

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: 12/00213/PP

Planning Hierarchy: Local

Applicant: Scottish Power Plc

Proposal: Formation of a temporary contractor's site compound

Site Address: Land to north of Cruachan Power Station, Taynuilt, Argyll and Bute, PA33 1AN

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of a temporary contractors site compound for a period of 3 years;
- Utilisation of an existing private vehicular access;
- Utilisation of 10 existing on-site vehicle parking spaces and associated turning areas;
- Utilisation of an existing private water supply;
- Utilisation of an existing septic tank and partial soakaway.

(ii) Other specified operations

- None
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(B) RECOMMENDATION:

Having due regard to the development plan and all other material planning considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

96/00776/COU - Change of use of rough ground to form a contractor's compound and siting of portakabins – application approved 1st October 1996

02/01205/DET - Renewal of temporary consent 96/00776/COU – formation of a contractor's compound – application approved 9th August 2002

02/01941/NMA - Non-material amendment to 02/01205/DET – amendment to number, size and position of portakabins – application approved 18th November 2002

05/00494/DET - Renewal of previous temporary consent 02/01205/DET – formation of a contractor’s temporary site compound – application approved 8th April 2005

08/00425/DET - Erection of a contractor’s temporary site compound – application approved 10th April 2008

(D) CONSULTATIONS:

Area Roads Manager - Response received 23rd February 2012 – Transport Scotland to advise

Transport Scotland - Response received 8th February 2012 – no objection

Public Protection - Response received 6th February 2012 – no objection

(E) PUBLICITY:

‘Regulation 20 – Advert Local Application’ from the 9th February 2012 to the 1st March 2012.

(F) REPRESENTATIONS:

Two representations have been received from;

- Miss Rowena Jay, 1 Railway Cottage, Falls of Cruachan, Lochawe (e-mail dated 12.02.2012)
- Mr Nigel MacBeath, 1 Railway Cottage, Falls of Cruachan, Lochawe (e-mail dated 18.02.2012)

The concerns raised are summarised as follows:

- Part of the application site outlined by the red line belongs to us as the owners of 1 and 2 Railway Cottages.

Comment: Officers have liaised with the applicant’s agent in relation to the issue of land ownership who confirmed on the 23rd March 2012 that all of the land forming the application site identified by the red line is within the ownership of Argyll and Bute Council. Certification to that effect has been supplied and notice served on the Council’s, Estates Department dated the 25th January 2012.

- The proposed units to be erected within Area 2 will clearly be in view from my property so diminishing the quality of the immediate environment and my enjoyment of it.

Comment: Loss of view does not constitute a material planning consideration. To the west, the application site is well screened from the properties of 1 and 2 Railway Cottage due intervening semi-rough grazing with small copses of deciduous trees. It is not considered that the use, which has taken place on the land since 1996, detracts from the amenity of this property.

The above represents a summary of the issues raised. Full details in relation to the representations 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:** Yes
- The agent acting on behalf of the applicant submitted a Supporting Statement which provided an analysis and appraisal of the site associated planning background and application proposals.
- (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(H) PLANNING OBLIGATIONS

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

(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 the assessment of the application**

Argyll and Bute Structure Plan 2002

Policy 'STRAT SI 1 – Sustainable Development'

Policy 'STRAT DC 6 – Development in Very Sensitive Countryside'

Policy 'STRAT DC 8 – Landscape and Development Control'

Full details of the Argyll and Bute Structure Plan 2002, including proposal maps and full policy wording can be viewed on the Council's website by clicking on the link below:

<http://www.argyll-bute.gov.uk/planning-and-environment/argyll-and-bute-structure-plan>.

Argyll and Bute Local Plan 2009

Policy 'LP ENV 1 – Development Impact on the General Environment'

Policy 'LP ENV 12 – Water Quality and Environment'

Policy 'LP ENV 19 – Development Setting, Layout and Design'

Policy 'LP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems'

Policy 'LP SERV 4 – Water Supply'

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

Policy 'LP TRAN 6 – Vehicle Parking Provision'

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

Full details of the Argyll and Bute Local Plan 2009, including proposal maps and full policy wording can be viewed on the Council's website by clicking on the link below:

<http://www.argyll-bute.gov.uk/planning-and-environment/local-plan>.

(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 and Bute Council Sustainable Design Guidance (2006)

Scottish Government Circular 4/1998

Scottish Planning Policy (2010)

The Planning etc. (Scotland) Act 2006

The Town & Country Planning (Scotland) Act 1997

(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: Yes, as owners of the site.

(O) Requirement for a hearing (PAN 41 or other): No

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

This application seeks planning permission for the formation of a temporary contractor's site compound on land to the north of Cruachan Power Station, by Taynuilt.

