

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 27 JUNE 2012**

Present: Councillor Sandy Taylor (Chair)

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| Councillor Gordon Blair | Councillor Alistair MacDougall |
| Councillor Rory Colville | Councillor Alex McNaughton |
| Councillor Robin Currie | Councillor James McQueen |
| Councillor Mary-Jean Devon | Councillor Richard Trail |
| Councillor Fred Hall | |

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Graeme Forrester, Solicitor

The Chair referred to a decision made by the previous Planning, Protective Services and Licensing Committee on 21 March 2012 regarding Private Hire Licensing – List of Approved Vehicles. In terms of Standing Order 16.1 and 16.2.2, the Chair ruled, and the Committee agreed, that there had been a material change in circumstances to allow the Committee to revisit this item in respect of trikes within a period of 6 months as the main focus of the previous decision related to another type of 3 wheeled vehicle. A report in respect of this issue is dealt with at item 4 of this Minute.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors George Freeman, David Kinniburgh, Robert G MacIntyre and Donald MacMillan.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES

The Minutes of the Planning, Protective Services and Licensing Committee of 30 May 2012 were approved as a correct record.

4. PRIVATE HIRE LICENSING - LIST OF APPROVED VEHICLES

A report was considered advising that Argyll and Bute Council licensing section have received requests to consider including trikes on the list of vehicles approved for use as taxi and private hire cars licensed by Argyll and Bute Council.

Decision

Agreed to include trikes on the list of vehicles approved for use as private hire cars subject to the conditions attached at appendix 1 of the report.

(Reference: Report by Head of Governance and Law, tabled)

5. DUNLOSSIT ESTATE: ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE: LAND TO SOUTH WEST OF LAGGAN BRIDGE, ISLE OF ISLAY (REF: 10/01931/PP)

The Principal Planning Officer spoke to the terms of the report advising that this proposal seeks detailed planning permission for the erection of a detached single storey dwelling to be used as a 'river watcher's/water baliff's' accommodation to facilitate the management of this part of Dunlossit Estate. The application site is located within an area of 'sensitive countryside' immediately to the south of, and largely contained by, a sharp bend in the Laggan River to the east of Laggan Bridge. It is considered that sufficient locational need has been established to outweigh the general policy presumption against such development in the sensitive countryside and an ACE has been carried out which demonstrates that the proposed site can support the development proposed without having any materially detrimental impact upon the key landscape characteristics of the identified ACE compartment. The ACE appended to the report was recommended for adoption as a material consideration in the determination of this application and any future application within the defined area of common landscape character. The application was also recommended for approval subject to conditions and reasons set out in the report and the Applicant entering into a Section 75 Legal Agreement as detailed at section H of the report.

Decision

1. Agreed that sufficient locational need had been established to outweigh the general policy presumption against such development in the sensitive countryside;
2. Agreed the Area Capacity Evaluation (ACE) appended to the report be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character; and
3. Agreed to grant planning permission subject to the Applicant entering into an appropriate Section 75 Legal Agreement and subject to the following conditions and reasons:-
 - (a) The proposed development shall be carried out in accordance with the details specified in the application form dated 5th November 2010; and the approved drawings numbered 1 of 6 to 6 of 6; and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 2 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the

application, an application for a non material amendment (NMA) should be made in writing to Planning Services, Dalriada House, Lochgilphead, PA31 8ST which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

- (b) Prior to the commencement of development, details of the proposed finished floor levels of the dwellinghouse relative to an identifiable fixed datum located outwith the application site shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In the interests of visual amenity and to assist in the integration of the development into its surroundings.

- (c) Development shall not begin until details of a woodland management programme and a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. The woodland management programme shall cover the area of land identified within a green line boundary appended to the plan hereby attached. The required details shall include:

- i) existing landscaping features, trees and vegetation to be identified and retained, except for those trees required to be removed in order to facilitate the development, these to be clearly identified;
- ii) location and design, including materials, of any walls, fences and gates;
- iii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub;
- iv) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants within the identified woodland management area which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and retention and management of existing trees in order to ensure that the development remains appropriately screened from view from the B8016 public road.

- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E of the of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1C: The erection, construction or alteration of any porch outside any external door of a dwellinghouse.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2A: The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a

dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.

- (e) The proposed access shall be improved to provide visibility splays of 103.0 metres by 2.4 metres, formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over 1.05 metres in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

- (f) Prior to work starting on site, the access hereby permitted shall be improved and formed in accordance with the Council's Highway Drawing No. SD 08/004 Rev.a. with a refuse collection point to be provided adjacent to the public road.

Reason: In the interest of road safety.

(Reference: Report by Head of Planning and Regulatory Services dated 6 June 2012, submitted)

**6. MR AND MRS S BATE: SITE FOR THE ERECTION OF CROFT HOUSE:
LAND EAST OF ACHARA, OBAN (REF: 11/02115/PPP)**

The Principal Planning Officer spoke to the terms of the report advising that this application was due to be presented to the PPSL Committee in February 2012 recommended for refusal. On the request of the Applicant, it was agreed that the application be continued to allow further information to be submitted and which has now been supplied. The dwelling is required for operational purposes to service a bareland croft and is supported by an appropriate Croft Development Plan. The dwelling has been sited in a location which represents the best opportunity to accommodate a house within the holding. Although situated within PDA allocation 5/5, where a comprehensive approach to development is normally required, the individual circumstances and topography of the site mean it is unlikely to be required to allow for the Oban Development Road or the expansion of the adjacent golf course. As the site does not conflict with the objectives which underpin the PDA allocation, it is accepted that a croft house can be granted without undermining the PDA allocation in this instance. There are no other material considerations, including issues raised by third parties, which would prevent the development being granted as a 'minor departure' from the adopted development plan subject to conditions and to the prior conclusion of a Section 75 Legal Agreement tying ownership of the

dwelling to the croft land in order to avoid demand for further croft division.

