

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY MICROSOFT TEAMS on WEDNESDAY, 18 SEPTEMBER 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Gordon Blair	Councillor Paul Donald Kennedy
Councillor Jan Brown	Councillor Liz McCabe
Councillor Graham Hardie	Councillor Dougie Philand
Councillor Fiona Howard	Councillor Peter Wallace

Attending: Fergus Murray, Head of Development and Economic Growth
Stuart McLean, Committee Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Kirsty Sweeney, Area Team Leader (Bute, Cowal, Helensburgh and Lomond)
Tim Williams, Area Team Leader (Oban, Lorn and the Isles)
Stuart Ramsay, Senior Planning Officer
Emma Shaw, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Daniel Hampsey and Mark Irvine.

2. DECLARATIONS OF INTEREST

Councillor Dougie Philand declared a non-financial interest in planning application reference 23/00185/PP as he was a personal friend of the leaseholder of the land.

Councillor Dougie Philand also declared a non-financial interest in planning application reference 24/00564/PP as he was appointed to the Fyne Homes Management Board by the Council. He confirmed that he would leave the meeting and take no part in the consideration of both these applications which were dealt with at items 5 and 7 of this Minute.

Councillor Graham Hardie declared a non-financial interest in Enforcement Case Reference 15/00051/ENAMEN as he was a personal friend of the landowner. He confirmed that he would leave the meeting and take no part in the consideration of this case which was dealt with at item 15 of this Minute.

Councillor Peter Wallace also declared a non-financial interest in planning application reference 24/00565/PP dealt with at item 7 of this Minute. Having taken note of the Standards Commission Guidance in relation to declarations (issued on 7 December 2021), with specific reference to section 5.4(c), he did not consider that he had a relevant connection and as such would remain in the meeting.

3. MINUTES

a) The Minute of the Planning, Protective Services and Licensing Committee held on 21 August 2024 at 11.00 am was approved as a correct record.

- b) The Minute of the Planning, Protective Services and Licensing Committee held on 21 August 2024 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 29 August 2024 was approved as a correct record.

4. BEATON AND MCMURCHY ARCHITECTS LTD: SITE FOR THE ERECTION OF DWELLINGHOUSE: LAND NORTH OF LYNBURN, ROWAN ROAD, OBAN (REF: 22/01986/PPP)

The Planning Officer spoke to the terms of the report. This application was presented to the PPSL Committee on 21 February 2024 and was granted subject to conditions and the conclusion of a Section 75 Agreement.

A supplementary report advised Members of a change in circumstances regarding the legal control over the relevant section of land that negates the requirement for a Section 75 Agreement.

Members were asked to note the content of this report, which did not introduce any new information that had not already been addressed in the original report of handling. It was also recommended that planning permission be granted subject to the conditions and reasons appended to this report.

Decision

The Committee noted the contents of the report and agreed to grant planning permission subject to the following conditions and reasons:

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PPP – Matters Requiring AMSC Submission

Plans and particulars of the matters specified in Conditions 3, 4, 5, 7, 8 and 9 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

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

2. PPP - Approved Details

The development shall be implemented in accordance with the details specified on the application form dated 30.09.2022 supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Plan & Section	2034 02	B	13.10.2022
Site & Location Plans	2034 03	B	13.10.2022
Cross Sections	2034 04		01.12.2022
Site & Location Plans Road Improvements Proposals	2034 07	A	06.02.2024
Junction Site Plan as Proposed	2034 11		06.02.2024

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

3. Timescale to be Agreed for Completion

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

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

4. Vehicular Access, Parking and Turning

Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The upgrade of the existing access at the connection with the public road in accordance with the Council's Roads Standard Detail Drawing SD08/002a with visibility splays measuring 2.4 metres to point X by 25 metres to point Y;
- ii) The provision of a parking and turning area in accordance with the requirements of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015;
- iii) The provision of a footway to be provided over the total length of the private road;
- iv) A road carriageway with a minimum width of 3 metres;
- v) The provision of passing places in accordance with Operational Services Drawing 08/003a at locations approximately 50m, 90m and 180m from the junction with the public road;

- vi) The provision of a turning head in accordance with Figure 18 of The Roads Development Guide to be provided at the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill', with a bin storage area to the rear of the turning head;
- vii) The provision of street lighting ducting to be installed from the junction with the public road to the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill';

Prior to any work starting on site, the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 0.6m above the road carriageway at point Y and the visibility splays shall be maintained clear of all obstructions thereafter.

