

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 22 AUGUST 2018**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor George Freeman
Councillor Rory Colville	Councillor Graham Archibald Hardie
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour Head of Planning, Housing and Regulatory Services
Sheila MacFadyen, Senior Solicitor
Richard Kerr, Principal Planning Officer
Peter Bain, Acting Development Manager
Sandra Davies, Acting Major Applications Team Leader
Arlene Knox, Senior Planning Officer
Stuart Watson, Traffic and Development Manager
Alan Morrison, Regulatory Services Manager
Paul Convery, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Roderick McCuish and Sandy Taylor.

2. DECLARATIONS OF INTEREST

Councillor Rory Colville declared a non-financial interest in planning application reference 18/01027/PP as he is a member of a tripartite Social Enterprise Group which was applying for Scottish Government funding to develop a community renewables investment project, with wide community benefits. He left the room and took no part in the determination of this application which is dealt with at item 9 of this Minute.

3. MINUTE

The Minute of the Planning, Protective Services and Licensing Committee held on 20 June 2018 was approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARE SCALE REVIEW

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the local authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The fares were last reviewed by members on 18 January 2017 and took effect on 25 July 2017. Consideration was given to a report

advising that the Committee were now required to carry out a further review of taxi fares.

Decision

The Committee agreed:-

1. to commence the review of fares in order that this can be completed within the 18 months required in terms of the Act; and
2. that the consultation required in terms of the Act will be in writing.

(Reference: Report by Head of Governance and Law dated 22 August 2018, submitted)

5. LINK GROUP LTD: RESIDENTIAL DEVELOPMENT COMPRISING 300 DWELLINGS, GROUND RE-MODELLING, NEW ROADS, INFRASTRUCTURE, OPEN SPACE, LANDSCAPING, COMMUNITY WOODLAND AND AREA FOR COMMUNITY FACILITIES: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 18/00375/PP)

The Acting Development Manager spoke to the terms of the report and to supplementary report number 1 which advised of additional information comprising the impact of trees on daylighting and a Dunbeg SUDs Pond Initial Design Risk Analysis. The application seeks to bring forward Phase 1 of the approved Masterplan on identified housing allocations H-AL 5/8, H4007 and H4015 within the adopted Argyll and Bute Local Development Plan. This is for 300 dwellings, all of which will be “affordable housing” provided and retained by a Social Rented Landlord (Link Group). The application site is considerably smaller than the indicated area of land to accommodate phase 1 of the approved Masterplan for 300 dwellings and is therefore not strictly in accordance with the site area indicated in the approved Masterplan. However it is considered acceptable as the Masterplan design approach and aspirations to deliver wider benefits have been met. The site slightly extends beyond the identified housing site in the LDP into land designated as countryside. This is considered a minor and justifiable departure from Policy LDP DM1 (E). Members have already authorised flexibility, where appropriate, on such matters in approving the Masterplan for the site. A minor departure from policy LDP 9 SG guidance relating to amenity standards for housing in respect of window to window Privacy Standards, plot ratio and garden sizes is considered to be acceptable in this instance. There is a minor incursion into the OSPA land in respect of the provision of the housing development and parts of Blocks CO2 and CO3. It is considered that this will not adversely impact upon the appearance or function of the OSPA and therefore a minor departure from SG LDP REC/COM 2 is in this instance considered acceptable. The Area Roads Manager is satisfied that sufficient justification has been provided within that submitted in support of the application to allow car parking to be 10% below stated LDP standards. There have been no objections from statutory consultees. There has been two letters of objection received from third parties along with one letter of support. Having considered the merits of the proposal and balanced those matters which favour the granting of planning permission against the non-compliance of some of the dwellings with LDP 9 standards and other minor departures as set out in the report, it is considered that the benefits of delivering 300 affordable housing units as part of delivering a strategic planning aspiration through the approved Masterplan as part of the wider Lorn Arc

project, and in accordance with delivering an important aspect of the Strategic Housing Investment Plan, outweigh the failure to meet LDP SG standards in full. The application is recommended for approval as a minor departure to the Local Development Plan subject to the revised conditions and reasons detailed in supplementary report number 1 following receipt of the additional information from the Applicant in respect of the impact of trees on daylighting and a risk analysis for the SUDs ponds proposal.

Decision

The Committee agreed to grant planning permission as a minor departure from LDP 9 SG, LDP DM 1 and SG LDP REC/COM 2 subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 23.3.17 and the approved drawing reference numbers:

D (--) 125 Rev L Site Plan
D (--) 135 Rev A Refuse Strategy
D (--) 183a Rev B Housing Configuration 22: 'V-SWch-K' Ground Floor
D (--) 183b Rev C Housing Configuration 22: 'V-T-K' First Floor
D (--) 183c Rev B Housing Configuration 22: 'V' Second Floor
D (--) 184a Rev A Housing Configuration 23: 'W-SWch-K' Ground Floor
D (--) 184b Rev B Housing Configuration 23: 'W-T-K' First Floor
D (--) 184c Rev A Housing Configuration 23: 'W' Second Floor
D (--) 185a Rev A Housing Configuration 24: 'Y-SWch-K' Ground Floor
D (--) 185b Rev B Housing Configuration 24: 'Y-T-K' First Floor
D (--) 185c Rev A Housing Configuration 24: 'Y' Second Floor
D (--) 300 Rev A Typical Terrace - Ground Floor Plan
D (--) 301 Rev B Typical Terrace - First Floor Plan
D (--) 302 Rev A Typical Terrace - Second Floor Plan
D (--) 310 Rev A Typical Type A1-K Semi Detached - Ground Floor Plan
D (--) 311 Rev A Typical Type A1-K Semi Detached - First Floor Plan
D (--) 320 Rev A Typical Type K Semi Detached - Ground Floor Plan
D (--) 321 Rev A Typical Type K Semi Detached - First Floor Plan
D (90)100 Rev A Location Plan
D (90)101 Rev C Site Plan
L (--) 130 Rev C Typical K Type Semi-Detached Elevations
L (--) 131 Rev D Typical Configuration 22 - V, S/T, K Elevations
L (--) 132 Rev B Typical Configuration 23 - W,S/T,K Elevations
L (--) 133 Rev F Typical Terrace Elevations 1
L (--) 134 Rev G Typical Terrace Elevations 2
L (--) 135 Rev B Typical Configuration 24 - Y,S/T, K Elevations
L (--) 136 Rev B Type A1-K Semi-Detached Elevations
L (--) 150 Rev A Sections with Landscape Details A-A & B-B
L (--) 151 Rev A Site Section C-C
L (--) 152 Rev A Site Section D-D
L (--) 153 Rev A Site Section E-E
L (--) 154 Rev A Site Section F-F
L (--) 155 Rev A Site Section G-G
L (--) 201 Rev A Typical Terrace Roof Plan
L (--) 202 Typical Type K Semi-Detached Roof Plan

