

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 20 DECEMBER 2023**

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Paul Donald Kennedy
Councillor Jan Brown	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace

**Attending:** Shona Barton, Governance Manager  
Peter Bain, Development Manager  
Sandra Davies, Major Applications Team Leader  
Bryn Bowker, Area Team Leader – Mid Argyll, Kintyre and the Islands  
Arlene Knox, Senior Planning Officer  
Shelley Gould, Senior Planning Officer  
Fiona Scott, Planning Officer  
Norman Shewan, Planning Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest and Andrew Kain.

**2. DECLARATIONS OF INTEREST**

Councillor John Armour declared a non-financial interest in planning application reference 23/01018/PP as it concerned a farm neighbouring his own business and he had also been lobbied by local residents. He indicated that he would take no part in the determination of this application which was dealt with at item 8 of this Minute, but would remain in the meeting.

**3. MINUTES**

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 20 November 2023 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 22 November 2023 at 11.00 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 22 November 2023 at 2.00 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 22 November 2023 at 3.00 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 28 November 2023 was approved as a correct record.

**4. TSL CONTRACTORS LTD: DETAILED PLANNING APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING 97 RESIDENTIAL UNITS AND A COMMERCIAL UNIT (CLASS 1) WITH ALL ASSOCIATED EXTERNAL WORKS AND LANDSCAPING: LAND NORTH WEST OF ISLE OF MULL HOTEL, CRAIGNURE, ISLE OF MULL (REF: 22/01418/PP)**

The Major Applications Team Leader spoke to the terms of the report. The proposal seeks to develop an allocated housing site within LDP2 to provide 97 dwellings of various sizes. The site is located in the rural area, with the housing allocation playing a pivotal role in meeting the housing needs of the island.

The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 (LDP2) has now concluded and the Examination Report has been published. Although still to be formally adopted it is considered that LDP2 carries sufficient weight to outweigh the designation of land as countryside in the adopted LDP.

The development would still be a minor departure from LDP2 as a small area to the north west of the site lies out with the allocation and within the countryside zone. No houses are proposed in this area and it would be required to accommodate one of the two Sustainable Urban Drainage Areas (SUDs) required for draining the site.

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

The development shall be implemented in accordance with the details specified on the application form dated 8/7/22; , 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 Plan as Existing	200661A-10-002	Rev.D	06/09/2022
Topographical Survey Plan as Existing	200661A-10003	Rev.A	06/09/2022
Location Plan – Craignure Context as Existing	200661A-10-001	Rev.C	06/09/2022
Location Plan as Proposed	200661A-PL-001	Rev.G	09/11/2023
Site Plan as Proposed	200661A-PL-003	Rev.C	9/11/2023
Site Cross	200661A-PL-002	Rev.A	18/08/2022

Section Detail as Proposed			
External Levels Layout	J5336-001		11/07/2022
Drainage Layout	J5336-011	Rev.F	09/03/2023
Cottage Flats-Affordable Plans & Elevations	200661A-PL-010	Rev.A	18/08/2022
2 & 3 Bed Terrace- AFF. Plans & Elevations	200661A-PL-011	Rev.B	06/09/2023
3 Bed Semi-Detached –AFF Plans & Elevations	200661A-PL-012		11/07/2022
1 Bed Flats- PFS Plans & Elevations	200661A-PL-013	Rev.A	18/08/2022
2 Bed Flats –PFS Plans & Elevations	200661A-PL-014	Rev.A	18/08/2022
2 Bed Bungalow – PFS Plans & Elevations	200661A-PL-015	Rev.A	18/08/2022
3 Bed Flat & Retail Uni- PFS Plans & Elevations	200661A-PL-016	Rev.B	05/04/2023
3 Bed Semi Detached- PFS Plans & Elevations	200661A-PL-017	Rev.A	18/08/2022
3 Bed Detached- PFS Plans & Elevations	200661A-PL-018		11/07/2022
4 Bed Detached-ST- PFS Plans & Elevations	200661A-PL-019		11/07/2022
4 Bed Detached In- PFS Plans & Elevations	200661A-PL-020		11/07/2022
4 Bed Detached Wide- PFS Plans & Elevations	200661A-PL-021	Rev.A	18/08/2022
4 Bed Detached Large- PFS Plans & Elevations	200661A-PL-022		11/07/2022
2 & 3 Bed Terrace – AFF. Combined Plans	200661A-PL-023	Rev.A	06/09/2022

3 Bed Detached – Handed Plans & Elevations	200661A-PL-024		18/08/2022
4 Bed Detached St – Handed Plans & Elevations	200661A-PL-025		18/08/2022
4 Bed Detached Inv-Handed Plans & Elevations	200661A-PL-026		18/08/2022
4 Bed Detached Wide-Handed Plans & Elevations	200661A-PL-027		18/08/2022
4 Bed Detached Large-Handed Plans & Elevations	200661A-PL-028		18/08/2022
1 & 2 Bed Flats – PFS Plans & Elevations	200661A-PL-029		06/09/2022
Garage Units Plans & Elevations	200661A-PL-051		18/08/2022
Vehicle Swept Path Analysis for a Refuse Vehicle	J5336-004		11/07/2022
Proposed Landscape Layout	1641-01	Rev.F	18/08/2022
Softworks Specification & Maintenance	1641-03	Rev.B	04/07/2023
Proposed trees to be removed & retained	1641-02	Rev.B	04/07/2023
Waste Strategy & Bin Storage	200661A-PL050	Rev.A	06/09/2022

*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 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.

