

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

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

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

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

**1. APOLOGIES FOR ABSENCE**

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

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES**

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

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

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

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

### **Motion**

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

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman

### **Amendment**

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

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

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

Moved by Councillor George Freeman, seconded by Councillor Lorna Douglas

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

## Decision

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

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

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

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

Councillor George Freeman left the meeting at this point.

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

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

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

## **Decision**

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

### **1. Peat**

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

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

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

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

**Having due regard to the above it is concluded that the proposal will have damage nationally important carbon-rich soils, deep peat and priority peatland habitat and is therefore inconsistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 11 – Protection of Soil**

**and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).**

## 2. Landscape Impact

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

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

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

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

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

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

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

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

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

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

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

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

**Having due regard to the above it is concluded that the proposal will have significant adverse landscape impacts and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).**

### 3. Visual Impact

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

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

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

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

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

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

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

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

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

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

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

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

**Having due regard to the above it is concluded that the proposal will have significant adverse visual impacts and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).**

#### 4. Cumulative Impact

Argyll & Bute Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

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

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

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

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

**Having due regard to the above it is concluded that the proposal will have significant adverse Cumulative Landscape and Visual impacts and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).**

## 5. Design

Argyll and Bute Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative. Argyll and Bute Council will resist development with poor quality or inappropriate layouts.

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

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

**Having due regard to the above it is considered that the turbines selected are too large for the receiving landscape contrary to the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).**

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

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

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

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

## **Decision**

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

## **General**

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

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

## **Vehicular Access**

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

*Reason: In the interests of road safety.*

## **Parking and Turning**

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

*Reason: In the interest of road safety.*

## **Bin Store**

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

*Reason: In the interests of road safety.*

### **Surface Water Drainage**

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

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

### **Finished Floor Level**

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

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

### **Design and Finishes**

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

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

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

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

## Trees

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

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

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

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

## Landscaping

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

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

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

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

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

## **Boundary Wall**

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

*Reason: In the interests of clarity.*

## **Telephone Box and Post Box**

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

*Reason: In the interests of public amenity.*

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

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

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

## Decision

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

## Noise

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

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

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

Councillor Donald MacMillan left during consideration of the foregoing item.

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

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

## Decision

The Committee noted the withdrawal of the Application.

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

Councillor Sandy Taylor left the meeting at this point.

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

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

## **Decision**

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

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

## **10. SERVICE ANNUAL PERFORMANCE REVIEW 2018-19**

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

## **Decision**

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

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

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

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

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

## **Decision**

The Committee:

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

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

## **12. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION**

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

## **Decision**

The Committee noted the contents of the report.

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

### **13. PLANNING PERFORMANCE FRAMEWORK 2018/19**

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

## **Decision**

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

(Reference: Report by Executive Director – Development and Infrastructure Services dated 31 July 2019, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

### **14. ENFORCEMENT REPORT - REFERENCE 19/00096/ENOTH3**

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

## **Decision**

The Committee agreed the recommendation detailed in the report.

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

### **15. TREE PRESERVATION ORDER**

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

## **Decision**

The Committee agreed to the recommendation detailed in the report.

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