

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD**  
**on WEDNESDAY, 22 MAY 2013**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Iain MacDonald
Councillor Rory Colville	Councillor Alistair MacDougall
Councillor Robin Currie	Councillor Robert G MacIntyre
Councillor Mary-Jean Devon	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor David Kinniburgh	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Ross McLaughlin, Development Manager  
Fergus Murray, Development Policy Manager  
Alan Morrison, Regulatory Services Manager  
Sheila MacFadyen, Senior Solicitor  
Peter Bain, Area Team Leader, Mid Argyll, Kintyre and the Islands  
Paul Convery, Planning/Development Officer  
Sandra Davies, Planning Officer  
Iain Jackson, Governance Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors George Freeman, James McQueen and Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

Councillor Rory Colville declared a non financial interest in respect of planning application reference (12/02281/PP) as he had received contact from people regarding this application. He left the room and took no part in the determination of this application which is dealt with at item 12 of this Minute.

**3. MINUTES**

- (a) The Minutes of the Planning, Protective Services and Licensing Committee on 17 April 2013 at 10.00 am were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee on 17 April 2013 at 10.20 am were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee on 17 April 2013 at 11.00 am were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee on 17 April 2013 at 2.00 pm were approved as a correct record.
- (e) The Minutes of the Planning, Protective Services and Licensing Committee

on 16 April 2013 were approved as a correct record.

- (f) The Minutes of the Planning, Protective Services and Licensing Committee on 24 April 2013 were approved as a correct record subject to the following amendment: -

The first sentence of the third question asked by Councillor Currie should read "Councillor Currie asked Mr Ainsley if seal scarers were like goose scarers and advised that when goose scarers were implemented on Islay this still increased the population of geese."

#### **4. ARGYLL & BUTE SUSTAINABLE DESIGN AWARDS 2012**

The Sustainable Design Awards is a bi-annual competition run by Development and Infrastructure Services, the purpose of which is to highlight good examples of sustainable design in new developments within Argyll and Bute. A report was presented to Members outlining the results for the 2012 Sustainable Design Awards competition which attracted some 25 entries across four categories of development.

##### **Decision**

1. Noted and endorsed the final results of the competition as set out at paragraph 3.5 of the report; and
2. Noted that arrangements would be made to present an award to the overall winner, Tigh Na Cladach, Dunoon at an Area Committee meeting.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

#### **5. PROTECTION OF CHILDREN AT WORK EMPLOYMENT OF CHILDREN BYELAWS**

Argyll and Bute Council made byelaws on 14 August 2002 in relation to the employment of children at work. These byelaws came into force on 24 June 2003. Members were advised at their meeting of 19 September 2012 that, in terms of Section 201 of the Local Government (Scotland) Act 1973, byelaws require to be renewed not later than 10 years from coming into force and it was agreed at this meeting that a review of the existing byelaws be progressed by initially consulting with Strathclyde Police and the Procurator Fiscal. A report advising on the outcome of this review and consultation was before Members for consideration.

##### **Decision**

Agreed that the byelaws continue in force and that no amendment was required to them.

(Reference: Report by Executive Director – Customer Services dated April 2013, submitted)

\* **6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: PUBLIC ENTERTAINMENT LICENCES - FEES FOR CHARITABLE & VOLUNTARY ORGANISATIONS**

The issue of fees for charities and voluntary organisations for public entertainment licences was considered by Members on 30 May 2012. Following the amendment of the Civic Government (Scotland) Act 1982 by the Criminal Justice and Licensing (Scotland) Act 2010 in relation to public entertainment licensing, free to enter events were included in the definition of public entertainment. At that time concerns had been expressed about the impact of this change on voluntary and charitable organisations. The Council agreed at its meeting on 14 June 2013 that a robust monitoring period of a year be undertaken in relation to any change in the fees agreed in relation to voluntary and charitable based organisations with a further report being placed before the PPSL Committee to advise on cost implications in administering and any other issues in June 2013, this report was now before Members for consideration.