## **2. Archaeological Works**

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

*Reason: In order to comply with the requirements of NPF4 Policy 16F.*

## **3. Requirement for Public Sewerage Connection**

The development hereby approved shall connect to the public sewerage system.

*Reason: The site is located within a settlement area served by a public sewer. The use of a private system would be a material change and would require the submission of a further planning application.*

## **4. Open Space Provision**

No development shall commence until details for the provision and maintenance of areas of communal open space and equipped play area(s) identified on the approved plans have been submitted to and approved in writing by the Planning Authority. The details shall comprise:

- (i) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
- (ii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
- (iii) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development. The equipped children's play area shall be completed before the occupation of the 50th dwelling;
- (iv) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

*Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the requirements of NPF4 Policy 16F.*

## **5. Construction Environmental Management Plan**

No construction works shall be commenced until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Planning Authority. The CEMP shall be overseen by an Ecological Clerk of Works (ECoW) and shall cover the following details:

### Public Protection Issues:

- a) Consideration of all local noise sensitive receptors and the impact which would be had during land clearance and construction and the controls for this
- b) The use of equipment, such as mobile crushers and pecking equipment which may be in use and the controls which are put in place for these
- c) Any controls for dust on the site to ensure that this does not cause a nuisance to nearby receptors
- d) Any site lighting which may be used during the project and how this will be controlled so as not to cause a light nuisance to local receptors
- e) Proposed hours of works
- f) Best Practical Means measures to be put in place during any land clearance and construction work phases.

### Biodiversity Issues:

- (a) No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
  - i) Details of all trees to be removed and the location, canopy spread and root zone of trees to be retained as part of the development;
  - ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread taking account of root zone of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.
- (b) Prior to the commencement of development an updated habitat survey shall be carried out, the findings of which shall be submitted to and approved in

writing with the planning authority- this information should form part of a Habitat Management Plan.

- (c) If tree works are proposed during the bird nesting season (March – August inclusive) a pre-commencement inspection for active bird nests should be carried out by a suitably qualified person. Only if there are no active nests present should works proceed.
- (d) Otter mitigation shall be undertaken in accordance with the recommendations contained within the original ecological survey for otter
  - An ecological toolbox talk will be presented to all site contractors as part of their pre-works site induction in accordance with best practice;
  - Where the species data is older than 18 months, the reported baseline should be updated by further survey work and included as part of a Species Management Plan outlining the species management for each of the species mentioned ( Otter, Bats both European protected Species, birds ( none specific).
- (e) If any of the trees which have been identified as being suitable for bats are to be removed between May-September, a further inspection of these trees shall be carried out by a licensed Bat worker prior to their removal. A European Protected Species Licence will need to be acquired from NatureScot in order for the bats to be translocated by a licenced Bat Worker.
- (f) An ecological toolbox talk on bats and what to do if bats or field signs of bats are encountered shall be presented to all site contractors as part of their pre-works site induction.

Further information can be found in the Biodiversity Technical Note in terms of surveys and mitigation calendars Page 20 and 21: [https://www.argyll-bute.gov.uk/sites/default/files/biodiversity\\_technical\\_note\\_feb\\_2017\\_4.pdf](https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf)

- (i) An Invasive Non Native Species Eradication Plan for Rhododendron ponticum should be included in the CEMP ready for implementation.
- (j) Details of pollution controls during construction.

*Reason: In order avoid, minimise or mitigate effects on the environment and surrounding area.*

## **6. White Tailed Sea Eagle**

Prior to the commencement of development confirmation of the outcome of discussions with the Mull RSPB Officer (currently Dave Sexton) with regard to requirements for a Bird Protection Plan for White Tailed Eagle shall be submitted to and approved in writing by the Planning Authority. In the event that a Bird Protection Plan is required, this shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the development shall proceed in accordance with this plan.

*Reason: In order to establish whether a Bird Protection Plan will be required as the nesting locations of White Tailed Sea Eagles varies each year.*

## **7. Drainage Maintenance Arrangements**

Prior to the commencement of approved drainage works, details of the maintenance responsibility and schedule of intended maintenance arrangements of the approved drainage works shall be provided to the Planning Authority for their approval. This schedule shall include inspection, recording and procedures for detailing with defects. For the avoidance of doubt this shall also include the maintenance of the SUDs ponds. The drainage works for the development shall thereafter be maintained in accordance with the approved details.

