



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

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13 November 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, 20 NOVEMBER 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 16 October 2019
(Pages 5 - 44)
- (b) Planning, Protective Services and Licensing Committee 23 October 2019 at
11.00 am (Pages 45 - 48)
- (c) Planning, Protective Services and Licensing Committee 23 October 2019 at
1.40 pm (Pages 49 - 54)
- (d) Planning, Protective Services and Licensing Committee 23 October 2019 at
2.00 pm (Pages 55 - 58)
- (e) Planning, Protective Services and Licensing Committee 23 October 2019 at
2.20 pm (Pages 59 - 60)
- (f) Planning, Protective Services and Licensing Committee 23 October 2019 at
3.00 pm (Pages 61 - 64)
- (g) Planning, Protective Services and Licensing Committee 23 October 2019 at
3.20 pm (Pages 65 - 66)

- 4. THE SCOTTISH GOVERNMENT ON BEHALF OF ARCUS CONSULTANCY SERVICES: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO HIGH CONSTELLATION WIND FARM: HIGH CONSTELLATION WIND FARM, 4KM SOUTH EAST OF CLACHAN (REF: 19/01182/S36)**

Report by Head of Development and Economic Growth (Pages 67 – 108)
- 5. MR R MUNN: ERECTION OF DWELLINGHOUSE, FORMATION OF ACCESS AND INSTALLATION OF SEPTIC TANK AND SOAKAWAY: LAND APPROX 82M SOUTH EAST OF 13 KILMALUAIG, ISLE OF TIREE (REF: 17/02909/PP)**

Report by Head of Development and Economic Growth (Pages 109 – 142)
- 6. PETER MALTHOUSE: SITE FOR THE ERECTION OF 2 DWELLINGHOUSES: LAND NORTH EAST OF FAIRWATER, PORTINCAPLE (REF: 19/01139/PPP)**

Report by Head of Development and Economic Growth (Pages 143 – 160)
- 7. GEORGE HANSON (BUILDING CONTRACTORS) LTD: ERECTION OF SIX FLATS: LAND AT FORMER ST BRENDAN'S CHURCH TOWER, MOUNTSTUART ROAD, ROTHESAY, ISLE OF BUTE (REF: 19/01584/PP)**

Report of Head of Development and Economic Growth (Pages 161 – 182)
- 8. MR DAVID BROOKS: DISCHARGE OF PLANNING OBLIGATION IN RELATION TO PLANNING PERMISSION REFERENCE 12/00970/PP (INSTALLATION OF 10 SOLAR ROOF PANELS): 1 MAIN STREET, PORT CHARLOTTE (REF: 19/01864/PP)**

Report by Head of Development and Economic Development (Pages 183 – 194)
- 9. DM HALL: PROPOSAL OF APPLICATION NOTICE - RESIDENTIAL DEVELOPMENT (DUNBEG PHASE 4) (CLASS 9) INCLUDING SITE FOR COMMUNITY FACILITIES; SITE FOR NEW PRIMARY SCHOOL; NEW ROADS AND PARKING; GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE; OPEN SPACE AND LANDSCAPING : LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 19/02026/PAN)**

Report by Head of Development and Economic Growth (Pages 195 – 200)
- 10. DM HALL: PROPOSAL OF APPLICATION NOTICE - NEW ROUNDABOUT ON A85, NEW ROADS, GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 19/02027/PAN)**

Report by Head of Development and Economic Growth (Pages 201 – 206)
- 11. DM HALL: PROPOSAL OF APPLICATION NOTICE - MIXED USE DEVELOPMENT COMPRISING; RETAIL (CLASS 1 FOOD AND NON-FOOD); FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 2); FOOD AND DRINK (CLASS 3); BUSINESS (CLASS 4); HOTEL (CLASS 7); NON-RESIDENTIAL INSTITUTIONS (CLASS 10); ASSEMBLY AND LEISURE (CLASS 11); PUBLIC HOUSE; TAKEAWAYS; ROADS AND PARKING; GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE; OPEN SPACE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 19/02028/PAN)**

Report by Head of Development and Economic Growth (Pages 207 – 212)

- 12. DM HALL: PROPOSAL OF APPLICATION NOTICE - MIXED USE DEVELOPMENT COMPRISING: RETAIL (CLASS 1); FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 2); FOOD AND DRINK (CLASS 3); BUSINESS (CLASS 4); HOTEL (CLASS 7); RESIDENTIAL DEVELOPMENT (DUNBEG PHASE 4) (CLASS 9); NON-RESIDENTIAL INSTITUTIONS (CLASS 10); ASSEMBLY AND LEISURE (CLASS 11); PUBLIC HOUSE; TAKEAWAYS; SITE FOR COMMUNITY FACILITIES; SITE FOR NEW PRIMARY SCHOOL, NEW ROUNDABOUT ON A85, ROADS AND PARKING; GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE; OPEN SPACE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 19/02029/PAN)**

Report by Head of Development and Economic Growth (Pages 213 – 218)

- 13. ELLENABEICH CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN AND EASDALE ISLAND CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN**

Report by Executive Director with responsibility for Development and Economic Growth (Pages 219 – 284)

REPORT FOR NOTING

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

Report by Head of Development and Economic Growth (Pages 285 – 286)

EXEMPT REPORT FOR DECISION

- E1 15. ENFORCEMENT REPORT - REFERENCE 19/00326/ENFHS**

Report by Head of Development and Economic Growth (Pages 287 – 290)

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 Rory Colville (Vice-Chair)
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor Lorna Douglas	Councillor Audrey Forrest
Councillor George Freeman	Councillor Graham Hardie
Councillor David Kinniburgh (Chair)	Councillor Donald MacMillan BEM
Councillor Roderick McCuish	Councillor Jean Moffat
Councillor Alastair Redman	Councillor Sandy Taylor
Councillor Richard Trail	

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MINUTE of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the MAIN HALL, VICTORIA HALLS, SINCLAIR STREET, HELENSBURGH on WEDNESDAY, 16 OCTOBER 2019

Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor George Freeman	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

Attending: Iain Jackson, Governance, Risk and Safety Manager
 Howard Young, Area Team Leader - Planning Authority
 Peter Bain, Development Manager – Planning Authority
 Derek Scott, Planning Consultation for Simply UK – Applicant
 Linda Meston, Director of Care for Simply UK – Applicant
 Donal Toner, Project Architect for Simply UK – Applicant
 Nigel Millar, Secretary of Helensburgh Community Council – Consultee
 Norman Muir, Convener of Helensburgh Community Council – Consultee
 Jean Craig, Objector
 Christopher Packard (on behalf of Mrs Robertson), Objector
 Alison Holliman, Secretary for the Trustees of Friends of Hermitage Park Association, Objector
 Jackie Baillie MSP, Objector
 Richard Cullen, Objector
 Michael Davis, Objector

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

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

PLANNING

Howard Young gave the following presentation on behalf of the Head of Development and Economic Growth.

As indicated this is an application by Simply UK for a 64 bedroom care home on the old depot site near Hermitage Park. It was continued from the July meeting of PPSL for today's discretionary hearing.

Before I go into the formal analysis and assessment I need to cover two issues. Firstly an alleged conflict of interest.

Councils have always had Permitted Development Rights to carry out works as part of their function. When I first started over 30 years ago the limits were works not exceeding £100,000 and no change of use. Nowadays the limits are £250,000. If planning permission was required Councils had to go through a process known as Notification of Intention to Develop (NID). They applied to themselves and if they were minded to approve it was passed to Scottish Government.

That process has changed. Councils can grant themselves planning permission in the normal way. If they have an interest in the site such as here Scottish Government makes it clear that there must be separate and distinct processes involved. The marketing and sale of the site must be carried out by one section of the Council and the planning application by another. In this case the marketing and sale of the site has been done by Estates and the planning application dealt with by Planning. In certain cases a decision can still be referred to Scottish Government. Circular 3/2009 states that:

1. Development in which planning authorities have an interest

Development:

- (a) for which the planning authority is the applicant/developer;
- (b) in respect of which the planning authority has a financial or other (e.g. partnership) interest; or
- (c) to be located on land wholly or partly in the planning authority's ownership or in which it has an interest;

in circumstances where the proposed development would be significantly contrary to the development plan for the area.

In this instance the proposed development would not be significantly contrary to the development plan.

We are often approached by developers seeking pre-application advice on a site. We set out the policy background and possible material considerations and give informal advice about the viability of the proposal. It always has a caveat in the advice is informal and may change depending on consultee responses and other third party representations. The Council as planning authority is required to assess planning applications having regard to the relevant provisions of the Local Development Plan, and to any other relevant material considerations. In this respect it is noted that the assessment of an application is about deciding on balance whether the relevant factors indicate that planning permission should be granted or not. In many cases the proposal will rest upon compliance with technical criteria where the difference between compliance or non-compliance is relatively clear cut, in others such as design and impact upon setting of the historic environment, the relevant criteria may be more open to interpretation and as such it is open to officers to form their own professional opinion on such matters in determining applications or

preparing recommendations to the Planning, Protective Services and Licensing committee. Whilst officer's recommendations may differ from the informal views expressing preference for a different design approach at an earlier stage in the process whilst seeking to negotiate improvement of the proposal with the developer, officers ultimately require to determine the application before them based upon all relevant consideration. In this instance the developer has subsequently made it clear that they do not intend to reduce the scale of development and accordingly officers are now faced with the task of assessing the current application as it stands notwithstanding any alternative preference on design options which they may previously have expressed informally.

Section 25 of the Planning Act requires planning applications to be assessed against Development Plan Policy and other material considerations. The Policy background is set out in the original report of handling. You also have three other Supplementary Reports for consideration which tidy up any loose ends in terms of late representations and consultee responses. Since publication of these reports a further late representation has been received from Christine Woods who objected to this application as follows – *“As a resident of Victoria Crescent I object to the potential increase of cars parked in Victoria Crescent and Victoria Road. Victoria Road is already a heavily parked road and further congestion would be detrimental for residents living in Victoria Road and Victoria Crescent.”*

At the last Hearing I did for Hunters Quay I got feedback from Members saying they found it useful when I flagged up what I considered to be the key issues. In this case I consider them as follows.

SITE BASED CRITERIA ASSESSMENT

IMPACT ON THE SETTING OF THE CATEGORY A LISTED CENOTAPH/WAR MEMORIAL

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

Site based criteria assessment

In the Argyll and Bute Local Development Plan (LDP), the application site is located within the Main Town of Helensburgh within the Upper Helensburgh Conservation Area. Under Policy DM1 this area of land is defined as a Settlement Zone - Main Town (Helensburgh) where residential development of large scale is acceptable subject to a site based criteria assessment.

Planning permission is sought for the erection of a new care home for the elderly, consisting of sixty four bedrooms, staff accommodation, beauty salon and bars. The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and workers' amenity block. The irregular shaped site extends to approx. 3,172m² and borders Hermitage Park along the south-eastern boundary, tenement properties to the north and sheltered housing complex to the west. The buildings contained within the existing site are not listed, hold no architectural merit and were subject to conservation area consent for their demolition under application 19/00236/CONAC.

The proposed care home is L-shaped with a footprint of approximately 510 square metres. It comprises a northern and southern block. The northern block sits parallel to Prince Albert Terrace but at a lower level with a separation distance of 18 metres. The design statement shows this block with a ridge height sitting some 4.75 metres below this Terrace. The southern block sits at right angles to the northern block. At its highest point the roof is some 15 metres high and is 10 metres from the adjoining Birch Cottages. The finishes shown are brick, stone, render and with a tiled roof. When viewed from the park it will appear as a four storey building, three storeys from Prince Albert Terrace and 2 storeys from the Sinclair Street access lane.

The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character. No objections have been received from statutory consultees regarding access, flooding and surface water run-off or bio-diversity.

Objections have been raised concerning noise, smell and loss of daylight/sunlight. The site has operated as a Council Depot for many years with movement of cars, vans and equipment both early morning and at night. As such it is not considered that the activity associated with the proposed care home will substantially increase noise levels to adjacent residential properties. Environmental Health has been consulted and their response is awaited. In terms of daylight/sunlight it was considered that as the proposed development was some 18 metres to the south of Prince Albert Terrace and was at a lower level it would not have a detrimental impact on daylight or sunlight. Potentially it would impact on Birch Cottages. As such a daylight/sunlight assessment was requested from the applicant. This was submitted and shows that whilst there will be some impact, it is within acceptable limits and does not constitute grounds for refusal. Given the above it is not considered that the proposal will have a detrimental impact on amenity and consequently accords with Policies LDP 3, LDP 8, LDP 9 and SG LDP BAD 1.

Under Policy SG LDP REC/COM 2 the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps shall not be permitted except, inter alia, where the proposed development is ancillary to the principal use of the site as a playing field or the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training. In addition, in the case of valued recreational areas (public or private), it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development.

When the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, it does not form a meaningful part of the designation and is a small part of the overall OSPA that there would be no loss of amenity through either partial, or complete development. Consequently, the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

Impact on setting of listed building

The impact of the proposals on the setting of the war memorial is a key factor in determining this application.

The guidance sets out three specific stages.

- Stage 1 – identify the historic asset;
- Stage 2 – define and analyse the setting;
- Stage 3 – evaluate the potential impact of the proposed changes;

The asset is the cenotaph and its walled garden. With the asset identified, the setting of the monument should be considered, particularly how the surroundings contribute to the ways in which the monument is experienced. The monument is some 70 metres from the application site. The memorial garden is contained within a walled area, separating it from the rest of the park and creating an enclosed sense of space. The memorial is designed on a strong north-south axis, connecting to the park on the southern side via iron gates.

To the east and west, the memorial garden has no ‘enclosure’ of any great height from any existing trees within close proximity to the monument itself. The proposed redevelopment of the park includes alterations to the memorial garden and adjacent wider park. This includes the redevelopment of the former playpark into a new ‘kitchen garden’ area to the west of the monument and sitting between the monument and the application site. This new area will allow for community planting of a varied type as well as a new green house and store / bothy – this new area will form a new buffer between the memorial and the application site. In analysing the setting and, given that the monument sits within an enclosed walled garden, it is considered that the asset was designed to be viewed and enjoyed from a close-range.

Stage 3 is to evaluate the impact of the proposal on the identified asset. Historic Environment Scotland in their consultation response state that:

“We are not opposed in principle to development of the site. However, the new application does not sufficiently assess the impact of change this proposal would have on the War Memorial. While we recognise that the proposed development is some distance from the memorial, it is our view that its current massing, scale and height would have an impact on the memorial’s open parkland/landscape setting.”
The Council’s Conservation Officer has also commented on this as follows:

The Design and Access Statement (May 2019) states that “the massing, scale and height of the proposal can therefore not be considered to impact on the monument’s open parkland setting given it is small in all regards to the existing block at Prince Albert Terrace” however it is felt that this site is within the park context, rather than being a defining edge like Prince Albert Terrace. Therefore a step-down in height is not sufficient to mitigate the negative impact on the park and monument. It is felt that a suitable design on this site should respond sensitively to the park setting.

The Design and Access Statement (May 2019) states that “the monument is a considerable distance away from the application site” however HES’s professional assessment was that that whilst being some distance away from the memorial the

current massing, scale and height would have an impact. No change has been made to the siting or massing of the proposal so these comments are still relevant. And whilst HES's position in terms of the previous proposal was not to object as the issues are not of national significance, it is considered that these historic environment issues are still of regional or local significance and should therefore be assessed carefully by the local authority.

The proposal has been designed, to sit lower than the existing dwellings on Prince Albert Terrace to create a natural 'step down' in height towards the park. Prince Albert Terrace will remain the tallest and most dominant building on the skyline. Therefore, the proposals do not adversely change the experience already in place by the existing historical built surroundings. The application proposal will not interrupt views of or to the monument.

The existing depot site is partially screened from the park due to existing mature trees along the eastern site boundary between the depot and the park. The proposed building footprint has been pulled away from this boundary to allow the trees to be retained where possible. Any trees to be pruned or removed as part of the proposals will need the prior consent from the Council and a condition has been attached requiring a landscaping scheme.

The memorial garden and monument are primarily orientated with a strong north-south axis. HES state that the *"massing, scale and height would have an impact on the memorial's open parkland/landscape setting."* The war memorial is located at the northern end of the park which limits the setting to this section of the park area. It is considered that the key view is from within the park looking north to the cenotaph. When viewed both at the gates and some 50 metres back from within this part of the park the setting is not affected as the proposed development site sits some distance at a peripheral angle in this view and is set behind trees. From within the walled garden looking south the key views are of the park with any proposed new build at an angle, in peripheral vision and set behind trees. When viewed west to east there is no impact as the new build is behind. Only looking east to west in the walled garden will the new care home be visible. Consequently, whilst the comments of HES and the Conservation Officer are noted, the dominating feature will continue to remain Prince Albert Terrace and this won't change if the care home is approved. The proposal sits approx. 70 meters to the west of the asset and the care home is contained within its site. It is separate and distinct from the park and the views from key vantage points in terms of the setting of the memorial will give peripheral and limited views of the care home. On this basis it is considered that the proposal would not have any substantive impact on the setting of the cenotaph which would warrant refusal.

Impact on character and appearance of the Conservation Area

Scottish Planning Policy requires that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. This advice is reflected in Local Development Plan Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas. Argyll and Bute Council Sustainable Design Guide, 2006 also offers advice on urban infill citing three options: contemporary 'landmark' development, contemporary 'integrated' development and traditional design.

The Conservation Officer has stated the following:

“Whilst the architecture of the wider conservation area is very varied and must be considered, there are direct relationships between the site and the prominent linear bounding form of Prince Albert Terrace, and to the open parkland setting. Therefore the materials and details used must first respond to these direct relationships, with the wider context (albeit important) being secondary to this.

Grey tiled roof – no change from previous proposal so previous comments still apply – natural slate should be used in this setting. The red brick is not considered to be suitable for the parkland setting as it would neither integrate harmoniously nor make a high quality contemporary statement. The windows feature astragals - there is no clarification if these are proposed to be real, multi pane windows or stuck on astragal bars but in either case are pastiche.

As detailed in this assessment, it is considered that this proposal is not suitable for the site from a heritage/design point of view however if consent were granted then samples should be submitted for all materials as well as details of the proposed windows.”

The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and worker's amenity block. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. It is within this context that the redevelopment of the site has to be assessed including adjoining and surrounding properties.

The larger block in which the depot site sits is a mix of architectural styles and finishes. To the north is Prince Albert Terrace, a sandstone block of flats, unlisted but of some architectural merit. The terrace faces onto Victoria Road. The properties on the north side of Victoria Road are of modern design with a mix of finishes including timber, stone and render. These properties have little positive impact on the conservation area at this point. Indeed they form part of the backdrop to the setting of the war memorial and affect it more so than the proposed care home which is at a peripheral angle. To the south west are Birch Cottages which are also modern in style and finish. South and east is the park characterised as primarily tree filled open space. There is no distinct style, pattern or building line. The application site is set back from both Sinclair Street and Victoria Road and is contained by adjoining land and trees. Existing trees which screen the site are protected by virtue of being in the conservation area and additional planting will be required by condition. As such the care home will preserve the character and appearance of the conservation area and compared with the current situation the redevelopment of the depot site will be an improvement. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.

As I have indicated in the conclusion to my report this is a nuanced decision. For the reasons stated I consider the scheme can be supported and the recommendation is to approve subject to conditions.

APPLICANT

With the aid of slides the following presentation was made on behalf of the Applicants.

Derek Scott

My name is Derek Scott and I am here in my capacity as a Planning Consultant to the Applicants (Simply) to speak in support of their application which is seeking planning permission for the erection of a 64 bed care home on the site of the former Council Depot off Sinclair Street, here in Helensburgh.

We have a team of four with us today, myself, Derek Scott, Mrs Linda Meston, who is Simply's Director of Care and Mr Donal Toner, the Project Architect, from DTA Architects, who is assisted by his colleague Mr Claudio Marini.

Simply are a Glasgow based development and Investment Company established in 2008. Whilst active throughout the UK the main focus of their business activities is here in Scotland where they are involved in a variety of development sectors including, healthcare, retail, industrial, leisure and residential. The company has built or are in the process of building nine care homes in Scotland including facilities in Bothwell, Inverness, Elgin, Hamilton, Bridge of Weir, Perth, Stirling, Musselburgh, Brechin and Lanark, with more in the pipeline.

The current application site, is, as you are aware, owned by your Council. Few will disagree that the existing buildings occupying it, detract significantly from the character and appearance of the area. I am also led to believe that the buildings, the site generally and its immediate surrounds are a magnet for all sorts of undesirable activities.

Our clients submitted a bid to purchase the site from your Council in March 2018 which was accompanied by a layout showing a 74 bed care home facility, indicative massing and heights and associated vehicle movements. It was made clear by your Council, prior to make that bid, that all offers received, would be assessed, not only on the basis of price offered, but on appropriateness and suitability for the site and the area within which it is located. A number of bids were received, all of which were considered by a panel of officials from your Planning, Roads, Legal, Economic Development and Property Departments. Our client's offer was preferred; one assumes because of the broad party of professionals who assessed it, considered it to be the best and most appropriate proposal for the site.

It appears from representations made on the application and to other articles I have read in preparation for today, that there is little opposition to the principle of developing a care home facility on this site. Indeed I understand that a survey, undertaken by the Community Council in 2015, identified that the preferred use was for sheltered accommodation or as a care home facility.

I am not in the slightest bit surprised by this as there is an acute shortage of care home bed spaces in this town; indeed in the entire Argyll and Bute Council area which brings me to the point at which I would like to introduce and hand you over to Linda Meston, the Director of Care at Simply, who will elaborate on the need for the facility proposed in the context of the dynamics required to operate a modern,

successful and efficient care home facility. These are all very important considerations in the determination of the application before you.

Linda Meston

My name is Linda Meston and I am the Director of Care at Simply Care Group.

My position within Simply is to research, identify and oversee the running of Simply's Residential Care Facilities throughout the UK.

During my research we identified a need within the Argyll and Bute Council area for the provision of a modern, fully compliant care home providing added care home beds.

After researching the Council localities, we determined a need for the provision of a care home would be best suited to Helensburgh area due to the centralisation of Helensburgh and the population of the town.

Our research was further verified by the Council's own report that examined the effects of different strategies to determine anticipated demand for care home beds for Local Authority funding residents within Argyll and Bute.

The Council report confirmed the need within Argyll and Bute for an increased provision of care home beds in each proposed scenario with the number of currently available beds consistently falling short of the number required when considering local authority funded residents alone.

The shortage will be further accentuated by considering the number of self-funded residents who will also require residential care. Failure to address this need will and does inevitable result in residents from Helensburgh and indeed from Argyll and Bute having to move out of the locality to receive care.

With the aid of slides it was demonstrated that there would be an increasing shortage ongoing to 2022 and beyond for Argyll and Bute as a whole and for Helensburgh town.

We originally proposed to build a 75 bedded care home in Helensburgh. This was reduced to a 64 bedded care home by our Architects who will address this shortly.

This is the lowest number of beds that we can operate to make the home financially viable while providing the facilities required by the new Health and Social Care Standards and the staffing levels required to deliver a high standard of care.

Donal Toner

My name is Donal Toner and I am a Consultant Architect with DTA Chartered Architects in East Kilbride.

As Architects, we were appointed to assess the potential of this development opportunity against the parameters of Simply's exacting care standards, the Care Inspectorate's own requirements and the requirements of Argyll and Bute Council through its Planning Authority.

Engagement with Planning officials took place as part of the initial feasibility study and was done through a formal pre application stage in July of last year. As you are aware, the site is owned by your Council and was used as the Hermitage Park Depot. The site has now been vacated and it is our intention to demolish the existing buildings which are not listed and hold no Architectural merit. Indeed, Conservation Consent and the Demolition Warrant have already been granted by your Council.

The proposed site lies adjacent to Hermitage Park which has undergone an extensive regeneration programme. The park itself lies within the Upper Conservation Area in Helensburgh, covers approximately 4.7 hectares and contains within it an A Listed War Memorial within a walled memorial garden.

The walled area separates the monument from the rest of the park and creates an enclosed sense of space. This enclosure is echoed by the backdrop of mature trees along the northern boundary. The memorial was designed on a strong north/south axis connecting to the park on the southern side. In analysing the setting, it can safely be concluded that the asset was designed to be viewed and enjoyed from close range.

Our proposal has been designed to sit lower than existing dwellings on Prince Albert Terrace to create a natural "step down" in height towards the park.

Thus, the proposals do not adversely change the visual experience already in place by the existing historical built surroundings. The application proposal does not interrupt views to and from the Monument nor would it affect anyone's ability to appreciate the historic asset contained within the walled garden setting.

The existing depot site is partially screened from the park due to the existing mature trees on the eastern boundary. The proposed building footprint has been designed to allow existing trees to be retained thus lessening the impact of the development proposal. The Memorial Garden and Monument are orientated with a strong north/south axis with views southward over the rest of the park. Our proposal sits 80 metres to the west of the asset and does not interrupt views to and from the Monument.

This can be demonstrated on this Plan where the Memorial is highlighted in red and the Application site is shown in green. Further demonstration that our proposal does not have an adverse impact on the historical asset is noted by Historic Environment Scotland, consulted as part of the application in a letter dated 3 May 2019 where they clearly state "our view is that the proposal does not raise historic environment issues of national significance and therefore we do not object".

Without wishing to dissipate the outline concerns from the objectors, I do believe that the main thrust of their concerns is the scale and massing of our proposal. This very issue was raised at an early stage in Planning discussions and a compromise and balance was reached by the proposal being reduced by removal of the top storey. I would point out that any further reduction in density would make the proposal economically non-viable. Design guidance asks that designers take precedent and reference to surrounding buildings when considering the scale and massing of new buildings within the Conservation area; with that being said it is not possible to ignore the scale of Prince Albert Terrace given it neighbours the application site. The scale and massing of this block has been considered so as not to dominate the adjacent tenement terrace and is of a traditional form to tie into its surroundings. The pre

application report, in reviewing this relationship, found that the Planning Officer noted that *“the development is sufficient distance away from the tenement terrace at 1-8 Prince Albert Terrace. I am happy with the scale and massing of the proposal in this location”*.

Turning to the detailed proposals, we have designed 64 bedrooms over 2 blocks in an ‘L’ shaped arrangement which defines the site and helps create secure garden areas with separate parking/servicing facilities. Given the sloping topography of the site, affords the opportunity of a basement/garden level of accommodation that facilitates the back of the house and serving areas to the rear whilst exploiting garden bedrooms facing onto the secure courtyard landscaping. The northern block rises to 3 storeys on top of the basement level, whilst the southern block is smaller in massing to take account of the adjacent Birch Cottages development. The design intent was to take precedent from the historical context within the Conservation area and apply these principles in a more modern, but sympathetic approach. The external treatment of the proposal takes from a pallet of the surrounding area and building types in order to retain the character in line with your Council’s Sustainable Design Guidance.

The majority of the properties in the vicinity are blonde/red sandstone tenements and villas with slate roofs, traditional windows and proportions. Some newer additional render buildings are also present and these can be seen on this slide. From this reference point, we have selected a roof of traditional style utilising a low pitch slate effect grey tile with overhangs and feature gables.

We have used – continuous blonde sandstone base course throughout; blonde sandstone quoins, window heads and cills and some feature horizontal banding; feature textures and multi coloured red brick to key areas; and white render areas to break up the elevations.

The material are to reflect and take cognisance of the Conservation area that the site sits within. The guidelines issued for the Conservation area highlight that “a unifying characteristic of Helensburgh is the extensive use of local sandstone, typically reddish, pink or warm pale grey in colour, which was extensively used as a walling stone”.

Similarly, the proportions of the windows have been carefully considered to be of a style in keeping with those of the tenements and villas however will offer almost floor to ceiling windows to allow significant natural light into the residents’ bedrooms. The windows are to have feature astragals typical of the historical windows found on existing surrounding buildings. The material choices and window styles again are reflective of the recommendations found within Argyll and Bute Council’s Sustainable Design Guidance 3.

The northern block is set back a sufficient distance from the tenement terrace along Prince Albert Terrace, Victoria Road, to maintain appropriate window to window distances between the proposed north-facing bedrooms and adjacent properties. The block has been designed such that it allows a natural and logical step down reduction in height from Prince Albert Terrace towards the park to follow the topography of the landscape.

The southern block is smaller in height to reflect the relationship between the proposal and the neighbouring Birch Cottages. From the main entrance, this block

appears as two storeys under a traditional slate-effect pitched roof with blonde sandstone base course and feature red textured brick above. Since the pre application enquiry, we have reduced the mass of this block in line with the Planner's comments by removing the bedrooms to the western side of the top most storey. The neighbouring Birch Cottages is a single storey building under a pitched roof, with the cottage flats being level with the proposal's lower ground floor. At the lower ground floor, our proposal has no windows to prevent direct overlooking issues with Birch Cottages. The positioning of the proposal on the site has also been carefully considered so that at ground and first floor level, there are only two proposed bedrooms on each floor that face Birch Cottages (no 9 Birch Cottages only); the remainder of Birch Cottages extend further south beyond the proposed care home and therefore have no direct overlooking and over shadowing concerns. Where the proposed bedrooms (4 in total) face No 9 Birch Cottages, given the site levels, the proposed bedrooms look into the roof space at ground level or over the top of the existing property at first floor level, again alleviating any potential concerns of overlooking.

A shadow study carried out confirms that throughout the year there are no over shadowing issues directly affecting the existing amenity of Birch Cottages. As can be seen in the Shadow Studies shown in this slide, it is clear that the proposal does not impact upon the existing surrounding properties and, indeed, was the pertinent reason for the selected orientation of our design on this site.

The proposals have also been designed with the consideration of the current Care Inspectorate design guide to ensure the proposed care home offers its guests the optimal environment to aid their care. The introduction of external terraces from the main communal living spaces for example is one such design consideration that will offer guests a more private external area to enjoy the view over the private gardens and wider Hermitage Park. These spaces have been designed to face south and east achieving the best possible use of the morning and afternoon sun for residents.

The private garden space has also been carefully designed by DWA Landscape Architects, in response to the Care Inspectorate design guides, to ensure that the space is usable, safe and importantly of a high standard to allow guests to enjoy and use the space in a number of ways. The parking area will also see the introduction of new planting and trees around the car park and at the main entrance.

The proposals also allow for on-site parking for both visitors and staff. As part of the planning application, the Roads Department were consulted on the application proposals and returned their response on 7 May 2019. They returned no objections to the proposals, subject to conditions that will be upheld. As part of their report, the Roads Department have confirmed that *"The proposed site layout has 25 no spaces including disabled bay which is acceptable given the scale of the development"*.

The site is accessed off Sinclair Street via an existing access point which presently serves the former depot as well as a limited number of parking spaces for the adjacent Birch Cottages. The proposals do not seek to alter this arrangement. Once again, the Roads Department are satisfied by the use of this access point and have requested that the existing hedge growth be cut back to re-instate the existing 5.5 metre wide access road. These works will be carried out by the Applicant. The proposed internal road layout allows for 5.5 – 6 metres road widths allowing sufficient space to manoeuvre both cars and serving vehicles. A dedicated service

area to the southern-most area of the site will allow for all deliveries to be contained away from the pedestrian entrance.

Derek Scott

There are five key points I would like to leave you with this morning, which, in my opinion, are very significant material considerations in support of the application before you.

1. There is a significant under provision of care home bed spaces, not only in this town (Helensburgh) but in the entire Argyll and Bute Council area.
2. The removal of the former depot buildings and the redevelopment of the site for the care home facility proposed will significantly enhance the character and appearance of an unkempt derelict site within the Helensburgh Upper Conservation area and in the process make a very worthwhile and beneficial contribution to the area's landscape.
3. The site, as it presently stands, is a magnet for all sorts of undesirable and unsocial activities. Its redevelopment for the care home facility proposal, will introduce an active and very beneficial use in this area and act as a deterrent to the continuation of such inappropriate behaviour in the future.
4. The facility proposed will create a total of 60 employment opportunities (maximum of 20 at any one time) and in that respect it will make a significant contribution to the local economy through both direct and indirect benefits.
5. The application site is presently owned by your Council and will be purchased by our client for the development of a much needed care home facility in this town. Your Council and its people will also benefit from the revenue to be derived from the sale of this site, revenue that, I would hope, will be reinvested in the provision of new facilities or the improvement of existing.

On behalf of my client, Simply, I very respectfully request that you grant planning permission for the facility proposed in light of the huge benefits to be derived from it; benefits which I and other members of my team consider far outweigh the perceived disadvantages advanced by a very small percentage of the town's population.

CONSULTEES

Helensburgh Community Council

Nigel Millar

Mr Millar advised that he was a member of Helensburgh Community Council and Chair of the Planning Group. He advised that as a statutory consultee the Community Council were notified of all planning applications and they took their role very seriously.

Referring to a series of slides he highlighted the depot site which bordered to the north of Prince Albert Terrace which, he said, was one of only two Victorian Terraces in Helensburgh. He highlighted other areas around the site and advised that he took exception to it being said that any improvement would be better than what was

currently there. He confirmed that it would as, at the moment, the site was a dump but, he said, that any remarks that this would be an improvement were irrelevant in planning terms but correct in real terms.

He advised of the need to assess the application against what was in the Local Development Plan which, he said, did not cover job opportunities and care beds. He said that they needed to confine their assessment to what was in the Development Plan and particularly to the design. He advised that Helensburgh was one of the most beautiful towns in Scotland with a high number of category A listed buildings which included Hill House and the war memorial in Hermitage Park. He said that they could not confine themselves to what they liked or did not like and that it was about what was in the Local Plan and the planning policies contained therein.

He advised that in 2014 when the site was becoming available they immediately called a meeting of residents to find out what they would like on the site and the answer was social or sheltered accommodation or a care home. He confirmed that this has been their position all along that they were in favour of a care home.

He advised that their objection to this proposal was in relation to the design of the building and in relation to parking and the access.

He pointed out that the Local Plan stated that Helensburgh was a place of outstanding built heritage which they agreed was the case. He stressed the importance of this development fitting into the existing properties; that it should make a positive contribution to its surrounding area; that it should be compatible with neighbouring properties and that poor quality or inappropriate layout should be discouraged. He said that these were the parameters which the Community Council used when making their assessment. He advised that a new development in the Conservation area had to be of the highest quality and respect all of its surrounding area. He said it should preserve and enhance the surrounding area.

He referred to the Helensburgh Design Statement and the Community Council's assessment of the proposed development against this design statement. He advised that their assessment concluded that the building was indifferent in design and could be anywhere; that it was very commercial and semi industrial; and that it was mundane and lacked variety. He advised that their assessment gave the design a rating of 7.4 out of 24. He pointed out that the development would be a much larger building than anything else surrounding it and that it would dominate the landscape. He commented that the Community Council did not think that the proposed building had any sense of identity with its neighbours and did not think that it was a viable quality addition to the Helensburgh Conservation area.

He then referred to traffic concerns and said that he had noted the Council's Roads Officer had no objections. He advised that from a layman's point of view the Community Council could not see how 25 spaces would be enough to service this development. He said that it would be very busy with medical and nursing staff, 24 hours per day, and with domestic and other service staff. He said that they would all require parking. He referred to delivery vehicles and refuse lorries and to friends and relatives visiting those staying in the home. He said that they could not see how 25 spaces would be enough and that they had not seen any kind of analysis. He questioned whether or not the access road would be wide enough for the refuse lorry and ambulances and he said that they needed reassurance on this.

He advised that the junction onto Sinclair Street would be much denser than it was at the moment. He referred to new traffic lights put in as part of developments at Hermitage Park. He said that this was going to be a very busy junction and that he thought analysis of any road safety requirements at this junction should be undertaken.

He referred to concerns about Birch Cottages. He said that was a very tranquil development of 12 residences. He said it was very quiet and that they would now have a very big wing of the care home looking in on their properties. He referred to 4 car parking spaces allocated to Birch Cottages for carers, friends and their families. He commented that if the car park at the care home was full they would use these spaces at Birch Cottages and then go onto Sinclair Street. He advised that at the moment the residents of Birch Cottages enjoyed direct foot access to Hermitage Park and that this will be enhanced by a café adjacent to the play area. He said that if that area became an access point for deliveries etc that amenity could be seriously challenged. He asked that this direct access to Hermitage Park be maintained and made up to a local authority standard road.

He said it was not clear if there was a pedestrian access from the care home into the park. He advised also of concerns about noise during the construction stage.

He then listed 5 recommendations the Community Council would like to put forward.

1. Design – reduce the height of the building by one more storey. He said that the viability of the development was not a planning consideration.
2. Roof and external cladding are bland in the extreme. Want to make a building of this size more interesting. He showed pictures of what the Community Council considered were better designs. He referred to the Waitrose supermarket having a distinctive entrance and also to the entrance into the Council's own Civic Centre which, he said, was a fine building and very well landscaped and that it was his view that this building could be listed in the future.
3. Distinctive entrance - he advised that the approach going down to the building should show something attractive, with dramatic distinctions and an expression of what was trying to be achieved inside the building.
4. Birch Cottages – retain direct pedestrian access from Birch Cottages to Hermitage Park and make it up to local authority standard so that people with mobility issues can have easier access.
5. Restrictions during construction phase – hours of working, weekend working, use of noisy equipment, site storage etc.

He confirmed that the Community Council welcomed care home provision but had serious concerns about what was proposed today. He said that they wanted a care home but a better one than this. He said that he would like the Committee to listen to the community.

Finally he referred to the quality of the drawings. He said that the Community Council took their role as a statutory consultee very seriously and that they could only operate on the information they were given. He advised that they had been

given very poor, sub-standard drawings and that they had been left in a position of wondering what the building would look like.

Norman Muir

Mr Muir, Convener of Helensburgh Community Council gave the following presentation.

Introduction

It should be made clear at the outset that the Helensburgh Community Council does not object to the construction of a care home per se on the site. However, such a development has to take cognizance of the fact that it fits into the context of the surrounding urban environment within a conservation area in the town with the minimum of disruption. Our objection lies in the overpowering scale of the proposed development, inappropriately located in an area of restricted space, which, if approved, will blight the area in the future.

The proposed application lies within the Helensburgh Upper Conservation Area. This area contains a significant proportion of the architectural heritage of Helensburgh. Conservation in this context is the planned management, care and protection of such an environment for future generations. This is further reinforced by the presumptions against development that do not fulfil such criteria in Argyll and Bute Local Development Plan 2.

Local Development Plan

There is a presumption against development in a conservation area that does not protect, conserve or enhance the character or appearance of the area. There is also an expectation that any new development in a conservation area should respect the special qualities of architecture and history which led to the designation of the conservation area.

In particular, there is a presumption against development that does not conserve or enhance the integrity of scheduled monuments. This planning application is situated immediately adjacent to the Helensburgh War Memorial which is a Grade A listed building. Development that have an adverse impact on Scheduled Monuments or their settings will not be permitted unless there are exceptional circumstances.

Environmental Heritage

These structures are amply supported by both the Architectural Heritage Society Scotland and more pointedly by Historic Environment Scotland. The Architectural Society objected to both the original and current application on the grounds that any development needs to complement the environment and meet the standards that have been recognized in the conservation designation. Interestingly, the Society stated that Argyll and Bute Council is obliged to ensure that the characteristics that were recognized in the designation of the Upper Helensburgh Conservation Area are perpetuated for posterity.

Historic Scotland have stated that this application did not, in their view, sufficiently assess the impact of change the proposal would have in the War Memorial and its setting. They did not formally object to the planning application on the grounds that

the proposals did not raise historic environment issues of national significance. However, they point out their decision not to object should not be taken as their support for the application. Historic Scotland also made the point that planning authorities are expected to treat their comments as a material consideration and that this should be taken into account in any decision-making.

Conservation Issues

Conservation areas are areas of special architectural or historic interest which it is desirable to preserve and enhance for future generations. Helensburgh has two conservation areas with a proposal in the offering for a third. The community is therefore acutely aware of the importance of protecting this aspect for the future. We are supported in this regard since both Historic Environment Scotland and the Architectural Society of Scotland have both expressed strong negative views on the planning application.

Conservation is not confined to the preservation of the heritage of the town. It also applies to the built environment and its inhabitants that co-exist with the town's heritage. Thus, conservation in this case embraces the immediate built environment of Albert Terrace, Birch Cottages and the parkland of Hermitage Park. You will hear in detail directly the objections of both sets of resident and the Friends of Hermitage Park to this planning application. Their objections are wholeheartedly endorsed by the Community Council. However, it is extremely concerning for the Community Council that the second housing conurbation directly affected by the propped development is the 12 – cottage complex Birch Cottages which offers sheltered and protected housing for those in quiet retirement.

The proposal for a 64 – bed care home contained in two blocks, one of 4 storey height the other of 3 storey height, in the tightly constrained area of the former Argyll and Bute depot completely overwhelms both Albert Terrace and the Birch Cottages on its mass and scale. The Argyll and Bute Council former depot is tightly enclosed by surrounding existing real estate which accentuates the overpowering dimensions of the proposed building. It is the sheer scale of the proposal which is at issue. A 64 bed care home enclosed in multi-storey blocks, is at odds with the physical and environmental characteristics of the listed War Memorial, the Hermitage Park and the surrounding urban habitation. Furthermore, it will create unintended consequences for the immediate geographical area.

Traffic Issues

The entry to the proposed site is via a slip road off Sinclair Street, the town's main thoroughfare. It is circa 5 meters in width. It allows two cars to pass each other, but it is likely to be problematic for larger vehicles including ambulances and delivery trucks. Access to and from Sinclair Street will be a constant issue since no road changes to take account of the increase in traffic are proposed apart from trimming a hedge to improve visibility.

The proposal for a 64 bed care home will attract considerable staffing support for the complex medical and Alzheimer's – managerial staff, nurses, care assistants, laundry personnel, cleaners, cooks, notwithstanding medical doctors, physiotherapists, social workers and quality of life services such as hairdressers , podiatrists, etc. Missing form such a list of course the most important element, visiting members, relative etc. Parking space in the congested area is already

allocated to Birch Cottages' residents. The site plan includes car parking space for 25 vehicles. There will be clearly insufficient parking available and the overflow from the site will create considerable vehicle congestion in the surrounding geographical area.

Summary

Any planning proposal in Helensburgh has, in the end, got to result in a lasting benefit to the town and importantly fit into the existing urban structure. The proposal should, above all, find favour and acceptance among the local population. This planning application has no such support in its current form. The sheer size and scale of the building proposed is entirely inappropriate for the restricted geographical area it is intended to be built in. Also, it is socially intolerable that the mass of the building will overpower existing urban development, in particular the vulnerable resident of Birch Cottages. Access and exit to and from the site will be a constant difficulty due to the existing physical geography. The parking density already prevalent in the surrounding area will increase to congestion level.

This is the second application of this proposal to come forward. We were to believe that the first one was deemed to be inappropriate for the principle reasons underlying the objections being presented to you today. The short turnaround between the first and second applications in which nothing very much has changed leads one to surmise that the planning system in Argyll and Bute has been treated with a degree of contempt and that the inevitable conflict of interest between the issue of conservation and the commercial gain of property development has not been sufficiently explored.

Recommendation

As I stated at the beginning of this presentation, the Community Council supports the principle of a care home in this conservation context. But the build has to be sympathetic to its surroundings and acceptable to the residents in the immediate area. A considerable reduction in the scale of the building would be an acceptable compromise and it is recommended that this reduction would accomplish that.

OBJECTORS

Jean Craig

Mrs Craig of Birch Cottages advised that she was 81 years old and that she believed that this was the wrong site for building a large care home. She said that the building would overshadow cottages numbered 9, 10, 11 and 12 and that sunlight would be blocked from their bedrooms and kitchens. She advised that they would have no privacy whatsoever and that the noise from building the home would be horrendous. She advised that she was happy and content in her little flat and never thought that she would have to endure a building site outside her own home. She said that access to the site was totally unacceptable and would not be wide enough for turning. She advised that if the application went ahead the level of disruption day to day would impact seriously.

Christopher Packard

Mr Packard advised that he was speaking on behalf of Mrs Robertson who lived at 9 Birch Cottages. He said that 7 of the Birch Cottages housed people with dementia and that they needed peace and quiet. He advised that Mrs Robertson was currently recuperating from a major operation which would restore limited mobility to her. He said that it was very important as part of her recovery to get out and take gentle exercise and that Mrs Robertson had many concerns about the current proposal. He confined his comments to the lane to the east of Birch Cottages which provided access to Hermitage Park. He said that it was his understanding from the proposals for the care home that if approved this would deny access to the park from his lane. He advised that this was the only access Mrs Robertson had to the park and that this would impact on the exercise she has to take.

He advised that Birch Cottages were residential homes for people of advancing years. He said that the east side and north would be seriously affected by noise during construction and once the building became operational. He referred to the horrors of living close to a construction site. He said that it would come within 15 ft of the rear door and kitchen window of Mrs Robertson's cottage. He asked what measures the developer would take to keep noise to a reasonable level. He advised that once the care home became operational the access route to the park would be the access route for delivery vehicles. He advised that he lived just outside the Commodore Hotel and that he observed traffic and lorries coming in and out of that location all day. He said his house was 100 ft from where these lorries turned. He advised that in this case there would be an access road going down less than 15 ft from the back door of one of those cottages which, he said, was a very objectionable situation. He said that the size of these lorries would be much too large to be trundling up and down there by the cottages which were meant for people to have peace in their advancing years. If asked, if this application was granted, that limitations be placed on the times when lorries and other vehicles may access the building.

Alison Holliman

Ms Holliman advised that she was the Secretary for the Trustees of the Friends of Hermitage Park Association. She provided a brief background to the Association which was established in 2011 when local residents, concerned about the poor state of repair and decay of the park decided to do something about it. She advised that they worked tirelessly to preserve and enhance the park for all. Eight years later, working in partnership with the Council, they were just over half way through a £3.7 m restoration and regeneration project. She said that a significant part of the work was the restoration and conservation of the Grade A listed War Memorial. She advised that the Trust did not feel this proposed development would contribute to this or the park as a whole in a positive manner.

She confirmed that the Friends did not object to the development of the former depot site as a care home but they strongly objected to this current proposal by Simply UK. She said that the proposal was simply too high, too tall and an inappropriate design for the Conservation area. She advised that it would be adjacent to an OSPA and close to the war memorial. She said that they thought it would have an adverse visual impact on the war memorial and detract from its sense of place and amenity. She advised that the Friends wanted to restore and regenerate the park for the benefit of residents and visitors to Helensburgh as a key recreational space for all to

enjoy and benefit from. She said they did not set out to create a beautiful parkland setting for a massive new building to overlook it and dominate it. She said that great effort had been applied to this regeneration, not least the Passivhaus pavilion nestled into the bank so as not to dominate its surroundings or distract from the baronial B Listed Victoria Halls, the park as a whole or impact on nearby residents. She advised that the setting of the war memorial had been enhanced by the creation of a belvedere, terraced and grass banking and the removal of the old Japanese shelter.

With regard to the setting of the memorial, she advised that the Applicant and Planning have, in the opinion of the Friends, failed to fully grasp this concept and how it applied to the War Memorial. She pointed out that HES, the Council's Built Heritage Conservation Officer, the Architectural Heritage Society of Scotland, Emeritus Professor David Walker and numerous others had all advised that the proposal would have an adverse impact on the setting of the War Memorial. She said that the Applicant and Planning have argued that the war memorial was designed to be viewed close up. She advised that its setting was multi-layered. She advised that the names could only be read close up but the memorial itself was a centre piece of the park. She said that at the highest point it could be viewed from all over the park. She advised that it was a destination and key to the sense of place created by the park and beyond. She said that the monument and reflecting pond were enclosed in a former walled garden and that this walled enclosure was also part of the A Listing. She said this was closer to 45 metres from the development site boundary rather than 70 metres. She commented that when you entered the enclosure through its symbolic gates you became aware of a different space to the rest of the park. She said it was a consecrated, reflective, moving, peaceful and revered place and was one of the finest war memorials in the land. She advised that it stood alone and was not crowded in or overshadowed or dominated by large buildings.

She said that HES was the nation's guiding force in how we cared for our heritage. Its purpose was to ensure that the cultural, social, environmental and economic value of Scotland's heritage made a strong contribution to the wellbeing of the nation and its people. She said that HES had to be consulted on all developments that would affect an A listed building. She advised that the Council did not consult HES on this proposal and that they were only made aware of this development after being notified by a private individual. She advised that the views of HES were a material consideration in the planning process.

She said that HES have advised that the development proposed did not assess the impact to change this proposal would have on the War Memorial and its setting. She advised that HES had stated clearly that the current massing, scale and height would have an impact on the memorial's open parkland/landscape setting and that HES encouraged a clearer assessment of those setting impacts, and opportunities for reducing the impacts to be explored. She advised that HES had noted other developments in the area took account of the memorial and did not over dominate it. She advised that HES' view that the current proposal was too big and would have an adverse impact on the War Memorial, its garden and its wider setting of the Park was clear. She said that the Applicant and Council Officer had failed to fully identify the historic asset by overlooking the fact that the walled garden was also part of the A Listed Monument. She advised that the assessment did not fully define and analyse the setting in accordance with *Managing Change in the Historic Environment – Setting* policy by not considering the setting of the memorial garden within the

setting of the park. She said that the Friends thought it was disingenuous for the Design Statement and Handling Report to take part of a sentence from the HES consultation response out of context to argue that HES did not object. She pointed out that HES were constrained by what they could formally object to.

She advised that the proposal contravened the following material considerations – LDP STRAT 1(d) and (e); LDP 3, LDP 8, LDP 9, SG LDP ENV 16(a), SG LDP ENV 17 as well as the advice of the expert witnesses HES and the Council's Built Heritage Conservation Officer.

She advised that the Friends would like to see the planning application in its present form refused. She said that they would prefer if it was withdrawn and resubmitted with an appropriate design that respected the park and War Memorial.

She said the Friends did not object to the development of the site but any new development had to be sympathetic to its location and respect the War Memorial, Hermitage Park as a whole and the Conservation area.

Jackie Baillie MSP

Mrs Baillie advised that she had reviewed the substantial number of representations and valued each and every one of them. She said that it was her job to represent their views wherever possible. She confirmed that no one had contacted her to object to a care home. She advised that the problem was essentially the scale and height of the development. She commented that the Applicants withdrew their original application and resubmitted it but the changes made were minimal and failed to alleviate concerns. She advised that a 4 storey high building was too tall would dominate the area and be out of keeping with the vicinity. She advised of hearing from the residents of Birch Cottages of how it would overlook and overshadow the cottages. She referred to the development being within 10 metres of the cottages. She commented that we did not get much sunshine. She asked the Committee to listen to the people that lived there who advise that the building would be within touching distance and would create shade over their properties. She referred to the development being set in a Conservation area and being adjacent to the a-listed memorial. She referred to the Applicant quoting from a letter from HES dated 23 July 2019. She advised that a lack of formal objection from HES did not constitute support for this proposal.

She acknowledged that the site of the development site was currently unkempt and derelict. She said this was not a planning consideration. She advised that there was a presumption against development that did not preserve or enhance a Conservation area. She advised that simply arguing that a 4 storey building was better than what was there before was not a justification.

She referred to conflict of interest and noted what Mr Young had said. She advised that it was a fact that the proposed development breached the Local Development Plan. She responded to the view from Mr Young that this was minor and said that this was subjective. She said that she thought this would be a significant departure from the Local Plan. She advised that the Health and Social Care Partnership (HSCP) had undertaken a care home rationalisation exercise and that this development had been referred to in Council meetings as a done deal. She advised that the Council owned the land. She acknowledged the need for a care home. She said this needed to be affordable too. She advised of listening to some about

assumptions of self-funding and the number of current places which may not bear out in reality. She said this was not a planning consideration. She advised that the Committee could not ignore the planning considerations about the scale and height of the development in its location. She advised that if the building had been reduced she would have been surprised if everyone would be sitting here now. She said that the height was the single local concern. She asked the developer to withdraw their application to enable them to reflect on the concerns about the height of the building and its impact on the area. She asked, if the developer was not prepared to do that, that the Committee refuse the proposal in its current form.

Richard Cullen

Mr Cullen advised that he had been asked to represent the views of the residents of Prince Albert Terrace and Birch Cottages. He advised that as residents of a Conservation area this was greatly important and that preservation was the key.

With the aid of presentation slides he advised that 94% of the residents that would be most affected by this planned 4 storey building had submitted an objection. He explained that this would have been 100% but some were too ill or frail to make their objections. He pointed out that in the wider community 57 letters of objections were submitted and that this was over and above the residents of Prince Albert Terrace and Birch Cottages. He said that there had been no letters of support from the community.

He confirmed that they did not object to development of the site or to the site being used for a care home. He pointed out that this was a common theme heard today.

He advised that they objected very strongly to a 4 storey building of poor design quality which would have a negative impact on their lives and amenity. He also advised that they objected to the excessive scale and mass of the proposed building and that they objected to being overlooked and to the negative impact on the Conservation area.

He advised that the building would overlook the rear of Prince Albert Terrace. He pointed out that the façade facing Prince Albert Terrace would contain 21 windows, each one a different bedroom, occupied by a different resident. He said that this ignored the Council's Sustainable Design Guidance 3.

He referred to overshadowing and advised that the rear elevations of Prince Albert Terrace at numbers 6, 7 and 8 (four purpose built flats), their gardens and the rear access lane would be overshadowed by the 4 storey building. He said that the shadow diagram in the Design and Access statement did not show the full impact of overshadowing on the Terrace despite the developers claim to the contrary. He also advised that the submitted diagram did show that Birch Cottages (number 9) would suffer from overshadowing.

He then referred to the Building Line and advise that the proposed building would protrude beyond the building line of Albert Terrace gable end. He advised that because of the height of the elevation at this point the building would be clearly visible from Victoria Road and would damage the visual impact of the terrace, its sense of place and would create an uncomfortable spatial relationship.

He referred to comments made by the Council's Heritage and Conservation officer and also comments made by a Planning Officer on the previous application which had been withdrawn. He said that minimum changes were made to the proposal before being resubmitted.

He advised that the following comments made by the previous Planning Officer were still relevant -

"The scale of the proposal is excessive and needs to be reduced, the most northern section (3 storey) is visually oppressive in relation to the residents of 6, 7 and 9 Prince Albert Terrace and requires to be reduced in height to not exceed two storeys".

"The section to the south is considered overbearing upon 1 – 12 Birch Cottages creating an over dominant and incongruous structure that is out of scale within this enclosed residential area. My view is that this should be reduced in scale to not exceed 2 and a half storeys, this southern section also impacts upon the adjacent Public Park by being visually prominent affecting the sense of place that a park creates".

He pointed out that the Applicant had ignored this advice and resubmitted the proposed building with 4 storeys.

He referred to plans showing the Upper Helensburgh Conservation area and highlighted the proposed development site within that. He suggested that this was probably the centre of the Conservation area. He advised that being in a Conservation area brought with it additional requirements when it came to Planning.

He read out the detail of Policy LDP 3 – Supporting the Protection, Conservation, and Enhancement of our Environment. He said that it had not been ascertained that the development would avoid adverse effects. He advised that the Planning Officer in supporting this application had pointed out some adjacent properties having little positive impact on the Conservation area as a justification to permit a building which the Council's own Heritage and Conservation Officer has deemed unsuitable. He advised that this justification ignored the guidance of LDP 3 which highlighted the dangers of cumulative effects.

He then referred to policy SG LDP ENV 17 which stated that there was a presumption against development that did not preserve or enhance the character or appearance of a conservation area or its setting. He advised that they have been told it does enhance the area.

He then referred to the proposed building's external treatments consisting of red brick, white render, grey tiled roof, and astragal windows of an indeterminate design. He advised that the proposed treatment took no account of the relationship it would have with the Victorian Terrace which would be adjacent and which was constructed of blonde sandstone with a slate roof. He advised that Red brick has never been used in Helensburgh.

He then referred to the views expressed by the Council's Heritage and Conservation Officer, advising that the Officer considered that this proposal was not suitable for the site from a heritage/design point of view. He stated that these views had been ignored.

He then referred to policy LDP 9: Development Setting, Layout and Design and advised that the aim should be for the highest quality building on this site.

He read out section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – notwithstanding the acceptability of the proposals in terms of other planning issues, if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of the designated area there should be a presumption against granting planning permission.

He commented that it had been seen that the scale, mass, exterior treatment and positioning of this proposed 4 storey building did indeed conflict with the preservation and enhancement of the Upper Helensburgh Conservation area and, he advised, if nothing else this was grounds to reject this application.

He advised that there were clear and compelling material planning grounds on which the Committee could refuse this application. He said that by refusing this application the Committee would preserve and protect the Upper Helensburgh Conservation area; the quality of life of residents of Prince Albert Terrace and Birch Cottages; the sanctity of the War Memorial; and enable the site to be used for an appropriate development which was considerate of the sensitivities of location and its neighbours.

He asked the Committee to refuse the application.

Michael Davis

Mr Davis advised that he strongly believed that this proposal would have a hugely negative impact on the Conservation area. He said that this was a development of considerable scale which would be wedged into a small site. He advised that the site appeared to be inappropriate for a development of this scale and impact.

He referred to its close proximity to other things. He advised that it would be very close to Prince Albert Terrace and commented that the Committee have heard the issues regarding overlooking. He referred to its close proximity to the park and to hearing how it would overlook the park and the great deal of money that has been spent on the park. He referred to the issue of the war memorial and said that he could only emphasis what has been said before and that it was about the whole area and not just the monument. He said that there were clearly great issues here because of the proximity, appearance and visibility and that it seemed there was too little space for the development. He advised that there would be a negative impact on the amenity ranging from potential parking congestion to cluttering the landscape in the Conservation area.

He also advised that he thought that the development was an inappropriate design. He said the scale would be domineering. He said it would be deeply visible and the design was unimpressive. He commented that the materials to be used did not seem appropriate for its setting. He said that it seemed the entire project in the design terms that ran through it were deeply unimaginative. He commented that a number of years ago a slogan was banded about Helensburgh 'be better, be excellent'. He said that this design did not remotely reach the foothills of that approach.

He advised that at times less was more.

The Committee adjourned for lunch at 12.55 pm. The Chair indicated that the Committee would reconvene at 1.40 pm.

The Committee reconvened at 1.40 pm, adjourned and recommenced at 1.44 pm.

MEMBERS' QUESTIONS

Councillor Trail asked the Applicant to explain the business model of Simply UK. The Executive Officer, Christopher O'Brien advised that the Simply UK Group developed and traded care homes and that they also provided social housing to organisations such as Clyde Valley Housing Association and North Lanarkshire Council. He said that Simply UK have been operating for 18 years and running as a Group for 15 years. He advised that the developments they carried out were for themselves as a Group apart from the social housing. He added that they also provided a small element of commercial properties. He confirmed that their main business was developing and overseeing care homes.

Councillor Redman asked the Applicant how many jobs would be created by this development. Ms Meston confirmed that there would be 60 full time equivalents. She advised that they did not have temporary employees as such. They were sometimes approached by qualified nursing staff who wished to go on a bank. She advised that anyone coming to them would be on a contract, would receive training and would be managed under their structure.

Councillor Currie referred to Mr Cullen commenting that there had been 57 objections to this application. He sought and received confirmation from Mr Cullen that the population of Helensburgh was 14,500.

Councillor Currie referred to Mr Cullen saying that the Committee should not take account of economic benefit as it was not a material consideration in planning terms. Councillor Currie advised that as far as he was concerned economic benefit was a material consideration and he sought clarification on this from the Planning Officer. Mr Young confirmed that Councillor Currie was correct. He said that economic benefit was a material consideration and that it was up to the Members of the Committee to decide how much weight to apply to this. Mr Young also confirmed that any benefit a Council received from a sale was not a material consideration.

Councillor Moffat asked Ms Meston what the staff ratio to patient would be. Ms Meston advised that staffing/patient ratios were set in the past by the Care Inspectorate and that for general staffing this was 5:1 and for patients requiring nursing and those with dementia it was 4:1. Ms Meston advised that the Care Inspectorate have now washed their hands of these guidelines. She confirmed that Simply UK continued to staff at a minimum the previously suggested staffing rates but looked to enhance this through activities etc put in place. At the same time, on a monthly basis at the very least, or more often as needed, they carried out dependency studies to ensure people were still getting appropriate care and, if required, staffing was increased to take account of a person's change in circumstances.

Councillor Moffat sought and received confirmation from Ms Meston that all of their staff received training in-house. She explained that all of their staff received a very

intensive induction period of training and that they received much more than the legal requirement for training. She advised that they have a very intensive programme for the staff working for them and as a lot of their clients have dementia they pushed forward from the normal skill level. She indicated that every person working in the care home, from washing dishes etc would receive training in dementia care so that they would know how to react to dementia clients.

Councillor Taylor commented that much of the discussion and concerns raised today had been that the proposed care home would not enhance or improve the conservation area. He asked Mr Young to explain to Members the basis of how he made his assessment on this and to also give a better understanding of the parking places that have been allocated. He commented that he was aware that there was a standard applied for residential housing and asked if there was a standard for this type of development. Mr Young confirmed that the standard for this type of development was one parking space per 4 beds and one parking space per 2 staff. In terms of the roads consultation he confirmed that his roads colleagues recommended 25 parking spaces when the development was originally for 74 beds and that they were still recommending 25 spaces even although the beds have reduced to 64. He confirmed that the parking allocated to Birch Cottages would be maintained. Mr Young then went on to explain the process they followed when determining any planning application. For this development he explained that as he did not know the depot site well, he carried out a site inspection as this would be the first part of determining the context of the site, the second part was Prince Albert Terrace and the third Birch Cottages. He explained that some housing behind the war memorial was of poor quality and pre-dated the Conservation area. He advised that this part of the Conservation area did not have the same character as that further up. He advised that once he had looked at the site in context he would turn to Section 25 of the Act, Development Plan Policy and any other material considerations including advice received from statutory consultees, including the Council's Heritage Officer and HES. He explained that the Heritage Officer and HES make their assessments purely on built heritage whereas he had to look at the wider issues. He confirmed that he had to take on board the views of HES and that he had tried to echo that in the body of the report. He advised that he had to make a decision on whether or not a development preserved or enhanced the Conservation area. He stated that he thought that this development at least preserved the Conservation area. He said that it was not just about replacing something poor with something else and that it was wider than that. He confirmed that he had taken account of the war memorial and that he had tried to be fair and do this on a professional basis. He advised that he also tried to take on board the views of objectors.

Councillor Douglas advised that she had listened to everyone this morning regarding the HES side of things and the fact that this was a Conservation area. She referred to having issues with people wanting to replace windows but because they lived in a Conservation area there had to be a standard. She commented that this was a modern development and questioned how they could enforce someone living in a Conservation area to have sash and case windows when this proposed development did not even have a slate roof. Mr Young referred to the Council's Window Policy document about the replacement of windows and said that it was not the case that in a Conservation area you had to have sash and case windows. He advised that each case was judged on its own merits and that within a Conservation area there were different townscape blocks with different characters. He said that if a building had a very important focus then he would refuse an application for plastic windows.

Councillor Redman commented that at the site inspection he was quite alarmed at the condition of the site and how dilapidated it was. He asked if there had been any complaints about this area. Mr Young advised that throughout Argyll and Bute there were certain sites that were dilapidated and caused concern to locals. He confirmed he was not aware of any complaints being made about the depot site.

Councillor Freeman sought and received confirmation from Mr Millar that the information contained in the A3 document circulated during his presentation referred to the previous application that had been withdrawn and did not relate to this application.

Councillor Freeman sought and received confirmation from Mr Young that the difference in the ridge height of Prince Albert Terrace and the ridge height of the proposed development was 4.5 metres.

Councillor Freeman sought and received confirmation from Ms Meston that the figure of 45 in relation to bed shortages was specific to Helensburgh town based on the local authority study which had been undertaken.