The approved scheme of road improvement works shall be fully implemented prior to any works commencing in relation to the construction of the dwelling. The developer shall provide written notification to the planning authority upon completion of the approved road improvement works and shall not proceed with any further development within the application site boundary until such time as written confirmation has been received from the planning authority, in consultation with the Council's Roads Engineers, that the completed road improvements are satisfactory.

Reason: In the interests of road safety.

Note to applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

5. PPP – Availability of Connection to Public Water Supply

Pursuant to Condition 1 - no development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

Note to Applicant:

- In the event that a public water supply connection cannot be obtained an alternative private water supply would constitute a material amendment requiring the submission of a further planning application.

6. Sustainable Drainage System

Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk .

7. Design and Finishes

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the dwellinghouse has been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design;
- iv) Maximum of one and three quarter storey in design;
- v) Rectangular footprint with traditional gable ends;
- vi) Symmetrically pitched roof angled between 35 and 42 degrees finished in natural slate or good quality artificial slate;
- vii) External walls finished in white wet dash roughcast, white smooth render, natural stone, timber cladding or a mixture of these finishes;
- viii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site, along with details of the existing and proposed site levels shown in the form of section drawings, contour plans, site level surveys, or a combination of these;
- ix) Windows with a vertical emphasis; and
- x) Details of an area within the application site for the placement of refuse/recycling bins.

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

8. Landscaping and Biodiversity Enhancement

Pursuant to Condition 1 - no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- iv) Proposed hard and soft landscape works; and
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

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

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

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

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

9. Pre-commencement Survey

Pursuant to Condition 1 - no development or other work shall be carried out on the site until a pre-commencement survey for the presence of nesting birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints,

to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

(Reference: Supplementary Report Number 2 dated 4 September 2024, submitted)

Having previously declared an interest in the following item, Councillor Dougie Philand left the meeting at this point.

5. TORLOISK ESTATE: CONVERSION AND EXTENSION OF STONE BARN TO FORM DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF VEHICULAR ACCESS: LAND WEST OF LAGGANULVA FARM, ULVA FERRY, ISLE OF MULL (REF: 23/00185/PP)

The Planning Officer spoke to the terms of the supplementary report number 4. This application was presented to the Committee on 22 May 2024 and the Committee agreed to request from Planning Officers information on what impact this proposed development would have on access to, and operation of, the remaining agricultural land in terms of Policy 83 of LDP2 – Safeguarding Agricultural and Croft Land.

Planning Officers sought further information from both the Applicant and the tenant farmer and this has now been received. A request was made to continue consideration of the application until the information received could be assessed.

Decision

The Committee agreed to note the content of the report and continue consideration of this application until the information received had been assessed.

(Reference: Report by Head of Development and Economic Growth dated 8 May 2024, supplementary report number 1 dated 21 May 2024, supplementary report number 2 dated 10 June 2024, supplementary report number 3 dated 12 August 2024 and supplementary report number 4 dated 4 September 2024, submitted)

Councillor Philand returned to the meeting.

6. BAKKAFROST SCOTLAND LTD: FORMATION OF FISH FARM (ATLANTIC SALMON) INCORPORATING 8 X 160M CIRCUMFERENCE CIRCULAR CAGES AND SITING OF FEED BARGE: WEST OF ISLE OF GIGHA (REF: 23/01758/MFF)

The Major Applications Team Leader spoke to the terms of the report and to supplementary report number 1 which advised of an error in paragraph 4.2 of the main report of handling and late representations received. This application is for the installation of a new marine fish farm for the farming of Atlantic salmon in the Sound of Jura approximately 450 m west of the Isle of Gigha. The site would comprise 8 x 160 m circumference pens in a 2 x 4 formation along with a 600 tonne feed barge which would be located at the centre of the group on the shore side. The site would be serviced from the Company's existing shore base located on the north east side of the Isle of Gigha.

The proposal has attracted 31 objections and 16 expressions of support. An objection has also been raised by Gigha Community Council in their capacity as statutory consultee and they have requested that Members visit the site.

Given the level of interest in the application and the complexity of the issues raised, it was recommended that Members give consideration to holding a pre-determination hearing in advance of determining this application.

Decision

The Committee agreed:-

1. to hold a discretionary pre determination hearing at the earliest opportunity on a hybrid basis within the Council Chamber, Kilmory, Lochgilphead and by Microsoft Teams; and
2. to hold a site visit in advance of the date of the hearing.

