

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE on WEDNESDAY, 21 APRIL 2021**

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

Councillor Rory Colville	Councillor Roderick McCuish
Councillor George Freeman	Councillor Jean Moffat
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

**Attending:** Shona Barton, Committee Manager  
Peter Bain, Development Manager  
Sandra Davies, Major Applications Team Leader  
David Love, Area Team Leader – Mid Argyll, Kintyre and the Islands  
David Moore, Senior Planning Officer  
Mark Lodge, Senior Planning and Strategies Officer  
Jamie Torrance, Planning Officer – Oban, Lorn and the Isles

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mary-Jean Devon and Audrey Forrest.

**2. DECLARATIONS OF INTEREST**

Councillor Alastair Redman declared a non-financial interest in planning application reference 20/01795/MIN as that having considered the objective test, he had a close friendship with one of the authors of the report of handling. He confirmed that he would withdraw from the meeting at that item and take no part in the consideration of the matter.

Councillor Richard Trail declared a non-financial interest in planning application reference 20/00911/PP which is dealt with at item 4 of this Minute.

**3. MINUTES**

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 17 March 2021 at 11.00 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 17 March 2021 at 2.00 pm were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 17 March 2021 at 2.30 pm were approved as a correct record.
- d) The Minutes of the Planning, Protective Services and Licensing Committee held on 17 March 2021 at 3.00 pm were approved as a correct record.

Having declared an interest in the following item, Councillor Richard Trail left the meeting at this point.

**4. PEARSON PROPERTY PROMOTIONS LIMITED: SITE FOR THE ERECTION OF OFFICE DEVELOPMENT (CLASS 4) AND PUBLIC HOUSE (SUI GENERIS)/FOOD AND DRINK (CLASS 3) WITH ACCESS AND ASSOCIATED WORKS: LAND TO THE NORTH AND WEST OF IONA STABLES, CARDROSS (REF: 20/00911/PPP)**

The Senior Planning Officer spoke to the terms of the report. This application is for planning permission in principle. The site is allocated as a Business and Industry site within the adopted Local Development Plan (LDP). The proposals are considered to be in accordance with the allocation of the land within the Local Development Plan and it will be the detail brought forward by Approval of Matters Specified in Conditions applications which will determine the final layout and appearance of the proposals. An objection by SEPA on flooding grounds has been received and as a statutory consultee this is a significant matter which has had to be carefully considered and weighted in the determination of this application. The Council's Development Policy advisors have carefully considered the proposals against both the adopted LDP and the objectives of the plan and they have advised that the proposals can be supported and raise no objections. The increased flooding associated with the land raising will not cause harm to other users or land, and therefore, the consequences associated with the development proposals do not, in Officer opinion, outweigh the clear benefits associated with the promotion of this much needed business site as detailed at section R of the report of handling.. Officers are of the opinion that an exceptional case has been made and when all matters are considered and given appropriate weight, that in this instance, planning permission should be granted notwithstanding the objection from SEPA on flooding grounds.

It was recommended that planning permission in principle be approved subject to the conditions and reasons detailed in the report and that any such recommendation be referred to the Scottish Ministers for consideration/determination due to the objection from SEPA to the proposals.

### **Decision**

The Committee agreed, subject to the following conditions and reasons, that planning permission in principle be approved, contrary to the objection from SEPA on flooding matters, and to notify Scottish Ministers of this intended decision and seek clarification on whether they wish to "call in" the application to allow them to determine it under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009:

1. Plans and particulars of the matters specified in conditions 2, 3, 4, 5, 6, 7, 8, 9,10,11 and 12 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the details contained within the approved plans and particulars.

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.*

2. Pursuant to Condition 1 - no development shall commence until plans and particulars of the site layout, design and external finishes of the development

have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located outwith the application site. Thereafter the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements and protection and enhancement of green networks established by policies SG LDP TRAN 3, and SG LDP ENV 8.

*Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.*

3. Pursuant to Condition 1 - no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
  - i) Existing and proposed ground levels in relation to an identified fixed datum;
  - ii) Existing landscaping features and vegetation to be retained; as required by NatureScot in order to minimise disturbance to the SPA;
  - iii) Location design and materials of proposed walls, fences and gates;
  - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted. This shall include additional tree planting along the Cardross Road frontage of the site;
  - v) 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 and to ensure appropriate natural screening to the SPA is retained.*

4. Pursuant to Condition 1 - no development or works on site shall be commenced until the following plans and particulars have been submitted to and approved by the Planning Authority in consultation with the Road Network Manager. Thereafter the development shall be carried out in accordance with the approved details. Such details shall incorporate:
  - i) A method statement detailing the proposals for safely accessing the development site during the construction phase of each element of the development.

- ii) Thereafter the construction site access shall proceed in accordance with the approved method statement.
- iii) Details of the new vehicular access to serve the site. This is required to co-ordinate in terms of its location, design and functionality with any approved access for the residential site opposite (Sawmill Fields REF: 19/02604/PP) to ensure that any junction formed is in accordance with the requirements of the Area Roads Engineer. This shall, unless agreed otherwise in writing, comprise a signal controlled junction. This access shall be completed to the satisfaction of the planning authority in consultation with the Area Roads Engineer prior to the occupation of any floorspace associated with this permission.
- iv) The junction design shall accommodate vehicles, pedestrians and cyclists, linking to the existing cycle network.
- v) Details of on-site cycle parking and storage shall be provided.

*Reason: In the interests of road safety.*

- 5. Pursuant to condition 1 - no development shall commence until full details of the internal road layout within the development have been submitted to and approved in writing by the Planning Authority in consultation with the Area Roads Engineer. The internal roads shall be constructed in accordance with the principles of Designing Streets.

*Reason: In the interests of road safety and good place making.*

- 6. Pursuant to condition 1 - Unless otherwise agreed in writing by the planning authority, in consultation with the Council's Road Network Manager no permitted floorspace shall be occupied unless and until the existing 30 miles per hour (mph) speed restriction on the A814 has been extended and brought into effect to a location at the eastern end of the site, the exact location to be agreed in consultation with the Council's Road Network Manager.

*Reason: In the interests of road safety.*

- 7. Pursuant to condition 1 - Car parking provision shall be provided in accordance with the Argyll and Bute Council supplementary guidance policy SG LDP TRAN 6. Parking provision shall be constructed and made available for use prior to the first occupation to the building(s) to which it relates and shall be maintained thereafter for the parking of vehicles.

*Reason: In the interests of road safety.*

- 8. Pursuant to condition 1 - no development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the building(s) which 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).*

9. Pursuant to condition 1 - no development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Planning Authority.

*Reason: In order to ensure the minimisation of waste generated during construction in accordance with policy SG LDP SERV 5 (b).*

10. The details of any further application pursuant to Condition 1 shall be wholly compliant with the recommendation of the Flood Risk Assessment (Dated May 2020 ) submitted in support of the application for planning permission in principle and further submissions (Dated 23.7.21 and 28.10.20) .

- The finished ground floor level of buildings within the development shall be a minimum of 5.79 metres relative to Ordnance Datum
- A severe weather plan shall be developed by the owners/operators of the site/buildings. To be submitted to and approved by the planning authority in advance of the occupation of any buildings on the site.
- Surface water drainage and SUDS shall implemented in accordance with the submitted surface water drainage proposals as set out in the Drainage Strategy Statement (12,6,20 – RP01/01) and in accordance with CIRIA C753 and Sewers for Scotland 4th Edition, Future details shall incorporate channel design for drain 2 and account for management of overland flow pathways

*Reason: In order to ensure appropriate mitigation for flood risk and the provision of appropriate SuDS compliant surface drainage for the site.*

11. Pursuant to condition 1 no development shall commence until full details of the design appearance, landscaping and maintenance regime of the proposed SUDs facility has been submitted to and approved in writing by the Planning Authority.

*Reason: In order to ensure that the SUDs facility is both a functional and attractive biodiversity/landscape feature.*

12. Pursuant to Condition 1 - 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 works is fully implemented and that all recording and recovery of archaeological resources within the development 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.*

13. The class 3/Sui Generis public house use approved shall not exceed either 1000sqm gross floorspace nor the 2150sqm site area indicated within the application submissions.

