



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD

11 December 2019

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 18 DECEMBER 2019** at **11:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

3. MINUTES

- (a) Planning, Protective Services and Licensing Committee 20 November 2019 at 11.00 am (Pages 3 - 24)
- (b) Planning, Protective Services and Licensing Committee 20 November 2019 at 2.00 pm (Pages 25 - 30)
- (c) Planning, Protective Services and Licensing Committee 20 November 2019 at 2.20 pm (Pages 31 - 32)
- (d) Planning, Protective Services and Licensing Committee 20 November 2019 at 2.40 pm (Pages 33 - 38)
- (e) Planning, Protective Services and Licensing Committee 20 November 2019 at 3.00 pm (Pages 39 - 40)
- (f) Planning, Protective Services and Licensing Committee 20 November 2019 at 3.20 pm (Pages 41 - 44)

4. RESIDENTIAL (CARAVAN) SITE LICENCE CONDITIONS FOR GYPSY/TRAVELLER SITES

Report by Executive Director with responsibility for Development and Economic Growth (Pages 45 – 56)

5. ROYAL NORTHERN YACHT CLUB: PROPOSAL OF APPLICATION NOTICE FOR THE ERECTION OF A NEW YACHT CLUBHOUSE WITH ASSOCIATED ACCESS, PARKING YARD AND BOAT STORAGE AREA (RHU MARINA) AND CONVERSION OF EXISTING CLUBHOUSE AND GATEHOUSE TO FORM RESIDENTIAL UNITS AND ERECTION OF NEW RESIDENTIAL UNITS (ROYAL NORTHERN AND CLYDE YACHT CLUB): LAND AT RHU MARINA AND ROYAL NORTHERN AND CLYDE YACHT CLUB, RHU (REF: 19/02392/PAN)

Report by Head of Development and Economic Growth (Pages 57 – 62)

6. DRAFT SERVICE PLAN 2020-23 FOR DEVELOPMENT AND ECONOMIC GROWTH

Report by Executive Director with responsibility for Development and Economic Growth (Pages 63 – 84)

7. FQ2 2019/20 PERFORMANCE REPORT: DEVELOPMENT AND ECONOMIC GROWTH

Report by Executive Director with responsibility for Development and Economic Growth (Pages 85 – 94)

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: UPDATE ON PREVIOUS REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NO. 677) (H MACINTYRE, DUNOON)

Report by Head of Legal and Regulatory Support (Pages 95 – 98)

REPORT FOR NOTING

9. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

Report by Head of Development and Economic Growth (Pages 99 – 100)

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair
Councillor Robin Currie
Councillor Lorna Douglas
Councillor George Freeman
Councillor David Kinniburgh (Chair)
Councillor Roderick McCuish
Councillor Alastair Redman
Councillor Richard Trail

Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon
Councillor Audrey Forrest
Councillor Graham Hardie
Councillor Donald MacMillan BEM
Councillor Jean Moffat
Councillor Sandy Taylor

Contact: Fiona McCallum

Tel. No. 01546 604392

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

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Donald MacMillan BEM	

Attending: Fergus Murray, Head of Development and Economic Growth
Patricia O'Neill, Governance Manager
Sandra Davies, Major Applications Team Leader
Tim Williams, Area Team Leader for Oban, Lorn and the Isles
Howard Young, Area Team Leader for Bute and Cowal & Helensburgh and Lomond
David Love, Area Team Leader for Mid Argyll, Kintyre and the Islands
Arlene Knox, Senior Planning Officer
Mark Lodge, Senior Planning Officer
Kim de Buiteleir, Design and Conservation Officer
Graeme McMillan, Solicitor
Sgt Wendy Maginnis, Police Scotland

The Chair ruled, and the Committee agreed, to consider the report at item 16 of this Minute as a matter of urgency as this was an issue of public safety and could not be delayed to the next scheduled meeting of the Committee.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, Audrey Forrest, Graham Archibald Hardie and Roderick McCuish.

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 16 October 2019 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2019 at 11.00 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2019 at 1.40 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2019 at 2.00 pm was approved as a correct record.

- e) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2019 at 2.20 pm was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2019 at 3.00 pm was approved as a correct record.
- g) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2019 at 3.20 pm was approved as a correct record.

4. THE SCOTTISH GOVERNMENT ON BEHALF OF ARCUS CONSULTANCY SERVICES: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO HIGH CONSTELLATION WIND FARM: HIGH CONSTELLATION WIND FARM, 4KM SOUTH EAST OF CLACHAN (REF: 19/01182/S36)

Consideration was given to the recommended response to the Scottish Government's Energy Consents and Development Unit Section 36 consultation regarding the proposed High Constellation Wind Farm. The Senior Planning Officer spoke to the terms of the report. In Scotland, any application to construct or operate an onshore power generating station, in this case, a wind farm, with an installed capacity of over 50 megawatts requires the consent of Scottish Ministers under Section 36 of the Electricity Act. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of consultee along with various other consultation bodies. This site is located on the Kintyre Peninsula, approximately 4km southeast of Clachan, 10km north of Carradale and 18km south of Tarbert with Lochranza on the Isle of Arran 11km to the east. The proposal is within a mixture of Rural Opportunity Area, Countryside and Very Sensitive Countryside and would comprise 10 turbines of up to, but not exceeding, 149.9m tip height and a rotor diameter up to 136m and other elements as detailed in Appendix A of the report of handling. Both East and West Kintyre Community Councils have objected. At the time of writing this report, there have been a total of 58 representations made to the ECU – 37 in support and 21 objections. These totals include a petition in favour of the proposal with 35 signatures. It is considered that the proposal will not have any unacceptable significant adverse effects. Given the expected productivity of the site, the presence of the existing infrastructure and the lack of any objection from statutory consultees on technical matters, Officers have concluded that the Council should not object to this Section 36 Application subject to the Energy Consents Unit considering the pre-determination matters, conditions and mitigation as detailed in Section X within Appendix A of the report.

Motion

To agree not to object to this Section 36 Application subject to the Energy Consents Unit considering the pre-determination matters, conditions and mitigation as detailed in Section X within Appendix A of the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Amendment

To agree to continue consideration of this matter in order to seek advice on a competent Amendment to object to this application.

Moved by Councillor Alastair Redman, seconded by Councillor Jean Moffat

The Motion was carried by 8 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed not to object to this Section 36 Application subject to the Energy Consents Unit considering the following pre-determination matters, conditions and mitigation set out at Section X within Appendix A of the report:

Matters which the Council consider the ECU should consider prior to determination

- SNH provide advice in relation to the Kintyre Goose Roosts SPA. Due to the status of this site the ECU as determining authority will be required to undertake an Appropriate Assessment under the Habitat Regulations in view of the sites conservation objectives for its qualifying interest.
- That the ECU consult further with SNH on the lighting requirements of the Ministry of Defence and Highland and Islands Airports Limited and that this aspect is fully assessed and submitted for consideration in consultation with SNH before determination of the proposal; including potential landscape and visual cumulative effects.
- That the ECU consider requesting a Tourism Impact Assessment in accordance with the advice of Visit Scotland. This should also take into account the impact any perceived proliferation of developments may have on the local tourism industry, and the local economy.
- That the ECU consult with/obtain a consultee response from North Ayrshire Council regarding the potential impacts on Arran, in particular, Landscape and Visual impact (including cumulative) e.g. on North Arran NSA and Arran hills before determination of the proposal.
- That the ECU seek and approve the minor revisions to the Peat Landslide Hazard Risk Assessment as recommended by Ironside Farrar
- That the ECU obtain visuals from locations where the HMP felling will be visible as requested by Scottish Forestry for further consideration and that further consultation is undertaken with Scottish Forestry in this regard prior to reaching a decision on the application.
- That the ECU obtain the further information requested by Scottish Forestry in regard to: Geology, Hydrology and hydrogeology; fish and aquatic habitat surveys; increase in run-off and flood risk; Acidification of watercourses and undertake further consultation with Scottish Forestry in this regard prior to reaching a decision on the application.
- That the ECU pass on the British Horse Society's guidance for developer's to the applicant.

- That the conditions detailed above are only those recommended by consultees to be included in the full suite of final conditions, the Council would expect to be consulted on any final list of conditions prior to permission being granted, should Scottish Ministers be minded to do so.
- The Council would also expect to be consulted on any further mitigation, changes to the layout or turbine height, should the proposal be amended in line with the advice of consultees.

Conditions

- Condition to ensure that the applicant provides more detailed information on the footprint/height and appearance (including security fencing, lighting, materials) of the compound containing the battery storage and its likely visibility from the B842 once the location has been confirmed to be agreed in writing by the Planning Authority in consultation with SNH and North Ayrshire Council.
- Condition to ensure the establishment of a robust integrated water quality and fish monitoring programme in accordance with the advice of Marine Scotland
- Conditions as recommended by the Council's Environment Protection Officer to ensure: control of noise emissions; a report to demonstrate compliance with the proposed noise limits; assessment by independent consultant upon request of Planning Authority and provision of independent consultant's assessment and conclusions to Planning Authority and to secure any necessary remedial action; logging of wind speed, wind direction and power generation data and provision of data upon request by Planning Authority; point of contact for local residents in regard to any noise complaints; a Construction Environmental Management Plan including details of measures to ensure the occurrence of noise or vibration nuisance during the construction phase including operational hours and control of dust etc (a condition to require compliance with this could be considered); and a Water Construction Environment Management Plan (WCEMP);
- Conditions as required by the Ministry of Defence (MOD) to secure that the development is fitted with MOD accredited aviation safety lighting and provision of the details of the date of construction starts and ends, maximum height of construction equipment, and the latitude and longitude of every turbine.
- Conditions as required by Transport Scotland to secure the submission and approval of: a Route Access Report; details of signing or temporary traffic control measures; details of the proposed means of access to the trunk road; wheel cleaning facilities; and a Construction Traffic Management Plan.
- Conditions as required by the Council's Area Roads Engineer to ensure that all vehicular traffic is taken from the A83 Tarbert – Campbeltown Trunk Road, and that no construction traffic shall use the B842 Claonaig – Southend Road.
- Conditions as required by Scottish Forestry to ensure the submission and approval of: constraints, opportunities and concept plans demonstrating that compliance with the UK Forestry Standard (UKFS) can be achieved; operational plan for harvesting, restocking and establishment; a compensatory planting

scheme of 31.73ha; a plan/proposal for the replanting of the appropriate Habitat Management Plan (HMP) areas in line with UKFS; compounds and borrow pits reinstated to woodland in a reasonable time scale and monitored.

- Condition in accordance with the advice of SNH, SEPA and RSPB to ensure that: A Habitat Management Plan (HMP) is agreed by SNH, SEPA and RSPB in writing, as outlined in EIA Report document Appendix A8.3; and the Habitat restoration work outlined in the plan is completed at least two growing seasons ahead of construction of the wind farm beginning. It is also noted from the advice of SNH that said Habitat Management Plan should also include the following provisions: a diver raft on Loch a Chaorainn and monitoring; native woodland creation and a commitment to remove, and if necessary undertake follow up control work to prevent invasion of *Rhododendron ponticum*, particularly into sensitive heath, bog, and native woodland habitats which will be created as restored in the HMP area. Both SNH and RSPB recommend that this condition should ensure that HMP work will start prior to any construction of the wind farm to allow time for habitat creation/management to have a positive mitigating effect before the turbines displace birds. The HMP shall be implemented as approved and shall include mitigation measures for eagles, divers, peatland restoration and native woodland creation. The HMP should operate for the lifetime of the development, including decommissioning.
- Conditions as recommended by RSPB Scotland: no construction work/vegetation clearance/tree felling or decommissioning shall be carried out during the bird breeding season, unless undertaken after a bird disturbance management plan has been agreed and implemented (to consider noise and visual disturbance); the employment of an appropriately qualified Ecological Clerk of Works (EcoW) to oversee construction and delivery of mitigation measures; a programme of post-construction monitoring of bird populations.
- Conditions as recommended by SEPA: Finalised Peat Management Plan including required details relating to peat probing, how layout and management reduces the volume of peat disturbed; temporary peat storage areas, and update disturbance and reuse calculations; Ground Water Dependent Terrestrial Ecosystems (GWDTE) - amendments to the layout, via micro-siting – buffer of at least 10m between any excavation works for Turbine 4 and M23a/M6b habitat, buffer of at least 10m between any excavation works for the laydown area and M6d habitat; Wind Farm Forest Plan, that specifically includes the requirement for a site plan showing the areas to be subject to the different felling and harvesting techniques, removal of trees with stem wood down to 7cm and brash from the site, woody material removed from smaller trees unless a clear beneficial use is agreed as part of the finalised Habitat Management Plan; unless otherwise agreed with SEPA any replacement watercourse crossings are to be of an arched bottomless culvert design, or traditional style bridge, designed to convey the 1 in 200 year flood event; 50m buffer around all water bodies except in the vicinity of watercourse crossings; enabling the applicant to micro-site the built elements of the scheme up to 50m or other distance as seen reasonable by ECU in order to formulate a finalised post-consent layout, once detailed ground investigations have been undertaken and before work commences; to ensure that all works are carried out in accordance with the Schedule of mitigation; to secure requirements as part of Construction Environment Management Plan (CEMP); finalised Decommissioning and Restoration Plan; and the finalised design of the substation and battery storage area to be agreed.

