

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01729/PP

Planning Hierarchy: Local Development

Applicant: Eilean Eisdeal

Proposal: Installation of Solar PV Panels and Air Source Heat Pump

Site Address: Easdale Island Community Hall, Easdale Island

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Installation of 14 Solar PV Panels
 - Installation of Air Source Heat Pump
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons set out in this report.

(C) HISTORY:

02/00057/DET

Renovation of Drill Hall (Revised Proposals) – granted: 06/03/02

02/00095/LIB

Renovation of Drill Hall (Revised Proposals) – granted: 06/03/02

00/01893/DET

Renovation of Drill Hall – granted 05/04/01

01/00008/LIB

Renovation of Drill Hall – granted 05/04/01

(D) CONSULTATIONS:

Conservation Officer

Memo dated 14/02/11 advising *“in principle no objection to the application. However, encouraging optimising the potential for energy efficiency improvements that exist in the Community Hall. This is not only best practise and more cost effective, but it will also help minimise the need for future alterations/installations that could lead to an accumulative effect of change which may be detrimental to the Conservation Area”*.

Public Protection Unit

Memo dated 15/02/11 advising no objection subject to a condition requiring the submission of a noise control plan.

Seil and Easdale Community Council

E-mail dated 20/02/11 advising that *“they urge caution on the grounds of noise and visual impact on the Conservation Area”*.

(E) PUBLICITY:

The proposal has been advertised in terms of Conservation Area and Regulation 20 procedures, closing dated 18/01/11.

(F) REPRESENTATIONS:

Representations have been received from 39 individuals as follows:

38 objections, 2 support

OBJECTIONS

Hamish Munton, The Old Inn, Ellenabeich, Isle Of Seil, Oban

L Munton, The Old Inn, Ellenabeich, Isle Of Seil, Oban

Sandra Hodson, 62 Easdale Island, Oban

Mr Henry Tarbatt, 33a Easdale Island, Oban, PA34 4TB

Jenny Smith, 33a Easdale Island, Oban, PA34 4TB

David Simcox, 60 Ellenabeich, Easdale, Oban, PA34 4RQ (2 representations)

Mrs I Coombes, 25 Easdale Island, Oban, PA34 4TB

David A Simcox, The Convent, Rockfield Road, Oban, PA34 5DQ

M R Leeson, 28 Easdale Island, Oban, PA34 4TB

E Munton, Creel Cottage, 64 Ellenabeich, Isle Of Seil, PA34 4RF

S Cooper, Creel Cottage, 64 Ellenabeich, Isle Of Seil, PA34 4RF

Mrs A S Wilson, Aite-Fois, Clachan Seil, Isle Of Seil, Oban

John Wilson, Aite-Fois, Clachan Seil, Isle Of Seil, Oban

Mrs Margaret Jones, 10 Kerrisk Drive, Dunfermline, Fife, KY11 8RG

Meurig Jones, 10 Kerrisk Drive, Dunfermline, Fife, KY1 8RG (3 representations)

Julian Penny, Stone's Throw Cottage, Easdale Island, Oban, PA34 4TB

Mrs Kathleen Hives, 101 Easdale Island, Oban, PA34 4TB

M M McLellan, 8 Ellenabeich, Isle Of Seil, Oban, PA34 4RQ

Mr Stuart Gordon, Carn Beag, 5 Roag, Dunvegan, Isle Of Skye, IV55 8ZA

D Robertson, 42 Ellenbeich, Isle Of Seil, Oban, PA34 4RQ

Mrs S Fairbairn, 9A Easdale Island, By Oban, PA34 4TB

Ruth Morris, 61 Ellenabeich, Isle Of Seil, Oban, PA34 4RQ

S Doyle, 41 Ellenabeich, Isle Of Seil, Oban, PA34 4RQ

Adele Knox, 22 Easdale Island, Oban, PA34 4TB

Keith Oversby, 55 Easdale Island, PA34 4TB (2 representations)

Tina Jordan, 55 Easdale Island, PA34 4TB

Mary Withall, 13A Easdale Island, Oban (2 representations)

Tim Flinn, 39 Easdale Island, Oban, PA34 4TB

Rose Sampson, 13B Easdale Island, Oban

Tom Tinney, 13B Easdale Island, Oban

A Clayton, 46 Easdale Island, Oban, PA34 4TB

Stuart A Clayton, 46 Easdale Island, Oban, PA34 4TB

Heather Chaplin 3 Easdale Island Oban PA34 4TB (3 representations)

