

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



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25 April 2005

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **EAGLESHAM HOUSE, MOUNT PLEASANT ROAD, ROTHESAY, ISLE OF BUTE** on **TUESDAY, 5 APRIL 2005** at **10:30 AM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**
 - (a) Minute of Area Committee of 1st March 2005 (Pages 1 - 4)
 - (b) Minute of Formal Site Inspection held on 1st march 2005 (Pages 5 - 6)
4. **CORPORATE SERVICES**
 - (a) Area Strategy submit for formal endorsement of Area Committee
5. **COMMUNITY SERVICES**
 - (a) Education and Leisure Development Grant Scheme (Pages 7 - 26)
6. **OPERATIONAL SERVICES**
 - (a) Bute Agricultural Society - Playing Field (Pages 27 - 28)
 - (b) Proposed Works Programmes 2005-06 (Pages 29 - 32)

- (c) Proposed Projects for the Strategic Timber Transport Fund for 2005-06 (Pages 33 - 38)

7. DEVELOPMENT SERVICES

- (a) Planning Application Reference No: 04/02089/DET, Mr S Shaw, Erection of 3 dwellinghouses with attached garages and formation of new vehicular access, Lover's Lane, Ardnadam (Pages 39 - 48)
- (b) Planning Application Reference No:04/02455/DET, Alison J McMahon, Erection of timber shed in rear garden for use as a dog grooming salon, Glenfyne Cottage, 66 Queen Street, Dunoon (Pages 49 - 56)
- (c) Planning Application Reference No: 05/00295/DET, Scottish Water Solutions, Formation of rock armour sea wall, re-profiling of land to accommodate buried septic tank, chambers and pumping atations, formation of access and ancillary development (further amended application), Opposite 125 and 127 Shore Road, Innellan (Pages 57 - 76)
- (d) Planning Application Reference No:05/00031/VARCON, Carry Farm Ltd, Variation of Condition 1 of Planning Permission 01/01758/DET to Allow the Permanent Residential Occupation of One Lodge (Unit 4), Land South of Carry Farm, Ardlamont by Kames (Pages 77 - 84)
- (e) Planning Application Reference No: 04/02398/DET, I W Joinery and Construction, Demolition of Outbuildings and Erection of Six Dwellings and Formation of Vehicular Access, Land and Former Steading, West of Knockanreoch, Westlands Road, Rothesay (Pages 85 - 90)
- (f) Delegated Decisions (Pages 91 - 118)
- (g) Short-listing for Bute and Cowal Area Planning Design Award 2004 (Pages 119 - 124)
- (h) Planning Appeal by Mr W Brown: Bullwood Road, Dunoon (Pages 125 - 138)

8. EXEMPT ITEMS

- E1** (a) Dunclutha - Verbal update report
- E2** (b) Let of Pier Car Park for Fairground (Pages 139 - 140)
- E3** (c) Report on Cruach Mhor windfarm water supply (Pages 141 - 142)

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - HEARINGS - THE HEARINGS WILL TAKE COMMENCE AT 2.00PM.

- (a) Application for Taxi Drivers Licence - Mark Andrew Ellis, 2 Shuna Gardens, Kilm
- (b) Application for Taxi Drivers Licence - John MacIntyre, 64 Dixon Avenue, Dunoon

EXCLUSION OF THE PRESS AND PUBLIC

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an “E” on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 - Paragraph 9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

E2 - Paragraph 6 Information relating to the financial or business affairs of any particular person (other than the authority).

PARAGRAPH 13

E3 - Paragraph 13 Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

BUTE & COWAL AREA COMMITTEE

Councillor Brian Chennell (Chair)	Councillor Douglas Currie
Councillor Robert Macintyre	Councillor Bruce Marshall
Councillor Gordon McKinven	Councillor James McQueen
Councillor Len Scoullar	Councillor Isobel Strong
Councillor Dick Walsh (Vice-Chair)	

Contact: George McKenzie, Area Corporate Services Manager

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**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the QUEENS HALL,
DUNOON
on TUESDAY, 1 MARCH 2005**

Present: Councillor B Chennell (Chair)

Councillor D Currie	Councillor R Macintyre
Councillor B Marshall	Councillor L Scoullar
Councillor G McKinven	Councillor I Strong
Councillor J McQueen	Councillor J R Walsh

Attending: George McKenzie, Area Corporate Services Manager
Eilidh Headrick, Area Committee Services/Information Officer
Phillip O'Sullivan, Senior Development Officer
George Craig, Assistant Roads and Amenity Services Manager
Alison McIlroy, Principal Horticultural Services Officer
Douglas Blades, Public Transport Officer
Ian Downie, Senior Development Officer

1. APOLOGIES

None

2. DECLARATIONS OF INTEREST

None

The Chairman advised the Members of an additional item of business concerning the B8000 road which in his opinion was a matter of urgency. The Committee agreed to accept the items of business and consider it as item 4c of the agenda.

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 1 FEBRUARY 2005

The Minute of 1 February 2005 was approved subject to the following amendments (1) insertion of the letter "l" between "A" and "LLST" on line 7 of the first paragraph on page 2
(2) the amendment of "Criagmore" to "Craigmore" on 4 line of item (d) on page 3 of the minutes.

The Committee agreed that Councillors Chennell, Marshall and McKinven be the three Members of the Partnership with Dunoon and Cowal Marketing Group with Councillors McQueen, Walsh and Currie as substitutes.

4. OPERATIONAL SERVICES

(a) REPORT ON WEST BAY PLAY AREA DEVELOPMENT, DUNOON

The Committee considered a report containing proposals for the preparation of the formal partnership agreements with CLANN and Sandbank Community Development Trust to develop the West Bay and Sandbank play areas.

Decision

The report was continued for more detailed information on the partnership agreements to be submitted to the next Area Committee, Alison McIlroy was asked to coordinate with the Legal Department on the formal partnership agreements to ensure consistency and clearly defined areas of responsibility.

(Reference: Report by Director of Operational Services dated 7 February 2005 – submitted)

(b) SURPLUS INCOME FROM CAR PARKING CHARGES

The Committee considered a report by the Area Roads and Amenity Services Manager on surplus income available from car parking charges.

The Members were advised by the Assistant Roads and Amenity Services Manager that the estimated cost at paragraph 3.5 of the report was now £3,000 not £7,500 as stated and he agreed that funding could come from the Car Parking Revenue leaving the total sums raised in non-charging car parks to be used for Christmas/Decorative lighting.

Decision

The Committee approved the allocation of surplus income to projects in Bute and Cowal in terms of the Officers report.

(Reference: Report by Area Roads and Amenity Services Manager – submitted)

(c) B8000 ROAD

Councillor Currie voiced his concerns about the damage that was being done to the B8000 because of timber extraction.

The Assistant Road and Amenity Services Manager then explained the background to timber extraction policies.

Decision

The Committee agreed that this matter should be discussed along with other roads maintenance issues at the next Area Committee, and that

George Craig would provide an update on the effect that timber extraction transportation was having in roads throughout the area.

5. DEVELOPMENT SERVICES

(a) REPORT ON APPLICATION FOR COMMUNITY ECONOMIC DEVELOPMENT MATCH-FUNDING FOR BLAIRMORE PIER

The Committee considered a report on the application for Community Economic Development match-funding for Blairmore Pier.

Decision

The Committee agreed to the allocation of £10,395 to the Friends of Blairmore Pier.

(Reference: Report by Director of Development Services dated 2 February 2005 – submitted)

(b) RURAL TRANSPORT GRANT 2005-06

The Committee considered a report detailing the proposals for enhanced or new and experimental public transport services to be funded by the Rural Transport Grant.

Decision

The Committee agreed to the recommendations in the report.

(Reference: Report by Head of Transportation and Infrastructure dated February 2005 – submitted)

(c) PLANNING APPLICATION REFERENCE NO. 04/01741/DET, MR AND MRS WALLACE, ERECTION OF DWELLING HOUSE TO RETAIN BARONIAL TOWER, REVISED POSITION OF VEHICULAR ACCESS (AMENDMENT TO PLANNING PERMISSION 00/00474/DET) AND THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION 00/00474/DET (IN RESPECT OF LANDSCAPING) AND PROPOSED BOUNDARY TREATMENTS. BURNSIDE HOUSE (LAND ADJACENT TO FIRBANK) KNOCKAMILLIE ROAD, INNELLAN

Decision

Approved subject to the conditions contained in the report by the Head of Planning.

(d) PLANNING APPLICATION REFERENCE NO. 04/02329/DET, MR AND MRS D VARNEY, ERECTION OF ATTACHED GARAGE ON NORTH GABLE & ALTERATION OF EXISTING HARDSTANDING FOR ACCESS, 29 BRIDGE PARK, ROTHESAY, ISLE OF BUTE

Decision

Approved subject to the conditions contained in the report by the Head of Planning.

- (e) **PLANNING APPLICATION REFERENCE NO. 04/02395/NMA, MR AND MRS S MACDONALD, ERECTION OF DWELLINGHOUSE: EXTERNAL ALTERATIONS IN RESPECT OF DELETION OF CHIMNEY, SUBSTITUTION OF STONE QUOINS AND TIMBER PANELS ABOVE DORMERS (RELATIVE TO PERMISSION 03/01224/DET) (RETROSPECTIVE). 20 PARK ROAD, KIRN, DUNOON**

Decision

Approved subject to the conditions contained in the report by the Head of Planning.

- (f) **DELEGATED DECISIONS**

The Committee noted delegated development and building control decisions taken since the last meeting.

MINUTE EXEMPT PARAGRAPH

The Committee resolved in terms of Section 50A(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 Paragraphs 8 and 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

6. EXEMPT ITEMS

- (a) **ENFORCEMENT REPORTS**

The Committee considered and agreed enforcement action as follows:-

05/00023/ENFHSB – No further action

01/00063/ENFOTH – No further action and a watching brief be maintained until 20th April 2006

05/00024/ENFOTH – Enforcement action agreed as recommended.

**Minute of Formal Site Inspection held on
1st March 2005 in Dunoon.**

Present

Councillor B, Chennell in the chair

Councillor Currie	Councillor Scoullar
Councillor McKinven	Councillor Strong
Councillor McQueen	Councillor Walsh
Councillor Marshall	

Mr P & Mrs J. Tupman, Objectors

Attending

George B. McKenzie, Area Corporate Services Manager
Eilidh Headrick, Area Committee Services Officer
Philip O' Sullivan, Senior Development Control Officer
Allan Turnbull, Assistant Amenity Services Manager
Alison Macllroy, Horticultural Officer

Tree Preservation Order 12/04 – Morag's Fairy Glen, Dunoon.

Following a visit to the site at Morag's Fairy Glen the Hearing convened in the Queen's Hall Dunoon.

The Senior Development Control Officer advised the members that he had received a request from the Area Amenity Services and Roads Manager for a Tree Preservation Order for 5 trees in Morag's Fairy Glen, Dunoon and had accordingly issued a Provisional Tree Preservation Order. The purpose of today's hearing was to consider whether or not the Provisional Order should now be confirmed.

He said the Provisional Order covered a group of 5 trees which had been considered unique by the Scottish Agricultural College and although part of the group had been felled for safety reasons the order was necessary to prevent any further damage to the trees or their root systems and would offer legal protection to the remaining trees of the group.

He stressed that in the light of the information which had been provided about this group of trees his Department considered it expedient to promote a Tree Preservation Order and he sought the approval of the members to this course of action.

The Assistant Amenity Services Manager then spoke about the group of trees and gave a background to the recommendation from the Scottish Agricultural College. He also advised the members of the uniqueness of the group but acknowledged that felling had been necessary to remove overhanging branches and unsightly trunks. He said these particular trees were now starting to rejuvenate and their current unsightliness would, in time, improve as growth returns.

He invited the members to confirm the Tree Preservation Order to protect the long term life of the group of trees.

Mrs Tupman, Objector, opened by asking if the committee members had a copy of the Amenity Services Manager's letter to her of February 2003 which acknowledged the unique nature of the trees but which, in its final paragraphs, stated that the group would be felled and removed.

As members of the committee had not had sight of this letter copies were made available to them at this point.

There then followed questions from the members on such matters as the decision in 2003 to fell the trees followed by a subsequent decision for a TPO and the apparent lack of continuity, the effect of root cutting, the reasons for uniqueness of the group of trees, the Tupman's garden and previous complaints/negotiations about the trees.

The Chairman then invited each participant in the hearing to sum up.

The Senior Area Development Control Officer then summed up giving the legal framework for Tree Preservation Orders and the justification for the proposed order before the committee and requested that it be confirmed in terms of his recommendations.

Mr Tupman said that he had nothing further to add other than the trees concerned had, in his opinion, little or no amenity value and in fact obscured a much more attractive tree.

The Assistant Amenity Service Manager said that the order had been proposed following discussions with the experts at the Scottish Agricultural College based on their recommendations on protecting the future of this unique grouping of trees.

The committee then debated the matter based on the information provided during this hearing.

Decision

The Committee unanimously agreed not to confirm Tree Preservation Order 12/04 relating to five trees at Morag's Fairy Glen, Dunoon.

**ARGYLL AND BUTE COUNCIL
COMMUNITY REGENERATION**
**BUTE & COWAL
AREA COMMITTEE
APRIL 2005**

**Education and Leisure Development Grant Scheme
Applications by Voluntary Organisations for Education and Leisure Development Grants
2005/2006.**
1. SUMMARY

- 1.1 This report outlines requests from voluntary organisations for funding from the Education and Leisure Development Grant scheme 05/06.
- 1.2 The Education Development Grant allocation for 05/06 is **£23,642**. Three applications for funding from Education Development Grants are submitted for consideration amounting to £18,850. If agreed by the Area Committee a balance of £4,792 will remain. Members are reminded that Summer Playscheme activities are also funded from this budget and amount to approximately £2,000 per year.
- 1.3 The Leisure Development Grant area allocation for 05/06 is **£21,257**. Eleven applications for funding from Leisure Development Grants are submitted for consideration amounting to £16,150. If agreed by the Area Committee a balance of £5,107 will remain.

2. RECOMMENDATIONS

- 3.1 The Bute and Cowal Area Committee is asked to:

Consider the three Education Development Grant applications being presented.

Consider the eleven Leisure Development Grant applications being presented.

4. DETAIL**4.1 Voluntary Organisation Applications – Education Development Grants**

Historically the Education Development Grant Scheme in Argyll and Bute has been utilised to encourage developments in the voluntary sector. Grants awarded to voluntary organisations have been to assist in providing services that compliment Council strategies and policies. This has generally supported staff costs, premises, training costs, equipment and other revenue costs.

A summary of the group's application is contained within the Officer's Report attached.

Organisation	Total Grant Requested	Officers Recommendations	Chair & Vice Chairs Recommendations
Bute Youth Project	£600	£600	
Dunoon and Cowal Youth Project	£12,722	£12,500	

WRI - Cowal	£500	£350	
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4.2 Voluntary Organisation Applications – Leisure Development Grants

The purpose of Leisure Development Grants is to aid events, sports and arts organisations to provide a development opportunity that will impact on and have a positive effect on community life in Argyll and Bute.

A summary of the group's application is contained within the Officer's Report attached.

Organisation	Total Grant Requested	Officers Recommendations	Chair & Vice Chairs Recommendations
Kirn Gala	£2,000	£2,000	
Bute Live	£4,000	£3000	
Bute Agricultural Society	£1,000	£1,000	
Cowal Fiddle Workshop	£4,500	£500	
Isle of Bute Jazz Festival	£3,000	£3,000	
Cairndow Arts Promotions	£300	£300	
Bute Highland Dance Festival	£500	£500	
Colintraive and Glenderuel Community Council	£1,545	£1,000	
Cowal Walking Festival	£1,500	£1,500	
Cowal Community Events	£3,000	£3,000	
Bute Wheelers	£550	£350	

5. IMPLICATIONS

Policy	The recommendations within this report reflect the Council's commitment to the voluntary sector leisure development and community learning and regeneration in Argyll and Bute.
Financial	Grant awarded will be met from the relevant allocation within the Community Service's revenue budgets for Education and Leisure Development Grants in 2005/2006
Personnel	There are no implications for the Council.
Equal Opportunities	None
Legal	The Council is required to ensure that applicants comply with the requirements to Scheme 9, Part 10 of the Children's Act 1989 regarding registration and inspection of service provision. Organisations with substantial access to young people have to meet the requirements of POSCA.

Douglas Hendry
Director of Community Services
April 2005

For further information please contact Martin Turnbull, Area Community Learning and Regeneration Manager, Cowal Area Office, Edward Street, Dunoon, PA23 7PH. Tel: 01369 704669.

Education Development Grants 05/06

Date Received	Organisation	Amount Requested	Recommendation	Balance
				£23,642
4/2/05	Bute Youth Project	£6,000	£6000	£17,642
15/2/05	Dunoon and Cowal Youth Project	£12,722	£12,500	£5142
17/3/05	SWRI	£500	£350	£4792

Leisure Development Grants 05/06

Date Received	Organisation	Amount Requested	Recommendation	Balance
				£21,257
9/2/05	Kirn Gala	£2,000	£2,000	£19,257
9/2/05	Bute Live	£4,000	£3,000	£16,257
15/2/05	Bute Agricultural Society	£1,000	£1,000	£15,257
15/2/05	Cowal Fiddle Workshop	£4,500	£500	£14,757
21/2/05	Isle of Bute Jazz Festival	£3,000	£3,000	£11,757
21/2/05	Cairndow Arts Promotion	£300	£300	£11,457
24/2/05	Bute Highland Dance Festival	£500	£500	£10,957
28/2/05	Colintraive and Glenderual C.C	£1,545	£1,000	£9,957
3/3/05	Walking Festival	£1,500	£1,500	£8,457
7/3/05	Cowal Community Events Assoc	£3,000	£3,000	£5,457
16/3/05	Bute Wheelers	£550	£350	£5107

Education / Leisure Grants

Date: April 05

Name of Organisation	Constitution	Financial Report	Annual Report	Bank Statement	POSCA	Last Year	Total Cost	Amount Requested	Amount Recommended
Bute Youth Project	X	X	X	£1025	Being Developed	£6,000	£38700	£6,000	£600
Dunoon and Cowal Y.P	X	X	X	£3675	Yes	£12,500	£26722	£12,722	£12,500
S.W.R.I – Cowal	X	X	X		N/A	Nil	£1387	£500	£350
Kim Gala	X	X	X	£1238	N/A	£2000	£5300	£2000	£2000
Bute Live	X	X	X	£3336.23	N/A	£3000	£22695	£4000	£3000
Bute Agricultural Society	X	X	X	£3433 £7305 £1512	N/A	£400	£7825	£1000	£1000
Cowal Fiddle Workshop	X	X	X	£5563	Being Developed	£500	£10200	£4500	£500
Isle of Bute Jazz Festival	X	X	X	£10633	N/A	£3000	£61000	£3000	£3000
Cairndow Arts Promo	X	X	X	£212.44	Being Developed	£311	£11540	£300	£300
Bute Highland Dance Festival	X	X	X	£2108.35	Under Governing Body	£500	£2500	£500	£500
Colintraive & Glendarual C.C	N/A	X	X		N/A	£785	£3145	£1545	£1000
Cowal Walking Festival	X	X	X		N/A	Nil	£34112	£1500	£1500
Cowal Comm Events	X	X	X	£376.19	N/A	£3000	£31500	£3000	£3000
Bute Wheelers	X	X	X	£770.77	Under Governing Body	£200	£950	£550	£350

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Bute Youth Project	Scheme:	Education Development
Project:	The organisation is seeking a contribution towards the running costs of the project. The main item of expenditure is staffing.	Cost:	£38,700
		Amount Requested:	£6,000
		Grant Recommended:	£6,000
		Other Funding in Place:	BYP generates significant income through fundraising activities and grants.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y	Constitution/non-profit making status checked	Y
Applicant's expertise & resources adequate for project	Y	Fundraising/contribution to the project	Y
Work has not started	N/A	Signed Audited Accounts checked	Y
Non political activity	N/A	Bank accounts & reserves checked	Y
Volunteer training demonstrated	Y	Open membership demonstrated	Y
Registered under 1995 Children Act	N/A	Sponsorship agreements checked	N/A
Project Consistent with Council priorities	Y	POSCA	Y

Project Funding

Application within 50% of total costs	Y	Ownership/leasehold checked	Y
Statutory permissions obtained	N/A	Provision for on-going running & maintenance checked	N/A
Three written estimates submitted	N/A	Publicity plans for A&B inclusion checked	Y

Additional Information

A major youth work service provider on Bute with over 200 young people regularly using the premises. The project works in partnership with the Community Education Service and has been involved in joint work with Rothesay Academy, Social Work and the Social Inclusion Project. The project has a strong youth information focus and is the key partner in the delivery of the Young Scot project and Dialogue Youth Initiative on Bute.

Specific Criteria

Bute Youth Project meets the required criteria for consideration under the Community Learning heading. They play a major role in promoting positive and educational activities for young people and have had great success in developing activities from their premises. The project works with the Council's Community Learning and Regeneration Service to develop responses to the Council's priorities for work with young people.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Dunoon and Cowal Youth Project	Scheme:	Education Development
Project:	The organisation is seeking a contribution towards the running costs of the project. The main item of expenditure is staffing.	Cost:	£26,722
		Amount Requested:	£12,722
		Grant Recommended:	£12,500
		Other Funding in Place:	The DCYP generates significant income through fundraising activities and grants.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	Y
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	Y

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	N/A
Three written estimates submitted	N/A

Ownership/leasehold checked	Y
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

A well-established and respected voluntary youth organisation that caters for a large number of young people from Dunoon and Cowal. They manage the use of Dunoon Youth Centre to provide a range of social, recreational and educational activities for young people. The project has demonstrated an ability to work with key target groups in partnership with many other youth work service providers i.e. Community Learning and Development, Fusions, Health, Social Work, and New Deal etc. They have recently also active in diversionary, SIP based and outreach work.

Specific Criteria

Dunoon and Cowal Youth Project meet the required criteria for consideration under the Community Learning heading. They play a significant role in tackling social inclusion issues with young people and offer a range of structured and informal educational activities. They are a major youth work service provider in Cowal and their objectives are consistent with the Council's priorities.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Scottish Women's Rural Institute – Cowal Group	Scheme:	Education Development
Project:	To host the annual WRI Federation show in Cowal.	Cost:	£1387
		Amount Requested:	£500
		Grant Recommended:	£350
		Other Funding in Place:	The remainder of the funding required will be made up from the organisations own funds.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	Y
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	N/A

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	Y
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

The WRI aims to advance the education and training of those who live and work in rural areas. The annual Federation show will be hosted by the Cowal branch and is expected to attract up to four hundred people to the Queens Hall and the town.

Specific Criteria

The SWRI clearly support and encourage learning opportunities and build community capacity which helps sustain rural community life.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Kirn Gala Committee	Scheme:	Leisure Development
Project:	To organise and run the annual Kirn Gala.	Cost:	£5,300
		Amount Requested:	£2,000
		Grant Recommended:	£2,000
		Other Funding in Place:	The organisation has over £1,000 in place and are organising race nights and other fund raising activities.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	N/A
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	N/A

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	Y
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

Kirn Gala has become an important event in the build up to the Cowal Highland Gathering. It is now well established and attracts upwards of 2000 spectators. The gala has a new committee who are well motivated and keen to continue its success. As well as promoting the village of Kirn the gala also provides a vehicle for much needed fundraising by a number of local voluntary organisations. The event consists of a range of stalls, attractions and performances.

Specific Criteria

Kirn Gala has a positive impact on the local and wider community by raising the profile of Kirn and contributing to its development. It also encourages community development through the involvement of voluntary organisations and the opportunity to fundraise.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Butelive Limited	Scheme:	Leisure Development
Project:	To promote a high quality Arts festival weekend on Bute between the 15th and 18th July 05.	Cost:	£22,695
		Amount Requested:	£4,000
		Grant Recommended:	£3,000
		Other Funding in Place:	Applications have been made to the AIE and Scottish Arts Council

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y	Constitution/non-profit making status checked	Y
Applicant's expertise & resources adequate for project	Y	Fundraising/contribution to the project	Y
Work has not started	N/A	Signed Audited Accounts checked	Y
Non political activity	N/A	Bank accounts & reserves checked	Y
Volunteer training demonstrated	N/A	Open membership demonstrated	Y
Registered under 1995 Children Act	N/A	Sponsorship agreements checked	N/A
Project Consistent with Council priorities	Y	POSCA	N/A

Project Funding

Application within 50% of total costs	Y	Ownership/leasehold checked	N/A
Statutory permissions obtained	N/A	Provision for on-going running & maintenance checked	N/A
Three written estimates submitted	N/A	Publicity plans for A&B inclusion checked	Y

Additional Information

Now in its third year, this event attracts at least 3,000 people to a wide range of quality acts and performances for all ages. They have successfully tapped into contacts in the entertainment scene and have brought several well-known performers to the island. The festival will also promote local talent and continue to develop links with the SIP arts project.

Specific Criteria

ButeLive has demonstrated that it can have a positive effect on tourism, create new opportunities for the local community and provide a high level of performing arts.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Bute Agricultural Society	Scheme:	Leisure Development
Project:	Towards running costs of annual Agricultural show to be held in August.	Cost:	£7,825
		Amount Requested:	£1,000
		Grant Recommended:	£1,000
		Other Funding in Place:	£6,185

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N
Non political activity	N/A
Volunteer training demonstrated	N/A
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	N/A

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	N/A
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

The Bute Agricultural Society run an annual show and ploughing match that attracts upwards of 2000 spectators, including many visitors, to the Island. The event features a range of agricultural attractions, exhibitors and competitions.

Specific Criteria

The application meets Leisure Development Criteria as it sustains and develops indigenous business, increases tourism and has an impact on community life.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Cowal Fiddle Workshop	Scheme:	Leisure Development
Project:	The teaching and promotion of traditional Fiddle music.	Cost:	£10,200
		Amount Requested:	£4,500
		Grant Recommended:	£500
		Other Funding in Place:	The group has indicated that they will be able to meet the shortfall through fundraising activities.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	Y
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	Y*

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	N/A
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

Cowal Fiddle Workshop is a well-established organisation that encourages the teaching and playing of traditional Scottish Fiddle music. They meet in the Dunoon Community Education Centre and run workshops for junior and senior musicians of all levels. The funding requested is towards running costs including professional tuition, administration and the purchase of instruments, which are particularly beneficial to young members. They now have a core of 27 young people attending. * Child protection policies are currently being drawn up and the group are aware that any award would be subject to completed policies being implemented.

Specific Criteria

Cowal Fiddle Workshop is a good example of an arts based group that has identified a demand and has provided a strong developmental focus on promoting traditional fiddle music. They also meet the other main criteria requirements, including having an impact on the local community through performances at Homes for the Elderly, Ceilidhs and number of other community based events.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Isle of Bute Jazz Festival	Scheme:	Leisure Development
Project:	Organise the Traditional Jazz Festival to be held on May Day Bank Holiday Weekend.	Cost:	£61,000
		Amount Requested:	£3000
		Grant Recommended:	£3,000
		Other Funding in Place:	The group estimate that £49,000 will be generated from ticket sales. If the application is successful, adverts/sponsors etc will make up the difference

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	N/A
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	N/A

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	N/A
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

An important event in the Bute calendar the Jazz Festival not only attracts large numbers of visitors it also presents locals with the opportunity to experience several well known acts and performers. Once again the festival is hosting a number of international bands and workshops for young musicians are included in the programme.

Specific Criteria

The Isle of Bute Jazz Festival increases tourism, creates opportunities for the local community and provides a high standard of professional arts.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Cairndow Arts Promotions (C.A.P)	Scheme:	Leisure Development
Project:	To offer a programme of arts-based events for children in and around Cairndow.	Cost:	£11,540
		Amount Requested:	£300
		Grant Recommended:	£300
		Other Funding in Place:	A number of applications have been made to Awards for All, SNH and various trusts.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y	Constitution/non-profit making status checked	Y
Applicant's expertise & resources adequate for project	Y	Fundraising/contribution to the project	Y
Work has not started	N/A	Signed Audited Accounts checked	Y
Non political activity	N/A	Bank accounts & reserves checked	Y
Volunteer training demonstrated	N/A	Open membership demonstrated	Y
Registered under 1995 Children Act	N/A	Sponsorship agreements checked	N/A
Project Consistent with Council priorities	Y	POSCA	

Project Funding

Application within 50% of total costs	Y	Ownership/leasehold checked	N/A
Statutory permissions obtained	N/A	Provision for on-going running & maintenance checked	N/A
Three written estimates submitted	N/A	Publicity plans for A&B inclusion checked	Y

Additional Information

In response to the demand for more arts based activities, identified during the Community Futures profiling exercise, the Cairndow Arts Project has been offering a programme of arts events. Group members appear to be well connected in performing arts circles and last years annual report evidences that, with a relatively small contribution from the Council, this group can arrange an impressive range of activities and performances. Any award will be subject to completion and implementation of appropriate child protection procedures.

Specific Criteria

The Cairndow Arts Project meets the Council's criteria for funding of Events and Arts Projects.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Bute Highland Dance Festival	Scheme:	Leisure Development
Project:	Annual Bute Highland Dancing Festival.	Cost:	£2,500
		Amount Requested:	£500
		Grant Recommended:	£500
		Other Funding in Place:	The group has been actively fundraising and has successfully raised

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	N/A
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	N/A

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	N/A
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

This is the second year for the festival, which the committee intend to continue as an annual event. Approximately 150 competitors and 250 spectators are expected to attend. This year they hope to introduce a piping and drumming competition. The organisation does not have substantial or regular contact with young people however, the SOBHD (National Highland Dance Governing Body,) is drawing up a code of conduct which the festival committee is committed to implementing.