Mitigation

- Whilst it is acknowledged that Historic Environment Scotland do not object to the proposal, the Energy Consents Unit may wish to explore with them whether there is any mitigation that they would suggest to lessen the impacts in order to address the concerns which they have raised in their consultation response regarding the impact of the proposal on: An Dunan, dun; Cour House and Dun Skeig.
- SNH consider that adverse effects on North Arran NSA could potentially be mitigated by reducing the scale/height of the turbines to make them more compatible with Cour wind farm. Furthermore, they advise that there are also some design issues to be addressed to improve the fit with both Cour wind farm and to improve the 'landscape fit'. The ECU may wish to explore this suggested mitigation with the applicant and SNH prior to reaching a decision on the application.
- SNH advise that turbine 8 is very close to areas of shallower peat and they advise that micro-siting this turbine to such an area would seem appropriate.

Consideration should be given by the ECU to the mitigation measures suggested by the Council's Consultant Landscape Architect that further redesign should be considered by the applicant to relocate and/or reduce the height of turbines (in particular T9 and T10) with the aim of mitigating significant adverse effects, especially on close views in the Cour area.

(Reference: Report by Head of Development and Economic Growth dated 4 November 2019, submitted)

5. MR R MUNN: ERECTION OF DWELLINGHOUSE, FORMATION OF ACCESS AND INSTALLATION OF SEPTIC TANK AND SOAKAWAY: LAND APPROX 82M SOUTH EAST OF 13 KILMALUAIG, ISLE OF TIREE (REF: 17/02909/PP)

This application was previously considered by the Committee on 20 March 2019 and continued to 17 April 2019 when it was agreed to continue the determination of this application again to allow the planning authority to engage with the Applicant and to obtain clarification on various matters. The Area Team Leader for the Oban, Lorn and the Isles area spoke to the terms of supplementary report number 3 which advised of correspondence issued under the provisions of Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to the Applicant and, separately, to his Agent requesting the submission of further details. The Applicant/Agent was given two weeks to respond and despite follow up requests being issued on 22 May, 27 June and 3 September 2019 there has been no response to this request for further information. Given the lack of engagement from the Applicant or his Agent neither Officers nor Members are able to properly assess or consider any claim of overriding locational/operational need for a dwellinghouse of this specific design and orientation and in this specific location. The stated claim of 'crofting need' is central to the Applicant's proposal but has not been appropriately demonstrated or substantiated. Therefore Officers remain of the considered opinion that the proposed development is unacceptable due to its materially harmful impact upon the setting of the adjacent Category A listed

building; due to its negative impact upon the character and quality of the Kilmaluaig Conservation Area; and due to its unacceptably harmful impact upon the special characteristics of Tiree's natural and built landscape. It is therefore recommended that Members refuse this planning application for the reasons detailed in supplementary report number 3.

Decision

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

- 1) Insufficient information has been submitted to allow a competent assessment of the applicant's claimed locational/operational need for the development and, in particular, the applicant's stated claim that the proposed development within this specific location and of this precise form is required in order to support a proposed and/or existing agricultural activity upon what is claimed to be a bareland croft. The planning authority have required the submission of additional necessary details by letter dated 26th April 2019 and issued under the provisions of Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and have repeated this request for information by subsequent written communication dated 22nd May 2019, 27th June 2019 and 3rd September 2019.

No response has been forthcoming to any of these requests for information and in the absence of essential information upon which to make a competent assessment, the Planning Authority must refuse this planning application.

- 2) Notwithstanding Reason 1 above, the proposed development would have a materially harmful and unacceptable impact upon the historic environment including the setting of the adjacent Category A listed building and upon the character and quality of the conservation area.

The proximity of the proposed dwellinghouse and its associated access roadway to the listed building along with its modern design creates an uncomfortable relationship between them. At present the listed building currently enjoys a prime position, located slightly offset atop a rocky hillock, which has open outward views and which is free from development around its periphery. This area of open elevated and rural character contributes to the setting of the listed building, both on inward and outward views, and development of this site would erode the sense of space and openness which it currently enjoys, compromising its visual prominence and devaluing its historical value. The listed building is a key landscape feature and the proposed development would adversely affect the way the listed building is appreciated and experienced in the landscape, diminishing its visual significance by visually intruding into the visual prominence and exclusivity the building currently enjoys.

Kilmaluaig Conservation Area has been designated due to its traditional settlement pattern and orientation of the buildings within it, together with the presence of historically important thatched cottages which are also listed due to their unique physical characteristics.

This is not an acceptable site for development in terms of the council's settlement strategy as expressed through policy LDP DM 1 as well as being contrary to the provisions of Policy LDP 3 and associated Supplementary Guidance SG LDP

ENV 16(a) and SG LDP ENV 17 of the LDP as well as SPP and the Historic Environment Scotland Policy Statement 2016 and Historic Environment Scotland Managing Change: Setting, New Design in Historic Settings (Historic Scotland) which presume against development that detrimentally affects the setting of listed buildings and the quality and special character of conservation areas.

- 3) Notwithstanding Reasons 1 and 2 above, it is considered that the proposed development would, due to its inappropriate design, detailing, orientation and location, have an unacceptable and materially harmful impact upon its immediate landscape and, in particular, the built-landscape which comprises a key component of Tiree's unique and special character.

The proposed development fails to respect the specific settlement pattern, local distinctiveness and built-form of this part of Kilmaluag as recognised within the Council's 'Isle of Tiree Sustainable Design Guidance' or the 'Island of Tiree: Landscape Capacity Study for New Housing' (Final Report, published May 2006)', and as underpinned by the inclusion of this site within the Kilmaluag Conservation Area.

The development consists of a relatively large three-bedroomed 'T-shaped' detached bungalow of largely unimaginative design and materials and which does not properly capture the essence of Tiree's unique and special design character. This impression is materially heightened when considering the context of the proposed development and its siting within the immediate setting of the important traditional Tiree "blacktop" building and within the Kilmaluag Conservation Area, as expressed within refusal reason 1 above. Specifically, the proposed development is considered unacceptable for the following reasons:

- The orientation of the proposed dwellinghouse would be perpendicular to the listed building 13 Kilmaluag and to the majority of the existing buildings within the wider landscape. This is contrary to the traditional settlement pattern of this part of Tiree and will result in a development which will appear unduly prominent, particularly when experienced from the immediate setting of the listed building.
- The modern 'T-shaped' plan of the proposed dwellinghouse would result in a development which would have a scale and massing inconsistent with its setting and with the local distinctiveness of this part of the Island and which would erode the typical, simple proportions of the area in general and the Category A listed building in particular, namely a long, low, narrow building with a simple plan form.
- The proposed development does not retain the traditional window and wall relationships which form an important part of the unique character of Tiree's built environment. In addition, the proposed dwellinghouse incorporates uPVC windows and doors of a design and quality which are not considered appropriate within this part of the conservation area or that they pay sufficient regard to the traditional window and door detailing of the nearby listed building.

In addition, the site of the proposed development falls within the 'North Tiree Study Area' as identified within the Council's published "Island of Tiree: Landscape Capacity Study for New Housing" (Final Report, published May 2006),

which recognises that the site the subject of this application is located within an area of distinct landscape and visual character which the Study describes as 'Extensive Crofting' which consists of some limited opportunities for development which reflects the dispersed spacing and distinct relationship of existing settlement with the crofting inbye land. The Study states that new development should be set one field distance from the public road and a minimum of one field (no less than 100 metres) apart from existing croft houses. The study recommends that new development should be oriented facing a road and usually on a NE/SW axis where this predominates. Similarly, the Study states that where a distinct alignment of existing houses occurs, new development should be sited to fit with this. The Study also states that additional overhead lines and access tracks should be avoided.

In the case of the proposed development, the new dwellinghouse would be located more than 100 metres from the public road but less than 100 metres from the nearest croft house (the listed building 13 Kilmaluaig). The proposed development would be located approximately 80 metres to the south east of the listed building at its closest point (building to building) and within the existing field which includes 13 Kilmaluaig at its northern boundary. In addition, the proposed development includes a significant length of proposed new access track; approximately 120 metres in length and cutting across the field which is currently solely occupied by the listed building.

In addition, the proposed development would be oriented upon a broadly east to west axis and does not reflect the existing settlement pattern which consists of buildings located upon a distinct NE/SW axis, this being a specific part of the established and distinctive character of the area.

It is therefore considered that the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tiree or its distinctive NE/SW orientation of buildings and would involve the construction of a substantial new access trackway.

The proposed development is therefore considered contrary to the identified constraints and opportunities for new development as described within the "Island of Tiree: Landscape Capacity Study for New Housing" and contrary to Policy LDP 3, Supplementary Guidance SG LDP ENV 14, the Isle of Tiree Sustainable Design Guidance and the Sustainable Siting and Design Principles of the LDP.

(Reference: Report of Handling dated 4 March 2019, supplementary report number 1 dated 8 April 2019, supplementary report number 2 dated 16 April 2019 and supplementary report number 3 dated 5 November 2019, submitted)

6. PETER MALTHOUSE: SITE FOR THE ERECTION OF 2 DWELLINGHOUSES: LAND NORTH EAST OF FAIRWATER, PORTINCAPLE (REF: 19/01139/PPP)

The Area Team Leader for the Bute and Cowal & Helensburgh and Lomond areas spoke to the terms of the report and to supplementary report number 1 which advised of late representations received. He also advised of a further late representation received by email and which had been sent to all Members of the Committee by Mr Fergus Madigan. He advised that these late representations had not raised any further issues. Planning Permission in Principle is sought for the erection of 2 dwellinghouses each with a detached garage and sewerage treatment

works at land off Feuins Road, within the village/minor settlement of Portincaple. Within this area there is a general presumption in favour of small scale residential development subject to other local plan policies being satisfied. The site also lies within an area designated as an Area of Panoramic Quality (APQ). A number of representations have been received objecting to the proposed development together with concerns from Garelochhead Community Council. It is considered that the principle of development is consistent with the relevant provisions of the Local Development Plan, there are no objections from statutory consultees and the key issues raised by objectors have been covered in the report of handling or can be dealt with by condition. As such it is not considered that a discretionary hearing would add any value to this process. It is considered that the proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 10, LDP 11 and Supplementary Guidance SG LDP ENV 6, SG LDP ENV 13, SG LDP – Sustainable Design Principles, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan. It is recommended that planning permission in principle be granted subject to the conditions and reasons detailed in the report of handling.

Motion

To agree to grant planning permission in principle subject to the conditions and reasons detailed in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman

Amendment

To agree to hold a site visit and discretionary pre-determination hearing.

Moved by Councillor George Freeman, seconded by Councillor Jean Moffat

The Motion was carried by 8 votes to 2 and the Committee resolved accordingly.

Decision

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

1. Plans and particulars of the matters specified in conditions 2 to 10 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Pursuant to Condition 1 – no development shall commence in respect of any of the two plots until plans and particulars of the site layout including the provision for the storage / separation / recycling of waste in accordance with Local Development Plan policy, design, topographical surveys, cross sections and

external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located out with the application site. Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.

3. Pursuant to the provisions of Condition 1, no development shall commence until details of a Sustainable urban Drainage Systems (SuDS) scheme is submitted to the Council for further approval. This scheme 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 C753 and Sewers for Scotland 3rd Edition. Development shall thereafter be carried out using the approved scheme and 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.

4. Pursuant to the provisions of Condition 1, no development shall commence until details of a communal sewage treatment system to service both dwellinghouses has been submitted to and agreed in writing by the Planning Authority. Development shall thereafter be carried out using the approved scheme and 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 system to deal with foul drainage.

5. Pursuant to the provisions of Condition 1, development shall not begin until samples of the materials to be used on external surfaces of the buildings and in the construction of hard standings, walls and fences have been submitted to, and approved in writing by, the planning authority. Development shall thereafter be carried out using the approved materials, or such alternatives that the planning authority may agree in writing.

Reason: To ensure that the appearance of the development is compatible with its surroundings.

6. Pursuant to the provisions of Condition 1, development shall not begin until details of the method of construction of the dwellings are submitted to the Planning Authority to allow further consultation with the Ministry of Defence (MOD) safeguarding department. Such details as may be approved by the Planning Authority in consultation with the MOD shall thereafter be implemented.

Reason: The site is located within an MOD safeguarding zone and construction of any dwelling requires to accord with necessary standards in the interests of safety.

7. Pursuant to the provisions of Condition 1, development shall not begin until details of the following road traffic safety requirements are submitted to the Planning Authority to allow further consideration with the Area Roads Manager. These shall comprise further information to show;
- a) the junctions of the new driveways onto the new access with sightline visibility splays 2.4 x 35 x 1.05m.
 - b) the gradient of the private access and driveways which shall be greater than 10% absolute maximum 12.5%
 - c) The access shall be surfaced in a bituminous material for a distance of 5 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
 - d) The access at the junction with the public road shall be constructed as per drawing SD 08/002
 - e) The access shall be a minimum of 4.5 metres wide for a distance of 10 metres from the radius tangent point as per Drg SD 08/002.
 - f) Car parking and turning provision in accordance with the Councils 'Roads Guidance for Developers'

Reason: In the interest of road traffic safety.