Decision

Agreed that, subject to the prior conclusion of a Section 75 Legal Agreement, the application be granted as a minor departure from the adopted development plan subject to the following conditions and reasons:-

1. That this permission is granted in terms of Section 59 of the undernoted Act for planning permission in principle and further approval of the Planning Authority shall be required for matters specified in conditions, such application must be made before whichever is the later of the following:-
 - (a) the expiration of a period of 3 years from the date of this permission
 - (b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused
 - (c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed

And in the case of b and c above only one such application can be made after the expiration of the period of 3 years from the original planning permission in principle.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence on site until the following information has been submitted by way of an application(s) for approval of matters specified in conditions and approval has been given in writing by the Planning Authority:
 - (a) A detailed site layout plan at a scale of 1:500 showing the proposed dwellinghouse and residential curtilage;
 - (b) Access, parking, water supply and drainage arrangements;
 - (c) Plans and elevations of the proposed dwellinghouse which shall incorporate the following elements:
 - Be situated within the north-eastern end of the croft and not extending more than 40 metres away from the north-eastern site boundary at any point;
 - Be single storey in height (with or without rooms in the roof);
 - Incorporate windows with a strong vertical emphasis;
 - Have walls finished in timber cladding, white wet dash render or smooth cement render;
 - Have a symmetrically pitched roof finish of dark grey natural slate or high quality artificial slate; and,
 - If chimneys are proposed they will be set squarely on the building ridge.

Reason: In the interests of visual amenity and in order to maintain the character of the area and integrate the proposed dwellinghouse with its surroundings.

3. The occupation of the dwelling house hereby approved shall be limited to a person(s) carrying on, or last carrying on, the crofting activities at the croft at Highfield Croft, Glencruitten, Oban (Agricultural Code Number 174/0053) (the site), or a dependant of such person residing with him or her, or a widow or widower of such a person.

Reason: To underpin the locational/operational need which justified the approval of a house at the site, where a general presumption against housing applies in the adopted Development Plan.

4. No development shall commence or is hereby authorised until, the polytunnel(s) necessary for the crofting enterprise have been provided at the site and are in active use for the growing of market garden products, and livestock has been re-introduced to the croft all as per the Croft Development Plan. For the avoidance of doubt, this planning condition is not a substitute for planning permission or prior notification procedures as are necessary to authorise the erection of the said polytunnel(s) at the holding.

Reason: To ensure the credible working of the croft to underpin the special case proposed in support of the development.

5. As details pursuant to condition 2 above, full details of existing ground levels, proposed ground levels, and proposed finished floor levels for the house hereby approved, all relative to a fixed datum point shall be submitted to the Planning Authority. The development shall be completed in strict accordance with such details as are approved prior to the initial occupation of the house hereby approved.

Reason: To ensure the development integrates with its landscape setting in an acceptable, unobtrusive manner.

6. As details pursuant to condition 2 above, full details of the proposed means of foul drainage including the capacity, treatment and outfall arrangements of the proposed private drainage system, shall be submitted to the Planning Authority. The development shall be completed in strict accordance with such details as are approved prior to the initial occupation of the house hereby approved.

Reason: To ensure that foul drainage arising from the development is safely and hygienically disposed of.

7. As details pursuant to condition 2 above, full details of the proposed means of surface water drainage disposed shall be submitted to the Planning Authority. The development shall be completed in strict accordance with such details as are approved prior to the initial occupation of the house hereby approved.

Reason: To ensure that surface water drainage arising from the development

is adequately managed.

8. As details pursuant to condition 2 above, full details of the proposed means of boundary treatment to the residential curtilage (which shall not extend further than 40 metres away from the north-eastern site boundary at any point), shall be submitted to the Planning Authority. The development shall be completed in strict accordance with such details as are approved within one year of the initial occupation of the house hereby approved, and shall be so maintained thereafter in perpetuity.

Reason: To ensure development integrates with its landscape setting.

9. No development shall commence on site until the vehicular access at the junction with the public road has been constructed in accordance with the Council's Road Engineers Drawing Number SD 08/006a with visibility splays of 53m x 2.4m in each direction formed from the centre line of the proposed access, with the bellmouth surfaced in dense bitumen macadam for a distance of 5.0 metres from the carriageway edge, with steps taken to ensure that no surface water drainage is allowed to run onto the public road. Prior to work starting on site the visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

The vehicular access granted consent shall be constructed to at least base course level prior to any work starting on the erection of the dwellinghouse which it is intended to serve and the final wearing surface of the road shall be applied prior to the first occupation of the dwellinghouse hereby approved.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

10. As details pursuant to condition 2 above full details shall be submitted to the Planning Authority, in plan form, of the number of car parking spaces within the site at a level commensurate with the size of dwelling proposed in accordance with Policy LP TRAN 6 of the adopted Argyll and Bute Local Plan. Such details as are approved will be fully implemented prior to occupation of the house hereby approved in principle and thereafter so maintained in perpetuity.

Reason: To enable vehicles to park clear of the access road in the interests of road safety.

11. Within one month of the initial occupation of the house hereby granted planning permission in principle, the existing unauthorised chalet within the site shall be entirely removed from the site.

Reason: To avoid over-development of the site which could otherwise occur and to avoid any future ambiguity regarding the lawful use of the chalet.

(Councillor Fred Hall, having moved an amendment which failed to find a seconder, required his dissent from the foregoing decision to be recorded.)

(Reference: Report by Head of Planning and Regulatory Services dated 15 June 2012, submitted)

7. MRS AILSA MORGAN: ERECTION OF 5KW WIND TURBINE (15 METRES TO HUB HEIGHT): LAND NORTH EAST TO TORRBREAC, DERVAIG, ISLE OF MULL (REF: 11/02492/PP)

The Principal Planning Officer spoke to the terms of the report advising that the proposal seeks the erection of 1 No. 5 kilowatt, 15 metre (to hub) wind turbine on an area of land to the north east of Torrbreac, Dervaig, Isle of Mull. In terms of the Argyll and Bute Local Plan (2009) the site is situated within a Rural Opportunity Area where Policy STRAT DC 4 of the approved Argyll and Bute Structure Plan (2002) gives encouragement to 'small scale' development on suitable sites which, in terms of siting and design, will visually integrate with landscape. It is considered that the Applicant has demonstrated that the proposed wind turbine has been sited as close to the property it is intended to serve as is safely and technically possible and therefore is an appropriate association between them. It is also considered that the proposed wind turbine will have no materially adverse impact upon the character and visual amenity of the site or its wider landscape context and is consistent with Policies STRAT DC 4, STRAT DC 7, STRAT DC 8, STRAT RE 1 and STRAT SI 1 of the approved Argyll and Bute Structure Plan (2002) and Policies LP ENV 1, LP ENV 6 and LP REN 2 of the adopted Argyll and Bute Local Plan (2009). The scale and siting of the turbine accord with advice set out in the Council's Landscape Wind Energy Capacity Study 2012 in respect of 'micro-small' turbines. Having due regard to the Development Plan and all other material considerations, including issues raised by third parties, it is recommended that planning permission be granted subject to conditions and reasons detailed in the report.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. No development shall commence on site until full details of the proposed finishing colours for the proposed tower, rotors and turbine are submitted and approved in writing by the Planning Authority. The development shall thereafter be installed and maintained in perpetuity in strict accordance with such details as are approved.