Specific Criteria

The festival supports traditional Scottish Highland Dancing and has cultural as well as artistic benefits.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Colintraive and Glendaruel Community Council	Scheme:	Leisure Development
Project:	The Cowal Way Open Day – 7th May 05	Cost:	£3,145
		Amount Requested:	£1,545
		Grant Recommended:	£1,000
		Other Funding in Place:	The group has attracted sponsorship of £1,600 from the Windfarm trust

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	N/A
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	N/A

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	N/A
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

Following on from the success of last years event the Community Council are further promoting this long distance footpath with an open day that will feature music, stalls, junior shinty, arts and crafts and catering. Walkers and runners will be participating in various routes.

Specific Criteria

This project has a community development commitment as the local community organised the event in response to an identified locally based interest. They hope it will raise the profile of the walkway encouraging participation by locals and visitors.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Cowal Walking Festival (CowalFest)	Scheme:	Leisure Development
Project:	To organise walking and arts events throughout Cowal principally CowalFest in October.	Cost:	£34,512
		Amount Requested:	£1,500
		Grant Recommended:	£1,500
		Other Funding in Place:	Approximately £16k has been secured from Event Scotland, SNH and AILLST.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y	Constitution/non-profit making status checked	Y
Applicant's expertise & resources adequate for project	Y	Fundraising/contribution to the project	Y
Work has not started	N/A	Signed Audited Accounts checked	Y
Non political activity	N/A	Bank accounts & reserves checked	Y
Volunteer training demonstrated	Y	Open membership demonstrated	Y
Registered under 1995 Children Act	N/A	Sponsorship agreements checked	N/A
Project Consistent with Council priorities	Y	POSCA	N/A

Project Funding

Application within 50% of total costs	Y	Ownership/leasehold checked	N/A
Statutory permissions obtained	N/A	Provision for on-going running & maintenance checked	N/A
Three written estimates submitted	N/A	Publicity plans for A&B inclusion checked	Y

Additional Information

The organisation brings together communities and agencies to promote the Cowal Peninsula as a walking destination. Last year they organised or supported a range of events that attracted many participants and have been recorded in an impressive annual report. All volunteers are given appropriate training.

Specific Criteria

The CowalFest project attracts participants from beyond Cowal and actively promotes tourism through their website. It recognises the need to promote the natural beauty and resources of rural areas attracting inward investment and helping to sustain communities.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Cowal Community Events Association	Scheme:	Leisure Development
Project:	To promote a programme of events and visitor attractions.	Cost:	£31,500
		Amount Requested:	£3,000
		Grant Recommended:	£3,000
		Other Funding in Place:	Applications have been made to AIE (£6,000) and the Cooperative.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	N/A
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	N/A

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	N/A
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

The Cowal Community Events Association organise several important events over the year including summer entertainment in the Argyll Gardens, Thursday Night Live, a Country and Western Weekend and the Christmas Light Switch On. They estimate approximately 10,000 locals and visitors will attend the events which will feature performances of music, dance, street theatre, arts, crafts and workshops.

Specific Criteria

The project will have an impact on the local and wider community attracting visitors to the area and providing a range of arts and cultural activities.

Signed: Martin Turnbull

Assessment Officer

ASSISTANCE TO VOLUNTARY ORGANISATIONS ASSESSMENT FORM

Applicant:	Bute Wheelers	Scheme:	Leisure Development
Project:	To organise and run cycling events on Bute including an Annual Triathlon, Biathlon and a festival of cycling.	Cost:	£950
		Amount Requested:	£550
		Grant Recommended:	£350
		Other Funding in Place:	Competitor's fees will generate some funding and the remainder will come from the organisations own funds.

General Criteria (Key: Y – yes; N – No; N/A – not applicable)

S.M.A.R.T. Objectives demonstrated	Y
Applicant's expertise & resources adequate for project	Y
Work has not started	N/A
Non political activity	N/A
Volunteer training demonstrated	Y
Registered under 1995 Children Act	N/A
Project Consistent with Council priorities	Y

Constitution/non-profit making status checked	Y
Fundraising/contribution to the project	Y
Signed Audited Accounts checked	Y
Bank accounts & reserves checked	Y
Open membership demonstrated	Y
Sponsorship agreements checked	N/A
POSCA	N/A

Project Funding

Application within 50% of total costs	Y
Statutory permissions obtained	Y
Three written estimates submitted	N/A

Ownership/leasehold checked	N/A
Provision for on-going running & maintenance checked	N/A
Publicity plans for A&B inclusion checked	Y

Additional Information

Bute Wheelers was established to encourage cycling, cycle safety and good fellowship amongst cyclists. They are active in the community involving local cyclists of various abilities and organising events that can attract between 50 and 100 participants. The group is recognised by the Scottish Cycling Union and the triathlon and festival of cycling are established in the S.C.U's calendar of events.

Specific Criteria

The events encourage a significant number of participants/competitors to come to Bute and this will continue to grow as they become more popular. The Bute Wheelers have increased participation in the sport of cycling and encourage young people and adults to be more physically active improving health and well-being.

Signed: Martin Turnbull

Assessment Officer

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ARGYLL & BUTE COUNCIL**BUTE AND COWAL AREA
COMMITTEE****OPERATIONAL SERVICES****5th APRIL 2005**

BUTE AGRICULTURAL SOCIETY – PLAYING FIELD

1. SUMMARY

This report advises Members on a request for the relocation of the Bute Agricultural Show to the King George V Playing fields.

2. RECOMMENDATION

Members are asked to approve the relocation of the show and to consider terms requested by the Bute Agricultural Society.

3. BACKGROUND

3.1 Bute Agricultural Society [BAS] have for many years ran a very successful show in the Meadows/ Gymkhana park in Rothesay. The show has grown in popularity and the Society sought permission to expand into the Stadium park. This was refused on the basis of possible damage to the grounds prior to the Bute Games and also the contamination of the ground after the presence of livestock. Meetings were held with Society officials and local Members and it was suggested that the King George playing fields may be an alternative venue for the show. Access to the show area would require to be improved and apart from upgrading the vehicular access the improvements would require to be carried out by the Society.

3.2 BAS have written seeking some security of tenure for the show ground and seeking conditions for the works to be done viz

- Written permission to widen the access roads
This is in order, no planning permissions are needed
- Areas of stockpiling and disposal of soil
Soil will be used to dress off new slopes and also constructively used in other areas of maintenance works
- Indemnity for damage to underground services
this cannot be delegated, BAS will be responsible. The Council will assist in giving any available information on services
- Provide written permission to hold the event on the grounds for as long as it exists
whilst there are no immediate prospects of the grounds not being available this clause requires consideration and members may wish to recommend approval of, say, a 20year permission for the Show to be on these grounds.

- Minor tree surgery to prevent machine damage
Council can carry out these works
- Quantify road material and transport to site
this is material surplus to operational requirements and can
be provided by the Council.

4. SUMMARY

The existence of the Bute Agricultural Show is an important event in the calendar of Bute and every encouragement should be made to ensure it's survival. The Council can assist by allowing the Society establish a new venue for the event, thus allowing not only continued but improved events.

5. IMPLICATIONS

- 5.1 Policy – None
- 5.2 Financial – Minor financial input from the Revenue budget.
- 5.3 Personnel – None.
- 5.4 Equal Opportunities – None.
- 5.5 Legal – An agreement for the continued tenure of the Show is required

For further information, please contact Alan Lothian

Area Roads and Amenity Services Manager
Tel 01369 708600

ARGYLL & BUTE COUNCIL**BUTE AND COWAL AREA
COMMITTEE****OPERATIONAL SERVICES****5th April 2005**

PROPOSED WORKS PROGRAMMES 2005-06

1. PURPOSE

This report is to advise the Committee on the proposed Works Programmes for the current year

2. RECOMMENDATIONS

The Committee is asked to note the proposals

3. BACKGROUND**3.1 REVENUE WORKS PROGRAMME**

3.1.1 The proposed works programme reflects the needs of the road network with the premise of maintaining the road network in a sustainable manner.

3.1.2 The works are funded from both the revenue and Capital works programmes It is anticipated that the revenue programme will increase by 3.9% and the anticipated Capital programme for Road Reconstruction is £1.931m Bute and Cowal share being £444,015 split into £294,515 for Reconstruction and £149,500 for resurfacing – mainly surface dressing

3.1.3 The surface dressing programme is detailed in Appendix A.

3.1.4 The reconstruction programme is detailed in Appendix B

3.2 CAPITAL LIGHTING

Replacement of defective stock and cabling will continue. Several areas of 5th core cable are causing extensive faults in the supply to extensive areas in both Dunoon and Rothesay. Works in Caledonia Walk have already been accelerated due to cable deterioration requiring urgent action– value £30,000The anticipated lighting budget of £530,000 is allocated from the centre on a needs basis

Projects for Bute and Cowal are

A815 Shore Road Sandbank, [Ferry Rd – Fir Brae]	£35,000
A815 Marine Parade [James St – Burgh bdy]	£45,000

4. IMPLICATIONS

Policy	None
Finance	None
Personnel	None
Legal	None

5 BACKGROUND PAPERS

- Appendix A Proposed Surface Dressing Programme 2004-2006
- Appendix B Proposed Reconstruction Programme 2004-2006

For further information, please contact Alan Lothian
Area Roads and Amenity Services Manager
Tel 01369 708600

Appendix A Surface Dressing programme

BUTE & COWAL - PROPOSED SURFACE DRESSING PROGRAMME 2005/6

Route	Location	Width	Length	Area s.m.
COWAL				
East Area				
A815	Pucks Glen to Uig Rd	6.7	1024	6860
A815	Stratheck Cottages to Inverchapel Lodge	6.5	918	5967
A815	jjct B836 to A880	6.8	1554	10567
A815	Wooden Houses to Island Farm	6.7	2176	14580
B839	Hells Glen various	4	1200	4800
C 6	Carrick Cstle Rd Chalet Frontage	3.2	900	2880
C57	Glenbranter Village Middle Road	2.9	80	240
UC18	Cromwell St; John - Mary Streets	5.9	293	1730
UC3	Alexander Street	5.4	524	2830
UC55	Mary St; Victoria Rd -Alexander St	6	375	2250
UC7	Auchamore Rd: Wellington - Alexander St	4.6	380	1748
C9	Ardentinny Village to Deer Farm	4.4	2336	10280
			Area Total	64732
West Area				
B8000	Police Station to Millhouse	5.3	1320	7040
UC22	West Glendaruel - from 2004 to Farm	3.2	2800	8964
UC 19	Couston Road	3.2	3343	10700
			Area Total	26704
BUTE				
A844	Mount Stuart Glenburn - Leopold Rd	8.7	655	5707
UC24	Crighton Rd Fauldtrees - Albany Road	7.5	934	7005
UC83	Barone Road Meadows	5.8	1010	5915
			Area Total	18627
Total area of Surface Dressing				110,063

Appendix B Reconstruction Programme

BUTE & COWAL RECONSTRUCTION WORKS. PROGRAMME 2005-06.

Route	Description	Estimate
COWAL		
A885	Argyll St; John St-Hamilton St	£45,000
UC16	Lazerretto Ferry Lane	£10,000
A815	Creggans - Ardchylene	£80,000
A886	Garvie Bridge	£15,000
A8003	Tighnabruaich Road viewpoint	£40,000
B839	Pole Farm	£39,515
		<u>£229,515</u>
BUTE		
UC70	West Princess Street Rothesay	£32,000
UC6	Argyle Terrace Rothesay	£18,000
UC13	Bridge Street Rothesay	£15,000
		<u>£65,000</u>
Total Capital Reconstruction		£294,515

ARGYLL & BUTE COUNCIL**BUTE AND COWAL AREA
COMMITTEE****OPERATIONAL SERVICES****5th April 2005**

Proposed Projects for the Strategic Timber Transport Fund for 2005-2006

1. PURPOSE

This report is to advise the Committee on the proposed projects being approved by the Argyll Timber Transport Group for submission to the Strategic Timber Transport Fund for 2005-2006

2. RECOMMENDATIONS

The Committee is asked to note the proposals

3. BACKGROUND

3.1 A £13million Strategic Timber Transport Fund (STTF) which aims to reduce the impact of transporting timber on rural roads was announced by Scottish Forestry Minister Lewis.Macdonald . An amount of £3m is available for 2005 -2006.

The User Guidance document for the Scottish Timber Transport Fund states that the bids from the fund should not; "subsidise normal operations, contravene State Aid regulations, subsidise normal public road maintenance and repairs or, be submitted if other funding streams are available."

The STTF will predominantly support the development of internal forest routes, linking multiple producers and accessing the public road network at agreed locations, in recognition of the inestimable damage caused to rural public roads by timber transportation.

3.2 Argyll is one of the most significant commercial conifer producing areas in the UK with approximately 10% of the UK's coniferous timber plantations and 20% of Scotland's timber resource. This generates an estimated £15-20 million per year (at the forest gate) for the economy of Argyll.

Forestry covers 30% of the land area of Argyll. Most of this has been planted with timber production as an important objective. Timber production in Argyll is set to double by 2015, which will be worth an estimated £30-£40 million (at the forest gate). This timber resource, along with the subsequent replanting operations, represents a vital and expanding source of employment in rural Argyll

3.3 The fragile minor roads along which much of this timber will have to travel, seriously hampers the marketing of this resource. Many forestry plantations are located in remote areas served by structurally weak minor public roads that were never constructed to carry modern 44 tonne articulated timber vehicles.

The minor public road infrastructure has suffered inestimable damage and is under increasing pressure as the Local Authority is unable to resource the protection and

maintenance of these roads. In some parts of Argyll weight capacity restrictions on roads, or other limiting features along roads, make timber reserves inaccessible.

4. THE SOLUTION:

4.1 THE ARGYLL TIMBER TRANSPORT GROUP (ATTG) were formed in July 1999 to try and resolve the conflicts which were occurring as a result of an industry's legitimate need to transport it's goods to markets, and an inadequate roads infrastructure to meet that need. A sub group of the ATTG has been formed to identify and promote bids for funding from the STTF.

This sub group of the ATTG at a meeting on 14 March 2005, recognised Cowal as a priority area and consequently has identified the following projects for submission to the STTF. The timing of the bids will reflect not only the importance of the scheme but also the estimated time to develop solutions with the other partners and prepare the scheme :-

Site 1a

The construction of a road within the forest, between the Leanach and the A886. The bid for this scheme is to be submitted in April 2005.

Site 1c

The construction of a road within the forest, between the C11 and the B8000 and linking with the existing off road route to Portavadie. This scheme will include for the strengthening and widening of a 150 m section of the B8000.

The bid for this scheme is to be submitted in June 2005.

Site 2

The provision of a road within the forest, linking the sections from Innellan, Dunoon and Sandbank with an improved access onto the A885 Sandbank High Road, with the possibility of three more northerly sections being linked to the B836 in Glenkin.

The bid for this scheme is to be submitted in June 2005.

Site 3

The provision of a road within the forest, linking the sections from Kilmun, Strone and Blairmore with improved access onto the A880 or A815.

The bid for this scheme is to be submitted in June 2005.

4.2 It should be noted that some timber haulage will continue along minor routes where extraction takes place along the road corridor and steep inclines prevent loaded vehicles accessing the higher level forest roads.

However, the implementation of the foregoing schemes would remove over 80% of timber extraction traffic from some of the most at risk routes in Cowal.

4. IMPLICATIONS

Policy None

Finance None

Personnel None

Legal None

5 BACKGROUND PAPERS

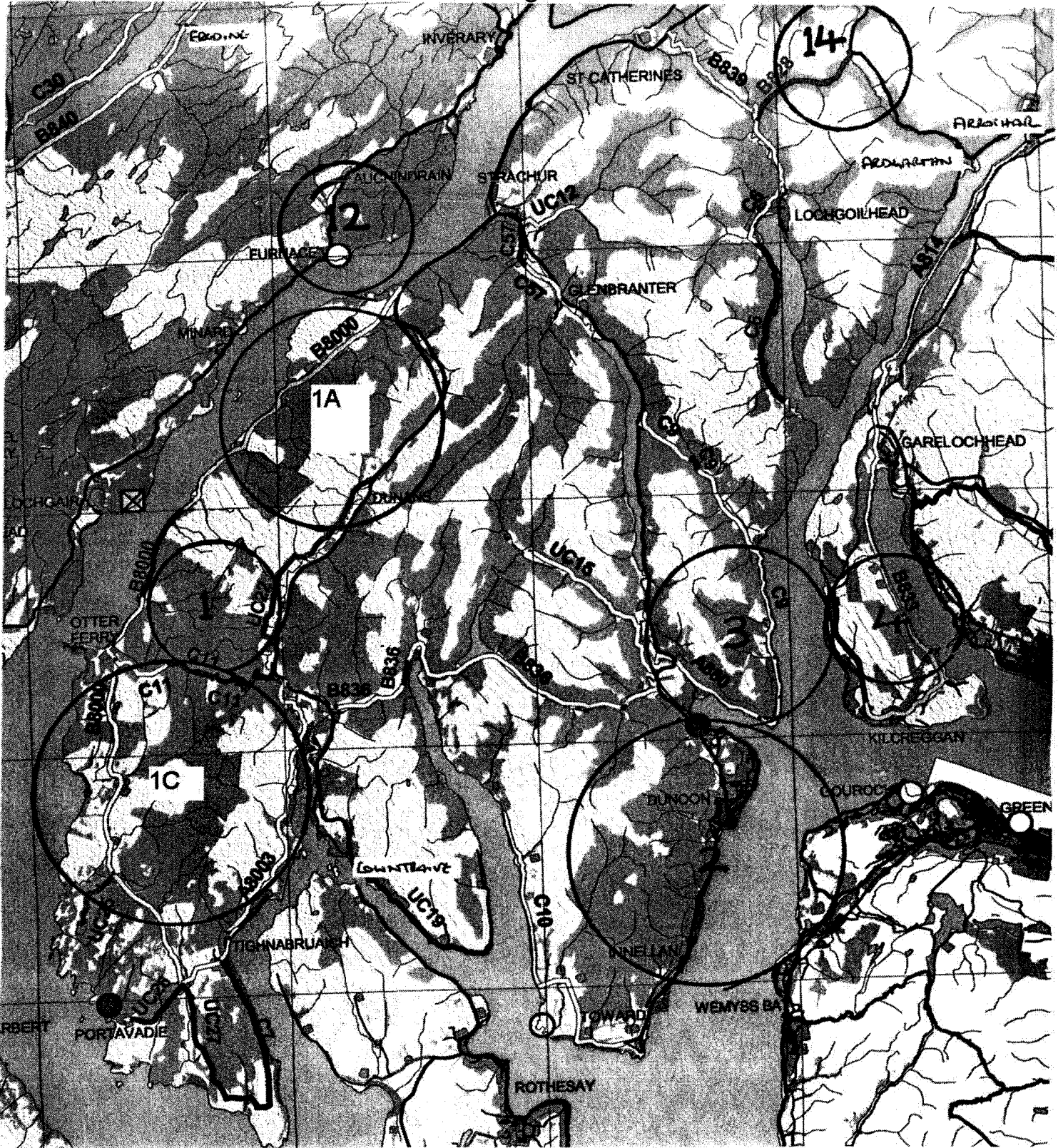
Appendix A Location Plan

For further information, please contact Alan Lothian

Area Roads and Amenity Services Manager

Tel 01369 708600

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<p>ARGYLL TIMBER TRANSPORT GROUP Proposed Projects for the Strategic Timber Transport Fund 2005-06 LOCATION PLAN</p>	<p>RGYLL AND BUTE COUNCIL OPERATIONAL SERVICES Director:- Andrew Law</p>	
	<p>Scale NTS</p>	<p>Date April 05 Drawing No.</p>

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area**

Local Member Councillor- T.B. Marshall
Date of Validity - 8th December 2004
Committee Date - 5th April 2005

23rd February 2005

Reference Number: 04/02089/DET
Applicants Name: Mr. S Shaw
Application Type: Detailed
Application Description: Erection of 3 dwellinghouses with attached garages and formation of new vehicular access.
Location: Lover's Lane, Ardnadam, Argyll.

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of 3 dwellinghouses with attached garages;
- Formation of single shared vehicular access with parking and turning areas.

Other Specified Operations

- Connection to existing public sewer public water mains;
- Removal of trees and shrubs and replanting with native tree species.

(B) RECOMMENDATION

It is recommended that detailed planning permission be **granted** subject to the standard condition & reason and the following conditions and reasons and *notes to the applicant* set out overleaf.

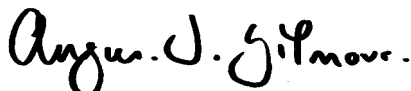
(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

This is an identical scheme for a previous detailed planning permission, which lapsed on 24th June 1999. The proposal is for three one and a half storey dwellinghouses on a triangular piece of ground to the north of the intersection of Fir Brae and Ferry Brae, Ardnadam. The proposal involves the formation of a single shared access off Ferry Lane with individual parking and turning areas for each dwellinghouse. There are no material changes to the currently submitted scheme.

The siting of three dwellinghouses in this location is broadly reflective of the surrounding residential pattern in terms of density and is considered to be in keeping with the wider character of the area. The Area Roads and Amenity Services Manager previously advised that the proposed access arrangements were acceptable and would not give rise to any road safety concerns subject to conditions.

The only difference to the earlier approved scheme is the current Roads Guidelines that the Area Roads and Amenity Services Manager has based his response on. This will require improvements to Ferry Lane (within the applicants control) in respect of access width into the site (which will allow cars to pass within the shared access) and improvements to sightlines. It is considered that these issues can all be addressed by recommended conditions and advisory notes. While some trees and shrubs are to be removed from the site a replanting scheme is sought by condition.

While letters of objection have been received from two adjacent properties, it is considered that the proposal itself gives rise to no land use or privacy and amenity concerns subject to the imposition of appropriate conditions.



Angus J Gilmour
Head of Planning Services

Case Officer:	B. Close	01369-70-8604
Senior Planning Officer	P. O'Sullivan	01369-70-7983

"In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985".

CONDITIONS AND REASONS RELATIVE TO APPLICATION 04/02089/DET

Conditions

2. The development of the site shall be undertaken in strict accordance with the approved plans titled, 1:2500 Site Location Plan received 1st December 2004, 1:500 Site Layout Plan/1:100 Elevations No. 1 received 1st December 2004, 1:50 Section/1:100 Elevations No. 1b received 1st December 2004, 1:200 Site Layout Plan No. 2 received 1st December 2004, 1:50 Floor Plans No. 4 received 1st December 2004, 1:100 Elevations No. 5 received 1st December 2004, unless consent for variation is obtained in writing from the Planning Authority.

Reason : *For the avoidance of doubt and to ensure that the development is undertaken in strict accordance with the approved and amended plans.*

3. Notwithstanding the submitted details, the roofs of all three dwellinghouses shall be finished in natural slate or a good quality slate substitute tile full details of which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any work to the roof.

Reason : *In the interests of visual amenity and to help integrate the proposal into its surroundings.*

4. Notwithstanding the submitted details, the external walls of all three dwellinghouses shall be finished in a wet dash external wall finish off-white in colour unless consent for variation is obtained in writing from the Planning Authority.

Reason : *In the interests of visual amenity and to help integrate the proposal into its surroundings.*

5. Prior to the commencement of the development, an amended 1:200 site plan and section shall be submitted and approved in writing by the Planning Authority indicating a shared road surface width of a minimum of 5.5 metres wide (excluding 2.0 metre service strips which shall be shown along the access road), where the gradient of the access road must not exceed 5% for the first 2.5 metres and 8% for the remainder. At the access, the highway should be a minimum of 5.5 metres wide with provision for vehicles to pass. The access bellmouth shall be kerbed on the radii and surfaced to the rear of the bellmouth.

Reason : *In order to make adequate provision for vehicular traffic.*

6. A parking and turning area for two vehicles shall be provided for each dwellinghouse prior to the first occupation of each dwellinghouse and thereafter be retained in perpetuity for such a dedicated purpose.

Reason : *In the interests of road and public safety.*

7. Prior to the occupation of the first dwellinghouse, the access driveway shall be surfaced in dense bitumen macadam to at least the rear of the bellmouth and shaped to prevent water discharging onto the public road.

Reason : *In the interests of road safety.*

8. No development shall take place until a full tree survey has been submitted for the written approval of the Planning Authority. The survey shall include full details of species, location and canopy spread of all existing trees, shrubs and hedgerows on the land, and any details of any to be felled/lopped and of any to be retained, together with the measures for their protection in the course of the development, all to the satisfaction of the Planning Authority. Prior to approval of the tree survey, no trees or shrubs shall be removed from the site without the prior written consent of the Planning Authority. In the event of any trees/shrubs being the subject of windblow or dying, appropriate replacement trees/shrubs shall be planted within one planting season of the felling occurring, all to the satisfaction of the Planning Authority.

Reason : *In the interests of visual amenity and to help integrate the proposal into its surroundings.*

9. Prior to any site works commencing, all retained trees on site shall be suitably protected during the construction period by 1.00 metre high wooden stakes (or similar), positioned around the crown of each tree or other suitable means as may be agreed in writing by the Planning Authority. No trees on site shall be lopped, topped, felled or removed without the prior written approval of the Planning Authority.

Authority. Any tree removed under the terms of the written approval shall be replaced by a tree of similar species and appropriate size at the locus, to the satisfaction of the Planning Authority.

Reason : *In order to protect the visual amenity of the surrounding area.*

10. The root systems of the trees within the site shall be suitably protected prior to commencement of the development and during the course of the development. Fences or other means of protection shall be erected below the canopy edge of the trees where appropriate to prevent encroachment by machinery and vehicles, these measures to the satisfaction of the Planning Authority.

Reason : *In order to protect the visual amenity and to ensure that reasonable measures are taken to safeguard the longevity of trees within the site.*

11. Prior to the commencement of any development (unless consent for variation is approved in writing by the planning authority), a detailed scheme of landscaping including all boundary treatment(s) and details of trees and other features to be retained, shall be submitted to and approved in writing by the Planning Authority. This scheme shall specifically include the proposed landscaping for all private and communal areas including the age species and location of planting. The landscaping scheme, as may be approved shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:

(a) Completion of the scheme during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority.

(b) The maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years or planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: *To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.*

ADVISORY NOTES TO APPLICANT

- (i) *The applicant is advised that a letter has been received from an adjoining neighbour at Brenvar, Fir Brae, which raises issues relative to the existing mutual stone boundary wall. **The applicant / developer should be aware of potential damage to the mutual stone boundary wall with the property Brenvar during construction, that would be a civil matter.** In this respect, the owner/occupier of Brenvar, seeks assurance from the applicant that it is understood by all parties that no action by the house owners, the Architect, the Consulting Engineer or Contractors will in any way damage, demolish (either permanently or temporarily) such boundary walls. It would appear reasonable to take cognisance and/or discuss these points that are essentially civil matters with the affected party. Additionally, the Building Control Officer advises that it may be prudent to make a photographic / video record of the wall before and after construction.*
- (ii) *The Area Roads and Amenity Services Manager has advised that it is an offence under Section 99 of the Roads (Scotland) Act 1984 to allow surface water drainage to pass onto the public highway. A drainage system including positive drainage measures should be agreed with the Area Roads and Amenity Services Manager. The applicant is advised to contact the Area Roads and Amenity Services Manager (Mr. Farrell, tel. 01369 708613) directly in this regard.*
- (iii) *The Area Roads and Amenity Services Manager has advised that visibility splays of 90 x 2.5 metres should be provided in both directions. While this is achievable to the west, visibility to the east (presently 80 x 2.5 metres) could be increased to 90 metres by the trimming of the hedge line on the other side of the road. The Area Roads and Amenity Services Manager has advised that the proposed works will require a Road Opening Permit (S56) required for services and access construction. The applicant is advised to contact the Area Roads and Amenity Services Manager (Mr. Farrell, tel. 01369 708613) directly upon this matter;*
- (iv) *The applicant is advised by Scottish Water, that :*
- *contact should be made with Developer Services to discuss how the proposed development would be best served with a public water supply;*
 - *there is a public sewerage system to which a connection may be made from the proposed development. The applicant should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a gradient acceptable to Scottish Water;*
 - *non-objection by Scottish Water to this detailed planning application must not be inferred as guaranteeing automatic permission to connect to the public sewer. The applicant must make separate application to Developer Services for permission to connect to the public sewerage system at the appropriate time. Scottish Water may refuse permission to connect, or grant permission to connect, subject to conditions as they think fit;*
 - *a totally separate drainage system of foul and surface water sewers will be required;*

For all of the advisory points given above, the applicant/developer is advised to contact Scottish Water directly (Developer Services, tel. 0845 601 8855, or at www.scottishwater.co.uk).

APPENDIX RELATIVE TO APPLICATION 04/02089/DET

A. OTHER MATERIAL CONSIDERATIONS

(i) Site History

- 01-89-0533/OUT Outline planning permission was granted on the 30th August 1989 for the erection of three dwellinghouses on the subject site.
- 01-93-0705/DET An application for detailed planning permission for the erection of 4 dwellinghouses within the subject site, was withdrawn by the applicant on 20th April 1994.
- 01-94-0218/DET Detailed planning permission was granted on the 24th June 1994 for the erection of three dwellinghouses on the subject site. This permission lapsed on the 24th June 1999.

While there have been no material changes in circumstances to the application site since the previous application was approved, planning permission (ref. 03/02090/DET) was granted on 3rd March 2004 for the erection of 16 houses and 9 flats on a nearby site at Ferryman's Brae. This site is now under construction. The Area Roads and Amenity Services Manager had no objections to this proposal in terms of additional vehicles using Ferry Road as access to that site.

