lochs, in particular Loch Awe.

The Argyll & Bute Landscape Wind Energy Capacity Study also highlights the sensitivity that the Craggy Upland 7 is the landscape foreground in views from Ben Cruachan. VP 16 shows that the wind farm would be prominently visible in the foreground and rather than appearing set back, partly due to their size, the turbines would appear to encroach on the smaller scale landscape context of the Loch.

The proposal is not in keeping with the existing pattern of wind farm development around Loch Awe, which is set back from the immediate loch environs, and contradicts the strategic recommendation of the Argyll and Bute Landscape Wind Energy Capacity Study (A&B LWECS) to retain this pattern in order to conserve the rich and scenic character of Loch Awe.

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 local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse landscape impacts and is therefore inconsistent with the provisions of: 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; SPP (2014); and the Onshore wind policy statement, (2017).

3. Visual Impact

Argyll and Bute Council will assess with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Argyll and Bute Council will resist renewable energy developments where these are not

consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

Blarghour would introduce prominent and large scale wind farm visibility extensively around Loch Awe affecting areas with currently limited wind farm visibility such as the north-western shores, most - if not all - open and framed views of the Loch from the National cycle route NCN78 and unnamed road along the north-western side of Loch Awe, large parts of the open water; and affecting areas with no wind farm visibility such as the B840 (viewpoint 14 - B840 east of Ford) and the south-eastern shores of Loch Awe and parts of the open water.

The wind farm would be obvious in most views from around the Lochs and although the area along the routes is largely wooded there are continuous glimpses, panoramic openings and framed views which are important highlights of the scenic landscape experience when traveling along these routes. In these views Blarghour would form a key feature on the horizon. It would often be in the focus of the view, in several views diminishing landscape scale or dominating the view. These views would also be extensive along the western and eastern shoreline and from the open water, impacting on any water-based recreational activities such as fishing and boating.

In many of these views Blarghour would be closer and more prominent than in the views represented in the ES by VP10 (Kilmaha) and VP14 (B840 East of Ford).

In views along the north-western edge the prominence of the wind farm would be exacerbated by the in combination cumulative visibility with An Suidhe (as shown in VP10 at Kilmaha). When entering the Loch from the south on the B840 Blarghour would be central in the panoramic opening before the Loch comes into view (VP14) and would form a key feature in this scenic southern approach to Loch Awe, which is currently free of wind farm visibility. To the north of this location at VP14 along the B840, Blarghour would be visible from a series of access points to the loch-shores, and also from the ruins of Finchairn Castle. In these views it would be significantly closer and more prominent than shown in VP14.

Blarghour wind farm would introduce conspicuous large scale turbine visibility into scenic views around Loch Avich from Loch Avich road, which are currently free of turbine visibility. Although An Suidhe is theoretically visible along a significant stretch of road along Loch Avich, its actual visibility is very limited, often negligible or screened. The larger Blarghour turbines in contrast would be clearly visible and Blarghour's visibility alone would extend further back into the Loch where according to the ES's ZTV it would likely be clearly visible on the horizon.

The Blarghour turbines would be prominent and dominant on the immediate skyline in views from the settlements Dalavich and Inverinan. The turbines both in their horizontal extent and overall turbine size would be a dominant component in views from the village, in panoramic views of the Loch from the jetty (VP2), views from the water and the southern approach to the village on the road, resulting in a major significant adverse impact on residents, visitors and people in pursuit of recreational activities on the Dalavich loch shore. The significant adverse visual

impacts on the settlements would be exacerbated by the cumulative impacts of combined visibility with An Suidhe which, unlike as shown in VP1, would likely be unobstructed from most areas in the village.

Blarghour wind farm would be seen in views of Inveraray Town, Castle and Garden and Designed Landscape from east Loch Fyne, as represented by VP7 St Catherine's. From VP7, the scenic 180 degree view across Loch Fyne towards Inveraray would be affected by the visibility of sky lining blades over the high moorland backdrop behind the castle. This highly scenic view is sensitive and even though only a small proportion of the whole turbines would be seen, this would create a distracting focus and a disturbing image. Depending on the micro-siting which allows for 50m variation, the blades/rotors could become more visible. According to the ES, from VP7 visibility would be limited to the blades of turbines 11, 12 and 13.

Blarghour wind farm would be extensively visible around the Loch Awe and Loch Avich area introducing prominent visibility of large scale wind farm development into the central and southern part of Loch Awe and the northern side of Loch Avich, areas where wind farm visibility is currently limited or absent.

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 local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse visual impacts and is therefore inconsistent with the provisions of: 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; SPP (2014); and the Onshore wind policy statement, (2017).

4. Cumulative Impact

Argyll & Bute 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 landscape and visual impacts, whether individual or cumulative.

The Argyll & Bute Landscape Wind Energy Capacity Study states that cumulative effects are a key constraint and the height of additional development needs careful consideration in relation to older existing wind farms and to reduce visual prominence from key views from roads/recreational routes and settlements.

The proposal both on its own and cumulatively would be a large development in a prominent position and would significantly affect the experience of the landscape and the distinctive landscape character of Loch Awe, its settled shores and surrounding uplands.

Blarghour would be located around 4.5km north of the existing An Suidhe wind farm which consists of 24 turbines of 83m height. The two wind farms would be seen next to each other over a wide area, in particular in views from the west along the minor road and the National Cycle route, the settlements of Dalavich and Inverinan, and part of the road to and along Loch Avich. They would be significantly different in turbine height and design. The Argyll Landscape Wind Energy Capacity Study anticipates significant cumulative effects due to contrast in turbine size and multiple developments seen on skyline ridges. This difference in scale and in some cases also the extent of skyline occupied by wind farms would result in significant adverse cumulative visual impacts around the Loch Awe area. In many views, such as along the north-western edge of Loch Awe the two wind farms would create a confusing image. In VP10 for example An Suidhe turbines which would be seen across the Loch at 5.7km distance would appear slightly smaller but roughly the same size as Blarghour in the far distance at 9.8km. Adverse impacts would also arise from the inverted relationship of larger turbines on the smaller landform and smaller turbines on the larger landform. This would be most obvious from the settlements affected as demonstrated by Fig.4.10.c. when using the wireline. The two wind farms with turbines of significantly different size and shape when seen on the same horizon would create an unbalanced and inharmonious image. These cumulative impacts would be significant in the settlements of Dalavich and Inverinan and the Loch Avich Road when approaching Loch Awe as seen in VP 3, Fig. 4.11.c with cumulative wireline, where the two wind farms would be seen at close proximity next to each other along the same skyline. From here the two wind farms combined would take up a significant extent of the skyline and landscape backdrop of the Loch and the two settlements.

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 local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse Cumulative Landscape and Visual impacts and is therefore inconsistent with the provisions of: 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; SPP (2014); and the Onshore wind policy statement, (2017).

5. Design

Argyll and Bute 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 landscape and visual impacts, whether individual or cumulative. Argyll and Bute Council will resist development with poor quality or inappropriate layouts.

It is considered that the turbines selected are too large for the receiving landscape, resulting in significant landscape visual and cumulative effects that cannot be mitigated. In views from the south the layout is unbalanced with regularly spaced turbines to the eastern end and separate clusters to the western end. In several of the views from the nearby settlements to the west stacking, overlapping and clustering of turbines causes additional adverse impacts by an unbalanced overly complex formation with overlapping blades.

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 local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the turbines selected are too large for the receiving landscape contrary to the provisions of: 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; SPP (2014); and the Onshore wind policy statement, (2017).

(Reference: Report by Head of Economic Development and Growth dated 8 August 2019, submitted)

6. GLAISTERS FARMS LTD: ERECTION OF 3 DWELLINGHOUSES: LAND NORTH WEST OF ARIZONA, TOBERONOCY, ISLE OF LUING (REF: 18/01526/PP)

The Development Manager spoke to the terms of the report. This application was first presented to the Committee on 17 April 2019 where Members agreed to its continuation to allow the Applicant to provide additional information to address concerns of the Planning Authority. The additional information has been received and is outlined in supplementary report number 2 along with details of a late representation to the application from Luing Community Council. Reference was also made to supplementary report number 3 which advised of a further 2 late representations received. Reference was also made to updated commentary from the Council's Flood Risk Adviser which was sought following concerns raised by an objector. The Flood Risk Adviser remains supportive of the proposal subject to an amendment to the wording at condition 5. Planning permission is sought for the erection of three detached dwellinghouses on an area of ground to the northwest of Arizona, Toberonochy, Isle of Luing. The site is situated within the Toberonochy Conservation Area and wider Knapdale and Melfort Area of Panoramic Quality and in the proximity of a number of Listed Buildings. Reference was made to the numbers of representations received both for and against the proposal. Officers considered that there would be no added value in holding a discretionary hearing in this case as objections did not give rise to any complex technical issues that could not be covered in the report. It is recommended that Members note the additional information submitted in support of the application and endorse the recommendation that planning permission be granted subject to the conditions and reasons numbered 1 – 4 and 6 – 12 appended to supplementary report number 3 which have been updated from those in the original report of handling to reflect the content of the Tree

Protection and Management Plan (TPMP) and subject to the amendment of condition 5 to reflect the updated response from the Council's Flooding Adviser.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons which incorporated an amendment to the height of the fence, referred to within condition 8, from 1.8 metres to 1 metre:

General

1. The development shall be implemented in accordance with the details specified on the application form dated 05/07/18 and the approved drawing reference numbers Plan 1 of 26 to Plan 26 of 26 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

Vehicular Access

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/002a at 90° to the public road with visibility splays of 2.4 metres to point X by 53 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions 1.05 metres above the access. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Parking and Turning

3. The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

Bin Store

4. Notwithstanding the provisions of Condition 1 – full details in plan form of a proposed bin store and enclosure at the junction with the public road shall be submitted and approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

Surface Water Drainage

5. Notwithstanding the provisions of Condition 1, no development shall commence on site until updated details of the proposed surface water drainage system have been submitted and approved in writing by the Planning Service in consultation with JBA Consulting. Such details shall show the surface water drainage system designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition and ensure that the post development 200 year plus climate change event is mitigated within the site boundary. The surface water drainage system submission shall include site investigation details; a method statement for surface water containment during construction; and maintenance details for the proposed system. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

Finished Floor Level

6. No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. Such a level shall be at least 0.3 metres above finished ground levels. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development and its surroundings and prevent surface water flooding.

Design and Finishes

7. Notwithstanding the provisions of Condition 1, the windows to the front elevation of the proposed dwellinghouses shall be timber sliding sash and case units, full details of which shall be submitted in plan form and approved in writing by the Planning Authority prior to work starting on construction of the proposed dwellinghouses.

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

8. Notwithstanding the provisions of Condition 1, the proposed gates and fencing shall be no higher than 1 metre in height, full details of which shall be submitted in plan form and approved in writing by the Planning Authority prior to work starting on construction of the proposed dwellinghouses.

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

Trees

9. Notwithstanding the provisions of Condition 1, the development shall be undertaken in accordance with the provisions of the Tree Protection and Management Plan (TPMP) dated June 2019 except for proposals that relate to tree felling.

For the avoidance of doubt, this permission does not permit the felling of trees identified as T3, T4, T6, T10, T11, T13, T14 or T15. Whilst these trees are identified for removal in the TPMP as having a limited natural lifespan subsequent clarification provided on behalf of the developer has confirmed (by e-mail dated 15.07.19) an intent to retain these trees until such time a deterioration in their condition necessitates felling.

The tree protection measures identified in the TPMP shall be implemented for the full duration of construction works, and shall be applied to all trees within the development site, and not be solely limited the trees identified for retention in the TPMP.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

Landscaping

10. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Retention and details of any rebuilding of the stone boundary wall;
- iv) Location design and materials of proposed walls, fences and gates;
- v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted including details of new tree planting along the boundaries of the site;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

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

Boundary Wall

11. Notwithstanding the provisions of Condition 1 and Condition 10, no development shall commence on site until a topographical survey of the existing stone boundary wall has been undertaken detailing its precise position within the site plotted on an updated site plan to be submitted to and approved by the Planning Authority.

Reason: In the interests of clarity.

Telephone Box and Post Box

12. Notwithstanding the provisions of Condition 1, the telephone box and post box shall be retained within the site to the satisfaction of the Planning Service.

Reason: In the interests of public amenity.

(Reference: Report of Handling dated 1 April 2019, supplementary report number 1 dated 16 April 2019 and supplementary report number 3 dated 19 August 2019, submitted)

7. MACLEOD CONSTRUCTION LTD: VARIATION OF CONDITION 8 (NOISE LEVELS) RELATIVE TO PLANNING PERMISSION 18/02399/MIN - PERIODIC REVIEW OF MINERAL PLANNING PERMISSION (DETERMINATION OF CONDITIONS TO WHICH MINERAL PERMISSION IS TO BE SUBJECT - ROMP FIRST REVIEW) FOR SAND AND GRAVEL EXTRACTION WORKS - PREVIOUS REFERENCES:- AG/86/DM4 AND AG/89/1256: QUARRY, UPPER LARGIE, KILMARTIN, LOCHGILPHEAD (REF: 19/00879/PP)

The Area Team Leader spoke to the terms of the report. Before commencing his presentation he referred to an error at section P of the report and confirmed that there were no crushing operations at the site. The site is the existing Kilmartin Quarry which has been worked for a significant period of time with permissions extending back to 1986. The portion of the site to which this permission relates has been worked with the processing equipment still in situ. Permission has been granted for an extension to the west. This submission is a follow up to a previous approval under schedule 10 of the Town and Country Planning (Scotland) Act 1997 (as amended) commonly referred to as Review of Old Minerals Permission (ROMP). The purpose of the ROMP was not to review the status of the permission but to review the conditions to ensure they were up to date and fit for purpose in respect of continuing working of the quarry. This process is undertaken every 15 years regardless of the length of permission. Following approval of the updated ROMP conditions the Applicant has requested that condition 8 (noise levels) is varied by means of an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to allow for a higher noise limit than that already approved. The current level allows for a 3dB above background noise limits whereas the application is seeking 10dB above background. PAN 50 indicates that a minimum fixed limit of 45dB(A) due to quarry operations is appropriate in quiet rural areas. Officers recommend that, when considering PAN 50 and the advice from Environmental Health Officers, that the application be approved and the condition amended to reflect a higher noise limit but below that requested by the Applicant. This would be consistent with the requirements of policy SG LDP MIN 2.

Decision

The Committee agreed to approve the application subject to the variation of condition 8 as detailed below:

Noise

8. The Noise Rating Level attributable to the operation of the approved development shall not exceed 45dB(A) at any residential property measured and assessed in accordance with BS4142:2014.

Reason: In order to protect the amenities of the area from noise nuisance

(Reference: Report by Head of Development and Economic Growth dated 2 August 2019, submitted)

Councillor Donald MacMillan left during consideration of the foregoing item.

8. **MR KENNEDY: ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS: LAND EAST OF TIGH NA MARA, ARINAGOUR, ISLE OF COLL (REF: 19/01124/PP)**

The Major Applications Team Leader advised the Committee that the Applicant had withdrawn his application.

Decision

The Committee noted the withdrawal of the Application.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2019, submitted)

Councillor Sandy Taylor left the meeting at this point.

9. **SIMPLY UK: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF RESIDENTIAL CARE HOME (AMENDED DESIGN): 102A SINCLAIR STREET, HELENSBURGH (REF: 19/01410/PP)**

The Major Applications Team Leader spoke to the terms of the report and to 2 supplementary reports advising of further representations received. Reference was also made to a further 3 late representations received after publication of the supplementary reports. Planning permission is sought for the erection of a 64 bedroom residential care home on a former Council depot site located within the settlement boundary of Helensburgh. The site is also within the Upper Helensburgh Conservation Area and some 70m west of a War Memorial located within Hermitage Park. A total of 58 emails and letters of objection have been received from 53 individuals and organisations. Concerns have been raised by the Built Heritage Conservation Officer and Historic Environment Scotland. Given the number of representations received, the range of determining issues and that the Council has an interest in the site, it is recommended that a discretionary pre-determination hearing be held in respect of this application.

Decision

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

(Reference: Report by Head of Development and Economic Growth dated 2 August 2019, supplementary report number 1 dated 19 August 2019 and supplementary report number 2 dated 20 August 2019, submitted)

10. SERVICE ANNUAL PERFORMANCE REVIEW 2018-19

A report presenting the Committee with the Service Annual Performance Review (APR) 2018-19 for Planning, Housing and Regulatory Services was considered.

Decision

The Committee agreed to endorse the Service APR 2018-19 as presented.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 10 June 2019, submitted)

Councillors MacMillan and Taylor returned to the meeting at this point.

11. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2017/18 - ANALYSIS AND COMMENTARY

A report presenting the final Local Government Benchmarking Framework (LGBF) 2017/18 data for Argyll and Bute which includes our 'Telling Our Story' and 'Looking Forward – Expected Impact on Indicator' commentary from Heads of Service was considered.

Decision

The Committee:

1. considered and noted the report for scrutiny activity and performance reporting purposes; and
2. noted that the completed LGBF 2017/18 was published on the Council's website as part of the Council's statutory Public Performance Reporting duty.

(Reference: Report by Executive Director with responsibility for Customer Support Services dated 21 August 2019, submitted)

12. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report summarising the outcome of a recent appeal against the non-determination of application 18/01444/PP on land to the north of Cardross Primary, Barrs Road, Cardross was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth, submitted)

13. PLANNING PERFORMANCE FRAMEWORK 2018/19

A report introducing the 2018/19 Planning Performance Framework (PPF) Annual report as required by the Scottish Government Planning Reform Agenda was before the Committee for information.

Decision

The Committee noted the Planning Performance Framework 2018/19 and that an update report would be submitted detailing Scottish Government feedback at the appropriate time later in 2019/20

(Reference: Report by Executive Director – Development and Infrastructure Services dated 31 July 2019, 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 2 items of business on the grounds that they were 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.

14. ENFORCEMENT REPORT - REFERENCE 19/00096/ENOTH3

Consideration was given to enforcement case reference 19/00096/ENOTH3.

Decision

The Committee agreed the recommendation detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2019, submitted)

15. TREE PRESERVATION ORDER

Consideration was given to a report bringing to Members' attention the request for a Tree Preservation Order (TPO) under The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

Decision

The Committee agreed to the recommendation detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 21 August 2019, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 AUGUST 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Annette Weaver, Solicitor
Sgt Iain MacNicol, Police Scotland
Allan Gallacher, Licence Holder
Jane MacLeod, Licence Holder's Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Mary-Jean Devon, George Freeman, Graham Archibald Hardie and Roderick McCuish.

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 outlined the procedure that would be followed and before inviting Police Scotland to speak in support of the Chief Constable's complaint, the Committee agreed to the circulation of a letter from the Licence Holder's lawyers who represented him in Court.

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 was sent to the Procurator

Fiscal. He confirmed that Mr Gallacher pled guilty at Court on 19 June 2019 and that he was fined £135 and had his licence endorsed with 3 penalty points.

LICENCE HOLDER

Mrs MacLeod spoke on behalf of Mr Gallacher. She advised that he was 69 years old and had been married almost 50 years and had 2 daughters and 5 grandchildren. She advised that he was a retired postman and that he had also been driving taxis since the mid-1970s. She referred to the day in question when the incident happened and explained that Mr Gallacher had stopped on Hillfoot Street, Dunoon to allow a passenger to call into her work premises to get money to pay for her fare. She explained that the street was very busy at the time with traffic, pedestrians and children going to school. She advised that while Mr Gallacher was negotiating to a car parking space he failed to notice the lollipop man who had stepped off the pavement onto the road. She referred to the letter circulated to the Committee and pointed out that a video of CCTV footage was watched by the Court and that it had been decided by the Court that what had happened was at the lower end of the scale of careless driving. She said that Mr Gallacher had made an unfortunate mistake which he had admitted to. She advised that he had provided a valuable driving service to Dunoon since the mid-1970s and that he had an unblemished record. She said that he had worked very hard for his family and his country and she suggested that to suspend his Taxi Driver Licence would be a step too far. She stated that the Court decided that this was at the lower end of the scale of careless driving and that he had been imposed with a small fine and only 3 penalty points. She said that his punishment at Court was enough, given his long and unblemished record and she asked the Committee not to suspend Mr Gallacher's licence.

MEMBERS' QUESTIONS

Councillor Kinniburgh sought and received confirmation from Mr Gallacher that he was not speeding at the time of the incident. He said he was crawling to a parking space. Mr Gallacher also confirmed that later in the day, when he was on the taxi rank, the lollipop patrol man approached him and that it was only at that point he was made aware that he had not stopped for the patrol man. Mr Gallacher explained that he apologised and that the patrol man had said that he could see that Mr Gallacher was distracted at the time. Mr Gallacher said that this was the first time he had made a mistake in his life. He confirmed that he had not been aware of the patrol man at the time as he was busy watching for children, cars and vans at that time in the morning. He also advised that he was normally super cautious on that street even when the schools were off as it was such a busy street.

Councillor Kinniburgh asked Sgt MacNicol to confirm when Police Scotland first became involved in this matter. Sgt MacNicol advised that the school crossing patrol man had reported the incident to the Police. He confirmed that he had seen the CCTV footage and though it was not the crime of the century, the lollipop man was on the road and people had just come off the road onto the pavement. He said that the taxi had kept crawling along and had disobeyed the sign to stop held by the school crossing patroller.

Councillor Kinniburgh sought and received confirmation from Sgt MacNicol that the patrol man had come on to the street on the other side of the road from the taxi and that he had returned to the pavement on that same side, opposite to where the vehicle was.

Councillor Kinniburgh asked for Mr Gallacher's version of events. Mrs MacLeod explained that it was a busy time of the morning with school children, vans and cars. She said that Mr Gallacher had been distracted by his passenger not having her fare that that he had been distracted looking for a parking space and it was at this point when he was looking for a space that he did not see the patrol man step off the road. She confirmed that Mr Gallacher was dropping his passenger off at her place of work.

Councillor Kinniburgh asked if Mr Gallacher was crawling to let the road clear. Mrs MacLeod advised that he was crawling trying to get to a parking place and that he had not noticed the patrol man on the road. She said that Mr Gallacher was aware of pedestrians and vehicles etc but did not see the patrol man.

Councillor Blair sought and received confirmation from Mr Gallacher that he had previously received 3 penalty points on his licence for speeding in 2011.

Councillor Blair asked Sgt MacNicol if 3 points on a licence was the minimum that could go on a licence. Sgt MacNicol confirmed that 3 penalty points was the minimum and that there was scope to increase that.

Councillor Kinniburgh asked Sgt MacNicol if it was still the view of Police Scotland that Mr Gallacher's Taxi Driver's Licence should be suspended. Sgt MacNicol confirmed this to be the case.

Councillor Kinniburgh referred to the incident being described as being at the lower end of careless driving. Sgt MacNicol advised that these were the words used by the defence lawyers. He pointed out that at the end of the day it was not speed that was the issue, but the fact that Mr Gallacher had disobeyed the sign to stop when the lollipop man was in the middle of the road.

Councillor Kinniburgh sought and received confirmation from Mr Gallacher that the parking space was beyond the patrol man. Mr Gallacher said that Hillfoot Street was only one way at the time.

Councillor Moffat questioned why the Committee had only received the one letter from Police Scotland which advised of the incident before the case had come to Court. She indicated her surprise that a follow up letter had not been received advising on the outcome of the Court case. She questioned whether or not you would expect more than 3 penalty points if you were found guilty of careless driving. Sgt MacNicol advised that the minimum was 3 points and a fine of £100 and that you could get a ticket at the side of the road for that. He advised that Police Scotland's view was the facts of the case had not changed regardless of the Court result. He said that the act had still happened and that had not changed. He confirmed that he knew what had happened back in December when this issue was first brought to the Committee's attention.

Mrs MacLeod said that she could not speak for Police procedure and she did not know why a follow up letter from Police Scotland advising on the outcome of the Court case had not been sent. She said that the facts of what happened were not in dispute but her contention was that Mr Gallacher was not a serious threat to public order or public safety. She said that he was a responsible taxi driver and had been

so for a very long time and that he had not been in any trouble before apart from a minor speeding incident in 2011. She asked that his Licence not be suspended.

Councillor Currie asked Mrs MacLeod if she would agree with him that this Committee was not a Court of Law and that the Committee were not deciding whether or not Mr Gallacher was in the wrong. He said that the Committee were here to judge whether or not he was a fit and proper person to drive a taxi. Mrs MacLeod agreed with Councillor Currie. She said that the Court matter was behind us and that Mr Gallacher had been driving taxis safely for many years and that there was no threat to public order.

Councillor Kinniburgh sought and received confirmation from Mrs MacLeod that initially Mr Gallacher had pled not guilty and that after discussions had changed his plea to guilty. She advised that the CCTV film was watched by the Sheriff who decided that the act was at the lower end of the careless driving scale and that he had imposed a small fine and points on Mr Gallacher.

SUMMING UP

Police Scotland

Sgt MacNicol reiterated the fact that Mr Gallacher had basically not stopped as required on the instruction of the lollipop man who was on the street to assist people to cross the road. He said that the vehicle slowly progressed towards the man and continued to do so once the people had crossed the road. He advised that it was slightly concerning that the mitigating issues were that it was busy and Mr Gallacher had been distracted. He said that Mr Gallacher should have stopped especially if it was busy with lots of people about and he was distracted by his passenger. He said that the safe thing to do would have been to stop as he was required to do.

Licence Holder

Mrs MacLeod confirmed that Mr Gallacher had pled guilty and had admitted his mistake. She said that 3 points was a small fine. She advised that she had already described his length of service as a taxi driver and said that he was an asset to the community and that this was someone who was supplementing his pension with taxi driving. She advised that he did not pose a serious threat to public safety or order. She said that he regretted what had happened and she asked the Committee not to suspend his licence.

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

DEBATE

Councillor Redman advised that he was someone who held a strong belief in law and order. He referred to the 3 penalty points and £135 fine and the suggestion that perhaps this incident was at the lower end of the scale when it came to traffic violations. He questioned whether the Committee would be willing to strip a man of his livelihood in addition to the Court decision. He commented that Mr Gallacher was not taking anything out of the system and that he had always paid into the system and that otherwise he was a safe driver. He advised that morally it would be hard for him to support taking Mr Gallacher's Licence away.

Councillor Blair referred to the street outside Dunoon Primary School at the other end of the day. He suggested that other aspects of traffic management needed to be raised with Roads Officers to see if a risk assessment of traffic management could be carried out. He advised that he could understand how Mr Gallacher could have made a mistake and acknowledged that he had paid for that mistake. He suggested that in future Mr Gallacher would be mindful the next time he seen a lollipop man. He advised that he thought it would be quite reasonable in this case for the Committee not to take Mr Gallacher's Licence away.

Councillor Kinniburgh advised that from what had been said today he was surprised that the school crossing patrol officer had not raised the issue with Mr Gallacher at the time of the incident. He said that the Patrol Officer had the responsibility of seeing people safely across the road so maybe he wanted to continue with that and wait until later to address the incident. Councillor Kinniburgh advised that he took a different view from his colleagues. He said that he thought this was an incident that Mr Gallacher regretted. He noted what was said about the road being busy at the time and advised that it was his view that when a road is busy and when there are children crossing the road and you are aware of them crossing the road then you should stop until the road is clear of everyone. He confirmed that it was his view that Mr Gallacher's Licence should be suspended.