Reason: In the interests of visual amenity.

2. Upon the permanent cessation of the use of the wind turbine, or in the event of electricity not having been generated for a continuous period in excess of six months, the turbine and any ancillary equipment shall be dismantled and removed from the site and the land reinstated in accordance with details to be submitted and approved in writing by the Planning Authority.

Reason: In the interests of visual amenity on the basis of ensuring that the structure does not remain on the site beyond the period during which it is required for the purposes of electricity generation.

3. No development shall commence on site until full details of a landscaping

scheme for the site has been submitted and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. Such a scheme shall show mixed planting in an informal fashion along the southeast boundary of the site incorporating the following species: Downy birch (d), Sessile oak (d), any of the following willow species (d), Woolly willow, Salix lanata, Downy willow, Salix lapponum; Rowan (d), Wild cherry (d) and Scots pine where soil conditions are suitable. The landscaping scheme shall incorporate tree tubes (approximately 1.2 metres high) to protect the deciduous species.

All planting shall be carried out in the first planting season following the commencement of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In order to protect the natural heritage interests of the area.

4. The development shall be implemented in accordance with the details specified on the application form dated 05/1211 and the approved drawing reference numbers:

Plan 1 of 6 (Location Plan at scale of 1:10000)

Plan 2 of 6 (Location Plan at scale of 1:10000 showing distances to properties)

Plan 3 of 6 (Site Plan at scale of 1:1250)

Plan 4 of 6 (Site Plan at scale of 1:1250 showing extent of built development)

Plan 5 of 6 (Turbine Elevation)

Plan 6 of 6 (Turbine Specification Data)

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 (as amended).

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

(Reference: Report by Head of Planning and Regulatory Services dated 1 June 2012, submitted)

Councillors Alex McNaughton and James McQueen left the meeting.

8. **A'CHRUACH WIND FARM LIMITED: WINDFARM COMPRISING 21 TURBINES (126.5 METRES HIGH TO BLADE TIP), ERECTION OF 2 METEOROLOGICAL MET MASTS, SUB STATION, CONTROL BUILDING, CONSTRUCTION COMPOUNDS, ACCESS WORKS AND ANCILLARY DEVELOPMENT (AMENDED PROPOSAL): LAND AT A'CHRUACH, KILMELFORD FOREST, WEST OF MINARD (REF: 11/02520/PP)**

The Principal Planning Officer spoke to the terms of the report advising that this application follows on from an unimplemented consent granted for a windfarm on this site in 2008. This application is for the development of an alternative design of wind farm and associated infrastructure on a forested site in a remote location in Kilmichael Forest approximately 10 kilometres north east of Lochgilphead and 5 kilometres west, north-west of Minard. The current proposal is to install 21

wind turbines, each with a nominal capacity of 2.3MW, hub height of 80 metres and rotor diameter of 92.5 metres giving a maximum height to blade tip of 126.5 metres. The layout of the wind turbines and the size of the turbines has been amended in the light of continuing post-consent wind monitoring at the site, in order to be able to maximise the available wind resource, which appears to have been underestimated by the pre 2007 application wind monitoring results. None of the statutory or other consultees have objected to the proposal or have raised issues which cannot be addressed to their satisfaction by the imposition of relevant planning conditions. There have been two letters of support for the application, one of objection and one further representation raising a question and the application is recommended for approval subject to conditions and a revised Section 75 Legal Agreement. The Principal Planning Officer referred to amendments made to conditions 19, 25, and 35 and the amalgamation of conditions 27 and 28 following publication of the report and advised on the reasons for these amendments.

Decision

Agreed to grant planning permission subject to a revised Section 75 Legal Agreement to secure: decommissioning bond, the implementation of a habitat management plan and the provision of a financial contribution to the Mountain Bothy Association the following conditions and reasons:-

1. Notwithstanding the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, the wind farm hereby permitted shall be operational within five years from the date of this approval unless otherwise agreed in writing with the Council as Planning Authority, following which, by virtue of there having been no start on the development hereby permitted, this consent will be considered to have lapsed. Development which has been commenced but which remains uncompleted and has not resulted in an operational windfarm within this five year timescale (or otherwise agreed timescale) shall be fully restored in accordance with the applicant's statement of intentions (i.e. Environmental Statement dated December 2011) and as provided for by conditions attached to this permission.

Reason: In order to reduce unnecessary blight over wind catchment areas and other potential sites which, cumulatively, may result in an adverse environmental impact, but individually might otherwise receive the benefit of planning permission.

2. The permission shall be for a period of 25 years from the commencement of the commercial operation of the wind farm, the date of which shall be notified in writing to the Council as Planning Authority. Within 12 months of the end of that period, unless a further planning application is submitted and approved, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land reinstated in accordance with the applicant's statement of intentions and conditions listed below, to the satisfaction of the Planning Authority.

Reason: In order that the Planning Authority has the opportunity to review the circumstances pertaining to the consent, which is of a temporary nature and in the interests of the visual amenity of the area.

3. The development shall be implemented in accordance with the details

specified on the application form dated 16/12/11 and the approved drawing reference numbers:

Plan 1 of 10 (Figure 1 Regional Location);
Plan 2 of 10 (Figure 2 Local Location);
Plan 3 of 10 (Figure 3 Application Site);
Plan 4 of 10 (Figure 4 Wind Farm Layout);
Plan 5 of 10 (Figure 5 Indicative Wind Turbine Design)
Plan 6 of 10 (Figure 6 Permanent Meteorological Mast);
Plan 7 of 10 (Figure 8 Substation Control and Operations and Maintenance Facility -Site Plan);
Plan 8 of 10 (Figure 8 Substation Control and Operations and Maintenance Facility - Plan);
Plan 9 of 9 (Figure 8 Substation Control and Operations and Maintenance Facility - Elevations);
Plan 10 of 10 (Figure 4b Microsited Layout around Turbine 8).

