

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 23 NOVEMBER 2022**

Present: Councillor Amanda Hampsey (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Graham Hardie	Councillor Luna Martin
Councillor Fiona Howard	Councillor Peter Wallace
Councillor Mark Irvine	

Attending: Fergus Murray, Head of Development and Economic Growth
Shona Barton, Governance Manager
Peter Bain, Development Manager
Howard Young, Area Team Leader – Helensburgh & Lomond/Bute & Cowal
Sandra Davies, Major Applications Team Leader
Derek Wilson, Planning Officer – Mid Argyll, Kintyre and the Islands
Norman Shewan, Planning Officer - Helensburgh & Lomond
Donna Lawson, Traffic & Development Officer – Helensburgh & Lomond

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Kieron Green, Daniel Hampsey, Willie Hume and Paul Kennedy.

2. DECLARATIONS OF INTEREST

Councillor Jan Brown advised that in relation to item 7 on the Agenda – Argyll Community Housing Association: Demolition of Five Tenement Blocks Comprising 46 Flats: Block A 19-9E John Street, Block C (1-5 Dalintober and 24 – 26 High Street). John Street, Prince's Street and High Street, Campbeltown Ref: 21/02738/LIB, she had been appointed to the Board of ACHA by the Council. Having taken note of the updated Standards Commission Guidance in relation to declarations (issued on 7 December 2021) with specific reference to section 5.4(c) she did not consider that she had a relevant connection and as such would remain the meeting.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 19 October 2022 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 2 November 2022 at 10.00 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 2 November 2022 at 10.30 am was approved as a correct record.

4. MR GRAHAM WYLIE: VARIATION OF CONDITION NUMBERS 3, 4, 5 AND 6 AND REMOVAL OF CONDITIONS 7 AND 8 RELATIVE TO PLANNING PERMISSION 20/01150/PP (ERECTION OF DWELLINGHOUSE). ACCESS ARRANGEMENTS: RHU LODGE, FERRY ROAD, RHU, HELENSBURGH (REF: 21/02709/PP)

The Area Team Leader spoke to the terms of the report and to supplementary report number 1 which referred to an email circulated to all Members of the Committee by the Applicant in response to comments in the original report. Reference was also made to a further email circulated by the Applicant to all Members of the Committee this morning. This application was before the Committee for consideration due to the large volume of representations received, 108 in support and 4 objections. It was drawn to Members' attention that in terms of the original list of representations received, Officers had been contacted by Clive Burns, Josephine Brown and John Crossan who were listed as supporters and now wished their representations to be removed bringing the new total down to 105 in support. Officers had also received contact from other parties who could not recall submitting a representation. It was noted that Officers accepted submissions on face value and any issue of misrepresentation was a civil matter.

The site is located within the minor settlement area boundary of Rhu and the Rhu Conservation Area. The principal of the development has been established under the previous consent reference 20/01150/PP. This application solely relates to the variation of roads conditions relative to planning permission 20/01150/PP. During determination of this application a revised package of information was submitted by the Applicant which included a set of revised drawings, a report by ECS Transport Planning Ltd and a covering letter from the Agent detailing the basis of their reasoning behind the proposal to vary/remove the roads conditions relative to planning permission 20/01150/PP. The Roads Officer was re-consulted on the basis of this revised package of information and in turn the Applicant has passed comment on this consultation, to which the Roads Officer has provided a further response. The Roads Officer has concluded that conditions 3a, 3b and 5 should remain unchanged for the reasons stated in Appendix A of the report and that conditions 4, 6, 7 and 8 can be amended as detailed in Appendix A of the report.

It is recommended that planning permission be approved subject to the conditions and reasons detailed in the report.

Motion

To agree to grant planning permission subject to the conditions and reasons detailed in the report.

Moved by Councillor Liz McCabe, seconded by Councillor Andrew Kain.

Amendment

To agree to continue consideration of this application and instruct Officers to make arrangements for the PPSL Committee to accompany Planning and Roads Officers on a site visit, with the application being brought back to a future meeting of the Committee for determination following this site visit.

