

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 22 JUNE 2022**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Fiona Howard
Councillor Jan Brown	Councillor Mark Irvine
Councillor Audrey Forrest	Councillor Andrew Kain
Councillor Amanda Hampsey	Councillor Liz McCabe
Councillor Daniel Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Patricia O'Neill, Governance Manager
Sheila MacFadyen, Senior Solicitor
Peter Bain, Development Manager
Howard Young, Area Team Leader – Bute, Cowal, Helensburgh and Lomond
Tim Williams, Area Team Leader – Oban, Lorn and the Isles
Norman Shewan, Planning Officer
Derek Wilson, Development Manager Officer

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Paul Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minute of the Planning, Protective Services and Licensing Committee held on 20 April 2022 was approved as a correct record.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI DRIVER/PRIVATE HIRE
CAR DRIVER MEDICALS**

The Committee agreed on 23 March 2022 to consult private hire/taxi drivers and operators to seek their views on the proposed amended procedure for taxi/private car driver medicals.

A report detailing the responses received to this consultation was before the Committee for consideration.

Decision

Having regard to the consultation responses, the Committee agreed to adopt the new procedure for medicals whereby the medical would be carried out by a private company at a central location with the cost being paid by the Council.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 19 May 2022, submitted)

5. SCOTTISH SEA FARMS LTD: MODIFICATION OF FIN FISH FARM (ATLANTIC SALMON) FROM 9 X 80M CIRCUMFERENCE CAGES TO 14 X 100M CIRCUMFERENCE CAGES, INCLUDING INCREASING BIOMASS TO 2350 TONNES AND INSTALLATION OF REPLACEMENT FEED BARGE: DUNSTAFFNAGE FISH FARM, NORTH OF GANAVAN HILL, DUNBEG (REF: 20/02358/MFF)

The Development Manager spoke to the terms of the report and to supplementary report number 1 which referred to 2 late representations from the Friends of the Sound of Jura and a response from the Applicant which provided further clarification on the risk to wild swimmers and bath medicine treatments.

The application site is located in the Firth of Lorn off the coast between Dunbeg and Ganavan, north of Oban. A fish farm has been operating in this location since 1987. The current site at Dunstaffnage comprises 9 x 80m circumference cages in a 50m mooring grid with an associated 80 tonne feed barge. This would be replaced by 14 x 100m circumference cages in a 75m mooring grid and a 300 tonne feed barge. The biomass would increase by 1050 tonnes to a new maximum biomass of 2350 tonnes.

The application has been subject to 29 objections, 1 petition, 1 representation and 28 expressions of support. Many of the objections relate to fish farming in general rather than being site specific. Objections were also received from Argyll and District Salmon Fishery Board and Fisheries Management Scotland. A summary of all representations received is contained at section D and F of the report of handling. All of the objections have been addressed fully in the report and having regard to the approved guidance for hearings, it is considered that a hearing would not add value to this assessment.

The recommendation on this application has been guided by the conclusions of the Environmental Impact Assessment report and the proposal has been assessed against the policies of the adopted Argyll and Bute Local Development Plan (LDP).

It is considered that the proposal complies with the LDP and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report.

Motion

To agree to grant planning permission subject to the conditions and reasons numbered 1 – 12 in the report of handling and subject to the amendment of Condition 13 which should be augmented to include provision for the monitoring of the dispersal of discharge of hydrogen peroxide into waters, with feedback from this monitoring exercise incorporated into a communications plan in order to inform marine users of potential risks to human health in the vicinity of the fish farm. The final wording of condition 13 to be delegated to the Head of Development and Economic Growth in consultation with the Chair and Vice Chair of the Planning, Protective Services and Licensing Committee.

Moved by Councillor Kieron Green, seconded by Councillor Graham Hardie.

Amendment

To agree to continue consideration of this application until SEPA release its new sea lice regulatory framework so that the Committee can make an informed decision on the cumulative impact the expansion may have.

Moved by Councillor Luna Martin, seconded by Councillor Mark Irvine.

A vote was taken by calling the roll.

Motion

Councillor John Armour
Councillor Jan Brown
Councillor Audrey Forrest
Councillor Kieron Green
Councillor Daniel Hampsey
Councillor Graham Hardie
Councillor Fiona Howard
Councillor Andrew Kain
Councillor Liz McCabe
Councillor Peter Wallace

Amendment

Councillor Mark Irvine
Councillor Luna Martin

The Motion was carried by 10 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to grant planning permission subject to the conditions and reasons numbered 1 – 12 in the report of handling and subject to the amendment of Condition 13 which should be augmented to include provision for the monitoring of the dispersal of discharge of hydrogen peroxide into waters, with feedback from this monitoring exercise incorporated into a communications plan in order to inform marine users of potential risks to human health in the vicinity of the fish farm. The final wording of condition 13 to be delegated to the Head of Development and Economic Growth in consultation with the Chair and Vice Chair of the Planning, Protective Services and Licensing Committee.

(Reference: Report by Head of Development and Economic Growth dated 7 June 2022 and supplementary report number 1 dated 21 June 2022, submitted)

Councillor Amanda Hampsey rejoined the meeting at this point, having lost Wi-Fi connection to the meeting prior to the vote being taken on the foregoing application.