Councillor Freeman referred to comments about the building line. He said that the building line referred to this morning was from the gable end of Prince Albert Terrace heading down towards the site. He advised that it had always been his understanding that when talking about the building line this was the line running along an adjacent street. Mr Young confirmed that was correct. Councillor Freeman asked if this meant the comments made about the building line this morning were irrelevant in this case. Mr Young said that he believed it would be a minor material consideration. He advised that the building line would have been crucial if it was next to Prince Albert Terrace on Victoria Road itself.

Councillor Freeman referred to the visit this morning being very helpful as it allowed the Committee to see what the issues were. He then referred to discussions about the impact the gable end of the development would have on the war memorial. He advised that it was his understanding that the trees there would virtually hide the gable end of the proposed development whereas the gable end of Prince Albert Terrace would be much more prominent. He asked Mr Young if this was his view. Mr Young replied yes but to be fair to the people in Prince Albert Terrace that building pre-dated the war memorial. He confirmed that the trees would help screen the gable of the northern block. He said that he was concerned to make sure the trees were protected and that he had included a condition for tree protection measures and landscaping.

Councillor Freeman referred to comments this morning that some people have been saying this development was a done deal. He asked Mr Young if he had heard this over the years with other planning applications. Mr Young advised that he knew from social media that anything the Council did was treated with cynicism. He advised that from his own perspective he has not heard this was done deal and this was not a consideration in this application. He confirmed that he has said right from the beginning in terms of conflicts of interests he kept things separate. He advised that what Estates did was separate to what Planning did. He confirmed that any comments about it being a done deal he ignored and rejected.

Councillor Douglas referred to comments made by Mrs Holliman that the Council had not consulted HES and that it had been a private individual that had approached HES. She sought clarification on this. Mr Young confirmed that he had been in contact with HES and spoken to them on a number of occasions. Mr Bain explained that when a planning application is first submitted it is dealt with by a central validation team and that this was a desk exercise to ensure an application was competent and to ascertain which statutory consultees needed to be consulted. He advised that the desk based team looked at the application in its immediate setting and it was only once a Planning Officer later assessed the application that the wider setting was looked at and the onus was on them to trigger that consultation. He advised that it was a planning judgement as to whether a building would have an impact on a setting and if it was considered that a development would have an impact on a listed building it was at that point HES could be consulted. Mr Young confirmed that he always erred on the side of caution and went the extra mile to get other people on board.

Councillor Kinniburgh referred to the conditions recommended to protect the trees and to the 3D image in the presentation by Mr Cullen which showed 21 windows facing Prince Albert Terrace. He also referred to the site visit where he saw quite a few trees in the vicinity of the development site from Prince Albert Terrace. He asked the Applicants if it was their intention to leave these trees. Mr Scott confirmed that it was their intention to leave the trees on the boundary of the site with Prince Albert Terrace.

Councillor Kinniburgh referred to sunlight and daylighting issues and asked the Applicant if they had taken this into account as the trees would be quite high in relation to the windows proposed. The Applicants confirmed that the windows would be floor to ceiling in height and were as large as possible to take as much light as possible. He advised that during the winter when the light was low the trees would be bare.

Councillor Kinniburgh sought and received confirmation from the Applicant and Mr Young that the 18 metre separation distance met the privacy standards.

Councillor Kinniburgh asked Mr Cullen if this 18 metre separation distance gave him comfort about overlooking. Mr Cullen said that for 6 months of the year the trees would have no leaves so this would increase visibility to properties. He pointed out that the trees bordering the park had been marked for felling by Simply UK and the Council. He said they had been marked with blue crosses. He also advised that the trees on the border leaned outwards and in order to physically construct the building they would need to be taken down.

Councillor Kinniburgh sought comment from Mr Young on the trees marked for removal. Mr Young advised that Melissa Simpson was looking after the park and there had been discussion about a couple of trees coming out. He confirmed that Ms Simpson had advised that permission would be required for any trees to be removed. He advised there have been discussions between Simply UK and the park as the park have been doing a lot of tree management and that there have been discussions to see how it would impact on the development. Ms Simpson had confirmed that there has been no consent for the removal of trees and that this would have to go through the planning process.

Councillor Kinniburgh referred to hearing about the listed war memorial being 70 metres away from the proposed development and the wall being 40 metres from the development. He sought Mr Young's view on this. Mr Young advised that whether the distance was 70 metres or 40 metres was not an issue for him regarding the setting of the war memorial.

Councillor Kinniburgh asked Mr Young how many car parking spaces were available to Birch Cottages. Mr Young advised that he could not recall the exact number.

Councillor Kinniburgh asked Mrs Craig if there were currently parking issues at Birch Cottage. Mrs Craig said that there were issues especially when carers came to park. She advised that they had to park in the street or at the other end of the site just now. She advised that it was also an issue with people parking on Sinclair Street if there was an event on in Victoria Halls.

Councillor Kinniburgh asked if additional parking was coming to serve Victoria Halls. Mr Young advised that the provision of parking for Birch Cottages was dealt with when they were built in the 1970s. He advised that he did not believe the provision of 25 car parking spaces would cause problems. He said that he thought there was more parking planned for Victoria Halls. He advised that parking was a historical problem.

Councillor Freeman sought and received confirmation from Mr Young that Roads had not raised any concerns about parking and traffic.

Councillor Kinniburgh sought and received confirmation from Mr Young that it was his professional opinion that the use of red brick in the proposed building would work.

Councillor Kinniburgh asked Mr Young what weight he would give to the Conservation Officer's opinion. Mr Young advised that the opinion of the Conservation Officer was a material consideration as was comments from HES. He advised that the Conservation Officer and HES concentrated on the built heritage whereas he had to look at the bigger picture. He advised that they have raised issues which were important and that these have been taken into account in the assessment of this application. He advised that it came down to how much weight Members wanted to put on it. He confirmed that their comments were a material consideration in the determination of this application in terms of the character of the conservation area and the impact on the war memorial.

Councillor Kinniburgh sought and received confirmation from Mr Millar that the Community Council supported the arguments put forward about the size of the building over dominating the site and over dominating neighbouring properties. He advised that if the building came down by one storey on both wings that would be acceptable.

SUMMING UP

Planning

Mr Young confirmed that his assessment was based on Section 25 of the Town and Country Planning (Scotland) Act 1997 and that design was a key issue and was very subjective. He referred to Mr Millar saying that he had looked at other buildings

including Waitrose and the Civic Centre and commented that when the application for the Civic Centre had been submitted Helensburgh Community Council had commented at that time that it looked like a B and Q warehouse. He advised that he did not have the luxury of waiting for something to be built before deciding that something was good or not. He advised that he had set out the key concerns following a site based assessment. He referred to the impact of the war memorial and the impact on the Conservation area and advised that this part of the Conservation area was a mixed bag. He referred to the CALA development built in the 1980s before the Conservation area came in which was also the case for Prince Albert Terrace. He also referred to a modern development further along. He advised that this assessment was based on the context not just of the depot site but this part of the townscape block and that he believed the development would at least preserve and may enhance this part of the Conservation area. He confirmed that he did not think the war memorial would be impacted due to the separation distances and peripheral views. He advised that access was fine and that environmental health had made no objections in terms of noise. He said that they had suggested a condition about construction times which he would be happy if Members wanted to look again at that.

He confirmed that based on planning policy and all other material considerations including representations from consultees he was happy to recommend approval of the application.

Applicant

Mr Scott thanked the Committee for the time given to everyone to speak. He advised that there were a number of issues he would like to come back on.

He advised that the key one and the nub of the case was the comments made by objectors that if we removed a storey of the building then the objectors would not be here objecting. He advised that the reality of the situation was that Simply UK would not be here with the application if they had to take a storey off as the development would be uneconomical. He said that this comment made by objectors very significantly showed that they had no concerns about the materials to be used in the design of the building and it showed they had no concerns about alleged overlooking at Prince Albert Terrace and Birch Cottages.

He said that the key issue was the height of the building and the impact arising as a result of that on the Conservation area, the war memorial and the amenity of the surrounding properties. He referred to concerns expressed about the impact of the facility on the war memorial and he pointed out that all parties had referred to the representation submitted by HES. He advised that as Donal Toner had pointed out HES have simply stated that the massing, scale and height of the building will have an impact on the open landscape setting but they have not said the impact will be adverse. He advised that what HES have said was they encouraged a clear assessment of these setting impacts but they have not objected to the application as they do not consider this as of historical national significance. He pointed out that HES were not at the hearing and advised that notwithstanding what Mr Young had said, if HES were concerned they would have come today. He advised that given the distance from the memorial to the building and also the intervening trees between the two, Simply UK were comfortable that the development would not impact on the setting or ambiance of the area. He demonstrated this by referring to photomontages shown in his earlier presentation. From these he said it gave him

great difficulty to see how the proposed building would detract from the setting of the listed memorial.

Referring to residential amenity of Birch Cottages and Prince Albert Terrace, he advised that they submitted studies in support of their application that concluded that the amenity of the surrounding properties would not be adversely affected as a result of overshadowing or loss of daylight and loss of privacy. He said that the many objecting parties had stood up and made quite flamboyant and good presentations but these points had not been supported by professional studies. He advised that with regard to the concerns expressed about the proximity of the proposed building with Prince Albert Terrace, the Local Development Plan stated a minimum clearance of 18 metres and that this has been provided. He drew attention to some 7 metres between the proposed buildings and the back garden walls of Prince Albert Terrace and also the trees along that boundary. He said that the proposed development would not result in unacceptable levels of overshadowing or loss of light to these properties. He advised that in the summer they commissioned and spent time assessing the impact on Birch Cottages and that they have determined to the satisfaction of Planning Officers that they will not suffer. He advised that one objector had referred to the proposed development being 15 feet away from a property. He said the measurement was 10 metres which was 30 feet.

Referring to car parking he advised that Mr Young and colleagues had outlined the requirements for this. He said that Mr Young had outlined that roads were initially satisfied that 25 spaces were sufficient for a 74 bed home and that this was now a 64 bed home. He indicated that the vast majority of the staff that would be employed at this facility would not travel to work by car. He advised that this was one of the first considerations and that this particular site was ideally located close to bus stops and the train station, making it probably the most sustainable care home facility that Simply UK have or were looking to have at the moment. He advised that the car parking spaces were on a par with other areas. He commented that their facility in Bridge of Weir, which he said, was a considerably less sustainable location in terms of accessibility to public transport, provided 18 spaces and this was a 74 bed home.

Referring to the general access route, he confirmed that they were proposing to clear vegetation and cut back the hedge to increase the width of the access road to 6 metres. He pointed out that you were allowed a width of 5.5 metres to serve a site with 200 properties. He advised that traffic movements to and from a facility of this type would be insignificant. He confirmed that in terms of deliveries there would be 2 per week for food and 1 per week for waste. He said that the development would be a low traffic generator.

He referred to Helensburgh Community Council advising that they had listened to a number of objections made by third parties. He pointed out that only 57 submitted representations to the Council in opposition to the care home and advised that this equated to 0.34% of the town's population. He said that Helensburgh Community Council have objected and spoken against the proposal and he asked the Committee if they were confident that the Community Council's views were representative of the community they were claiming to represent. He commented that Simply UK had been inundated with people asking when the facility would be open and ready to use. He advised that the Community Council had provided no evidence that they had gone out and sought the views of the community on the proposal in the same way as they did when seeking views from the community on what they wished for the site.

Consultees

Helensburgh Community Council

Nigel Millar

Mr Millar referred to the last point made by the Applicant on the level of representations made. He advised that when considering an application it's usually those most close to the vicinity that commented. He pointed out that in a small village that could be pretty near 100% of the population. He advised that it was misleading to suggest that representation on this application was low and he asked the Committee to reject that argument. He confirmed that the Community Council consulted the community and that the vast majority of the representations were from the immediate vicinity as they would be the ones most affected by it.

Referring to parking he confirmed that he had heard the arguments and said that it begged belief that 25 spaces would be sufficient. He questioned if there was an overflow where would that go. He said that firstly it would be to Birch Cottages and then onto Sinclair Street.

He advised that the Community Council's main concern was on design. He advised that they based their assessment on local plans and other documents and determined what would be a good design for Helensburgh. He advised that they also looked at the characteristics and that they had clear guidelines and used the same system as Gareth Hoskins when they assessed the design for the pier site.

He confirmed that they wanted the development reduced by one storey and that there were other ways to improve the design and make it satisfactory for the neighbours and the Conservation area. He commented that there could be improvements to the roof design and to how the entrance looked. He advised that the Community Council stood by their assessment. He said that he did not appreciate the "cheap shots" from Planning.

Norman Muir

Mr Muir advised that the argument here in terms of the Conservation area was that the building was inappropriate in size and sheer scale. He referred to comment by the Applicant that if the building was reduced by any amount it would become an uneconomic prospect. He advised that if the development were to go ahead it would be a blight on this town for as long as it was maintained. He said that this was an issue of heritage. He referred to the plans produced being very poor and that there was no concept of how the building would look. He said that to base a decision on the plans produced was not good.

Commenting on the access and exit from the site, he advised that the Roads Officer should have been here to explain precisely what his technical view was. He stated that the volume of traffic would require additional traffic features with traffic lights a minimum.

He advised that the Community Council still maintained that this development was far too big in its present concept to be approved.

Objectors

Christopher Packard

Mr Packard referred to the line to the east of the site. He said that the distance from Mrs Robertson's back door was 18 ft and slightly different to the Applicant's measurement of 10 metres. He advised that if the distance was 10 metres the objection to this proposal would be much less. He referred to the boundary of the site and questioned what would be done with the parking spaces at the bottom of that road.

Jean Craig

Mrs Craig advised that she had objected about the site several times. She advised that she had also complained about parking on the main road and that there would be an accident there. She said that there was no way carers would not take their cars to see their clients as they had to visit up to 4 times per day. She confirmed that they always had cars and there was no space for them.

Jackie Baillie MSP

Mrs Baillie said that height was the dominating factor and a significant factor if removed. She advised that all the issues raised were of importance. She referred to the commercial viability of the development and noted that the capacity anticipated in the future was 45 and that the care home allowed for that. In meeting demands in the future there would still be places available if the building was reduced. She commented that other care homes available had less places.

She referred to the letters from HES and advised that she was grateful to be advised that there was two letters from HES – one in May and one in July. She advised it was not appropriate to say that HES had not objected. She commented that they had not submitted an objection because the site was not of national importance and that HES had advised that a lack of objection should not be considered as support from them.

Referring to car parking, she advised that the HSCP have struggled to find staff so staff were coming from Dumbarton and the Vale of Leven. She commented that anyone trying to use public transport would find it challenging. She pointed out that the facility would not be on the main bus route and commented on Scot Rail's ability to run their trains on time. She advised that people would default to bringing their cars and that the issue of parking was a real issue. She referred to conflicts of interest and pointed out that the Council was a member of the HSCP and that Officers and residents were referring to this care home as an actual thing. She said that "done deal" was not a cynical view from members of the public or herself. She said that this was the view of Officers of this Council. She asked the Applicant to look again at reducing the height and to look again at the design and car parking.

Richard Cullen

Mr Cullen referred to the Applicant's photomontages and pointed out that the trees in the picture were the trees earmarked for felling. He confirmed that he noted that permission for this would have to go through planning. He advised that when you looked at the site map the wall of the building was so close to these trees and said

that you could not build that close to trees as the roots would either impact on the building or the building would impact on the roots and the trees would die. He said that the photomontage should have been photo shopped to show what it would look like without the trees.

He referred to the Applicant's consultant advising that the workers would get public transport and asked if this requirement would be written into their contracts. He commented that everyone knew how easy it was to get in a car especially if on a late shift.

He referred to comments about the Applicant being inundated with calls and advised that they had provided no evidence of this.

He advised that the residents of Prince Albert Terrace and Birch Cottages were not professionals and that this had been a steep learning curve for them. He confirmed that they believed this development would be a blight on their lives and on the Conservation area. He said that they would have been okay with smaller buildings. He said that it may not be ideal but they were realists and would accept smaller buildings.

He advised that the Committee were in a unique position where the decision they made would not just affect the lives of those today but also the lives of those in the future. He advised the Committee that they needed to consider what people would think in 40 years' time when they saw this building that, he said, would stick out like a sore thumb. He asked what people in the future would think if this was allowed. He asked the Committee to respect what was requested and refuse the application.

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

DEBATE

Councillor Moffat advised that it had been an intensive morning and afternoon and that she did not want to even consider conflicts of interest. She pointed out that the Council owned the land and that the sales and marketing of that were separate from Planning. She then referred to the OSPA and said that Hermitage Park has had almost £4m spent on it. She said that it was important to preserve the integrity of an OSPA where possible and pointed out that at another public hearing she had asked about the possibility of putting an OSPA on another area. She referred to the letters received from HES in May and July and being told that they had not submitted a formal objection. She advised that this was the case because they were unable to submit objections unless a site was of national interest. She pointed out that however much Helensburgh was loved, this particular few hectares was not considered of national importance. She advised that HES did not like the proposal and that it was important for the Committee to take cognisance of that. She said that it was disingenuous of the Planners and the Applicants to suggest that if HES were against this proposal they would have attended the hearing today. She then referred to the trees and stated that if these trees went this would have a huge effect on the environment there. She then referred to the design of the building. She indicated that she had lived in Helensburgh at this area for 5 years which, she said, was wonderful. She said that if she still lived there she would not be thrilled by that design and that she considered it inappropriate for the area. She then referred to car parking and pointed out that there would only be one disabled parking space. She said that this would be a home for people where the majority would have a disability

and that they would have elderly relatives coming to visit who, equally, may require disabled parking. She said that if this was residential housing there would be a requirement for far more disabled car parking. She referred to concerns about traffic and said that medical emergencies sometimes happened in the middle of the night. She referred to blue light vehicles responding to these emergencies coming into an area where there were vulnerable people living. She referred to Mr Young's comments about this being a mixed bag of a Conservation area. She said that it was her opinion that this building would not enhance any part of the Conservation area. She referred to construction times and said that it was crucial that these be limited to during the week only and from 8 am to 5 pm. She agreed that a building needed to be economically viable and suggested that it could be economically viable at another size. She referred to comments from the Applicant that the objectors had no concerns about the design of the building and overlooking and noted that they had responded to this in their summing up. She referred to the Applicant's comments that the residential amenity would not be affected and that they had been inundated with calls from people asking for a bed at the care home. She pointed out that 57 objections had been received but there had been no letters of support received. She questioned where all these letters of support were. She advised that on Bute there was only one nursing home, with the majority of the population over 65 years. She referred to people having to travel overseas to visit relatives. She said that she supported having care homes and having more built but not this one as she said, it was the most inappropriate thing.

Councillor Redman said he could not unsee what he had seen this morning at the site visit. He referred to the natural beauty of Helensburgh and the fabulous architecture but advised that the site being discussed today was not one of these buildings. He said that this was a prefabricated building, crumbling to the ground and that he was appalled at its terrible state. He advised that they were always told not to consider economic benefits. He said that he thought job creation was important as well as having a duty of care to the elderly. He said that it was very important to have these types of facility available. He advised that although the site would not look as nice as some of the fabulous architecture in other parts of Helensburgh, he thought that it would be a marked improvement to what was currently there. He confirmed that he would approve the application.

Councillor Currie said that he could not be further removed from the view of Councillor Moffat. He said that he thought this proposed development was acceptable for Helensburgh. He pointed out there had been no objections from statutory consultees regarding access, flooding and biodiversity. He said that we could all try and be professionals but we were not and that the Committee listened to the professionals and they have said no objection. He said that there would be limited views of the care home from the park and the cenotaph and that it would have a limited impact on the park and cenotaph. He said that the care home would enhance the character and appearance of the Conservation area. He advised that the proposal concurred with all the policies in the local development plan, except one and that it could be justified as a minor departure from that policy. He confirmed that he supported the approval of the application. He advised that he was seriously concerned about what Councillor Moffat had said about the construction working hours. He advised that construction workers, like everyone else, had to work for a living, and to suggest that their hours be cut to a bare minimum 5 days per week was concerning. He said that he supported approval of the application.

Councillor Freeman advised that it was his view that the proposed development would have no impact on the A listed war memorial. He said that if it is acceptable to look at the gable end of Prince Albert Terrace, then the development, which he pointed out would be hidden by trees, was certainly acceptable. He said that retention of the trees between the memorial and the development site was important. He referred to concerns about cars, parking and the road and stated that the professional Roads Officer had raised no objections. He said that he knew the area well and that he did not think there would be any concerns about that. He commented on the Community Council's guidance which, he said, they have been working with for 10 years and had been complimented on before. He advised that Planning have never said they have got that wrong. He referred to the Local Development Plan and no one has ever said that was wrong. He said that in respect of the guidance and the LDP, although they were material considerations, they were guidance which could be deviated from. He advised that on the basis of what he had heard today he could see nothing to justify refusal of the application.

Councillor MacMillan advised that he had nothing to add to what had already been said. He confirmed that he would be supporting the application.

Councillor Douglas advised that sitting on this Committee was difficult as there was always a lot of things to balance out. She referred to comment that in 40 years people maybe commenting on what this building looked like but equally they could also be commenting on there being not enough care homes. She referred to the elderly in this community and the community effort put in to regenerating the park and the memorial to make it fit into Conservation area. She said that she felt this building would not fit in to the Conservation area and that the whole space could have something better, something different, and something more sensitive. She said she could not support this proposal.

Councillor Taylor said that the role of the elected member was to consider the planning polices, the advice of Officers and to listen to the community. He advised that this hearing had been particularly valuable as seeing the site and listening to all sides could lead to views changing. He advised that for him it came down to two points. He referred to the constraints of the site and the Applicants' can do approach and the opposing view of the community about what should be there. He questioned how the site could be developed to get the best for the community, recognising the needs and aspirations of the community. He advised that like Councillor Freeman he could not find it in his heart to say that this would impact on the war memorial. However, he advised, that this was a Conservation area that had to be protected and enhanced. He said that he did not think this building would fit comfortably in that area. He said that for him this was not the right building for that site.

Councillor Trail advised that he would be bringing forward an amendment to the Officer's recommendation.

Councillor Kinniburgh said that as usual when it came to this point in the proceedings it was always very difficult to come to a decision. He referred to the site visit in the morning and to all that had been said about the war memorial and the wall. He advised that he could not comprehend what was being said with what he had seen at the site visit. He said that he could not see how the building was going to be visible from these parts of the park. He pointed out that the war memorial could be seen from all over the park but for this particular building, he did not think it would be visible from vast areas of the park. He commented that all the presentations heard

today had been outstanding and that it was very clear to him that the majority of people were in support of a care home on this site. He advised that he fully appreciated the work Helensburgh Community Council did on reaching their conclusions and the presentations they made to the Committee. He acknowledged that sometimes he disagreed with the conclusions they reached. He advised that he did have concerns about the size of the building in a way. He said that on site this was a building taking up a small footprint of the site with the majority of the footprint taken up by parking and amenities around it. He said that 64 bedrooms sounded huge but he did not think the rooms would be that big. He advised that he did not think taking a floor off would make much difference to the building itself. He advised that it was very difficult to imagine what the building would look like. He advised that the point made by Mr Millar regarding the Waitrose building and the Civic Centre was well made. He advised that, having seen the 3D image, he thought the entrance into this building would be seen as you walked along the road. He said he thought it would create a nice visual entrance. He advised that only time would tell if the proposal got through today. He advised that he had weighed up all the facts. He referred to the issue of parking but what came down to was that the proposal fitted with every policy in the LDP bar one and that was to do with the OSPA. He said this did not give him great concern as this part of the OSPA was space that was unusable at the moment. He confirmed that he recognised the concerns from the residents of Birch Cottages and that he understood the concerns regarding noise, access and everything else but, he advised, even if the building was smaller there would still be these issues. He advised that he believed this proposal was the right proposal for this area and said he would like to move the Officer's recommendation including the conditions. He referred to the advantage of the trees screening the development and pointed out that if these conditions were not met then the development would not go ahead.

Motion

To agree to grant planning permission as a minor departure to the Local Development Plan subject to the conditions and reasons detailed in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman

Amendment

I move that the application be refused for the following reasons:

1. The proposed development is contrary to LDP 3, SG LDP ENV 16(a) and SG LDP ENV 17. The war memorial together with reflecting pool, is located in a parkland creating a natural tranquil setting for quiet reflection with a backdrop of mature trees. While the proposed development is not in the immediate proximity to the monument, it is close enough to detract from its open parkland setting due to its massing, scale and height.
2. Policy LDP 3 states that a new development will not be supported when it does not conserve, or where possible enhance the established character of the built environment in terms of location, scale, form and design. The massing and scale of the proposed building dominates over the low rise neighbouring Birch Cottages and the close proximity to the boundary with Hermitage Park will make it a dominant feature in that corner of the park, detracting from the visitor experience.

The choice of red brick and white render has no complementary echo in the neighbouring properties, and the utilitarian design strikes a discordant note in the conservation area.

Moved by Councillor Richard Trail, seconded by Councillor Lorna Douglas.

The Motion was carried by 5 votes to 4 and the Committee ruled accordingly.

DECISION

The Committee agreed to grant planning permission as minor departure to the Local Development Plan subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 07.07.2019 and the approved drawings numbered

- L(0-) 00 – Location Plan
- L(0-) 02 Rev. A – Site Plan Existing
- L(0-) 01 Rev. E – Site Plan Proposed
- L(2-) 06 – Proposed Elevations
- L(2-) 05 – Proposed Elevations
- L(2-) 04 Rev. K – Floor Plan
- L(2-) 03 Rev. K – Floor Plan
- L(2-) 02 Rev. J – Floor Plan
- L(2-) 01 Rev. H – Floor Plan
- L(0-) 03 – Demolition Plan

and stamped approved by Argyll and Bute Council 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.

2. Notwithstanding the effect of condition 1, no development shall commence until full details or samples of the materials to be used on the construction of walls, roof coverings, driveway and car park space surfacing and gates 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.

3. Prior to works commencing on site details of turning provision within the site to enable all vehicles to enter and leave the site in a forward manner shall be submitted to and agreed in writing by the Planning Authority.

Reason: in the interests of road safety.

4. Prior to works commencing on site details of how it is proposed to prevent surface water from running on to the carriageway from the site shall be submitted to and agreed in writing by the Planning Authority.

Reason: To prevent surface water from running on to the carriageway in the interests of road safety.

5. Prior to development commencing and notwithstanding the provisions of Condition 1, 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 the provision of an adequate surface water drainage system and to prevent flooding.

6. No works in connection with the development hereby approved shall take place until a Waste Management Plan for the site has been submitted to and approved in writing by the Planning Authority. This plan shall include details of the arrangements for the storage, separation and collection of medical and other waste from the site or roadside collection points, including provisions for safe pick up by refuse collection vehicles. The approved waste management proposals shall be carried out in complete accordance with the approved scheme.

Reason: To ensure that the waste from the proposal is dealt with in a sustainable and safe manner in accordance with the requirement of Local Plan policy SG LDP SERV 5.

7. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) location and design, including materials, of walls, fences and gates.
- ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iii) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping and in order to maintain the privacy of neighbouring properties.

8. Prior to commencement of development a scheme for the retention and safeguarding of trees during construction shall be submitted to and approved by the Planning Authority. The scheme shall comprise:
- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development including those trees overhanging the boundary of the application site from Hermitage Park;
 - ii) A programme of measures for the protection of trees during construction works including those trees overhanging the boundary of the application site from Hermitage Park which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

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

9. Prior to works commencing on site details of any floodlighting, security lighting or other external means of illumination of the site shall be submitted to and agreed in writing with the Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason: To protect the residential amenity adjoining properties and the surrounding area.

10. During the construction phase hours of operation are limited to:-

08:00 – 18:00 Monday – Friday
08:00 – 13:30 Saturday
No noisy activities on a Sunday.

Reason: To protect the residential amenity adjoining properties and the surrounding area.

(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 and supplementary report number 3 dated 15 October 2019, submitted)

MINUTE of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on WEDNESDAY, 23 OCTOBER 2019

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor George Freeman
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail

Attending: Shona Barton, Committee Manager
Lesley Montague, Senior Solicitor
Peter Bain, Development Manager
Tim Williams, Area Team Leader
Graeme McMillan, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Graham Archibald Hardie, Roderick McCuish, Alastair Redman and Sandy Taylor.

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 18 September 2019 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 2.40 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 3.00 pm was approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI AND PRIVATE HIRE SURVEY

A report detailing the findings of a survey carried out in order to determine the demand for taxis and the provision of private hire cars in Argyll and Bute Council's four administrative areas was considered.

Decision

The Committee agreed -

1. to note the contents of the survey to determine the demand for taxis in Bute and Cowal; Helensburgh and Lomond; Mid Argyll, Kintyre and Islay; and Oban, Lorn and the Isles,
2. to note the contents of the survey to determine the provision of private hire cars in Bute and Cowal; Helensburgh and Lomond; Mid Argyll, Kintyre and Islay; and Oban, Lorn and the Isles,
3. to have such regard as they see fit to the results of the survey in determining applications for taxi and private hire operator licences that come before them,
4. to note the findings of the survey in relation to new potential taxi rank locations located throughout Argyll and Bute and agree that Officers carry out further detailed consideration of the potential locations identified including, where appropriate, consultation with the relevant stakeholders, in accordance with Section 19 of the Civic Government (Scotland) Act 1992, and
5. that all future applications for private hire car licences should come to the PPSL Committee for determination and, once the Scottish Government has published best practice guidance on private hire overprovision, Officers should bring a report to the Committee for consideration.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 15 October 2019, submitted)

5. ARGYLL PROPERTIES LTD: ERECTION OF RETAIL UNIT, VISITOR CENTRE AND 3 SELF-CATERING UNITS, INCLUDING REALIGNMENT OF ESCAPE STAIRS TO TAIGH SOLAIS AND MACGOCHANS: LAND ADJACENT TO TAIGH SOLAIS, TOBERMORY, ISLE OF MULL (REF: 17/01205/PP)

Before presenting the application the Area Team Leader drew Members' attention to two errors within the report. He advised that at Section C of the report it had been stated that there had been no consultation response received from Environmental Health. Mr Williams confirmed that a response of no objection had been received from Environmental Health. He also advised that within Section C of the report reference was made to the Flood Risk Officer objecting to the development as the proposal was contrary to Policy LDP 11 and Supplementary Guidance LDP SG TRAN 7. Mr Williams confirmed that this should have been Policy LDP 10 and Supplementary Guidance LDP SG SERV 7.

The Area Leader then made his presentation. This is an application for the erection of a retail unit, visitor centre and three self-catering residential holiday units within a previously undeveloped gap site forming part of Tobermory waterfront development. The proposed development is located within the Key Settlement of Tobermory where Policy LDP DM 1 of the Local Development Plan (LDP) gives encouragement to sustainable forms of development up to large scale subject to compliance with other relevant policies and supplementary guidance. The site is located within the defined Main Town Centre and it also lies within Area for Action (AFA 6/1) and Tobermory Conservation Area. The application site is located within the 1 in 200 year coastal

flood zone (classified as Medium to High Risk) as identified in SEPA's flooding map and SEPA has objected to the application in principle as it introduces a new built development to a previously undeveloped site and therefore places additional buildings and people at risk from flooding. As such, in this case it is considered that this is not an appropriate site for the development. The development complies with the LDP in all other aspects and it is recommended that planning permission be refused purely on a single technical ground of flooding. As the determining factor in the assessment of this planning application rests on a single technical issue and is a matter of national and local planning policy with respect to flood risk it is considered that there is no requirement for a hearing. Should Members be minded to go against the Officer recommendation this would need to be referred to the Scottish Ministers as the objection from SEPA cannot be set aside without the prior notification of this application to Scottish Ministers.

Motion

To agree to hold a site visit and discretionary pre-determination hearing.

Moved by Councillor Mary-Jean Devon, seconded by Councillor George Freeman

Amendment

To agree not to have a hearing and make a decision on the application today.

Moved by Councillor Richard Trail, seconded by Councillor Gordon Blair

The Motion was carried by 8 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a site visit and pre-determination hearing.

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

6. NOTICE OF MOTION UNDER STANDING ORDER 14 - STREET SIGNAGE, OBAN

Recommendations from the Oban, Lorn and the Isles Committee regarding the enforcement of street signage policy currently taking place in Oban Town Centre were before the PPSL Committee for consideration.

In terms of Standing Order 16.1 no motion which seeks to alter or revoke a decision of the Council or has that effect will be considered within a period of 6 months of the original decision.

The Advertisement & Signage Policy Technical Working Note – Update, which proposed proactive enforcement measures to be taken of unauthorised A Board signage by Officers following surveys undertaken of Argyll and Bute Town Centres, was agreed by the PPSL Committee at its meeting on 22 May 2019.

In terms of Standing Order 16.2 it would be competent to review a decision before the end of the 6 months period, provided the Chair of the Committee was satisfied that a material change of circumstances had occurred.

The Chair ruled that, in view of the extensive consultation exercise undertaken prior to the decision made in May, there was no material change in circumstances so this issue would not be considered today.

Decision

The Committee noted the ruling by the Chair.

(Reference: Extract from Minute of Oban, Lorn and the Isles Area Committee 11 September 2019, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 23 OCTOBER 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Jean Moffat
Councillor Rory Colville	Councillor Alastair Redman
Councillor Robin Currie	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail
Councillor Donald MacMillan BEM	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Mohamad Basim-Altinawi, Applicant
Ameen Nemer, Applicant's Interpreter
Catherine Crowe, local Agent for Wm Skelton & Co on behalf of one of the Objectors

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR A STREET TRADERS LICENCE (M BASIM-ALTINAWI, ROTHESAY)

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

The Council's Solicitor, Mr McMillan, advised that a representation from Rachel Hughes and an objection from Margaret Colville had been received out with the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations and advised that it would be competent under Paragraph 3(2) of Schedule 1 to the 1982 Act for the licensing authority to entertain a late objection or representation if they were satisfied that there was sufficient reason for it not having been made within the time allowed.

Mr McMillan advised that both Ms Hughes and Ms Colville were invited by letter to explain why their representation and objection had been submitted late and that no response had been received.

The Chair sought the views of Members as to whether or not this late representation and late objection should be taken into consideration.

The Committee agreed not to take this late representation and late objection into consideration.

Mr McMillan then advised that a further late objection dated 19 October 2019 had been received after publication of the Agenda for this hearing from Tim and Ann Saul. Mr McMillan advised that the objectors were unable to attend the hearing today but had explained in an email that the reason for their late objection was because they had been away on holiday and had missed notification of this application. They advised that they had only become aware of the application when the Agenda for this meeting was published.

The Chair sought the views of Members as to whether or not this late objection should be taken into consideration.

Motion

To agree to take the late objection into consideration.

Moved by Councillor Richard Trail, seconded by Councillor Lorna Douglas

Amendment

To agree not to take the late objection into consideration.

Moved by Councillor Rory Colville, seconded by Councillor Alastair Redman

The Motion was carried by 5 votes to 4 and the Committee resolved accordingly. A copy of the late objection from Tim and Ann Saul was circulated. A list of the standard conditions for Street Trader Licences was also circulated for information.

The Chair then invited the Applicant to speak in support of his application.

APPLICANT

With the aid of an interpreter Mr Basim-Altinawi described the types of food he would sell and the locations where he was applying to trade from. He pointed out that negative responses from local businesses were very common. He explained that in general people have encouraged him to go ahead. He advised that most of his food would be vegetarian based. Referring to the objections received he said that he would not park anywhere that would affect other shops. He said that he did not wish his business to affect other businesses. He confirmed that he would be happy to respond to any questions.

OBJECTORS

Ms Crowe referred to the objection dated 19 September 2019 which had been submitted by Wm Skelton and Co on behalf of Colin Brooks, the proprietor of the Electric Bakery. She advised that his objection was based on two points. The first of these was in respect of the right to trade from the access road behind Squat Lobster. She advised that the Council gardens there had become a welcome feature of the town centre and there was a concern that having a van situated there would have an adverse effect on the amenity of the area due to an increase in rubbish and waste which, she said, would want to be avoided given the attractiveness of the area. She advised that the gardens were well maintained by the Council and their appearance was a contributory factor in the repeated success of Bute in Bloom which was

awarded a Beautiful Scotland Silver Gilt Award. She advised that the presence of a van in this area would have a detrimental effect on the area and a detrimental effect on existing nearby businesses offering carry out food. She said that this would lead to an overprovision of carry out outlets in the area especially between the hours of 9 am – 5 pm.

She advised that the second aspect of the objection related to the right to trade on High Street. She pointed out that it was not clear from the information that had been provided where on the High Street the van was applying to trade. She advised that it was not clear if it was for the whole street or for just part of the street. She advised that there would only be an objection if this included the area between Victoria Street and Castle Street. She referred to there being limited car parking at this area and that there would also be access issues for emergency vehicles at this location. She also referred to numerous existing business which supplied carry out food between 9 am and 5 pm and advised that this section of the High Street was not suitable for the conduct of a mobile hot food carry out business as it would cause an overprovision.

MEMBERS' QUESTIONS

Councillor Colville sought and received clarification from Mr McMillan that the Isle of Bute was not classed as an economically fragile area but the town of Rothesay was and, therefore, exemption from condition 17 did not apply in this case.

Councillor Colville sought and received confirmation from the Applicant that he was applying for two licences – one for a permanent location and the other for various locations. He advised that the permanent location would be near to the ferry.

Councillor Colville asked the Applicant if he was aware that if he was applying to trade at a permanent location this would be planning permission for the site and not for planning permission for one particular person. He pointed out that this meant anyone could use the site. Mr Basim-Altinawi advised that it was his understanding that no one else was going to use that site.

Councillor Trail sought and received confirmation from Mr McMillan that the Applicant, as part of the application process, had received consent from the Roads Authority to trade at four locations - Union Street, one site on High Street, Skeoch Wood and Eden Drive.

Councillor Trail sought and received confirmation from Mr McMillan that on Union Street the location was near to the Council Offices and an industrial area. He advised that on High Street the location was close to Russell Street and for Skeoch Wood and Eden Drive it was the whole area. He explained that if the licence was granted and designated specific areas a map would be appended to the schedule of conditions.

Councillor Redman asked the Applicant if he had plans to employ any staff. Mr Basim-Altinawi advised that there were two families involved in the business, his own plus his friend's.

Councillor Currie sought and received further clarification on the positioning of vans. Mr McMillan explained that in terms of street trader applications many street traders applied to trade anywhere on a particular street. He advised that in this case the Applicant had consulted Roads Officers directly and was asked to identify particular

areas where he wished to trade. On that basis the Roads Authority had approved these locations. Mr McMillan advised that if the Committee granted this licence it would be on the basis of the specific locations applied for.

Councillor Colville sought and received confirmation from Mr McMillan that the Applicant had received consent from the Roads Authority to trade at the first four locations detailed in his application. Mr McMillan explained that the fifth location was the subject of a planning application and that he was not aware of Plannings position on that. He advised that if Members were minded to grant the licence it may be worth taking account of that and not granting that part of the application submitted. He explained that this location could come in as a separate application or the Committee could possibly grant the licence for that location subject to planning consent being obtained.

Councillor Kinniburgh sought and received confirmation from Mr McMillan that if the Committee agreed not to grant a licence in respect of the fifth location then the Applicant could apply for an amendment to this licence if planning permission was subsequently granted for that location. He advised that an application for amendment to a licence would cost £71.

Councillor Douglas referred to the fifth location and asked if the access road was where the ferry was. Mr Basim-Altinawi advised that it was near to the ferry.

Councillor Colville sought clarity on whether or not the location on the High Street close to Russell Street was between Victoria Street and Castle Street. It was confirmed with the aid of online maps that the location was far away from Victoria Street and Castle Street.

SUMMING UP

Objectors

Ms Crowe advised that in relation to the findings that the area of High Street where Roads consent had been granted did not include Victoria Street or Castle Street, she would like to withdraw that part of the objection. She confirmed that the only objection outstanding was in relation to the right to trade on the access road behind the Squat Lobster. Given what she had outlined before she asked the Committee not to grant that part of the application.

Applicant

Mr Basim-Altinawi confirmed that the locations where he would park his van would not affect the other businesses. He advised that he was very careful with the cleanliness of his van and the areas outside. He said there was no similar food of the type he would provide on the island and that 75% would be vegetarian. He confirmed that his location on High Street would be far away from Victoria Street and Castle Street. He advised that he did not want to harm anyone as a result of his business. He added that this was the only type of business he could work in. He said that his business would involve two families and that it would harm his family and his friend's family a lot if they were not granted this licence.

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

DEBATE

Councillor Moffat advised Mr Basim-Altinawi that his application had given her a lot of sleepless nights. She said that she was very proud of the Syrians on the island and all that they had achieved. She advised, however, that she had serious concerns about the effect his business would have on existing long term businesses. She pointed out that Eden Drive was a very congested bus route on a busy scheme and at the bottom of that road where there was some parking there was the Fire Station which required access all the time. She added that this was also the access for all the ambulances on the island. She advised that there were several takeaway businesses on the island including another Syrian takeaway with lovely Syrian food. She said that these takeaway businesses delivered to homes and they used taxis for this. She pointed out that not only would these businesses be affected but the taxi drivers would also be affected. She referred to parking at Squat Lobster and acknowledged that Mr Basim-Altinawi was applying for planning permission for this. She advised that this location was beside a Grade 1 Listed Building and also beside beautiful gardens. She said that she did not consider this an appropriate place. She also advised that it was within 100 metres of many of the businesses that also provided similar foods eg chicken, pizzas etc. She said that Skeoch Woods would be perfect as the location would not conflict with other businesses. She advised that there used to be a hotel on the island that supplied outside catering to various events. She said that they were no longer doing this and pointed out to Mr Basim-Altinawi that there were other opportunities other than going into the town. She said she was finding it very difficult to come to terms with this and wished Mr Basim-Altinawi all the best. She confirmed that she could not agree to this application and that she was very sorry.

Councillor Redman said that he had a different view to Councillor Moffat. He acknowledged that she had a lot of local knowledge about the island. He advised that he had heard about numerous places on the island selling food and he said that this was good. He referred to a free market society which, he said, you either believed in or not. He said that competition was a good thing. He referred to customers having a choice. He advised that he felt very uneasy when politicians procrastinated about who should be winners and losers. He said that he believed this venture would benefit the wider area and bring more competition, more trade and more choice to the people of Bute and that he was minded to approve the application.

Councillor Colville referred to his home town of Campbeltown. He advised that for years there were four café type premises and in the last six months there were now seven and no one had objected to them. He said that he had no idea how these seven premises were economically viable but they were surviving on the service they provided. He advised that he was inclined to support this application with the exception of the area behind Squat Lobster. He referred to the planning application for this location and advised that he would be very surprised if the Planners would grant the application given the site was next to a listed building. He confirmed that he would support the first four locations but not the Squat Lobster site. He advised Mr Basim-Altinawi that his success or not would depend on the custom he got.

Councillor Trail said that he applauded the enterprise of the Applicant trying to run a good business. He advised that he shared Councillor Colville's view as he also had concerns about the Squat Lobster location. He noted Councillor Moffat's reservations about the other locations and advised that the Roads Authority had

looked at them and had no reservations. He confirmed that he was happy to support the application on the same basis as Councillor Colville.

Councillor Blair said that it was very brave for a person to come and open up a new business. He advised that it took a lot of guts to do that as there were a lot of risks to opening up new businesses on the island of Bute. He said that he took consolation from the fact that the Roads Officers were content with the locations and that he was happy to support the application.

Councillor Douglas said she echoed what had been said around the table. She advised that it was going to be a very hard business to maintain and that she was quite happy with the four locations that Roads had consented. She acknowledged the local information Councillor Moffat had but said that in approving the locations she was sure Officers would have taken account of the emergency vehicles. She advised that she thought the fifth location at the Squat Lobster would be problematic.

Councillor Kinniburgh said he took the same view as many around the table. He advised that competition was not a consideration when granting licences. He advised that he recognised that the Roads Officers had looked at all the locations and had been quite prescriptive of where the van could be operated from. He advised that like the fellow Members who would like to grant this licence today, he believed that the access road behind Squat Lobster should not be granted today as the Applicant had applied for planning permission for this. He said that as far as he was concerned planning permission would have to be granted first before considering a street trader's licence for this location.

DECISION

The Committee agreed to grant a Street Trader's Licence to Mr Basim-Altinawi in respect of the first four locations listed on his application form.

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

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 23 OCTOBER 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Jean Moffat
Councillor Rory Colville	Councillor Alastair Redman
Councillor Robin Currie	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail
Councillor Donald MacMillan BEM	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Sgt Iain McNicol, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Mary Jean Devon, Audrey Forrest, George Freeman, Graham Archibald Hardie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (G MCLEOD, DUMBARTON)

The Chair welcomed everyone to the meeting.

Councillor Kinniburgh advised that this matter had previously been before the Committee for consideration on 18 September 2019 and that as the applicant had not been in attendance on this date, Members had agreed to continue consideration of the application to a future date to afford the applicant the opportunity to attend.

Mr McMillan advised that the applicant, Mr McLeod was not in attendance, but had provided correspondence setting out his position in response to the representation by Police Scotland.

Councillor Kinniburgh outlined the procedure that would be followed in the absence of the applicant.

APPLICANT

Mr McMillan circulated the correspondence setting out the applicant's position in response to the representation by Police Scotland.

POLICE SCOTLAND

Sgt McNicol read out a letter of representation from the Chief Constable which advised the Committee that the applicant had been convicted of a road traffic offence

at Court on 8 September 2015 as a result of an incident that took place on 11 September 2014. Sgt McNicol pointed out that the applicant had failed to declare this conviction on his application form.

MEMBERS' QUESTIONS

Councillor Colville enquired as to why the applicant was applying to Argyll and Bute Council for a Taxi Driver's Licence when his home address was in Dumbarton and the firm he proposed to drive for was based in Alexandria. Mr McMillan advised that the firm based in Alexandria also held Taxi Operator Licences which permitted them to operate in the Argyll and Bute area and in order to drive under these Taxi Operators Licences it would be necessary to be the holder of an Argyll and Bute Taxi Driver's Licence.

Councillor Moffat noted that the representation from Police Scotland made no suggestion of refusing the application. She asked Sgt McNicol whether he would be happy for a licence to be granted. Sgt McNicol advised that given the conviction and the tone of the correspondence provided by the applicant, he would not be happy to grant a licence to the applicant.

Councillor Currie sought clarity from the Chair as to whether it was appropriate to question the officer in attendance on his personal opinions. The Chair confirmed that he was happy that Sgt McNicol had answered the question put to him by Councillor Moffat.

Councillor Blair, having noted that the applicant was the holder of a Taxi Driver's Licence for the West Dunbartonshire area suggested that a consistency should be applied between the two authorities. Mr McMillan reminded Members that the applicant had been through the hearing process in West Dunbartonshire and recommended that any decision is made on the information in front of them today.

Councillor Douglas enquired as to the discrepancy with the name, address and registration number as outlined in the correspondence from the applicant. Sgt McNicol advised that the information was placed before the Court and the applicant was subsequently convicted. He suggested that cognisance be taken from this conviction.

Councillor Trail advised that the applicant had failed to outline the licence he holds with West Dunbartonshire on the application form.

The Chair sought clarification that the case went to Court because the applicant had refused the fixed penalty offered at the time of the incident. Sgt McNicol confirmed that this was the case.

SUMMING UP

Police Scotland

Sgt McNicol advised that there were a number of issues to take into consideration. He advised of the conviction, which was travelling at almost 20mph over the speed limit in a built up area, and the fact that the applicant had failed to declare the conviction on the application form. He further advised that he found the attitude displayed in the correspondence from the applicant, more concerning and thought

that it didn't bode well for someone who wished to drive for a living. Sgt McNicol also advised that the applicant's failure to attend, evidenced his disregard for the process.

When asked, Sgt McNicol, confirmed that he had received a fair hearing.

DEBATE

Councillor Trail advised that he was minded to refuse the application as the applicant had not turned up, despite the previous hearing being continued to allow for him to attend.

Councillor Currie advised that the test is whether the applicant is deemed a fit and proper person to be the holder of such a licence. He advised that being caught speeding once does not, in his opinion, provide enough justification to deem him not a fit and proper person. He advised that the letter from Police Scotland was not an objection, but rather a representation and for information purposes only. With this in mind, he advised that he was minded to grant the application.

Councillor Redman advised that he agreed with Councillor Currie and was minded to grant the application.

Councillor Taylor advised that he too was minded to grant the application.

Councillor Colville spoke of his concerns of excessive speed in a built up area, and also that the applicant had failed to attend. He advised that he was minded to refuse the application.

Councillor Blair agreed with Councillors Trail and Colville. He advised that as a taxi driver he could be carrying vulnerable persons and that with this in mind he was minded to refuse the application.

Councillor Douglas advised that she agreed that 48mph in a 30mph zone is a significant speed. She advised that his failure to declare his conviction was also a concern and that she was minded to refuse the application.

The Chair advised that he too had concerns over whether the applicant can be deemed as a fit and proper person. He advised that it was concerning that someone who drives professionally was under the impression that he was in a 50mph zone in what is a built up area and also his failure to attend suggested that he wasn't that bothered whether he got the licence or not.

MOTION

That the Committee refuse the application.

Moved by Councillor David Kinniburgh, seconded by Councillor Jean Moffat.

AMENDMENT

That the Committee continue the application until the next available meeting and request that the applicant is in attendance.

Moved by Councillor Sandy Taylor, seconded by Councillor Robin Currie.

DECISION

On a show of hands vote the Motion was carried by 7 votes to 3 and the Planning, Protective Services and Licensing Committee resolved accordingly.

(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, 23 OCTOBER 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Jean Moffat
Councillor Rory Colville	Councillor Alastair Redman
Councillor Robin Currie	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail
Councillor Donald MacMillan BEM	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Sgt Iain McNicol, Police Scotland

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

The Chair, Councillor Kinniburgh declared a non-financial interest in item 3 of the agenda (Civic Government (Scotland) Act 1982: Application for grant of a Taxi Driver Licence (J Osborne, Helensburgh)) due to the fact that he was a work colleague of Mr Osborne at Helensburgh Toyota. He left the meeting and took no part in the discussion of this item of business. The Vice Chair, Councillor Colville assumed the role of Chair for the remainder of the meeting.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (J OSBORNE, HELENSBURGH)

The Chair welcomed everyone to the meeting.

Mr McMillan advised that the applicant, Mr Osborne, had contacted the licensing team to advise that he could not attend the hearing as he was still in the process of instructing a Solicitor to act on his behalf in relation to the matter before the Committee. In this connection, Mr McMillan suggested that the Committee may wish to consider a short continuation to allow him the opportunity to be represented.

Having noted that the letter of representation from Police Scotland also referred to a pending case, Councillor Taylor suggested that the continuation should be until such time as the matter has been determined by the Scottish Court System.

Councillor Trail reminded the Committee of the need to determine the application within 9 months from the date it had been received by the licensing team.

Councillor Colville suggested that by inviting the applicant to the next meeting, the Committee may be in a position to grant the licence, he advised that by waiting until

the matter is determined by a Court, he was concerned that they may be denying the applicant the opportunity to earn money for a prolonged period of time.

Councillor Currie advised that he was in agreement with Councillor Taylor and would prefer to wait until such time as the pending case has been determined by a Court.

Councillor Douglas advised that her concern was with the incident that had already been determined and sought advice from the Council's Solicitor as to whether it was possible to refuse the application at this stage. Mr McMillan reiterated his earlier advice of continuing consideration of the application, for a short period to afford Mr Osborne the opportunity to be represented.

DECISION

The Planning, Protective Services and Licensing Committee agreed to continue consideration of the application to their next meeting to allow the applicant to be represented.

(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, 23 OCTOBER 2019

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Jean Moffat
Councillor Rory Colville	Councillor Alastair Redman
Councillor Robin Currie	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail
Councillor Donald MacMillan BEM	

Attending: Shona Barton, Committee Manager
 Graeme McMillan, Solicitor
 Mr McNeill, Applicant
 Mrs McCandish, Objector
 Mr McCandish, Objector

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR DRIVER LICENCE (C MCNEILL, HELENSBURGH)

This matter was previously considered by the Committee on 18 September 2019 where Members agreed to continue consideration of the application.

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

The Chair outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr McNeill explained that he applied last year to Legal Services for a taxi driver's licence but was unable to generate the required licence check code from the DVLA as there was a dispute over his change of address which had not been updated on DVLA's database so he was unable to generate and produce a check code. He stated that his bus licence was revoked at this time though he was unsure as to the reason why.

QUESTIONS FROM OBJECTORS

Mrs McCandish referred to Facebook updates apparently posted by the Applicant where he stated that he had his driver's licence suspended for a period of 4 years. Mrs McCandish asked the Applicant to confirm what type of licence was suspended. The

Applicant confirmed it was a category D licence which he said was not required to drive a car taxi only minibuses.

Mrs McCandish stated that the Applicant had been seen driving in the past few weeks and asked why he was applying for a new taxi driver's licence now and if he had been recently stopped by the Police.

The Applicant stated that he had been driving with passengers but his insurance is for social, domestic and pleasure, and he only drove for personal use not to transport other passengers for a fee. He said he did not know why the police had stopped him and that his previous badge had been transferred to another vehicle.

OBJECTORS

Mr McCandish stated that the Trident name had been used for more than 30 years by taxi operators in the Helensburgh area and asked the Applicant why in March did he register the Trident name as a trademark and threatened legal action if anyone used that name on the roof boxes of private hire cars but yet when he started his business in the area he said he would not take business from other taxi operators.

QUESTIONS FROM APPLICANT

The Applicant asked why they objected to him driving in the area.

Mr McCandish stated that the Applicant moved to the area as another operator and promised one thing but did another and there was only so much trade in Helensburgh and the Argyll and Bute area which will be quickly depleted with more plates operating in the area and asked what would happen to the level of business in the next 5 to 10 years.

MEMBERS' QUESTIONS

Councillor Richard Trail asked the Applicant if he had ever driven a taxi.

The Applicant responded that he had only driven for personal use and never for cash purchases and had never held a taxi drivers licence. He stated he only applied for a licence last year for the first time.

Councillor Trail asked the Applicant if he had threatened to sue anybody who used the name Trident on the roof boxes of cars.

The Applicant said that, as an operator, via Facebook he had encouraged other operators to use the booking app available in the Dumbarton area inviting people to work with him stating that he had the trademark but had no problem with others contacting him if they wanted to work with him.

Councillor Robin Currie asked the Objectors to explain what their objection was to the Applicant holding a taxi driving licence?

Mrs McCandish said they objected because many of the drivers have been working for many years in the area and the Applicant has taken the Trident name and threatened to sue drivers if they used that name.

The Chair asked the Applicant which vehicle he intended to drive should a licence be granted and how many drivers were currently operating that vehicle.

The Applicant confirmed that the vehicle was a Skoda Octavia and there were currently 2 drivers.

Councillor Trail asked the Applicant if he had a private hire operator's licence and the Applicant confirmed that he had 2.

SUMMING UP

Objectors

Mrs McCandish said she felt that the Applicant had not been entirely truthful and had omitted information from his application forms. She was not satisfied as to why he'd taken the Trident name and that there was proof that he had been driving without a licence. She felt he was taking away trade illegally and soon there would be too many vehicles out there.

Applicant

The Applicant said that after a certain time on Saturday nights there were people stood waiting at the taxi ranks as there were no drivers available to pick them up so he felt there was enough business to go round.

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

DEBATE

Councillor Alastair Redman stated that he had heard arguments about the potential for no trade to be left but said that consumers will not decrease just that competition would increase as consumers might choose another service. He stated that it was a free market for consumers to pick and choose and not for one business to have a monopoly as competition could be beneficial. He stated it was natural for existing business to object to further competition but that was no reason to reject the application so he was minded to approve it.

Councillor Trail stated that whilst he agreed that competition was good it needed to be fair and he felt it was unfair practice to steal an existing company's name and then to lose a driving licence to a traffic violation. He felt he did not find the Applicant to be a fit and proper person to be private hire taxi driver and therefore was against the application.

Councillor Currie stated that he had heard little as to why the applicant should not have a drivers licence as this application was not about competition but about someone driving a taxi he moved that the licence should be granted.

Councillor Lorna Douglas stated that she felt it was not for Members' to pass judgement on businesses but that the decision should be about granting a driver licence and it was not fair for them to sit and judge the business side of things. The Solicitor from Legal Services confirmed the details of the application before the Committee and their obligations in conjunction with the Civic Government (Scotland) Act 1982 stating that it was a balance of judgement for Members' to come to a decision.

Councillor David Kinniburgh stated that it was difficult to judge the situation but from what he heard today he felt it did not make the Applicant an unfit or improper person or increase the number of licenced vehicles on the road by granting him a Private Hire Car drivers licence.

DECISION

The Committee agreed to approve Mr McNeill's application for a Private Hire 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, 23 OCTOBER 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Jean Moffat
Councillor Rory Colville	Councillor Alastair Redman
Councillor Robin Currie	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail
Councillor Donald MacMillan BEM	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Mr McNeill, Applicant
Mrs McCandish, Objector
Mr McCandish, Objector

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (GLASGOW COACH DRIVERS LIMITED, GLASGOW)

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

The Chair outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

Councillor Rory Colville raised a point of order in relation to the Taxi Survey report which the Committee had considered at the earlier meeting of the PPSL Committee, and asked how that would impact on the proceeding for this hearing.

The Solicitor from Legal Services advised that in terms of following the principles of natural justice and in order to allow all parties sufficient time to digest the information contained within the report, that was only approved that morning, that all parties should have 14 days' notice in order to allow time to digest and consider the provision, therefore his advice was to continue the matter.

Councillor Jean Moffat stated that in order to remain fair to all parties that the hearing be continued. Councillor Gordon Blair agreed that a continuation would be appropriate in order to remain fair and stated that after the Objectors had considered the provisions within the Taxi Survey report they may decide whether or not to continue with their objection just as the Applicant may decide whether or not to continue or he may decide to withdraw his application.

The Chair asked the Applicant his views on the potential of the Committee seeking a continuation and he stated that as he did not know what was in the survey he was concerned that the Application could be granted only for the Objectors to appeal, so he said yes he was happy with a continuation.

The Chair then asked the Objectors their views on the potential of the Committee seeking a continuation. After seeking confirmation from the Solicitor that there would not be anything relevant from the Scottish Government to further add to the findings of the report, they stated that they would support a continuation.

DECISION

The Committee unanimously agreed to continue the application to a future meeting in order to allow time for all parties to consider the findings of the Taxi and Private Hire Survey report.

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

Argyll and Bute Council
Development & Economic Growth

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed High Constellation wind farm, on Land 4km South East of Clachan, Argyll and Bute

Reference No: 19/01182/S36

Applicant: The Scottish Government On Behalf of Arcus Consultancy Services

Proposal: Electricity Act Section 36 consultation relevant to High Constellation Wind Farm

Site Address: High Constellation Wind Farm, 4km South East Of Clachan, Argyll and Bute

(A) Section 36 application made up of the following elements:

- Erection of 10 turbines of up to, but not exceeding, 149.9m tip height and a rotor diameter up to 136 m;
- Formation of crane hardstanding area at each turbine base with a maximum area of approximately 1250m²
- Erection of a permanent anemometry mast and associated hardstanding area
- Erection of a substation, control building and welfare kiosk (location to be finalised)
- Formation of substation/control building compound, including: battery storage facility, any external electrical infrastructure and vehicle parking(110m x 80m)
- Formation of 2 temporary construction compounds
- Formation of up to 4.7km of new access track; upgrading of 4.4km forestry track; and upgrading of approximately 4km of existing track (for purpose of delivering Habitat Management Plan)
- Onsite underground cabling
- 2 onsite borrow pits

Associated works, but which do not form part of this application, include a connection from the on-site sub-station to the grid network.

(B) RECOMMENDATION:

That Members agree that the Council do not object to this Section 36 Application subject to the Energy Consents Unit considering the pre-determination matters, conditions and mitigation as detailed in Section X of this report.

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

Scottish Natural Heritage (30th August 2019) – consider that the key considerations associated with this proposal are: construction and operational effects on Schedule 1 birds including golden eagle and Greenland white-fronted geese; and potentially significant adverse effects on the views and experience from the North Arran National Scenic Area. In addition, SNH provide advice on landscape, ecology, ornithology and

peatlands. SNH advise that a Habitats Regulations Appraisal is required due to the status of the Kintyre Goose Roosts SPA. SNH also request a condition to secure a Habitat Management Plan and completion of restoration works two growing seasons ahead of construction of the wind farm.

Transport Scotland (29th July 2019) - have no objection to the proposal subject to conditions to secure: a Route Access Report; submission of details of any additional signing or temporary traffic control measures deemed necessary; details and approval of the proposed means of access to the trunk road; wheel cleaning facilities; and a Construction Traffic Management Plan.

Marine Scotland Science (MSS) (7th July 2019) – no objection - recommends that a robust integrated water quality and fish monitoring programme following MSS guidelines is secured by condition.

Scottish Forestry (2nd September 2019) – recommend conditions to ensure the submission and approval of: constraints, opportunities and concept plans demonstrating compliance with the UK Forestry Standard; an operational plan for harvesting, restocking and establishment; a compensatory planting scheme of 31.73ha; a plan/proposal for the replanting of the appropriate HMP areas in line with UKFS; compounds and borrow pits reinstated to woodland in a reasonable time scale and monitored. Scottish Forestry also advise that further information should be submitted and further consultation undertaken with them prior to reaching a decision on the application in regard to: the Habitat Management Plan, geology, hydrology and hydrogeology; fish and aquatic habitat surveys; increase in run-off and flood risk; and acidification of watercourses.

Scottish Water (18th June 2019) – do not object to the proposal and advise that this does not confirm the proposal can be serviced. Advice is provided on water and foul drainage, drinking water protected areas, and surface water.

SEPA (1st August 2019) – no objection subject to conditions to secure: a Finalised Peat Management Plan; amendments to the layout, via micro-siting to provide 10m buffers between any excavation works for Turbine 4 and M23a/M6b habitat, and between any excavation works for the laydown area and M6d habitat; a Wind Farm Forest Plan; Habitat Management Plan; watercourse crossing are of an appropriate design, consistent with SEPA guidelines, and 50m buffer around all water bodies except in the vicinity of watercourse crossings; that the built elements of the scheme can be micro-sited up to 50m or other distance as seen reasonable by ECU; that all works are carried out in accordance with the Schedule of Mitigation; requirements as part of Construction Environment Management Plan (CEMP); finalised Decommissioning and Restoration Plan; and the finalised design of the substation and battery storage area to be agreed.

Historic Environment Scotland (HES) (2nd August 2019) - do not object - consider that there will be adverse impacts on the setting of a number of nearby heritage assets, including Cour House (Category A, Listed Building), An Dunan, dun and Dun Skeig, duns and fort (Scheduled Monuments).

Visit Scotland (1st August 2019) – no objection - strongly recommend any potential detrimental impact of the proposal on tourism - whether visually, environmentally and economically - be identified and considered in full. VisitScotland strongly agrees with the advice of the Scottish Government –the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. VisitScotland also urge consideration of specific concerns relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

Scotways (24th July 2019) – no comments

British Horse Society (15th August 2019) – no objection – provide information on equestrian access through wind farms in Scotland, which they request is highlighted to the developers of the wind farm by the Energy Consents Unit.

Ministry of Defence (MOD) (17th June 2018) – no objection subject to conditions to secure aviation safety lighting and details of date construction starts and ends, maximum height of construction equipment, and the latitude and longitude of every turbine.

Highlands and Islands Airports Limited (HIAL) (18th June 2019) – no objection subject to condition to secure red aviation warning lights.

Highlands and Islands Airports Limited (HIAL) (14 August 2019) – confirm no requirement for aviation lighting.