Motion

To agree to suspend Mr Gallacher's Taxi Driver's Licence as he was no longer a fit and proper person to be the holder of that Licence.

Moved by Councillor David Kinniburgh, seconded by Councillor Sandy Taylor

Amendment

To agree not to suspend Mr Gallacher's Taxi Driver's licence.

Moved by Councillor Alastair Redman, seconded by Councillor Robin Currie

Councillor Currie explained why he was supporting the Amendment. He advised that Mr Gallacher had accepted his guilt and that he had been to Court and accepted the fine and paid the price. He advised that it was his opinion that Mr Gallacher was remorseful and for these reasons he did not think this meant Mr Gallacher was not a fit and proper person to drive a taxi.

Councillor Taylor explained why he supported the Motion. He advised that as a taxi driver, Mr Gallacher was a professional that had to drive to a higher standard and that he was trusted with members of the public. He said that the conflicting demands of passengers and obstacles on the road were the stuff of life for a taxi driver. He advised that Mr Gallacher sought to ignore a duly authorised person and that he put that person at risk. He confirmed that for these reasons he considered Mr Gallacher not to be a fit and proper person to hold a Taxi Driver's Licence.

Councillor Redman in support of his Amendment, said that this Committee was not a Court of Law and that the Committee were being asked to assess Mr Gallacher's fitness to hold a badge. He commented that 3 points and £135 fine was close to a minimum which, he said, told you what you needed to know. He confirmed that he thought it would be unreasonable to strip a person of his livelihood for this.

Councillor Kinniburgh advised that he slightly disagreed with Councillor Currie's comment that Mr Gallacher had accepted his guilt. He pointed out that Mr Gallacher had not pled guilty in the first place. He advised that the Procurator Fiscal was unwilling to accept a plea of not guilty.

Motion 2 Amendment 7

On a show of hands vote the Amendment was carried by 7 votes to 2 and the Committee ruled accordingly.

DECISION

The Committee agreed not to suspend Mr Gallacher's Taxi Driver's licence.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 AUGUST 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Annette Weaver, Solicitor
Sgt Iain MacNicol, Police Scotland
Andrew McCunn, Licence Holder

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Mary-Jean Devon, George Freeman, Graham Archibald Hardie and Roderick McCuish.

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. 5463) (A MCCUNN, LOCHGOILHEAD)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited Police Scotland to speak in support of the Chief Constable's complaint.

POLICE SCOTLAND

Sgt 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 suspends Mr McCunn's licence. He advised that the Chief Constable complained in terms of Paragraph 11(2) of Schedule 1 of the Act, that Mr McCunn was no longer a fit and proper person to hold the licence and in, terms of Paragraph 11(2)(c) 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 threat to public safety. In support of the Chief Constable's request Sgt MacNicol read out the details of an incident which occurred on 22 July 2019. He confirmed that a report had been submitted to the Procurator Fiscal and that as the matter was sub-judice, he was constrained with regard to the nature of any further information he could provide at this time.

LICENCE HOLDER

Mr McCunn confirmed that he held a Taxi Driver's Licence and a Taxi Operator's Licence and that the incident occurred when he was not working. He advised that the Court had yet to decide on the matter and that currently he was the only taxi driver in Lochgoilhead.

MEMBERS' QUESTIONS

Councillor Douglas sought and received confirmation from Sgt MacNicol that the outcome of the charge was not known at the moment as the matter had still to come to Court.

Councillor Currie sought and received confirmation from Mr McCunn that the alleged incident happened while he was off duty as a taxi driver.

Councillor Currie asked Mr McCunn if he could tell his side of the story. Mr McCunn advised that he would tell the Committee as much as he could without incriminating himself. He then went on to describe what happened on 22 July 2019.

Councillor Taylor said that he felt uncomfortable discussing this case. He advised that if Mr McCunn had a solicitor with him today, then the solicitor would not be wanting the Hearing to proceed. He asked if Members would agree that the Committee should defer consideration of this matter until it had been dealt with at Court.

Councillor Kinniburgh sought and received confirmation from Mr McCunn that he had no one else to drive his taxi as there was no one willing to give up their Friday and Saturday nights. Mr McCunn advised that if his licence was suspended he would have to sell his taxi.

Councillor Kinniburgh asked how often Mr McCunn drove his taxi. Mr McCunn replied that he was available all the time and was busy mostly at nights. He said that Monday through to Thursday was usually pre bookings. He said that in the summer it could get really busy and he referred to working at wedding venues in Lochgoilhead. He advised that he had been working part time for Argyll Holidays checking the lodges and caravans. He said that he got his taxi badge when he retired and has made a good business out of it as he was the only taxi in Lochgoilhead. He advised that since he was granted his Operator's Licence he has been able to sit outside pubs. He confirmed he operated as a Private Hire from 2016 and was granted a licence for public hire in 2017 and has been operating as such since then. He said that he had a really good clientele, lots of good local people as well as lodge and caravan owners and he hoped that the Committee would take that into consideration.

SUMMING UP

Police Scotland

Sgt MacNicol advised that he did not have a lot more to say about the incident. He advised that Mr McCunn was charged and has made his first appearance at Court. He confirmed that the trial had still to happen. He noted what Mr McCunn had said about not working at the time but advised that it was still a serious allegation of

conduct of a taxi driver and that it was for the Committee to decide whether or not to suspend the Licence at this time.

Licence Holder

Mr McCunn advised that if he lost his Licence it would be quite a hardship for him and the village. He commented that there was rarely a police presence at Lochgoilhead and he suggested that since he started as a taxi driver drink driving in the area had reduced by 50%. He said that he would expect this to increase again if he lost his Licence.

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

DEBATE

Councillor Moffat advised that she did not think it was relevant that Mr McCunn was the only taxi driver. She said that what was relevant was the fact that this case was sub-judice and in the past on several occasions this Committee has deferred any decision until a case is heard at Court. She advised that she thought this was the way to go with this matter.

Councillor Currie advised that he agreed with Councillor Moffat. He said that the Committee should not consider the matter until it had been at Court to he would prefer to take no action today.

Councillor Redman advised that he very much echoed what his colleagues had said. He advised that he was always alarmed when Police Scotland used the term serious allegation. He advised that an allegation was just that and that this was a country where a person was innocent until proven guilty. He said that it was unfortunate that the Committee were being asked to make a judgement at this time.

Councillor Taylor agreed that the Committee should not take the matter any further today.

Councillor Douglas advised that she took on board that the allegation was serious but felt that the Committee did not have enough information before them at this time to make an informed decision and she asked that this be deferred.

Councillor Blair asked for the decision to be deferred. He also questioned the possibility of the Committee being able to view CCTV footage.

Councillor Kinniburgh referred to the Committee making decisions in the past to suspend a Taxi Driver's Licence if they also held an Operator's Licence and they had someone that could drive for them. He acknowledged that in this case Mr McCunn had no one else to drive his taxi. He referred to hearing what was said about this being a serious allegation and said that he agreed with what other Members had said about being innocent until proven guilty. He moved that this Hearing should be continued until the matter was decided by the Courts and that the Hearing could be held again at that time.

DECISION

The Committee unanimously agreed to continue consideration of this Hearing until the matter had been dealt with at Court.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the MAIN HALL, QUEENS HALL, ARGYLL STREET, DUNOON on WEDNESDAY, 28 AUGUST 2019

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Archibald Hardie	

Attending: Iain Jackson, Governance, Risk and Safety Manager
Howard Young, Area Team Leader for Bute & Cowal and Helensburgh and Lomond
Brian Close, Planning Officer
Marina Curran Colthart, Local Biodiversity Officer
Alan Fitzpatrick, Associate Planning Partner, Montague Evans – Applicant's Agent
Allan Campbell, Argyll Holidays – Applicant
Jackie McBurney, Argyll Holidays Ecologist - Applicant
Iain MacNaughton, Sandbank Community Council – Consultee
Juliette Gill, Hunters Quay Community Council – Consultee
Bronwyn Hosie, Objector
Fiona Wright, Objector
Jenifer Cousins, Objector
Ruhi Thallon, Objector
Margaret McMurtrie, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Mary-Jean Devon and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. ARGYLL HOLIDAYS: USE OF LAND FOR THE SITING OF 40 NO. HOLIDAY CARAVAN PITCHES, FORMATION OF ACCESSES AND ASSOCIATED INFRASTRUCTURE WORKS: HUNTERS QUAY HOLIDAY VILLAGE, HUNTERS QUAY, DUNOON, ARGYLL (REF: 18/02596/PP)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Compliance and Regulatory Manager to identify all those present who wished to speak.

PLANNING

Howard Young presented the application on behalf of the Head of Development and Economic Growth.

He advised that this was an application for Argyll Holidays for 40 new static caravan pitches on a site within the Camas Rainich Wood. At the May PPSL Committee the application was continued until today's hearing. He advised that Members were on site today and he then referred to a power point presentation which had been before the Committee at their May meeting. He highlighted the site in the context of the Local Development Plan and pointed out the site edged in red which related to 3.8 hectares within Camas Rainich Wood and was 500 metres long and 100 metres wide. He then highlighted various photographs which gave various views of the site. He advised that the original proposal was for 45 caravans and that this was reduced to 40, with the top part where the other 5 were originally proposed, now acting as an extra buffer to the development.

He pointed out that Planning Officers were required to assess all applications in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 and against Local Development Plan policies and other material considerations. He advised that two reports had been prepared with the report of handling including an Appendix covering an Area Capacity Evaluation (ACE). Supplementary report number 1 advised of additional representations both for and against the proposal which had been received since the May Committee along with consultee responses from Sandbank Community Council and Scottish Water. He confirmed that in assessing the application it was considered that there were 3 key issues that needed to be addressed: the scale of the development; the impact of the development on trees and biodiversity; and the impact on the character and amenity of adjacent residential properties.

He advised that policy LDP DM 1 indicated different scales of development for different development management zones. He pointed out that the site was within the countryside zone where policy LDP DM 1 was in favour of small scale developments. For caravans this would be up to 10 caravans, with medium scale over 10 and up to 50 caravans. He confirmed that this was a medium scale development and that policy LDP DM 1 allowed for medium and large scale developments subject to an ACE which in this case was set out in Appendix B of the report of handling. He advised Members that when they came to deliberate the application they would be required to assess the ACE and decide whether or not to support it. He advised that supporting the ACE would not mean support for the application, but it would become a material consideration in the determination of the application. The purpose of the ACE is to establish the capacity of the wider countryside containing the application site to successfully absorb the scale of development proposed. It involves an assessment of landscape sensitivity to the type and scale of development being proposed and is very detailed. He referred to the key characteristics of the ACE compartment (Hunters Holiday Village in its entirety) set out at section C of Appendix B. The ACE concluded that the receiving landscape had the capacity to accommodate the proposed development as it was considered appropriate in nature and scale and that this was for the Committee to agree with or not.

He then referred to the second issue relating to trees and biodiversity and advised that a tree survey had identified 860 individual trees on site consisting of a mixture of

plantation Scots Pine, Birch, Alder, Oak, Beech, Larch and Spruce; mostly mature and in variable condition. The proposed development would involve the removal of 88 trees in total, 27 of which were classified as “good”, 32 “fair” and 29 “poor. Of the 88 trees to be removed, 54 were coniferous evergreen trees (46 of which were plantation Scots Pine where 31 were under a height of 500 mm). The proposal has been the subject of extensive pre-application discussions. The area has been cleared of *Rhododendron ponticum* which was chocking the site. Clearing the site was not about opening gaps in the woodland to allow caravans to be added. He advised that the site was covered by a Tree Preservation Order (TPO). He said that there were substantial weaknesses in the TPO legislation advising that there was no requirement for a landowner to maintain a TPO woodland or trees. He advised that if there was no maintenance and a site became a health and safety risk then Health and Safety legislation would overrule unsafe trees. He advised that there were substantial benefits in trees being taken out as this allowed for regrowth and for new trees to be planted. It is considered the development would have no impact on the woodland.

He then referred to the character and amenity of the area and advised that the nearest property was 51 Cammesreinach Cresnet which was approximately 90 metres from the site edged red. He advised that there had been no objection from the Area Roads Officer and no objections from Scottish Water or the Flood Adviser. He said that SNH considered the development too small to comment on. He advised that in terms of amenity, given the separation distances, replanting and nature of the development he did not see this development having a detrimental impact on the properties to the east of the site. As such, assessing the proposal against policies and material considerations, he advised that he considered that the scheme should be supported. He acknowledged that there was always tension between economic development and the natural built environment. He confirmed that he was happy to recommend approval of the application subject to the conditions set out in the report.

Marina Curran-Colthart gave the following presentation:

My role as the Local Biodiversity Officer is to provide advice to Development Management on planning applications.

In terms of my presentation today, I will cover the proposed site, the habitats and species, site designations and associated policies and statutory consultee advice. But firstly I would like to commence with the Councils policy on Biodiversity from the current Local Development Plan:

SG LDP ENV 1— Development Impact on Habitats, Species and our Biodiversity

This policy provides additional detail to policy LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment of the Adopted Argyll and Bute Local Development Plan.

When considering development proposals Argyll and Bute Council will give full consideration to the legislation, policies and conservation objectives, contained within the following:-

- a) Habitats and Species listed under Annex I,II & IV of the Habitats Directive;

- b) Species listed under Annex I & II of the Birds Directive and Red and Amber status 'Birds of Conservation Concern';
- c) Article 10 Features under the Habitats Directive;
- d) Wildlife and Countryside Act 1981; (and as amended by the Nature Conservation (Scotland) Act 2004);
- e) Species listed on Schedules 1, 5, 7, 8, 9 and 14;
- f) Wildlife and Natural Environment (Scotland) Act 2011. A Code of Practice on Non-Native Species supports this Act.
- g) Protection of Badgers Act 1992

When considering development proposals the Council will also seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity Strategy. Proposals that incorporate and safeguard existing site interests within the design wherever possible will be encouraged. Applications for medium and large scale developments will be required to complete a biodiversity checklist.

Where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application.

The proposed application site extends to some 4.2 Hectares in Camas Rainich Wood, which is predominately former woodland plantation, dominated by *Rhododendron Ponticum* that has recently been cleared. It sits to the east of the main holiday centre building, and extends some 480m to the south and 120 to the east. The eastern most boundary of the site is defined by an existing forestry track, as is the northern boundary. To the south and east lies an existing plantation with an understory of dense *Rhododendron Ponticum*. The woodland is covered by a blanket TPO and is part of the Ancient Woodland Inventory.

Habitats

- a) Woodland mix- Scots pine (*Pinus sylvestris*), Alder (*Alnus glutinosa*), Birch (*Betula pendula*), Norway Spruce (*Picea abies*), Beech (*Fagus sylvatica*), Larch (*Larix decidua*) and a number of poorer specimens of Oak (*Quercus robur*) and Rowan (*Sorbus aucuparia*).
- b) There is an impoverished ground layer largely dominated by patches of *Calluna vulgaris* and *Vaccinium myrtillus*
- c) Small water course through the spine of the site
- d) Peatland-BAP habitat
- e) Reedbed- BAP Habitat
- f) Wetland area adjacent to the water course at the upper end of the site – see map.

Species

Surveys for Bats, Birds, Red Squirrel, Otter and Badger. Deer are ubiquitous throughout the woodland, in most places regeneration is evident.

In terms of my involvement I have under taken a number of site visits to the proposed development with planning colleagues since 2011 and with this application since 2017 where two site visits on 24 April and 7 July 2017 in order to gather biodiversity information about the site in order to assess the interest.

Subsequently I provided commented on the Screening 17/01985/SCREEN for a Environmental Impact Assessment-

- a) The woodland is dominated by Scots Pine, some Sitka Spruce, Oak, Beech, Birch, Alder and Willow and is covered by a blanket Tree Preservation Order and is on the Ancient Woodland Inventory which I will cover later in my presentation
- b) Some woodland management works (permission having been granted by the Planning Authority) was carried out notably, Rhododendron ponticum (Rp) clearance- an Invasive non-native species and the removal of some windblown trees (which would be deemed as dangerous) along with some trees that had suffered damage as a result of the Rp. removal.
- c) The clearance of the Rhododendron ponticum has revealed a peaty soil in a low-lying area situated in the centre of the site which is prone to water logging.
- d) There is a reedbed at the eastern end of the site in a ditch and in a low-lying area.

During the Pre- App process the following surveys with mitigation were requested:

- a) An Ecological survey with mitigation was requested and carried out about a suitably qualified person to focus on Bats (European Protected Species), ornithological interest for both the woodland and reedbed habitats along with Red Squirrel- as the latter is known in the area.
- b) A Tree survey was also requested to assess the number and condition of each of the trees. Post Rp control works
- c) As Peatlands are a national habitat priority, I required further information on the depth of and treatment of the peat during construction and post development if the Planning Authority is minded to grant permission.
This information was subsequently supplied in the form of a Peat Depth survey and included in the Peat Management Plan.

All these surveys were to inform the placement of the lodges in terms of a full planning permission application; I advised that the location of the lodges needs to be overlaid to identify where the existing trees are and to assess additional landscape work to support the integrity of the woodland as well as avoiding deep peat- which is more than 50cm deep

- a) The trees in relation to informing the position of the proposed holiday lodges were a key factor in terms of survey and mitigation so as to avoid damaging them, their roots and canopy and include wetland areas.
- b) A Re- planting plan was requested so that species were in keeping with the existing landscape allied with the retention of the Reedbed as this is both a local and national priority habitat.

Designations

The site is subject to a blanket woodland TPO; is on the Ancient Woodland Inventory and part of the Dunoon Green Network.

TPO 08/91 - Land at Hafton, Kennel Wood, Camas Rainich Wood. Listing in Ancient Woodlands Inventory as Long-established woodland of plantation origin.

In Scotland, Ancient Woodland is defined as land that is currently wooded and has been continually wooded, at least since 1750. Ancient Woods are important because:

- They include all remnants of Scotland's original woodland; their flora and fauna may preserve elements of the natural composition of the original Atlantic forests.

- They usually have much richer wildlife than that of more recent woods.
- They preserve the integrity of soil ecological processes and associated biodiversity
- Some have been managed by traditional methods for centuries and demonstrate an enduring relationship between people and nature.
- Woods and veteran trees are ancient monuments whose value to the local community and historians may be as great as that of the older buildings in a parish.
- Once destroyed, they cannot be recreated.

However, the advisory note does allow for development provided mitigation is in place, *'If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, potentially linked to the creation of green networks'.*

In relation to the proposed site for this application, the woodland is part plantation and part native species and was in very poor condition due to the influence of the *Rhododendron ponticum*, an INNS which has compromised the woodland integrity and biodiversity.

It has been proven that *Rp* as an INNS is responsible for the destruction of many native habitats and the abandonment of land throughout the British Isles. The reason for this is simple. Where conditions are suitable, *Rhododendron* will out compete most native plants. It will grow to many times the height of a person, allowing very little light to penetrate through its thick leaf canopy. This effectively eliminates other competing native plant species which are unable to grow due to insufficient light. This in turn leads to the consequent loss of the associated native animals.

This site is currently within the Dunoon Green Network. Extract from LDP:

SG LDP ENV 8 – Protection and Enhancement of Green Networks. This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council will encourage developments to contribute towards the creation, retention and improvement of Green Networks within and surrounding the Main Towns of Campbeltown, Dunoon, Helensburgh, Lochgilphead/Ardrishaig, Oban and Rothesay. Within defined Green Networks, development proposals will be expected to demonstrate that they safeguard and enhance the environmental integrity and functionality of the Green Network.

Justification

- a) Within Argyll and Bute a Green Network, describes the connectivity of areas of open space, natural habitats and pathways linking together natural, semi-natural and man-made corridors including leisure/recreational space, creating an interconnected network that provides opportunities for physical and recreational activity, enhancing biodiversity, the movement of species and the quality of the external environment and increasing accessibility within settlements and to the surrounding countryside.
- b) Argyll and Bute has identified Green Networks within and surrounding the Main Towns of Campbeltown, Dunoon, Helensburgh, Lochgilphead/Ardrishaig, Oban and Rothesay on maps that accompany this guidance.
- c) Development proposals affecting these Green Networks are expected to safeguard their integrity and improve the quality of these green networks in a manner that is proportionate to the scale and impact of the development proposed.

- d) The purpose of this policy is to ensure that Green Networks within and around Argyll and Bute's main towns increasingly form attractive settings for daily life, distinctive local identities for places, enhancing access to civic spaces, parks, playgrounds, and natural open space, and improving health and well-being within the wider community, enhancing bio-diversity and the movement of species, helping to mitigate against climate change, encouraging tourism and promoting sustainable use of scarce land resources.

This SG conforms to:

- NPF3
- SPP
- PAN 60 (Planning for the Natural Heritage)
- UK Biodiversity Action Plan
- Green Networks in Development Planning – SNH (2012)
- LDP Key Objectives A, E & G

In terms of Biodiversity Interest: the applicant has carried out the following surveys:

Tree and Ecological Survey- woodland management plan and includes a replanting scheme- All trees within the proposed development have been tagged and marked on Topographic Survey-Tree Health Schedule where 861 trees were assessed with 88 proposed for removal.

There is a Woodland Management plan 2018-2023 for this site- the current plan is acceptable.

Ecological Survey- Bats, Red Squirrel, Otters and Badgers – the results are outlined below.

Bats

At the time of the tree survey, trees were assessed for possible bat roosts. No obvious signs were evident within the area surveyed. The most likely trees to contain roosts would be the mature beeches and oaks to the north, bordering Islay Village and to the southeast, bordering the track to Cowal Golf Club. The nearest roost known is situated in the small building to the west of the Leisure Centre NGR. NS 1763 7937, which houses the T.V. system for that area of the park. This is a long established roost of *Pipistrellus pipistrellus*, with at least 12 years continuous use. Bats are known to forage throughout the park and the surrounding area. It is known that there are Common pipistrelle, (*Pipistrellus pipistrellus*), Soprano pipistrelle (*Pipistrellus pygmaeus*) and Brown long eared (*Plecotus auritus*) bats in the area. This has been established by using bat detectors and sighting over a number of years.

Red Squirrel. - Carried out from 6th - 9th May 2017

Camas Rainich Woodland as a whole hosts a healthy population of Red Squirrel and in general, there are signs of squirrel activity however, during the four day period of 6th to 9th May, there was little sign of activity observed within the survey area.

The majority of the trees in this area are Scots pine with an open canopy however, the trees most likely to contain dreys would be the Norway spruce with a dense

canopy which are scattered throughout the site. That being said, the majority of them are stand-alone trees. This, in combination with the recent removal of the understory of *Rhododendron ponticum*, would mean squirrels would have to come down from the canopy and cross open ground to reach the nearest stand of trees. This is unlikely as it would expose them to predation each time they left or returned to the canopy.

There is also a number of Norway spruce at the north end of the survey site which is in close proximity to the stand of mature Beech trees. The area has an understory of smaller trees and shrubs which would allow squirrels remain within the arboreal layer rather than come down to ground level.

In addition, the owners of caravans within Islay Village to the north of the survey site supply a regular food source for the squirrels.

Otter (*Lutra lutra*) - Carried out from 6th-9th May 2017

The survey area lies within the grounds of Hunters Quay Holiday Village. The site is a large holiday village containing 831 holiday homes, Leisure centre and auxiliary buildings and has been operating for 22 years. The park, in its entirety, borders Hafton House to the north and Cowal Golf Club to the south, Hunters Quay to the East and Kennel Wood to the West.

There is one watercourse within the survey site. This runs from the south and is fed from the wooded area NGR: NS 181 791, bordering Cowal Golf Club. It runs north to the Holy Loch and discharges into the loch at Hunters Grove NGR: NS 181 798

From the Cowal Golf Club, the water course is no more than a series of ditches cut through a boggy section of woodland/scrub. It then runs north through Camas Rainich Wood. From this point it flows to the showground east of the main Leisure Centre. This section has recently been cleared of *Rhododendron ponticum*. It then flows between showground and survey site, then down through the wood East of Islay holiday village, passing under the footpath leading to Hunters Quay then through four gardens at Hunters Grove it then passes under the A815 road and discharges onto the shore at the holy Loch NGR. NS 180 798.

The holiday park in its entirety is heavily used by holiday makers and locals from the surrounding area. Neither group has reported any sightings or submitted any photos of otters. There is no physical evidence of otters on the site, no spraint, no paw prints at any point along the water course. Due to the lack of physical evidence and no sightings/photographs, it must be assumed that there are no otters on the site.

Badger (*Meles meles*) - Carried out from 6th-9th May 2017

The survey area lies within the grounds of Hunters Quay Holiday Village. The site is a large holiday village containing 831 holiday homes, Leisure centre and associated auxiliary buildings and has been operating for 22 years. The park borders Hafton House to the north and Cowal Golf Club to the south, Hunters Quay to the east and Lochan Wood to the West.

The site is heavily used by holiday makers and locals from the surrounding area. None of these groups have reported any sightings or submitted any photos of badgers. There is no physical evidence of setts, dung pits, latrines or runs. It must be assumed that with lack of physical evidence and no sightings or photos submitted that there are no badgers on this site.

Birds: the site was checked for nesting birds at the time of the tree survey. None were recorded.

Deer- recorded on site.

Peat Management Plan (informed by a Peat depth survey)

Note that Peat is a priority habitat and is important for carbon sequestration. The survey informed the peat depth which revealed that 46 of the 64 depth points measured between 125 mm and 1760 mm with ... with 42 depth points over 500mm and considered deep peat.

The Plan is acceptable in terms of management retention of turves, use of peat in re-instatement, protecting the resource during construction- use of Bog Mats and engineering access routes to float.

Scottish Forestry have provided advice on woodland removal and on the proposed re-planting scheme which the applicant has followed.

Wet areas planting -species suggested for these areas are: Alder, Goat Willow, White Willow; Swamp Cypress and Aspen.

Higher Ground – species suggested for these areas are: Birch, Beech, Oak, Rowan, Hawthorn, Cherry, Scots pine and Western Hemlock.

Water feature and wetland areas

Extension of wetland area to a pond will facilitate a drainage ditch and help manage seasonal flooding, it will add an additional feature in terms of biodiversity and the wet woodland landscape. By installing this feature, it will assist in the reduction of water flow and ensuring that the Reedbed a Biodiversity Action Plan Habitat further down the site is not compromised by torrents of water.

A Construction Environment Management Plan has been conditioned with the work overseen by an Ecological Clerk of Works. Details of species, habitat and tree protection and Tool Box talks will be covered in the document by the ECoW.

In summary the site has been subject to woodland management relating to *Rhododendron ponticum* – an invasive non- native species allied with the removal of dead and damaged trees. Removal of such INNS is deemed as responsible management of any site as these species affect the quality and extent of the any habitat, in this case woodland; INNS compromise natural re-generation. This work has provided an opportunity for the applicant to develop a proposal for additional holiday units within the existing holiday site. This approach has been supported by statutory consultees.

Replacement planting has been agreed and natural regeneration of trees and ground cover as part of the TPO and will assist in the restoration of the woodland.

This application is supported by a number of surveys including ecological, tree, topographic and peat. The results of the species survey revealed that there is Bat roost potential and are known to forage in the area; Red Squirrel known in the area with regular sightings with visitors feeding them.