*Reason: To ensure that the scale of the proposal is in accordance with the requirements of SG LDP RET 1 and the sequential approach, and also to ensure future detailed proposals for this designated employment site are brought forward to secure the dominant use of the site for Class 4 business uses in accordance with the LDP allocation and objectives for the site.*

14. No development of the class3/sui generis use shall commence until such time as the development of at least one of the indicated two office blocks has also commenced.

*Reason: To avoid only a class 3 or sui generis uses coming forward in isolation.*

15. Any Class 3, or sui generis public house floorspace developed, shall not:

- Be subdivided into two or more separate planning units
- In respect of any class 3 use, have the ability to utilise any permitted development rights to change from Class 3 to either Class 2 or Class 1 use.

*Reason: In order to ensure that the scale and nature of the permitted Class3/sui generis public house use of the site remains in accordance with the requirements of policy SG LDP RET 1, and the recommendations of the Council's Development Plan Policy Advisor.*

16. As set out in the attached Appropriate Assessment, all construction activity shall be scheduled outside the redshank wintering period (i.e. confined to the months of May to August inclusive)

**Or**

That all of the following measures are adopted –

Prior to any development work commencing during the maximum extent of the redshank wintering months of September to April inclusive, a visual screen should be put in place sufficient to visually obscure all site operations during remediation and development from the point of view of redshank feeding within areas of the SPA out to a distance of 150metres from the site boundary. The visual screening will only be necessary for areas where further site investigation suggests that existing riverside vegetation may currently be inadequate to screen the site up to the top level of the new buildings. Any screens installed should be adequately maintained throughout all development activities taking place during these wintering months.

That all piling during the months of September to April inclusive is undertaken using the Helical Displacement method with no piling undertaken during hours of darkness.

That any site lighting is directed away from the Clyde foreshore/the SPA

That SEPA Guidelines for controlling run off, drainage and pollution are adhered to in full.

*Reason: To ensure no unacceptable impacts on the adjoining Inner Clyde Special Protection Area and to accord with the requirements of the Appropriate Assessment findings and recommendations.*

(Reference: Report by Head of Development and Economic Growth dated 1 April 2021, submitted)

Councillor Trail returned to the meeting at this point.

**5. ARGYLL AND BUTE COUNCIL: EXTENSION TO EXISTING CAR MARSHALLING AREA AND FORMATION OF VEHICULAR ACCESS: LAND NORTH WEST OF THE PIER, CRAIGNURE, ISLE OF MULL (REF: 20/00940/PP)**

The Planning Officer for Oban, Lorn and the Isles, spoke to the terms of the report. Planning permission is sought by Argyll and Bute Council to extend the existing vehicle marshalling area at Craignure Ferry Terminal on the Isle of Mull. This application seeks a temporary resolution to a known road safety issue. A permanent redevelopment of the ferry pier and wider terminal precinct area at Craignure is in the development stage at the present time but as yet no details are available to confirm when this redevelopment might be delivered. This development proposal is being applied for as a temporary activity with a 5 year term of permission being sought. At the conclusion of this term a full restoration of the development site to its existing pre development appearance will be completed. The area of land to be developed forms approximately 5% of an Open Space Protective Area (OSPA) which has been designated to provide amenity and recreational value to the settlement of Craignure, and represents a minor departure from the Local Development plan, specifically LDP STRAT 1 and Supplementary Guidance Policy SG LDP REC/COM 2. Seventeen objections from 11 households have been received along with an objection from Mull Community Council. In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the report of handling and it is not considered that a discretionary hearing would add value to the planning process. The negative impacts resulting from any temporary changes to part of the OSPA are considered acceptable in this instance, being outweighed by the operational needs demonstrated. Access to the islands by ferry operators is vitally important to promote and secure economic development and redress falling populations in these locations.

It was recommended that temporary planning permission be granted as a minor departure to the adopted Local Development Plan subject to the conditions and reasons detailed in the report of handling.