8. Pursuant to the provisions of Condition 1, no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved 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) Location design and materials of proposed walls, fences and gates;
 - (iii) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - (iv) 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.

9. Pursuant to the provisions of Condition 1, the applicant shall complete and submit the following Biodiversity Information for further approval by the Planning Authority prior to any works commencing on site.
- a) a Biodiversity Checklist as supporting information.
 - b) a Bat Survey report carried out at the optimum time of the year by an appropriately qualified person.

- c) the following ecological surveys for Red Squirrel, Badger and Ornithological interest carried out at the optimum time of the year by an appropriately qualified person.

Reason: In the interests of Biodiversity.

10. No development shall take place until details of trees, shrubs and hedgerows to be removed and to be retained, tree protection measures, soil stripping, storage and re-spreading procedures have been submitted to and approved in writing by the Planning Authority.

Reason: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings.

(Reference: Report by Head of Development and Economic Growth dated 6 November 2019 and supplementary report number 1 dated 18 November 2019, submitted)

7. GEORGE HANSON (BUILDING CONTRACTORS) LTD: ERECTION OF SIX FLATS: LAND AT FORMER ST BRENDAN'S CHURCH TOWER, MOUNTSTUART ROAD, ROTHESAY, ISLE OF BUTE (REF: 19/01584/PP)

The Area Team Leader for the Bute and Cowal & Helensburgh and Lomond areas spoke to the terms of the report and to supplementary report number 1 which advised of further representations received . Planning Permission is sought for the erection of a residential block comprising six flats on land at the site of the former St Brendan's Church tower. The site is within the main town of Rothesay where there is support in principle for residential development. The scale and design of the proposed building are considered to be acceptable having regard to the surrounding properties and the site's location within the Rothesay Conservation Area. The proposal has attracted objections from 13 individuals therefore consideration has to be given to holding a discretionary hearing prior to determining the application. The site is located within the Main Town of Rothesay and the proposal relates to an infill development between two existing residential blocks. For these reasons the proposal is considered to be consistent in principle with Policy LDP DM 1 and Supplementary Guidance SG LDP HOU 1 of the Argyll and Bute Local Development Plan 2015. Planning permission (ref: 09/01701/PP) for the erection of a flatted residence of six units with a car parking court was approved on 1 June 2012 and as such the principle of development has been established and the site specific issues have been addressed. There are no objections from consultees and there are no other material considerations which would justify refusal. Consequently, it is not considered that a discretionary hearing would give added value to the process and is not recommended in this instance. It is recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

Decision

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

1. Unless otherwise directed by any of the conditions below, the development shall be implemented in accordance with the details provided in the application form dated 26th July 2019 and the approved drawings:

- Drawing No. 5825 – 01 (Plan 1 of 11)
- Drawing No. 5825 – 02 (Plan 2 of 11)
- Drawing No. 5825 – 03 (Plan 3 of 11)
- Drawing No. 5825 – 04 (Plan 4 of 11)
- Drawing No. 5825 – 05 (Plan 5 of 11)
- Drawing No. 5825 – 06 (Plan 6 of 11)
- Drawing No. 5825 – 07 (Plan 7 of 11)
- Drawing No. 5825 – 08 (Plan 8 of 11)
- Drawing No. 5825 – 09 (Plan 9 of 11)
- Drawing No. 5825 – 10 (Plan 10 of 11)
- Drawing No. 5825 – 11 (Plan 11 of 11)

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.

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

2. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the first flatted unit, visibility splays of 42 metres shall be formed in both directions measured from a point 2.4 metres back from the edge of the carriageway at the centre of the vehicular access. All boundary walls, fencing or vegetation within the visibility splays shall thereafter be maintained in perpetuity at a height not exceeding 1.05 metres above the level of the road.

Reason: In the interests of road safety.

3. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the first flatted unit, the access shall be formed in accordance with Argyll & Bute Council standard detail SD08/005a, incorporating an access width of 5.5 metres.

Reason: In the interests of road safety.

4. Prior to the commencement of any works on the construction of the flatted block (or such other timescale as may be agreed in writing with the Planning Authority), samples of the render, stone, roof covering and window frames to be used shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the flatted block shall be constructed using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

5. Prior to the commencement of any works on the construction of the flatted block (or such other timescale as may be agreed in writing with the Planning Authority), details of the obscure glass to be fitted in the kitchen windows on the east and west-facing elevations of the building shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing

with the Planning Authority, the development shall be constructed in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of the privacy and amenity of No. 32 Mountstuart Road and No.34 Mountstuart Road having regard to the Supplementary Guidance relative to the distance between habitable room windows contained in the Argyll and Bute Local Development Plan 2015.

6. Prior to the commencement of any works on the access drive and parking/turning area (or such other timescale as may be agreed in writing with the Planning Authority), details of the surface treatment to be used shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the access drive and parking/turning area shall be constructed using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

7. Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a detailed scheme of landscaping including boundary treatment(s), tree planting and details of trees and other features to be retained, shall be submitted to and approved in writing by the Planning Authority. This scheme shall specifically include proposed landscaping and tree/shrub planting including the age, species and location of tree and shrub planting. Additionally, the landscaping scheme shall include suitable screening (by trees/shrubs) of the twelve car parking spaces and turning area in the front portion of the site.

The landscaping scheme shall ensure:

- i. Completion of the scheme during the planting season immediately following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority;
- ii. The maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- iii. Retention of existing stone boundary walls and gate posts taking account of any realignment or height reduction required for the formation of the access.

Reason: To ensure the implementation of a satisfactory scheme of landscaping, and to assist with the integration of the new development within the setting of the historic built environment.

8. Notwithstanding the effect of Condition 1 above, 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 and Sewers for Scotland (3rd Edition). Prior to the commencement of the development (or such other

timescale as may be agreed in writing with the Planning Authority), details of the intended means of surface water drainage to serve the development shall be submitted to and approved in writing by the Planning Authority.

The surface water drainage shall be constructed in accordance with all of the approved details and 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 in accordance with the relevant Policies and Supplementary Guidance in the adopted Argyll and Bute Local Development Plan 2015.

(Reference: Report by Head of Development and Economic Growth dated 4 November 2019 and supplementary report number 1 dated 18 November 2019, submitted)

8. MR DAVID BROOKS: DISCHARGE OF PLANNING OBLIGATION IN RELATION TO PLANNING PERMISSION REFERENCE 12/00970/PP (INSTALLATION OF 10 SOLAR ROOF PANELS): 1 MAIN STREET, PORT CHARLOTTE (REF: 19/01864/PP)

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. He drew Members' attention to a typographical error at section D of the report and advised that planning application reference 19/01859/PP for re-painting the dwellinghouse was granted on 30 October 2019. The proposal seeks to discharge a planning obligation under Section 75 of the Act to allow the permanent retention of ten photovoltaic panels on the rear facing roof of an unlisted property within the Port Charlotte Conservation Area. Planning permission has previously been granted retrospectively, and only on a temporary basis linked to the personal circumstances of the Applicant, for retention of the solar panels after they were installed by the property owner and subject to previous enforcement proceedings. The current application has come about due to the original Applicant no longer having an interest in the property. The inheritors now wish to retain the panels but can only do so lawfully if the planning obligation is removed/amended to reflect updated circumstances. The installed PV panels by virtue of their prominence, location, design and inherent reflective properties are considered to be an uncharacteristic addition to this traditional streetscape and, notwithstanding the limited architectural or historic value of the subject property, the installation neither preserves or enhances the character or appearance of the Port Charlotte Conservation Area and as such is considered to be contrary to the provisions of policies LDP 3, SG LDP ENV 17 and the Sustainable Siting and Design Principles. It is recommended that the request to discharge the planning obligation from the existing permission be refused.

Decision

The Committee agreed to discharge the planning obligation from the existing permission on the following grounds:

Given the fact that the current building has lost its character by reason of previous alterations, before the PV panels were installed, and given that the building is not listed, the PV panels have a neutral impact on the wider Conservation Area by virtue

of secondary elevation and limited views from the conservation area and surrounding listed buildings. The building is of low architectural merit compared with the other properties nearby and because the roof material is not of a traditional finish the panels have a neutral impact.

The PV panels will have a positive carbon neutrality and will in a small way go towards addressing climate change.

(Reference: Report by Head of Development and Economic Growth dated 1 November 2019, submitted)

9. DM HALL: PROPOSAL OF APPLICATION NOTICE - RESIDENTIAL DEVELOPMENT (DUNBEG PHASE 4) (CLASS 9) INCLUDING SITE FOR COMMUNITY FACILITIES; SITE FOR NEW PRIMARY SCHOOL; NEW ROADS AND PARKING; GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE; OPEN SPACE AND LANDSCAPING : LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 19/02026/PAN)

The Senior Planning Officer spoke to the terms of the report. This is the first of four Proposal of Application Notices (PAN) submitted to the Planning Authority in respect of the site at Dunbeg. Within the adopted Argyll and Bute Local Development Plan (March 2015) the Council has designated a Strategic Masterplan Area under MAST 1/12 "Dunbeg Corridor". This area includes the following uses – education, housing, commercial, including neighbourhood retail, business and industry. The current four PAN proposals sit within this wider strategic area but concentrate on housing, community uses, infrastructure and mixed commercial use on a number of sites as defined on Proposals Map 178 of the Adopted LDP. The approved Masterplan for the area (ref: 16/03368/MPLAN), clarifies the Applicant's intentions to build 300 additional dwellings (flats and houses) between 2017 and 2022 (Phase 3) with longer term development intentions for a further 305 dwellings and a mixed commercial area and community uses. Phase 3 is currently under construction and Kirk Road has been upgraded to accommodate this new development. No details on the number or tenure of the houses proposed in this PAN has been provided at this stage. This PAN relates to residential development (Dunbeg Phase 4) including site for community facilities, site for new primary school, new roads and parking, ground re-modelling, above ground and below ground infrastructure, open space and landscaping. No details on the number or tenure of the houses proposed in this PAN has been provided at this stage. 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 consider the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN in order 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 submissions and, whilst it welcomed the proposal for community facilities, raised no further issues.

(Reference: Report by Head of Development and Economic Growth dated 12 November 2019, submitted)

10. DM HALL: PROPOSAL OF APPLICATION NOTICE - NEW ROUNDABOUT ON A85, NEW ROADS, GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 19/02027/PAN)

The Senior Planning Officer spoke to the terms of the report. This is the second of four Proposal of Application Notices (PAN) submitted to the Planning Authority in respect of the site at Dunbeg. This PAN proposes a new roundabout and roads infrastructure at the site commonly known as “halfway”. Members are requested to note that Planning Permission for a new roundabout at this general location has previously been granted under 16/00692/PP. No planning permission for new roads in the area of land identified have as yet been granted. 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 consider the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN in order 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 submissions and raised no further issues.

(Reference: Report by Head of Development and Economic Growth dated 12 November 2019, submitted)

11. DM HALL: PROPOSAL OF APPLICATION NOTICE - MIXED USE DEVELOPMENT COMPRISING; RETAIL (CLASS 1 FOOD AND NON-FOOD); FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 2); FOOD AND DRINK (CLASS 3); BUSINESS (CLASS 4); HOTEL (CLASS 7); NON-RESIDENTIAL INSTITUTIONS (CLASS 10); ASSEMBLY AND LEISURE (CLASS 11); PUBLIC HOUSE; TAKEAWAYS; ROADS AND PARKING; GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE; OPEN SPACE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 19/02028/PAN)

The Senior Planning Officer spoke to the terms of the report. This is the third of four Proposal of Application Notices (PAN) submitted to the Planning Authority in respect of the site at Dunbeg. This PAN proposes mixed use development and 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 consider the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN in order 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 submissions and raised no further issues.

(Reference: Report by Head of Development and Economic Growth dated 12 November 2019, submitted)

- 12. DM HALL: PROPOSAL OF APPLICATION NOTICE - MIXED USE DEVELOPMENT COMPRISING: RETAIL (CLASS 1); FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 2); FOOD AND DRINK (CLASS 3); BUSINESS (CLASS 4); HOTEL (CLASS 7); RESIDENTIAL DEVELOPMENT (DUNBEG PHASE 4) (CLASS 9); NON-RESIDENTIAL INSTITUTIONS (CLASS 10); ASSEMBLY AND LEISURE (CLASS 11); PUBLIC HOUSE; TAKEAWAYS; SITE FOR COMMUNITY FACILITIES; SITE FOR NEW PRIMARY SCHOOL, NEW ROUNDABOUT ON A85, ROADS AND PARKING; GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE; OPEN SPACE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 19/02029/PAN)**

The Senior Planning Officer spoke to the terms of the report. This is the fourth of four Proposal of Application Notices (PAN) submitted to the Planning Authority in respect of the site at Dunbeg and is an amalgamation of the previous three PANs. 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 consider the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN in order 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 submissions and, whilst the requirement for a new school was discussed, it raised no further issues.

(Reference: Report by Head of Development and Economic Growth dated 12 November 2019, submitted)

- 13. ELLENABEICH CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN AND EASDALE ISLAND CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN**

Consideration was given to a report inviting Members to approve the content of the Conservation Area Appraisals and Management Plans for Ellenabeich and Easdale Island. The Appraisals and Management Plans were updated to reflect comments received following a public consultation and a summary of the key changes were detailed in the report.

