

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 21 OCTOBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Sandra Davies, Major Applications Team Leader
David Love, Area Team Leader – Mid Argyll, Kintyre and the Islands
Howard Young, Area Team Leader – Bute & Cowal/Helensburgh & Lomond
Brian Close, Planning Officer
Steven Gove, Planning Officer
Stuart McLean, Committee Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robin Currie and Alastair Redman.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 23 September 2020 at 11.00 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 23 September 2020 at 2.30 pm were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 23 September 2020 at 3.00 pm were approved as a correct record.

4. MR GORDON RUSSELL: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1-6 RELATIVE TO PLANNING PERMISSION IN PRINCIPLE REFERENCE 16/02522/PPP - SITE FOR THE ERECTION OF RESIDENTIAL HOUSING DEVELOPMENT AND FORMATION OF NEW ACCESS: LAND NORTH-WEST OF ACHNASHEEN, THE BAY, STRACHUR (REF: 19/02375/AMSC)

The Planning Officer spoke to the terms of the report. The application site is located within the Key Rural Settlement zone of Strachur. The application seeks permission for the details required by Conditions 1-6 relative to Planning Permission in Principle

reference 16/02522/PPP which was granted on 24 November 2016 and established the principle of development of the site for an approved layout of 18 dwellinghouses. As such there are no fundamental issues relating to the principle of the development which require to be examined, only the matters 'reserved' ie siting, design, external appearance, landscaping, access arrangements, proposed water supply and drainage requirements. Conditions 2 and 3 are time conditions relative to the submission of the AMSC application while condition 4 relates to the approved drawings on the previous permission. These have been satisfied by the submission of this AMSC application and are not directly relevant to the assessment of this application. Letters of objection from 18 individuals have been received The proposal conforms to the relevant development plan policies and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan. It is considered that the matters specified in conditions 1-6 have been satisfactorily addressed by the details submitted for consideration of this application.

It is recommended that Approval of Matters Specified in Conditions be granted subject to the conditions and reasons detailed in the report of handling.

Decision

The Committee agreed to grant the Approval of Matters Specified in Conditions subject to the following conditions and reasons:

1. The development shall be implemented and managed in accordance with the conditions within the grant of planning permission in principle ref. 16/02522/PPP and in accordance with the details specified on the application form dated 12th November 2019; all supporting information; and the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	Drawing No. A4 1:2500		27/11/2019
Site Location Plan as Existing	Drawing No. L(--)01	Rev C	27/11/2019
Site Location Plan as Proposed	Drawing No. L(--)02	Rev G	03/07/2020
Ground Floor Site Plan as Proposed	Drawing No. L(--)03	Rev H	03/07/2020
House Type A1 Plans & Elevations	Drawing No. L(--)10		27/11/2019
House Type A2 Plans & Elevations	Drawing No. L(--)11	Rev A	27/11/2019
House Type A3 Plans & Elevations	Drawing No. L(--)12		27/11/2019

House Type A4 Plans & Elevations	Drawing No. L(--)13		27/11/2019
House Type A5 Plans & Elevations	Drawing No. L(--)14		27/11/2019
House Type A6 Plans & Elevations	Drawing No. L(--)15		27/11/2019
House Type B1 Plans & Elevations	Drawing No. L(--)20		27/11/2019
House Type B2 Plans & Elevations	Drawing No. L(--)21		27/11/2019
House Type B3 Plans & Elevations	Drawing No. L(--)22	Rev A	27/11/2019
House Type B4 Plans & Elevations	Drawing No. L(--)23		27/11/2019
House Type B5 Plans & Elevations	Drawing No. L(--)24	Rev A	27/11/2019
House Type B6 Plans & Elevations	Drawing No. L(--)25	Rev A	27/11/2019
House Type C1 Plans & Elevations	Drawing No. L(--)30	Rev B	14/02/2020
House Type C2 Plans & Elevations	Drawing No. L(--)31		14/02/2020
Landscape Layout	Drawing No. L01	Rev D	27/11/2019
Proposed Drainage Layout	Drawing No. J2762-C-04	Rev F	16/07/2020

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

2. The access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council's Area Roads Manager having regard to Roads Construction Consent requirements which shall inform the final construction details, unless the prior consent for variation is obtained in writing from the Planning Authority.