L (--)	203	Rev A	Typical V Cluster Roof Plan
L (--)	204		Type A1-K Semi-Detached Roof Plan
L (--)	205	Rev A	Typical W+Y Cluster Roof Plan
L (--)	210		Section: Typical Terrace
L (--)	220		Section: Typical Cluster Block
	101	Rev 7	Landscape Masterplan
	102	Rev 6	Landscape General Arrangement North
	103	Rev 6	Landscape General Arrangement Central
	104	Rev 6	Landscape General Arrangement South
	106	Rev 1	Play and Open Space Provision
	107		Core Paths, Cycle and Footpath Links
	200	Rev 4	Street Cross Sections Studies
	201		Street Sections
	300	Rev 4	Typical Landscape Details
	301	Rev 3	Typical Rear Garden Terrace
	302	Rev 1	Typical Rear Garden Cluster
	500	Rev 2	Landscape Visual Specification
SK3000			Topographical Survey
V (20)	110		Terrace Grouping Aerial View Axonometric
V (20)	111		Terrace Grouping Perspective Views
V (20)	112		Terrace Grouping Aerial View - Axonometric Perspective

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. The development hereby permitted shall only be implemented by a Registered Social Landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification) and shall not enure for the benefit of any other person, company or organisation.

Reason: To ensure the provision of affordable housing to the standard required by the development plan in the absence of any other agreed means of securing such provision.

3. Prior to development commencing, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall address requirements arising from the construction phases of the development and shall inform the production of construction method statements. This shall include details of the following:
 - i. A construction method statement to demonstrate how potential impacts on otters and their safety shall be incorporated into normal site working practices and having regard to the recommendation contained in the updated Protected Species Survey Report dated 24.7.18
 - ii. Details of proposed rock extraction and/or blasting:

- If blasting, hours and times and publicity for residents/other premises will be required. All blasting to be monitored at points to be agreed and subject to specified vibration limits.
 - If a pecker to be used then hours of operation require to be provided and approved.
- iii. Rock crushing and storage/use of aggregates created on site
 - iv. Ground works phasing and waste management plan associated with movement/storage of all waste materials.
 - v. Protection measures for the water environment during construction to be agreed in consultation with SEPA to protect the water environment and in accordance with the water directive
 - vi. Details of all waste storage/movement /disposal or use
 - vii. Details of importation of materials and their storage
 - viii. Details of the location of construction compounds to be formed
 - ix. Details of the phasing of the construction of the dwellings
 - x. Details of any phased occupation of the dwellings
 - xi. Details of any external lighting to be used during construction
 - xii. Full land restoration details; to tie in with the proposed strategic and other landscaping proposals to ensure that the land within and/or adjacent to the application site where it has been physically altered by the construction of the development is restored to an acceptable appearance.
 - xiii. Adherence to the requirements of any other submitted and approved details and other conditions

The development shall be implemented in accordance with the requirements of any approved Environmental Management Plan and any phasing of works and details agreed in this document or as may otherwise be agreed in writing by the Planning Authority.

Reason: In the interests of pollution control to adjoining watercourses and protection of, residential amenity, visual amenity and wildlife.

4. Prior to the commencement of works a Traffic Management Plan shall be submitted to ensure safe access and egress for pedestrians and vehicles throughout the period of construction activity. This plan requires to be formulated in consultation with the Roads Authority to co-ordinate construction traffic associated with this application to the ongoing upgrade works to Kirk Road. The Plan shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. All to be agreed in consultation with the Area Roads Engineer.

Reason: In the interests of roads and pedestrian safety

5. Prior to the commencement of development an Updated Peat Management Plan in shall be submitted setting out further details of the proposed management of peat impacted by construction works to the satisfaction of the biodiversity Officer

Reason: To ensure the appropriate management of Peat during the construction process

6. Notwithstanding the effect of condition 1, no development shall commence until samples and/or full details of materials to be used in the construction of :
 - (i) boundary fences;
 - (ii) external materials finishes of all the houses/flats
 - (iii) any other walls to be constructed in the development;
 - (iv) roads and parking areas;
 - (v) footpaths;
 - (vi) shared surfaces

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

Reason: In order to secure the use of appropriate materials.

7. No construction of any dwelling shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings it is intended to serve.

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

8. Notwithstanding the landscape information submitted in support of the application, further information to include details the specific species and size/mix/numbers of the proposed planting throughout the site shall be submitted to the planning authority for approval in consultation with the Biodiversity Officer within 12 Months of the date of this permission, together with details of the proposed maintenance regime associated with the planting and clarifying the parties responsible for such future maintenance.

For the avoidance of doubt all landscaping proposals and maintenance details in respect of the proposed SuDS ponds shall be submitted in accordance with the requirements of this condition and not condition 17 unless otherwise agreed by the Planning Authority.

Reason : In the interests of amenity and biodiversity.

9. Any trees or shrubs which fail to become established, which die, are removed or become seriously diseased within 5 years of the implementation of the scheme

shall be replaced in the following planting season by equivalent size and species of trees or shrubs as those originally required to be planted (With the exception of the trees planted to protect window to window privacy as identified within the Design Statement Addendum submitted 21st August 2018 “Impact of Trees on Daylighting – August 2018” where a separate condition in respect of these matters will apply)

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

10. The trees identified and numbered T1 – T9 within the Design Statement Addendum submitted 21st August 2018 “Impact of Trees on Daylighting – August 2018” shall be planted prior to the occupation of the residential units on the plots they are intended to provide privacy for. These trees shall be replaced, with no time limit of liability, should they die or become seriously diseased with a heavy standard tree, or larger, of the same species of tree.