Moved by Councillor Mark Irvine, seconded by Councillor Jan Brown.

A vote was taken by calling the roll.

Motion

Councillor A Hampsey
Councillor Kain
Councillor McCabe
Councillor Wallace

Amendment

Councillor Armour
Councillor Brown
Councillor Hardie
Councillor Howard
Councillor Irvine
Councillor Martin

The Amendment was carried by 6 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to continue consideration of this application and instruct Officers to make arrangements for the PPSL Committee to accompany Planning and Roads Officers on a site visit, with the application being brought back to a future meeting of the Committee for determination following this site visit.

(Reference: Report by Head of Development and Economic Growth dated 8 November 2022, supplementary report number 1 dated 22 November 2022, submitted)

5. GEARACH LIMITED: ERECTION OF DISTILLERY AND VISITOR CENTRE, WITH ASSOCIATED AND ANCILLARY DEVELOPMENT INCLUDING SUPPORT WAREHOUSING BUILDINGS, INSTALLATION OF SEWAGE TREATMENT PLANT, TWO SOLAR PANEL SITES AND FORMATION OF ACCESSES: GEARACH FARM (ILI DISTILLERY), PORT CHARLOTTE, ISLE OF ISLAY (REF: 21/02718/PP)

The Planning Officer for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. The proposal seeks planning permission for a new, 'large scale' industrial distillery and ancillary visitor centre development at a Countryside Management Zone location and partly within the 'Rural Opportunity Area' (ROA) Development Management Zone. The application has attracted 37 representations of which 24 are raising objection to the proposal and one is deemed neutral as an informative and a further 11 in support. A further response was received late on 22 November 2022 from Catherine Wilson of Port Charlotte, indicating that the whole of the settlement of Port Charlotte should have been neighbour notified which was noted but not in line with procedures. Issues about the domestic water supply being compromised and concerns regarding ferries, employment, housing and landscape impacts were also raised. These concerns had previously been raised by other objectors and were addressed in the report.

A development at this location would not ordinarily be supported by the provisions of policies LDP DM1 and SG LDP BUS2, however, the Applicant has satisfactorily set out a location/operational need for the development at this location in the absence of any readily identifiable, sequentially preferable alternative.

It is considered that the proposal will deliver sustainable economic development within an 'economically fragile area' in a manner which, notwithstanding the concerns expressed by third parties, will not give rise to any unacceptable, or significant adverse effect upon the receiving environment.

LDP Policy DM1 requires an Area Capacity Evaluation (ACE) to be carried out for large scale development within the countryside. However, this proposal is an EIA (Environmental Impact Assessment) Development which contains a Landscape and Visual impact Assessment undertaken in accordance with The Guidelines for Landscape and Visual Impact Assessment. This is a more robust analysis which is undertaken by professional landscape architects and in these circumstances an ACE carried out by the Planning Officer is considered to be unnecessary. Taking account of the above, it is considered that this would represent a justifiable minor departure from Policy LDP DM1.

It was recommended that planning permission be granted as a minor departure from Policy LDP DM1, subject to the conditions and reasons detailed in the report.

Decision

The Committee agreed to grant planning permission as a minor departure from Policy LDP DM1, subject to the following conditions and reasons:

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 21/12/21; , 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
Inset Site Plan	C4632 (1) 107		08.02.2022
Inset Site Plan - Eastern Solar Site	C4632 (1) 109		08.02.2022
Inset Site Plan - Southern Solar Site	C4632 (1) 108		08.02.2022
Inset Site Plan - Support Building	C4632 (1) 105 Rev A		08.02.2022
Drainage Strategy Plan	C4632 (1) 106 Rev A		08.02.2022
Ground Mounted Solar Layout	C4632 (1) 103		08.02.2022
Hydrological Figures	C4632-1232/Figure 6.2 V 0.1		24.01.2022
Landscape Design Plan	C4632-1232/Figure 5.13 v 1.0		24.01.2022
Overall Site Layout	C4632 (1) 101 Rev A		08.02.2022
Partial Section Plan A-A	059 PL21		22.12.2021
Partial Section Plan A-A	059 PL22		22.12.2021
Partial Section Plan A-A	059 PL23		22.12.2021
Reflected Ceiling Plan Upper Level	059 PL13		22.12.2021
Solar Unit Elevation	C4632 (1) 104 Rev A		08.02.2022
Support Building Compound Plan and Elevations	059 PL29		08.02.2022