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), and the operator shall at all times deal with the areas forming the subject of this approval in accordance with the provisions of the application and statement of intentions (i.e. Environmental Statement dated December 2011) except as otherwise provided by this approval, and shall omit no significant part of the operations provided for therein except with the prior written approval of the Planning Authority.

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

4. For the avoidance of doubt, this permission should not be construed as conferring consent for the working of any borrow pits within the application site, the provision of which would require to be the subject of separate applications to the Council as Planning Authority for mineral planning consent.

Reason: For the avoidance of doubt, and having regard to the need for separate planning permission.

5. Prior to development commencing, details of the turbine model selected for installation on the site and confirmation of the final micro-siting of turbines shall be submitted to the Council as Planning Authority. Prior to the turbines first being brought into use, the developer shall submit to the Council as Planning Authority, location details for each turbine as erected in the form of Global Positioning System co-ordinates.

Reason: In order to demonstrate that the windfarm has been constructed in accordance with the approved plans.

6. If, by reason of any circumstances not foreseen by the applicant, it becomes necessary or expedient during the continuance of the operations hereby approved to materially amend or abandon any of the provisions hereof, the applicant or operator shall forthwith submit to the Planning Authority an amended application, plans and statement of intentions but shall also adhere

to and comply with this consent until such time as an amended application shall have been determined by the said Authority.

Reason: In order that the consent may be reconsidered should a change of intentions become necessary.

7. If, by reason of any circumstances not foreseen by the applicant or operator, any wind turbine fails to produce an electricity supply to a local grid for a continuous period of 12 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the site restored in accordance with the agreed scheme, all to the satisfaction of the Planning Authority.

Reason: In accordance with the Council's policy to ensure that full and satisfactory restoration of the wind farm site takes place should it fall into disuse.

8. The wind turbines shall be finished in a matt grey white colour (RAL 9002 or RAL 7035), or such other colour as may be agreed in writing with the Planning Authority, and the colour and finish of the wind turbines shall not be altered thereafter without the written consent of the Council as Planning Authority.

Reason: To reduce the impact of the turbines and minimise reflection in the interest of visual amenity.

9. There shall be no illumination of the wind turbines hereby permitted, nor shall any symbols, signs, logos, or other lettering be applied to the turbines without the prior approval of the Planning Authority.

Reason: To protect the upland rural character of the area in the interests of visual amenity.

10. Before the cessation of the planning permission, a decommissioning plan shall be submitted for the written approval of the Council as Planning Authority in consultation with Scottish Natural Heritage. Within 12 months of the planning consent lapsing, unless any further permission has been granted for their retention for an additional period, the wind turbines and all ancillary structures shall be removed, and the turbine bases and adjoining hard standings covered in soil/peat and re-seeded with appropriate vegetation in accordance with the requirements of the approved plan.

Reason: To ensure that disturbed areas of the site are reinstated in a proper manner in the interests of amenity.

11. All wires and cables between the wind turbines and sub-station shall be located underground within the access track verges or within three metres of the access tracks unless otherwise agreed in writing with the Planning Authority, and the ground thereafter shall be reinstated to a condition equivalent to the land adjoining the trenches within two months of completion of cable laying to the satisfaction of the Planning Authority. This excludes the identified cable connection route between Turbine No. 21 and the site of the approved substation, which shall be implemented in accordance with the route shown on Figure 3.3 of the Environmental Statement where above

ground of the River Add is provided for, unless any subsequent variation of that route is approved in advance by the Council as Planning Authority. (For the avoidance of doubt, the route of the grid connection between the substation and the existing electricity network is not authorised by this permission and is subject to a requirement for separate consent).

Reason: In the interests of visual amenity and nature conservation.

12. Within six months of the windfarm becoming fully operational, all temporary site offices, containers, machinery and equipment shall be removed, and the materials storage compounds/laydown areas shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Council as Planning Authority unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In order to secure appropriate reinstatement of those areas disturbed by construction in the interests of amenity.

13. At least two months prior to the commencement of development, an Environmental Management Plan (EMP) detailing all mitigation and pollution prevention measures to be implemented during construction and the lifetime of the development shall be submitted to and agreed by the Council as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This should address all aspects of the construction process which might impact on the environment, including in particular, excavations and other earthworks, a management/reinstatement scheme for peat areas, the construction works associated with upgraded watercourse crossings, the management of waste streams, the timing of works to avoid periods of high rainfall; along with monitoring proposals, contingency plans and reinstatement measures. The development shall be implemented in accordance with the provisions of the duly approved EMP or any subsequently agreed variation thereof.

Reason: In the interests of pollution control and protection of the water environment.

14. Prior to the commencement of development, full details of the drainage proposals for the site, including foul drainage arrangements for the control building, and drainage for the vehicle accesses, storage areas and compounds, together with the provisions for the avoidance of sedimentation and pollution from construction works and the storage and use of oils and other potential pollutants, and measures for the monitoring and mitigation of erosion, shall be submitted for the approval of the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. The scheme shall include details relating to the methods for collection and treatment of surface run-off using sustainable drainage principles. The development shall be implemented in accordance with the duly approved details.

Reason: In order to prevent pollution of the water environment.

15. Prior to the commencement of development, full details of a Restoration Method Statement and Restoration Monitoring Plan shall be submitted for

the approval of the Council as Planning Authority, in consultation with Scottish Natural Heritage. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including access tracks, hardstandings and other construction areas. Restoration of construction disturbed areas shall be implemented within 6 months of the commissioning of the windfarm, or as otherwise agreed in writing with the Council as Planning Authority. The monitoring programme shall include a programme of visits to monitor initial vegetation establishment and responses to further requirements, and long term monitoring as part of regular wind farm maintenance.

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

16. The control building shall be faced in natural stone/smooth cement or wet dash render painted a recessive colour (or other natural/recessive finish as agreed in writing by the Planning Authority) with the roof finished in natural slate or a good quality slate substitute, samples or full details of which shall be submitted for the prior written approval of the Planning Authority prior to building works commencing.

Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the building into its landscape setting.