National Air Traffic Services Safeguarding (NATS) (20th June 2019) – no objection

Glasgow Prestwick Airport (GPA) (2nd August 2019) – no objection

BT (14th June 2019) – no objection

The Joint Radio Company Limited (18th June 2019) – no objection

Crown Estate (21st June 2019) – no comment

Royal Society for the Protection of Birds (RSPB) (29th August 2019) - does not object. Advise they have concerns that some of the potential impacts may have been underestimated, especially in relation to golden eagle and red-throated diver. RSPB welcome the Habitat Management Plan (HMP) as proposed and recommend conditions to ensure: no construction work/vegetation clearance/tree felling or decommissioning shall be carried out during the bird breeding season, unless undertaken after a bird disturbance management plan has been agreed and implemented (to consider noise and visual disturbance); the submission of a Habitat Management Plan to be approved by SNH and RSPB; the employment of an appropriately qualified Ecological Clerk of Works (EcoW) to oversee construction and delivery of mitigation measures; and a programme of post-construction monitoring of bird populations.

Ironside Farrar Environmental Consultants (4th September 2019) – advise that the Peat Landslide Hazard Risk Assessment (PLHRA) requires minor revisions.

East Kintyre Community Council (EKCC) (25th October 2019) – object on the grounds that: Blue Energy has a record of ignoring Scottish Government Good Practice on Community Benefits and visual amenity.

West Kintyre Community Council (WKCC) (30th July 2019) – object on the following grounds: landscape and visual impact (including cumulative impact); potential impact on transport links and the local tourism economy.

ARGYLL & BUTE COUNCIL RESPONSES

Council's Landscape Consultant (30th October 2019) – advises that while the limited number and location of the majority of turbines within the proposal is generally appropriate, the turbines at 149.9m high to blade tip will comprise noticeably larger turbines than those in other wind farms located in this part of the Kintyre peninsula. They will contrast with the adjacent operational Cour wind turbines which are 111m high to blade tip. Turbines 9 and 10 are also much more prominent because they are located very close to the eastern edge of the uplands and are less screened by the low coastal hills. It is recommended that further redesign should be considered by the applicant to relocate and/or reduce the height of turbines with the aim of mitigating significant adverse effects, especially on close views in the Cour area.

Council's Landscape Consultant (6th November 2019) – provided further advice on battery storage option areas A and B, and Residential Visual Amenity Assessment. A condition is recommended to secure: details of the final location, design, enclosure and finishing materials of the battery storage area

Council's Environment Protection Officer (28th June 2018) - no objection subject to conditions relating to noise; private water supplies; and, it is requested that any condition requiring the submission of a construction or environmental management plan should include details of measures to ensure the occurrence of noise or vibration nuisance during the construction phase including operational hours.

Council's Local Biodiversity Officer (11th July 2019) – no objection - advises approach outlined in the supporting information and plans contained within the CEMP and WCEMP overseen by an EcoW is acceptable.

The West of Scotland Archaeology Service (WOSAS) (11th July 2019) – agree with the EIA conclusions regarding both indirect and direct issues raised and don't consider that refusal is required on either basis. As the ground concerned has been subject to a walk over survey and is mainly former forestry plantation WOSAS do not consider that the proposals raise enough of a direct issue for any further mitigation to be necessary. WOSAS advise that the proposal raises no substantive archaeological issues.

Council's Roads & Amenity Services (18th June 2018) – no objection - Transport Scotland should be consulted. Conditions are recommended to ensure that: all vehicular traffic is from the A83 Tarbet – Campbeltown Trunk Road, and no construction traffic to use the B842 Clonaig – Southend Road.

Council's Access Officer – no response at time of writing.

Please note that the above are summaries and the full consultee responses can be viewed on the Energy Consent Units website.

(D) REPRESENTATIONS:

The Council received 5 representations, as the Council is not the determining Authority these letters should have been sent to the Energy Consents Unit. Consequently, copies of said correspondence were forwarded to the ECU for their consideration. As this is not a planning application the ECU's website provides the up-to-date listing of 3rd party representations and other submissions relating to this S36 application. At time of writing, there have been a total of 58 representations made to the ECU. According to their website, the number of representations in support is 37 and the number of objections is 21. These totals include a petition in favour of the proposal with 35 signatures. The ECU's policy is not to publish any personal details. The main issues raised may be summarised as follows:

IN SUPPORT:

Landscape & Visual Impact (including cumulative)

- *There appears to be almost nowhere that the High Constellation wind farm will be visible where the existing Cour scheme is not already seen.*
- *The proposal appears well thought out, and as an extension to an operational scheme, limits the spread of development.*

Ecology

- *The site has no designations for landscape or wildlife*

Infrastructure

- *The substation for the Kintyre – Hunterston subsea cable is adjacent to the proposal, thereby minimising the need for new electrical infrastructure.*
- *It makes good use of existing infrastructure*

Community Benefit

- *Community benefit from the proposal would outweigh the proposals potential adverse impact on the environment and visual impact*

Climate Change

- *The Scottish Government has declared a Climate Emergency and the UK Government is committed to increased targets for reduction in carbon emissions, it is essential that we look to increase our production of energy from renewable sources. As Onshore Wind has been proven to be one of the most cost effective ways to generate electricity it is only right and sensible that we accept that more wind farms will need to be built.*
- *Given the pressing issue of climate change, and the fact that Argyll in general, Kintyre, in particular is very windy, it is inevitable there will be further wind farm development.*

Efficient use of the grid

- *The development includes batteries for storage of excess power thus allowing storage when the wind farm's generation is not required and releasing power to the grid when the wind is not blowing. This will become increasingly necessary the amount of generation from conventional sources is reduced.*

AGAINST:

Landscape & Visual Impact (including cumulative)

- *The detrimental effect on the many panoramic views in the area, particularly from the much of the length of the road from Skipness to Carradale cannot be underestimated. Though there are some notified "viewpoints" the whole length of this route has many views of considerable importance to the amenity of Kintyre. The expansive views of the Kilbrannan Sound, Arran and Cowal are a valuable and unreplaceable asset, unique and of great amenity significance.*
- *This area has always been revered for its outstanding natural beauty but that is now being ravaged by wind farm after wind farm forming a blot on the landscape.*
- *The proposal is unsympathetic to and will have greater visual impact than the adjacent Cour wind Farm.*
- *The proposal will have an adverse impact on the local skyline and visual environment in an area known for its dark night sky viewing qualities.*
- *The landscape and visual impact will be apparent on part of the designated Area of Panoramic Quality which lies at and around the scheduled ancient monument hill forts at Dunskeig. This is one of the most important coastal viewpoints on the whole of the west coast of Kintyre providing outstanding 360 degree views across the interior landscape of Kintyre and the southern Inner Hebrides seascape from Mull to Northern Ireland. Apart from impacting on the setting of the scheduled monuments themselves it will entirely compromise the quality of the setting and views from Dunskeig.*

Cumulative Impact

- *In terms of landscape & visual, tourism and economic impact, the proposal would have an adverse Cumulative Impact through the coalescence or proximity of the proposed High Constellation development with the already operational Freasdail and Cour wind farms, the consented Eascairt wind farm, the prospective Sheirdrim Hill wind farm and the possibility of further future wind farm development around Stewartfield/Talatoll/Ronachan.*
- *This application should be considered together with the imminent application for a proposed wind farm development at Sheirdrim Hill. The combined impact of these 2 proposals on Clachan and its surrounding landscape means they should be considered together.*

Birds

- *That the proposal could potentially have an adverse ornithological impact on: golden eagles, Greenland white-fronted goose, white tailed eagles, great northern divers, whooper swan, golden plovers, hen harriers, Sea Eagles, Great Northern Diver and*

Red Throated Diver, Common Eider, Red-breasted Merganser, Red-throated Diver, Black-throated Diver, Great Northern Diver, Northern Gannet, Common Buzzard, Eurasian Sparrow hawk, Oystercatcher, Ringed Plover, Dunlin, Purple Sandpiper, Common Sandpiper, Turnstone, Razorbill, Black Guillemot, Common Raven.

Ecology

- *The proposal will undoubtedly degrade the habitat for wildlife in the area and could have a detrimental effect on the populations of a number of species with nationally important conservation status.*
- *That the proposal would have an adverse impact on wildlife e.g. otters and bats*

Archaeology & Built Heritage

- *That the proposal will have an adverse impact on the setting of the category A listed building Cour House.*
- *That the proposal would have an adverse impact on the setting of the village of Clachan and its surrounding landscape (including listed buildings and scheduled monuments)*
- *That the proposal would have an impact on the Scheduled Ancient Monument of Dun Skeig.*

Tourism

- *That due to the adverse impact the proposal will have on the landscape – the proposal will have an adverse impact on tourism and the local economy.*
- *That the proposal will have an adverse impact on Tourism in the area which plays a major part in the economy of the area which attracts a diverse range of visitors to enjoy its beauty and opportunities for cycling, walking, photography, sailing and wild life to name but a few.*
- *The effect on the tourism and recreational use of the Kintyre Way would be compromised.*

Shadow Flicker

- *The proposal will have an adverse shadow flicker impact.*

Noise

- *That the proposal will have an adverse noise impact on residential properties, in particularly at night.*

Private Water Supplies

- *Concerns about the suitability of the land to support the proposal as there have been issues where large scale earthworks have resulted in private water supply's being compromised.*

- *That the developer should deliver a mains water supply as part of an infrastructure improvement to benefit the area.*

Land Stability

- *The area is prone to wide spread land slippage and regular earth tremors.*

Residential Visual Amenity

- *That due to the scale and size of the wind turbines and high visibility the proposal will have an adverse impact on residential amenity.*

Health & Wellbeing

- *That the proposal will have an adverse impact on the health and wellbeing of nearby residents.*

Socio-economic & Community Benefit

- *After construction there is little or no direct benefit to the local economy, in this case the developer states that the landowner's share is to be exported via a charity. Damage to the local area from this development will therefore not be balanced by local benefit.*
- *It is considered that benefits during construction and during the 30 year operational phase will be negligible and certainly inadequate to counter balance the negative impacts on the village.*
- *As a developer, Blue Energy do not follow the Scottish Government Best Practice for Renewable Community Benefits, i.e. engaging properly with the local community*

Transport & Public Access

- *The vicarious damage to the local area and roads by construction works and traffic.*
- *That the landowner has restricted access to his land, contravening the right to roam act.*

Climate Change

- *That contributions to climate change would not be fatally compromised if this particular development were not to proceed, whereas its creation adjacent to Clachan will have materially negative impacts on the sustainability of the development of the village as a vibrant community which people wish to live in, work in and visit.*

Technology

- *There are numerous issues associated with the emissions generated from other aspects of a wind turbine's life cycle, such as the extraction of materials, production, transportation, operation and maintenance.*

- *It has been widely documented that the benefits of wind power as a source of renewable energy are negligible.*

Procedural

- *Concerns have been raised regarding consultation with the local community.*
- *Concerns have been raised regarding misleading inaccuracies in the application documents.*
- *Concerns have been raised that the application does not constitute a Section 36 application, as the ten 149m turbine will produce less than 50 MW.*
- *Concerns have been raised that most of the recent applications for wind farms are for developments over 50MW which automatically bypass the local authority.*
- *That consideration should be given to amending the proposal in terms of location and turbine size.*

Public Consultation - Public Exhibitions were held in December 2018 and January 2019, taking place in Tarbert and Clachan respectively. The purpose of these events was for the public to learn more about the potential development and to provide feedback on the proposal.

Note: the comments raised above are addressed in the assessment of the proposal at Appendix A of this report.

Note: please note that the letters of representation above have been summarised and that the full letters of representations are available on the Energy Consents Units website.

(E) SUPPORTING INFORMATION

Has the application been the subject of:

i) Environmental Impact Assessment: Yes

An Environmental Statement (ES) dated May 2019 was submitted in support of this S36 application. The ES considers the following key issues: Introduction; EIA Methodology; Site Selection & Design; The Development; Energy & Planning Policy; Landscape & Visual; Ecology, Ornithology; Geology, Hydrology and Hydrogeology; Archaeology & Cultural Heritage; Noise; Traffic and Transportation; Forestry; Socioeconomics, Recreation and Land-use; Climate Change; Other Issues (Shadow Flicker, Telecommunications, Aviation and Health & Safety); and Summary of Mitigation.

ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: Yes – this will be required to be undertaken by the ECU as the Determining Authority in this case.

iii) A design or design/access statement: Yes, encompassed within the Environmental Impact Assessment Report.

- iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc.:** All relevant reports are encompassed within the Environmental Impact Assessment Report.
-

- (F) 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:**

Members are asked to note in the context of the Local Development Plan and planning process that this application has been submitted to the Scottish Government under Section 36 (S36) of the Electricity Act 1989. As part of the S36 application process, the applicant is also seeking that the Scottish Ministers issue a Direction under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that deemed planning permission be granted for the proposal. In such instances, the Local Development Plan is not the starting point for consideration of S36 applications, as Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 which establish the primacy of Local Development Plan policy in decision-making, are not engaged in the deemed consent process associated with Electricity Act applications. Nonetheless, the adopted Argyll & Bute Local Development Plan 2015 still remains an important material consideration informing the Council's response to the proposal.

Schedule 9 of the Electricity Act does require both the applicant and the decision-maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the prospective developer shall have regard to:

(a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at a) and the extent to which the applicant has complied with the duty at b). Consideration of the proposal against both the effect of SPP (2014) and the adopted Argyll & Bute Local Development Plan 2015 will ensure that proper consideration is given by the Council to the extent which the proposal satisfies these Schedule 9 duties.

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

Argyll & Bute Local Development Plan (2015)

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 6 - Supporting the Sustainable Growth of Renewables

LDP 8 – Supporting the Strength of Our Communities

LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance to the Argyll & Bute Local Development Plan 2015 & 2016

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites (LNCS)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 9 – Development Impact on Areas of Wild Land
SG LDP ENV 10 Geodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 –Landscape
SG LDP ENV 15 –Development Impact on Historic Gardens and Designed Landscapes
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 19 –Development Impact on Scheduled Monuments
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP PG 1 – Planning Gain
SG LDP BAD 1 – Bad Neighbour Development
SG LDP Sustainable - Sustainable Siting and Design Principles
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 – Waste Related Development and Waste Management
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 –Vehicle Parking Provision
SG LDP TRAN 7 –Safeguarding of Airports
Supplementary Guidance 2 (December 2016)
Supplementary Guidance 2 - Windfarm map 1
Supplementary Guidance 2 - Windfarm map 2

Note: The above supplementary guidance has been approved by the Scottish Government. It therefore constitutes adopted policy and the Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) **List of other material planning considerations taken into account in the assessment of the application, having due regard to Annex A.**

- Climate Change (Emissions Reduction Targets) (Scotland) Bill (September 2019)
- National Planning Policy Framework 3 (NPF3), Scottish Government (June 2014)

- Scottish Planning Policy (SPP), Scottish Government (June 2014)
 - The Future of Energy in Scotland: Scottish Energy Strategy, Scottish Government (December 2017)
 - Protecting Scotland's Future: the Government's Programme for Scotland 2019-2020 (September 2019)
 - Onshore wind policy statement, Scottish Government (January 2017)
 - SNH Review 78 – Landscape Assessment of Argyll and the Firth of Clyde (1996)
 - SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017)
 - Guidance for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute and Institute of Environmental Management & Assessment, (2013);
 - Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014).
 - Planning Advice Note 1/2011: 'Planning and Noise'
 - 'Argyll and Bute Landscape Wind Energy Capacity Study' SNH and A&BC (2017);
 - The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
 - Historic Environment Policy for Scotland (April 2019)
 - Views of statutory and other consultees;
 - Planning history of the site
 - Legitimate public concern or support expressed on relevant planning matters
-

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

(H) Is the proposal consistent with the Local Development Plan: Yes

Author of Report: Arlene Knox

Date: 4th November 2019

Reviewing Officer: Sandra Davies

Date: 4th November 2019

Fergus Murray

Head of Development and Economic Growth

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. THE SECTION 36 CONSENTING REGIME

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 (MW) 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 a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by the Scottish Government. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement of such conditions.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and 3rd party opinion expressed to the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken on the matter. The conclusion of this report is to recommend that the Council does not object to this proposal, subject to consideration of the recommended conditions, mitigation and other advice detailed in this section X of this report.

B. SETTLEMENT STRATEGY

In terms of the Local Development Plan Settlement Strategy, the proposal is located within a mixture of: Rural Opportunity Area, Countryside and Very Sensitive Countryside, subject to the effect of LDP policy LDP DM 1. In principle, policy LDP DM 1 supports renewable energy and ancillary developments in these areas, providing they are consistent with all other Local Development Plan Policies. In this case, subject to the requirements of the various consultees being considered and adhered to where necessary, it is considered that it has been demonstrated that the scale and location of the proposal, in combination with other existing and consented wind farms, can be integrated sympathetically without giving rise to unacceptable adverse consequences for the amenity of its surroundings. For the reasons detailed in this report, it is considered that this proposal satisfies Local Development Plan Policy and associated guidance in respect of wind farm development.

Policy LDP 6 is the primary Local Development Plan policy to be used in the assessment of wind farm proposals. Supplementary Guidance and Wind Farm Maps also provide guidance and a Spatial Framework as required by Scottish Planning Policy. The assessment below takes these principal documents and all other relevant policy into account.

Having due regard to the above it is considered that the proposal is consistent with the provisions of LDP DM1 – Development within the Development Management Zones; SPP (2014); and National Planning Framework 3 in this respect.

C. SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

Argyll and Bute Council is keen to ensure that Argyll and Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels, which has been reinforced most recently by the introduction of the Climate Change (Emissions Reduction Targets) (Scotland) Bill (September). The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects.

D. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

The site covers an area of 1,317ha. It is located on the Kintyre Peninsula, approximately 4km southeast of Clachan, 10km north of Carradale and 18km south of Tarbert, while Lochranza on the Isle of Arran is 11km to the east. The topography of the site and immediate vicinity is relatively complex. Elevation of the site ranges from 264 AOD on the summit of Cnoc a t-Samhlaidh in the southwest of the site, and falls to around 30m AOD where the eastern boundary runs adjacent to the B842 road. Including Cnoc a t-Samhlaidh, there are a number of notable hilltops across the site.

The predominant land use within the site consists of commercial forestry plantation, however there are also extensive areas of rough upland moorland. No public roads are located within the site, although a number of existing forest roads, including the access track for the operational Cour Wind Farm are located within the site. The Kintyre Way runs along and crosses a short section of the access track, north of the core area. There are several watercourses, as well as a number of small lochs and lochans. The operational Cour Wind Farm consisting of 10 turbines is immediately to the south, while further operational wind farms are present at Deucheran Hill, 5km to the south and Freasdail, 7.5km to the north. The nearest settlement is Clachan, 4km to the northwest, while there are a number of dispersed properties surrounding the site, predominantly to the east along the B842, none are within 1.5km of the turbine locations. There are no residential properties within the site.

The proposal would comprise: 10 turbines of up to, but not exceeding, 149.9m tip height and a rotor diameter up to 136 m; formation of crane hardstanding areas at each turbine base; erection of a permanent anemometry mast; erection of a substation, control building and welfare kiosk (location to be finalised); Formation of substation/control building compound, including: battery storage facility (30 units 2.75m x 6m), external electrical infrastructure and vehicle parking (110m x 80m); formation of 2 temporary construction compounds; formation of up to 4.7km of new access track; upgrading of 4.4km forestry track; and upgrading of approximately 4km of existing track (for purpose of delivering Habitat Management Plan); Onsite underground cabling; and associated works, but which do not form part of this application, include a connection from the on-site sub-station to the grid network.

Infrastructure

Water and Foul Drainage – Scottish Water has no objection to this planning application; however, they advise that this does not confirm that the proposal can be serviced. They further advise that there is no public water or wastewater infrastructure within the vicinity of the proposal, if required private options should be investigated.

Drinking Water Protected Areas – Scottish Water advise that the proposal is not in an operational Scottish Water catchment, however, they wish it to be noted that the Carradale Borehole, which is still an operational groundwater source, is downstream of the site. The access route cuts through the Loch Ciaran catchment, and a small area of the main site is in the Carradale Water catchment, but neither of these is currently used by Scottish Water.

Surface Water - Scottish Water advise that for reasons of sustainability and to protect customers from potential future sewer flooding they will not accept any surface water connection into their combined sewer system.

Borrow Pits - Suitable locations within the site for 2 borrow pits have been identified. They will provide a source of construction aggregate, which will minimise the amount of material required to be imported to the site. The Council would normally expect these to be the subject of separate mineral consent applications.

Grid Network, Cables & Battery Storage - a substation and control building will be required at the site. Currently the location of this has not been finalised, as it will depend somewhat on the nature of the grid connection (to the recently constructed Crossaig substation, which is also located on the site). For this reason 2 locations have been assessed, one located close to the turbine array (Substation A), the second located close to the Crossaig substation (Substation B). Only one of these locations will be built. If the location beside Crossaig substation is selected, then there may be a small welfare kiosk located near the turbine array. The battery storage facility will also be located within the compound. It will comprise up to 30 storage units of 6m x 2.45 m x 2.6m (size of a standard lorry container). Underground cabling, laid where possible alongside the access tracks, will link the turbine transformers to the onsite substation. The grid connection does not form part of the S36 application.

E. SPATIAL FRAMEWORK FOR WIND FARMS

In terms of the Council's Spatial Framework for onshore wind energy developments, the proposal is predominantly within Group 2 Areas of Significant Protection, due to potential presence of Class 1 Priority Peat Land Habitat. As set out in Table 1 of SPP (reflected in the Council's Spatial Framework), further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. This matter is considered in detail in Section L of this report.

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

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewables and SPP require applications for wind turbine developments to be assessed against net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

Although not significant in terms of the EIA Regulations, the proposal will further contribute to the positive economic effect of renewable energy, and associated skills base within the UK and Scotland. The contributions of the development to the local community fund will be a valuable contribution to the community of the local area however, not significant in terms of EIA Regulations. Additionally, it is the landowner's intention that all revenues from the wind farm rent will be paid to the Heritage Foundation Trust, a registered charity which splits any funds raised between Cancer Research UK and charities supporting and fostering sustainable use of resources in the countryside. Over the lifetime of the wind farm this would be expected to result in several million pounds being paid to Cancer Research, and countryside and conservation charities.

East Kintyre Community Council and a number of objectors have raised concerns that the developer does not comply with Scottish Government Best Practice in regard to the provision of Community Benefit, that this has been the case for Cour wind farm and others they have

been involved with. Community Benefit is not a matter which can be policed by the Planning Authority as there is no mechanism within planning law to secure it. It is important to note that 'Community Benefit' is not considered to be a 'material planning consideration' in the determination of planning applications. In the event that permission were to be granted, the negotiation of any Community Benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

A petition with 35 signatures has also been submitted to the ECU in support of the proposal, the basis of this support is that fact that community benefit has been promised to upgrade Clachan Village Hall. The above applies – this is not a material consideration, and there is no mechanism available to planning to ensure that this is provided.

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

G. THE SCALE OF CONTRIBUTION TO RENEWABLE ENERGY GENERATION TARGETS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against the scale of contribution to renewable energy generation targets.

The Scottish Government is committed to increasing the supply of renewable energy within Scotland. Indeed the recently passed, Climate Change (Emissions Reduction Targets) (Scotland) Bill (25th September 2019) set even more stringent targets for Scotland. The primary objective of the Bill is to raise the ambition of the greenhouse gas emissions reduction targets set out in the Climate Change (Scotland) Act 2009. The Bill sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The “net-zero” target for Scotland is five years ahead of the date set for the whole of the UK. High Constellation would generate over 50MW (10 x 4.8MW turbines (48MW) + approx 7.5MW battery storage) of renewable electrical energy, which would be a large contribution to renewable energy generation targets. It is important to note that concern has been raised by some of the objectors that this proposal should be handled by the Planning Authority, on the basis that 10, 4.8MW turbines would generate 48MW, meaning that the proposal is below the 50MW threshold. As detailed above there is also a battery storage element to the proposal and the MW from this bring the proposal above 50MW. It is therefore procedurally correct that this application is handled by the Energy Consents Unit.

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

H. EFFECT ON GREENHOUSE GAS EMISSIONS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy

and SPP require applications for wind turbine developments to be assessed against their effect on greenhouse gas emissions. In respect of Scottish Government policy, the recently approved Climate Change (Emissions Reduction Targets) (Scotland) Bill (25th September 2019) raises the ambition of the greenhouse gas emissions reduction targets set out in the Climate Change (Scotland) Act 2009. The Bill sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The proposal would generate renewable electricity and would therefore displace carbon dioxide (CO₂) emissions associated with electricity generation, which would otherwise be supplied via other forms of power generation requiring the combustion of fossil fuels. The Scottish Government Carbon Calculator for Wind Farm on Peatlands has been used to calculate a payback period for the proposal based on the full development lifecycle. The estimated payback period for the Development is 2.4 years compared to grid-mix electricity generation. The proposal would result in the production of approximately 168,192 MWh annually, equating to 5,045,760 MWh over the operational life of the proposal. This equates to displacing approximately 2,321,000 tonnes of fossil fuel mix generation equivalent CO₂ emissions, over the operational life which is a positive environmental effect.

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

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

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

The Environment Protection Officer has no objection to the proposal and recommends that conditions are attached to any grant of planning permission to ensure: control of noise immissions; a report to demonstrate compliance with the proposed noise limits; assessment by independent consultant upon request of Planning Authority and provision of independent consultant’s assessment and conclusions to Planning Authority and to secure any necessary remedial action; logging of windspeed, wind direction and power generation data and provision of data upon request by Planning Authority; point of contact for local residents in regard to any noise complaints; a Construction Environmental Management Plan including details of measures to ensure the occurrence of noise or vibration nuisance during the construction phase including operational hours and control of dust etc (a condition to require compliance with this could be considered); and a Water Construction Environment Management Plan (WCEMP).

Air Quality - there are no matters considered to pose a threat to ambient air quality objectives. The main potential risk to air quality nuisance is during the construction phase, including dust from vehicles travelling along access tracks. The applicant has stated that a CEMP will be prepared to include control of dust etc. and a condition to require compliance with this could be considered.

Lighting - the proposal is unlikely to require significant lighting and given that there are no known sensitive receptors within a reasonable distance of the construction activities, it is not anticipated that light pollution will be a matter to control via planning condition.

Shadow Flicker – There are no residential properties within 10 rotor diameters of the proposed turbines, and as such there is no prospect of significant shadow flicker effects and no further assessment is required. The Environmental Protection Officer has not raised any concerns in regard to Shadow Flicker.

Private Water Supplies – private water supplies within 2km of the core study area and access track were identified and assessed for potential impact and appropriate mitigation measures have been proposed for inclusion in a Water Construction Environment Management Plan (WCEMP).

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

J. LANDSCAPE AND VISUAL IMPACTS, INCLUDING EFFECTS ON WILD LAND (INCLUDING CUMULATIVE IMPACTS)

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

SNH's advice on Landscape and Visual Impacts - **SNH are currently providing detailed landscape and visual advice in only the highest priority circumstances, where the effects of proposals approach or surpass levels that raise issues of national interest or where they affect place-based priorities for SNH.** They advise that this proposal **does not** raise landscape issues of national interest in terms of: significant adverse effects on the integrity and objectives of designation of a National Scenic Area; significant adverse effects on Special Landscape Qualities of a National Park; significant adverse effects on the qualities of a Wild Land Area; or landscape issues in the wider countryside.

Their advice is based on the proposal not requiring visible lighting as stated in the EIAR due to the turbines being below 150 m tip height. However, given other wind farms on Kintyre below 149.9 m tip height have required lighting due to lighting requirements for Campbeltown Airport; SNH advise that should visible lighting become a requirement, they are consulted in advance of any consent. SNH advise key issues in relation to North Arran National Scenic Area (NSA) include: the cumulative effects on the NSA if Killean wind farm is consented and constructed; and the potentially significant adverse effects on the views and experience from North Arran NSA. In particular, the effect on the setting of the North Arran NSA. For example from the coast and also from the very popular hill views as represented by, e.g. VP6 Goatfell where the proposal is seen in the context of the core hills. SNH advise adverse effects could potentially be mitigated by reducing the scale/ height of the turbines to make them more compatible with the existing Cour wind farm. There are also some design issues to be addressed to improve the fit with both Cour wind farm and to improve the 'landscape fit'. This would reduce adverse effects from both low elevation and high elevation views including the

very popular Arran hills and coast in North Arran NSA.

SNH's advice on the Argyll and Bute Landscape Wind Energy Capacity Study 2017 (LWECS)

- In SNH's view, the proposal is not supported by the development recommendations cited in the LWECS. The LWECS was jointly commissioned by Argyll and Bute Council and SNH to inform strategic planning and provide guidance on constraints and opportunities for wind energy development to help secure good quality renewables development in appropriate locations. This report is a material consideration. SNH note that the proposal is located within the Upland Forest Moor Mosaic landscape character type (LCT) and recommendations for this LCT, state that: "*A continuous or near continuous band of wind farms seen on the Kintyre skyline from Arran and Gigha would be too unremitting and potentially overbearing... Given the existing pattern and spacing between wind farms and the current level of landscape and visual effects, it is judged that there is very little scope for additional turbine development to be accommodated north of Beinn Bhreac in the Upland forest moor mosaic. An approach which limited development in the northern part of the Kintyre peninsula would also be likely to minimise effects on the coastal fringes of Kintyre and cumulative effects experienced from the A83, B8001 and B842...*" (page 23)1.

Council's Consultant Landscape Architect - In light of SNH's limited advice, the views of the Council's Consultant Landscape Architect (CLA), and author of the LWECS on the Landscape & Visual Impact of this proposal have been sought on both the Landscape & Visual Impact of the wind farm, and in addition the battery storage area, which has not been considered by SNH. The CLA considers that the Landscape and Visual Impact Assessment (LVIA), contained in the ES, is generally thorough and well-reasoned and the CLA is in agreement with the majority of its findings.

The Council's Consultant Landscape Architect concludes – that the site lies within the *Upland Forest Moor Mosaic* LCT which is of lower sensitivity to large scale wind energy development because of its generally simple landform, landcover and expansive scale. The LWECS concludes that there is some limited scope for additional wind turbines up to 150m high to be accommodated in parts of this landscape. Significant adverse effects would arise on part of the *Upland Forest Moor Mosaic* LCT and on the central and southern parts of the *Rocky Mosaic* LCT where it covers the east coast of Kintyre. There would be no significant effects on the APQ which covers part of the eastern coast of Kintyre. Significant visual effects within Argyll and Bute will be restricted to the east coast of Kintyre. Views from the B842, some properties, coastal hills and fringes between Skipness and Cour Island will be significantly affected. Operational wind farms currently have a very low influence on views in this area and this proposal would introduce intermittent views of turbines seen between distances of 2-13km. Views from the Cour area will be particularly severely impacted due to the close proximity of turbines. The consented Eascairt wind farm, if constructed, would generally reduce sensitivity along the east coast of Kintyre as it would already affect the character of this part of the *Rocky Mosaic* LCT and the nature of views from the B842 and elsewhere along this coastal fringe. While the limited number and location of the majority of turbines within the proposal is generally appropriate, the turbines at 149.9m high to blade tip will comprise noticeably larger turbines than those in other wind farms located in this part of the Kintyre peninsula. They will contrast with the adjacent operational Cour wind turbines which are 111m high to blade tip. Turbines 9 and 10 are also much more prominent because they are located very close to the eastern edge of the uplands and are less screened by the low coastal hills. It is recommended that further redesign should be considered by the applicant to relocate and/or reduce the height of turbines with the aim of mitigating significant adverse effects, especially on close views in the Cour area.

The Applicant's Landscape Architect's 'Open' have prepared a response (31st October 2019) to the advice provided by Carol Anderson which is as follows: - There are a few areas where OPEN would like to provide clarification. In general, outstanding concerns appear to focus on

the eastern coastline of Kintyre between Skipness in the north and Cour in the south. While there is agreement that effects on this section of coastline would be significant, there are a number of issues surrounding this assessment that would be useful to highlight. Firstly, in any LVIA for wind farm development there are going to be significant effects. The fact that wind turbines are tall and highly visible means that significant effects on landscape and visual receptors will inevitably arise. In the case of High Constellation, OPEN are encouraged by the very localised extent of these significant effects and furthermore, the fact that no national or regional landscape designations will be significantly affected. Secondly, as CA's comments highlight, the main concern lies with the effects on the eastern Kintyre coastline. In the context of the wider 40km study area and all the potential landscape and visual receptors which could potentially have been affected, OPEN are encouraged that concerns appear to relate to such a localised area. Thirdly, while the LVIA recognises and makes reference to the sensitivity of the eastern Kintyre coastline, the absence of any national or regional landscape designations presents a planning context in which this area is not considered to be of such a high value as those neighbouring areas that are designated. Fourthly, is the issue of scale comparison. In respect of the eastern Kintyre coastline, this will affect receptors between Skipness and Claonaig, where the proposal would be seen in conjunction with Cour Wind Farm, but not receptors south of this area where it would mostly be seen on its own. In reviewing the visualisations for Viewpoint 5: Claonaig Slipway and Viewpoint 9: Skipness Castle, in both views the proposal would be seen set close to the ridgeline while Cour Wind Farm would be seen set beyond the ridgeline. This means that the comparison between their scales would not be seen in a 'neutral' context, as Cour Wind Farm would just appear to be that bit more distant. A more 'neutral' context for this type of comparison can be seen in the views from Arran, on the opposite side of the Kilbrannan Sound. From eastern Kintyre, however, Cour Wind Farm would just appear to be more distant rather than highlight a scale disparity with the proposed turbines. Work was carried out at an early stage to determine the potential capacity of this site. Comparative ZTVs and wirelines for 136m and 149.9m turbines were prepared to analyse the difference in terms of the geographic extent of visibility across the study area, as well as the vertical extent from the key viewpoints. This analysis concluded that there would be very little difference in terms of the geographic extent or the vertical extent, with differences appearing incremental from close to medium range receptors, and indiscernible from medium to distant range receptors. Whilst 149.9m may seem like a notable step up from 110m turbines currently in this area, the finding of the LVIA has been that this difference has not been as notable as initially anticipated and that the scarcity of visual receptors within the first 5 km of the site, means that the effects of their larger scale is not going to be experienced and beyond 5 km the variances with the 110m turbines would not be so notable.

Agent's response to advice provided by Carol Anderson (31st October 2019 – the agent provides comments on the subjective nature of Landscape and Visual Impact Assessment; the LWECs, availability of turbines, climate change targets, height differences between existing wind farms (Altt Dearg & Srondoire) turbine height assessment, and Cour House – no objection from HES. The agent also advises that Blue Energy would be content to discuss issue of tip heights of T9 and T10 with the Energy Consents Unit with a view to reducing these should the ECU consider it necessary.

It was considered necessary to undertake further consultation with the Agent and the Council's Consultant Landscape Architect on the Landscape & Visual Impact of the Battery Storage Area, as it became apparent that this was not included in the LVIA, and was not considered by SNH in their response. The area of the overall compound is 110m x 80m, which is intended to include 30, 2.75m x 6m battery units – has the potential to impact on the landscape and visual amenity in its own right, and officers view was that this should also be considered.

Agent's response on Landscape & Visual Impact of Battery Storage Area - two potential locations have been identified for the battery storage area, one at the top of the hill just to the north of T10, and the second towards the bottom of the hill in forestry near to the B842. Should

the site be consented, it would be the former location that would be used, i.e. the one close to the turbine array. Regarding visibility of the battery storage compound from the Kintyre Way, at its closest point, it lies more than 5.5km away to the north, with much of the ground in between being forested. There are also much higher hills in roughly the direction of the storage compound with ground at 270m and 240m lying between the Kintyre Way and the compound. Each storage unit is approximately 2.6m in height, even if they were stacked two high there is no possibility at all that they could be seen from the Kintyre Way. Regarding general visibility, the location of the storage compound close to T10 is helpful. A review of all the photomontages shows that, with the possible exception of views from Goat Fell and Meall Buidhe on Arran (20km and 11km distant), there are no locations where the base of T10 is visible. This confirms that any storage assets would not be seen from any of the Viewpoints in the ES.

CLA's advice on Landscape & Visual Impact of Battery Storage Area –

Option A (adjacent to Turbine 10) – CLA agrees with the agent that there would be limited visibility of the Option A compound from commonly accessed locations in Argyll and Bute due to its isolation and screening by forest and landform. CLA thinks there would however be visibility from some of the north Arran hills, represented by ES viewpoint 8 Mullach Buidhe. The ground of the wind farm site generally slopes eastwards and this, together with the elevation of the viewpoint, would be likely to reveal the compound (which at 110m x 80m would be clearly noticeable). The LVIA set out in the ES does not specifically note that the compound A option would be seen (although they conclude that effects of the wind farm as a whole would not be significant from this viewpoint).

Option B (forestry near B842) – is potentially different. CLA notes that the ES only provides indicative plans and elevations of the compound. Figure 13.3 in the Forestry Section of the ES shows that there would be long term retention of forestry around the compound. The LVIA however does not specifically mention any visibility of this compound option from the B842. CLA advises that it would be wise to make a request to the ECU that the applicant provides more detailed information on the footprint/height and appearance (including security fencing, lighting, materials) of the compound and its likely visibility from the B842 once the location has been confirmed. A concern might be that stacking the storage blocks could exceed the screening provided by trees in some views so wireline visualisations should be produced by the applicant to test this as appropriate.

Consideration of Felling in LVIA – Scottish Forestry have commented on the fact that the LVIA does not incorporate photomontages of the areas proposed to be felled for the Habitat Management Area (HMA). The agent has confirmed that the proposed area of felling associated with the HMA lies to the north east of the turbine array, on the eastern side of an elevated area of open ground called Cruach Gharbhachaidh. In areas where screening of the turbines is provided by forestry, it is often forestry at lower altitudes, closer to the transport network at the site, for example VP3, VP13 and VP15. In areas where some screening is provided by forestry close to the wind turbines, the only situation where there might possibly be some screening afforded by forestry to be felled is at VP20 where it is possible that marginally more of the base of T8 may become visible due to felling for the HMP. At other locations the agent does not believe there will be any increased visibility. For example, at VP12, the forestry providing some screening is Achaglass Forest, which will not be felled for HMP. At VP14 it is again Achaglass Forest or forestry on the west side of Cruach Gharbhachaidh which affords some screening. Neither of these would be felled as part of the HMP. At VP7, the small amount of screening is provided by forestry on site which will not be felled for the HMP. In light of the above, and the minimal screening which is provided by Forestry, it is not considered that the request for further information by Scottish Forestry has any bearing on the Officer's consideration of the Landscape & Visual Impact of the proposal. It is recommended that this additional information is sought by the ECU and discussed further with Scottish Forestry.

Residential Visual Amenity Assessment (RVAA) – the Council’s Landscape Consultant queried why a Residential Visual Amenity Assessment was not included in the EIAR. The applicant’s landscape architects have confirmed that RVAA was not required in this case. RVAA is all about identifying overbearing effects within a study area of 1.5 to 2km. The closest properties to High Constellation are at Cour – at the closest are around 1.5km with Cour House at 1.8km. They advise that it very much depends on individual circumstances but that it would be highly unlikely to get overbearing effects at this range on any project. When you factor in the limited visibility of High Constellation in this area – patchy visibility on the ZTV ranging between 1 to 2 and 2 to 4 turbines and the limited extent of visibility – where wirelines will typically comprise blades seen set behind the ridgeline, the effect on these properties could not be described as overbearing. Officers are satisfied that this matter has been addressed and that there was no requirement to undertake an RVAA in this case.

It should be noted that both West Kintyre Community Council object to the proposal on the grounds of its potential Landscape & Visual Impact.(including Cumulative) and East Kintyre Community Council on the grounds of Visual Amenity. Their responses will be taken into account by the Energy Consents Unit in their deliberation of the proposal.

Officer’s Conclusion

Having due regard to the advice provided by SNH, the Council’s Consultant Landscape Architect and the applicants Landscape Architect it is considered that the Landscape and Visual Impact of the proposal is acceptable, subject to consideration of the suggested mitigation measures and condition to secure further details of the battery storage compound. It is recommended that the views of North Ayrshire Council are sought by the Energy Consents Unit prior to reaching a decision on this proposal, not only in regard to any impact on the North Arran NSA from the turbines, but also the battery storage area, which is most likely to have a degree of visibility from Arran. It is also considered that the mitigation recommended by SNH and in particular, the Council’s Landscape Consultant regarding further redesign to relocate and/or reduce the height of turbines (in particular T9 and 10) is considered, with the aim of mitigating significant adverse effects, especially on close views in the Cour area.

Having due regard to the above it is concluded that, providing consideration is given to the recommended mitigation measures suggested by the Council’s consultant Landscape Architect and SNH and a condition to secure details of the battery storage area that the proposal will not have adverse landscape and visual impacts (including cumulative) and is therefore consistent 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).

K. EFFECTS ON NATURAL HERITAGE INCLUDING BIRDS (INCLUDING CUMULATIVE IMPACTS)

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

Birds

SNH advice on Protected Areas - The proposal lies close to the Kintyre Goose Roosts Special Protection Area (SPA). It also lies close to the Kintyre Goose Lochs Site of Special Scientific Interest (SSSI) (the Loch Garasdale component).

Kintyre Goose Roosts SPA and the associated Kintyre Goose Lochs SSSI and Kintyre Goose Roosts Ramsar site - The proposal's site boundary is adjacent to the Kintyre Goose Roosts SPA classified for its non-breeding Greenland white-fronted goose population, and other lochs used by the SPA population of Greenland White-fronted geese. The status of the site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply, or (for reserved matters), the Conservation of Habitats and the Species Regulation 2010 as amended apply. Kintyre Goose Roosts Ramsar site and Kintyre Goose Lochs SSSI may also be affected but any concerns about the interests of these designations are fully addressed as part of the consideration of the SPA. In SNH's view, there is a likely significant effect on the Greenland white-fronted goose interest feature of the Kintyre Goose Roosts SPA. Therefore the ECU is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. SNH advise that, in their view, based on the information provided and appraisal carried out to date, the proposal will not adversely affect the integrity of the site. The appraisal SNH carried out considered the impact of the proposal in relation to collision risk, disturbance and displacement effects.

SNH advice on Ornithology - The EIA Report states that unmitigated potentially significant construction effects have been identified for Greenland white-fronted geese and the Kintyre Goose Roosts SPA, black throated divers and black grouse. Unmitigated operational displacement effects were also identified for golden eagle and black grouse.

Greenland White-Fronted Geese / Kintyre Goose Roosts SPA - SNH are content with the EIAR assessment and proposed mitigation for Greenland white-fronted geese and the associated SPA.

Black Grouse - SNH agree with the findings of the EIAR assessment and are supportive of the proposed construction and operational mitigation measures outlined in the EIAR in order to minimise effects on black grouse populations. SNH also note that the proposed native woodland creation associated with the HMP will also benefit black grouse by providing suitable habitat and enhancing connectivity between existing lek sites.

Black Throated Divers - SNH agree with the findings of the EIAR assessment and are supportive of the proposed construction mitigation measures outlined in order to minimise effects on black throated diver populations. SNH are pleased to note that a diver raft will be installed on Loch a Chaorainn under the HMP and that annual monitoring of the raft will be undertaken to ensure raft is level in the water, not overgrown or occupied by Canada geese.

Golden Eagle - The proposal is located within a golden eagle territory and SNH consider this territory to be fragile and, in particular, heavily constrained by commercial exotic conifer forestry. SNH believe that the principal impact on golden eagles is the possibility that this proposal, largely located on open ground within the golden eagle territory, would further constrain the availability of hunting grounds and cause the territory to be abandoned by the eagle pair. SNH advice is that on its own, there is a risk of the golden eagle pair abandoning the territory should this proposal go ahead. SNH have, therefore, been in discussion with the developer regarding the scale, content and timing of the habitat management area which could provide mitigation of the loss of open ground within the territory. SNH therefore **strongly recommend** that a condition is placed upon any consent that addresses the following: A Habitat Management Plan (HMP) is agreed, as outlined in EIA Report document Appendix A8.3; and The Habitat Management restoration work outlined in the plan is completed at least two growing seasons ahead of construction of the wind farm beginning.

SNH have already agreed the scale and content of the HMP with the developer, which has resulted in the HMP as shown in Appendix A8.3. SNH have not secured commitment from the developer for the timing of the restoration works in relation to the timing of construction of the wind farm. If the wind farm is constructed at the same time as the restoration work on the HMP begins, large parts of the golden eagle territory will be rendered unsuitable for their use, due to disturbance issues and the restoration work not being yet realised. Likewise, if the wind farm is constructed before the HMP is started, the territory of the golden eagle will be similarly compromised, risking abandonment. However, if the HMP is implemented ahead of wind farm construction, suitable habitat will be available to golden eagles ahead of the loss of the area proposed for the wind farm, and the territory should not be compromised. This is the principal underlying purpose of the HMP – to prevent the abandonment of the golden eagle territory.

Mitigation and Residual Effects - SNH are content with the mitigation measures proposed to reduce and prevent impacts on breeding, roosting and lekking birds. SNH also support the outline Habitat Management Plan and the proposed golden eagle tagging study work.

The Royal Society for the Protection of Birds (RSPB) does not object to this proposal, however, they have concerns that some of the potential impacts may have been underestimated, especially in relation to golden eagle and red-throated diver. RSPB welcome the Habitat Management Plan (HMP) as proposed. Conditions are recommended by RSPB Scotland to ensure: no construction work/vegetation clearance/tree felling or decommissioning shall be carried out during the bird breeding season, unless undertaken after a bird disturbance management plan has been agreed and implemented (to consider noise and visual disturbance); the submission of a Habitat Management Plan to be approved by SNH and RSPB; the employment of an appropriately qualified Ecological Clerk of Works (EcoW) to oversee construction and delivery of mitigation measures; a programme of post-construction monitoring of bird populations.

It is recommended that the condition required by SNH and RSPB are attached to any consent granted for this proposal by the ECU.

Ecology

SNH advice on Ecology – SNH understand that a full suite of ecological surveys was undertaken at the proposal site between May and September 2018. In regard to protected species and habitats SNH agree with the assessment of ecological impacts within the EIA Report and with the mitigation measures that it proposes, and recommend that these be incorporated into any approval of this proposal.

SNH advice on the Habitat Management Plan (HMP) - An outline HMP aims to improve habitat for golden eagle, black grouse and hen harrier. The HMP involves felling of 185.96 ha of conifer woodland as well as restoration of blanket bog and dwarf shrub heath communities to provide open ground to compensate for any territory displacement and improving habitat quality for raptor prey and black grouse. Although specifically aimed at addressing ornithological sensitivities at the site, the OHMP will help to mitigate habitat loss. *Rhododendron ponticum* poses a serious threat to Argyll's biodiversity, and whilst SNH are pleased to note that only one bush was recorded during the ecological surveys, they would like to see a commitment included in the HMP to remove and, if necessary, undertake follow up control work to prevent invasion of this species, particularly into sensitive heath, bog and native woodland habitats which will be created and restored in the HMP area.

SEPA advice on Habitat Management – SEPA welcome the inclusion of an Outline Habitat Management Plan. In relation to their interests they welcome the proposal to restore the blanket bog and dwarf shrub heath. This should increase the areas ability to act as a carbon

sink and mitigate for loss of GWDTE habitats. SEPA are also supportive of riparian planting proposals and other woodland creation, as long as it does not result in the loss of GWDTE (or any other sensitive habitats). SEPA therefore ask that a condition is applied requiring a finalised Habitat Management Plan to be agreed with the Planning Authority in consultation with SNH and SEPA.

SEPA advice on Groundwater Dependent Terrestrial Ecosystems (GWDTE) – nearly all of the habitats on site are potentially GWDTE, much of it wet heath or mire, or wet heath matrix. In this case SEPA consider that wet heath and mire cannot be avoided and instead steps need to be taken to minimise impacts on it and avoid impacts on other more ecologically important GWDTE such as flush habitats. Generally SEPA are content that this has been achieved however unless a further assessment is submitted to demonstrate that the habitats are not groundwater dependent in this specific setting then SEPA seek a condition ensures the following amendments to the layout, which, in this case they are content can be achieved by micro-siting: Buffer of at least 10m between any excavation works for Turbine 4 (and associate infrastructure) and M23a/M6b habitat and a buffer of at least 10m between any excavation works for the laydown area and M6d.

It is recommended that the advice provided by SEPA and SNH on Ecology is taken into account by the ECU and is incorporated into any approval.

Water Quality & Fish

Marine Scotland Science (MSS) recommend that the potential impact of the proposal on the water quality and fish populations both within and downstream of the development area (including impacts on the Narachan Burn) are considered and a robust integrated water quality and fish monitoring programme is established, following MSS guidelines, which would ensure that the proposed mitigation measures are effective in protecting fish populations.

Crown Estate have confirmed that the assets of Crown Estate Scotland are not affected by this proposal and they have no comments.

It is recommended that the condition recommended by Marine Scotland Science is attached to any consent approved by the ECU.

Forestry

Scottish Forestry do not object but recommend conditions to ensure the submission and approval of: constraints, opportunities and concept plans demonstrating compliance with the UK Forestry Standard; operational plan for harvesting, restocking and establishment; a compensatory planting scheme of 31.73ha; a plan/proposal for the replanting of the appropriate HMP areas in line with UKFS; compounds and borrow pits reinstated to woodland in a reasonable time scale and monitored. Scottish Forestry also advise that further information should be submitted and further consultation undertaken with them prior to reaching a decision on the application in regard to: Geology, Hydrology and hydrogeology; fish and aquatic habitat surveys; increase in run-off and flood risk; Acidification of watercourses and the Habitat Management Plan. Scottish Forestry also note that the landscape photomontages do not include the felling associated with the development or the HMP and request this information is provided.

SEPA advice on forest felling – in areas of the site that are not to be replanted with trees, which is in excess of 200ha, careful consideration need to be given to the fate of forest residues. The EIAR indicates that trees with stemwood down to 7cm diameter will be traditionally felled and brash removed in areas that are not to be replanted. In areas of lower yield classes the EIAR suggests that a variety of options could be pursued, including extraction

to roadside for chipping as biomass. To ensure there is clear understanding of what is happening to wood and woody residues in different areas of the site SEPA ask that the proposed Wind Farm Forest Plan, the submission of which should be covered by a condition, specifically includes the requirement for a site plan showing the areas to be subject to the different felling and harvesting techniques. In areas that are not to be replanted the condition should also require that trees with stemwood down to 7cm diameter and related brush will be removed from the site, and woody material from smaller trees is also removed from the site unless a clear beneficial use is agreed as part of a finalised Habitat Management Plan.

It is recommended that the further information sought by Scottish Forestry is obtained and agreed by the ECU prior to reaching a decision on the proposal. It is also recommended that in the event the proposal obtains consent that the conditions recommended by Scottish Forestry and SEPA in regard to Forestry are attached.

SEPA advice on Micrositing – the EIAR proposed a 50m micrositing distance. Micrositing can play an important role in avoiding small pockets of deep peat or other sensitive features on the site like groundwater dependant terrestrial ecosystems. SEPA therefore request that a condition is applied enabling the applicant to microsite the built elements of the scheme up to 50m, or other distance seen reasonable. It is recommended that this condition is attached to any consent given by the ECU.

SEPA advice on pollution prevention and construction environmental management – SEPA are generally content with the pollution prevention and environmental management proposals outlined in the EIAR brought together in the Schedule of Mitigation and draft Water CEMP. SEPA ask that a condition is applied requiring that all work be carried out in accordance with the Schedule of Mitigation. SEPA further advise that due to the scale of the development they will directly control pollution prevention measures relating to surface water runoff during construction via a CAR construction site licence and as a result, and as peat management issues will be covered via a request for a finalised peat management plan and on the understanding that forest felling works are complete following recognised best practice SEPA are not requesting planning conditions to cover these aspects. To ensure the planning authority has control over these issues SEPA advise that consideration should be given to a condition to ensure CEMP requirements. It is recommended that this condition is attached to any consent given by the ECU.

SEPA advice on Substation location – SEPA note that two potential locations have been identified for the substation compound and battery storage area and in this case SEPA are content that if micrositing is used and the footprint minimised as much as possible neither option would have an unacceptable impact on the aspects of the environment in which they have an interest. SEPA highlight that there may be a requirement for the battery storage area to be bunded and if this is the case a larger site may be required. SEPA ask that a condition is applied requiring the finalised design of the substation and battery storage area to be agreed with the planning authority in consultation with them prior to commencement of the development. It is recommended that this condition is attached to any consent given by the ECU.

The Council's Local Biodiversity Officer has no objection to the proposal and advises that the approach as outlined in the supporting information allied with a number of protected plans contained within the CEMP and WCEMP overseen by an EcoW is acceptable.

Having due regard to the above it is concluded that subject to submission and approval of the further information requested by Scottish Forestry and the recommended conditions that the proposal will not have any adverse impacts on the natural heritage including birds and is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological

diversity); SG LDP ENV 6 – Development Impact on Trees / Woodland; SG LDP ENV 7 – Water Quality and the Environment; SG 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; Onshore wind policy statement, Scottish Government (January 2017); The Scottish Government’s Policy on ‘Control of Woodland Removal’ (Forestry Commission Scotland 2009);

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

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

Spatial Framework (SPP & SG2) - In terms of the Council’s Spatial Framework for wind farms, the proposal is predominantly within a Group 2: Area of Significant Protection, designated as such due to the presence of Class 2 carbon rich soils, deep peat and priority peatland habitat. As set out in Table 1 of SPP (reflected in the Council’s Spatial Framework), further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

SNH’s advice on Peatlands - SPP identifies “*carbon rich soils, deep peat and priority peatland habitat*” as nationally important interests for which planning authorities should develop spatial frameworks. Also that “*Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.*” SNH therefore advise that the applicant needs to demonstrate through the EIAR and draft Construction Method Statement that a wind farm can be built on this site without significant loss and damage to these nationally important interests.

Scottish Government has also recently announced a funding package of £14m for peatland restoration this year in recognition of the climate (and other) benefits of healthy peatlands. As detailed in EIAR, peat soils dominate the current development area of this site. From Table 7.6 ‘Phase 1 Habitat Types within the Habitats Survey Area, it appears that around half the area supports Coniferous Plantation (some of which is felled) and peatland habitats (Blanket and Modified Bog) extend to about one third of the area.

SNH notes from Tables 7.9 ‘*Estimated Loss of Habitat for Permanent Infrastructure*’ and 7.10 ‘*Estimated Loss of Habitat for to Borrow Pits*’ the habitat losses are of similar proportions. Although the primary aims and objectives of the HMP are to benefit bird species, these are to be delivered through habitat management, in particular the restoration of blanket bog and heath habitats. SNH welcomes these measures.

Section 9.6.1 of Chapter 9 states that: “*T4, T5, and T6 are located in areas with peat depths up to 1 m. T1, T2, T3, T7, T9 and T10 are located in areas with peat depths up to 2 m while T8 is located in an area with peat depths up to 3 m.*” SNH note from Figure 9.2 that T8 is very close to areas of shallower peat and advises that micrositing to such areas would seem appropriate. SNH supports the mitigation measures and construction principles described in Section 6 ‘Construction Issues and Mitigation Measures’ of Technical Appendix 9.3: Peat Landslide and Hazard Risk Assessment.

It is noted that SNH welcomes the measures for the restoration of blanket bog and heath habitats, and it is recommended that consideration is given to repositioning Turbine 8, by the ECU, in accordance with the advice of SNH.

IronsideFarrar on behalf of the ECU - Peat Landslide Hazard Risk Assessment (PLHRA) - IronsideFarrar have advised that the PLHRA requires minor revisions: although much of the PLHRA is sound, one or two key elements are considered to be insufficiently robust to support the PLHRA conclusions and minor revisions are required. These may be progressed by the developer through either an appendix to the original submission or by clarification letter. It is considered that the key issue requiring confirmation is that of substrate assessment and scoring. It is recommended that the ECU seek and approve the minor revisions as recommended.

SEPA advice on Peat disturbance and reuse – SEPA advise that the peat probing strategy carried out to date does not follow recognised best practice, however, enough information has been collected to demonstrate that deep peat is not a significant constraint to site layout and new areas of development have generally avoided deep peat, which is welcome. SEPA also welcome the submission of the draft Peat Management Plan and are generally content that it follows recognised best practice and adequately demonstrates how peat will be managed on site. SEPA advise that the submission of a finalised plan in accordance with their requirements should be covered by condition. It is recommended that this condition is attached to any consent issued by the ECU.

Having due regard to the above advice, and subject to the recommended conditions it is concluded that the proposal will not have an adverse impact on carbon rich soils, using the carbon calculator and is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 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).

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

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.

One short term, intermittent effect of moderate significance is predicted for users of the Kintyre Way during the construction phase. Mitigation in the form of appropriate information, signage and diversions will be implemented. There are a limited number of recreational opportunities within the immediate area, with more opportunities within the wider area. There will be no significant direct or indirect effects on tourism or recreation as a result of the development both in isolation or cumulatively, although land within the site will be inaccessible to the public during the construction and decommissioning phases for health and safety reasons. These effects are considered to be not significant in terms of the EIA Regulations.

At time of writing Scotways has no comment to make on the proposal. Furthermore, no response has been received from the Council's Access Manager. Several objectors have raised concerns that their access to the site has been restricted and have questioned this in regards to the 'Right to Roam Act'. Clarification was sought from the agent who confirmed that access to the site was restricted due to poaching activity. The agent has asked the land agent managing the area to confirm that the public 'right to roam' is not being inhibited. At

time of writing confirmation is awaited.

Having due regard to the above it is concluded that the proposal will not have any adverse physical impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF and is therefore consistent with the provisions of SG 2 Renewable Energy, SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).

N. IMPACTS ON THE CULTURAL HERITAGE, INCLUDING SCHEDULED MONUMENTS, LISTED BUILDINGS AND THEIR SETTINGS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on the historic environment, including scheduled monuments, listed buildings and their settings.

Historic Environment Scotland (HES) do not object to the proposal. They do, however, consider that there will be adverse impacts on the setting of a number of nearby heritage assets, including: Cour House, Saddell (Category A, Listed Building), An Dunan, dun (Scheduled Monument) and Dun Skeig, duns and fort (Scheduled Monument). HES's assessment of the impact of the proposal on these heritage assets is detailed below.

Cour House Saddell (Category A, Listed Building) - Designed by the architect Oliver Hill in 1921-22, the Category A-listed Cour House is an outstanding example of an Arts and Crafts House in the English Medieval Style.

The dramatic views across the Kilbrannan Sound to Arran clearly influenced Hill and his client in the choice of site, design and layout of internal spaces. High status rooms such as the living hall, dining room, and library were all arranged to take full advantage of the spectacular views, whereas the more functional aspects of the house including the servant's hall, kitchen, cloak rooms and gun room are located to the entrance elevation. Views out of the house to the south east are therefore a key feature of its setting, with the formalised gardens and terraces also focused to the south east.

Views toward the house from outwith its curtilage, primarily from the public road B842, appear to be fairly limited due to its medieval vernacular appearance purposefully nestled low into the landscape. HES note that there is some visibility of the house from Arran across the Kilbrannan Sound, however it does not appear to be a particularly prominent component of the landscape. As explained above, the house is sited to be compact, low, and nestled into the landscape.

As shown in Figure 10.6 (Cour House), the proposed turbines would give rise to some adverse impacts on the setting of the Category A, listed building. This would be caused by the appearance of 3 turbines in views from the entrance elevation, travelling north on the main drive, and across areas of the wider landscape. HES do not consider that these impacts would be mitigated by the presence of tree cover along the main drive.

HES do not, however, consider that the turbines would dominate or detract in a way that would affect our ability to understand and appreciate the house. In coming to this assessment HES are mindful that views toward the house from the public road B842 will be largely unaffected,

as will the set piece views from the formal suite of rooms within the house. It is these set piece views toward the Kilbrannan Sound in the south east which form the main focus of the building's setting. HES therefore do not consider that these impacts would raise issues such that they would object.

An Dunan, dun (Scheduled Monument) - This monument comprises a dun of likely Iron Age date and is located approximately 3km northwest of the site. It survives as a substantial sub-circular enclosure wall occupying the summit of a prominent knoll dominating the low-lying slopes at the end of, and the route through, Ballochroy Glen. It is unusual in that most duns are coastal; in this instance, the dun sits on a key east-west routeway through the landscape. Its dominance on this routeway is an expression of local power and control of people and goods moving through the landscape. The setting of the monument therefore includes key views of the monument gained whilst moving along the east-west routeway, as well as the reciprocal outward views from the dun along the valley in both directions.

Figure 10.4 (An Dunan – SM3184) in the EIA Report shows that the turbines would be clearly visible from the monument in the key view looking east and southeast along the routeway, although topography would screen lower elements of most of the towers. Whilst 5 of the existing Cour turbines are visible on this wireframe, the proposed new turbines would be closer to the ridgeline and nearer to the monument, and thus more visible. The turbines would change the character of the head of the glen from open upland with concentrations of commercial forestry to one that contains distracting elements on the skyline. The proposals thus have the potential to alter the current dominance of the dun within the glen and would have an adverse impact on the setting of the monument.

The turbines would adversely impact on the view from the monument looking east-southeast up the glen, and appear peripherally in the view looking east along the glen towards the monument. HES do not consider, however, that this impact is of a magnitude such that they would object.

Dun Skeig, duns and fort (Scheduled Monument) - This monument is a multi-phase site containing a fort of likely Iron Age date enclosing two later duns (one vitrified) and is located 7.5km north-northwest of the development on the summit of a prominent hill. The setting of Dun Skeig includes wide views over West Loch Tarbert and out into the Sound of Jura, and it has commanding outward views in all directions. It was deliberately placed to be prominent in all inward views and has a relationship with the surrounding area, including more distant routeways and the lands that supported its inhabitants. An intervisible network of broadly contemporary forts and duns extends along either side of West Loch Tarbert, and this network continues down the western side of the Kintyre peninsula. Dun Skeig sits at the heart of this network as the most visually dominant site.

The ZTV, photomontages and wireframes in Figure 6.36 (and its subfigures) show that the proposed turbines would be clearly visible in landward views from Dun Skeig. Whilst one of the proposed turbines would be entirely in front of the skyline, the remainder would be either on the skyline or partially behind it, with some of the turbines located in front of the existing Cour turbines when viewed from Dun Skeig. The distance between the monument and the site and the nature of the intervening topography means that there would be a sense of physical separation. As a result, although the proposed turbines would alter the character of landward views from the monument, the relationship between Dun Skeig and its landward landscape would still be capable of being understood and appreciated. As such, while the proposal will have an adverse impact on the setting of the monument, this impact would not be of such a magnitude that it raises issues such that HES would object.

The West of Scotland Archaeology Service (WOSAS) agree with the EIA conclusions regarding both indirect and direct issues raised and don't consider that refusal is required on

either basis. Also, as the ground concerned has been subject to a walk over survey and is mainly former forestry plantation WOSAS do not consider that the proposals raise enough of a direct issue for any further mitigation to be necessary. WOSAS advise therefore that the proposal raises no substantive archaeological issues.

It should be noted that the impact of the proposal on the above listed heritage assets has also been raised as a matter of concern by several objectors. In particular, the impact on the category A listed 'Cour House'. Historic Environment Scotland's are the key statutory consultee in this case, as their remit includes scheduled monuments and their setting and category A, listed buildings and their setting. As noted, although they have concerns, they do not object to the proposal. This said, it is recommended that the ECU consider having discussions with them prior to reaching a decision on this application, to ascertain, whether the impact on these assets can be mitigated in any way.

Having due regard to the above and recommended discussion between Historic Environment Scotland and the Energy Consents Unit regarding any potential mitigation it is concluded that the proposal will not have any adverse impacts on the historic environment, including scheduled monuments, listed buildings and their settings and is therefore consistent with the provisions of SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscapes; SG LDP ENV 16(a) – Development Impact on Listed Buildings; SG LDP ENV 19 –Development Impact on Scheduled Ancient Monuments; SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore Wind Policy Statement and Historic Environment Policy for Scotland (April 2019) in this respect.