Temporary planning permission was originally granted on the 1st October 1996 by virtue of 96/00776/COU for the formation of a contractor's compound and the siting of portakabins to serve works associated with the operation and maintenance of Cruachan Power Station. Since then, there have been numerous applications granted to renew the temporary planning permission, with the most recent having been granted on the 10th April 2008 by virtue of 08/00425/DET, which expired on the 30th September 2011.

Having permission for a site suitable for contractor's site accommodation has provided an acceptable and effective form of temporary provision in recent years for visiting contractors working at Cruachan Power Station on various short-term contracts. Whilst the site has benefitted from a series of temporary consents, occupation of the consented site has been intermittent throughout that period. There has been no record of any difficulties raised due to the existence and operation of the compound. The number, size and position of temporary buildings has largely remained the same as that provided for by the original grant of planning permission in 1996.

Although the site has operated for some 18 years on the basis of a series of temporary consents and a further 3 year period is now being sought, it is clear that, in the absence of some alternative arrangement, the ability to provide for contractors' accommodation, potentially at short notice, is an integral and ongoing part of the operation of the power station. Scottish Government Circular 4/1998 'The Use of Conditions in Planning Permissions' states at Section 105 that:

“... it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the provision of the development plan”.

and there is a general presumption against supporting ongoing uses by means of a series of temporary permissions, where the use is not a genuinely temporary requirement, and it could be more appropriately given a permanent permission with an obligation to clear and restore the site in the event that the use becomes no longer required at some point in the future.

Although the site lies within 'Very Sensitive Countryside' it benefits from a long established locational need related to a renewable energy development, and therefore satisfies Parts A and B of Policy STRAT DC 6 of the Argyll and Bute Structure Plan 2002, and relevant policies of the local plan. In the circumstances, it is recommended that permission be granted on a permanent rather than a further temporary basis, but subject to recommended condition 2 which requires reinstatement in the event that the site has not been occupied for the permitted purpose during the preceding 18 months.

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

(R) Reasons why planning permission should be granted

Having permission for a site suitable for contractor's site accommodation has provided an acceptable and effective form of temporary provision in recent years for visiting contractors working at Cruachan Power Station on various short-term contracts. Whilst the site has benefitted from a series of temporary consents, occupation of the consented site has been intermittent throughout that period. There has been no record of any difficulties raised due to the existence and operation of the compound. The number, size and position of temporary buildings has largely remained the same as that provided for by the original grant of planning permission in 1996.

The proposal complies with Policies 'STRAT SI 1', 'STRAT DC 6' and 'STRAT DC 8' of the 'Argyll and Bute Structure Plan' 2002 and Policies 'LP ENV 1', 'LP ENV 12', 'LP ENV 19', 'LP SERV 1', 'LP SERV 4', 'LP TRAN 4' and 'LP TRAN 6' of the 'Argyll and Bute Local Plan' 2009. Having regard to Scottish Government Circular 4/1998 – The Use of Conditions in Planning Permissions, it is appropriate to grant permanent permission rather than to perpetuate the use by means of a further temporary consent.

(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: Walter Wyllie

Date: 3rd May 2012

Reviewing Officer: Stephen Fair

Date:

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

CONDITIONS AND REASONS RELATIVE TO APPLICATION 12/00213/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 25th January 2012 and the approved drawing reference numbers:

- Plan 1 of 1 (OB.02.01/01)

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.

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

2. In the event that the site has not been occupied for its intended purpose during the course of a continuous period of 18 months, the permitted use shall be deemed to have ceased and all structures, containers and materials shall be removed from the site, unless otherwise agreed in writing by the Planning Authority, and immediately thereafter the land shall be reinstated in accordance with details which shall be submitted to agreed in writing in advance by the Planning Authority.

Reason: In the interests of amenity and to ensure that the site is reinstated to an appropriate and satisfactory standard.

3. This permission relates only to the use of the compound by contractors working within Cruachan Power Station and associated areas. Any structures, containers or materials shall only be sited on the land whilst maintenance or other contracted works are ongoing within Cruachan Power Station and shall be removed within 2 months from the completion of works on-site.

Reason: In accordance with the use applied for.

4. Any structures shall be used only for site offices and storage accommodation and shall at no time be used for residential purposes.

Reason: In accordance with the use applied for.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

This application seeks planning permission for the use of land as a temporary contractor's site compound on land to the north of Cruachan Power Station, by Taynuilt,.

With reference to the Argyll and Bute Development Plan 2009, the application site is situated within the development zone identified as 'Very Sensitive Countryside'. With reference to the Argyll and Bute Structure Plan 2002, Policy 'STRAT DC 6' states:

"A) Within the Very Sensitive Countryside encouragement will only be given to specific categories of development on well chosen sites. These comprise:

1. renewable energy related development which is supported by Policies 'STRAT RE 1' and 'STRAT RE 2'.
2. development directly supporting agricultural, forestry, nature conservation or other established use activity.