Support Building Layout Plan	059 PL27		08.02.2022
Supporting Distillery Location Plan with Key Detail	058 PL01		22.12.2021
Supporting Site Plan 1:1250	058 PL02A		08.02.2022.
Location Plan	C4632 (1) 102		08.12.2022
Location Plan 1:2500	058 PL01A		08.02.2022
Supplementary Location Plan	C4632 (1) 100 Rev 0		22.12.2021
Roof Plan Entrance Level	059 PL12		22.12.2022
Lower Floor Plan Distillery Level	059 PL11		22.12.2021
Support Building Floor Plan	C4632 (1) 110 Rev 0		08.02.2022
Upper Floor Plan Visitors Level	059 PL10		22.12.2021
Warehouse Floor Plan	059 PL25		08.02.2022
North East Elevation - Distillery	059 PL17		22.12.2021
North West Elevation - Distillery	059 PL18		22.02.2022
South East Elevation - Distillery	059 PL16		08.02.2022
Support Building Elevations	059 PL28		08.02.2022
Warehouse Elevations	059 PL26		08.02.2022

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

Clarification of Use Approved

2. Notwithstanding the provisions of Condition 1, the buildings hereby approved shall be used solely as production and storage of whisky and other spirit, and attendant administrative and visitor related uses and no other use including any other purpose in Class 6 and Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Furthermore, the storage building hereby approved shall be used solely for the storage of whisky and other spirit distilled on the island of Islay. A detailed inventory of the contents of the building shall be kept and all reasonable opportunity for the inspection of this inventory shall be afforded, by prior arrangement, to any designated representative of the council in pursuance of their duties in order to ensure compliance with the provisions of this planning condition.

Reason: In order to define the authorised use and to underpin the 'special need' argument that underlies the justification for the development as a departure to the Development Plan, and to enable the Planning Authority to control any subsequent change of use which might otherwise benefit from deemed permission that might erode the original justification for the development, and to protect the amenity of the locale.

Roads Conditions

3. Notwithstanding the provisions of Condition 1,
 - (i) The proposed accesses for use by HGV vehicles shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/001 Rev a.
 - (ii) Junctions which will be used by general vehicles only are to be constructed as per the Council's standard detail drawing ref: SD 08/002 Rev a. with access width to be 5.50 metres, minimum and access radius to be a minimum of 6.00 metres,
 - (iii) All junctions shall be staggered with visibility splays of 2.40m x 75m x 1.05m. The accesses shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing.
 - (iv) Prior to work starting on site the accesses hereby approved shall be formed to a minimum 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 accesses 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. Notwithstanding the provisions of Condition 1, no development works shall commence until:
 - (i) A Traffic Management Plan including a Method Statement has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The Traffic Management plan shall include details of all materials, plant, equipment, components and labour required during the construction works.
 - (ii) A Traffic Impact Assessment has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. This is required for the section of the C16 Port Charlotte - Kilchearan Road, between the A847 Bridgend-Portnahaven Road / C16 Port Charlotte-Kilchearan Road junction and the application site.

Thereafter the development shall be carried out in accordance with these details.

Reason: To address abnormal traffic associated with the development in the interests of road safety.