17. Prior to the commencement of development, details of materials, external finishes and colours for all ancillary elements, including transformers, switchgear/metering building, compound and fencing shall be submitted to and approved by the Council as Planning Authority. The development shall be implemented in accordance with the duly approved details.

Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the structures into their landscape setting.

18. Prior to the commencement of development, details of a programme for monitoring wild fish populations in the River Add, and a bird monitoring programme, both of which should be undertaken for the years of operation 1 to 5 inclusive (plus year 10 in respect of bird monitoring only) shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Natural Heritage and the Argyll District Salmon Fishery Board. Thereafter monitoring results for each period shall be submitted to the Council as Planning Authority within a four month period following each 12 month period of monitoring along with details of any mitigation measures required.

Reason: In the interests of nature conservation.

19. At the request of the Council, following a complaint to the Council by the occupier of an affected property relating to noise emissions from the wind turbines, the developer shall undertake an investigation of the complaint, carry out monitoring, prepare and submit a report upon the problem and advise of any necessary remedial action in accordance with the methodology set out in the report entitled "The Assessment and Rating of Noise from Wind Farms ETSU-R-97" produced by the Energy Technology Support Unit on behalf of the Department of Trade and Industry and take any such remedial

action agreed to the satisfaction of the Council as Planning Authority.

Reason: To help to control and therefore, minimise possible noise pollution.

20. Prior to the commencement of the construction of the development, the Developer should agree with the Council as Planning Authority the working methods and operating times to be employed during the constructional phase, in order to prevent the occurrence of or minimise the effect of any nuisances.

Reason: To help to control and therefore, minimise possible noise pollution.

21. The level of noise from wind turbine noise shall not exceed 35 dB LA90 when measured at any residential property in accordance with the methodology of ETSU-R-97 or any successor standards. The noise should, in addition contain no audible tonal and/or impulsive components so as to cause nuisance to the occupiers of any residential dwelling.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

22. Prior to the commencement of the development hereby permitted, the applicant shall provide warranty to the satisfaction of the Council as Planning Authority that the noise from turbine operation will be broad-band with no discernable tonal characteristics.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

23. No development shall be commenced until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer, agreed by the West of Scotland Archaeology Service and approved in writing by the Council as 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 Council as Planning Authority.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on the site, and to allow any action required for the protection, preservation or recording of such remains.

24. Prior to the development commencing a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed

specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

25. Construction traffic shall access the site from the A816 via the Achnabreck/Kilmichael Forest haul road in accordance with the route stipulated in Figure 12.4 of the Environmental Statement. Specifically, no windfarm construction traffic, with the exception of light vehicles, shall access the site using the existing forest haul route from the A83(T) at Birdfield, by Minard, other than in the event of emergency access being required should the main route become blocked, and in that case, only with the prior agreement of the Planning Authority and for such limited duration as may be agreed in writing

Reason: In the interests of road safety.

26. Throughout the construction and commissioning stages of the development, and during decommissioning, an appropriately qualified 'Ecological Clerk of Works' (as stipulated in Section 9.115 of the Environmental Statement) shall be available to direct the micro-siting of turbines, compounds and access tracks, to ensure that sensitive features are avoided, and that habitat enhancement works and all mitigation and restoration measures are fully implemented. The ECOW should liaise with Scottish Natural Heritage and the role of the ECOW should be clearly conveyed to all personnel prior to their commencement of work on the site.

Reason: In the interests of nature conservation.

27. Prior to the commencement of construction work, including forestry operations, a Mammal Protection Plan shall be developed in consultation with Scottish Natural Heritage which shall inform any required mitigation in relation to Otter and which shall be submitted for written approval by the Council as Planning Authority in consultation with Scottish Natural Heritage. The plan shall provide for re-survey by an experienced and appropriately licensed surveyor immediately prior to the commencement of construction, the results of which should be submitted to the Council as Planning Authority for consultation with Scottish Natural Heritage. Where otter are recorded by the survey, and disturbance to this species is concluded to be likely, the developer must identify appropriate mitigation where practicable, or seek a licence to disturb otters from the Scottish Government in order to be able to undertake operations within affected areas. The plan shall be implemented at such time as forestry operations commence for the full duration of the construction phase of the development, in accordance with the duly approved measures, including any required mitigation measures identified by the plan.

Reason: In the interests of nature conservation.

28. Prior to the commencement of construction work, including forestry operations, a Breeding Bird Management Plan shall be developed in

consultation with Scottish Natural Heritage and shall be submitted and be approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage. This should include appropriate measures to mitigate against Black Grouse colliding with handrails and lower tower sections. The plan shall be implemented at such time as forestry operations commence, for the full duration of both the construction and operational phases of the development, in accordance with the duly approved measures.

Reason: In the interests of nature conservation.

29. Prior to the commencement of construction work, including forestry operations, a Black Grouse Habitat Management Plan shall be developed in consultation with Scottish Natural Heritage and shall be submitted and be approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage. The plan shall provide details of the measures proposed to be employed, proposed management practices and techniques, intended timings, monitoring protocols and shall identify definitive management compartments. The plan shall be implemented at such time as forestry operations commence, for the full duration of both the construction and operational phases of the development, in accordance with the duly approved measures.

Reason: In order to support national and local biodiversity action plan species in the interests of nature conservation.

30. Notwithstanding the provisions of the approved plans, the Environmental Statement and the effect of condition 3 above, none of the following shall be permitted within 50 metres of any identified watercourse forming part of the Abhainn Bheag an Tunns catchment, unless otherwise agreed in writing by the Council as Planning Authority:

- i) areas to be used for the storage of chemicals;
- ii) operations involving the maintenance or refuelling of vehicles, plant or equipment;
- iii) the construction of any crane platforms or access tracks;
- iv) the location of Turbine No. 8 and its associated track and platform, which shall be micro-sited to ensure that the turbine and its associated infrastructure is located a minimum of 50 metres from the nearest watercourse, in accordance with approved plan 10 of 10 (figure 4b), or such revision thereof as may be agreed in writing in advance by the Council as Planning Authority, in consultation with Scottish Natural Heritage.

Reason: In order to avoid sedimentation or pollution of watercourses in order to protect species in the interests of nature conservation.

31. Throughout the full duration of construction works, silt traps shall be used in all drains and culverts which discharge water into watercourses within the Abhainn Bheag an Tunns catchment.

Reason: In the interests of nature conservation.