**Motion**

To agree that no public entertainment licence fee would be payable for events (indoor or outdoor) where the event is organised by a formally constituted voluntary group based in Argyll and Bute.

Moved by Councillor Robin Currie, seconded by Councillor Alex McNaughton

**Amendment**

To agree to consult with Community Councils on Options 2 and 5 as detailed at paragraphs 4.2.1 and 4.5.1 of the Executive Director's report.

Moved by Councillor Rory Colville, seconded by Councillor Gordon Blair

The Motion was carried by 8 votes to 3 and the Committee resolved accordingly.

**Decision**

The Committee agreed to recommend to the Council that no Public Entertainment Licence fee would be payable for events (indoor or outdoor) where the event is organised by a formally constituted voluntary group based in Argyll and Bute.

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

**7. FOOD SAFETY LAW ENFORCEMENT WORKPLAN AND ENFORCEMENT POLICY**

The Council, as a Food Authority, is required by the Food Standards Agency Framework Agreement to produce and review an annual Food Safety Law Enforcement Plan which is endorsed by elected Members. A report producing the Food Safety Law Enforcement Plan for 2013/2014 for Members' approval which covers the areas of food hygiene, food standards and feed standards was considered.

**Decision**

1. Endorsed the Food Safety Law Enforcement Plan for 2013/2014 and the Enforcement Policy attached to the report; and
2. Affirmed the statutory appointments of the Council's Head of Food Safety, Lead Officer (Food Hygiene Standards) and Lead Officer (Feed), the status of authorised Officers within the Council, and the external appointments for the Public Analyst, Agricultural Analyst, and Food Examiners.

(Reference: Report by Head of Planning and Regulatory Services dated May 2013, Food Law Enforcement Policy (Extract and Summary) and Food Safety Law Enforcement Plan 2013/2014, submitted)

## **8. OCCUPATIONAL HEALTH & SAFETY LAW ENFORCEMENT PLAN 2013/2014**

The Council has a statutory duty as an “enforcing Authority” under the Health & Safety at Work etc Act 1974 to regulate standards of health, safety and welfare in a similar manner to the Health & Safety Executive. This enforcement is undertaken by Environmental Health Officers, supported by other authorised Officers within Regulatory Services. The Council is required to formally approve an Occupational Health & Safety Law Enforcement Work plan annually under the Section 18 National Standards. A report presenting the 2013/2014 Work plan and Enforcement Policy was considered.

### **Decision**

1. Noted the work undertaken to redesign health and safety enforcement services in Argyll and Bute Council to meet National Standards; and
2. Endorsed the Occupational Health & Safety Law Enforcement Work plan 2013/2014 and the Enforcement Policy, which will be implemented by Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated April 2013 and Occupational Health & Safety Law Enforcement Plan 2013/2014, submitted)

## **9. PROTECTING CONSUMERS: IMPROVING MEMBER AWARENESS OF THE WORK OF REGULATORY SERVICES**

At the April Committee Members requested that a further report be brought to Committee with proposals to improve awareness of the work of Regulatory Services and progress in delivering the Protecting Consumers Action Plan. A report detailing proposals which take account of the matters raised by Members was considered.

### **Decision**

Endorsed the programme of Committee reports to be presented to Members.

(Reference: Report by Head of Planning and Regulatory Services dated April 2013, submitted)

**10. HELENA JANE CRAGGS-FLYER: CHANGE OF USE FROM HAIRDRESSER (CLASS 1) TO TEAROOM (CLASS 3): TRINITY'S HAIR SALON, THE CLACHAN, ROSNEATH (REF: 09/00939/PP)**