Decision

The Committee agreed to approve the Ellenabeich and Easdale Island Conservations Area Appraisals and Management Plans as technical guidance.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 8 October 2019, Ellenabeich Conservation Area Appraisal and Management Plan dated November 2019 and Easdale island Conservation Area Appraisal and Management Plan dated November 2019, submitted)

14. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report summarising the outcome of a recent appeal decision by the Planning and Environmental Appeals Division relative to planning application reference 18/01546/PP - new hybrid development of tourism units, co-housing, paths, stabilisation of existing trees and planting plus workshops and shared facilities at land to North of Boat Yard, Rosneath Road, Kilcreggan, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth, 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 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13; and Paragraphs 3 and 14, respectively, of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

15. ENFORCEMENT REPORT - REFERENCE 19/00326/ENFHSH

Consideration was given to enforcement case reference 19/00326/ENFHSH.

Decision

The Committee agreed to take no action.

(Reference: Report by Head of Development and Economic Growth dated 29 October 2019, submitted)

16. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR IMMEDIATE SUSPENSION OF TAXI DRIVER LICENCE

Members were invited to consider a request from Police Scotland for the immediate suspension of a Taxi Driver Licence using the powers contained in Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982.

The Council's Solicitor advised that the Licence Holder was not present and that an email had been sent from the Licence Holder's Solicitor last night which set out their position and asked for the matter to be considered at a future date. A copy of the email was circulated to the Committee. It was agreed to continue with the hearing and the Chair explained the procedure that would be followed and invited Police Scotland to speak in support of their complaint.

Police Scotland

Sgt Maginnis read out the contents of a letter from the Chief Constable which requested the immediate suspension of the licence and outlined the reasons for this request.

Members' Questions

The Members were given the opportunity to ask Sgt Maginnis questions.

Summing Up

Police Scotland

Sgt Maginnis summed up the reasons for the Chief Constable's request and confirmed that she had received a fair hearing.

Debate

The Members of the Committee debated the a request to suspend the Taxi Driver Licence.

Decision

The Committee agreed to the immediate interim suspension of the Taxi Driver Licence pending a full suspension hearing taking place no later than 6 weeks from the date of this hearing.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Colin McNeill, Applicant
George Finlay, Objector
Lisa McCandlish, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Gordon Blair, Mary-Jean Devon, Audrey Forrest, George Freeman, Graham Archibald Hardie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (GLASGOW COACH DRIVERS LIMITED, GLASGOW)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the applicant to speak in support of his application.

APPLICANT

Mr McNeill spoke to the terms of his application on behalf of Glasgow Coach Drivers and advised that in his experience a number of people request an 8 seater vehicle when making taxi bookings and that he had noted a distinct lack of vehicles of this size available for hire within the area, hence his application.

QUESTIONS FROM OBJECTORS

Mr Finlay asked Mr McNeill to explain why he currently uses a 5 seater Skoda Estate car, when he claims the demand is for an 8 seater. Mr McNeill confirmed that he is collecting private hire fares using the Skoda Estate car, and that his other 8 seater vehicle is currently off the road.

Mr Finlay enquired as to the status of his other vehicles given that he has more than one licensed vehicle. Mr McNeill confirmed that he has a Skoda Estate and a Ford 8 seater. He confirmed that the Ford 8 seater was in the garage and had been for a prolonged period, due to issues, which were being addressed under the manufacturer's warranty.

Mrs McCandlish enquired as to who was driving the Skoda Estate car when it is on hire. Mr McNeill advised that it was either Mark Franks or Steven Muir, depending on who is available.

OBJECTORS

Mr Finlay spoke to the terms of his objection and advised that he was also aware that Mr McNeill had been disqualified from driving on his bus licence for a period of 25 years by the Traffic Commission and he believed that he had been illegally operating as a Private Hire operator prior to obtaining his licences. He also spoke of legal issues Mr McNeill had encountered due to failing to change his home address and how the use of a booking system had diverted potential customers to his own businesses, under a variety of names, including Trident Taxis, which was similar to another well-established business within the area, to the detriment of individual operators within the Helensburgh and Lomond area.

Mrs McCandlish advised that she believed Mr McNeill had lied to the Committee at a previous meeting, by advising that he had been granted 2 licences in 2018, one being from Argyll and Bute Council, however this was not the case as the one from Argyll and Bute Council had not been granted until March 2019.

QUESTIONS FROM APPLICANT

Mr McNeill confirmed he had no questions.

MEMBERS' QUESTIONS

Councillor Colville enquired as to whether there were any police objections to the application. The Council's Solicitor, Mr MacMillan advised that there had been no police objections.

Councillor Colville asked Mr McNeill to advise whether he had had an opportunity to read the results of the recent LSVVA survey and how he felt they impacted on his application. Mr McNeill confirmed that his view was the same as the conclusion of the survey in that there was no overprovision for Private Hire licences.

The Council's Solicitor, Mr MacMillan confirmed the outcome of the survey in the Helensburgh and Lomond area in relation to the assessment of taxi numbers. He advised that it had shown that there was no unmet demand. He also confirmed that the survey found that there was no overprovision of private hire licences over Argyll and Bute as a whole.

Councillor Trail enquired as to the 8 seater vehicle that currently has a licence. Mr McNeill confirmed that the vehicle had been off the road for over 4 months. He advised that he had had the problem sorted and had it back for a fortnight, only for it

to break down again due to an issue with the adblue system and it was currently back with Ford to be repaired under warranty.

Councillor Moffat enquired as to whether there had been any report done, specifically in relation to the provision of vehicles of a certain size. Mr MacMillan confirmed that there is no policy within Argyll and Bute Council that relates to the size of the vehicle, but that there was one in relation to wheelchair adaptability.

Councillor Douglas asked Mr McNeill whether the application was simply to cover for other vehicle breakdowns. Mr McNeill confirmed that he had three vehicles and he wished to operate three vehicles.

Councillor Douglas sought clarity from the Council's Solicitor in relation to the complaints raised by the objectors as she felt that some were out of the remit of the committee. Mr MacMillan confirmed that it was open to the objectors to raise concerns that could ultimately prove that the applicant is not a fit and proper person to be the holder of a licence.

Councillor Douglas then asked the objectors to clarify the reason for raising a complaint on the operation of a business. Mr Finlay explained that if a person uses another business name, such as Trident Taxis on a website, then if a potential customer selects this on the belief that a Trident Taxi will turn up, however this would be diverted to one of Mr McNeill's other businesses, away from individual operators and this pretence would suggest that he is not a fit and proper person. He also suggested that the 25 year disqualification from the Traffic Commission further proved that he is not a fit and proper person. He highlighted that the exact reason for the disqualification was unknown.

Councillor Douglas sought clarification on the disqualification from the Council's Solicitor. Mr MacMillan advised that having consulted Police Scotland in relation to the application, there were no concerns raised with Mr McNeill's licence.

Councillor Trail expressed concern that Mr McNeill was deliberately subverting the business of both Trident Taxis and Neptune Cars. Mr McNeill advised that the phone number of Trident Taxis is registered and operated by a booking system. He advised that depending on how a taxi is booked, the driver will get the notification on his phone, if they are unable to supply a taxi at that time, the booking will be diverted onto another company or driver and depending on the destination of the passenger, this could be a Private Hire company or driver from another area.

Councillor Currie reminded the Committee that the application is for a Private Hire Operators Licence, and any driving history is irrelevant at this point as the vehicle could be operated by any other licensed driver. Councillor Currie asked whether there was a gap in the market for an 8 seater vehicle, and Mr McNeill advised that he believed that there was.

Councillor Moffat asked Mr McNeill if he could elaborate on the reasons that the bus licence had been suspended. Mr McNeill advised that his licence had been suspended as he had failed to provide information in relation to a speeding offence back in 2012. He advised that he did not realise that the licence had been suspended until he tried to apply for the renewal of his licence at his fiftieth birthday in 2017.

The Chair, Councillor Kinniburgh enquired as to the position with regards to his European Community Driving Licence. Mr McNeill advised that he had received a letter from the Traffic Commissioner and that he had never had this licence in his hand.

Councillor Kinniburgh asked Mrs McCandlish how she came about the licence. Mrs McCandlish advised that it appears on a number of webpages that Mr McNeill owns. She advised that she had emailed the Traffic Commissioners office, who confirmed that it was illegal and was being looked into.

Mr MacMillan reminded the Committee that they were here to consider an application for Private Hire Operator's Licence. He advised that it was right for the objectors to make their objections, and while it is open for Members to ask questions, he suggested that they shouldn't let it detract from the application in front of them.

Councillor Kinniburgh enquired as to the use of the booking system. Mr McNeill outlined the way in which calls are handled when they come in and how bookings are distributed out to drivers who have registered with the booking system.

Councillor Kinniburgh asked about cost for registering to use the booking system and also the number of drivers using the system at present. Mr McNeill confirmed that there was no charge to register with the booking system and that there were thousands of drivers across the UK registered to it. He further explained that you would only get a job if it related to the area you are licensed to drive in, and confirmed that relevant checks are made prior to a person's details being added to the system.

Councillor Colville referred to the newly added subsections of Section 10 of the Civic Government (Scotland) Act 1982 and asked whether this was the new Scottish Government guidance. Mr MacMillan confirmed that the new guidance was not yet available and advised that the new subsections permitted the refusal of an application on the grounds of overprovision. He further advised that the normal grounds for refusal still apply, and can be found in paragraph 5 of schedule 1 of the Act. He explained that if none of the grounds exist then it would be the duty of the Committee to grant the application.

SUMMING UP

Objectors

Mr Finlay asked the Committee to take into consideration that Mr McNeill had been disqualified from driving on his bus licence for a period of 25 years by the Traffic Commission; that he had been illegally operating as a Private Hire operator prior to obtaining his licences for a period of 3 years and the legal issues Mr McNeill had had due to a change of address. Mr Finlay spoke of how the use of a booking system had diverted potential customers to one of Mr McNeill's own businesses to the detriment of individual operators within the Helensburgh and Lomond area.

Mrs McCandlish asked the Committee to take into account that the LVSA Survey had been carried out on a busy weekend in May. She advised that only 9 taxi

drivers took part in the survey and she did not feel that they represented the taxi community as a whole.

Applicant

Mr McNeill advised that he felt that there were not enough Private Hire operators to cover the whole Argyll and Bute area. He advised that he'd be happy to help other operators who did not have an 8 seater vehicle.

When asked, both parties confirmed that they had received a fair hearing.

DEBATE

Councillor Currie advised that he felt the Committee had gone down some unnecessary roads on this journey and that this case was pretty straightforward. He referred to paragraph 2.5 of the report by the Head of Legal and Regulatory Support which stated that under the Civic Government (Scotland) Act 1982 a private hire car licence could only be refused if there was over provision. He pointed out that the recent survey carried out said there was no over provision so on that basis he was minded to grant this licence.

Councillor Redman advised that he was minded to agree with what Councillor Currie had said. He said that the only people saying there was over provision were those who would be affected by competition. He referred to free markets and the recent survey report and advised that there was no point in issuing reports if the findings were not acknowledged. He advised that it was his belief that there was no over provision. He said that competition was a good thing and that he was minded to approve the application.

Councillor Trail advised that he took a slightly different view. He said that he did not think Mr McNeill had shown any regard to the existing Trident business. He referred to Mr McNeill setting up business in the same name and registering the name under him and advised that he thought this was a blatant attempt to affect the other business. He advised that he did not think Mr McNeill was a fit and proper person to run a private hire business in Helensburgh.

Councillor Currie advised that from reading the report the only reason the Committee could refuse was on the basis of over provision and he sought clarity on this. Mr McMillan advised that over provision was an additional ground of refusal in addition to the others under the Act which included whether or not a person was a fit and proper person to be the holder of the licence; whether or not the activity to which the licence relates would be managed or carried on for the benefit of a person other than the licence holder who would be refused the grant or renewal of the licence; and whether or not the carrying on of the activity to which the licence relates would cause undue public nuisance or a threat to public order or public safety. Mr McMillan confirmed that the over provision aspect was why applications for private hire operator licences would now come to Committee whether or not there was an objection to the application.

Councillor Douglas advised that she had taken on board what other Members had said about over provision. She advised that she thought it was what had come out at the hearing today that mattered. She said that as a Member of this Committee she had a duty of care and that she was of a similar mind to Councillor Trail.

Councillor Colville advised that he shared the same concerns as Councillor Trail but felt he was restricted by the Act. He said that it was quite obvious to him that taxis in the Helensburgh area were acting as private hires. In terms of the Act he said that he did not think it would be correct unless someone was to convince him otherwise to refuse this application.

Councillor Kinniburgh said that he found this a difficult case. He acknowledged everything that had been said and advised that he was leaning towards the thoughts of Councillor Trail. He advised that by the same token he felt constrained by the Act. He advised that he would leave it to the other Members to move a Motion.

Motion

To agree to grant a Private Hire Car Operator Licence to the Applicant.

Moved by Councillor Alastair Redman, seconded by Councillor Jean Moffat.

Amendment

To agree to refuse the application for grant of a Private Hire Car Operator Licence on the grounds that the Applicant was not a fit and proper person to be the holder of this licence.