32. A full baseline survey of the confidential species ecology identified by Cosgrove P and Farquhar J (2007) shall be carried out in accordance with their recommendations prior to the commencement of development. During construction/dismantling works on site all mitigation measures as detailed in Section 7.1 of that report shall be implemented in full. All harvesting operations associated with the development shall be carried out in accordance with best practice set out in the Forestry commission's 'Forest and Water Guidelines' (4th edition)

Reason: In order to avoid sedimentation or pollution of watercourses in order to protect species in the interests of nature conservation.

33. Prior to the commencement of development, a Site Waste Management Plan shall be submitted for the approval of the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. The development shall be implemented in accordance with the provisions of the duly approved plan.

Reason: In order to ensure that waste arising from the development is managed in a sustainable manner.

34. Where National Right of Way SA25 overlaps with areas affected by the construction of the proposed wind farm, it shall remain open and free of obstruction during the construction, operation, and decommissioning of the windfarm, unless any temporary closure is necessary in the interests of urgent health and safety considerations, in which case short-term diversion of the route shall be put in place as soon as reasonably practicable, with the original route being reinstated as soon as the circumstances prompting temporary closure have been remedied.

Reason: In order to safeguard uninterrupted access along a route recorded in the National Catalogue of Rights of Way.

35. Prior to the commencement of turbine tower erection, a baseline TV reception study shall be undertaken and submitted to the Council as Planning Authority. Within 12 months of the final commissioning of the windfarm, any claim by any person for TV picture loss or interference at their household, office, shop or other building shall be investigated by a qualified television engineer and the results submitted to the Council as Planning Authority. Should any impairment to the TV reception be attributable to the windfarm, such impairment shall be improved to an acceptable standard of TV reception, such that the standard at the household, office, shop or other building at the time of the baseline reception study is maintained

Reason: In order to avoid interference with television reception as a result of the operation of the windfarm.

(Report by Head of Planning and Regulatory Services dated 13 June 2012, submitted)

9. OSBORNE INTERIORS: REFURBISHMENT OF EXISTING BANDSTAND: KIDSTON PARK, RHU ROAD LOWER, HELENSBURGH (REF: 12/00094/PP)

The Head of Planning and Regulatory Services spoke to the terms of the report advising that the application sought planning permission for the refurbishment of the bandstand within Kidston Park, Helensburgh. The bandstand would be on the site of the original one and would be reconstructed to a similar design of the original structure. The refurbished bandstand was proposed as part of the mitigation for the loss of open space at Cumberland Avenue under application 11/00887/PP for the erection of 3 dwellinghouses on land at 19 to 37 Cumberland Avenue, Helensburgh which was approved on 15 December 2011. The application was considered as a positive addition to the facilities at Kidston Park and could contribute to the overall attraction of the park and encourage tourist activity. He referred to an objection received from the Helensburgh Community Council who suggested resiting of the bandstand and advised that their objection was not valid in planning terms. He advised that the proposal was considered an acceptable use within Kidston Park and would comply with the overall provisions of Policies LP ENV 1, LP ENV 19, LP REC 2 and Appendix A of the Argyll and Bute Local Plan and therefore they were recommending approval subject to conditions.

Motion

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

Moved by Councillor Sandy Taylor, seconded by Councillor Mary-Jean Devon

Amendment

To agree to continue consideration of this application in order to obtain clarity on maintenance of the bandstand and to receive further advice on the sustainability of the building materials and sustainability of the site.

Moved by Councillor Rory Colville, seconded by Councillor Richard Trail.

Decision

The Amendment was carried by 5 votes to 3 and the Committee resolved accordingly.

(Reference: Report by Head of Planning and Regulatory Services dated June 2012, submitted)

Councillor Gordon Blair left the meeting.

10. OBAN BAY MARINA LTD: FORMATION OF MULTI USE/SHORT STAY TRANSIT MARINA, PLUS DIESEL BERTH, MANAGER'S OFFICE, PROVISION FOR SMALL DAY BOATS/RIBS AND LIMITED USE FOR OVER WINTERING (AMENDED SCHEME RELATIVE TO PLANNING PERMISSION 08/01049/DET): OBAN BAY, OBAN (REF: 12/00678/PP)

The Principal Planning Officer spoke to the terms of the report advising that the

application was for planning permission for the formation of a multi-use/short stay transit marina, plus diesel berth, managers office, provision for small day boats/ribs and limited use for overwintering at Oban Bay, Oban and gave a description of the development. This application follows on from an unimplemented Planning Permission and a subsequent withdrawn application. This application proposes various amendments to the originally approved development 08/01049/DET which formed the basis of Planning Application 11/02443/PP (since withdrawn), together with further amendments which resulted from consultee and third party feedback to that application. 136 letters of representation had been received; 131 letters in support and 5 of objection. The proposal was consistent with the provisions of the Development Plan and that all other material considerations had been taken into account, including the views of third parties, none of which were of such weight that they could not be overcome by suitable planning conditions. He advised that approval of the application was recommended subject to the conditions and reasons as detailed in the report.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 22nd March 2012; and the approved drawings numbered: L03 (B) – Site Plan; L-01 (B) – Plan As Proposed; and, L02 (B) – Sections A-A & B-B As Proposed; and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

2. The use of the marina shall be restricted to short-stay/transient 60 berth pontoons and no single vessel shall berth at the pontoons for a period longer than 7 days within any calendar month, with the exception of over-wintering vessels, which shall be limited to a maximum number of 20 berths at any one time, which shall only be occupied for such purpose between the beginning of October and the end of March. Vessels over-wintered shall not be used to provide live-aboard residential accommodation. An up to date detailed log of the arrival and departure of all vessels using the marina shall be kept for the lifetime of the development and shall be made available to the Planning Authority for inspection upon request.

Reason: In accordance with the use applied for, in that a permanent berth marina in this location by reason of lack of onshore facilities and car parking would be unacceptable.

3. Prior to the use of the pontoon system for the over-wintering of boats, engineering evidence shall be submitted to substantiate the marina's structural integrity to accommodate 20 boats (maximum length 14 metres) during the over-wintering period provided for by condition 2 above. This evidence shall be accepted in writing by the Council as Planning Authority prior to any use of the pontoon system for the purposes of over-wintering during that period.