The identified trees shall be routinely maintained in a manner which ensures that they do not exceed the “maintained height” and “maintained width” width as identified within the Design Statement Addendum dated August 2018.

Any works other than routine maintenance of these trees shall require the written permission of the planning authority and they shall not be felled, lopped or topped in a manner which would undermine their function as screening between habitable rooms.

For the avoidance of doubt this condition will apply in perpetuity to the original trees and any future replacement planting.

Reason: To ensure the future protection of residential amenity and specifically privacy.

11. Within 12 months of the date of this planning permission a Community Woodland Delivery and Maintenance Plan shall be submitted to the Planning Authority. This document shall contain the following information;

- Location and boundaries of the proposed Community Woodland,
- Locations, species and size of proposed planting
- A maintenance regime and responsibility for this maintenance
- Footpath/access proposals and seating provision associated with the proposals clarifying the integration of the proposals to the existing and proposed footpath network approved by this permission

Such details as may be approved shall be implemented prior to the occupation of the 250th dwelling or in accordance with any agreed phasing contained within the Community Woodland Delivery and Maintenance Plan or as may otherwise be agreed in writing by the Planning Authority.

Reason: To ensure the Community Woodland is delivered in accordance with the approved Masterplan objectives.

12. Details relating to the provision and construction of the proposed upgraded footpath network in accordance with the requirements of the Access Manager in his consultation response dated 13.6.18 and accompanying annotated plans shall be submitted, together with clarification of the proposed maintenance regime and responsibility for this maintenance, for the approval of the Planning Authority within 12 months of the date of this permission. Such details as may be approved shall be duly implemented prior to the occupation of the 250th dwelling hereby approved or as otherwise may be agreed in writing by the planning authority. Works to include:

- C163: Should be constructed as a 2m wide unbound path, seating should be provided at regular intervals along the route, at points where users will want to rest. Substantial pieces of natural stone excavated from elsewhere on the site should be used to provide the seats. These should have a level, upper surface between 450 and 550mm in height of adequate size for two or more people to rest. Signage and way marking should be provided to encourage greater use of the path network. The section of path that should be improved being annotated on a copy of Drawing No P10970-00-001 Landscape Masterplan provided by the Access Manger in his consultation response.
- Construct a section of Cycle Path between the end of the southernmost road and C198 as annotated on the plan attached to consultation response to appropriate standards.
- The two paths between the end of the southernmost road and C163 should be built to the same specification as C163. Highlighted in blue on plan attached to consultation response.

In addition the following matters require to be complied with:

- The level of any new road crossing a path should be tied into it so that the movement of walkers, cyclists or horse riders is not impeded
- Any gates erected on paths or tracks should be provided with a bridle gate to allow public access; in order to stop livestock from straying this should be fitted with a self-closing device.
- Core Paths should not be obstructed at any time during construction and must be reinstated – If a closure (Stopping Up) or diversion is required this must be agreed with the Council Access Officer.
- Rights of Way probable or claimed should not be obstructed at any time during construction and must be reinstated – If a closure (Stopping Up) or diversion is required this must be agreed with the Council Access Officer
- The wider path network should not be obstructed at any time during construction and must be reinstated – If a closure or diversion is required this must be agreed with the Council Access Officer prior to the commencement of construction

Reason: In order to maintain and improve the footpath network around the site in accordance with Masterplan objectives to promote improved outdoor recreational amenity for residents and visitors.

13. Pursuant to Condition 1 –Details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development shall be submitted for the approval of the Planning Authority prior to the occupation of any dwelling house hereby approved. The details shall comprise:

- i. A plan confirming in detail the location and extent of communal open space and equipped play areas; to include the Multi Use Games Area (MUGA).
- ii. Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
- iii. Proposals for the timing of the provision of the play area(s) in relation to the phasing of the development;
- iv. A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects along with details of the parties responsible for such maintenance.

The communal open space and equipped play area(s) shall be provided prior to the occupation of the residential units they are intended to serve in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

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

14. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to protect archaeological resources.

15. No construction plant and / or machinery shall be operated on the site outwith the following times: 08.00 – 18:00 Monday – Friday, 08:00 – 13:00 Saturday nor at any time on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Planning Authority in consultation with Environmental Protection.

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

16. Prior to commencement of development full details of all external lighting shall be submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall

be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

Reason: In order to avoid light pollution in the interest of amenity and ensure construction activity lighting minimises potential disturbance to wildlife

17. Notwithstanding the provisions of Condition 1, the development shall be implemented in accordance with the drainage and flooding details and recommendations set out in the approved Engineering Strategy Report and associated figures 2, 3 and 4 therein. Further details in respect of the following matters shall be submitted for approval before the construction of any dwelling:

- i. Confirmation that finished floor levels of all dwellings will be at least 0.3m above ground level
- ii. Culverts and rerouted channel(s) to be designed such that pre-development channel capacity is retained and allowance for low flows made. Design to be in accordance with SEPA WAT-SG-25 and CIRIA C689.
- iii. Surface water drainage system to be designed in accordance with CIRIA C753 and Sewers for Scotland 3rd Edition
- iv. The Suds ponds shall be constructed in accordance with the details contained within any approved Risk Assessment Report

Such additional drawings/details as may be approved shall be implemented and retained unless as otherwise agreed in writing with the Planning Authority in consultation with their flooding advisor.

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

18. Prior to the construction of any dwellings details of the maintenance responsibility and a schedule of maintenance arrangements of the approved drainage works shall be provided to the Planning Authority for their approval

Reason: To ensure appropriate maintenance provisions in respect of the approved drainage details are secured.

19. Details of all air sourced heat pumps, which do not comprise permitted development under the Town and Country Planning (General Permitted Development Order) (Scotland) 1992, or as may be amended in respect of such development, shall be submitted to the planning authority for their approval.

