

**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**

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**Reference No:** 11/01461/PP

**Planning Hierarchy:** Local Development

**Applicant:** Argyll and Bute Council

**Proposal:** Proposed Biomass Heating Plant to Serve Offices and Nursery, Comprising Boiler-room, Fuel Storage, Underground Pipework Connections, Access Improvements and Enabling Works.

**Site Address:** Kilmory Nurseries, Kilmory Castle, Kilmory Industrial Estate, Lochgilphead, Argyll.

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## **DECISION ROUTE**

### **Local Government Scotland Act 1973**

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#### **(A) THE APPLICATION**

##### **(i) Development Requiring Express Planning Permission**

- Installation of Biomass Heating Plant
  - Erection of Boilerhouse
  - Formation of Fuel Storage Silo
  - Underground Pipework Connections
  - Access Improvements
  - Formation of Area of Hardstanding
  - Enabling Works
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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 appended to this report.

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#### **(C) HISTORY:**

No history relevant to this part of the site.

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#### **(D) CONSULTATIONS:**

Area Roads Engineer

Email dated 08/09/11, advises no objections, but recommends the erection of a pedestrian sign.

West of Scotland Archaeology Service

Letter dated 20/09/11 – no objections as site has been subject to previous heavy disturbance.

Scottish Environmental Protection Agency

Email dated 29/08/11, advises no objections.

Public Protection Officer

Memo dated 29/08/11, advises no objection subject to a condition.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of setting of listed building procedures, closing dated 23/09/11.

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**(F) REPRESENTATIONS:**

No representations have been received regarding the proposed development.

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

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| (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, drainage impact etc: | No |
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**(H) PLANNING OBLIGATIONS**

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|---|----|
| (i) Is a Section 75 agreement required: | No |
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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 9 – Historic Environment and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 7 – Development Impact on Trees/Woodland

LP ENV 13a – Development Impact on Listed Buildings

LP ENV 19 – Development Setting, Layout and Design

LP BAD 1 – Bad Neighbour Development

LP TRAN 4 – New & Existing, Public Roads and Private Access Regimes

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.**

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	No
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	No
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	No
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	Yes
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<b>(O)</b>	<b>Requirement for a hearing (PAN41 or other):</b>	No
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<b>(P)</b>	<b>Assessment and summary of determining issues and material considerations</b>	
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Planning permission is sought for a Biomass Heating Plant to serve the offices and nursery, comprising a boiler-room, fuel storage, underground pipework connections, access improvements and enabling works at Kilmory Nursery, Kilmory Castle, Lochgilphead.

The proposal is consistent with the provisions of policy LP REN 3 which seeks to encourage non-wind renewable energy development where this is compatible with the amenity of its surrounds and does not give rise to an adverse impact upon infrastructure.

Furthermore, the proposal will not give rise to detrimental impacts upon the amenity of the locale and is of appropriate, scale design, finishes and location having regard to the setting of the castle which is a category B listed building.

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

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**(R) Reasons why planning permission should be granted**

The proposal is consistent with the provisions of policy LP REN 3 which seeks to encourage non-wind renewable energy development where this is compatible with the amenity of its surrounds and does not give rise to an adverse impact upon infrastructure.

Furthermore, the proposal will not give rise to detrimental impacts upon the amenity of the locale and is of appropriate, scale design, finishes and location having regard to the setting of the castle which is a category B listed building.

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

N/A

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

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**Author of Report:** Judith Stephen      **Date:** 24<sup>th</sup> September 2011

**Reviewing Officer:** Peter Bain      **Date:** 27<sup>th</sup> September 2011

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

## CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/01461/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 08/08/11 and the approved drawing reference numbers:

Plan 1 of 7 (Site Location Plan)  
Plan 2 of 7 (Photos of Existing Stone Retaining Wall and Gate)  
Plan 3 of 7 (Plan of Proposed Gate)  
Plan 4 of 7 (Drawing No. CPp/ABC/KC/002)  
Plan 5 of 7 (Drawing No. 1350/003A)  
Plan 6 of 7 (Drawing No. 1350/002)  
Plan 7 of 7 (Drawing No. 1350/004)

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.*

2. The use hereby permitted shall not commence until full particulars and details of a scheme for the dispersion of atmospheric pollutants from the development, including a calculation of the required flue heights from the boiler plants, has been submitted and approved by the Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

*Reason: In order that the Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to atmospheric pollutants.*

3. Prior to the commencement of development, a scheme shall be submitted and approved by the Local Planning Authority to control the emission of dust from the site and the development shall not be carried out otherwise than in accordance with the approval given.

*Reason: In the interests of the amenity of the locale.*

4. Prior to the development hereby permitted commencing, a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site.

*Reason: In order to prevent noise disturbance to nearby properties.*

5. The stone removed for widening of the existing access shall be reused for the retaining wall of the development hereby granted consent unless otherwise approved in writing by the Planning Authority.

*Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings*

## **NOTE TO APPLICANT RELATIVE TO APPLICATION 11/01461/PP**

- **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)].
- In order to comply with 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.
- The Area Roads Manager has commented that in the interests of road safety it would be advisable to erect a 'Pedestrian on Road Ahead' sign, (diag 544.1) close to the gable of the Kilmory annexe.
- It is advised that the permission relates solely to the provisions of the Town and Country Planning (Scotland) Act 1997; in particular it is noted that the details submitted do not include for the alteration of the fabric of Kilmory Castle for the purpose of connecting the biomass heating plant to an existing/proposed heating system within this category B listed building. In this respect it is advised that such works may require to be the subject of a separate application for listed building consent having regard to the provisions of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/01461/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

## **A. Settlement Strategy**

In terms of the adopted 'Argyll and Bute Local Plan', the site is within the 'main town' of Lochgilphead where 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 on appropriate infill, rounding off and redevelopment sites, subject to compliance with other relevant local plan policies.