Reason: It has not been confirmed beyond doubt that the marina is designed to a sufficient specification allowing for any additional stress to the pontoon structure when overwintering boats are berthed during storm conditions, in circumstances where loss of integrity could compromise navigational safety.

4. Prior to commencement of development, a detailed a design & build programme incorporating a site specific Construction Method Statement shall be submitted to and agreed in writing by the Planning Authority in consultation with SEPA, SNH and CMAL. The method statement shall be prepared in consultation with CMAL in its capacity as Statutory Harbour Authority and shall address construction risks and indicate the timing, duration, method and expected noise levels in relation to the proposed piling operations. It shall also address management of waste, control of pollution and minimisation of disturbance to wildlife. Once agreed, all piling and other construction works shall comply with the duly approved details.

Reason: In the interests of safeguarding amenity and in the interests of nature conservation as insufficient information has been provided in respect to these works and to ensure that Statutory Harbour Authority interests are protected and construction risks are managed effectively.

5. Prior to commencement of development, a Safe Management System which manages the hazards and risks along with any preparations for emergencies shall be prepared in accordance with the Department of Transport Marine Safety Code (October 2009) and shall be submitted for the further written approval of the Planning Authority, in consultation with CMAL. Thereafter, the Safe Management System shall be implemented and maintained in accordance with the final approved details to the satisfaction of the Planning Authority.

Reason: To secure a systematic way of identifying hazards and controlling risks and provide assurance that risk controls are effective in the interests of safety in accordance with the Risk Management Report, developed by Abbott Risk Consulting, May 2011 and the Department of Transport Marine Safety Code (October 2009).

6. The operators of the marina shall participate in any Marine Safety Risk Assessment Workshop as may be convened periodically by the Council on behalf of users of Oban harbour in order to address ongoing issues relating to navigation interests and marine safety. In the event that any specific risks arising from the presence and operation of the marina facilities are identified, the operator should implement any management control measures (physical & operational) identified by the Risk Assessment Workshop, in accordance with details and a programme of implementation to be approved in writing by the Council as Planning Authority immediately following the conclusion of that Risk Assessment Workshop.

Reason: To ensure that the operators of the marina, as stakeholders within Oban harbour, can in partnership with other stakeholders, contribute to the safe development of marine interests in the harbour, and to provide a framework within which future operational risks can be identified and mitigated so as not to risk the future safe operation of the marina and Oban

harbour.

7. Prior to commencement of development, the exact positioning of the external attenuator immediately adjacent to the North Pier along with a cross-section of the 'Armorflex' and a method statement for its installation shall be submitted for the further written approval of the Planning Authority. The development shall be implemented wholly in accordance with the duly approved details.

Reason: In the interests of navigational safety and to ensure that any damage to the North Pier and slipway is prevented in the interests of public safety.

8. Prior to commencement of development, the intended provision of Black Guillemot nest boxes to be provided within the site shall be submitted to and approved in writing by the Planning Authority. This shall comprise a plan showing the numbers positions and construction of those nest boxes. Within 1 month of the substantial completion of the development, the nest boxes shall be provided and they shall be maintained thereafter in a useable condition for the purpose for which they are intended.

Reason: In the interests of nature conservation.

9. Unless otherwise agreed in writing by the Planning Authority, prior to commencement of use of the development hereby approved, the exterior of the polyethylene banded diesel tank shall be painted/treated in a grey colour recessive finish and shall be so maintained in a neat and tidy condition at all times to the satisfaction of the Planning Authority.

Reason: In the interests of the appearance of the development and visual amenity of the area.

10. Notwithstanding the details show on the submitted plans and the effect of condition 1 above, installation of the structure intended to provide manager's accommodation shall not take place until detailed drawings and specifications of an amended design for the proposed office have been submitted and approved in writing by the Planning Authority. The design shall be recessive in colour and finished in traditional materials.

Reason: The proposed modular building is not considered to be an acceptable design solution for this site, and would be detrimental to the setting of nearby listed buildings.

11. Prior to commencement of development, a Waste Management Plan for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. This plan shall include details of the arrangements for the storage, separation and collection of waste from the site and its collection point, including provisions for the safe pick-up by refuse collection vehicles. The approved Waste Management Proposals shall be carried out in accordance with the duly approved scheme.

Reason: To ensure that waste from the proposal is dealt with in a

sustainable manner in accordance with the National Waste Strategy for Scotland and the Area Waste Plan for Argyll & Bute.

12. Prior to commencement of the development, an assessment shall be carried out of the noise likely to be created by the operation of this facility. In particular, this should consider noise arising between the hours of 22:00 – 06:00 daily and should inform the production of a Noise Management Plan. This plan must identify all steps to be taken to prevent/minimise noise likely to arise from the operation of this facility. A copy of this plan shall be submitted for the written approval of the Planning Authority in consultation with the Environmental Health Officer, and thereafter the development shall be operated in accordance with the duly approved details, including any mitigation measures identified by the Plan.

Reason: In order to control noise and disturbance created by operations in the interests of amenity.

13. Prior to commencement of the development, full details of any external lighting to be used on the site shall be submitted to the Planning Authority for approval in writing. The submission shall include the location of each light unit, the footprint of the illuminated area and the wattage of each light unit.
With the exception of lighting required for the purposes of navigational safety, all lighting provided at the pontoons, breakwater, and access bridge shall be the minimum required for the purpose, shall be of the lowest wattage required for the purpose each light unit, and shall be so positioned, angled, controlled and shrouded so as to prevent spillage of light and glare beyond the site boundary. Guidance issued by the Institution of Lighting Engineers shall be followed in this respect.

Reason: In order to protect the amenity of the land adjoining the development from unnecessary light pollution.

14. Prior to commencement of development, detailed drawings (plans & elevations) of the proposed pedestrian access to the pontoons, including the access gate, bin storage area and access bridge shall be submitted for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be implemented in accordance with the duly approved details.

Reason: In the interests of pedestrian safety.

15. Prior to development commencing, a method statement detailing the management arrangements for all deliveries of plant and materials to the site shall be submitted for the approval of the Planning Authority, in consultation with the Roads Authority. The development shall be implemented in accordance with the duly approved details unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: To minimise interference with the safety and free flow of traffic on the trunk road and to ensure the safety of pedestrians on the trunk road and footway.

