

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 FEBRUARY 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail
Councillor George Freeman	

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning, Housing and Regulatory Services
Sandra Davies, Major Applications Team Leader
Angus Morrison, Regulatory Services Manager
David Moore Senior Planning Officer
Sybil Johnson, Senior Planning and Strategies Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, Graham Archibald Hardie and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTE

The Minute of the Planning, Protective Services and Licensing Committee held on 23 January 2019 was approved as a correct record.

4. GLENFEOCHAN ESTATE: ERECTION OF DWELLINGHOUSE, INSTALLATION OF SEWAGE TREATMENT TANK AND FORMATION OF VEHICULAR ACCESS: PLOT 2, LAND SOUTH OF BALNAGOWAN, KILMORE, BY OBAN (REF: 18/00989/PP)

The Major Applications Team Leader spoke to the terms of the report. The principle of a dwellinghouse on this site was first established by the granting of planning permission 13/00064/PP on 28 June 2013 for two dwelling houses further to determination at a discretionary hearing by the Committee on 24 June 2013. This permission was subsequently renewed under 16/01767/PP on 26 August 2016 and remains live and capable of implementation on site. The previous permission proposed a shared access to serve the two dwelling houses. The sole amendment to the approved and extant development and the single issue subject of this current planning application is that the developer is now seeking an alternative and separate access to service Plot 2. All other aspects of the development remain as previously approved. The majority of the application site which will contain all built development is located within the defined 'settlement' boundary of Kilmory. The area proposed for the vehicular access falls within the countryside designation of the LDP where, generally, new development in the countryside will be resisted unless it represents

infill, rounding off or redevelopment. However, in this instance, the proposed short stretch of access track spurring from the recently completed forest track will not result in any above ground built development and it is considered that it can be accommodated without any significant adverse visual impact to the surrounding landscape. The development is considered to be acceptable as a minor departure to the LDP in this case. The application has elicited 20 objections and Kilmore and Kilbride Community Council expressed concern. It is not considered that the objections raise any complex or technical issues that have not been addressed, both by the existing and extant planning permission and/or in the current report of handling and it is not considered that the holding of hearing would add value to the process in this case. The application is recommended for approval subject to the conditions and reasons detailed in the report.

Decision

The Committee agreed to grant planning permission as a minor departure to the Local Development Plan subject to the following conditions and reasons:

General

1. The development shall be implemented in accordance with the details specified on the application form dated 06/06/18 and the approved drawing reference numbers:

Plan 1 of 5 (Drawing Number L(Ex) K102)
Plan 2 of 5 (Drawing Number L(PL)K002)
Plan 3 of 5 (Drawing Number L(PL)K003)
Plan 4 of 5 (Drawing Number L(PL)K102)
Plan 5 of 5 (Drawing Number L(PL)K103)

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.

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the

attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

- Please note the advice contained in the attached consultation responses from SEPA and SSE. You are advised to contact them direct to discuss the issues raised.

Roads, Access and Parking

2. No development shall commence on site, or is hereby authorised, until an additional passing place has been completed alongside the UC25 Musdale public road between the A816 and the site entrance in accordance with the Council's Roads Engineer Drawing Number SD 08/003a in a location that must first be submitted in plan form to and agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access with commensurate improvements to the existing access regime.

3. The proposed on-site vehicular parking areas shall provide parking for three vehicles within the site and shall be formed in accordance with the approved plans and brought into use prior to the first occupation of the dwellinghouse hereby approved.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

4. Notwithstanding the provisions of Condition 1, full details, in plan form, of a bin store at the junction with the public road shall be submitted and approved in writing by the Planning Authority. Thereafter the approved bin store shall be implemented in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

Water, Drainage and Flooding

5. No development shall commence on site, or is hereby authorised, until full details of the proposed means of private foul drainage to serve the development, including evidence of SEPA's consent to the proposed discharge to a watercourse, has 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 first occupation of the dwelling houses.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

6. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be

operational prior to the development being brought into use and shall be maintained as such thereafter.

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

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

Design and Finishes

7. No development shall commence on site, or is hereby authorised, until full details of the proposed material, texture and colour for all external materials have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: In the absence of any details having been submitted and to ensure that the development integrates with its setting.

Landscaping

8. No development shall commence on site, or is hereby authorised, 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.

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.