Moved by Councillor Richard Trail, seconded by Councillor Lorna Douglas.

The Motion was carried by 5 votes to 3 and the Committee resolved accordingly.

DECISION

The Committee agreed to grant a Private Hire Car Operator Licence to Mr Colin McNeill.

(Reference: Report by Head of Regulatory and Support, submitted)

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

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Sgt Wendy Maginnis, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, Audrey Forrest, George Freeman, Graham Archibald Hardie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

The Chair, Councillor Kinniburgh, declared a non-financial interest in the application dealt with at item 3 of this Minute due to the fact that he was a work colleague of Mr Osborne at Helensburgh Toyota. He left the meeting and took no part in the consideration of this application. The Vice Chair, Councillor Rory Colville, assumed the role of Chair for the remainder of the meeting.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (J OSBORNE, HELENSBURGH)

This matter was previously considered by the Committee on 23 October 2019 where Members agreed to continue consideration of the application.

The Council's Solicitor advised the Committee that an email was received from the Applicant on 18 November 2019 which stated that he was unable to attend the hearing today and gave his reasons for this. The Applicant was seeking a further continuation of this hearing. A copy of the email was circulated to the Committee.

DECISION

The Committee agreed to continue consideration of this application to a future meeting.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Sgt Wendy Maginnis, Police Scotland
Scott Robertson, Licence Holder
Kevin McGuinness, Licence Holder's Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, Audrey Forrest, George Freeman, Graham Archibald Hardie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER'S LICENCE (NO. 4990) (S ROBERTSON, OBAN)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited Police Scotland to speak in support of the Chief Constable's complaint.

POLICE SCOTLAND

Sgt Maginnis referred to a request from the Chief Constable that, in terms of Paragraph 11(1) of Schedule 1 of the Act that the Licensing Committee suspends Mr Robertson's licence. She advised that the Chief Constable complained in terms of Paragraph 11(2)(a) of Schedule 1 of the Act that Mr Robertson was no longer a fit and proper person to hold the licence. In addition, she advised that the Chief Constable was requesting the Committee to order the immediate suspension of the licence, in terms of Paragraph 12(1) of Schedule 1 of the Act, on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public safety. In support of the Chief Constable's request Sgt Maginnis read out the details of an incident which occurred on 4 October 2019. She confirmed that a report had been submitted to the Procurator Fiscal and that as the matter was sub-judice she was constrained with regard to the nature of any further information she could provide at this time.

LICENCE HOLDER

Mr McGuinness advised that his client, Mr Robertson, was a 46 year old man who was married and had two young daughters. He confirmed that he has held a taxi drivers licence for approximately 8 years and had an exemplary record. He referred to this matter being brought to the Committee's attention by Police Scotland following an incident which has led to criminal proceedings against Mr Robertson being considered. He confirmed that the Procurator Fiscal would consider in due course whether or not to prosecute. He said that whilst these wheels of justice turned Mr Robertson enjoyed in law the presumption of innocence and that he was entitled to maintain silence which he was doing so on legal advice. He advised that in due course, if the Procurator Fiscal was persuaded to issue a prosecution, Mr Robertson would have the opportunity to discuss his position on this matter and that the Sheriff would consider this in due course. He advised that it would not be appropriate at this time to disclose in public the details of Mr Robertson's position.

He asked the Committee to bear in mind the presumption of innocence itself. He commented that the presumption of innocence was not a silver bullet for every situation and that it would be appropriate for the Committee to consider whether or not the allegation was serious enough that it would merit the imposition of a penalty at this stage when Mr Robertson could still be exonerated later.

Mr McGuinness asked the Committee to consider the impact on Mr Robertson if his licence was suspended at this time. He said that he was a married man with two young children and that he had a mortgage. He advised that over the last month or so Mr Robertson had only managed to work his taxi on one occasion as he was so anxious about things. He said that the family have managed to live off savings and have had financial assistance from parents. He advised that Mr Robertson's wife had also been off work due to anxiety which stemmed from all this. He said that this family unit were under enormous pressure at this time. He advised that if Mr Robertson's licence was suspended it may be several months before the Procurator Fiscal made a determination and that would only be the start of it. He explained that there would be a process through the Court system which again could add three months. He said that it could be July or August before Court proceedings reached a conclusion. He advised that if Mr Robertson's licence was suspended today this would result in irreparable financial harm to this family unit. He indicated that the two children would feel the brunt of it and said that there would be substantial mortgage arrears and personal debt. He said that at the end of the process Mr Robertson could be acquitted in late summer of 2020 but his life would be in ruins if his licence was suspended today. He referred again to the presumption of innocence not being a silver bullet and said that he could imagine if a taxi driver was found with live firm arms an allegation of this sort would be serious enough to warrant the immediate suspension of a licence. Mr McGuinness referred to the charges against Mr Robertson relating to simple possession of a very small amount of a controlled substance. He suggested that this was not serious enough to displace the presumption of innocence, particularly having regard to the impact the suspension would have on this family. He confirmed that Mr Robertson had no previous convictions under the Misuse of Drugs Act and that this was the first time he had ever faced the possibility of Court proceedings under this legislation.

He invited the Committee to refuse the Chief Constable's request and allow Mr Robertson to continue to provide for his family.

MEMBERS' QUESTIONS

Councillor Trail asked Mr McGuinness if Mr Robertson would be willing to give a statement on what happened and if there were any mitigating circumstances. Mr McGuinness said that it appeared Mr Robertson had a defence but advised that it would be highly inappropriate to disclose that before any Court appearance.

Councillor Trail commented that there was nothing to say whether or not Mr Robertson was a regular drug supplier or was using his taxi to supply drugs. He said that if the Committee allowed Mr Robertson to continue this for another 4 or 6 months then it would be on the Committee's conscious. Mr McGuinness advised that there were no suggestions that this was taking place. He referred to the allegation read out by Sgt Maginnis and said there were no suggestions of Mr Robertson being near a primary school or being involved in the supply of drugs.

Councillor Colville sought and received confirmation from Sgt Maginnis that the charge against Mr Robertson was for possession not supply.

Councillor Currie referred to the Committee finding themselves in this situation nearly every second hearing. He questioned the process and said he did not think the Committee should be taking a decision until the matter had been dealt with at Court. He pointed out that he had made this view at Committee on numerous occasions in the last months and years. He said he did not see this case as being any different and that the Committee should wait until the Court makes a decision. He sought comment from Officers.

Mr McMillan advised that in terms of the current process and the mechanism for that, Police Scotland can make a complaint and request a suspension of a licence as they have done so in this case. He referred to the threshold for holding Civic Government Suspension Hearings and advised that on 21 November 2007 it was agreed to delegate to the Head of Service, in consultation with the Chair and Vice Chair, the decision on whether or not to hold a suspension hearing under the Civic Government (Scotland) Act 1982. He confirmed that Police Scotland were exercising their right to raise concerns. He advised that the purpose for holding this hearing was so that Members could consider whether or not they had sufficient information to give them concern as Police Scotland have alleged that Mr Robertson was no longer a fit and proper person. He advised that the Committee had to have regard to what Police Scotland have said and also to what Mr McGuinness has said in support of the Licence Holder.

Councillor Currie pointed out that in 9 out of 10 cases it was normal to wait until a decision was taken by the Court. Councillor Kinniburgh advised that there did not need to be the same standard of proof for a Civic Hearing as was the case in Court. He advised that it was his view that it was perfectly right to hold a hearing when Police Scotland make a complaint and that it was up to the Members to decide what weight to put on that.

Councillor Douglas advised that she had concerns that Mr Robertson may have been under the influence of drugs at the time. She asked if anyone could confirm whether or not Mr Robertson had been intoxicated. Sgt Maginnis advised that there had been no report of intoxication.

SUMMING UP

Police Scotland

Sgt Maginnis confirmed that Mr Robertson had been reported to the Procurator Fiscal on drug possession charges. She advised that Police Scotland had a concern for public safety.

Licence Holder

Mr McGuinness asked the Committee to bear in mind the presumption of innocence and stated that this was at the heart of the legal process. He referred to the impact the suspension of Mr Robertson's licence would have on the family. He pointed out that Mr Robertson could be found not guilty in late summer next year and questioned what good that would do him if his licence was suspended today.

When asked, both parties confirmed that they had received a fair hearing.

DEBATE

Councillor Redman said that his view, as always, has been that presumed innocence was a must. He confirmed that he did not believe someone was guilty until proven innocent. He advised that it would be really worrying if the Committee stripped someone of their livelihood and was then found to be innocent. He confirmed that he would be voting to not suspend the licence and hoped that other Committee Members would do the same.

Councillor Moffat said that she was quite surprised that this case had come before the Committee if Mr Robertson was not under the influence of drugs. She said that she did not see a lot of people being picked up with drugs. She suggested that Mr Robertson was being made a case of because he was a taxi driver and said that she found this a bit unfair. She referred to the amount of drugs not being huge and advised that she thought Police Scotland should presume innocence at this stage.

Councillor Colville advised that he believed it was right that Police Scotland had come with their concerns. He commented that this was a taxi driver with drugs in his car whether for personal use or distribution. He advised that he had taken account of what Mr McGuinness had said, had noted that Mr Robertson's wife was present and that Mr Robertson had shown a degree of contrite which, he said, suggested to him that there was more to this case than meets the eye. He confirmed that he would be happy for the Court to decide.

Councillor Currie said he wanted to move continuation of this matter.

Councillor Kinniburgh advised that like Councillor Colville he defended the right of Police Scotland to bring concerns to the Committee at any time as that was what the Committee were here for. He pointed out that the matter did not need to go to Court for the Committee to decide on a course of action to take. He said that the Committee had to decide whether or not Mr Robertson created a danger to the public in the meantime based on the information provided. He acknowledged that the Committee did not know the full circumstances. He referred to hearing from Police Scotland that the amount of drugs led to a charge of possession and not supply so, he said, he did not think there was any insinuation that Mr Robertson was

dealing in drugs. He confirmed that it was his view that this matter should go before the Court before the Committee take a decision. He advised that he had noted the point made by Councillor Colville about Mr Robertson being present with his wife. He referred to Mr Robertson having a young family and advised that he believed it would be unfair to suspend the licence at this time. He referred to Mr Robertson's anxiety and said he believed Mr Robertson would realise that due to what has been said today the Committee would take a serious view if the Court case did not go his way.

Councillor Kinniburgh confirmed that he thought this matter should be continued until the outcome of the legal proceedings was known.

DECISION

The Committee agreed to continue consideration of this matter until the outcome of the legal proceedings was known.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Sgt Wendy Maginnis, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, Audrey Forrest, George Freeman, Graham Archibald Hardie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR
AMENDMENT OF STREET TRADER LICENCE (L FRANCIOSA, LARBERT)**

The Council's Solicitor advised that notification had been received that this Application had been withdrawn. He confirmed that the Trader no longer worked for his employer and that yesterday written confirmation had been received that the Street Trader would be surrendering his licence.

DECISION

The Committee noted the withdrawal of this Application and that it was the intention of the Licence Holder to surrender his licence.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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

Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail
Councillor Jean Moffat	

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Allan MacGillivray, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Mary-Jean Devon, Audrey Forrest, George Freeman, Graham Archibald Hardie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (A MACGILLIVRAY, OBAN)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr MacGillivray advised that he was applying for a taxi licence as he has been driving taxis for a firm in Oban for 7 or 8 years. He said that he had been employed as a skipper on a yacht for the last 7 years taking charters around the West Coast. He explained that the yacht was up for sale and that he would be unemployed. He advised that the company he drove taxis for was always looking for cars and they had assured him that he would have a job with them. He said that he had a family with children to support and a mortgage and that he did not want to look for work away from the town. He said that the obvious choice was to go for a taxi licence and to do this full time.

MEMBERS' QUESTIONS

Councillor Trail sought and received confirmation from Mr MacGillivray that he worked as a driver part time for a local company. Mr MacGillivray said that he did fill ins when he was not a sea. He confirmed that he skippered a private yacht and that the yacht was being sold. He said that he was seeking to go full time as the company he drove for, Oban Taxis, had assured him that he would be able to work through them.

Councillor Currie sought and received confirmation from Mr MacGillivray that he would be an owner and driver under Oban Taxis. Mr MacGillivray advised that he would work through them when they needed him if they were short of cars. He confirmed that for 90% of the time he would work for them as they were constantly looking for owner drivers. He advised that it would not matter to him whether it was days or nights and that he would do whatever was needed at the time.

Councillor Kinniburgh referred to the taxi and private hire survey recently carried out by the Council which had concluded that there was no significant unmet demand for taxis in the Oban area. He asked Mr MacGillivray for his thoughts on this. Mr MacGillivray advised that he did not believe it was the case that there was no unmet demand as the company have phoned him on a number of occasions and that they have also placed an advert in the Oban Times looking for drivers and car owners. He said that the town's other main taxi company, Lorn Taxis, had also been advertising for drivers/owners. He said that there was a shortage of cars. He added that there has been many times when he has been phoned while working at sea and therefore could not go. He advised that he was phoned every weekend to see if he could come out because he had a taxi driver licence. He said that there still seemed to be a fair demand for taxis.