O. IMPACTS ON TOURISM AND RECREATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on tourism and recreation.

VisitScotland advise that, given the importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, they would strongly recommend any potential detrimental impact of the proposal on tourism - whether visually, environmentally and economically - be identified and considered in full. VisitScotland strongly agree with the advice of the Scottish Government that the importance of tourism impact statements should not be diminished, and that, for each site, an independent Tourism Impact Assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity. VisitScotland urge consideration of the specific concerns relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy. It is recommended that the ECU consider this issue prior to determination.

The British Horse Society (BHS) have no objection to the proposal. The BHS has requested that the ECU pass on information and their concerns to the developers in the form of an 'Information Sheet' on 'Equestrian Access through Wind Farms in Scotland'. This is to ensure that equestrian access is taken into account in the determination of the proposal. The main concerns about turbines from an equestrian perspective, which will be required to be taken into consideration by the ECU include: key issues for horses e.g. blade movement; site assessment; design e.g. separation distances; surfacing; access controls; and other facilities.

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

Both West Kintyre Community Council and East Kintyre Community Council have objected to this proposal and parts of their grounds include the adverse impact it will have on tourism. The Energy Consents Unit will need to take these concerns into account in their deliberation of the proposal as the determining authority.

Having due regard to the above, in terms of the impacts on tourism and recreation it is considered to be consistent with the provisions of: SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 14 –Landscape; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

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

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

The Ministry of Defence (MOD) has no objection to the proposal subject to conditions to secure MOD accredited aviation lighting and prior to commencement of construction, details of: the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of every turbine. Highlands and Islands Airports Limited (HIAL) originally advised that they have no objection to the proposal subject to a condition to secure red aviation warning lights. Since then, they have confirmed that the lighting requirement was due to the proximity to the RWY11 Direct Arrivals procedures. However, they are now content that due to sufficient clearances the removal of the lighting requirement is acceptable. National Air Traffic Services Safeguarding (NATS) have examined the proposal from a technical safeguarding aspect and conclude that it does not conflict with their safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal. Glasgow Prestwick Airport (GPA) have confirmed that the proposal would be entirely shielded from GPA operational primary radar system, consequently have no aviation objection.

The MOD, HIAL, NATS, and GPA have been consulted and have no objection subject to conditions. Providing these conditions are attached in the event that the proposal obtains planning permission it is recommended that the Council should not object to the proposal on the grounds of impacts on aviation, defence and seismological recording (including cumulative impacts).

Having due regard to the above it is concluded that subject to the recommended conditions the proposal will not have any adverse impacts on aviation and defence interests and seismological recording and is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of

Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

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

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on telecommunications, broadcasting installations and transmission links. BT have studied the proposal with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that, the proposal should not cause interference to BT's current and presently planned radio network. The Joint Radio Company Limited (JRC) have confirmed that the proposal is cleared with respect to radio link infrastructure operated by: The Local Electricity Utility and Scotia Gas Networks. Both BT and the JRC have been consulted on the proposal and have no objection. It is recommended that the Council should not object to the proposal on the grounds of impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts).

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts) and is therefore consistent with the provisions of SG 2, Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

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

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on road traffic and adjacent trunk roads.

It is proposed that the site will be accessed via an existing junction with the A83 (T) which serves the nearby operational Cour Wind Farm. It is stated that the turbine components will be delivered to Campbeltown Harbour before travelling north on the A83 (T) to the site entrance.

Transport Scotland have no objection to the proposal subject to conditions to secure: a Route Access Report including swept path analysis; submission of details of any additional signing or temporary traffic control measures deemed necessary; details and approval of the proposed means of access to the trunk road; wheel cleaning facilities; and a Construction Traffic Management Plan. The Council's Roads & Amenity Services have no objection to the proposal subject to conditions to ensure that all vehicular traffic is to be from the A83 Tarbet – Campbeltown Trunk Road and that no construction traffic uses the B842 Claonaig – Southend Road.

It should be noted that West Kintyre Community Council have objected to this proposal and part of the grounds for their objection is Transport. The Energy Consents Unit will be required to take their concerns into account in their deliberation of the application as the determining authority in this case.

Both Transport Scotland and the Council's Area Roads Engineer have been consulted and have no objection to the proposal subject to conditions. Providing these conditions are attached in the event that the proposal obtains consent it is

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

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

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for wind turbine developments to be assessed against effects on hydrology, the water environment and flood risk.

SEPA advice on Protection of the Water Environment – SEPA welcome the fact that the layout of the scheme has taken steps to minimise direct impacts on the water environment. No new watercourse crossings are required but upgrade to existing tracks may result in the need for upgraded crossings. To ensure that best practice is implemented SEPA therefore ask that a condition is applied that unless agreed with the planning authority in consultation with SEPA any replacement watercourse crossings are to be of an arched bottomless culvert design, or traditional style bridge, designed to convey the 1 in 200 year flood event. There is small length of upgrade track to the substation adjacent to the Allt a Ghobhainn and its tributaries. Any improvement works should be carried out the opposite side of the track to the watercourse, or if the area is considered high risk, a new route further away should be considered and the redundant track area restored. To ensure that other micro-siting does not result in a reduction in the level of protection offered to the water environment SEPA request that a condition is applied requiring a 50m buffer around all water bodies except in the vicinity of watercourse crossings. It is recommended that this condition is attached to any consent given by the ECU.

Having due regard to the above it is concluded that subject to the recommended conditions effects on hydrology, the water environment and flood risk have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

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

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for wind turbine developments to be assessed against the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.

The operational lifespan of the Development and associated infrastructure will be up to 30 years. Following this, an application may be submitted to retain or replace the turbines, or alternatively they will be decommissioned. Decommissioning would involve the following: Dismantling and removal of the wind turbines and electrical equipment; Reinstatement of the turbine areas and associated hardstanding; and Demolition and removal of control building and compound. The access tracks and cables are likely to be retained in situ at decommissioning.

Overall, it is estimated that the decommissioning period for the development would be approximately six months.

SEPA advice on Decommissioning and Final Site Restoration – SEPA request that a condition is applied seeking a finalised Decommissioning and Restoration Plan should decommissioning be proposed. The Plan should be submitted at least three years prior to the end of the design life of the development and be based on best practice and regulatory framework current at the time of submission. It is recommended that this condition is attached to any consent given by the ECU.

Having due regard to the above subject to the recommended condition it is concluded that the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration has been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

U. OPPORTUNITIES FOR ENERGY STORAGE (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for wind turbine developments to be assessed against any opportunities for energy storage which exist. This proposal includes energy storage infrastructure. The battery storage facility will have several benefits: when the local grid network is not able to absorb the additional wind power created by a quick wind speed increase the battery storage facility will catch this extra generation and then store it in the batteries and release back onto the grid when possible; it provides predictable and consistent power to the local grid network. The battery storage facility will have the ability to smooth out any short-term wind peaks and troughs; and Frequency Regulation - this allows the wind farm to store energy in the battery storage facility in order to immediately and precisely respond to changes in load, further improving turbine generation flexibility. The battery storage facility will also be located within the substation/control building compound. It will comprise up to 30 storage units of 6 m x 2.45 m x 2.6 m (the size of a standard lorry container). The output from each 6 m storage unit varies from 0.06 MW to 0.25 MW depending on the technology and type of device. Technological advances in battery storage are occurring rapidly, so it is likely that by the time of construction, batteries will have greater power density. The 30 storage units would potentially allow for in the order of 7.5 MW of storage, however as noted this would likely be greater at the time of construction.

It is recommended that the Council should not object to the proposal on the grounds of opportunities for energy storage (including cumulative impacts) in accordance with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement.

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

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for wind turbine developments to be assessed against the need for a robust planning obligation to ensure that operators achieve site restoration. The decommissioning of the project is detailed in the EIA Report, which notes that the reinstatement of the site at the end of its lifespan would be included in a condition for a Restoration and Decommissioning Plan as part of any decision notice. It is recommended that this matter is covered by planning conditions or a legal agreement consistent with other

projects across Argyll & Bute in the event that the proposal obtains consent from the Energy Consents Unit.

Having due regard to the above it is concluded that opportunities for a robust planning obligation to ensure that operators achieve site restoration have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

W. Climate Change (Emissions Reduction Targets) (Scotland) Bill (September 2019), the Scottish Energy Strategy & Onshore Wind Policy Statement 2017

The Climate Change (Emissions Reduction Targets) (Scotland) Bill - The Scottish Government is committed to increasing the supply of renewable energy within Scotland. Indeed the recently passed, Climate Change (Emissions Reduction Targets) (Scotland) Bill (25th September 2019) set even more stringent targets for Scotland. The primary objective of the Bill is to raise the ambition of the greenhouse gas emissions reduction targets set out in the Climate Change (Scotland) Act 2009. The Bill sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The “net-zero” target for Scotland is five years ahead of the date set for the whole of the UK.

The Scottish Energy Strategy (SES) (2017) – The SES was published in December 2017 and sets out the Scottish Government’s strategy through to 2050, marking a ‘*major transition*’ over the next 3 decades in terms of energy management, demand reduction and generation. The SES sets 2 new targets for the Scottish energy system by 2030: The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources; and, an increase by 30% in the productivity of energy use across the Scottish economy. The SES recognises that reaching the 50% target by 2030 ‘*will be challenging*’ but the target demonstrates ‘*the SG’s commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland*’. These energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand. The Statement goes on to state that: ‘*This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes “where it can be accommodated”*’.

‘Onshore Wind Policy Statement’ (2017) – the onshore wind policy statement sets out the Scottish Government’s position on onshore wind and supports the aims of the Scottish Energy Strategy. Paragraph 74 states that: “*The Scottish Government believes that our ambitious renewable energy goals are very much in the interests of Scotland’s citizens and environment. We also believe that developments can and must strike the right balance between utilising Scotland’s significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage*”.

Having due regard to the above subject to the recommended conditions, mitigation and consideration of other advice, it is considered that the proposal is consistent with the provisions of: SPP, the Scottish Energy Strategy 2017 and Onshore Wind Policy Statement 2017, which represent the Scottish Governments most up to date position on this type of development.

X. CONCLUSION

Both SPP and the Argyll & Bute Local Development Plan support renewable energy developments provided it has been adequately demonstrated that there would be no unacceptable significant adverse effects. Having due regard to all of the above, and subject to the recommended conditions, provision of mitigation and other requirements detailed below it is considered that the proposal will not have any unacceptable significant adverse effects. It is noted that both East Kintyre & West Kintyre Community Councils have objected to the proposal, and that their concerns will be considered by the Energy Consents Unit in their deliberation of the application, along with all other relevant consultee responses and representations. On balance, given the expected productivity of the site, the presence of the existing infrastructure and the lack of any objection from statutory consultees on technical matters it is considered that this proposal is acceptable subject to the recommendation detailed below.

RECOMMENDATION that Members agree that the Council do not object to this Section 36 Application subject to the Energy Consents Unit considering the following pre-determination matters, conditions and mitigation:

Matters which the Council consider the ECU should consider prior to determination

- **SNH provide advice in relation to the Kintyre Goose Roosts SPA. Due to the status of this site the ECU as determining authority will be required to undertake an Appropriate Assessment under the Habitat Regulations in view of the sites conservation objectives for its qualifying interest.**
- **That the ECU consult further with SNH on the lighting requirements of the Ministry of Defence and Highland and Islands Airports Limited and that this aspect is fully assessed and submitted for consideration in consultation with SNH before determination of the proposal; including potential landscape and visual cumulative effects.**
- **That the ECU consider requesting a Tourism Impact Assessment in accordance with the advice of VisitScotland. This should also take into account the impact any perceived proliferation of developments may have on the local tourism industry, and the local economy.**
- **That the ECU consult with/obtain a consultee response from North Ayrshire Council regarding the potential impacts on Arran, in particular, Landscape and Visual impact (including cumulative) e.g. on North Arran NSA and Arran hills before determination of the proposal.**
- **That the ECU seek and approve the minor revisions to the Peat Landslide Hazard Risk Assessment as recommended by IronsideFarrar**
- **That the ECU obtain visuals from locations where the HMP felling will be visible as requested by Scottish Forestry for further consideration and that further consultation is undertaken with Scottish Forestry in this regard prior to reaching a decision on the application.**
- **That the ECU obtain the further information requested by Scottish Forestry in regard to: Geology, Hydrology and hydrogeology; fish and aquatic habitat surveys; increase in run-off and flood risk; Acidification of watercourses and undertake further consultation with Scottish Forestry in this regard prior to reaching a decision on the application.**

- That the ECU pass on the British Horse Society's guidance for developer's to the applicant.
- That the conditions detailed above are only those recommended by consultees to be included in the full suite of final conditions, the Council would expect to be consulted on any final list of conditions prior to permission being granted, should Scottish Ministers be minded to do so.
- The Council would also expect to be consulted on any further mitigation, changes to the layout or turbine height, should the proposal be amended in line with the advice of consultees.

Conditions

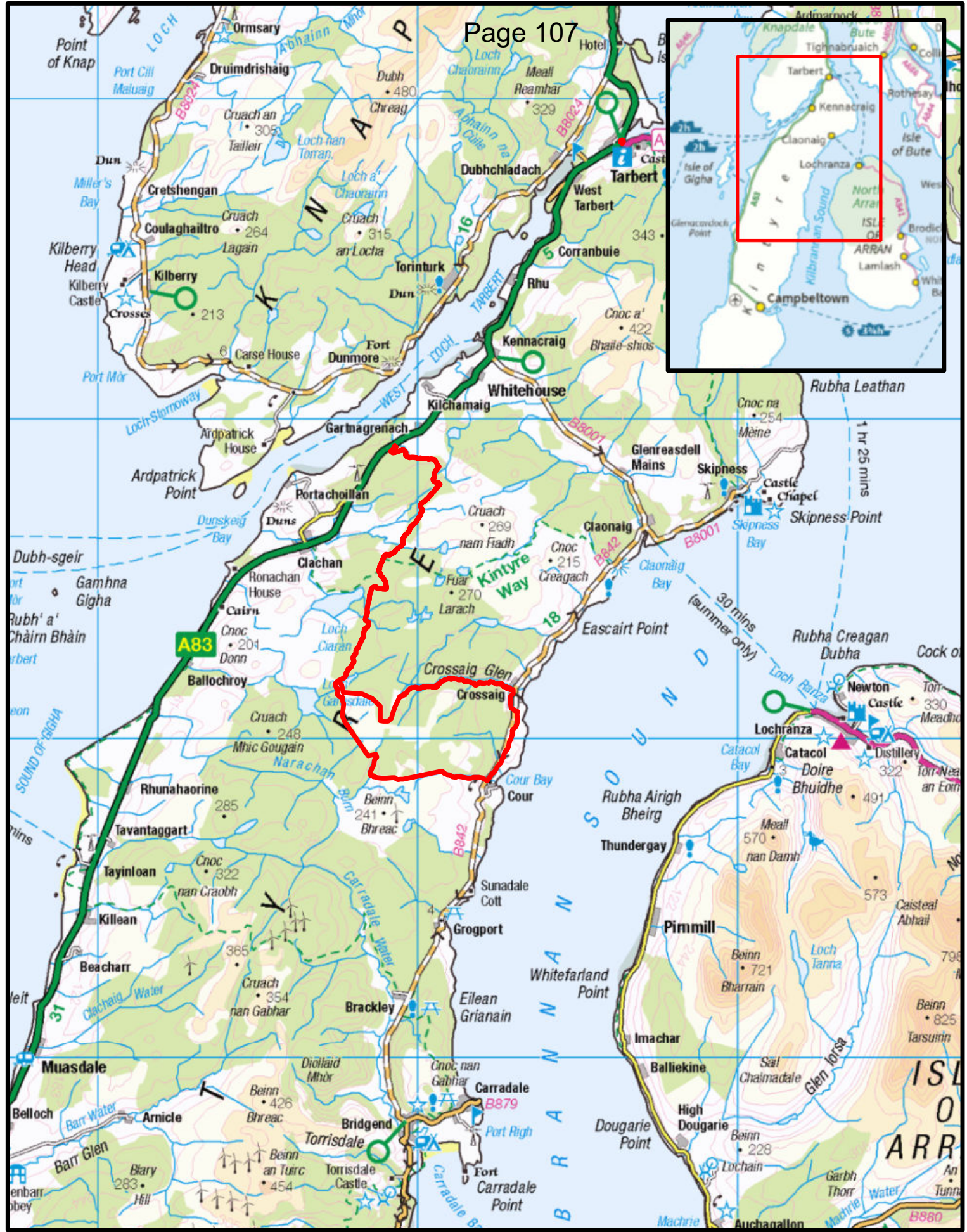
- Condition to ensure that the applicant provides more detailed information on the footprint/height and appearance (including security fencing, lighting, materials) of the compound containing the battery storage and its likely visibility from the B842 once the location has been confirmed to be agreed in writing by the Planning Authority in consultation with SNH and North Ayrshire Council.
- Condition to ensure the establishment of a robust integrated water quality and fish monitoring programme in accordance with the advice of Marine Scotland
- Conditions as recommended by the Council's Environment Protection Officer to ensure: control of noise immissions; a report to demonstrate compliance with the proposed noise limits; assessment by independent consultant upon request of Planning Authority and provision of independent consultant's assessment and conclusions to Planning Authority and to secure any necessary remedial action; logging of wind speed, wind direction and power generation data and provision of data upon request by Planning Authority; point of contact for local residents in regard to any noise complaints; a Construction Environmental Management Plan including details of measures to ensure the occurrence of noise or vibration nuisance during the construction phase including operational hours and control of dust etc (a condition to require compliance with this could be considered); and a Water Construction Environment Management Plan (WCEMP);
- Conditions as required by the Ministry of Defence (MOD) to secure that the development is fitted with MOD accredited aviation safety lighting and provision of the details of the date of construction starts and ends, maximum height of construction equipment, and the latitude and longitude of every turbine.
- Conditions as required by Transport Scotland to secure the submission and approval of: a Route Access Report; details of signing or temporary traffic control measures; details of the proposed means of access to the trunk road; wheel cleaning facilities; and a Construction Traffic Management Plan.
- Conditions as required by the Council's Area Roads Engineer to ensure that all vehicular traffic is taken from the A83 Tarbet – Campbeltown Trunk Road, and that no construction traffic shall use the B842 Claonaig – Southend Road.
- Conditions as required by Scottish Forestry to ensure the submission and approval of: constraints, opportunities and concept plans demonstrating that compliance

with the UK Forestry Standard (UKFS) can be achieved; operational plan for harvesting, restocking and establishment; a compensatory planting scheme of 31.73ha; a plan/proposal for the replanting of the appropriate Habitat Management Plan (HMP) areas in line with UKFS; compounds and borrow pits reinstated to woodland in a reasonable time scale and monitored.

- **Condition in accordance with the advice of SNH, SEPA and RSPB to ensure that: A Habitat Management Plan (HMP) is agreed by SNH, SEPA and RSPB in writing, as outlined in EIA Report document Appendix A8.3; and the Habitat restoration work outlined in the plan is completed at least two growing seasons ahead of construction of the wind farm beginning. It is also noted from the advice of SNH that said Habitat Management Plan should also include the following provisions: a diver raft on Loch a Chaorainn and monitoring; native woodland creation and a commitment to remove, and if necessary undertake follow up control work to prevent invasion of *Rhododendron ponticum*, particularly into sensitive heath, bog, and native woodland habitats which will be created as restored in the HMP area. Both SNH and RSPB recommend that this condition should ensure that HMP work will start prior to any construction of the wind farm to allow time for habitat creation/management to have a positive mitigating effect before the turbines displace birds. The HMP shall be implemented as approved and shall include mitigation measures for eagles, divers, peatland restoration and native woodland creation. The HMP should operate for the lifetime of the development, including decommissioning.**
- **Conditions as recommended by RSPB Scotland: no construction work/vegetation clearance/tree felling or decommissioning shall be carried out during the bird breeding season, unless undertaken after a bird disturbance management plan has been agreed and implemented (to consider noise and visual disturbance); the employment of an appropriately qualified Ecological Clerk of Works (EcoW) to oversee construction and delivery of mitigation measures; a programme of post-construction monitoring of bird populations.**
- **Conditions as recommended by SEPA: Finalised Peat Management Plan including required details relating to peat probing, how layout and management reduces the volume of peat disturbed; temporary peat storage areas, and update disturbance and reuse calculations; Ground Water Dependent Terrestrial Ecosystems (GWDTE) - amendments to the layout, via micrositing – buffer of at least 10m between any excavation works for Turbine 4 and M23a/M6b habitat, buffer of at least 10m between any excavation works for the laydown area and M6d habitat; Wind Farm Forest Plan, that specifically includes the requirement for a site plan showing the areas to be subject to the different felling and harvesting techniques, removal of trees with stemwood down to 7cm and brash from the site, woody material removed from smaller trees unless a clear beneficial use is agreed as part of the finalised Habitat Management Plan; unless otherwise agreed with SEPA any replacement watercourse crossings are to be of an arched bottomless culvert design, or traditional style bridge, designed to convey the 1 in 200 year flood event; 50m buffer around all water bodies except in the vicinity of watercourse crossings; enabling the applicant to microsite the built elements of the scheme up to 50m or other distance as seen reasonable by ECU in order to formulise a finalised post-consent layout, once detailed ground investigations have been undertaken and before work commences; to ensure that all works are carried out in accordance with the Schedule of mitigation; to secure requirements as part of Construction Environment Management Plan (CEMP); finalised Decommissioning and Restoration Plan; and the finalised design of the substation and battery storage area to be agreed.**

Mitigation

- Whilst it is acknowledged that Historic Environment Scotland do not object to the proposal, the Energy Consents Unit may wish to explore with them whether there is any mitigation that they would suggest to lessen the impacts in order to address the concerns which they have raised in their consultation response regarding the impact of the proposal on: An Dunan, dun; Cour House and Dun Skeig.
- SNH consider that adverse effects on North Arran NSA could potentially be mitigated by reducing the scale/height of the turbines to make them more compatible with Cour wind farm. Furthermore, they advise that there are also some design issues to be addressed to improve the fit with both Cour wind farm and to improve the 'landscape fit'. The ECU may wish to explore this suggested mitigation with the applicant and SNH prior to reaching a decision on the application.
- SNH advise that turbine 8 is very close to areas of shallower peat and they advise that micro-siting this turbine to such an area would seem appropriate.
- Consideration should be given by the ECU to the mitigation measures suggested by the Council's Consultant Landscape Architect that further redesign should be considered by the applicant to relocate and/or reduce the height of turbines (in particular T9 and T10) with the aim of mitigating significant adverse effects, especially on close views in the Cour area.



Location Plan relative to Application Ref: 19/01182/S36

Date: November 2019



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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:	17/02909/PP
Planning Hierarchy:	Local
Applicant:	Mr R Munn
Proposal:	Erection of dwellinghouse, formation of access and installation of septic tank and soakaway
Site Address:	Land Approx 82M South East of 13 Kilmaluaig, Isle of Tiree, Argyll and Bute

SUPPLEMENTARY REPORT NO. 3

1. INTRODUCTION

Further to Supplementary Report No.2, Members will recall that further information in the form of a croft boundary plan, supporting statement with photographs and a croft management plan was received from the applicant in support of his planning application on Monday 15th April 2019. This was just two days prior to the committee date. This additional information raised new material planning considerations and issues which required further clarification, required the submission by the applicant of additional supporting information and evidence, and, following the receipt of such information, required careful and detailed assessment by officers. As such Members agreed, at the Meeting held on Wednesday 17th April, to continue the determination of this planning application to allow the planning authority to engage with the applicant and to obtain clarification on various matters in order to be able to come to a well-reasoned determination.

2. UPDATE

Consequently, the planning authority wrote to the applicant and separately to his agent on the 26th April 2019 under the provisions of Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. These regulations provide that a planning authority may require from the applicant further particulars, documents, materials or evidence which they consider that they require to enable them to deal with the application.

The Regulation 24 letter informed the applicant and, separately, his agent that the Council cannot positively consider this planning application without the submission of the following additional details [quoted below from the Regulation 24 letters referred to]:

- i) The current status of the land to which the application relates having regard to its subdivision from the larger croft holding i.e. has it already been subdivided and, if not, when is this intended to be carried out? Have you engaged with the Crofting

Commission towards seeking their necessary approval for the subdivision of the existing larger croft? If so, what was the outcome and, if not, when do you intend to do this?

- ii) A plan showing the boundaries of the 1.0ha subdivided holding to which the submitted croft development plan relates;
- iii) Indicative details of the intended scale, location and nature of any additional infrastructure/buildings/polytunnels etc required for implementation of the croft business plan, specifically for: the growing of vegetables, the production of eggs, the production of milk, and any other buildings, structures and/or infrastructure;
- iv) Indicative details of the area(s) within the proposed subdivided croft within which you propose to plant the intended potatoes and organic vegetables;
- v) Indicative details of the area(s) within the proposed subdivided croft within which you propose to keep the poultry necessary for the production of eggs; and the number of birds you intend to keep;
- vi) Written details of where, within the subdivided croft, you intend to graze and over-winter the dairy cattle necessary for the production of milk; and how many cattle you propose;
- vii) An updated crofting business plan to include the proposed milk production (no details of this are included within the business plan previously provided).

The applicant and/or his agent was given two weeks from the date of this letter to either submit the required additional information or else to agree with the planning authority, within that same two week period, a revised timescale for doing so.

The Regulation 24 letter informed the applicant and his agent that in the event that the requested information is not submitted within the agreed time period (or any extended period so agreed), that it would be the intention of the planning authority to recommend refusal of the application on the basis of lack of necessary information.

The two week period referred to expired on the 10th May 2019 and it is confirmed that despite follow up requests being issued on 22nd May, 27th June, and 3rd September there has been no response to this request for further information to date.

It is therefore the recommendation of officers that an additional reason for refusal of this application be added to the two refusal reasons as tabled within the original report of handling and that the numbering of the refusal reasons be amended to reflect the adjusted hierarchy of the recommendation. This additional refusal reason and the amended ordering of the resulting three reasons for refusal is specified within the 'recommendation' section of this report below.

Historic Environment Assessment Update

Members will also recall that, originally, planning permission was recommended for refusal for two reasons. The first being because the proposed development would have a materially harmful and unacceptable impact upon the historic environment, including the setting of the adjacent Category A listed building and upon the character and quality of the conservation area. The second being because the proposed development would, due to its inappropriate design, detailing, orientation and location, have an unacceptable and materially harmful impact upon its immediate landscape and, in particular, the built-landscape which comprises a key component of Tiree's unique and special character.

Whilst officers have been pursuing the submission of additional information from the applicant and/or his agent, this opportunity has been used to consult with the Council's Design and Conservation Officer on the proposals. Such consultation was not previously possible as the conservation officer was absent on maternity leave.

This consultation response supports the officer's original assessment and recommendation that this planning application be refused. A summary of this recent consultation response (dated 25th October 2019) is reproduced below:

SITING

Impact on Setting of Listed Building and Conservation Area:

The applicant's supporting statement says that "*The siting of the house was chosen to keep any visual impact to a minimum. The high rocky outcrop to the west means that the house will not be visible from the west. The house will be visible from the B8068 on the east but the impact will be lessened greatly as the house will blend into the black cloak of the high rocky ridge behind it on the west. This also ensures the house will not skyline*".

This argument has been carefully considered and it is concluded that whilst the proposed new dwellinghouse and the existing listed building, 13 Kilmoluaig, may not be immediately visible to and from each other, the "setting" of the listed building encompasses significantly more than simply views directly between the existing and the proposed building.

Scottish Planning Policy (SPP) defines setting as being "*more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape or townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building*". In directly relevant recent case law from England (Kedleston Hall, Derbyshire 2016) the Court found that the inspector had taken an unlawfully narrow approach to the question of "setting", focusing on a simple visual connection rather than the historic, social and economic connections.

In this case, as 13 Kilmoluaig was the original croft house and the current application site was part of its related and immediate croft land, then they have a historic and economic connection in terms of the original function and use of the croft house and how it was intended to sit within the landscape, regardless of what is visible to or from it.

In further support of this argument, Historic Environment Scotland (HES) has commented that the setting of the A-listed 13 Kilmoluaig is characterised by its relatively isolated location and that the current proposal for the erection of a new dwellinghouse would have a significant negative impact on the way that this early 19th Century cottage is understood and experienced within its landscape setting. Whilst HES did use the word "views" within their full comments, the Council's conservation officer considers that the key part of their comments to focus on is how 13 Kilmoluaig is *experienced* within its wider landscape setting, rather than simply viewed, and that if one begins to walk a short distance from the listed building then finds themselves close to the curtilage of a modern dwelling, this would, in the considered professional opinion of the Council's Design and Conservation officer, would have a significant and negative impact on the experience of the listed building's setting.

The Council's Design and Conservation officer therefore concludes on this point that, in her opinion, the proposal is contrary to policy LDP SG ENV 16 (a) which requires that developments preserve the setting of a listed building.

In addition and notwithstanding the fact that 13 Kilmoluaig is listed, the Council's Design and Conservation officer is of the opinion that the wider conservation area settlement of

Kilmoluaig is generally characterised as having a strong grid pattern of enclosed fields overlaying a broad gently undulating open landscape and dwellinghouses within this wider landscape are well-spaced apart. This existing predominant settlement pattern echoes the Isle of Tiree design guidance which refers to “a low density, dispersed pattern of development” and the proposed development is considered contrary to both LDP SG ENV 17 and to policy LDP 3 (Supporting the protection, conservation and enhancement of our environment) which requires that proposed development protects, conserves or, where possible, enhances the established character of the built environment in terms of its location, scale, form and design, and also that it avoids adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites. The proposal is also considered by the Council’s conservation officer to be contrary to policy LDP 9 (Development Setting, Layout and Design) which requires development to be sited and positioned so as to pay regard to the context within which it is located.

Orientation and Access:

A report published by the Island’s Historical centre, An Iodhlann, in 2004 entitled “Winds of Change” states that “traditionally Tiree houses face east”. This can be seen from the orientation of 13 Kilmoluaig. Moving away from this historic orientation pattern would again be contrary to policies LDP 3, LDP 9 and LDP SG ENV 17. Similarly, the incorporation of an access driveway would create an inappropriate “urban approach to parking” (as outlined in Isle of Tiree Design Guidance) which would again be contrary to these policies.

DESIGN

The proposed large, modern t-shaped plan is inappropriate for Tiree and the scale does not consider the scale of nearby buildings (i.e. 13 Kilmoluaig). This is contrary to the advice provided in national guidance – Historic Environment Scotland “New design in historic settings” which states that new design should consider the surrounding scale, hierarchy and massing of the existing built form.

Furthermore the proposed use of materials is not suitable for this location. HES’s “New design in historic settings” states that “The sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary is also important. Their use and detailing, particularly near to open landscapes, is crucial in making a development stand out or blend in.”

These aspects of design are therefore contrary to policies LDP 3, LDP 9, LDP SG ENV 17 and LDP SG ENV 16 (a).

3. RECOMMENDATION:

Given the lack of engagement from the applicant or his agent, neither officers nor Members are able to properly assess or consider any claim of overriding locational/operational need for a dwellinghouse of this specific design and orientation and in this specific location.

This stated claim of ‘crofting need’ is central to the Applicant’s proposal but has not been appropriately demonstrated or substantiated despite several written requests for information over a prolonged time period.

Therefore, officers remain of the considered opinion that the proposed development is unacceptable due to its materially harmful impact upon the setting of the adjacent Category A listed building; due to its negative impact upon the character and quality of the

Kilmoluaig Conservation area; and due to its unacceptably harmful impact upon the special characteristics of Tiree's natural and built landscape.

It is therefore recommended that Members refuse this planning application for the amended and resequenced reasons below:

1. Insufficient information has been submitted to allow a competent assessment of the applicant's claimed locational/operational need for the development and, in particular, the applicant's stated claim that the proposed development within this specific location and of this precise form is required in order to support a proposed and/or existing agricultural activity upon what is claimed to be a bareland croft. The planning authority have required the submission of additional necessary details by letter dated 26th April 2019 and issued under the provisions of Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and have repeated this request for information by subsequent written communication dated 22nd May 2019, 27th June 2019 and 3rd September 2019.

No response has been forthcoming to any of these requests for information and in the absence of essential information upon which to make a competent assessment, the Planning Authority must refuse this planning application.

2. Notwithstanding Reason 1 above, the proposed development would have a materially harmful and unacceptable impact upon the historic environment including the setting of the adjacent Category A listed building and upon the character and quality of the conservation area.

The proximity of the proposed dwellinghouse and its associated access roadway to the listed building along with its modern design creates an uncomfortable relationship between them. At present the listed building currently enjoys a prime position, located slightly offset atop a rocky hillock, which has open outward views and which is free from development around its periphery. This area of open elevated and rural character contributes to the setting of the listed building, both on inward and outward views, and development of this site would erode the sense of space and openness which it currently enjoys, compromising its visual prominence and devaluing its historical value. The listed building is a key landscape feature and the proposed development would adversely affect the way the listed building is appreciated and experienced in the landscape, diminishing its visual significance by visually intruding into the visual prominence and exclusivity the building currently enjoys.

Kilmaluaig Conservation Area has been designated due to its traditional settlement pattern and orientation of the buildings within it, together with the presence of historically important thatched cottages which are also listed due to their unique physical characteristics.

This is not an acceptable site for development in terms of the council's settlement strategy as expressed through policy LDP DM 1 as well as being contrary to the provisions of Policy LDP 3 and associated Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17 of the LDP as well as SPP and the Historic Environment Scotland Policy Statement 2016 and Historic Environment Scotland Managing Change: Setting, New Design in Historic Settings (Historic Scotland) which presume against development that detrimentally affects the setting of listed buildings and the quality and special character of conservation areas.

3. Notwithstanding Reasons 1 and 2 above, it is considered that the proposed development would, due to its inappropriate design, detailing, orientation and location, have an unacceptable and materially harmful impact upon its immediate landscape

and, in particular, the built-landscape which comprises a key component of Tiree's unique and special character.

The proposed development fails to respect the specific settlement pattern, local distinctiveness and built-form of this part of Kilmaluag as recognised within the Council's 'Isle of Tiree Sustainable Design Guidance' or the 'Island of Tiree: Landscape Capacity Study for New Housing' (Final Report, published May 2006)', and as underpinned by the inclusion of this site within the Kilmaluag Conservation Area.

The development consists of a relatively large three-bedroomed 'T-shaped' detached bungalow of largely unimaginative design and materials and which does not properly capture the essence of Tiree's unique and special design character. This impression is materially heightened when considering the context of the proposed development and its siting within the immediate setting of the important traditional Tiree "blacktop" building and within the Kilmaluag Conservation Area, as expressed within refusal reason 1 above. Specifically, the proposed development is considered unacceptable for the following reasons:

- The orientation of the proposed dwellinghouse would be perpendicular to the listed building 13 Kilmaluag and to the majority of the existing buildings within the wider landscape. This is contrary to the traditional settlement pattern of this part of Tiree and will result in a development which will appear unduly prominent, particularly when experienced from the immediate setting of the listed building.
- The modern 'T-shaped' plan of the proposed dwellinghouse would result in a development which would have a scale and massing inconsistent with its setting and with the local distinctiveness of this part of the Island and which would erode the typical, simple proportions of the area in general and the Category A listed building in particular, namely a long, low, narrow building with a simple plan form.
- The proposed development does not retain the traditional window and wall relationships which form an important part of the unique character of Tiree's built environment. In addition, the proposed dwellinghouse incorporates uPVC windows and doors of a design and quality which are not considered appropriate within this part of the conservation area or that they pay sufficient regard to the traditional window and door detailing of the nearby listed building.

In addition, the site of the proposed development falls within the 'North Tiree Study Area' as identified within the Council's published "Island of Tiree: Landscape Capacity Study for New Housing" (Final Report, published May 2006), which recognises that the site the subject of this application is located within an area of distinct landscape and visual character which the Study describes as 'Extensive Crofting' which consists of some limited opportunities for development which reflects the dispersed spacing and distinct relationship of existing settlement with the crofting inbye land. The Study states that new development should be set one field distance from the public road and a minimum of one field (no less than 100 metres) apart from existing croft houses. The study recommends that new development should be oriented facing a road and usually on a NE/SW axis where this predominates. Similarly, the Study states that where a distinct alignment of existing houses occurs, new development should be sited to fit with this. The Study also states that additional overhead lines and access tracks should be avoided.

In the case of the proposed development, the new dwellinghouse would be located more than 100 metres from the public road but less than 100 metres from the

nearest croft house (the listed building 13 Kilmaluaig). The proposed development would be located approximately 80 metres to the south east of the listed building at its closest point (building to building) and within the existing field which includes 13 Kilmaluaig at its northern boundary. In addition, the proposed development includes a significant length of proposed new access track; approximately 120 metres in length and cutting across the field which is currently solely occupied by the listed building.

In addition, the proposed development would be oriented upon a broadly east to west axis and does not reflect the existing settlement pattern which consists of buildings located upon a distinct NE/SW axis, this being a specific part of the established and distinctive character of the area.

It is therefore considered that the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tiree or its distinctive NE/SW orientation of buildings and would involve the construction of a substantial new access trackway.

The proposed development is therefore considered contrary to the identified constraints and opportunities for new development as described within the "Island of Tiree: Landscape Capacity Study for New Housing" and contrary to Policy LDP 3, Supplementary Guidance SG LDP ENV 14, the Isle of Tiree Sustainable Design Guidance and the Sustainable Siting and Design Principles of the LDP.

Author of Report: Andrew Barrie
Reviewing Officer: Tim Williams

Date: 1st November 2019
Date: 5th November 2019

Fergus Murray
Head of Development and Economic Growth

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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:	17/02909/PP
Planning Hierarchy:	Local
Applicant:	Mr R Munn
Proposal:	Erection of dwellinghouse, formation of access and installation of septic tank and soakaway
Site Address:	Land Approx 82M South East of 13 Kilmaluag, Isle of Tiree, Argyll and Bute

SUPPLEMENTARY REPORT NO. 2

1. BACKGROUND

Further to Supplementary Report No.1, Members are advised that further information was received from the applicant in support of his planning application on Monday the 15th April 2019, just two days prior to the committee date. Mr Munn has been advised on previous occasions to submit further written justification for his proposed dwellinghouse should he wish this to be taken into account in the determination of his planning application. The most recent request was by e-mail from the case officer to Mr Munn and his agent on the 22nd March which requested that any additional information should be submitted by the 29th March allow sufficient time for officers to assess the information. Members should also note that a previous request was made prior to the March Committee on the 18th February.

The additional information submitted comprises of a croft boundary plan, supporting statement with photographs and a croft management plan. This additional information raises new material planning considerations which will require careful and detailed assessment as well as consultation with the Crofting Commission in order to come to a well-reasoned determination having regard to all of the facts and merits of the case.

2. SUMMARY OF ADDITIONAL MATTERS REQUIRING CONSIDERATION / FURTHER INFORMATION REQUIRED

The submitted croft business plan states that it is the applicant's intention to operate a small scale horticulture business which will produce milk for home consumption, organic vegetables, eggs and potatoes, to be sold to local businesses on the island.

Whilst the submission of further information by the applicant on 15th April 2019 is welcomed it is considered that the submission gives rise to new material considerations which have not been addressed in the assessment of the application to date, and gives rise to a number of matters which will require clarification in advance of officers being able to conclude their assessment.

In particular it is noted that the details submitted do not provide definitive clarification that the land relates to a 1.0ha bareland croft holding but would in fact suggest that the land currently forms part of a larger 8.39ha croft holding operated by the applicant's mother which is intended to be sub-divided. The submitted croft business plan fails to identify the boundary of the intended new croft holding and has not provided any detail in respect of the requirement for additional infrastructure such as any storage buildings and/or polytunnels which would be required. Consultation with the Crofting Commission shall be required to obtain confirmation of the status of the holding, and for input on the viability of the applicant's proposals for development of the croft, and indeed if not yet resolved, whether the proposed subdivision of the croft will have an acceptable impact upon the viability of the existing larger croft holding.

Having regard to the above and for the purposes of providing an updated assessment of the application having regard to the provisions of policy LDP DM 1, LDP 8 and SG LDP HOU 1 it would be the intention of officers to re-engage with the applicant to obtain confirmation of:

- i) The current status of the land to which the application relates having regard to its subdivision from the larger croft holding;
- ii) The boundaries of the 1.0ha holding to which the submitted croft development plan relates;
- iii) Indicative details of the intended scale, location and nature of any additional infrastructure/buildings required for implementation of the croft business plan.

Following receipt of the required further information it would be officers' intention to consult with the Crofting Commission and to carry out a further site visit and meeting with Mr Munn to fully assess this additional information and obtain an understanding of his proposals to develop the croft and work with the applicant with the aim of securing the most appropriate design and siting for buildings on the croft holding.

3. RECOMMENDATION:

That Members continue the application to allow the agent to submit the further information required by the Planning Service to complete a competent assessment of all material considerations relevant to the development proposed.

Author of Report: Andrew Barrie

Date: 16.04.2019

Reviewing Officer: Peter Bain

Date: 16.04.2019

Angus Gilmour

Head of Planning, Housing and Regulatory Services

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

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

Reference No:	17/02909/PP
Planning Hierarchy:	Local
Applicant:	Mr R Munn
Proposal:	Erection of dwellinghouse, formation of access and installation of septic tank and soakaway
Site Address:	Land Approx 82M South East of 13 Kilmaluag, Isle of Tiree, Argyll and Bute

SUPPLEMENTARY REPORT NO. 1

1. BACKGROUND

This application was presented to Members on the 20th March with a recommendation of refusal. The committee resolved to continue the application to the 17th April PPSL Committee meeting to allow additional time for the applicant to submit reasons as to why he considered that the proposed alternative sites are not suitable.

To date, no written response has been forthcoming from either the applicant or his Agent.

However, officers have had an informal discussion with the applicant and he has verbally stated the following:

- The land the subject of the current planning application forms part of a bareland croft which is currently owned by his mother.
- The applicant's mother is currently in the process of passing the ownership and management responsibilities of the croft to her son (the applicant).
- The applicant has considered the two alternative sites identified at the previous site meeting but, on reflection, has determined that they are too wet to form appropriate development sites for the continued management of the croft.

The applicant has also undertaken to submit a plan showing the boundaries of the croft, however this has not been received to date.

The applicant has also undertaken to provide further written information regarding the existing and proposed use of the croft, however this has also not been received to date.

Members are advised that a further site inspection is due to be made on Wednesday 10th April, after which time a verbal update will be made to Members at the meeting on 17th April together with additional photographs and details in order to support the recommendation by officers.

4. RECOMMENDATION:

It is recommended that Members note the content of the report and refuse the application for the reasons detailed on the original report of handling.

Author of Report: Andrew Barrie **Date:** 08.04.2019

Reviewing Officer: Tim Williams **Date:** 08.04.2019

Angus Gilmour
Head of Planning, Housing and Regulatory Services

Argyll and Bute Council
Development & Infrastructure Services

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

Reference No: 17/02909/PP
Planning Hierarchy: Local
Applicant: Mr R Munn
Proposal: Erection of dwellinghouse, formation of access and installation of septic tank and soakaway
Site Address: Land Approx 82M South East of 13 Kilmaluag, Isle of Tiree, Argyll and Bute

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank and soakaway

(ii) Other specified operations

- Connection to public water main
-

(B) RECOMMENDATION:

That planning permission be **REFUSED** for the reasons appended to this report.

(C) CONSULTATIONS:

Area Roads Officer

No objection subject to condition. Report dated 17th January 2018

West of Scotland Archaeology Service

No objection subject to condition. Letter dated 2nd February 2018

Historic Environment Scotland

Raises concerns regarding the impact of the proposal on the setting of the neighbouring Category A listed building. HES comment that the setting of the A-listed 13 Kilmaluag is characterised by its relatively isolated location with commanding views across the open landscape. They consider that the proposal to

build a large single-storey T-shaped dwellinghouse together with its associated substantial access infrastructure would have a significant impact on the way that this early 19th Century cottage is understood and experienced within its landscape setting. Whilst HES have raised no formal objection, they have explained that this is because they only raise a formal objection where they believe issues of national significance are raised. HES further comment that their decision not to object should not be taken as support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance. Letter dated 1st March 2018

Scottish Water

No objection. Letter dated 18th January 2018

Crofting Commission

No response at time of report and no request for an extension of time

Scottish Natural Heritage (SNH)

No objection subject to conditions. 6th February 2018

Highlands and Islands Airports Limited

No objection. E-mail dated 2nd February 2018

(D) HISTORY:

N/A

(E) PUBLICITY:

The proposal has been advertised in terms of listed building procedures, closing date 15th February 2018.

(F) REPRESENTATIONS:

No representations have been received during the determination of the planning application.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|----------------------------|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes – See Appendix B below |

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
-

- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

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

Policy

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 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 CC 1 - Climate Change and Sustainable Development
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 14 – Landscape
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision
SG LDP SERV 1 – Private Sewage Treatment Plants and Waste Water Systems
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
Sustainable Siting and Design Principles

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

Scottish Planning Policy (SPP) 2014
Isle of Tiree Sustainable Design Guidance 2006
Tiree Landscape Capacity Study 2006
Managing Change in the Historic Environment: Setting (Historic Scotland)
Historic Environment Scotland Policy Statement 2016
Planning Advice Note (PAN) 60 – Natural Heritage 2000
Planning Advice Note (PAN) 67 – Housing Quality 2003
Planning Advice Note (PAN) 68 – Design Statements 2003
Planning Advice Note (PAN) 72 – Housing in the Countryside 2005
Planning Advice Note (PAN) 2/2011 – Archaeology 2011
New Design in Historic Settings (Historic Scotland)
Consultation responses

- (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
-

- (O) **Requirement for a hearing:** No
-

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

This is a detailed application for planning permission for the erection of a dwellinghouse on land approximately 82m south-east of 13 Kilmaluaig, Isle of Tiree.

The site is located within a Rural Opportunity Area (ROA) wherein Policy LDP DM 1 of the Local Development Plan (LDP) gives encouragement to sustainable forms of small scale development on appropriate sites within the open countryside as well as small scale infill, rounding off, redevelopment and change of use of existing buildings. The site is also located within the Kilmaluaig conservation area where policy LDP 3 and associated supplementary guidance LDP SG ENV 17 sets out a presumption against development that does not preserve or enhance the character or appearance of a conservation area and states that new development within such areas must be of the highest quality and must respect and enhance their architectural and other special qualities.

The determining factors in the assessment of this application are whether or not

the scale, design and location of the proposed development is appropriate having regard to its visual impact upon both its landscape setting and the special qualities of the historic environment, including the Kilmaluaig Conservation Area, an area of potential archaeological importance and its impact upon the setting of a nearby Category A listed building.

In this instance, it is considered that the design, detailing, orientation and location of the proposed development would be materially harmful to its immediate built-landscape setting having regard to those special characteristics which the landscape exhibits, including the special character of this part of the Kilmaluaig Conservation Area, and would result in encroachment upon a prominent and important Category A listed building, which itself is a key landscape feature, to the detriment of its character and setting, contrary to local and national planning policy.

The applicant has stated that the site also forms part of a croft. However no croft boundary plan has been submitted and the application is not accompanied by a croft management plan. As the site is located within an ROA, it appears that the development the subject of this application is simply for a new dwellinghouse with no identified locational or operational need. Without a plan showing the boundaries of the croft and in the absence of any statement from the applicant relating to 'crofting need' it is impossible to determine whether or not this is a 'bareland croft'. The applicant has been asked on more than one occasion to justify any locational requirement for the development on this specific site and instead of any other site within the croft which might be more suitable but, to date, no response has been forthcoming. Members are therefore advised that, in the absence of this information, they should place little weight on any concept of 'crofting need' in their consideration of this application.

In relation to the above, it should be noted that there are identified alternative sites within the ROA and within the ownership of the applicant which would not pose the same detrimental impact upon the setting of the historic environment. The planning authority have tried to positively engage with the applicant towards the identification of an alternative site within his landholding. A site meeting has been held with the applicant within which two alternative sites were identified, one of which appeared to be favourable, both to the applicant and the planning authority. To date, however, the applicant has not been prepared to fully consider any of the alternative development opportunities within the croft or to offer any explanation as to why they might not be considered acceptable, despite an invitation requesting him to do so. Whilst the Council is eager to support appropriate and sustainable development, including croft development, and to help sustain local rural populations and the rural economy, such development must not be outweighed by other material planning considerations including, in this case, the identified material harm caused by the proposed development to the historic environment.

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

(R) Reasons why Planning Permission or Planning Permission in Principle should be refused:

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 case the development is contrary to the policies of the development plan and there are

no other material considerations which would justify a departure from these policies.

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

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Andrew Barrie **Date:** 1st March 2019

Reviewing Officer: Tim Williams **Date:** 4th March 2019

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 17/02909/PP

1. The proposed development would have a materially harmful and unacceptable impact upon the historic environment including the setting of the adjacent Category A listed building and upon the character and quality of the conservation area.

The proximity of the proposed dwellinghouse and its associated access roadway to the listed building along with its modern design creates an uncomfortable relationship between them. At present the listed building currently enjoys a prime position, located slightly offset atop a rocky hillock, which has open outward views and which is free from development around its periphery. This area of open elevated and rural character contributes to the setting of the listed building, both on inward and outward views, and development of this site would erode the sense of space and openness which it currently enjoys, compromising its visual prominence and devaluing its historical value. The listed building is a key landscape feature and the proposed development would adversely affect the way the listed building is appreciated and experienced in the landscape, diminishing its visual significance by visually intruding into the visual prominence and exclusivity the building currently enjoys.

Kilmaluag Conservation Area has been designated due to its traditional settlement pattern and orientation of the buildings within it, together with the presence of historically important thatched cottages which are also listed due to their unique physical characteristics.

This is not an acceptable site for development in terms of the council's settlement strategy as expressed through policy LDP DM 1 as well as being contrary to the provisions of Policy LDP 3 and associated Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17 of the LDP as well as SPP and the Historic Environment Scotland Policy Statement 2016 and Historic Environment Scotland Managing Change: Setting, New Design in Historic Settings (Historic Scotland) which presume against development that detrimentally affects the setting of listed buildings and the quality and special character of conservation areas.

2. Notwithstanding Reason 1 above, it is considered that the proposed development would, due to its inappropriate design, detailing, orientation and location, have an unacceptable and materially harmful impact upon its immediate landscape and, in particular, the built-landscape which comprises a key component of Tiree's unique and special character.

The proposed development fails to respect the specific settlement pattern, local distinctiveness and built-form of this part of Kilmaluag as recognised within the Council's 'Isle of Tiree Sustainable Design Guidance' or the 'Island of Tiree: Landscape Capacity Study for New Housing' (Final Report, published May 2006)', and as underpinned by the inclusion of this site within the Kilmaluag Conservation Area.

The development consists of a relatively large three-bedroomed 'T-shaped' detached bungalow of largely unimaginative design and materials and which does not properly capture the essence of Tiree's unique and special design character. This impression is materially heightened when considering the context of the proposed development and its siting within the immediate setting of the important traditional Tiree "blacktop" building and within the Kilmaluag Conservation Area, as expressed within refusal reason 1 above. Specifically, the proposed development is considered unacceptable for the following reasons:

- The orientation of the proposed dwellinghouse would be perpendicular to the listed building 13 Kilmaluag and to the majority of the existing buildings within

the wider landscape. This is contrary to the traditional settlement pattern of this part of Tiree and will result in a development which will appear unduly prominent, particularly when experienced from the immediate setting of the listed building.

- The modern 'T-shaped' plan of the proposed dwellinghouse would result in a development which would have a scale and massing inconsistent with its setting and with the local distinctiveness of this part of the Island and which would erode the typical, simple proportions of the area in general and the Category A listed building in particular, namely a long, low, narrow building with a simple plan form.
- The proposed development does not retain the traditional window and wall relationships which form an important part of the unique character of Tiree's built environment. In addition, the proposed dwellinghouse incorporates uPVC windows and doors of a design and quality which are not considered appropriate within this part of the conservation area or that they pay sufficient regard to the traditional window and door detailing of the nearby listed building.

In addition, the site of the proposed development falls within the 'North Tiree Study Area' as identified within the Council's published "Island of Tiree: Landscape Capacity Study for New Housing" (Final Report, published May 2006), which recognises that the site the subject of this application is located within an area of distinct landscape and visual character which the Study describes as 'Extensive Crofting' which consists of some limited opportunities for development which reflects the dispersed spacing and distinct relationship of existing settlement with the crofting inbye land. The Study states that new development should be set one field distance from the public road and a minimum of one field (no less than 100 metres) apart from existing croft houses. The study recommends that new development should be oriented facing a road and usually on a NE/SW axis where this predominates. Similarly, the Study states that where a distinct alignment of existing houses occurs, new development should be sited to fit with this. The Study also states that additional overhead lines and access tracks should be avoided.

In the case of the proposed development, the new dwellinghouse would be located more than 100 metres from the public road but less than 100 metres from the nearest croft house (the listed building 13 Kilmaluag). The proposed development would be located approximately 80 metres to the south east of the listed building at its closest point (building to building) and within the existing field which includes 13 Kilmaluag at its northern boundary. In addition, the proposed development includes a significant length of proposed new access track; approximately 120 metres in length and cutting across the field which is currently solely occupied by the listed building.

In addition, the proposed development would be oriented upon a broadly east to west axis and does not reflect the existing settlement pattern which consists of buildings located upon a distinct NE/SW axis, this being a specific part of the established and distinctive character of the area.

It is therefore considered that the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tiree or its distinctive NE/SW orientation of buildings and would involve the construction of a substantial new access trackway.

The proposed development is therefore considered contrary to the identified constraints and opportunities for new development as described within the "Island of Tiree: Landscape Capacity Study for New Housing" and contrary to Policy LDP 3, Supplementary Guidance

SG LDP ENV 14, the Isle of Tiree Sustainable Design Guidance and the Sustainable Siting and Design Principles of the LDP.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 17/02909/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The Isle of Tiree is the most westerly island of the Inner Hebrides, sixty miles west of Oban and twenty-two miles west of Ardnamurchan, the nearest point on the Scottish mainland. The small islet of Gunna and the Isle of Coll lie close by to the north-east. Tiree is about twelve miles long and six miles wide at its widest point, and is mostly low-lying, with wide open skies and sea views in all directions. There are two hills; Ben Hynish in the south rises to 462 ft and Ben Hough in the north-west tops at 390 ft. The island's beaches extend most of the way around the Island's shoreline, a distance of forty-six miles altogether. These unspoiled and expansive white sand beaches give the Island much of its unique character.

The site the subject of this application is located within the small crofting settlement of Kilmaluag within the north-eastern fringe of the designated conservation area as well as being located adjacent to a Category A listed Building. The applicant has stated that the site forms part of a croft. However no croft boundary plan has been submitted and the application is not accompanied by a croft management plan. As the site is located within an ROA, it appears that the development the subject of this application is simply for a new dwellinghouse with no identified locational or operational need. Without a plan showing the boundaries of the croft and in the absence of any statement from the applicant relating to 'crofting need' it is impossible to determine whether or not this is a 'bareland croft'. The applicant has been asked on more than one occasion to justify any locational requirement for the development on this specific site and instead of any other site within the croft which might be more suitable but, to date, no response has been forthcoming. The applicant's address as stated on the submitted application form is 'The Farm House', Kennovay, Tiree; approximately 2.5 km to the east of the site the subject of this current application. However, it is not known whether the applicant owns any other property in the locality, either on or closer to his croft land.

The Argyll and Bute Local Development Plan sets out the Council's land use vision for how its area should be developed over the period to 2024 and beyond, along with the key objectives for achieving this vision. These reflect the overall approach to planning set out by the government in Scottish Planning Policy (SPP) which is to enable sustainable economic development. LDP objectives seek to maintain population in rural areas and to help secure economic and social regeneration in smaller communities, particularly in terms of the growth of key sectors, including agriculture. However, sustainable growth needs to avoid harming our outstanding natural and historic environment.

Local Development Plan policy LDP STRAT 1 – 'Sustainable Development' expands upon the key planning policy objective of delivering sustainable development and states, as a matter of general principle, that in preparing new development proposals, developers should seek to demonstrate a range of sustainable development principles identified in the policy which the Planning Authority will use in deciding whether or not to grant planning permission.

Spatial planning strategy policy LDP DM 1 – 'Development within the Development Management Zones' states that within the Rural Opportunity Areas (ROAs), encouragement shall be given to sustainable forms of small scale development (in this case no more than five dwellinghouses) on appropriate sites within the open

countryside as well as small scale infill, rounding off, redevelopment and change of use of existing buildings, having due regard to all other relevant planning policy and other material planning considerations.

In this case the proposed development occupies a sensitive location which, along with its design, has a materially adverse impact on the setting of the neighboring Category A listed building. The development does not take sufficient account of its relationship with this listed building nor does it have an acceptable impact on the environment. This not considered to be an appropriate site which meets the sustainable development objectives of the LDP.

In this case there are identified alternative sites within the ROA and within the ownership of the applicant which would not pose the same detrimental impact on the setting of the listed building. The planning authority have tried to positively engage with the applicant towards the identification of an alternative site within his landholding. A site meeting has been held with the applicant within which two alternative sites were identified, one of which appeared to be favourable, both to the applicant and the planning authority. To date, however, the applicant has not been prepared to fully consider any of the alternative development opportunities within the croft or to offer any explanation as to why they might not be considered acceptable, despite an invitation requesting him to do so. Whilst the Council is eager to support appropriate and sustainable croft development and to help sustain local rural populations and the rural economy, such development must not be outweighed by other material planning considerations including, in this case, the identified material harm caused by the proposed development to the historic environment.

The proposal is considered to be contrary to the relevant provisions of the LDP, particularly with regard to Policies LDP 3, LDP 8 and LDP 9 and Supplementary Guidance SG LDP ENV 16(a), SG LDP ENV 17 and the Sustainable Siting and Design Principles of the LDP which seek to ensure that development is sited and positioned so as to pay regard to the context within which it is located.

B. Location, Nature and Design of Proposed Development

The site is located on an area of fairly flat land set part way down the eastern slope of a small rocky hillock, some 90 metres to the south-east of the residential property 13 Kilmaluaig, which is a category A listed building. The site is back-dropped to the west by a rocky outcrop and the surrounding land slopes downwards and away to areas of open croft land to the north, south and east, which is generally bound by post and wire fencing and/or stone dykes.

Kilmaluaig is generally characterised as having a strong grid pattern of enclosed fields overlaying a broad gently undulating open landscape. An unclassified public road lies some 430 metres to the west and the B8068 public road lies some 700m to the east. The predominant settlement pattern in the area is of single dwellinghouses set-back from the public roads and well-spaced apart as well as the small cluster of development to the north of the site.

The proposed design of the dwellinghouse is a result of requested changes to the original which was deemed to be unacceptable within the conservation area due to its suburban appearance having an "L" plan with integral garage and modern window openings. The revised design has been reduced in scale by removing the integral garage. It is single storey and now comprises of a "T" shaped plan with gable ends and pitched roofs. The design features chimneys at the gables and windows generally with a vertical emphasis. Nevertheless, the proposed development, although improved from

the initial submission, remains inappropriate given its impact upon the historic environment; specifically the setting of the Category A listed building. The applicant has sought to justify his design and siting choices through the submission of a brief supporting statement which states *inter alia* that:

“The gable widths have been kept down to 6.5m to give the house a traditional linear appearance. The roof pitch will be 45 degrees in keeping with most of the surrounding properties.

The siting of the house was chosen to keep any visual impact to a minimum. The high rocky outcrop to the west means that the house will not be visible from the west. The house will be visible from the B8068 on the east but the impact will be lessened greatly as the house will blend into the black cloak of the high rocky ridge behind it on the west. This also ensures the house will not skyline.

The design has taken the Council’s Isle of Tiree Design Guidance into consideration.”

In this case, however, it is not considered that the proposed development has been designed or sited to take adequate account of the ‘local distinctiveness’ of the site or its immediate surroundings. This is a site characterised by an important Category A listed building, 13 Kilmaluaig, and its open setting. 13 Kilmaluaig is a traditional stone walled and partly thatched / partly felted single storey “blacktop” dwellinghouse with two small subservient structures to each of its gables, typical of the traditional small-scale croftsteading which forms such a unique and distinctive feature of Tiree. It is low-lying due to its low ceiling heights, with wide stone walls outlying its roofs which have distinctive curved ridges. It has a typical narrow plan and a limited number of openings with a large proportion of wall to window/door openings. These openings are small, symmetrically placed, recessed deeply into the walls and vertically proportioned which allows the plane of the walls to visually dominate.

The Council’s ‘Isle of Tiree Sustainable Design Guidance’ recognises that Tiree’s landscape is unique among the Inner Hebrides and that its built form manifests, for the most part, a balanced and unified historical and cultural tradition which new development needs to respect. Tiree is a Special Built Environment Area (SBEA) within Argyll and Bute and there is therefore a requirement that all new development on the island be of an appropriately high quality design and that it adopts sensitive siting and detailing.

Notwithstanding the applicant’s design statement summarised above, it is not considered that the proposed development respects the unique built environment qualities of Tiree or that it represents a high quality design and detailing or sensitive siting.

The development proposed by this application consists of a relatively large three-bedroomed ‘T-shaped’ detached bungalow of largely unimaginative design and materials and which does not properly capture the essence of Tiree’s unique design character. This impression is materially heightened when considering the context of the proposed development and its siting within the immediate setting of the important traditional Tiree “blacktop” building described above and within the Kilmaluaig Conservation Area.

With specific reference to the ‘Isle of Tiree Sustainable Design Guidance’, the proposed development is considered unacceptable for the following reasons:

- The orientation of the proposed dwellinghouse would be perpendicular to the listed building 13 Kilmaluaig and to the majority of the existing buildings

within the wider landscape. This is contrary to the traditional settlement pattern of this part of Tiree and will result in a development which will appear unduly prominent, particularly when experienced from the immediate setting of the listed building.

- The modern 'T-shaped' plan of the proposed dwellinghouse would result in a development which would have a scale and massing inconsistent with its setting and with the local distinctiveness of this part of the Island and which would erode the typical, simple proportions of the area in general and the Category A listed building in particular, namely a long, low, narrow building with a simple plan form.
- The proposed development does not retain the traditional window and wall relationships which form an important part of the unique character of Tiree's built environment. In addition, the proposed dwellinghouse incorporates uPVC windows and doors of a design and quality which are not considered appropriate within this part of the conservation area or that they pay sufficient regard to the traditional window and door detailing of the nearby listed building.

An interrelated key factor in the determination of this planning application is its impact on the historic environment which is considered in more detail in Section D.

Policy LDP 3 - 'Supporting the protection, Conservation, and Enhancement of Our environment' states that all applications for planning permission will be assessed with the aim of protecting conserving and where possible enhancing the built, human and natural environment. Applications will not be supported in the following circumstances:

- Where they do not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design
- Where they do not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design.
- When it has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites.

Policy LDP 8 - 'Supporting the Strength of our Communities' supports new sustainable development proposals that seek to strengthen communities, making them better places to live, work and visit. This includes the delivery of new sustainable development opportunities in order to facilitate population growth and in particular attract more economically active families to live and work in Argyll and Bute. In order to achieve this new housing must be delivered in the in the right place that meets the needs and aspirations of the wide variety of households across Argyll and Bute. The Council also recognises the important role which crofting can play in sustaining our fragile rural communities and aims to support new crofts and croft houses where these help to revitalise fragile communities and maintain viable crofting enterprises.

Policy LDP 9 – 'Development Setting, Layout and Design' seeks developers to produce and execute a high standard of appropriate design and to ensure that development is sited and positioned so as to pay regard to the context within which it is located. Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development and the design of developments and structures shall be compatible with the surroundings. Particular attention shall be given to

massing, form and design details within sensitive locations such as, *inter alia*, Conservation Areas and the settings of listed buildings. Within such locations, the quality of design will require to be higher than in other less sensitive locations.