*Reason: To ensure appropriate maintenance provisions in respect of the approved drainage details are secured in the interests of alleviating any potential flood risk arising from surface water.*

## **8. Landscaping Details**

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

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) 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;
- v) Details of compensatory tree planting as show on the proposed landscape drawing produced by Hirst Landscape Architects (1641 01 rev F).
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.
- vii) Surface materials proposed for private communal parking areas.

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

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

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

## **9. Road Built to Adoptable Standards**

All new roads other than private accesses serving no more than 5 dwellings shall be built to an adoptable standard in accordance with Designing Streets and the National Roads Development Guide.

*Reason: In the interests of road safety to ensure the provision of a road commensurate to the scale of development.*



## **10.20mph Speed Limit**

Within 12 months of the occupation of the first dwelling house the internal road network shall have a 20mph limit.

*Reason: In the interests of road safety.*

## **11. Junction Improvements**

Full details of improvements to the existing junction of the UC80 and the A849 shall be submitted to and approved in writing by the Planning Authority in consultation with the Road Network Manager. This shall include resurfacing of the UC80 east footway from the junction of the development to the A849.

*Reason: In the interests of road safety.*

## **12. Visibility Splays**

Prior to work starting on site the junction of the development access with the UC80 shall have a visibility splay of 42m x 2.4m x 1.05m. 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.*

## **13.40mph Speed Limit**

No development shall commence until a 40mph speed limit is introduced on the A849 from the existing 30mph limit at Craignure to an agreed location west of the UC80. Prior to the implementation of this speed limit full details of the extent of the speed limit shall be submitted to and approved in writing by the Planning Authority in consultation with the Road Network Manager.

*Reason: In the interests of road safety.*

## **14. Traffic Management Plan**

Prior to development commencing, a Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Area Roads Engineer. The Plan shall detail the phasing of the construction elements of the development, a proposed phasing schedule of the plant and materials deliveries to site, proposed and approved access routes, agreed operational practices, and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan unless as otherwise may be agreed in writing by the Area Roads Engineer.

*Reason: To address traffic associated with the construction of the development in the interests of road safety and having regard to the access arrangements to the site.*

## **15. Electric Vehicle Charging**

Prior to any dwelling being occupied which has private in-curtilage parking provision, dedicated cable ducting connecting each private residential parking space to the nearest electricity supply connection point capable of supporting the installation of a 7 kilowatt EV charging point shall be provided.

Prior to dwellings being occupied where communal parking is proposed, a minimum of one EV charging point for every five residential communal off street spaces shall be provided. In addition, dedicated cable ducting shall be installed to allow all remaining communal parking spaces to be provided with a charging point in the future.

*Reason: To ensure that the development has adequate provision for the charging of EVs in accordance with policy 34 of LDP2.*

## **16. Biodiversity Enhancement Measures**

Biodiversity enhancement measures shall be undertaken in accordance with the Biodiversity Measures document dated 11<sup>th</sup> July 2023. Prior to the occupation of the first dwelling further details of the proposed enhancements as detailed in this document including their design, location and timing of completion shall be submitted to and approved in writing by the Planning Authority. Thereafter these biodiversity enhancement shall be maintained in accordance with these details.

*Reason: To ensure that the development includes biodiversity enhancements as required by NPF4 Policy 3.*

## **17. No Permission for Care Home or Nursery**

No permission is given or implied for the proposed nursery or care home shown indicatively on the approved site plan.

*Reason: For the avoidance of doubt.*

## **18. Hours of Construction**

The permitted hours of construction works shall be restricted to 08:00 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturday. No construction works shall take place outwith these hours, or on Sundays or Bank 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.

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

## **19. Affordable Housing**

Plots 74 to 97 shall only be 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) and shall not enure for the benefit of any other person, company or organisation.

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

## **20. Materials**

No development shall commence until full details /samples of materials to be used in the construction of the dwelling houses and commercial unit hereby approved 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.*

## **21. Arrangements for Waste**

No development shall commence until a waste strategy detailing how much waste the proposal is expected to generate and detailing the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings 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 NPF4 Policy 12 and Policy SG LDP SERV 5 (b).*

## **22. Finished Floor Levels**

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

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

## **23. Phasing of Development**

The development hereby approved shall be constructed in accordance with the potential phasing plan contained within the supporting Design and Access Statement (8.1 Potential Phasing, p53) unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to ensure that the affordable housing is delivered in a timely manner.*

24. Prior to the commencement of development full details of water conservation measures to be included within the development shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented with these details.

*Reason: In the interests of water conservation.*

(Reference: Report by Head of Development and Economic Growth dated 7 December 2023, submitted)

**5. MRS KAREN DAVIES: PARTIAL CHANGE OF USE OF FLAT TO FORM TEACHING FACILITIES: 3 WOODSTONE COURT, PIER ROAD, RHU, HELENSBURGH (REF: 22/01712/PP)**

The Planning Officer spoke to the terms of the report. He advised of a correction to the report of handling in respect of comments submitted by Environment Health and stated that these comments detailed within the report did not have the status of a full consultation response and related to an informal communication between Officers.