The Planning Officer spoke to the terms of the report advising that planning permission was sought for the change of use of hairdressers (class 1) to a café (class 3) within Rosneath. She advised that the Applicant had recently opened the café so this was now an retrospective Application. She referred to a supplementary report which provided amended conditions to attach to any consent to take account of this. The application site is within the settlement boundary as defined by the Argyll and Bute Local Plan where there is a presumption in favour of development subject to all development plan policies being complied with. It is also within the designated Conservation Area where development must preserve or enhance the character of the Conservation Area. One letter of objection with an attached petition, two letters of support and two letters from the Applicant with two petitions have been received. Environmental Health and the Area Roads Manager both initially recommended refusal of this application but after further discussions with the Applicant issues raised have now been resolved. It is considered that the proposed development is acceptable in this location and, subject to no cooking on the premises and the provision of appropriate parking, would comply with the overall provisions of Policies LP BAD 1, LP ENV 1, LP ENV 19, LP TRAN 6, Appendix A and Appendix C of the Argyll and Bute Local Plan and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the supplementary report.

**Decision**

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

1. The development shall be implemented in accordance with the details specified on the application form dated 26 June 2011 and the approved drawings reference number 1 of 2, location plan, and 2 of 2, existing and proposed layout 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.

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

2. The use of the premises hereby approved shall be limited to the sale and consumption of cold food, hot and cold drinks and food re-heated on the premises.

*Reason: In order to ensure that there is no cooking on the premises as this will require an external flue which will be both visually intrusive and would, through cooking smells and other odours, detrimentally impact on the amenity of adjoining residential properties and the character of the Conservation Area.*

3. Within one month of the date of this consent, a planning application for the two car parking spaces required to service the proposed development shall be submitted. Thereafter, the two parking spaces shall be provided to the satisfaction of the Council as Planning Authority within one month of permission being approved.

*Reason: In the interests of road safety.*

(Reference: Report by Head of Planning and Regulatory Services dated 24 April 2013)

**11. MR ADRIAN TEAR: ERECTION OF THREE WIND TURBINES (74 METRES TO BLADE TIP) AND TURBINE CONTROL BUILDING, FORMATION OF ACCESS ROAD AND HARDSTANDING AREAS: ASCOG FARM, ISLE OF BUTE (REF: 12/02202/PP)**

The Development Manager spoke to the terms of the report advising that this proposal was seeking the construction of three wind turbines with hub heights of 50 metres and a total height of 74 metres to blade tip, the formation of a new access track and ancillary development. The application has been submitted by the owner of Ascog Farm, which is located approximately 300 metres to the south east of the southernmost turbine. He referred to a supplementary report and confirmed that 488 objections have been received along with 67 expressions of support and 2 neutral responses. A formal objection has been lodged by Bute Community Council and, whilst not formally objecting, Scottish Natural Heritage has significant concerns. The proposal is considered contrary to: - Scottish Planning Policy; Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1, STRAT RE 1, STRAT DC 4, and STRAT DC 5 of the Argyll and Bute Structure Plan (2002); and Policies LP EN 1, LP ENV 10, LP ENV 19, Appendix A, and LP REN 1 of the Argyll and Bute Local Plan (2009). It is recommended that planning permission be refused for the reasons detailed in the report subject to the holding of a Discretionary Pre-Determination Hearing in view of the number of representations that have been received.

**Decision**

The Committee agreed that there would be no added value to the process in holding a hearing as the proposal was contrary to a significant number of policies and that all other material considerations had been taken into account but these were not of such weight as to overcome these potential adverse impacts, which could not be overcome by the imposition of planning conditions or by way of a Section 75 legal agreement and therefore agreed to refuse planning permission for the following reasons:-

1. The proposed three wind turbines, inclusive of the means of access required, would be located on the Hill of Ascog approximately 2 kilometres south west of Rothesay, within the 'Bute Rolling Farmland with Estates' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final Main Report and Appendix March 2012' - SNH/Argyll & Bute Council) which is intended to guide SNH and the Council on the strategic implications of further wind farm developments in the landscape. The proposal lies within a sensitive and highly valued landscape character

type where it occupies a prominent coastal location where it would be viewed from ferry and recreational boat traffic together with roads on the island of Bute. The value of the landscape surrounding the application site has been accorded regional status by being designated as an Area of Panoramic Quality in the Council's adopted Local Plan.