Councillor Kinniburgh asked if the companies were short of drivers as well as cars. Mr MacGillivray advised that it was mostly cars rather than drivers. He said that they were short of owner/drivers. He said again that both companies had placed adverts in the local paper. He advised that from what he had seen it was his opinion there was still a demand.

Councillor Kinniburgh commented that any time he had been in Oban there were always taxis at the rank. He said that he could not recall being in Oban and seeing no taxis there. Mr MacGillivray advised that at weekends and when it was busier at night there seemed to be more demand at certain times, eg when licence premises closed. He said that there tended to be a shortage at times when there were events on in town. He advised that it was his opinion that there was definitely an opportunity for more taxis.

Councillor Kinniburgh referred to the taxi survey which recorded when taxis were waiting at the rank. He said that the findings of the survey appeared to go against what Mr MacGillivray had said about there being no taxis late at night on Fridays and Saturdays. Mr MacGillivray advised that as a taxi driver he was constantly on the go and did not always get the chance to return to the rank. He said that this was certainly the case on Saturday nights. He also referred to people coming off the train and having to queue at the rank.

Councillor Kinniburgh suggested that people coming off the train would be going somewhere within Oban itself so it would not be long before a car arrived back at the rank. Mr MacGillivray advised that some visitors went out of town to chalets and Airbnbs. He said that there could be runs out of the town itself to campsites which would take a while to get to and return from.

SUMMING UP

Applicant

Mr MacGillivray said he thought there was an opening especially with the company he drove for. He advised that he has been assured that he would get work with them all the time. He added that Oban Taxis had asked him to let them know as soon as possible if he was granted his licence as he would get work right away.

Mr MacGillivray confirmed that he had received a fair hearing.

DEBATE

Councillor Redman advised that he had a different experience in Oban from Councillor Kinniburgh. He said that many taxis were not always there day and night. He said that granting another taxi plate in Oban would be good for the economy and good for competition and consumer choice. He advised that he was minded to approve this application.

Councillor Currie referred to the survey being carried out over 3 days in a year. He said that he would rather rely and put more weight on personal experience. He advised that if the Applicant said its busy then he had no reason to doubt that. He said that if adverts in the local paper were asking for owner/drivers then that was powerful evidence that there was a need. He advised that he also had many experiences of waiting for long periods of time, sometimes over an hour in the pouring rain. He said that he felt there was an opportunity here and that he would be minded to grant the application.

Councillor Moffat said that she would be surprised if Mr MacGillivray was putting £276 towards applying for his licence, not to mention all the other costs to ensure his car was fit for purpose without the work to support it. She confirmed that she had no hesitation in granting Mr MacGillivray a licence for his taxi car.

Councillor Kinniburgh advised that he took a different view from what had been said. He said that these taxi surveys were carried out to enable the Committee to take an informed decision. He commented that he had been in Oban recently and had passed comment to his colleague on the number of taxis at the rank when they arrived by train. He advised that was his experience any time he was in Oban. He pointed out that Members would recall that for a number of years now the validity of the Halcrow report was questioned and that it was for this reason a new survey was carried out which had concluded the same as the Halcrow report that there was no unmet demand for taxis. He advised that he had not heard anything from Mr MacGillivray that made him presume anything other than that. He commented that he knew Mr MacGillivray had a taxi driver licence and that if the company had work they would give it to him. He advised that a letter of support from the firm would have been helpful.

DECISION

The Committee agreed to grant a Taxi Operator Licence to Mr MacGillivray.

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

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES AND
LICENSING****DEVELOPMENT AND
ECONOMIC GROWTH****18 DECEMBER 2019**

**RESIDENTIAL (CARAVAN) SITE LICENCE CONDITIONS FOR
GYPSY/TRAVELLER SITES**

1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks Committee approval for the new standards relating to the licensing of gypsy/travellers sites. This will ensure that the sites provide a safe, secure place to stay, that the revised licensing conditions better reflect the customs and lifestyle of this community, and are consistent with other similar sites across Scotland.
- 1.2 The new standards have been developed as Argyll and Bute Council is in the unique position of requiring to licence these sites, whereby other sites across Scotland are operated by local authorities and are exempt from the requirement to be licensed. It also recognises that the existing conditions for residential caravan sites which are used at present, are inappropriate.
- 1.3 The introduction of the new Council's Standards for the Licensing for Gypsy/Travellers Sites, demonstrates the Council's commitment to meeting the COSLA Leaders Pledge (February 2019) to to improve the lives of Scotland's Gypsy/Travellers and tackle discrimination towards the community.
- 1.4 There are no financial implications to the Council from this report

1.5 RECOMMENDATION

That the PPSL Committee approve the model licensing standards for Gypsy/Traveller sites in **Appendix 1**. This is consistent with the Council's role as a licensing authority and demonstrates our commitments to the COSLA Leaders Pledge to "improve the lives of Scotland's Gypsy/Travellers and tackle discrimination towards the community"

**RESIDENTIAL (CARAVAN) SITE LICENCE CONDITIONS FOR
GYPSY/TRAVELLER SITES**

2.0 INTRODUCTION

- 2.1** Councils have a responsibility to provide appropriate sites for use by gypsy/travellers to provide a safe, secure place to stay. The conditions for these sites reflect the protected status for gypsy/travellers and are defined by the Scottish Government.
- 2.2** In Argyll and Bute, the ownership and management of these sites was transferred to Argyll Community Housing Association, as part of the housing stock transfer in 2006. By doing so, this brought these sites into the Caravan Sites and Control of Development Act 1960 residential caravan site licensing regime and appropriate licenses were issued by the Council to ACHA. Argyll and Bute Council is the only Council in Scotland in this position.
- 2.3** The Scottish Housing Regulator reported in October 2018 that over half of council-run traveller sites fail to meet minimum standards, and the two sites currently in use within Argyll were identified as being non-compliant. In subsequent discussions with ACHA, it was identified that one of the issues was that the current licensing standards for the caravan sites did not adequately reflect the customs and lifestyle of the gypsy/travellers. As a result, there is ongoing work by ACHA to secure improvements to the sites, and the Council has taken the opportunity to develop new licensing standards for Committee approval,

3 RECOMMENDATION

- 3.1** That the PPSL Committee approve the model licensing standards for Gypsy/Traveller sites in Appendix 1. This is consistent with the Council's role as a licensing authority and demonstrates our commitments to the COSLA Leaders Pledge to "improve the lives of Scotland's Gypsy/Travellers and tackle discrimination towards the community."

4 DETAIL

- 4.1** Gypsy/Traveller sites are provided by Councils to provide a safe and secure place for them to live, and also to reflect the customs and lifestyle within their communities. These sites are exempt from the Caravan Site Licensing regime which applies to other holiday and residential caravan sites, although they

require to meet Scottish Government guidance specific to Gypsy/Traveller sites which encompassed the cultural needs of Gypsy/Travellers whilst maintaining minimum safety standards.

- 4.2** As a result of the Council's housing stock transfer in 2006, the three Gypsy/traveller sites namely Ledaig, Oban; Duncholgan, Lochgilphead and Torlochan, Dunoon (currently closed) transferred to Argyll Community Housing Association (ACHA). ACHA have the responsibility for the ownership and management of these sites.
- 4.3** Following the transfer of the Gypsy/Traveller sites to ACHA the exemption from licensing no longer applied and the sites applied for, and were issued with Residential Caravan Site Licences that followed the conditions laid down in the Model Standards of Circular 17/1990 issued by the Scottish Government for Caravan Site Licensing. The licensing function for caravan sites is delegated to the Environmental Health Department in the Council's Scheme of Delegation.
- 4.4** The regulation of caravan sites was reviewed by Scottish Government and new legislation introduced under the Housing (Scotland) Act 2014 amended the Caravan Sites and Control of Development Act 1960 with the principal aim of improving and protecting permanent residents on Park Home or Mobile Home sites. Existing permanent residential sites are required to apply for a new 5 year licence as opposed to the one-off licence which was previously in place. The new licensing regime, charging and minimum standards were agreed by Members at PPSL Committee on the 20th June 2018. Applications have been received from ACHA for the two remaining Gypsy/traveller sites in Argyll namely Ledaig (now known as Bayview), Oban and Duncholgan, Lochgilphead. The site in Dunoon is closed.
- 4.5** Discussions with ACHA regarding the new licensing regime, have also included the Scottish Housing Regulators Report which is referred to in section 2.3. The Council are liaising with ACHA to secure the necessary improvements, although responsibility rested with them.
- 4.6** Discussions were held with ACHA concerning the Gypsy/Traveller sites to progress the licence applications and compliance with the new model licence conditions. It became apparent that;

 - a) The cultural needs of the Gypsy/Traveller community are not reflected in the Scottish Government Model Standards for Residential Caravan sites which are applied to licensed sites, which local authorities require to apply
 - b) The position of Argyll and Bute Council is unique as gypsy/traveller sites operated within other local authorities require to meet a different standards. The 'Improving Gypsy/Traveller Sites – Guidance on minimum Site Standards and site tenants' core rights and responsibilities' dated May 2015 laid down standards for Gypsy/Traveller sites designed to meet their needs, yet provide them equivalent level of protection and amenity to residents

- c) The main condition which caused difficulty was the condition requiring a minimum separation distance of 6 metres between caravans as a means of preventing any spread of fire. In Gypsy/Traveller sites they permit the accommodation of more than one touring type caravans on a family sized pitch provided with an exclusive use of the pitches amenity/storage block. Model Licensing conditions for residential caravan sites do not recognise this arrangement.
- d) There are other issues surrounding the site and ACHA are considering improvements and liaising with residents.

4.7 The outcome of the discussions with ACHA was to 'blend' both sets of standards to produce a set of licence conditions that was appropriate for the differences found at Gypsy/Traveller sites. The draft conditions (Appendix 1) have been circulated to ACHA who have consulted with their residents. We have consulted with ACHA and Minor Ethnic Carers Of People Project – (MECOPP) (who represent the gypsy/travelling community and residents on the sites) on these proposed conditions and no objections have been raised although there were suggested amendments or improvements requested.

Each suggestion was considered and where appropriate to the current site arrangements were incorporated into the conditions. The biggest issue that MECOPP wanted addressing was for permanent caravans or chalets to be connected to mains water and drainage to avoid the need to use the individual amenity block. This was rejected as a licence condition because the current site arrangements provide fully serviced amenity blocks. If the site owner wishes to replace the amenity blocks with serviced pitches in the future then they will need to go through due process and seek prior permissions from the Council and their site licence conditions would be revised accordingly.

The document now needs approval from the Council.

4.8 In February 2019, at COSLA, Scotland's Council Leaders pledged action to improve the lives of Scotland's Gypsy/Travellers and tackle discrimination towards the community. Through the work in developing new model standards, this demonstrates that the Council are working with ACHA and residents to improve the standards of the Gypsy/Travellers sites in Argyll and Bute, ensuring that the standards better reflect their culture, whilst ensuring adequate facilities and amenities

5 CONCLUSIONS

- 5.1** These Model Standards will secure that there is appropriate protection for the residents of these sites but also respect their cultural lifestyle, and
- a) demonstrates the Council's commitment to the COSLA Leaders Pledge to take action to improve the lives of Scotland's Gypsy/Travellers and tackle discrimination
 - b) are consistent with the enforcement policy of the Council's Regulatory Services which seeks to work with people and business to secure compliance and that any action is appropriate, proportionate, targeted, transparent and risk-based.

- c) meets our duties as a licensing authority under the Caravan Sites and Control of Development Act 1960, as amended

6 IMPLICATIONS

6.1	Policy	Consistent with Council Policy and Business Outcomes
6.2	Financial	None. Argyll and Community Housing Association have responsibility for management and standards on suite
6.3	Legal	Meets the Council's legal duties under the Control of Development Act 1960 as amended, and consistent with Council's Enforcement Policy
6.4	HR	None
6.5	Fairer Scotland Duty:	None
6.5.1	Equalities - protected characteristics	Seeks to improve the lives of Scotland's Gypsy/Travellers and tackle discrimination
6.5.2	Socio-economic Duty	None
6.5.3	Islands	None
6.6	Risk	Approval of recommendations will remove potential risks to Council and of failing to meet Scottish Strategic Regulators Code
6.7	Customer Service	Demonstrates partnership working and ability to seek improvements following customer feedback

Executive Director for Development and Economic Growth Pippa Milne
Policy Lead Councillor David Kinniburgh

08/11/2019

For further information contact: Alan Morrison, Regulatory Services Manager /Jo Rains, Environmental Health Manager

APPENDICES

Appendix 1: Argyll and Bute Standards for Gypsy/Travellers Sites

Appendix 1: Argyll and Bute Standards for Gypsy/Travellers Sites

GYPSY/TRAVELLER SITE LICENCE CONDITIONS – FOR SITES THAT ARE PRIVATELY OWNED AND MANAGED

These conditions have been derived from Scottish Government documents; 'Improving Gypsy/Traveller Sites – Guidance on Minimum Site Standards, and site tenants' core rights and responsibilities' dated May 2015 and 'Model Standards for Residential Mobile Home Site Licences – Guidance to local Authorities on site licence conditions for mobile home, park home, or caravan sites which are licenced to have permanent residents' dated December 2018.