The provisions of policy LP REN 3 seek to support non-wind renewable energy development, including biomass, 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.

## **B. Location, Nature and Design of Proposed Development**

Planning permission is sought for a Biomass Heating Plant to serve the offices and nursery, comprising of a boiler-room, fuel storage silo, underground pipework connections, access improvements and enabling works at Kilmory Castle, Lochgilphead. The purpose of the development is to provide hot water to feed into the heating system serving the adjacent Council offices contained within Kilmory Castle.

The site as existing is currently an established nursery, comprising various polytunnels and an office and is located within a walled garden area to the north of Kilmory Castle, which is a Category 'B' Listed Building. The site itself is within the setting of a listed building and is relatively well-contained from a visual perspective. Ten or so trees and shrubs require to be removed to accommodate the development along with the removal of an adjacent canvas tunnel in order to allow fuel delivery vehicles to access the underground fuel silo. It is however noted that the south-eastern boundary of the site is formed by mature deciduous woodland and the loss of a small number of trees/shrubs will not impact upon the character of the locale and as such is considered to be consistent with the provisions of policy LP ENV 7. In these circumstances, no replanting is necessary to compensate for the removal of trees.

The proposed boiler-room will be a single storey building with a mono-pitched corrugated grey steel roof with a height of 6.5m on the north facing elevation and 3m on the south elevation. The external walls shall be finished in a combination of vertically boarded, natural cedar cladding and grey facing blockwork. The submitted details also specify the inclusion of a louvered metal door and panels to provide access and ventilation and installation of 2no. 9m high, galvanised steel boiler flues (although this height may be subject to some variation to meet environmental requirements). The boilerhouse will primarily accommodate a 400kw woodchip boiler, a 600kw back up oil boiler and 2no, 8,000 litre thermal stores and a control panel. An underground fuel silo will be formed adjoining the western elevation of the boilerhouse with a 500mm blockwork surround and waterproof access lids with a mesh screen below and an adjacent hardstanding area to allow service vehicle movements.

The proposals are considered to be of a suitable form, scale and design, incorporating materials which will ensure it integrates well into its surroundings and will not detract from the character and appearance of the area and as such are considered consistent with the provisions of LP ENV 19.

The operation of the proposed biomass heating system has potential to give rise to air pollution and noise nuisance within the immediate locale. The Council's Environmental Health Officer has advised that biomass boilers have the potential to give rise to intermittent smoke problems and both proposed boilers emit atmospheric pollutants which need to be dispersed from the immediate surroundings to avoid causing nuisance

or other problems to the nearby staff accommodation. In addition, the proposal to tip woodchips from a tipper wagon into an underground silo has the potential to give rise to localised dust problems if the woodchips are particularly dry and/or contain significant amounts of dust. It is also noted that the application as submitted does not contain any data on the likely noise emissions from the boilers and associated plant; it is however advised that sufficient mitigation against the potential effects of air and noise pollution can be secured by planning conditions, in order to secure compliance with policy LP BAD 1.

Access to the site will be via an existing private road which connects to the public highway via the elected Members car park at the front of the castle. The proposal includes for removal of a small section of the existing stone wall to allow the existing vehicular access to be widened for fuel delivery vehicles leading to an area of hard standing for turning. A condition will be attached for the existing stone to be reused to rebuild the retaining wall. A steel gate with keyed mortice gatelock operation is proposed at the access. The Area Roads Manager has not raised objection to the proposal but does make an advisory comment in respect of the provision of additional signage to warn road users that pedestrians may be on the road ahead where there is restricted forward visibility. The proposal is consistent with the provisions of LP TRAN 4.

Furthermore to the above, there are no infrastructure constraints which would preclude the development of this site and the proposal is consequently considered to be consistent with the provisions of LP REN 3.

### **C. Built Environment**

The site is situated adjacent to Kilmory Castle which is a Category 'B' Listed Building and which primarily comprises a much altered 3 storey castle with a modern glazed extension which are presently utilised as the headquarters office of Argyll and Bute Council, although previous uses have included a youth hostel and a hotel.

The proposed boilerhouse is to be located to the north of the castle, adjacent to the modern glazed extension and well removed and screened from the immediate vicinity and setting of the original, historic elements of castle. The proposal also includes for the down taking of a small section of the boundary wall to the nursery; it is however evident that the wall in question is a modern addition within the grounds of the property which is similarly removed from the historic fabric of the building – on this basis it is considered that listed building consent is not required for these works. The details submitted do not specify whether any material alterations are required to the listed building to accommodate connecting pipework from the boilerhouse or provision of a new/improved heating system – these elements would not require the benefit of express planning permission, however the applicant should be advised that listed building consent could potentially be required, dependent on the exact specification of such associated works. The proposal for the provision of the biomass plant shall not adversely impact upon the setting or fabric of the listed building and as such is considered to be consistent with the provisions of Policies STRAT DC 9 and LP ENV 13a.