The LWECs identifies that the visual sensitivity within this Landscape Character Type is high for the small-medium typology (i.e. between 35 metres to 50 metres to blade tip) and, as a consequence, it would be high for a medium typology of between 50 metres to 80 metres to blade tip. The relatively low-lying landscape of gently rolling small hedged pastures and extensive wooded policies forms a lush pastoral scene contrasting with the more rugged higher ground on north Bute and the exposed landscapes of the west coast. There would be high-medium landscape sensitivity to the small-medium typology and, consequently, high landscape sensitivity to medium typology, due principally to the effect of taller turbines on the scale of the landform, its diverse vegetation cover and on settlement.

At 74 metres in height to the blade tip, the proposed wind turbines would be wholly out of scale with their immediate and wider landscape context, where such large rotating structures would dominate the scale of this part of the Isle of Bute. The scale and motion of the proposed wind turbines would also impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge including key coastal panoramas and views. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the Firth of Clyde, where development on this scale would undermine these qualities to the detriment of landscape character contrary to Local Plan Policy LP REN 1 by virtue of visually dominating a currently undeveloped and prominent landscape. Approval of the proposal could establish a harmful precedent for such large wind turbines in a relatively small landscape setting, where smaller turbines already exist and do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the contrast between the land and the sea.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make to the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal would have a significant adverse impact on Landscape Character, would adversely affect a number of key views and would degrade designated scenic assets including the Firth of Clyde coastline and adjacent 'Area of Panoramic Quality'. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4 – Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 8: Landscape & Development Control; STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2002), to Policy LP ENV 1: Development Impact on the General Environment; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 19 Development Setting,

Layout and Design (including Appendix A Sustainable Siting and Design Principles); LP REN 1 Wind Farms and Wind Turbines; of the 'Argyll & Bute Local Plan' (2009) and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

2. There is a scale disparity between the height of the turbines and the hill on which they sit, as the turbines are 74m to blade tip height and they are sited on the Hill of Ascog which is generally 104m AOD. Therefore, the vertical scale of the proposal does not follow the guidance of Scottish Natural Heritage contained within the document entitled "Siting and Designing Windfarms in the Landscape (December 2009). Paragraph 4.33 of this document states "*A key design objective for a wind farm will be finding an appropriate scale for the wind farm that is in keeping with that of the landscape. To achieve this, the siting and design of the development will need to ensure that the wind farm is of minor scale in relation to the key features of the landscape (typically less than one third)*".

This scale disparity is illustrated by, for example, Viewpoint 1 - Common Hill, Isle of Bute, Viewpoint 3 – Rothesay, Isle of Bute and Viewpoint 10 – Wemyss Bay to Rothesay ferry route.

The layout has resulted in overlapping turbine rotors and towers as illustrated by Viewpoint 1 – Common Hill, and this visual stacking is an effect that does not correspond to good design principles, as laid out in section 3 of SNH guidance.

The layout and scale of the turbines overwhelm the distinctive skyline of the Isle of Bute as illustrated by Viewpoints 3 - Rothesay, 8 – Knock Castle and 10 – Wemyss Bay to Rothesay Ferry Route, and this does not accord with SNH guidance paragraph 4.29 which states that "*design of a wind farm from key viewpoints and sequential routes should ensure a wind farm does not detract from the character of a distinctive skyline. Care should be taken to ensure that a wind farm does not overwhelm a skyline.*"

This concern is strengthened by examining Viewpoints 22 - Adjacent to Braeside, 23 – B881 Between Lochend and Crossbeg and 24 – Additional Wemyss Bay to Rothesay Ferry Crossing.

The scale and layout of the development in its highly prominent location in the landscape results in it being viewed from the Rothesay Golf Course and the local road network together with ferry and recreational boat traffic and from other islands as well as from mainland roads and other key viewpoints.