Susan Jones 11f Auckland Crescent JHQ - Monchengladbach 41179 Germany

Elizabeth Rhodes, 49 Easdale Island, Oban, PA34 4TB (3 representations)

Ronald B And Wendy E Blakey, 38 Easdale Island, PA34 4TB

Easdale Island Residents And Property Owner's Association, C/o Keith Oversby, 55 Easdale Island, PA34 4TB

(i) Summary of objections raised

- The proposal is contrary to Policies LP ENV 1, LP ENV 13(a), LP ENV 14, LP BAD 1 and LP REN 3

Comment: *The proposal is assessed against the relevant policies in Appendix A of this report.*

- The proposed PV panels and air source heat pump are inappropriate developments on a Listed Building and would have a negative setting on all the Listed Buildings on Easdale Island.

Comment: *This is assessed in Appendix A of this report.*

- The proposed PV panels and air source heat pump are inappropriate developments within a Conservation Area and would undermine the status of Conservation Area.

Comment: *This is assessed in Appendix A of this report.*

- The proposed air source heat pump is unsightly and would result in noise disturbance to residents, workers and visitors to Easdale Island and Ellenabeich.

Comment: *The Council's Public Protection Unit raised no objection subject to a condition regarding suitable noise attenuation measures. This is discussed in further detail in Appendix A of this report.*

- The hall is not insulated and this should be the priority.

Comment: *The hall is insulated to the requirements of the Building Regulations in force at the time of its renovation.*

- The installation process and the weight of the pv panels could affect the stability of the roof.

Comment: *This is not a material consideration in the determination of the planning application.*

- Eilean Eisdeal has failed to act in an open and transparent manner and is not in a position to claim to represent the consensus of the views of the Easdale Island 'community'.

Comment: *This is not a material consideration in the determination of this planning application.*

- The equipment has a finite life and requires maintenance. Islanders will be left with an expensive debt once the main sponsors withdraw their funding.

Comment: *This is not a material consideration in the determination of this planning application.*

- It is not possible to assess the visual impact and the potential benefits of the solar pv without sizing, weight and rating information.

Comment: *The plans are to scale and show the size and location of the pv panels. In addition the applicant has provided a detailed specification which shows their appearance. It is therefore considered that sufficient information has been provided to allow the Council to fully assess the application.*

- No details of the type of solar pv panels have been submitted.

Comment: The application is accompanied by the manufacturer's literature which specifies a multicrystal photovoltaic module.

SUPPORT

Mrs Pamela Carr 60 Easdale Island Oban PA34 4TB

David Donnison, The Old School, Easdale Island, PA34 4TB

(ii) Summary of support raised

- The project will enable the community hall to be heated by sustainable, green energy.
- The project will provide funding to the community for at least the next 20 years enabling a multitude of projects from maintenance of the B Listed Harbour to funding an arts programme.
- The proposal represents a good example of community practice and will have a positive impact on the island.
- The proposal is fully consistent with the Scottish Government's policy on renewable.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|-----------|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, | No |

(H) PLANNING OBLIGATIONS

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| (i) Is a Section 75 agreement required: | No |
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- | | |
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| (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

STRAT DC 8 – Landscape and Development Control

STRAT DC 9 – Historic Environment and Development Control

STRAT RE 2 – Other Forms of (Non-Wind) Energy Renewable Energy Related Development

Argyll and Bute Local Plan 2009

LP BAD 1 – Bad Neighbour Development

LP ENV 1 – Impact on the General Environment

LP ENV 13a – Development Impact on Listed Buildings

LP ENV 14 – Conservation Areas and Special Built Environment Areas

LP REN 3 – Other (Non-Wind) Forms of Renewable Energy Related Development

Appendix A – Sustainable Siting and Design Principles

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

Planning Advice Note 45 : Renewable Energy Technologies

Scottish Historic Environment Policy, 2009

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): No

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

In this case, whilst many of the respondents have properties within the vicinity of the application site, it is not considered that the application raises any complex or technical issues and it is not considered that a hearing would add value to the process and therefore Members should exercise their discretion and decline to undertake a hearing prior to the application being determined.

(P) Assessment and summary of determining issues and material considerations

In terms of the adopted Argyll and Bute Local Plan, the site is situated within the minor Settlement Zone of Easdale within which Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives encouragement to small scale development which is compatible with an essentially rural settlement location.

Policy LP REN 3, Other (Non-Wind) Forms of Renewable Energy Related Development offers support to non-wind renewable energy related development in forms, scales and locations where it will promote the aim of sustainable development, where servicing, electricity distribution and access impacts are acceptable, and all other material considerations including the Council's international and national obligations are satisfactorily addressed.