Where the term 'pitch' is used within this document it refers to the area of land used to accommodate the caravans, trailers, and vehicles belonging to the occupying tenant of that pitch and their immediate family.

All site licence conditions apply only to the area within the boundary of the site.

Number of Pitches, Site Plans and Boundaries

1. The maximum number of pitches on the site is
2. The boundaries of the site and each pitch must be clearly marked by appropriate man-made or natural features.
3. Each pitch should have an amenity block located on the pitch for the exclusive use by the occupants of the pitch.
4. The area to be occupied by caravans, the position of toilet blocks, the drainage, water points, fire points, recreation space, roads and car parking spaces shall conform to the details shown on the plan accompanying the application for this Licence. A plan of the site of a suitable level of quality and detail must be supplied to the local authority whenever there is a material change to the boundaries or layout of the site. Such plans should ideally be of 1:500 scale.

Amenity and Privacy

5. For amenity and privacy reasons:
 - The distance between any caravan, trailer or vehicle sited on an individual pitch should generally be not be less than 6 m from a caravan/trailer or vehicle sited on an adjacent pitch.

Roads, Gateways and Traffic Routes (within site boundaries)

6. Roads must be constructed of hard durable materials (such as suitable bitumen macadam or concrete with a suitable compacted base) and must be provided so

that no pitch is more than 45 metres from a road. Roads must be capable of carrying vehicles with an axle loading of 14 tonnes as a minimum.

7. Roads must be designed to provide adequate access for emergency vehicles. Routes for emergency vehicles must be kept clear of obstructions at all times. Where necessary, suitable vehicle turning areas should be provided.
8. All roads must have good surface water/storm drainage. Roads must not be less than 3.7 metres wide unless they are designed for, and used by, one way traffic in which case they must not be less than 3 metres wide.
9. One-way systems must be clearly signposted by the owner of the road.
10. Where existing two-way roads are less than 3.7 metres wide, passing places or a one-way system should be provided by the owner of the road
11. All gateways/entrance/exits to the site must be a minimum of 3.5 metres wide and have a minimum height clearance of 3.7 metres for vehicular access and be accessible at any time.
12. Roads must be maintained to a good standard by the road owner
13. Cable overhangs must meet the relevant statutory requirements.
14. Salt or grit should be provided in conveniently located containers, for use to allow the safe movement of vehicles in icy conditions.
15. Where appropriate, suitable measures (e.g. signage or speed bumps) to control the speed of vehicles on the site should be provided.

Pedestrian Routes

16. Every pitch must be connected to a road by a footpath at least 0.9 metres wide with a hard surface which must be maintained in good condition.
17. Communal pedestrian routes should not be less than 0.9 metres wide. The route should be made of a hard surface and must be maintained in good repair and in a safe condition by the owner or the route.
18. All pedestrian routes must have good quality and well maintained surface and storm water drainage.
19. Salt or grit should be provided in conveniently located in containers, for use to allow for safe movement of pedestrians in icy conditions.
20. The surface and gradient of roads and all pedestrian routes should be designed and maintained to take into account the requirements of disabled households by the owner.

Bases and Hard Standings

21. Every pitch must have an area of hard-standing or solid base, of a suitable size and quality to tolerate weight of caravans (with contents), and cars or vans/light commercial vehicles. Suitable anchor points should be provided if necessary.
22. The hard standings must be constructed to the industry guidance current at the time of construction, and kept in a suitable condition with any necessary maintenance.
23. Pitches should be of a size that enables at least one caravan and car or vans/light commercial vehicle to fit on the pitch, with sufficient room left to allow site tenants and vehicles to move around, and on and off, the pitch as necessary.

Supply and Storage of Gas

24. Any Gas supply (liquefied petroleum gas (LPG) and natural) provided by ACHA and the storage of LPG gas cylinders must meet relevant statutory requirements, and relevant Standards and Codes of Practice.
25. Any gas installations supplied by ACHA must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements. Any work on gas installations and appliances on the site must only be carried out by persons who are competent to do the particular type of work being undertaken.¹
26. The Amenity Block shall have a safe gas/oil system (if used) and appliances. There shall be a gas inspection (if applicable) once a year undertaken by the licence holder.

Electrical Installations

27. The site must be provided with an electricity supply and distribution network of adequate capacity to safely meet the reasonable demands of each pitch and other facilities and services within it. The electrical system on the site, including the distribution network and supplies to mobile homes and site buildings, must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
28. The electrical system in the Amenity Block and elsewhere on the pitch shall be inspected at a minimum of every 5 years.

¹ For the definition of a competent person please see paragraph 8.2 of the Explanatory Notes to these Model Standards.

29. Any work on the electrical distribution network on the site and equipment connected to it must be carried out only by persons who are competent to do the particular type of work being undertaken.²

Oil Storage Tanks

30. Oil storage tanks must be designed, constructed and located so as to comply with relevant statutory requirements and British and/or European Standards.

Water Supply

31. All pitches on the site must be provided with a water supply sufficient in all respects to meet the reasonable demands of the occupants, and all water supplied for human consumption must be of the quality required by relevant statutory requirements and British and/or European Standards.
32. The water distribution network and installations must be designed, installed, tested, inspected and maintained in accordance with the provisions of the relevant statutory requirements and British and/or European Standards.
33. All repairs and improvements, instructed by ACHA, to water supplies and installations must be carried out to conform to relevant statutory requirements and British and/or European Standards.
34. Work on water supplies and installations, instructed by ACHA, must be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with relevant statutory requirements and British and/or European Standards.
35. Water supplies should be adequately protected from damage by frost.

Drainage and Sanitation

36. The Gypsy/Traveller site, including every pitch or hard standing, must be provided with a suitable drainage system for the hygienic disposal of foul, rain and surface water from the site, buildings, Amenity Blocks, roads and footpaths.
37. The surface and foul drainage network and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
38. Each Amenity Block and site building must be connected to a foul drainage system. Provision must be made for foul drainage either by connection to a public sewer, a sewage treatment facility or to an appropriate septic tank or treatment system approved by the local authority or, where appropriate, the

² For the definition of competent person see paragraph 9.3 of the Explanatory Notes to these model standards.

Scottish Environment Protection Agency (SEPA). A maintenance and service contract must be in place for non-public sewage treatment systems. Septic tanks and treatment systems should be registered with SEPA in accordance with their requirements.

Flooding

39. The site licence holder should establish whether the site is at risk from flooding by referring to SEPA's Flood Maps.
40. Where the site is at risk of flooding the licence holder should sign up to SEPA's Floodline service, establish an evacuation plan, and display notices prominently on the park with all relevant information.

Lighting

41. Roads and pedestrian routes must be provided with a good quality working artificial lighting system between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.
42. Where appropriate, Amenity Blocks and communal buildings should have good quality working artificial internal and external lighting.
43. The lighting systems and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.

Amenity Blocks

Amenity Blocks shall meet the following standards

- a) they shall be structurally sound, with good quality foundations, floors and walls
- b) roofs shall be structurally sound, in good repair and keep out water
- c) rising damp and penetrating damp shall not be present
- d) windows and doors shall be of good quality
- e) they shall meet an energy efficiency rating of band E or better
- f) a toilet shall be provided for exclusive use of the occupants of the pitch
- g) bathroom fittings (including toilet, and any shower or bath) should be of a good quality
- h) kitchen fittings (such as storage cabinets and worktops) should be of good quality
- i) there should be hot and cold water supplied to amenity block sinks/basins/bath/shower
- j) there should be adequate electrical sockets in the amenity block. The kitchen must have at least 6 x 13 amp electrical power sockets securely mounted on the wall.
- k) there should be adequate food storage space in the amenity block (at least 1 m³ in either the kitchen itself or immediately adjacent).
- l) there are adequately and appropriately located carbon monoxide detectors and alarms.
- m) there are adequately and appropriately located smoke alarms/detectors. Site providers should also meet their duties under the Fire (Scotland) Act 2005.

Domestic Waste

44. Each mobile home must be provided with, or have ready access to, appropriate facilities for the recycling of waste material and for the disposal of residual waste.

Notices and Information

45. Displayed in a prominent place at the entrance to the site, must be:

- a) details of how to contact the Police, the Fire and Rescue Service, and emergency and local medical services;
- b) Emergency contact details for ACHA and out of hours ACHA repairs;
- c) a copy of the Site Rules, if applicable. If the site rules are more than one page long the first page can be displayed, along with details of a specific place on the site that the full site rules can be inspected on request;
- d) a copy of the Site Licence.

All notices must be suitably protected from the elements.

Other relevant information should be provided to the local authority if requested, including a copy of documents showing the on-going maintenance and inspection of the site and its facilities.

Site Maintenance

46. The site licence holder should ensure that the site and all the facilities on it, including any common areas, paths, roads and children's play equipment, in ACHA's ownership are maintained in a good order and condition, and function as

intended. Repairs are carried out in line with timescales set locally for other social housing tenants.

Additional Structures and Alterations to Existing Structures

47. New structures on the site and buildings or structures undergoing a change of use, alteration or adaption must comply with relevant building standards Regulations. Planning Permission may also be required and any conditions complied with.

Parking

48. Sufficient and appropriate parking provision should be made for vehicles belonging to residents and their visitors.

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

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 19/02392/PAN

Applicant: Royal Northern Yacht Club

Proposal: Proposal of application notice for the erection of new yacht clubhouse with associated access, parking yard and boat storage area (Rhu Marina) and conversion of existing clubhouse and gatehouse to form residential units and erection of new residential units (Royal Northern and Clyde Yacht Club)

Site Address: Land at Rhu Marina and Royal Northern and Clyde Yacht Club, Rhu

1.0 INTRODUCTION

Proposal of Application Notices only relate to Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application. The PAN heralds the start of a minimum 12 week period to allow for community consultation before an application can be lodged. The Proposal of Application Notice took effect from 15th November 2019 and therefore an application cannot be made before 7th February 2019.

In considering this item Members should restrict comments to issues relating to the material considerations which may be relevant in the determination of the proposed development and should refrain from expressing opinion as to the likely acceptability of development in advance of any subsequent application being presented for determination. Any opinions or views expressed by Councillors at the pre-application stage must be made mindful of the overarching requirements of fairness, impartiality and of keeping an open mind. The process provides opportunity for Officers to give feedback to the prospective applicant on issues which Members would wish to see addressed within the planning application submission.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The Proposal of Application Notice advises that a new yacht clubhouse is proposed at the Rhu Marina site with associated access, parking and boat storage. The existing clubhouse building and gate house would be converted to form residential units. New residential units are also proposed within the Royal Northern and Clyde Yacht Club site.

3.0 SITE DESCRIPTION

The location plan which has been submitted along with the Proposal of Application encompasses part of the Rhu Marina site, part of Rhu Bay foreshore and the existing Royal Northern and Clyde Yacht Club site.

4.0 BACKGROUND

The part of the site which is located within Rhu Marina is located within part of an area designated as a Potential Development Area (PDA 3/29). Under this designation the wider Rhu Marina site is identified as being suitable for a mixed use development comprising housing, leisure, tourism, business and retail. PDAs are defined in the plan as areas of land within which opportunities may emerge during the plan period. Such opportunities are not currently fully resolved and issues may require to be overcome in terms of the 'mini development brief' accompanying these PDAs before development opportunities within the PDA area can be realised and be supported by the plan. It is standard practice to require a Masterplan when considering the development of such designated areas. The Masterplan should demonstrate how the proposed development will relate to the wider area and any parts of the PDA which do not form part of the application site. In accordance with agreed procedure, all Masterplans are presented to PPSL committee for approval.

A Masterplan for the Rhu Marina site was considered by Members at a Hearing on 27th August 2013. Contrary to officer recommendation, Members refused to endorse the Masterplan for the following reason:

"Whilst Members of the Planning, Protective Service and Licensing Committee (PPSLC) agree that the current Rhu Marina site has degenerated and welcome plans to redevelop the site, it is considered that this should be to a high standard which is sympathetic to its surroundings. The PPSLC agrees that the current proposals contained within the proposed Masterplan are out of keeping with the general character of the Rhu Conservation Area.

The PPSLC agrees that there is insufficient detail to assess the proposed redevelopment in principle with particular concerns relating to the scale of the proposed infill. As a result, it is agreed that the application for the Masterplan be refused."

An approved Masterplan for this site remains outstanding and this would require to be approved prior to a determination on the current application.

The whole site is also designated as an Area for Action (AFA 3/3).

The current RNCYC clubhouse (previously called Ardenvohr House) is a category B Listed building. In addition the lodge, gates, gatepiers and boundary wall and railings are also separately category B Listed. There are also a number of other listed buildings located in the vicinity of the site.

Both sites are also located within the Rhu Conservation Area.

4.0 DEVELOPMENT PLAN POLICY

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact on Habitats, Species and our Biodiversity

SG LDP ENV 2 – Development Impact on European Species

SG LDP ENV 6 – Development Impact on Trees / Woodland

SG LDP ENV 14 –Landscape

SG LDP 16(a) – Development Impact on Listed Buildings

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas

SG LDP ENV 21 – Protection and Enhancement of Buildings

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

SG LDP HOU 2 – Special Needs Access Provision in Housing Developments

SG LDP HOU 3 – Housing Green Space

SG LDP REC/COM 1 – Sport, Recreation and Community Facilities

SG LDP Sustainable – Sustainable Siting and Design Principles

SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Drainage Systems (SUDs)

SG LDP 3 – Drainage Impact Assessment

SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development.