In view of the above, it is considered that the impact of the development on key views would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity and scenic value of the receiving environment.

Having due regard to the above, it is considered that the proposal conflicts with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 8: Landscape &

Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

3. It is considered that the proposal would be highly visible as well as being visible from areas which are not currently affected by wind development. It has the potential to spread visibility of wind turbine development along either side of the Firth of Clyde thereby creating a sense of extended wind farm/wind turbine development. The creation of a sense of extended wind farm /wind turbine development would be unacceptable and detrimental in landscape and visual terms. It is not only the cumulative impact of wind turbines on road users but also on the main Wemyss Bay to Rothesay ferry route and recreational sailors. The very large Zone of Theoretical Visibility (ZTV) highlights the number of settlements and scenic areas which would be affected in a wider landscape where larger windfarm schemes are already located. These larger schemes and potential windfarms in preferred areas would however be undermined by the presence of small groups of turbines within influencing distance of the coast such as this, which due to their more prominent locations closer to sensitive receptors would be disproportionate in terms of their sequential and cumulative impacts.

Having due regard to the above it is considered that in terms of Cumulative Impact the proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

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

(Reference: Report by Head of Planning and Regulatory Services dated 26 April 2013, submitted)

Having previously declared an interest in the following item Councillor Rory Colville left the room and took no part in the discussion of this Application.

**12. INTELLIGENT LAND INVESTMENTS LTD: ERECTION OF WIND TURBINE (225KW, 45.9 HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AND SUBSTATION: HIGH UGADELE, CAMPBELTOWN (REF: 12/02281/PP)**

The Area Team Leader spoke to the terms of the report advising that this proposal is for the erection of one 45.9m (to blade tip) wind turbine with a generating capacity of 225kw to provide electricity to be exported to the national grid. He referred to corrections to Appendix A, section B and C of the report of handling and advised that the woodland shelter belt to the east of the site had been subject to extensive felling and no longer provided the level of containment

expressed in the report. He also referred to section G of Appendix A and advised that the statement that visualisation provided by the Applicant in April 2013 showing the turbine outwith the application site boundary was in fact incorrect. He advised that a subsequent site visit by Officers had confirmed that the latest visualisations are in fact accurate in so far as they relate to the position of the turbine. He advised that the assessing Officer's misinterpretation of the turbine position within the submitted visualisations was minor in terms of distance involved and as such had no significant consequences for the assessment of the landscape and visual impacts of the development as set out in the report of handling. The proposal is located within a Rural Opportunity Area (ROA) control zone as per the Argyll and Bute Local Plan. The ROA has been subject to a Landscape Capacity Study and the steading known as High Ugadale has been identified as potentially suitable for housing. This wind turbine would sit close to this site some 400m to the north. The proposal is located some 360m north west of an existing farm cluster at High Ugadale and approximately 2 km south of the settlement of Saddell. The site lies within landscape character type 20 (Rocky Mosaic) as identified by the Council's Landscape Wind Energy Capacity Study with type 6 (Upland Forest Moor Mosaic) directly to the west. At 45.9m the turbine proposal is at the upper end of the small-medium typology. The study considers that landscape sensitivity is High/Medium for the small-medium typology in this particular landscape character type with very limited opportunities for development. There have been no objections from statutory consultees, however, the Area Roads Manager has deferred decision given the Applicant has not provided sufficient information on the proposed transport arrangements for delivering the turbine parts and plant without damaging the public road. There have been 12 objections from third parties. It is recommended that the application is refused for the reasons stated in the report.