The Sustainable Siting and Design Principles expands on this policy seeking developments to be compatible with the existing settlement pattern and to take into account its relationship with neighbouring properties.

Supplementary Guidance SG LDP HOU 1 – ‘General Housing Development including Affordable Housing Provision’ provides general support to new small scale housing in the ROAs on appropriate sites, provided there are no unacceptable environmental, servicing or access issues.

In this case the proposed development occupies a sensitive location which, along with its design, has a materially adverse impact on the character of a neighboring Category A listed building, the Kilmaluag Conservation Area and the unique qualities and special character of Tiree. The development does not take sufficient account of its relationship with this listed building nor does it have an acceptable impact on the environment. This not considered to be an appropriate site which meets the sustainable development objectives of the LDP.

C. Natural Environment and Landscape Considerations

Supplementary Guidance SG LDP ENV 14 – ‘Landscape’ states that the council will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that:

- A. Any such effects on the landscape quality are clearly outweighed by social, economic or environmental benefits of community wide importance; AND
- B. The Council is satisfied that all possible mitigation measures have been incorporated into the development proposal to minimise adverse effects.

The site is located on part way down the eastern slope of a rocky hillock. This hillock is a prominent landscape feature which rises above the surrounding low lying croft land where the majority of built development can be found. The exception to this is a small stone built cottage with a thatched roof dating from the early 19th century which has an almost central position atop this hillock which benefits from commanding views across the countryside. This cottage is a Category A listed building.

Whilst the proposal will not be visible in the wider landscape from the west nor will it be unduly prominent from the north and south, it will be visible from the east although set against an immediate rocky backdrop with Beinn Hough providing some containment. Notwithstanding this, the proposed dwellinghouse must also be viewed in the context of its immediate surroundings, particularly the distinctive settlement pattern for the area described by existing buildings located to the north and north west.

The site of the proposed development falls within the ‘North Tiree Study Area’ as identified within the Council’s published “Island of Tiree: Landscape Capacity Study for New Housing” (Final Report, published May 2006). Whilst this study makes no specific detailed capacity appraisal for the dispersed crofting settlement of Kilmaluag, it does recognise that the site the subject of this application is located within an area of distinct landscape and visual character which the Study describes as ‘Extensive Crofting’.

The identified constraints and opportunities for new housing within the ‘Extensive Crofting’ landscape character type consists of some limited opportunities for

development which reflects the dispersed spacing and distinct relationship of existing settlement with the crofting inbye land. The Study states that new development should be set one field distance from the public road and a minimum of one field (no less than 100 metres) apart from existing croft houses. The study recommends that new development should be oriented facing a road and usually on a NE/SW axis where this predominates. Similarly, the Study states that where a distinct alignment of existing houses occurs, new development should be sited to fit with this. The Study also states that additional overhead lines and access tracks should be avoided.

In the case of the current development, the proposed dwellinghouse is located more than 100 metres from the public road but less than 100 metres from the nearest croft house (the listed building 13 Kilmaluag). The proposed development would be located approximately 80 metres to the south east of the listed building at its closest point (building to building) and within the existing field which includes 13 Kilmaluag at its northern boundary. In addition, the proposed development includes a significant length of proposed new access track; approximately 120 metres in length and cutting across the field which is currently solely occupied by the listed building.

In addition, the proposed development would be oriented upon a broadly east to west axis and does not reflect the existing settlement pattern which consists of buildings located upon a distinct NE/SW axis, this being a specific part of the established and distinctive character of the area.

It is therefore considered that the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tìree or its distinctive NE/SW orientation of buildings and would involve the construction of a substantial new access trackway. The proposed development is therefore considered contrary to the identified constraints and opportunities for new development as described within the "Island of Tìree: Landscape Capacity Study for New Housing" and contrary to Policy LDP 3, Supplementary Guidance SG LDP ENV 14 and the Sustainable Siting and Design Principles of the LDP in terms of its impact on landscape character.

D. Historic Environment

SG LDP ENV 16(a) – 'Development Impact on Listed Buildings' states that development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses. All developments that affect listed buildings or their settings must be of the highest quality, and respect the original structure in terms of setting, scale, design and materials and conform to any relevant national policy.

Where development would affect a heritage asset or its setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that asset has been assessed and that measures will be taken to preserve and enhance the special interest of the asset. The use of appropriate design statements and conservation plans are expected to facilitate this assessment. Where the development may have a significant impact, measures of assessment will be expected to follow, the principles set out in the joint guidance "New Design in Historic Settings" produced by Historic Environment Scotland, Architecture and Place, Architecture and Design Scotland.

SG LDP ENV 17 – ‘Development in Conservation Areas and Special Built Environment Areas’ states has a similar theme which states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting, or a Special Built Environment Area.

Historic Environment Scotland’s “New Design in Historic Settings” sets out general principles for successfully integrating new buildings within the historic environment and requires consideration of scale, materials and detailing, landscape, views and landmarks, and historical development to guide successful new developments. The following are considered to be of particular relevance to the current application:

Scale: “New design should consider the surrounding scale, hierarchy and massing of the existing built form.”

Materials and Detailing: “The sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary is also important. Their use and detailing, particularly near to open landscapes, is crucial in making a development stand out or blend in.”

Landscape: “A thorough understanding of the topography of the area – its prevailing landform – is essential for design that responds to setting. Scotland has a wealth of historic communities that appear to ‘grow’ out of the landscape because of their form, texture and colour. New development should aspire to blend and coalesce with the existing built form without replicating it.”

Views and Landmarks: “Often historic buildings or clusters and features within rural, designed or urban landscapes are locally, regionally or nationally important landmarks because their distinctive character contributes strongly to the identity of an area.”

Historical Development: “Layers of history and associated development generate patterns within an area. An understanding of the historic evolution of a place is essential in determining whether a historic setting needs enhancement or whether lost elements should be restored. New design should consider and respond to these layers of history – the ‘narrative’ of the place”.

The proposed development is located approximately 80 metres to the south-east of 13 Kilmaluaig, which is a Category A listed building. Historic Environment Scotland (HES) states that these are buildings of national or international importance, either architectural or historic; or fine, little-altered examples of some particular period, style or building type (about 7% of total listed buildings). The listing schedule describes the building as “an earlier 19th century traditional single storey 2 bay cottage flanked by barn/byre at each gable. Dry stone construction with some mortar and white-wash to frontage. Gable end stacks. Piended thatched roofs to cottage and one barn; tarred felt to second.”

The applicant’s design statement makes no meaningful mention of this important listed building and it does not demonstrate how the proposed development has taken this into account; how it would not adversely affect its setting.

Consultation with HES has been undertaken. HES comment that the setting of the A-listed 13 Kilmaluaig is characterised by its relatively isolated location with commanding views across the open landscape. They consider that the proposal to build a large single-storey T-shaped dwellinghouse together with its associated substantial access

infrastructure would have a significant impact on the way that this early 19th Century cottage is understood and experienced within its landscape setting.

Whilst it is acknowledged that HES have not raised a formal objection to the proposal, this advice is carefully worded and follows closely their usual advice protocols and procedures whereby a formal objection is unlikely to be raised if the development does not materially raise issues of *national* significance. Whilst not objecting, it is clear that HES have material and legitimate concerns with the proposed development and they note in their response that their decision not to object should not be taken as their support for the proposals, stating that this application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

It is considered that the proposed development does not preserve or enhance the setting of the listed building nor does it preserve or enhance the character or setting of the conservation area. The proximity of the proposed dwellinghouse and its associated access roadway to the listed building along with its modern design creates an uncomfortable relationship between them. At present the listed building currently enjoys a prime position, located slightly offset atop a rocky hillock, which has open outward views and which is free from development around its periphery. This area of open elevated and rural character contributes to the setting of the listed building, both on inward and outward views, and development of this site would erode the sense of space and openness which it currently enjoys, compromising its visual prominence and devaluing its historical value.

13 Kilmaluaig is experienced predominantly as a building enjoying a sense of openness and isolation. It represents an important and intrinsic part of a wider and long-established low density and dispersed pattern of development reflecting the Island's crofting heritage and informing the sustainable and appropriate development of its crofting future. This listed building occupies a position at the northern boundary of a single field of grazing land demarked by simple post and wire fences. It is elevated above its croft land and its setting is clearly defined by this historic field pattern such that any substantial new development within this single field would disrupt the openness of setting.

It is acknowledged that there are very few dominant public vantage points from which either the existing listed building or the proposed dwellinghouse would be observed at close distance. Nevertheless, the impact of a development upon the historic environment cannot be appropriately mitigated by a simple reliance on 'public view'. It must be considered in the context of its immediate site and surroundings; in the way in which a place is experienced and how it has developed over time. It is considered that the proposed development would, in terms of its scale, dominate the existing listed building and erode the hierarchy of the existing built form by introducing a substantial new residential building into its direct setting and when the adjacent developments are experienced one from the other, including at various points along the proposed new access driveway to the new dwelling.

It is considered that the proposed development would, in terms of its design and detailing, fail to pay appropriate account of the traditional form of this existing 'blacktop' building in terms of its proportions, its plan form, its modern wall to openings ratio, its non-traditional gabled roof with its pointed ridge and relatively tall wall-head height, its 'T-shaped' footprint and its proposed use of uPVC windows and doors. All of these factors would result in a substantial new development which 'stands out' rather than 'blends in' and thus competes with the listed building for dominance within its immediate setting. The proposed development would not adequately respect and reflect the form, texture and colour of the adjacent listed building and it is considered

that whereas the existing building appears to 'grow' out of its immediate landscape, the proposed new dwellinghouse would not.

It is considered that the proposed development would, in terms of its landscape impact discussed in Section C above, fundamentally fail to respond to the setting of the listed building or those scattered buildings within its vicinity (including those within the conservation area) due to its 'off-axis' orientation, its requirement for a lengthy new access way and its failure to adequately respect appropriate separation distances between developments.

Having regard to the above it is considered that the proposed development has a significant adverse impact on the setting of the Category A listed building as well as on the setting of the conservation area. The listed building is a key landscape feature and the proposed development would adversely affect the way the listed building is appreciated and experienced in the landscape, diminishing its visual significance by visually intruding into the visual prominence and exclusivity the building currently enjoys.

Kilmaluag Conservation Area has been designated due to the presence of historically important thatched cottages which are also listed due to their unique physical characteristics. New development by way of design and proximity can have the potential to detract from the appearance of these buildings and their settings, as is the case here. The new modern dwellinghouse and its juxtaposition with a traditional thatched cottage as described above is considered materially harmful to the special qualities and characteristics that comprise the Kilmaluag conservation area together with its character and historic context when experienced from within the conservation area and specifically the inter-visibility that would exist between the two competing and conflicting developments.

The special character of this part of Tiree is acknowledged, at least in part, within the Council's published "Island of Tiree: Landscape Capacity Study for New Housing" (Final Report, published May 2006). As has been seen in Section C above, the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tiree or its distinctive NE/SW orientation of buildings, both of which are considered important components of the historic and landscape value of the Kilmaluag conservation area. In addition, the proposed development would involve the construction of a substantial new access trackway which is also considered harmful, both to the setting of the listed building and to the character and quality of the conservation area.

The proposed development is contrary to the provisions of Policy LDP 3 and Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17 of the LDP as well as SPP and the Historic Environment Scotland Policy Statement 2016, Historic Environment Scotland's Managing Change in the Historic Environment: Setting 2016, and New Design in Historic Settings

E. Archaeology

West of Scotland Archaeology Service (WOSAS) has advised that the site is within an area of archaeological sensitivity and they have requested that an archaeological monitoring condition be attached to any grant of planning permission. Supplementary Guidance SG LDP ENV 20 – 'Archaeology' and PAN 2/2011 on 'Archaeology and

Planning' aims to protect and preserve archaeological sites in situ wherever feasible. Where preservation in situ is not possible, planning authorities should consider applying conditions t to ensure that an appropriate level of excavation, recording, analysis, publication and archiving is carried out before and/or during development. With an appropriate condition, the proposed development is considered to comply with Policy LDP 3 and Supplementary Guidance SG LDP ENV 20 as well as PAN 2/2011.

F. Habitats and Species

The site is located close to the Sleibhtean agus Cladach Thiriodh (Tiree Wetlands and Coast) Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and RAMSAR site as well as the Tiree Machair Special Area of Conservation (SAC). Extensive in area, these designated sites are of international importance for a variety of breeding and wintering wader species, wintering geese and habitats such as machair.

As such the requirements of the Conservation (Natural habitats &c) Regulations 1994 as amended (the "Habitats Regulations") apply. Before development can be granted, it must be screened to determine whether or not an appropriate assessment is required. Article 6(3) of the Habitats Directive requires an 'appropriate assessment' to be undertaken when a plan or development project is likely to have a significant effect upon a European site.

SNH have advised the proposal is unlikely to have a significant effect on any qualifying interests of the SPA or SAC either directly or indirectly and therefore an appropriate assessment is not required. They have further advised that the proposal will not impact on any interests of the SSSI or the RAMSAR site. It is consider that the proposal in in accordance with Policy LDP 3 and Supplementary Guidance SG LDP ENV 2 and SG LDP ENV 4 of the LDP.

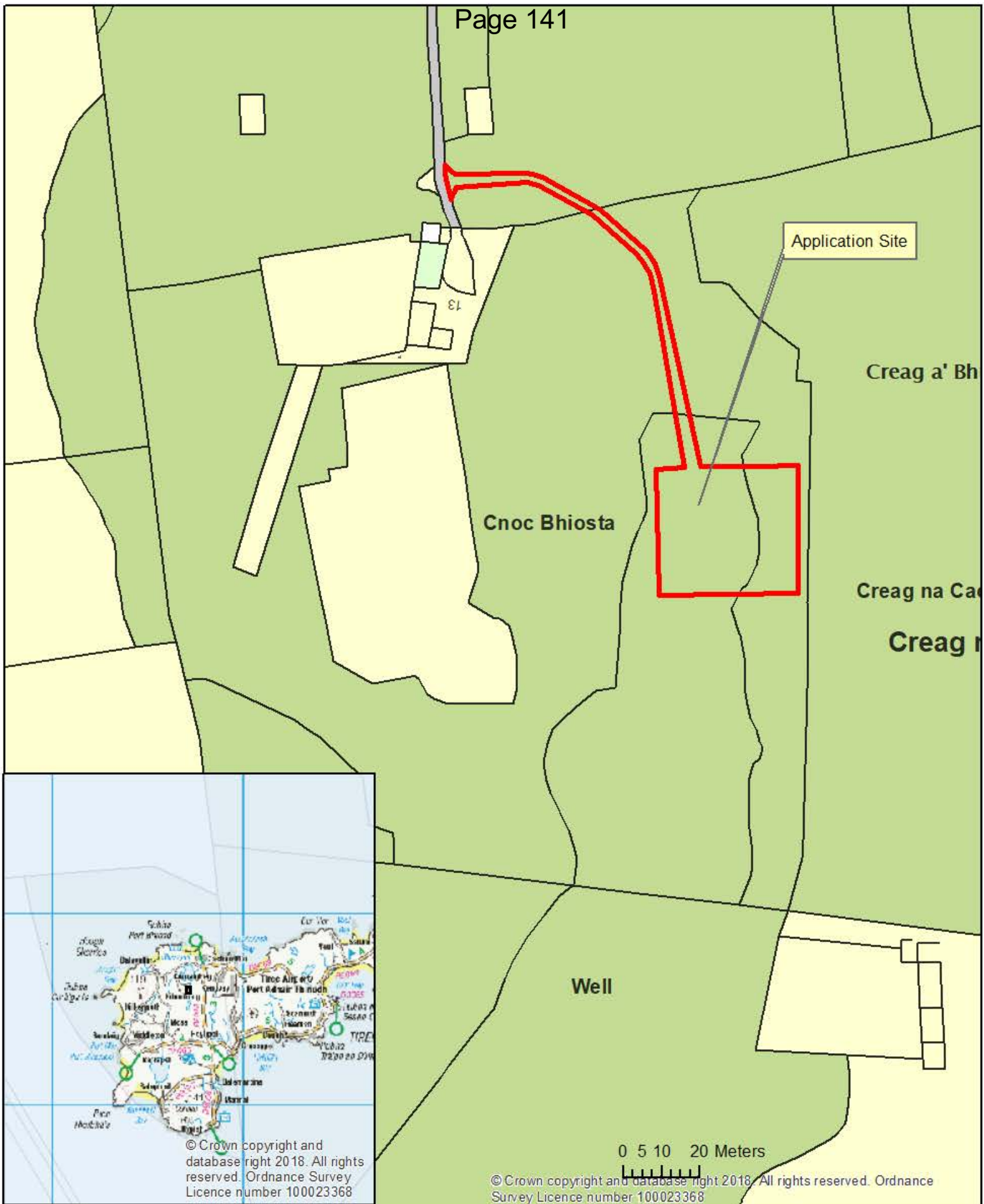
G. Road Network and Parking

The Area Roads Engineer has confirmed that he has no objection to the application subject to a condition regarding parking and turning. The proposal will therefore accord with the provisions of LDP 11, SG LDP TRAN 4, and SG LDP TRAN 6 of the Local Development Plan which requires all development proposals to have an appropriate standard of access and an adequate level of parking and turning.

H. Infrastructure

A connection is to be made to the public water main and Scottish Water has not raised any objections to the proposal. A new septic tank and soakaway is proposed and this will be assessed as part of the building warrant process. The development is in accordance with Policy LDP 11 and Supplementary Guidance SG LDP SERV 1 of the LDP.

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Location Plan Relative to planning application: 17/02909/PP



1:1,250

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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: 19/01139/PPP
Planning Hierarchy: Local Application
Applicant: Peter Malthouse
Proposal: Site for the erection of 2 dwellinghouses
Site Address: Land North East of Fairwater, Portincaple, Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Erection of 2 dwellinghouses
Formation of access
Installation of septic tank

ii) Other Specified Operations

Connection to existing public water main

(B) RECOMMENDATION:

It is recommended that planning permission in principle be approved.

(C) HISTORY:

17/02526/PREAPP - Pre Application Enquiry - to erect 2 houses on vacant land

(D) CONSULTATIONS:

Garelochhead Community Council - 04.07.2019 - We have concerns regarding the following:

- Steepness of bank from Feuins Road.
- Gradient of Feuins Road at site point.
- Privacy issues with regards to other households
- Ability of contractor to carry out works without major disturbance to the single track road and the hamlet of Portincaple since this is the only access road in and out.

Scottish Environmental Protection Agency - 21.06.2019 – We confirm that there has been pre-application discussions between the applicant and our local regulatory team. Authorisation for the discharge will be required from SEPA under The Water (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended). To date, no application has been received, however, based on the information currently available to us, the proposals are acceptable and we have no objection to this planning application.

Roads Helensburgh and Lomond - 04.11.2019 – No objections subject to conditions

The proposed development will be accessed from the existing public road (Feuins Road) is acceptable. The access should afford good visibility for vehicles to ingress and egress. Surface water must not be able to flow from the site onto carriageway. The parking provision shall be in accordance with the Local Development Plan parking policy.

Scottish Water - 14.06.2019 – No objections

MOD - Statutory Planning Applications - 24.07.2019 - Buildings should be of a non-vulnerable construction.

Core Paths – No response

(E) PUBLICITY: Advert Type: Regulation 20 Advert Local Application Expiry: 18.07.2019

(F) REPRESENTATIONS:

19 people have submitted letters of objection:

i) Representations received from:

Objection

Howard Worton, Saddlevie, Portincaple 04.07.2019
Hilary Worton, Saddlevie, Portincaple 04.07.2019
Rachel Roberts, No Address Given 05.07.2019
Mr Fergus Madigan, Fairwater, Portincaple 27.06.2018, 01.07.2019, 03.07.2019 & 04.11.2019
Ms Ruth Chapman, Ferry House, Feuins Road, Portincaple 02.07.2019
Mark King Suilven, Portincaple, 04.07.2019
Ms Debbie Carr, Braeside, Portincaple, 19.06.2019
Mr Duncan Macpherson, Ferry House, Feuins Road, Portincaple 02.07.2019
Ms Polly Dunlop, Flat 2/1, 4 Lorne Street, Helensburgh 03.07.2019
Gemma Kimmett, Duntorquil, Feuins Road, Portincaple 03.07.2019
Susan Slade, Duntorquil, Feuins Road, Portincaple 03.07.2019
Mrs T Mawhinney, Lochside, Portincaple 02.07.2019
Antony Robinson, The Sheiling, Feuins Road, Portincaple
Watson Robinson, Upper Flat, Creaggan, Feuins Road, Portincaple 04.07.2019
Joe Walker, Woodruff, Portincaple 03.07.2019
Michael Devine, Varragill, Portincaple
Rachael Roberts, Fairwater, Portincaple 04.07.2019
Chris Smith, Dalriada, Portincaple 08.07.2019
Richard Breslin, Tigh Na Mara, Feuins Road, Portincaple 12.07.2019

ii) Summary of issues raised:

- I am owner of the roadside garage and small area of land adjacent to this proposal and I was not notified.

Comment: The Council do not hold details on who owns land. If there is not a house on the land, a Regulation 24 Vacant Land Advert is placed in the local paper. Procedure was followed and this advert was placed.

- The proposed plan is hugely speculative on unsuitable land with questionable access and destruction of natural habitat.

Comment: See the assessment.

- There have been no previous dwellings on this land and it is outwith the Local Plan.

Comment: There has not been any dwellings on this land. However, the site is within the settlement boundary of Portincaple where there is a presumption in favour of development.

- I have serious concerns that the correct process has not been adhered to regarding the planning application. The application does not present as accurate particularly in terms of land ownership and I respectfully ask that it be made invalid or withdrawn.

Comment: The application was made valid and the correct process has been adhered to. The applicant has been contacted regarding this dispute in ownership and has advised that they do own all of the land within the application site. Any further dispute is a civil matter and not a material planning consideration. There is no reason to withdraw the application.

- The application does not meet the national standards for the validation and determination of planning applications in Scotland. The location plan is invalid on numerous points.

Comment: It is considered that the applicant's submission was adequate to validate the application.

- I have particular concerns regarding the loss of ancient woodland and the unsuitability of the site to be built upon.

Comment: Although there are trees on site, it is not included in the Inventory of Ancient Woodlands. See also the assessment.

- The steep angle of the hillside isn't shown on the drawings and this is vital to the building process.

Comment: It is agreed that the site topography was essential to the decision making process and as such a topographical plan was requested to be submitted, showing the site levels and a site section. This information was submitted in October.

- The nearest dwelling to the proposed site has been omitted completely (Plantree Cottage). This dwelling is directly in front of the site and its relevance to the site and location plans is crucial in allowing both consultee and public comments to be based on all the relevant information.

Comment: The dwellinghouse at Plantree Cottage was demolished and a new one has been built. It's omission from the plans is not intentional. The Council's mapping system, which is OS based does not yet show this new dwellinghouse. However, for the purpose of our assessment, the dwelling at that location was taken into consideration. Furthermore, the topographical survey plan shows the new house, which is now named 'Suilven'.

- Portincaple has grown slowly and organically over the last half century. There are no highly visible houses built on the road edge along this stretch of road. The 2 houses along this stretch that do have their access set back from the road and are hardly visible. This gives a sense of place.

Comment: It is considered that 2 houses at this location, sensitively designed and landscaped could fit in with the minor settlement of Portincaple without adversely affecting the sense of place.

- This is a PPP application. However due to the topography of the site the houses will need to be next to the road. Therefore the design of the houses is a material consideration.

Comment: The purpose of this application is to ascertain whether or not the principle of the houses is acceptable. While the design of the houses is a material consideration, this is not required at this stage and will be dealt with at the AMSC stage.

- The position of two houses next to the road will be out of context of its surroundings along this green stretch of road. The dwellings will bring a linear structure which is again out of context. The development will not integrate in its surroundings, it will jar and look forced.

Comment: It is considered that a thoughtfully designed, split level house with associated landscaping will be able to be built at this location while successfully integrating with its surroundings.

- There are issues with sewerage and drainage. There is no detail on the type of sewerage treatment plant. The poor permeability of the soil would demonstrate that a soakaway is not feasible. The proposed stream location is implicit that it is a continual movement of water. This stream is often dry and as such there would be no dilution of any run off.

Comment: SEPA have been consulted and have no objections. They have advised that they have been pre-application discussions with the applicant and that they consider the proposals to be acceptable.

- The single track road already struggles with traffic. I need to stand on the road to cut my hedge and it is becoming hard to do that safely.

Comment: The Area Roads Engineer has no objections regarding road safety.

- I do not believe that the existing infrastructure can cope with further developments without upgrade. In particular roads and electricity.

Comment: The Area Roads Engineer has no objections regarding the road. If the electricity needs to be upgraded this is the responsibility of the applicant.

- Loss of wildlife is a concern. There are many protected birds spotted at this location. Bats and deer also.

Comment: This is a PPP application. A condition will be placed on the consent that a suitable wildlife survey is completed at the AMSC stage.

- A previous application (reference 97/01611/OUT) at this location was refused.

Comment: At this time the Local Plan did not include the site within the settlement boundary. The site now lies within the settlement boundary and as such accords with the Local Development Plan.

- Due to the steepness of the site and the position of the houses, the development would directly overlook my home (Suilven). I am greatly concerned about the lack of privacy and the peaceful enjoyment of our home.

Comment: The proposed houses, by virtue of the steepness of the site, will be at least 30 metres from the boundary. There will be an increase in overlook given the existing situation, however due to the distances involved, it is considered that this is within acceptable limits.

- I am concerned with the proposed soakaway as it is adjacent to my garden and the land is a bog. I believe the effluent would drain into my garden causing ground water pollution.

Comment: SEPA have been consulted and have no objections.

- The proposal will overshadow 3 houses, ours included (Ferry House) and our conservatory will be overlooked unless the buildings do not have north and west facing windows.

Comment: Although the houses would be built at a higher level than the plots to the rear of the development, they sit on large plots and are a sufficient distance away to ensure that the minimum 18 metres window to window distance is adhered to. There will be an increase in overlook given the existing situation, however due to the distances involved, it is considered that this is within acceptable limits.

- It would appear that the applicant has undertaken an official land grab while marking the boundaries of their plan, including my workshop.

Comment: The applicant have been contacted regarding this dispute in ownership and has advised that they do own all of the land within the application site. Any further dispute is a civil matter and not a material planning consideration.

- Loss of view in this area of outstanding natural beauty.

Comment: Loss of view is not a material planning consideration.

- SEPA correspondence seems unclear. I'm concerned about the provision for foul water. The burn is often completely dry so it seems extraordinary that this will be offered as a solution.

Comment: SEPA have no objections. This will also be investigated at AMSC and building warrant stage to ensure suitability.

- Portincaple is an oasis of peacefulness and is a treasure from those suffering with anxiety, stress or mental health issues. It is important that these settlements are protected from development. There is low unemployment and the area is economically active. It does not need either social or economic regeneration.

Comment: The application has been submitted and is assessed on its merits.

- The topographical plans submitted by the applicant on 8th October do not show the location of the proposed dwellings in relation to surrounding dwellings.

Comment: This is not required at this stage as the application is for planning permission in principle.

- The original plans showed a parking and turning area behind the proposed dwellings. The new topographical plan omits this altogether. The section of Feuins Road alongside the proposed dwellings has no space for either parking or turning.

Comment: The original plans showed the parking area to the front of the proposed dwellings. However, any plans at this stage are indicative only. It was not a requirement to show this on the topographical survey.

- Consultee responses were first based on inaccurate information, they are now based on incorrect information.

Comment: The roads consultation response was not received until after the topographical survey was submitted. It is considered that the other consultees could comment fully without this survey.

- The plans do not show parking or turning and the topographical map clearly shows the problem and how it would be virtually impossible to have such an area on such a steep incline adjacent to Feuins Road.

Comment: There are design solutions with the access road that can overcome the steepness at the top of the road. This will be explored in the AMSC stage.

- The applicant has made no contact regarding the disparity of the site boundary along 'Fairwater'. As it stands the site plans and land ownership certificate are wrong according to the cadastral map of the Scottish Land Registry.

Comment: The applicant has been contacted regarding this dispute in ownership and has advised that they do own all of the land within the application site. Any further dispute is a civil matter and not a material planning consideration.

- The applicant was given 3 weeks from the 16th July to submit topographical and section plans. They were not submitted for 12 weeks with no explanation. The statutory expiry date for the application was 12/04/2019. Can the planning department provide the relevant correspondence as to how and why the extension was agreed?

Comment: There was no formal extension agreed. The applicant was given time to submit the requested information.

(G) SUPPORTING INFORMATION

- i) Environmental Statement:: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:N
- 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:

Mabbet (dated 9/11/18): Solution Assessment for the Treatment and Disposal of Foul Drainage.

(H) PLANNING OBLIGATIONS

None Required

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

-
- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

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

Local Development Plan Policies

- LDP STRAT 1 – Sustainable Development
- LDP DM1 – Development within the Development Management Zones
- LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
- LDP 10 – Maximising our Resources and Reducing our Consumption

- LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan – Supplementary Guidance Policies

- SG LDP ENV 1 – Development Impact on Habitats, Species and Biodiversity
- SG LDP ENV 6 – Development Impact on Trees / Woodland
- SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
- SG LDP HOU 1 – General Housing Development including Affordable Housing
- 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 5(b) – Provision of Waste Storage and Collection Facilities within New Development. SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 – Vehicle Parking Provision
- SG LDP BAD 1 – Bad Neighbour Development

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

- Scottish Planning Policy
- Consultee responses
- Third party representations

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been subject of statutory pre-application consultation (PAC):

No Pre-application consultation required as the proposal is a Local application.

(M) Has a sustainability check list been submitted: No

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

(O) Requirement for hearing (PAN41 or other):

A total of 19 representations have been received objecting to the proposed development together with concerns from Garelochhead Community Council. Therefore consideration has to be given to holding a discretionary hearing. In this instance the application is for planning permission in principle in which specific detail is not available in respect of design etc. It is considered that the principle of development is consistent with the relevant provisions of the Local Development Plan, there are no objections from statutory consultees and the key issues raised by objectors have been covered in the report of handling or can be dealt with by condition. As such it is not considered that a discretionary hearing would add any value to this process.

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

Planning Permission in Principle is sought for the erection of 2 dwellinghouses each with a detached garage and sewerage treatment works at land off of Feuins Road, Portincaple as defined by the adopted Development Plan. Within this area there is a general presumption

in favour of small scale residential development subject to other local plan policies being satisfied. The site also lies within an area designated as an Area of Panoramic Quality (APQ) and careful consideration must be given to the impact of the proposed development in this important landscape.

Both dwellings will have a new access from Feuins Road, Portincaple. The site slopes downwards to the west and is covered in shrubs and trees. The submitted plans show two plots, each with a site area approximately of 1450 square metres, which is comparable to other sites in the area. It shows 2 dwellings at the top of the site, with the parking and turning in front of the dwelling. The Area Roads Manager has been consulted on this and has no objections to the proposal subject to conditions. A section shows that the houses will be split level. A sewerage treatment plant is proposed with partial soakaway to the burn. Although the house will be built at a much higher level than the houses to the rear, there will be no issue with regards to window to window distances. There will be some loss of privacy with overlook, given the height difference, but given the size of the plots, this is considered to be within acceptable limits. The impact that the development will have on trees and wildlife will be further investigated at the AMSC stage of the development.

With regards to the designation as an Area of Panoramic Quality the proposed houses will be to the west side of Feuins Road, where the majority of the development at this location is sited. To the east is undeveloped woodland, which slopes upwards, forms a backdrop and is one of the key features of this Area of Panoramic Quality.

There have been a number of objections relating to land ownership and the fact that the site boundary encompasses a shed which is used and maintained by another party. The applicant has been questioned about this and the agents have written to us with assurance that they indeed own all of the land in the application site. We have accepted that and any other disputes regarding this is a civil matter and not a material planning consideration. The area in question does not form a meaningful part of this application and its inclusion in the site boundary would not affect the decision making process or the outcome.

It is therefore considered that the proposal accords with Policy LDP STRAT 1, LDP DM 1, Policy LDP 3, LDP 10, LDP 11, SG LDP ENV 6, SG LDP ENV 13, SG LDP - Sustainable Siting and Design Principles, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

(R) Reasons why Planning Permission or a Planning Permission in Principle should be granted:

The proposal accords with Policy LDP STRAT 1, LDP DM 1, Policy LDP 3, LDP 10, LDP 11, SG LDP ENV 6, SG LDP ENV 13, SG LDP - Sustainable Siting and Design Principles, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Stephanie Spreng

Date: 01.11.2019

Reviewing Officer: Howard Young

Date: 06.11.2019



Howard Young

Dated: 06.11.2019

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 19/01139/PPP

1. Plans and particulars of the matters specified in conditions 2 to 10 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Pursuant to Condition 1 – no development shall commence in respect of any of the two plots until plans and particulars of the site layout including the provision for the storage / separation / recycling of waste in accordance with Local Development Plan policy, design, topographical surveys, cross sections and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located out with the application site. Thereafter the development shall be implemented in accordance with the duly approved details.

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

3. Pursuant to the provisions of Condition 1, no development shall commence until details of a Sustainable urban Drainage Systems (SuDS) scheme is submitted to the Council for further approval. This scheme shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA C753 and Sewers for Scotland 3rd Edition. Development shall thereafter be carried out using the approved scheme and be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

4. Pursuant to the provisions of Condition 1, no development shall commence until details of a communal sewage treatment system to service both dwellinghouses has been submitted to and agreed in writing by the Planning Authority. Development shall thereafter be carried out using the approved scheme and be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate system to deal with foul drainage.

5. Pursuant to the provisions of Condition 1, development shall not begin until samples of the materials to be used on external surfaces of the buildings and in the construction of hard standings, walls and fences have been submitted to, and approved in writing by, the planning authority. Development shall thereafter be carried out using the approved materials, or such alternatives that the planning authority may agree in writing.

Reason: To ensure that the appearance of the development is compatible with its surroundings.

6. Pursuant to the provisions of Condition 1, development shall not begin until details of the method of construction of the dwellings are submitted to the Planning Authority to allow further consultation with the Ministry of Defence (MOD) safeguarding department. Such details as may be approved by the Planning Authority in consultation with the MOD shall thereafter be implemented.

Reason: The site is located within an MOD safeguarding zone and construction of any dwelling requires to accord with necessary standards in the interests of safety.

7. Pursuant to the provisions of Condition 1, development shall not begin until details of the following road traffic safety requirements are submitted to the Planning Authority to allow further consideration with the Area Roads Manager. These shall comprise further information to show;
- (a) the junctions of the new driveways onto the new access with sightline visibility splays 2.4 x 35 x 1.05m.
 - (b) the gradient of the private access and driveways which shall be greater than 10% absolute maximum 12.5%
 - (c) The access shall be surfaced in a bituminous material for a distance of 5 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
 - (d) The access at the junction with the public road shall be constructed as per drawing SD 08/002
 - (e) The access shall be a minimum of 4.5 metres wide for a distance of 10 metres from the radius tangent point as per Drg SD 08/002.
 - (f) Car parking and turning provision in accordance with the Councils 'Roads Guidance for Developers'

Reason: In the interest of road traffic safety.

8. Pursuant to the provisions of Condition 1, no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Location design and materials of proposed walls, fences and gates;
 - iii) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - iv) 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.

9. Pursuant to the provisions of Condition 1, the applicant shall complete and submit the following Biodiversity Information for further approval by the Planning Authority prior to any works commencing on site.
- (a) a Biodiversity Checklist as supporting information.
 - (b) a Bat Survey report carried out at the optimum time of the year by an appropriately qualified person.

(c) the following ecological surveys for Red Squirrel, Badger and Ornithological interest carried out at the optimum time of the year by an appropriately qualified person.

Reason: In the interests of Biodiversity.

10. No development shall take place until details of trees, shrubs and hedgerows to be removed and to be retained, tree protection measures, soil stripping, storage and re-spreading procedures have been submitted to and approved in writing by the Planning Authority.

Reason: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings.

NOTE TO APPLICANT

1. This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
2. Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 within the time limits specified in Section 59 of the Act.
3. Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
4. The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
5. 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.
6. 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.
7. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which: is more than 4 hectares, is in excess of 5km, or includes an area of more than 1 hectare, or length of more than 500m, on ground with a slope in excess of 25°. Please see SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.
Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ. Tel: 01698 839000.
8. Detailed design must be agreed with Road Network Manager prior to works commencing on site.
9. A road opening permit will be required for all works on or adjacent to the road corridor.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/01139/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the village/minor settlement of Portincaple in which Policy LDP DM 1 gives support to small scale development subject to compliance with other relevant policies and supplementary guidance. Under Policy LDP SG HOU 1 there is support for small scale housing development (less than 5 dwellings) in the Villages and Minor Settlements. The proposal is in accordance with this Policy.

B. Location, Nature and Design of Proposed Development

Both dwellings will have a new access from Feuins Road, Portincaple. The site slopes downwards to the west and is covered in shrubs and trees. The submitted plans show two plots, each with a site area of approximately 1450 square metres, which is comparable to other sites in the area. It shows 2 dwellings at the top of the site, with the parking and turning in front of the dwelling. They will have a shared sewerage treatment plant with partial soakaway to the burn.

There is no set rhythm to the settlement pattern of this section of Feuins Road. Further northwards a linear pattern forms with houses on either side of the road. But at this location there are no dwellings to the east of the site, with all of the other dwellings located to the west of Feuins Road, between the road and the shore, with a mix of house styles all orientated to the west benefiting from views of Loch Long.

A topographical survey was requested due to the very steep nature of the site. This was submitted and showed that there is a height difference from the top of the site at Feuins Road to the rear site boundary of approximately 10 metres. The site is steepest where it falls away from the road. Given the sloping nature of the site, the houses would require to be split level. A site section with an indicative plan of the house shows that this can be accommodated on site.

C. Natural Environment

The site has previously been undeveloped, with tree cover and shrubs. This habitat may support a range of wildlife including birds and bats. A safeguarding condition is the most appropriate method of ensuring this information is submitted prior to an AMSC application being approved. By doing so this will ensure compliance with SG LDP ENV 1 – Development Impact on Habitats, Species and Biodiversity.

D. Built Environment

The settlement pattern of Portincaple is sporadic. Most houses occupy large, sloping plots with detached dwellings. The 2 houses will be sited well over 18 metres from the nearest neighbouring properties and will not pose any harm to residential amenity in terms of window to window distance. The houses will be positioned on higher ground in relation to neighbouring dwellings however this is a characteristic of Portincaple in which single dwellings are staggered on the hillside to gain views of the Loch. The siting of these dwellings in this manner will be in keeping with the surrounding area. Further examination will be undertaken on submission of a more detailed application which will examine overlooking, overshadowing and daylighting. Their footprint, within each plot, are considered to be appropriate and not overdevelopment. Matters concerning scale, massing and design will be examined further on the submission of an AMSC application which will ensure compliance with SG LDP - Sustainable Siting and Design Principles. Overall it is considered that the principle of development is acceptable.

E. Impact on Woodland/Access to Countryside

Although the site does host a number of trees, the trees are not protected by a Tree Preservation Order, neither are they on the Ancient Woodland Inventory. While a number of trees will have to be removed to make way for development, there are many that will remain. It is considered that 2 houses can be accommodated on site without detriment to the overall character of the location. The area to the east of Feuins Road is wooded and forms the backdrop to the development. A condition will be placed on the consent to ensure that a site survey is done, and all trees to be removed and remain are shown. This is in accordance with Policy SG LDP ENV 6.

F. Landscape Character

The site is designated as an Area of Panoramic Quality and in accordance with Policy SG LDP ENV 13, development should be of the highest quality and not detract from this designation. The proposed houses will be to the west side of Feuins Road where the majority of the development at this location is sited. The land to the east is undeveloped woodland which slopes upwards to the main road and forms the backdrop to the development below, which is one of the key features of this Area of Panoramic Quality. It is considered that a thoughtfully designed, split level house with associated landscaping will be able to be built at this location while successfully integrating with its surroundings and will not adversely affect the APQ.

G. Road Network, Parking and Associated Transport Matters

The Area Roads Manager has advised no objections subject to a number of safeguarding conditions regarding visibility splays and sightlines. These matters are all within the applicants control and can be dealt with by safeguarding conditions to ensure compliance with SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes and SG LDP TRAN 6 - Vehicle Parking Provision. This matter can be investigated further on the submission of a more detailed planning application (AMSC application).

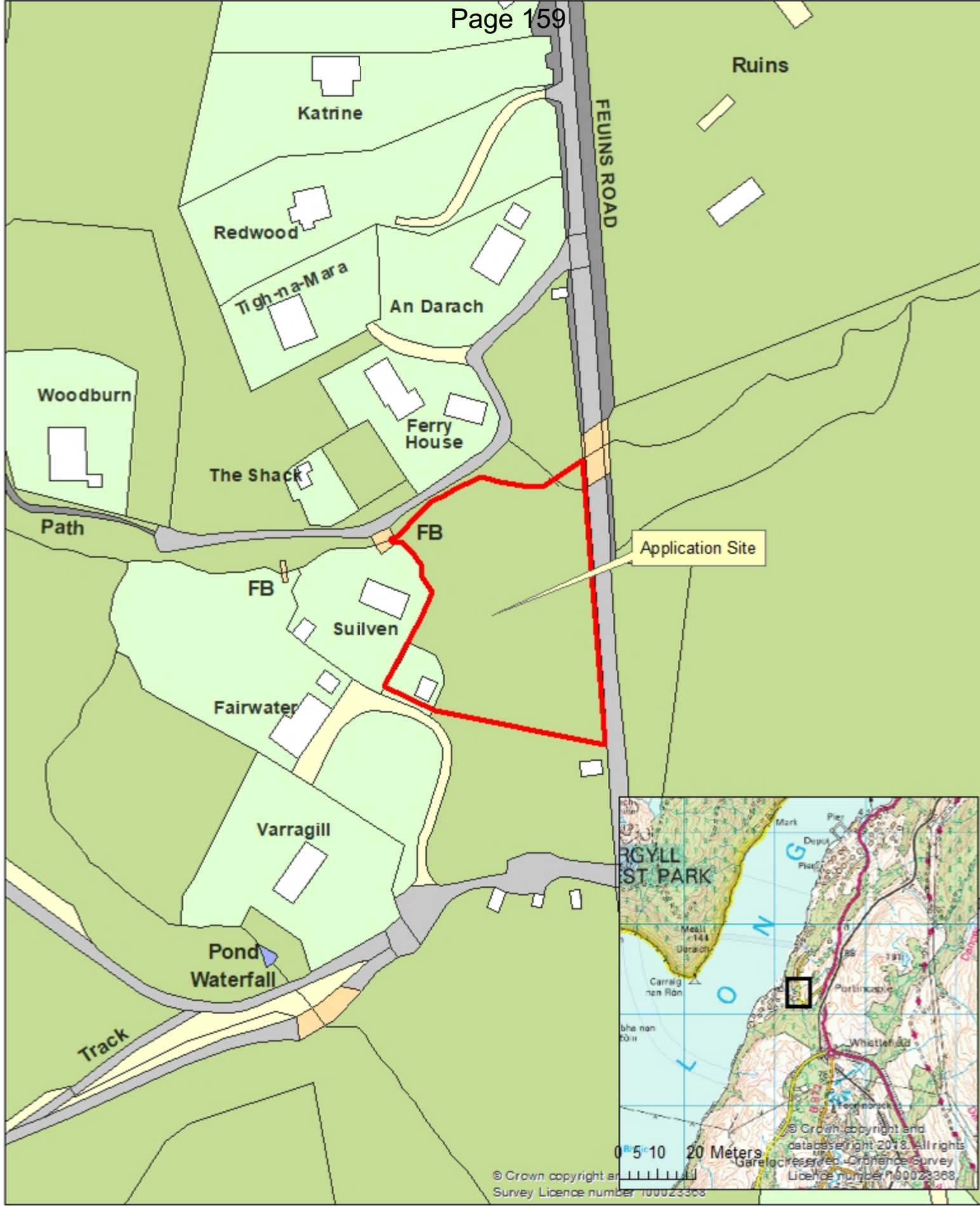
H. Infrastructure

It is proposed to connect the two dwellinghouses to the public water main. Scottish Water has raised no objection to this proposal subject to advisory information being attached to the grant of Planning Permission in Principle. In terms of waste water a sewage treatment plant is proposed to service both dwellings. Policy SG LDP SERV 1 requires that connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 will be a prerequisite of planning consent for all development proposals in the main settlements identified in the plan with a population equivalent of more than 2000 and wherever significant development (large scale) is proposed. Elsewhere, connection to the public sewer will be required, unless, inter alia, the applicant can demonstrate that connection is not feasible, for technical or economic reasons.

It is proposed that both dwellings will connect to a sewage treatment plant. As such, apart from Policy SG LDP SERV 1 it is potentially a bad neighbour development where Policy SG LDP BAD 1 is applicable. Proposals for developments classed as "Bad Neighbour" Developments will only be permitted where, inter alia, there are no unacceptable adverse effects on the amenity of neighbouring residents and no, amenity or public service provision objections.

It is not possible to connect to the public system at this location. SEPA have been consulted and has no objections. They have advised that they have been pre-application discussions with the applicant and that they consider the proposals to be acceptable. Similarly Scottish Water has raised no objections. On this basis, **the proposal would accord with**

Supplementary Guidance Policy SG LDP SERV 1 and Policy SG LDP BAD 1 of the Argyll and Bute Local Development Plan 2015.



Location Plan Relative to planning application: 19/01139/PPP



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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: 19/01584/PP

Planning Hierarchy: Local

Applicant: George Hanson (Building Contractors) Ltd

Proposal: Erection of Six Flats

Site Address: Land at Former St Brendan's Church Tower, Mountstuart Road, Rothesay, Isle of Bute

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of block containing six flats
- Alteration to existing vehicular access onto Mountstuart Road
- Formation of 12 off-street parking spaces
- Construction of retaining wall
- Formation of bin store
- Construction of surface water drainage scheme

(ii) Other specified operations

- Connection to public sewer and public water main
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material planning considerations, it is recommended that planning permission be granted subject to the conditions, reasons and informative notes detailed in the report.

(C) HISTORY:

St Brendan's in Mountstuart Road, Rothesay was built in 1889 as a chapel of ease for the High Kirk and was disjoined from the High Kirk to become a parish church in its own right in 1902. In 1957, it was linked with Ascog Church. The main church was damaged by fire in 1973 and a new modern building was erected beside the surviving tower of the old one. The new building closed as a place of regular Sunday worship at the end of 1999 but was then used as a church centre.

Conservation Area Consent (ref: 09/01700/CONAC) was granted on 11th March 2010 for the demolition of the single storey church centre building on the site and this demolition was undertaken in 2016.

Planning Permission (ref: 09/01701/PP) for the erection of a flatted residential development of six units with a car parking court was approved on 1st June 2012 subject to a number of conditions and a Section 75 agreement in respect of the future maintenance of the tower. This permission expired on 1st June 2015 as no lawful material operations had been undertaken on the site.

Conservation Area Consent (ref: 11/00020/CONAC) for the demolition of the tower was refused on 24th June 2011. This decision was on the basis that no substantiated argument had been put forward that its demolition was justified, either in terms of the condition of the building or that adequate efforts had been made to retain it. At that time, it was considered that the permanent loss of a building that is integral to the historic fabric of the Rothesay Conservation Area was unacceptable without a demonstrable justification.

Conservation Area Consent (ref: 17/01057/CONAC) was approved on 30th January 2018 for the demolition of the tower. This decision was on the basis that there had been material changes in circumstance since the refusal in 2011, namely:

- The Section 75 Agreement was concluded in May 2012 which established, at that particular time, a means by which the tower could be retained
- The demolition of the church hall allowed room within the site to explore in greater detail the structural condition of the tower. A survey in 2016 identified significant structural defects pertaining to the tower
- The provision of detailed costings which indicated that the removal of the tower and the savings associated with retaining/maintaining it (along with other identified savings) could turn a deficit of over £600,000 into a modest surplus of over £8,000.

The tower was demolished in the early part of 2019.

An application (ref: 18/02521/PP) for Planning Permission for the erection of six flats on the subject site was withdrawn at the request of the agent on 10th July 2019 as a result of concerns expressed by the Council in terms of the scale, massing and design of the proposed development.

(D) CONSULTATIONS:

Scottish Water (letter dated 6th August 2019)

No objections – currently sufficient capacity in public water supply and public sewerage system to accommodate proposal. However, the applicant should be made aware that Scottish Water is unable to reserve capacity at its water and waste water treatment works for the proposed development. Once a formal connection application is submitted to Scottish Water after full Planning Permission has been granted, it will review the availability of capacity at that time and advise the applicant accordingly.

Area Roads Manager

No comments received and no request submitted for an extension to the response period. However, no objections subject to conditions were submitted in relation to a similar application 18/02521/PP for the erection of six flats at the subject site.

(E) PUBLICITY:

Neighbour notification procedure (closing date: 23rd August 2019) and Conservation Area Advert (closing date: 6th September 2019).

(F) REPRESENTATIONS:

Objections have been received from the following thirteen sources:

Dr Rosalind Sharpe, Rockvale, Wellpark Road, Rothesay (e-mail dated 2nd September 2019)

Mrs Suzanne Stewart, 6 Sandringham Drive, Elderslie, Johnstone (e-mail dated 3rd September 2019)

Heather Houston, 42 Garngaber Avenue, Lenzie, Glasgow (e-mail dated 4th September 2019)

Mr Ronnie Houston, 42 Garngaber Avenue, Lenzie, Glasgow (e-mail dated 4th September 2019)

Lorna Robertson, owner of Upper St Brendans, 16 Crichton Road, Rothesay and represented by Wright, Johnston and Mackenzie Solicitors (letter dated 4th September 2019)

Gordon T Robertson, owner of Upper St Brendans, 16 Crichton Road, Rothesay (e-mail dated 25th September 2019) and represented by Wright, Johnston and Mackenzie Solicitors (letter dated 4th September 2019)

Mr Tony Quinn, 18 Beech Avenue, Newton Mearns, Glasgow (e-mail dated 5th September 2019)

Mr S Robertson, Flat 3/2, 12 Argyle Street, Rothesay (e-mail dated 6th September 2019)

Mrs Sandra Quinn, 18 Beech Avenue, Newton Mearns, Glasgow (e-mail dated 7th September 2019)

Ms Joanna Keating, 138 Lower Granton Road, Edinburgh (e-mail dated 10th September 2019)

Miss Rosemary Gibson, 22 Crichton Road, Rothesay (e-mail dated 12th September 2019)

Phyllis Hutchison – no address provided (e-mail dated 21st September 2019)

James Boyd – no address provided (e-mail dated 21st September 2019)

The points raised can be summarised as follows:-

- i. Rothesay has lost two prominently iconic buildings in the last several years that have greatly diminished the wonderful sea front; the West Church in Argyle Street and the site of the former St Brendan's Tower. It is contended that Argyll & Bute Council Planning Department should be doing more to protect Rothesay's heritage rather than eradicating it and replacing it with bland developments.

Comment: It is acknowledged that the demolition of the buildings that are mentioned would not have been the preferred solution. However, in the case of the West Church, there were issues of public safety; condition of the building; and lack of ownership. As regards the tower, the relevant issues

were the condition of the building and the feasibility of retention in a redevelopment scheme.

- ii. It is contended that the Design Statement accompanying the application fails to adequately consider or address the impact that the proposal development would have on the adjacent Listed Buildings (Wimbleton/Elysium Terrace/Royal Terrace/Albany Terrace) and the wider Conservation Area nor does it provide sufficient details as to how the assessment has been carried out.

Comment: This issue will be addressed in Appendix A below.

- iii. The Council must ensure that the proposed development will not harm the character or appearance of the Conservation Area - this includes its location, scale, form and design, and protecting the integrity of the entire area and enhancing its special character. Concern is expressed that the building as designed does not fit with the rest of the sea front row of houses in the Conservation Area.

Comment: This issue will be addressed in Appendix A below.

- iv. Concern is expressed that the windows are out of alignment. The thickness of the window detail is extreme and the Juliet balconies are mediocre in design and detract from the surrounding 19th century architectural cast iron details.

Comment: This issue will be addressed in Appendix A below.

- v. It is contended that the design permanently limits the accessibility of the properties for everyone, with ten steps up to the front door creating a situation where the elderly and disabled would struggle.

Comment: Ensuring that the development is compliant with the relevant statutory requirements will be undertaken at the Building Warrant stage.

- vi. It is contended that there is no possibility in the future to build a garage or extension without further over development.

Comment: Given that this is a flatted block within a Conservation Area, Planning Permission would be required for the extension of any unit or the erection of an outbuilding. Should such applications be submitted in the future, they would be assessed on their own merits at the time.

- vii. It is contended that the proposed development will significantly detract from the established design of the other properties with the addition of a substantial car park the front of the property in place of a lawn. It will interrupt the established character of the built environment and, whilst there has been development south west of the site, this has largely been on Crichton Road with the character of Mountstuart Road having been uninterrupted.

Comment: This issue will be addressed in Appendix A below.

- viii. It is contended that another proposal should be submitted with a lower density design that is more in line historically i.e. a semi-detached block of two dwellings with a stone façade; sash and case windows; floor heights that match neighbouring properties; and period features that are in keeping with the 19th century aesthetics.

Comment: The Council is in the position of determining the application as submitted and the submission of an alternative scheme would be for the applicant to consider.

- ix. It is contended that there is no point in having a Conservation Area or listed setting if these can simply be set aside for development gain. There are numerous sites in Rothesay for housing that would not breach a Conservation Area/Listed Building setting.

Comment: The application site has been considered suitable for residential development previously and it is considered that the current scheme is worthy of support.

- x. It is contended that the proposal would spoil the view for visitors from the front and rear of the site.

Comment: The issue of loss of view does not have a material bearing upon the planning aspects of this case.

- xi. Traffic flow will increase on Mountstuart Road, initially with the construction of the development and then with the vehicles of the new residents. Concern is expressed that this would result in a loss of amenity to residents in the vicinity of the site and that there would be a significant increase in noise and pollution levels with the additional vehicles entering and leaving the new development.

Comment: No significant road safety issues have been raised by the Area Roads Manager regarding development at this site. It is considered that the amount of additional traffic generated by the proposed six units would be negligible in the context of the existing level of vehicular movements on Mountstuart Road.

In addition, the point of access and egress is centrally located on the frontage of the site and the parking spaces are within the confines of the forecourt. Consequently, it is not considered that the traffic movements associated with the development would adversely affect the amenity of neighbouring properties to a significant degree.

- xii. Concern is expressed that the proposed exit onto Mountstuart Road is in close proximity to a public bus stop and this would present difficulties for the residents to exit safely.

Comment: The bus stop referred to is approximately 33 metres to the south west of the vehicular access into the site. No significant road safety issues have been raised by the Area Roads Manager regarding development at this site and it is considered that the bus stop is of a sufficient distance from the access to avoid any adverse effect.

- xiii. Concern is expressed that the proposed building, being significantly taller than the previous single-storey church structure on the site, would have a substantial and adverse impact on the daylight and sunlight reaching the dwellinghouse to the rear of the site. It is suggested that an assessment should be carried out having regard to the BRE publication "*Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice*".

Comment: As a general principle, any significant reduction in the level of daylight or sunlight received by habitable rooms whose windows face the

application site would be caused by a building that was both relatively close to the windows and a certain height above them.

Based upon the information contained in the submitted drawings, the roof ridge of the proposed building would be at approximately the same level as the bottom sill of each of the windows facing onto the site in the dwellinghouse to the rear. However, given the sloping shape of the roof, this ridge would be located between approximately 38 metres and 42 metres from the windows.

The eaves of the proposed building (which would be the highest part of the building closest to the windows) would be approximately 4.5 metres lower than the bottom of the sill of the windows and would be located between 28 metres and 32 metres from the windows.

In the above circumstances, it is considered that the proposed development would not reduce the daylight or sunlight entering into the nearest windows of the dwellinghouse to the rear to any significant degree.

There is a garden area located to the north of the dwellinghouse to the rear and this looks over the application site. Any significant reduction in the level of daylight or sunlight received by this garden would be caused by a building that was both close to the garden and a certain height above it.

In this case, the ground level of the garden is over 1 metre higher than the eaves level of the proposed building and would be located in excess of 20 metres from the accessible area. In these circumstances, it is considered that the proposed development would not reduce the daylight or sunlight entering into the garden area of the dwellinghouse to the rear to any significant degree.

- xiv. Concern is expressed that there is a lack of detail regarding the location of all adjoining properties and the exact position of their main windows. This demonstrates an inability to fully assess whether the proposed development accords with the requirement to maintain a distance of 12 metres and 18 metres from the windows of neighbouring properties contained in the Council's Supplementary Guidance.

Comment: This issue will be addressed in Appendix A below.

- xv. The owners of the dwellinghouse to the rear believe that the bedroom windows on the rear elevation of the proposed development would look directly upwards towards the windows on their property. Concern is expressed that this would have serious privacy implications for all residents involved and an appropriate study should be undertaken by the applicant prior to the application being determined.

Comment: This issue will be addressed in Appendix A below.

- xvi. The impact on the privacy and amenity of other properties cannot be disregarded. A recent appeal case concerning a similar issue saw the Reporter note that he did "*not regard the supplementary guidance as implying that an 18 metre separation distance would, in all cases, ensure that privacy would not be adversely affected*".

Comment: This issue will be addressed in Appendix A below.

- xvii. It is noted that, whilst the communal gardens forming part of the proposed development may be south facing, it is considered that this area would receive very limited natural light on the basis that it is located to the back of the building; the tall height of the proposal; and the requirement for a retaining wall to contain the cliff between the new property and the dwelling to the rear.

Comment: The issue of amenity space within the development site will be addressed in Appendix A below.

- xviii. Concern is expressed that, to those passengers that are sailing past the application site, the proposed development in its current form would present an immediate, noticeable and eye-catching distraction from the established character of the surrounding buildings. Tourism represents a key industry for the area and it is contended that careful consideration of any adverse impacts should be taken into account in the determination of the application.

Comment: As concluded elsewhere in this report, it is not considered that the proposal would have an unacceptably adverse effect upon the Rothesay Conservation Area or on the neighbouring Listed Building. As a consequence, it is not considered that the views over to the site from the water would be harmed.

- xix. Drainage is a material consideration during the assessment of the applications for Planning Permission and the plans note that SuDS drainage is proposed, with drainage to the beach as a watercourse. It is contended that, should permission be granted, the system should be implemented with suitable conditions imposed requiring the applicant to ensure that all appropriate licences from SEPA are applied for.

Comment: A condition is recommended in respect of the submission and approval of an appropriate SuDS system.

- xx. The owners of the dwellinghouse to the rear of the site are concerned that the drawings submitted by Honeyman Jack & Robertson may not accurately reflect the proposed building in relation to their property. They have consulted a firm of Architects who have examined the plans and have advised them to obtain more information with regard to the scale and height of the building, and in particular how the proposed building would sit in relation to their house. The owners understand that a Topographical Survey of their property would accurately show how the proposed building would appear in relation to their house. Also, a survey of their house, showing a section through it and the site would provide the additional information required in regard to their objection.

Comment: As a result of this representation, the agent submitted a contextual drawing identifying the levels of the ground floor; first floor; eaves; and roof ridge of the proposed building in relation to the gutter and roof ridge levels of the dwellinghouse to the rear; No.32 Mountstuart Road; and No.34 Mountstuart Road. This information is considered sufficient to assess the impact of the proposal and the agent has indicated that further supplementary drawings will be submitted prior to consideration by Members.

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:**

Yes – the following Design Statement has been submitted by the agent:

1.0 ANALYSIS

1.1 Urban Structure

The structure is suburban and consists of linear building development on the south side of Mountstuart Road with an open outlook to the Firth of Clyde to the north.

Adjacent buildings to the east of the site appear to date from a single period of development. They are semi-detached houses, generally two storeys high, occupying almost the full width of the double plot on a more or less regular building line. They are symmetrical in design. The linear form of the building exploits the view to the water. Principal rooms on the front elevation project forward and are given further emphasis with bay windows. Roofs are covered in natural slate. The walls of the front elevations are constructed in buff ashlar. A three storey building has been converted to hotel use.

The neighbouring property immediately to the east is Category B listed. It has a distinctive character with a low pitched roof and wide overhangs at the eaves. Some stonework on the front elevation is in a contrasting pink colour.

The neighbouring property immediately to the west is a two and a half storey detached villa in a plot approximately equal in width to the double plots of the semi-detached properties to the east. The roof is covered in natural slate. The ashlar walls of the front elevation have been painted.

Further west there are two terraced properties, two storeys high with dormer windows to attic accommodation. They appear to date from different periods. Roofs are covered in natural slate. The front elevation of one has been painted. The front elevation of the other is constructed in masonry with dressed buff ashlar around windows and doors and the remainder in a textured, darker stone. Progressing westwards towards town is a mix of two, three and four storey buildings in a variety of styles, and masonry colour.

The development site is equivalent in size to the double plots of the semi-detached buildings. The church originally on the site was set back from the building line and was significantly larger than the adjacent properties.

1.2 Urban Grain

The site is uniform in size to the plot of the neighbouring detached property and the double plots of the adjacent semi-detached properties. It sits comfortably within the surrounding suburban grain. The incremental development of individual plots over the years has created an interesting variety of height, style and character that combine to create a lively street scene on the waterfront. The original church on the site, set back from the building line and juxtaposed with the smaller adjacent buildings was in harmony with the overall composition demonstrating that there is no need to

maintain a constant building height and mass. The streetscape is improved by the complexity created by the individual developments making up the whole.

1.3 Density and Mix

The density and mix of the local area varies. The use is predominantly residential with some original houses converted to hotel and guest house use. There is a mix of semi detached, detached and terraced properties which are generally two storey. The three and four storey buildings closer to town are residential flats.

1.4 Scale, Height and Massing

The buildings immediately to the east are two storeys followed by a three storey hotel. The building immediately to the west is two and a half storeys followed by two storey terraces. Further west and heading towards town is a mix of two, three and four storey buildings in a variety of styles, and masonry colour. To the east of the site, the scale and massing is predominantly two storeys with a mix of detached and semi detached houses. To the west of the site, the buildings increase in scale, height and massing towards town.

The original church on the site was a local landmark.

2.0 EVALUATION

The original church on the site demonstrates that a landmark building significantly different in height and mass to the adjacent buildings can sit comfortably in the street scene.

Following a fire in 1975, the church was demolished and the tower was left standing. Planning Permission was previously granted for a residential development of six flats arranged around the tower. The recent demolition of the tower provides an opportunity to reconsider the design of the proposed development.

The relevant factors that influenced the design of the semi-detached houses to the east of the site are equally relevant to the proposed development. The predominant factor being the exploitation of the available width of the site to optimise the accommodation enjoying the open views over the water to Loch Striven.

The two storey building form typical of the section of the Conservation Area in the vicinity of the site is appropriate for the proposed development.

Historic Environment Scotland describe the architectural character of the area in relation to the significance of the adjacent Category B listed building as having an emphasis on sea-front symmetry where a strong rhythm of architectural composition can be seen. This characteristic will be adopted.

The use of natural slate on the roof and natural stone on the front elevation is appropriate to the context.