(ii) Consultations

Area Roads and Amenity Services Manager (memo dated 5th January 2005): No objections subject to conditions regarding sightlines, access design, provision of a passing place, parking provision for 2 vehicles with appropriate turning areas for each dwellinghouse, proviso of 2 metre service strip. Advisory notes regarding drainage and a Road Opening Permit recommended.

Scottish Water (letter dated 17th January 2005): comments and advisory notes regarding connections to existing public water main and public sewerage system.

(iii) Publicity and Representations

The proposal was advertised as a *Potential Departure* (expiry date 7th January 2005) to Policies RUR1, RUR2, RUR4, HO8, TR3 and BE8 of the Cowal Local Plan 1993. Under Article 9 neighbour notification procedures, two letters of objection have been received from: Gordon and Heather Thomson, *Twynholm*, Fir Brae, Sandbank (letter dated 28th October 2004) and Mr and Mrs G Porter, *Brenvar*, Fir Brae, Sandbank (letter dated 15th October 2004).

Both of these properties back on to the application site. Neither of the current (or previous) occupants of these properties commented on the earlier approved scheme. The points raised can be summarised as follows:

- i. *Due to the nature of the three dwellings being 1 ½ storey houses with upstairs balconies, there will be direct and significantly detrimental effect on the existing privacy levels within the adjacent property Twynholm. Moving the dwelling 'numbered 3' on the drawings, may alleviate this position.*

Comment: Planning permission was previously granted for the same proposal in 1994. The closest dwellinghouse, numbered 3 on the drawings, is approximately 45 metres distant from *Twynholm*. The proposed dwellinghouse '3' is set back approximately 8 metres from the common boundary between the properties *Twynholm* and *Brenvar*. These properties are also partly screened by existing trees and shrubs.

- ii. *The road network in the area was not designed to have the traffic from the additional dwellings now being built at the bottom of Ferry Road. Fir Brae is a single-track road with no pavement and increased traffic will cause safety issues for walkers and children unless the roads are widened or pavements made. There are no passing places and a serious accident is likely to occur.*

Comment: The Area Roads Engineer has offered no objections subject to conditions regarding the widening of the access, and possible improvements to sightlines. No other improvements to the local network have been sought for this development of three houses.

- iii. *The applicant has indicated on the application form that there will be no trees or shrubs removed. A substantial amount of greenery will be removed..*

Comment: This may well have been an oversight on the agent's behalf. An element of tree, shrub and scrub removal will be necessary, particularly in the centre of the site and along the Ferry Road frontage. However, these aspects were dealt with under the originally approved permission. Conditions are recommended regarding replacement tree planting along the Ferry Road frontage and to replace any other retained trees within the site.

- iv. *The owners of Brenvar suggest that there is a serious drainage problem on their property, resulting in flooding beneath the house. While this is accepted as an existing problem, fears are expressed that the proposed development will exacerbate this situation. Other drainage problems include blockage of ditches. Owners of Brenvar suggest that no building work should take place unless extensive drainage work is done, which would effectively divert rainwater away from the house and grounds.*

Comment: Concerns regarding existing drainage problems are considered to be a civil matter and not a relevant planning consideration in this instance. Notwithstanding that the properties will connect to existing public water mains and public sewer, Roads have requested a system of surface water drainage in order that water does not pass onto the public road. Other issues regarding drainage within the site will be considered in an application for Building Warrant, or in the case of land outwith the site, by the Council.

- v. *The owners of Brenvar advise that a stone wall which marks the boundary line is approximately 100 years old, and that there are several mature trees growing very close to the wall on the plot of land proposed for development. Removal of these trees will remove or reduce screening and could jeopardise foundations of the stone wall. If any damage occurs during the course of building works, the owners would like assurances that it will be reinstated by the developer to its original condition.*

Comment: While potential damage to the boundary wall, is normally a civil matter between the relevant parties, a condition relating to boundary treatment includes a requirement to retain this existing stone boundary wall. Additionally, the Building Control Section normally advises that any objector(s) and applicant(s) should keep a photographic record of the wall before and after the works. An advisory note is attached regarding potential damage to property.

- vi. *The owners of Brenvar wonder whether any of the existing trees should be assessed as eligible for Tree Preservation Orders, in view of their age, before any felling takes place. advise that a stone wall which marks the boundary line is approximately 100 years old, and that there are several mature trees growing very close to the wall on the plot of land proposed for development. Removal of these trees will remove or reduce screening and could jeopardise foundations of the stone wall. If any damage occurs during the course of building works, the owners would like assurances that it will be reinstated by the developer to its original condition.*

Comment: Tree planting is proposed within the application site. Other existing trees outwith the application site boundary are in council ownership and will be retained. Given the wooded nature of the surroundings, it is not considered necessary to protect the trees within the application site by a Tree Preservation Order. The recommended conditions should ensure that the site becomes wooded and screened by an agreed replanting and retention scheme.

In terms of potential damage to the boundary wall, this is a civil matter between the relevant parties. The Building Control Section normally advises that any objector(s) and applicant(s) should keep a photographic record of the wall before and after the works. An advisory note is attached regarding potential damage to property.

(B) POLICY OVERVIEW

The site lies within the Central and East Cowal Local Scenic Area as identified under Policy RUR(1) of the Cowal Local Plan wherein any new development requires to be assessed against Policy RUR(2) criteria vis-à-vis : (i) Environmental Impact; (ii) Locational/Operational Need; (iii) Economic Benefit; (iv) Infrastructure and Servicing Implications. It was previously considered that the proposal would not have an adverse impact on the landscape and is therefore consistent with Policy RUR(1) and (2). The proposal was also considered to be consistent at that time with Policy H07a of the Local Plan. This policy has been updated in the Cowal Local Plan 1993 (adopted 1995) as POL HO 8, where the Council will encourage infill, rounding off and redevelopment opportunities that is related to the surrounding settlement pattern. The proposal is considered consistent with this policy.

The woodland within the site is covered by Policy RUR(4) which seeks to protect woodland. Whilst it is proposed to remove some trees, the majority are to remain and new planting is proposed to replace those to be felled.

With respect to the **Argyll and Bute Local Plan Consultative Draft (December 2003)**, the site lies within the defined settlement boundary of 'Sandbank- including Ardnadam'. The following policies are applicable:

STRAT DC1- Encouragement to development within small towns and villages to development serving up to and including medium scale development on appropriate infill, rounding off and redevelopment sites.

STRAT FW 2 - Development shall not damage nor undermine the key environmental features of important woodland areas.

E 10 and H4- Development setting, layout and design - sited and positioned to harmonise with the key features of the settlements. Poor quality or inappropriate layouts or densities including over development shall be resisted. Design should be compatible with surroundings. Poor or not good enough design for a particular location will be resisted.

A5 Vehicle parking provision - prescribed off street car and vehicle parking standards.

In terms of the emerging Argyll and Bute Local Plan Consultative Draft 2003, 'Policy A4(B) – 'Development, Roads and Private Accesses' states that, "*private accesses shall have suitable layout, design dimension and construction to function effectively and safely.* In addition, Policy A4(D) states that, "*private accesses servicing development shall be to a standard consistent with the level of use and location of the access.*" Policy Note 7 within Chapter 10 Annex, comments that private accesses should be suitably constructed, properly drained and finished with a hard wearing surface.

Subject to conditions the proposal accords with Local Plan Policy.

(C) ASSESSMENT

(i) The Proposal

This detailed application entails the erection of three one and a half storey dwellinghouses on a triangular piece of ground to the north of the intersection of Fir Brae and Ferry Brae, Ardnadam. Planning permission was previously granted for the same proposal, on the 24th June 1994, but this lapsed on the 24th June 1999. There are no material changes to the currently submitted scheme.

The proposal involves the formation of a single shared access off Ferry Lane with individual parking and turning areas for each dwellinghouse.

The Council own the remainder of the triangular site, which includes the verge along the Fir Brae frontage.

(ii) Assessment

The principle of the development has already been established by virtue of the previous detailed permission, granted for the site in 1994. The siting of three dwellinghouses in this location is broadly reflective of the surrounding residential pattern in terms of density and is considered to be in keeping with the wider character of the area. The Area Roads Manager previously advised that the proposed access arrangements were acceptable and would not give rise to any road safety concerns subject to conditions.

The main issue in the current proposal is the emerging guidance from the Argyll and Bute Local Plan Consultative Draft that the Area Roads and Amenity Services Manager has based his response on. This will require improvements to Ferry Lane (within the applicants control) in respect of access width into the site (which will allow cars to pass within the shared access) and improvements to sightlines. It is considered that these issues can all be addressed by recommended conditions and advisory notes.

While letters of objection have been received from two adjacent properties, it is considered that the proposal itself gives rise to no land use or privacy and amenity concerns subject to the imposition of appropriate conditions.



**Location Plan relevant to
Planning Application 04/02089/DET**

1:1,250

Argyll and Bute Council
Development and
Development Services
Planning
LOCAL HEAD
Argyll
PA31 8PT

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DEVELOPMENT SERVICES
 PLANNING APPLICATION REPORT
 Bute and Cowal Area

Local Member Councillor- J. McQueen
 Date of Validity - 15th December 2004
 Committee Date - 5th April 2005

17th March 2005

Reference Number: 04/02455/DET
 Applicants Name: Alison J. McMahon
 Application Type: Detailed
 Application Description: Erection of timber shed in rear garden for use as a dog grooming salon
 Location: Glenfyne Cottage, 66 Queen Street, Dunoon

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of a timber shed approx. 3.6 x 3.0 x 2.75 metres (or approx. 12 x 10 x 8 feet) in the rear garden of *Glenfyne Cottage* as a Dog Grooming Salon.

Other Operations

- Connection to existing public water main.

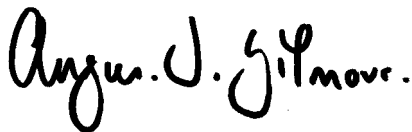
(B) RECOMMENDATION

It is recommended that planning permission be **Refused** for the reason(s) set out on the following page.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

The main issue in determining this application is whether the erection of a domestic timber shed for use as a Dog Grooming Salon, to the rear of the property *Glenfyne Cottage*, 66 Queen Street, Dunoon would significantly affect the amenity of surrounding residential dwellings, one letter of representation having been received.

As a matter of principle the introduction of such a dog grooming business in a predominately residential area and immediately adjoining residential properties is not considered conducive to amenity either in the short or longer term. Whilst the applicant has suggested a number of safeguarding measures to address aspects such as noise and disturbance, coupled with the absence of parking for vehicles associated with the development, the department considers that these aspects would be unable to be controlled by conditions placed on a planning permission. The application is therefore recommended for refusal.



Angus J Gilmour
 Head of Planning Services

Case Officer: B. Close 01369-70-8604
 Senior Planning Officer P. O'Sullivan 01369-70-7983

"In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985".

REASONS FOR REFUSAL RELATIVE TO APPLICATION 04/02455/DET

1. Given the nature of the proposed development (i.e. introducing a commercial 'bad neighbour' development into a domestic garden area surrounded by similar residential properties), configuration and dimensions of the available curtilage in relation to surrounding residential properties, the proposed use would be considered to be a "bad neighbour" development with its associated general noise and disturbance, coupled with the absence of parking for vehicles associated with the development. This would result in a loss of existing amenity to surrounding residential properties, which would be contrary to the underlying principles of POL COM 5 'Bad Neighbour Development' the Cowal Local Plan 1993 and Policy E 3 of the Argyll and Bute Local Plan 2003 Consultative Draft which states that:

"The council will oppose potential 'bad neighbour' developments when it is considered that they are likely to adversely affect the amenity of neighbouring properties and land."

(POL COM 5 'Bad Neighbour Development' the Cowal Local Plan 1993)

"Introducing new bad neighbour development.

- A) Development and associated land use shall not originate nor give rise to substantial bad neighbour impacts which are significantly injurious to, and incompatible with the continuing lawful use of existing neighbouring land and property."

(Policy E 3 of the Argyll and Bute Local Plan 2003 Consultative Draft)

2. Having regard to the surrounding residential uses in close proximity to the subject property, it is considered that the erection of a timber shed for the purposes of operating a Dog Grooming Salon, would result in a diminished standard of amenity for neighbouring properties, given the disturbance generated by noise and activities associated with such a commercial use in this particular structure and location. Accordingly, the development would be contrary to PAN 56 "Planning and Noise" which states that:

"noise can impact negatively upon the environment generally and most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas (para 59). In terms of enforcing planning conditions regarding noise, PAN 56 stresses that, "In most circumstances, it is preferable if development is environmentally acceptable for the outset and planning authorities are encouraged to use planning conditions where they judge there is a need to control noise pollution." (para 63).

(Planning Advice Note 56 - 'Planning and Noise')

ADVISORY NOTES TO APPLICANT

- (i) The applicant is advised by the Planning Authority that planning permission will be required to include the additional garden land (previously woodland) as 'curtilage' to the property Glenfyne Cottage, 66 Queen Street, Dunoon.
- (ii) The applicant is advised that the erection of a timber shed for domestic purposes only, (the same dimensions and location as proposed in this application), would be considered as permitted development under Class 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 providing it was used incidental to the enjoyment of the dwellinghouse precluding a dog grooming business.

APPENDIX RELATIVE TO APPLICATION 04/02455/DET

A. OTHER MATERIAL CONSIDERATIONS

(i) Site History

Planning permission (ref. 04/01036/DET) to erect an extension onto the rear elevation of the subject property, was granted on 13th August 2004. This permission is currently being implemented and external works to the extension are nearing completion.

The applicant made an initial enquiry regarding the possibility of running a Dog Grooming Salon from a garden shed within the rear garden area of Glenfyne Cottage, 66 Queen Street. The department responded on 1st December 2005 as follows:

*“Given the location of the dwellinghouse, nature of the proposed development (i.e. introducing a commercial ‘bad neighbour’ development into a domestic garden area surrounded by similar residential properties), configuration and dimensions of the available curtilage, the department **cannot** advance support for your proposals and/or encourage the submission of a planning application. This is due to the “bad neighbour” implications of the development and the general noise and disturbance, coupled with the absence of parking for vehicles associated with the development. “*

Since the original application was lodged for the extension to *Glenfyne Cottage*, the applicant acquired additional land (belonging to the woodland to the rear of the property) to extend the existing limited rear garden area. The applicant did not apply to include the additional garden area within the current application and is advised that this would involve a change of use to include this additional land as ‘curtilage’.

(ii) Consultations

Area Roads and Amenity Services Manager (response dated 5th January 2005): No objections. The proposal is sited off Queen Street within an urban 30mph speed restriction. The frontage of the property is at present *“No waiting or Loading at any time”*. The proposals of the applicant to advise clients of the nearby car park should prevent any additional hazards being placed on the highway.

Scottish Water (response dated 3rd February 2005) : Comments and advisory notes.

Public Protection (response dated 17th March 2005) : This service comments that the proposal may constitute a bad neighbour development as there is little or no scope to prevent the occurrence of noise nuisance due to barking dogs. In addition, due to the residential nature of the area, and the fact that the business will be carried out within a domestic timber garden shed, it would be unsuitable to grant permission for a commercial premises of this nature in this particular area.

(iii) Publicity and Representations

Under Article 9 neighbour notification procedures, Section 34 and *Potential Departure* advertisement (expiry date 21st January 2005), one letter of representation has been received from: Mr. and Mrs. Richards, *Rossmuir*, 32 Argyll Road, Dunoon (letter dated 10th January 2005). The points raised can be summarised as follows:

The points raised can be summarised as follows:

i. Noise – Proximity to dwellings.

Comment: The shed will be located to the rear of *Glenfyne Cottage*, which is situated, in close proximity to other residential buildings. The shed will be located against a boundary wall with the neighbouring rear garden of the cottage at 68 Queen Street. The rear garden area, where the timber shed would be erected, is sandwiched between residential properties and their rear gardens. Whilst it may be argued that the applicant (or any of the surrounding properties) could keep dogs as pets, this is a commercial operation taking place within the private rear amenity space of *Glenfyne Cottage*, which has the potential to create nuisance through noise i.e. dogs barking and increased usage of a

private garden area to the detriment of the adjacent properties and their private amenity spaces.

ii. Safety – parking restrictions on Queen Street

Comment: While Roads Operational Services have expressed no objection to the proposed development, they have commented that the area is presently covered by no waiting restrictions. The application premises have no dedicated off-street (or on-street) car parking facilities. The nearest car parking facilities are at the Pilot Street public car park, approximately 50 metres distant.

iii. Access to business restricted to 1 metre wide passage at side of house.

Comment: The only access to the rear garden area of *Glenfyne Cottage*, is by way of a narrow 1 metre (approx) path running down the eastern boundary of the site, which leads into the rear garden area. This path is separated by a higher hedge, which is located on the neighbours' side of the boundary.

(iv) Applicant's supporting information

In support of the development, the applicant (letter dated 10th December 2004) has offered details of the proposed business and measures to deal with potential environmental issues; a summary of the most salient points being:

- *the applicant is currently receiving help from the 'Highlands and Islands' and the 'Princes Trust' to set up a dog business from a shed in the back garden of the applicants dwellinghouse;*
- *if this business goes well, the applicant intends to expand by either renting or buying bigger premises and employing staff;*
- *the shed (approx 15sqm) will have electricity and water supplies from the main dwellinghouse at Glenfyne Cottage, 66 Queen Street;*
- *the whole garden and pathway shall be fully enclosed with a solid fence;*
- *working hours will be within 9am – 6pm and applicant expects to groom 3-4 dogs per day. Each dog will take 1-2 hours to groom (depending on size and breed);*
- *the applicant intends to have a maximum of 2 dogs at a time to keep barking to a minimum;*
- *the applicant intends to keep a constant check on dog fouling around her area, and if a problem arises, she will ensure that it is cleaned up;*
- *as there are double yellow lines outside Glenfyne Cottage, when customers phone to make appointments, the applicant will encourage them to use the car parking facility in Pilot Street when they are dropping off or collecting their dog, or the applicant can meet them in the car park;*
- *the applicant has been considering a collection and drop-off service, which she will be looking into further once the business has started up.*

(B) POLICY OVERVIEW

In the Cowal Local Plan 1993, under POL COM 5 '*Bad Neighbour Development*' the Council will oppose potential '*bad neighbour*' developments when it is considered that they are likely to adversely affect the amenity of neighbouring properties and land'. Bad neighbour uses are those, which create nuisance from noise, light, smell, smoke, dust or effect on public health.

For the reasons outlined in the assessment below it is considered that the development would constitute a '*bad neighbour*' and is inconsistent with policy.

Argyll and Bute Local Plan 2003 – Consultative Draft, (December 2003)

Within the emerging Argyll and Bute Local Plan, the application site is identified within the settlement of Dunoon the following policies are applicable:

Policy E 3 ‘Bad Neighbour’ Development and Safeguarding Zones

(Preamble) *“New development may be acceptable depending on whether it is compatible with existing uses. The degree and fact of land use incompatibility often requires careful consideration and is not a straightforward issues e.g. relatively low key commercial business operations may be judged to be compatible with a residential location whilst other more intensive operations may not.”*

Policy E3 A) *“Development and associated land use shall not originate nor give rise to substantial bad neighbour impacts which are significantly injurious to, and incompatible with the continuing lawful use of existing neighbouring land, and property.”*

Planning Advice Note

Planning Advice Note PAN 56 *“Planning and Noise”, states that, “ A key function of the planning system is to protect and enhance amenity (para 63).....,noise can impact negatively upon the environment generally and most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas (para 59). In terms of enforcing planning conditions regarding noise, PAN 56 stresses that, “ In most circumstances, it is preferable if development is environmentally acceptable for the outset and planning authorities are encouraged to use planning conditions where they judge there is a need to control noise pollution.” (para 63).*

Scottish Office Circular 10/1999 *‘Planning and Noise’ states, “the planning system has a role to play in preventing and minimising the impact of noise through its influence over the location and design of new developments (para 4)..... Land Use Planning has the task of guiding new development to the most appropriate locations. Housing is included as a noise-sensitive land use. ...Accordingly new development, which generates a high level of noise or involves noisy activities, where possible, should be sited away from noise-sensitive land uses. Planning Authorities should also consider whether proposals for new noise sensitive development would be compatible with existing activities and land uses in an area.(para 5).....Where appropriate, planning conditions should be attached to planning permissions which would reduce the adverse impact of noise, and enable development to proceed where it would otherwise be necessary to refuse planning permission” (para. 12).*

(C) ASSESSMENT

Planning permission is sought for the erection of a timber shed (approx. 3.6 x 3.0 x 2.75 metres, or approx. 12 x 10 x 8 feet) in the rear garden of *Glenfyne Cottage* as a Dog Grooming Salon.

Glenfyne Cottage is a traditional single storey cottage that is currently being extended (under ref. 04/01036/DET).The cottage has no off-street parking provision and sole pedestrian access to the rear garden area is via a one metre wide pathway running along the eastern boundary of the site.

Glenfyne Cottage is surrounded by residential uses with a single storey cottage and the Key Housing flatted complex immediately adjacent on the western boundary. To the east, lies a traditional one and a half storey flatted dwelling, with a further flatted dwelling across Queen Street. To the rear of the application property lies an area of woodland, which fronts Argyll Road.

There are waiting restrictions on this part of Queen Street where *Glenfyne Cottage* is located on a bend in the road. Further along Queen Street (approx. 50 metres to the east), a public car park is located which serves a cluster of commercial uses on Queen Street.

The proposed Dog Grooming Salon would be located within a standard domestic timber shed, which would be located in the northwest corner of the site. The application boundary depicts an area of rear garden to the rear of *Glenfyne Cottage*. No details have been

provided regarding boundary treatments around the application site boundary or to the usage of such land, associated with the proposed use.

The principle concern in an assessment of this proposal is the potential loss of amenity, and detriment to existing amenity, which the proposed development could create on neighbouring residential dwellings. The nature of the proposed use is a Dog Grooming Salon, carried out within a standard domestic garden shed. No other proposals have been submitted in respect of materials, soundproofing etc to protect adjacent neighbours from potential noise.

Consideration should be given to the practicality of the enforcement of conditions on a given planning permission. Having regard to Scottish Office Circular 4/1998 *'The Use of conditions in planning permissions'*, para 70. Noise, it reminds that:

" Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise, and that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, planning authorities, should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of planning conditions or planning agreements."

While the applicant suggests various measures to control barking of dogs, numbers of dogs, dog fouling, car parking, picking up and dropping-off, these are matters which cannot be readily addressed through the imposition of planning conditions. The aspects would be unlikely to be capable of enforcement, as would the suggestion that all customers could, or would, use a nearby public car park due to the fact that the application premises has no dedicated car parking facilities whatsoever.

Public Protection comment that this potential *'bad neighbour'* development could not be controlled by the imposition of conditions, as there is little or no scope to prevent the occurrence of noise nuisance due to barking dogs. Public Protection share the view due to the residential nature of the area, and the fact that the business will be carried out within a domestic timber garden shed, it would be unsuitable to grant permission for a commercial premises of this nature in this particular area.

The department would strongly suggest that this proposed use is not one that can be readily carried out within the 'close knit' arrangement of surrounding residential uses in this particular location, without undue detriment and loss of amenity to surrounding residential neighbours. It is considered that the proposed development would constitute a *'bad neighbour'* development as a result of noise, general disturbance and increased activity over and above that normally associated with a dwelling and therefore contrary to the provisions of POL COM5 of the Cowal Local Plan. The Argyll and Bute Draft Local Plan 2003 under Policy E3 also advises of the implications of new *'bad neighbour'* development.

The decision makers are reminded that planning permission normally *'runs with the land'* and once established such a business may well intensify, change ownership or change practices that planning authority could not readily seek to control. Once established the longer-term impact of such a use could well have quite serious implications undermining residential amenity in future years. It is therefore the department's view that such a commercial use belongs either in a proper commercial shop/industrial unit, farm building, or set with a generous curtilage where there would be no possibility of affecting adjacent neighbours with problems of noise, people movements, additional vehicle movements and problematic car parking.



Location Plan relevant to Planning Application Ref 04/02455/DET

Argyll and Bute Council
Development and
Development Control
Planning
LOCALITY
LOCALITY HEAD
Argyll
PAST BRT

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DEVELOPMENT SERVICES
 PLANNING APPLICATION REPORT
 BUTE AND COWAL AREA COMMITTEE

Local Member - Councillor D. Walsh
 Date of Validity – 18th February 2005
 Committee Date – 5th April 2005

21st March 2005

Reference Number: 05/00295/DET
Applicants Name: Scottish Water Solutions
Application Type: Detailed Application
Application Description: Formation of rock armour sea wall, re-profiling of land to accommodate buried septic tank, chambers and pumping stations, formation of access and ancillary development (Further amended application)
Location: Opposite 125 and 127 Shore Road, Innellan.

(A) THE APPLICATION

Development requiring express planning permission

- Extension and re-profiling of the shore line using rock armour
- Installation of two underground septic tanks
- Installation of underground pumping station
- Installation of distribution chamber(s)
- Erection of Kiosk (2 metres in width x 1.75 metres in height x 0.75 metre in depth)
- Insertion of manholes
- Formation of lay-by

(B) RECOMMENDATION

It is recommended that the application *be continued*.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

The advertisement as a 'potential departure' for this application does not expire until 1st April 2005. This is the third planning application relative to this site in more recent months. The first application ref 04/01156/DET was not validated/proceed with by *Scottish Water* and the second application ref 04/01532/DET was formally withdrawn by *Scottish Water* on 11th March 2005 (letter received 15th March 2005). Thirty-one properties signed a single page identical letter of objection with three other separate letters of objection to this withdrawn application. South Cowal Community Council also raised concerns.

This current application (ref 05/00295/DET) includes a revised and enlarged site edged red. This was largely to address issues raised by the Area Roads Manager who had recommended continuation of the last application (ref 04/01532/DET) since confirmation from the applicant was required that the arrangement, including the lay-by, can be set back to accommodate future road widening, thus avoiding the need for any further alterations.

A full assessment on the merits of the application relative to development plan policies and all other material considerations will follow once the consultation period and the period for the advertisement has expired in order that any additional representations, as may be received, can be taken into consideration.

Angus J. Gilmour

Angus J Gilmour
 Head of Planning Services

"In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985".

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DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE AND COWAL AREA COMMITTEE

Local Member - Councillor D. Walsh
Date of Validity – 18th February 2005
Committee Date – 5th April 2005

29th March 2005

Reference Number: 05/00295/DET
Applicants Name: Scottish Water Solutions
Application Type: Detailed Application
Application Description: Formation of rock armour sea wall, re-profiling of land to accommodate buried septic tank, chambers and pumping stations, formation of access and ancillary development (Further amended application)
Location: Opposite 125 and 127 Shore Road, Innellan.

SUPPLEMENTARY REPORT NO 1

(A) THE APPLICATION

Development requiring express planning permission

- Extension and re-profiling of the shore line using rock armour
- Installation of two underground septic tanks
- Installation of underground pumping station
- Installation of distribution chamber(s)
- Erection of Kiosk (2 metres in width x 1.75 metres in height x 0.75 metre in depth)
- Insertion of manholes
- Formation of lay-by

(B) RECOMMENDATION

Subject to the expiry of the advert period on 1st April 2005, and providing no additional letters of representation are received that raise new issues, it is recommended that an '*informal hearing*' takes place and that planning permission be **granted** subject to eight planning conditions and reasons and '*note to the applicant*' as set out overleaf, and subject to the application being referred to the **First Minister**.

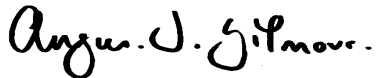
(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

This is the third planning application relative to this site in more recent months. This current application (ref 05/00295/DET) includes a revised and enlarged site edged red. This was largely to address issues raised by the Area Roads Manager since confirmation from the applicant was required that the arrangement, including the lay-by, can be set back to accommodate future road widening, thus avoiding the need for any further alterations.

There is strong opposition in the local community to the scheme as anticipated. Concerns have been raised relative to the level of treatment proposed ie primary treatment by septic tanks but this is not a matter for the planning authority and not a material consideration. There is a fear from residents that offensive odour will result. The distance from the underground septic tanks to the nearest residential property is around 26 metres to the nearest residential building and around 15 metres from its curtilage, public protection have not raised any objections on this basis. Suitable conditions can be imposed to protect residential amenity and to prevent a '*bad neighbour*' development whilst other powers are also at the disposal under the Control of Pollution Act 1974 and the Environment Protection Act 1990.

Scottish Water as the sewage authority is of the opinion that there is no other suitable site available including 'Sandy beach' as suggested by local residents. *Scottish Water* have concluded that this is the only site available if a gravity system is to be pursued since other sites would necessitate pumping stations and such reasoning is acknowledged. Accordingly the development is consistent with adopted local plan Policy POL RUR 1 given the local/operational need advanced.

Given that other sites would not appear readily available without other environmental impacts, it may be difficult to justify refusal of the application. However safeguarding conditions to protect residential amenity, together with other conditions relative to the visual appearance of the scheme within this shoreline environment are however suggested.



Angus Gilmour
Head of Services

In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information Act 1985"

CONDITIONS AND REASONS RELATIVE TO APPLICATION 05/00295/DET

2. The lay-by and footway shall be constructed in accordance with the Councils development guidelines; the lay by shall have a 200mm upstand at the edge of the carriageway, all works to be to the satisfaction of the Planning Authority in consultation with the Area Roads Manager.