Reason: In the interests of residential and visual amenity

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

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

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

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

Class 3A.(1) The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

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

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

Reason: To protect the setting of the proposed dwelling houses and to ensure alterations are not undertaken without due consideration to both amenity and passive observation safety considerations inherent in the design of the proposals by development normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.

21. No construction work shall commence until such time as details have been provided to demonstrate compliance with the following matters to the satisfaction of the Area Roads Engineer: :
- (i) The distributor road shall be 6m wide other roads 5.5m wide
 - (ii) Footways shall be 2m wide and required both sides of the carriageway. Where there is no footway 2m service strips are required.
 - (iii) A maximum gradient of 8% on all roads
 - (iv) A turning head will be required in each cul-de-sac and at the head of the distributor road. Design as per Figure 18 of the National Roads Development Guide.
22. Within 12 months of the date of this permission a Green Transport Plan shall be submitted to the Planning Authority to demonstrate how the development will be served by public transport. Details to include the provision of bus stop locations and the bus services which will serve the site. This document shall be produced in consultation with the Community Transport Division of the Council. Details of any proposed phasing shall be provided and thereafter such details as may be approved shall be implemented in accordance with the approved Green Transport Plan unless as otherwise agreed in writing by the Planning Authority.

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

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 6 August 2018, submitted and supplementary report number 1 dated 21 August 2018, tabled)

6. THE SECRETARY OF STATE FOR THE HOME OFFICE: FORMATION OF TELECOMMUNICATIONS EQUIPMENT COMPOUND WITH 16.3M HIGH MONOPOLE AND ASSOCIATED WORKS: LAND NW OF DRUMALEA FARM, KILKENZIE, CAMPBELTOWN (REF: 18/00607/PP)

The Principal Planning Officer spoke to the terms of the report. This proposal is in respect of telecommunications equipment to be sited on the skyline of an escarpment above the A83(T) on the Kintyre coast to the west of Tangy. The development forms part of the Extended Area Services network, an integral part of the Emergency Services Mobile Communications Programme. This Government programme, replacing the existing Airwave blue-light communications system with a 4G platform, will provide critical national infrastructure to enable communications and interoperability for the police, fire and ambulance service. The A83(T) is a Major Road for Emergency Services Network (ESN) purposes, which as part of this project requires a continuous level of high quality coverage along its length. The site lies within the 'countryside' development zone, which is generally one of constraint, other than in specific circumstances, none of which apply in this case. Exceptionally, development benefitting from locational/operational need may be considered favourably, but this prompts the additional requirement for an Area Capacity Evaluation (ACE). In this case, the need to complete coverage of the trunk road network and the lack any less prominent site able to fulfil that requirement, amounts to a locational/operational need for the development. An ACE has been conducted but this concludes that the proposal will not respect the established pattern and the landscape character of the area. Accordingly the proposal fails to satisfy policies LDP DM 1, LDP 3, LDP 9, SG LDP ACE 1, SG LDP ENV 13 and SG LDP Sustainable and SG LDP TEL 1 of the Development Plan. The importance of the ESN project and the imperative to secure coverage for the entirety of the public road network is such that it would not be appropriate to have a section of A83(T) without coverage. Officers are satisfied that the Applicants have demonstrated this can only be achieved using the location and reduced scale of equipment proposed. The national importance of this project is such that despite the failure to satisfy policy and the outcome of the ACE assessment, there remains a demonstrable need to be able to deliver the equipment specified for operational reasons. Despite the lack of conformity with policy requirements it is recommended that planning permission be granted as a 'minor departure' to development plan policy, with acceptance in the process that there will be acknowledged adverse visual effects associated with the development.

Decision

The Committee agreed to endorse the outcome of the Area Capacity Evaluation detailed in the appendix to the report and to grant planning permission as a 'minor departure' to development plan policy subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 28th February 2018 and the approved plans numbered 1 to 3 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. Construction vehicles transporting materials/components to the site must leave/join the A83 trunk road at the public road junction at Drum Farm, to the south of the application site. There shall be no access for construction vehicles at the junction between the unclassified public road and the A83 trunk road to the north of the application site at Tangy Lodge.

Reason: To ensure the development does not give rise to an unacceptable detrimental impact upon a fragile section of the public road network.

3. No development shall commence until full details of the construction of the upgraded and new access track to serve the development have been submitted to and agreed in writing by the Planning Authority in consultation with Roads & Amenity Services. This shall include provision for the partial restoration (i.e. narrowing of the width and re-seeding of the edges) of the track following completion of the construction of the development.

Reason: In the interests of clarity and to ensure the landscape and visual impact of the development is acceptable.

4. No development shall commence until the junction between the public road and the existing private track serving Drumalea Farm has been surfaced in a bound material for a distance of 5m from the edge of the public carriageway.

Reason: To ensure the development does not give rise to an unacceptable detrimental impact upon the public road network.

5. No development shall commence until the colour finish, which shall be pale grey or similar, of the hereby approved mast has been submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the duly approved detail.

Reason: In order to ensure the landscape and visual impact of the development is mitigated.

6. In the event that the equipment becomes obsolete or redundant it shall be removed and the site reinstated to a condition equivalent to that of the land adjoining the application site within a period of 6 months unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure the satisfactory reinstatement of the land in the interest of visual amenity.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 8 August 2018, submitted)

7. DAWNFRESH FARMING LTD: REPLACEMENT OF 10 X 80M CIRCUMFERENCE CAGES WITH 12 X 80M CIRCUMFERENCE CAGES OF AN ALTERNATIVE DESIGN, INSTALLATION OF HOPPER FEED SYSTEM AND BIOMASS OF 1,545 TONNES: ETIVE 4 FISH FARM, AIRDS BAY, LOCH ETIVE (REF: 18/01124/MFF)