5. No development shall commence until 12 new passing places with passing place signs have been provided between the A847 Bridgend-Portnahaven Road / C16 Port Charlotte-Kilchearan Road junction and the application site entrance. The passing places shall be equally spaced and intervisible where possible. Prior to work starting on the passing places, a plan showing the exact locations and specifications of the passing places shall be submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority. The passing places shall accord with the Council's Typical Passing Place Detail drawing SD 08/003 Rev a, unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the road improvements shall be constructed in accordance with the approved details prior to the commencement of development.

Reason. In the interests of road safety.

6. No development shall commence until a condition survey of the road from the A847 (Bridgend to Portnahaven Road) to the application site shall be recorded by means of video and photographs. The results of this along with details of an ongoing inspection regime and service level agreement for the repair of the road defects to be carried out at the applicant's expense shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads service. Thereafter the development shall be carried out in accordance with these details.

Reason: In order to ensure any damage to the road caused as a result of the development of the proposal is rectified by the developer.

7. No development shall commence until full details identifying vulnerable areas of the road from the A847 (Bridgend to Portnahaven Road) to the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Roads service. This shall include an assessment of any culverts or other structures and will include measures to mitigate against any likely damage through the construction phase. Thereafter the development shall proceed in accordance with these details prior to the commencement of development.

Reason: In order to secure an appropriate standard of road capable of conveying traffic associated with this development.

Materials Condition

8. 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 walls, roofs, doors, windows and plant housing 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.

External Lighting Condition

9. Prior to the installation of external lighting full details of any external lighting to be used within the site shall be submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. Regard must be made to governmental Guidance Notes on Environmental Zone E1: Intrinsically Dark Areas. No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interests of amenity.

Landscape and Boundary Treatment Condition

10. Notwithstanding the provisions of Condition 1, no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

1. Existing and proposed ground levels in relation to an identified fixed datum;
2. Existing landscaping features and vegetation to be retained;
3. Location, design and materials of proposed walls, fences and gates;
4. Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
5. A programme for the timing, method of implementation, completion and 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.

CEMP Condition

11. No development shall be commenced (including any land engineering works or any associated operations) until a full site specific Construction Environmental Management Plan (CEMP) and Pollution Prevention Plan (PPP) have been submitted to and approved in writing by the Planning Authority. The CEMP shall include:

- Details of pre-construction checks for any Hen harrier nests or roosts within 750m of the application site;
- Distribution of CEMP to project team and sub-contacts as applicable;
- Staff Site Induction – toolkit talks, Environment Posted and site notices – risk assessment briefings;
- Pre-start survey results;
- Specific species protection plans for each relevant SPA and SAC qualifier species. In relation to the Marsh fritillary butterfly this should provide detail in relation to specific measures to be taken if Marsh Fritillary or their caterpillar webs are found during construction so that there is confidence that there would be no adverse effect to site integrity. It also needs to ensure there is no potential for any reckless offence under the Wildlife and Countryside Act 1981;
- Species and Habitat Management Plan;
- Habitat Restoration Plan and method statement;
- Habitat Creation Plan and management plans;
- Logging procedure of delivery of plans, surveillance and non-compliant instances;
- Monitoring template to be drafted for site monitoring, the results are to be submitted to the Planning Authority on a quarterly basis;
- Site Waste Management Plan.

All of the above requirements of the CEMP shall be delivered and overseen by an Ecological Clerk of Works (ECoW). Thereafter the development shall proceed in accordance with the approved CEMP.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

Nature Conservation Conditions

12. No construction activities relating to the solar array installation shall take place between October and March inclusive unless otherwise approved in writing by the Planning Authority in consultation with NatureScot.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

13. Prior to the commencement of development, a Visitor Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with NatureScot. This shall detail how disturbance to roosting Greenland white-fronted geese arising from additional human activity shall be prevented. Thereafter the development shall be carried out in accordance with these details.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

14. Prior to the commencement of development, a Distillery Operations Mitigation Plan shall be submitted to and approved in writing by the Planning Authority in consultation with NatureScot. This shall detail how disturbance to roosting Greenland white-fronted geese arising from night time operation of the distillery shall be mitigated. Thereafter the development shall be carried out in accordance with these details.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

15. Notwithstanding the provisions of condition 1, no development shall commence until full details of a Restoration Method Statement and Restoration Monitoring Plan has been submitted for the approval of the Planning Authority, in consultation with Scottish Natural Heritage. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including access tracks, hardstandings and other construction areas. Restoration of construction disturbed areas shall be implemented as agreed in writing with the Planning Authority. The monitoring programme shall include a programme of visits to monitor initial vegetation establishment and responses to further requirements, and long term monitoring.