The property is a Category C(s) Listed Building within which Policy LP ENV 13(a), Development Impact on Listed Buildings states the development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses.

The building is also situated within the Easdale Conservation Area within which Policy LP ENV 14, Development in Conservation Areas and Special Built Environment Areas states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.

The main issues in respect of the proposal are the impact of the PV panels and air source heat pump on the Listed Building and Conservation Area.

In addition to the above, the proposal also has to be assessed for compliance with other relevant local plan policies which are detailed in Appendix A of this report.

The proposal has elicited a large number of objections from residents of the Island.

The proposed photovoltaic panels and air source heat pump are considered to be acceptable alterations to the Listed Building and would not appear as significantly dominant or intrusive features which would detract from the buildings appearance or its setting within the Conservation Area.

On the basis of the foregoing, the proposal is considered to be acceptable and to accord with the relevant Development Plan policies and I recommend that Planning Permission be granted subject to the conditions appended to this report.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

It is considered that the proposed photovoltaic panels and air source heat pump are acceptable alterations to this Listed Building and will not detract from its overall appearance or setting within the Conservation Area.

Having due regard to the above, the proposal is considered to accord with Policies STRAT DC 1, STRAT DC 8, STRAT DC 9 and STRAT RE 2 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10, LP ENV 13a, LP ENV 14 and LP REN 3 of the adopted Argyll and Bute Local Plan.

Furthermore there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Fiona Scott Date: 21/03/11

Reviewing Officer: Angus Gilmour Date: 30/03/11

**Angus Gilmour
Head of Planning and Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/01729/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence on site until full details of noise attenuation measures to the air source heat pump in order to provide a minimum of 10 dB reduction in the level of the transmitted noise have been submitted to, and approved in writing by the Planning Authority in consultation with the Public Protection Unit. Thereafter, the air source heat pump shall not be operated above the approved noise levels.

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

3. No development shall commence on site until full details, in plan form, of a form of screening for the air source heat pump has been submitted to, and approved in writing by the Planning Authority. Such details shall comprise a natural stone finish to match the community hall building.

Reason: In the interests of visual amenity and to ensure that the proposals do not adversely affect the architectural and historic character of the building and its setting within the Conservation Area.

4. The development shall be implemented in accordance with the details specified on the application form dated 06/10/10 and the approved drawing reference numbers:

Plan 1 of 9 (Drawing Number 0931-PL-001)
Plan 2 of 9 (Drawing Number 0931-PL-002)
Plan 3 of 9 (Drawing Number 0931-PL-003)
Plan 4 of 9 (Drawing Number 0931-PL-004)
Plan 5 of 9 (Drawing Number 0931-PL-005)
Plan 6 of 9 (Drawing Number 0931-PL-006)
Plan 7 of 9 (Drawing Number 0931-PL-007)
Plan 8 of 9 (Drawing Number 0931-PL-008)
Plan 9 of 9 (Manufacturers Specification)

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

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

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.

- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **10/01729/PP**

- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

- (B)** Has the application been the subject of any non-material amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- (C)** The reason why planning permission has been approved.

It is considered that the proposed photovoltaic panels and air source heat pump are acceptable alterations to this Listed Building and will not detract from its overall appearance or setting within the Conservation Area.

Having due regard to the above, the proposal is considered to accord with Policies STRAT DC 1, STRAT DC 8, STRAT DC 9 and STRAT RE 2 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10, LP ENV 13a, LP ENV 14 and LP REN 3 of the adopted Argyll and Bute Local Plan.

Furthermore there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01729/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted Argyll and Bute Local Plan, the site is situated within the minor Settlement Zone of Easdale within which Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives encouragement to small scale development which is compatible with an essentially rural settlement location.

Policy LP REN 3, Other (Non-Wind) Forms of Renewable Energy Related Development offers support to non-wind renewable energy related development in forms, scales and locations where it will promote the aim of sustainable development, where servicing, electricity distribution and access impacts are acceptable, and all other material considerations including the Council's international and national obligations are satisfactorily addressed.

The property is a Category C(s) Listed Building within which Policy LP ENV 13(a), Development Impact on Listed Buildings states the development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses.

The building is also situated within the Easdale Conservation Area within which Policy LP ENV 14, Development in Conservation Areas and Special Built Environment Areas state that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.

The main issues in respect of the proposal are the impact of the photovoltaic panels and air source heat pump on the Listed Building and Conservation Area.