6. **ISLE OF GIGHA HERITAGE TRUST: ERECTION OF 3 DWELLINGHOUSES AND 2 FLATS. INSTALLATION OF AIR SOURCE HEAT PUMPS, FORMATION OF ACCESS AND PARKING ARRANGEMENTS AND ASSOCIATED LANDSCAPING: FIELD ADJACENT TO PLAYPARK, ARDMINISH, ISLE OF GIGHA (REF: 21/01102/PP)**

The Development Manager spoke to the terms of the report. The proposal seeks detailed planning permission for a development comprising three dwellinghouses and two flatted dwellings located within the 'settlement area' of ArDMINISH, Isle of Gigha. The proposal is considered to be of appropriate location, scale, design finishes, and does not give rise to any concern in relation to infrastructure, services or to its compatibility with surrounding

land uses. The application has been subject to representation from ten individuals who have raised objection to the proposals, and also concern raised by Gigha Community Council about the prospective loss of land for recreational purposes. However, the site itself is currently in agricultural use and is not identified in the Local Development Plan as either a formal recreational facility or an Open Space Protective Area. The land use planning related issues are not considered to be unduly complex and, as such, it is considered that a fully informed assessment and determination can be made with reference to this report.

The proposal is considered to be consistent with the relevant provisions of the Local Development Plan and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

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

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 25th May 2021 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	LO_001		09.12.2021
Existing Site Plan	PL_100		09.12.2021
Proposed Site Plan	GA_100_C	C	28.03.2022
Proposed Elevations	EL_001		09.12.2021
Proposed Floor Plans	GA_001	B	
Proposed Roof Plan	GA_102		26.05.2021
Proposed Drainage Layout	20.0276 – 5000	E	28.03.2022
Proposed Site Levels & Grading Layout	20.0276 – 7000	D	28.03.2022
Visibility Splay Layout	20.0276 – SK01	A	28.03.2022
3D Visualisation	SK_01		09.12.2021
ASHP Specification	MSZ-LN50VG R/B/V/W		09.12.2021

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

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/004 rev A (min. access width 5.5m) and visibility splays of 2.5 metres to point X by 75.0 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

3. The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

4. The refuse collection area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained as such.

Reason: In the interest of road safety.

5. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

6. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

Planting proposals shall include additional hedge planting along the northern boundary of the site in so far as this might practicably be accommodated on the land available.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

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

7. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of external walls, roofs, windows and doors have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

(Reference: Report by Head of Development and Economic Growth dated 6 June 2022, submitted)

A short comfort break was taken at 12.10 pm and the Committee reconvened at 12.15 pm.

7. MR PAUL RODGER: DEMOLITION OF DETACHED DWELLINGHOUSE, ERECTION OF 3 DETACHED DWELLINGHOUSES AND FORMATION OF VEHICULAR ACCESS: PEAT KNOWE, BACK ROAD, CLYNDER, HELENSBURGH (REF: 21/01943/PP)

The Planning Officer spoke to the terms of the report. The proposed development comprises small scale housing development on an existing residential site bounded on three sides by residential development and located within the Key Settlement of Clynder/Rosneath as identified in the Argyll and Bute Local Development Plan 2015 (LDP). A total of 20 representations have been received from interested third parties. One of these supports the proposal and 17 are objections. The remaining 2 representations raise planning issues but are neutral in terms of support or objection. There are no objections to the proposal from statutory consultees. It is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan and that the material land use planning issues arising are not unduly complex. As such, it is not considered that a hearing would add value to the determination process.

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

Decision

The Committee agreed to continue consideration of this application to their next meeting in August 2022 and instructed Officers to request that the Applicant provide by the end of July 2022, an engineering report on the ground engineering works required to ensure stability of the sloping ground to prevent any slippage or flooding onto neighbouring properties.

(Reference: Report by Head of Development and Economic Growth dated 8 June 2022, submitted)

8. FLEXION ENERGY UK STORAGE: PROPOSAL OF APPLICATION NOTICE FOR INSTALLATION OF A GRID BATTERY ENERGY STORAGE FACILITY (UP TO 50 MW), WITH ASSOCIATED DEVELOPMENT: LAND WEST OF ARDNADAM ELECTRICITY SUB STATION, SANDBANK (REF: 22/00998/PAN)

The Development Manager spoke to the terms of the report. The site with currently appears to be rough grazing land measures less than 1 hectare and is located to the west of the electricity sub station at Ardnadam and to the south of Ardnadam Farmhouse. It is advised that the generating capacity would be no more than 50MW and access would likely be taken from the north east of the site although at this stage this is indicative only.

The report sets out the information submissions to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application is likely to be judged against any potential material considerations.

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

Decision

The Committee noted the content of the report and submissions with no further feedback being provided.

(Reference: Report by Head of Development and Economic Growth dated 7 June 2022, submitted)

9. KEY PERFORMANCE INDICATORS FQ4 2021/22 - DEVELOPMENT AND ECONOMIC GROWTH SERVICE

A report presenting the Planning, Protective Services and Licensing Committee with the FQ4 2021/22 Key Performance Indicators (KPIs) for the Development and Economic Growth Service was considered.

Decision

The Committee reviewed and scrutinised the FQ4 2021/22 KPI report as presented.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated May 2022, submitted)

10. MR RICHARD STEIN: ERECTION OF DETACHED GARDEN ROOM ANCILLARY TO DWELLINGHOUSE: EILEAN DA MHEINN, HARBOUR ISLAND, CRINAN, LOCHGILPHEAD (REF: 21/02308/PP)

The Committee, at their meeting on 20 April 2022 agreed to continue to this application to a site visit and discretionary pre-determination public hearing in light of the significant volume of representation raising matters relating to planning both in support and opposition to the proposed development.

A report advising that the Applicant has subsequently withdrawn this planning application and that a formal determination of this application by the planning authority was no longer required, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 1 June 2022, submitted)