**Decision**

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

## General

1. The development shall be implemented in accordance with the details specified on the application form dated **29/05/20**; supporting information and, the approved drawings listed in the table below 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.

<b>Plan Title.</b>	<b>Plan Ref. No.</b>	<b>Version</b>	<b>Date Received</b>
Craignure Marshalling Area Extension – Location Plan	1 of 3		24.07.2020
Craignure Marshalling Area Extension – Proposed Works	2 of 3		25.03.2021
Photograph of existing kiosk to be relocated	3 of 3		24.07.2020

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

### Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Both the Notification of Initiation and Notification of Completion forms referred to above are available via the following link on the Council's website:

<https://www.argyll-bute.gov.uk/planning-and-environment/make-planning-application>

2. The development authorised by this permission shall enure for a period not exceeding five years from the date of this permission. Upon the expiry of this five year period (or sooner, should operational requirements so dictate), the use of the land as a temporary vehicle marshalling area shall cease and the new vehicle access shall be removed and the site reinstated in accordance with a scheme of restoration as described within Condition 3 below.



*Reason: In order to underpin the temporary planning permission applied for and to ensure the restoration of the part of the open space protection area affected by the development.*

3. Notwithstanding Condition 1, prior to the development first being brought into use, the developer shall submit to the Planning Authority a scheme of land reinstatement/restoration. Such details shall confirm how the site will be fully restored to its pre development state, including but not limited to: the dismantling, excavation and removal of the new vehicle crossing, service access lane and grasscrete blocks from the land and the reinstatement of the land and any vegetation. All agreed works shall be completed within three months of the expiry of this permission to the satisfaction of the Planning Authority.

*Reason: In order to secure an appropriate land restoration scheme and to ensure its timely implementation.*

## **Roads**

4. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/001a and shall include visibility splays of 53 metres to point X by 2.4 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 such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. 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.*

### Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
  - The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
5. Notwithstanding the effect of Condition 1, prior to the development first being brought into use, the existing marshalling area vehicle entrance shall be closed off and reinstated into a new footway suitable to match and connect into the existing path located to the north and south of the existing entrance.

*Reason: In order to integrate the development into its surroundings.*

## Amenity

6. No development shall commence until a scheme of surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
  - i) Confirmation of the location, material type and finishing details of the 'grasscrete' surface to be used in the overflow area.
  - ii) Details of landscape planting within the site, including confirmation of planting density, species type and location.
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) Any other proposed hard or soft landscape works.

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

*Reason: To assist with the integration of the proposed development within its surroundings in the interest of amenity.*

## Restriction of Use

7. The overflow marshalling area indicated on the drawings hereby approved shall only be used for the temporary parking for cars. Vehicles may only be parked in this identified area when marshalling for ferry departure. For the avoidance of doubt the defined overspill area shall not be used as a general parking area.

*Reason: In order to protect the amenity of the locale and to ensure that the grasscrete blocks do not become ineffectual in providing appropriate amenity value to the development.*

(Reference: Report by Head of Development and Economic Growth dated 7 April 2021, submitted)

Having declared an interest in the following item, Councillor Alastair Redman left the meeting at this point.

### **6. MACLEOD CONSTRUCTION LIMITED: NORTH EASTERN EXTENSION TO EXISTING SAND AND GRAVEL QUARRY, KILMARTIN QUARRY, KILMARTIN (REF: 20/01794/MIN)**

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report and to supplementary report number 1. The application seeks to extend the extraction area of Upper Largie quarry by ~4.8ha to the north east with volume of ~700,000 tonnes for a period of 20 years. All other aspects of the existing permission remain the same, ie transportation, processing plant, welfare facilities, operating hours etc. The main issue with this submission has been noise. Due to the volume of third party representations both for and against this proposal, including

an objection from Dunadd Community Council, it is appropriate for Members to consider holding a discretionary hearing.

Members were asked to consider whether or not they would wish to hold a discretionary hearing and whether or not a site visit should be held.

### **Decision**

The Committee:

1. agreed to hold a virtual discretionary hearing and to not hold an informal site visit; and
2. requested that an Officer from Environmental Health attend this hearing to answer any technical questions.