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

(H) PLANNING OBLIGATIONS

Is a Section 75 obligation required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

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

Argyll and Bute Local Development Plan 2015

LDP DM1 – Development within Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance (2016)

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG LDP ENV 17 – Development Impact on Conservation Areas

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

SG LDP Sustainable Siting and Design Principles

SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Planning History

Consultee Responses

Third Party Representations

Scottish Planning Policy (2014)

Historic Environment Policy for Scotland 2019

Historic Environment Scotland – *'New Design in Historic Settings'*

Argyll and Bute Sustainable Design Guidance

(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

(O) Requirement for a hearing: The application site has attracted objections from 13 individuals. As such consideration has to be given to holding a discretionary hearing prior to determining the application. The site is located within the 'Main Town' of Rothesay as defined in the Local Development Plan and the proposal relates to an infill development between two existing residential blocks. For these reasons, the proposal is considered to be consistent in principle with Policy LDP DM1 and Supplementary Guidance policy SG LDP HOU 1 of the Argyll and Bute Local Development Plan 2015. Planning Permission (ref: 09/01701/PP) for the erection of a flatted residential development of six units with a car parking court was approved on 1st June 2012 subject to a number of conditions and a Section 75 agreement. As such the principle of development has been established and the site specific issues have been addressed. There are no objections from consultees, the proposal is consistent with development plan policy and there are no material considerations which would justify refusal. Consequently, it is not considered that a discretionary hearing would give added value to the process and is not recommended in this instance.

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

Planning Permission is sought for the erection of a residential block comprising six flats on land measuring 1800 square metres at the site of the former St Brendan's Church tower, Mountstuart Road, Rothesay, Isle of Bute. The block will be two storeys in height with an off-white wet dash render and buff reconstituted stone external wall finish; a natural slate roof covering; and aluminium windows. The existing vehicular access onto Mountstuart Road is to be improved whilst twelve parking spaces are to be provided in front of the block. Connection is to be made to public services.

The site is within the main town of Rothesay where there is support in principle for residential development. The scale and design of the proposed residential building are considered to be acceptable having regard to the surrounding properties and the site's location within the Rothesay Conservation Area.

No adverse comments have been made to the proposal by Scottish Water or the Area Roads Manager.

There will no windows of habitable rooms (other than those with frosted glass) directly facing other habitable room windows being less than 18 metres apart. Furthermore, it is not considered that the proposed residential block would have an unacceptably adverse effect upon the privacy and amenity of surrounding properties.

On the basis of the foregoing, the proposal is considered to be acceptable and to accord with the relevant Development Plan policies.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

On this basis, the proposal accords with the following:

Argyll and Bute Local Development Plan 2015

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving Our Connectivity and Infrastructure

Supplementary Guidance policies

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG LDP ENV 17 – Development Impact on Conservation Areas

SG LDP HOU 1 – General Housing Development

SG LDP Sustainable Siting and Design Principles

SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

And the proposal raises no other material considerations which would justify refusal of permission.

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

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Steven Gove

Date: 4th November 2019

Reviewing Officer: Howard Young

Date: 4th November 2019

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 19/01584/PP

1. Unless otherwise directed by any of the conditions below, the development shall be implemented in accordance with the details provided in the application form dated 26th July 2019 and the approved drawings:

Drawing No. 5825 – 01 (Plan 1 of 11)

Drawing No. 5825 – 02 (Plan 2 of 11)

Drawing No. 5825 – 03 (Plan 3 of 11)

Drawing No. 5825 – 04 (Plan 4 of 11)

Drawing No. 5825 – 05 (Plan 5 of 11)

Drawing No. 5825 – 06 (Plan 6 of 11)

Drawing No. 5825 – 07 (Plan 7 of 11)

Drawing No. 5825 – 08 (Plan 8 of 11)

Drawing No. 5825 – 09 (Plan 9 of 11)

Drawing No. 5825 – 10 (Plan 10 of 11)

Drawing No. 5825 – 11 (Plan 11 of 11)

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. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the first flatted unit, visibility splays of 42 metres shall be formed in both directions measured from a point 2.4 metres back from the edge of the carriageway at the centre of the vehicular access. All boundary walls, fencing or vegetation within the visibility splays shall thereafter be maintained in perpetuity at a height not exceeding 1.05 metres above the level of the road.

Reason: In the interests of road safety.

3. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the first flatted unit, the access shall be formed in accordance with Argyll & Bute Council standard detail SD08/005a, incorporating an access width of 5.5 metres.

Reason: In the interests of road safety.

4. Prior to the commencement of any works on the construction of the flatted block (or such other timescale as may be agreed in writing with the Planning Authority), samples of the render, stone, roof covering and window frames to be used shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the flatted block shall be constructed using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

5. Prior to the commencement of any works on the construction of the flatted block (or such other timescale as may be agreed in writing with the Planning Authority), details of the obscure glass to be fitted in the kitchen windows on the east and west-facing elevations of the building shall be submitted to and approved in writing by the Planning

Authority. Unless otherwise agreed in writing with the Planning Authority, the development shall be constructed in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of the privacy and amenity of No. 32 Mountstuart Road and No.34 Mountstuart Road having regard to the Supplementary Guidance relative to the distance between habitable room windows contained in the Argyll and Bute Local Development Plan 2015.

6. Prior to the commencement of any works on the access drive and parking/turning area (or such other timescale as may be agreed in writing with the Planning Authority), details of the surface treatment to be used shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the access drive and parking/turning area shall be constructed using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

7. Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a detailed scheme of landscaping including boundary treatment(s), tree planting and details of trees and other features to be retained, shall be submitted to and approved in writing by the Planning Authority. This scheme shall specifically include proposed landscaping and tree/shrub planting including the age, species and location of tree and shrub planting. Additionally, the landscaping scheme shall include suitable screening (by trees/shrubs) of the twelve car parking spaces and turning area in the front portion of the site.

The landscaping scheme shall ensure:

- i. Completion of the scheme during the planting season immediately following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority;
- ii. The maintenance of the landscaped areas for a period of five 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.
- iii. Retention of existing stone boundary walls and gate posts taking account of any realignment or height reduction required for the formation of the access.

Reason: To ensure the implementation of a satisfactory scheme of landscaping, and to assist with the integration of the new development within the setting of the historic built environment.

8. Notwithstanding the effect of Condition 1 above, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 and Sewers for Scotland (3rd Edition). Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), details of the intended means of surface water drainage to serve the development shall be submitted to and approved in writing by the Planning Authority.

The surface water drainage shall be constructed in accordance with all of the approved details and shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding in accordance with the relevant Policies and Supplementary Guidance in the adopted Argyll and Bute Local Development Plan 2015.

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 & 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 & 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 complete.
4. The Area Roads Engineer has previously stated that a system of surface water drainage must be installed to prevent any water flowing onto the public road from the development. In addition, he has stated that communal bins should be provided for general waste and recycling and that these should be located close to the new vehicle access to allow for proper servicing. Finally, the works to the proposed access may require a Road Opening Permit.

The applicant/developer is advised to contact Mr Paul Farrell on 01369 708613 or at paul.farrell@argyll-bute.gov.uk in order to discuss the foregoing requirements.

5. The attention of the applicant/developer is drawn to the contents of the letter dated 6th August 2019 from Scottish Water, which is enclosed with the Decision Notice.

APPENDIX A – RELATIVE TO APPLICATION NUMBER 19/01584/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning Permission is sought for the erection of a two-storey building comprising six flats on a site that previously contained the former St Brendan's Church tower in Mountstuart Road, Rothesay. An off-street car parking court is proposed at a slightly lower level to the front of the building and there would be a communal private amenity space to the rear. Connection would be made to public services.

The site is located within the '*Main Town*' of Rothesay as defined in the Local Development Plan and the proposal relates to an infill development between two existing residential blocks. **For these reasons, the proposal is considered to be consistent in principle with Policy LDP DM1 and Supplementary Guidance Policy SG LDP HOU 1 of the Argyll and Bute Local Development Plan 2015.**

B. Location, Nature and Design of Proposed Development (Including Impact upon Built Environment)

The site occupies a visually prominent seafront location in Mountstuart Road, which is situated to the east of the main town centre of Rothesay. It represents an opportunity for infill development in what is a predominantly residential part of Rothesay. The main issues in respect of the proposal are the scale, massing and design of the building and its impact on the Conservation Area and adjacent Listed Buildings. As Members will note from Section F of this report, those who have commented upon the application are concerned regarding these matters.

The layout of the development and the design of the residential block shown in application 09/01701/PP in 2009 were influenced to a significant degree by the worthwhile principle at the time of accommodating the retained tower. The design was relatively simple and sought to wrap itself around the tower. As the tower has now been removed from the site, the opportunity has been taken to re-evaluate the most appropriate type of building.

Having regard to the scale and massing of the proposal and its impact on adjacent buildings (some of which are listed), it is acknowledged that the ridge of the roof will be approximately 1 metre higher than the roof ridges of the residential blocks on either side. However, it should be borne in mind that, in terms of at street level, the proposed building will be set back from the established building line with the consequence that the height difference will not be accentuated.

From the water, this height differential would be absorbed into the backdrop of the site which is formed by the properties on both sides of Crichton Road. In this regard, it is considered that the proposed building would not visually dominate the street scene.

As regards design, the proposal has not sought to mimic the adjoining properties and this can be justified in the sense that Elysium Terrace to the north east is very much an architectural composition on its own right.

As referenced in the agent's Design Statement, the proposal picks up on certain features in the built form of the surrounding area, as follows:

- i. Utilisation of the available width of the site to create a type of accommodation that would enjoy the open views over the water to Loch Striven;
- ii. Two storeys in height;
- iii. Symmetrical in design;
- iv. Principal rooms on the front elevation that project forward and are given further emphasis with bay windows;
- v. The use of natural slate on the roof and natural stone on the front elevation is appropriate to the context.

On the basis of the foregoing, it is considered that the design of the proposed building would not detract from the character of the Conservation Area or the setting of adjacent Listed Buildings.

Concerns have been raised regarding the visual impact of the proposed twelve-space car parking area to the front of the building and this criticism was made regarding the previous scheme in 2009. At that time, the Department was of the opinion that the fact that the parking area would be at a lower level than the building would mean that the frontage of the property would not be visually dominated by parking. The landscaping that has again been indicated in the submitted plans can be strengthened and defined through the use of a suitably worded condition.

Objectors have also mentioned that the proposal for six flats on the site would result in an overdevelopment of the land. It could be argued with justification that the provision of flatted accommodation in this location would result in a further increased portfolio of housing choice being made available. It is considered that the site itself is of a sufficient size to absorb such a level of development, with amenity land being available to the front and rear of the building that would cumulatively meet the notional figure of 100 square metres as provided in the Sustainable and Design Principles contained within the Supplementary Guidance document of the Argyll and Bute Local Development Plan 2015.

On the basis of all of the foregoing, it is not considered that the proposal would have an unacceptably adverse effect upon the Rothesay Conservation Area or on the neighbouring Listed Building. It is, therefore, **considered to be consistent with Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 13, SG LDP ENV 16(a), SG LDP ENV 17 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.**

C. Road Network, Parking and Associated Transport Matters

The application proposes the improvement of the existing vehicular access onto Mountstuart Road and shows the provision of visibility splays of 42 metres by 2.5 metres in both directions and the provision of twelve parking spaces (two spaces for each flat). The Area Roads Manager has not specifically commented on the current proposal but raised no objections to the previous scheme (ref: 18/02521/PP) subject to conditions.

On the basis of the foregoing, and subject to the imposition of suitably-worded conditions, the proposal is considered to be acceptable from a road safety perspective and **would be consistent with Policy LDP 11 and Supplementary Guidance policies SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015.**

D. Effect upon Privacy and Amenity

The Sustainable and Design Principles contained in the Supplementary Guidance section of the Argyll and Bute Local Development Plan 2015 specifies that no main window of a habitable room (i.e. all rooms except bathrooms and hallways) within a dwelling shall overlook (directly facing) the main windows of habitable rooms in neighbouring properties at a distance of less than 18 metres. It goes on to state, however, that this standard may be relaxed where the angle of the view or the design (i.e. use of frosted glass) of the window allows privacy to be maintained.

One of the objections makes reference to a recent appeal case where the Reporter noted that he did *“not regard the supplementary guidance as implying that an 18 metre separation distance would, in all cases, ensure that privacy would not be adversely affected”*.

This appeal (ref: PPA-100-2078) dates from 2017 and relates to Planning Permission in Principle for the demolition of the existing buildings on the site and its redevelopment to provide purpose-built student accommodation containing up to 425 bed spaces, up to 80 residential apartments together with car parking, access and other associated works. The site was a BT Engineering Depot at Froghall Terrace, Aberdeen.

In terms of the principle of using the 18 metre separation distance as an assessment tool, the appeal decision letter states the following:

“The appellant draws attention to the reference, in the Council’s Supplementary Guidance on householder development, to a separation distance of 18 metres between facing windows being sufficient to safeguard privacy. However, that document is primarily concerned with the assessment of the effect of extensions and alterations to domestic residential properties rather than to larger scale proposals such as the appeal proposal”.

In Argyll and Bute Council’s Supplementary Guidance (dated January 2016), the 18 metre separation distance is mentioned in Section 13.3 of the *Sustainable Siting and Design Principles*. The advice in this section does not relate solely to the alteration and/or extension of residential properties and, therefore, it is applicable to developments such as the current proposal.

The appeal decision letter goes on to state:

“The north-facing 4-storey façade of the proposed student accommodation block would lie opposite the south-facing elevation of the existing apartment building off Sunnybank Road, also 4-stories in height. During (the Reporter’s) site inspection, (he) was able to gain access to the interior of an apartment on the 2nd floor of that building and to observe the view towards the appeal site from the south-facing living room and kitchen windows. The proposed student block, 21 metres from the Sunnybank Road apartment building and around 11 metres from the site boundary, would extend over a width of some 69 metres in an east-west direction, projecting significantly beyond the extent of the apartment building in both directions”.

Based upon this description by the Reporter, it appears evident that a combination of factors led him to the conclusion that is quoted by the objector – the vertical and horizontal scale of the existing and proposed buildings; the distance between the buildings; and the considerable amount of fenestration that would be required on elevations that would be facing each other.

With regard to the current application in Rothesay, both No.32 Mountstuart Road (to the west) and No.33 Mountstuart Road (to the east) have habitable room windows facing onto the application site.

The shortest distance between the kitchen window of the proposed block and a directly-facing window opening on No.32 is approximately 9.5 metres whilst the shortest distance in relation to No.34 is approximately 5 metres. Whilst no objections have been submitted by the owner/occupiers, these distances are considerably less than the recommended distance of 18 metres and the angle of view is not sufficient to allow a relaxation. On this basis, the kitchen windows of the proposed block will either require being fitted with frosted glass or being omitted from the scheme. The agent has indicated that it would be their intention to utilise some form of opaque glass which allows light in but no vision out. A condition is to be attached requiring the use of obscure glazing and requiring full details prior to the commencement of development.

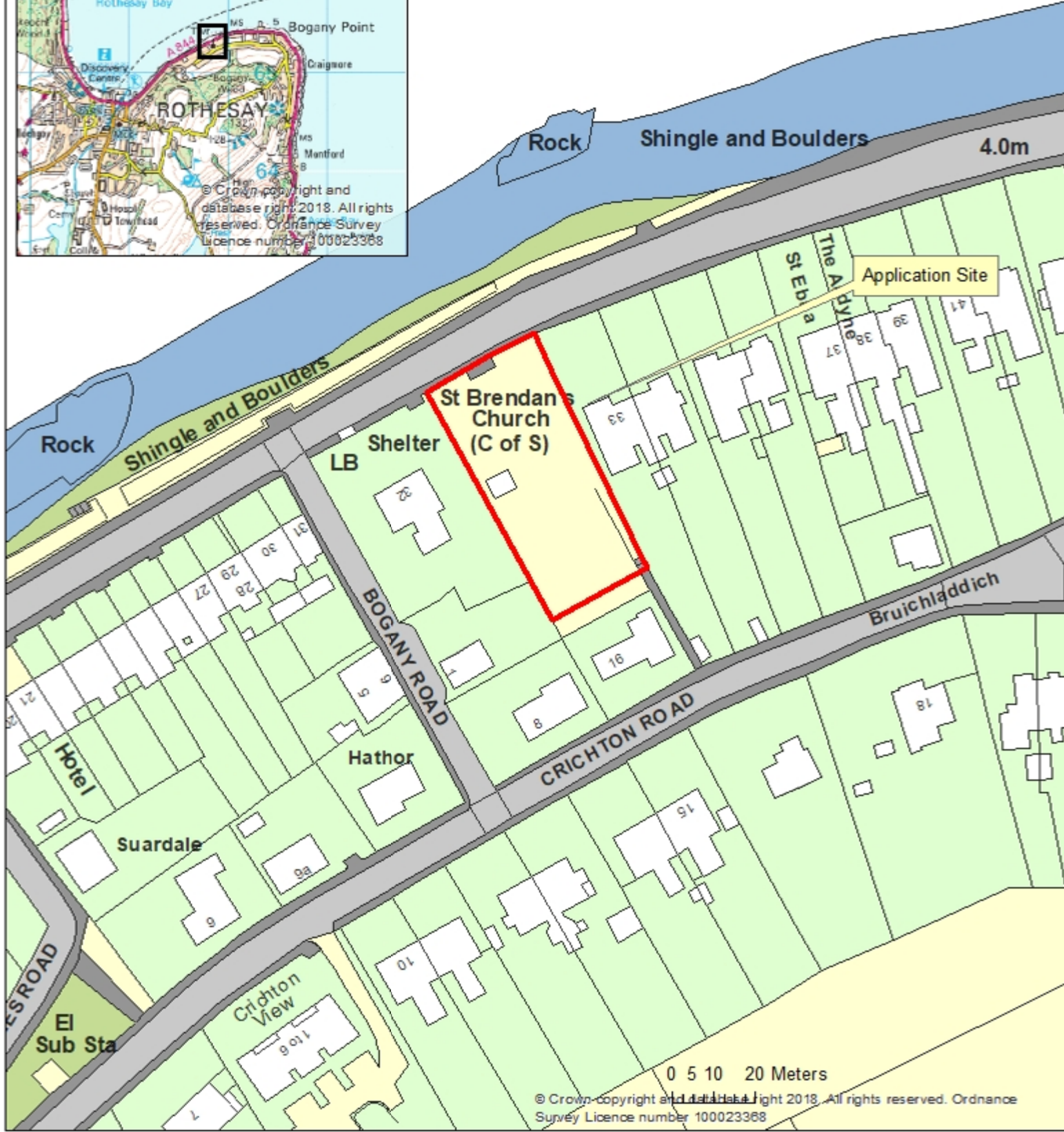
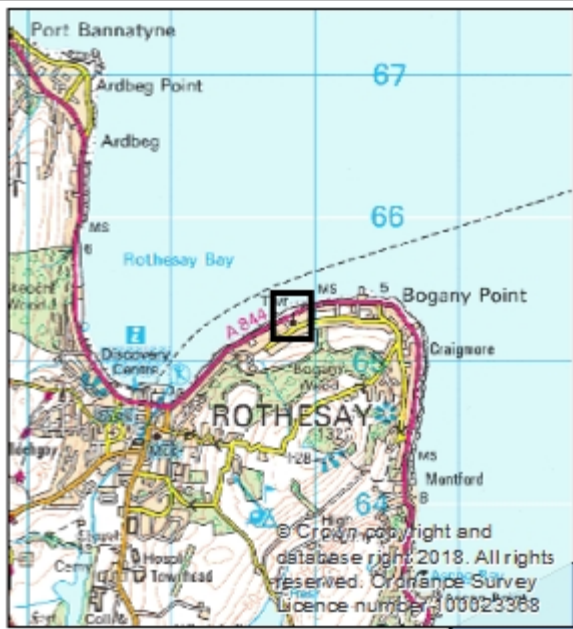
In terms of the relationship between the proposed block and the dwellinghouse to the rear (from where the objection originated), the following details are pertinent:

- There are a total of 14 windows on the upper floor of the rear elevation of the proposed block and they all serve bedrooms
- The six windows in the recessed middle of the block would be approximately 34 metres from the directly-facing window on the front elevation of the dwellinghouse to the rear
- The four windows at the eastern end of the proposed block would be approximately 28 metres from the directly-facing window on the front elevation of the dwellinghouse to the rear
- The four windows at the western end of the proposed block would be approximately 32 metres from the directly-facing window on the front elevation of the dwellinghouse to the rear
- The vertical height differential between the bottom of the windows on the front elevation of the dwellinghouse to the rear of the site and the top of the windows on the rear elevation of the proposed block would be approximately 4.5 metres

On the basis of the above details, it is considered that the proposed residential block would not affect the privacy and amenity of the dwellinghouse to the rear of the site to a significantly adverse degree.

E. Infrastructure

It is proposed to connect to both the public water main and public sewer. Scottish Water has raised no objection to this proposal subject to advisory information being attached to the grant of Planning Permission. On this basis, **the proposal would accord with Supplementary Guidance policy SG LDP SERV 1 of the Argyll and Bute Local Development Plan 2015.**



Location Plan Relative to planning application: 19/01584/PP



1:1,250

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

Committee Report and Report of Handling as per The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010 relative to applications for the modification or discharge of planning obligations.

Reference No:	19/01864/PP
Planning Hierarchy:	Local
Applicant:	Mr David Brooks
Proposal:	Discharge of planning obligation in relation to planning permission reference 12/00970/PP (Installation of 10 solar roof panels)
Site Address:	1 Main Street, Port Charlotte

DECISION ROUTE

- Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Discharge of planning obligation in relation to planning permission reference 12/00970/PP (Installation of 10 solar roof panels)
-

(B) RECOMMENDATION:

It is recommended that the request to discharge the planning obligation from the existing permission be refused.

(C) CONSULTATIONS:

None, however, the following consultation response was received at the time of the original application from the then Conservation Officer and is considered material to the determination of this request to discharge the existing planning obligation:

Conservation Officer (04.09.12) – The special interest of 1 Main St itself has been diminished due to insensitive alterations over the years, however its place in the streetscape is significant and this group of buildings make an important contribution to the conservation area. The roof fabric of the building is not of historic value and therefore the panels physical attachment have no adverse impact on the building itself. In terms of setting, the elevation onto Main St is the principle elevation, although the rear elevation is visible from Shore St and from a distance on the approach road to port charlotte, the A487. If the PV panels are reflective and therefore significantly visible from the approach road or Shore St, they are likely to have a negative impact on the setting of the area.

Had this application come to me for comments prior to installation I would have recommended investigating the potential for alternative sources of renewable technologies and the ground siting of PV panels, if neither of these proved suitable I would have recommended an impact assessment relating to matte finished PV panels, it is unlikely I would have recommended or supported highly reflective PV panels due to the risk of the negative impact this could have on the special character of the conservation area.

(D) HISTORY:

12/00081/ENFSH – The associated on-going enforcement investigation in relation to the unauthorised installation of 10 PV panels at 1 Main Street. – Closed as a result of the associated planning application outcome.

12/00970/PP - Installation of 10 solar roof panels (retrospective) – Members granted a personal permission subject to a section 75 planning obligation that required the removal of the solar panels upon said person having no further interest in the associated property.

19/00326/ENFHSB – unauthorised retention of 10 solar roof panels – currently under investigation – outcome pending determination of this report.

19/01859/PP – Re-painting of dwelling house – Approved 30th November 2019

(E) PUBLICITY:

None

(F) REPRESENTATIONS:

(i) Representations received from:

None

(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 eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

The following information has been provided by the applicant in sections 5 and 8 of the application form:

5. Please provide a brief description of the development and the relationship of the Applicant to the land to which the Planning Obligation relates:

Currently there are 10 solar panels on the roof of 1 Main Street, Port Charlotte and when planning approval was given it was subject to

their removal within two months of Mrs Katharine Rona Dykes MacKenzie ceasing to hold a lifetime interest in the property.

Following the death of Mrs MacKenzie, my mother in law in June, my wife Susan and I intend to buy out my wife's siblings from ownership of the property and seek the removal of the condition requiring their removal. The property is not in keeping with the conservation village, there have been no complaints about the solar panels since they were erected in 2011, government policy on renewable energy and carbon neutral housing has changed since the date the condition was agreed.

8. Outline below which parts of the Planning Obligation you wish to modify or discharge and what changes you wish made, giving full reasons why the application is being made (a separate sheet of paper may be used to accompany)

I wish to apply for the removal / discharge of the Section 75 Agreement requiring the solar panels to be removed within 2 months of Rona MacKenzie's life-interest in the property ceasing. The property in question is not listed and had already lost its character by reason of previous alterations when the property was rebuilt in the mid 1960's.

By the planning team's own comments:

- *The impact of the pv panels will have a neutral impact;*
- *The building is of low architectural merit;*
- *The roof material is not traditional;*

In addition, government policy on renewable energy has changed, there is a target to create carbon neutral housing by 2030, there have been no complaints about the panels since their installation and the property will be staying within Rona MacKenzie's family.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No – The applicant is seeking the discharge of an existing section 75 planning obligation.

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

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

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)

Enforcement Action

SG LDP ENF – Enforcement Action

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Scottish Planning Policy
- Planning history
- PAN 71 - Conservation area management: planning advice
- Managing Change in the Historic Environment, Historic Environment Scotland

(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

(O) Requirement for a hearing: No

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

The proposal seeks to discharge a planning obligation under section 75 of the Act to allow the permanent retention of ten photovoltaic panels on the rear facing roof of an unlisted property with the Port Charlotte Conservation Area.

Planning permission has previously been granted retrospectively, and only on a temporary basis linked to the personal circumstances of the applicant, for retention of the solar panels after they were installed by the property owner and subject to previous enforcement proceedings. At that time officers recommended that Members of the PPSL committee refuse the application on the following grounds:

“The installed PV panels by virtue of their prominence, location, design and inherent reflective properties are considered to be an uncharacteristic addition to this traditional streetscape and, notwithstanding the limited architectural or historic value of the subject property, the installation neither preserves or enhances the character or appearance of the Port Charlotte Conservation Area and as such is considered to be contrary to the provisions of STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and LP ENV 14 of the Argyll and Bute Local Plan 2009.”

However, Members determined to approve the application as a personal approval to the applicant given their individual circumstances. The justification for granting approval at that time was defined as::

That planning permission be granted as a personal consent and that a Section 75 Agreement be concluded to require the removal of the panels when the house is no longer in the beneficial ownership of the Applicant for the following reason:-

Given the fact that the current building has lost its character by reason of previous alterations and given that it is not listed. The impact of the PV panels will have a neutral impact on the Conservation Area given that the building is of low architectural merit compared with the other properties nearby and because the roof material is not of a traditional finish the introduction of the panels for a time limited period will for that reason have a neutral impact.

The current application has come about due to the original applicant no longer having an interest in the property. The inheritors now wish to retain the panels but can only do so lawfully if the planning obligation is removed/amended to reflect updated circumstances.

The property upon which the panels have been installed has previously been the subject of unsympathetic alterations which appear to include the replacement of the entire roof structure including the removal of West Highland slate, gable skews and substantial chimney and replacement with concrete tiles and the introduction of an uncharacteristically small chimney and roof overhangs.

The installed PV panels are readily visible from a number of public locations within and around the Port Charlotte Conservation Area and despite its already diminished historic architectural value, the subject property in combination with adjoining buildings remains significant in terms of its streetscape contribution to the character and appearance of the Conservation Area.

The installed PV panels by virtue of their prominence, location, design and inherent reflective properties are considered to be an uncharacteristic addition to this traditional streetscape and, notwithstanding the limited architectural or historic value of the subject property, the installation neither preserves or enhances the character or appearance of the Port Charlotte Conservation Area and as such is considered to be contrary to the provisions of LDP 3, SG LDP ENV 17 and the Sustainable Siting and Design Principles.

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

(R) Reasons why the request to discharge the planning obligation under section 75 of the Act should be refused:

The installed PV panels by virtue of their prominence, location, design and inherent reflective properties are considered to be an uncharacteristic addition to this traditional streetscape and, notwithstanding the limited architectural or historic value of the subject property, the installation neither preserves or enhances the character or appearance of the Port Charlotte Conservation Area and as such is considered to be contrary to the provisions of LDP 3, SG LDP ENV 17 and the Sustainable Siting and Design Principles of the adopted Local Development Plan.

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

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
No

Author of Report: David Love

Date: 31st October 2019

Reviewing Officer: Peter Bain

Date: 1st November 2019

Fergus Murray
Head of Development and Economic Growth

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/01864/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within the 'settlement area' for Port Charlotte wherein the provisions of policy LDP DM 1 apply and are supportive of the up to and including 'medium' scale development.

The application has come about as a result of the death of the original applicant. The current applicant is one of several people who have inherited an interest in the property.

B. Location, Nature and Design of Proposed Development

This is a request to remove a planning obligation attached to permission reference 12/00970/PP. At the time of the original submission the applicant sought retrospective planning permission for the installation of ten photovoltaic (PV) panels mounted in two rows of five panels on a single frame attached to the rear roof slope of 1 Main Street, Port Charlotte.

The following is taken from the original report of handling:

"The PV panels are hidden from view of Main Street however they are partially visible looking west and south west in limited views of the rear of the property for a short distance along Shore Street and within the grounds of the Port Charlotte Hotel although the part of the installation is entirely screened from view by 12 Shore Street and the terraced properties which sit at right angles to the rear of the subject property. The PV panels are screened from wider views within the main body of the Port Charlotte Conservation Area.

The full extent of the PV panels are only visible at distance from the A847 opposite Daal Terrace and the shore area around the Croft Kitchen where views of the main body of the planned village are visible from the approach to and peripheral areas of the Conservation Area which are themselves characterised by more modern developments. In these more distant views the PV panels are a small but none the less noticeable addition to the roofscape of the planned village which will be all the more prominent on a bright day as a result of being more reflective than the traditional West Highland slate roof finish which predominates.

Within the application the applicant seeks to explain the retrospective nature of the application by stating that she contacted the Planning Authority by telephone in January 2011 and was advised that planning permission was not required for the installation of PV panels. It would appear that the applicant has misinterpreted the advice of officers as advice was provided in relation to the provisions of Class 6A of the Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009 which would, in summary, permit the installation of solar PV panels within a conservation area provided that they are not installed on the principle elevation of the property or on a part of the roof which is visible from a road. In this instance the installed PV panels are visible from a road and as such require the benefit of express planning permission. In the absence of scale drawings being submitted it is not possible to confirm for definite but it would also appear that the installed panels also appear to be located within 1m of the edge of the roof which

would also have triggered a requirement for planning permission regardless of the property's location within a conservation area.

It is further noted that Class 6A of the GPDO has subsequently been deleted by the Town and Country Planning (General Permitted Development (Scotland) Amendment Order 2011 which came into force in February 2012."

The proposed installation involves the alteration of an existing dwelling. The building is not listed but lies within a conservation area. Therefore regardless of the condition of the individual building, account must be taken of the potential to adversely impact on the wider qualifying interests of the conservation area. Policy SG LDP ENV 17 states that:

"There is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.."

In this instance the proposal is considered to have a neutral effect on the building but the key determination is the impact on the wider setting of the conservation area. The PV panels do not preserve or enhance the character of the conservation area by virtue of their visibility from key public areas and obvious lack of historic character. They are clearly a modern intervention into the historic fabric of the conservation area setting. Alternative energy saving / efficiency options are available to applicant including triple glazing and draft proofing. The applicant has not advanced any substantially different argument in respect of the necessity / desirability of the development from the owner's perspective. Officers maintain that despite the new Local Development Plan there is no significant material change to planning policy that would warrant an approval of this request.

C. Built Environment

The application site is located within the Port Charlotte Conservation Area wherein the provisions of policies LDP 9 and SG LP ENV 17 seek to resist new development that does not preserve or enhance the character and appearance of the Conservation Area.

The Port Charlotte Conservation Area was designated in January 1974 in recognition of its special and architectural and historic interest. Its built environment comprises a key example of an early 19th Century planned settlement and is characterised by short compact streets of symmetrical two-storey houses, many of which have also been listed for their group townscape value. It is considered a unique and valued heritage for Port Charlotte's residents and visitors alike and is therefore worthy of conservation and, where possible, enhancement.

The provisions of S64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that the Planning Authority, when exercising its powers in relation to any of its functions within a conservation area, shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Historic Scotland's advice note 'Managing the Change in the Historic Environment – Micro Renewables, 2016' states that:

"Before considering micro-renewables, the energy efficiency of the building should be addressed through building maintenance, equipment upgrades and improvements to the fabric of the building."

Furthermore, *“Installation of solar panels on the principal elevation of a historic building should be avoided because of the detrimental visual impact. Therefore, if historic buildings face south, their main roof slopes may be inappropriate as locations for solar panels. Alternative solutions should be explored, such as installation on secondary roof slopes, on locations hidden from main views, or on surrounding areas such as sheds, gardens or fields.”*

The guidance note goes on to specifically advise that:

“Where possible, installations on a building should avoid its main and visible elevations. For instance, it may be possible to place installations on secondary parts of the building, adjacent outbuildings or on the ground nearby.”

The subject property, 1 Main Street, which is located prominently within the heart of the planned village of Port Charlotte opposite the front elevation of the Port Charlotte Hotel. The property forms the northern end of a terrace of what was originally five dwelling houses running north-south with the front elevation facing Main Street. The ends of the terrace terminate at Shore Street at the north and Pier Road at the south, both being subsidiary roads providing access from Main Street to the shoreside. The rear elevations of the terraced properties on Main Street and Shore Street, and the semi-detached buildings on Pier Road, enclose a communal backland area which can only be accessed from the back doors of each property or by narrow lanes/pend. The terrace of properties on Shore Street which runs from the rear elevation of 1 Main Street and around the corner by the shore line is category B listed and the Port Charlotte Hotel is category C listed.

The terrace within which 1 Main Street is contained is one of only two substantial terraces within the original planned village which have not been listed, it would appear that this is largely as a result of the unsympathetic alterations undertaken to the subject property which appear to pre-date the original designation of the Conservation Area in 1974. Within the context of the terrace grouping it is the subject property, 1 Main Street, which has been the subject of the most extensive and unsympathetic alteration with the replacement of traditional sliding sash and case windows with non-traditional windows, including the horizontal extension of openings to form picture windows in the gable, replacement of the entire roof structure with the resultant loss of the traditional gable skew, chimney and west highland slate which have been replaced by concrete tiles and introduction of overhanging eaves and a small chimney. It is noted that the property is actually identified in the Council's 1993 information leaflet relating to the Article 4 Direction covering the Port Charlotte Conservation Area as an example of a property which has already lost its local traditional character as a result of inappropriate exercise of householder 'permitted development rights'.

At the time of the original application the Council's Conservation Officer advised that:

“the special interest of 1 Main St itself has been diminished due to insensitive alterations over the years, however its place in the streetscape is significant and this group of buildings make an important contribution to the conservation area. The roof fabric of the building is not of historic value and therefore the panels physical attachment have no adverse impact on the building itself. In terms of setting, the elevation onto Main St is the principle elevation, although the rear elevation is visible from Shore St and from a distance on the approach road to Port Charlotte, the A847. If the PV panels are reflective and therefore significantly visible from the approach road or Shore St, they are likely to have a negative impact on the setting of the area.”

The roofscape within the wider Port Charlotte Conservation Area is characterised by simple, solid traditional structures with building subdivisions emphasised by skews and substantial chimneys; the use of West Highland slate predominates as the roof covering although a number of properties have been subject to replacement with alternative slate specification and concrete tiles.

Therefore the installation of a PV roof mounted system does not preserve or enhance the wider interests of the conservation area. The conservation officer raised additional concerns over the prospect of reflective panels within the historic environment. However, officer visits have been inconclusive given weather conditions. The applicant could seek to make the building fully energy efficient through triple glazing, draft proofing etc. There is no evidence as to the need for these panels other than the desire to retain them.



Location Plan relative to Application Ref: 19/01864/PP

Date: November 2019



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

PROPOSAL OF APPLICATION NOTICE

Members are requested to note that four separate PAN notices have been submitted for future development at Dunbeg. All of these PAN's relate to the next phases of development for residential , commercial , community facilities and roads infrastructure associated with the approved Masterplan (REF 16/03368/MPLAN).

Reference: 19/02026/PAN

Applicant: DM Hall

Proposal: Residential development (Dunbeg Phase 4) (Class 9) including site for community facilities; site for new primary school; new roads and parking; ground re-modelling; above ground and below ground infrastructure; open space and landscaping.

Site Address: Land West Of Dunstaffnage Mains Farm, Dunbeg

1.0 BACKGROUND

Four Proposal of Application Notices (PAN) have been submitted to the Planning Authority in respect of the site at Dunbeg. All of these notices took effect from 3rd October 2019. In order to allow for a minimum of 12 weeks community consultation in accordance with the relevant legislation no formal planning applications can be submitted until the 26th December 2019.

Within the adopted Argyll and Bute Local Development Plan (March 2015) the Council has designated a Strategic Masterplan Area under MAST 1/12 "Dunbeg Corridor". This area includes the following uses; education, housing, commercial, including neighbourhood retail, business and industry. The current four PAN proposals sit within this wider strategic area but concentrate on housing, community uses, infrastructure and mixed commercial use on a number of sites as defined on Proposals Map 178 of the Adopted LDP.

The approved Masterplan for the area (REF: 16/03368/MPLAN), clarifies the applicant's intentions to build 300 additional dwellings (flats and houses) between 2017- 2022 (Phase 3) with longer term development intentions for a further 305 dwellings and a mixed commercial area and community uses. Phase 3 is currently under construction and the Kirk Road has been upgraded to accommodate this new development. No details on the number or tenure of the houses proposed in this PAN has been provided at this stage.

The approved Masterplan proposes an overall target of providing circa 605 houses, a commercial area, new roundabout/roads and community uses over the entire period of the Masterplan project which will stretch beyond 2022. The location and nature of the uses proposed in the PAN is in general accordance with the allocated sites set out in the LDP Proposals Map No.178 and written statement as set out below:

LDP Site	Name	Development	% affordable
H4015	Dunbeg 2	Housing 349	25%

Members are requested to note that a strip of land to the north of the existing phase 1 and phase 3 houses (currently under construction), outside any of the allocated development sites set out in

proposals Map 178 has been incorporated within the red line boundary of the PAN. This area of land, which forms a flat, linear low level shelf immediately adjacent to the water was previously subject to LDP examination and found to be unsuitable for housing at that time. There is no indication in the PAN what is proposed for this land.

2.0 SITE DESCRIPTION

The site is a mixture of primarily south facing hillside and outcrops, undulating land and lower flat land nearer the A85 which is thought to have some peat deposits within it, particularly in respect of the area of land identified for the commercial uses and access road next to the proposed “halfway” roundabout.

The land associated with the overall site proposals generally forms a more open and visible feature in the landscape when viewed from the A85 than Phase 3 and therefore landscape assimilation appears more challenging. As well as facing onto the A85 for extensive open stretches of the road, the proposed development sites are also closer to the road.

The site is bisected by National cycle route C198 between Ganavan and Dunbeg and there are many informal paths on the northern parts of the site on the hillsides which are used for recreational purposes by residents and visitors. Core Path C163 also traverses the northern edge of the larger site.

3.0 DEVELOPMENT PLAN POLICY

These submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. However, in considering the merits of these PAN's a number of Development Plan Policies will inform the assessment of any future detailed applications as set out below:

(a) '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 5 – Supporting the Sustainable Growth of our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising Our Resources and Reducing Our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules and proposals Map 178.

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity
SG LDP ENV 6 – Development Impact on Trees/Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 8 – Protection and Enhancement of Green Networks
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 14 – Landscape
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP CST 1 – Coastal Development
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision
SG LDP HOU 2 – Special Needs Access Provision in Housing Developments
SG LDP HOU 3 – Housing Green-Spaces
SG LDP BAD 1 – Bad Neighbour Development

SG LDP REC COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services

SG LDP PG 1 – Planning Gain

SG LDP SERV 1 –Private Sewage Treatment Plants and Wastewater (ie. drainage) systems

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

SG LDP SERV 3 – Drainage Impact Assessment (DIA)

SG LDP SERV 5 –Waste Related Development and Waste Management 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

SG LDP TRAN 7 – Safeguarding of Airports

SG LDP REC/COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services

4.0 POTENTIAL MATERIAL CONSIDERATIONS

The approved Masterplan (REF 16/03368/MPLAN), and the objectives/commitments set out within it, will be a material consideration of substantive weight in respect of determining any future planning application(s). Other material considerations include:

- Scottish Planning Policy (SPP), 2014
- Pan 77 Designing Safer Places
- Creating Places- A Policy Statement on Architecture and Place for Scotland
- Designing Streets – A Policy Statement for Scotland
- Green Infrastructure: Design and Placemaking
- Argyll and Bute Sustainable Design Guidance (part 2 larger housing development)
- Argyll and Bute Sustainable Design Guidance (part 4 case studies)
- Argyll and Bute Woodland and Forestry Strategy (April 2011)
- Statutory/Non-Statutory Consultee Comments
- Strategic Housing Investment Plan objectives and commitments

5.0 CONCLUSION

This 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. The list is not exhaustive and further matters may arise as and when any planning application is received, and in the light of public representations and consultation responses.

6.0 RECOMMENDATION

That Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the applicant in finalising any future planning application submissions.

Author of Report: David Moore

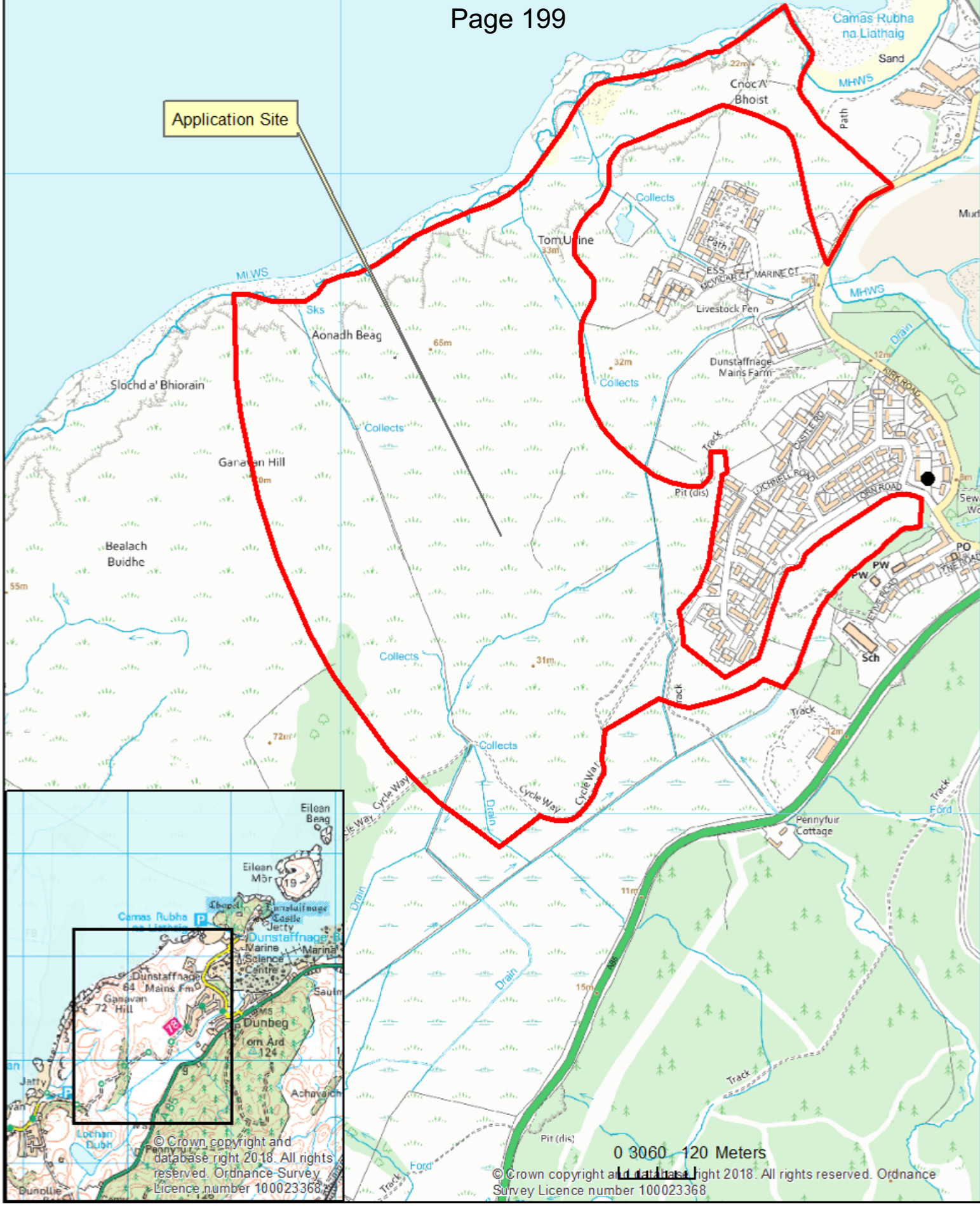
Date: 12 November 2019

Fergus Murray

Head of Development and Economic Growth

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Application Site



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Location Plan Relative to planning application: 19/02026/PAN



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Argyll and Bute Council
Development and Infrastructure Services

PROPOSAL OF APPLICATION NOTICE

Members are requested to note that four separate PAN notices have been submitted for future development at Dunbeg. All of these PAN's relate to the next phases of development for residential , commercial , community facilities and roads infrastructure associated with the approved Masterplan (REF 16/03368/MPLAN).

Reference: 19/02027/PAN

Applicant: DM Hall

Proposal: New roundabout on A85, new roads, ground re-modelling; above ground and below ground infrastructure and landscaping.

Site Address: Land West Of Dunstaffnage Mains Farm, Dunbeg

1.0 BACKGROUND

Four Proposal of Application Notices (PAN) have been submitted to the Planning Authority in respect of the site at Dunbeg. All of these notices took effect from 3rd October 2019. In order to allow for a minimum of 12 weeks community consultation in accordance with the relevant legislation no formal planning applications can be submitted until the 26th December 2019.

Within the adopted Argyll and Bute Local Development Plan (March 2015) the Council has designated a Strategic Masterplan Area under MAST 1/12 "Dunbeg Corridor". This area includes the following uses; education, housing, commercial, including neighbourhood retail, business and industry. The current four PAN proposals sit within this wider strategic area but concentrate on housing, community uses, infrastructure and mixed commercial use on a number of sites as defined on Proposals Map 178 of the Adopted LDP.

The approved Masterplan for the area (REF: 16/03368/MPLAN), clarifies the applicant's intentions to build 300 additional dwellings (flats and houses) between 2017- 2022 (Phase 3) with longer term development intentions for a further 305 dwellings and a mixed commercial area and community uses. Phase 3 is currently under constructions and the Kirk Road has been upgraded to accommodate this new development.

The PAN proposes a new roundabout and roads infrastructure at the site commonly known as "halfway". Members are requested to note that Planning Permission for a new roundabout at this general location has previously been granted under 16/00692/PP. No planning permissions for new roads in the area of land identified have as yet been granted.

2.0 SITE DESCRIPTION

The site is a mixture of primarily south facing hillside and outcrops, undulating land and lower flat land nearer the A85 which is thought to have some peat deposits within it, particularly in respect of the area of land identified for the new roundabout, commercial uses and access road next to the proposed "halfway" roundabout.

The land associated with the overall site proposals generally forms a more open and visible feature in the landscape when viewed from the A85 than Phase 3 and therefore landscape

assimilation appears more challenging. As well as facing onto the A85 for extensive open stretches of the road, the proposed development sites are also closer to the road.

3.0 DEVELOPMENT PLAN POLICY

These submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. However, in considering the merits of these PAN's a number of Development Plan Policies will inform the assessment of any future detailed applications as set out below:

(a) '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 5 – Supporting the Sustainable Growth of our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising Our Resources and Reducing Our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules and proposals Map 178.

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity
SG LDP ENV 6 – Development Impact on Trees/Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 8 – Protection and Enhancement of Green Networks
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 14 – Landscape
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP CST 1 – Coastal Development
SG LDP BAD 1 – Bad Neighbour Development
SG LDP PG 1 – Planning Gain
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
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

4.0 POTENTIAL MATERIAL CONSIDERATIONS

The approved Masterplan (REF 16/03368/MPLAN), and the objectives/commitments set out within it, will be a material consideration of substantive weight in respect of determining any future planning application(s). Other material considerations include:

- Scottish Planning Policy (SPP), 2014
- Pan 77 Designing Safer Places
- Creating Places- A Policy Statement on Architecture and Place for Scotland
- Green Infrastructure: Design and Placemaking
- Argyll and Bute Sustainable Design Guidance (part 2 larger housing development)
- Argyll and Bute Sustainable Design Guidance (part 4 case studies)
- Argyll and Bute Woodland and Forestry Strategy (April 2011)
- Statutory/Non-Statutory Consultee Comments

5.0 CONCLUSION

This 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. The list is not exhaustive and further matters may arise as and when any planning application is received, and in the light of public representations and consultation responses.

6.0 RECOMMENDATION

That Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the applicant in finalising any future planning application submissions.

Author of Report: David Moore

Date: 12 November 2019

Fergus Murray
Head of Development and Economic Growth

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

PROPOSAL OF APPLICATION NOTICE

Members are requested to note that four separate PAN notices have been submitted for future development at Dunbeg. All of these PAN's relate to the next phases of development for residential , commercial , community facilities and roads infrastructure associated with the approved Masterplan (REF 16/03368/MPLAN).

Reference: 19/02028/PAN

Applicant: DM Hall

Proposal: Mixed use development comprising; retail (Class 1 food and non-food); financial, professional and other services (Class 2); food and drink (Class 3); business (Class 4); hotel (Class 7); non-residential institutions (Class 10); assembly and leisure (Class 11); public house; takeaways; roads and parking; ground re-modelling; above ground and below ground infrastructure; open space and landscaping.

Site Address: Land West Of Dunstaffnage Mains Farm, Dunbeg

1.0 BACKGROUND

Four Proposal of Application Notices (PAN) have been submitted to the Planning Authority in respect of the site at Dunbeg. All of these notices took effect from 3rd October 2019. In order to allow for a minimum of 12 weeks community consultation in accordance with the relevant legislation no formal planning applications can be submitted until the 26th December 2019.

Within the adopted Argyll and Bute Local Development Plan (March 2015) the Council has designated a Strategic Masterplan Area under MAST 1/12 "Dunbeg Corridor". This area includes the following uses; education, housing, commercial, including neighbourhood retail, business and industry. The current four PAN proposals sit within this wider strategic area but concentrate on housing, community uses, infrastructure and mixed commercial use on a number of sites as defined on Proposals Map 178 of the Adopted LDP.

The approved Masterplan for the area (REF: 16/03368/MPLAN), clarifies the applicant's intentions to build 300 additional dwellings (flats and houses) between 2017- 2022 (Phase 3) with longer term development intentions for a further 305 dwellings and a mixed commercial area and community uses. Phase 3 is currently under constructions and the Kirk Road has been upgraded to accommodate this new development. No details on the number or tenure of the houses proposed in these PAN proposals has been provided at this stage.

The location and nature of the uses proposed in the PAN is in general accordance with the allocated sites set out in the LDP Proposals Map No.178 and written statement as set out below:

LDP Site	Name	Development
MU4002	Dunbeg	Business and industry (Class 4) and tourism 9.2

The proposals are therefore in general accordance with the adopted LDP.

2.0 SITE DESCRIPTION

The site is primarily made up of lower flat land nearer the A85 which is thought to have some peat deposits within it, particularly in respect of the area of land identified for the commercial uses and access road next to the proposed “halfway” roundabout.

The land generally forms a more open and visible feature in the landscape when viewed from the A85 than Phase 3 and therefore landscape assimilation appears more challenging. As well as facing onto the A85 for extensive open stretches of the road, the proposed development sites are also closer to the road.

3.0 DEVELOPMENT PLAN POLICY

These submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. However, in considering the merits of these PAN's a number of Development Plan Policies will inform the assessment of any future detailed applications as set out below:

(a) ‘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 5 – Supporting the Sustainable Growth of our Economy
LDP 7 - Supporting our town centres and retailing
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising Our Resources and Reducing Our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules and proposals Map 178.

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity
SG LDP ENV 6 – Development Impact on Trees/Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 8 – Protection and Enhancement of Green Networks
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 14 – Landscape
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP CST 1 – Coastal Development
SG LDP PG 1 – Planning Gain
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (ie. drainage) systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5 – Waste Related Development and Waste Management 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

SG LDP TRAN 7 – Safeguarding of Airports

SG LDP RET 1 – Retail Development in the Main Towns and Key Settlements – The Sequential Approach

4.0 POTENTIAL MATERIAL CONSIDERATIONS

The approved Masterplan (REF 16/03368/MPLAN), and the objectives/commitments set out within it, will be a material consideration of substantive weight in respect of determining any future planning application(s). Other material considerations include:

- Scottish Planning Policy (SPP), 2014
- Pan 77 Designing Safer Places
- Creating Places- A Policy Statement on Architecture and Place for Scotland
- Green Infrastructure: Design and Placemaking
- Argyll and Bute Woodland and Forestry Strategy (April 2011)
- Statutory/Non-Statutory Consultee Comments

5.0 CONCLUSION

This 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. The list is not exhaustive and further matters may arise as and when any planning application is received, and in the light of public representations and consultation responses.

6.0 RECOMMENDATION

That Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the applicant in finalising any future planning application submissions.

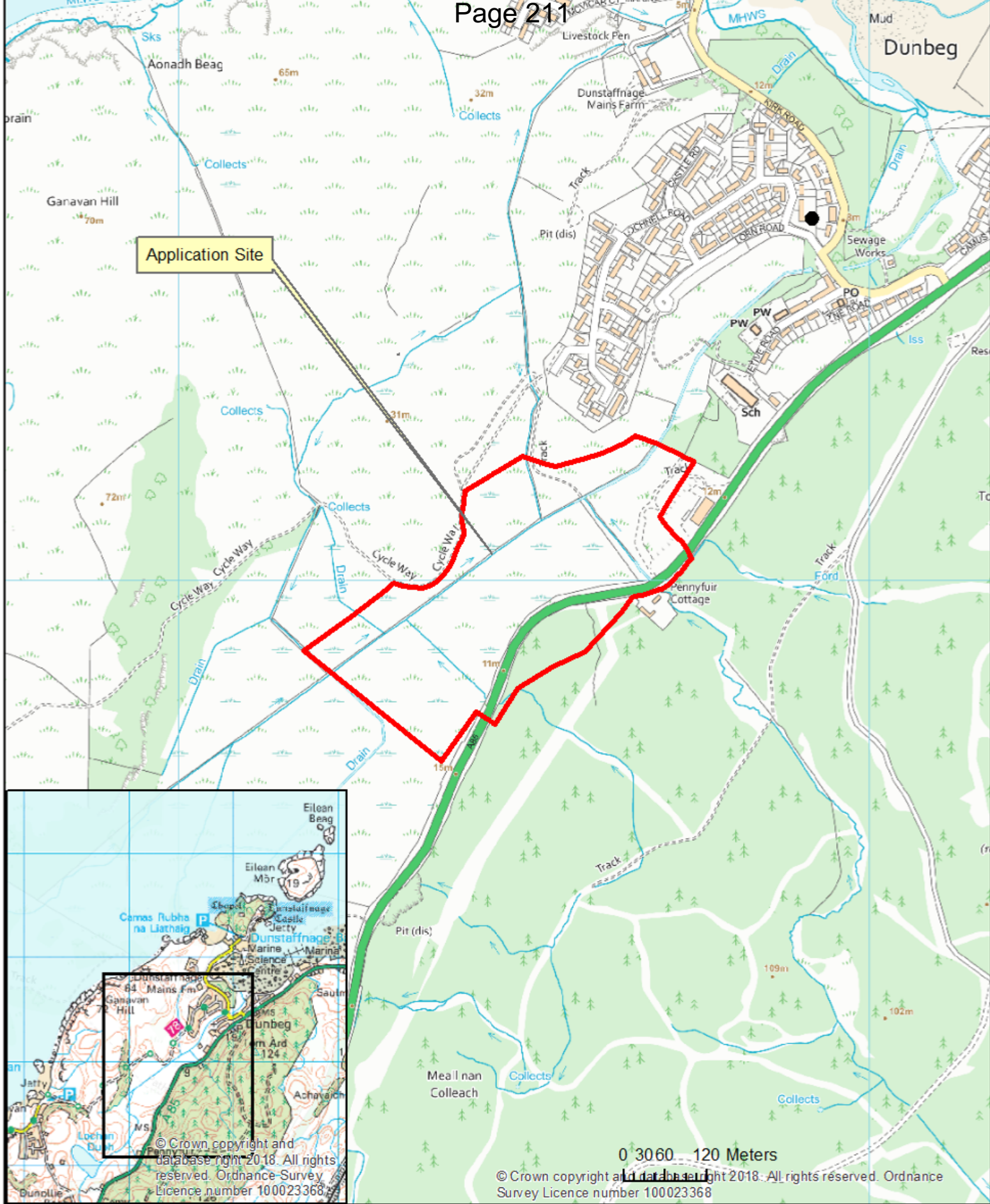
Author of Report: David Moore

Date: 12 November 2019

Fergus Murray

Head of Development and Economic Growth

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Argyll & Bute COUNCIL **Location Plan Relative to planning application: 19/02028/PAN**

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

PROPOSAL OF APPLICATION NOTICE

Members are requested to note that four separate PAN notices have been submitted for future development at Dunbeg. All of these PAN's relate to the next phases of development for residential , commercial , community facilities and roads infrastructure associated with the approved Masterplan (REF 16/03368/MPLAN).

Reference: 19/02029/PAN

Applicant: DM Hall

Proposal: Mixed use development comprising: retail (Class 1); financial professional and other services (Class 2); food and drink (Class 3); business (Class 4); hotel (Class 7); residential development (Dunbeg Phase 4) (Class 9); non-residential institutions (Class 10); assembly and leisure (Class 11); public house; takeaways; site for community facilities; site for new primary school, new roundabout on A85, roads and parking; ground remodelling; above ground and below ground infrastructure; open space and landscaping

Site Address: Land West Of Dunstaffnage Mains Farm, Dunbeg

1.0 BACKGROUND

Four Proposal of Application Notices (PAN) have been submitted to the Planning Authority in respect of the site at Dunbeg. All of these notices took effect from 3rd October 2019. In order to allow for a minimum of 12 weeks community consultation in accordance with the relevant legislation no formal planning applications can be submitted until the 26th December 2019.

Within the adopted Argyll and Bute Local Development Plan (March 2015) the Council has designated a Strategic Masterplan Area under MAST 1/12 "Dunbeg Corridor". This area includes the following uses; education, housing, commercial, including neighbourhood retail, business and industry. The current four PAN proposals sit within this wider strategic area but concentrate on housing, community uses, infrastructure and mixed commercial use on a number of sites as defined on Proposals Map 178 of the Adopted LDP.

The approved Masterplan for the area (REF: 16/03368/MPLAN), clarifies the applicant's intentions to build 300 additional dwellings (flats and houses) between 2017- 2022 (Phase 3) with longer term development intentions for a further 305 dwellings and a mixed commercial area and community uses. Phase 3 is currently under constructions and the Kirk Road has been upgraded to accommodate this new development. No details on the number or tenure of the houses proposed in these PAN proposals has been provided at this stage.

The approved Masterplan proposes an overall target of providing circa 605 houses, a commercial area, new roundabout/roads and community uses over the entire period of the Masterplan project which will stretch beyond 2022. The location and nature of the uses proposed in the four PAN(s) are in general accordance with the allocated sites set out in the LDP Proposals Map No.178 and written statement as set out below:

LDP Site	Name	Development	% affordable
----------	------	-------------	--------------

H4015
MU4002

Dunbeg 2
Dunbeg

Housing 349
Business and industry (Class 4) and
tourism 9.2

25%

Members are requested to note that a strip of land to the north of the existing phase 1 and phase 3 houses (currently under construction), outside any of the allocated development sites set out in proposals Map 178 has been incorporated within the red line boundary of the PAN. This area of land, which forms a flat, linear low level shelf immediately adjacent to the water was previously subject to LDP examination and found to be unsuitable for housing at that time. There is no indication in the PAN what is proposed for this land.

It is noted that site CFR-AL 5/2 allocated in the LDP for community use does not form part of the red line boundary. However the PAN makes specific reference to the provision of community facilities and a new school and therefore these important matters have been included in the PAN descriptions.

2.0 SITE DESCRIPTION

The site is a mixture of primarily south facing hillside and outcrops, undulating land and lower flat land nearer the A85 which is thought to have some peat deposits within it, particularly in respect of the area of land identified for the commercial uses and access road next to the proposed “halfway” roundabout.

The land associated with the overall site proposals generally forms a more open and visible feature in the landscape when viewed from the A85 than Phase 3 and therefore landscape assimilation appears more challenging. As well as facing onto the A85 for extensive open stretches of the road, the proposed development sites are also closer to the road.

The site is bisected by National cycle route C198 between Ganavan and Dunbeg and there are many informal paths on the northern parts of the site on the hillsides which are used for recreational purposes by residents and visitors. Core Path C163 also traverses the northern edge of the larger site.

3.0 DEVELOPMENT PLAN POLICY

These submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. However, in considering the merits of these PAN's a number of Development Plan Policies will inform the assessment of any future detailed applications as set out below:

(a) ‘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 5 – Supporting the Sustainable Growth of our Economy

LDP 7 - Supporting our town centres and retailing

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising Our Resources and Reducing Our Consumption

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Local Development Plan Schedules and proposals Map 178.

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SG LDP ENV 6 – Development Impact on Trees/Woodland

SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 8 – Protection and Enhancement of Green Networks
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 14 – Landscape
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP CST 1 – Coastal Development
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision
SG LDP HOU 2 – Special Needs Access Provision in Housing Developments
SG LDP HOU 3 – Housing Green-Spaces
SG LDP BAD 1 – Bad Neighbour Development
SG LDP REC COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services
SG LDP PG 1 – Planning Gain
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (ie. drainage) systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5 – Waste Related Development and Waste Management Development
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
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SG LDP TRAN 6 – Vehicle Parking Provision
SG LDP TRAN 7 – Safeguarding of Airports
SG LDP RET 1 – Retail Development in the Main Towns and Key Settlements – The Sequential Approach
SG LDP REC/COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services

4.0 POTENTIAL MATERIAL CONSIDERATIONS

The approved Masterplan (REF 16/03368/MPLAN), and the objectives/commitments set out within it, will be a material consideration of substantive weight in respect of determining any future planning application(s). Other material considerations include:

- Scottish Planning Policy (SPP), 2014
- Pan 77 Designing Safer Places
- Creating Places- A Policy Statement on Architecture and Place for Scotland
- Designing Streets – A Policy Statement for Scotland
- Green Infrastructure: Design and Placemaking
- Argyll and Bute Sustainable Design Guidance (part 2 larger housing development)
- Argyll and Bute Sustainable Design Guidance (part 4 case studies)
- Argyll and Bute Woodland and Forestry Strategy (April 2011)
- Statutory/Non-Statutory Consultee Comments
- Strategic Housing Investment Plan objectives and commitments

5.0 CONCLUSION

This 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. The list is not exhaustive and further matters may arise as and when any planning application is received, and in the light of public representations and consultation responses.