(Reference: Report by Head of Development and Economic Growth dated 5 September 2024 and supplementary report number 1 dated 17 September 2024, submitted)

Having previously declared an interest in the following item, Councillor Dougie Philand left the meeting at this point.

7. FYNE HOMES: ERECTION OF EIGHT AFFORDABLE DWELLINGHOUSES AND FORMATION OF VEHICULAR ACCESSES: VACANT LAND AT JUNCTION OF BALLOCHGOY ROAD AND BLAIN TERRACE, ROTHESAY, ISLE OF BUTE (REF: 24/00564/PP)

The Area Team Leader spoke to the terms of the report. Planning permission is sought for the erection of eight dwellinghouses on a grassed area of land measuring 0.23 hectares in Rothesay, Isle of Bute. The proposal comprises four dwellinghouses (two semi-detached blocks) along the Ballochgoy Road frontage and four dwelling houses (two detached blocks and semi-detached block) along the Prospect Terrace frontage.

The site is located within the 'Main Town' of Rothesay as identified in the adopted Argyll and Bute Local Development Plan (LDP2) and given that it was previously occupied by flatted blocks but is now grass, it represents brownfield land that has become naturalised.

A sixteen signature petition objecting to the application has been submitted and a representation has also been received, which neither advances support nor expresses objection.

Planning Officers consider the proposal to be consistent with the relevant provisions of the Development Plan and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission.

It was recommended that planning permission be granted subject to the conditions, reasons and information notes detailed in the report of handling.

Decision

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

Standard Time Limit Condition for Planning Permission (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. Unless otherwise directed by any of the conditions below, the development shall be implemented in accordance with the details specified on the application form dated 22nd March 2024; the Addendum dated 3rd April 2024; supporting information; and the approved drawings listed in the table below unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	Drawing No. 7860/LOC	-	28.03.2024
Existing Site Plan	Drawing No. 7860/01	B	04.04.2024
Proposed Site Plan	Drawing No. 7860/02	F	22.08.2024
House Type B	Drawing No. 7860/03	D	28.03.2024
House Type E	Drawing No. 7860/04	D	04.04.2024
Street Elevations as Proposed	Drawing No. 7860/05	A	25.03.2024
Existing Below Ground Drainage Layout	Drawing No. 312115-HAH-XX-XX-D-C-00030	P01	25.03.2024
Existing Below Ground Drainage Layout (Remediation)	Drawing No. 312115-HAH-XX-XX-D-C-00031	P02	25.03.2024
Proposed Below Ground Drainage Layout	Drawing No. 312115-HAH-XX-XX-D-C-00032	P03	25.03.2024
Proposed External Levels Layout	Drawing No. 312115-HAH-XX-XX-D-C-00040	P04	25.03.2024

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

2. Parking Spaces and Dropped Footways

Unless otherwise agreed in writing with the Planning Authority, prior to the development first being occupied, the following works shall be completed in accordance with the details shown on the approved Drawing No. 7860/02 Rev F 'Proposed Site Plan':

- The parking areas within the curtilage of each dwellinghouse and the visitor parking spaces shown as V1 and V2 shall be laid out and surfaced and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles
- The entire length of the footway along Ballochgoy Road between the westernmost parking bay at Plot 8 and the easternmost parking bay at Plot 5 shall be dropped
- The entire length of the footway along Prospect Terrace between the northernmost parking bay at Plot 1 and the southernmost parking bay at Plot 4 shall be dropped

Reason: In the interests of road and pedestrian safety.

3. Visibility Splays

Prior to the occupation of each individual dwellinghouse, sightlines of 42 metres in both directions, measured from a distance of 2.4 metres back from the edge of the public road at the centre point of the two in-curtilage parking spaces, shall be cleared of all obstructions above a height of 1.05 metres from the level of the road and thereafter maintained as such in perpetuity.

Reason: In the interests of road and pedestrian safety.

4. Removal of PD Rights - Dwellinghouses

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (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 Class 1D and 2B of the aforementioned Schedule, as summarised below:

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

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

Reason: To prevent the formation of additional window/door openings or dormer windows which may give rise to a loss of privacy to adjoining property without prior assessment on application by the Planning Authority; which would otherwise be capable of being carried out under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

5. Secure Affordability by Restricting Development to RSL

The development hereby permitted shall only be implemented by a Registered Social Landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification) and shall not enure for the benefit of any other person, company or organisation.

