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Argyll and Bute Council **Comhairle Earra-Ghàidheal Agus Bhòid**

Executive Director: Douglas Hendry



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16 November 2021

SUPPLEMENTARY PACK 3

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - BY MICROSOFT TEAMS on WEDNESDAY, 17 NOVEMBER 2021 at 10:30 AM

I enclose herewith supplementary reports for **items 6 and 12** on the Agenda for the above meeting.

Douglas Hendry
Executive Director

SUPPLEMENTARY REPORTS

- 6. MR DAVID MCKERROW: FORMATION OF VEHICULAR ACCESS WITH GATE AND PARKING AREA (PART RETROSPECTIVE): 17-19 WEST CLYDE STREET, HELENSBURGH (REF: 21/01288/PP) (Pages 3 - 4)**

Report by Head of Development and Economic Growth

- 12. ARDNAHOE DISTILLERY COMPANY LTD: ERECTION OF WHISKY MATURATION WAREHOUSES AND ASSOCIATED WORKS: ARDNAHOE DISTILLERY, PORT ASKAIG, ISLE OF ISLAY (REF: 02337/PP) (Pages 5 - 8)**

Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair
Councillor Mary-Jean Devon
Councillor George Freeman
Councillor Graham Hardie
Councillor Donald MacMillan BEM
Councillor Jean Moffat
Councillor Sandy Taylor

Councillor Rory Colville (Vice-Chair)
Councillor Audrey Forrest
Councillor Kieron Green
Councillor David Kinniburgh (Chair)
Councillor Roderick McCuish
Councillor Alastair Redman
Councillor Richard Trail

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**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No:	21/01288/PP
Planning Hierarchy:	Local
Applicant:	Mr David McKerrow
Proposal:	Formation of vehicular access with gate and parking area (part retrospective)
Site Address:	17-19 West Clyde Street, Helensburgh, Argyll And Bute G84 8SQ

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The Committee agreed to continue consideration of this application to a future meeting. They requested that the Council's Roads Officer be in attendance at this meeting to answer questions and address concerns raised by Members regarding visibility splays at the access onto the private road.

2.0 ASSESSMENT

Policy SG LDP TRAN 4 states that acceptance of development utilising new and existing public roads, private roads and private access regimes is subject to road safety and street design issues being addressed and the following:-

(A) Developments shall be served by a public road (over which the public have right of access and maintainable at public expense;

Except in the following circumstances:-

(1) a new private access may be considered appropriate if:

(i) The new private access forms an individual private driveway serving a single user development, which does not, in the view of the planning authority, generate unacceptable levels of pedestrian or vehicular traffic in terms of the access regime provided; or

(ii) The private access serves a housing development not exceeding 5 dwelling houses; or

(iii) The private access serves no more than 20 units in a housing court development; or,

(2) further development that utilises an existing private access or private road will only be accepted if:-

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes

into account the current access issues (informed by an assessment of usage); and the applicant can;

(ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; or,

(iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

The proposal involves taking access from a private access lane to create a private car park. As it is not part of the public road network then the Roads Authority has no control/locus in this instance other than in relation to manoeuvrability in and out of the private car park. The access lane varies from 5.5 to 6 metres in width, the access from the private lane onto the lower part of Colquhoun Street is considered acceptable and there are both low speeds and low volumes of traffic. Consequently, they have only requested the access into the private car park is widened to 3.7 metres to allow cars to go in and out in forward gear. They have also stated that no improvements are required in terms of visibility.

3.0 RECOMMENDATION

It is recommended that Members note the points made above. They do not alter the recommendation contained in the main Report of Handling dated 7th October 2021; namely, that the application be approved subject to conditions.

Author of Report: Howard Young

Date: 12th November 2021

Reviewing Officer: Peter Bain

Date: 15th November 2021

Fergus Murray
Head of Development and Economic Growth

Argyll and Bute Council
Development and Economic Growth

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 20/02337/PP
Planning Hierarchy: Major
Applicant: Ardnahoe Distillery Company Ltd
Proposal: Erection of whisky maturation warehouses and associated works
Site Address: Ardnahoe Distillery Port Askaig Isle of Islay PA46 7RN

SUPPLEMENTARY REPORT NO. 2

1.0 INTRODUCTION

Since the publication of the report of handling SEPA has provided comment in relation to the potential storage of hazardous substances under the Control of Major Accident Hazards (Amendment) Regulations 2005 (COMAH) and a lack of detail on the procedural, design and modelling that needs to be addressed prior to the commencement of works. Although these matters would ordinarily be addressed under a separate application for Hazardous Substances Consent and building warrant, discussions with SEPA have confirmed that the resolution to their concerns could result in necessary material changes to the planning application. For example, the building layout may need to alter to provide sufficient distance in the event of a fire, or the SuDS scheme may require an amended to the layout to ensure sufficient levels of treatment to contain a pollution event.