6.0 RECOMMENDATION

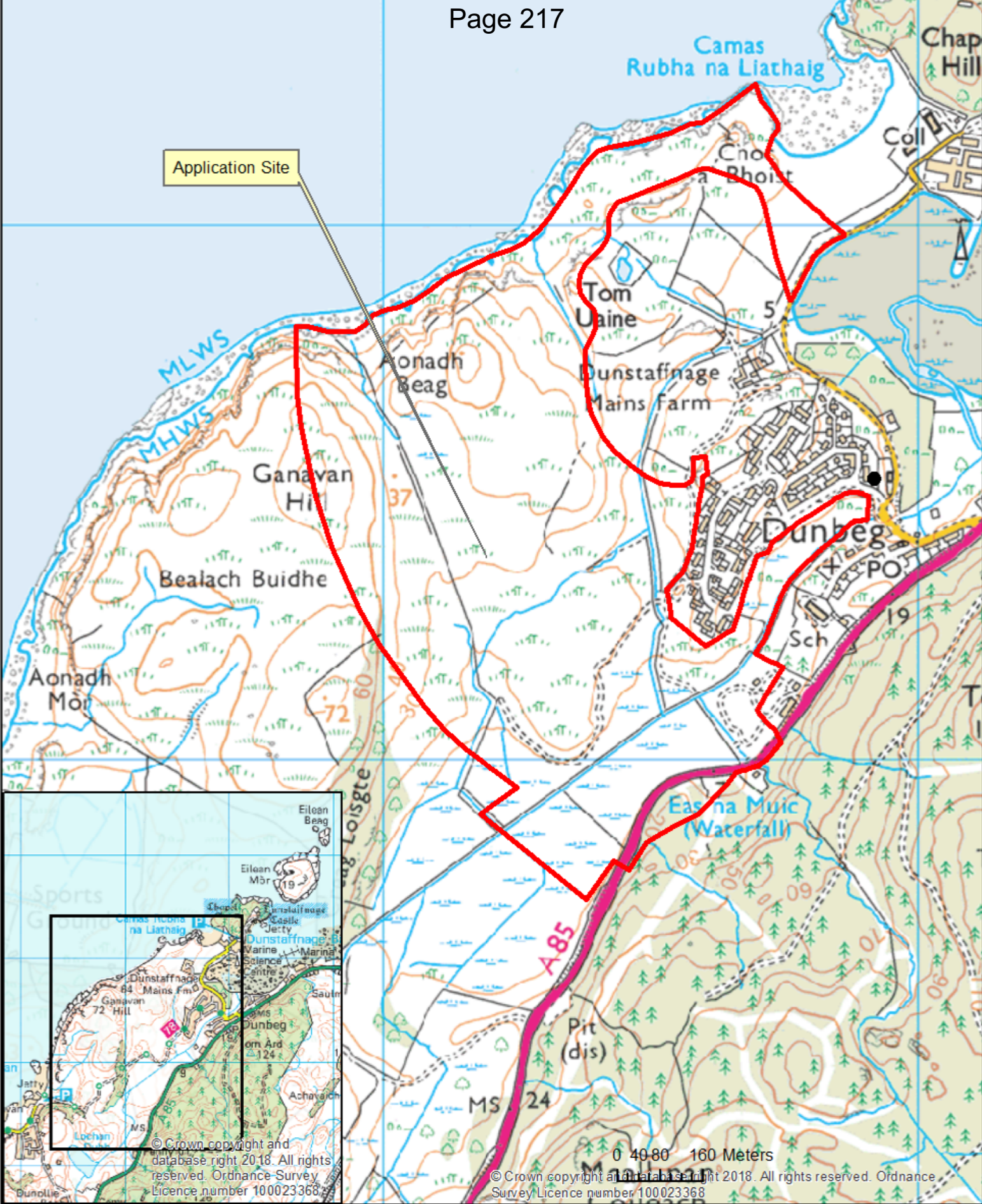
That Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the applicant in finalising any future planning application submissions. These are set out in turn below for consideration:

Author of Report: David Moore

Date: 12 November 2019

Fergus Murray

Head of Development and Economic Growth



Location Plan Relative to planning application: 19/02029/PAN



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ARGYLL AND BUTE COUNCIL**PLANNING PROTECTIVE SERVICES
AND LICENSING COMMITTEE****DEVELOPMENT AND ECONOMIC
GROWTH****20th NOVEMBER 2019**

**ELLENABEICH CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN
EASDALE ISLAND CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN**

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to invite Members to approve the content of the Conservation Area Appraisals and Management Plans for Ellenabeich and Easdale Island.
- 1.2 The Ellenabeich and Easdale Island Conservation Area Appraisals and Management Plans were prepared in 2017. A consultation period was undertaken which included publication of the draft Appraisals and Management Plans on the Council's website; posters in various public buildings; leaflets to delivered to each household; publicity via Twitter; and drop in events on Easdale Island Hall on 11th January 2018 and Seil Island Hall on 15th January 2018. Members of the public were invited to make comments on the draft documents.
- 1.3 The initial consultation period was for 8 weeks, from 11th December 2017 to 2nd February 2018 which met the requirements of Section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However members of the public felt that the timeframe was not sufficient and so the consultation period was extended until 30th April 2018. This meant that comments were unable to be collated prior to the Conservation Officer's maternity leave resulting in the delay in presenting these Appraisals and Management Plans to Members. It is felt that, despite the time delay from the consultation being carried out, the comments are still relevant. The Appraisals and Management Plan have been updated to reflect the comments received from the consultation.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members approve the Ellenabeich and Easdale Island Conservation Area Appraisals and Management Plans as technical guidance.

ARGYLL AND BUTE COUNCIL

PLANNING PROTECTIVE SERVICES
AND LICENSING COMMITTEE

DEVELOPMENT AND ECONOMIC
GROWTH

20TH NOVEMBER 2019

ELLENABEICH CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN
EASDALE ISLAND CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN

3.0 INTRODUCTION

- 3.1 The purpose of this report is to invite Members to approve the content of the Ellenabeich and Easdale Island Conservation Area Appraisals and Management Plans.

4.0 RECOMMENDATIONS

- 4.1 It is recommended that Members approve the Ellenabeich and Easdale Island Conservation Area Appraisals and Management Plans as technical guidance.

5.0 DETAIL

- 5.1 A conservation area seeks to protect buildings, and the spaces between, that are of architectural or historical interest. Its purpose is to ensure that any development or alteration positively contributes to the area's character.
- 5.2 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 merits conservation area status.
- 5.3 Argyll and Bute currently has 32 conservation areas, all of which have their own distinct character.
- 5.4 Ellenabeich Conservation Area was designated in 1973. It was granted Outstanding status in 1982.
- 5.5 Easdale Island Conservation Area was designated in 1973.

- 5.6 The document aims to help the special qualities of the area be understood and play a positive role in facilitating change in a way which balances conservation issues with socio-economic realities.
- 5.7 Section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 makes it the duty of the planning authority to “formulate and publish, from time to time, proposals for the preservation and enhancement” of conservation areas in their area.
- 5.8 A consultation period was undertaken which included publication of the draft Appraisals and Management Plans on the Council’s website; posters in various public buildings; leaflets delivered to each household; publicity via Twitter; and drop in events on Easdale Island Hall on 11th January 2018 and Seil Island Hall on 15th January 2018. Members of the public were invited to make comments on the draft documents.
- 5.9 The initial consultation period was for 8 weeks, between 11th December 2017 and 2nd February 2018 which met the requirements of Section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However members of the public felt that the timeframe was not sufficient and so the consultation period was extended until 30th April 2018. This meant that comments were unable to be collated prior to the Conservation Officer’s maternity leave resulting in the delay in presenting these Appraisals and Management Plans to members. It is felt that, despite the time delay from the consultation being carried out, the comments are still relevant.
- 5.10 Concerns were raised about Development Management inconsistencies and lack of enforcement. The Appraisals and Management Plans can help achieve consistency going forward through the provision of technical guidance.
- 5.11 An issue which became apparent was that members of the public have a lack of understanding of the planning policies which are in place and the changes to Householder Permitted Development Rights as they apply to conservation areas introduced in 2012 as a result of changes made to the regulations by Scottish Ministers. These appraisal documents seek to clarify the position to readers but do not impose any new regulations.

5.12 The Ellenabeich Conservation Area Appraisal and Management Plan have been updated to reflect the comments received. A summary of the key changes are as follows:

SOURCE/ REASON	DETAIL	UPDATE
1. Introduction, Purpose and Justification	Confusion and concerns raised about new and stricter regulations being imposed by this document. This is not the case – the policies are set out at national and local level and this is technical guidance to supplement policy	Clarification that there are no new rules or policies being imposed by this document Clarification of the GPDO and what rights there are and aren't in a conservation area
2. Location, History and Development	Local expertise used to make minor corrections and enhancements to the history of the area	Various minor updates to text and maps
3. Character and Appearance	Local expertise used to enhance description of the character	"The unique character of Ellenabeich owes much to its connections with Easdale Island, the Steamer Pier, and centuries of tourism. The land reclamation that transformed former Eilean na Beich helped establish "Easdale" as something much more than just Easdale Island" added to beginning of Character section
4. Assessment of Significance	The unique connection and influence of the original topography uniting Easdale Island with Ellenabeich, Caolas and Easdale as a whole put forward as a key feature	Added to section 4.1 – Key Features
5. Opportunities for Preservation and Enhancement	Numerous residents raised issues of the amount of traffic passing through Front Street, the lack of parking and problems with buses turning as significant areas where improvements could be	This is outwith the scope of a conservation area appraisal and management plan, however the potential to create a Traffic Management Plan was incorporated as an Opportunity

	made	
6.Management Plan	Concerns over maintenance of traditional materials raised	Links to national level guidance added to the document in terms of window maintenance; door maintenance; conservation of traditional buildings

5.13 The Easdale Island Conservation Area Appraisal and Management Plan have been updated to reflect the comments received. A summary of the key changes are as follows:

SOURCE/ REASON	DETAIL	UPDATE
1. Introduction, Purpose and Justification	Confusion and concerns raised about new and stricter regulations being imposed by this document.	Clarification that there are no new rules or policies being imposed by this document Clarification of the GPDO and what rights there are and aren't in a conservation area
2. Location, History and Development	Local expertise used to make minor corrections and enhancements to the history of the area	Various minor updates to text and maps
4. Assessment of Significance	The unique connection and influence of the original topography uniting Easdale Island with Ellenabeich, Caolas and Easdale as a whole put forward as a key feature	Added to section 4.1 – Key Features
5. Opportunities for Preservation and Enhancement	Request to mention the piers more as the community feel they are the essence of the island	Text regarding the piers added
6. Management Plan	Concerns over maintenance of traditional materials and construction methods raised	Links to national level guidance added to the document in terms of window maintenance; door maintenance; conservation of traditional buildings

6.0 CONCLUSION

- 6.1 The Ellenabeich and Easdale Island Conservation Area Appraisals and Management Plans will serve to provide guidance on the management of change, to ensure that the conservation areas are preserved and enhanced.

7.0 IMPLICATIONS

- 7.1 Policy: Sections 61 to 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 provides the statutory basis for the Appraisal and Management Plan.
- 7.2 Financial: None
- 7.3 Legal: None
- 7.4 HR: None
- 7.5 Fairer Scotland Duty:
- 7.5.1 Equalities – protected characteristics: None
 - 7.5.2 Socio-economic duty: None
 - 7.5.3 Islands: None
- 7.6 Risk: If the document is not approved there will not be up-to-date management tools for Ellenabeich and Easdale Island Conservation Areas on which to base development decisions.
- 7.7 Customer Service: None

**Executive Director with responsibility for Development and Economic Growth,
Pippa Milne
Policy Lead, Councillor David Kinniburgh
8th October 2019**

For further information contact:

Kim de Buitel ir, Design and Conservation Officer, 01546 604126

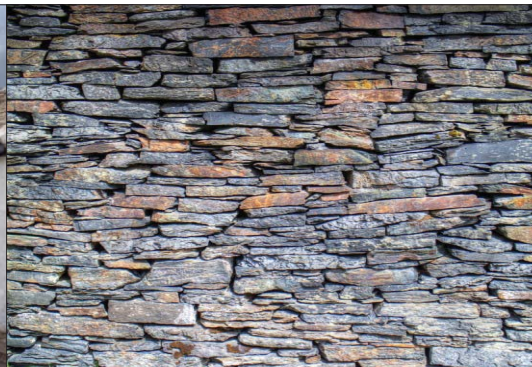
APPENDICES

- Appendix 1: Ellenabeich Conservation Area Appraisal and Management Plan
Appendix 2: Easdale Island Conservation Area Appraisal and Management Plan

Conservation Area Appraisal & Management Plan

ELLENABEICH

Draft for November 2019 PPSL



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Introduction, Purpose and Justification

1. INTRODUCTION, PURPOSE & JUSTIFICATION

1.1 CONSERVATION AREAS

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” (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997)

1.2 DATE AND REASON FOR DESIGNATION

The Ellenabeich Conservation Area was designated in 1973 and given Outstanding status in 1982. The conservation area is extensive in size, incorporating the former quarries, the Garden and Designed Landscape of An Cala, the Scheduled Monument of Dun Aorain, the lagoon, as well as the main settlement area.

The map on page 3 shows the boundary of the conservation area.

1.3 WHAT DOES CONSERVATION AREA STATUS MEAN?

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.

Conservation area status does not mean that new development is unacceptable. It does mean that any proposed change will require careful management with the aim of maintaining the integrity of the area and enhancing its special character.

Planning Permission is required for most works, including, but not limited to, the following:

- New development including property extensions, enlargements, improvements or other alterations including roof, window or door replacements.
- Works within the curtilage of a dwellinghouse
- Minor operations e.g. painting, satellite dishes
- Changes of use or temporary buildings
- Hard surfacing within the curtilage of a dwellinghouse
- Changes to any part of a boundary wall, railings, gates or other enclosure
- Removal of, or works to, trees
- Works which materially affect the character of a building
- Advertisements

Please refer to [Circular 1/2012—Guidance on Household Permitted Development Rights](#)

Conservation Area Consent is required for demolition

Listed Building Consent is required for works to all categories of Listed Buildings.

Recent changes to the Householder Permitted Development Rights have strengthened the existing protection for conservation areas and these changes are reflected above.

Before undertaking work it is always advisable to contact the Local Area Planning Office to check if consent is required. Failure to obtain appropriate consents can result in enforcement action.

It is recognised that the successful management of conservation areas can only be achieved with the support and input from stakeholders, and in particular from residents and property owners.

Introduction, Purpose and Justification

1.4 PURPOSE OF APPRAISAL

Local Authorities are required to review their conservation areas on an ongoing basis. This latest appraisal of Ellenabeich, carried out in 2017, recognises that significant time has passed since the previous draft was compiled in 2008. It was therefore considered essential that a full review be carried out.

Conservation Area Appraisals help the special qualities of the area be understood and how changing needs of that area can sensitively be managed. Appraisals play a positive role in facilitating change in a way that helps preserve and enhance the special quality of the area. Appraisals provide the opportunity to inform residents, businesses, developers, and investors about the special characteristics and needs of an area. This helps inform decisions and proposals for all levels of development.

No regulations or new policies are being imposed by this document

This document therefore seeks to:

- 1. Define the special interest of Ellenabeich Conservation Area and identify any threats to its special qualities.**
- 2. Provide guidelines to prevent harm and achieve enhancement.**
- 3. Provide Argyll and Bute Council with Technical Guidance to support the assessment of development proposals in the conservation area or in a location that may impact on the setting of the conservation area.**

1.5 METHODOLOGY

The appraisal identifies key characteristics and ensures that there is an understanding of what it is desirable to protect. It also identifies any detracting negative factors.

The appraisal forms the basis of a conservation area boundary review that was used to determine if potential redefinition of the current conservation area boundary should be considered.

The conservation area appraisal provides the basis for the development of a management plan. The plan defines how change will be managed within the conservation area, identifies specific opportunities for positive enhancement and sets out the policy framework for the determination of development proposals.

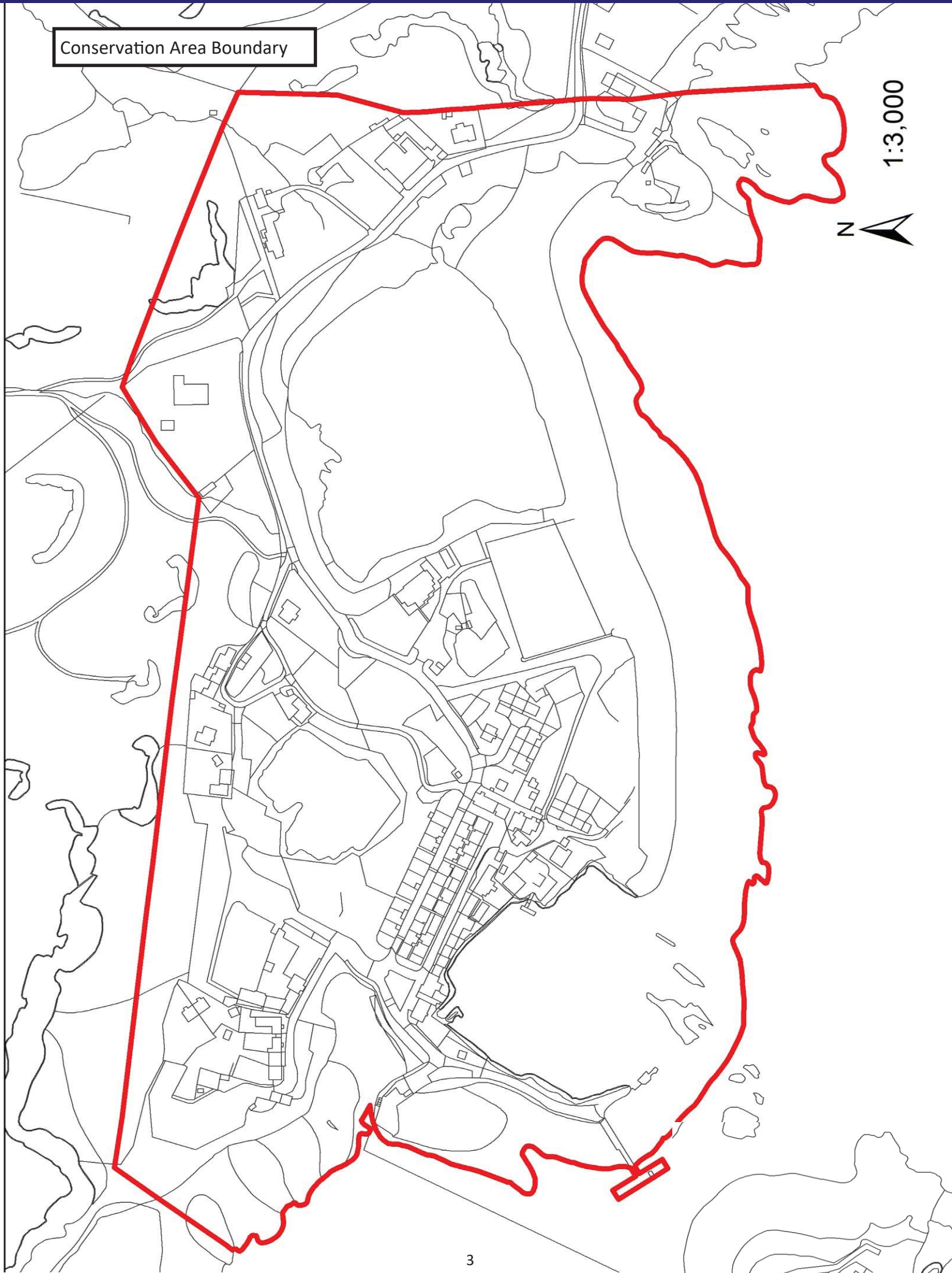
1.6 PUBLIC CONSULTATION

This conservation area appraisal and resultant conservation strategy was subject to public consultation prior to final Council approval. This provided the opportunity to take into account the views of stakeholders, community organisations, local residents and property owners.

The public consultation process included:

- Consultation from 11th December 2017 to 30th April 2018—publicity via Twitter, hand delivered flyers, publicly displayed posters and the Argyll and Bute Council website
- Drop in event held in Seil Island Hall on 15th January 2018
- Collation and analysis of responses

Introduction, Purpose and Justification



Location, History and Development

2. LOCATION, HISTORY & DEVELOPMENT

2.1 LOCATION

2.1.1 Regional Context, Geology and Topography

The Slate Islands comprise the islands of Easdale, Luing, Seil and Belnahua on the west coast of Argyll.

The bedrock of the Slate Islands comprises some of the oldest sedimentary rock (Dalriadan) that has been exposed in the British Isles. The name "Easdale" is generally used to refer to the whole group of quarries off the west coast of Argyll. Easdale Slate is blue-

black with a rippled surface.

This was previously a tiny island called Eilean a Beithich / Eilean na Beich (Gaelic for Island of the Birches), separated from the main island by a slim sea channel (source: Withall, M. p13). Waste rock from the quarrying process, which accounted for as much as 60%, was used to infill ground which resulted in the former island becoming joined to the mainland. Furthermore, this infill provided a stable foundation for the houses subsequently built.

Ellenabeich is a significant and early example of a planned industrial settlement surviving largely intact. It is the largest village on the Island of Seil.



Location of Ellenabeich

Location, History and Development

2.2 HISTORY AND DEVELOPMENT

The history provided in this document is intended only to set a basic context for the Appraisal.

2.2.1 Historic Pattern of Land Use and Settlement Development

The Slate Islands off the west coast of Scotland played a highly significant part in the industrial history of Scotland and are of considerable significance in the history of building construction generally. More importantly, they are of universal significance because they represent an early age in the history of industrialisation.

Of particular importance too is the socio-economic history of these industrial island communities:- the relationship between the workplace and the home, and the way of life led by the quarry-men and their families that can still be seen by the islands' built form.

Although quarrying had been ongoing since the 17th century on other parts of the Slate Islands, production did not begin at Ellenabeich until 1751. The industry showed a steady and rapid growth, with production rising to 10

million slates a year (across the whole of the Slate Island quarries) at the end of the 19th century. Slates were transported via the Crinan Canal to Glasgow.

As the quarries fell below sea-level walls were built to prevent the sea from entering the quarries (the action of the sea has now removed most of these walls).

A tramway was built to carry quarry waste to the sea. The remains of the tramway can still be seen on the embankment next to the site of a modern housing development (Tramway Cottages).

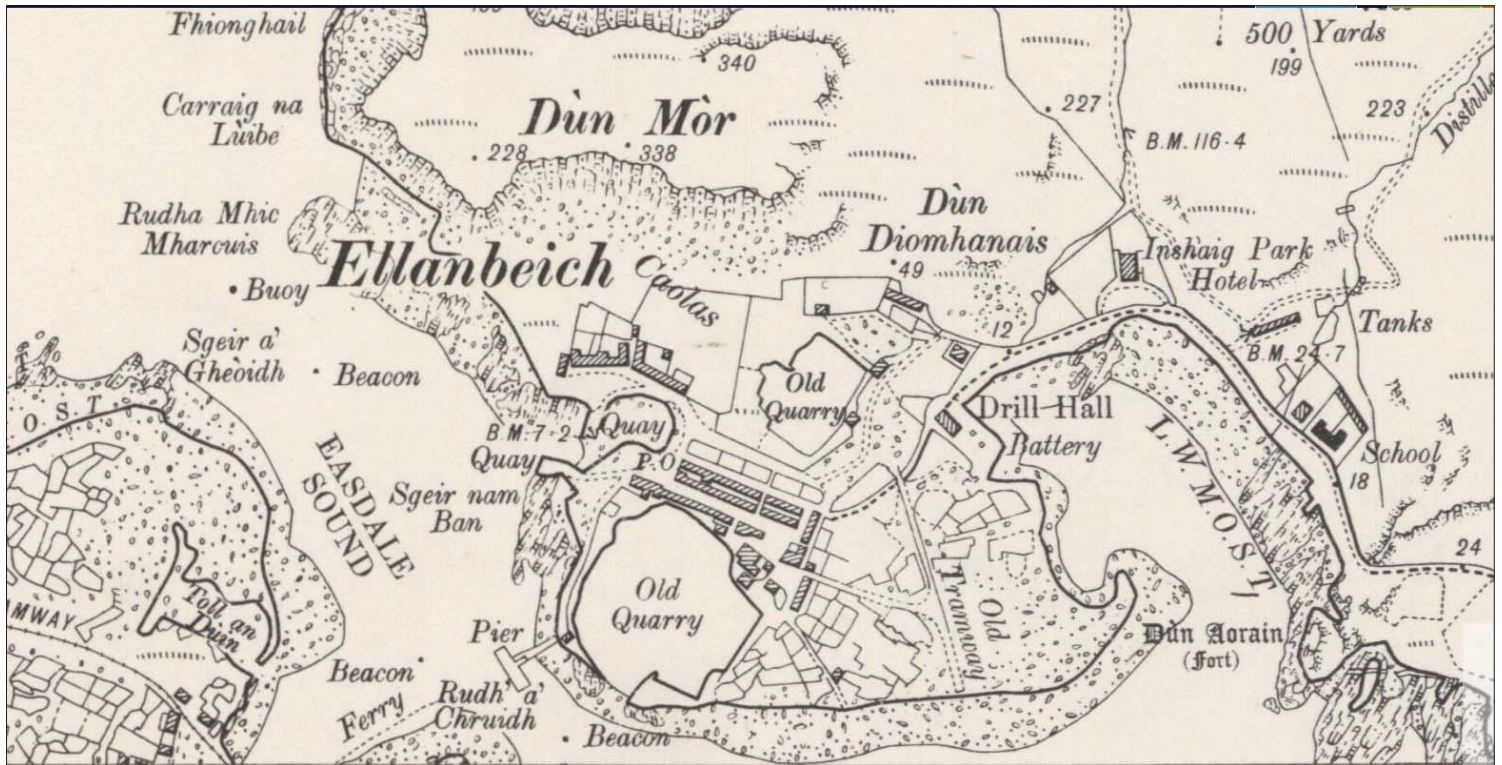
In around 1870 a new wooden pier was built to the southwest of the village to service Ellenabeich and Easdale Island. The Pier has now deteriorated beyond repair and is on the Buildings at Risk Register. The Pier served "Easdale", including the island. The "Comet", the world's first passenger steamer, was in 1820 scheduled for passengers from Glasgow to Fort William via Easdale.

The centre of Ellenabeich comprises terraces of traditional quarry workers' houses set back to back in urban streets. These houses are very small in size, with low eaves and a low doorway. In the late 19th century the settlement developed to the east, when prominent buildings such as the quarry manager's



1st Series OS Map (1871)

Location, History and Development



1st Series OS Map (1897)

house (Inishailg House) and the school were built. By this time the lagoon was beginning to form, as can be evidenced from the OS map of 1899. Today there is a complete barrier across the bay.

On 22nd November 1881 a severe storm destroyed buildings at Ellenabeich, swept away the pier and breached the sea wall. Although no lives were lost, 240 men were put out of work and quarrying ceased at this site. In the 20th century all the quarries faced competition from abroad and from artificial roofing materials. The last of the Slate Island quarries (Culipool and Balvicar) closed in 1966.

“Easdale” was the principle village of the area, more populous than pre-railway Oban. It has been a commercial centre for as long it has been a village.

2.2.2 The Area in Relation to its Form and Function

Ellenabeich responds to its coastal location, built on the viable land available, with the high cliffs of Dun Mor (106 metres) bounding the village to the north. The dense settlement pattern accommodated the quarrying process

by providing easy access to the quarries and piers.

Tangible remains of quarrying activities are highly significant as they show how the industry changed and adapted over the years. Quarries became worked out or flooded and new quarries were opened up, the tramways were extended, then later removed, and new buildings erected on quarry waste. This shows the symbiotic uses of industry and housing changing together in a planned way.



The flooded quarries

Character and Appearance

3. CHARACTER AND APPEARANCE

The unique character of Ellenabeich owes much to its connections with Easdale Island, the steamer pier, and centuries of tourism. The land reclamation that transformed former Eilian na Beich helped establish “Easdale” as something much more than Easdale Island.

3.1 ACTIVITY AND USES

Ellenabeich is mainly residential:- although some of the houses are used as holiday homes. There is an active tourism industry. The main public area currently features The Scottish Slate Islands Heritage Trust Heritage Centre and Museum, the Oyster Bar pub and boat tours (Sea Fari) booking office.



Sea Fari boat tours

The primary school sits at the eastern boundary of the conservation area, with 14 pupils (from Seil and Easdale Island) attending the school. There is no secondary school in the area, with pupils travelling 17 miles to attend high school in Oban.

There is a community centre on the site of the former drill hall which sits to the side of the lagoon and additionally provides outdoor seating, a playpark and community garden.



The Community Garden

3.2 STREET PATTERN AND LANDSCAPE

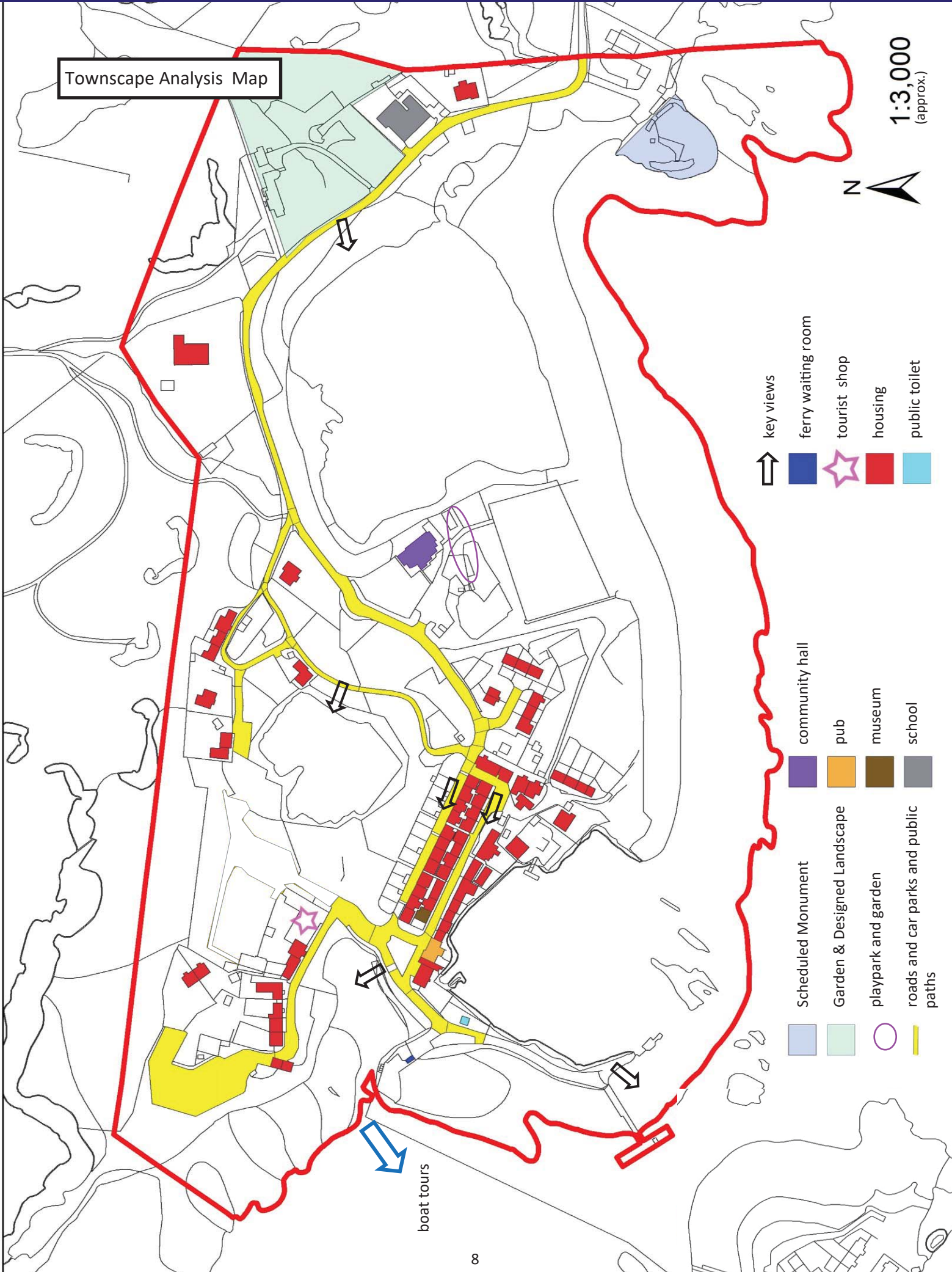
The approach to Ellenabeich is along the B844, a curving single track road with views across the lagoon to Seil Island and the sea beyond. There are no pavements for pedestrians however the road serves only the settlement of Ellenabeich and the island of Easdale beyond.



View across lagoon on entering conservation area

Development (subsequent to that in the village centre), in the late 19th and early 20th centuries, has taken place along this approach, with scattered large-scale stone buildings set back from the north and east of the road. The Garden and Designed Landscape of An Cala sits amongst these, with the plants protected by a 5 metre high brick wall.

Character and Appearance



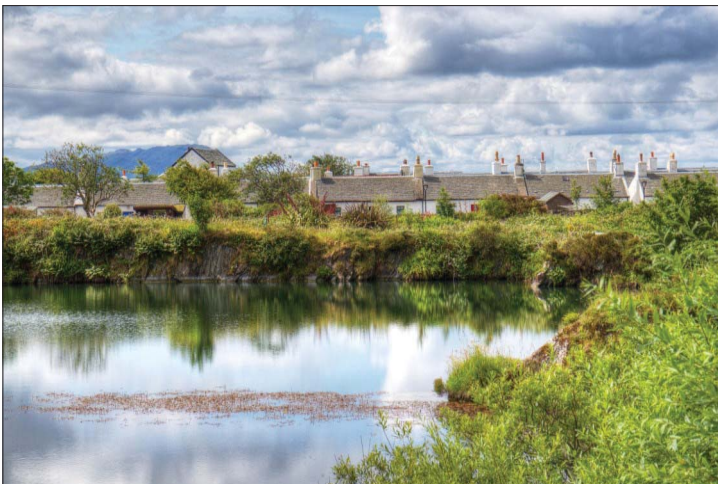
Character and Appearance

The road splits at the north of the lagoon, with the B844 continuing towards the town centre.

The track to the north serves a variety of one and a half storey dwellings. Gardens with ancillary buildings provide separation between the houses and the track. From here, views are provided across the small flooded quarry to with the rooftops of terraced cottages visible in the distance. A grass public path can be accessed through a gate, leading to the centre of the village, passing through an open area of grassland, with a blurred boundary between public and private space.



Track to north houses



View across flooded quarry

Returning to the B844 the new Tramway cottages have been built in a cul-de-sac around a paved road. Unlike most of the other houses in the village, these are not on a through-road and this space has a more private, segregated feel.

The main planned settlement of Ellenabeich has a dense urban form. From the eastern end of this, views are afforded past the cottages to an open triangle of ground and the sea beyond. The 19th century slate workers cottages form narrow linear streets. The houses are sited very close to the road, with little or no immediate garden areas. Some houses feature detached gardens, which form the north boundary to the approach to the village, with high slate walls.



Front Street, with sea beyond

On Back Street the predominant pattern is narrow gardens bounded by low walls on the north side and houses opening directly onto the road on the south side. However at the east end of the street, boundary walls have been built out into the road, changing the character of the street.



Back Street

Character and Appearance

A cluster of houses set right on the street leads the way to the former Engine House, which at 2 storeys high, rises above the cottages, and is set within a garden ground which leads to the flooded quarry beyond. Adjacent to the former Engine House is a further terrace of single storey cottages.

From the seafront, there is a key view across to a terrace of buildings sitting in front of the high cliffs of Dun Mor. These houses were built in the 19th Century and include Monaveen Lodge, a former home, office and store of the quarry manager. Modern, inappropriate, alterations have been carried out to the east-most buildings of this terrace. Large car parks for cars and coaches are concealed behind this terrace.



Houses in front of Dun Mor

3.3 PUBLIC REALM

The entrance to the conservation area is denoted by a large slate sign, although the siting of this fails to incorporate the Scheduled Monument of Dun Aorain, to the south, within the designation.

New street-lighting has been installed recently. These feature modern LED lighting however are of a style that is sensitive to the conservation area's character.

The triangle of open ground in front of the harbour (constructed in 1826) forms the main public realm. Seating and slate planters have been provided, and

an old K6 telephone box sits to the east of the space. The crane that stood on the (now ruinous) timber pier and which served the paddle steamer traffic operating in the 19th century, has now been incorporated into the public area as a monument. However excessive signage within this area detracts from the character of the conservation area.



Crane, and slate planters



Public realm

A small waiting room constructed of exposed stone, provides shelter for passengers awaiting the boat to Easdale Island. The potential feeling of openness and space of the harbour area is somewhat restricted by the parking, with cars parking not only in the allocated spaces along the seafront, but around the triangle as well.

Character and Appearance



Ferry waiting room

A jetty runs southwards constructed of vertically-set slates. Beyond this the ruinous structure of the old wooden pier can be seen. Both of these structures are on the Buildings at Risk Register.

3.4 CHARACTER AREAS

The conservation area has been split into 3 character areas roughly according to historical development; street pattern and layout; and built form as follows:-

The Centre, incorporating former slateworkers' cottages and Tramway Cottages: – Early 19th century single storey terraced cottages and the taller Engine House, incorporating the new development at Tramway Cottages which was designed to be in keeping with the style of the traditional slate-workers' cottages. Buildings are rendered.

The North, incorporating Caolas:- Buildings constructed throughout the 19th century with 20th century additions on the periphery of the area. Buildings are rendered and predominantly feature dormer windows.

The East:- Large detached buildings dating from between the late 19th century and early 20th century. There has been no modern (post-war) development in this area. Buildings predominantly feature exposed stone.

Please note that some buildings have been selected as examples within the character area analyses to represent a range of building types and dates found in the village. Buildings that have not specifically been mentioned are of equal heritage value to the conservation area.

3.4.1. The Centre, incorporating former slateworkers' cottages and Tramway Cottages

The densely packed parallel rows of white-rendered houses in the village of Ellenabeich stand perched on the rim of the early 19th century quarry that was flooded when the walls were breached on the night of the storm in 1881.

This part of Ellenabeich has a dense urban form. There are two rows of houses set back to back, with one row facing north over Front Street towards their detached, (traditionally) dry- stone-walled gardens and the other row facing Back Street. The row on the southern side of Back Street have their rear yards perched dramatically over the cliff of the quarry lagoon. Some houses on Front Street still make use of water butts (source: Withall, M. p28), retention of which should be encouraged.

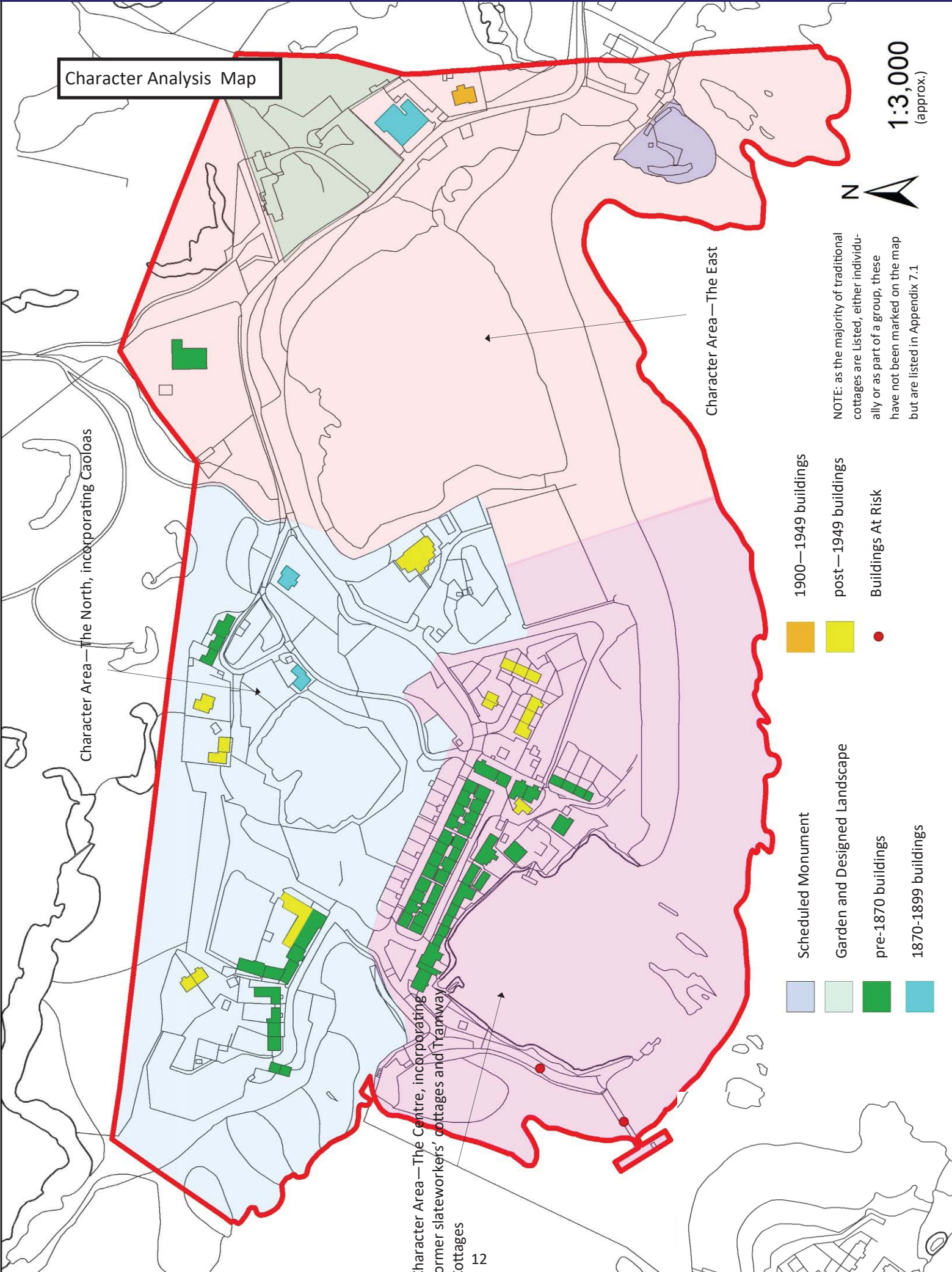


Water butt

Alley between Front Street and Main Street

Character and Appearance

Character Analysis Map



NOTE: as the majority of traditional cottages are Listed, either individually or as part of a group, these have not been marked on the map but are listed in Appendix 7.1

Character and Appearance

The majority of these terraced houses have been extended to the rear, closing the gap between the terraces. A variety of roof pitches have been used, shallower than the pitches of the original houses, but still generally steep enough for real slates to be used.

The traditional form is the gable end.

Ancillary buildings such as sheds have been built in the gardens, utilising a variety of forms and materials.

New housing has been built to the east (Tramway Cottages). This development comprises 2 no. 1 ½ storey detached house and 6 single storey terraced cottages. There has been an attempt for this development to be in keeping with the former slate-workers' cottages.



Tramway Cottages

The Engine House is a tall structure which was built to house the Newcomen Atmospheric Engine (which lifted water to a higher level) and is now a private dwellinghouse which has been altered and extended. Although the majority of the traditional houses within this character area are Listed, the Engine House is not.



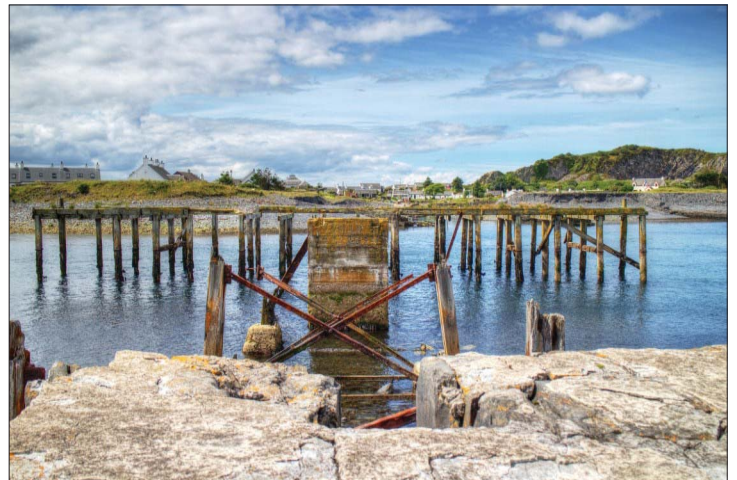
The former Engine House

Buildings at Risk

There are currently 2 registered Buildings at Risk in Ellenabeich (both within this character area):

The wooden pier extension

Built circa 1870 when the slate industry depended on steamers. Built of wooden piles with a wood and iron post crane previously sited on the pierhead. It is now in poor condition and is continuing to decay.



The Wooden Pier

The slate pier (quay)

Built circa 1826 of vertically-set rubble slabs and is B-Listed. In 2012 a Historic Environment Scotland inspection found that storm damage has breached the pier in two places.



The Slate Pier

Character and Appearance

3.4.2 The North, incorporating Caoloas

This character area features an organic layout of buildings, some of which are accessed by grassy paths. A key feature of this character area is the views from the majority of buildings, across the sea, small flooded quarry and lagoon.



Flooded quarry

“The Terrace” at Caolas remains virtually intact, terminated by the off-set coach house for the quarry. Some of the houses here, in the northern part of the conservation area, are up to two storeys high.



Housing in front of Dun Mor (“The Terrace”)

Houses are mainly white (rendered) and were built throughout the 19th century, with later development in the 20th century. Dormers are a prominent feature in this area and there are some small rooflights. Windows have been painted a variety of colours.

An example of a traditional house is The Cottage which is at risk of further deterioration due to lack of maintenance.



The Cottage

Ancillary buildings are common, of various materials, in gardens separated from houses by tracks.

There are two large car parks in this part of the village, one associated with a large tourist-related retail outlet than can accommodate large numbers of coaches and the other, tucked away beyond the terraced houses, under the cliff.

Extensions have been added, most prominently by way of front porches. The most significant alterations carried out have been to the Highland Arts shop, where there is scope for positive redevelopment.

A more recent, and extremely significant, development is Seil Island Hall, which was redesigned in 2004.



Seil Island Hall

Character and Appearance

3.4.3. The East

The eastern section of the conservation area features large detached buildings, generally of exposed stone, with large areas of garden ground. These buildings overlook the lagoon at the entrance to the conservation area.

Inishaig House was built as quarry managers house in 1870 but converted to an inn by the Netherlorn Slate Company 20 years later. It features painted quoin; square ground floor bays with a pillastered central doorway and a hipped roof.



Inishaig House

The school was built in 1877 by the Netherlorn Slate Company, overlooking Dun Aorain (Scheduled Monument). It is a symmetrical, single storey design which has in recent times been extended to the rear.



The School—note: repairs have subsequently been carried out to the boundary wall

There has been no new development in this area.

Scheduled monument

Dun Aorain ([SM4178](#)) is a fenced sub-oval slate dun, accessed from the North east. The thick east wall is now a grass-covered bank. The approach to the monument is now difficult due to the construction of a dwellinghouse.



Dun Aorain

Designed Landscape

An Cala ([GDL00013](#)) has been designed as a Designed Landscape by Historic Environment Scotland and is considered to have outstanding value on account of the layout and planting designs within the terraces and other areas.

The garden contains a wide plant collection which is considered to be of high horticultural interest and value. A 5m high wall, built in 1934 shelters the gardens, and restricts views of the house. The house was formerly 3 19th century cottages which were converted to a single dwelling in the early 20th century, with a higher half-octagonal wing added.



An Cala

Character and Appearance

3.5 MATERIALS AND DETAILS

Roofs were traditionally slated with local (Easdale) slates. Small slates were used for the cottages to allow the larger ones to be exported. As there are no active slate quarries in Easdale (or even in Scotland), there is a limited supply of (reclaimed) Easdale slates for repairs and new developments – a discussion regarding specification for this purpose is covered in section 6.3.3. The use of artificial slates, as can be seen on some extensions, is inappropriate. Therefore, upgrading this roof type to slate, even if imported, is encouraged.

Generally houses feature gable ends (an exception being Inishaig House which is of a different architectural style).

Dormers feature on many of the houses in the North Section, which generally form part of the wall, rather than being set back and separated by roofing.

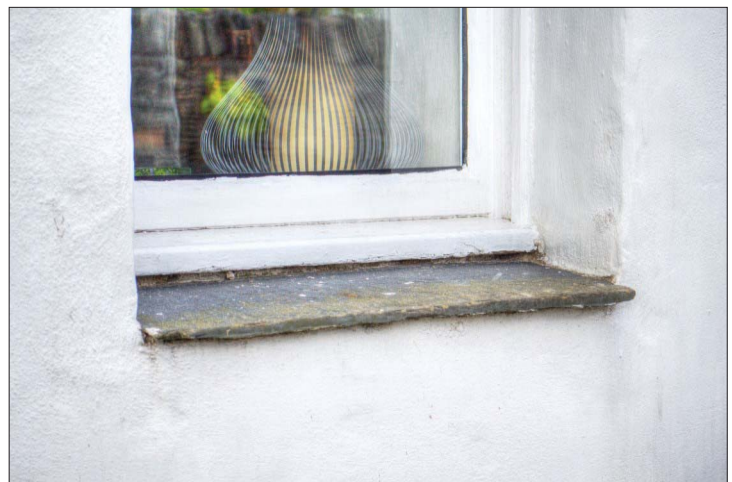
Rooflights were not traditional on the majority of buildings. Many have now been incorporated, and where flat and sensitively proportioned these are an acceptable inclusion for modern living. Unfortunately however some of these are larger and wider than is appropriate for the context.

External walls were constructed of slate rubble, with corners built in whinstone (a hard basaltic granite). The external walls of slate-workers' cottages have now generally been rendered in cement and finished with a modern masonry paint but previously would have been lime-rendered and/or limewashed. Further information about the performance of these materials can be found in section 6.3.4. Buildings in the East section of the Conservation Area are exposed stone.

Historic windows have been removed and replaced with a variety of styles and materials, including uPVC. Many (modern timber as well as uPVC) have thick profiles that contrast sharply with the traditional form of the window. Even where an attempt has been made to seek a higher quality of uPVC windows these don't fit the traditional architecture. Horns should only be used if precedent is found, and only then when they are moulded to match the historic profile (refer to: Argyll-bute.gov.uk/sites/default/files/RothesayWindowAdviceNote2.pdf)

Doors are low and wide. These would traditionally have been timber with simple door knobs. Modern replacements are of various styles and materials including inappropriate use of uPVC.

Slate has been used extensively around the conservation area in details such as planters and window cills. The addition of slate cills where they don't currently exist may be acceptable for technical reasons (subject to design details).



Slate cill

4 ASSESSMENT OF SIGNIFICANCE

Ellenabeich Conservation Area is of historic importance due to its significance in the Easdale Slate Industry. Preservation of the former slate quarries and associated historical and architectural assets is therefore of critical importance.

As the quarries are no longer active, the area now relies heavily on tourism provided by the historical significance, but also due to its coastal and rural location. Whilst it is important to preserve the remaining evidence of quarrying activity, it is of equal importance to protect the economy and allow the village to be active and thriving today.

4.1 KEY FEATURES

Having carried out an assessment of the buildings and areas it is possible to identify the key features that define the special architectural and historic character of the area. These are:

- **The flooded quarries**
- **The crane**
- **The former slate workers' cottages with their unique characteristics**
- **The jetty and wooden pier**
- **Traditional local materials such as whinstone and slate**
- **The unique connection and influence of the original topography uniting Easdale Island with Ellenabeich, Caolas and Easdale as a whole**

4.2 NEGATIVE FACTORS

A number of negative factors have been identified and are listed below. These form the basis for the Opportunities for Enhancement.

- **Inappropriate windows – the orientation, proportions, opening style, materials and detailing of windows are important to the character. For example astragals should not be**

stuck onto the pane of glass, should be timber and should be slender; uPVC and other inappropriate windows have incrementally and negatively affected the character and appearance of the conservation area.

- **Roof tiles – in any conservation area poor quality roof tiles would not be considered acceptable, and this is of even higher importance in a conservation area designated as such due to its production of roofing slates.**
- **Lack of maintenance – The Cottage is a current example of a property that, if not maintained in the immediate future, is at risk of becoming derelict.**
- **Quality of newer developments – some recent development in the area has not wholly understood the sensitivities of the conservation area. Discussions with the planning department can assist in making an appropriate application.**
- **Signage and advertising – consent is required for signage within a conservation area. The economic need for signage and advertising is appreciated, however consent will only be granted for signs of appropriate materials and lettering.**
- **Traffic – high traffic volumes and associated parking requirements at the harbour can detract from the historic environment**

4.3 SENSITIVITY ANALYSIS

Ellenabeich is important in architectural terms and fragile in economic terms.

The character and appearance of the Slate Islands are highly vulnerable to changes arising from modernisation and new development. It is not the intention of the planning department to thwart socio-economic progress, but simply to ensure that development is not detrimental to the character of the area, by paying particular attention to the negative factors identified in Section 4.2 and the Management Plan (Section 6).

5 OPPORTUNITIES FOR PRESERVATION AND ENHANCEMENT

5.1 BUILDING MAINTENANCE AND REPAIR

It is important that historic buildings are adequately maintained and repaired using traditional materials and techniques. Traditional materials may last much longer than man-made counterparts if properly maintained and repaired. Natural building materials are the most sustainably responsible response to altering an historic building. Modern replacements usually look out of place, can cause problems with the building fabric if the traditional construction methods have not been considered and often do not last as long. Grants may be available to owners to ensure that eligible works are undertaken to a high standard.

Crucial to the preservation and enhancement of character and appearance is regular maintenance. Significant and costly repairs can be avoided by systematic annual inspections and dealing with small issues quickly.

Argyll and Bute Council's planning team and conservation staff can provide advice on traditional repairs and potential sources of grant funding. The council will encourage owners of historic buildings to use traditional materials and repair techniques through advice and publications and ensure that the availability of relevant grant funding is well publicised.

5.2 BOUNDARY REVIEW

As part of the assessment process the boundaries of the conservation area were inspected and research

was carried out into the historic development of the town. Existing designations were also examined. Designation and review will not, in its own right, ensure that the character or appearance of the area is preserved or enhanced. The development of a robust Management Plan (section 6) will provide a basis for Development Management decisions.

5.2.1 General Principles of Review

In considering any review of the content and boundary of a conservation area, it is important to establish criteria against which decisions can be assessed. An overarching principle comes from the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 itself. In defining conservation areas and the role that the planning authorities have in considering development proposals within them, four main themes are identified. These are:

- A) Architectural interest
- B) Historic interest
- C) Character
- D) Appearance

5.2.2 Ellenabeich Review

The conservation area is bounded to the south and west by the sea, and to the north by cliffs. The only potential to extend would therefore be to the east.

New houses have been built to the east of the conservation area however these feature dormers which are too large/wide and windows of inappropriate proportions and non-traditional styles. The houses also have a deeper plan than is traditional. As these new houses are not in keeping with the conservation area's character and have no historic interest **it is not proposed to extend the conservation area boundary.**

Opportunities for Preservation and Enhancement

5.3 OPPORTUNITIES

Highland Arts (now closed)

The former Highland Arts gift shop is considered to be significantly detrimental to the conservation area, where numerous inappropriate alterations and extensions have been made to a traditional building. The form and materials of the extensions are not in keeping with the conservation area, and there is a problem with signage. Proposals to redevelop this site in a manner that is sensitive to the conservation area are supported in principle.



The Slate Pier (Quay)

This is a B-Listed structure, built circa 1826 which is on the Buildings at Risk Register due to storm damage having breached the Pier in two places. Repairs work to the Pier would enhance the area and reduce the risk of further damage.

The Cottage

The Cottage stands in a prominent position on the B844, visible across the flooded lagoon on entering the conservation area. It was built in the late 19th century and features an L-shaped plan, with a lean-to extension at the rear. Whilst there does not yet appear to be any significant damage to the house, lack of maintenance is causing gradual deterioration. If left unattended, issues such as penetrating damp and condensation could lead to significant problems.

A basic maintenance regime would provide the opportunity to avoid the need for significant repairs in the future.



Traffic Management

The harbour area is used for parking for residents of Easdale Island as well as boat tour passengers. Insufficient parking space has led to cars being parked around the public seating area. In order to maximise the potential of the public realm, alternative suitable parking should be sought. Argyll and Bute Council's roads department may wish to consider the production of a traffic management plan (which is outwith the scope of the Conservation Area Appraisal and Management Plan).



6 MANAGEMENT PLAN

6.1 STRATEGY

The Ellenabeich Conservation Area Appraisal highlights opportunities for preservation and enhancement within the conservation area as well as sensitive elements that require positive management in order to help preserve the special quality of the conservation area. This strategy is therefore intended to assist on the positive management of preservation, enhancement and change.

6.1.1 Objectives

There are some key objectives in the management of the Ellenabeich conservation area to be considered in the short, medium and long term. These key objectives are:

- **To support and promote high standards of maintenance and repair.**
- **To support positive change and avoid erosion of character through piecemeal change or unsympathetic works.**
- **To support and promote economic growth of the area by maintaining and improving quality of place.**
- **To make decision-making more cohesive amongst stakeholders.**
- **To balance conservation issues with socio-economic realities**

6.2 MANAGEMENT POLICIES

Please note that these policies are already operational—this Appraisal and Management Plan simply seeks to clarify their existing role within the context of Ellenabeich Conservation Area. Any policies referred to here may be superseded by subsequent policies.

A key objective of Argyll and Bute’s Historic Environment Strategy 2015—2020 is to promote positive development management and intervention for Argyll and Bute’s historic environment.

In order to meet the core objective of preservation and enhancement of the historic character and appearance of the conservation area the Council will uphold the use of Local Development Plan policies and Supplementary Guidance as well applying policies and guidance defined at national level.

6.2.1 Legislation and National Policy

The Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, provides the legislative framework to listed buildings and conservation areas, setting regulatory measures covering development and statutory designations. Scheduled Monuments are given legal protection under the Ancient Monuments and Archaeological Areas Act 1979.

The national policy framework includes: Scottish Planning Policy 2014; Historic Environment Scotland Policy Statement June 2016; Scheduled Monument Consent Procedures 2015 and Historic Environment Scotland’s Managing Change in the Historic Environment guidance note series.

6.2.2 Local Policy

This appraisal provides a firm basis on which applications for development within the conservation area can be assessed. It should be read in conjunction with the wider development plan policy framework produced by Argyll and Bute Council.

The Development Plan for Argyll and Bute comprises:

The Argyll and Bute Local Development Plan (adopted March 2015) made up of a Written Statement and Proposal Maps. The Local Development Plan sets out a settlement strategy and spatial framework for how

Management Plan

the Council wants to see Argyll and Bute develop to 2024 and beyond.

Policy LDP 3—Supporting the Protection, Conservation and Enhancement of our Environment

“A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design”

Supplementary Guidance—the following policies are particularly relevant:

SG LDP ENV 15 Development Impact on Historic Gardens and Designed Landscapes

SG LDP ENV 16(a) Development Impact on Listed Buildings

SG LDP ENV 16(b) Demolition of Listed Buildings

SG LDP ENV 17 Development in Conservation Areas and Special Built Environment Areas

SG LDP ENV 18 Demolition in Conservation Areas

SG LDP ENV 19 Development Impact on Scheduled Monuments

SG LDP ENV 20 Development Impact on Sites of Archaeological Importance

SG LDP ENV 21 Protection and Enhancement of Buildings

SG LDP CST 1 Coastal Development

SG LDP ADV 1 Advertisements

SG LDP Shopfront—Shopfront / Advertising Design Principles

6.2.3 Permitted Development and Article 4 Directions

The Town and Country Planning (Permitted Development) (Scotland) Order 1992 (known as the GPDO) sets out certain types of development that do not require planning permission, known as permitted development rights. The rules about changes made to a dwellinghouse or other property which is listed or in a conservation area are more stringent.

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 Householder Permitted Development Rights, came into force in February 2012 and further restricts permitted development in conservation areas.

Clarification of what Permitted Development rights do not apply in Conservation Areas can be found in Circular 1/2012. Please note that this is a Scottish Government document and these requirements are as a result of national policy over which Argyll and Bute Council has no control.

Building owners should contact the Planning Department if they are unsure whether works will require planning permission

Management Plan

6.3 APPLICATIONS FOR DEVELOPMENT

6.3.1 Development Guidance and Checklist

- **Development proposals must be in accordance with current development plan policies relating to conservation areas, the special character of historic buildings. Proposals must also be in accordance with guidance laid out in this appraisal.**
- **Design, materials and detailing will require to be in accordance with design guidelines prepared by the Council and this appraisal.**
- **Development proposals should demonstrate a sustainable approach, including use of materials and sustainability of use.**
- **Adaptive re-use of buildings and mixed use projects to ensure a reverse in physical, visual or economic decline will be positively considered subject to compatibility with neighbouring properties and uses.**

Original architectural detail and the use of traditional materials makes a defining contribution to the character and appearance of a conservation area. A focus on retention and appropriate repair is an important criterion in the context of preservation and enhancement. Inappropriate change such as replacement roof coverings, windows and doors has eroded, to some extent, the appearance of the area. Such change on a singular basis may seem small, but incrementally will lead to a detrimental loss of character.

National planning policy has indicated that any assessment of development proposals must be made against the whole of a conservation area. However, if there are distinct areas of unifying character within the whole, then proposals can be considered in this context. As such, the identification of these smaller areas is an important objective for effective development management. Three distinct character areas have been identified as discussed in section 3.4.

6.3.2 Quality of New Developments, Building Alterations and Extensions

Historic Environment Scotland have published guidance on [New Design in Historic Settings](#). Developers will be encouraged to work with the key principles set out in this document. In assessing planning applications within the Ellenabeich Conservation Area, the Council shall pay particular attention to the following:

- **Development which would generate more on-street parking will be resisted**
- **New development should follow existing plot ratios**
- **New development, building alterations and extensions should be in accordance with the prevailing form of historic development, including the scale and massing of buildings.**
- **New development, building alterations and extensions should not impinge on the setting of existing buildings or features of historic importance (such as the flooded quarries)**
- **Original or historical features should be retained where they exist. Replacement of windows, doors etc. should be a last resort and only used when repair is clearly out of the question**
- **New development, building alterations and extensions should use materials which are traditional to the conservation area and of high quality (the use of UPVC, aluminium, concrete tiles or other non traditional materials are generally not considered appropriate) (refer to sections 6.3.3 to 6.3.6)**
- **New boundary treatments should use traditional materials and be of appropriate design to suit the locality**

Management Plan

The Council will expect most applications for new development within the conservation area to include a Conservation Statement (as part of a wider Design Statement) which provides the following information:

- **A character appraisal and design rationale identifying the means by which any new development will reflect the area’s special architectural and visual qualities and “fit in”**
- **How the proposal secures the repair and retention of features of interest**
- **How the proposal enhances the special character and qualities of the area as outlined in this appraisal**
- **An assessment of alternative design approaches to ensure the proposal has a positive impact on the character and appearance of the area**
- **How the proposal uses appropriate design, siting, scale and materials to enhance the existing character of the area**
- **How the proposal avoids or minimises any negative demolition works and any loss of mature trees**
- **How the proposal enhances and addresses areas of poor character**

For guidance on the content and structure of Design Statements refer to [PAN 68—Design Statements](#), published by the Scottish Executive.

6.3.3 Roofs

The dominant roofing typology within the conservation area is Easdale slate. To safeguard and enhance the area, positive action is required to ensure that the repair of historic roofs is carried out using appropriate traditional materials and detailing. It is important to note that with regular maintenance traditional materials such as slate, lead and cast iron can be extremely durable.

Existing slate should be re-used whenever possible with any new slate required to make up any shortfall sourced

to provide a good match in terms of size, thickness, colour and performance, and laid in the same coursing pattern. Poor quality or synthetic slate or concrete tiles should be avoided. It is considered that reclaimed slate should be sought for repairs to roofs to any prominent buildings. Due to the limited supply of reclaimed Easdale slates, there will be situations where the planning department may consider an alternative natural slate appropriate. Discussions are required with the planning and conservation staff to ascertain in which specific situations new, imported slate would be considered, and in this event, samples would require to be agreed to determine a suitable alternative in terms of colour, cleavage, grain size, size etc.

Neither artificial roof slates nor felt will generally be acceptable.



New and reclaimed slates on Community Centre

The predominant roof form is the gable end. Whilst hipped roofs have been used on some extensions in the past it is preferable for future extensions and new developments to be sympathetic to the area’s character by using a gable.



Gable end

Management Plan

Rooflights were not a traditional feature of the majority of buildings, therefore whilst insertion of such may be acceptable, there is no reason for these to feature a “conservation style” bar down the centre. They should, however, be appropriately small, narrow and flat.