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

6. Timescale to be Agreed for Completion

Prior to development commencing, details of the proposed timescale for completion of the approved development shall be submitted to and agreed in writing with the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

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

7. Electric Vehicle Charging

Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a scheme detailing the provision of a minimum 7kw electric vehicle charging point shall be submitted to and approved in writing by the Planning Authority. Where charging cannot be provided then the appropriate ducting to future proof the property must be installed.

The approved charging point or, where relevant, the approved cable ducting shall be installed in full prior to the first occupation of the development, and thereafter retained in perpetuity unless otherwise agreed in writing by the planning authority.

Reason: to comply with the provisions of NPF4 Policy 13 Sustainable Transport and LDP2 Policy 34 – Electric Vehicle Charging.

8. Surface Water Drainage

No development shall commence on the site until written evidence has been submitted to the Planning Authority that Scottish Water (or any of its successors as the organisation responsible for the public waste water treatment system) has authorised the connection of surface water drainage from the site into the combined sewer. Such evidence shall include full details of the design of the surface water drainage system that has been agreed with Scottish Water and the approved arrangements shall be fully installed prior to the occupation of the dwellinghouses.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

9. Landscape/Surface/Boundary Treatment and Biodiversity Enhancement

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

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- iv) Proposed hard and soft landscape works including the details of the retaining walls;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

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

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

10. Construction hours

In order to minimise, as far as necessary, the level of noise and/or vibration to which nearby existing residents will be exposed during the erection of the dwellinghouses, the hours of working in relation to the construction of the development on the site should be restricted to 08.00 to 18:30 Monday to Friday and 08.00 to 13.00 on Saturdays. There should be no operations on Sundays or Bank Holidays. All operations should be undertaken in compliance with best practicable means for noise and vibration control as documented in BS 5228- 1:2009+A1:2014 and BS 5228- 2:2009+A1:2014.

Reason: In order to avoid sources of nuisance in the interest of amenity.

11. Provision of Screening to Prevent Interlooking Between Habitable Room Windows

Prior to the occupation of the dwellinghouses identified on the approved plans as Plot Numbers 7 and 8, details of those screening measures that are to be implemented along the boundary of the site as it meets with the southernmost curtilage of No. 2 Blain Terrace shall be submitted to and approved in writing by the Planning Authority.

Such details shall identify the provision of a fence (or similar means of boundary treatment) that shall ensure there is no direct unobstructed line of sight between the window on the south-facing elevation of No. 2 Blain Terrace and the windows of any

habitable rooms on the north-facing elevations of the dwellinghouses on Plot Numbers 7 and 8.

The screening measures shall be fully installed in accordance with the approved details prior to the occupation of the subject dwellinghouses and shall be maintained in a safe and tidy condition thereafter unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of the privacy and amenity of the existing and proposed dwellinghouses having regard to the relevant provisions of NPF4 and the Argyll and Bute Local Development Plan 2 and its related Technical Notes.

12. Installation of Air Source Heat Pump

Prior to the installation of any air source heat pumps within the development site, full details of their location and specification shall be submitted to and approved in writing by the Planning Authority. The noise level from the operation of any air source heat pumps that are installed must not exceed 42dB LAeq (5 min) at 1 metre from the window of a habitable room on the façade of any neighbouring residential property.

If, in the opinion of the Planning Authority, any air source heat pump results in a noise nuisance to the occupant of any neighbouring dwelling, the Applicant shall install noise mitigation measures in agreement with the Planning Authority.

Reason: In order to avoid sources of nuisance in the interest of amenity.

13. Waste Storage

Prior to the occupation of the dwellings hereby approved, a detailed specification of the containers to be used to store waste materials and recyclable materials produced by the dwelling houses as well as specific details of the areas where such containers are to be located shall be submitted to and approved in writing by the Planning Authority.

Unless otherwise agreed in writing with the Planning Authority, the storage of waste and recyclable materials shall be fully installed in accordance with the approved details prior to the occupation of each dwellinghouse.

Reason: In the interest of visual amenity; to ensure that there is adequate storage for recycling of waste; and to protect the amenity of the immediate area by preventing the creation of nuisance due to odours, insects, rodents or birds.

14. Construction Management Plan

Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include the following:

- Contact details for the contractor
- The proposed route of construction traffic
- The turning areas and wheel washing areas
- The provision of appropriate signage
- The location of the site compound (if any) and the parking area for vehicles belonging to site operatives and visitors

- The location of the storage area (if any) for plant and materials used in the construction the development
- The method of working and the measures to be implemented to control the emission of dust during construction. Such details shall be in accordance with the methodology outlined in the IAQM guidance on the assessment of dust from demolition and construction 2014 (version 1.1)
- The location of the security fencing

Thereafter, all works shall be carried out in accordance with the agreed Construction Management Plan.