The proposed development is a partial change of use where a total of some 60m<sup>2</sup> of floor space is proposed to be used as a retreat centre to learn meditation and mindfulness with spiritual teaching. The proposed use will operate with weekly programmes largely within the hours of 9.30 -16:30 with occasional evening use within the hours 19:00 – 21:30.

The site is located within the residential area in the settlement of Rhu. A total of 19 representations have been received, 4 in support and 15 objections, the details of which were contained within section F of the report.

It was considered highly likely that the proposal would result in an inadequate level on-site car parking provision leading to increased demand for car parking in non-designated parking areas, private roads and public roads within the locality to the detriment of highway safety and the free-flow of traffic. In the absence of adequate information to demonstrate otherwise, Officers consider that the proposal is contrary to the provisions of NPF 4 Policy 13; the adopted LDP – 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6; and LDP 2 Policy 40.

Officers also considered that the proposal was an inappropriate use in a residential context and was contrary to the provisions of LDP Policy 8 and 9, SG LDP BAD 1 and Proposed LDP2 Policy 14.

It was therefore recommended that planning permission be refused for the reasons detailed in the report of handling.

### **Decision**

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

1. Argyll and Bute Local Development Plan – Adopted 2015 Policy LDP 8 and SG LDP BAD 1 – *Bad Neighbour Development* and the emerging Proposed Argyll and Bute Local Development 2 Policy 14 serves to resist any proposal that would have an unacceptable adverse impact upon the amenity of neighbouring land uses resulting from noise, vibration, etc. In addition Policy LDP 9 – *Development Setting, Layout and Design* seeks to ensure that a high standard of appropriate design that is compatible with the surroundings. It is considered that the nature and scale of the proposal which is a non-residential institutional use, proposed to have week-long courses for groups of 12-15 teachers/students/practitioners within two rooms of a 2-bedroom flat contained in a block of 9 no. residential units is inappropriate. This is due to the access to the proposed teaching/retreat use from the grounds of the building, being via a communal

hallway and stairwell shared with a number other residential properties. The flat subject of the application is located on the first floor, with other flats located directly above and below it. No information has been submitted to date with regard to the construction specification of the floor zones between these flats, or the sound insulation performance of the floor construction. In addition, no sound surveys between the flats has been submitted in support of the application. There is a conflict with existing homogenous residential use and potential significant adverse impact on residential amenities. Therefore, this proposal is inappropriate use in a residential context and is contrary to the provisions of LDP Policy 8 and 9, SG LDP BAD 1 and Proposed LDP 2 Policy 14.

2. Argyll and Bute Local Development Plan – Adopted 2015 Policy 11 and SG LDP TRAN 6; and the emerging Proposed Argyll and Bute Local Development Plan 2 Policy 40 serve to require that proposed development that will result in an intensification of traffic and demand for car parking will only be supported where the proposed development includes adequate on site car parking to accommodate all existing car parking demand, and any intensification of demand by virtue of the development proposal. It is considered that the proposed partial change of use from a 2 bedroom residential flat to a commercial use comprising a retreat centre to teach and practice spiritual disciplines including meditation and mindfulness by means of weekly programmes for groups of 12-15 participants during the hours of 9.30-4.30, with the occasional evening use 7-9.30, will result in a substantial intensification of traffic using the existing public/private access regime and on site car parking provision. Whilst the applicant has suggested that groups attending the sessions will be bussed in and out of the premises using a mini-bus or similar, officers do not consider that this is a sufficiently robust justification for accepting development that appears, on the basis of information submitted, to be deficient in car parking spaces with reference to the Council's adopted standards. The supporting information indicates that there are 15 no. existing spaces however this cannot be verified from the drawings submitted and it is not clear that all of these spaces are within the ownership or control of the applicant. Existing parking provision would be based on an application of the standards for residential units i.e the number of residences and the number of bedrooms that each residence has. The adopted standard is 1½ spaces per 1-bedroom unit, 2 spaces per 2-3 bedroom unit; and 3 spaces per unit with 4 or more bedrooms. The applicant has submitted inadequate information to allow an assessment of the number and location of existing on-site parking spaces to meet the current demand. The adopted parking standards relative to a non-residential institution use is 1 space per two staff plus 3 spaces per 100m<sup>2</sup>. The application drawings show approximately 75m<sup>2</sup> of floorspace to be used for teaching/meditation, which would result in a minimum requirement for 1 additional parking space, plus a further space per two staff members, including visiting teachers. However, as the supporting information advises, it is intended that the rooms be used by groups of up to 15 people at a time, which will result in a significantly higher demand for car parking provision than an application of the adopted standards. The information submitted does not demonstrate to the satisfaction of the planning authority that the proposal can provide adequate space for car-parking and manoeuvring within the site to accommodate the current demand for car parking, plus the intensified demand likely to result from the proposed change of use with regard to adopted standards. It is considered highly likely that the proposal would result in an inadequate level on-site car parking provision leading to increased demand for car parking in non-designated parking areas, private roads and public roads within the locality to the detriment of highway safety and the free-flow of traffic. In the absence of adequate information to demonstrate otherwise, officers consider that the proposal is

contrary to the provisions of NPF 4 Policy 13; the adopted LDP – 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6; and LDP 2 Policy 40.