Reason: *In the interests of highway safety.*

3. Prior to the first use of the vehicular lay-by full details including materials, dimensions and positioning of a signage shall be submitted for the prior written approval of the Planning Authority that shall provide details of signage to indicate the lay-by is required for use at all times by *Scottish Water* and their employees. Such signage, as may be approved, shall remain in situ in perpetuity at all times the lay-by is used by *Scottish Water*.

Reason: *To enable access at all times in the interest of road safety.*

4. No lighting units shall be installed unless the prior written consent of the Planning Authority is obtained in consultation with the Public Protection Service. Any lighting units that are approved shall be operated, positioned and angled to prevent any glare or light spillage outwith the boundary of the site, having regard to the Institute of Lighting Engineers Guidance.

Reason: *In order to avoid the potential of light pollution.*

5. The calculated noise levels, arising from the operation of the pumping station, shall not increase pre-determined ambient background noise levels (LA90), by more than 3dBA at the nearest noise sensitive property. All measurements shall be taken in accordance with BS 4142:1997 and shall be to the satisfaction of the Planning Authority in consultation with the Public Protection Service.

Reason: *In the interests of public health and amenity and in accordance with Policy POL COM 5 of the Cowal Local Plan 1993.*

6. Prior to the commencement of works, a detailed scheme of odour control measures for the works, shall be submitted to, and approved in writing by the Planning Authority, in consultation with the Public Protection Service. Details should include the design of plant, operational procedures and maintenance arrangements with particular reference to odour control. The scheme shall include details of the best practicable means of odour suppression and procedures to be followed in the event of an emergency.

Reason: *In the interests of public health and amenity and in accordance with Policy POL COM 5 of the Cowal Local Plan 1993.*

7. The pumping station and all associated plant shall be maintained in accordance with the manufacturer's recommendations and a system for keeping records of maintenance and monitoring of plant performance, including response to complaints, shall be submitted to and approved in writing by the Planning Authority in consultation with the Public Protection Service prior to the commencement of the development.

Reason: *In the interests of public health and amenity and in accordance with Policy POL COM 5 of the Cowal Local Plan 1993.*

8. Prior to the commencement of any development, details shall be submitted of the composition of rock armour including, source, size of material. Such material, as may be approved, shall be used in the approved development.

Reason: *In order to integrate the development along the shore and the rock outcrop.*

(Continued)

NOTE TO APPLICANT

- i) Public Protection Service has powers under the Environmental Protection Act 1990 to remedy any environmental nuisance. It is strongly recommended that prior to any works taking place agreement is reached with Jo Rains, Senior Environmental Health Officer, Argyll and Bute Council, Hill Street, Dunoon (telephone Number 01369 703959).
- ii) It is strongly recommended that prior to any works taking place agreement is reached with relative to the method to suppress dust for the construction of the wastewater treatment works. You are advised to contact Jo Rains, Senior Environmental Health Officer, Argyll and Bute Council, Hill Street, Dunoon (telephone Number 01369 703959).
- iii) Construction consent for any lay-by and a Road Opening Permit would be required in connection with the proposed works.
- iv) A system of surface water drainage is required to prevent water running of the road and to do would be contrary to Section 99 of the Roads (Scotland) Act 1984 that states that:

"(i) The owner and occupier of any land, whether or not that land is such as constitutes a structure over or across a road, shall prevent any flow of water, or of filth, dirt or offensive matter from, or any percolation of water through, the land onto the road."
- v) SEPA (letter dated 30th March 2005) have advised that the he pumping station will require consent from SEPA for an emergency overflow and a discharge consent. Consent is required in terms of the Control of Pollution Act 1974 and the Urban Wastewater Treatment Regulations (Scotland) 1994.

Regard should be had to pollution prevention guidance Notes 5 and 6. Scottish Water will require a FEPA licence for the new outfall – cognisance should be paid to CIRA publication C584 ‘Coastal and Marine Environmental site guide’ for the construction of the new outfall pipe. With regard to the pumping station regard should be made to SPP7 and PAN 69 regarding the use of water resistant materials.

APPENDIX RELATIVE TO APPLICATION 05/00295/DET

A. MATERIAL CONSIDERATIONS

Site History

- (i) **Application Ref 04/01156/DET** received 16th June 2004. Formation of rock armour sea wall, re-profiling of land to accommodate buried septic tank and lay by. Application not progressed due to inaccurate plan submission.
- (ii) **Application Ref 04/01532/DET** validated 10th August 2004. Formation of rock armour sea wall, re-profiling of land to accommodate buried septic tanks and lay-by. The application formally withdrawn by *Scottish Water Solutions* (letter dated 11th March 2005) essentially due to concerns raised by the Area Roads Manager (memo dated 24th January 2005) relative to road widening that may be considered by the Council at a later date.

Those persons that made representations to this application were duly informed by letter (dated 24th March 2005) that the application had been withdrawn and that a further application (Reference 05/00295/DET) was received and validated on 18th February 2005. This application was advertised in the *Dunoon Observer* on the 11th March 2005, the closing date for representation being 1st April 2005.

Having regard to all of the above, in this particular instance (third application), the department advised that all those persons who made representations to the withdrawn application (Ref 04/01532/DET) that this would be brought to the attention of the Bute and Cowal Area Committee. They were also advised that any additional representations to this application these should be submitted by the 1st April 2005.

Other Related History

Ref: 04/01164/DET Formation of access ways to buried septic tanks, installation and ancillary underground structures at land opposite *Joppa House, Shore Road, Innellan*. The Area Committee on 1st February 2005 resolved that the application constituted '*permitted development*' in terms of Section 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Ref: 04/02550/DET Formation of lay by (in association with application ref 04/01164/DET for buried septic tanks, installation and ancillary underground structures) at land opposite *Joppa House, Shore Road, Innellan*. The Area Committee on 1st February 2005 resolved to grant planning permission subject to referral to the First Minister who decided not to call in the application. Planning permission was issued on 3rd March 2005.

Ref: 04/01163/DET Formation of access ways and lay-by to accommodate new buried septic tanks and ancillary underground structures at land opposite *93- 94 Shore Road Innellan*. The Area Committee on 7th December 2004 resolved to grant planning permission subject to referral to the First Minister who decided not to call in the application. Planning permission was issued on 6th January 2005.

(iii) Consultations

SEPA (letter dated 30th March 2005) **No objection** in principle to the proposal. The pumping station will require consent from SEPA for an emergency overflow. Discussions have taken place although no discharge consent application received. Consent is required in terms of the Control of

Pollution Act 1974 and the Urban Wastewater Treatment Regulations (Scotland) 1994. Application would be advertised, members of the public would have opportunity to comment on such an application. If consent is granted suitable conditions would protect the water quality of the area.

Regard should be had to pollution prevention guidance Notes 5 and 6. Scottish Water will require a FEPA licence for the new outfall – cognisance should be paid to CIRA publication C584 '*Coastal and Marine Environmental site guide*' for the construction of the new outfall pipe. With regard to flooding Argyll and Bute Council roads department should be consulted to provide information on flooding and risk. With regard to the pumping station regard should be made to SPP7 and PAN 69 regarding the use of water resistant materials.

Public Protection (Memo dated 29th March 2005). No objections of an environmental nature to lodge.

Air Quality

Dust may be generated during the construction of the waste water treatment facility. Whilst this Service has powers to remedy any nuisance a dust management plan should be submitted prior to the commencement of works.

It is not anticipated that the proposals would lead to any adverse impacts upon air quality during the routine operation of the works.

Odour

Odour, arising from the operation of wastewater treatment works, can give rise to nuisance and be detrimental to the amenity of the surrounding area. The factors which require to be considered in terms of assessing the potential for nuisance include the size, type and mode of operation of the waste water treatment works, the proximity to sensitive receptors, the topography of the site, the prevailing wind direction and local characteristics, for example, the existing use of surrounding land. Therefore, each site has to be considered on an individual basis and, in the absence of definitive or recognised standards, the application of conditions to control odour from waste water treatment works must be assessed case by case.

In this instance the proposed works is relatively small, contained underground and located approximately 26 m from the nearest dwelling itself. However, as in the case of all wastewater treatment facilities, it is considered that, in order to protect the amenity of the surrounding area, the operation of the wastewater treatment works should not give rise to offensive odours outwith the process boundary. Therefore, in this particular case, conditions relating to the design and management of the plant have been recommended.

Noise

During the construction phase noise will arise from building and excavation works. Powers are available to deal with noise nuisance, but the applicant should be encouraged to liaise with the Public Protection Service, in order to discuss the minimisation of noise emissions throughout the construction phase.

Lighting

It is recommended that conditions be attached to any planning consent granted, in order to protect the amenity of the area both during and after construction.

Having considered the application and supporting information, I have no objections of an environmental health nature to lodge. However, should you

be mindful to grant consent, I would recommend that the following conditions following conditions should be attached relative to lighting, noise levels, odour control measures, dust suppression.

Area Roads Manager: (Memo dated 8th March 2005) No objections subject to conditions. This application has been revised from the previous application (Ref 04/01523/DET) to accommodate road widening which maybe considered by the council at a later date.

Septic tank and arrangement is set back off the existing road such that the lay-by is at 10.8 metres from the western property roadside boundary wall as shown on the drawings.

Drainage to be provided for lay-by surface water being shed away from the public road, lay-by edge to have a 20mm kerbed upstand from the edge of the road, signage to be provided advising of continuous access if so required by the applicant.

South Cowal Community Council No specific response to this revised application. However previously raised issues in a detailed letter dated 12th August 2004 as follows. Concerns over visual aspect, system too close to the roadside and hope of future footpath being provided would be lost. Fear from residents that offensive odour will result. Further fear that area prone to storm damage resulting in raw sewage being discharged near their homes. Area is well maintained and considered a valuable attraction to visitors and tourists.

Scottish Water unable to guarantee that offensive odours will not result unknown whether septic tanks will be vented. Alternative site situated at the southern end of Sandy Beach would be more appropriate. Communication sheet forwarded including 20 questions raised by members at the public meeting held in Innellan.

(iii) Publicity

The application has been advertised under a '*Potential Departure*' to the Cowal Local Plan on the 11th March 2005 (closing date 1st April 2005) and as a result of neighbour notification procedures on the 16th February 2005.

Four letters of representation been received from Sean Cove, 125 Shore Road, Innellan (letter dated 1st March 005), Alan B. Forrest and Agnes S. Forrest, 126 Shore Road, Innellan (letter undated letter received 11th March 2005); James Donaldson "Tigh na Mara" 6 Hazel Gardens, Toward (letter dated 1st March 2005) and James Duncan '*Mingulay*', 127 Shore Road, Innellan (letter dated 2nd March 2005).

In addition attention is drawn to the fact that:

31 standard (identical) letters of representation and three non standard letter of representation relative the recently withdrawn application (Ref 04/01532/DET) were received from Alan B. Forrest, 126 Shore Road, Innellan (letter dated 5th August 2004); James Donaldson, Tign na Mara, 6 Hazel Gardens, Toward (letter dated 6th September 2004); M. H. Smith, Alandale, Shore Road, Innellan (letter dated 11th September 2004); R. Rowieson, Hakadaddi, Shore Road, Innellan (letter dated 12th September 2004); J. Brannan 92 Shore Road, Innellan (letter dated 13th September 2004); Mary Wilson, 58C Shore Road, Innellan (letter dated 12th September 2004); J.A. Chapman Cameron lodger, 89C Shore Road, Innellan (letter dated 13th September 2004); John Tarkenter Broomhill, Innellan (letter dated 13th September 2004); Beid McJahan 22 Knockamille Terrace, Innellan (letter

dated 15th September 2004); J. Brannan Calderwood, Innellan; J. Lamont, 21 Newton Park, Innellan (letter dated 11th September 2004); Gordon, Mcfall, 11 Arran Park, Innellan (letter dated 14th September 2004); Mrs C.M. a. Wright Lizevale Terrace, Innellan (letter dated 14th September 2004); MS Thomson 5 Shore Road, Innellan (letter dated 14th September 2004); W. Edwards Shore Road, Innellan (letter dated 14th September 2004); Robert C Houston Margaret P. Houston 89 Shore Road, Innellan (letter dated 12th September 2004); R. Linklater Seaward 108 Bullwood Road, Innellan (letter dated 14th September 2004); C. Mitchell Killellan Farm, Toward (letter dated 16th September 2004); Mary A Hopkin Corraith Villa, Shore Road, Innellan (letter dated 14th September 2004); Gary Meredith Corraith Villa, Innellan (letter dated 14th September 2004); William Watson Kenavara, Newton Road, Innellan (letter dated 15th September 2004); Raymond Chapman, 89C Shore Road, Innellan (letter dated 15th September 2004); Mrs E. Carter, 89C Shore Road, Innellan (letter dated 15th September 2004); Peter and Catherine Larder Beechgrove House, Toward (letter dated 14th September 2004); James Reid 15 Newton Park, Shore Road, Innellan (letter dated 20th September 2004); Carole Gillies, Burnbank, Wyndham Road Innellan (letter dated 17th September 2004); Ewen A. Mitchell, 2/1 Lizevale Terrace, Innellan (letter dated 11th September 2004); Phyllis Weall, Newton Linn, Shore Road, Innellan (letter dated 18th September 2004); Mr James Duncan, 127 Shore Road, Innellan (undated letter received 22nd September 2004); Mrs E. Weall, Newton Linn, Innellan (letter dated 18th September 2004); E. Anderson, Newton Linn, 92 Shore Road, Innellan (letter dated 22nd September 2004); Paul Adams, Seaborne, Shore Road, Innellan (letter dated 16th September 2004); Mr. A. Mateer, Newton Linn, 92 Shore Road, Innellan (letter dated 30th September 2004); Mrs C. Mateer, Newton Linn, 92 Shore Road, Innellan (letter dated 30th September 2004).

A summary of the grounds of objection is set out overleaf:

- i) *This system is not a treatment system. The plans requests permission for storage tanks and pumps to be erected with the tanks having to be emptied on a regular basis.*

Comment: See assessment

- ii) *Systems in Campbeltown, Oban and Inveraray there are sever odour problems.*

Comment: It is understood that there are not attributed to septic tanks installations but rather the sewer pipe network.

- iv) *Proposed system does not allow for new build nor does it incorporate any request for planning applications already submitted. Does not take account of proposals for future development in the local plan. If the system as proposed for Innellan goes ahead the same problems will happen here and more tanks will be installed.*

Comment: The draft local plans will the subject of further revisions. This aspect and any 'live' planning permission will be a matter for *Scottish Water* to adequately address. The current applications are based on existing demands and a requirement to meet the regulations.

- v) *Installation of three tanks spaces a short distance will spoil the coastline and destroy the village visually will become worse if the system has to be extended.*

Comment: One site has the benefit of planning permission another site constitutes 'permitted development'. See also Assessment overleaf.

vii) *As sewerage will discharge into the sea the proposed new system will not solve the pollution problem. Stronger E.U. Directives regarding sewerage treatment have already made the proposed system completely obsolete.*

Comment: It is understood that revisions to European Directions/legislation may take place in the future. That however would be a matter for *Scottish Water* to address at that time.

viii) *Proposed system is not one acceptable for this day and age. Lowest minimum standard being sought. What is required is a proper sewerage treatment system.*

Comment: See Assessment overleaf.

ix) *Errors in previous application scarcely increases our confidence in the project.*

Comment: The original application by *Scottish Water Solutions* received on 16th June 2004 (Ref 04/01156/DET) was not proceeded with due to the fact that "the base map used was incorrect"(Letter from *Scottish Water Solutions* dated 26th July 2004).

x) *Road is too narrow. Council should have plans to widen the road.*

Comment: No objections have been received from the Area Roads Manager.

xi) *Septic tank will now be sited 1.5 metres eastwards ie closer to the sea. Trust that this will allow for the projected road widening but also for a pavement 2 metres in breadth for the disabled.*

Comment: This application has essentially been resubmitted to take cognisance of the previous concerns of the Area Roads Manager and the possibility of road widening. No objections have been received from the Area Roads Manager.

xii) *Septic tank will be less than 25 metres from dwellings. Given to understand that there is a minimum distance of 25 metres for one septic tank and 100 metres for tanks serving a number of homes. If no Health and Safety risk assessment why has one not been carried out?*

Comment: Public Protection has raised no objections subject to conditions. See also assessment

xiii) *Emptying septic tank - originally advised this would be every 4-6 months this has been modified to 6 times a year ie every two months. More likely that frequency of sludge removal will increase.*

Comment: This issue is primarily an operational matter for the applicant. Desludging is normally confided to approximately one and a half hours duration. However Public Protection has raised no objections subject to conditions that include condition 6 such that details would be required for operational procedures including desludging and measures to control odour.

xiv) *Will create bad neighbour contrary to POL COM 5 nuisance from noise, smell smoke or dust or effect on public health.*

Comment: See Assessment.

xv) *Property values would reduce.*

Comment This is not a material planning consideration.

xvi) *Alternative site should be found. A site in Toward has been suggested. 'Sandy beach' remains a preferred option if it is not technically feasible to connect Innellan into the Bullwood scheme.*

Comment See assessment.

xvii) *Has permission been granted for Bullwood Quarry and if so is it conditional in any way?*

Comment The planning application (Ref 04/011120/DET) for a wastewater treatment works at *Bullwood Quarry* has not yet been placed before the Area Committee or determined.

xviii) *Outflow will not reach the seaward current of the Firth of Clyde before and after low tide. Bacteria virus and solids less than 6 mm will remain circulating within the bay opposite for two periods per day. What is the length and size of the outfall pipe SEPA will require Scottish Water to arrange? Will it be multiport and arranged with backflow preventers? Fragmentation of responsibility for site selection etc is frustrating.*

Comment This is not a material consideration nor a matter for the Planning Authority but a matter for *Scottish Water* and SEPA. The pumping station will require a discharge consent in terms of the Control of Pollution Act 1974 and the Urban Wastewater Treatment Regulations (Scotland) 1994. Such an application, with details of the outfall pipe would be advertised, members of the public would have opportunity to comment on such an application.

xix) *Dunoon is to have its own treatment plant it is reasonable for Innellan to join that system. Why are Scottish Water not proposing primary treatment for Innellan and not secondary?*

Comment This is not a material planning consideration. In determining the recent appeal (decision dated 29th December 2004) at Strachur for new sewage treatment facilities the Reporter made it clear that *"In terms of material considerations, I find that the level of treatment appropriate to meet the UWWTR is **not** a matter over which planning authorities, or for that matter Scottish Ministers exercising planning functions have any control. In this area SEPA has the statutory regulatory authority...."*

xx) *Revised application is only a minimal shift and is just as objectionable and repugnant as they consider the Clyde an open sewer. Realise that plants are 'necessary evils' but why site them on someone's doorstep when plasma flame burning are available.*

Comment See comments above.

xxi) *Who actually owns site 3*

Comment The applicant has certified under Article 8 of the Town and Country Planning (Procedure) (Scotland) Order 1992 that the site is owned by Argyll and Bute Council and Crown Estates.

(iv) **Statement on behalf of Applicant (letter dated 3rd December 2004)**

- The scheme for Innellan is a stand alone primary treatment.
- We have investigated transferring untreated sewerage from Innellan to Bullwood site this was rejected for a number of reasons:
- The odours created in transferring untreated sewage over a distance of some 7km.
- An additional 3-4 pumping stations would have to be provided between Innellan and Bullwood as well as site 3 in Innellan.
- Additional costs of approximately £1.4m - £1.7M.
- An increased amount of disruption.
- The scheme offers the best engineering solution.
- We have requested investigation of relocation site 3 approximately 145 metres south; this option is not seen preferable due to:

This location is more exposed and would require additional works in the form of rock armouring.

It would not be acceptable for reasons of hydraulics.

We are of the opinion that this would only move the problem to another location.

Following the submission of the above supportive statement a site meeting was conveyed with engineers from *Scottish Water Solutions* on 7th January 2005. In particular they were requested to provide reasoned justification as the choice of site and other sites that have been examined. A summary of *Scottish Water Solutions* response is as follows:

(Supporting Information from Scottish Water Solutions)

- Site Number 3 was bounded by the existing outfalls which currently serve the public system and which must tie into the new development.
- The existing outfalls are located at the entrance to Miller Ave off Shore Road in the South and the entrance to Newton Park in the North. The most effective engineering solution is to locate the septic tanks at the proposed location. This positioning limits the length of gravity pipelines required and the depths of excavation into rock taking into consideration hydraulic profile and self cleansing velocity required to maintain a gravity system. This gravity system negates the need for additional infrastructure in the form of a pumping station.
- Site 3 is located immediately adjacent to an existing rock outcrop. Utilising this will limit the extent of protection required for sea defences against the prevailing tides. Therefore, the amount of ground required to be built out has been kept to a minimum and thus the overall visual impact on the area reduced.

Sandy Beach Option

- Positioning the septic tanks at Sandy Beach to the North of the catchment would necessitate considerably more pipework and an additional pumping station to transport flows to the Sandy Beach site due to local topography which sees a rise in levels up to the beach site as well as the increased distances requiring more driving head.
- A new pumping station (including above ground MCC kiosk) would require land reclamation, as the site would be required between the two existing

outfalls where there is no natural existing platform under which to install the apparatus.

Option Opposite Miller Avenue/Shore Rd.

- It would be necessary to develop an additional site for a pumping station as gravity pipelines could not be used to transfer the flows to the Miller Av/Shore Rd site. The most effective engineering solution for this option would be to put the new P/stn and lay-by and MCC Kiosk at Newton Park and pump to the Miller Avenue location where the septic tank and associated structures would be located. As with the Sandy Beach option, there would be the need for a second site and for land to be built out so as to provide land under which the pumping station could be located.

B. POLICY OVERVIEW AND ASSESSMENT

National Planning Policy Guidance (NPPG 10) 'Planning and Waste Management.'

Sets out government policy for development involving the management of waste. It advises planning authorities to adopt the following principles: work in consultation with the water authorities to implement the Water Treatment Directive.

Include policies and known proposals in development plans; and provide for high standards of landscaping, planting and design in particular insensitive environments such as coastal locations.

Cowal Local Plan 1993 Under the provisions of POL COM 5 the Council will oppose '*bad neighbour*' developments when it is considered that they would adversely affect the amenity of neighbouring properties and land.

POL RUR 1 The Council will seek to maintain and enhance the landscape quality, scenic area and coasts. The Council will resist prominent or sporadic development which would have an adverse landscape impact – development to be assessed against i) Environmental impact; ii) Locational/operational need; iii) Economic benefit iv) Infrastructure and servicing implications.

Argyll and Bute Consultative Draft 2003

Policy S1 Sustainable development sets out the parameters of Argyll and Bute council pursuing principles of sustainable development in considering development proposals in its policies proposals and allocations.

Policy S1 Sewage and Waste Water Treatment

A) There is support for the principle for sewage and waste water system development which does not conflict with B) below:

B) There shall be resistance to sewage and waste water system development as follows:

1. Private systems at locations where connection to the public system with capacity is viable.
2. Sewage and wastewater development, which does not satisfy the public system connection requirements and system standards as set out in policy notes 2 and 3.
3. Medium and large scale public or private systems within 250 metres of the boundaries of residential or other occupied properties unless

- a greater or lesser separation distance is specified by an odour control model.
4. Public or private systems in the countryside around settlements at locations inconsistent with or prejudicial to the settlement pattern of the area.
 5. Public or private systems of any scale in the greenbelt or very sensitive countryside; or of medium or large scale in rural opportunity areas or sensitive countryside; other than where comprising vital infrastructure or where servicing development which itself is consistent with the policies applying to these zones.
 6. Public or private system development which is likely to conflict with other policies in this plan including safeguarding conservation interests.

Policy E4

- "A. *Development will only be acceptable on the natural foreshore if there is a specific operational purpose for its foreshore location and there being no effective alternative location of the development landward of the natural foreshore.*
- B. *Development shall not damage nor undermine the key features of foreshore areas, including the following:*
1. *The dynamics and balance of the ecology of the foreshore;*
 2. *The sustainable productive capacity of the foreshore for shell-fish farming;*
 3. *The effective functioning of the foreshore in providing access between land and water activity; general public access down to and along the foreshore;*
 4. *The attractive appearance of the foreshore itself and value of outlooks over and across the foreshore from land to sea."*

Policy E 3 'bad neighbour' development and safeguarding zones

Development and associated land use shall not originate nor give rise to substantial bad neighbour impacts that are significantly injurious to and incompatible to lawful use of neighbouring land and property....in appropriate cases planning conditions can be imposed.

C ASSESSMENT

Site/proposal

The application site is situated on the seaward side of *Shore Road Innellan* and is positioned opposite the properties 125-127 *Shore Road* fronting an existing stonewall that abuts the A815 and the foreshore. The site forms part of the natural foreshore, which comprises of large rock and sand. Essentially it is proposed to extend the existing foreshore from a modest rocky outcrop a distance of approximately 32 metres in length by approximately 25 metres in depth such that the infilled area on the beach will tie in with the existing foreshore. This will involve a significant engineering operation with rock armour and infilled material being deposited on the beach within which the two underground septic tanks, vehicular lay-by and kiosk would be placed.

Type of treatment

As members are aware the site is one of three sites that requires the provision of septic tanks. Two sites (see related history above) already has the benefit of planning permission following referral to the First Minister.

A constant theme and source of complaint from local residents to this current scheme, and indeed the other two sites with the benefit of permission, is in respect of the level of treatment provided ie primary treatment as opposed secondary treatment.

Scottish Water Solutions have highlighted (see supporting statement) the reasons why primary treatment has been proposed for *Innellan* and their reasoning is acknowledged. Furthermore as highlighted in the recent appeal (decision dated 29th December 2004) at *Strachur* for new sewage treatment facilities this is not a matter for planning authorities to become embroiled in. The level and type of treatment proposed by *Scottish Water* as the sewerage authority is a matter for them in conjunction with SEPA.

It should however be remembered that any consent to discharge will require the consent of SEPA and local residents would have the opportunity to make representations directly to SEPA once such an application has been received and advertised.

Locational need/ Alternative site

This particular application is essentially different that the two other site in *Innellan* since it involves quite a significant engineering operation with an extension to the existing rock outcrop. When the second application (Ref 04/01532/DET) for this site was lodged (prior to its withdrawal) the application was held in abeyance for number of months pending further investigations by *Scottish Water Solutions* as to whether any other alternative site were available which is considered to be a material consideration.

As the supporting statement by *Scottish Water Solutions* indicates there are two existing outfall pipes to the north and south of the application site and in order to pursue a gravity based system, *Scottish Water* has advised that this is the only site available since it is at the lowest level.

Should permission not be forthcoming for this particular site another site would need to be identified the implications being that this would involve a number of pumping stations which visually could have a greater intrusive impact upon the local environment. Positioning the septic tanks at '*Sandy Beach*' to the north of the catchment would necessitate considerably more pipework and an additional pumping station to transport flows to the '*Sandy Beach*' site due to topography which sees a rise in levels up to the Beach site. In addition a new pumping station including an above ground kiosk would require land reclamation, as the site would be required between the two existing outfalls where there is no natural existing platform under which to install the apparatus.

The planning authority must respect and has no reason to doubt the justification advanced by *Scottish Water* who must act as the responsible sewerage authority for this chosen site. Providing always this view is accepted the development is consistent with development plan policy POL RUR 1 in that it is justified on the basis of location/operational need.

Visual impact

In terms of visual impact of the development consideration should be given as to how to minimise its impact. The extension of the existing shoreline will require carefully grading, suitable choice of rock including size, shape, composition and source and any rock armour will play an important role in marrying the proposed development with the existing foreshore. In this regard

it is recommended that a planning condition be imposed to address this matter.

In terms of visual impact when viewed from dwellings opposite and from the A815 itself the most discernable feature will be the green GRP Kiosk, 2 metres x 1 metres x 1 metre. Normally such kiosks constitute "*permitted development*" but this is not the case in this instance since planning permission is required for the entire development.

Some other kiosks within Cowal have been stone faced in order to minimise their appearance and it is observed that the Reporter in relation to the recent appeal decision at *Strachur* imposed such a planning condition. Whilst consideration has been given to imposing such a condition in relation to this development it is not considered prudent to do so in this instance. The reasoning is that the two other kiosks at the two other approved sites would have green GRP kiosks, and it would look somewhat peculiar and discordant to have one isolated kiosk stone faced, there needs to be some consistency their overall along the shoreline to prevent one or the other becoming more eye-catching.

Potential odour and noise POL COM 5 'bad neighbour'

In terms of potential odour and noise the application should be considered against POL COM 5 '*bad neighbour*' development when viewed in the widest sense given that this particular policy is incorrectly placed in the adopted Cowal Local Plan 1993. This seeks to resist '*bad neighbour*' uses where it is considered that they would have an adverse effect upon the amenity of residential property. The septic tanks would be sited at a distance of approximately 15 metres from the residential curtilages opposite and approximate 26 metres from the front face of the residential properties the opposite side of the A815.

The views of Public Protection have been sought who acknowledge that odour arising from the operation of wastewater treatment works can give rise to nuisance to the detriment of the area. In this instance the septic tanks are contained underground but it is essential that odour does not give rise to offensive odours outwith the site and powers are available under the Environment Protection Act 1990 to deal with such odours causing a nuisance. In order to safeguard amenity it is recognised that a suitable planning condition should be imposed, and in this case, it is recommended that conditions relating to the design and management of the plant be attached.

Concerns have also been raised in respect of potential noise both during the constructional phase and once the plant is operational. In terms of construction noise, it is not necessary to impose any planning condition since this would merely duplicate controls since powers are available to Public Protection under the Environmental protection Act 1990 and the Control of Pollution Act 1974 should excessive noise nuisance occur. This aspect is addressed as a '*note to the applicant*' encouraging early dialogue between *Scottish Water/Contractor* and Public Protection.