The Principal Planning Officer spoke to the terms of the report and to supplementary report number 1. This application relates to the site of a long standing marine fish farm located off Airds Point in the central section of Loch Etive. It forms one of a suite of rainbow trout farms operated by the Applicants on the loch. The application seeks approval for replacement of existing cages with more modern equipment, the addition of two cages and additional feeding equipment, and a consequent enlargement of the seabed mooring area. When the farm was permitted in 2008 it was intended to support a maximum biomass of 966 tonnes, and was licensed by SEPA for such. In anticipation of being permitted to equip the site as now proposed, a further SEPA consent has already been obtained for an intended biomass increase to 1,545 tonnes. Additionally, SEPA has accepted that, in the interim, the site can be operated at a maximum biomass of 1,300 tonnes. It is considered that the principal determining issues in this case are the extent to which the landscape has capacity to absorb the development successfully, and the extent to which additional biomass is acceptable in terms of the implication it poses for wild fish interests. Having regard to the assessment required to satisfy SG LDP AQUA 1 as set out in Appendix A to the report, the re-equipment and enlargement of this site is considered acceptable in terms of most facets of fish farming. It does, however, impose an issue in respect of its implications for wild salmonids arising from the intention to increase biomass further, which poses a risk from the propagation of sea lice into surrounding waters and potential escapes of farmed fish. A combination of low salinity in Loch Etive, and the Applicant's early intervention policy using sea lice treatment thresholds well below what would otherwise be needed to satisfy industry guidelines, mean that the operating track record of this site in terms of lice guidelines has been generally good. It has been concluded that in the circumstances of this particular case, the imposition of a requirement for an Environment Management Plan would be a proportionate response to the risks to wild fish posed by sea lice and escape events attributable to the re-equipment and enlargement of this farm, and would provide reassurance in the context of this sensitive location that measures to safeguard wild fish interest could be invoked in the circumstances of escalating lice levels beyond those anticipated by the Applicant. Reference was made to supplementary report number 1 updating Members on further comments received from the Argyll District Salmon Fishery Board and the Friends of Loch Etive in response to the publication of the original report. Both parties appear reassured by the manner in which the application has been handled and subject to some minor changes being made to the recommended conditions to address their concerns, the Fishery Board would be willing to withdraw its original objection and Friends of Loch Etive would be content to see the application determined in the first instance, without the opportunity for them and their members to appear at a local hearing. A total of 333 objections have been received to date, with a further 5 expressions of support. Whilst the majority of the representations have been co-ordinated and submitted via the Friends of Loch Etive website, there remains a need to consider those individual representations lodged directly with the Council, as these alone amount to a significant body of representation. In that regard Friends of Loch Etive has pointed out that only 7 of those individual objectors are not either Friends of Loch Etive members or those who requested Friends of Loch Etive to register their objections for them. On the basis that consultees are now content with the proposal, and the organisation which has

been the catalyst for the majority of the objection, acting on behalf of its membership, is content to see the application determined without the opportunity for representation at a hearing, the conclusion of Officers is that in the circumstances now prevailing, it would be legitimate to proceed to determine the application in the first instance without convening a local hearing. The enlargement of this site satisfies the criteria set out in Policy SG AQUA 1 and other relevant policies of the Council's Local Development Plan. It is recommended that planning permission be granted subject to the conditions and reasons 1, 2, 4 and 5 listed in the main report, and conditions 3, 6 and 7 detailed in the supplementary report.

Decision

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

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless the prior written approval of the Planning Authority is obtained for a non-material amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997:
 - Application Form dated 03.05.18;
 - Plan 1 of 12 – location plan 1:10,000;
 - Plan 2 of 12 – existing site plan 1:10,000
 - Plan 3 of 12 – proposed site plan 1:10,000;
 - Plan 4 of 12 – Admiralty chart extract;
 - Plan 5 of 12 – surveyed depths;
 - Plan 6 of 12 – surface equipment and moorings (existing and proposed);
 - Plan 7 of 12 – elevation and layout of surface equipment;
 - Plan 8 of 12 – cage elevation;
 - Plan 9 of 12 – feed hopper;
 - Plan 10 of 12 – pen design;
 - Plan 11 of 12 – site co-ordinates 1;
 - Plan 12 of 15 – site co-ordinates 2.

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

2. The stocking of the site shall not exceed a maximum biomass of 1,545 tonnes.
Reason: In order to restrict production to that assessed for the purposes of this application in the interests of managing wild fish interactions.
3. Prior to the first stocking of any more than ten of the twelve permitted cages or any increase in current permitted biomass across the site as a whole, the site operator shall submit a Strategy for monitoring and managing the interactions between the operation of the farm and the wild fish environment for the written approval of the Planning Authority, in consultation with the District Salmon Fishery Board, or any successor body.

The Strategy shall address the intended response to breaches of containment and sea lice control measures at the development site, and shall set out a programme for the monitoring of changes in the prevalence of sea lice

infestations amongst wild Salmonids within a zone of 30 kilometres from the development site.

The Strategy shall:

- A) Define a regime of regular monitoring and reporting of sea lice infestation on wild fish and at representative locations within 30km of the development site;
- B) Propose thresholds of ovigerous sea lice infestation (in terms of both severity and persistence) on and at representative locations within 30km of the development site above which additional mitigation measures are required;
- C) Specify the additional mitigation measures which shall be implemented in the event of either threshold being breached. This shall include a progressive response extending from enhanced monitoring, to additional chemical/mechanical treatment, to premature harvesting and to temporary biomass reduction, dependent upon the severity and persistence of the elevated risk to wild fish interests, and a statement of responsibility as to the cessation of any activity in the event that a breach of the mitigation/procedures set out in the Strategy occurs. This should include a notification procedure with associated provision for the halt of activities in consultation with the relevant regulatory and consultation authorities in the event that monitoring demonstrates a significant and consequent impact on wild fish populations as a result, direct or otherwise, of such a breach;
- D) Identify a minimum threshold for escape events, above which the implementation of additional monitoring activity as specified in the plan will be undertaken with the intention of furthering knowledge as to impact of escapes;
- E) Include for the periodic review of the Strategy in the light of operational experience, and to accommodate changes in scientific knowledge and 'best practice';
- F) Give details of how the Strategy itself, and any future revisions thereof, together with all sea lice monitoring data, on both farmed fish at the site and on wild fish monitored under the Strategy, will be made publicly available on-line, in as close to real time as possible, thereafter being maintained on-line for a period of at least 6 years.