(Reference: Report by Head of Development and Economic Growth dated 7 December 2023, submitted)

Councillor Dougie Philand joined the meeting during consideration of the foregoing item.

**6. MR KEVIN BURNETT: RENEWAL OF PLANNING PERMISSION IN PRINCIPLE REFERENCE 18/02720/PPP - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT: SITE AT LONAN DRIVE, OBAN: (REF: 23/00376/PPP)**

The Planning Officer spoke to the terms of the report. Before proceeding with her presentation she advised of an email received from Mr Moncrieff attaching a video which showed water running through the site. No commentary accompanied this video and there was no indication of when the video had been taken.

This application is seeking to secure Planning Permission in Principle (PPP) for a residential development on an area of land at Lonan Drive, Oban.

The principle of the development on this site has been established by the granting of PPP reference 18/02720/PPP following a discretionary pre determination hearing. Whilst the previous PPP expired on 31 March 2023, it is considered to represent a material consideration in the current application which was submitted and validated within the lifetime of the previous permission and which effectively seeks to renew the original PPP.

The application has been the subject of 77 objections from 66 households, one representation and an objection from Oban Community Council. Officers consider that issues and concerns expressed do not raise any matters that were not previously considered at the hearing.

Since the previous permission was granted, there has been no change in the main policy background within this area and there have been no material changes in circumstances in the locality or in the previously approved access or servicing arrangements which would preclude the renewal of the previous permission.

It was recommended that planning permission in principle be granted subject to the conditions and reasons detailed in the report.

### **Decision**

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

**Standard Time Limit Condition** (as defined by Regulation)

### **Additional Conditions**

#### **1. PPP – Matters Requiring AMSC Submission**

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town

and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

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

#### Note to Applicant

Regard should be had to Scottish Waters consultation comments and the Oban and District Access Panels comments in relation to the proposed development, details of which are available to view via the Public Access section of the Council's website.

## **2. PPP – Approved Details**

The development shall be implemented in accordance with the details specified on the original application form dated 18/12/18 and the previously approved drawings listed in the table below.

<b>Plan Title.</b>	<b>Plan Ref. No.</b>	<b>Version</b>	<b>Date Received</b>
Site and Location Plan	1441 01	b	09/03/23
Indicative Site Plan & Site Sections	1440 L(-- )01	g	09/03/23
Site Sections	1440 L(-- )02	a	09/03/23
Road Layout at Lonan Drive	601775-DRG-0001-P1		09/03/23
Road Details at Lonan Drive	601775-DRG-0002-P1		09/03/23

*Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.*

## **3. PPP – Timescale to be Agreed for Completion**

Pursuant to Condition 1 - no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

*Reason: In order to comply with the requirements of NPF4 Policy 16F.*

## **4. PPP – Roads and Access**

Pursuant to Condition 1 – no development shall commence until details of the proposed service road and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) A vehicular access layout providing a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984;
- ii) A turning head for the public service vehicle;
- iii) Details of the priority signage for the access into the site.

Prior to work starting on site, the junction with the existing public road shall be fully formed and surfaced with all access roads and footways granted consent constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the roads and footways shall be applied concurrently with the construction of the final building.

*Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.*

Note to Applicant:

Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.

## **5. PPP – Parking Provision**

Pursuant to Condition 1 – no development shall be commenced in respect of any individual building until plans and particulars of the means of parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The provision of parking and turning in accordance with the requirements of Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015.

The approved parking and turning layout to serve the buildings shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interests of road safety.*

## **6. PPP – Sustainable Drainage System**

Pursuant to Condition 1, no development shall commence on site until full details, in plan form, of the land drainage design for the site and details of its ongoing maintenance has been submitted to and approved in writing by the Planning Authority. Such details shall show a drainage system designed in accordance with CIRIA C753 and Sewers for Scotland 4<sup>th</sup> Edition.

*Reason: In order to safeguard the development from the possibility of flooding.*

Note to Applicant

Regard should be had to JBA Consulting Ltd consultation comments in relation to the proposed development, details of which is available to view via the Public Access section of the Council's website.

## **7. PPP – Design and Finishes**

Pursuant to Condition 1 – no development shall commence in respect of any individual building until plans and particulars of the site layout, open space, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A Design Statement in accordance with the advice set out in Planning Advice Note 68 which shall establish the design principles applicable to the layout of the development as a whole and design of the individual dwellings.
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within NPF4 Policy 14;



- iii) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- iv) Local vernacular design.