Reason: In order to ensure that provision is made for a service "road" commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.

3. Prior to the construction of the dwellinghouses, sightlines of 75 metres from a 2.4 metre setback shall be provided from the proposed main vehicular access onto the A886 Strachur to Colintraive Road and no obstruction to visibility including walls, fences, hedges, vegetation or physical structures shall be permitted thereafter within the sightlines above a height of 1.0 metre from the level of the adjacent highway.

Reason: In the interests of road and public safety, and to ensure that appropriate sightlines onto the A886 Strachur to Colintraive Road can be maintained.

4. The visibility splays required for the individual dwellinghouse accesses shall be a minimum of 20 metres in each direction from a 2 metre setback. All walls, hedges and fences within the visibility splays shall be maintained at a height not greater than 1.0 metre above the road. These accesses must be a sealed surface for the first 5 metres behind the kerbline to minimise any debris from being deposited onto the road, their gradient not to exceed 5% for the first 5 metres and 8% for the remainder. A system of surface water drainage may be required to prevent water running onto the new road and footway. Accesses to be a minimum of 15 metres away from junctions.

Reason: In the interests of road safety.

5. The vehicular access shall be constructed 5.5 metres wide with a 2.0 metre wide footways and verges. Dropped kerbing to be provided to assist the safe passage of passing pedestrian traffic. The gradient of the access not to exceed 5% for the first 5 metres and not to exceed an absolute maximum of 10% for the remainder. The footways to be 2 metres wide with dropped kerbing at the junctions to assist pedestrian movements.

Reason: In the interests of road and pedestrian safety.

6. No dwellinghouse hereby approved shall be first occupied until its allocated parking spaces and turning head as shown on drawing ref. L(--)-03 Rev H, has been constructed and made available for use and thereafter shall be retained for the parking of vehicles, unless agreed otherwise in writing with the planning authority. The allocated parking provision for the development will be based on 2no. spaces for each 2/3 bedroomed unit and 3no. spaces for 4 or more bedrooms.

Reason: In the interests of providing off-street car parking and turning provision.

7. Notwithstanding the provisions of Article 2(4) and Class 2B(1) of Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no additional windows or other openings from habitable rooms shall be installed in the gable elevations of the dwellinghouses without prior written consent of the Planning Authority.

Reason: In order to prevent the inclusion of any additional windows and other openings in side elevations, that could undermine the privacy and amenity of adjacent dwellinghouses.

8. Any trenches dug deeper than 50 cm shall have a ramp to allow any otters (and other species) to exit.

Reason: In order to minimise any potential impacts on otters and other species.

9. Where 12 months or more have elapsed between the timing of the Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) surveys hereby approved, and development commencing, further update survey(s) shall be undertaken on the site to determine any changes in the reported presence of, or potential for, any statutorily protected species, in particular for bats, otter, red squirrel, badger, reptiles and amphibians. The said survey(s) shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the survey(s), any avoidance, mitigation, enhancement or compensation measures required for any European Protected Species and or protected species, shall be detailed in a Species Protection Plan, which must be agreed in writing with the Planning Authority before works commence on the site. The Species Protection Plan(s) shall reflect the results of the updated survey(s) and the recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable and be implemented in full as part of the development's Construction Method Statement.

Reason: To ensure compliance with The Conservation (Natural Habitats &c.) Regulations 1994 (as amended), the Wildlife and Countryside Act (1981) as amended, the Protection of Badgers Act (1992) as amended, and the Nature Conservation (Scotland) Act (2004).

10. No development shall commence unless and until the Planning Authority has approved in writing an independent Ecological Clerk of Works (ECoW) for the development [in consultation with SEPA]. The terms of the ECoW appointment shall include:
 - (i) A duty to monitor compliance with the ecological commitments provided in the PEA and PRA surveys dated 17 January 2020 or the most up to date report whichever is applicable;
 - (ii) A duty to monitor compliance with the Species Protection Plans contained within the development's Construction Method Statement;
 - (iii) A duty to report to the construction project manager any incidences of non-compliance at the earliest practical opportunity;
 - (iv) A duty to maintain records of all ecological inspections and observations made on the site during construction, and make these records available to the Planning Authority when requested;
 - (v) A duty to report to the Planning Authority any incidences of non-compliance with ecological commitments at the earliest practical opportunity.