No signs or sightings of Otter or Badger were recorded.

In terms of the woodland in its current state and the proposal includes a number of measures to protect and enhance the site and its species during construction are in line with best ecological practice- albeit that permission is granted. A draft CEMP has been agreed in principle with Tool Box talks included for construction workers; this approach of protecting and enhancing (including timing of operations) is embedded in the proposed development.

The statutory consultees have provided additional information in terms of woodlands and their uses and in particular fitting such a development into a mix of plantation and natural woodland that not only will benefit visitors but with the recommended choice of tree species and natural re-generation will benefit biodiversity. The creation of a pond is a welcome addition to the site which will not only support wildlife and enhance a wetland habitat but add to the overall visitor experience.

The retention of the reed bed to the lower part of the site will continue its function as a habitat that supports related species i.e. dragon flies, damsel flies and bird species along with acting as a water filter.

In conclusion the site has been assessed according ecological standards which includes mitigation, retention of existing habitat allied with the addition of a pond; the applicant has used the clearance of the *Rhododendron ponticum* and removal of trees assessed as being in poor condition as an opportunity to expand and embrace the woodland setting for his tourism business whilst maintaining the integrity through a replacement planting and enhancement with an additional wetland habitat thus making a valuable contribution to the biodiversity of the woodland.

APPLICANT

Alan Fitzpatrick spoke on behalf of the Applicant and gave the following presentation:

Hunter's Quay Holiday Village is an award winning Holiday Park that is long established within Dunoon. The park employs 240 workers and also contributes significantly to the local area in terms of tourism economy. Argyll Holidays works closely with local businesses within the Argyll area which contributes further to the sustainability and growth of the local economy.

The holiday village has had a David Bellamy Gold environmental award for environmental sustainability for the last 14 years.

My name is Alan Fitzpatrick, I am an Associate Planning Partner with Montague Evans. I have 14 years' experience and have worked with Argyll Holidays on a number of planning applications since 2006.

I am here today to let you know why planning permission should be approved for the use of land at Camus Rainich for the siting of 40 holiday caravan pitches, formation of accesses and associated infrastructure works.

Pre-application discussions have been held with the Council since 2015 with a formal Proposal of Application Notice submitted to the Council in June 2017. The application for planning permission was then submitted to the Council in December 2018.

The proposals have been landscape led in order to maintain and enhance the diversity of the existing woodland. The proposed development is not visible from any aspect outside the holiday park. A number of reports have been submitted with the application including a Tree and Ecological Survey, Woodland Management Plan, Visual Impact Statement and Peat Management Plan. Currently the application site is in poor diversity but the proposals can increase the habitat for wildlife in the area.

An Area Capacity Evaluation (ACE) was prepared for the site and justifies that the site has capacity to accommodate a maximum of 40 holiday caravan stances. A significant portion of the woods will remain untouched and a natural visual and privacy buffer will be retained between the Holiday Village and residential properties at Cammesreinach Crescent and Victoria Road.

During the consultation period of the application, comments were received from a number of statutory consultees including Scottish Natural Heritage, The Woodland Trust, the Forestry Commission Scotland and Hunters Quay Community Council. SNH have no objections to the proposal with the Forestry Commission noting that compensatory planting to offset the permanent woodland loss due to the proposal.

There have been 39 objections received to the application and also 23 letters of support which recognise the importance of Hunters Quay Holiday Village particularly in terms of tourism, job creation and the local economy.

While we have sympathy with many of the comments which have been provided to the application, the proposed development is in accordance with the Argyll and Bute Local Development Plan, particularly policy LDP 5.

In summary, the Applicant has worked closely with Argyll and Bute Council since initial pre-application discussions began in 2015.

The proposed development will bring further tourism to the area and also further economic development benefits. Argyll Holidays are one of the largest employers within the area, who purchase supplies locally and encourage visitors to the area to shop and visit attractions locally. The proposals will provide a unique opportunity, enhance the existing wildlife and the proposed development will also result in the positive regeneration of Camas Rainich Wood. If planning permission is granted then a number of conditions will need to be discharged prior to development commencing.

We therefore respectfully request that you approve our planning application in accordance with the Planning Officer's recommendation of approval.

Thank you very much for your time.

CONSULTEES

Roads

Howard Young read out the following statement from Paul Farrell, Traffic and Development Officer, who was unable to attend the hearing.

The additional 40 units within the expanse of HQHV will not cause a significant increase in traffic movements when considering the overall scale of this recreation and leisure development. There are 2 parking spaces proposed for each new pitch, the geometry of the access road is acceptable. As the proposal will be for owner/occupier for these new caravans there should not be an increase of vehicles exiting at any prescribed checking out time, therefore not creating an increased peak to traffic movements. The traffic flows and queuing in the area especially the A815 Marine Parade Hunters Quay in the vicinity of Western Ferries have not been typical of past year due to the upgrading of terminal. During the course of the works the available queuing space in the Muster area has been reduced and only one link span serviceable both of which have reduced the service. Given the fact that by now or in the very near future the operation of all four link spans will not be tide dependent, this should provide a more efficient service in both directions.

Sandbank Community Council

Iain MacNaughton confirmed that he represented Sandbank Community Council in respect of this matter. He advised that given that Holyrood Parliament had recently declared a climate change emergency, it seemed astonishing that this proposal would involve the felling of 90 mature trees. He said that recommending approval of this development was surely not in keeping with the Scottish Government's intention to mitigate climate change. He advised that as this area was recognised and designated as an Ancient Woodland it should be protected. He suggested that the felling of 90 or so trees was vandalism of the first order. He advised that this could be a precedent for further intrusions into the forest. He said that Argyll and Bute Council needed to decide if it wanted to nurture and protect the Ancient Wood or facilitate its demise. He advised that the economy argument for the proposed scheme was flawed. He referred to caravans being exempt from Council Tax and said that the Holiday Park made sure there was no direct contribution to the local economy. He advised that the Holiday Park had very cleverly and successfully ensured the retention of visitors within its boundary with its restaurants, bars, sauna and children's play area all on the site. He said that local business, other the two supermarkets, received marginal benefit. He asked the Committee to reflect on these points and refuse the application.

Hunters Quay Community Council

Juliette Gill advised that her own position was that she was against this development even although she used to have a caravan at Hunters Quay Holiday Park. She advised that Hunters Quay Community Council was against this proposal for the same reasons as Sandbank Community Council. She said that they were concerned about the environment. She advised that it did not matter how well you tried to look after the wildlife, the amount of destruction would seriously affect it and that there was no way round that. She said that they also had concerns about human impact and the impact on the village. She advised that although they may not be able to see the development, they would be able to hear it. She referred to the increase in traffic and said this would be significant. She referred to people living on un-adopted roads and said the increase in traffic would cause serious disruption. She referred to Police reports which came to the Community Council and advised that even although crime levels were low in Hunters Quay, the majority of crime came from the Holiday Park. She advised that the closer the park got to the people that lived there, they more concerned they were. She also advised of concerns about the sheer volume of the park. She said that Hunters Quay was a small and quite village and that the

number of caravans was quite overwhelming. She referred to people not contributing to the local economy and advised that when they came off the ferry they turned right to the Holiday Park, with many only coming down to shop at Morrison's supermarket maybe once a week. She said that there was a need to have more diversity with tourist accommodation. She advised that they did not want caravans and chalets dominating the environment at the expense of bed and breakfast accommodation and holiday lets in the area. She said that they needed a wide range so that tourists had a genuine choice. She advised that the Community Council were not against the Park as such, but they were against its expansion. She said that the Applicants may have got on better if they had consulted with the community directly and if they had approached the Community Council and arranged a meeting in the hall. She asked for the views of the 900 people living in the village to be sought before any future planning.

OBJECTORS

Bronwyn Hosie

Bronwyn Hosie referred to a copy of a book which she wrote and had asked to be sent to Members before the meeting. She explained that it was fictional but outlined the problems faced by wildlife and the flora and fauna where she lived. She advised that she has lived at Victoria Road for 29 years. She said that she wished to highlight the practical problems she has encountered since attempts have been made to extend and redevelop the site. She explained that her house had a large back garden which backed on to Camas Rainich wood. She advised that over the years she had seen quite a few changes which have affected her house and the way she lived. She said that a number of years ago when a number of trees were removed before a previous proposal was accepted, and in fact was not accepted after all, all of a sudden her back garden was turned into swamp land and weeds grew to 6 feet high. A stream developed down the side of her house from the back to the front and led to flooding of her basement. She advised that other houses were also affected despite being reassured that this would not happen. She also advised that their gardens were convenient for people on foot to take a short cut from the holiday camp through the woods and through their gardens down to the ferry. She said that there has been numerous occasions where people from the holiday camp have been wandering around her back garden. She also advised of people parking their cars in front of her house and leaving them there for over a week at a time. She suggested that these cars belonged to people visiting their friends who were staying at the holiday camp. She advised that these were some of the practical problems which she was putting forward as a resident in the area. She also expressed her concern about the effect of the development on the wildlife.

Fiona Wright

Fiona Wright advised that a lot of what she was going to say had already been said by Iain MacNaughton. She said that tourism was a vital part of the economy of Scotland and for Argyll and Bute in particular. She advised that she worked for a tour operator and that she had nothing against the development of tourism. However, she advised that the ancient landscape had to be protected and said that so much already had been lost to development. She referred to the destruction of the Amazon rainforest and said that Scottish ancient woodland was being destroyed in the same way for commercial gain. She said that the badgers, bats and squirrels needed a voice and that we were constantly learning more about the natural world.

She advised that we were just visitors to this planet and that it was incumbent on us to protect it for future generations. She referred to the Rhododendron not being a native species and said that mankind had brought in the Rhododendrons to this area. She questioned what we would do once the last tree was cut down and the last fish was eaten. She advised that she was astonished and dismayed that Argyll and Bute Council were allowing the destruction of ancient woodlands and asked the Committee to refuse this application purely on the grounds of preventing the destruction of this natural landscape.

Jenifer Cousins

Jenifer Cousins advised that she also lived on Victoria Road and that she had problems with drainage in her garden. She also advised that recently it had been appalling trying to get out onto the main road due to cars waiting in queues for the ferry. She said that coming off the ferry you were meeting cars were coming along on the wrong side of the road from Sandbank. She referred to there being two bad corners and advised that another ferry would not make a difference.

Ruhi Thallon

Ruhi Thallon advised that her career was in tourism. She said that she commended the Holiday Park for all the tourism it had brought into Hunters Quay and Argyll but questioned where it would stop. She said that to her it looked like over the last 20 years while she has lived here that the park had got larger and larger. She said that they were not Mr Trump and that they needed their woodlands, that the planet needed the woodlands. She asked the Committee to reject this proposal.

Margaret McMurtrie

Margaret McMurtrie said that she had not really planned to speak but felt strongly that the Council needed to understand what was happened at Camas Rainich Woods. She advised that her house was right on point where she had wood on the side and the back right at the top of Victoria Road and that she had stayed there for 20 years. She said that in the past 18 months she had watched a lovely flock of pipistrelle bats coming down to nearly 5 or 6, certainly single numbers. She suggested that something was going on that had caused this. She advised that her fear was she was seeing the dying of the local fauna. She said that she had also had 3 red squirrels come into her garden to get fed and play but within the last 6 months that had all stopped with only the odd one coming in now. She said that she did not really know what was going on but said that something dangerous was happening in Camas Rainich Woods and the surrounding area. She advised that her house used to be surrounded by woods and that this had all disappeared in the last 20 years along with the red squirrels and bats. She said that development had caused this and that was the only reason she was standing here now. She advised that it was so important that the Committee were made aware of what she has watched. She said that it was getting worse and she asked the Committee to listen to what was being said.

MEMBERS' QUESTIONS

Councillor Redman sought and received confirmation from Mr Fitzpatrick on what the economy gain would be as a result of this development. Mr Fitzpatrick referred to the rent and rates paid by the company and also advised that they worked with 25

local suppliers. He advised that he did not have up to date figures on residents that came to the park but said that they did contribute to the local economy.

Councillor Redman sought more information on the compensatory replanting of trees. Ms McBurney advised that in respect of the proposed planting scheme 400 trees were specifically picked that would thrive in the local ground conditions and encourage more biodiversity in the woodland and also address water logging issues. She confirmed that 88 trees were proposed to be felled and advised that the woodland in that section of the wood was in poor condition due to the Rhododendron invasion and ground conditions. She referred to micro management of the site and confirmed again that 400 trees would be planted specific to the ground conditions so that they would have a chance of survival and raise the biodiversity of the area as it was poor at the moment.

Councillor Blair sought and received confirmation from Ms McBurney that the 400 trees would be planted within a section of the development site. She confirmed that the capacity of that area would be able to sustain that amount of trees and generally you would expect between 10% and 15% losses. She advised that there was more of a success rate planting smaller trees on mass rather than planting fewer, larger trees.

Councillor Blair referred to drainage and low water rates and asked Ms McBurney if she was happy with the response from Scottish Water. Ms McBurney replied yes. She explained that the trees proposed to be planted would soak up a lot of water. She advised that trees like the Alder were happy to have their feet in water. She confirmed that the trees they had chosen to plant would survive in that area.

Councillor Blair referred to the number of caravans and asked if 20 caravans would have been economically viable. Mr Campbell advised that after discussions with Planning Officers the number of caravans had been reduced from 45 to 40 and that was the number they went with in the application.

Councillor Blair referred to the TPO and concerns raised at Community Council meetings about TPOs being breached. He sought comment on the overall forward plan for that area as it was an Ancient Woodland. He asked if an Ancient Woodland would be a good selling point for a modern, vibrant caravan park. Ms McBurney said that they hoped to put people into that environment. She referred to comments about TPO breaches and advised that they have always worked closely with Argyll and Bute Council. She said that not a leaf in that park was touched unless it had gone through the planning process. She confirmed that any works carried out in the park by contractors always went through Argyll and Bute Council and that their applications were listed on the Council's website. She advised that Planning Officers always looked at their proposals before any work was carried out. She advised that she would let Argyll and Bute Council know if any tree fell over. She confirmed that all works went through the TPO process.

Councillor Trail referred to concerns about the absence/reduced numbers of red squirrels and bats. He advised that it was his understanding that red squirrels could live quite close to humans without undue concern. He said that he had noted from the report that no roosts for bats were found on the development site. He sought comment from the Biodiversity Officer on why one of the objectors was experiencing reduced numbers. Mrs Curran-Colthart advised that in terms of bats she had noted reports from all over Scotland that there were reduced numbers of bats but they had

not identified specific areas. She said that she monitored bats at her own house and they had reduced there. She advised that habitat disturbance would not be the only answer and that it was common to go through different cycles. She referred to unusual weather over the summer which had been a hot and rainy one and she also referred to climate change. In terms of red squirrels, she advised that they were a very social animal and if you were going to feed them they would return. She said that if food was provided for them they tended not to forage elsewhere. She advised that they were a fairly versatile animal and if you consistently fed them they should come back consistently.

Councillor Taylor sought and received confirmation from Mr Campbell that the caravans would be for sale on a holiday licence. He said they would be owned and used for holiday use only.

Councillor Taylor referred to surface water drainage and asked what the proposals were for that in light of the current problem. Ms McBurney advised that during the process drainage was looked at and it was proposed to extend an area to the south end of the site to make an informal pond. She said that the spine drainage would remain in the area as this was a natural feature within the site which sank under the road to the northern section and into a natural area of weed bed. She advised that the provision of an informal pond would enhance the biodiversity.

Councillor Freeman sought and received confirmation from Mr Young that the 88 trees to be removed were covered by a TPO. Mr Young advised that a TPO did not prevent the removal of trees.

Councillor Freeman asked Mr MacNaughton when Sandbank Community Council first discussed this application and took the decision to object. Mr MacNaughton explained that he did not find out about this development until May this year when he had read something about it in the local paper. He advised that they checked back and found that it had been on the planning list on 4 January 2019. He suggested that it went on the list at a time of the year when people were maybe not paying full attention to the lists. He advised that their objection came late in the day as they had not been aware of the application at first. He advised that it was also under the major application list and said this was another reason why it was missed.

Councillor Freeman commented that he was sure all Community Councils received copies of the list and that normally someone within the Community Council was designated as the person to get the list. He said that Sandbank Community Council should have received the list. Mr MacNaughton confirmed that the list was received but he had been away abroad in early January.

Councillor Freeman sought and received confirmation from Mr MacNaughton that the Community Council discussed the application and decided to submit an objection in May.

Councillor Blair commented that he had made a special request at the PPSL Committee meeting in May that a Roads Officer attend this hearing. He referred to the report read out by Planning on behalf of the Roads Officer and said that no reference had been made regarding traffic congestion at Western Ferries. He referred to meeting with Roads Officers on 3 or 4 occasions to look at that road side. He referred to damage to walls with cars crashing into them. He asked how many accidents had occurred over the last 5 years at Hunters Quay. He also referred to

traffic management issues raised over the last few years. Mr Young referred to the PPSL Committee meeting in May and confirmed that concerns raised at that time were passed on to Mr Farrell and that he had been asked to contact Councillor Blair direct to discuss these further. Mr Young commented that the Council has had no Roads Officer in the Helensburgh and Lomond area since Mr Divertie left and that this led to pressures on roads colleagues having to cover a bigger area. Mr Young advised that he could not give Councillor Blair an answer to his queries but he had asked Mr Farrell to contact him direct.

Councillor Forrest referred to concerns about disturbance to the wildlife and said that she failed to see how any construction could go ahead without disruption. She asked what specific measures would be taken to mitigate any distress to the wildlife during construction. Ms McBurney advised that should the application be approved a Construction Environment Management Plan and Method Statement would detail the measures that would be taken. She confirmed that construction would take place outside the breeding season in order to reduce the impact. She advised that biodiversity was quite low within that section of woodland and that most of the squirrels and bird life tended to be further up the hill towards the residential dwellings. She confirmed again that construction would be out with the breeding season and that checks would be done prior to any works carried out. She said that they would not be right next to the trees when putting anything in place.

Councillor Taylor referred to concerns raised about the extensive development and further intrusion into the woodlands. He asked the Planning Officer what the capacity would be for applications in the future. Mr Young said there would be limited opportunities for further development but each application would have to be judged on its own merits. He said that Planning were considering designating the rest of the area as an Open Space Protection Area (OSPA) which would give the woodland additional protection. He advised that there was no guarantee this would be included in LDP2 as it would have to go through a process.

Councillor Trail referred to hearing a lot about squirrels and trees and bats and other things in the wood. He commented that he was not sure who was looking after the human beings. He asked the Applicant how many people were employed on the site and how many would be employed if the development was approved. He asked if this development would help sustain jobs and help sustain economic development. Mr Fitzpatrick confirmed that 240 people were employed at present and that another 5 members of staff would be employed if the application was approved. He advised that during construction jobs would be created at that point too. He said that the development would help sustain the longer term future of the site and said that it would attract more visitors to the area.

Councillor Douglas referred to concerns about the management of the woodland if this development went ahead. She referred to the caravans being stationary there and said she was worried about what could happen if there was a storm. Ms McBurney said that any works done with the park covered by the TPO would go through the proper channels. She said trees would only be removed for horticulture reasons. She said that sometimes trees did fall down. She said that when discussions took place regarding the placement of the units it was agreed at that time that it was important to make sure that any proposed unit put there was out with any green canopy. She agreed that trees needed management. She advised that things did happen like broken branches which had to be taken back to ensure that tree life continued. She said that a tree would die if it was not managed. She

confirmed that no stealth would be involved and that any works always went through the proper channels.

Councillor Douglas sought clarification from Planning about the ACE. She referred to Scottish Government advice and Scottish Planning Policy and commented that she thought it was very vague and said a lot of different things. She referred specifically to page 33 of the main agenda pack. She asked why it was okay to remove trees to allow development and to move away from small scale to a medium scale development. Mr Young acknowledged that there was a lot of Scottish Government advice which was sometimes contradictory. He advised that Planning were required to support economic development and protect the natural built environment. He advised that if this was a scheme for the blanket felling of the woodland it would be totally unacceptable. He said there had to be a balance to the various sides of the case. He advised that there was a requirement for a development to protect economic development but equally in a sustainable way. He advised that the developers have tried to work with Planning Officers to reduce the environmental impact. He advised that they could walk away from the site with no management of the trees at all and that they would just fall down. He said that they have tried to balance it by extending the park into the woodland to give a difference experience in a way that was sustainable. He pointed out that of the 46 Scots Pine, 31 were only 40 cm high and it was not known if they would have survived in the long term. He advised that economic development and the protection of the natural built environment was a tension very much in the National Park. He confirmed that they have tried to reach a compromise that is acceptable and reasonable.

Councillor Kinniburgh referred to the earlier site inspection and comments made about Japanese Knotweed. He advised that he had noted from the report that it was only at the lower part of the site and asked if it had been totally eradicated. Ms McBurney advised that the only part within their grounds was right behind 37 Eccles Road and that it was coming in from that area. She said that it was quite a small section and that quite a few gardens down there had Japanese Knotweed. She said that there was a seed source there which they were dealing with out with the development site. She confirmed that the plan for the eradication of Japanese Knotweed covered the whole park.

Councillor Kinniburgh sought and received confirmation that there was no Japanese Knotweed within the application site. Ms McBurney confirmed that under their Woodland Management Plan they were dealing with it out with the site.

Councillor Kinniburgh referred to Mr Young advising that Planning were looking to designate the rest of the site as an OSPA via the emerging new LDP2. He asked, given that this had still to come to Council and had still to go out to consultation, how much weight the Committee could give to that in respect of this proposal. Mr Young advised that there was no guarantee that this would go ahead but he was flagging it up as an issue for the longer term. Mr Young confirmed that the Committee could give little weight to this at the moment as there was no guarantee the OSPA would be there as there was a process that had to be gone through first. He advised that Planning were looking at an OSPA as an option and that he would take on board what had been said at this meeting.

Councillor Kinniburgh referred to the formation of a pond and asked how safe it would be considering there would be a lot of children about in the park. Ms McBurney said it would not be a terrible deep pond. She confirmed that it was already

a reed area and wet land area. She said that the pond was for biodiversity and that it would not be for paddling in.

Councillor Kinniburgh sought and received confirmation from Ms McBurney that the pond would be covered in natural weeds and would help raise biodiversity in the area.

Councillor Kinniburgh referred to comments about people taking short cuts through gardens. He referred to the earlier site visit and commented that there appeared to be a quite distinct boundary line where the site was and the woodland. He asked if there were any natural paths through the wood that enabled people to access the gardens. He said that seeing the site today it was his view that it would be quite difficult. Ms McBurney advised that sometimes deer came through and locals from Hunters Quay would walk their dogs there. She said that this area was not highlighted as a section for walks. She advised that everyone had access to the woods but it was not highlighted as a section where people could access Hunters Quay. She said that a more natural route was to head over the golf course or down towards the ferry. She advised that she has seen a lot of locals in the wood walking their dogs and picking fungi. She said again that they would not be highlighting that section of the woodlands to visitors.

Councillor Kinniburgh sought comment from Ms Hosie. She said that it was natural for people to walk onto the golf course and to then come down through her garden rather than onto the road. She said that it did happen and that during the summer it tended to happen quite a lot every week. She advised that during the winter it was a different story. She advised that there were natural trails in the woods which were easy to follow. She said that she was aware of dog walkers and deer trails and advised that it was not inaccessible to walk through the woods.

Councillor Kinniburgh asked Ms Hosie to confirm how often people parked their cars outside her house. Ms Hosie advised that during the summer this was quite a few times. She said it was not often and that there was more of a problem with people using the back of her house as a short cut. She said the water was terrible too.

Councillor Kinniburgh acknowledged that people parking in front of a house was not a planning consideration but asked the Applicant if he was aware this was happening and that if he was aware would he take any measures to stop it. He commented that at the site visit he could see there was ample parking on the site. Mr Campbell said he was not aware of this happening and that he found it hard to believe. He advised that it was more likely that people were parking there in order to go on the ferry. He confirmed that they supplied 2 parking spaces per unit and that there was ample parking for hundreds of people in the park. He advised that they could try to discourage parking outside the houses but he was not sure how they could control it in public areas.

The Chair ruled, and the Committee agreed, to adjourn the meeting at 12.40 pm for lunch.

The Committee reconvened at 1.30 pm.

MEMBERS' QUESTIONS (CONTINUED)

Councillor Douglas referred to development of the site and the woodland and the clearing of the Rhododendrons. She asked why it was cleared. She asked why it could not just be cleared in order to preserve what was there as an asset for people using the park as well as people round about. Ms McBurney explained that it was part of the Woodland Management Plan to remove the Rhododendrons. She advised that they were an invasive species which blanketed everything else out and caused biodiversity to drop like a stone. She said that there were a lot of trees not in good condition due to ground conditions. She advised that the development would not stop people walking through the woodland and that they would be encouraged to walk through and enjoy this natural resource

SUMMING UP

Planning

Howard Young referred to the 3 key issues which he had highlighted in his presentation: the ACE; the impact on trees; and the impact on the amenity of residential areas. He advised that the ACE had concluded that the landscape could accommodate the additional 40 units. He pointed out that 88 trees would be coming out with 400 going back in. Of the 88 trees being felled, 30 of these were Scots Pine of less than 40 cm in height. He confirmed that condition 2 stated that the units would be used for holiday use only and not as a principle main dwelling. There was also a SUDs scheme required through condition, a Proposed Planting Scheme and Woodland Management Plan. A Construction Environmental Management Plan was also required to be submitted before works commenced. He confirmed that he was happy to recommend this application for approval subject to the conditions detailed in the report of handling.

Marina Curran-Colthart summed up as follows:

Camas Rainich Woodland has been subject to the removal of Rhododendron ponticum an Invasive non-native species with agreement from Argyll and Bute Council as this woodland is covered by a blanket Tree Preservation Order. This removal of the Rhododendron ponticum provides an opportunity for this planning permission proposal. Of the 861 trees, 88 will be subject to removal with 400 trees in a variety of species to be planted as part of a restoration plan.

The proposed planting scheme is a landscape led proposal and has been produced with the long term future of the woodland and proposed development in mind. The idea of the development fitting into the nature landscape is important in order that guest can experience a unique feeling of being immersed into the natural woodland. Careful consideration to the existing woodland and ground conditions has been taken when producing the choice of species and layout design. The planting scheme has been designed to maintain the natural woodland throughout the proposed development area, with extra care being taken to fit mitigating planting into the existing landscape and enhance the woodland biodiversity. To that end it is also suggested that the majority of trees are of native species and/or high biodiversity value.

Applicant

Mr Fitzpatrick confirmed that they had worked extensively with Argyll and Bute Council since 2015 in terms of this proposal and that changes had been made. He advised that he thought this was an excellent development. He acknowledged that there were objections to the proposal but pointed out that there was also support. He requested that the Committee approve the application. He advised that Hunters Quay Argyll Holidays were one of the biggest employers in the local area. He said that the proposal would give a unique opportunity to bring additional tourism and economic development to the area. He also advised that the woodlands would be enhanced through the biodiversity proposals.

