

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 FEBRUARY 2018**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor George Freeman
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Richard Trail
Councillor Audrey Forrest	

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning, Housing and Regulatory Services
Sheila MacFadyen, Senior Solicitor
Sandra Davies, Acting Major Applications Team Leader
Mark Lodge, Senior Planning and Strategies Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Graham Archibald Hardie, Roderick McCuish and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 17 January 2018 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 24 January 2018 at 12 noon was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 24 January 2018 at 2.00 pm was approved as a correct record.
- d) The Minute of the Special Planning, Protective Services and Licensing Committee held on 9 February 2018 was approved as a correct record.

4. LICENSING OF FUNFAIRS IN SCOTLAND - CONSULTATION

A report advising Members of the ongoing consultation on a draft proposal submitted to the Scottish Parliament by Richard Lyle MSP was considered. The proposal is for a Bill to exempt travelling funfairs from public entertainment licensing requirements under the Civic Government (Scotland) Act 1982, and to create a distinct new licensing system for travelling funfairs in Scotland.

Decision

The Committee agreed to:-

1. note the contents of the report; and
2. authorise the Head of Governance and Law, in consultation with the Committee, to draft an appropriate response within the prescribed timeline to advise that the Committee did not support a separate licensing regime for funfairs and that local authorities should still have the flexibility to make these decisions.

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

5. PLANNING (SCOTLAND) BILL

Consideration was given to a report advising of the Planning (Scotland) Bill which stems from the review of planning which started in September 2015. Some of the key aspects of the Bill are its provisions in relation to the system of development plans; the opportunities for community engagement in planning; the effective performance of planning authorities' functions; and a new way to fund infrastructure development.

Decision

The Committee endorsed the Officer response to the Bill as detailed in the Appendix to the report which has been sent to the Scottish Parliament.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 24 January 2018, submitted)

6. INFENERGY LTD: ERECTION OF METROLOGICAL MAST (80 METRES HIGH) FOR A TEMPORARY PERIOD OF 3 YEARS: LAND APPROXIMATELY 1,593M NORTH WEST OF CRAIGENDIVE, LOCH STRIVEN (REF: 17/02949/PP)

The Acting Major Applications Team Leader spoke to the terms of the report. The application site relates to a remote area of localised open ground within an extensive area of moorland to the north of the B836. Planning permission is sought for the erection of a narrow profile triangular lattice construction mast 80m high for a temporary period of three years. This application represents a small scale, temporary, renewable energy related proposal within an area designated as 'Very Sensitive Countryside' by the Local Development Plan. The site also lies within the Bute and South Cowal Area of Panoramic Quality with the Kyles of Bute National Scenic Area to the west. In areas of 'Very Sensitive Countryside' without the need for an Area Capacity Evaluation, broad encouragement is offered to renewable energy related development. There have been 24 objections received. Of these submitted four are without a postal address and a further two have made comments only relating to a windfarm which is not part of this planning application. There have been no objections from consultees subject to conditions. The proposal raises no complex issues that would benefit from consideration at a discretionary hearing. The application is considered consistent with the provisions of policies LDP STRAT 1, LDP DM 1, LDP 6, LDP 9, LDP 10, SG LDP ENV 12, SG LDP ENV 13 and SG LDP – Sustainable Design Principles and is recommended for approval subject to conditions detailed in the report of handling.

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 13/11/2017 and the approved drawing reference numbers:

Plan 1 of 4 Location Plan
Plan 2 of 4 Site Plan
Plan 3 of 4 Site Plan
Plan 4 of 4 Mast Plan and Mast Elevation

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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 above, bird flight diverters (BFDs) shall be fitted to all of the proposed guy wires at intervals of 2.5 metres for the first 20 metres from the ground and then at 5 metre intervals for the remaining height. The BFDs shall be fixed to the guy wires before the erection of the mast and thereafter maintained for its lifetime, unless any written agreement otherwise has been obtained in advance from the Planning Authority.

Reason: In the interests of natural heritage, in order to reduce the potential for avian casualties.

3. No works shall be carried out during the bird breeding season, March to September inclusive, unless a pre-commencement survey for ground nesting birds is carried out and submitted to the planning authority for approval prior to the commencement of development.

Reason: In the interests of conserving ground nesting birds and ensuring their protection.

4. The planning permission hereby granted shall be for a limited period of 3 years from the date upon which development works commence. The wind monitoring mast and supporting guy wires (and any base and associated fencing) shall be completely removed and the site reinstated within one month of this planning permission expiring, unless a further permission for an extended period is obtained from the Planning Authority.

Reason: In order to define this temporary permission, in order that the Planning Authority may review the circumstances pertaining to the development within a reasonable time period and in the interest of visual amenity.

Having moved an amendment which failed to find seconder, Councillor Gordon Blair asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 2 February 2018, submitted)

7. DEFENCE INFRASTRUCTURE ORGANISATION: NOTICE FOR PROPOSED SUBMARINE TRAINING FACILITY: LAND NORTH OF THE SPORTS PITCHES, HM NAVAL BASE CLYDE, FASLANE (REF: 18/00007/PAN)

The Acting Major Applications Team Leader spoke to the terms of the report. A Proposal of Application Notice (PAN) has been submitted to the Planning Authority which took effect from 22 December 2017. The proposal is for the erection of a Submarine Training Facility and would be located within the secure area of HM Naval Base Clyde and would be sited immediately adjacent to a recently approved Submarine Escape Rescue Abandonment Survivability facility (reference: 17/00814/PP). This proposal forms part of the Maritime Change Project which will culminate in the entire UK submarine fleet being based at Faslane by 2020. It is recommended that Members consider the content of the report and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and asked that the potential impact of over development be considered by the Applicant in finalising any future planning application submission.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 31 January 2018, submitted)

8. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS

A report summarising the outcome of recent appeal decisions by the Scottish Government Directorate for Planning and Environmental Appeals relative to planning appeal reference HHA-130-3 – High Hedge at 127 and 127A East Princes Street, Helensburgh and planning appeal references PPA-130-2059 & PPA-130-2060 – erection of wind farm comprising 13 wind turbines (maximum height of 100 metres) together with ancillary infrastructure building and access road at Eascairt Farm, Skipness was considered.

Motion

To agree to request the Head of Planning, Housing and Regulatory Services to write to the Reporter to express the views of the Committee in relation to planning appeal reference PPA-130-2059 and to request a more detailed explanation on how the Reporter arrived at his decision.

Moved by Councillor David Kinniburgh, seconded by Councillor Lorna Douglas

Amendment

To agree to note the contents of the report.

Moved by Councillor George Freeman, seconded by Councillor Gordon Blair

The Motion was carried by 9 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to:-

1. request the Head of Planning, Housing and Regulatory Services to write to the Reporter to express the views of the Committee in relation to planning appeal reference PPA-130-2059 and to request a more detailed explanation on how the Reporter arrived at his decision; and
2. note that the Head of Planning, Housing and Regulatory Services will bring a report back to a future meeting of the Committee providing statistics on the outcome of Appeals considered by the Scottish Government Directorate for Planning and Environmental Appeals.

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

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following ** items of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

9. ENFORCEMENT REPORT - REFERENCE 17/00164/ENOTH1

An update on enforcement case reference 17/00164/ENOTH1 was before the Committee for information.

Decision

The Committee note the contents of the report.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 8 February 2018, submitted)