The operation of the plant will introduce a new noise. Plant and equipment, vehicle movements all have the potential to give rise to noise nuisance at the nearest receptors particularly when background levels are generally low. In this case, and in order to ensure that amenity is not compromised, a suitable condition (condition 5) relative to potential noise is recommended, should permission be granted.

Lay-by/road safety

The development of the lay-by would not have any adverse visual impact and in terms of road safety, the Area Roads Manager has raised no objections subject to conditions. This includes the provision of suitable signage to ensure that the lay-by is available for use by *Scottish Water* at all times. Such a measure would be addressed via planning condition (number 3) and no separate advertisement application would be necessary given that such signage would benefit from deemed consent under the 1981 Advertisement Regulations.

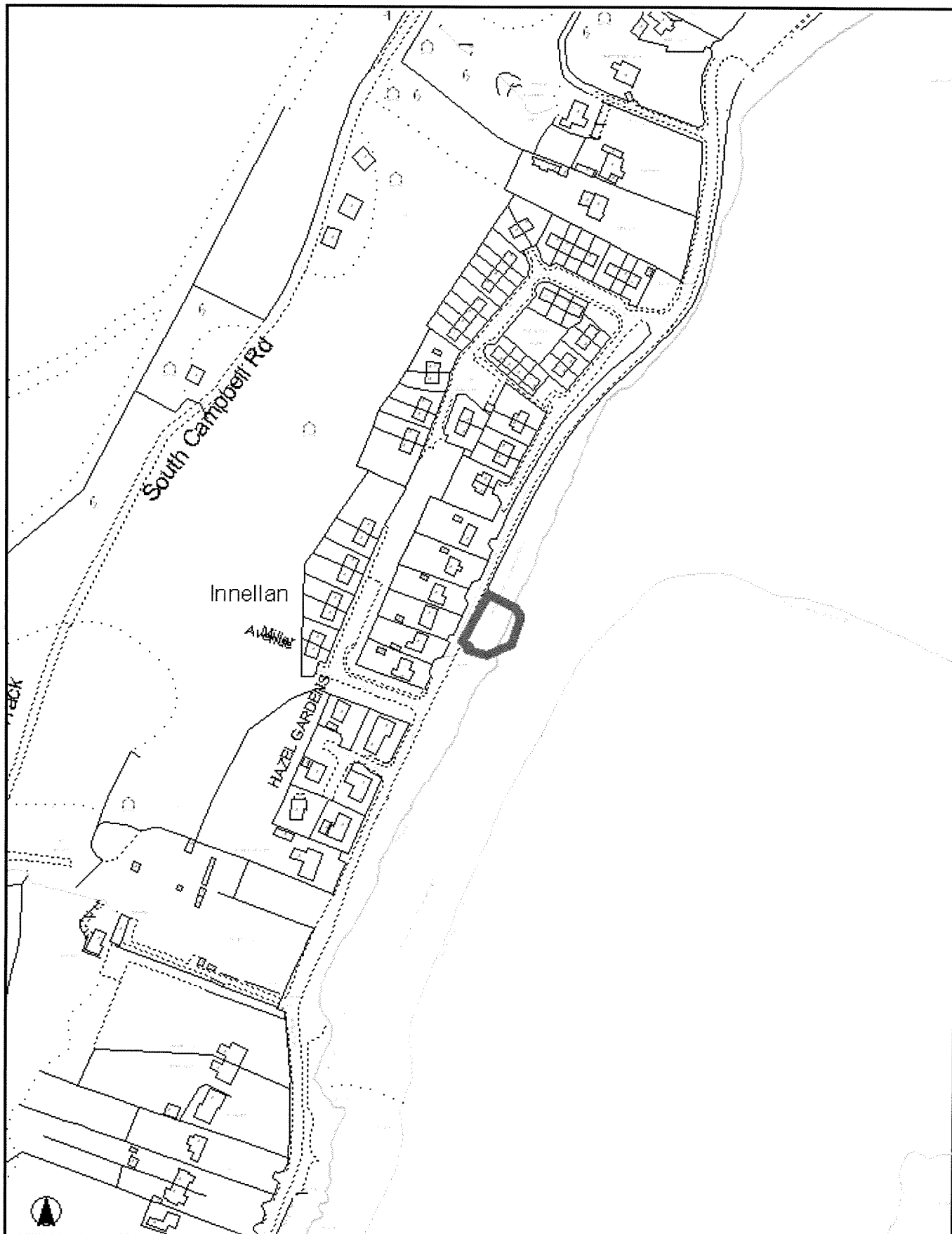
Requirement for a Hearing

Members should give consideration to an '*informal hearing*' given that 4 letters of representation to this current application and 34 letters to the previous application (ref 04/01532/DET) have been received (including 31 standard (identical letters)). In this instance the department would suggest that an '*informal hearing*' be convened although there is no requirement for a '*PAN 41 hearing*' and whilst other hearings have not resulted in connection with two similar schemes in *Innellan* that have the benefit of permission and which are currently being developed.

Procedural Matters

The First Minister, (*Articles 17 and 22(3) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992*), has directed that where a Planning Authority propose to grant planning permission for a development which is in their ownership or in which they have an interest, the matter should be referred to the First Minister where the proposed development does not accord with the adopted Local Plan or has been the subject of a "*substantial*" body of objections.

It is the department's view, having regard to the number of letters of objection received to this application and the previous application (ref 04/01532/DET) that this falls within the term "*substantial*" and the application should be referred to the First Minister.



Location Plan relevant to Planning Application 05/00295/DET

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Argyll and Bute Council
Development and
Development Services
Planning
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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee**

Local Member Councillor D C Currie
Date of Validity - 10th January 2005
Committee Date - 5th April 2005

17th March 2005

Reference Number: 05/00031/VARCON
Applicants Name: Carry Farm Ltd
Application Type: Variation of Condition
Application Description: Variation of Condition 1 of Planning Permission 01/01758/DET to Allow the Permanent Residential Occupation of One Lodge (Unit 4)
Location: Land South of Carry Farm, Ardlamont, by Kames

(A) THE APPLICATION

Permission is sought to vary the terms of Condition 1 of Planning Permission 01/01758/DET to allow the permanent residential rather than holiday occupation of one lodge on land to the south of *Carry Farm*, Ardlamont, Kames. The applicant has stated that their "*full time manager*" would occupy the lodge.

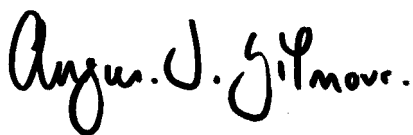
(B) RECOMMENDATION

It is recommended that permission be **granted** for the variation of Condition 1 of Planning Permission 01/01758/DET as set out on the following page.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

An application (ref: 04/00558/VARCON) was submitted in April 2004 to remove the holiday occupancy restriction to allow a permanent residential use of two of the lodges within this site. Members resolved to refuse the proposal at the December 2004 Area Committee. In essence, they were concerned that the original approval of the scheme was based upon rural and farm diversification and the disassociation of the two lodges from Carry Farm would conflict with the principles of sustainability and would set an undesirable precedent for further residential development by stealth.

The present application seeks to remove the occupation restriction on one of the lodges and the applicants have made it explicitly clear that this would be for staff only i.e. their full time manager. The Department considers that it would be reasonable to allow the site manager to live at the site and, having due regard to the very recent decision by Members on application 04/00558/VARCON, only on this basis is such a variation on the original planning condition regarded as being acceptable.



Angus J Gilmour
Head of Planning Services

Case Officer:	S. Gove	01369-70-8603
Senior Planning Officer	P. O'Sullivan	01369-70-8608

"In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985".

CONDITION RELATIVE TO APPLICATION 05/00031/VARCON

1. The accommodation unit referred to as *Unit 4* shall be used as the permanent residence of the manager of the caravan site/holiday lodges or a person solely or primarily employed by Carry Farm Ltd in connection with the operation of the caravan site /holiday lodges. The remaining three holiday accommodation units originally approved on 30th April 2002 under the reference 01/01758/DET shall be used for holiday letting purposes only and shall not be occupied by any family, group or individual during the months of February and November in any calendar year.

Reason: *For the avoidance of doubt and in accordance with the use/application submitted.*

APPENDIX RELATIVE TO 05/00031/VARCON

A. OTHER MATERIAL CONSIDERATIONS

(i) Site History

An application (ref: 01/00142/DET) for the erection of five timber lodges on the subject site was refused in June 2001 for reasons of adverse environmental impact and inappropriate design. A scheme for four lodges (ref: 01/01758/DET) with an amended design was considered by Members at the January 2002 Bute and Cowal Area Committee and, notwithstanding that the Department maintained its recommendation of refusal, Members opted to undertake a formal site inspection.

At the inspection on 25th February 2002, Members decided to recommend to the Public Service and Licensing Committee that the application be approved as the development was consistent with Development Plan policies as there would be no major adverse environmental impact (the site was not prominent or sporadic) and there had been a major alteration in design and density.

The Public Service and Licensing Committee, on 10th April 2002, decided to approve the application with the imposition of the conditions being remitted to this Department in consultation with the Chair and Vice Chair of the Committee and the Local Member. The permission was released, after the expiry of the agreed consultation period, on 30th April 2002.

An application (ref: 04/00729/VARCON) was submitted in May 2004 that sought to remove the holiday restriction on one of the caravans within the holiday site to the east of Carry Farm. This application was considered at the October 2004 Area Committee where it was agreed to allow the caravan to be used as accommodation for a site manager or a person who is solely or primarily employed by Carry Farm Ltd. This permission was issued on 5th October 2004.

An application (ref: 04/00558/VARCON) was submitted in April 2004 that sought to remove the holiday occupation restriction on two of the lodges in favour of permanent residential use. This application was debated in great detail, primarily at the December 2004 Bute and Cowal Area Committee at which time the application was refused (see *Assessment* section below for a fuller explanation of the reasons).

(ii) Consultations

Development Policy Section has been consulted but has expressed no comments. No objections were received from this Section at the time of the previous application (ref: 04/00558/VARCON).

Senior Building Control Officer: Views awaited

(iii) Publicity and Representations

The application has been advertised under Article 9 (closing date 18th February 2005) and as a Potential Departure from the Development Plan (closing date 25th February 2005). No letters of representation have been received.

(iv) Applicant's Supporting Information

The applicant (letter dated 12th January 2005) has submitted the following in support of the application:

"The application is modest variation consistent with Argyll and Bute policy documents and required to regularise the reality which finds us with staff that require housing.

We have done what we promised in our original proposals - created employment and have a full time manager living away from his present home in a caravan. He would like to buy a lodge, bring his family and make Cowal his home. (He is in fact a family member).

*Such a sale to staff would include a buy back clause at market rates to protect our interests and in any case **the overall services and site maintenance will always remain in our control. In refusing our last application, it was stated that giving 12-month occupancy would disassociate the building from Carry Farm. Can we repeat as we have on a number of occasions we only sell the lodge and its***

solum the ground remains with Carry Farm and the 4 lodges are given common rights to it. Carry Farm derives income from a maintenance agreement for the land and all services. In addition owners rent their lodges and we provide cleaning and other services. For clarification this is exactly like timeshare arrangements except that our clients have 10-month shares.

This was always our stated intention and references to changes by stealth in the refusal are insulting. Some lodges are now built and we enclose a photograph. We have received nothing but positive comment from everyone who has seen them and they are far removed from what you describe in the refusal as "temporary" with space standards and facilities greater than the average modern house.

Can you please ensure that these explanations are given to Councillors or give us the opportunity to present the case as we think that our intentions are being misunderstood.

We are happy that the consent is given for staff use only."

B. POLICY OVERVIEW AND ASSESSMENT

Central Government Guidance

SPP1 'The Planning System' - emphasises the importance of promoting sustainable development

NPPG 15 'Rural Development' - *Providing opportunities for new businesses which complement existing business is no easy matter. It is however crucial step if rural communities are to improve the quality of life....rural employment needs to diversify into new ventures.*

It is European and government policy to promote diversification in agriculture and fishing to create alternative income generating opportunities and rural employment, subject to appropriate environmental safeguards being taken.

In some areas, the cumulative impact from development may create significant pressures on the environment, which, if left unchecked, could lead to the erosion of the qualities that made them attractive in the fits place.

Tourism makes a major contribution to the rural economy and to the prosperity of many towns and villages in rural Scotland... Sustainable tourism promotes both conservation and economic interests in a sustainable way ... as many of these opportunities are located in remote areas, sustainable tourism initiatives will also help reverse trends of depopulation by creating employment opportunities for young people."

Circular 4/1998 'Use of Conditions in Planning Permissions' addresses the role of conditions within the Development Control system. With this application in mind, the following is relevant:

"In recent years there has been an increased demand for self-catering holiday accommodation- whether new buildings (including mobile homes) or converted properties- which may be constructed to a standard that would equally support permanent residence in some comfort. But this accommodation may also be located in areas in which the provision of permanent housing would be contrary to national policies on development in the countryside or not in accordance with development plan policies, or both. The Secretary of State considers that the planning system should respond to these changes without compromising policies to safeguard the countryside.

There may be circumstances where it will be reasonable for the planning authority to grant planning permission for holiday accommodation as an exception to these policies, with a condition specifying its use as holiday accommodation only."

Local Plan Policy

The site is located within the South Cowal Regional Scenic Area and, as such, the proposal should be assessed against Policy POL RUR 1 of the Cowal Local Plan 1993, which seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the designated area.

Policy POL TOUR 4 of the Cowal Local Plan 1993 supports the development of self-catering accommodation in Cowal providing that it does not conflict with other policies set out in the Local Plan.

Policy POL TOUR 11 of the Cowal Local Plan 1993 encourages the development of resource-based tourism and recreational facilities directly related to natural resources e.g. beaches, safe anchorages etc. providing, *inter alia*, that they do not conflict with the landscape quality of Regional Scenic Areas.

Draft Local Plan Policy

Policy T 2 of the Draft Argyll and Bute District-Wide Local Plan 2004 supports the incorporation of up to and including 5 permanent dwellings within tourist-accommodation development outwith Primary Tourism Areas. The Draft Plan has been the subject of many significant revisions as a result of the initial consultation period and the next document (the *Finalised Plan*) will be presented for further public consultation in the near future. In these circumstances, only little weight can be attached to this draft policy.

ASSESSMENT

At the present moment, two of the lodges have been erected whilst work is continuing upon a third. The previous application (ref: 04/00558/VARCON) sought to remove the restriction on the occupation of two of the lodges with the consequence that they would be occupied as permanent dwellings notwithstanding the 'holiday look' about them. The applicant put forward at that time that permanent dwellings were necessary to house a site manager **and** to provide affordable accommodation for workers moving into the area.

In determining whether, just four months after the previous decision, the current proposal to allow one of the lodges to be occupied by the site manager should be allowed, the Department considers that there are two key issues, as follows:

Amenity

As stated at the time of the previous application, the lodges are set in relatively spacious grounds (in excess of twenty metres apart) with the consequence that each unit could have a sizeable curtilage without imposing upon the privacy/amenity of the other units. This would not, therefore, be a reason to refuse this application.

Reasons for Previous Decision

Members will recall that they considered in great detail the proposal to allow permanent residential occupation of two of the lodges. Ultimately, they unanimously decided to refuse the application for the following reasons:

1. *"The original decision to grant permission was heavily weighted by considerations of rural and farm diversification in that Carry Farm was not a viable agricultural unit. The holiday restriction was imposed having regard to the overall appearance of the four timber units and equally to ensure, in a sustainable manner, that the units were associated with Carry Farm in order to allow rural diversification to take place.*

This application now seeks to remove the holiday occupancy restriction to allow permanent residential use just over two and a half years since the site inspection. The removal of the holiday occupancy condition would result in two of the four units being disassociated with Carry Farm and permanent residential use would conflict with and undermine the principles of sustainable development for both farm diversification and tourism, contrary to NPPG 15 'Rural Development'.

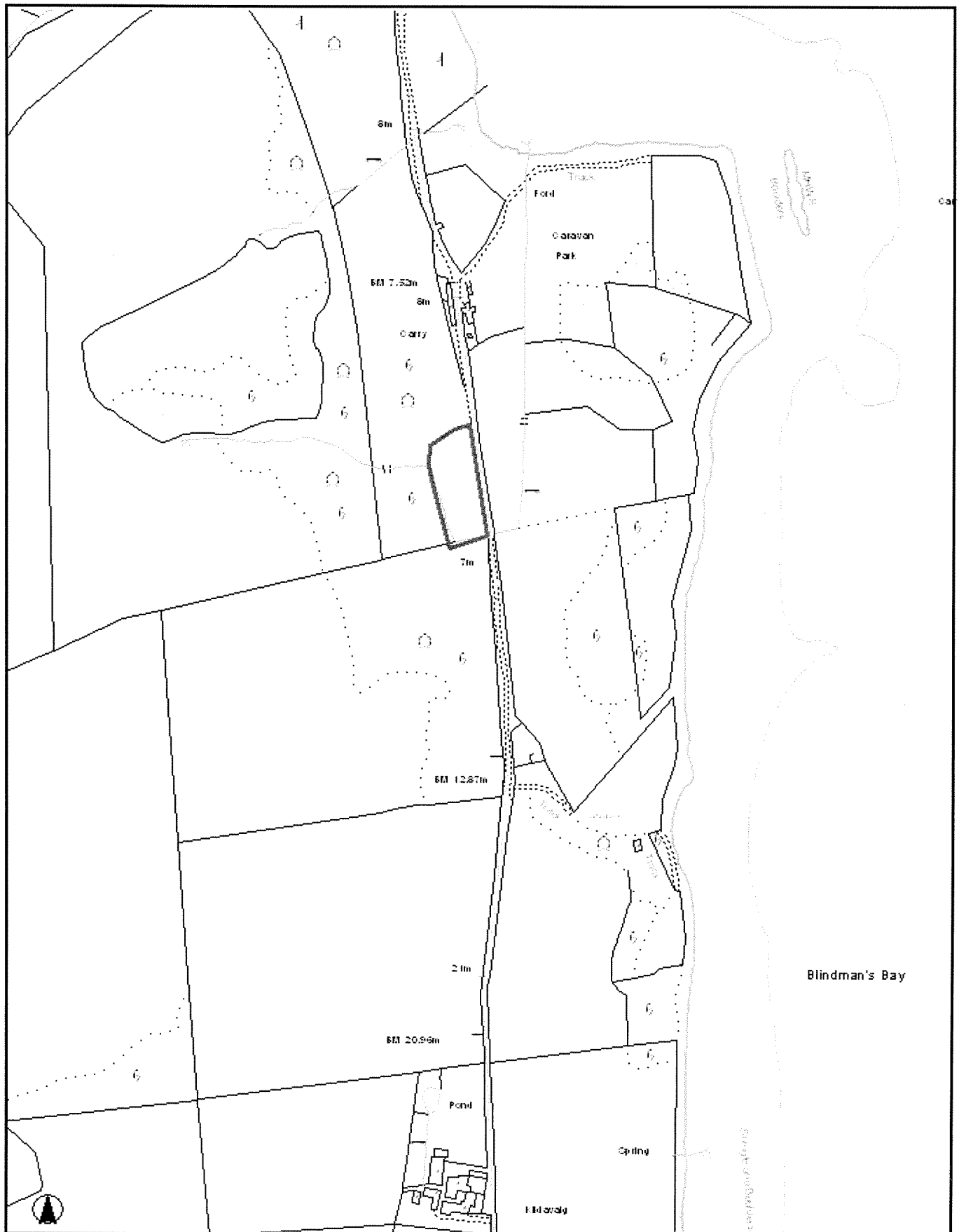
2. *The granting of permission for this current proposal would set an undesirable precedent for further residential development being achieved through stealth by the use of inappropriate design and materials that have a holiday or temporary look and if approved would undermine some of the basic tenets and objectives of the planning system."*

Members made the above decision on an application which, when submitted, did not specifically or explicitly state that the lodges were to be used only by staff employed by Carry Farm Ltd. In addition, the application related to two of the lodges. The present application is significantly different in that it relates to only one of the lodges and, from the outset, the applicants have made it abundantly clear that the site manager will occupy the subject lodge.

This has been reinforced as the applicant (telephone conversation on 17th March 2005) has confirmed that the site manager presently lives in the caravan that was approved in October 2004 under the reference 04/00729/VARCON. He has further advised that the manager will move into the lodge if the present application is approved. In this scenario, it is conceivable that the caravan may revert to holiday accommodation, which would also be permissible under the consent granted last year.

Given the above, the Department does not consider that an approval of the current application would be at variance with Members' very recent decision and ensuring that the lodge is occupied in accordance with the applicant's very clear intentions can be achieved through a strict monitoring of the site.

Finally, the views of the Senior Building Control Officer are awaited and once received would be relayed as a *'note to the applicant.'*



Location Plan relevant to
Planning Application
05/00031/VARCON

Argyll and Bute Council
Development and
Development Services
Kinloch
LOCHGILPHEAD
Argyll
PA31 8PT

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee**

Local Member Councillor Isobel Strong
Date of Validity - 20th December 2004
Committee Date - 5th April 2005

17th March 2005

Reference Number: 04/02398/DET
Applicants Name: I W Joinery and Construction
Application Type: Detailed Application
Application Description: Demolition of Outbuildings and Erection of Six Dwellings & Formation of Vehicular Access
Location: Land and Former Steading, West of Knockanreoch, Westlands Road, Rothesay

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of six dwellings to the west of Knockanreoch, Westlands Road, Rothesay.
- Formation of new vehicular access.
- Formation of twelve parking spaces.

Other Specified Operations

- Demolition of agricultural outbuildings.
- Connection to existing public water supply and sewerage systems.

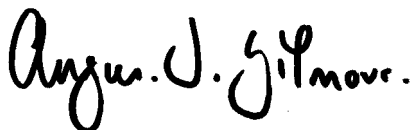
(B) RECOMMENDATION

It is recommended that consideration of the application should be '*continued*' pending the receipt of outstanding information.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

The proposal is generally acceptable in terms of the scale and design of the six dwellings. There are, however, unresolved issues regarding access width, boundary treatments, external wall finishes and distance between conterminous window openings. Amended plans to satisfactorily address these matters are awaited from the agent.

The site is located within the '*Countryside Safeguarding Zone*' under Policy POL HO 3 of the Bute Local Plan 1990 and, as such, there is a general discouragement for housing in this particular area. It is considered that the proposal could be justified as a '*minor departure*' to Development Plan Policy (subject to the resolution of the outstanding matters referred to above) given the age of the current local plan; the likely acceptability of the scheme in respect of scale, design, servicing and infrastructure; and the identification of the land as within the '*settlement outline*' of Rothesay in the Consultative Draft Argyll and Bute District-wide Local Plan 2003.



Angus J Gilmour

Head of Planning Services

Case Officer: S. Gove 01369-70-8603

Senior Planning Officer P. O'Sullivan 01369-70-8608

"In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985".

APPENDIX RELATIVE TO 04/02398/DET

A. OTHER MATERIAL CONSIDERATIONS

(i) Site History

Outline Planning Permission (ref: 00/00768/OUT) was sought for residential development at the site on behalf of Bute Estate in May 2000. This application has since been withdrawn.

(ii) Consultations

Development Policy Section (E-mail dated 6th January 2005)

"I refer to the above application that you have asked for comments on from the Development Policy Section. I see no difficulty with this one in policy terms. The site lies within the settlement boundary of the draft plan and is a development site – no objection."

Area Roads Manager (Memo dated 11th January 2005)

No objections subject to adoption of the access road; provision of 13 parking spaces and a suitable turning area; appropriate access gradients; and acceptable width of access for its first 10 metres.

SEPA (Letter dated 20th January 2005)

No objections subject to connection to the public sewerage system and surface water being treated in accordance with SUDS principles.

Scottish Water (E-mail dated 1st March 2005)

"I would like to confirm that a foul only connection will not adversely impact the existing infrastructure provided the surface water is discharged on a separate system to the nearby watercourse."

(iii) Publicity and Representations

The proposal has been advertised under Article 9 neighbour notification procedures, Section 34 and as a *Potential Departure* (closing date 21st January 2005). No letters of representation have been received.

B. POLICY OVERVIEW

Bute Local Plan 1990

The settlement strategy for Bute stresses the need for consolidation of the existing settlements. It is considered necessary to restrict development on the periphery of the existing settlements thereby protecting agricultural land and the appearance of the landscape. In this regard, Policy POL HO 3 of the Bute Local Plan 1990 has set up a '*Countryside Safeguarding Zone*' around the main settlements, including Rothesay. Within this zone, small-scale residential development will not generally be permitted and such development will not be considered as infill or "*rounding off*".

Policy POL BE 15 of the Local Plan seeks to achieve a high standard of design and layout where new developments are proposed.

Policy POL PU 2 of the Local Plan states that the Council will not normally permit alternative private sewage disposal schemes in areas covered by mains drainage.

Argyll and Bute District-Wide Local Plan (Consultative Draft) 2003

The site is identified as being within the '*settlement outline*' of Rothesay (designated a '*Main Town*') within which, under Policy H 1, there is encouragement for small, medium or large-scale residential development unless there is an unacceptable environmental, servicing or access impact.

C. ASSESSMENT

Relationship with the Settlement of Rothesay

The site is a 0.23 hectares area of ground located at the northwestern edge of Rothesay, just beyond the upper Academy buildings. It comprises a substantial L-shaped agricultural outbuilding, which is in a considerable state of disrepair. The western part of the site is partly concrete but generally overgrown and is bounded on the roadside by a boundary wall with a fence along its northeastern boundaries. There is an existing dwelling located to the east of the application site.

This site is visually important in the sense that it is on the northwestern approach to Rothesay and is presently dominated by an unsightly building. The redevelopment of the site in a sympathetic manner would undoubtedly be a significant environmental gain.

The Draft Local Plan has correctly recognised that the northwestern edge of Rothesay does not end with the existing dwelling at Knockanreoch (as identified in the present Bute Local Plan) but that the subject site would represent a '*rounding off*' of the settlement. It is understood that no representations were received during the initial public consultation period to this designation and, significantly, the present application has also attracted no objections.

Whilst the Draft Plan has been the subject of significant revision and the Finalised Plan will be published in the near future, the lack of opposition to the development of this particular site is indicative of the community's acceptance that it represents a worthwhile opportunity.

Scale, Design and Layout

The application shows the erection of six one-and-a-half storey dwellings – two substantial semi detached blocks at the roadside frontage with two detached buildings to the rear. The dwellings contain traditional elements – dormer windows; quoins; fenestration with a strong vertical emphasis, etc. and they are considered to generally be appropriate in this particular area.

However, there are three areas of contention in respect of the design and layout of the site, as follows:

- The application shows the intended use of a dry dash render and the Department would prefer a more traditional type of render (wet dash or similar);
- The application shows a one metre-high fence along part of the Westlands Road frontage of the site and the Department would prefer a more substantial form of boundary treatment;
- Some revision requires to be carried out in respect of the positions of dwellings 1, 2, 5 and 6 as there would be conterminous window openings that would be less than 18 metres apart (in this case, 15 metres);

The Department has requested (letter to Amcadd Ltd dated 16th March 2005) that the applicant/agent agree to amending the scheme in accordance with the above points and verbal indications have been received that amended drawings will be submitted very shortly.

Road Safety

The number of units exceeds five and, as a consequence, the road should be constructed to an adoptable standard. There is a mixture of designated and on-road parking that would appear to meet the requirements of the Area Roads Manager. However, the access on the approach to the junction with Westlands Road has not been widened to the distance recommended by the Area Roads Manager (i.e. 5.5 metres for the first 10 metres back from the road).

Similar to the design and layout revisions referred to above, the Department has requested (letter to Amcadd Ltd dated 16th March 2005) that the applicant/agent agree to widening the access in line with the recommendation and verbal indications have been received that amended drawings will be submitted very shortly.