Consultees

Hunters Quay Community Council

Juliette Gill advised that there had been a lot of talk about trees and the wildlife and said that this was rightly so as they needed to be protected. She said that not enough consideration had been given to the human cost. She advised that she was all in favour of tourism for Dunoon and that she would like to see more of that. She said that there had to be the right type and there was a need to be mindful of the people that lived around about. She said there needed to be a balance with bed and breakfasts, hotels and self-catering. She suggested Yurts and eco houses and said that Planning should be encouraging that type of tourist facility rather than being over reliant on caravans with 2 car parking spaces at each unit. She said that the Community Council were all in favour of tourism but objected to this application. She asked the Applicant to think again about how they could be more mindful of the locals and eco-friendly.

Objectors

Fiona Wright

Fiona Wright advised that she wondered how much the holiday park would make from the sale of the units and wondered about the conditions that would ensure they would be for holiday use and not for permanent residence.

Ruhi Thallon

Ruhi Thallon said this proposal was not environmentally friendly. She commented that she believed the Biodiversity Officer had said the lack of bats was due to climate change. She said that she understood that the amount of jobs that would be created was 5. She commented that trees would be chopped down and replaced with smaller trees and asked how long they would take to grow. She asked the Committee if they were prepared for their children, grandchildren and great grandchildren to suffer from climate change. She asked that this proposal be stopped in its tracks as she said it would go on forever. She asked, on behalf of the residents, who she advised paid their Council Tax, to stop this development in its tracks.

Everyone present who had spoken confirmed that they had received a fair hearing.

DEBATE ON THE ACE

The Chair advised that first of all there was a need for the Committee to debate the ACE and he asked if any Members had anything to say about that.

Councillor Douglas advised that she had concerns about this development moving from small scale to medium scale which, she said was substantially more and would have more of an impact.

Councillor Kinniburgh moved that the Committee agree the conclusions of the ACE and approve it as a material consideration in the determination of this application. This was seconded by Councillor Freeman.

Having moved an Amendment, which was ruled not competent, Councillor Douglas withdrew her Amendment and the Committee agreed to the conclusions of the ACE and approved it as a material consideration in the determination of this Application.

DEBATE ON APPLICATION

Councillor Currie advised that he would be very brief. He said that taking account of the Local Development Plan and all other material considerations, he had no hesitation but to approve the application.

Councillor Redman confirmed that he mirrored what Councillor Currie had said. He advised that there was often talk about the welfare of squirrels, bats and trees. He said that economic development was also very important as it brought jobs to the area. He said that the planting trees would address the loss of those cut down. He advised that there was a need for the maintenance of trees in order to keep them healthy. He confirmed that he was happy to approve the application.

Councillor Moffat thanked everyone for taking the time and trouble to make their presentations and advised that the Committee would not be able to come to a decision without their input. She said that at the meeting in May it was clear cut that a hearing was required. She confirmed that she had also learnt a lot from the site visit. She said that she was surprised by her own decision to recognise this application and to let it go through. She commented that there may not be a huge number of new jobs but said that the development would ensure the longevity of existing jobs. She advised that the welfare of woodland was prime as far as commercial development was concerned and said that this company was working hard to keep this wood as well conserved as they could. She said that she was surprised to learn that they had their own Conservation Officer and advised that they should be proud of that. She advised that unfortunately there had to be a decision that went one way or another. She said this was a difficult one but without hesitation she voted for the development to go ahead.

Councillor Trail said that he shared the views of the public in respect of their concerns for the trees and wildlife and said that everyone should be in this day and age. He advised that he did not share their assessment that the addition of 400 trees to the area would constitute damaging the forest. He said this was a good sign of refreshing the forest for years to come. As far as the type of tourism, he said that we did not have a choice which tourism organisation wished to set up in Dunoon as a private enterprise business and part of their remit was to come forward with ideas. He confirmed that he would approve the application today.

Councillor Freeman said that as far as he was concerned this was an easy decision. He advised that having visited the site and listened to all the representations, he agreed with the Planning Officer's assessment 100% and that he was more than happy to support the application.

Councillor Hardie said this was a very difficult decision for him due to weighing up the matters of economic development and the natural built environment. He thanked everyone for coming. He advised that one of the main goals of Argyll and Bute Council was economic development and in this case he said economic development overrode any environmental considerations so he would like to approve the application.

Councillor Taylor said that he was very keen to have this hearing when he saw the number of representations received from the public. He advised that over the course of the day he had taken comfort from the advice given by Officers regarding roads, ecology and the TPO, ensuring the wellbeing of the woodland going forward. He advised that he was keen to see Officer support for an OSPA on this site and that he was minded to approve the application. Referring to businesses of this size and the impacts on people living in the vicinity, he said they should have a duty of respect and that he would like to see more engagement with the community as a whole which they said they did not get this time round. He asked for greater community engagement in future.

Councillor Douglas advised that she had taken on board everything that had been said today. She referred to her visit to the park this morning and said that it looked well run and tidy. She said that she had a problem with the development moving into the Ancient Woodland. She said that she was aware of what Planners had said about tension. She advised that she would be against this proposal in principle but could see that everyone else here would not share that view.

Councillor Blair advised that as a resident of Cowal for 25 years, this area was indebted to Argyll Holidays Hunters Quay Holiday Park for employment and the developments that had taken place. He said that it was a pleasure to be on this Committee. He confirmed that he had listened to the professional advice of Officers and that he had listened to the community. He advised that as one of three Cowal Members he was keen to reflect the voices of the people here. He said that he knew many of the workers at Hunters Quay. He referred to the Ancient Woodland which he thought had to be protected. He said that he had concerns about transport issues and said it was clear there was a need for openness and transparency at meetings with Officers. He advised that taking on board all that had been said and all the issues raised he wanted to refuse the application.

Councillor Moffat said that it was not within the Committee's remit to insist on an OSPA but if it was she would most assuredly insist on that for all the surrounding woodlands. She implored Planning Officers to do all they could when looking at an OSPA for this area in LDP2.

Councillor Forrest said this was the most on balance she has ever been at a hearing. She thanked everyone for their representations. She said that it was always difficult putting economic development up against serious ecological issues. She said this was a hard decision to make but in this instance she was going to approve.

Councillor Kinniburgh thanked everyone for their contributions today. He said that everyone had made relevant points. He referred to there being a lot of debate about the Ancient Woodland etc but personally, what he saw here was a completely different site from the rest of the Holiday Park. He advised that he thought what was being proposed was well balanced. He referred to discussions that have been ongoing between the Applicant and Planning Officers and noted that the number of units had gone down from 45 to 40, with the area the 5 vans were being left to break the site up. He said that what he saw here was vans randomly situated rather than regimentally and that he saw this being an advantage. He said that when it came to the trees, he had noted what the Planning and Biodiversity Officers had said. He advised that he thought that the trees proposed to be removed would have needed to be removed anyway in the near future due to their condition. He advised that he thought the compensatory measures to plant another 400 trees would be more than adequate to address the concerns about the biodiversity of the area

Motion

To agree to grant planning permission subject to the conditions and reasons detailed in the report of handling and subject to the advisory notes numbered 3 – 8 being changed to be numbered 1 – 6.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman

Amendment

To agree to continue consideration of this application in order to seek advice on a competent motion to refuse the application.

Moved by Councillor Lorna Douglas, seconded by Councillor Gordon Blair

The Motion was carried by 10 votes to 2 and the Committee resolved accordingly.

DECISION

The Committee, having earlier accepted the conclusions of the ACE and approved it as a material consideration in the determination of this application, agreed to grant planning permission subject to the following conditions and reasons and advisory notes:

1. The development shall be implemented in accordance with the details specified on the application form dated 4th December 2019 and the approved drawing reference numbers: L002 RevS, GJ564/DCL/22 RevA, L003 RevE, L004 RevC, L005 RevB, L006 RevB, unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Caravans sited on the caravan stance(s) hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling. The applicant shall maintain a register of occupancy to be made available to the planning authority upon request.

Reason: In order to define the permitted occupancy having regard to the existing lawful use of the site, and in order to comply with the provisions of policies LDP SG HOU 4 and SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.

3. For the avoidance of any doubt, the 40 caravan stances hereby approved shall be set out with the footprints shown on the approved drawings. No caravan stances, associated decking areas or parking areas shall be located in alternative positions, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees or their root systems.

4. Notwithstanding the submitted details, all caravans to be located on the stances approved shall be a dark recessive colour, to be agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity, the overall integrity and setting of the development within the area

5. Notwithstanding the approved drawings, no works shall commence until full details of surface water drainage (which shall be designed in accordance with CIRIA C753 and Sewers for Scotland) have been submitted to and approved in writing by the Planning Authority. Any remedial works required as may be detailed in the approved surface water drainage system(s) shall be fully implemented prior to the occupation of the first caravan, or other timescale as may be agreed in writing with the Planning Authority. Such details shall also include further details on the proposal to use SUDs in conjunction with the existing Reed bed and proposed pond feature.

Reason: To clarify surface water drainage arrangements and ensure that there is no potential for flooding at the site.

6. Notwithstanding the supporting information (Proposed Planting Scheme and Woodland Management Plan), no works, including any works to trees, shall commence until a detailed scheme of native tree planting and native shrub planting for the application site and fringes has been submitted to and approved in writing by the Planning Authority. The planting scheme, as may be approved shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:
 - (a) Completion of the scheme during the planting season next following the completion of the stances or such other date as may be agreed in writing with the Planning Authority.
 - (b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of tree planting and landscaping to successfully integrate the proposed development within the immediate woodland surroundings and wider area.

7. No works shall commence until full details of tree protection for the existing trees in close proximity to the site of the caravan stances and associated accesses have been submitted to and approved in writing by the Planning Authority. All trees which are to be retained within or adjacent to the approved caravan stances and associated infrastructure, shall be protected by fences or chestnut palings or steel scaffolding not less than 1.0 metre in height. The fences shall be placed at the edge of the crown of the trees, unless otherwise agreed in writing. No materials shall be stored within such areas and all fences shall be retained until completion of the development on adjoining land. No material, spoil or fires shall be placed within such protected areas during any construction works and such measures shall be put in place for the visual inspection and the written approval by the Planning Authority before any construction/land engineering works begin at the approved development site.

Reason: In the interests of visual amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees or their root systems during development operations.

8. No development (including any land engineering works or any associated operations) shall commence until a full site specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority in consultation with the Council's Local Biodiversity Officer. The CEMP shall specifically include full details of :
 - *Surface water management;*
 - *Site waste management;*
 - *Watercourse engineering;*
 - *Peat management;*
 - *Borrow pits (if appropriate);*
 - *The appointment of an Ecological Clerk of Works to ensure that the mitigation is implemented carry out toolbox talks which should be detailed in the CEMP;*
 - *Mitigation measures for Protected Species and habitats - The working area should be minimised as much as possible to reduce the requirement for felling mature trees.*
 - *Working areas should be limited as far as possible and all works should adhere to pollution prevention guidance provided by SEPA;*
 - *Temporary construction areas should be restored by using turves set aside from ground clearance work or using a suitable acid grassland seed mix to establish open habitats. Details of the required mitigation measures including those set out above should be detailed in the CEMP of pre-construction ecological surveys,*
 - *Excavation should separate turf and subsoil and replace these in the correct sequence with no loss of material from the site.*
 - *The route should be micro-sited to avoid felling trees with dreys, or bat roost potential (where necessary surveys may be required);*
 - *A tree protection plan should be written to ensure mature non-plantation trees and woodland are protected where these are located within 50m of the proposed development area.*

In addition to all of the above requirements, good practice in construction should be carried out during the construction phase of this development. All works shall be carried out in accordance with the approved CEMP and any supporting documentation.

Reason: In order to minimise the impacts of necessary demolition/construction works on the environment.

9. No works shall commence until a detailed phasing plan for the proposed 'holiday village' has been submitted for the prior written approval of the Planning Authority.

Reason: In order to consider the phasing impacts on the surrounding environment.

10. Notwithstanding the submitted information, no works shall commence until a detailed specification of the proposed access tracks, footpaths and hardstandings have been submitted for the prior written approval of the Planning Authority. All vehicular accesses, footpaths and hardstandings shall be constructed as per engineer's specification, or as otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity and to help integrate the proposal into its surroundings.

11. Prior to the occupancy of the caravans hereby approved, the applicant shall submit a parking plan detailing a minimum of two vehicles for each caravan. This plan shall detail how and where these parking spaces shall be provided and seek to minimise impact on existing trees. This plan shall be approved in writing by the planning authority with the development undertaken as per the approved details unless otherwise agreed in writing.

Reason: To comply with car parking standards contained in Policy SG LDP TRAN 6 of the Argyll and Bute Local Development Plan.

12. No development shall commence (including works in relation to trees) until such time as details of the provision of a number of bird boxes and bat boxes within the application site (including the design and location of the bat boxes and bird boxes) and a management regime for the maintenance of this accommodation have been submitted to and approved in writing by the planning authority in consultation with the Council's Local Biodiversity Officer, unless otherwise agreed in writing by the planning authority.

Reason: In the interests of nature conservation and to ensure that there are sufficient alternative bat roosts and bird nesting opportunities within the development.

13. Prior to work starting on site, full details of any external lighting to be used within the site or its access point shall be submitted to and approved in writing by the Planning Authority. Such details shall include details of 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. All lighting shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.

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

14. Pursuant to Condition 1 – no development shall commence until details of agreement with Scottish Water for the connection to the public sewerage network for the means of foul drainage to serve the development have been submitted to and approved by the Planning Authority.

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

ADVISORY NOTES TO APPLICANT

1. 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. The attention of the applicant / developer is drawn to comment made by Scottish Water in their response dated 4th January 2019 and comments regarding connection to public water supply, foul drainage arrangements, surface water drainage and general advice. The applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply - Planning and Development Services, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB; Development Operations, Tel. 0800 3890379 or at DevelopmentOperations@scottishwater.co.uk quoting ref. 771237.
5. Public Protection advises that the applicant will require to apply to this Service for an amendment to the existing Caravan Site Licence to take into account the extended season for use as a holiday site.

Public Protection also advises that in order to comply with Caravan Site Licence conditions for Holiday purposes (i.e. not for permanent residential use) the units must be a minimum of 6 metres apart if timber clad and 5 metres apart if metal clad.

The applicant is advised to contact Jo Rains, Environmental Health Manager – East Team, tel. 01546 605519 extension 7124, directly on these licensing matters.

6. The applicant/developer is generally advised by Scottish Natural Heritage (SNH) that all bats and their roosts are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations" (for details of this protection, see Protected mammals - Bats and Regulations 39-41 and 44-46 of the Habitats Regulations).

If bats are found to be roosting in any trees to be removed as part of this proposed development, under the Habitats Regulations the developer will need to apply to the Scottish Government for a licence to disturb/destroy bat roost(s) before works can commence. Any licence would need to be in place prior to any works affecting the roosts taking place. SNH can provide further advice as necessary.

(Reference: Report of Handling dated 9 May 2019 and supplementary report number 1 dated 26 August 2019, submitted)

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**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: 16/02218/PP

Planning Hierarchy: Local Application

Applicant: Mr Frank Phipps

Proposal: Erection of 9 dwellinghouses, installation of sewage treatment plant and formation of vehicle access

Site Address: Land North of West Shore Cottage, Fort Road, Kilcreggan

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to update Members on a delay in completing approval of this application following the determination of PPSL Committee on 17th January 2017 to grant detailed planning permission subject to conditions and reasons, and satisfactory conclusion of a s75 Planning Agreement to secure offsite road improvements and affordable housing provision. The report also seeks to appraise Members of a material change to the circumstances of the development site's locality since their previous consideration of this matter and sets out proposals for amendment of planning conditions and the proposed s75 Agreement to address these revised circumstances for Members' consideration and determination.

2.0 DETAIL

Following the PPSL committee meeting in January 2017 the Council's Legal Department began processing the Section 75 Agreement with the applicant's lawyer on the basis of Members' decision. However, the agent on behalf of the applicant indicated that, after further consideration, the cost of the road improvements (estimated to be £250,000) are such that they cannot be provided prior to the occupation of the first house and has argued that some of the new houses would need to be built and sold to secure the finance needed to provide the road upgrades. Simultaneously, the applicant has also engaged in negotiation with the relevant third party landowners to secure their agreement to implementation of the necessary road improvements on land within their control, or agreement to purchase the necessary land. Officers have allowed the applicant some scope to explore these options however it has taken some time to try and resolve these matters.

The applicant has indicated in recent discussions with officers that they have now negotiated an acceptable position with third party ownership interests. However, they have been unable to provide sufficient detail, in the absence of a fully specified and costed submission for Road Construction Consent, to quantify the extent of development which would be required in advance of offsite road improvement works to guarantee the financial viability of the development.

The applicant has however highlighted that during this period of ongoing discussion with officers there has been a material change in the circumstances in the locality of the development site following the unimplemented expiry of planning permission in principle (ref. 13/00567/PPP) for four dwellinghouses taking access elsewhere from Fort Road. This previous permission did not include any requirement for offsite road improvements but its traffic generation capacity had been factored into the Roads Service's previous consultation to the current application which advised in October 2016 that Fort Road was at capacity and would require to be upgraded to accommodate any further development. It is therefore suggested that this change in circumstances would indicate that Fort Road currently has capacity to accommodate four further dwellings in advance of previously specified junction/road improvements being necessary.

On this basis the applicant has contended that the expiry of permission in principle ref. 13/000567/PPP on 8th August 2017 has created capacity for four additional dwellinghouses on Fort Road prior to road improvements being necessary, and accordingly have proposed that the current application be delivered on a phased basis to take advantage of this change in circumstance. The applicant's submission on 3rd September 2019 sets out an intention to implement the development in two phases – the first phase shall be of four dwellinghouses (plots 1-4); the second phase of five dwellinghouses would be preceded by submission of Road Construction Consent details and lodging of a bond to secure delivery of the necessary offsite road improvements.

3.0 CONSULTATION RESPONSES

The Council's Roads Service has reviewed the applicant's submission of 3rd September 2019 and confirmed (04.09.19) that they would be supportive of the proposed phasing of the development and advised that no road improvements are required for a first phase comprising of four dwellinghouses. It is confirmed that full details of the required offsite road and junction improvements and provision of a Road Bond to cover the value of these works should be secured in advance of phase 2 commencing and a requirement imposed for completion of road improvement works be prior to first occupancy of the fifth house within the development, or two years from commencement of works on phase 2, whichever is the earliest.

There has been no change to the specification of essential road improvements namely the realignment of the junction, upgrading of first section of Fort Road to "Rockfield", and widening of an existing culvert necessary to create additional capacity for development on Fort Road beyond the first four units. In recent discussions with the Agent for the application Roads Officers have sought to revisit the previously agreed specification to provide a remote footpath between the development site and the improved section of the public road. Concerns have been raised in relation to the expected construction standard and maintenance of this proposed footpath to an acceptable standard in the future. Roads Officers have advised in their updated consultation response that they are now of the view that securing the provision of additional passing places at 100m intervals along the section of Fort Road from "Hazelwood" to the development site would be of greater benefit in securing vehicular and pedestrian safety commensurate to the scale of the development currently proposed as an alternative to a remote footpath. The provision of new passing places within the road verge would require land which is understood to be in the applicant's control; Roads Officers have confirmed that such works will also require the benefit of Road Construction Consent and accordingly advised that the timing of this element should be aligned with junction realignment/road widening works to allow the applicant scope to address this within a single submission for RCC.

4.0 PROPOSED HEADS OF TERMS OF THE SECTION 75 AGREEMENT

An agreement under s75 of the Town and Country Planning (Scotland) Act is necessary to secure the proposed offsite road improvements considered to be necessary in road

safety terms in order to accommodate the increased traffic volumes that development beyond the first phase would generate. In addition, the adopted Local Development Plan, under policies LDP 8 and SG LDP HOU 1, requires that on any site with more than 8 residential units, 25% of them should be affordable housing. The developer is required to secure agreement from any third party landowners necessary for elements of the offsite road improvements and to fund the following works:

Junction improvements and footway provision

- i. The provision of a 5.5 metre carriageway between Rosneath Road (B833) and the entrance to the house known as “Rockfield”. This shall include a 2 metre footway on the south side linking to the medical centre and grass verges on the north side.
- ii. The existing water course culvert located under Fort Road serving the Kilcreggan burn shall be increased in length to accommodate the proposed road widening works.
- iii. The existing street lighting shall be extended to the eastern limits of the proposed road widening improvements.
- iv. On Fort Road between the development site and the house known as “Rockfield” (termination of the proposed road widening works) passing places shall be provided adjacent to the existing single track public road at a maximum of 100m spacing.

Full details of these required road improvements on Fort Road shall be submitted to the Council's Road Network Manager for Road Construction Consent, and a Road Bond appropriate to the cost of the approved works lodged in advance of phase 2 of the development being commenced.

In addition appropriate provision will be made to secure that

1. The road improvement works shall be completed prior to the first occupation of the fifth dwellinghouse within the development, or within a period of two years from the commencement of development works on site relating to phase 2, whichever is the earliest.
2. That any other owners of land required to implement the specified road improvements will be party to the Section 75 Agreement.

Affordable Housing

Provision of 2 off-site affordable residential units by means of a commuted sum of approximately £24,000 per affordable unit payable to the Council's Strategic Housing Fund after the completion of 1 mainstream house.

Reason for Refusal in the event that the S75 Agreement is not concluded within a period of 3 months.

Road Improvements

The existing public road (Fort Road) serving the new development has been assessed as only having capacity to serve a further four dwellinghouses. Therefore, the proposed development of nine dwellinghouses necessitates that road improvements are carried out. The necessary improvements include upgrading of the existing public road (Fort Road) at its junction with the B833 (Rosneath Road), the widening of the road to 5.5m, the provision of a 2.0m footpath between this junction and the access road to “Rockfield”, the widening

of the existing piped culvert under Fort Road at the eastern boundary of the “Haven” Fort Road, and the provision of passing places at 100m maximum intervals between the limit of the 5.5m wide road and the development site. These offsite measures cannot be secured by planning conditions and therefore a legal agreement is required. In the absence of such an agreement vehicular and pedestrian safety on the approach road to the site would be compromised by the traffic generated by the overall scale of the development proposed, contrary to the requirements of Policies LDP TRAN 4 and LDP TRAN 5 of the adopted Argyll and Bute Local Development Plan 2015.

Affordable Housing

This development relates to the provision of more than 8 residential units and is therefore subject to Policies LDP 8 and SG LDP HOU 1 of the adopted Argyll and Bute Local Development Plan 2015. These policies require that residential developments of 8 units or more shall be required to contribute 25% of the total number of units as affordable housing. In the absence of an appropriate legal agreement, the development of 9 residential units, as proposed, would not provide for the affordability component required by and would be contrary to the requirements of the Council’s commitment within the adopted Local Development Plan to assist in the supply of affordable housing pursuant to the advice given by the Scottish Government in Scottish Planning Policy (SPP 2014).

5.0 RECOMMENDATION:

It is recommended that Members agree the amended Heads of Terms of the Section 75 Agreement and grant planning permission subject to the satisfactory conclusion of the Section 75 Agreement, and subject to the amended conditions and reasons attached to this report. In the event that the Section 75 Agreement is not concluded within 3 months, it is recommended that planning be refused for the reasons given in this report.

Fergus Murray Head of Development and Economic Growth

Author of Report:	Howard Young	02/09/19
Contact Point:	Peter Bain	04/09/19

AMENDED CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. (16/02218/PP)

1. The development shall be implemented in accordance with the details specified on the application form dated 9 August 2016 and the approved drawing reference numbers P(LP)001, P(SP)001, A.005H, A.005, A.006H, A.007H, A.007 and D(AP)001 A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. The development shall be implemented in accordance with the approved phasing scheme detailed on drawing no. P(SP)001 Rev. B (submitted 03.09.19) unless an amendment to the agreed sequence/timing of development is subsequently agreed in writing by the Planning Authority.

Reason: To ensure development is implemented on a progressive basis having regard to infrastructure and servicing requirements.

3. No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided to the Planning Authority for approval before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

4. No development shall commence until samples of materials to be used in the construction of the dwellinghouse hereby approved have been submitted to and approved 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 integrate the development into its surroundings.

5. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

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

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

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

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

6. No development shall commence until full details of the proposed private sewage treatment plant to serve the development have been submitted to and approved in writing by the Planning Authority. The information submitted shall include details of the proposed outfall soakaway and a regime for the on-going maintenance of the private treatment plant. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development and to ensure that there is no discharge of contaminated or polluted drainage to ground or surface waters.

7. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS) and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 3rd Edition and include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

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

8. No development shall be commenced until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

9. No development shall be commenced on site until such time as an ecological survey of the Kilcreggan Woodlands and Raised Beach Local Nature Conservation Site has been carried out by a qualified ecologist to determine its current biodiversity status in relation to the LNCS designation and any other biodiversity interest, and submitted to and agreed in writing by the Planning Authority. The survey shall identify measures to maintain and enhance the flora and fauna of the area including a timescale for the implementation of any of the measures to be agreed with the Council.

Reason: To maintain and enhance the range of species and character of Kilcreggan Woodlands and Raised Beach Local Nature Conservation Site.

10. No development shall commence on site until the following information has been submitted and agreed in writing with the Council:

- details of how it is proposed to maintain Core Path C499 during the construction phase of operations and after completion of development;

- details of how it is proposed to maintain the wider path network namely paths 15/22 and 15/86 which traverse the site during the construction phase of operations and after completion of development.

Reason: To ensure that Core Path C499 is maintained and improved.

11. No development shall commence on site until the following information has been submitted and agreed in writing with the Council:

- details of how Core Path C499, within the applicant's control, will be improved and maintained. Thereafter, the approved details shall be implemented prior to the development hereby approved being completed or brought into use unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that Core Path C499 is maintained and improved.

12. No development shall commence on phase 2 of the development until details of the method of construction of the private access serving the four dwellings including gradients and finishes shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

13. At the junction of the proposed private access serving the four dwellings and the public road (Fort Road) a visibility sightline 2.4 x 25 x 1.05 metres shall be provided and maintained in perpetuity.

Reason: In the interests of road safety.

14. The provision for car parking within the site shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

Reason: In the interests of road safety.

Notes to Applicant:

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).]

In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

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.

The proposed road improvements to the existing public road (Fort Road) would require the submission of an application for a roads construction consent. After subsequent approval a financial security road bond will be required to be lodged before any works commence on site.

It is noted that should there be any future requirement to bring the proposed private access road up to adoptable standard the developer would be required to include a 2 metre service strip on both sides of the road, a vehicle turning head for a commercial vehicle at the end of the proposed road and a hard standing area for the desludging vehicle would be required.

Japanese Knotweed has been reported on or near this site. It is a highly invasive weed that is capable of structural damage. Disturbance will cause it to spread and its movement is controlled by legislation. Under the Wildlife and Countryside Act 1981 it is illegal to cause it to spread in the wild. You are strongly advised to survey the site for the presence of Japanese Knotweed at an early stage and before any site clearance work and, if found, to formulate plans to control or eradicate it. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plants may extend laterally up to 7 metres beyond this.

Prior to any alterations or diversion of the paths within the application site the applicant should contact the Council's Access Officer from the Core Paths Team to receive written approval for their proposals.