Stocking of any more than ten of the twelve permitted cages or any increase in current permitted biomass across the site as a whole shall not take place until the Strategy has been approved in writing by the Planning Authority, and thereafter the site shall be operated, monitored, and managed in accordance with the duly approved Strategy, or any subsequently approved variation thereof.

Reason: In the interests of nature conservation having regard to the desirability of avoiding adverse impacts upon wild salmonid populations in line with NASCO objectives.

4. In the event that the development or any associated equipment approved by this permission ceases to be in operational use for a period exceeding three years, the equipment shall be wholly removed from the site thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of visual amenity and to ensure that redundant development does not sterilise capacity for future development within the same water body.

5. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason: In the interest of visual amenity.

6. Stocking of any more than ten of the twelve permitted cages or any increase in current permitted biomass across the site as a whole shall not take place until a means of providing verification of species using the Awe Barrage fish counter has been devised in consultation with the District Salmon Fishery Board and has been submitted to and has been approved in writing by the Planning Authority. Thereafter in the event of any escape event at this farm, the agreed verification method shall be employed and the results conveyed in writing to the District Salmon Fishery Board.

Reason: To ensure that farmed fish released during escape events do not undermine the statistical accuracy of fish counter in the interests of being able to return accurate data for reporting purposes.

7. The finished surfaces of the feed hoppers and associated floats hereby permitted shall be non-reflective and of a dark recessive colour in accordance with colour schemes to be agreed in advance in writing by the Planning Authority (by way of BS numbers or manufacturer's specifications), unless otherwise agreed in advance in writing by the Planning Authority.

Reason: in order to secure an appropriate appearance in the interests of visual amenity.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 14 August 2018 and supplementary report number 1 dated 20 August 2018, submitted)

8. MR CAMPBELL-PRESTON: USE OF LAND TO ACCOMMODATE THE TEMPORARY STORING OF AQUACULTURE EQUIPMENT FOR UNDERTAKING MAINTENANCE (RETROSPECTIVE): LAND WEST OF DAWN FRESH FARMING, LOCH ETIVE TROUT FARM, INVERAWE, TAYNUILT (REF: 18/01125/PP)

The Principal Planning Officer spoke to the terms of the report and to supplementary report number 1. This proposal is seeking retrospective planning permission for the change of use of land within the 'countryside' development management zone for the temporary storage of aquaculture equipment. The proposed site adjoins the North

Argyll Area of Panoramic Quality, designated in view of the scenic value of the locality. The development proposed is located at Inverawe, immediately to the east of the mouth of the River Awe as it flows into Loch Etive. The application has attracted a significant number of objections and a small number of expressions of support. Nine representations have been received directly from individuals, and a further 233 objections have been forwarded via the organisation 'Friends of Loch Etive'. A number of those have objected to the activities of the applicants in general rather than the proposal itself. Reference was made to supplementary report number 1 updating Members on additional third party reps received. A total of 282 expressions have now been received. Of the additional 54 received, all but one are objections to the proposed development. In addition to those further objections, a further representation has also been received from Mr Guy Linley Adams, who is acting for Friends of Loch Etive. He wishes to inform Members that Friends of Loch Etive would accept the officer recommendations, subject to minor recommended changes to one of the draft conditions proposed. If such changes are accepted Friends of Loch Etive would be content to see the application determined in the first instance, without the opportunity for them and their members to appear at a local hearing. On the basis that the organisation which has been the catalyst for the majority of the objection, acting on behalf of its membership, is content to see the application determined without opportunity for representation at a hearing, the conclusion of Officers is that in the circumstances now prevailing, it would be legitimate to proceed to determine the application in the first instance without convening a hearing. The proposed development is a small scale, intermittent use of land which is not considered to impact landscape character in a manner which is significantly adverse. The development benefits from an operational need associated with the farming of fin fish on the loch and requires a foreshore location in order to function for the intended purpose. It is considered to be appropriate for its location, subject to conditions, and will accord with the relevant provisions of the Local Development Plan. It is recommended that planning permission should be granted subject to the conditions and reasons set out in the main report, subject to the revised wording of condition 4 as set out in the supplementary report.

Decision

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

1. The proposed development shall be carried out in accordance with the details specified in the application form and general supporting information dated 15.05.2018; and the approved drawings numbered 1 to 3 of 3 of 3; stamped approved by Argyll and Bute Council and the development hereby permitted shall be restricted to the specified area designated on approved plans.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

2. The use of the land for storage purposes shall be restricted to fin fish farm cages, including any ancillary or accessory components, anchors and mooring blocks only. The storage of any other items at the site shall not be permitted.

Reason: In order to ensure that storage is confined to that which has an operational requirement for occupation of the foreshore.

3. No fabrication or dismantling of aquaculture equipment shall take place on the site, other than that required for the maintenance of fin fish farm cages.

Reason: In order to ensure that storage is confined to that which has an operational requirement for occupation of the foreshore.

4. Individual items permitted to be stored on the land by virtue of this consent shall not occupy the site for a period in excess of three months, unless any exception is agreed in advance in writing by the Planning Authority. The site operator shall maintain a log of equipment which shall record items and periods of use which shall be made available for inspection on request by the Planning Authority, and shall be provided at least every six months in writing to the authority”.

Reason: To limit use of the land to the minimum periods necessary to support the operational requirements of fish farming activities on the loch and to avoid use of the land for long-term storage purposes.

5. During both periods when the land is in use for its permitted purpose and periods when it is not occupied by equipment, the land shall be maintained in a sanitary and tidy state and no waste products, obsolete or redundant equipment shall be stored on the land. In the event that fin fish farming operations are discontinued on the loch, all equipment shall be removed from the site within three months of the decommissioning of the last remaining farm.

Reason: To limit use of the land to the minimum periods necessary to support the operational requirements of fish farming activities on the loch and to avoid use of the land for long-term storage purposes.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 14 August 2018 and supplementary report number 1 dated 20 August 2018, submitted)

Having previously declared an interest in the following item, Councillor Rory Colville left the room.