16. Prior to development commencing detailed drawings shall be submitted

which demonstrate that the access between the existing slipway adjacent to George Street and the proposed Launching Steps shall be graded and finished so as safe and easy access to the water can be achieved by persons with a canoe, kayak or other water sports users at all states of tide has been submitted to and approved in writing by the Planning Authority in consultation with the Outdoor Access Team. The development shall be implemented in accordance with the duly approved details unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: To ensure that safe and easy access to the water for canoe, kayak and other water sport users is achievable at all times.

(Reference: Report by Head of Planning and Regulatory Services dated 1 June 2012, submitted)

11. ARGYLL AND BUTE COUNCIL: ERECTION OF SINGLE STOREY EXTENSION AND FORMATION OF SECURE PLAY AREA: PARK PRIMARY SCHOOL, KERRERA TERRACE, OBAN (REF: 12/00703/PP)

The Principal Planning Officer spoke to the terms of the report advising that planning permission was sought by Argyll and Bute Council for the erection of a single storey extension and formation of a secure play area at Park Primary School, Kererra Terrace, Oban. He advised that no objections had been received from consultees or third parties regarding the proposal. It was considered that the proposed extension was of suitable scale, form and design which would not detract from the setting of the existing building. The proposal was in accordance with Policies STRAT DC1, LP COM 1, LP ENV 1, LP ENV 19 and could be justified as a minor departure to Policy LP REC 2 due to the loss of a small part of playground. He recommended that the application be granted subject to a minor departure to the provisions of the development plan and subject to the conditions and reasons as detailed in the report.

Decision

1. Agreed to grant planning permission as a minor departure to the provisions of the Development Plan subject to the following conditions and reasons:–

- (a) No development shall commence on site until full details of all external finishing materials have been submitted and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: In the interests of visual amenity to ensure the proposed extension integrates with its surroundings.

- (b) The development shall be implemented in accordance with the details specified on the application form dated 28/03/12 and the approved drawing reference numbers:

Plan 1 of 7 (Drawing Number L(00)001)
Plan 2 of 7 (Drawing Number L(00)002)
Plan 3 of 7 (Drawing Number L(00)003)
Plan 4 of 7 (Drawing Number L(00)003)

Plan 5 of 7 (Drawing Number L(00)004)
Plan 6 of 7 (Drawing Number L(00)005)
Plan 7 of 7 (Drawing Number D(9-)001)

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. Noted that the Head of Planning and Regulatory Services would ensure Officers within Education and Property services are made aware of Members' concerns regarding the flat roof development and that more appropriate designs should be considered for future developments.

(Reference: Report by Head of Planning and Regulatory Services dated 31 May 2012, submitted)

12. MR P ELLIS: ERECTION OF SINGLE STOREY EXTENSION (RETROSPECTIVE): 5 CAMMESREINACH CRESCENT, HUNTER'S QUAY, DUNOON (REF: 12/00716/PP)

The Principal Planning Officer spoke to the terms of the report and advised that this retrospective application before the Committee was for the erection of a single storey extension at 5 Cammesreinach Crescent, Hunters Quay, Dunoon. One letter of objection had been received. The extension would accommodate a large wet room and mobility equipment. The development had previously been deemed as permitted development, but following a complaint in March 2012, an inspection had revealed that the roof was 0.5m higher than had been shown at the time of the proposal. The development was only marginally beyond limits which would have rendered it exempt from the need to obtain planning permission. Having regard to the scale and height of the extension and its proximity to the boundary, and balancing any loss of amenity to the neighbouring property against the special accommodation requirements of the applicant, it was considered that notwithstanding the views expressed by a third party, there were no justifiable reasons for withholding planning permission in the particular circumstances of the case and therefore he recommended approval of the application subject to the conditions and reasons as outlined in the report.

Decision

Agreed to grant planning permission subject to the following condition and reason:–

The development shall be implemented in accordance with drawing numbers 1655 04A and 1655-05 and stamped as approved by Argyll and Bute Council as the Planning Authority.

Reason: To define the terms of the permission and to ensure that the development is implemented in accordance with the approved details.

(Reference: Report by Head of Planning and Regulatory Services dated 15 June 2012, submitted)

13. MR AND MRS SHAUN BATE: ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION 07/00279/DET): LAND SOUTH OF HEATHERFIELD, ALBERT ROAD, OBAN (REF: 12/00834/PP)

The Principal Planning Officer spoke to the terms of the report and advised that this application was for the renewal of Planning Permission 07/00279/DET for the erection of a dwellinghouse at land south of Heatherfield, Albert Road, Oban. 9 representations had been received regarding the proposed development. The dwelling house proposed was considered to be of suitable form scale and design incorporating materials which would ensure it integrated with the landscape setting. The proposal was in accordance with Policy STRAT DC 1 of the Structure Plan and Policies LP ENV 1, LP ENV 19, LP HOU 1, LP TRAN 4 and LP TRAN 6 of the Local Plan. There were no further material considerations including issues raised by third parties which would warrant anything other than the development being determined in accordance with the provisions of the development plan. He therefore recommended approval of the application subject to conditions as detailed in the report.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:–

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. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.

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

2. No development shall commence on construction of the dwellinghouse until the approved scheme and timetable for the eradication of Japanese Knotweed referred to in condition 1 above have been implemented in full, and a validation report confirming details the remediation treatment carried out and that the site is free of Knotweed has been submitted to and approved in writing by the Planning Authority.

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

3. No development shall commence on site until full details, including a sample, of the proposed roof covering has been submitted for the written approval of the Council as a Planning Authority. Such details shall show natural slate or a good quality slate substitute.

Reason: In the interests of visual amenity in order to integrate the development into its surroundings.

4. The proposed on-site vehicular parking and turning areas shall be formed in accordance with the approved plans and brought into use prior to the first occupation of the dwellinghouse hereby approved.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

5. The development shall be implemented in accordance with the details specified on the application form dated 12/04/12 and the approved drawing reference numbers:

Plan 1 of 3 (Drawing Number 918/01 Revision A)

Plan 2 of 3 (Drawing Number 918/10 Revision F)

Plan 3 of 3 (Drawing Number 918/16 Revision E)

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.

(Reference: Report by Head of Planning and Regulatory Services dated 28 May 2012, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

14. ENFORCEMENT REPORT: 10/00319/ENAMEN

Consideration was given to an update on enforcement case 10/00319/ENAMEN.

Decision

Noted and agreed the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services, tabled)