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: 16/02218/PP

Planning Hierarchy: Local Development

Applicant: Mr Frank Phipps

Proposal: Erection of 9 dwellinghouses, installation of sewage treatment plant and formation of vehicle access

Site Address: Land North of West Shore Cottage, Fort Road, Kilcreggan

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 9 (originally 10) dwellinghouses
- Installation of private sewage treatment plant
- Formation of private vehicle access from Fort Road to service 4 dwellinghouses
- Individual accesses direct from Fort Road to serve 5 dwellinghouses

(ii) Other specified operations

- Connection to public water main
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that, subject to a Discretionary Hearing, planning permission be granted as a minor departure from Policies LDP DM 1 and SG LDP HOU 1 of the Local Development Plan subject to a Section 75 Agreement covering off site junction improvements, footway provision and affordable housing, and the conditions and reasons appended to this report.

(C) HISTORY:

12/01548/PP

Erection of 14 dwellinghouses, installation of sewage treatment plant, formation of vehicular access and junction improvements at Fort Road/Rosneath Road

Comment: Application will be withdrawn.

15/01054/PP

Erection of 6 dwellinghouses, installation of sewage treatment plant and formation of vehicular access

Comment: Application will be withdrawn.

(D) CONSULTATIONS:

Area Roads Manager

Memos dated 01/11/16 and 13/10/16 - As previously intimated the existing public road (Fort Road) serving the new development is at capacity. Therefore, until such time as improvements are carried out, would not support any further development. The minimum necessary works required to upgrade the existing public road are at the junction of the B 833 (Rosneath Road) plus from the junction along the length of the road to the access into "Rockfield".

These carriageway, footway and verge improvements will require an application for Roads Construction Consent to be submitted to the Roads Network Manager. These upgrading works should also include the improvement of the existing piped culvert under Fort Road at the eastern boundary of the "Haven", Fort Road, Kilcreggan. No construction work on the new houses should not commence until such time as a Road Construction Consent has been approved and a financial security bond lodged with the Council.

It may be necessary that there is a requirement for a section 75 agreement to be completed, to ensure that any land outwith the existing public road boundary is available to accommodate these necessary road improvements.

Beyond the identified road improvements the existing public road serving the new development is accessed from a single track road with passing places and no pedestrian facility. Therefore, in accordance with the Local Plan Policy SG LDP TRAN 2, a dedicated pedestrian walkway would be required as commensurate improvement to link the development with the main village of Kilcreggan.

The car parking and turning provision detailed is in accordance with the Local Plan Policy SG LDP TRAN 6.

Core Paths

Memos dated 06/10/16 and 23/11/16. Core Path C499 to Kilcreggan – the proposed specification for the Core Path and the provision of a finger post are welcomed. There is no requirement to apply for a Section 208 Path Diversion Order provided that the line of the path remains as it has been recorded on the Core Paths Plan. Previously advised permit/approve.

Scottish Water

Letter dated 23/12/16 and e-mails dated 04/01/17 - No objection in principle. There is no public system to connect into.

SNH

E-mail dated 21/09/16 advising that they don't intend to comment.

West of Scotland Archaeology Service

On previous application letter dated 10/06/15 indicating no objections subject to a condition requiring an archaeological investigation.

Bio-Diversity Officer

Letter dated 21/05/16 on previous application. Asks that the applicant carry out an ecological survey (by a suitably qualified ecologist) of the site to determine its current biodiversity status in relation to the LNCS designation and any other biodiversity interest. In addition, that a landscape planting design is conditioned with emphasis on the treatment of the boundary adjacent to the LNCS.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 20/10/16.

(F) REPRESENTATIONS:

A total of 43 e-mails and letters of representation have been received. These comprise 31 objectors and 12 supporters as detailed in Appendix B at the end of this report.

Objectors

(i) Summary of issues raised

- There is already a substantial amount of heavy plant using Fort Road between the proposed site and the Old Boatyard, which is now a builders' yard. Additional construction traffic will be a source of even greater disruption and damage on a woefully inadequate road which is already in poor condition. The surface of the single track Fort Road continues to crumble along its entire length and we strongly urge no further developments be allowed to take place until Fort Road is upgraded.
Comment: The Area Roads Manager has advised no objection subject to Fort Road being upgraded. See also the assessment.
- The proposed density and type of development has the potential to blight an area outwith the core village next to Kilcreggan woods and Conservation Area. The only other large site with planning consent well within the Kilcreggan envelope lies undeveloped with only ground works completed creating a scar on the landscape and there must be a propensity for something similar should demand for the houses fail to materialise.
Comment: See the assessment.
- The proposed housing development is completely out of character with surrounding properties such as West Shore Cottage, The Barn, Glen Ashdale, Stratharran and Rana.
Comment: See the assessment.
- The culvert over the Kilcreggan Burn is over 100 years old and already showing signs of collapse. Any planning consent should include the upgrade of the entire length of Fort Road, the culvert and the junction with Shore Road prior to commencement of construction.
Comment: The Area Roads Manager has advised no objection subject to Fort Road being upgraded. See also the assessment.

- The proposed site sits astride several public footpaths and the proposed diversion(s) increases the walking distance substantially. The footpaths have been partially obstructed by the erection of fencing.
Comment: The Council's Core Path Team has no objections in principle to their diversion and amendment.
- The area is a site of archaeological and natural interest and should be conserved as such.
Comment: West of Scotland Archaeological Service has advised no objections subject to a condition requiring an archaeological investigation.
- The Council is required to assess such applications in terms of their impact on the natural, human and built environment. The site is designated as a Local Nature Conservation Site (LNCS) and the proposal will be detrimental to the landscape of the area and particularly the wildlife. The LNCS status for the entire area remains and has now been designated as an Area For Action as Sensitive Countryside. So sensitive that any further development here can only be detrimental to the LNCS. It has a very rare raised geological beach which is currently being decimated by owners. This development will take away the tranquillity of the area.
Comment: See the assessment.
- This application seems like a change in the proposals made in application 12/01548/PP. The application is large in scale with a bigger footprint than the very first proposals made in application 12/01548/PP. That application is still awaiting decision. Why were these changes not made in that application, therefore allowing all objectors to a chance to respond?
Comment: Where changes are made to a current planning application the Council has to decide whether they constitute a material change. If so the Council will request a fresh application. In this case it was decided that the changes were material and a fresh application was requested.
- The Bio-Diversity Officer asked for a report to be carried out by the applicant on application 12/01548/PP. We trust this is still a requirement.
Comment: An ecological report will be required as a pre-start condition.
- A major concern is the spread of Japanese Knotweed which is rife in the immediate vicinity of the site.
Comment: An informative has been attached to deal with this issue.

Supporters

(i) Summary of issues raised

- Local people have a very short memory regarding Fort Road. It was used by travellers and fly tippers with all sort of litter, couches, scrap cars and builders' rubble etc being left for someone else to deal with. With fencing and regular grass cutting they were turned away. Kilcreggan is a fantastic village and will only be made greater with this development.
Comment: See the assessment.
- The small section of Fort Road zoned for building is currently a grass paddock and will have minimum effect on the already encouraged local wildlife and the benefits these houses bring to the community in terms of new families to support the school and businesses far outweigh the obvious

gripes of one or two neighbours with a large list of friends and restless keyboard.

Comment: See the assessment.

- The roads are safer to drive on due to passing places, the area is cleaner due to a lack of fly tipping, and knotweed is being dealt with. The roads are also safer for cyclists due to the introduction of cycle/footpaths. The landowner has no intention of further developing the area for residential use and fully intends to improve and manage the long neglected area for the benefit of the community.

Comment: See the assessment.

- The area at Fort Road is only a very small part of a larger 30 acre estate. It is approximately 3 acres and has been identified in the Local Plan as a settlement zone. The infill will complete the small community and provide work, much needed homes for families, children to help maintain the schools and revenue for local businesses. This area needs affordable housing and cannot understand why objections should be made, after all there is a housing shortage.

Comment: See the assessment.

- Dismayed by many of the unfounded comments made by objectors to this small development. This development would benefit the community by: -
- bringing much needed housing to the area and improving the infrastructure of Fort Road by making the only entrance to it and our village surgery safer.
- The creation of a countryside foot path/cycle way/bridleway at the expense of the development team making it safer and pedestrian friendly
- An Ecological and Biodiversity report has already been carried out on the whole area of the 30-acre estate, but once again, what continually seems to be overlooked with regards to the site area is that the development site is in fact designated on the area wide plan for Argyll and Bute as a settlement zone.
- The landowners team have continually worked to improve the area, this has been proved by the increase in use by the public and the access provided. Many people park and walk their dogs from all over the area and now with the beach access created Kayakers now also park and launch to navigate the Kayak trail. The Peninsula trail follows Fort Road too and will soon with the team's efforts have a designated and safe pathway.
- A recent dig by the local archaeological group and with permission and assistance from the estate team unearthed bronze-age finds in a cave at the ancient beach. This will become a visitor feature and will also be protected and financed by the estate team and landowner.
- This development is very important to the future of the whole estate as the continuity of improvements requires finance and the small trade off from the 3 acres will provide all the improvements and management of the woodland and foreshore to take the Fort Road estate forward.
- The land owner and team want the Fort Road estate to be an outstanding feature of Kilcreggan village and a legacy to be proud of. Continued sensitive management of the whole area will continue.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>. A total of 42 e-mails and letters of representation have been received. These comprise 31 objectors and 11 supporters as detailed in the Appendix at the end of this report.

(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:	No
(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:	No

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: Yes

A section 75 agreement is required in order to secure the proposed off site road improvements considered to be necessary in road safety terms in order to accommodate the increased traffic volumes that this development would generate. In addition, the adopted Local Development Plan, under Policies LDP 8 and SG LDP HOU 1, requires that on any site with more than 8 residential units, 25% of them should be affordable units. The developer is required to fund the following works, namely:

Junction improvements and footway provision

- a. The provision of a 5.5 metre carriageway between Rosneath Road (B833) and the entrance to the house known as "Rockfield". This shall include a 2 metre footway on the south side linking to the medical centre and grass verges on the north side.
- b. The existing water course culvert located under Fort Road serving the Kilcreggan burn should be increased in length to accommodate the proposed road widening works.
- c. The existing street lighting shall be extended to the eastern limits of the proposed road widening improvements.

Full details of these proposed road improvements on Fort Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager. Thereafter the proposed road improvements shall be fully implemented in accordance with these details prior to occupation of the first dwelling house.

On Fort Road between the development site and the house known as "Rockfield" (termination of the proposed road widening works) a pedestrian walkway should be provided adjacent to the existing single track public road.

Full details of the layout and the proposed maintenance arrangements to be submitted prior to any works starting on site. Thereafter the approved layout shall be fully implemented prior to occupation of the first house.

Affordable Housing

Provision of 2 off-site affordable residential units by means of a commuted sum of approximately £24,000 per affordable unit payable to the Council’s Strategic Housing Fund after the completion of 1 mainstream house.

(ii) Reason for refusal in the event that the Section 75 agreement is not concluded:

Junction improvements and footway provision

The existing public road (Fort Road) serving the new development is at capacity. Therefore, the addition of a further 9 dwellinghouses require that improvements are carried out. The improvements include upgrading the existing public road (Fort Road) at the junction of the B 833 (Rosneath Road) plus from the junction along the length to the road to the access into “Rockfield”. These upgrading works should also include the improvement of the existing piped culvert under Fort Road at the eastern boundary of the “Haven” Fort Road, Kilcreggan. A dedicated pedestrian walkway would be required as commensurate improvement to link the development with the main village of Kilcreggan. These off-site measures cannot be secured by way of planning conditions and therefore a legal agreement is required. In the absence of such an agreement, vehicular and pedestrian safety on the approach road to the site would be compromised by the traffic generated by the scale of development proposed, contrary to the requirements of Policies LDP TRAN 4 and LDP TRAN 5 of the 'Argyll and Bute Local Development Plan'.

Affordable Housing

This development relates to the provision of more than 8 residential units and is therefore subject to Policies ‘LDP 8 and SG LDP HOU 1’ of the Argyll and Bute Local Development Plan. These policies require that sites with a capacity of 8 units or more should contribute 25% of the total number of units as affordable housing. In the absence of a Section 75 Legal Agreement to secure the required provision the development of 9 residential units, as proposed, would not provide for the affordability component required by Policies ‘LDP 8 and SG LDP HOU 1’. This would be contrary to the Council’s Local Development Plan commitment to assist in supply of affordable homes pursuant to the advice given by Scottish Government in SPP (2014).

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

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan, 2015

- LDP STRAT 1 – Sustainable Development
- LDP DM 1 – Development within the Development Management Zones
- LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
- LDP 4 – Supporting the Sustainable Development of our Coastal Zone

- 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

Supplementary Guidance

- SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity
- SG LDP ENV 5 Development Impact on Local Nature Conservation Sites (LNCS)
- SG LDP ENV 6 – Development Impact on Trees / Woodland
- SG LDP ENV 14 –Landscape
- SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

- SG LDP HOU 1 – General Housing Development including Affordable Housing
- SG LDP HOU 2 – Special Needs Access Provision in Housing Developments
- SG LDP HOU 3 – Housing Green Space
- Sustainable Siting and Design Principles
- Delivery of Affordable Housing

- SG LDP BAD 2 – Bad Neighbour Development in Reverse
- SG LDP SERV 1 Private Sewage 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 (b) – Provision of Waste Storage and Collection Facilities within New Development
- SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
- 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

SG LDP DEP – Departures to the Local Development Plan

- (i) **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.**

Argyll and Bute Sustainable Design Guidance, 2006
 Scottish Planning Policy (SPP), 2014
 Representations

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No

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- (O) **Requirement for a hearing:** A total of 43 e-mails and letters of representation have been received. In light of the significant local community interest and that the proposal is a minor departure from Policies LDP DM 1 and SG LDP HOU 1 it is considered that a hearing would give added value to the decision making process and is justified in this instance.
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(P) **Assessment and summary of determining issues and material considerations**

Planning permission is sought for the erection of 9, originally 10, dwellinghouses on an area of land at Fort Road, Kilcreggan. Policy SG LDP TRAN 4 indicates that developments should be served by a public road, however, there are a number of exceptions depending on the circumstances which include the opportunity for a housing development not exceeding 5 dwellings to be served by a private access. In this case 5 of the 9 houses take access directly from Fort Road which is adopted with the second tier of 4 houses being served by means of a new private access. The Area Roads Manager has indicated no objections subject to conditions and the proposal is considered to accord with this policy.

In this case the determining issues are whether the proposal has a high standard of design and its impact on the natural, human and built environment including, inter alia, form, location and scale. As the site also forms part of a larger Local Nature Conservation Site (LNCS) and Area for Action, the impact of the development on the wider LNCS also has to be considered. Development that would have an adverse effect on the integrity of Local Nature Conservation Sites will not be supported unless the developer satisfactorily demonstrates that such adverse effects are clearly outweighed by social, environmental or economic benefits and that all possible mitigation measures have been incorporated to minimise the adverse effects on the interests of the site.

In terms of the adopted Argyll and Bute Local Development Plan the application site is located primarily within the settlement boundary where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance.

The site forms part of a larger paddock and scrub/rough grazing land on the north side of Fort Road. The proposal is for the erection of 9 houses set out in a two tier linear pattern. The site slopes up from the coast and road towards existing dwellinghouses. An access road to service four of the proposed houses is located towards the western end of the site and is just outwith the settlement boundary.

Portkil is a minor settlement where there is a presumption against major (more than 30 houses) and medium (6 to 30) scale housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At 9 houses the proposal is defined as medium scale and is contrary to these policies which in minor settlements allows up to 5 houses. Nine houses are proposed to fund the road improvements required by the Area Roads Manager. The development of 9 houses will have an economic benefit to the local area and the upgrading of the existing access road will create additional opportunities for development. By improving the infrastructure of Fort Road, specifically upgrading the access, it will make the only entrance to this area and access to the medical centre safer in terms of both vehicular and pedestrian safety. The creation of a countryside footpath/cycle/bridleway will also improve vehicular and pedestrian safety.

The access road to service four of the house plots and the proposed private sewage treatment plant are located outwith the settlement boundary in the Countryside Zone.

In this case the development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. Only the access road and private sewage treatment plant is located within the Countryside Zone and any incursion/extension is minimal. There is currently no visible defined edge to the existing settlement boundary and a scheme of boundary planting is proposed which will give a specific and defensible end to the settlement. In landscape terms it is therefore, considered that there is justification for a minor departure to policies LDP DM1 and SG LDP HOU1 which are resistant to housing development immediately adjacent to a defined settlement boundary. As part of the proposal, 2 affordable units will be required and overall the proposed houses will finance the upgrade of Fort Road as required by the Area Roads Manager. The proposed houses, by virtue of their design and separation distance, will not impact on the character and amenity of adjoining houses and the surrounding area. In addition, the development will not detrimentally impact on the local nature conservation area. As such, it is considered that the proposal can be justified as a minor departure to Policies LDP DM 1 and SG LDP HOU 1.

The existing public road (Fort Road) serving the new development is at capacity therefore improvements will be required. The minimum necessary works required to upgrade the existing public road (Fort Road) are at the junction of the B 833 (Rosneath Road) plus from the junction along the length to the road to the access into "Rockfield".

These carriageway, footway and verge improvements will require an application for a roads construction consent to be submitted to the Roads Network Manager. These upgrading works should also include the improvement of the existing piped culvert under Fort Road at the eastern boundary of the property known as the "Haven", Fort Road, Kilcreggan. These can be covered by a Section 75 Agreement and should not commence until such time as a Road Construction Consent has been approved and a financial security bond lodged with the Council.

Beyond the identified road improvements the existing public road serving the new development is accessed from a single track road with passing places and no pedestrian facility. Therefore in accordance with Local Plan Policy SG LDP TRAN 2 a dedicated pedestrian walkway would be required as commensurate improvement to link the development with the main village of Kilcreggan. The car parking and turning provision detailed is in accordance with the Local Development Plan Policy SG LDP TRAN 6.

Water supply is via a connection to the public system while drainage is indicated to be by means of a private sewage system. Under Policy SG LDP SERV 1 connection to the public sewer will be required, unless the applicant can demonstrate, inter alia, that connection is not feasible, for technical or economic reasons. In terms of sewerage, a number of options are available. The applicant has previously obtained planning permission for a separate sewage treatment unit to the south of the application site under reference 09/00758/DET. This is to service other development in the area. Scottish Water has confirmed that there is no public system. An existing private pipe which takes waste from the existing houses on Fort Road discharges raw sewage directly in to the Clyde without any treatment and it is not considered appropriate to add to this. As such the applicant's preferred option for a new private treatment plant discharging clean water into adjoining ground is considered acceptable in principle.

The development has a high standard of design and sits comfortably with the existing settlement structure. A scheme of boundary planting is proposed which will give a specific and defensible end to the settlement. As part of the proposal 2 affordable units will be required and the proposed houses will finance the upgrade of Fort Road required by the Area Roads Manager. The proposed houses will not impact on the character and amenity of adjoining houses and the surrounding area. In addition, the development will not detrimentally impact on the local nature conservation area. As such, it is considered that

the proposal can be justified as a minor departure to Policies LDP DM 1 and SG LDP HOU 1.

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

(R) Reasons why planning permission should be granted

The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. There is no specific defined edge to the existing settlement boundary and a scheme of boundary planting is proposed which will give a specific and defensible end to the settlement. As part of the proposal 2 affordable units will be required and the proposed houses will finance the upgrade of Fort Road required by the Area Roads Manager. The proposed houses are all contained within the settlement boundary and will not impact on the character and amenity of adjoining houses and the surrounding area. In addition, the development will not detrimentally impact on the local nature conservation area. As such, it is considered that the proposal can be justified as a minor departure to Policies LDP DM 1 and SG LDP HOU 1.

(S) Reasoned justification for a departure to the provisions of the Development Plan

Portkil is a minor settlement where there is a presumption against major (more than 30 houses) and medium (6 to 30) scale housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At 9 houses the proposal is defined as medium scale and is contrary to this policy which in minor settlements allows up to 5 houses. In addition, the access road to service four of the house plots is located outwith the settlement zone in the Countryside Zone. Within the Countryside Zone up to small scale on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an ACE. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone.

In this case, the development has a high standard of design and, subject to the removal of one of the plots (from 10 to 9), sits comfortably with the existing settlement structure which comprises a mix of house styles. Only the private access which will serve 4 houses and the private sewage treatment plant are located within the Countryside Zone and any incursion/extension is minimal. There is currently no visible defined edge to the existing settlement boundary and a scheme of boundary planting is proposed which will give a specific and defensible end to the settlement. In landscape terms it is therefore, considered that there is justification for a minor departure to policies LDP DM1 and SG LDP HOU1 which are resistant to housing development immediately adjacent to a defined settlement boundary. As part of the proposal 2 affordable units will be required and the proposed houses will finance the upgrade of Fort Road required by the Area Roads Manager. The proposed houses will not impact on the character and amenity of adjoining houses and the surrounding area. In addition, the development will not detrimentally impact on the local nature conservation area.

The development of 9 houses will have an economic benefit to the local area and the upgrading of the existing access road will create additional opportunities for development. By improving the infrastructure of Fort Road, specifically upgrading the access, it will make the only entrance to this area and access to the medical centre safer in terms of both vehicular and pedestrian safety. The creation of a countryside footpath/cycle/bridleway will also improve vehicular and pedestrian safety. In

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. (16/02218/PP)

1. The development shall be implemented in accordance with the details specified on the application form dated 9 August 2016 and the approved drawing reference numbers P(LP)001, P(SP)001, A.005H, A.005, A.006H, A.007H, A.007 and D(AP)001 A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided to the Planning Authority for approval before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

3. No development shall commence until samples of materials to be used in the construction of the dwellinghouse hereby approved have been submitted to and approved 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 integrate the development into its surroundings.

4. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

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

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

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

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

5. Prior to development commencing on site, full details of the proposed private sewage treatment plant to serve the development shall be submitted to and approved in writing by the Planning Authority. The information submitted shall include details of the proposed outfall soakaway and a regime for the on-going maintenance of the private treatment plant. The duly

approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development and to ensure that there is no discharge of contaminated or polluted drainage to ground or surface waters.

6. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS) and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 3rd Edition and include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

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

7. Prior to development commencing a method statement for an archaeological watching brief shall be submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

8. Prior to works commencing on site an ecological survey of the Kilcreggan Woodlands and Raised Beach Local Nature Conservation Site shall be carried out by a qualified ecologist to determine its current biodiversity status in relation to the LNCS designation and any other biodiversity interest. The survey should identify measures to maintain and enhance the flora and fauna of the area including a timescale for the implementation of any of the measures agreed with the Council.

Reason: To maintain and enhance the range of species and character of Kilcreggan Woodlands and Raised Beach Local Nature Conservation Site.

9. Prior to works commencing on site, the following information shall be submitted and agreed in writing with the Council:

- details of how it is proposed to maintain Core Path C499 during the construction phase of operations and after completion of development;
- details of how it is proposed to maintain the wider path network namely paths 15/22 and 15/86 which traverse the site during the construction phase of operations and after completion of development.

Reason: To ensure that Core Path C499 is maintained and improved.

10. Prior to works commencing on site, the following information shall be submitted and agreed in writing with the Council:

- details of how Core Path C499, within the applicant's control, will be improved and maintained. Thereafter, the approved details shall be implemented prior to the development hereby approved being completed or brought into use unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that Core Path C499 is maintained and improved.

11. Prior to works commencing on site, details of the method of construction of the private access serving the four dwellings including gradients and finishes shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

12. At the junction of the proposed private access serving the four dwellings and the public road (Fort Road) a visibility sightline 2.4 x 25 x 1.05 metres shall be provided and maintained in perpetuity.

Reason: In the interests of road safety.

13. The provision for car parking within the site shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

Reason: In the interests of road safety.

Notes to Applicant:

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).]

In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

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.

The proposed road improvements to the existing public road (Fort Road) would require the submission of an application for a roads construction consent. After subsequent approval a financial security road bond will be required to be lodged before any works commence on site.

Japanese Knotweed has been reported on or near this site. It is a highly invasive weed that is capable of structural damage. Disturbance will cause it to spread and its movement is controlled by legislation. Under the Wildlife and Countryside Act 1981 it is illegal to cause it to spread in the wild. You are strongly advised to survey the site for the presence of Japanese Knotweed at an early stage and before any site clearance work and, if found, to formulate plans to control or eradicate it. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plants may extend laterally up to 7 metres beyond this.

Prior to any alterations or diversion of the paths within the application site the applicant should contact the Council's Access Officer from the Core Paths Team to receive written approval for their proposals.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 16/02218/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission is sought for erection of 9 (originally 10) dwellinghouses on an area of paddock and scrub land at Fort Road, Kilcreggan. In terms of the adopted Argyll and Bute Local Development Plan the application site is located primarily within the settlement boundary where Policies LDP DM 1 and SD LDP HOU 1 give encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance.

Portkil is a minor settlement where there is a presumption against major (more than 30 houses) and medium (6 to 30) scale housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At 9 houses the proposal is defined as medium scale and is contrary to these policies which in minor settlements allows up to 5 houses. Nine houses are proposed to fund the road improvements required by the Area Roads Manager. The development of 9 houses will have an economic benefit to the local area and the upgrading of the existing public road will create additional opportunities for development. By improving the infrastructure of Fort Road, specifically upgrading the junction with the B833, it will make the only entrance to this area and access to the medical centre safer in terms of both vehicular and pedestrian safety. The creation of a countryside footpath/cycle/bridleway will also improve vehicular and pedestrian safety.

The development has a high standard of design and, subject to the removal of one of the plots (from 10 to 9), sits comfortably with the existing settlement structure which comprises a mix of house styles. Only the private access which will serve 4 houses and the private sewage treatment plant are located within the Countryside Zone and any incursion/extension is minimal. There is currently no visible defined edge to the existing settlement boundary and a scheme of boundary planting is proposed which will give a specific and defensible end to the settlement. In landscape terms it is therefore, considered that there is justification for a minor departure to policies LDP DM1 and SG LDP HOU1 which are resistant to housing development immediately adjacent to a defined settlement boundary.

As part of the proposal 2 affordable units will be required and the proposed houses will finance the upgrade of Fort Road as required by the Area Roads Manager. The proposed houses will not impact on the character and amenity of adjoining houses and the surrounding area. In addition, the development will not detrimentally impact on the local nature conservation area. As such, it is considered that the proposal can be justified as a minor departure to Policies LDP DM 1 and SG LDP HOU 1.

B. Location, Nature and Design of Proposed Development

The site is irregular in shape extending to some 9372 square metres. It forms part of a larger area of paddock and scrub/rough grazing land on the north side of Fort Road, Portkil. The site slopes up from the coast and road towards existing dwellinghouses and an industrial unit.

The proposal is for the erection of 9 originally 10 houses set out in a linear pattern. Two house types are shown with all being detached, one and a half storey houses of modern design with a strong central projection/extension. The five at the front of the site take access from Fort Road. An access road to service the other four houses is located towards the western end of the site and is outwith the settlement boundary. The proposed houses have slate roofs and timber and smooth render finish walls.

The houses sit in substantial plots and are some 30 metres from the existing dwellinghouses to the north of the site and 23 metres from West Shore Cottage to the south. There is no specific defined edge to the existing settlement boundary and a scheme of boundary planting is proposed which will give a specific and defensible end to the settlement. As part of the proposal 2 affordable units will be required by means of a commuted sum and the proposed mainstream houses will finance the upgrade of Fort Road as required by the Area Roads Manager.