Foul Drainage Arrangements

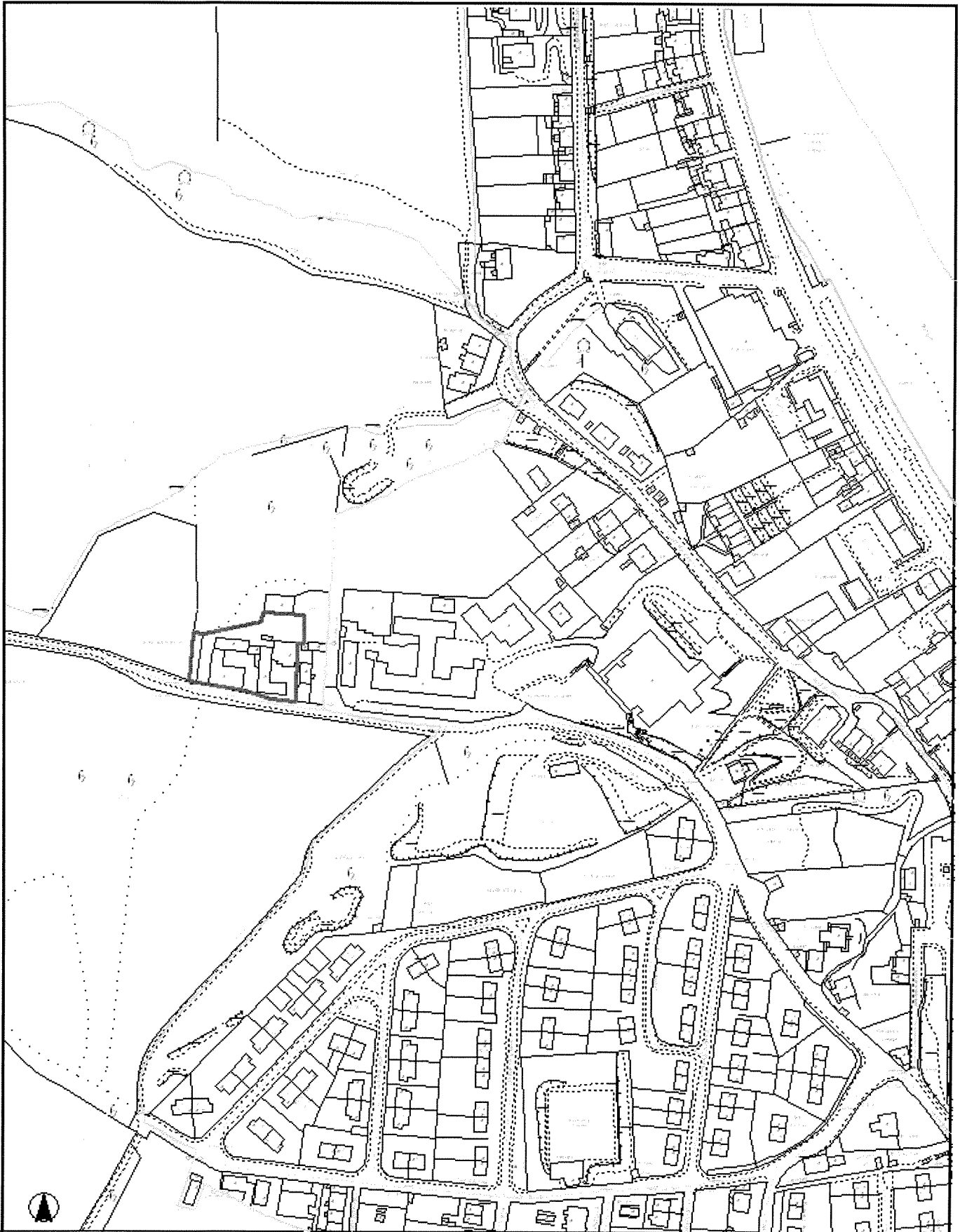
The scheme initially showed the erection of a single septic tank to serve the development and was then amended to show two septic tanks. SEPA recommended that every effort should be made to connect into the public sewerage system in accordance with Policy POL PU 2 above.

The applicant and agent have investigated this issue with Scottish Water, who have confirmed that public sewerage apparatus exists in this area and that there is no objection to the proposed six dwellings connecting into this apparatus. The proposal now accords with Policy POL PU 2.

Surface water within the site will be dealt with in accordance with SUDS principles: this will be achieved via a condition.

SUMMARY OF CURRENT POSITION

The Department is confident that the outstanding issues relating to design, layout and access will be satisfactorily resolved through the imminent submission of amended drawings. Upon receipt of these drawings, a further report will be prepared containing a definitive recommendation, set of conditions and a full justification for approving the proposal as a '*minor departure*' to Development Plan Policy.



Location Plan relevant to
Planning Application
04/02398/DET

Argyll and Bute Council
Development and
Development Services
Planning
LOCAL HEAD
Argyll
PA31 8PT

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**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

Application Types:

*ADV App. for Advertisement Consent,
ART4 App. Required by ARTICLE 4 Dir,
CLAWU App. for Cert. of Law Use/Dev. (Existing),
CLWP App. for Cert. of Law Use/Dev. (Proposed),
COU App. for Change of Use Consent,
CPD Council Permitted Dev Consultation,
DET App. for Detailed Consent,
FDP Forest Design Plan Consultation,
FELLIC Felling Licence Consultation,
GDCON Government Dept. Consultation,
HAZCON App. for Hazardous Substances Consent,
HYDRO Hydro Board Consultation,
LIB Listed Building Consent,
LIBECC App. for Consent for ecclesiastical building,
MFF Marine Fish Farm Consultation,
MIN App. for Mineral Consent,
NID Not. of intent to develop app.,
NMA Not. for Non-Material Amnt,
OUT App. for Permission in Principle,
PNAGRI Prior Not. Agriculture,
PNDEM Prior Not. Demolition,
PNELEC Prior Not. Electricity,
PNFOR Prior Not. Forestry,
PNGAS Prior Not. Gas Supplier,
PREAPP Pre App. Enquiry,
REM App. of Reserved Matters,
TELNOT Telecoms Notification,
TPO Tree Preservation Order,
VARCON App. for Variation of Condition(s),
WGS Woodland Grant Scheme Consultation*

Decision Types

*PER Approved
WDN Withdrawn
NOO No Objections
AAR Application Required
CGR Certificate Granted
OBR Objections Raised
PDD Permitted Development
PRE Permission Required
NRR New App. Required*

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
05/00287/NMA	Mr Baxter 198 - 200 Edward Street Dunoon Argyll Alterations and erection of extension to dwellinghouse: retention of windows on south gable (relative to permission 04/00540/DET)	08/02/2005	03/03/2005	PER
05/00286/NMA	D And F Limbert Land To The West Of 94 - 96 Ardenslate Road Kirn Dunoon Argyll Erection of dwellinghouse: external alterations in respect of reconstituted stone to front (west) elevation (relative to permission 04/00541/DET)	07/02/2005	03/03/2005	PER
05/00261/DET	Mr And Mrs Tillson Lower Flat Craigiemichael Cottage Shore Road Innellan Dunoon Demolition of lean-to porch and external alterations to lower flat and erection of timber decking area	21/02/2005	10/03/2005	PER
05/00217/NMA	Mr Galbraith And Ms Black Ground To The West Of 96 - 98 Ardenslate Road Kirn Dunoon Argyll Erection of dwellinghouse: external alterations in respect of reconstituted stone to front (west) elevation (relative to permission 04/00311/DET)	07/02/2005	03/03/2005	PER
05/00173/DET	Mrs Dorothy Hay 1 Kirn Court Marine Parade Kirn Dunoon Argyll Erection of porch on front elevation of dwellinghouse	02/02/2005	10/03/2005	PER
05/00166/CPD	Housing Services Education Office 2 Tom-A-Mhoid Road Dunoon Argyll PA23 7BE Erection of extension to Resource Centre and formation of path and access ramp	17/02/2005	11/03/2005	PDD
05/00143/VARCO N	Mr Robert Carter Ground To South West Of Ardachearanbeg Cottage Glendaruel Colintrave Argyll Variation of condition 7 of planning permission 04/00066/DET for the retention of static caravan for a further temporary period	07/02/2005	11/03/2005	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
05/00139/DET	Mr Brian Stevenson Machrimore Sandbank Dunoon Argyll PA23 8QH Erection of detached garage and alterations to boundary wall.	24/01/2005	10/03/2005	PER
05/00128/DET	Mrs M McEwan 5 Violet Grove 108 George Street Dunoon Argyll PA23 8BP Installation of replacement windows	27/01/2005	18/02/2005	PER
05/00095/WGS	Forestry Commission Woodland Grant Scheme, Nether Stravannan Kingarth Rothesay Isle Of Bute Woodland Grant Scheme	11/01/2005	28/02/2005	NOO
05/00088/DET	Scottish Water Land West Of Public Convenience Marine Road Port Bannatyne Rothesay Isle Of Bute Widening of existing pedestrian access to permit vehicular access and formation of hardstanding area	17/01/2005	24/02/2005	PER
05/00056/DET	Duncan Maxwell Silverknowe Sandbank Dunoon Argyll PA23 8PZ Extension to dwelling and demolition of outbuilding and annex, increased roof height and pitched dormer windows (Retrospective)	14/01/2005	25/02/2005	PER
05/00050/DET	Mr And Mrs Adams Seabourne Innellan Dunoon Argyll PA23 7SP Demolition of existing porch and garage; erection of 2 storey rear extension and external alterations; and erection of replacement garage	13/01/2005	18/02/2005	PER
05/00028/VARCO N	Charles Dixon-Spain Grounds Of Dunans Castle Glendaruel Colintrave Argyll Variation of Condition 3 of Planning Permission 02/01861/DET - To allow the residential use of timber building for a further 24 month period.	13/01/2005	23/02/2005	WDN

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
05/00014/DET	Mr S Mc Nee Ground Floor Rowanlea 40 Kirm Brae Kirm Dunoon Argyll PA23 8LP Erection of conservatory	14/01/2005	23/02/2005	PER
04/02556/GDCON	Scottish Courts Services Court House 3-5 George Street Dunoon Argyll PA23 8BQ Proposed alterations to comply with Disability Discrimination Act	24/12/2004	31/01/2005	NOO
04/02554/DET	Strachur And District Community Development Co Ltd Land 200 Metres To The North West Of Strachurmore Strachur Argyll Formation of playing fields and associated car parking/landscaping (incorporating indicative location of pavilion)	23/12/2004	21/02/2005	PER
04/02552/VARCON	S O'Donnell 1 Tower Street Rothesay Isle Of Bute PA20 0AW Variation of Condition 3 of Planning Permission 01-95-0610 to Allow the Flats on the Second and Third Floors to be Occupied on a Permanent Residential Basis	22/12/2004	21/02/2005	PER
04/02551/DET	Mr And Mrs G Douglas Clachaig Cottage Clachaig Dunoon Argyll PA23 8RE Erection of Replacement Porch and Formation of Vehicular Access and Parking Lay-by	22/12/2004	21/02/2005	PER
04/02550/DET	Scottish Water Land Opposite Joppa House Shore Road Innellan Dunoon Formation of a lay-by (in association with application ref 04/01164/DET for buried septic tanks and ancillary underground structures)	22/12/2004	03/03/2005	PER
04/02549/NMA	Stewart McNee (Dunoon) Ltd Land Adjacent To Auchamore House 11 Wellington Street Dunoon Argyll Erection of Dwellinghouse; External Alterations in respect of front bay feature and side windows (Relative to permission 04/01843/DET)	23/12/2004	31/01/2005	NRR

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
04/02548/NMA	Scottish Water West Bay Car Park Kilbride Road Dunoon Argyll Adjustment to Portacabin Layout (Relative to Planning Permission 04/02020/COU).	05/01/2005	17/01/2005	PER
04/02541/NMA	Mr And Mrs Tierney Plot 12 McKinlays Quay Sandbank Dunoon Argyll Erection of dwellinghouse (amendment to 03/00256/DET, comprising external alterations to Plot 12, House Type A)	17/12/2004	31/01/2005	PER
04/02505/DET	Elizabeth Smith Holly Cottage 6 Clyde Street Dunoon Argyll PA23 7HT Replacement Roof Covering (Rosemary Tiles to Grey Slate Substitute Tiles)	05/01/2005	31/01/2005	PER
04/02453/DET	Mr And Mrs Marshall 82 Mary Street Dunoon Argyll PA23 7EH Erection of attached single garage and formation of vehicular access	15/12/2004	28/01/2005	PER
04/02451/DET	Mr And Mrs Thompson Staffa Cromlech Road Sandbank Dunoon Argyll KA14 3AL Demolition of carport and erection of conservatory on side elevation	15/12/2004	28/01/2005	PER
04/02442/DET	William Brett Land North Of Modhachaidh Tighnabruaich Argyll Erection of Dwellinghouse (Amendment to Planning Permission 04/01553/REM incorporating alterations to door, windows, removal of corner stones and revised porch design).	05/01/2005	18/02/2005	PER
04/02438/DET	Mr Cromack Pier View Kilchattan Bay Rothesay Isle Of Bute PA20 9NW Erection of conservatory	11/01/2005	03/03/2005	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
04/02437/DET	Mr And Mrs R Stokes 15 Hunters Grove Hunters Quay Dunoon Argyll PA23 8LQ Erection of sunlounge extension on side elevation of dwellinghouse	10/01/2005	18/02/2005	PER
04/02435/DET	J J Sharp Garfield Innellan Dunoon Argyll PA23 7SH Erection of extension to porch	09/12/2004	14/01/2005	PER
04/02434/ADV	Strathclyde Joint Police Board Strathclyde Police Argyll Road Dunoon Argyll Erection of replacement internally illuminated projecting sign and erection of 2 non-illuminated signs	09/12/2004	18/02/2005	PER
04/02397/DET	Mr T Duncan Land To The West Of Kildavannan Schoolhouse Rothesay Isle Of Bute Erection of dwellinghouse with conservatory and installation of septic tank	03/12/2004	24/02/2005	PER
04/02396/DET	Mrs E MacLachlan The Gortein Strathlachlan Strachur Argyll Demolition of existing conservatory and erection of new conservatory	24/12/2004	22/02/2005	PER
04/02371/DET	Mr And Mrs James McCrossan 7 Gordon Street Dunoon Argyll PA23 7EJ Erection of rear extension	01/12/2004	28/01/2005	PER
04/02366/DET	Scottish Water Loch Ascog Water Works Rothesay Isle Of Bute PA20 9LH Erection of Pumping Station	30/11/2004	27/01/2005	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
04/02363/NMA	Stewart Thomson Land North Of Kenmore Strachur Argyll Erection of dwelling and garage (Amendment to permission 03/01366/DET relative to change from render to timber for garage finish)	24/11/2004	25/02/2005	NOO
04/02362/PNDEM	Fyne Homes Ltd 1-11 Mansefield Place Rothesay Isle Of Bute PA20 9BU Demolition of tenement building	24/11/2004	28/02/2005	NOO
04/02361/OUT	Colin J B Henry Garden Ground Of Glen Cottage Sandbank Dunoon Argyll Renewal of Permission (Planning Reference 02/00001/OUT) for the erection of a dwellinghouse	16/12/2004	28/01/2005	PER
04/02360/WGS	Forestry Commission Coill Beag Woodland Grant Scheme Tighnabruaich Argyll Woodland Grant Scheme	22/11/2004	28/02/2005	NOO
04/02343/DET	Mr And Mrs M Lewis The Hillock Sandbank Dunoon Argyll PA23 8QH Erection of detached dwellinghouse and alterations to vehicular access	26/11/2004	24/01/2005	PER
04/02338/DET	Neil Blair 2 Alawal North Kames Tighnabruaich Argyll PA21 2AD Installation of Window and Velux Rooflight	22/11/2004	14/01/2005	PER
04/02336/FDP	Forestry Commission Scotland Woodland At West Strone Otter Ferry Tighnabruaich Argyll Forest Design Plan	17/11/2004	28/02/2005	NOO

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
04/02334/DET	Steven Bright Plot 1 Portavadie Millhouse Tighnabraich Argyll PA21 2DA Erection of Dwellinghouse and Garage (Amended Design and Access Position Relative to Planning Permission 01/00809/DET)	02/12/2004	24/02/2005	PER
04/02332/DET	Ian And Anne McNee 2 Sandbank Industrial Estate Highland Avenue Sandbank Dunoon Argyll PA23 8PB Erection of Storage Building (Class 6)	20/12/2004	17/02/2005	PER
04/02281/DET	Mr Jonathan Zan-Kreyser Cabrera Serpentine Road Rothesay Isle Of Bute PA29 9EH Installation of replacement diesel oil storage tank	19/11/2004	18/02/2005	PER
04/02276/LIB	Mrs Anna Gordon 14 Argyle Place Rothesay Isle Of Bute PA20 0BA Internal alterations to form en-suite shower room	17/11/2004	18/02/2005	PER
04/02274/LIB	Shergill Enterprises Ltd Argyll Hotel 54-58 Argyll Street Dunoon Argyll PA23 7NE Internal and External Alterations (associated with partial conversion of hotel to restaurant)	16/11/2004	14/01/2005	PER
04/02270/COU	Shergill Enterprises Ltd Argyll Hotel 54-58 Argyll Street Dunoon Argyll PA23 7NE Use of Exhibition Area within hotel as a Licensed Restaurant (Hotel Licence) and conversion of snack bar to form conference room and external alterations	16/11/2004	12/01/2005	PER
04/02226/DET	Archd Fergusson Plot 12 Baycroft Strachur Argyll Erection of dwellinghouse and garage	09/11/2004	06/01/2005	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
04/02196/DET	Precept PM Ltd Farm Access Track Adjacent To Rothesay Primary School Townhead Rothesay Isle Of Bute Alterations to farm access track (incorporating improvements to junction, formation of visibility splays and provision of passing places) in association with construction activity relative to the Rothesay Joint Campus (Planning ref: 04/01753/DET)	09/11/2004	06/01/2005	PER
04/02182/DET	Mr And Mrs C Carter 4 Hunters Grove Hunters Quay Dunoon Argyll PA23 8LQ Erection of dwellinghouse and detached double garage and formation of vehicular access.	22/11/2004	14/01/2005	PER
04/02181/OUT	Mr Thomas Cassidy Land To The South East Of Benvue Villa Sandbank Dunoon Argyll Site for the erection of a dwellinghouse	04/11/2004	14/01/2005	PER
04/02168/DET	Gavin And Denice Purdie Land West Of Portindrain Cottage Strathlachlan Strachur Argyll PA27 8BU Erection of a Dwellinghouse	16/11/2004	07/03/2005	PER
04/02165/COU	Kenneth Bruce 147 Victoria Road Dunoon Argyll PA23 7NX Subdivision of dwellinghouse into 2 flats and alterations to vehicular access	10/11/2004	31/01/2005	PER
04/02161/DET	Mathew Cawley Glencur Tighnabraich Argyll PA21 2EB Retention of storage unit for ancillary residential purposes	31/01/2005	25/02/2005	PER
04/02095/DET	Mr And Mrs Marshall Heathercroft Colintrave Argyll PA22 3AT Erection of extension, formation of access and erection of garage	15/11/2004	18/02/2005	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
04/02087/NID	Argyll And Bute Council Dolphin Hall Manse Avenue Dunoon Argyll Erection of temporary modular building to provide additional office accommodation and alterations to car parking area	09/11/2004	14/01/2005	PER
04/02018/DET	Congregational Board Of Kirn Parish Church Kirn Church Hall 20 Hunter Street Kirn Dunoon Argyll Demolition of existing church and erection of replacement church hall comprising assembly and recreation halls and ancillary facilities with parking	06/10/2004	06/01/2005	PER
04/01962/DET	Fyne Homes Ltd Former Montgomerys Garage Strachur Argyll PA27 8DG Erection of 6 dwellinghouses and 4 flats	28/09/2004	17/01/2005	PER
04/01950/DET	Ringo Turkey Ltd Land West Of Culebra Stewart Street Kirn Dunoon Argyll PA23 8DS Demolition of outbuilding, erection of 2 dwellinghouses and formation of 2 vehicular access driveways	25/10/2004	28/01/2005	PER
04/01790/LIB	MC Construction Ltd Queens Hotel 11 Marine Parade Kirn Dunoon Argyll PA23 8HE Removal of Condition 2 (approved plans), Condition 3 (Window Details) of Listed Building Consent 01/00841/LIB and internal and external alterations	24/11/2004	20/01/2005	PER
04/01786/VARCON	MC Construction Queens Hotel 11 Marine Parade Kirn Dunoon Argyll PA23 8HE Removal of condition 2 (noise), condition 3 (noise), condition 4 (approved plans), condition 5 (windows), amendment to condition 8 (car parking), removal of condition 9 (trees), all from planning permission 01/00901/DET, and external alterations	24/11/2004	20/01/2005	PER
04/01732/COU	Mr And Mrs Holland Knockamillie Innellan Dunoon Argyll Conversion of attached bothy into a separate dwelling, erection of front extension, alterations of rear extension and external alterations.	28/09/2004	31/01/2005	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
04/01427/DET	Steven Gillespie 1 And 3 Duncan Street And 64 - 65 Marine Road Port Bannatyne Rothesay Isle Of Bute Refurbishment of flats	24/01/2005	24/02/2005	PER
04/01426/LIB	Steven Gillespie 1 And 3 Duncan Street And 64 - 65 Marine Road Port Bannatyne Rothesay Isle Of Bute Refurbishment of flats	15/07/2004	24/02/2005	PER
04/01217/DET	Scottish Water Former Paddling Pool Bullwood Road Dunoon Argyll Erection of Wastewater Pumping Station, Infill of Paddling Pool with Excavated and Imported Material, Formation of Lay-by.	30/06/2004	11/03/2005	PER
04/00003/DET	Portavadie Estate Portavadie Marina Millhouse Tighnabraich Argyll Erection of building incorporating managers office, toilets and showers and formation of boat storage area and car park	05/01/2004	24/02/2005	PER

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Argyll and Bute Council
Development Services**BUILDING CONTROL
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED	VETTED DATE	DECISION	DECISION
03/01644/ALT	Scottish Executive Upper Ettrick Farm Rothesay Isle Of Bute PA20 0QU Erection of a new roof over an existing silage clamp	29/08/2003	16/09/2003	14/01/2005	WARWIT
04/00196/MTP	Argyll And Bute Council Struan Lodge Residential Home 2 Bencorrum Brae Dunoon Argyll PA23 8HU Proposed upgradings	03/02/2004	18/02/2004	20/01/2005	WARWIT
04/00205/MTP	Argyll And Bute Council Queens Hall Buildings Argyll Street Dunoon Argyll PA23 7HH Proposed upgrading works (Job No. CB1966 - Oct.03)	03/02/2004	03/02/2004	12/01/2005	WARAPP
04/00578/MTP	Argll And Bute Council Thomson Home Townhead Rothesay Isle Of Bute PA20 9JH Upgrading to property	22/03/2004	05/04/2004	25/01/2005	WARWIT
04/00764/EXT	Mr And Mrs Houston 3 Roalan Terrace Bullwood Road Dunoon Argyll Erection of extension	16/04/2004	02/06/2004	31/01/2005	WARAPP
04/00771/LOC	P J Dawson Croitchonie Cairndow Argyll PA26 8BH Request for Confirmation of Completion relating to 87/00167/ERC - Completion Certificate granted 24/03/88 - refund of 113.50 requested and duplicate	19/04/2004		10/03/2005	WARWIT
04/00920/ERD	Iolair Holidays Ltd Blairmore House Blairmore Dunoon Argyll PA23 8TH Change of use from Residential Care Home to House	10/05/2004	01/07/2004	14/03/2005	WARAPP

WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superceded by new Building

15 March 2005

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Argyll and Bute Council
Development Services**BUILDING CONTROL
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED	VETTED DATE	DECISION	DECISION
04/01014/LOC	Dr Colin Mackay And Dr Sarah Mackay 20 Marine Place Rothesay Isle Of Bute PA20 0LF Request for Letter of Comfort (Property Inspection)	20/05/2004	26/05/2004	19/01/2005	COMF
04/01175/AOW	Mr And Mrs Frenilla Land East Of The Chalet Innellan Dunoon Argyll Amendment to Warrant to cover factory made kit, re-position garage and minor alterations to windows (amendment to 02/00813/ERD)	10/06/2004	28/07/2004	06/01/2005	WARAPP
04/01223/ALT	Toward Church Toward Parish Church And Hall Toward Dunoon Argyll Disabled Persons access and facilities (inside Church Hall and between hall and church entrance)	17/06/2004	28/07/2004	12/01/2005	WARAPP
04/01415/ALT	Mr And Mrs Kevin McLachlan 3 Creek Drive Port Bannatyne Rothesay Isle Of Bute PA20 0NU Alteration to a "Dorran" Bungalow (for a Disabled Person) forming en-suite bathroom with alterations to kitchen and bathroom	15/07/2004	09/09/2004	25/01/2005	WARAPP
04/01436/MTP	Mr And Mrs. Bowie 4 Ardenraig Lane Rothesay Isle Of Bute PA20 9EZ Erection of extension and conservatory	20/07/2004	09/09/2004	31/01/2005	WARAPP
04/01438/ERD	Mr J McEleny Erskine House 147 Alexandra Parade Dunoon Argyll PA23 8AW Change of use of (former) residential home into 3 no Flats	21/07/2004	31/08/2004	10/01/2005	WARAPP
04/01516/ALT	Mr And Mrs Stephenson Attic Flat 22A Battery Place Rothesay Isle Of Bute PA20 9DU Alterations to attic flat forming new bathroom and kitchen compartments including extension/enlargement of Dormer Windows	30/07/2004	09/09/2004	25/01/2005	WARAPP

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CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED	VETTED DATE	DECISION	DECISION
04/01715/ERD	Rannoch Development Shop 53 Hillfoot Street Dunoon Argyll PA23 7DR 04/01715/ERD Refurbishment of disused retail storage to form dwellinghouse	30/08/2004	23/11/2004	10/03/2005	WARREF
04/01723/ALT	Mr And Mrs Holland Knockamillie Innellan Dunoon Argyll Alteration to dwelling to from two seperate dwellings.	30/08/2004	19/10/2004	02/03/2005	WARAPP
04/01724/ALT	The Joint Owners 1 Victoria Gardens 24 Kirm Brae Kirm Dunoon Argyll PA23 8LW Alterations to dwellings, to reinstate kitchens, rewire and additional structural works	30/08/2004	10/09/2004	07/02/2005	WARAPP
04/01736/MTP	Mr A Gibson Ettrick Bay Tearoom Rothesay Isle Of Bute PA20 OQT Alteration and extension to tearoom to form additional seating and kitchen area	02/09/2004	28/09/2004	07/01/2005	WARAPP
04/01772/ERD	Agnes Harvey Pier Cottage Blairmore Dunoon Argyll Alteration/Change of Use from ticket office to dwelling	03/09/2004	05/11/2004	21/02/2005	WARAPP
04/01831/MTP	Mr Steven Gillespie 1 And 3 Duncan Street And 64 - 65 Marine Road Port Bannatyne Rothesay Isle Of Bute Alterations and upgrading of flats	14/09/2004	01/12/2004	07/02/2005	WARAPP
04/01870/ALT	Ms Ellen McKenzie Top Floor Northmost Flat 14 Bishop Street Rothesay Isle Of Bute Alterations to form open plan area	17/09/2004	06/10/2004	25/01/2005	WARAPP

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04/01876/ALT	Mr And Mrs J Armstrong 17 Pilot Street Dunoon Argyll PA23 8DB Alterations to existing dormers, and erection of conservatory.	20/09/2004	22/10/2004	10/01/2005	WARAPP
04/01933/ALT	Mr And Mrs Divers Flats 4R And Attic Flat 21 East Princes Street Rothesay Isle Of Bute PA20 9DL Amalgamation to form maisonette	29/09/2004	01/12/2004	25/01/2005	WARAPP
04/01939/EXT	Caladh Funeral Services Shop Boreland Park 57 Marine Parade Kilm Dunoon Argyll PA23 8HF Extension to replace portacabin	29/09/2004	01/12/2004	10/01/2005	WARAPP
04/01941/ALT	Thomas Laird Fyneview Strachur Argyll PA27 8BY Alterations to provide attic accommodation	30/09/2004	12/10/2004	14/01/2005	WARAPP
04/01943/ERD	Tulloch Homes Ltd Land North West Of Dunrhona Sandbank Dunoon Argyll Erection of 17No detached houses and formation of access road	28/09/2004	05/11/2004	10/03/2005	WARAPP
04/01968/EXT	Mr And Mrs William McCarry Lauryan Eastlands Road Rothesay Isle Of Bute Erection of single storey extension (Dining Room)	04/10/2004	01/12/2004	07/02/2005	WARAPP
04/01993/ERD	Stephen D Cooper Land To The Southwest Of Cairmbaan Sandbank Dunoon Argyll Erection of detached dwelling , septic tank and domestic oil storage tank	04/10/2004	11/11/2004	10/01/2005	WARAPP

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04/02027/ERD	Mr And Mrs J Primrose Former Village Hall Ardentinny Dunoon Argyll Change of Use from store room to dwelling (1 Bedroom)	13/10/2004	08/11/2004	06/01/2005	WARAPP
04/02031/MTP	Miss C Clarkson Kilmodan Cottage Glendaruel Colintrave Argyll Alteration/Extension to attic space and rear extension	13/10/2004	10/12/2004	09/02/2005	WARAPP
04/02032/EXT	Mr And Mrs Most Ardchoille 18 George Street Hunters Quay Dunoon Argyll PA23 8JU Extension to house to form lounge and utility room	13/10/2004	11/11/2004	25/01/2005	WARAPP
04/02043/ERD	Mr And Mrs D McAlister Land North Of 13/15 High Road Port Bannatyne Rothesay Isle Of Bute Erection of dwellinghouse and garage	14/10/2004	10/12/2004	05/01/2005	WARAPP
04/02053/EXT	Mr And Mrs J Marshall Heathercroft Colintrave Argyll PA22 3AT Erection of kitchen/bedroom extension	15/10/2004	10/12/2004	24/01/2005	WARAPP
04/02055/ERC	The City Of Edinburgh Council Benmore Centre For Outdoor Education Benmore Dunoon Argyll PA23 8QX Installation of new bio-Disc sewage treatment plant and associated drainage.	18/10/2004	08/11/2004	21/02/2005	WARAPP
04/02100/ERD	T Sharp Plot 2 Land West Of Machair Cottages Toward Dunoon Argyll Erection of detached dwelling and garage	25/10/2004	26/11/2004	10/01/2005	WARAPP