Reason: To ensure that disturbed areas of the site are reinstated in a proper manner following construction in the interests of amenity, landscape character and nature conservation.

Decommissioning Condition

16. There shall be no Commencement of Development unless a decommissioning, restoration and aftercare strategy for the solar array sites has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

No later than 3 years prior to decommissioning of the Development a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with NatureScot. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c) a dust management plan;
- d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- f) soil storage and management;
- g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h) sewage disposal and treatment;
- i) temporary site illumination;
- j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- k) details of watercourse crossings;
- l) a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

Water Supply Suspensive Condition

17. No development shall commence until all of the main sources of water supply for the development have been fully assessed and agreed with Scottish Water. Full details of post consent site investigation surveys in relation to the adjacent private spring and boreholes shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Water.

Reason: In order to ensure that Scottish Water can maintain its security of public water supply.

Solar Array Conditions

18. The solar arrays hereby approved shall be finished in an anti-reflective coating.

Reason: In order to reduce the chance of arrays being mistaken for water in the interest of nature conservation.

19. Permission for operation of the solar arrays is limited to a period of 30 years from the commissioning of the development, following which the permitted equipment shall be removed and the land reinstated, unless on application to the Planning Authority permission has been granted for its retention for a further period. Decommissioning and site restoration shall be completed no later than whichever is the earlier of the following dates:

- a) 2 years from the end of the 30 year period stipulated in this condition, or
- b) 2 years from the date on which the development ceases to supply electricity for consumption on the airbase, or for export to the national grid, or both.

Reason: In view of the life expectancy of the proposed development and to ensure the removal of redundant equipment in the interests of amenity.

20. No solar panel shall be fixed at an angle greater than 35° relative to the horizontal and the structures supporting the solar panels shall contain no moving parts unless otherwise agreed in writing with the Planning Authority.

Reason: In order to avoid possible glint and glare nuisance in the interests of residential amenity.

21. Within 2 months from receipt of a written request from the Local Planning Authority following a substantiated complaint from occupiers of a sensitive property, the solar farm operator shall, at its expense, undertake a glint and glare assessment which shall be submitted for the written approval of the Planning Authority. Any identified mitigation measures arising from this assessment, and the Planning Authority's consideration thereof, shall be implemented within two months of being notified in writing to the operator.

Reason: In order to address identified glint and glare nuisance in the interests of residential amenity.

Drainage Impact Assessment

22. Prior to the commencement of development, a detailed Drainage Impact Assessment shall be submitted to and approved in writing by the Planning Authority. Thereafter, the agreed measures in the Drainage Impact Assessment shall be implemented in full unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure that the proposed drainage arrangements are acceptable.

Archaeology

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

Micrositing

24. Tracks, solar infrastructure, compounds and areas of hardstanding shall be constructed in the position indicated on the approved drawings. A variation of the indicated position of any such infrastructure shall not be carried out unless :
- a) If the micro-sited position is less than 10 metres, the local planning authority is notified in writing prior to the variation, or
 - b) If the micro-sited position is between 10 metres and 25 metres it shall only be permitted following written approval of the planning authority.

No variation in position over 25m shall be carried out. The ECoW shall supervise and agree all proposed micrositing proposals.

Reason: To control environmental impacts while taking account of local ground conditions.

Environmental Health Conditions

25. Prior to the commencement of the site, a detailed Noise Action Plan shall be submitted in writing to the Planning Authority. The plan must clearly identify all practical and managerial control measures, to be adopted to eliminate/minimise the impact of site noise on surrounding areas.