(Reference: Report by Head of Development and Economic Growth dated 1 April 2021 and supplementary report number 1 dated 19 April 2021, submitted)

Councillor Redman returned to the meeting at this point.

### **7. CLACHAN VILLAGE HALL COMMITTEE: ALTERATIONS AND CHANGE OF USE OF DWELLINGHOUSE TO FORM COMMUNITY HUB: ACHNAHA, CLACHAN, TARBERT (REF: 20/02353/PP)**

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. The site comprises a single dwellinghouse located within the centre of the Key Rural Settlement of Clachan as identified in the Argyll and Bute Local Development Plan 2015. The building was originally constructed in 1878 as a free church and is a Category B listed building. The building, and the site, has recently been converted to a single dwellinghouse. The proposal is for change of use from a dwellinghouse to a community hub use. This includes associated external alterations to the listed building and the formation of parking and turning for 10 no. vehicles served by an existing access off of the adopted public road. The site is located within a Special Built Environmental Area (SBEA) wherein there is a general policy presumption against development that does not preserve or enhance the character or appearance of the SBEA. Officers consider that the proposed development, whilst modest in scale and nature, is high quality and will respect and enhance the architectural and other qualities that give rise to the SBEA designation. There have been a total of 12 objections and 8 submissions of support. It is considered that the proposed development is in accordance with the provisions of the Local Development Plan and that all issues raised by third parties have been addressed by consultees and within the report of handling and associated proposed conditions.

It was recommended that planning permission be granted 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 22<sup>nd</sup> February.2020, supporting information and, the approved drawings listed in the table below 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.

Plan Title.	Plan Ref. No.	Version	Date Received
Location and Site Plan	20.02.01	-	20.01.2021
Existing Plans and Elevations	20.02.02	a	25.03.2020
Proposed Plans and Elevations	20.02.03	a	25.03.2021
Window Details	20.02.04	-	20.01.2021

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

2. Notwithstanding the provisions of Condition 1, no development shall be commenced until full details of access junction and highways improvements have been submitted and approved in writing by the local planning authority in consultation with Council Roads and Amenity Services. Such details shall include: -
  - i) The proposed access layout designed in accordance with the Council's Roads Standard Detail Drawing SD 08/002 rev. a:
  - ii) Visibility splays of 2.40 metres to point X by 42.0 metres to point Y from the centre line of the proposed access;
  - iii) Final wearing surface finishes for the access, parking and turning areas;
  - iv) Formation of a new section of public footpath to an adoptable standard from the existing public footpath to the north of the site to the vehicular access point.

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 such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The formation of the new section of public footpath shall be completed in accordance with the approved details and 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.*

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate 8 no. vehicles within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers, unless otherwise agreed in writing. The duly approved scheme shall be implemented in full 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.*

4. 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 at the northern end of the site (where the new parking/turning area is proposed) in relation to an identified fixed datum;
  - ii) Existing landscaping features and vegetation to be retained (relating to the whole application site);
  - iii) Location design and materials of proposed walls, fences and gates;
  - iv) Details of the final wearing surface for the parking/turning area;
  - v) Proposed compensatory landscaping planting works to the northern boundary including the location, species and size of every tree/shrub to be planted;
  - 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.*

5. Notwithstanding the provisions of Condition 1, the activities and use of the site as a community hub, hereby permitted shall not take place after hours of 12.00 midnight on Mondays to Saturdays (inclusive) and no later than 11.00pm on Sundays and Bank Holidays.

*Reason: In order to protect the amenity of occupiers of residential properties within the surrounding area.*

6. The development shall be implemented with final finished floor levels as existing or higher.

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

(Reference: Report by Head of Development and Economic Growth dated 1 April 2021, submitted)

**8. COLONSAY COMMUNITY DEVELOPMENT COMPANY: MASTERPLAN TO PDA 8/1 FOR RESIDENTIAL DEVELOPMENT AS IDENTIFIED IN THE ADOPTED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN: LAND WEST OF HAZEL COTTAGE, SCALASAIG, ISLE OF COLONSAY (REF: 21/00166/MPLAN)**