As indicated above, the original proposal was for 10 houses set out in three tiers of 5, 1 and 4 houses. The single house separating the other two tiers was incongruous and didn't sit well with the other houses. It appeared squeezed in to the corner of the site and was at odds with the proposed linear pattern. If approved it is considered that it would have been visually discordant and visually intrusive. As such the applicant has agreed to delete this property. With this plot removed the development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed houses will not impact on the character and amenity of adjoining houses and the surrounding area. In addition, the development will not detrimentally impact on the local nature conservation area. As such, it is considered that the proposal can be justified as a minor departure to Policies LDP DM 1 and SG LDP HOU 1.

The application site adjoins Ensign Motifs which is a long-standing industrial unit now within the settlement boundary. Policy SG LDP BAD 2 deals with the potential for bad neighbour development in reverse. Potentially the siting of dwellinghouses next to an industrial unit could give rise to conflict. In this instance, Ensign Motifs manufactures embroidered clothing and would be classified as a Class 4 Business Use under the Use Classes (Scotland) Order. Such uses can be carried on in any residential area without detriment to the amenity of that area. As such it is considered that it does not constitute a bad neighbour and that the proposal accords with Policy SG LDP BAD 2.

C. Road Network, Parking and Associated Transport Matters.

Policy SG LDP TRAN 4 indicates that developments should be served by a public road, however, there are a number of exceptions depending on the circumstances which include the opportunity for a housing development not exceeding 5 dwellings to be served by a private access. In this case 5 of the 9 houses take access directly from Fort Road which is adopted with the second tier of 4 houses being served by means of a new private access. The Area Roads Manager has indicated no objections subject to conditions and the proposal is considered to accord with this policy.

Under Policy SG LP TRAN 5, where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads, then developments will be required to contribute proportionately to improvements to an agreed section of the public or private road network. Since the last Local Plan, when the settlement boundary of Portkil was revised and extended, the Council has approved a number of new houses in this area. It is now considered that the existing public road (Fort Road) serving the new development is at capacity and therefore improvements will be required. The minimum necessary works required to upgrade the existing public road (Fort Road) are at the junction of the B 833 (Rosneath Road) plus from the junction along the length to the road to the access into "Rockfield including upgrading of an existing culvert".

These carriageway, footway and verge improvements will require an application for Roads Construction Consent to be submitted to the Roads Network Manager. These upgrading works should also include the improvement of the existing piped culvert under Fort Road at the eastern boundary of the property known as the "Haven", Fort Road, Kilcreggan. The land is outwith the control of the applicant but he has indicated that he

has dealt with the owner previously and will be able to provide the improvements. As such a Section 75 Agreement is considered to be the most appropriate mechanism for providing these improvements in this instance. Road Construction Consent will also be required including a financial security bond to be lodged with the Council prior to the occupation of the first dwellinghouse. On this basis, the proposal accords with Policy SG LDP TRAN 5.

Beyond the identified road improvements the existing public road serving the new development is accessed from a single track road with passing places and no pedestrian facility. Therefore, in accordance with Local Plan Policy SG LDP TRAN 2, a dedicated pedestrian walkway would be required as commensurate improvement to link the development with the main village of Kilcreggan. Again this can be covered by condition. The car parking and turning provision, as amended, is in accordance with Policy SG LDP TRAN 6.

D. Drainage/Flooding/Infrastructure

Water supply is via a connection to the public system while drainage is indicated to be by means of a private sewage system. Under Policy SG LDP SERV 1 connection to the public sewer will be required, unless the applicant can demonstrate, inter alia, that connection is not feasible, for technical or economic reasons. In terms of sewerage, a number of options are available. The applicant has previously obtained planning permission for a separate sewage treatment unit to the south of the application site under reference 09/00758/DET. This is to service other development in the area. Scottish Water has confirmed that there is no public system. An existing private piped system which takes waste from the existing houses on Fort Road discharges raw sewage directly in to the Clyde without any treatment and it's not considered appropriate to add to this. As such the applicant's preferred option for a new private treatment plant discharging clean water into adjoining ground is considered acceptable in principle in line with Policy SG LDP SERV 1. A SuDS condition will also be attached regarding surface water.

E. Bio- Diversity/Local Nature Conservation Site

The application site has a triple designation under the Local Plan. It is part of the larger Kilcreggan Woodlands and Raised Beach Local Nature Conservation Site. It is an Area for Action (AFA) 2001 and it is within the settlement boundary. Policy SG LDP ENV 5 is applicable in relation to its conservation designation. It states that development that would have an adverse effect on the integrity of the Local Nature Conservation Sites will not be supported unless the developer satisfactorily demonstrates that:

- (A) Such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal, and,
- (B) The Council is satisfied that all possible mitigation measures have been incorporated to minimise the adverse effects on the interests of the site.

Where development is allowed which could affect an LNCS, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the sites' ecological, geological and geomorphological interest.

The Local Nature Conservation Site has a special interest in regards to habitat diversity including uncommon flora (Wall Pennywort, Sea Radish, Common Skullcap, Bistort, White Campion, Yellow Rattle and a variety of orchids) and includes Black Bog Rush. The LNCS consists of mixed habitats and includes broadleaved woodland and scrub, marsh/marshy grassland. The Council's Bio-Diversity Officer was consulted on the previous application and responded in May 2016. She has indicated that the wider site does not have any protected European species but has interest in terms of both flora

and fauna. As such she is recommending an ecological survey be undertaken together with a landscape planting plan.

The issue is whether development of this site will undermine its conservation status. As previously advised the site is also included within the settlement boundary where there is a presumption in favour of development. The site itself is part paddock and scrub/rough grazing land which it is considered contributes little to the wider LNCS designation. The proposal includes substantial boundary planting to the west of the application site and the Bio-Diversity Officer has indicated that the ecological survey and planting scheme can be covered by suspensive conditions. As such it is considered that the loss of this part of the LNCS will not undermine its conservation status and that with additional planting the bio-diversity of the area will be marginally enhanced. The proposal is therefore consistent with Policy SG LDP ENV 5.

F. Core paths/Access issues

Under Policy SG LDP TRAN 1 the Council requires development proposals to safeguard and enhance public rights of access to the outdoors in a manner that is appropriate and proportionate to the specific site characteristics and the scale and impact of the proposed development on access issues. Accordingly, the Core Paths Plan, claimed Public Rights of Way and public rights of access to land and water under the Land Reform (Scotland) Act 2003 (LRSA) will be material considerations in assessing planning applications. Where development would have a significant adverse effect upon the public access interests identified an alternative access provision will be sought at the developer's expense either by diverting the route or incorporating it into the proposed development in a way that it is no less attractive, safe or convenient for public use. Where development would have a significant effect upon the public access interests identified the developer is required to submit an Access Plan which addresses access issues to the satisfaction of the Council.

Core path C499 is partly within the site boundary and offers the opportunity for re-routing and path improvement. In terms of the wider path network, paths 15/22 and 15/86 traverse the site and will require the construction of a new path. A new path is shown within the development site and the Outdoor Access Team have indicated no objections. Subject to conditions regarding maintenance of access and the re-routing and improvement of core path C499 it is considered that the proposal accords with Policy SG LDP TRAN 1.

G. Affordable Housing

The adopted Local Development Plan, under Policies LDP 8, SG LDP HOU 1, requires that on any site with more than 8 residential units, 25% of them should be affordable units. Affordable housing can be delivered by a variety of means including social rented housing, mid-market rented housing, the payment of commuted sums and also the building of houses/apartments designed to meet the needs of first time buyers. Affordable housing to be provided is expected to be fully integrated on site, delivered by a number of different mechanisms including shared equity where appropriate and taken forward in a tenure blind manner. Only in exceptional circumstances and once the developer has demonstrated to the satisfaction of the Planning Authority that on site provision is not practicable will other options then be considered. In order to secure the most appropriate affordable housing for each site therefore a sequential approach will be applied to the delivery of affordable housing, in the following order:

1(a) the provision of affordable (social rented/shared equity) housing on-site

OR

1(b) the transfer of an area of serviced land on-site to a registered social housing provider

OR – if this is not achievable for market, investment, location or other reasons:

2(a) the provision of affordable housing (social rented/shared equity) off-site within the same community or housing market area

2(b) the transfer of an area of serviced land off-site to a Registered Social Landlord (RSL).

Where the options 1 or 2 are not available for market, investment, location or other reasons the following options can also be considered on an equal basis namely;-

4 Commuted Payment (Sum to be agreed by the District Valuer for each Housing Market Area);

5 Discounted low cost sale;

6 Housing without subsidy.

In this case the applicant has indicated that provision will be by means of an Open Market Shared Equity Scheme. This allows people on low to moderate incomes to buy homes that are for sale on the open market where it is affordable for them to do so. The scheme is currently open to help all first time buyers. The minimum equity stake that buyers must take in a property is 60 per cent and the maximum equity stake is 90 per cent. Lenders normally require buyers to provide a modest deposit. Applications to the scheme are assessed by registered social landlords who administer the scheme on behalf of the Scottish Government

There are limits set on the price of homes that can be bought under the open market scheme to ensure that only 'starter' properties are available through the scheme - these are known as threshold prices. These limits vary according to house prices in different parts of Scotland and are often referred to as local maximum price ceilings. In Argyll and Bute a 6 apartment property has a threshold of £235,000. The applicant's agent has confirmed the two properties to be utilised for affordable housing will meet this threshold. However, it is considered that given their mass, scale and design these are not starter properties and their basic price will be well in excess of the Argyll and Bute threshold. Therefore, the requirement for a minimum equity stake that buyers must take in a property of 60 per cent and a maximum equity stake of 90 per cent means that this option is not a practical one in terms of the properties being affordable.

In terms of the sequential test and for the same reasons as indicated above it is not considered practical to provide housing on site either social rented/shared equity. Equally the transfer of an area of serviced land on-site to a registered social housing provider is also ruled out given the design of the houses. The applicant does not own land elsewhere and therefore off-site provision within the same community or housing market area or transfer of an area of serviced land off-site to a Registered Social Landlord (RSL) is not an option.

This leaves a commuted payment as the most practical option. These payments can be used to enable off-site provision to make an equal and equivalent financial contribution to the Strategic Housing Fund managed by Argyll and Bute Council to promote the direct provision of affordable accommodation with an approved Registered Social Landlord on other sites in the local housing market area. The commuted payment should be equivalent to the difference between the value of the affordable housing unit and the value of the equivalent private unit to ensure that the financial impact to the developer is the same as if the developer provided the affordable units on site. Where commuted payments are agreed, they will normally be payable at the same stage as on site provision would have been required in order to ensure that the time lag between the supply of private housing and the affordable housing is minimised.

In this case the commuted sum of approximately £24,000 per affordable unit would be payable to the Council's Strategic Housing Fund after the completion of 1 mainstream

house. The provision of the commuted sum would be monitored by Planning staff in conjunction with the Housing Department. If the Council is unable to attract public funding for the provision of affordable housing within a five year period (from completion of the first private house) in the form of off-site provision, then the provision in relation to commuted payments will be invoked and the developer will be entitled to have the commuted sum returned.

H. Previous Planning History

Reference is made in the representations section to the site's previous planning history. Two applications for this site are still pending decision. These are 12/01548/PP for the erection of 14 dwellinghouses, installation of sewage treatment plant, formation of vehicular access and junction improvements and 15/01054/PP for the erection of 6 dwellinghouses, installation of sewage treatment plant and formation of vehicular access. In the first instance the proposal for 14 houses (reduced from the original 20) was considered over development. Last year's application for 6 houses was considered more acceptable but, according to the applicant, would not provide sufficient monies to pay for the required junction and other road improvements. It is understood that they will be withdrawn and are minor material considerations in the assessment of the current proposal.

I. Conclusion.

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the plan relevant to the application is the Local Development Plan (LDP).

Portkil is a minor settlement where there is a presumption against major (more than 30 houses) and medium (6 to 30) scale housing development as defined by Policies LDP DM1 and SG LDP HOU 1. At 9 houses the proposal is defined as medium scale and is contrary to these policies which in minor settlements allows up to 5 houses. In addition, the access road to service four of the house plots is located outwith the settlement zone in the Countryside Zone. In this case, the development has a high standard of design and, subject to the removal of one of the plots, sits comfortably with the existing settlement structure which comprises a mix of house styles. Only the access road is located within the Sensitive Countryside Zone and any incursion/extension is minimal. There is no specific defined edge to the existing settlement boundary and a scheme of boundary planting is proposed which will give a specific and defensible end to the settlement. As part of the proposal 2 affordable units will be required and the proposed houses will finance the upgrade of Fort Road required by the Area Roads Manager. The proposed houses will not impact on the character and amenity of adjoining houses and the surrounding area. In addition, the development will not detrimentally impact on the local nature conservation area.

The development of 9 houses will have an economic benefit to the local area and the upgrading of the existing access road will create additional opportunities for development. In environmental terms the creation of a defined edge with significant boundary planting will enhance this part of Portkil and have a minor positive impact on the local nature conservation area by creating additional habitat. Previous development along Fort Road has not included any affordable housing. The scheme of 9 houses will provide 2 affordable units thus having a positive social benefit. As such, it is considered that the proposal can be justified as a minor departure to Policies LDP DM 1 and SG LDP HOU 1.

Appendix B - Representations Received for: 16/02218/PP

Total Representations: 43

Representations - Summary	Totals
1 - OBJECTORS	31
2 - SUPPORTERS	12

1 - OBJECTORS

Aiden Flanagan, 15 Craighornie Gardens, Kilcreggan, Helensburgh, Argyll And Bute, G84 0HY

Alice Kelly, West Shore Cottage, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Alison Barclay, Shore Road, Kilcreggan

Catherine Murray, 10c Tenant Street, Renfrew, PA4 8RH

David Strachan, 43 Morion Road, Knightswood, Glasgow, G13 2HB

Dougie Wotherspoon, Flat 2/1, 27 Spencer Street, Clydebank, G81 3AX

Esther Connell, Stratharran, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Gary Kelly, West Shore Cottage, Fort Road, Helensburgh, Argyll And Bute, G84 0LG

Harry S Cathcart, Aingarh, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute G84 0LQ

Hugh Scanlan, 44 Dalmuir Court, Clydebank, G81 4AA

Iain Connell, Stratharran, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Irene Young, Creanach, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute G84 0LG

Jemma Cairns, 61 Lesmuir Drive, Scotstoun, Glasgow G14 0EG

Joanne Barron, 0/2 1545 Dumbarton Road, Glasgow, G14 9XG

Joanne Cairns, 61 Lesmuir Drive, Glasgow, G14 0EG

Jonathan Thompson, Flat 3 Yard, 122 Highgate, Kendal, LA9 4HE

Lorraine Kelly, 11 Fairway, Garelochhead, Helensburgh, Argyll And Bute, G84 0BA

Malcolm Evans, Thistle House, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Margaret Thompson, Flat 3, Yard 122, Highgate, Kendal, LA9 4HE

Mark Mills, 62 Cloan Ave, 0/2 Drumchapel, Glasgow, G15 6AD

Paul Murray, 10c Tennant Street, Renfrew, PA4 8RH

R H West, Lynton Park, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LQ

Robina Scanlan, 44 Dalmuir Court, Dalmuir, Clydebank, G81 4AA

Robyn Kelly, West Shore Cottage, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Samantha Sherwin, Flat 5 St Columba Mews, Sinclair Street, Helensburgh, Argyll And Bute, G84 8TR

Sharon Kelly, West Shore Cottage, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Sharon Strachan, 124 Baldwin Avenue, Glasgow, G13 2QU

Steven Morton, 9/2 Comely Bank Place, Edinburgh, EH41DT

Terence McLernon, 1545 Dumbarton Road, Glasgow, G14 9XG

Tim Burgess, The Haven, Fort Road, Kilcreggan, Argyll And Bute G84 0LQ

Walter Young, Creanach, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

2 - SUPPORTERS

Alan Smith, Bayview, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Arusha Irvine, Ivyhill, Shore Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0HQ

Cheryl Smith, Bayview, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Christina Smith, Bayview, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

James Aplin, 98 Main St, Barrhead, G78 1SE

Kerris Bone, 11E Rankin Way, Barrhead, G78 1TB

Mark Irvine, Ivyhill, Shore Road, Kilcreggan Helensburgh, Argyll And Bute, G84 0HQ

Paul Collins, Camsail, Rosneath, Helensburgh, G84 0QR

Robert Aplin, 6B Henry Street, Barrhead, G78 1RJ

Ryan Davies, Braeview, Fort Road, Kilcreggan, Helensburgh, Argyll And Bute, G84 0LG

Thomas Wilson, 2 Upland Wynd, Garelochhead, Helensburgh, Argyll And Bute, G84 0BL

Paul Wilson, Oakview, Fort Road, Kilcreggan, Argyll and Bute, G84 0LG

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Location Plan Relative to planning application: 16/02218/PP



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

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 19/01542/PAN

Applicant: Gael Force Fusion Limited

Proposal: Proposal of application notice for change of use and redevelopment of former Sea Life Centre to use classes 4, 5 and 6 (office, industrial, storage and distribution centre), including new industrial, office and ancillary use buildings, outside working and storage areas, car and lorry parking, related infrastructure and landscaping

Site Address: Former Sea Life Centre, Barcaldine, Oban

1.0 BACKGROUND

A Proposal of Application Notice (PAN) has been submitted to the Planning Authority which took effect from 25th July 2019. In order to allow for a minimum of 12 weeks community consultation in accordance with the relevant legislation no formal planning application can be submitted until the 17th October 2019.

There have been no recent planning applications in respect of the current site which has been a long term use falling within class 11 “leisure and assembly” of the use classes order. The available planning history is set out below:

93/01002/DET – New building for educational purposes
94/00221/DET001 – Extension to car park and erection of flag poles
94/00115/DET001 – Formation of wheelchair ramp at seal observatory
02/00190/DET – Proposed Otter enclosure and lodge
02/00977/DET – Proposed Otter Enclosure
02/00853/NMA – Proposed Otter Enclosure

These applications confirm the long term use of the site for a class 11 use. The previous use as a Sea Life Centre, which started around 1979, ceased around October 2018 when the previous facility was closed.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- Change of use and redevelopment of former Sea Life Centre to use classes 4, 5 and 6 (office, industrial storage and distribution centre),
- Erection of new industrial office and ancillary use buildings,
- outside working and storage areas,
- car and lorry parking,
- related infrastructure and landscaping

The applicant is Gael Force Fusion who are a locally based company who are a marine and aquaculture equipment manufacturer.

3.0 SITE DESCRIPTION

The application site comprises the area currently occupied by the former sea life centre. and is heavily wooded. Directly to the south of the site is a large Rural Opportunity Area L100. To the north of the site is Loch Creran (which is a Marine Conservation Area) and to the north and west of the site is countryside. Access is currently take directly off of the A85 with an existing car park provided on the site.

The site has a high biodiversity value and red squirrel are known to occupy the site. The site is heavily wooded and has a path system within it. The site is also adjacent to National Cycle Route 78.

4.0 DEVELOPMENT PLAN POLICY

The adopted Argyll and Bute Local Development Plan identifies the site as PDA4003. The related schedules indicate that the preferred use is for tourism related development. The proposed uses do not therefore accord with this current allocation.

Officers are aware that the range of suitable uses for the site are being considered in respect of the review of LDP 2. Unfortunately this is not publicly available at time of reporting this PAN. However any changes set out in the emerging LDP will be material to the consideration of any future application, depending upon what stage of the consultation and adoption process the plan has reached.

The site is within the defined Countryside Zone and therefore policy LDP DM 1 (E) is applicable, and given the likely scale of development an ACE will be required and an exceptional case for large scale development in the Countryside will require to be made.

'Argyll and Bute Local Development Plan' adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP PROP 2 – The Proposed Allocations
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 14 –Landscape
SG LDP CST 1 - Coastal Development

SG LDP BUS 2 – Business and Industry Proposals in the Countryside Development Management Zones
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 (b) – Provision of Waste Storage and Collection Facilities within New Development

SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
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

5.0 POTENTIAL MATERIAL CONSIDERATIONS

In respect of this proposal it is considered that the following matters will be material considerations in the determination of any future planning application;

- Scottish Planning Policy 2014
- Argyll and Bute Council Corporate Plan 2018-2022
- The Strategic Economic Development Action Plan
- Argyll & Bute Sustainable Design Guidance (2006)
- Area Capacity Evaluation Technical Note (2009)

Any retention and creation of local jobs will be a material planning consideration in favour of the planning application.

Understanding and evaluating of the interaction between any class 5 operations proposed on the site, and the adjoining protected marine environment will require to be considered carefully in respect of the detail of any application.

It will also be necessary to consider the potential impact of any development and use of the site in terms of potential impacts on protected species on the site, such as red squirrels. Ecological surveys will be required to support any application.

It will also be necessary to ensure that the proposals are acceptable in respect of any potential landscape impact and the application will require an ACE to be carried out

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.

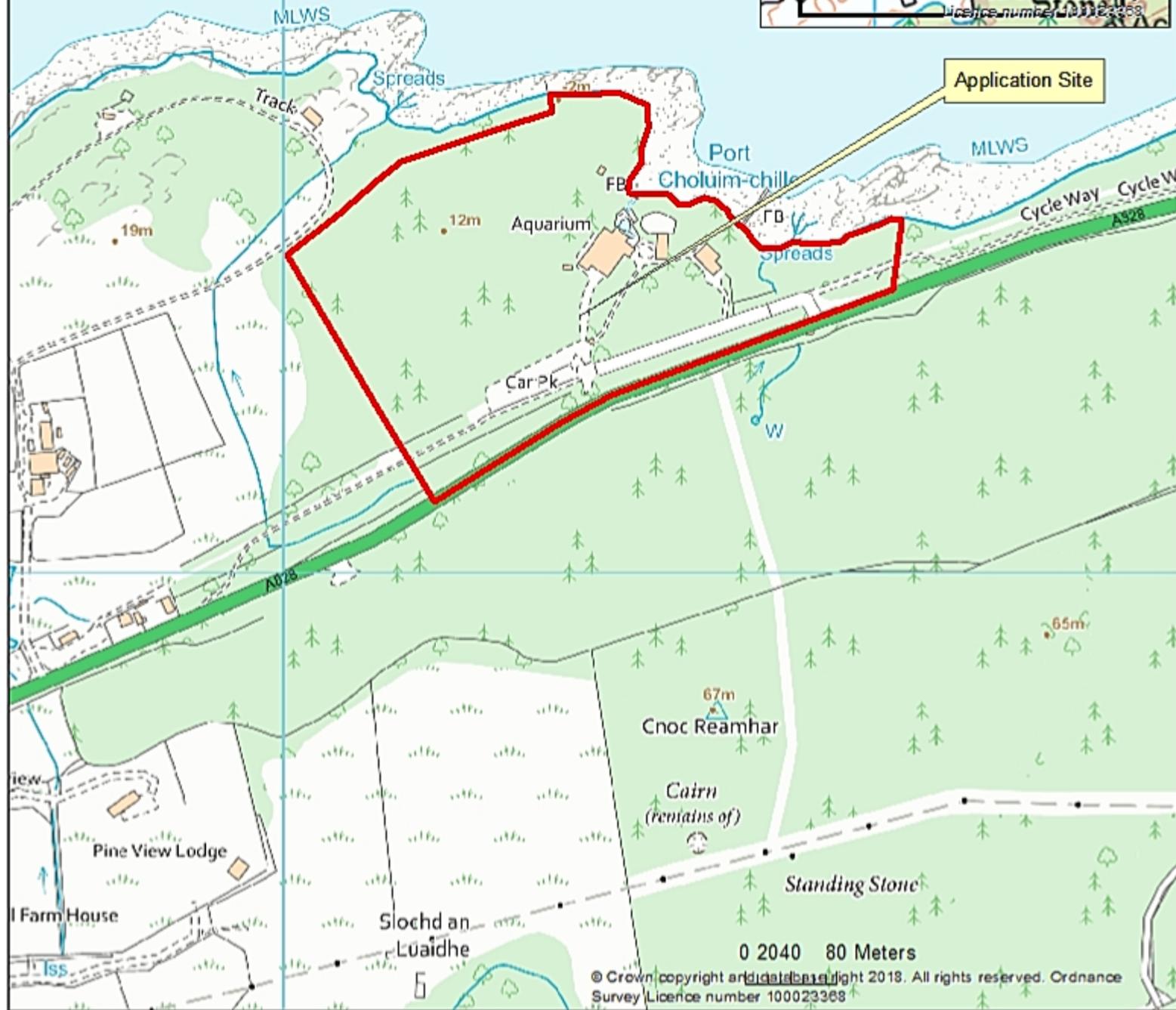
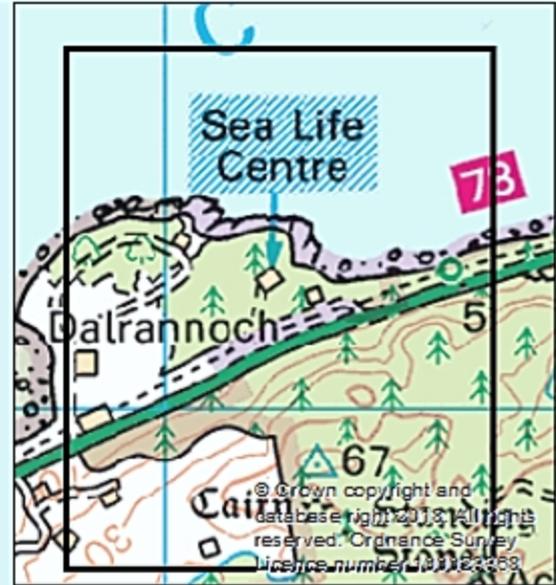
7.0 RECOMMENDATION

That Members' note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the applicant's in finalising any future planning application submission.

Author of Report: David Moore
Date: 02/09/19

Fergus Murray
Head of Development and Economic Growth

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Location Plan Relative to planning application: 19/01542/PAN



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ARGYLL AND BUTE COUNCIL**PPSL****DEVELOPMENT AND ECONOMIC GROWTH****18 SEPTEMBER 2019**

HELENSBURGH TOWN CENTRE CONSERVATION AREA PROPOSAL

1.0 EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to seek Member approval to progress the designation of a new conservation area to cover part of Helensburgh town centre.
- 1.2. Conservation areas are designated under the Planning Listed Buildings and Conservation Areas (Scotland) Act 1997. Local planning authorities should designate and review existing and potential conservation areas, and these should be supported by Conservation Area Appraisals and Management Plans. Planning authorities have a duty to submit their proposals for the preservation and enhancement of conservation areas for consideration to a local public meeting and should, when preparing schemes, seek the advice and views of local residents and amenity groups. In this case, a six-week consultation period was undertaken from 1st May to 12th June 2019, with a public drop in event held in Helensburgh on 13th May. The consultation attracted 59 responses. A further response on behalf of Helensburgh Community Council was received outwith the consultation period and is not therefore included in the analysis of the responses, as detailed within paragraph 4.10. The response does however reflect many of the other responses received. Helensburgh Community Council have subsequently confirmed that information provided in response to their letter has fully addressed the concerns they expressed and that they shall remain engaged.
- 1.3. To be designated a conservation area, an area must meet the criteria of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance', as set out in Section 61 of the 1997 Act. Following professional analysis of the area (Appendix 1), a significant part of Helensburgh town centre is considered to meet this criteria. The majority of the responses received as a result of the consultation exercise are supportive of the idea of a

conservation area designation being pursued for the town centre and it is therefore recommended that the designation be progressed.