Reason: To minimise the impact of noise, generated by construction activities, on occupiers of residential properties.

26. The permitted hours of demolition and construction works shall be restricted to 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours on Saturday. No construction or demolition works shall take place outwith these hours, or on Sundays or Bank or Scottish Public Holidays, unless the written agreement of the Planning Authority has been obtained in advance, in which case the specified operations shall be confined to activities which do not present any likely source of nuisance in terms of noise, vibration, dust or any other consequence likely to be prejudicial to the interests of residential amenity. The above times shall include additional vehicular traffic related to the construction works.

Reason: In order to protect the residential amenities of the area.

27. Prior to the commencement of development a noise assessment relating to the solar arrays shall be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health. This shall demonstrate that the project will not generate noise disturbance on the nearest occupiers of residential properties.

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

Contaminated Land Condition

28. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.

29. The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the Planning Authority, and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, and d of this condition.

Should the desk study show the need for further assessment this will be undertaken in the following sequence:

b) A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.

c) Development and agreement of a remedial strategy (if required) to treat/ remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).

d) Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

Written confirmation from the Planning Authority, that the scheme has been implemented and completed shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

Watercourse Crossings

29. New watercourse crossings should not decrease the capacity of the watercourse post development. Ideally any new crossing should be designed to convey the 1 in 200-year flood level plus an allowance for climate change and freeboard.

Comment: In the interests of preventing flooding.

(Reference: Report by Head of Development and Economic Growth dated 11 November 2022, submitted)

6. MR J LAFFERTY: ERECTION OF NEW DETACHED DWELLING: 47 CAMPBELL STREET, HELENSBURGH (REF: 22/00996/PP)

The Planning Officer for Helensburgh and Lomond spoke to the terms of the report. The application site comprises most of the private amenity space to the rear of an existing 2-storey, detached sandstone villa set in large private grounds. The villa is not listed but forms part of a planned townscape block of five similar villas located within the Upper Helensburgh Conservation Area. The proposed development is for the erection of a 4-bedroomed house with a new vehicular access from Barclay Drive.

In terms of statutory consultee responses, Roads have not objected subject to conditions. Scottish Water do not object in principle but have pointed out that surface water connection into existing Scottish Water combined sewer system would only be allowed in exceptional and justified circumstances. Helensburgh Community Council do not object to a house being built on this site in principle but have indicated the proposed design “does not do justice to the site or its position on it” and have suggested potential areas for design improvements. The Community Council supports other objections with regard to the position of the proposed access on grounds, including adverse impact on road safety and the visual impact of the Conservation Area. In view of the volume of objections received the Community Council have requested that a local hearing be held. A total of 22 representations have been received from local residents to the proposed development, 19 objections and 3 representations of a neutral nature. In relation to the assessment of this application proposal, Officers consider that, notwithstanding the number of representations, a hearing in this instance would not add value to the process and are not recommending that a hearing be held.

The proposed development by reason of siting, orientation, scale, massing, form, design, detailing, material finishes and impact upon trees would be detrimental to the character and appearance of the Conservation Area and, as such is considered to be an unsustainable form of development, inconsistent with the LDP Settlement and Spatial Strategy. On the basis of the information currently available, it has not been demonstrated to the satisfaction of the Planning Authority, that the proposed development can be adequately served by existing public, or proposed private surface water drainage infrastructure which is likely to result in flooding on, and adjacent to, the application site.

The application was recommended for refusal for the reasons detailed in the report.