In addition to the above, the proposal also requires to be assessed for compliance with other relevant local plan policies which are detailed below.

The proposal has elicited a large number of objections from residents of the Island.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for the installation of 14 photovoltaic (pv) panels) and an air source heat pump to the Easdale Island Community Hall.

The community hall is a Category C(s) Listed Building situated within the Easdale Conservation Area.

The hall is a single storey structure with a pyramidal roof which was extensively refurbished and extended a number of years ago.

Each individual pv panel measures 1500mm x 990mm and the 3kW array of panels is predicted to have an annual average output of electricity of around 2400kWh.

The application shows the pv panels installed on the roof planes of the hall, 10 on the rear (southeast) elevation and the remaining four on the side (southwest) elevation. The rear elevation is the least visible elevation and is not visible from many public vantage

points on the island. Given the pyramidal roof of the hall and the existing horizontal banks of glazing which break up the natural slate roof, it is considered that it lends itself well to the introduction of the pv panels which will not detract from the character of the building, nor cause an undesirable visual impact on the buildings setting within the wider conservation area.

The air source heat pump is to be installed to the front (northwest) elevation of the hall with a drystone wall enclosure and measures 661 (length) x 167 (width) x 1290 (height).

The Council's Public Protection Unit was consulted on the proposal and, whilst acknowledging that the location and operation of the plant is likely to present noise problems to the surrounding residential properties, particularly during night time hours, raised no objection subject to the submission of suitable noise attenuation measures to the plant in order to provide a minimum of 13dB reduction in the level of transmitted noise. This is adequately controlled by means of a suspensive planning condition, which safeguards the neighbouring properties and prevents development from commencing until such time as a suitable noise control plan has been agreed with the Public Protection Unit.

It is concluded that, having examined all material considerations, the proposed photovoltaic panels and air source heat pump will have no materially adverse impact upon the character and visual amenity of the building or its setting within the Conservation Area and there are no adverse servicing, electricity distribution or access impacts and therefore the proposal accords with Policy LP REN 3.

C. Built Environment

The site is situated on Easdale Island which has been designated in its entirety as a Conservation Area.

Structure Plan Policy DC 9, Historic Environment and Development Control states that protection, conservation, enhancement and positive management of the historic environment is promoted. Development that damages or undermines the historic architectural or cultural qualities of the historic environment will be resisted, particularly if it would affect a Scheduled Ancient Monument or its setting, other recognised architectural site of national or regional importance, listed building or its setting, conservation area or historic garden and designed landscape.

Policy LP ENV 14, Development in Conservation Areas and Special Built Environment Areas state that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.

Policy LP ENV 13(a), Development Impact on Listed Buildings, states that development affecting a listed building or its setting shall preserve the building or its setting and any features of special architectural or historic interest that it possesses. considered it will provide an acceptable contrast between the old and the modern and it is not considered

Accordingly, as a development affecting a Listed Building and within a Conservation Area, in deciding whether consent should be granted it is necessary to consider whether the pv panels and air source heat pump would prejudice the overall character of the Listed Building and its setting within the Conservation Area, thereby undermining the purpose of designation.

The conclusion in this case, is that whilst the pv panels and air source heat pump will be visible features on the Listed Building and within the Conservation Area, it is not considered they would appear over dominant or intrusive features on the building or

within the wider landscape and would not be so significant as to undermine the purposes of Listing or Conservation Area designation. Furthermore, the pv panels and air source heat pump will have no significant adverse impact on the setting of other Listed Buildings within the village.

In this regard it is not considered that the proposal will have an adverse impact on the building or its setting within the surrounding area and is consistent with the criteria set out in Policies DC 8, STRAT DC 9, LP ENV 13(a) and LP ENV 14 which seek to ensure that developments do not have an adverse impact on the character of the built environment.

D. Climate change considerations

In assessing any application associated with the generation of renewable energy it is necessary to have regard to macro environmental consequences as a material consideration. Government and Development Plan policy supports renewable electricity generation in principle, in the interests of addressing climate change, provided that development does not impinge to an unacceptable degree upon its surroundings. As part of the decision making process, it is necessary to consider whether the advantages associated with the production of electricity from renewable sources, consequent CO₂ savings and the contribution which a development might make to the tackling of global warming. In this case, the photovoltaic panels at 3 kW is limited, and therefore the contribution which the development will make to climate change will inevitably be small.

In this regard it is concluded that there are no other material considerations of sufficient weight, including the contribution which the development could make to renewable energy generation, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.