## **Decision**

Agreed to refuse planning permission for the following reasons:-

1. The proposal is to site a 45.9m high wind turbine within a relatively complex and intimate landscape type which the 'Argyll & Bute Landscape Wind Energy Capacity Study' considers to have 'high – medium' landscape sensitivity to the 'small-medium' typology assessed in the study. The LWECS identifies that small-medium typology turbines of between 35m and 50m will be difficult to assimilate in areas of smaller scale landform, with smaller scale patterns of land use, as they are likely to exert visual influence over wider landscape settings. The scale of the turbine proposed is at the upper end of this typology and would produce a focal point disproportionate to the scale of the landscape by virtue of its height, its rotor diameter and the motion of the blades. Development on this scale would detract from the landscape character of its immediate surroundings and its presence would impact adversely on the scenic qualities of the wider landscape designated as 'Area of Panoramic Quality'. The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make to the achievement of climate change related commitments. Having due regard to the above, it is considered that this proposal would have a significant adverse impact on landscape character, and would exert an unwelcome

and inappropriate visual presence in the landscape as experienced by users of the B842, and would degrade designated scenic assets within the wider 'Area of Panoramic Quality'. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2002), to Policy LP ENV 1: Development Impact on the General Environment; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles) and LP REN 1 Wind Farms and Wind Turbines; of the 'Argyll & Bute Local Plan' (2009); and the 'Argyll & Bute Landscape Wind Energy Capacity Study' (2012).

2. The proposal will involve the conveyance of abnormal loads along the B842 a route which is sub-standard in width and alignment. The road infrastructure along this route is also subject to known deficiencies, including structural condition of the Smerby, Ardnacross and Altnbeist Bridges and it does not lend itself to movements of abnormal loads. In view of the geometry of the road, which does not lend itself to the swept path of large vehicles, there is the prospect of serious damage to these structures occasioned by collision as a result of the transportation of abnormal loads or the weight of construction vehicles, which would present a serious threat to continued accessibility by road, as the failure of either of these structures would be likely to precipitate closure of the route with the consequent isolation of Peninver, Saddell and Carradale from Campbeltown.

In the absence of any satisfactory mitigation being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development does not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes, contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

(Reference: Report by Head of Planning and Regulatory Services dated 2 May 2013, submitted)

Councillor Colville returned to the meeting.

**13. THE GENERAL TRUSTEES OF THE CHURCH OF SCOTLAND: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING 11 DWELLINGHOUSES (6 AFFORDABLE), INSTALLATION OF TREATMENT PLANT AND ASSOCIATED VEHICULAR ACCESSES: LAND SOUTH WEST OF ARDFERN HOUSE, ARDFERN (REF: 12/02766/PP)**

The Area Team Leader spoke to the terms of the report and to a supplementary report advising that the application site is located within the settlement area for Ardfearn and Potential Development Area PDA 12/80 wherein the Local Plan sets out an aspiration of delivery of high density residential development of 100% affordable housing and open space. The application seeks planning permission

for eleven dwelling units comprising a mix of six affordable units in two blocks and five detached dwellinghouses and as such would be contrary to the aspirations of the PDA 12/80 as expressed in the Local Plan and the Craignish Community Plan. There have been no objections from statutory consultees subject to conditions. The Craignish Community Council object to the application because the proposal includes private housing development. There have been 122 representations received from third parties, 84 supporting and 37 objecting to the application. These representations include an expression of support from Councillor Douglas Philand.. It is recommended that planning permission be refused for the reasons stated in the report subject to the holding of a Discretionary Pre-Determination Hearing in light of the volume of third party representation both in support and opposition to the application.

### **Decision**

Agreed to hold a Discretionary Pre-Determination Hearing at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 3 May 2013, submitted)

**14. GLENFEOCHAN ESTATE: ERECTION OF 2 DWELLINGHOUSES, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF PRIVATE WASTEWATER TREATMENT SYSTEMS: LAND EAST OF BALNAGOWAN, KILMORE, BY OBAN (REF: 13/00064/PP)**

The Planning Officer spoke to the terms of the report advising that planning permission is sought for the erection of two dwellinghouses on an area of ground to the east of Balnagowan, Kilmore, by Oban. In terms of the adopted Argyll and Bute Local Plan the site is situated within the Settlement Zone of Kilmore. There have been no objections from Consultees including the Community Council. The proposal has elicited 24 representations, 13 from respondents occupying 6 households in the immediate vicinity of the application site. She also referred to the terms of a supplementary report and to a late objection received from Mr and Mrs Darby in respect of the relocation of a pylon which was not a material planning consideration. It is not considered that the application raises any complex or technical issues and that the photographs and plans of the site give a good representation of the topography and character of the settlement. The objections received are very detailed and provide the information required to enable an informed assessment. It is therefore recommended that Members ought not to hold a hearing prior to the application being determined as it is unlikely that this would add value to the process. The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, LP HOU 1, LP SERV 1, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan and is recommended for approval.