Having moved an Amendment which failed to find a seconder, Councillor Robin Currie asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 31 January 2019, submitted)

5. SCOTTISH SALMON COMPANY: RELOCATION AND ENLARGEMENT OF EXISTING MARINE FISH FARM (CURRENTLY COMPRISING; 12 NO. 80 METRE CIRCUMFERENCE CAGES AND FEED BARGE) BY RE-EQUIPMENT WITH 12 NO. 120 METRE CIRCUMFERENCE CAGES AND FEED BARGE: EAST TARBERT BAY, ISLE OF GIGHA (REF: 18/01561/MFF)

The Major Applications Team Leader spoke to the terms of the report. This application seeks the relocation, re-equipment and enlargement of an existing fish farm at a location approximately 280 metres to the east of an existing fish farm located off the north-east coast of the Isle of Gigha, at East Tarbert Bay. The proposed fish farm would comprise 12 no. 120m circumference cages. A feed barge is also proposed and this would have a capacity of 350 tonnes. The maximum stocked biomass would be increased from 600 to 2500 tonnes. The proposal represents what would be, in effect, an alternative enlarged farm to that which is currently authorised and the existing site would be de-equipped. In planning terms this has been viewed as a new fish farm site. An Environmental Impact Assessment report accompanies this application. The proposal has attracted 19 objections and 17 expressions of support. Gigha Community Council have written in support of the application. Objection has been raised by the Argyll District Salmon Fishery Board in its capacity as statutory consultee. Given the level of interest in the application and the complexity of the issues raised, it is considered that there would be merit in holding a pre determination hearing to allow Members to visit the site, question participants and consider the arguments on both sides in more detail. It is the view of Officers that this would add value to the decision-making process.

Decision

The Committee agreed to hold a discretionary pre determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 7 November 2018, submitted)

6. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 81 KM OF 275 KV OHL FROM THE EXISTING INVERARAY SWITCHING STATION TO THE EXISTING CROSSAIG SUBSTATION AND ANCILLARY DEVELOPMENT INCLUDING AN ADDITIONAL SECTION OF OVERHEAD LINE AS A TIE IN TO PORT ANN SUBSTATION: LAND BETWEEN INVERARAY AND CROSSAIG (ROUTE VIA ENVIRONS OF LOCHGILPHEAD AND TARBERT) (REF: 18/01700/S37)

The Senior Planning Officer spoke to the terms of the report advising of an application being made to the Scottish Ministers under Section 37 of the Electricity Act 1989 along with a request for a direction that planning permission be deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The application for consent is to construct and operate an 81 kilometre, 275 kilovolt, overhead line, supported by lattice steel towers between Inveraray Switching Station and Crossaig Substation, Argyll, Scotland along with other associated works. The applicant is the electricity transmission licence holder in the north of Scotland and under Section 9 of the Electricity Act 1989 has a duty to develop and maintain

an efficient, co-ordinated and economical system of electricity transmission; and to facilitate competition in the supply and generation of electricity. It is under these licence obligations that the proposal has been brought forward. Having assessed the proposal in detail It is recommended that no objection to the proposals be raised subject to the imposition of appropriate conditions by the Scottish Ministers.

Decision

The Committee agreed not to raise any objection to the current proposals subject to the imposition of appropriate conditions by the Scottish Ministers.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 5 February 2019, submitted)

7. MR JOHN GOLDING: DEMOLITION OF WORKSHOP/GARAGE: TIGNAGLAIC, CRINAN, LOCHGILPHEAD (REF: 18/02676/CONAC)

The Major Applications Team Leader spoke to the terms of the report. This planning application relates to a householder scale and nature of development which would normally be determined under the local delegated powers, however a report has been presented to Committee for determination in this instance as the Applicant is the partner of a senior member of the Council's Strategic Management Team. This application is for the demolition of a small garage outbuilding. The property is located within the Crinan Canal Conservation area. Given the modest size, unremarkable appearance and relatively unobtrusive siting within the landscape curtilage of the dwelling house, it is considered that the building does not make any significant contribution to the character and appearance of the Conservation Area and, as such, it is considered that Conservation Area Consent should be approved.