B) In exceptional cases a development with a locational need...may be supported".

Cruachan Power Station operated by ScottishPower, was the world's first high head reversible pumped storage hydro scheme. The proposal is seeking planning permission for a contractor's site compound which provides facilities for visiting contractor's working at Cruachan Power Station on various short-term contracts, it is evident that there has been and remains an ongoing locational need for the proposal which will provide support for the operation and maintenance of an established renewable energy related development. Therefore, the proposal complies with Policy 'STRAT DC 6'.

B. Location, Nature and Design of Proposed Development

Cruachan Power Station is located on the shores of Loch Awe situated at the foot of Ben Cruachan between the settlements of Bridge of Awe to the east and Lochawe to the west. The application site is located on the northern side of the A85 trunk road situated directly adjacent to the numerous small scale buildings which form part of Cruachan Power Station. Situated directly to the north of the application site is the railway line and to the south the A85 trunk road. Situated directly to the east and west is semi-rough grazing with small copses of deciduous trees sporadically distributed. Situated further to the west are the properties of 1 and 2 Railway Cottage.

The application site is predominantly flat within the south eastern section, but gradually begins to slope in a north-western direction progressing towards the railway line. The application site measures approximately 1390 metres² and is permanently occupied by a transformer compound, a structure with plinths and hatches, a cabin, a portable toilet cabin and private water supply and foul drainage services. The application site is also frequently but temporarily occupied by up to 7 mobile modular jack-up units.

With regards to design, the transformer compound, the structure with plinths and hatches and the portable toilet cabin are predominantly square shaped, flat roofed structures. The outside walls and roof covering are finished in a mixture of materials such as timber, concrete, corrugated sheeting and aluminium. The mobile modular units are proprietary ones purpose designed to provide site accommodation.

The site is contained and does not cause evident visual, privacy or amenity impacts within the immediately surrounding area. The proposal satisfies Policies 'LP ENV 1' and 'LP ENV 19'.

C. Natural Environment

The application site is situated at the foot of Ben Cruachan which is situated to the north and Loch Awe to the south. There are no nature conservation designations in respect of the application site.

D. Built Environment

To the south of the application site there are numerous small scale buildings which constitute part of Cruachan Power Station. Situated to the west are the properties of 1 and 2 Railway Cottage. The application site is well screened from the A85 trunk road and the buildings associated with Cruachan Power Station due to an existing horizontal timber clad ranch fence. To the west, the application site is well screened from the properties of 1 and 2 Railway Cottage due to intervening semi-rough grazing with small copses of deciduous trees which are sporadically distributed. The proposal, which represents a continuation of a use operated intermittently since 1996, causes no detrimental visual, privacy or amenity issues within the immediately surrounding area which ensures that the proposal complies with Policies 'LP ENV 1' and 'LP ENV 19' of the Argyll and Bute Local Plan 2009.

E. Landscape Character

The landform to the north of the application site rises steeply towards Ben Cruachan. However, to the east, south and west the landform declines in a gradual southerly manner towards the foreshore of Loch Awe. The land cover of the surrounding area is predominantly semi-rough grazing with small copses of deciduous trees sporadically distributed particularly to the west, north and east of the application site which helps shelter and screen the application site from wider views.

The proposal will not undermine landscape character in this locale nor give rise to any adverse visual impacts upon the wider landscape. Therefore, the proposal complies with Policy 'STRAT DC 8'.

F. Road Network, Parking and Associated Transport Matters

With regards to vehicular access arrangements, it is proposed to utilise an existing private vehicular access which is located within the south eastern section of the application site. The existing private vehicular access leads off of the A85 trunk road. The Trunk Roads Authority has been consulted and has not objected. The proposal complies with Policy 'LP TRAN 4' of the Argyll and Bute Local Plan 2009.

With regards to on-site vehicle parking and turning arrangements, it is proposed to utilise 10 existing on-site vehicular parking spaces and associated turning areas. The Area Roads Manager has been consulted and has no objection. The proposal complies with Policy 'LP TRAN 6' of the Argyll and Bute Local Plan 2009.

G. Infrastructure

With regards to water supply and foul drainage arrangements, it is proposed to utilise an existing private water supply and an existing septic tank system and partial soakaway,

with foul waste discharging to a nearby watercourse.. Public Protection have been consulted and have raised no objection. The proposal complies with Policies 'LP ENV 12' 'LP SERV 1' and 'LP SERV 4' of the Argyll and Bute Local Plan 2009.