The approved ECoW should be a Chartered Ecologist or be reporting directly to a Chartered Ecologist, and will be appointed on these approved terms throughout the period from 3 months prior to the commencement of the development, throughout any period of construction activity.

Reason: To ensure compliance with all recommendations and commitments made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable. The approved ECoW should be a Chartered Ecologist or be reporting directly to a Chartered Ecologist, and will be appointed on these approved terms throughout the period from 3 months prior to the

commencement of the development, throughout any period of construction activity.

11. Site clearance activities, and where possible construction, must take place out with the bird breeding season (March-July inclusive) unless pre-works checks have been undertaken and recorded by the ECoW and the ECoW has given explicit advice that no breeding birds are present.

Reason: To ensure compliance with the Wildlife and Countryside Act (1981) as amended, the Nature Conservation (Scotland) Act (2004), and recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable.

12. No earlier than 3 months prior to the commencement of development, a detailed survey of Invasive Non-Native Species (INNS) will be undertaken for the site, and an Invasive Species Management Plan (ISMP) will be produced on the basis of the findings of this survey. The Invasive Non-Native Species Management Plan will be implemented in full as part of the development's Construction Method Statements.

Reason: To ensure compliance with the Wildlife and Countryside Act (1981) as amended, the Wildlife and Natural Environment (Scotland) Act (2011), and recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable.

(Reference: Report by Head of Development and Economic Growth dated 7 October 2020, submitted)

5. BUTE ISLAND FOODS LTD: ERECTION OF FOOD PRODUCTION FACILITY AND ASSOCIATED WORKS (REVISED PROPOSAL RELATIVE TO PLANNING APPLICATION REFERENCE 20/00333/PP TO INCORPORATE REMOVAL OF NEW ACCESS ONTO BARONE ROAD, USE OF EXISTING ACCESS ONTO MEADOWS ROAD FOR ALL VEHICLES AND INCREASE IN NUMBER OF OFF-STREET PARKING SPACES TO 78): FORMER GAS NETWORK SITE, MEADOWS ROAD, ROTHESAY, ISLE OF BUTE (REF: 20/01441/PP)

The Planning Officer spoke to the terms of the report and to supplementary report number 1. This application site is located adjacent to the junction of Barone Road and Meadows Road in the south-western part of Rothesay. It extends to approximately 1.17 hectares and was formerly used for the storage of Liquefied Natural Gas although it has been vacant for a number of years. The proposal involves the erection of a food production facility by Bute Foods who, with its produce Sheese, has established itself as a market leader of manufacturing vegan and dairy free cheese. The proposal has attracted 74 objectors, 33 supporters and a petition in support containing a total of 100 signatures. The issues raised are detailed at section P of the report of handling and in supplementary report number 1.

As the proposal has generated a significant number of objections, primarily from local residents, and a number of expressions of support it is considered that value would be added to the process by holding a discretionary hearing in advance of determining this application.

Motion

To agree to hold a pre-determination hearing in respect of this application.

Moved by Councillor Jean Moffat, seconded by Councillor Gordon Blair

Amendment

To agree not to hold a hearing in respect of this application.

Moved by Councillor George Freeman, seconded by Councillor Rory Colville

A vote was taken by calling the roll.

Motion

Cllr G Blair
Cllr M J Devon
Cllr L Douglas
Cllr A Forrest
Cllr R McCuish
Cllr J Moffat
Cllr S Taylor
Cllr R Trail

Amendment

Cllr R Colville
Cllr G Freeman
Cllr G A Hardie
Cllr D Kinniburgh
Cllr D MacMillan

The Motion was carried by 8 votes to 5 and the Committee resolved accordingly.

The Committee then debated the merits of holding a site inspection.

Motion

To agree to proceed with a virtual site visit and virtual hearing.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman

Amendment

To agree to proceed with an actual site visit.

Moved by Councillor Jean Moffat, seconded by Councillor Audrey Forrest

A vote was taken by calling the roll.

Motion

Cllr R Colville
Cllr G Freeman
Cllr G A Hardie
Cllr D Kinniburgh
Cllr D MacMillan
Cllr R McCuish
Cllr S Taylor
Cllr R Trail

Amendment

Cllr G Blair
Cllr M J Devon
Cllr L Douglas
Cllr A Forrest
Cllr J Moffat

The Motion was carried by 8 votes to 5 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a virtual pre-determination hearing and virtual site visit. Additional information on the site would be provided at the hearing through photographs, satellite imagery or video.