Decision

The Committee agreed that Conservation Area Consent be approved.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 29 January 2019, submitted)

8. MR JOHN GOLDING: DEMOLITION OF WORKSHOP/GARAGE AND CONSERVATORY, ALTERATIONS TO DWELLINGHOUSE, ERECTION OF GARDEN STRUCTURE AND LANDSCAPING WORKS: TIGNAGLAIC, CRINAN, LOCHGILPHEAD (REF: 18/02678/PP)

The Major Applications Team Leader spoke to the terms of the report. This planning application relates to a householder scale and nature of development which would normally be determined under the local delegated powers, however a report has been presented to Committee for determination in this instance as the Applicant is the partner of a senior member of the Council's Strategic Management Team. The proposed works are limited to external alterations including replacement windows to an existing dwelling house, part of a general refurbishment to raise the standard of accommodation and landscaping improvements to better link the cottage to the existing curtilage in front of it. The site is within the curtilage of an existing property located within the settlement boundary for Crinan. The site lies within the Crinan Canal Conservation Area and the Knapdale National Scenic Area. The proposal is considered to be acceptable with regard to all relevant material considerations

including national and local planning policy and is recommended for approval subject to one condition and reason detailed in the report.

Decision

The Committee agreed to grant planning permission subject to the following condition and reason:

1. The development shall be implemented in accordance with the details specified on the application form dated 12th December 2018 and the approved drawing reference numbers 1 to 12 and stamped approved by the planning authority 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.

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

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 30 January 2019, submitted)

9. LUCID DEVELOPMENTS: ERECTION OF 7 HYBRID ACCOMMODATION UNITS, COMMUNITY HUB BUILDING, NEW ACCESS PATHWAY, CAR PARKING AND LANDSCAPING ARRANGEMENTS: LAND TO THE NORTH OF BOAT YARD, ROSNEATH ROAD, KILCREGGAN (REF: 18/01546/PP)

The Major Applications Team Leader spoke to the terms of the report. The application site is an area of woodland located on the eastern approaches to the village of Kilcreggan. It is proposed to develop the steeply sloping site by way of a development comprising a hybrid of housing, tourist development, live-work development, community elements and co-housing elements. The development includes 7 two storey residential accommodation units, linked by bridges and footpaths. The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality. The application site is designated as an Open Space Protection Area. The proposal is considered contrary to Policies LDP 3, LDP 9, SG LDP ENV 14, LDP 3, SG LDP ENV 6 and SG LDP REC/COM2 of the Argyll and Bute Local Development Plan. The proposal is also considered unacceptable in terms of road traffic safety and as such is also considered contrary to Policies SG LDP TRAN 4 and SG LDP TRAN 6 of the Local Development Plan and it is recommended that planning permission be refused for the reasons stated in the report of handling.

Decision

The Committee agreed to refuse planning permission for the following reasons:

1. The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposed units are box like in

appearance some 10.7 metres in height, 7.6 to 10 metres long, with a roof pitch of 48 degrees and built on stilts. The combination of tall, narrow buildings with a steep roof pitch on stilts on this prominent location set against existing development of varied design but conventional footprint and layout adjoining the site would result in a development that would have a detrimental impact upon the character and appearance of the locality by virtue of introducing built development that is out of character with its surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.

2. The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. The loss of these trees and other vegetation cover and their replacement with buildings access road, hardstanding, paths, new drainage and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal will also prevent significant regeneration and replanting of trees by substantially reducing the areas available for tree cover and changing the character of the site from woodland to built form. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction the proposed development would not be compatible with Policy. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.
3. The application site is 0.41 hectares in size, has amenity value in the immediate area and wider setting of Kilcreggan and is designated as an Open Space Protection Area. In terms of mitigation the applicants propose a new communal hall to serve the village. Whilst this will have community benefit, the proposed development will result in the loss of this area which makes a specific contribution to the wider area as a green space, wildlife corridor and buffer between housing. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. Consequently, the communal building is not considered to be an alternative provision of equal community benefit given its size and existing function. The proposal is therefore contrary to Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas of the Argyll and Bute Local Development Plan which, inter alia, presumes against the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps.
4. The proposed private access is contrary to the minimum standards set out in the Council's Road Development Guide in relation to adequate visibility splays and turning capacities. The applicant has not supplied the acceptable visibility sightline splays of 2.4m x 53m x 1.05 at the new junction and has not offered any

mitigation for this in the absence of speed survey data. The off street parking provision is also contrary to policy as it shows the provision for 11 parking spaces, however, the residential units require 12 parking spaces, there is also no parking provision shown to support the Communal build which has the potential to be used by local community groups. As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision.