### **Decision**

The Committee agreed to hold a Discretionary Pre Determination Hearing at the

earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 24 April 2013, submitted)

**15. W D CODONA: CHANGE OF USE OF CAR PARK TO AMUSEMENT PARK (RENEWAL OF PLANNING PERMISSION 12/00191/PP): HELENSBURGH PIER, WEST CLYDE STREET, HELENSBURGH (REF: 13/00446/PP)**

The Planning Officer spoke to the terms of the report advising that planning permission is sought for the siting of an amusement park on Helensburgh Pier, which is owned by the Council. The site is within Helensburgh Town Centre as defined by the adopted Local Plan. Permission has been granted on a temporary basis for the siting of the fair in its present location since 1976 with no adverse impact on the amenity of the surrounding area or residents. There have been no objections received from Consultees and no third party representations received. In approving previous applications the permission has been time limited to a year. A period of one year was granted on the basis that a longer permission may prejudice the future redevelopment of the pier head area which is seen as a key component in the regeneration of the waterfront. A revised Masterplan for the pier head area has now been agreed. On this occasion it is considered that, given the timescale for the Masterplan and marketing opportunity for the pier head, a temporary permission of two years would be appropriate.

**Decision**

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

1. Permission shall enure for a period of two years from the date of this consent.

*Reason: Imposed in order not to prejudice the provisions of appropriate future levels of parking provision for Helensburgh in the longer term and not to prejudice the provisions of the current development plan for the area.*

2. The development shall be implemented in accordance with the details specified on the application form dated 27/02./2013 and the approved drawing reference number 1/1 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.

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

3. At the end of the period of permission the use authorised by the permission shall be discontinued unless an application for an extension of the period is approved by the Council.

*Reason: Imposed in order not to prejudice the provisions of appropriate future levels of parking provision for Helensburgh in the longer term and not*

*to prejudice the provisions of the current development plan for the area.*

4. No engine, generator, public address system or music amplification system shall be used after 11.00pm on any evening.

*Reason: Imposed in order to provide control over the timing and volume of noise from the fair in the interests of maintaining appropriate levels of residential and public amenity.*

5. The noise level attributable to the amusement fair measured within a dwelling, hospital or school shall not exceed 50 d B(A) for more than 10% of the time, as measured over any 15 minutes period.

*Reason: Imposed in order to provide control over the timing and volume of noise from the fair in the interests of maintaining appropriate levels of residential and public amenity.*

6. Any fencing to be erected towards the northern edge of the application site (to the rear of the swimming pool and play areas) shall be positioned so as to allow a 2m gap to be maintained as a pedestrian / disabled access route to connect with the ramp to the pier.

*Reason: In order that uninhibited pedestrian and disabled access may be maintained to the pier ramps.*

(Reference: Report by Head of Planning and Regulatory Services dated 19 April 2013)

**16. MR ANDREW WATTS: ALTERATIONS AND CHANGE OF USE OF COMMUNITY CENTRE TO FORM 3 DWELLINGHOUSES INCLUDING DEMOLITION OF PLANT ROOM: COVE AND KILCREGGAN COMMUNITY CENTRE, SCHOOL ROAD, KILCREGGAN (REF: 13/00591/PP)**

The Planning Officer spoke to the terms of the report advising that this proposal was on a site located within the settlement of Kilcreggan in the Argyll and Bute Local Plan 2009. The proposal also requires listed building consent which will be determined by Historic Scotland as the Council is the landowner. There have been no objections received from Consultees and no third party representations made. It is considered that the proposal would be consistent with Policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and Policies LP ENV 1, LP ENV 13(a), LP ENV 14, LP ENV 19, LP HOU 1, LP TRAN 4, LP TRAN 6 and Appendices A and C of the Argyll and Bute Local Plan 2009 and it is recommended that planning permission be granted.