Decision

The Committee agreed to refuse planning permission for the following reasons:

1. Having regard to the siting, scale, massing, form, design detail and external material finishes in relation to the proposed development it would be severely detrimental to the visual amenity of the area and the character and appearance of the Upper Helensburgh Conservation Area. The proposed building is to be sited within almost the entirety of the rear private amenity space of a Victorian stone villa forming part of a planned 'townscape block' within a conservation area. The proposed house is to be sited in an unduly prominent central location in the centre of the rear garden some 12 metres from the villa and has an unduly large scale relative to the villa such that it would have a wholly inappropriate spatial and formal relationship with the primary built form of the villa to the serious detriment of the setting of the original villa within its historic curtilage. The proposed design is generic in terms of massing, form, design detailing and material finishes that appears to respond to the housing estate development adjacent to the north of the conservation area rather than its immediate context and as such would result in an incongruous and discordant built form with reference to the clear spatial pattern of built development in this part of the conservation area and serve to erode the integrity of the current clear edge between this part of the Upper Helensburgh Conservation Area and the later 20th century housing estate development to the north of Barclay Drive.

Given the above, the proposal is contrary to provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, SG LDP ENV 17 and SG on Sustainable Siting and Design Principles which presume against development which is contrary to sustainable development principles identified in the Local Development Plan in terms of adverse impact on built heritage resources and as such is contrary to the Settlement and Spatial Strategy and which does not preserve or enhance the character or appearance of an existing Conservation Area or protect local visual amenity.

2. The application site comprises an established, maturely landscaped garden in a prominent corner siting with a significant number of trees and large shrubs which make a significant contribution to the character and appearance of this edge of the Upper Helensburgh Conservation Area. One of the qualifying features for the conservation area designation is the relationship between large, detached stone villas and their curtilages, often characterised by mature tree planting. The trees within this site play a particularly important role in that they form a natural edge in the transition area between historic built form within the conservation area and modern estate development immediately adjacent to the north of the conservation area boundary. Notwithstanding general comments made in the submitted Design Statement the proposed development will result in the loss of a significant number of trees and large shrubs within the site as a result of the scale and siting of the proposed house and the formation of a new vehicular access and parking/manoeuvring area. No information in the form of a detailed tree impact report based on an accurate tree survey has been submitted to demonstrate to the satisfaction of the planning authority that the proposed development can be implemented without significant loss of trees and large shrubs to the detriment of local visual amenity and to the established character and appearance of this part of the Upper Helensburgh Conservation Area. On the above basis, the proposed development is contrary to the provisions of Policies LDP STRAT 1, LDP DM1, LDP 3, SG LDP ENV 6 and LDP ENV 17.
3. The proposed development does not make provision for a Sustainable Drainage System and the application forms and drawings do not provide any information with regard to proposed surface water drainage infrastructure. The Design Statement addresses surface water drainage only to confirm that the site is not liable to flooding and that the ground condition has poor drainage qualities. With reference to surface

water drainage, the consultation response from Scottish Water advises that in order to protect their customers from potential sewer flooding, they will not accept any surface water connections into the public combined sewer system without significant justification. The application is not supported by any submitted evidence that Scottish Water are prepared to make an exception in relation to this proposal. On the basis of the information currently available, it has not been demonstrated to the satisfaction of the planning authority that the proposal can be adequately served by public or private surface water drainage infrastructure and as such the proposal may result in localised flooding on the site and adjacent land including the public road system contrary to the provisions of Policy LDP 10 and SG LDP SERV 2.

(Reference: Report by Head of Development and Economic Growth dated 8 November 2022, submitted)

7. ARGYLL COMMUNITY HOUSING ASSOCIATION: DEMOLITION OF FIVE TENEMENT BLOCKS COMPRISING 46 FLATS: BLOCK A 19-9E JOHN STREET, BLOCK C (1-5 DALINTOBER AND 24-26 HIGH STREET), JOHN STREET, PRINCE'S STREET AND HIGH STREET, CAMPBELTOWN (REF: 21/02738/LIB)

At their meeting on 28 September 2022, the Committee determined that they were minded to grant listed building consent subject to referral of this application to Scottish Ministers in light of formal objections from Historic Environment Scotland.

A report advising that Scottish Ministers have determined that this application would benefit from further scrutiny by an appointed Reporter and Scottish Ministers was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 4 November 2022, submitted)