Councillor Donald MacMillan left the meeting at this point.

9. **SSE GENERATION: VARIATION OF CONDITIONS 1, 6 AND 16 OF PLANNING PERMISSION 14/02969/PP (RE-POWERING OF TANGY WINDFARM COMPRISING 16 TURBINES (125 METRES HIGH TO BLADE TIP), ERECTION OF CONTROL BUILDING, SUB-STATION, 3 ANEMOMETER MASTS, FORMATION OF ACCESS TRACKS AND ANCILLARY DEVELOPMENT, INCLUDING DISMANTLING OF TANGY I AND TANGY II WINDFARMS) TO CHANGE PROPOSED WIND TURBINE TYPES TO ALLOW FOR A BASE TIP HEIGHT OF 130M RATHER THAN 125M, RELOCATION OF TEMPORARY CONSTRUCTION COMPOUND AND MINOR TRACK ALIGNMENTS: TANGY WINDFARM AND LAND NORTH THEREOF, KILKENZIE, CAMPBELTOWN (REF: 18/01027/PP)**

The Senior Planning Officer spoke to the terms of the report. The site is located approximately 9km north-west of Campbeltown and is already part occupied by the existing Tangy I and II wind farms which totals 22 turbines at 77m to blade tip. The Tangy III proposal (14/02969/PP) was for the erection of 16, 125m high wind turbines and ancillary development on the site of and on forestry land to the north of

the existing Tangy Wind Farm. The proposal was originally for 16 turbines but one turbine was deleted in the interest of securing a better 'fit' with the receiving landscape. The proposal would have involved dismantling the existing wind farm (Tangy I and II) and re-powering with fewer larger and more dispersed turbines in response to the increased size and output of turbines now available. This "Section 42 Application" is an application for a new planning permission with different conditions from those attached to the previous permission for Tangy III Wind Farm. In determining this application, the planning authority can only consider the merits of the changes sought to the conditions imposed on the previous permission. The Applicant is seeking to amend the planning permission to allow an increase in turbine height from the approved 125m blade tip height up to a blade tip height of 130m. In addition, information is provided in relation to minor track alignment changes and the relocation of a temporary construction compound, all as previously approved under Planning Conditions 1, 6 and 16 of planning permission 14/02969/PP. The existing wind farm pre dates the approval of the Council's Landscape Wind Energy Capacity Study (LWECS) and it is acknowledged that the Tangy III proposal is not consistent with the provisions of the LWECS. SNH have expressed concern about the proposed increase in tip height of the turbines. Planning Officers consider that from a landscape and visual impact perspective this proposal will result in a more compact, less cluttered layout and will be located slightly further back into the Upland Forest Moor Mosaic. There are no objections from any of the other consultees subject to conditions that were attached to 14/02969/PP being carried forward. There has been one letter of objection received and two letters of support. As it is not the principle of the wind farm which must be revisited as part of a Section 42 application, it is the proposed amendments to conditions 1, 6 and 16, it is considered that the proposal conforms to the relevant Local Development Plan policies and it is recommended that conditions 1, 6 and 16 are amended accordingly to support these changes, and that planning permission is granted in accordance with Section 42.

Decision

The Committee agreed to grant conditional planning permission in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 3 August 2018, submitted)

10. MR AND MRS ANDY AND DEBORAH GALLACHER: NON MATERIAL AMENDMENT TO PLANNING PERMISSION 13/01166/PP (ERECTION OF PORCH - RETROSPECTIVE) TO INCORPORATE CHANGE IN HEIGHT, POLYCARBONATE FINISH AND INCLUDE RAIN WATER GOODS: EDENBANK SOUTH EAST FLAT, 20A NEWTON ROAD, INNELLAN (REF: 18/01166/NMA)

The Acting Major Applications Team Leader spoke to the terms of the report and to supplementary report number 1 which summarised comments from the Applicant's Architect. The proposal is for a non-material amendment (NMA) to planning permission 13/01166/PP. Two objections to the NMN request have been received from the owner of the flat directly above the one associated with this request. Section 64 of the Act states that "a planning authority may, at the request of the grantee or a person acting with his consent, vary any planning permission granted by them, if it appears to them that the variation sought is not material". In this instance the Applicant seeks to regularise the plans with what has already been built. The

changes are not substantial and are not considered to prejudice neighbours or adjacent property owners as they seek to replicate the as-built situation. The changes to the approved plans are considered non-material and do not adversely impact on the adjacent properties nor do they alter the character of the approved porch. With this in mind it is recommended that Members approve the changes under Section 64 of the Act. The Applicant is also seeking to discharge the requirements of condition 2 of the planning permission. Permission was granted on 29 July 2013 therefore the Applicant has been in breach of this condition for some time. The original planning enforcement investigation concluded that it would be prudent to allow this aspect of the development to be more thoroughly assessed through the application for a building warrant. However this remains outstanding. With this in mind Officers felt it was more appropriate to actively pursue these works. The Applicant has now complied with the requirements of this condition and consultation with Building Standards has confirmed that they would be minded to approve this aspect of works as part of any warrant application. With this in mind Officers recommend that Members discharge this condition.

Decision

The Committee agreed that the application for the non-material amendment under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended) be approved and that the associated planning enforcement breach of condition notice is withdrawn.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 25 July 2018 and supplementary report number 1 dated 20 August 2018, submitted)

Councillor Colville returned to the meeting.