**Decision**

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

1. The development shall be implemented in accordance with the approved drawings –

Drawing No. 1198/005 Location Plan

Drawing No. 1198/003G      Site Plan  
Drawing No. 1198/011A      Ground Floor Plan and Elevations as Existing  
Drawing No. 1198/030A      Proposed Ground and First Floor Plans  
Drawing No.1198/031A Proposed Roof Plan and Elevations

unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Development shall not begin until samples of materials to be used (on external surfaces of the buildings) and/or in construction of hard standings/walls/waste or recycling stores/ fences) has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out 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.*

3. Notwithstanding the requirements of condition 02 in relation to materials, the proposed Waste/Recycling store indicated on drawing 1198/003G shall be constructed to comply with the following dimensions - Length 5.3m x Width 1.0m x Height 1.2m. unless with the written agreement of the Planning Authority.

*Reason: To ensure this facility is of an appropriate scale to both meet operational requirements for refuse storage and be appropriately scaled in its setting.*

4. Prior to commencement of any works or building operations to convert the building into three dwellinghouses full details of all new windows to be installed shall be submitted to the Planning Authority for approval. Such details as may be approved shall be implemented and thereafter retained unless with the written agreement of the Planning Authority.

*Reason: In the interests of visual amenity.*

5. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
  - i) location and design, including materials, of walls, fences and gates
  - ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
  - iii) 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 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 to ensure that material used within the site reflect the listed status of the building.*

6. Prior to commencement of any other building or other operations on site associated with the implementation of this planning permission, the visibility splay of dimensions 2.4m x 42m x 1.05m shown on drawing 1198/003G shall be formed. All boundary walls, fencing or vegetation within the visibility splay shall thereafter be maintained in perpetuity at a height not exceeding 1.05 metres above the level of the road.

*Reason: In the interests of road safety.*

7. Notwithstanding the requirements of condition 02 in relation to materials, prior to the occupation of the first residential unit, the parking area shown on Drawing No.1198/003G shall be formed and, thereafter, maintained for such a purpose.

*Reason: In the interests of road safety.*

8. The vehicular access to the proposed car parking area associated with the development and indicated on Drawing 1198/003G shall be constructed and retained to a minimum width of 4.5m.

*Reason: In the interests of road safety.*

9. Prior to works commencing on site, details of the curtilage for each of the dwellinghouses hereby approved shall be submitted to and approved in writing by the Council as Planning Authority.

*Reason: In the interests of amenity.*

(Reference: Report by Head of Planning and Regulatory Services dated 3 May 2013, submitted)

## **17. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISION**

A report advising of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals was considered.

### **Decision**

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services dated 19 April

2013, submitted)

**18. THE PLANNING PERFORMANCE FRAMEWORK (PPF): PROGRESS REPORT ON SUSTAINABLE ECONOMIC GROWTH AND OPEN FOR BUSINESS**

A report providing Members with an update on the performance of the planning department in stimulating sustainable economic growth was considered.

**Decision**

1. Noted the contents of the report;
2. Endorsed that planning plays an important role in the delivery of sustainable economic development;
3. Endorsed that the report will be displayed on the Council website and will form part of the 2013 Planning Performance Framework; and
4. Agreed the distribution of the note appended to the report to all Members.

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

**19. ASSESSMENT OF REQUEST FOR PROVISIONAL TREE PRESERVATION ORDER**

A report advising of a request to protect a group of trees by means of a Tree Preservation Order was considered.

**Decision**

Agreed to the recommendations detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services dated 26 April 2013)