- 1.4. This report therefore recommends that PPSL agree to the proposal of a Helensburgh Town Centre Conservation Area and recommend to the Council that the necessary steps, as set out in Section 62 of the Act, be taken to designate a new Helensburgh Town Centre Conservation Area.
- 1.5. A boundary map, delineating the proposed conservation area is attached as Appendix 2. It is considered that the street pattern, the tenemental scale and density of the buildings with a commercial ground floor element create a distinct town centre character, and the boundary has been drawn to reflect this. There was interest from a number of respondents in expanding the boundary to incorporate some of the waterfront and esplanade area, as described in paragraphs 4.10 – 4.11. However as this open seafront area is considered to be quite different in character, scale and activity from that of the retail core of the town centre it is not proposed to redraw the boundary to incorporate this area.

ARGYLL AND BUTE COUNCIL

PPSL

DEVELOPMENT AND ECONOMIC GROWTH

18 SEPTEMBER 2019

HELENSBURGH TOWN CENTRE CONSERVATION AREA PROPOSAL

2.0 INTRODUCTION

- 2.1. The purpose of this report is to seek Member approval to progress the designation of a new Helensburgh Town Centre Conservation Area.
- 2.2. The recommendation follows a six-week public consultation exercise, which asked for views on the possible establishment of a town centre conservation area for Helensburgh and which would encompass the principal area of the historic retail core of mixed uses with predominately tenemental ground floor retail with residential accommodation above.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that Members agree:
 - i) To the proposed Helensburgh Town Centre Conservation Area, and:
 - ii) That this and the proposed boundary, as per Appendix 2, be taken forward to Council for designation.

4.0 DETAIL

- 4.1. A conservation area can be described by its character and seeks to protect the buildings and the spaces between them that are of architectural or historic interest. Its purpose is to ensure that any development or alteration positively contributes to the area's character.
- 4.2. The definition of a conservation area is contained within Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as, "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". The Act makes provision for the designation of conservation areas, and planning authorities are required to determine which parts

of their locale merit conservation area status and it is on the basis of this section of the Act that a review of Helensburgh town centre was made. It should be noted that Helensburgh already has two distinct conservation areas that predominately cover residential areas of the town.

- 4.3. The purpose of the recent review in Helensburgh was also to explore access to heritage-led regeneration funding such as that obtained for Campbeltown, Dunoon and Rothesay through Historic Environment Scotland's Conservation Area Regeneration Scheme (CARS) fund.
- 4.4. The quality of townscape and buildings, density and street pattern, and crucially the activity and use of the proposed conservation area are considered to demonstrate sufficient special character, which can be described as being built around the historic town centre retail core.
- 4.5. Should a Helensburgh Town Centre Conservation Area be designated, a currently deferred bid for CARS funding could be considered in the first quarter of 2020, as the designation would make the area eligible for the heritage-led regeneration funding. It is intended for Economic Development officers to pursue this funding in this case.
- 4.6. Consultation on the potential for a Helensburgh Town Centre Conservation Area took place between 1st May and 12th June 2019, with a drop-in event hosted on 13th May.
- 4.7. Consultation was based upon conservation accredited professional analysis (Appendix 1) which concluded that there is sufficient merit within the town centre retail core which is primarily focused on the shops and tenemental properties above to warrant conservation area designation. The proposed boundary (Appendix 2) is based on this analysis and reflects the retail character. The area also incorporates a significant number of listed buildings, by virtue of which the quality of architecture is highlighted.
- 4.8. Consultees were invited to comment on whether they would support a conservation area designation and for their thoughts on the proposed boundary. The consultation was advertised in advance of, and throughout the consultation period via social media and posters within public buildings. In addition, regular emails were sent to local amenity groups to ask that their members be reminded to take part in the consultation. Flyers were distributed by hand to all independent businesses within the affected area at ground floor level, inviting business owners to a drop-in event. In addition, a face to face meeting was held with members of both the community council and the chamber of commerce in advance of the consultation period to outline

proposals. A follow up meeting took place between a chamber representative and a planning officer to detail the practical impact of such a designation. No formal response was subsequently received from Helensburgh Chamber of Commerce, and a response from Helensburgh Community Council was received outwith the formal consultation period. The feedback does however align with many of the other responses received as follows. Helensburgh Community Council have subsequently confirmed that information provided in response to their letter has fully addressed the concerns they expressed and that they shall remain engaged.

- 4.9. A total of 59 responses were received during the consultation period. Of these, 38 (64%) were in favour of a conservation area designation and 34 suggested that the proposed boundary be redrawn, with 21 of the 34 making specific suggested amendments. The following provides a further breakdown of the consultation analysis:
- 13 people suggested that the boundary be extended to include the pier;
 - 3 people suggested that the boundary be extended to include the waterfront area, which is understood to be the swimming pool area;
 - 2 people suggested that the boundary be extended to include more of the seafront.
 - There were also 3 single requests to increase the area to the north and to remove the train station, and a car park.
 - Concerns cited the lack of maintenance within the town centre (7 responses), the need for careful management of a conservation area (5 responses), and perceived increased planning restrictions as a consequence of a conservation area designation (9 responses).
 - Of the 59 respondents only 11 people would be affected by the conservation area designation, and of those directly affected, 7 are in favour of the designation.
- 4.10. Careful consideration was given to all suggested amendments, and the boundary has been redrawn to remove the car park on Maitland Street as it is agreed that this area does not fit with the retail character. However, as the character of the waterfront is quite different to that of the shopping area, especially in terms of density and use, and by virtue of the pier now being a listed building and therefore afforded protection in its own right, it is considered that the boundary should not be redrawn so that the focus can be on attracting funding for the conservation regeneration activities. In this regard the waterfront and

esplanade have already benefited from environmental improvements associated with CHORD, and will benefit from the planned investment and regeneration associated with the waterfront and replacement swimming pool project.

- 4.11. As the consultation consequently demonstrates a high level of support for a Conservation area designation this report requests that the decision to designate a Helensburgh Town Centre Conservation Area be made by the Council, with a supporting recommendation from PPSL. Further to this, and as set out in Section 62 of the 1997 Act, once a planning authority has taken the decision to designate a conservation area, notice of the designation must be published in the *Edinburgh Gazette* and at least one local newspaper. At this point, formal notification of the designation must simultaneously be provided to Historic Environment Scotland and Scottish Ministers, providing them with a copy of the published notice, together with a copy of the designation map and a list of street names submitted in an open GIS format.
- 4.12. On conclusion of the designation process, Economic Development officers will alert colleagues within the grants team at Historic Environment Scotland (HES) that a conservation area is in place. All criteria will therefore have been met to satisfy HES that a decision can be taken on a Round 8 bid to their Conservation Area Regeneration Scheme (CARS) for Helensburgh Town Centre CARS funding, which would support the regeneration activity within a designated section of the conservation area. A Conservation Area Appraisal and Management Plan will also be prepared to support the bid for CARS funding, and to help inform property owners and residents of the qualities of the conservation area and the ways in which these can be maintained and enhanced going forward. The appraisal and management plan will be subject to further public consultation and engagement, and the finalised appraisal and management plan will be reported to PPSL.

5.0 CONCLUSION

- 5.1 Conservation Areas are designated under the Planning, Listed Buildings and Conservation Areas (Scotland) Act 1997. Local planning authorities should designate and review existing and potential conservation areas, and these should be supported by Conservation Area Appraisals and Management Plans. Should a conservation area be designated, the preparation of an appraisal and management plan would be subsequently produced.

- 5.2 Further to a conservation accredited professional consideration of Helensburgh's town centre, it is considered that the central retail core merits conservation area designation. Public consultation on the proposals for a conservation area ran from 1st may to 12th June 2019, resulting in 38 of 59 respondents in favour of such a designation.
- 5.3 This report therefore recommends that members agree that the proposal to designate a conservation area to cover part of Helensburgh's town centre would serve to preserve or enhance the special architectural or historic interest of the area and should be progressed accordingly, which would subsequently allow for an application submitted to Historic Environment Scotland for a Conservation Area Regeneration Scheme to be considered.

6.0 IMPLICATIONS

- 6.1 Policy - Sections 61 - 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 would provide the statutory basis for a conservation area designation.
- 6.2 Financial – The cost of preparing a Conservation Area Appraisal and Management Plan would be met using existing budgets
- 6.3 Legal - None
- 6.4 HR - None
- 6.5 Fairer Scotland Duty - None
- 6.5.1 Equalities - protected characteristics - None
- 6.5.2 Socio-economic Duty - None
- 6.5.3 Islands - N/A
- 6.6. Risk - If the proposed conservation area is not designated, Historic Environment Scotland will be unable to consider an application for Conservation Area Regeneration Scheme (CARS) funding for Helensburgh.
- 6.7 Customer Service - None

**Executive Director with responsibility for Development and Economic Growth,
Pippa Milne**

Policy Lead for Planning and Regulatory Services, David Kinniburgh

9th August 2019

For further information contact:

Lorna Pearce, Senior Development Officer, tel: 01700 501 374

APPENDICES

Appendix 1 – Consultation Document

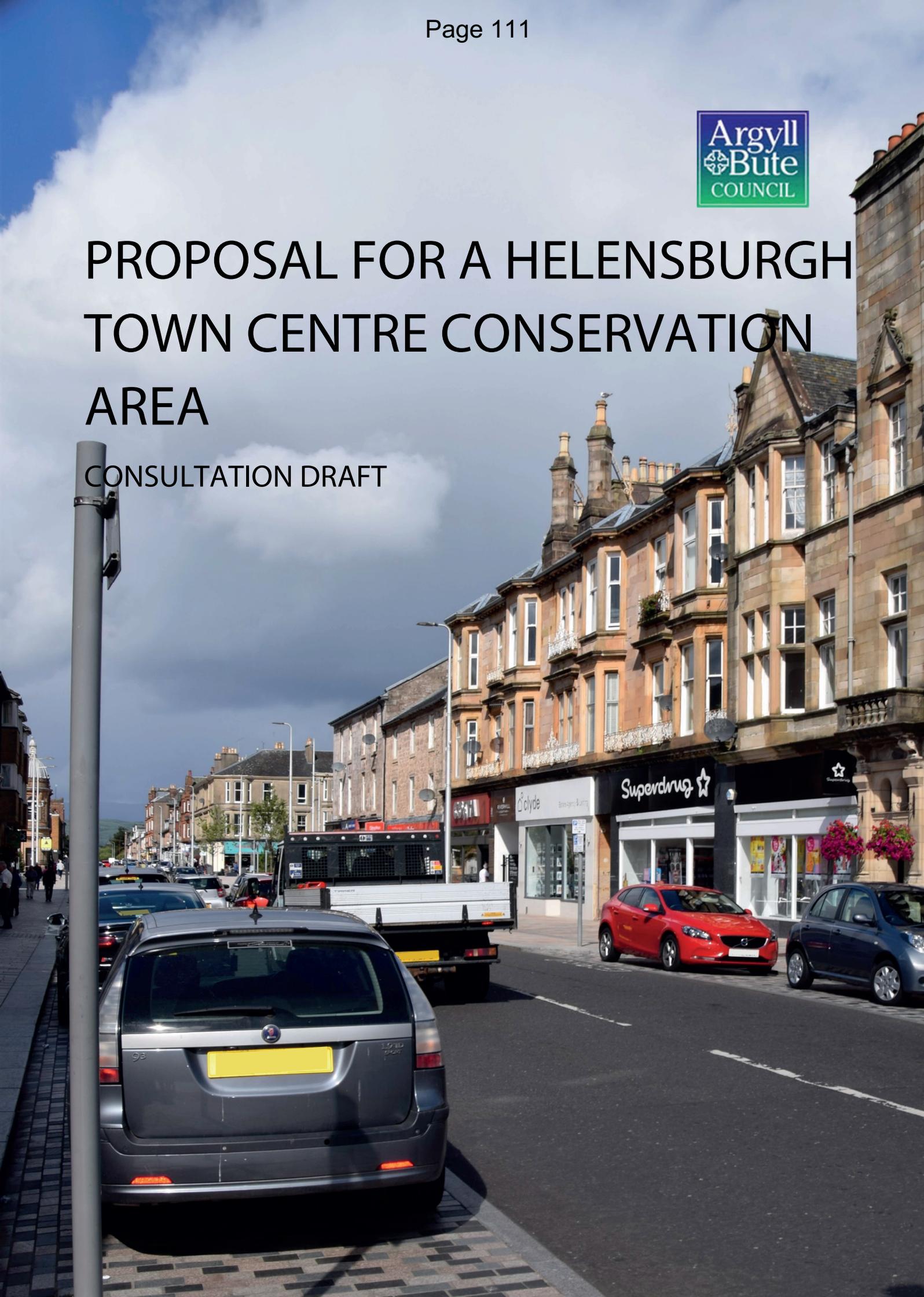
Appendix 2 – Proposed conservation area boundary

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PROPOSAL FOR A HELENSBURGH TOWN CENTRE CONSERVATION AREA

CONSULTATION DRAFT



1. INTRODUCTION

Helensburgh currently has two designated conservation areas – The Hill House conservation area and Upper Helensburgh conservation area. The southern boundary of the Upper Helensburgh conservation area ends at East and West Argyll Street and currently does not encompass any part of the town centre.

The town centre is however distinctive in terms of character. The quality of townscape, waterfrontage, street pattern, buildings and its town centre activity merit further consideration.

In response, Argyll and Bute Council have commissioned an initial scoping exercise to consider the merits of a Helensburgh Town Centre conservation area and to establish where the logical boundary would be located.

The initial phase of the scoping study, a combination of field work, site walk rounds and liaison with the local authority was carried out September and October 2018 and is in prelude to consultation with the community on the principle of such a designation.

Conservation areas are defined as ‘areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance’. **1.**

The designation of a conservation area is a means to ensure that the character and appearance of a valued historic place is safeguarded for the enjoyment and benefit of future generations.

The initial scoping exercise has established that there are indeed areas of the town centre that meet the criteria for special architectural and historic significance that would be desirable to preserve and enhance.

A summary of the key justifications are as follows:

- Historical development of Helensburgh with the cross roads at Sinclair Street and Princes Street representing the commercial heart of the town. Density of urban form unmatched elsewhere.
- Townscape based on tenement and terrace in contrast to the garden wall and hedge row of Upper Helensburgh.
- Townscape further shaped by a diverse range of historic buildings and architectural styles, in particular 20 Listed Buildings, and many un-listed buildings that make a significant contribution to townscape.
- Commercial trading at ground floor. While a number of traditional shopfronts have been lost there are still various remaining Victorian frontages and period detailing.
- Town centre linkage to waterfront and expansive panoramas of Greenock and Port Glasgow.
- Opportunities to enhance through conservation area control by addressing specific negative impacts and considering development opportunities. (The scoping study would be a preamble to a detailed Conservation Area Appraisal).

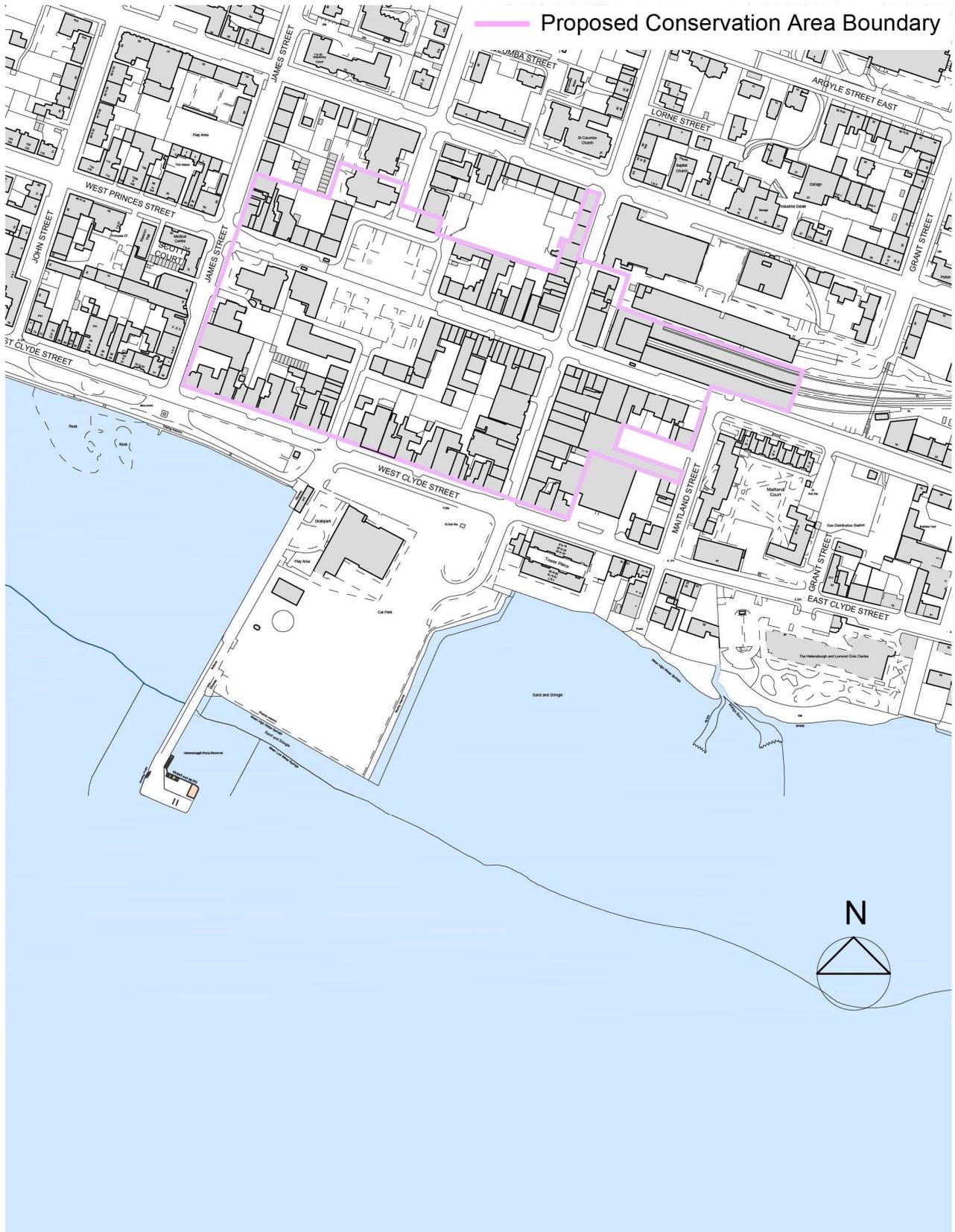
2. THE PROPOSED BOUNDARY

The town centre conservation area would be focus on the commercial core and logically occupy in whole and in part six urban blocks with Princes Street and Colquhoun Square at the centre. To the east the boundary would encompass Helensburgh Central Station and end to the West at James Street. The two urban blocks that form the southern edge of Colquhoun Square, connecting to the waterfront at West Clyde Street, are fully enclosed, with the remaining blocks partially located for the main frontages to West and East Princess Street, Sinclair Street and Colquhoun Square.

1. Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

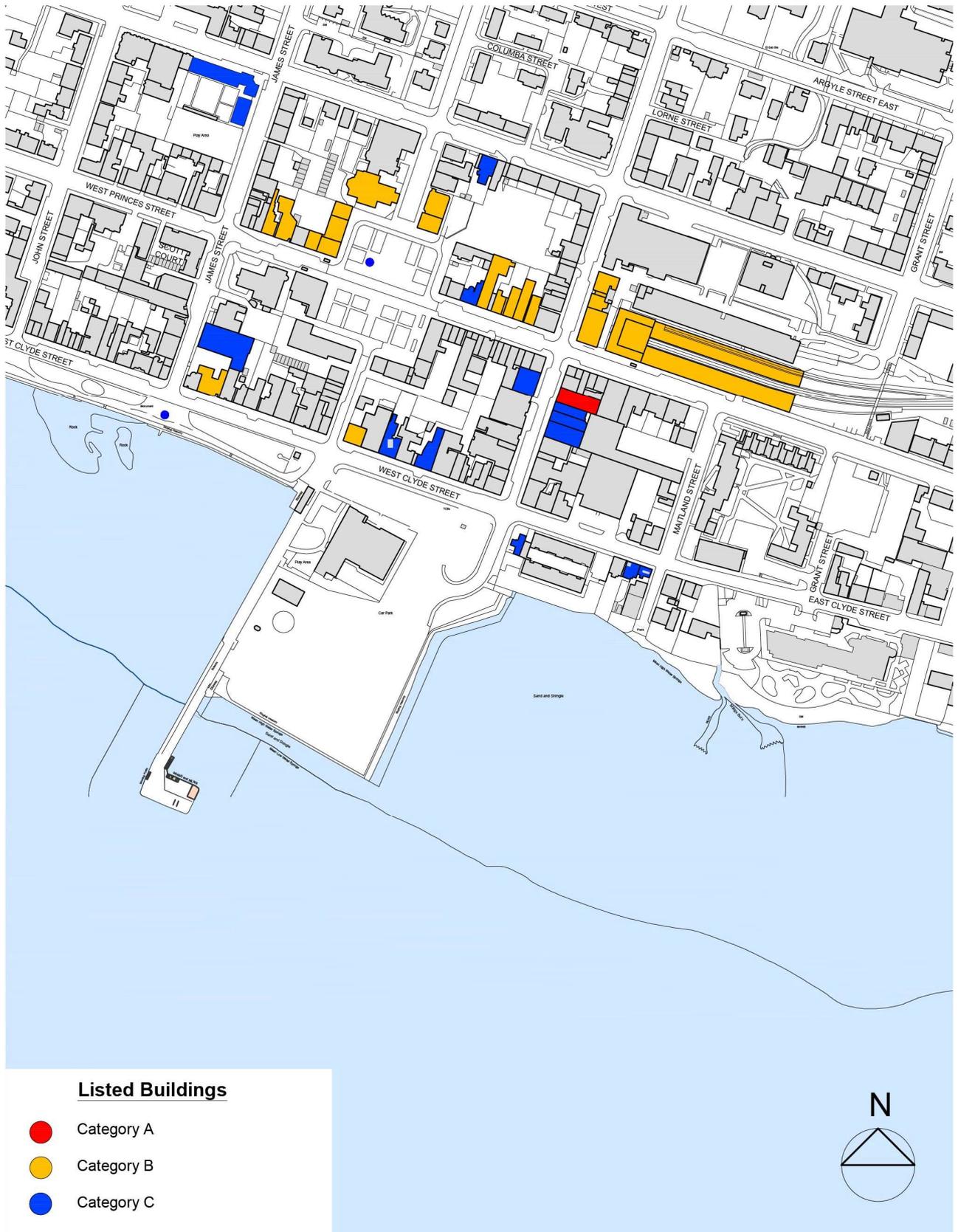
PROPOSAL FOR A HELENSBURGH TOWN CENTRE CONSERVATION AREA

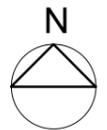
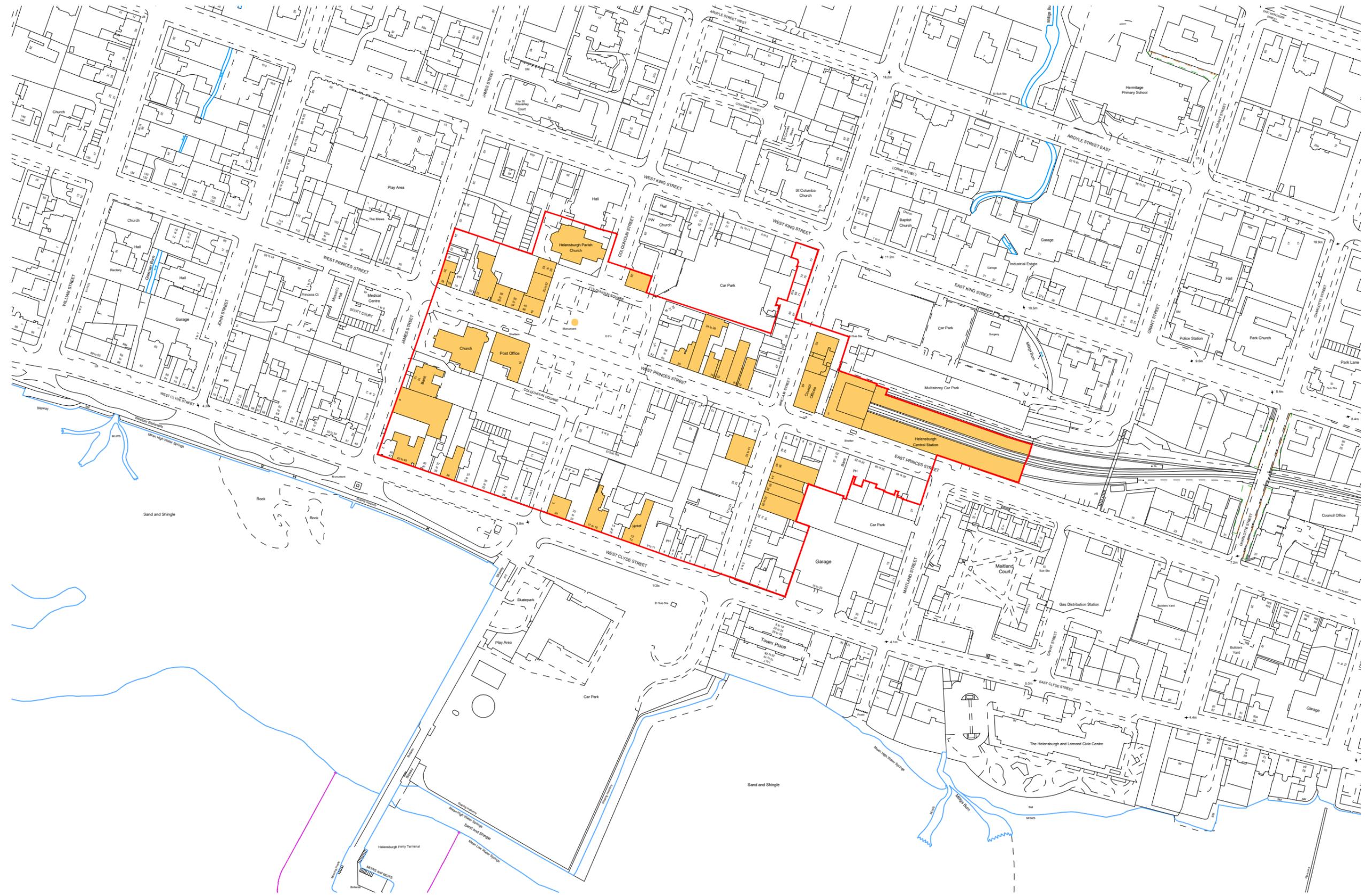
Helensburgh Town Centre – Proposed Conservation Area Boundary



PROPOSAL FOR A HELENSBURGH TOWN CENTRE CONSERVATION AREA

Helensburgh Town Centre – Listed Building location.