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.*

## **8. PPP – Landscaping**

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;
- 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;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity and how these benefits will be maintained for the lifetime of the development;
- 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.

All physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc.) shall be implemented in full before the development hereby approved is first brought into use.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

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

## **9. PPP – Tree Retention and Protection**

Pursuant to Condition 1 – no development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;

- ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
- iii) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- iv) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

The tree survey should be undertaken prior to drafting the design plan for the placement of dwellings, verges, access routes and services.

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

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

## **10. PPP – Japanese Knotweed Eradication Scheme**

Pursuant to Condition 1 – no development shall commence on site until full details of a scheme for the eradication of Japanese Knotweed has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan. Prior to construction works commencing on site the approved scheme and timetable shall be implemented in full and a validation report confirming details of the remediation treatment carried out and confirmation that the site is free of Japanese Knotweed shall be submitted to the Planning Authority.

*Reason: To eradicate Japanese Knotweed from the development site and to prevent the spread of this non-invasive species through development works.*

## **11. PPP – Affordable Housing**

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.*

## **12. PPP – Ecological Surveys**

Pursuant to Condition 1 - no development shall commence until full details of a Bat Survey and Red Squirrel Survey have been submitted to and approved in writing by the Planning Authority in Consultation with the Biodiversity Officer. Such details shall include when the surveys are to be carried out, the methodology to be employed in both surveys and any mitigation measures, including a timetable for the implementation of mitigation measures.

*Reason: To prevent the disturbance of Protected Species.*

### Note to Applicant

Regard should be had to the Council's Biodiversity Officers consultation comments in relation to the proposed development, details of which is available to view via the Public Access section of the Council's website.

## **13. PPP – Peat Survey**

Pursuant to Condition 1- no development shall commence until full details of a Peat Survey and Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. Such details shall provide details of the depth of the peat deposit on site.

*Reason: In order to protect natural heritage assets.*

### Note to Applicant:

Should the survey determine the depth of peat to be in excess of 0.5 metres the applicant will require to liaise with SEPA for advice on management.

Regard should be had to the Council's Biodiversity Officers consultation comments in relation to the proposed development, details of which is available to view via the Public Access section of the Council's website.

## **14. PPP – Open Space/Play Areas**

Pursuant to Condition 1 – no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:

- i) A plan showing the location and extent of communal open space and equipped play areas;
- ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;

- iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
- iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
- v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

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

## **15. PPP – Core Path**

Pursuant to Condition 1 – no development shall commence until details for the provision of the Core Path through the development site has been submitted to and approved by the Planning Authority in consultation with the Access Officer.

The details shall comprise:

- i) The route a minimum width of 2.5 metres wide;
- ii) The route finished in a tarmacadam surface;
- iii) The route provided with dropped kerbs where it meets the road surface;
- iv) Gradients kept to a minimum to ensure the route is accessible for people of all abilities.

The route shall be provided in accordance with the duly approved details and maintained to the specified standards thereafter.

*Reason: In order to secure the retention of the existing core path in the interests of amenity*

### Note to Applicant:

The advice contained in the consultation response from the Council's Access Officer in relation to application 18/02720/PPP, available to view via the [Public Access](#) section of the Council's website, should be fully considered in the preparation of the details for the provision of the Core Path within the development.

(Reference: Report by Head of Development and Economic Growth dated 8 December 2023, submitted)

**7. THE SCOTTISH GOVERNMENT ON BEHALF OF BLARGHOUR WIND FARM LIMITED: ELECTRICITY ACT SECTION 36C AND ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS CONSULTATION FROM THE ENERGY CONSENTS UNIT FOR PROPOSED VARIATION TO BLARGHOUR WIND FARM (CONSENTED 29 OCTOBER 2021). THE S36C VARIATION PROPOSES TO VARY THE S36 CONSENT FROM 17 WIND TURBINES, 136.5M IN HEIGHT TO BLADE TIP TO 14 WIND TURBINES, 180M IN HEIGHT TO BLADE TIP: LAND APPROXIMATELY 7KM NORTH WEST OF INVERARAY AND 4.5KM SOUTH OF PORTSONACHAN (REF: 23/00537/S36)**

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which provided further comment from the Applicant in relation to ornithology.

Consideration was given to a recommended response to the Scottish Government's Energy Consents and Deployment Unit consultation on the Section 36C Variation Application to the Section 36 consent granted on 29 October 2021 to construct and operate Blarghour Wind Farm.

The reports presented reviewed the policy considerations which were relevant to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government, along with other consultations undertaken by the Council, and third party opinion expressed to the Scottish Government following publicity of the application by them.

It was recommended that the Energy Consents Unit be notified that the Council does not object to this Section 36C consultation subject to conditions detailed in supplementary report number 1.

**Motion**

To agree to the recommendation in the report.

Moved by Councillor Gordon Blair, seconded by Councillor John Armour.