11. MRS CAROL WEIR: ALTERATIONS TO BOUNDARY WALL AND GATEWAY (RETROSPECTIVE): FERRY INN, FERRY ROAD, ROSNEATH (REF: 18/01335/PP)

The Acting Major Applications Team Leader spoke to the terms of the report. Retrospective planning permission together with a separate application for late listed building consent is sought for alterations to a listed boundary wall and gateway adjoining Ferry Inn, Rosneath. The wall and gate front onto the road on the southern boundary of the property. The original wall appears as a later addition to the dwelling house. The wall has been previously damaged by a vehicle and the Applicant has rebuilt and extended the wall, both upwards and to the east, in part to protect privacy. It now varies in height from two and half to two metres reflecting that the original wall decreased in height with the slope in the adjoining road. The previous gate has been replaced by a new timber arched gate and in the additional piece of wall to the east a smaller timber gate has also been installed. Both are considered acceptable. Whilst the original wall had a stone face described as blockwork in the Applicant's submission, the extended area utilises a modern block of a similar colour. In this case, given the extent of the new wall, this modern replacement is not considered to be appropriate if it were to remain in its current state. Consequently, it is considered that it can be made acceptable through the use of conditions requiring a rendered finish comprising either a lime harling or a wet dash render and boundary planting. The application has attracted 13 objections and 4 objections to the listed building application, together with an objection from Rosneath Community Council. It is not considered that a hearing would give added

value to the decision making process in this instance for the reasons given at section O of the report. On this basis it is considered that the proposal is acceptable and in accordance with Development Plan Policies and is recommended for approval subject to the conditions and reasons detailed in the report of handling.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 07/06/2018 and the approved drawing reference numbers 1812-001, 1812-002, 1812-003, 1812-004 and 1812-005 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding Condition 1 above, within 3 months of the date of this consent the wall hereby approved shall be finished in a wet dash render. Within 1 month of the date of this consent a sample panel of the proposed render including colour of render shall be submitted for the approval of the Planning Authority. Thereafter the wall hereby approved shall be finished using the agreed wet dash render finish.

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

3. Within 3 months of the date of this consent a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i) Proposed soft landscaping works including the location, species and size of every tree/shrub to be planted;
 - ii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the soft landscaping works shall be carried out in accordance with the approved scheme within the next planting season 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.

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

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 26 July 2018, submitted)

12. MRS CAROL WEIR: ALTERATIONS TO BOUNDARY WALL AND GATEWAY (RETROSPECTIVE): FERRY INN, FERRY ROAD, ROSNEATH (REF: 18/01477/LIB)

The Acting Major Applications Team Leader spoke to the terms of the report. Late listed building consent together with a separate application for planning permission is sought for alterations to a listed boundary wall and gateway adjoining Ferry Inn, Rosneath. With reference to the presentation made in respect of the application for retrospective planning permission 18/01335/PP at item 11 of this Minute, it is recommended that listed building consent is granted subject to the conditions and reasons detailed in the report of handling.

Decision

The Committee agreed to grant listed building consent subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 29/06/2018 and the approved drawing reference numbers 1812-001, 1812-002, 1812-003, 1812-004 and 1812-005 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding Condition 1 above, within 3 months of the date of this consent the wall hereby approved shall be finished in a wet dash render. Within 1 month of the date of this consent a sample panel of the proposed render including colour of render shall be submitted for the approval of the Planning Authority. Thereafter the wall hereby approved shall be finished using the agreed wet dash render finish.

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

3. Within 3 months of the date of this consent a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i) Proposed soft landscaping works including the location, species and size of every tree/shrub to be planted;
 - ii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the soft landscaping works shall be carried out in accordance with the approved scheme within the next planting season 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.

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

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 26 July 2018, submitted)

13. OCCUPATIONAL HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2018-2020

The Council, as the “enforcing authority” under the Health and Safety at Work etc Act 1974, is required formally to approve an Occupational Health and Safety Law Enforcement Workplan under the statutory National Local Authority Enforcement Code. A report presenting the 2018/20 Workplan and Enforcement Policy for approval was considered.

Decision

The Committee agreed to:-

1. recognise the work by Regulatory Services to secure, and where appropriate, improve, the standards of health and safety across businesses in Argyll and Bute which directly protects employee and others (eg members of the public etc), supports business and indirectly supports the wider economy; and
2. endorse the Occupational Health and Safety Law Enforcement Workplan 2018-2020 and enforcement policy which will be implemented by Regulatory Services.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 22 August 2018, Occupational Health and Safety Law Enforcement Plan 2018-2020 and Occupational Health and Safety Enforcement Policy 2018-2020, submitted)

Councillor Donald MacMillan returned to the meeting during consideration of the foregoing item.

Councillor Robin Currie left the meeting at this point.

14. SCOTTISH WATER CONSULTATION - SHAPING THE FUTURE

Scottish Water have published a consultation document entitled “Shaping the Future” which sets out how the organisation proposes to support customers and communities across Scotland in the decades to come. A report detailing the proposed response to the consultation which runs from 28 February to 31 August 2018 was before the Committee for consideration.

Decision

The Committee agreed to endorse the formal response as detailed at paragraph 3.1 of the Executive Director’s report.

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

15. PLANNING PERFORMANCE FRAMEWORK 2017/18

A report introducing the 2017/18 Planning Performance Framework Annual report as required by the Scottish Government Planning Reform Agenda was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 1 August 2018, submitted)

16. LOCAL AIR QUALITY IN ARGYLL AND BUTE

A report presenting the Local Air Quality Annual Progress report of Argyll and Bute Council which fulfils the Council’s statutory duties under Part IV of the Environment Act 1995 was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 30 July 2018, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 3 items of business on the grounds that they were all likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

17. ENFORCEMENT REPORT - REFERENCE 16/00013/ENOTH3

Consideration was given to enforcement case reference 16/00013/ENOTH3.

Decision

The Committee agreed that no further enforcement action be taken.

(Reference: Report by Head of Planning and Regulatory Services dated 13 August 2018, submitted)

18. ENFORCEMENT REPORT - REFERENCE 17/00196/ENBOC3

Consideration was given to enforcement case reference 17/00196/ENBOC3.

Decision

The Committee agreed that no further enforcement action be taken.

(Reference: Report by Head of Planning and Regulatory Services dated 13 August 2018, submitted)

19. ENFORCEMENT REPORT - REFERENCE 18/00054/ENFLB

Consideration was given to enforcement case reference 18/00054/ENFLB.

Decision

The Committee agreed that no further enforcement action be taken.

(Reference: Report by Head of Planning and Regulatory Services dated 13 August 2018, submitted)