Therefore, officers considered it expedient to further delay the determination of the application until the 17th November PPSL meeting. The applicant has liaised directly with SEPA to resolve the following issues.

2.0 SUMMARY OF POINTS RAISED

Scottish Environment Protection Agency (SEPA), 19th October 2021

SEPA provided a holding objection and request further information as detailed below:

- Confirmation of the maximum storage capacities of all proposed warehouses. Following receipt and review of this information we will then assess if the proposal falls under COMAH or not. It appears that the quantity of flammable materials to be stored may bring this development under the auspices of the COMAH Regulations. The maximum storage capacities are not clearly stated within the information submitted on your planning page, hence requiring this information.
- Details such as the procedural, design, and modelling that will need to be addressed prior to construction to address issues such as site Suds in emergency situations to mitigate the potential impacts of a major accident to the environment. The emergency

situations could be an uncontrolled release of the hazardous substance ethanol (whisky) or, during a fire event at the whole site area.

The applicant provided the following updated drawings addressing the SEPA's concerns on 05th November 2021:

19.0382-701 Rev B Drainage Layout addressing the issues of the storage fire risk and the overall layout of the drainage system,
17.1076-701 Outfall pipes layout details,
17.1076-700 Drainage layout details,
19.0382 Drainage and Fire Water Strategy Report.

Further information is provided as commentary to the report and the revised drawings. The fire strategy requirements and amended site drainage plan shows there should be no percolation into the ground and the SUDs pond is sized to accept the surface water runoff, fire water and also the fire brigade water to allow a controlled drawdown. The amended Drainage Strategy Report includes the Fire Water Strategy. This allows assessment and an acceptable drainage strategy allowing the removal of the holding objection for this section. Allen Associates reviewed the COMAH requirements as follows:

“Once fully operational the warehousing will have capacity for 13.5 million litres of maturing whisky spirit (ethanol between 40% and 70% (category 3 P5c)). Because the amount of hazardous material of this category (approx. 12,000t) is between 5,000 and 50,000 t, the site will be subject the COMAH regulations as a lower tier facility. As required by the regulations, we will notify the competent authority 3-6months before construction commencement. As per regulation five we will prepare a major accident prevention policy (MAPP) within the regulation required timelines for the full site, ensuring our existing safety systems are integrated. We will also submit a Hazardous Substance Consent Application of the development to our local hazardous substance authority which will outline the proposed measures to be taken to limit the consequences of a major accident.”

The reports agreed by SEPA concluded that the suggested drainage solution includes sufficient measures to limit the impact of the development on surrounding environment. The proposed system will sufficiently treat both the foul and surface water generated by the proposed development. On this basis, SEPA see no reason planning permission cannot be granted.

3.0 FURTHER RESPONSES

Scottish Environment Protection Agency (SEPA) withdrew their objections on 08th November 2021.

In terms of SEPA's comments on the proposed foul drainage arrangements, these were made under their 'regulatory advice to the applicant' rather than being a point of objection. For the avoidance of doubt, the proposed development includes an accessible toilet for staff which will connect to the existing distillery treatment network which has more than enough capacity to accommodate the wc proposed.

Additional representation:

Nigel Brown Ardnahoe Bothy 31st October 2021

Concern that the pit on the screening bund is extremely deep.

Comment: This concern will be addressed in the archaeological survey report.

Concern that construction traffic will access the site to the north after clearing of materials. This would entail driving past Mr. Brown's house.

Comment: The proposed conditions relating to vehicle movements attached to any approval are deemed sufficient to control vehicle movement.

The landscaping that has been proposed to the south of the site is low in height and wouldn't screen the buildings that are to be constructed at very close proximity to the road.

Comment: The proposed conditions relating to landscaping are deemed sufficient to provide adequate and sympathetic screening.

The amount of hazardous material stored so close to the road would constitute a huge fire risk.

Comment: The agreement regarding COMAH regulations is deemed sufficient in this regard.

4.0 CONCLUSION

Given the agreement of the statutory consultee to withdraw their objections in light of the additional information supplied by the applicant, officers consider that the points raised have been addressed prior to the determination of the application. SEPA has advised that it is content with the resolution under the terms of the current application.

5.0 RECOMMENDATION

It is recommended that this additional information and SEPA's consequent withdrawal of their objections are sufficient to resolve the issues previously raised. It is recommended that Members endorse the Area Capacity Evaluation and grant planning permission subject to the conditions and reasons detailed in the report of handling.

Author of Report: Derek Wilson

Date: 15th November 2021

Reviewing Officer: Sandra Davies

Date: 16th November 2021

Fergus Murray
Head of Development and Economic Growth

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