SCALE BAR 1:2500 @ A3
20m 30m 60m 80m 100m 200m

-  LISTED BUILDINGS
-  PROPOSED CONSERVATION AREA BOUNDARY

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ARGYLL AND BUTE COUNCIL**PLANNING PROTECTIVE SERVICES AND
LICENSING COMMITTEE****Development and Economic Growth****18th September 2019**

British Telecom's Public Payphone Rationalisation Consultation

1. INTRODUCTION

- 1.1. The purpose of this report is to inform members of the current consultation that is being undertaken in respect to BT's Public payphone rationalisation programme.
- 1.2. The 90 day consultation is currently ongoing regarding the proposed removal of 38 payphones across Argyll and Bute and is due to end on the 22nd September unless the Council request an extension. A list of these is available in Appendix 1 along with the number of times each phone has been used in the last 12 months
- 1.3. All affected community councils have been notified along with notices being posted in the telephone boxes affected.

2. RECOMMENDATION

- 2.1 Members are requested to approve
 - The removal of phone boxes that have not received any public objections, provided there is 4G coverage from at least 1 Mobile Network Operator (MNO).
 - Formally object to the removal of phone boxes which have received public objections or are not in receipt of 4G coverage from at least 1 Mobile Network Operator (MNO).

3. DETAIL

- 3.1 As outlined in the consultation document the reason for the proposed removal is due to the fact that overall use of payphones has declined by over 90 per cent in the last decade and the need to provide payphones for use in emergency situations is diminishing all the time, with at least 98 per cent of the UK having either 3G or 4G coverage. This is important because as long as there is network coverage, it's now possible to call the emergency services, even when there is no credit or no coverage from your own mobile provider.
- 3.2 In addition to this BT have also asked the Council to consider the recent Ofcom affordability report which found that most consumers do not view payphones as essential for most consumers in most circumstances.
- 3.3 On the 14th March 2006 the Office of Communications (Ofcom) published a statement following their 2005 review of universal service in the Telecommunications market, which includes a requirement for payphone provision to meet reasonable needs. Part

of that statement amended the Councils obligations with regard to the removal of payphone service.

- 3.4 As stated in Ofcom's 2005 review, it is the responsibility of the local authority to initiate its own consultation process to canvas the views of the local community. They would normally expect these consultations to involve other public organisations such as the Parish or Community councils and work within the terms of the Communications Act 2003. This means that you must be able to objectively justify your decisions.
- 3.5 The consultation process is relatively simple, they are asking local communities if they wish to agree/object to the removal of the box or if they wish to adopt the telephone box for an alternative use. If they wish to adopt the telephone box they need pay £1 and provide contact email address.
- 3.6 There has been a number of communities across the area that have already been through the adoption process and have used these to hold defibrillators, small libraries cake shops or general public information hubs.

4. CONCLUSION

- 4.1 A number of communities have already responded with some objecting to the proposed removal of the local public telephone and some are wishing to adopt.
- 4.2 As the consultation is due to end shortly it is recommended that the Council allows the consultation to progress as intended and any phone box that has not received a response on shall be removed.

5. IMPLICATIONS

- 5.1 Policy – In line with Argyll and Bute Outcome Improvement Plan – Our infrastructure is safe and fit for the future.
- 5.2 Financial – N/A
- 5.3 Legal – As per Ofcom 2005 Review and Communications Act 2003
- 5.4 HR – N/A
- 5.5 Fairer Scotland Duty
 - 5.5.1 Equalities – Community consultation carried out
 - 5.5.2 Socio-economic Duty – Community consultation carried out
 - 5.5.3 Island – N/A
- 5.6 Risk- N/A
- 5.7 Customer Service- N/A

Pippa Milne

Executive Director with responsibility for Development and Economic Growth

Councillor David Kinniburgh

Policy Lead for Planning and Regulatory Services

Fergus Murray

Head of Development and Economic Growth

18th September 2019

For further information contact:

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w: www.argyll-bute.gov.uk

Appendix 1 List of Proposed Telephone Boxes

	Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
1	01369702517	JCN ARDENSLATE CRES PCO1 ELIZABETH AVENUE KIRN DUNOON	PA23 8JD	0	14/06/2019		
2	01369703190	PCO PCO1 SANDHAVEN SANDBANK DUNOON	PA23 8QW	0	14/06/2019		
3	01369704431	PCO1 ROBERTSON TERRACE SANDBANK DUNOON	PA23 8PT	0	14/06/2019		
4	01369860220	O/S TEL EXCH PCO1 STRACHUR CAIRNDOW	PA27 8DG	12	14/06/2019		
5	01389841275	PCO PCO1 MAIN ROAD CARDROSS DUMBARTON	G82 5PX	14	05/06/2019		
6	01436672597	PCO PCO1 OLD LUSS ROAD HELENSBURGH	G84 7LP	0	05/06/2019		
7	01436673233	PCO PCO1 COLLINS ROAD HELENSBURGH	G84 7UA	0	05/06/2019		
8	01436673886	O/S NAVAL PROVOST HQ PCO1 CHURCHILL SQUARE HELENSBURGH	G84 9HL	0	05/06/2019		
9	01436810254	PCO PCO1 FEORLIN WAY GARELOCHHEAD HELENSBURGH	G84 0DL	33	05/06/2019		
10	01546510220	OPP. HOTEL PCO1 KILMARTIN LOCHGILPHEAD	PA31 8RQ	0	07/06/2019		

	Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
11	01546602515	PCO PCO1 CAIRNBAAN COTTAGES CAIRNBAAN LOCHGILPHEAD	PA31 8SJ	1	07/06/2019		
12	01546605245	PCO PCO1 KILMICHAEL GLASSARY LOCHGILPHEAD	PA31 8QA	0	07/06/2019		
13	01546850219	PCO PCO CASTLE SWEEN ACHNAMARA LOCHGILPHEAD	PA31 8PT	0	07/06/2019		
14	01583421259	PCO PCO1 GLENBARR TARBERT	PA29 6UT	0	08/06/2019		
15	01583431200	PCO PCO1 TORMHOR CARRADALE EAST CAMPBELTOWN	PA28 6SD	0	08/06/2019		
16	01583431644	PCO PCO1 MILLERS PARK SADDELL CAMPBELTOWN	PA28 6RA	0	08/06/2019		
17	01586552019	KNOCKNAHA PCO1 CAMPBELTOWN	PA28 6PH	0	08/06/2019		
18	01586552443	PCO PCO1 STEWARTON CAMPBELTOWN	PA28 6PG	0	08/06/2019		
19	01586552733	PCO PCO1 RALSTON ROAD CAMPBELTOWN	PA28 6LG	0	08/06/2019		
20	01586554815	PCO SUB POST OFFICE MILLKNOWE CAMPBELTOWN	PA28 6NJ	0	08/06/2019		

	Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
21	01586810284	PCO PCO1 DRUMLEMBLE CAMPBELTOWN	PA28 6PW	0	08/06/2019		
22	01586830200	ADJ TO SOUTHEND A.T.E. PCO1 SOUTHEND CAMPBELTOWN	PA28 6RW	35	08/06/2019		
23	01631562509	PCO PCO1 LONGSDALE ROAD OBAN	PA34 5JU	0	07/06/2019		
24	01631562977	PCO PCO1 KNIPOCH PLACE OBAN	PA34 4ED	0	07/06/2019		
25	01631563644	PCO PCO1 MCCAIG ROAD OBAN	PA34 4YD	13	07/06/2019		
26	01631565360	ENTRANCE TO MILLPARK PCO1 MILLPARK TERRACE SOROBA ROAD OBAN	PA34 4JH	6	07/06/2019		
27	01700811253	PCO PCO1 MILLHOUSE TIGHNABRUAICH	PA21 2BW	0	14/06/2019		
28	01838200377	PCO PCO1 GLENVIEW DALMALLY	PA33 1BE	15	07/06/2019		
29	01838400230	S.P.O. PCO1 BRIDGE OF ORCHY	PA36 4AD	15	07/06/2019		
30	01866822220	PCO PCO1 TAYNUILT	PA35 1JE	0	07/06/2019		

	Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
31	01866822314	PCO PCO1 ACHLONAN TAYNUILT	PA35 1JJ	3	07/06/2019		
32	01866822596	PCO INVERAWE FISHERIES INVERAWE TAYNUILT	PA35 1HU	12	07/06/2019		
33	01866833274	PCO PCO1 INVERINAN TAYNUILT	PA35 1HH	0	07/06/2019		
34	01866833289	PCO PCO1 KILCHRENAN TAYNUILT	PA35 1HD	0	07/06/2019		
35	01866844280	DALAVICH VILLAGE PCO1 LOCHAVICH TAYNUILT	PA35 1HJ	15	07/06/2019		
36	01880730241	O/S LAGAVULLIN HOUSE PCO1 WHITEHOUSE TARBERT	PA29 6XR	1	08/06/2019		
37	01880770226	PCO PCO1 ACHAHOISH LOCHGILPHEAD	PA31 8PD	0	07/06/2019		
38	01880820235	PCO PCO1 TORINTURK TARBERT	PA29 6YE	0	08/06/2019		

Highlighted in green indicates good 4G coverage
Highlighted in yellow indicates partial 4G coverage

ARGYLL AND BUTE COUNCIL
**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**
**DEVELOPMENT AND
INFRASTRUCTURE SERVICES**
18TH SEPTEMBER 2019

**PLANNING AND REGULATORY SERVICES PERFORMANCE
REPORT FQ1 2019-20**

1.0 INTRODUCTION

- 1.1 The Planning and Performance Management Framework sets out the process for presentation of the council's quarterly performance reports.
- 1.2 This paper presents the PPSL Committee with the Planning and Regulatory Services performance report with associated scorecard for performance in FQ1 2019-20 (April to June 2019).

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee reviews the scorecard as presented.

3.0 DETAIL

- 3.1 The performance scorecard for Development and Infrastructure Services was extracted from the Council's Pyramid performance management system and is comprised of key performance indicators incorporating the services that make up Development and Infrastructure Services.

4.0 IMPLICATIONS

- | | | |
|-----|---------------------------------|--|
| 5.1 | Policy | None |
| 5.2 | Financial | None |
| 5.3 | Legal | The Council has a duty to deliver best value under the Local Government in Scotland Act 2003 |
| 5.4 | HR | None |
| 5.5 | Equalities/Fairer Scotland Duty | None |
| 5.6 | Risk | Ensuring performance is effectively scrutinised by members |
| 5.7 | Customer Service | Inherent |

For further information contact: Pippa Milne, Tel 01546 604076

APPENDICES

FQ1 2019/20 Performance reports and score cards – Development and Infrastructure Services

Council Performance Report – Development and Infrastructure Services	Period: FQ1 19/20
SUMMARY OF PERFORMANCE - No. of Success Measures: Green 12 Red 1 No Data 0	
Delivering Our Outcomes	
Our Challenges	
Current Short-term Operational Challenges [Include Service id]	
PHRS <ol style="list-style-type: none"> 1. Non-payment from businesses relating to export certificates charging regime. Businesses potentially looking at staff reductions and exiting from markets around the world. Work is ongoing to develop a Scottish model for exporting foods to the EU in the event of a ‘no deal’ Brexit. Recommendations are being considered nationally with the aim of introducing a common charging framework and possibly a common charge which may have implications for Argyll and Bute. 2. Performance on pre-apps remains a concern with only 62.3% of responses issued within 20 working days (target 75%). Area Team Leaders have been reminded to afford this non-statutory paid work appropriate priority however impacts upon performance from planned long term absence and summer holiday period have potential to impact upon the progress recently displayed on this performance marker. Introduction of IDOX Enterprise later in the financial year has potential to improve management and prioritisation of workflow. 3. Deployment of IDOX Enterprise – IDOX Enterprise was purchased during 2018/19 and will be deployed during 2019/20 to improve workflows and performance reporting. IDOX training is to be delivered during September 2019. In advance it will be necessary to identify a working group with sufficient resource and range of expertise to develop standard IDOX processes to fit with service delivery arrangements in Argyll and Bute. 4. The reduction in staff in response to reducing budgets has resulted in limited resilience for day to day operational activities. Some very experienced members of staff have left the organisation and services have been amalgamated. This has left some key areas where we are having to recruit and will mean staff covering much larger areas until we have a full complement of trained staff. 	
Current Key Challenges and Actions to address the Challenges	
Key Challenges and Actions to address the Challenges	
BO110 – We Support Businesses, Employment and Development Opportunities (PHRS) <ol style="list-style-type: none"> 1. Challenge – Maintain an LDP Less than Five Years Old. Previous work on preparation of the PLDP2 has taken longer than envisaged, partly due to complexity, and partly due to difficulties and the time required to achieve an adequate level of engagement with Members and key agencies. Reduced resources mean it isn’t possible to recover the delay. The team is currently focusing on detailed policy writing, digitisation of new sites and amended boundaries, creation of a GIS version, and the carrying out of a Strategic Environmental Assessment, Habitat Regulations Assessment, and 	

EQIA. Previously other demands continued to stretch the team's ability to focus on this core task: e.g.: Houses In Multiple Operation, CSE Assessment, Best Value 3 Audit, most recently PPF and Community Growing Strategy.

- 1. Action Detail** – A Highlight Exception Report has been approved by the project board (D&I DMT) and the same report has been agreed by the Leader and the Policy Lead. Production of the PLDP2 for consultation has been re-scheduled to the autumn of 2019 in order to avoid public consultation over the summer holiday months, allow greater proof reading and due diligence of the documents which will ultimately be subject to a public examination by a Scottish Government Reporter, and to allow greater time to engage with Strategic Management Team and Members in development and agreement of strategy prior to presentation at Full Council. Continue to prioritise team workload including wider specialist members of the Development Policy Team and the GIS Team contributing to LDP work, and hold weekly team project monitoring meetings. Aim to complete drafting of Proposed LDP2 for end of July and publication thereafter.

Carried Forward From Previous Quarter:

Y

Action Milestone Dates:

FQ2 19/20

Responsible Person:

Senior Planning and Strategies Officer

Key Challenges and Actions to address the Challenges

BO110 – We Support Businesses, Employment and Development Opportunities (PHRS)

- 2. Challenge** – Update and Improve our Conservation Area Appraisal Coverage. Continuing to deliver 2 conservation area appraisals in the absence of the conservation officer who was on maternity leave until January 2019. Cover arrangements had been planned within the LDP team, but workload pressure within the LDP work (as above) and the extended length of consultation period that was required for the Slate Island Conservation Area Appraisals means that the planned timetable of work slipped. In addition it is now necessary for the Design and Conservation officer to support the development policy team writing the Proposed LDP2.
- 2. Action Detail** – Conservation Area Appraisals for Ellenabeich and Easdale will be reported to PPSL during FQ2 as will the designation of Helensburgh Town Centre Conservation Area. Further work on Lochgilphead and Tarbert will follow late in the year.

Carried Forward From Previous Quarter:

Y

Action Milestone Dates:

FQ4 19/20

Responsible Person:

Senior Planning and Strategies Officer

Key Challenges and Actions to address the Challenges

BO104 Our Communities are Supported and Protected (PHRS)

- 3. Challenge** – Effective service management, meeting our core statutory priorities and our improvement agenda
- 3. Action Detail** – Deliver the outcomes defined in the plan within the agreed milestones. To redesign the delivery of the environmental health service and better direct its resources more effectively to meet the statutory framework for food authorities, and to complete the actions required from the Food Standard Scotland (FSS) audit. The development and training of new staff, and securing arrangements to recruit to vacant posts. Deliver Food Control Improvement Plan, FSS audit plan and actions from internal audit reports for environmental health and trading standards.

Carried Forward From Previous Quarter: Y	Action Milestone Dates: FQ3 19/20	Responsible Person: Regulatory Services Manager/Environmental Health Manager
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Key Challenges Resolved In Previous Quarter

BO102 – We Provide Support, Prevention and Opportunities to Help People Make Better Lifestyle Choices

1. Redesign of advice services is nearly fully implemented. In quarter 1, the contract was formally awarded to Argyll and Bute Citizens Advice Bureau commencing on the 1st July 2019. New ways of working have been introduced for debt counseling and welfare rights. The Financial Inclusion and Advice Group is established with agreed terms of reference, and a progress report was noted at May’s Policy and Resources Committee. Work has been undertaken for the transition of responsibility to Governance and Regulatory Support.
The only outstanding issue remaining is the GDPR issues surrounding the confidential on-line referral ATLAS system and this is being pursued. There will be ongoing work regarding contract management and this work will be taken forward by Governance and Regulatory Support.

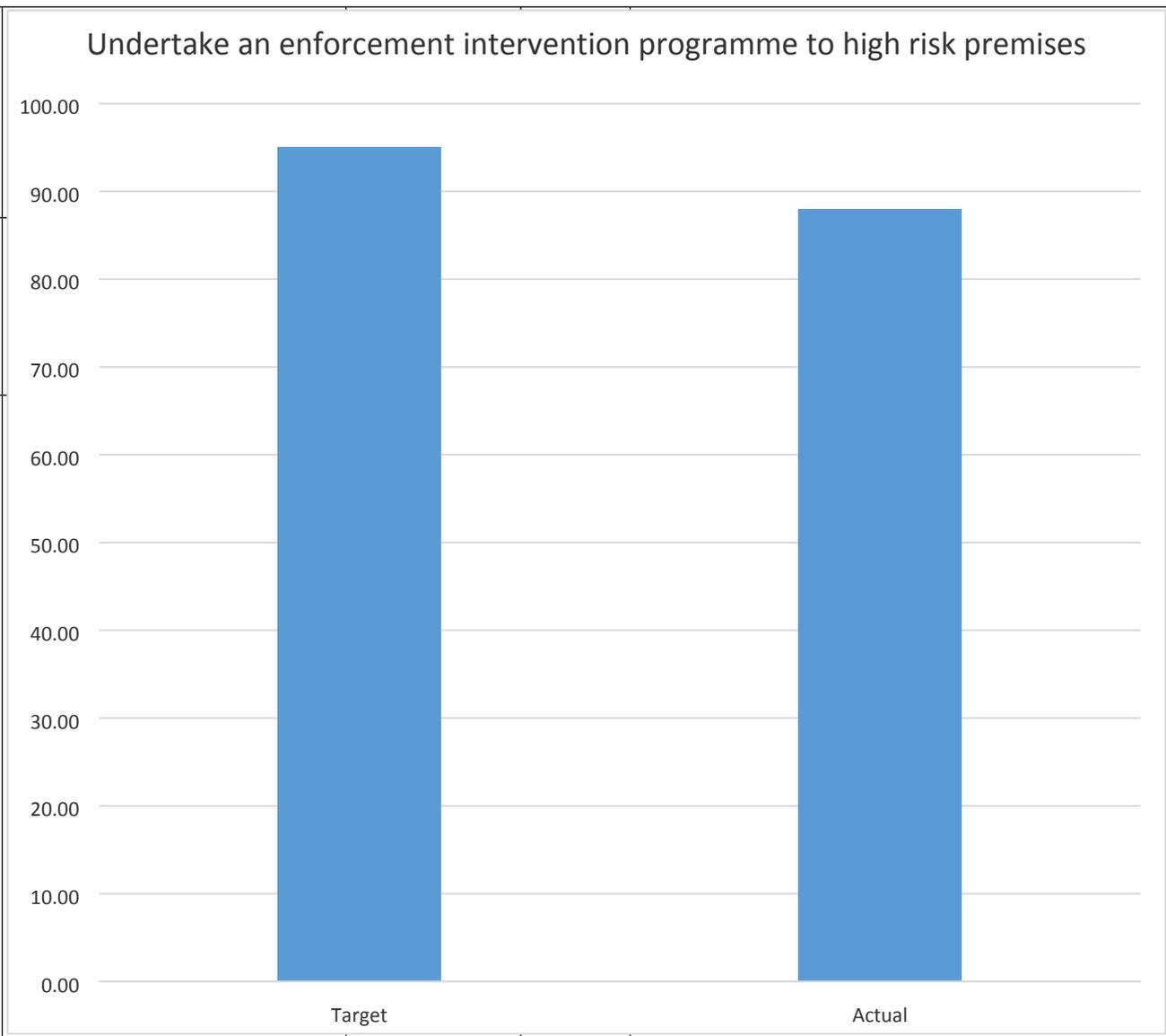
BO104 – Our Communities are protected and Supported

2. A productive meeting was held with Food Standards Scotland on 29th May 2019 to discuss the progress with the Audit Improvement Plan. This was a positive meeting and the outcome was that 14 actions were agreed as being signed off, another 7 will be subject to further evidences being provided and 5 actions are ongoing and will be complete by the 31st July 2019. The remaining items relate to policies and procedures, resourcing and our redesign of service delivery, as well as reviewing our lead officer arrangements to ensure they meet the Code which will be complete by 31st December 2019.

Our Off-Track Performance Indicators

Indicator Ref : PR104_03-Undertake an enforcement intervention programme to high risk premises (EH-General EH regulation)				
Trend	Target	Actual	Owner	Commentary
⇒	71.4%	75.0%	Alan Morrison	<p>The service requires to carry out routine interventions to commercial premises for a variety of different disciplines, including food hygiene, food standards, licensing standards. Animal health and welfare, and trading standards. This is undertaken on a risk-based targeted approach, with all premises being rated according to the type of business and the risks they pose (potential or actual) and they are classified high risk. Medium and low. Inspections are programmed depending on the risk, with high risk visits given priority. This is a key performance measure for the service. In quarter 1, performance was positive for environmental health, animal health and welfare and licensing standards, with these services being on target and achieving 100% of the programmed activity. However, due to resource issues with a vacancy and sickness absence, trading standards were operating at 60% of the service capacity and high risks visits are incomplete. This takes the overall service total to 88%, with trading standards achieving only 10% of the work planned. Corrective actions are in place, although trading standards will not be reported in future through this measure, as it now within Legal and Regulatory Support</p>

Quartile	Target	Actual
FQ1 19/20	95.00	88.00



Planning, Housing & Regulatory Services Scorecard 2019-22
Scorecard owned by:

Click here for Full Outcomes

Development Policy Team Scorecard

Development Management Team Scorecard

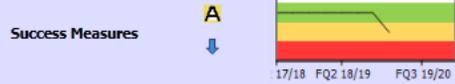
Building Standards Team Scorecard

Regulatory Services Team Scorecard

Housing Services Team Scorecard

Click here for Dev & Infrastructure Services Scorecard

BO102: We Provide Support, Prevention And Opportunities To Help People Make Better Lifestyle Choices [PR]



BO110: We Support Businesses, Employment And Development Opportunities [PR]



BO103: We Enable A Choice Of Suitable Housing Options [PR]



BO111: We Influence And Engage With Businesses And Policy Makers [PR]



BO104: Our Communities Are Supported And Protected [PR]



BO116: We Engage And Work With Our Customers, Staff And Partners [PR]



BO105: Our Natural And Built Environment Is Protected And Respected [PR]



Management Information

RESOURCES

People	Benchmark	Target	Actual	Status	Trend
Sickness absence PR			1.3 Days		↑
PDRs PR		90 %	97 %	C	↑
Financial					
	Budget	Forecast	Status	Trend	
Finance Revenue totals PR	£K 5,844	£K 5,649	R	↓	
Capital forecasts - current year PR	£K -85	£K -85	C		
Capital forecasts - total project PR					

IMPROVEMENT

	Total No	Off track	On track	Complete	Status	Trend
PHR Service Improvements 2017-20						
Actions						
Planning, Housing & Regulatory Services Audit Recommendations	0	4	0	0		↑
Health & Safety						
Service H&S Plan Actions	0	1	9	9		
H&S Investigation Actions	0	0	0	0		
Customer Service PR						
Customer Charter		Stage 2 Complaints	80 %		C	↑
Number of consultations		Stage 2 Complaints	100 %		C	↑

**Planning, Housing & Regulatory Services
Scorecard 2019-22**
Scorecard owned by:

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BO102: We Provide Support, Prevention And Opportunities To Help People Make Better Lifestyle Choices [PR]

Success Measure **A** ↓

PR102_01-Protecting health through the delivery of the formally approved JHPP	Actual	On track	G
	Target		
	Benchmark	On track	→
PR102_02-% clients satisfied that they are better able to deal with their financial problems following our support and intervention	Actual	100.0 %	G
	Target	90.0 %	
	Benchmark		→
PR102_03-Amount of income generated by Welfare Rights	Actual	EK 584,083	R
	Target	EK 625,000	
	Benchmark		

BO104: Our Communities Are Supported And Protected [PR]

Success Measure **A** ↓

PR104_01-Increase the % of broadly compliant food businesses as a result of our enforcement interventions	Actual	86.6 %	G
	Target	85.0 %	
	Benchmark	87.0 %	↓
PR104_02-Resolve to public health service requests within 20 working days	Actual	89 %	G
	Target	80 %	
	Benchmark		↓
PR104_03-Undertake an enforcement intervention programme to high risk premises	Actual	88	R
	Target	95	
	Benchmark		

BO103: We Enable A Choice Of Suitable Housing Options [PR]

Success Measure **G** →

PR103_01-Number of new affordable homes completed per annum.	Actual	0	G
	Target	0	
	Benchmark	75	↓
PR103_02-The percentage of positive homeless prevention interventions [prevent 1]	Actual	216	G
	Target	200	
	Benchmark	50 %	↓
PR103_03- Number of empty properties brought back in use per annum_QUARTERLY DATA	Actual	5	R
	Target	10	
	Benchmark	10	→

BO105: Our Natural And Built Environment Is Protected And Respected [PR]

Success Measure **G** →

PR105_01-Respond to Building Warrant applications within 20 days	Actual	99.0 %	G
	Target	80.0 %	
	Benchmark		↑
PR105_02-Respond to Completion Certificate applications within 10 days	Actual	2.1 Days	G
	Target	10.0 Days	
	Benchmark	14.0 Days	↓
PR105_03-The percentage of our service users who are happy with our service[Building Standards]	Actual	100.0 %	G
	Target	90.0 %	
	Benchmark	90.0 %	→

BO110: We Support Businesses, Employment And Development Opportunities [PR]

Success Measure **G** →

PR110_01-Maintain a Local Development Plan less than 5 years old	Actual	On track	G
	Target	On track	
	Benchmark	On track	
PR110_02-Achieve an above national average level of planning application approval rates	Actual	97.5 %	G
	Target	95.0 %	
	Benchmark	94.0 %	↓
PR110_03-Maintain an effective five year supply of housing land demonstrated in a housing land audit	Actual	On track	G
	Target	On track	
	Benchmark	On track	→
PR110_04-Determine 'All Local Planning Applications' within a time period no greater than 10% above the National Average	Actual	9.8 Wks	G
	Target	10.0 Wks	
	Benchmark	9.4 Wks	↑

BO111: We Influence And Engage With Businesses And Policy Makers [PR]

Success Measure **G** ↑

PR111_01-Enforcement intervention is consistent and fair with businesses supported throughout	Actual	100	G
	Target	80	
	Benchmark		
PR111_02-Resolve trading standards business requests within 14 days from receipt of enquiry.	Actual	94.4 %	G
	Target	80.0 %	
	Benchmark	88.0 %	↑

BO116: We Engage And Work With Our Customers, Staff And Partners [PR]

Success Measure **G** ↑

PR116_01-Improve customer satisfaction and market the Building Standards service commercially to bec	Actual	Green	G
	Target	Green	
	Benchmark	Green	

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