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04/02105/ALT	Bruce D Pettie Seacliffe Strachur Argyll PA27 8DD Alteration to dwellinghouse (new kitchen, bathroom, en-suite)	26/10/2004	25/11/2004	05/01/2005	WARAPP
04/02118/EXT	Mr And Mrs D. Mitchell Linden Lea Innellan Dunoon Argyll PA23 7SB Extension to existing cottage	27/10/2004	03/12/2004	21/02/2005	WARAPP
04/02120/ERD	Mr And Mrs C MacRaidl Land East Of Sheep Fank Leanach Farm Strathlachlan Strachur Argyll Erection of a dwelling and septic tank	28/10/2004	26/11/2004	02/03/2005	WARAPP
04/02122/ERD	Stewart McNee (Dunoon) Ltd Land Adjacent To Auchamore House 11 Wellington Street Dunoon Argyll Erection of dwelling and garage	28/10/2004	08/12/2004	11/02/2005	WARAPP
04/02192/ERD	Gavin And Denice Purdie Land West Of Portindrain Cottage Strathlachlan Strachur Argyll PA27 8BU Erection of dwellinghouse	04/11/2004	26/11/2004	07/01/2005	WARAPP
04/02197/ALT	Mr And Mrs D Grant Fernhill 39 Clyde Street Kirn Dunoon Argyll PA23 8EQ Alterations to convert lofts	04/11/2004	03/12/2004	07/02/2005	WARAPP
04/02206/ERD	Archd Fergusson Ltd Plot 12 Baycroft Strachur Argyll Erection of dwellinghouse	09/11/2004	03/12/2004	25/01/2005	WARAPP

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04/02207/LOC	Mr And Mrs Hehir Cruachan Serpentine Road Rothesay Isle Of Bute PA20 9HG Letter of comfort (confirmation of completion relating to 01/00438/ALT)	09/11/2004	23/11/2004	25/01/2005	COMF
04/02212/MTP	City Of Edinburgh Council Bernice Loch Eck Benmore Dunoon Argyll PA23 8QU Extension and Alteration of Farmhouse and Barn	04/11/2004	16/02/2005	11/03/2005	WARAPP
04/02257/MTP	Shergill Enterprises Ltd Argyll Hotel 54-58 Argyll Street Dunoon Argyll PA23 7NE Alteration of hotel, to form new restaurant, office and conference area	16/11/2004	22/12/2004	25/02/2005	WARAPP
04/02276/ALT	Mr G Taylor And Ms C Weir 30 Ladeside Place Rothesay Isle Of Bute PA20 0EZ Alterations to mid-terrace house (open plan living room on ground floor)	18/11/2004	14/12/2004	18/01/2005	WARAPP
04/02282/ERD	Mr Alan Hamilton Plot 4, Former Tor Na Dee Bullwood Road Dunoon Argyll Erection of dwellinghouse and detached garage(Stage 1: foundations, substructure, underground drainage system).	19/11/2004	08/12/2004	22/02/2005	WARAPP
04/02300/LOC	Duncan W McMillan 76 Ardbeg Road Rothesay Isle Of Bute PA20 0NN Request for Letter of Comfort (Confirmation of Completion relating to 97/01480/ALT)	22/11/2004	24/11/2004	09/03/2005	COMF
04/02306/DEM	Fyne Homes Ltd 1-11 Mansefield Place Rothesay Isle Of Bute PA20 9BU Demolition of four storey tenement building	22/11/2004	13/12/2004	22/02/2005	WARAPP

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04/02308/ALT	Mr T McDermott 33 Mcarthur Street Dunoon Argyll PA23 7PL Alterations to dwelling to form 2 bedrooms and bathroom within loft space (amended by 05/00297/AOW)	23/11/2004	14/12/2004	10/01/2005	WARAPP
04/02316/ALT	The Help Project 17-19 John Street Dunoon Argyll PA23 8BN Alteration to offices to form one unit	25/11/2004	05/01/2005	31/01/2005	WARAPP
04/02343/EXT	Mr And Mrs D.Findlay Oakburn Lochgoilhead Argyll PA24 8AJ Alterations and extension of dwelling house, to form conservatory and additional bath/shower rooms.	01/12/2004	11/01/2005	11/03/2005	WARAPP
04/02361/ALT	Royal Mail Group Plc. Shop 207 Argyll Street Dunoon Argyll Internal alterations to form new enquiry office , new toilet accomodation, kitchen and cleaners store	02/12/2004	15/12/2004	11/01/2005	WARAPP
04/02384/ALT	Tom Dunlop 70 Ardbeg Road Rothesay Isle Of Bute PA20 0NN Alterations to reinstate front door	03/12/2004	07/01/2005	14/01/2005	WARAPP
04/02385/ALT	Bryan G Liddell Dunallan Cottage Rothesay Isle Of Bute PA20 0QG Installation of patio doors (at rear)	03/12/2004	13/12/2004	25/01/2005	WARAPP
04/02387/MTP	Mr And Mrs Denis Doherty Cumbrae Cottage Innellan Dunoon Argyll PA23 7SB Alterations and upper extension to dwelling.	03/12/2004	11/01/2005	07/02/2005	WARAPP

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04/02388/ERD	Mr And Mrs M Rutterford Boathouse Caladh Harbour Tighnabruaich Argyll Erection of new house (cottage)	02/12/2004	15/12/2004	28/01/2005	WARAPP
04/02389/EXT	Alexander Good Millcroft Cottage Millhouse Tighnabruaich Argyll PA21 2BW Extension to house (for new bathroom and kitchen enlargement)	02/12/2004	14/12/2004	11/03/2005	WARAPP
04/02390/ERD	Fyne Homes Ltd Former Montgomerys Garage Strachur Argyll PA27 8DG Erection of ten dwellinghouses	06/12/2004	13/12/2004	07/02/2005	WARAPP
04/02391/AOW	Mr And Mrs J Maskell Southern Wing, Dalinlongart Farm Sandbank Dunoon Argyll Alterations to drainage arrangements (amendment to 02/01879/MTP)	06/12/2004	13/12/2004	25/01/2005	WARAPP
04/02392/ERC	Argyll And Bute Council Dolphin Hall Manse Avenue Dunoon Argyll Erection of modular office accommodation ;Stage 1. Foundations,Substructure and Underground drainage.	06/12/2004	11/01/2005	31/01/2005	WARAPP
04/02393/ERC	Beornwood Ltd Coylet Inn Loch Eck Dunoon Argyll PA23 8SG Erection of boat store	07/12/2004	18/12/2004	25/01/2005	WARAPP
04/02413/AOW	William Campbell Springbank Tighnabruaich Argyll PA21 2EJ Amendment to approved plans (amendment to 04/01733/ALT)	09/12/2004	13/12/2004	10/01/2005	WARAPP

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04/02422/ERD	G Hanson (Building Contractors) Ltd Land South Of 4 Bishop Terrace 6 Bishop Terrace Brae Rothesay Isle Of Bute Erection of dwelling	10/12/2004	16/12/2004	07/02/2005	WARAPP
04/02426/ALT	Catherine Scott Barandachoid Strathlachlan Strachur Argyll PA27 8BU Alteration to dwelling to form shower room on ground floor	13/12/2004	16/12/2004	10/01/2005	WARAPP
04/02428/AOW	Mr & Mrs D Strongman Finnorie 2 Dixon Avenue Kilm Dunoon Argyll PA23 8NA Amendment to approved plans, to cover use of steel beams (amendment to 99/00248/MTP)	14/12/2004	05/01/2005	07/01/2005	WARAPP
04/02435/EXT	Mr Cromack Pier View Kilchattan Bay Rothesay Isle Of Bute PA20 9NW Erection of conservatory	14/12/2004	16/12/2004	25/01/2005	WARAPP
04/02451/ERD	Chamelon Property Developments 2 Victoria Park Alexander Street Dunoon Argyll PA23 7PP Erection of two end terrace houses	16/12/2004	16/01/2005	09/02/2005	WARAPP
04/02457/AOW	Drimsynie Construction Ltd Plot 2, Southmost, Main Road Lochgoilhead Argyll Amendment to approved plans, to employ unvented hot water cylinder.(amendment to 02/01863/ERD)	17/12/2004	05/01/2005	07/01/2005	WARAPP
04/02458/AOW	Drimsynie Construction Ltd Plot 1 Northmost, Main Road Lochgoilhead Argyll Amendment to approved plans, to employ unvented hot water cylinder (02/01862/ERD)	17/12/2004	05/01/2005	07/01/2005	WARAPP

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04/02460/ALT	Triffic Card Shop 130 Argyll Street Dunoon Argyll PA23 7NA Construction of internal access ramp, and new shopfront.	17/12/2004	05/01/2005	28/01/2005	WARAPP
04/02461/ALT	Argyll And Bute Council Thomson Home Townhead Rothesay Isle Of Bute PA20 9JH Alterations and upgrading (en-suite bathrooms) of bedrooms etc.	17/12/2004	07/01/2005	07/02/2005	WARAPP
04/02462/ERD	A And M Campbell Bellfield 53 Queen Street Dunoon Argyll PA23 8AX Alteration to lower flat to provide 2 flats and a kitchen extension.	17/12/2004	16/01/2005	21/02/2005	WARAPP
04/02478/LOC	Mr And Mrs Bruce Ochil View 109 Queen Street Dunoon Argyll PA23 8AX Request for Letter of Comfort confirmation of completion relating to 98/01096/ALT	21/12/2004		06/01/2005	COMF
04/02482/ALT	Mr Mrs Campbell Marvido Shore Road Innellan Dunoon PA23 7TN Alterations to dwelling to from new access steps and decking.	21/12/2004	17/01/2005	28/01/2005	WARAPP
04/02483/DEM	Fyne Homes Former Montgomerys Garage Strachur Argyll PA27 8DG Demolition of workshops	22/12/2004	07/01/2005	25/01/2005	WARAPP
04/02510/EXT	Mr And Mrs G Douglas Clachaig Cottage Clachaig Dunoon Argyll PA23 8RE Erection of porch and parking area	22/12/2004	07/01/2005	31/01/2005	WARAPP

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04/02511/MTP	Mr And Mrs R Lewendon Seanta Kilmun Dunoon Argyll PA23 8SD Alterations and extension to dwelling	24/12/2004	05/01/2005	14/02/2005	WARAPP
04/02513/ERD	H And H McIntyre Garden Ground Of 12 And 12A Edward Street Belmont Lane Dunoon Argyll Erection of dwellinghouse and demolition of existing garage	29/12/2004	26/01/2005	25/02/2005	WARAPP
05/00008/EXT	Mr S McNee Ground Floor Rowanlea 40 Kim Brae Kim Dunoon Argyll PA23 8LP Erection of unheated conservatory	07/01/2005	11/01/2005	31/01/2005	WARAPP
05/00015/LOC	Mr Andrew Allan 22 Broomfield Drive Dunoon Argyll PA23 7LJ Request for Letter of Comfort (Property Inspection) (1) Small Rear Extension, and (2) Staircase to uninsulated Attic Room	10/01/2005	14/01/2005	25/01/2005	COMF
05/00022/AOW	Mr P W Norris Lyll Cliff 141 Alexandra Parade Dunoon Argyll PA23 8AW Amendment to Warrant to cover alterations to rooms 9, 11 and 16 (amendment to 04/01556/MTP)	10/01/2005	16/01/2005	09/02/2005	WARAPP
05/00034/MTP	Duncan Maxwell Silverknowe Sandbank Dunoon Argyll PA23 8PZ Extension to dwellinghouse and demolition of outbuildings and annex	12/01/2005	18/01/2005	28/01/2005	WARAPP
05/00045/AOW	Mr And Mrs A Bartlett Beechwood Bishop Terrace Rothesay Isle Of Bute PA20 9HF Amendment to drainage system (amendment to 02/00072/MTP)	14/01/2005	21/01/2005	25/01/2005	WARAPP

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05/00085/LOC	Alex And Leanne Rennie Lower Flat Appin Lodge Blairmore Dunoon Argyll Request for Letter of Comfort	18/01/2005	27/01/2005	31/01/2005	COMF
05/00086/LOC	Mr Anthony Wilkes Ard-na-greine Toward Dunoon Argyll Request for Letter of Comfort - Confirmation of Completion of 01/00107/ERD	17/01/2005	04/02/2005	09/02/2005	COMF
05/00094/MTP	Mr And Mrs Smith Craigend Bungalow Kilmun Dunoon Argyll PA23 8SE Erection of unheated conservatory, and removal of brickwork to form doorway	21/01/2005	26/01/2005	28/01/2005	WARAPP
05/00096/MTP	Mark Curtis Shore House Inn Lochgoilhead Argyll Extension and alterations to hotel, to form new restuarant area and kitchen - STAGE 1. Foundations, substructure and underground drainage.	24/01/2005	26/01/2005	09/02/2005	WARAPP
05/00129/ALT	William Ramsay Fyneview St Catherines Cairndow Argyll Alteration to dwelling to remove and relocate non-loadbearing walls	01/02/2005	02/02/2005	09/02/2005	WARAPP
05/00133/ALT	James Gregor 8 Sandbank Road Dunoon Argyll PA23 7RR Alterations to house, to insert velux window to attic, and french windows to rear.	02/02/2005	04/02/2005	11/03/2005	WARAPP
05/00137/EXT	Mrs Dorothy Hay 1 Kirn Court Marine Parade Kirn Dunoon Argyll Extension to dwelling, to form entrance porch	02/02/2005	04/02/2005	09/02/2005	WARAPP

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05/00142/EXT	Stewart McNee Woodbine Cottage 94 Bullwood Road Dunoon Argyll Extension to form unheated sun porch	03/02/2005	02/03/2005	14/03/2005	WARAPP
05/00146/LOC	Mr And Mrs Tupman Talisman Bullwood Road Dunoon Argyll Request for Letter of Comfort (Confirmation of completion relating to (00/01082/ALT)	03/02/2005	21/02/2005	23/02/2005	COMF
05/00183/LOC	Mrs And Mr Tupman Talisman Bullwood Road Dunoon Argyll Request for Letter of Comfort (Confirmation of completion relating to 00/01477/alt)	08/02/2005	22/02/2005	23/02/2005	COMF
05/00194/AOW	Stewart McNee (Dunoon) Ltd Plot 5 Calderwood Innellan Dunoon Argyll Amendment to approved plans, addition of unvented hot water cylinder and balcony (amendment to 04/00062/ERD)	09/02/2005	16/02/2005	09/03/2005	WARAPP
05/00195/AOW	Loch Fyne Oysters Ltd Lochfyne Oysters Cairndow Argyll PA26 8BL Amendment to approved plans, to alter kitchen layout. (amendment to 01/01876/ALT)	09/02/2005	16/02/2005	14/03/2005	WARAPP
05/00202/AOW	W Stewart Hope Cottage Blairmore Dunoon Argyll PA23 8TP Amendment to warrant to form storeroom. (amendment to 02/00340/MTP)	10/02/2005	10/02/2005	11/02/2005	WARAPP
05/00237/ALT	William M Provan Gambeila Shore Road Innellan Dunoon PA23 7TR Alteration to dwelling to install an unvented hotwater cylinder	11/02/2005	22/02/2005	22/02/2005	WARAPP

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05/00241/ALT	Dr Ken Grant Glen Moray Sandbank Dunoon Argyll PA23 8QD Alterations to house to form new window opening and remove loadbearing wall between lounge and dining room	15/02/2005	22/02/2005	22/02/2005	WARAPP
05/00245/ALT	Mr And Mrs A Hosie Kings Hut 23 Victoria Road Hunters Quay Dunoon Argyll PA23 8JY Alteration to dwelling to form ensuite shower facility	15/02/2005	24/02/2005	25/02/2005	WARAPP
05/00247/ALT	Mr Scriven 2 Alt -Na- Blathaich Loch Eck Dunoon Argyll PA23 8SG Alteration to dwelling to change external window opening into a doorway	16/02/2005	22/02/2005	22/02/2005	WARAPP
05/00277/ERC	Mr Neil MacDonald 48 Sandhaven Sandbank Dunoon Argyll PA23 8QW Erection of an domestic oil storage tank	21/02/2005	28/02/2005	28/02/2005	WARAPP
05/00280/DEM	Fyne Homes Former Dairy Edward Street Dunoon Argyll Demolition of former dairy building	21/02/2005	28/02/2005	28/02/2005	WARAPP
05/00295/AOW	Prof James J Sharp Garfield Innellan Dunoon Argyll PA23 7SH Amendment to warrant to extend porch (amendment to 04/02311/EXT)	22/02/2005	28/02/2005	02/03/2005	WARAPP
05/00297/AOW	Mr T McDermott 33 Mcarthur Street Dunoon Argyll PA23 7PL Amendment to approved plans to form en suit facilities.(amendment to 04/02308/ALT)	23/02/2005	28/02/2005	09/03/2005	WARAPP

WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superceded by new Building

Argyll and Bute Council
Development Services

**BUILDING CONTROL
DELEGATED DECISIONS SINCE LAST COMMITTEE
BUTE AND COWAL**

CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED	VETTED DATE	DECISION	DECISION
05/00301/EXT	Mr And Mrs K Reid 62 Sandhaven Sandbank Dunoon Argyll PA23 8QW Extension to dwelling to form unheated conservatory.	23/02/2005	02/03/2005	02/03/2005	WARAPP
05/00328/ALT	Mr Robert McNeil Garhallow Bullwood Road Dunoon Argyll Alterations to drainage system of dwellings .	28/02/2005	03/03/2005	03/03/2005	WARAPP

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Bute and Cowal Area Committee 5th April 2005

23rd March 2005

Short-listing for Bute and Cowal Area Planning Design Award 2004**Introduction**

Members will be familiar with the annual area wide design award that is now in its eight year. The design award scheme received national recognition in 1999. The current draft local plan under Policy E 10 has indicated that “*development design which is judged to be poor or ‘not good enough’ for a particular location shall be resisted.*”

Members will be aware that in determining planning applications “*Designing Places- a Policy Statement for Scotland*” produced in 2002 by the Scottish Executive is relevant. This policy document actually cites our Design award in the Statement (page 44) noting that: “*Local design awards for buildings and places can help to raise awareness and expectations.*” The main aim of the design award is to encourage excellence in design and building quality to enhance the built environment of the area.

Previous winners of the Design Award has been very widely spread geographically and included:

2003: *Erection of timber dwelling house Dun Beag, Tighnabruaich.*

2002: *Erection of 8 flats 255, Marine Parade, Hunters Quay.*

2001: *Flats and shops, Victoria Street, Rothesay*

2000: *Erection of dwelling at Rhos Mhor, Ardnadam Dunoon.*

1999: *Alterations & extensions at Cairndow Village Hall.*

1998: *Erection of dwelling at Lan Mara, Hunters Quay.*

1997: *Erection of a dwelling at Ashburne Lodge, Innellan.*

Nominations

In order to be inclusive, the department has again invited nominations from members, agents' potential candidates worthy of consideration. Accordingly forms were sent out on the 13th October 2004 and a very good response was received with a total of 14 separate candidates being identified.

Web site results

These candidates were placed on the councils web site for a three week period during February and March 2005 which essentially comprised of a very short description of the development together with one photograph of the completed development. The three other areas also placed their respective candidates on the web site with an on line voting system available. The Bute and Cowal area received by far the highest number of votes at 82 for its potential candidates, Lorn Oban and the Isles 34 votes, Mid Argyll and Islay 29 votes and Helensburgh 13 votes.

The results for the Bute and Cowal Area were as follows as set out in the table and graph overleaf.

Table A

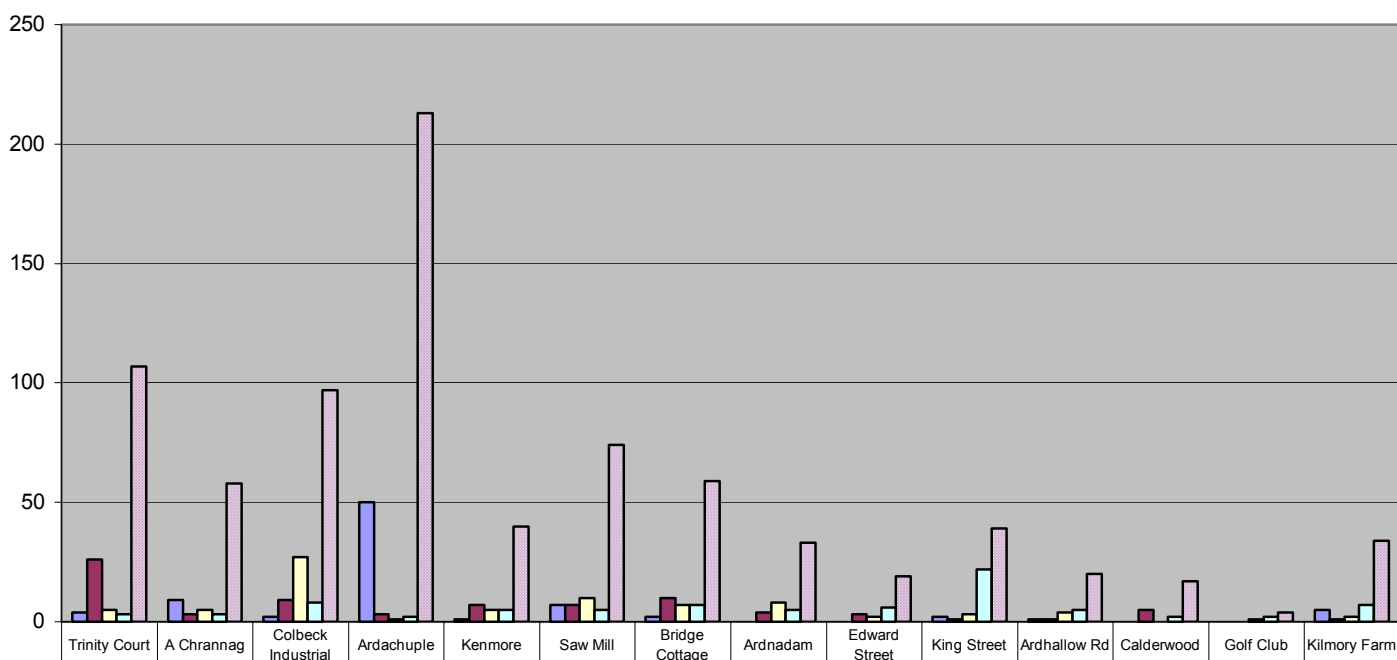
Real name	Short name	Allocate a				Total votes received
		1st - 4points, a 2nd - 3 points, No of Votes	a 3rd - 2 points and a 4th - 1 point			
		No. of 1st votes	No. of 2nd votes	No. of 3rd votes	No. of 4th votes	
14 Amenity Flats, Trinity Court, Bishop Street/Castle Street, Rothesay, Isle of Bute	Trinity Court	4	26	5	3	38
14 Amenity Flats, Tower, Former Foley House Hotel Site, Rothesay, Isle of Bute	A Chrannag (Tower)	9	3	5	3	20
Bute Recycling Centre, Colbeck Industrial Estate, Rothesay, Isle of Bute	Colbeck Industrial	2	9	27	8	46
Dwelling, Ardachuple, by Colintraive	Ardachuple	50	3	1	2	56
Dwelling, North of Kenmore, Strachur	Kenmore	1	7	5	5	18
Conversion of disused sawmill into dwelling, South Hall, by Colintraive	Saw Mill	7	7	10	5	29
Conversion of flat/shop to dwelling, Bridge Cottage, Tighnabruaich	Bridge Cottage	2	10	7	7	26
20 flats, Ros-Mhor, Ardnadam, Sandbank	Ardnadam		4	8	5	17
10 houses and 2 flats, Edward Street / Mary Street, Dunoon	Edward Street		3	2	6	11
2 houses and 8 flats, King Street, Dunoon	King Street	2	1	3	22	28
Dwelling, 3 Ardhallow Road, Dunoon	Ardhallow Rd	1	1	4	5	11
Residential development, Calderwood, Innellan	Calderwood		5		2	7
Dwelling, Golf Club, Innellan	Golf Club			1	2	3
Alterations to Farmhouse, Little Kilmory Farm, Isle of Bute	Kilmory Farm	5	1	2	7	15
		No. of votes cast = 81.25			TOTAL VOTES RECEIVED	= 325

TABLE B

					TOTAL NUMBER OF POINTS
Trinity Court					
	16	78	10	3	107
(Tower) A Chrannag					58
	36	9	10	3	
Colbeck Industrial	8	27	54	8	97
Ardachuple	200	9	2	2	213
Kenmore	4	21	10	5	40
Saw Mill	28	21	20	5	74
Bridge Cottage	8	30	14	7	59
Ardnadam	0	12	16	5	33
Edward Street	0	9	4	6	19
King Street	8	3	6	22	39
Ardhallow Rd	4	3	8	5	20
Calderwood	0	15	0	2	17
Golf Club	0	0	2	2	4
Kilmory Farm	20	3	4	7	34

BC - Planning Design Award

■ No. of 1st votes
 ■ No. of 2nd votes
 ■ No. of 3rd votes
 ■ No. of 4th votes
 ■ Total no. of points



On line voting results

It is normal for the inspection panel to visit between 4 and 6 shortlisted candidates. Obviously a degree of caution should be given to the on-line voting system since although beneficial they have not benefited from a site visit or detailed analysis and consideration of the merits of the particular design features. Table B above has however highlighted the top four candidates that received the most votes via the on line voting system and it is suggested that these four candidates should be shortlisted and visited, together with any other candidates that members of the Area Committee consider has merit.

Sponsorship

The department has again sought sponsorship for the award.

Inspection Panel

As in all previous years it is recommended that a inspection panel be formed to comprise of the Chairman, Vice Chairman, Senior Planning Officer and if possible an external architect.

Further report

Following an inspection by the panel, as in previous years, the department will submit a further report on the short listed candidates for consideration by the Bute and Cowal Area Committee to identify the Award Winner and "Best Runner Up".

Presentation

It is anticipated that the presentation of an inscribed Caithness Glass bowl and commemorative certificates would take place at the Bute and Cowal Area Committee meeting around May/June 2005.

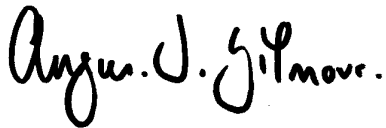
Implications

Policy: Furtherance of the Council's Policy and Corporate objectives on quality of service and quality of outcomes.

Financial: Minimal - sponsorship of the award has again been received.

Personnel: None

Equal Opportunity: None

A handwritten signature in black ink that reads "Angus J. Gilmour." The signature is written in a cursive style with a large initial 'A' and a distinct 'G'.

Angus J Gilmour
Head of Planning Services
POS

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SCOTTISH EXECUTIVE

Development Department
Inquiry Reporters Unit

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Amcadd Ltd.
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STONEHOUSE
ML9 3JT

Telephone: 01324 696 451

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http://www.scotland.gov.uk/planning_appeals/seiru

Your ref: IN522/165.BA

Our ref: P/PPA/130/123

3 March 2005

Dear Sirs

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 47 AND SCHEDULE 4

PLANNING APPEAL BY MR W BROWN: BULLWOOD ROAD, DUNOON

1. I refer to your client's appeal, which I have been appointed to determine, against the refusal of planning permission by Argyll & Bute Council for the erection of a dwellinghouse with integral car parking and the formation of a vehicular access at land adjacent to Hoop House, Bullwood Road, Dunoon. I have considered the written submissions and made an accompanied inspection of the appeal site and the surrounding area on 14 February 2005. The claim made by the council for an award of the expenses it has incurred in connection with the appeal is the subject of a separate letter.

2. The appeal site is approx 40m x 40m in extent and contains in its north western corner the remnants of what you claim was formerly a coach house, which is bounded on 3 sides by a random rubble masonry wall. The southern wall is partly retaining, is 2.5m high and has 2 stone gate piers; the eastern wall is 2.5m high, rising to 3.2m in its northern part; and the northern wall is 3.2m high – reducing to 2m to the east of the former building. To the west is a rock face. To the south of the western part of the southern wall is a raised garden area, retained by another stone wall running north-south. East of this is a communal gravel access area. East of the eastern wall is an area of grass and undergrowth, beyond which are 2 mature trees now protected by a Tree Preservation Order [TPO]; the site's notional eastern boundary bisects these trees.

3. The site lies to the west of the A815 road to the south of Dunoon, but within the draft Argyll & Bute Local Plan's defined village envelope and settlement pattern of that town. It also lies within a 'Townscape Policy Area' as defined in the adopted Cowal Local Plan, and a 'Special Built Environment Area' in the draft local plan. 'Hoop House', a substantial 2-storey Victorian building now converted into 4 flats, lies to the south, about 5m from the site's southern 'notional' boundary. To the north, about 2m from the site boundary, is the southernmost of 3 terraced houses at Roalan Terrace, which has an upstairs bedroom window in the gable overlooking the site. To the east, beyond the eastern 'notional' boundary, is more land owned by your client leading to the main road.



4. **The application for planning permission** proposes the erection of a detached 2-storey + basement dwellinghouse in the north west corner of the site, occupying part of the area of the former coach house, but extending east of the existing stone wall by 1.8m. The site plan which accompanied the application incorrectly shows this distance to be 4m. At basement (ground floor) level would be the entrance hall and a large store on the west side of an existing partition wall, and a double garage on the east side. At first floor level would be a large lounge/dining area, kitchen, hallway, cloak/shower room, bedroom and utility room. A high level clerestory window on the north elevation and a projecting double bay window on the eastern elevation would serve the lounge. The dining area, kitchen and utility room would have windows facing south alongside the front door. At second floor level (in the roofspace) would be 3 bedrooms (one en-suite) and a bathroom. One of the bedrooms would be served by another angled window on the eastern elevation, another would have a window in a gable facing south, while a third would have a Velux window facing north. Some existing stonework would be dressed and extended to the underside of the building, and new stonework would provide 1100mm high perimeter to a slabbed service area to the north. To the south would be an area of timber decking leading to the raised garden/patio retained by the existing stone wall. The walls of the building would be light grey wet dash roughcast, with dark red stained weatherboarding on the east, west and south gables; the roof would be of grey concrete tiles.

5. While much of the former coach house would have to be demolished, the existing perimeter stone boundary walls, an internal partition wall and the gate piers would remain. Most of the proposed house would be sited within the footprint of the former coach house, but its eastern end would be cantilevered above ground floor level (extending 1.8m beyond the existing boundary wall); its western end would also be cantilevered (extending 1.6m beyond an existing partition wall). Vehicular access would be via the existing mutual access that currently serves 'Hoop House'.