Having moved an Amendment which failed to find a seconder, Councillor George Freeman asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 4 February 2019, submitted)

10. SCOTTISH WATER: PROPOSED NEW WASTEWATER TREATMENT WORKS INCLUDING VEHICULAR ACCESS TO SITE: LAND WEST OF SEWAGE WORKS, CLACHAN SEIL, ISLE OF SEIL (REF: 18/02640/PAN)

The Senior Planning Officer spoke to the terms of the report. A Proposal of Application Notice (PAN) seeks views on a proposed new water treatment works, with associated access road for the Isle of Seil. The existing water treatment works is no longer fit for purpose and will be decommissioned and landscaped as part of these proposals. The proposal involves the creation of a new tertiary treatment works away from the immediate community to replace the existing works. The proposed site is located within the open countryside outside the settlement boundary of Clachan Seil. The land upon which it is proposed to construct the facility is designated within the Local Development Plan as both Countryside and forming part of the Knapdale/Melfort Area of Panoramic Quality (APQ). The report summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date. It is 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 in order to allow these matters to be considered by the Applicants in finalising any future planning application submission.

Decision

The Committee agreed that the following issues should be taken into consideration by the Applicant in finalising any future planning application submission:

- a) The tanks should be covered; and
- b) Moving the location of the pathway away from the only green field in the area.

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

11. DEVELOPMENT PLAN SCHEME ANNUAL UPDATE - LOCAL DEVELOPMENT PLAN 2

Consideration was given to a report presenting the third update of the Development Plan Scheme. The report sets out the key milestones in the LDP2 process and how people can become engaged at those stages. It also provides a timetable that will

deliver LDP2 by the third quarter of financial year 2020/21. This timetable reflects slippage in the preparation process and exceeds the 5 year period for renewal from adoption of the current Local Development Plan by 7 months.

Decision

The Committee agreed to:

1. note the content of the report; and
2. approve the updated Development Plan Scheme attached in Appendix A of the report for publication and submission to the Scottish Ministers.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 28 January 2019 and Development Plan Scheme 2019: Local Development 2, submitted)

12. PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS

Over the past 6 years a series of short training sessions (or workshops) have been delivered for all elected Members with an aim to improve knowledge of the planning system on a wide range of issues. A report seeking endorsement of a training programme from April 2019 to March 2020 was before the Committee for consideration.

Decision

The Committee agreed to:

1. continue an ongoing programme of planning related training for Members of the PPSL Committee, which should also be open to any other Members not currently involved in planning decision-making; and
2. endorse the initial subject areas for training and the provisional dates for delivery, on the understanding that the programme may be varied to take account of any additional training requirements Members may wish to identify, along with any other particular training needs identified by Officers as a consequence of matters emerging during the course of the year.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 4 February 2019, submitted)

13. JOINT PUBLIC HEALTH PROTECTION PLAN 2019-20

A report seeking endorsement of the Public Health Protection Plan which outlines health protection priorities for the period 1 January 2019 to 31 December 2019 was before the Committee for consideration. This is a statutory plan, required under the Public Health etc (Scotland) Act 2008, which has been developed in conjunction with Argyll and Bute Council, Highland Council and NHS Highland. It is also consistent with the Council's corporate priorities.

Decision

The Committee agreed:

1. to endorse the Joint Public Health Protection Plan for 2019-20 (set out in Appendix I to the report), recognising the key role of local authorities and environmental health;
2. to formally reaffirm the appointments of the Regulatory Services Manager, as the Council's Designated Competent Person under the Public Health etc (Scotland) Act 2008, and the appointments of Depute Designated Competent Persons as they relate to Argyll and Bute Council as detailed at section 5.2 of the report; and
3. that the Regulatory Services Manager signs the plan on behalf of the Council, and takes the necessary steps to deliver the plan including appointing appropriate competent authorised officers, and to update on progress in delivering the Joint Public Health Protection Plan.

(Reference: Report by Executive Director – Development and Infrastructure Services and Joint Health Protection Plan 2019, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item 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.

14. ENFORCEMENT REPORT - REFERENCE 18/00053/ENAMEN

A report providing an update on Enforcement Case reference 18/00053/ENAMEN was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 1 February 2019, submitted)