Reason: In order to avoid sources of nuisance in the interests of amenity.

INFORMATIVE NOTES

1. The attention of the applicant/developer is drawn to the contents of the letter from Scottish Water dated 17th April 2024, which is available for inspection on the Council's web site.

With specific regard to Condition 8 above, it should be noted that Scottish Water have stated that, other than in limited exceptional circumstances, they will not accept any surface water connections into their combined sewer system for reasons of sustainability and to protect existing customers from flooding. In order to depart from this position on surface water connections, Scottish Water require significant justification to be prepared and submitted by the applicant/developer.

It will be for the developer and their engineers to submit their case to Scottish Water. If this is found to be an unacceptable arrangement, an amended development may have to be designed or a different surface water drainage system may have to be formulated. The details of such a scheme will be expected to comply with SuDS and will be considered by the Planning Authority's Flood Risk Adviser as required.

2. Those works to be undertaken on or adjacent to the public road will require a Road Opening Permit (S56) in advance of being carried out and it will also be necessary for positive drainage measures to be incorporated into the design of each individual access to ensure that surface water drainage will not pass on to the footway or carriageway. The applicant/developer is advised to contact Roads and Amenity Services on 01546 605514 or to use the following link to the Council's website: <https://www.argyll-bute.gov.uk/licences/road-opening-permit>

(Reference: Report by Head of Development and Economic Growth dated 30 August 2024, submitted)

Councillor Philand returned to the meeting.

8. **MS LIZ MAXWELL: DEMOLITON OF EXISTING DWELLINGHOUSE AND ERECTION OF REPLACEMENT DWELLINGHOUSE AND ASSOCIATED WORKS: COMRAICH, MANNAL, ISLE OF TIREE (REF: 24/01153/PP)**

The Area Team Leader spoke to the terms of the report. In terms of the Settlement Strategy set out in the adopted LDP2, the site is identified as being within the defined Settlement Area of Balemartine on the proposals maps where LDP2 Policy 01 states that development will normally be acceptable subject to a number of criteria.

The proposal is seeking to secure planning permission for the demolition of the existing dwellinghouse, 'Comraich' to allow for the redevelopment of the site with a purpose built dwellinghouse.

The proposal has elicited 25 objections and 14 expressions of support. The main thrust of objection relates to the scale, design and finishes of the proposed development.

It is the opinion of Planning Officers that the design proposed for the replacement dwellinghouse pays appropriate regard to the characteristics of the area and the proposal is considered to accord with the provisions of the current Development Plan and with national planning policy.

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

Decision

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

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

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

The development shall be implemented in accordance with the details specified on the application form dated 19/06/24, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	CH1087 – AECO – XX – ZZ – DR – A – 2000	05	20/06/24
Site Plan as Proposed	CH1087 – AECO – XX – ZZ – DR – A – 2001	07	20/06/24
Site Plan as Existing	CH1087 – AECO – XX – ZZ – DR – A – 2002	05	20/06/24
Floor Plans as Proposed	CH1087 – AECO – XX – ZZ – DR – A – 2004	07	20/06/24
Elevations as Proposed	CH1087 – AECO – XX – ZZ – DR – A – 2005	02	20/06/24
Street Elevation	CH1087 – AECO – XX – ZZ – DR – A – 2006	03	20/06/24

as Proposed			
Sections as Proposed	CH1087 – AECO – XX – ZZ – DR – A – 2007	02	20/06/24
Design Statement – 10 Pages			20/06/24

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

2. **PP – Timescale to be Agreed for Completion**

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

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

3. **PP – Sustainable Drainage System**

Notwithstanding the effect of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 and Sewers for Scotland 4th Edition. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

4. **PP – Submission of Sample Materials**

Notwithstanding the effect of Condition 1, no development shall commence until samples of the proposed roofing materials to be used in the proposed development have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

5. **PP - Electric Vehicle Charging – Residential with off street parking**

Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a scheme detailing the provision of a minimum 7kw electric vehicle charging point shall be submitted to and approved in

writing by the Planning Authority. Where charging cannot be provided then the appropriate ducting to future proof the property must be installed.

The approved charging point, or where relevant, the approved cable ducting shall be installed in full prior to the first occupation of the development, and thereafter retained in perpetuity unless otherwise agreed in writing by the planning authority

Reason: to comply with the provisions of NPF4 Policy 13 Sustainable Transport and LDP2 Policy 34 – Electric Vehicle Charging.