**Amendment**

That the Committee agree -

1. to the recommendation in the report; and
2. to request that Officers ensure that concerns expressed by Members during this meeting are passed on to the Energy Consents Unit.

Moved by Councillor Kieron Green, seconded by Councillor Mark Irvine.

A vote was taken by calling the roll.

Motion

Councillor Armour  
Councillor Blair  
Councillor Kennedy

Amendment

Councillor Brown  
Councillor Green  
Councillor A Hampsey

Councillor D Hampsey  
Councillor Hardie  
Councillor Irvine  
Councillor McCabe  
Councillor Martin  
Councillor Philand  
Councillor Wallace

The Amendment was carried by 10 votes to 3 and the Committee resolved according.

## **Decision**

The Committee agreed:-

1. that the Energy Consents Unit be notified accordingly that:
  - Argyll and Bute Council DOES NOT OBJECT to this application, subject to the inclusion of the conditions recommended by consultees in any consent granted by the ECU. These should also include the condition proposed by the Applicant to allow the lighting scheme to be revisited in the future to take account of emerging technological solutions which would reduce the impacts of visible lighting, such as transponder radar activated lighting; and
2. to request that Officers that ensure that concerns expressed by Members during this meeting are passed on to the Energy Consents Unit.

(Reference: Report by Head of Development and Economic Growth dated 20 December 2023 and supplementary report number 1 dated 19 December 2023, submitted)

The Chair ruled, and the Committee agreed, to take a short break at this point.

The Committee reconvened at 1.15 pm with all those present as per the sederunt with the exception of Councillor Paul Kennedy and Councillor Luna Martin.

### **8. MR THOMAS IRWIN: FORMATION OF EARTHBANK SLURRY LAGOON AND ASSOCIATED WORKS: LAND AT WEST DRUMLEMBLE FARM, WEST OF ROWAN TREE COTTAGE, DRUMLEMBLE, CAMPBELTOWN (REF: 23/01018/PP)**

Before proceeding with his presentation the Area Team Leader advised of a late representation received from Mr Tommy Millar, who had previously submitted an objection to this application. It was the view of Officers that the matters raised had been addressed in the report of handing which had been before the Members at their meeting in November 2023.

The Area Team Leader then spoke to the terms of supplementary report number 1 which provided Members with an update following their decision on 22 November 2023 to continue the application in order to allow submission of further information from the Applicant. The Applicant submitted the requested information which included: a health and safety management plan for the site; revised site plan with tyre ladder details; revised cross-section plan; revised security steel mesh fence details to include 2 strands of barbed wire at the top and bottom; and Health and Safety Executive information sheet on managing slurry on farms.

It was recommended that planning permission be granted subject to the revised list of conditions and reasons detailed in supplementary report number 1.

## Decision

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

**Standard Time Limit Condition** (as defined by Regulation)

**Standard Condition on Soil Management During Construction**

## Additional Conditions

### 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 19.05.2023 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 Plans/Site Layout Plans	PL-001	A	30.05.2023
Proposed Site Layout Plan	PL-002	D	06.12.2023
Security Fence Details	PL-004	A	06.12.2023
Cross Sections through proposed slurry lagoon	PL-003	C	06.12.2023
Topographic Survey	01		22.09.2023
Odour Management Plan			22.09.2023
Health and Safety Management Plan			06.12.2023

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

2. Notwithstanding the effect of Condition 1, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to protect archaeological resources.

3. Notwithstanding the effect of Condition 1, upon completion of works the development hereby approved shall not be brought into use until the applicant has submitted to the

planning authority written confirmation from SEPA to confirm that the proposed development complies with the relevant provisions of The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended).

Reason: In order to safeguard amenity and the environment.

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 include details of:
  - i) Any proposed re-contouring of the site by means of existing and proposed ground levels;
  - ii) Proposed hard and soft landscape works;
  - iii) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be operated until such time as the 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.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, and to comply with the requirements of NPF4 Policy 3.

5. The proposed development hereby approved shall be operated in accordance with the submitted Odour Management Plan dated September 2023, unless otherwise agreed in writing by the planning authority.

Reason: In the interests of amenity and safety.

6. Notwithstanding the effect of Condition 1, the proposed safety signage shall be installed on all elevations of the fences and on all access gates to the site including on the two security fence gates as recommended on the revised site layout plan with drawing no. PL-002 Rev D. Thereafter the signage shall be maintained to ensure that it remains legible.

Reason: In the interests of safety.

7. The development hereby approved shall be operated in accordance with the submitted Health and Safety Management Plan submitted to the Planning Authority on 06 December 2023, unless otherwise agreed in writing by the planning authority; or as may otherwise be alternatively instructed by any other Agency with a statutory remit limiting the operation or maintenance of the site, including the Health and Safety Executive and/or SEPA.

Reason: In the interests of amenity and safety.