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report and to supplementary report number 1. The site is largely located within the settlement boundary of the minor settlement of Scalasaig on the Isle of Colonsay within Potential Development Area (PDA) 8/1. The PDA schedule within the Local Development Plan allocates this site for a mixed density housing site with 25% affordable requirement. The proposal is largely within the PDA boundary with the exception of three houses and partially a fourth. Equally an aspiration has been indicated for phase 2. This does not form part of the officer assessment which only considers phase 1. Should the Applicant wish to realise their ambitions across phase 2, this will need a separate submission and assessment. The proposal is made up of 12 units, six of these to be retained by the Applicant, three self-build plots and three houses in Multiple Occupation (HMOs). Ownership of the properties is split into the HMOs being retained by MOWI, the fish farm company, and the remainder by the Colonsay Community Development Company (CCDC). The proposal is a partnership approach by the fish farm operator and the community to address a long standing problem of lack of housing on the island. There are no objections from consultees or third parties. The slight deviation from the existing PDA boundary is a result of ground investigation works. The northern portion of the PDA boundary is largely boggy and offers potential for corncrake habitat. It also forms a natural SuDS basin. It is important to keep unimpeded views of the listed church and hotel to the west as gateway view on arrival at the ferry terminal. With this in mind, the proposal is considered a minor departure to policy LDP DM1 and the PDA but can be considered acceptable on grounds of site specifics and landscape impacts.

Officers consider that the components of the proposed Masterplan are compatible with the envisaged development of PDA 8/1 despite being a minor departure. It is accepted that the Masterplan might require some refinement in some locations but this can be secured via the submission of planning applications. It is considered that there is sufficient detail to assess the proposed development of the PDA and that it meets with the expectations and requirements of the LDP and technical working note on Masterplanning. The proposed Masterplan is also in accordance with the emerging LDP2 which is a material planning consideration at this time.

It was recommended that the Committee approve the current Masterplan submission as a minor departure to the provisions of the LDP and that it be endorsed as a material consideration in the assessment of any future planning applications on the site.

### **Decision**

The Committee agreed to approve the Masterplan as a minor departure from the Local Development Plan and that it be endorsed as a material consideration in the assessment of any future planning applications on this site.

(Reference: Report by Head of Development and Economic Growth dated 7 April 2021 and supplementary report number 1 dated 7 April 2021, submitted)

**9. COLONSAY COMMUNITY DEVELOPMENT COMPANY: ERECTION OF 6 DWELLINGHOUSES AND 3 HOUSES OF MULTIPLE OCCUPATION, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF SEWAGE TREATMENT SYSTEM: LAND WEST OF HAZEL COTTAGE, SCALASAIG, ISLE OF COLONSAY (REF: 21/00064/PP)**

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report and to supplementary report number 1. The application seeks to deliver the aspirations of the Local Development Plan (LDP) and the community for Potential Development Area (PDA) 8/1. There have been no objections from consultees, however, the Biodiversity Officer has requested the submission of a Peat Management Plan, Landscape Plan and Construction Management Plan and this is reflected in an updated conditions list detailed in supplementary report number 1. There have been no third party comments and all landowners have been involved in discussions. The proposal is subject to public funding and the work of the Colonsay Community Development Company. Officers are keen to support the community aspirations especially when they will assist in addressing the decline of this fragile community. The proposal is considered to be a minor departure to policies LDP DM 1 and PDA 8/1 schedule of the Argyll and Bute LDP 2015.

The proposal is otherwise consistent with the relevant provisions of the LDP and there are no material considerations which would warrant refusal.

It was recommended that planning permission be granted as a minor departure from the LDP subject to conditions and reasons detailed in supplementary report number 1.

**Decision**

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

1. The development shall be implemented in accordance with the details specified on the application form dated 14/1/21 supporting information and, the approved drawings listed in the table below 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.