6. **PP – Biodiversity Statement**

No development shall commence until a biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development has been submitted and agreed in writing with the Planning Authority.

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

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

Reason: To comply with the requirements of NPF4 Policy 3.

(Reference: Report by Head of Development and Economic Growth dated 4 September 2024, submitted)

9. **CLAN CAMPBELL (WHISKY) LTD: PROPOSAL OF APPLICATION NOTICE FOR WHISKY DISTILLERY, DUNNAGE WAREHOUSE, VISITOR EXPERIENCE AND ASSOCIATED INFRASTRUCTURE: INVERARAY CASTLE ESTATE, INVERARAY (REF: 24/01438/PAN)**

The Senior Planning Officer spoke to the terms of the report. The proposed site is located partly within and partly adjacent to a listed walled garden, first constructed between 1752 and 1755, all set within the historic designated garden and designed landscape of Inveraray Castle. In terms of the adopted Local Development Plan (LDP2), the site is located within the designated Countryside Area.

The report sets out the information submitted to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date.

It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and requested that the following matters be given consideration in finalising any future planning application submission –

- The Committee welcomed the economic benefit to the area;
- The Committee asked that consideration be given to using the existing access to the south of the estate as it had good visibility splays at that location; and
- The Committee asked that consideration be given to the Applicant supporting the upkeep and maintenance of the Inveraray-Dalmally road.

(Reference: Report by Head of Development and Economic Growth dated 30 August 2024, submitted)

10. DEVELOPMENT MANAGEMENT SERVICE PLAN 2024 - 2026

A report seeking the endorsement of the Development Management Service 2024 – 2026 attached as Appendix A was considered.

The Service Plan provides an overview of the Development Management Service and its main duties and seeks to outline how the Service can operate to underpin the corporate objectives of the Council.

Decision

The Committee agreed to approve and endorse the Development Management Services Plan 2024 – 2026 attached at Appendix A of the submitted report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 10 September 2024 and Development Management Service Plan 2024 – 2026, submitted)

11. DEVELOPMENT MANAGEMENT CHARTER 2024

A report seeking the endorsement of the Development Management Charter attached as Appendix A was considered.

The Development Charter is intended to inform customer expectations by providing an overview of the Development Management Service, the Development Management Process, and to set out the standard of service that customers should expect in terms of both performance and the manner in which a service is provided.

Decision

The Committee agreed to approve and endorse the Development Management Charter 2024 attached at Appendix A of the submitted report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 10 September 2024 and Development Management Charter 2024, submitted)

12. UPDATED PLANNING ENFORCEMENT AND MONITORING CHARTER 2024

A report seeking the endorsement of an updated Argyll and Bute Enforcement and Monitoring Charter contained at Appendix A was considered.

Enforcement Charters should be reviewed every 2 years and they must outline what service is provided to customers and complainants in relation to breaches and alleged breaches of planning control.

Decision

The Committee agreed to approve and endorse the updated Enforcement and Monitoring Charter 2024 attached at Appendix A of the submitted report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 10 September 2024 and Planning Enforcement and Monitoring Charter 2024, submitted)

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

The Committee reconvened at 12.35 pm with all those present as per the sederunt with the exception of Councillor Liz McCabe.

13. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report summarising a recent decision by Scottish Ministers following an appeal in respect of planning application reference 21/01583/PP, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 18 September 2024, submitted)

14. UPDATE ON RECENT SCOTTISH MINISTERS SECTION 37 DECISION

A report summarising the decision made by Scottish Ministers to approve Section 37 consent and deemed planning permission in respect of the proposed 275KV Transmission line from Dalmally to Creag Dhubh, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 5 September 2024, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in

Paragraph 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillor Graham Hardie, having declared an interest in the following item, left the meeting at this point.

15. ENFORCEMENT REPORT - REFERENCE 15/00051/ENAMEN

The Committee considered enforcement case reference 15/00051/ENAMEN.

Decision

The Committee agreed to continue consideration of this case for a period of 6 months to allow Planning Officers to make further investigations and consult with other agencies.

(Reference: Report by Head of Development and Economic Growth dated 18 September 2024, submitted)

Councillor Hardie returned to the meeting.

16. REQUEST FOR A TREE PRESERVATION ORDER

The Committee considered a request for a Tree Preservation Order.

Decision

The Committee agreed the recommendations detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 18 September 2024, submitted)