(Reference: Report by Head of Development and Economic Growth dated 10 November 2023 and Supplementary Report Number 1 dated 8 December 2023, submitted)

Councillor Luna Martin returned to the meeting during consideration of the foregoing item.

**9. BEAM SUNTORY LTD: PROPOSAL OF APPLICATION NOTICE FOR HARVESTING OF PEAT MOSS FOR USE IN MALT WHISKY PRODUCTION AND RESTORATION OF PREVIOUSLY DRAINED SITES: GLENMACHRIE PEAT MOSS, PORT ELLEN, ISLE OF ISLAY (REF: 23/01984/PAN)**

The Senior Planning Officer spoke to the terms of the report. The proposed peat extraction area is located to the south of the settlements of Glenmachrie and Glenegeedale on the western side of the Isle of Islay. The site area consists of open peat mossland and is partly dissected by the A846 which runs north to south. The site contains four bodies of water, three to the eastern side of the A846 and another on the western side.

In terms of the adopted Local Development Plan (2015), the site is located within a Countryside Zone and borders some areas of the Rural Opportunity Zone to the south. To the north of the site is Loch Eighinn which is a designated Local Nature Conservation Site. The Laggan Bay coastal areas some 0.5km to the west of the proposed site are also designated as Special Protection Areas (SPA) and SSSI. The site is also subject to the following constraints: Surface and Riparian Flooding (REF: SEPA Flood Maps) (Parts of the site appear to be within 1:200 riparian flooding zones), Deep Peat and Safeguarding Zone 15 - Islay Airport (HIAL).

The PAN describes the proposed development as “the harvesting of peat for use in the production of malt whisky in a manner that causes the least environmental impact, together with restoration of previously drained and worked areas within the site”.

The report sets out the information submitted to date as part of the PAN and summarises the policy considerations, against which any future planning application will be considered as 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 the 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 and requested that a step by step guidance note outlining the technical aspects of the extraction and restoration process alongside information on supply and demand of peat be submitted with the Planning Application.

(Reference: Report by Head of Development and Economic Growth dated 1 December 2023, submitted)

**10. ARDALLA ESTATES LTD: PROPOSAL OF APPLICATION NOTICE FOR HARVESTING OF PEAT MOSS FOR USE IN MALT WHISKY PRODUCTION AND RESTORATION OF PREVIOUSLY DRAINED SITES: BALLIVICAR PEAT MOSS, PORT ELLEN, ISLE OF ISLAY (REF: 23/01985/PAN)**

The Senior Planning Officer spoke to the terms of the report. The proposed peat extraction area is located to the immediate north of Port Ellen and bound to the east by the A846. The irregular shaped site extends approximately 3 kilometres to the north before extending eastwards into the southeastern quarter of Loch Nan Gabhar and eastwards again to the track serving to Kintra Farm.

In term of the current adopted Local Development Plan (2015), the site is located within a designated Countryside Area, with some pockets of Rural Opportunity Area contained within it. The site is located approximately 1km to the west of the Laggan Bay Special Protection Area and SSSI. Port Ellen to the south of the site is designated as a main settlement area and contains the main town centre and Established Business and Industry Area. The site is also subject to the following known constraints: Surface and Riparian Flooding (REF: SEPA Flood Maps) (Parts of the site appear to be within 1:200 riparian flooding zones); Deep Peat (Dystrophic Blanket Peat Av depth 5.7m); and Safeguarding Zone 15 - Islay Airport (HIAL).

The PAN describes the proposed development as “the harvesting of peat for use in the production of malt whisky in a manner that causes the least environmental impact, together with restoration of previously drained and worked areas within the site”.

The report sets out the information submitted to date as part of the PAN and summarises the policy considerations, against which any future planning application will be considered as 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 the 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 and requested that a step by step guidance note outlining the technical aspects of the extraction and restoration process alongside information on supply and demand of peat be submitted with the Planning Application.

(Reference: Report by Head of Development and Economic Growth dated 1 December 2023, submitted)

**11. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - FQ2 2023/24**

A report providing an update on the performance of the Development Management Service for the reporting period FQ2 2023/24 was considered.

**Decision**

The Committee agreed to note the content of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 7 December 2023, submitted)

## **12. PLANNING PERFORMANCE FRAMEWORK 2022/23**

A report containing recent feedback from the Scottish Government in relation to the Council's Planning Performance Framework (PPF) for 2022/23 was considered.

### **Decision**

The Committee agreed to note the content of the report and publicise the positive feedback from the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 8 December 2023, submitted)

## **13. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS**

A report summarising recent decisions by Scottish Ministers in respect of planning application reference 19/01858/PP called in for determination, and the outcome of an appeal against refusal of an application for listed building consent reference 22/01847/LIB, 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 20 December 2023, submitted)

## **14. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI AND PRIVATE HIRE CAR SURVEY**

A report updating Members on the timescale for submitting the taxi survey report was before the Committee for information.

### **Decision**

The Committee noted the updated position.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 20 December 2023, submitted)