Plan Title.	Plan Ref. No.	Version	Date Received
Location and Site Plan	2035 PB01	B	18 <sup>th</sup> January 2021
Road Elevations	2035 PB08	A	18 <sup>th</sup> January 2021
Type A MOWI Housing	2035 PB04	A	18 <sup>th</sup> January 2021
Type A MOWI Housing	2035 PB05	A	18 <sup>th</sup> January 2021
Type B and C Houses	2035 PB06	A	18 <sup>th</sup> January 2021
Type B Houses	2035 PB07	A	18 <sup>th</sup> January 2021

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

2. Pursuant to Condition 1. - no development shall commence until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:
  - a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
  - b) Define those properties to be used as affordable homes;
  - c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
  - d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

For the purposes of this condition 'affordable homes' are defined as being either:

- i) Social housing (rented or shared ownership or shared equity) managed 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);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

*Reason: To accord with the provisions of the development plan in respect of affordable housing provision.*

3. Notwithstanding the provisions of Condition 1, the details of the proposed access with the public road shall be agreed with the planning authority in consultation with the Roads Authority. The access shall incorporate visibility splays of 75 metres to point X by 2.4 metres to point Y from the centre line of the proposed access and shall incorporate a bus bay. 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 such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. 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.*

4. Prior to the commencement of works the applicant shall submit all details of the parking and turning arrangements for the approval of the planning authority in consultation with the Roads Authority. The works shall then be implemented as per the approved details unless otherwise agreed in writing with the planning authority.

*Reason: In the interests of road safety.*

5. The applicant shall provide a replacement passing place, to be agreed with the Roads Authority, prior to the commencement of works. Such details shall include location, construction details and timescale for delivery. Once agreed the development shall implemented as per the approved details.

*Reason: In the interests of road safety.*

6. Prior to the occupation of the houses or the HMOs the applicant shall ensure pedestrian warning signs are installed between the junction to the development off the public road and the ferry terminal in location as agreed with the Roads Authority.

*Reason: In the interests of road safety.*

7. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of the residential units have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to integrate the development into its surroundings.*

8. No development or other work shall be carried out on the site until a pre-commencement survey for the presence of ground nesting and breeding birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

*Reason:; In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.*

9. No development or ground breaking works shall commence until a method statement for an archaeological written scheme of investigation has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

*Reason: In order to protect archaeological resources.*

10. No development shall commence until a full site specific Environmental Management Plan (in the form of a proposed Construction Procedures Handbook) has been submitted to and approved in writing by the Planning Authority.

The Plan shall address requirements arising from the construction, dismantling and reinstatement phases of the development, shall inform the production of construction method statements, and shall specify the siting of working areas, soil and peat management practices, measures to prevent pollution of watercourses and environmental site monitoring.

The development shall be implemented in accordance with the requirements of the duly approved Construction Procedures Handbook, copies of which shall be maintained available on site for the duration of construction works.

*Reason: In the interests of pollution control.*

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

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

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

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

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

(Reference: Report by Head of Development and Economic Growth dated 7 April 2021 and supplementary report number 1 dated, 15 April 2021, submitted)

**10. ARDFIN ESTATE LTD: PROPOSAL OF APPLICATION NOTICE FOR THE FORMATION OF A NEW PRIVATE PITCH PUTT: ARDFIN ESTATE, JURA HOUSE, CRAIGHOUSE, ISLE OF JURA (REF: 21/00448/PAN)**

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. A proposal of application notice (PAN) has been submitted for an additional leisure offering at the Ardfin Golf Course on Jura which will provide pitch and putt facilities for guests and their families. The site is located in the south of the island along the A846 which serves the communities of Jura from the Feolin Ferry to Lussagiven. The proposed location of the pitch and putt is to the north of the golf course and west of the club buildings. The site extends to an area of around 4.5 hectares and is bounded to the north by the A846 and 350m south by the raised beaches of the approaches to the Sound of Islay. The proposed site is at around 50m on moderately sloping land. Access will be afforded via the existing infrastructure at Ardfin. The site is characterised by grazing land with no peat depth and sits between higher ground at around 80m within a 1.5km arc around the site. The report summarises the policy considerations and well as potential material considerations and key issues based upon the information received to date.

It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

**Decision**

The Committee noted the content of the report.

(Reference: Report by Head of Development and Economic Growth dated 31 March 2021, submitted)