Roof fixtures such as aerials and satellite dishes should be carefully sited to ensure that they are not visible from ground level or break the profile of the roof at ridges and chimney stacks.

Where a roof has been previously altered the reinstatement of traditional materials and form will be encouraged and supported. If artificial slates are currently present, upward improvement to imported slate would be encouraged.

Chimneys make an important contribution to the character of the roof and should be retained. Where repair is required this should be on a like for like basis using traditional materials with particular attention to the detailing and size (such as copes and pots). Where major intervention is required due to structural issues there will be a presumption that chimneys should be reconstructed on a like for like basis.



Traditional chimneys



New, inappropriately small, chimneys

For detailed reference on policy, reference should be made to Historic Environment Scotland’s [Managing Change in the Historic Environment—Roofs](#).

For information on roof mounted renewable energy systems such as photovoltaic panels refer to Historic Environment Scotland’s [Micro-Renewables in the Historic Environment](#)

6.3.4 Walls

The prevailing wall construction type is a solid masonry wall of local slate rubble and whinstone (an igneous rock). Traditionally, as well as lime mortar being used, the external finish would also have been lime (whether that had been a lime render and limewash, or limewash directly on the stone). Unfortunately, the majority of buildings have now been rendered in cement and painted with a plastic masonry paint. This is inappropriate for traditional solid wall construction which was designed to be vapour-permeable. Whilst lime mortars and renders allow a building to “breathe” and pass moisture harmlessly through the fabric, cement and plastic finishes are likely to cause moisture build-up in the wall, which can cause damage to the structure.

Where buildings are of exposed stone, repointing work should be done with lime mortar (removing any cement mortar first).

Buildings of a certain period would not have had a damp proof course. It is therefore not recommended to introduce a damp proof course into such buildings, where water will become trapped in the wall.

Historic Environment Scotland’s [“Conversion of Traditional Buildings”](#) provides guidance in this regard. Of particular relevance is page 4:

“a building can respond badly to the poorly informed use of modern moisture and vapour control systems”; “the response of (stone masonry) buildings to environmental conditions and structural, thermal and moisture movement is quite different from that of more modern building that use hard, strong and often impervious materials and membranes”; “traditional masonry buildings are not generally constructed with damp-proof

Management Plan

courses in walls or damp-proof membranes below ground floors; they rely on the mass of porous masonry to absorb moisture, control rising damp and disperse salts from the ground, together with adequate air movement to prevent deleterious effects on construction materials. In many cases, remedial action to prevent rising damp in thick masonry walls by the insertion of moisture barriers (DPCs, chemical injection, electro osmosis and the like) does not provide a satisfactory solution. The barriers may be ineffective and, by concentrating moisture and salts, can restrict moisture movement and hence drying, resulting in decay of porous stone and mortar (...). Often it is a sufficient alternative to reduce ground levels and install perimeter drainage to control the effects of rising damp”.

Section 6.2.8 of the Scottish Building Standards Technical Handbook (Domestic) 2017 states that “the manner in which proposed improvements may affect moisture movement or the permeability of existing construction will also require assessment to address the risk of adverse consequences”

6.3.5 Windows

The prevailing original window type within the conservation area is timber sash and case

Unfortunately the appearance of many buildings has been compromised by the inappropriate use of uPVC, metal, or poorly detailed timber, windows.

Positive action is required to ensure that window repair and replacement is carried out to safeguard and enhance the character of the building and streetscape.

Existing sash and case windows should be repaired whenever possible. Repairs should be on a like for like basis and include effective draught proofing measures. Guidance on maintenance of windows can be found at <https://www.englished.scot/building-advice/building-components/sash-and-case-windows/>



Traditional sash and case window with slim astragals—an asset to the conservation area

Replacement of historic windows will only be acceptable where it can be demonstrated that they have deteriorated beyond practical repair. In such cases the replacement windows should replicate the historic design, in terms of proportion, section sizes, astragal arrangement and profile and material. Traditional putty should be used to fix the glass in. Neither horns nor trickle vents should not be used unless there is historical evidence that shows their use is appropriate. Refer to HES’s [Short Guide on Sash and Case Windows](#) for more detailed guidance

Where previously inappropriately replaced or altered, the reinstatement of windows in keeping with the character of the building will be encouraged and supported.

For detailed information on national policy (including guidance on trickle vents and draughtproofing), reference should be made to Historic Environment Scotland’s [Managing Change in the Historic Environment—Windows](#).

Windows generally only account for around 20% of the heat loss in a traditional stone building. For further information on reducing heat loss in buildings refer to Historic Environment Scotland’s guidance on [sash windows](#).

Management Plan

6.3.6 Boundary Walls

Boundary walls add value to open space and public realm. The predominant boundary wall type is dry-stone slate however some rendered walls can also be seen.



Dry-stone slate wall

Their removal or inappropriate alteration will not be supported. Positive action should be undertaken to ensure that boundary walls are kept to a good standard of repair to avoid deterioration. Repair to masonry components should be undertaken using traditional materials and any significant repair that will require rebuilding should be on a like for like basis.

For detailed information on policy, reference should be made to Historic Environment Scotland's [Managing Change in the Historic Environment—Boundaries](#)

6.3.7 Individual Basis

The typologies specified in sections 6.3.3 to 6.3.6 are those which feature predominantly within the conservation area. Planning applications must be considered on an individual basis, taking into account the particular detailing in question.

6.3.8 Energy Performance

Although mentioned in section 6.3.5 (windows), it is worth reiterating that windows generally only account for around 20% of the heat loss in a traditional stone building. Therefore, when considering making energy improvements to buildings this should be borne in mind. Historic Environment Scotland have published guidance on [Improving Energy Efficiency in Traditional Buildings](#) which demonstrates how to improve the thermal envelope whilst maintaining its traditional features as well as its permeability.

Refer to section 6.2.8 of the Scottish Building Standards Technical Handbook (domestic) 2017, which states that “a flexible approach to improvement should be taken, based upon investigation of the traditional construction, form and character of the building (...)Provisions under other legislation (e.g. planning consent for listed buildings or those within conservation areas, where there is a need to maintain character, form or features) are also relevant”.

6.4 IMPLEMENTATION

Whilst current planning policies and this appraisal provide a framework for protection of the conservation area, it is important to ensure implementation of this framework and to meet the objectives highlighted in Section 6.1.1. A combination of guidance, information and planning tools will be used in this role.

- Conservation area guidance and design guidance will be provided for owners and occupiers of residential and commercial property with regard to building alterations and improvement. There will also be advice for any new-build proposals within the conservation area.
- Grant aid: the Council will provide information regarding what grant schemes may be available from partnership agencies and other organisations for certain types of repair or enhancement works.
- Education and training: the Council is in the process of establishing links with Historic Environment Scotland, businesses, enterprise bodies and construction skills providers to facilitate traditional and conservation skills training for local contractors and home owners. Details of opportunities will be promoted on the Council's website
- As a last resort the Council may consider enforcement action in relation to unauthorised work.

6.4.1 Buildings at Risk

Historic Environment Scotland maintains a list of buildings which are at risk from demolition or deterioration due to neglect or vandalism.

The Council will encourage the reuse of existing vacant buildings over new build construction where possible.

The buildings currently At Risk in Ellenabeich are discussed in section 3.4.1.

6.5 MONITORING AND REVIEW

The conservation area will be monitored through the following process:

- Photographs from this Appraisal will provide a monitoring indicator for the area.
- Officers from the Local Development Management Team will visit the conservation area on a regular basis.

This document should be reviewed periodically. A review may include some or all of the following:

- A survey of the conservation area including a photographic survey to aid possible enforcement action
- An assessment of whether the various recommendations detailed in this document have been acted upon, and how successful this has been
- The identification of any new issues which need to be addressed, requiring further actions or enhancements
- The production of a short report detailing the findings of the survey and any necessary action
- Publicity and advertising

Appendices

7.1 LISTED BUILDINGS

NUMBER	ENTRY	CATEGORY	WEB LINK
LB12201	Ellenabeich Quay at Sgeir Ban and Sea Wall to south	B	HES Link
LB12425	Ellenabeich, comprising:- 1-24. Miss Campbell's Cottage, Harbour Tea Room (the Old Bakery), Shop, 26, 27 (Mr Connelly's Cottage and Post Office), 28-42. Smith's Garage (former Store-house) 61, 60 Sealladh-Namara 64 (The Old Inn) Monaveen Lodge	B	HES Link
LB12203	Ellenabeich K6 telephone kiosk	B	HES Link

Appendices

7.2 FURTHER INFORMATION AND LINKS

Argyll and Bute Local Development Plan

www.argyll-bute.gov.uk/ldp

Argyll and Bute Sustainable Design Series

<https://www.argyll-bute.gov.uk/planning-and-environment/design-guides>

Historic Environment Scotland Policy Statement

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=f413711b-bb7b-4a8d-a3e8-a619008ca8b5>

Historic Scotland's Managing Change Guidance Note series

<https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/>

Historic Scotland - Advice for Owners of Listed Buildings

<https://www.historicenvironment.scot/advice-and-support/>

Historic Scotland's INFORM Guides (including advice on windows and doors)

https://www.historicenvironment.scot/archives-and-research/publications/?publication_type=36

Historic Scotland - Grants

<https://www.historicenvironment.scot/grants-and-funding/>

Argyll and Bute Council advice on grants and funding

www.argyll-bute.gov.uk/node/30895

Funds for Historic Buildings

www.ffhb.org.uk

Buildings at Risk Register

www.buildingsatrisk.org.uk

Scottish Civic Trust

www.scottishcivictrust.org.uk

Heritage Lottery Fund

www.hlf.org.uk

7.3 SOURCES

Buildings at Risk Register

<https://www.buildingsatrisk.org.uk/>

Historic Environment Scotland Designations

<http://portal.historicenvironment.scot/designations>

Historic Scotland (now Historic Environment Scotland) *Technical Advice Note 21: Scottish Slate Quarries*

National Library of Scotland

<http://maps.nls.uk/>

Slate Islands Heritage Trust

<http://www.slateislands.org.uk/islands.html>

Undiscovered Scotland—Ellenabeich

<http://www.undiscoveredscotland.co.uk/seil/ellenabeich/index.html>

Walker, Frank Arneil *The Buildings of Scotland: Argyll and Bute*

Withall, Mary *The Islands that Roofed the World*

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Conservation Area Appraisal & Management Plan

EASDALE

Draft for November 2019 PPSL



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Introduction, Purpose and Justification

1. INTRODUCTION, PURPOSE & JUSTIFICATION

1.1 CONSERVATION AREAS

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” (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997)

1.2 DATE AND REASON FOR DESIGNATION

Easdale Island Conservation Area was designated in 1973, but unlike the neighbouring Conservation Area of Ellenabeich, has not been granted Outstanding status. The conservation area covers the whole of Easdale Island incorporating the main settlement area, as well as an open space of landscape where remains of the quarry workings can be seen.

The map on page 3 shows the boundary of the conservation area.

1.3 WHAT DOES CONSERVATION AREA STATUS MEAN?

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.

Conservation area status does not mean that new development is unacceptable. It does mean that any proposed change will require careful management with the aim of maintaining the integrity of the area and enhancing its special character.

Planning Permission is required for most works, including, but not limited to, the following:

- New development including property extensions, enlargements, improvements or other alterations including roof, window or door replacements.
- Works within the curtilage of a dwellinghouse
- Minor operations e.g. painting, satellite dishes
- Changes of use or temporary buildings
- Hard surfacing within the curtilage of a dwellinghouse
- Changes to any part of a boundary wall, railings, gates or other enclosure
- Removal of, or works to, trees
- Works which materially affect the character of a building
- Advertisements

Please refer to [Circular 1/2012—Guidance on Household Permitted Development Rights](#)

Conservation Area Consent is required for demolition

Listed Building Consent is required for works to all categories of Listed Buildings.

Recent changes to the Householder Permitted Development Rights have strengthened the existing protection for conservation areas and these changes are reflected above.

Before undertaking work it is always advisable to contact the Local Area Planning Office to check if consent is required. Failure to obtain appropriate consents can result in enforcement action.

It is recognised that the successful management of conservation areas can only be achieved with the support and input from stakeholders, and in particular from residents and property owners.

Introduction, Purpose and Justification

1.4 PURPOSE OF APPRAISAL

Local Authorities are required to review their conservation areas on an ongoing basis. This latest appraisal of Easdale, carried out in 2017 recognises that significant time has passed since the previous draft was compiled in 2008. It was therefore considered essential that a full review be carried out .

Conservation Area Appraisals help the special qualities of the area be understood and how changing needs of that area can sensitively be managed. Appraisals play a positive role in facilitating change in a way that helps preserve and enhance the special quality of the area. Appraisals provide the opportunity to inform residents, businesses, developers, and investors about the special characteristics and needs of an area. This helps inform decisions and proposals for all levels of development.

No regulations or new policies are being imposed by this document

This document therefore seeks to:

- 1. Define the special interest of Easdale Conservation Area and identify any threats to its special qualities.**
- 2. Provide guidelines to prevent harm and achieve enhancement.**
- 3. Provide Argyll and Bute Council with Technical Guidance to support the assessment of development proposals in the conservation area or in a location that may impact on the setting of the conservation area.**

1.5 METHODOLOGY

The appraisal identifies key characteristics and ensures that there is an understanding of what it is desirable to protect. It also identifies any detracting negative factors. The appraisal forms the basis of a conservation area boundary review that was used to determine if potential redefinition of the current conservation area boundary should be considered.

The conservation area appraisal provides the basis for the development of a management plan. The plan defines how change will be managed within the conservation area, identifies specific opportunities for positive enhancement and sets out the policy framework for the determination of development proposals.

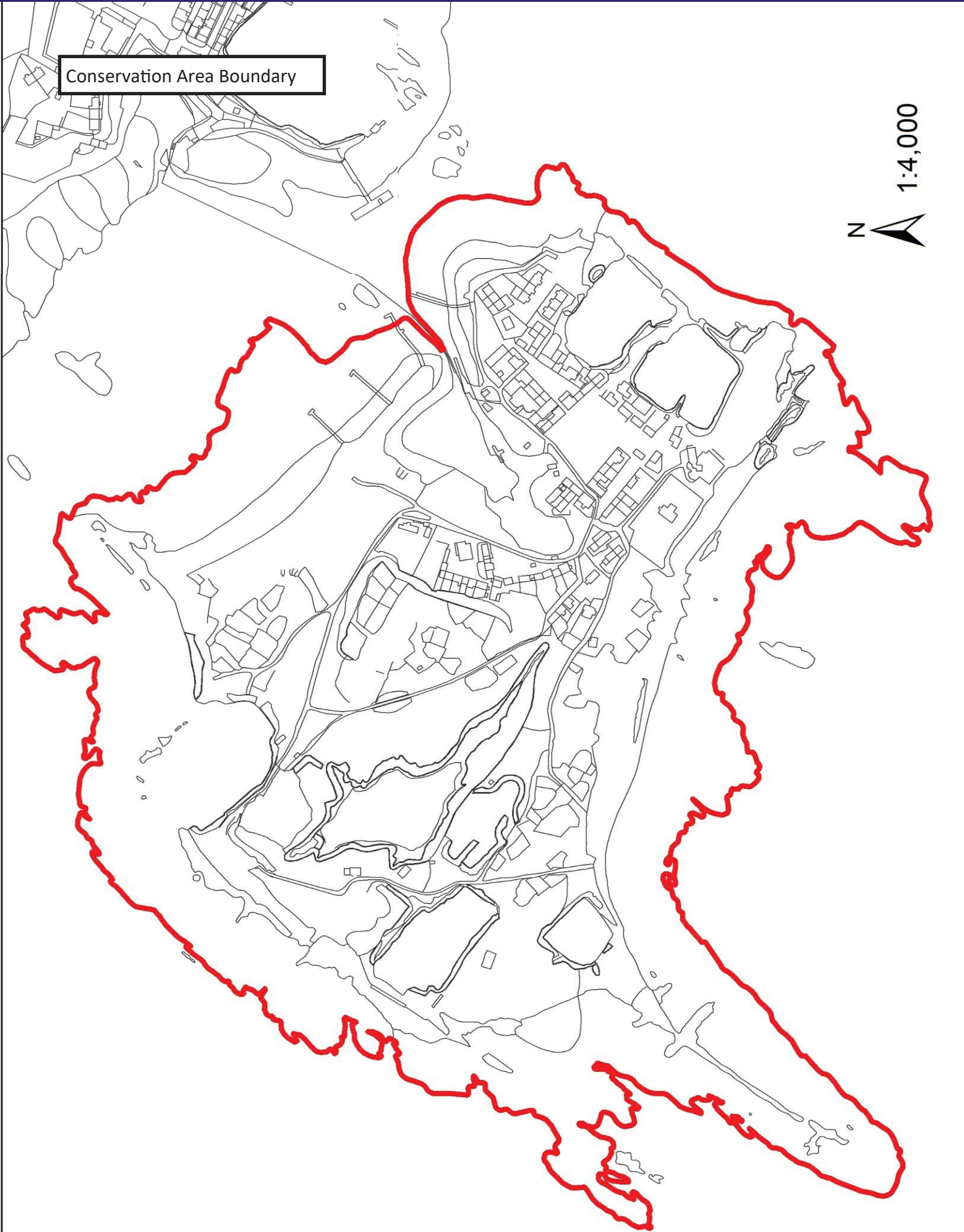
1.6 PUBLIC CONSULTATION

This conservation area appraisal and resultant conservation strategy was subject to public consultation prior to final Council approval. This provided the opportunity to take into account the views of stakeholders, community organisations, local residents and property owners.

The public consultation process included:

- Consultation from 11th December 2017 to 30th April 2018—publicity via Twitter, hand delivered flyers, publicly displayed posters and the Argyll and Bute Council website
- Drop in event held in Easdale Island Hall on 11th January 2018
- Collation and analysis of responses

Introduction, Purpose and Justification



2. LOCATION, HISTORY & DEVELOPMENT

2.1 LOCATION

2.1.1 Regional Context, Geology and Topography

The Slate Islands comprise the islands of Easdale, Luing, Seil and Belnahua on the west coast of Argyll.

The bedrock of the Slate Islands comprises some of the oldest sedimentary rock (Dalriadan) that has been

exposed in the British Isles. The name “Easdale” is generally used to refer to the whole group of quarries off the west coast of Argyll. Easdale Slate is blue-black with a rippled surface.

The island is reached by a 5 minute passenger ferry ride from Ellenabeich and is one of the smallest of Scotland’s islands currently supporting a community.

The exposed nature of the island has resulted in there being very few trees. However it is host to unique flora and fauna. The island is fairly flat and low-lying with one hill, reaching only 38 metres.



Location of Easdale

Location, History and Development

2.2 HISTORY AND DEVELOPMENT

The history provided in this document is intended only to set a basic context for the Appraisal.

2.2.1 Historic Pattern of Land Use and Settlement Development

The Slate Islands off the west coast of Scotland played a highly significant part in the industrial history of Scotland and are of considerable significance in the history of building construction generally. More importantly, they are of universal significance because they represent an early age in the history of industrialisation.

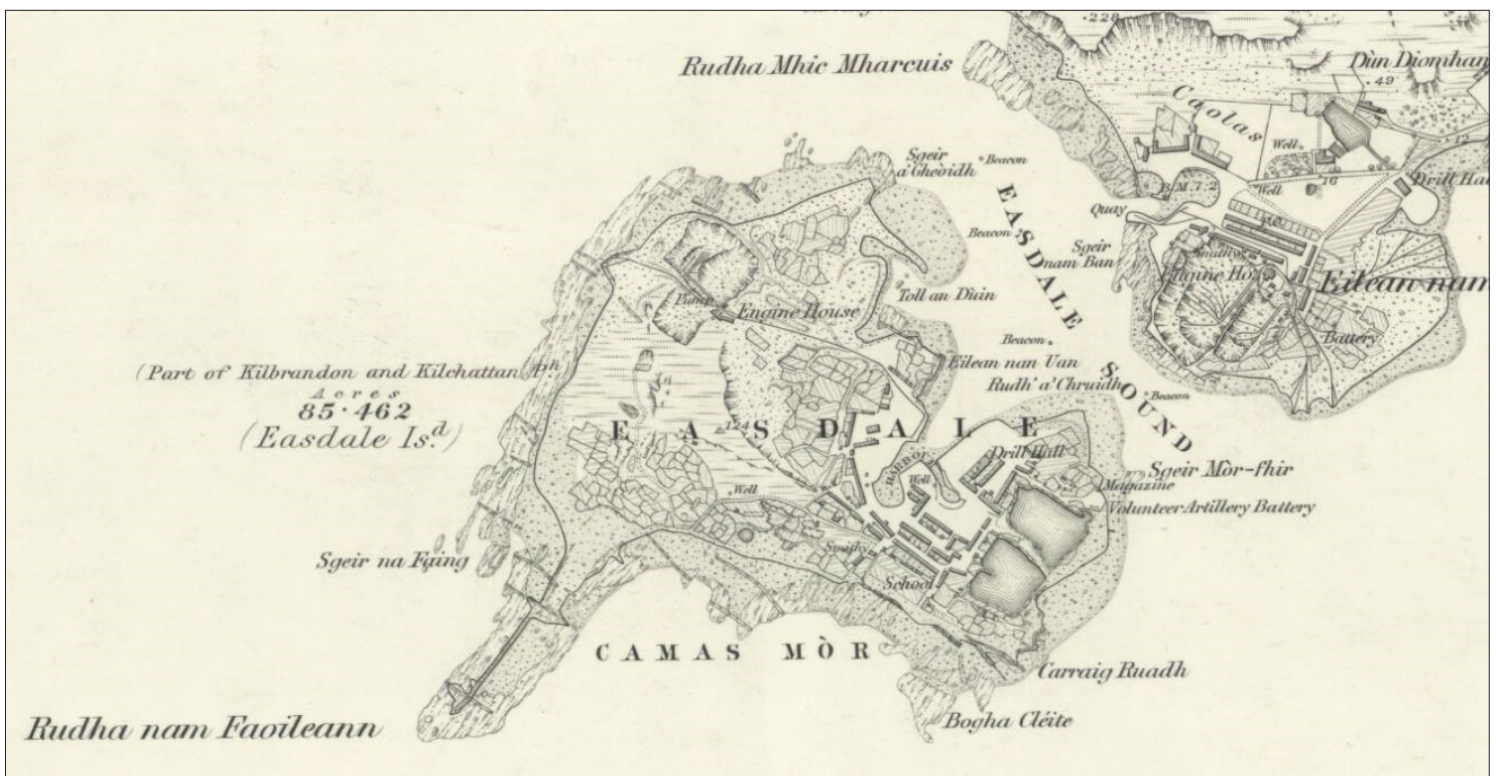
Of particular importance too is the socio-economic history of these industrial island communities:- the relationship between the workplace and the home, and the way of life led by the quarry-men and their families that can still be seen by the islands' built form.

There is little robust evidence of early quarrying activity however reports suggest slate was sent to St Andrews in 1168, and to Glasgow to roof the Cathedral in 1197.

More reliable records began in 1745 when the Marble and Slate Company of Netherlorn was set up, and by 1772, 2 ½ million slates were being exported from Easdale annually.

The industry showed a steady and rapid growth, with production rising to 10 million slates a year (across the whole of the Slate Island quarries) at the end of the 19th century. Slates were transported via the Crinan Canal to Glasgow.

Tramways were built which replaced the use of horses for transportation of materials from the quarries in the north. The Coalery (the former stables) was therefore converted into an engine house for the tramways.



1st Series OS Map (1871)

Location, History and Development



2st Series OS Map (1898)

Production at Easdale was made challenging by the fact that the slate beds lay near sea-level and were susceptible to flooding. By publication of the OS map in 1877 the two quarries to the south-east were already marked as “old quarry” and flooded. Another quarry to the north was also denoted “old quarry” but had not yet flooded. A storm in 1881 resulted in a tidal wave which swamped many more quarries on Easdale island. As the quarries fell further below sea-level, walls were built to keep the sea out. One of these, 4 metres high, stands on the seaward side of one of the largest quarries on Easdale Island.

Easdale was the first of the slate island villages to be developed, with the first cottages built in the mid-18th century with thatched roofs and no glazing. Later, cottages were slated with small seconds.

Easdale Island was purchased by Donald Dewer in the 1950s and roofs of some of the houses were removed

to avoid paying rates. By the 1970s, when Dewer drowned in the harbour and Peter Fennell subsequently bought the island, most of these buildings were ruinous. Fennell carried out significant restorations and sold the houses as individual plots in the 1980s.

In the 20th century all the quarries faced competition from abroad and from artificial roofing materials. The last commercial quarrying of slate on Easdale was in 1911 although production continued intermittently until around 1914. The last of the Slate Island quarries (Culipool and Balvicar) closed in 1966.

“Easdale” was the principle village of the area, more populous than pre-railway Oban. It has been a commercial centre for as long as it has been a village.

2.2.2 The Area in Relation to its Form and Function

The organisation of dwellings within the village of Easdale is not as systematic as in the neighbouring conservation area village of Ellenabeich. Houses are grouped together round greens, built on flat land backing a low hill within easy access of the quarries.

Tangible remains of quarrying activities are highly significant as they show how the industry developed over the years. Quarries became worked out or flooded and new quarries were opened up, the tramways were built then later removed.

Character and Appearance

3. CHARACTER AND APPEARANCE

3.1 ACTIVITY AND USES

Easdale is mainly residential, although many of the houses are used as holiday homes. According to the Eilean Eisdale website (no date) there are 71 inhabited houses of which 30 are occupied year-round. A regular foot passenger ferry service brings passengers to the island from Ellenabeich. On arrival at Easdale there is a community hall, a pub (The Puffer) and a playpark. There is no grocery store on the island, having closed in the late 1980s.



Easdale Island Hall



The Puffer

The Easdale Folk Museum sits behind some cottages, on the edge of one of the flooded quarries.

Scenic walks are afforded around the former quarry sites, where ruins of former quarry buildings can be seen and the water in the flooded quarries shines a deep blue. One such flooded quarry is now used for the annual World Stone Skimming Championships.

There is no school on Easdale Island:- primary school pupils attend school in Ellenabeich and secondary pupils travel 17 miles to attend high school in Oban. There previously was a side-school on Easdale Island, however this closed in the 1940s due to lack of pupils and is now a private house.

3.2 STREET PATTERN AND LANDSCAPE

There are no vehicles on Easdale Island. Local residents store wheelbarrows at the ferry terminal to assist them with carrying their belongings to their houses.



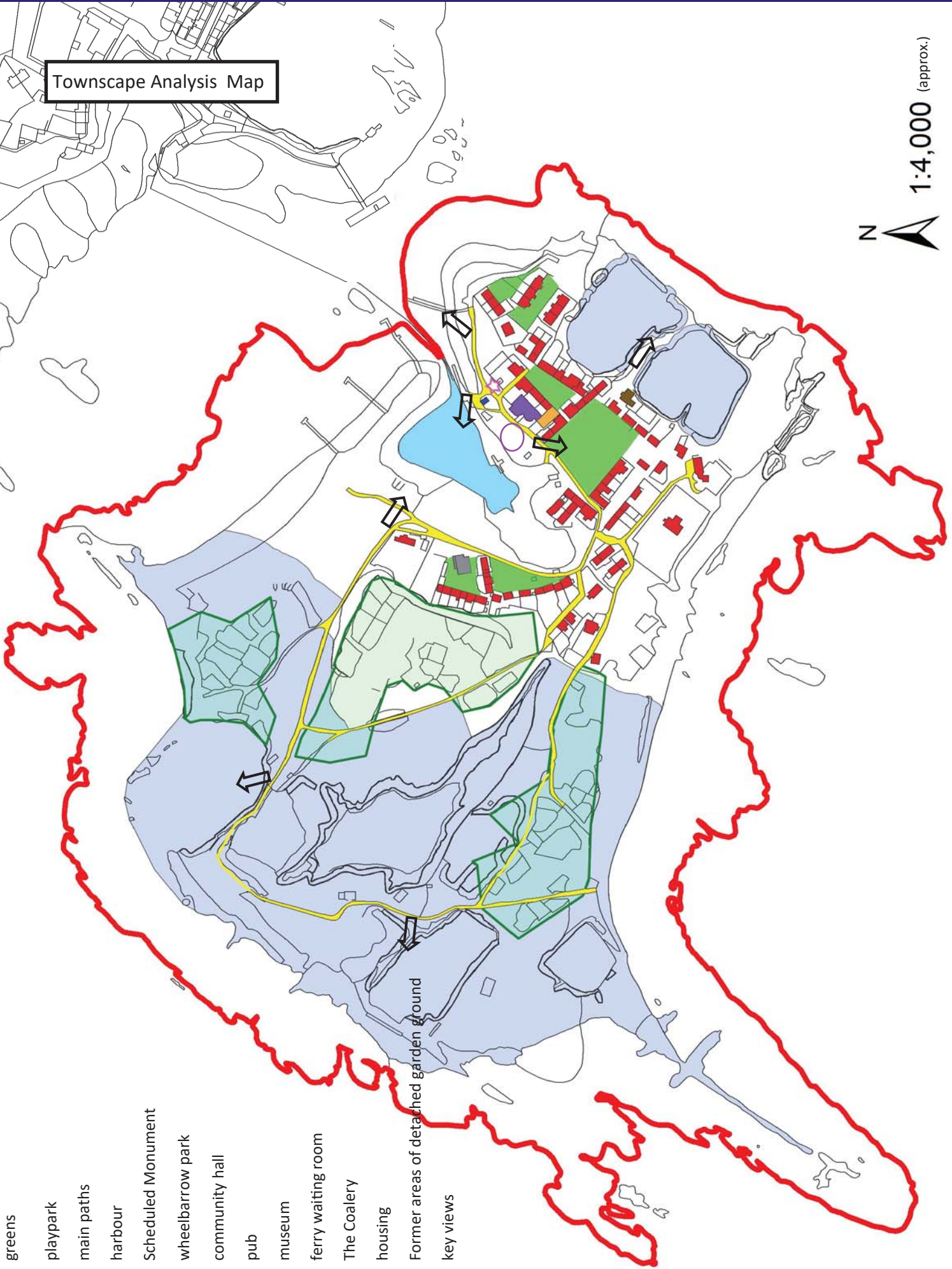
Wheelbarrows

The narrow pedestrian paths are covered with pieces of slate, and provide the main routes around the island. Access to many of the houses however is across greens, of which there is a large square one on the left after departing the ferry, and further smaller ones are dotted around between the houses. Where new houses have been built to the north-east of the island a respect for the traditional landscape pattern has been maintained, with further greens incorporated into the landscape design here.

Character and Appearance

Townscape Analysis Map

1:4,000 (approx.)



- greens
- playpark
- main paths
- harbour
- Scheduled Monument
- wheelbarrow park
- community hall
- pub
- museum
- ferry waiting room
- The Coalery
- housing
- Former areas of detached garden ground
- key views



Character and Appearance



Slate path

Behind some of the terraces of houses, to the east of the island, are two flooded quarries. The houses are sited with their back gardens leading right up to these.



Landscape

As the houses feature little private ground adjacent to the properties, allotments are sited within open landscape areas to the west of the settlement area.



Allotments

Here, the slate paths continue round through the former slate quarries where ruined stone buildings sit beside the blue waters of the flooded quarries, and open views are afforded across out to sea.

Telegraph poles support electricity and phone lines which currently run overground. Residents expressed a wish that these be replaced with underground services.

3.3 PUBLIC REALM

Arrival at the conservation area is into the B-Listed harbour, where the wall has fallen into disrepair and is being propped up by timber supports. The harbour area provides the main public space, with a small ferry waiting room constructed of exposed stone, and an old K9 telephone box converted into a defibrillator unit. The outdoor space features tyre planters and wooden seating.



Ferry waiting room

There is little signage, the only being some hand-crafted signs in the main green, and there is no street lighting.



Signage

Character and Appearance

3.4 ARCHITECTURE AND CHARACTER

The main architectural character of Easdale Island is defined by the former slate-workers' cottages (built in the early 19th century) which are arranged around greens. Many of the former cottages are no longer there, leaving gap sites. This would most likely have been as a result of the decline of the industry in the early-20th century, followed by the removal of roofs in the 1950's by Donald Dewar, resulting in many cottages falling into a ruinous condition.

The traditional form of the cottage is single-storey with pitched slate roofs featuring chimneys, and gable ends. Porches did not feature as part of the original house form. Traditional window openings were small with timber sash and case windows, and doorways were low and wide. Although most are terraced, some detached cottages can also be seen. The cottages are generally finished in white render.



Traditional cottage

Many of the cottages have now been extended to suit modern lifestyles. Roofs have been raised up to allow use of the attic space and velux rooflights fitted. Many houses have been extended to the rear with mono-pitched roofed extensions. These adaptations to suit modern living requirements are acceptable, whereas extending to the front (and the greens) would not be.

Many houses open directly onto the greens and aren't defined by a boundary wall. The greens blur the boundary between private and public space. The greens are a distinctive feature that forms the basis of the island's character. Where boundary walls can be found (generally

bounding rear gardens), these are traditionally of dry-stone slate walling.



Green

Former cottages have been converted into non-residential uses (one now forms the Puffer pub and another has been incorporated in the new community hall design).

New housing has been built to the north-east of the island. These cottages follow the form of the traditional cottages and feature slate roofs (part of which are of reclaimed slates), and suitably sized chimneys. The siting of the houses directly onto greens respects the island's traditional layout, as do rear boundary walls of dry-stone slate. The windows are timber sash and case and although these feature cills (which wouldn't have been found on their traditional counterparts), these form a function in terms of protecting the building fabric and are a key component in modern building design. These are therefore a positive and welcome addition to the island's architectural character.



New housing

Character and Appearance

Character Analysis Map

- Scheduled Monument
- 19th century buildings
- Demolished housing — (indicative positions)
- 20th century buildings
- Building At Risk

NOTE: as the majority of traditional cottages are Listed, either individually or as part of a group, these have not been marked on the map but are listed in Appendix 7.1

N
1:2,000 (approx.)

Character and Appearance

The Coalery was built in the late-19th century of exposed stone with a bell tower to the east gable. The Coalery was originally built as stables then later converted to an engine shed for the tramway. The building sits taller than the traditional island architecture due to its former function. The tall building acts as a dominant feature, significant to the history of industry on the island.



The Coalery

Whilst the small single storey cottage forms the main character of the area, larger, one-off styles of architecture can also be found dotted around. A large distinct house (built 1987-92) sits to the south-east of the island bounded by low slate walls, overlooking Camas Mor. When approaching from the west the exposed stone walls tie in with the boundary walls and the relationship between the design and its context can be seen.



Approach to modern house



Modern house

This corner of the island features a number of detached houses. A further house of a larger size sits adjacent to this contemporary addition. An Lionadh is a 20th century house sited behind a demolished row of cottages. It is one of the few houses on the island to have dormer windows. Moreover these dormers, as well as the other windows, are now untraditional uPVC and of horizontal proportions. The other detached (slate industry) dwellings here are smaller single height houses although these are both in a poor state of repair.

Easdale Island Hall (former drill hall) sits in a prominent position in the conservation area, being instantly visible on arrival at the island as well as from the other side of the harbour. The new structure incorporates that of the former drill hall, which was a square slate-rubble structure dating from 1871 with a high pyramid roof, as well as an old cottage. The new centre was designed in 2002 and is of a style completely different to anything else on the island, with timber protrusions contrasting sharply with the delicate nature of the island's traditional architecture. The original pyramid roof structure has been retained, but rooflights introduced. The building is C-Listed.



Easdale Island Hall

Building at Risk:

There is one registered Building at Risk on Easdale, which is an early 19th century former slate worker's cottage (number 34) located to the west of An Lionadh. The building was in ruinous condition in 2012 when last appraised by Historic Environment Scotland (HES). Photos by HES and the Scottish Civic Trust show the building had no roof. A planning application and a Listed Building application were submitted in 2004 but at the last site visit works were not yet complete. The slate roof is now reinstated.

Character and Appearance

Scheduled Monument:

Approximately half the island has been designated as a Scheduled Monument ([SM 10355](#)), the majority of this being the open landscape and flooded quarries to the east, with two further flooded quarries in the west also being included in the designation. The designation incorporates the associated industrial buildings and infrastructure. Historic Environment Scotland consider that the retention and preservation of such quarries can “significantly enhance our understanding of the early quarrying of slate”.

3.5 MATERIALS AND DETAILS

Roofs were traditionally slated with local (Easdale) slates. Small slates were used for the cottages to allow the larger ones to be exported. As there are no active slate quarries in Easdale (or even in Scotland), there is a limited supply of (reclaimed) Easdale slates for repairs and new developments – a discussion regarding specification for this purpose is covered in section 6.3.3. The use of artificial slates or corrugated roofing is inappropriate. Therefore where these materials have previously been used, upgrading to slate, even if imported, is encouraged.

Generally houses feature gable ends .

Dormers are not a feature on the traditional housing being found only on An Lionadh and the B&B (Eilean an Ilan).

Rooflights were not a traditional feature of the majority of buildings. Many have now been incorporated and where flat and sensitively proportioned these are an acceptable inclusion for modern living. Unfortunately however some of these are larger and wider than is best suited to the context.

External walls were constructed of slate rubble with corners built from whinstone (a hard basaltic granite). The external walls of slate-workers’ cottages have now generally been rendered in cement and finished with a modern masonry paint but previously would have been lime-rendered and/or limewashed. Further information about the performance of these materials can be found in section 6.3.4.

Buildings (if not exposed stone) are all finished in white with the exception of the B&B (Eilean an Ilan), which was formerly white but is now a pale beige. Encouragement will be given to returning this building to white.

Original windows have been removed and replaced with a variety of styles and materials, including uPVC. Many (modern timber as well as uPVC) have thick profiles that contrast sharply with the traditional form of the window. Even where an attempt has been made to seek a higher quality of uPVC windows these don’t fit the traditional architecture. Horns should only be used if precedent is found, and only then where they are moulded to match the historic profile.

Traditional doors are low and wide. These would have been timber with simple door knobs. Modern replacements are of various styles and materials including inappropriate use of uPVC.



Traditional and new doors showing different proportions

Slate has been used around the conservation area in details such as window cills. It is likely that the original buildings would not have featured cills, however as these are clearly a modern inclusion that would not be misleading to someone trying to understand the historic architecture, and as these are protecting the walls from water ingress, they are a welcome addition.

4 ASSESSMENT OF SIGNIFICANCE

Easdale Conservation Area is of historic importance due to its significance in the Easdale Slate Industry. Preservation of the former slate quarries and associated historical and architectural assets is therefore of critical importance.

As the quarries are no longer active, the area now relies heavily on tourism provided not only by this historical significance, but also due to its rural island location. Whilst it is important to preserve the remaining evidence of quarrying activity, it is of equal importance to protect the economy and allow the village to be active and thriving today.

4.1 KEY FEATURES

Having carried out an assessment of the buildings and areas it is possible to identify the key features that define the special architectural and historic character of the area. These are:

- **The piers and harbour**
- **The flooded quarries and ruinous remains of quarry buildings (designated a Scheduled Monument)**
- **The former slate workers' cottages with their unique characteristics**
- **The greens**
- **Traditional local materials such as whinstone and slate**
- **The absence of traffic**

4.2 NEGATIVE FACTORS

A number of negative factors have been identified and are listed below. These form the basis for the Opportunities for Enhancement.

- **Inappropriate windows – the orientation, proportions, opening style, materials and detailing of windows are of paramount**

importance. For example astragals should not be stuck onto the pane of glass, should be timber and should be slender; and horns should not be included in windows of buildings pre-dating 1850. uPVC and other inappropriate windows have incrementally and negatively affected the character and appearance of the conservation area.

- **Roof tiles – in any conservation area poor quality roof tiles would not be considered acceptable, and this is of even higher importance in a conservation area designated as such due to its production of roofing slates.**
- **Lack of maintenance – There are a number of cottages or parts thereof, that, if not maintained in the immediate future, are at risk of becoming derelict.**
- **Quality of newer developments and extensions – recent development in the area has not wholly understood the sensitivities of the conservation area. Discussions with the planning department can assist in making an appropriate application.**
- **Dumping of waste of open land**
- **Overground telegraph poles (electricity and phone lines)**

4.3 SENSITIVITY ANALYSIS

Easdale is important in architectural terms and fragile in economic terms.

The character and appearance of the Slate Island Villages are highly vulnerable to changes arising from modernisation and new development. It is not the intention of the planning department to thwart socio-economic progress, but simply to ensure that development is not detrimental to the character of the area, by paying particular attention to the negative factors identified in Section 4.2 and the Management Plan (Section 6).

5 OPPORTUNITIES FOR PRESERVATION AND ENHANCEMENT

5.1 BUILDING MAINTENANCE AND REPAIR

It is important that historic buildings are adequately maintained and repaired using traditional materials and techniques. Traditional materials may last much longer than man-made counterparts if properly maintained and repaired. Natural building materials are the most sustainably responsible response to altering an historic building. Modern replacements usually look out of place, can cause problems with the building fabric if the traditional construction methods have not been considered and often do not last as long. Grants may be available to owners to ensure that eligible works are undertaken to a high standard.

Crucial to the preservation and enhancement of character and appearance is regular maintenance. Significant and costly repairs can be avoided by systematic annual inspections and dealing with small issues quickly.

Argyll and Bute Council's planning team and conservation staff can provide advice on traditional repairs and potential sources of grant funding. The council will encourage owners of historic buildings to use traditional materials and repair techniques through advice and publications and ensure that the availability of relevant grant funding is well publicised.



Chimney requiring maintenance

Easdale Cottages

A number of cottages are in need of maintenance and repair, to varying degrees. Early repair of such buildings would not only be of aesthetic benefit to the area, but would preserve the life of these historic buildings and their traditional features. For example slipped slates can result in water ingress which will cause wetting and potential rot of the roof timbers.

5.2 BOUNDARY REVIEW

As part of the assessment process the boundaries of the conservation area were inspected and research was carried out into the historic development of the town. Existing designations were also examined. Designation and review will not, in its own right, ensure that the character or appearance of the area is preserved or enhanced. The development of a robust Management Plan (section 6) will provide a basis for Development Management decisions.

5.2.1 General Principles of Review

In considering any review of the content and boundary of a conservation area, it is important to establish criteria against which decisions can be assessed. An overarching principle comes from the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 itself. In defining conservation areas and the role that the planning authorities have in considering development proposals within them, four main themes are identified. These are:

- A) Architectural interest
- B) Historic interest
- C) Character
- D) Appearance

Opportunities for Preservation and Enhancement

5.2.2 Easdale Review

The conservation area covers the whole of the island, thus the boundary cannot be extended. This incorporates the settlement with its former slateworkers' cottages, as well as the open landscape area which hosts the remains of quarries and associated structures. Both areas are considered to be of historical significance therefore **it is not proposed to amend the conservation area boundary.**

5.3 OPPORTUNITIES

The Landscape

There is currently open land to the north-west of the harbour (which is not part of the Scheduled Monument). The ground is currently mostly outwith the settlement zone so could not be used for development at this time. However, the open land is not being treasured or maintained, with parts being used as a dumping ground. There is therefore an opportunity to tidy this up and make better use of the land through environmental improvements.



Rubbish dumped on landscape

34 Easdale Island

The former slate worker's cottage which is designated "At Risk" should be repaired and developed to a wind and watertight standard in order to preserve the building fabric. A planning application and a Listed Building application were submitted in 2004. The proposal included the demolition of a rear shed, to be replaced with a new lean-to extension, as well as replacement of the existing roof and new render to be applied to the existing stone walls. However at the last site visit the remedial works had still not been completed. There is an opportunity to complete these vital works and restore the cottage to a habitable condition. Consideration should be given to a lime render (see section 6.3.4)



Cottage "At Risk"

Harbour Sea Wall

The B Listed harbour has fallen into disrepair and is being propped up by timber supports. The residents expressed a desire to find a means of repairing this.

6 MANAGEMENT PLAN

6.1 STRATEGY

The Easdale Conservation Area Appraisal highlights opportunities for preservation and enhancement within the conservation area as well as sensitive elements that require positive management in order to help preserve the special quality of the conservation area. This strategy is therefore intended to assist on the positive management of preservation, enhancement and change.

6.1.1 Objectives

There are some key objectives in the management of the Easdale Conservation Area to be considered in the short, medium and long term. These key objectives are:

- **To support and promote high standards of maintenance and repair.**
- **To support positive change and avoid erosion of character through piecemeal change or unsympathetic works.**
- **To support and promote economic growth of the area by maintaining and improving quality of place.**
- **To make decision-making more cohesive amongst stakeholders.**
- **To balance conservation issues with socio-economic realities**

6.2 MANAGEMENT POLICIES

Please note that these policies are already operational—this Appraisal and Management Plan simply seek to clarify their existing role within the context of Easdale Island Conservation Area.

A key objective of Argyll and Bute's Historic Environment Strategy 2015—2020 is to promote positive development management and intervention for Argyll and Bute's historic environment.

In order to meet the core objective of preservation and enhancement of the historic character and appearance of the conservation area the Council will uphold the use of Local Development Plan policies and Supplementary Guidance as well applying policies and guidance defined at national level.

6.2.1 Legislation and National Policy

The Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, provides the legislative framework to listed buildings and conservation areas, setting regulatory measures covering development and statutory designations. Scheduled Monuments are given legal protection under the Ancient Monuments and Archaeological Areas Act 1979.

The national policy framework includes: Scottish Planning Policy 2014; Historic Environment Scotland Policy Statement June 2016; Scheduled Monument Consent Procedures 2015 and Historic Environment Scotland's Managing Change in the Historic Environment guidance note series.

6.2.2 Local Policy

This appraisal provides a firm basis on which applications for development within the conservation area can be assessed. It should be read in conjunction with the wider development plan policy framework produced by Argyll and Bute Council.

The Development Plan for Argyll and Bute comprises:

The Argyll and Bute Local Development Plan (adopted March 2015) made up of a Written Statement and Proposal Maps. The Local Development Plan sets out a settlement strategy and spatial framework for how

Management Plan

the Council wants to see Argyll and Bute develop to 2024 and beyond, excluding the area of Argyll and Bute covered by Loch Lomond and the Trossachs National Park that has its own plan.

Policy LDP 3—Supporting the Protection, Conservation and Enhancement of our Environment

“A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design”

Supplementary Guidance—the following policies are particularly relevant:

SG LDP ENV 16(a)	Development Impact on Listed Buildings
SG LDP ENV 16(b)	Demolition of Listed Buildings
SG LDP ENV 17	Development in Conservation Areas and Special Built Environment Areas
SG LDP ENV 18	Demolition in Conservation Areas
SG LDP ENV 19	Development Impact on Scheduled Monuments
SG LDP ENV 20	Development Impact on Sites of Archaeological Importance
SG LDP ENV 21	Protection and Enhancement of Buildings
SG LDP CST 1	Coastal Development
SG LDP ADV 1	Advertisements
SG LDP Shopfront	Shopfront / Advertising Design Principles

6.2.3 Permitted Development and Article 4 Directions

The Town and Country Planning (Permitted Development) (Scotland) Order 1992 (known as the GPDO) sets out certain types of development that do not require planning permission, known as permitted development rights. The rules about changes made to a dwellinghouse or other property which is listed or in a conservation area are more stringent.

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 Householder Permitted Development Rights, came into force in February 2012 and further restricts permitted development in conservation areas.

Clarification of what permitted development rights do not apply in conservation areas can be found in Circular 1/2012. Please note that this is a Scottish Government document and these requirements as a result of national policy over which Argyll and Bute Council has no control.

It is considered that the existing protection provided by the listed building designations in the area, supported by this further legislation, will be sufficient to protect and enhance the character of Easdale Conservation Area. It is therefore not proposed to apply an Article 4 Direction at this time.

Building owners should contact the Planning Department if they are unsure whether works will require planning permission

6.3 APPLICATIONS FOR DEVELOPMENT

6.3.1 Development Guidance and Checklist

- **Development proposals must be in accordance with current development plan policies relating to conservation areas, and the special character of historic buildings. Proposals must also be in accordance with guidance laid out in this appraisal.**
- **Design, materials and detailing will require to be in accordance with design guidelines prepared by the Council and this appraisal.**
- **Development proposals should demonstrate a sustainable approach, including use of materials and sustainability of use.**
- **Adaptive re-use of buildings and mixed use projects to ensure a reverse in physical, visual or economic decline will be positively considered subject to compatibility with neighbouring properties and uses.**

Original architectural detail and the use of traditional materials makes a defining contribution to the character and appearance of a conservation area. A focus on retention and appropriate repair is an important criterion in the context of preservation and enhancement. Inappropriate change such as replacement roof coverings, windows and doors has eroded, to some extent, the appearance of the area. Such change on a singular basis may seem small, but incrementally will lead to a detrimental loss of character.

National planning policy has indicated that any assessment of development proposals must be made against the whole of a conservation area.

6.3.2 Quality of New Developments, Building Alterations and Extensions

Historic Environment Scotland have published guidance on [New Design in Historic Settings](#). Developers will be encouraged to work with the key principles set out in this document. In assessing planning applications within the Easdale Conservation Area, the Council shall pay particular attention to the following:

- **New development should follow existing plot ratios**
- **New development, building alterations and extensions should be in accordance with the prevailing form of historic development, including the scale and massing of buildings.**
- **New development, building alterations and extensions should not impinge on the setting of existing buildings or features of historic importance, such as the flooded quarries (Scheduled Monument) or the greens. Specifically, extensions or porches infringing on the greens will not be permitted**
- **Original or historical features should be retained where they exist. Replacement of windows, doors etc. should be a last resort and only used when repair is clearly out of the question**
- **New development, building alterations and extensions should use materials which are traditional to the conservation area and of high quality (the use of UPVC, aluminium, concrete tiles or other non traditional materials are generally not considered appropriate) (refer to sections 6.3.3 to 6.3.6)**
- **New boundary treatments should use traditional materials and be of appropriate design to suit the locality**

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The Council will expect most applications for new development within the conservation area to include a Conservation Statement (as part of a wider Design Statement) which provides the following information:

- **A character appraisal and design rationale identifying the means by which any new development will reflect the area’s special architectural and visual qualities and “fit in”**
- **How the proposal secures the repair and retention of features of interest**
- **How the proposal enhances the special character and qualities of the area as outlined in this appraisal**
- **An assessment of alternative design approaches to ensure the proposal has a positive impact on the character and appearance of the area**
- **How the proposal uses appropriate design, siting, scale and materials to enhance the existing character of the area**
- **How the proposal avoids or minimises any negative demolition works and any loss of mature trees**
- **How the proposal enhances and addresses areas of poor character**

For guidance on the content and structure of Design Statements refer to [PAN 68—Design Statements](#), published by the Scottish Executive.

6.3.3 Roofs

The dominant roofing typology within the conservation area is Easdale slate. To safeguard and enhance the area, positive action is required to ensure that the repair of historic roofs is carried out using appropriate traditional materials and detailing. It is important to note that with regular maintenance traditional materials such as slate, lead and cast iron can be extremely durable.

Existing slate should be re-used whenever possible with any new slate required to make up any shortfall sourced to provide a good match in terms of size, thickness, colour and performance, and laid in the same coursing pattern. Poor quality or synthetic slate or concrete tiles should be avoided. It is considered that reclaimed slate should be sought for repairs to roofs to any prominent buildings. Due to the limited supply of reclaimed Easdale slates, there will be situations where the planning department may consider an alternative natural slate appropriate. Discussions are required with the planning and conservation staff to ascertain in which specific situations new, imported slate would be considered, and in this event, samples would require to be agreed to determine a suitable alternative in terms of colour, cleavage, grain size, size etc.

Neither artificial roof slates nor corrugated roofing will generally be acceptable.

The predominant roof form is the gable end thus it is preferable for future extensions and new developments to be sympathetic to the area’s character by using a gable.

Rooflights were not a traditional feature of the majority of buildings, therefore whilst insertion of such may be completely acceptable, there is no reason for these to feature a “conservation style” bar down the centre. They should, however, be appropriately small, narrow and flat.



Contrasting rooflights, demonstrating how the low profile and slenderness of that on the left is more sensitive to the character of the area

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Roof fixtures such as aerials and satellite dishes should be carefully sited to ensure that they are not visible from ground level or break the profile of the roof at ridges and chimney stacks.

Where a roof has been previously altered the reinstatement of traditional materials and form will be encouraged and supported. If artificial slates are currently present, upward improvement to imported slates would be encouraged.

Chimneys make an important contribution to the character of the roof and should be retained. Where repair is required this should be on a like for like basis using traditional materials with particular attention to the detailing and size (such as copes and pots). Where major intervention is required due to structural issues there will be a presumption that chimneys should be reconstructed on a like for like basis.

For detailed reference on policy, reference should be made to Historic Environment Scotland's [Managing Change in the Historic Environment—Roofs](#).

For information on roof mounted renewable energy systems such as photovoltaic panels refer to Historic Environment Scotland's [Micro-Renewables in the Historic Environment](#)

6.3.4 Walls

The prevailing wall construction type is a solid masonry wall of local slate rubble and whinstone (an igneous rock). Traditionally, as well as lime mortar being used, the external finish would also have been lime (whether that had been a lime render and limewash, or limewash directly on the stone). Unfortunately, the majority of buildings have now been rendered in cement and painted with a plastic masonry paint. This is inappropriate for traditional solid wall construction which was designed to be vapour-permeable. Whilst lime mortars and renders allow a building to “breathe” and pass moisture harmlessly through the fabric, cement and plastic finishes are likely to cause moisture build-up in the wall, which can cause damage to the structure.

Where buildings are of exposed stone, repointing work should be done with lime mortar (removing any cement mortar first).

Buildings of a certain period would not have had a damp proof course. It is therefore not recommended to introduce a damp proof course into such buildings, where water will become trapped in the wall.

6.3.5 Windows

The prevailing original window type within the conservation area is timber sash and case.

Unfortunately the appearance of many buildings has been compromised by the inappropriate use of uPVC, metal, or poorly detailed timber, windows.



Traditional style sash and case windows—no horns, no trickle vents, suitably slim astragal

Positive action is required to ensure that window repair and replacement is carried out to safeguard and enhance the character of the building and streetscape.

Existing sash and case windows should be repaired whenever possible. Repairs should be on a like for like basis and include effective draught proofing measures. Guidance on maintenance of windows and doors can be found at <https://www.englished.org/publications/publication/?publicationId=de744d4d-0610-48f4-af5e-a59500f93be8> and <https://www.englished.org/publications/publication/?publicationId=868ab7cf-176f-4f85-b925-a59500e4b21b>

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Replacement of historic windows will only be acceptable where it can be demonstrated that they have deteriorated beyond practical repair. In such cases the replacement windows should replicate the historic design, in terms of proportion, section sizes, astragal arrangement and profile and material. Traditional putty should be used to fix the glass in. Neither horns nor trickle vents should not be used unless there is historical evidence that shows their use is appropriate. Refer to HES's "looking after your sash and case windows" for more detailed guidance ([LINK ABOVE](#))

Where previously inappropriately replaced or altered, the reinstatement of windows in keeping with the character of the building will be encouraged and supported.

For detailed information on national policy (including guidance on trickle vents and draught proofing), reference should be made to Historic Environment Scotland's [Managing Change in the Historic Environment—Windows](#).

Windows generally only account for around 20% of the heat loss in a traditional stone building. For further information on reducing heat loss in buildings refer to Historic Environment Scotland's guidance on [sash windows](#).

6.3.6 Boundary Walls

Where houses are sited directly onto greens, no boundary walls exist and should not be built.

Boundary walls add value to open space and public realm.

Where boundary walls exist (i.e. rear gardens) these should be of dry-stone slate to match the typology prevalent in the area.

Their removal or inappropriate alteration will not be supported. Positive action should be undertaken to ensure that boundary walls are kept to a good standard of repair to avoid deterioration. Repair to masonry components should be undertaken using traditional materials and any significant repair that will require rebuilding should be on a like for like basis.

For detailed information on policy, reference should be made to Historic Environment Scotland's [Managing Change in the Historic Environment—Boundaries](#)



Dry-stone slate boundary walls

6.3.7 Individual Basis

The typologies specified in sections 6.3.3 to 6.3.6 are those which feature predominantly within the conservation area. Planning applications must be considered on an individual basis, taking into account the particular detailing in question.

6.3.8 Energy Performance

Although mentioned in section 6.3.5 (windows), it is worth reiterating that windows generally only account for around 20% of the heat loss in a traditional stone building. Therefore, when considering making energy improvements to buildings this should be borne in mind. Historic Environment Scotland have published guidance on [Improving Energy Efficiency in Traditional Buildings](#) which demonstrates how to improve the thermal envelope whilst maintaining its traditional features as well as its permeability.

Refer to section 6.2.8 of the Scottish Building Standards Technical Handbook (Domestic) 2017, which states that a flexible approach to implementation should be taken, based upon investigation of the traditional construction, form and character of the building (...). Provisions under other legislation (e.g. planning consent for listed buildings or those within conservation areas, where there is a need to maintain character, form or features) are also relevant.

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6.4 IMPLEMENTATION

Whilst current planning policies and this appraisal provide a framework for protection of the conservation area, it is important to ensure implementation of this framework and to meet the objectives highlighted in Section 6.1.1. A combination of guidance, information and planning tools will be used in this role.

- Conservation area guidance and design guidance will be provided for owners and occupiers of residential and commercial property with regard to building alterations and improvement. There will also be advice for any new-build proposals within the conservation area.
- Grant aid: the Council will provide information regarding what grant schemes may be available from partnership agencies and other organisations for certain types of repair or enhancement works.
- Education and training: the Council is in the process of establishing links with Historic Environment Scotland, businesses, enterprise bodies and construction skills providers to facilitate traditional and conservation skills training for local contractors and home owners. Details of opportunities will be promoted on the Council's website
- As a last resort the Council may consider enforcement action in relation to unauthorised work.

6.4.1 Buildings at Risk

Historic Environment Scotland maintains a list of buildings which are at risk from demolition or deterioration due to neglect or vandalism.

The Council will encourage the reuse of existing vacant buildings over new build construction where possible.

The building currently At Risk in Easdale is discussed in section 3.4.1.

6.5 MONITORING AND REVIEW

The conservation area will be monitored through the following process:

- Photographs from this Appraisal will provide a monitoring indicator for the area.
- Officers from the Local Development Management Team will visit the conservation area on a regular basis.

This document should be reviewed periodically. A review may include some or all of the following:

- A survey of the conservation area including a photographic survey to aid possible enforcement action
- An assessment of whether the various recommendations detailed in this document have been acted upon, and how successful this has been
- The identification of any new issues which need to be addressed, requiring further actions or enhancements
- The production of a short report detailing the findings of the survey and any necessary action
- Publicity and advertising

Appendices

7.1 LISTED BUILDINGS

NUMBER	ENTRY	CATEGORY	WEB LINK
LB48053	Easdale Island, Harbour Breastwork	B	HES Link
LB48075	The Coalery, Easdale Island	C	HES Link
LB48057	Easdale Island, the Drill Hall	C	HES Link
LB48054	1 Easdale Island	C	HES Link
LB48055	2, 3, 4 and 5 Easdale Island, including garden walls to rear	C	HES Link
LB48056	8, 100 and 6 Easdale Island	C	HES Link
LB48058	9 Easdale Island	C	HES Link
LB48059	11, 11A , 11B Easdale Island	C	HES Link
LB48060	12 and 12A Easdale Island	C	HES Link
LB48061	13 Easdale Island	C	HES Link
LB48063	15 Easdale Island	C	HES Link
LB48064	32, 18 and 19 Easdale Island including garden walls to rear	C	HES Link
LB48066	23 Easdale Island	C	HES Link
LB48067	24 Easdale Island	C	HES Link
LB48065	29 Easdale Island including garden wall to rear	C	HES Link
LB48068	31, 33A and 33 Easdale Island	C	HES Link
LB48069	34 and 35 Easdale Island	C	HES Link
LB48074	36 Easdale Island	C	HES Link
LB48070	41, 42, 43 Easdale Island	C	HES Link
LB48071	44 Easdale Island	C	HES Link
LB48085	47 Easdale Island	C	HES Link
LB48073	48 Easdale Island	C	HES Link
LB48077	50, 51, 52, 53 and 54 Easdale Island	C	HES Link
LB48076	55 Easdale Island including boundary wall	C	HES Link

Appendices

7.2 FURTHER INFORMATION AND LINKS

Argyll and Bute Local Development Plan

www.argyll-bute.gov.uk/ldp

Argyll and Bute Sustainable Design Series

<https://www.argyll-bute.gov.uk/planning-and-environment/design-guides>

Historic Environment Scotland Policy Statement

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=f413711b-bb7b-4a8d-a3e8-a619008ca8b5>

Historic Scotland's Managing Change Guidance Note series

<https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/>

Historic Scotland - Advice for Owners of Listed Buildings

<https://www.historicenvironment.scot/advice-and-support/>

Historic Scotland's INFORM Guides

https://www.historicenvironment.scot/archives-and-research/publications/?publication_type=36

Historic Scotland - Grants

<https://www.historicenvironment.scot/grants-and-funding/>

Argyll and Bute Council advice on grants and funding

www.argyll-bute.gov.uk/node/30895

Funds for Historic Buildings

www.ffhb.org.uk

Buildings at Risk Register

www.buildingsatrisk.org.uk

Scottish Civic Trust

www.scottishcivictrust.org.uk

Heritage Lottery Fund

www.hlf.org.uk

7.3 SOURCES

Buildings at Risk Register

<https://www.buildingsatrisk.org.uk/>

Eilean Eisdale

<http://www.easdale.org/>

Historic Environment Scotland Designations

<http://portal.historicenvironment.scot/designations>

Historic Scotland (now Historic Environment

Scotland) *Technical Advice Note 21: Scottish Slate Quarries*

National Library of Scotland

<http://maps.nls.uk/>

Slate Islands Heritage Trust

<http://www.slateislands.org.uk/islands.html>

The Royal Commission on the Ancient and Historical Monuments of Scotland *Argyll: An Inventory of the Ancient Monuments—Volume 2: Lorn*

Undiscovered Scotland—Easdale

<http://www.undiscoveredscotland.co.uk/easdale/easdale/index.html>

Walker, Frank Arneil *The Buildings of Scotland: Argyll and Bute*

Withall, Mary *The Islands that Roofed the World*

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

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – 20th November 2019

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A) INTRODUCTION

This report summarises the outcome of a recent appeal decision by the The Planning and Environmental Appeals Division (DPEA) relative to the case set out below.

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISIONS

Planning Authority:	Argyll and Bute Council
Planning application ref:	18/01546/PP
Planning appeal ref:	PPA-130-2074
Proposal:	New hybrid development of tourism units, co-housing, paths, stabilisation of existing trees and planting plus workshops and shared facilities
Location:	Land to North of Boat Yard, Rosneath Road, Kilcreggan, Argyll and Bute.
Date of decision:	22 nd October 2019

The Reporter determined this appeal in accordance with the development plan and other material considerations. Having regard to the provisions of the development plan the main issues in this appeal were as follows:

- if the proposal would be in keeping with its local character and context;
- if the proposed impact on amenity open space and trees would be acceptable;
- if safe access and parking provision would be achieved.

The Reporter concluded that the proposal would not protect local character, that the impact on amenity open space and trees would not be acceptable and that the details provided by the appellant were insufficient to demonstrate compliance with SG LDP TRAN 4 which requires road safety and street design issues to be addressed and with SG LDP TRAN 6 on vehicle parking provision. However, in this last instance the Reporter did consider that issues of safe access and parking could be dealt with by condition.

Consequently, the Reporter dismissed the appeal.

Full details of the appeal decision can be viewed on the DPEA website
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=120569>

D) IMPLICATIONS

Policy: None.
Financial: None.
Personnel: None
Equal Opportunities: None

Author and Contact Officer: Howard Young 01436-658888

Fergus Murray
Head of Development and Economic Growth

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