6. **Planning permission was refused for the following reasons:**

1. Little, if any, cognisance has been given to the recent appeal decision (P/PPA/130/95) of 28 April 2003 and the reasoning of the Reporter. Having regard to the existing settlement pattern and density, the proposed dwelling (including its design) would constitute an alien and incongruous feature resulting in the overdevelopment of the site – given the subsequent removal of visual space around Hoop House. Such a development would be at variance to the low density settlement pattern which characterises the area, and lead to a significant loss of amenity for the flatted properties within Hoop House and the residents of no.4 Roalan Terrace adjacent. In this respect, a new dwelling would be contrary to the principles of sustainable development and that of protecting and enhancing the quality of the environment as identified in SPPs 1 & 3 and PANs 67 & 68. [Extracts from these publications are then set out]

2. Hoop House is a very fine imposing traditional Victorian dwelling of presence; the grounds upon which it stands are an integral part of the character of the site that has historical links with the development of the wider settlement pattern. Having regard to the character of the existing settlement pattern and density, the proposed dwellinghouse would be at odds with the character of the established settlement pattern of the area and would constitute an alien and incongruous feature resulting in the overdevelopment of the site, given the subsequent removal of visual space around Hoop House. The siting and design of the proposed development would result in both a poor standard of amenity for the existing flats within Hoop House and the proposed dwellinghouse, which would be out of character with the immediate area. Given that the proposed development is not regarded as 'appropriate infill' development, but constitutes overdevelopment of the site, a building of such a scale, design, orientation and finish would not maintain and reflect the immediate character of the area and the wider settlement pattern, and would entail a dwelling of an unsatisfactory standard of residential amenity. Accordingly, the proposed development would be contrary to policies STRAT SII, STRAT DC1 & HO1 of the Argyll & Bute Structure Plan 2001 (as modified). [The wording of the latter 2 policies and of 2 criteria of the first is then set out]

3. Having regard to the character of the existing settlement pattern and density, the proposed dwellinghouse would be at odds with the character of the established settlement pattern of the area and would constitute an alien and incongruous design, resulting also in the overdevelopment of the site, given the subsequent removal of visual space around Hoop House. The siting and design of the proposed development

would result in both a poor standard of amenity for the existing flats within Hoop House and the proposed dwellinghouse, which would appear cramped and out of character with the immediate area. A building of such a scale, incongruous design, orientation and finish would not maintain and reflect the immediate character of the area and the wider settlement pattern, and would entail a dwelling of an unsatisfactory standard of residential amenity. Accordingly, the proposed development would be contrary to policies HO8 of the Cowal Local Plan 1993 (adopted 1995) and H1 of the draft Argyll & Bute Local Plan 2003. [The wording of these 2 policies is then set out]

4. Hoop House and its grounds lie within a compact Bullwood Road South Townscape Policy Area that runs from Glascholie to Hoop House, as identified under policy BE4 of the Cowal Local Plan. [The preamble to that policy is then set out] The grounds upon which Hoop House stands are an integral part of the character of the site. The erection of a new dwelling of such proportions and alien design would undermine the objectives of the Townscape Policy Area, contrary to policy BE4, given the detrimental effect upon the wider character, despoliation of its garden ground and amenity space within its curtilage.

5. Having regard to the nature and configuration of the application site, the design, scale and finish of the proposed dwellinghouse and the proposed access, the side elevation (north) of Hoop House and the side (south) elevation of no.4 Roalan Terrace would be overlooked or interlooked, diminishing the amenity and privacy that occupants of these properties could reasonably expect to enjoy. A dwelling of such bulk and design, positioned immediately adjacent to Hoop House and Roalan Terrace in such a precarious and perched position, would lead to the private amenity areas, privacy and natural light of Hoop House and Roalan Terrace being overlooked, overshadowed and visually dominated, seriously diminishing the amenity and privacy that occupants of that property could reasonably expect to and currently enjoy.

6. Given the notional site boundary, the planning authority is not satisfied that the proposed dwelling would not have a detrimental impact on the 2 mature trees, given the possibilities of incursions to their root systems – namely a common yew and Japanese cedar that are covered by a TPO, given their outstanding amenity value. [There then follows an extract from a report of 29 April 2003 from a qualified arboriculturalist] Accordingly, the proposed development would be contrary to structure plan policy STRAT FW2 and Cowal Local Plan policy BE8. [The wording of these policies is then set out] Furthermore, given the proximity of such trees to a principal elevation, the projecting bay window at ground and first floor level would be afforded a poor outlook, and the amount of light entering such windows, to the lounge/dining and bedroom 2 would be restricted and dim with such trees being retained.

7. The proposed dwellinghouse would lack a meaningful curtilage together with a lack of amenity space that is neither adequate nor 'private', given that occupants of Hoop House and no.4 Roalan Terrace would overlook it. Accordingly, given the lack of proper and adequate provision of a private amenity area, a poor standard of layout and an incongruous design, the development would be contrary to policies BE9 of the adopted Cowal Local Plan and H4 & E10 of the draft Argyll & Bute Local Plan. [The wording of these 2 policies is then set out]

7. **In support of the appeal**, you point out in relation to the first reason for refusal that – in the decision on the previous appeal - the Reporter reasoned that the qualities of Hoop House depended on its landscaped garden and the spaciousness of the surrounding area. The new proposal does not impinge on either, and therefore takes full cognisance of his comments by considering the very landscaped area that he promoted and respecting the protected trees by having the house on the site of the former coach house. This is a practical location which completely addresses the Reporter's comments and which would not have been ruled out if originally proposed. Other comments made in this reason for refusal are equally subjective and unsupported. Your client has no intention of living in 'an alien and incongruous feature' (whatever that means); he and the residents of Hoop House are quite happy with the proposed design. This is clearly a gap site whose development would not increase the density of occupancy above that of the adjacent Roalan Terrace, the Hebrides or Avondale. In that the bare walls and derelict shed that are presently on the site do not constitute an amenity for the occupants of Hoop House, the proposed house must represent a beneficial improvement. You interpret the council's statement re sustainability as meaning that any new building would be unacceptable. Its extensive references to SPPs is too generalised and intangible.

8. As regards the second reason, you believe that the proposed house is 'infill', given that it would be located on the site of an indicatively substantial former building. It cannot reasonably be

described as overdevelopment. Everything (other than the cantilevered first floor) is contained within the walls and curtilage of the former coach house. The 'immediate character of the area' is presently the plain, roughcast walls of no.4 Roalan Terrace (much closer than is Hoop House), while the 'wider settlement pattern' has no pattern at all. The whole built-up area from Dunoon to Innellan is a mish-mash of bland boxes, incongruous extensions and old (but not very fine) dwellings. The structure plan policies referred to are seriously deficient in meaning. The third reason appears to be mere repetition of the second.

9. As regards the fourth reason, you wonder how well the approval of Roalan Terrace sits within the quoted policy objective. As the proposed house would be almost totally hidden from the public road, it can do no worse than that development. Nor would it despoil the garden grounds of Hoop House, as it would not be sited in that property's garden, amenity space or curtilage. You point out that the draft Argyll & Bute Local Plan is not adopted council policy and cannot therefore be relied on.

10. You take particular exception to the fifth reason. The north elevation of Hoop House contains only occasional small windows and one larger window, and is fronted by parking at ground floor level (meaning that there is no outlook). The nearest window would be over 18m away and none would be in line of sight. At no.4 Roalan Terrace, the only visible window is on the gable at an acute angle of 30 degrees from the front elevation of the proposed house; there are no viewing windows on the proposed north elevation. It would therefore take an excessive effort on anyone's part to overlook or interlook a neighbour. This potential problem has been addressed in the design of the proposed house.

11. In relation to the sixth reason, you explain that, while your client owns all the land east to Bullwood Road, the 'notional site boundary' has been delineated precisely so as to protect the 2 mature trees. The house's foundations would consist of 2 discrete piers behind the existing stone wall, which itself extends probably 600mm below ground level, thus precluding any interference with the trees' root systems. It is irrelevant whether the proposed projecting bay windows afford a poor outlook. On the contrary, the proximity of trees would give privacy to the lounge and principal bedroom from being overlooked from any direction, while providing a raised outlook to the south east. The amount of light entering the proposed lounge would be supplemented by a south-facing window, while the 2m² window opening to the bedroom would provide more than enough light for that room.

12. As regards the seventh reason, you believe that a 'meaningful curtilage' does not depend on a measured area or amenity space, but rather on quality. The proposed 'amenity area' would comprise principally a decked patio leading on to an existing and defined grassed plot. Both these areas would be sufficiently raised from general ground levels to afford more than adequate privacy from the mutual access, and sufficiently set back from Hoop House to dismiss the potential for overlooking. The potential loss of privacy to the proposed front garden due to the presence of a bedroom window on the gable of no.4 Roalan Terrace is hardly a matter of concern; you suggest that it is more the norm than the exception.

13. The council is patently opposed to any form of development on this gap site. Its reasons for refusal are subjective and poorly supported, relying more on force of repetition and volume than on material consideration. Beauty is in the eye of the beholder, but sometimes has to be redefined to suit its environment; the council has no right to interfere or impose its own perception of beauty. While the proposed house may not be at the cutting edge of modern design, it does not require to mawk any 'very fine imposing traditional Victorian dwelling of presence'; that approach is just not

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Innellan. By virtue of its location, privacy and simplicity, it would cause no known offence to neighbours or the local community, and it meets all the council's development criteria: the site is infill within similar existing development; the proposal would not impinge on existing amenities; its access and parking arrangements would be self-contained; and its positioning and outlook take full account of neighbouring buildings and the TPO. You take issue with 5 of the 6 conditions suggested by the council in the event of the appeal succeeding. In particular, you see no justification for the provision of additional turning space within the curtilage; to provide an access to the standard required by the council would be expensive and unnecessary; the requirement for natural slate is inappropriate as Roalan Terrace is tiled; and it is unreasonable to require all external materials to be approved by the council.

14. Your client submits a letter signed by all occupants of the adjacent flats at Hoop House and Roalan Terrace to the effect that they are in favour of the proposal, that they know that this would result in the protected trees being properly maintained, and that they disagree with the council's decision to refuse planning permission. As regards the letter of representation from two of these occupants, you explain that they waived their right to object when they purchased their flat, that their outlook is to the other side of Hoop House, that the land north of the driveway is not used by the residents of Hoop House, and that the driveway would remain in communal use.

15. For the council, it is explained that an outline planning application for a dwellinghouse on land to the north of Hoop House was refused in December 2002, and the subsequent appeal dismissed in April 2003 (P/PPA/130/95). No further correspondence or discussions took place until a further application was submitted in June 2004. The only changed circumstance is that the TPO covering the 2 trees to the east of the appeal site has now been confirmed. Hoop House is a fine, imposing 2-storey Victorian building that has been subdivided into 4 self-contained flats, and the main access and turning areas are in common ownership.

16. The council remains unconvinced that this particular site is suitable for a dwellinghouse; the constraints presented by siting, topography and the immediate and surrounding buildings support this view. It is not known whether the former coach house was ever used for independent residential purposes. The Reporter who decided the previous appeal ruled neither out nor in the principle of development. He noted that there was some historical and architectural precedent and accepted that this could have some potential. However, that was dependent on any new building being of modest proportions, commensurate with what the coach house could have been, and he went on to emphasise that development would be so seriously constrained by other parameters that he thought it unlikely that a detailed design could be capable of resolving the issues and would leave an unreasonably difficult legacy for others to determine later. The council is not opposed to any form of development here; ancillary development following the footprint of the remnants of the former coach house may be acceptable in principle.

17. In contrast, what is now proposed is a large dwellinghouse over 3 floors, whose design is wholly alien and relates most unsatisfactorily to the charming Hoop House (which is in a Townscape Policy Area in the adopted local plan and a Special Built Environment Area in its draft replacement). The amenity of the occupants of Hoop House would be disturbed, and that of the occupants of the proposed house would also be poor. In addition, the adjacent property at no.4 Roalan Terrace would be overlooked as a result of overdevelopment. There would be a poor outlook, and the root systems of the protected trees might be affected.

18. The proposal pays no respect whatsoever to the findings of the previous Reporter. You have chosen to comment on the qualities of Hoop House and its setting, but these are out of context and

you have ignored all other technical failures and problems. This has resulted in a poor and ill designed development. The council's description of it as alien and incongruous is justified, and reference is made to the representations received from one of the occupants of Hoop House.

19. It is wholly irrelevant to refer to the buildings to the north, which were built many years ago and form the linear character that typifies this part of Bullwood Road. They are single buildings or small groups of buildings set within generous curtilages, i.e. low density. They are also within a Townscape Policy Area, where the council seeks to prevent adverse environmental change, promote high standards of design, and not permit new developments that would have a detrimental effect on the character or external appearance of existing buildings or which would involve the despoliation of garden ground or trees. The council has a duty to maintain, preserve and enhance the Townscape Policy Areas.

20. The present appeal site was originally occupied by an outbuilding associated with Hoop House. That outbuilding could conceivably be improved for use as a garage or store ancillary to Hoop House. The principle of sustainability applies to all developments, and national planning policies are an important material consideration. The proposal is neither an infill nor a rounding off development and, in terms of structure plan policy DC1(D), it is essentially incompatible with the close configuration of land uses found in settlements, and would result in excessively high development densities and settlement cramming.

21. The former coach house would have originally been ancillary to Hoop House. Given the proposed floorspace, scale, design, massing and siting, the proposed development cannot be considered 'appropriate infill'. Quite apart from the design, the proposed house appears cramped and awkward. Rather than being an ancillary structure of modest scale to reflect its surroundings, it requires height to gain sunlight and aspect. The local plan policies referred to in the third reason for refusal would be contravened. There is no merit in comparing the proposed house with Roalan Terrace, which was built well before the Cowal Local Plan was prepared, and which in any event respects the established building line and settlement pattern where there are meaningful curtilages. Although your client owns the appeal site and land to the east, it still provides part of the benevolent setting for Hoop House. While it is not used for active amenity space, it maintains a barrier or separation distance between adjacent plots without which the site would be effectively overdeveloped and cramped.

22. The previous Reporter noted that a distance of 15m separation between the opposing faces of a number of windows of Hoop House and any new dwelling was inadequate to prevent a loss of privacy for occupiers in both directions. In the new proposal, the distance is about 17m, while it is only about 10m from the angled window on the first floor of the proposed house to the bedroom window of no.4 Roalan Terrace. The notional site boundary shown on the submitted plans does not take into account the canopy spread of both protected trees or the probability of their roots being disturbed. The notion that the proposed development would benefit from a secluded and shaded outlook seems unusual, in that most houses along this linear stretch from Dunoon to Innellan seek to maximise eastward views to the River Clyde. The principal outlook would be from the east facing windows. It is naïve to think that a future occupier of the proposed house would not want to improve this view by reducing or removing the 2 protected trees. Rather than design the house of a satisfactory standard of amenity consistent with local plan policy BE9 and to take cognisance of the site, the design of the proposed house is a result of the size of plot and the protected trees - major and insurmountable constraints. The previous Reporter also stated that the designated evergreen trees would provide a very dominant overshadowing aspect to the east and would limit the amount of daylight and sunlight penetration to any dwelling. Any aspect to the west would be towards the

embankment (whose steepness would also reduce the amount of sunlight) and hillside trees. The aspect to the north would be restricted by the adjacent building, and any windows facing that way would overlook either its gable window or its garden.

23. Curtilage is dependent on the scale and type of development. It is assessed on the individual merits of each case in terms of site size, overall scale, layout and type of development and surrounding uses. A small thoughtfully designed ancillary building that could integrate with the existing main building and communal areas would not require as large a curtilage as the large proposed house, which is wedged in between a rock face, a house 4-5m away, 2 protected trees 9-11m away, and Hoop House 15m away. Loss of privacy and overlooking are 2-way processes. Of particular relevance are the windows of habitable rooms and the existing flats.

24. In the event of it being decided to allow the appeal and grant planning permission, 6 conditions should be imposed relating to timescales, the creation of parking spaces and a turning area within the site, the improvement of the vehicular access, the use of slate on the roof, samples of all external materials being submitted and approved, and the removal of permitted development rights within the curtilage of the proposed building.

25. The Dept. of Operational Services offers no objection subject to (a) parking for 2 vehicles and a turning area being provided within the site; (b) a system of surface water drainage being provided so as to prevent water running on to the footway and road; and (c) the private access being 5.5m wide or 3.7m with clearly defined passing places at suitable positions. The visibility to the A815 road is acceptable if all hedges, walls and fences are maintained no higher than 1m above the level of the road. It is also pointed out that, as this would represent the fifth property using this access, no future developments will be considered from this access.

26. **Scottish Water** points out that there is an existing public water main and sewerage system nearby. A totally separate drainage system of foul and surface water sewers will be required. In the street, which may be suitable to provide a supply to the proposed development. **The occupiers of one of the flats at Hoop House** feel that the proposed house is a bit big – bigger than they were told when they bought their flat – and they are concerned that the existing driveway is kept free for everyone to use.

Conclusions

27. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires the determination of whether or not to grant planning permission to be made in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Most of the relevant development plan policies have been referred to in the council's extensive and somewhat repetitive reasons for refusal and/or the decision letter relating to your client's appeal against the earlier refusal of outline planning permission for a house on a much larger site (including also land east of the present appeal site as far as Bullwood Road (P/PPA/130/95)), and comprise policies STRAT S11, STRAT DC1 & DC8, FW2 & HO1 of the approved Argyll & Bute Structure Plan, and policies HO8, BE4, BE8 & BE9 of the adopted Cowal Local Plan. Other material considerations include policies H1, H4, E8 & E10 of the draft Argyll & Bute Local Plan; SPPs 1 & 3; NPPG 18; PANs 67 & 68; and the previous appeal decision letter.

28. Accordingly, from my site inspection and my reading of the written submissions, I consider that the determining issues in this appeal are whether the development proposed in the application for planning permission conforms to the relevant provisions of the development plan; and, if not,

whether an exception to the relevant provisions is justified by other material considerations. As did the previous Reporter, I believe that the resolution of these issues can appropriately be addressed by considering the effect of the proposed development on (a) the character and appearance of Hoop House and the surrounding area; and (b) the amenities of residents of Hoop House, no.4 Roalan Terrace, and the proposed house itself.

29. On the first matter, I agree with the previous Reporter that Hoop House is a fine, imposing, traditional Victorian building, that the grounds on which it stands are an important part of the character of the area, and that the open landscaped setting gives spaciousness which is a particular characteristic of the area. Although it is not a listed building and the surrounding area is not a conservation area, nonetheless adopted local plan policy BE4 seeks to protect the relevant Townscape Policy Area from inappropriate new development that would have an adverse effect on its environmental qualities, and this message is continued in the draft replacement local plan, where the site lies within a Special Built Environment Area protected by policy E8.

30. Hoop House, Roalan Terrace and properties to north and south are all developed on a similar building line, which becomes increasingly distant from Bullwood Road the further north one goes. The proposed house would be set back from this line, but not I feel to any significantly detrimental extent such that the value of the existing settlement pattern would be prejudiced. For it to be actually on the line would have adverse implications for no.4 Roalan Terrace, while the former coach house (on whose remains the proposed house would be almost entirely built) provides what the previous Reporter described as 'some historical and architectural precedent'. I note that it was the council that originally suggested an area approximating to the present appeal site as a possible location for a house, and that the previous Reporter did not rule out the possibility of a house here as being contrary to the character and appearance of Hoop House and the surrounding area. He did, however, understandably state that that conclusion was subject to 'design and other reserved matters' and that any new building should be 'of modest proportions, commensurate with what the coach house could have been'. These are important considerations, which I consider below. However, I should say at this stage that I do not share the council's stated concern for the removal of 'visual space' around Hoop House; as compared with the previous outline proposal for a much larger site, only a relatively small area of 'visual space' would be lost and a substantial area would remain. Nor do I believe that in principle the implications for density justify refusal; I think that the appeal site can reasonably be described as appropriate infill and/or redevelopment in terms of structure plan policy HO1 and adopted local plan policy HO8, and that settlement cramming would not be bound to result.

31. In relation to adopted local plan policy BE4, while I do not accept your description of the area between Dunoon and Inellan as 'a mish-mash of bland boxes, incongruous extensions etc.', nor do I accept that building a house in this location would be bound to have a detrimental effect on the character or external appearance of existing buildings or other structures, or that there would be despoliation of garden ground, trees or the general character and setting of the Townscape Policy Area. I have already referred to the existing building line and the 'visual space' round Hoop House, and most of the existing walls would be retained and improved. The remains of the former coach house (including a corrugated iron roof) are not in themselves items of great beauty. Insofar as trees are concerned, the main concern is of course with the 2 mature specimens to the east, which are now protected. However, given the distance of the proposed house from them, I do not believe that either they or their root systems would be adversely affected, and I do not therefore believe that structure plan policy STRAT FW2 or adopted local plan policy BE8 would be contravened. I deal with the question of these trees restricting the amount of light entering the east-facing windows of the proposed house below.

32. This leaves the crucial questions of design and scale. The former can be described as 'innovative' in terms of structure plan policy HO1, and the fact that the site lies within a Townscape Policy Area does not imply that the proposed house must attempt to replicate either Hoop House or Roalan Terrace. I find the design to be imaginative and interesting, and the combination of dark stained weatherboarding, existing and new stonework and light grey wetdash roughcast to be appropriate for this sensitive location. You have proposed grey concrete roof tiles, but I think that grey slate or slate substitute would be preferable. While perhaps somewhat 'alien and incongruous' in the context of the buildings to north and south, I do not find the design itself to be unacceptable.

33. However, in terms of scale, the proposed 2.5-storey, 4-bedroomed house cannot reasonably be described as being 'of modest proportions, commensurate with what the coach house could have been'. It does not encroach much beyond the footprint of the former coach house, and it may be that the council was understandably under the impression that the cantilevered first and second floors would extend 4m east of the existing eastern wall, rather than only 1.8m. Moreover, utilising the ground floor for storage and car parking also has advantages in terms of these not having to be accommodated elsewhere on the site; but it also means that the building is much higher (over 10m from ground level to the ridge of the roof) than would be a single or 1.5-storey house. Although much of it would be largely hidden from public view from the east by the 2 protected trees, it would still represent a large dominant building form rather than the discrete subdued structure that this sensitive site requires.

34. On the second point, the previous Reporter identified 5 'severe design constraints binding the development'. The first was the overshadowing effect of the protected trees to the east. These would undoubtedly reduce the amount of light entering the windows of the proposed lounge and easternmost bedroom, and could presumably lead to a request for lopping and/or felling in due course so as also to take advantage of the superb eastern view. Nonetheless, it would be wrong in my opinion to assume that such a request would be bound to be made or that it would be bound to be granted either by the council or on subsequent appeal. The second constraint was the aspect to the north and the implications for no.4 Roalan Terrace. Because of the siting of the proposed house to the west of that property, I do not believe that the adverse amenity implications for its upstairs south-facing gable window would be significant, and you have designed the proposed house in such a way that the only north-facing windows would be a Velux rooflight and 2 high-level windows (one of which would be frosted/opaque). Nonetheless, the scale of the proposed development is such that there would be a significant level of shading of the rear garden and elevation of that property; the ridge line would be 7m higher than the existing boundary wall there.

35. The third constraint was the aspect to the west and the fact that the steep hillside would reduce the amount of sunlight penetration. However, you have designed the proposed house with only 2 bedroom windows facing west, which is satisfactory. The fourth constraint related to the distance between windows of the proposed house and Hoop House. The previous Reporter stated that a distance of 15m would be inadequate to prevent a loss of privacy. Here, the distance would be about 18m, which would be acceptable, but the prominence of the proposed building would be accentuated by the south-facing 'dormer' window. The final constraint was that occupiers of the proposed house would be disturbed by the movements of vehicles associated with Hoop House, and that occupiers of Hoop House would be similarly disturbed by the movements of vehicles associated with the proposed house. While some such disturbance would result, I do not consider it to be crucial in deciding whether or not to grant planning permission. The car parking and turning area would be accommodated within the site, and use of the communal access would be acceptable.

36. In relation to other matters which the council would wish to be covered by conditions in the event of the appeal succeeding, the proposed house would have the existing raised area to the south

and a larger area to the east as its 'garden'. In view of the site's sensitivity and the openness of these areas, I think that the council is right to insist on permitted development rights being removed. When exiting on to Bullwood Road, visibility to the north is not ideal, but could be improved by removing ivy from the wall and cutting back vegetation. I do not, however, consider it appropriate to require your client to widen the access or driveway to 5m (or 3.7m + passing places) to serve a development totalling 5 residential units, when such a requirement was not imposed on the earlier permission to convert Hoop House into 4 flats.

37. Bringing all these various matters together, I find that, while the proposal satisfies many of the structure and local plan policies and many of the previous Reporter's concerns, it ultimately fails because of its size and scale, resulting in overdevelopment. In terms of adopted local plan policy HO8, it does not sufficiently relate to the existing built form and has adverse environmental implications, while in terms of adopted local plan policy BE4, there would be an adverse environmental change. This is sufficient to lead me to conclude that the proposal is not consistent with the provisions of the development plan.

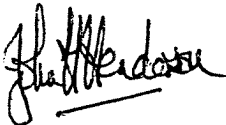
38. I have taken account of all the other matters raised, but find none that outweigh these provisions. In particular, SPP 3 refers to the need for infill developments to respect the scale, form and density of their surroundings and to enhance the character and amenity of existing residential areas, and it also cautions about overdevelopment in the gardens or grounds of existing houses; while draft local plan policy E10 also refers to the need to avoid overdevelopment.

39. Accordingly, in exercise of the powers delegated to me, **I therefore dismiss your client's appeal and refuse to grant planning permission for the development described in para 1 above.**

40. This decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks of the date of this letter, as conferred by sections 57 and 58 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and sections 37 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992 or of any orders, regulations or rules made under these Acts.

41. A copy of this letter has been sent to the council. The occupiers of one of the flats in Hoop House who submitted representations have been advised of the decision.

Yours faithfully



JOHN H HENDERSON
Reporter



SCOTTISH EXECUTIVE

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Your ref: 04/01 177/DET

Our ref: P/PPA/130/123

3 March 2005

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTIONS 47 AND 266
AND SCHEDULE 4
PLANNING APPEAL BY MR W BROWN: BULLWOOD ROAD, DUNOON
CLAIM FOR AN AWARD OF EXPENSES**

1. I refer to the claim for expenses made on behalf of the council against Mr Brown ('the appellant') in written submissions lodged in connection with this appeal. My decision on the appeal has been issued, and I have considered the merits of the claim for expenses.
2. **The council** submitted that an award was justified due to the unreasonable actions of the appellant in submitting his new application without the benefit of any pre-application discussion; in proposing a development that was wholly inappropriate for the site, given the adopted local plan policies, PANs and SPPs; in totally disregarding any detailed technical points made by the Reporter in a previous appeal re potential design, scale and footprint (especially his comments that any new building would have to be of modest proportions commensurate with what the former coach house could have been and that it was unlikely that a detailed design could be capable of resolving the issues); and in not considering the concerns of amenity. There have been no material changes since the previous appeal decision was issued.
3. In response, it was submitted for **the appellant** that the only unreasonable behaviour has been undertaken by the council, in obstructing any form of development north of Hoop House, e.g. by confirming the TPO after the original outline application had been submitted. This current appeal is against the refusal of detailed permission for a development on a specific site, whereas the previous outline application merely sought permission in principle to build within the environs of Hoop House. The specific site was only mentioned in passing (and not objected to) by the previous Reporter. Such a background was hardly conducive to meaningful pre-application discussions, but there was nothing to prevent the council entering into post-application discussions. Where refusal is being considered, it should be the council's duty to initiate these, but that did not happen.



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Conclusions

4. As noted in paragraph 4 of SDD Circular 6/1990, parties are normally expected to meet their own expenses. In planning appeals, awards of expenses do not follow the decision on the planning merits and are made only where each of the following tests is met:

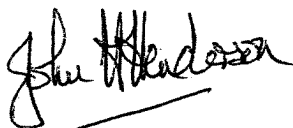
- ◆ the claim is made at the appropriate stage in the proceedings
- ◆ the party against whom the claim is made has acted unreasonably; and, if so,
- ◆ whether this unreasonable conduct has caused the party making the application unnecessary expense, either because it was unnecessary for the matter to come before the Scottish Ministers, or because of the way in which the party against whom the claim is made has conducted its side of the case.

5. The claim was made at the appropriate stage of the proceedings. In respect of the second test, I do not believe that Mr Brown acted unreasonably in submitting his application and then appealing its refusal. It would have been better if he had instructed his agent to have discussions with the council before making that application, but I do not accept that it stood no chance of success. The previous application was in outline, and the Reporter appointed to deal with the subsequent appeal made several remarks in his decision letter that could easily be interpreted as supportive in principle of a proposal on the present smaller appeal site; he only stated that he thought it unlikely that a detailed design could be capable of resolving 5 issues that he had identified. I have found that that proposal fails on grounds of size and scale, but it has other merits.

6. I have taken account of all the other matters raised, but find none that outweigh the considerations on which my conclusions are based. I therefore find that the appellant has not acted in an unreasonable manner resulting in liability for expenses; in exercise of the powers delegated to me, **I decline to make any award** and do not require to address the third test.

7. A copy of this letter has been sent to the appellant's agent, Amcadd Architecture.

Yours faithfully



JOHN H HENDERSON
Reporter

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of Schedule 7A of the Local Government(Scotland) Act 1973

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