(Reference: Report by Head of Development and Economic Growth dated 9 October 2020 and Supplementary Report Number 1 dated 20 October 2020, submitted)

6. MACLEOD CONSTRUCTION: MASTERPLAN TO PDA 10/15 FOR RESIDENTIAL DEVELOPMENT AS IDENTIFIED IN THE ADOPTED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN 2015: LAND AT IMERAVAL, PORT ELLEN, ISLE OF ISLAY: PDA 10/15 (REF: 20/01281/MPLAN)

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. Imeraval lies to the west of Port Ellen and is designated in the current adopted Local Development Plan (LDP) as having the potential for low density housing development with a 25% requirement for affordable housing. Under these designations, a Masterplan is required as part of the determination of any planning application. A Masterplan has previously been approved under reference 15/02954/MPLAN. This proposal represents a significant uplift in the density aspirations of the LDP. Low density is described as 11 units per hectare whilst this Masterplan provides for 17 per ha. Despite this the vast majority of units are affordable which is welcomed by Officers. In this regard the proposal is a departure from the aspirations of the LDP. However there is a greater demand now for affordable housing than initially envisaged on the island at the time of writing the LDP and the delivery of this is best placed on allocations and PDAs given access to transport modes, settlement boundaries etc. A recent Islay Strategic Housing Overview identified a need for housing. The Masterplan, whilst indicative, gives all interested parties and statutory consultees sufficient detail to assess the future development of the site. Assessed against Development Plan policy and other material considerations the components of the phased housing development scheme are considered to be compatible with PDA 10/15 and the potential constraints to development acknowledged within its accompanying schedule.

It is recommended that the Masterplan be approved and endorsed as a material consideration in the assessment of any future planning applications on the site.

Decision

The Committee agreed to approve and endorse the Masterplan as a material consideration in the assessment of any future planning applications on the site.

(Reference: Report by Head of Development and Economic Growth dated 8 October 2020, submitted)

7. MCFADYENS CONTRACTORS (CAMPBELTOWN) LTD: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED EXTRACTION, PROCESSING AND DESPATCH OF SAND AND GRAVEL: AROS FARM, CAMPBELTOWN (REF: 20/01463/PAN)

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. A proposal of application notice (PAN) has been submitted for a new quarry at Aros Farm, Campbeltown which lies to the south of Machrihanish airbase. This is a new quarry proposal given Langa sand and gravel is coming to the end of its operational life. The land is currently agricultural and extends from the edge of the airbase to the Machrihanish Water. Access is proposed from a minor road that serves the farm off the A843. The report summarises the policy considerations as well as potential material considerations and key issues based upon the information received to date.

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

Decision

The Committee noted the content of the report and raised no further issues for consideration by the Applicant in finalising any future planning submission.

(Reference: Report by Head of Development and Economic Growth dated 8 October 2020, submitted)

8. ARDNAHOE DISTILLERY COMPANY LTD: PROPOSAL OF APPLICATION NOTICE FOR THE ERECTION OF WHISKY MATURATION WAREHOUSE AND ASSOCIATED WORKS: ARDNAHOE DISTILLERY, PORT ASKAIG, ISLE OF ISLAY (REF: 20/01714/PAN)

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. A proposal of application notice (PAN) has been submitted for whisky maturation warehousing and associated works at Ardnahoe Distillery, Islay. The site is located in the north of the island along the UC010 which serves both Ardnahoe and Bunnahabhain distilleries. The proposed location of the maturation warehouses is to the immediate north of Ardnahoe Distillery. The site extends to an area in excess of 2ha and is bounded west and north by steep rising topography and the public road. The site looks out over the Sound of Jura to the east and the distillery to the south. Access will be afforded via the existing infrastructure at Ardnahoe. The report summarises the policy considerations as well as potential material considerations and key issues based upon the information received to date.

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

Decision

The Committee noted the content of the report and raised no further issues for consideration by the Applicant in finalising any future planning submission.

(Reference: Report by Head of Development and Economic Growth dated 8 October 2020, submitted)