SG LDP TRAN 2 - Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements
SG LDP TRAN 6 –Vehicle Parking Provision
Access and Parking Standards

5.0 POTENTIAL MATERIAL CONSIDERATIONS

In respect of this proposal it is considered that the following matters will be material considerations in the determination of any future planning application;

- Compatibility with Masterplan yet to be submitted;
- Design and layout;
- Impact on conservation area;
- Impact on listed buildings;
- Roads and access issues
- Impact on trees
- Affordable housing

6.0 CONCLUSION

The report sets out the information submitted to date as part of the PAN. Summarised are 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. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 RECOMMENDATION

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 applicant's in finalising any future planning application submission.

Author of Report: Sandra Davies

Date: 25/11/19

Reviewing Officer: Peter Bain

Date: 3/12/19

Fergus Murray
Head of Development and Economic Growth



Location Plan Relative to planning application: 19/02392/PAN



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ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE**

**DEVELOPMENT AND ECONOMIC
GROWTH**

18 DECEMBER 2019

DRAFT SERVICE PLAN 2020-23 FOR DEVELOPMENT AND ECONOMIC GROWTH

1.0 EXECUTIVE SUMMARY

- 1.1 The main purpose of this report is to present to the Planning, Protective Services and Licensing (PPSL) Committee the Draft Service Plan 2020-23 for Development and Economic Growth Service prior to budget allocation.
- 1.2 Service Plans set out the Business Outcomes that each Service will work to deliver over the period of the plan. The Strategic Management Team agreed at their meeting on 24 June 2019 to proceed with three-year service plans with a one-year budget allocation. The Draft Service Plan attached covers the 2020-23 period for budget allocation for 2020/21.
- 1.3 It is recommended that the PPSL Committee review the Draft Service Plan 2020-23 (no finance) as presented prior to referral to the Policy and Resources Committee and Full Council for budget allocation as part of the 2020/21 Budget pack.

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE**

**DEVELOPMENT AND ECONOMIC
GROWTH**

18 DECEMBER 2019

DRAFT SERVICE PLAN 2020-23 FOR DEVELOPMENT AND ECONOMIC GROWTH

2.0 INTRODUCTION

- 2.1 The main purpose of this report is to present to the Planning, Protective Services and Licensing (PPSL) Committee the Draft Service Plan 2020-23 for Development and Economic Growth Service prior to budget allocation.
- 2.2 Service Plans set out the Business Outcomes that each Service will work to deliver over the period of the plan. The Strategic Management Team agreed at their meeting on 24 June 2019 to proceed with three-year service plans with a one-year budget allocation. The Draft Service Plans attached cover the 2020-20 period for budget allocation for 2020/21.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the PPSL Committee review the Draft Service Plan 2020-23 (no finance) as presented prior to referral to the Policy and Resources Committee and Full Council for budget allocation as part of the 2020/21 Budget pack.

4.0 DETAIL

- 4.1 The Strategic Management Team agreed at their meeting on 24th June 2019 agreed to proceed with three-year service plans with a one-year budget. The Draft Service Plan attached covers the 2020-23 period for the 2020/21 budget allocation.
- 4.2 Service Plans are a core part of the Council's Performance and Improvement Framework (PIF). They set out the 17 Business Outcomes that each Service will work to deliver over the period of the plan. They include the resources, both revenue and personnel, that are available to deliver on these Outcomes.

Service Plans clearly identify how different Services are contributing to the same Business Outcome along with the appropriate resources. Once approved the Service Plans are built in Pyramid and illustrated as Service Scorecards.

Appendix 1 illustrates the Business Outcomes mapped to the Corporate Outcomes.

- 4.3 Work has also continued to improve the format, consistency and use of plain language in the Service Plans. This has resulted in the Service Plans containing more appropriate and less operational success measures. To enable a better overview high level strategic plans and strategies are now also noted in the Service Plans. The Service Plans remain 2-part with a strategic ‘locked-down’ top level and operational, flexible lower level. These changes support high-level scrutiny and strategic focus by Elected Members.
- 4.4 The Draft Service Plans 2020-23 include the Challenges that the Services are currently aware they face, along with key Improvements that each Service has identified it will work towards. The Operational Risk Register is aligned to the Challenges. Improvements are monitored and reported on by Senior Officers with additional Improvements added as they arise.
- 4.5 HR & Organisational Development supported Heads of Service throughout the service planning process and performed a quality assurance exercise.
- 4.6 Appendix 2 presents the Draft Service Plans 2020-23 for Development and Economic Growth.

5.0 CONCLUSION

- 5.1 The Draft Service Plan 2020-23 for 2020/21 budget allocation support high-level scrutiny and strategic focus by Elected Members with a more consistent use of plain language throughout and are aligned to the delivery of the Corporate Plan.

6.0 IMPLICATIONS

- | | | |
|-------|--|------|
| 6.1 | Policy | None |
| 6.2 | Financial | None |
| 6.3 | Legal | None |
| 6.4 | HR | None |
| 6.5 | Fairer Scotland Duty: | None |
| 6.5.1 | Equalities - protected characteristics | None |
| 6.5.2 | Socio-economic Duty | None |
| 6.5.3 | Islands | None |

- | | | |
|------|--|-----------|
| 6.6. | Risk | None |
| 6.7 | Customer Service
Service Plans 2020-23 for the 2020/21 revenue budget allocation show improved use of content, consistency and use of plain language. | The Draft |

Executive Director with responsibility for Development and Economic Growth

Policy Leads:

Cllr David Kinniburgh

Cllr Gary Mulvaney

15 November 2019

For further information contact:

Sonya Thomas, 01546 604454

Jane Fowler, 01546 604466

APPENDICES

Appendix 1 Business Outcomes mapped to the Corporate Outcomes

Appendix 2 Draft Service Plan 2020-23 for Development and Economic Growth Service (No finance)

Joint Over-arching Vision	Argyll and Bute's Economic Success is built on a growing population						
Council Mission	Making Argyll and Bute a place people choose to Live, Learn, Work and do Business						
	Choose Argyll, Love Argyll						
	A Place people choose to Live			A Place people choose to Learn	A Place people choose to Work and Do Business		Getting It Right
Corporate Outcomes	People live active healthier and independent lives	People will live in safer and stronger communities	Children and young people have the best possible start	Education, Skills and training maximise opportunities for all	Our economy is diverse and thriving	We have an infrastructure that supports sustainable growth	
Business Outcomes	BO101 We Ensure Information And Support Is Available For Everyone.	BO104 Our Communities Are Protected And Supported.	BO106 Our Looked After Young People Are Supported By Effective Corporate Parenting.	BO108 All Our Children And Young People Are Supported To Realise Their Potential.	BO110 We Support Businesses, Employment And Development Opportunities.	BO113 Our Infrastructure Is Safe And Fit For The Future.	BO115 We Are Efficient And Cost Effective.
	BO102 We Provide Support, Prevention And Opportunities To Help People Make Better Lifestyle Choices.	BO105 Our Natural And Built Environment Is Protected And Respected.	BO107 The Support And Lifestyle Needs Of Our Children, Young People, And Their Families Are Met.	BO109 All Our Adults Are Supported To Realise Their Potential.	BO111 We Influence And Engage With Businesses and Policy Makers.	BO114 Our Communities Are Cleaner And Greener.	BO116 We Engage And Work With Our Customers, Staff And Partners.
	BO103 We Enable A Choice Of Suitable Housing Options.				BO112 Argyll & Bute Is Promoted To Everyone.		BO117 We Encourage Creativity And Innovation To Ensure Our Workforce Is Fit For The Future.
CROSS-CUTTING	Socio-Economic Duty, Equalities, Gaelic						
OUR VALUES	<p style="text-align: center;">Caring, Committed, Collaborative & Creative Cùramach, Dealasach, Cruthachail agus Com-pàirteach</p>						

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Development and Economic Growth (2020-2023)

The principal purpose of the Service is to:

Support our communities to realise their full potential by enhancing access to housing, supporting businesses, protecting the public and improving the economic, social and environmental wellbeing of the area. This is done by ensuring that new development and the monitoring of business activities takes place in a sustainable manner where economic opportunities are harnessed for all communities throughout Argyll and Bute.

The Service focus is on delivering critical economic infrastructure to connect to national and international markets, sustaining existing businesses, attracting new residents, visitors and investment, creating places where people want to live and improving people's skills for work.

The Service is leading on the delivery of the £50 million Rural Growth Deal. The aim of which is that the council and its partners will deliver success across Argyll and Bute, based on three key economic drivers:

- Attracting: additional skills, training and learning opportunities; new residents, visitors and businesses
- Growing: doing more of what works; making more of our natural and built resources
- Connecting: our high value business sectors with national and international business markets; our local economic successes with national strategic priorities

The Service employs 174 FTE

The Service faces the following significant challenges:

The need to attract sufficient external funding to Argyll and Bute to enable a regulatory system and fund economic based initiatives to help achieve sustainable economic growth and address our population challenges

Delivering a transformational Heads of Terms agreement for our £50m Rural Growth Deal that recognises key strategic priorities and the scale of external investment required.

Leaving the EU will bring an end to European structural funding programmes such as LEADER, ERDF and EMF. This will have an impact on what our staff do and have a negative impact on our communities if this is not replaced with UK Structural funds.

Ensuring we can improve our local skills and education offer to help train, retain and attract a skilled workforce to take advantage of our key economic opportunities and challenges.

There is a continuing difficulty with attracting external capital investment into Argyll and Bute for economic infrastructure and area regeneration as a result of a reduction of the Councils capital budget.

To work with local communities to help deliver their own economic future through the delivery of individual projects.

Attracting sufficient funding from the Scottish Government to deliver the Strategic Housing Investment Plan (SHIP) targets for affordable housing.

Across Planning and Regulatory Services, to ensure that service priorities for environmental health, animal health and welfare, and licensing standards are aligned with available resources and meet statutory duties.

Ensuring medium to longer term financial planning supports Council priorities in a sustainable manner – addressing potential shortfalls in planning fee income.

To meet the increased demands on the food export market in light of EU Exit.

To deliver our workforce planning strategy to ensure that we are able to meet our current and emerging statutory duties across Planning, Building Standards and Regulatory Services.

The difference the Service makes:

The Service contributes to the following Business Outcomes:

- | | | |
|-------|--------|---|
| BO102 | DEG102 | We provide support, prevention and opportunities to help people make better lifestyle choices |
| BO103 | DEG103 | We enable a choice of suitable housing options |
| BO104 | DEG104 | Our communities are protected and supported |
| BO105 | DEG105 | Our natural and built environment is protected and respected |
| BO110 | DEG110 | We support businesses, employment and development opportunities |
| BO111 | DEG111 | We influence and engage with businesses and policy makers |
| BO112 | DEG112 | Argyll and Bute is promoted to everyone |
| BO113 | DEG113 | Our infrastructure is safe and fit for the future |
| BO116 | DEG116 | We engage and work with our customers, staff and partners |

Development and Economic Growth (2020-2023): Success Measures

	SM Code	Success measures	Target	Timescale	Benchmark
BO102		We provide support, prevention and opportunities to help people make better lifestyle choices			
	DEG102_01	Protecting health of our people through the delivery of the formally approved Joint Health Protection Plan. (18-20 plan)	90%	FQ4 2020/21	No benchmark

To monitor progress against the plan, to target our own and, multiagency work with partners, and to take corrective actions where appropriate.

SM Code	Success measures	Target	Timescale	Benchmark
BO103	We enable a choice of suitable housing options			
DEG103_01	Number of new affordable homes completed per annum.	75	FQ4 Annually	Strategic Housing Investment Plan: 75 per annum
We aim to have a good supply of affordable housing across the area. This will help keep people in the area and attract inward migration. This is a core requirement of the Local Housing Strategy and Strategic Housing Investment Plan (SHIP).				
DEG103_02	The percentage of positive homeless prevention interventions (prevent 1).	50%	Quarterly	Local Housing Strategy: 50%
We personalise preventative measures to help people access a housing option that meets their needs. This statutory measure recognises the importance to prevent homelessness.				
DEG103_03	The number of empty properties brought back in to use per annum.	25 per annum	FQ4 Annually	Local Housing Strategy: 25 per annum
We want to reduce homelessness, improve affordability and help prevent dereliction. We aim to do this by improving the housing supply.				

SM Code	Success measures	Target	Timescale	Benchmark
BO104	Our communities are protected and supported			
DEG104_01	Maintain the percentage of broadly compliant food businesses as a result of our enforcement interventions.	85%	Quarterly	National benchmark: 87%
To protect the public we assess how compliant a food business is with recognised hygiene standards. 'Broadly' compliant is the middle compliant level.				
DEG104_02	The percentage of public health service requests that are resolved within 20 working days.	80%	Quarterly	Previous year performance: 86%
We work quickly to protect public health or nuisance conditions that impact on health and wellbeing. Any justified corrective action is taken quickly. This measure is also reported to the national performance network.				
DEG104_03	Undertake an enforcement intervention programme to high risk premises in respect of environmental health, animal health and welfare and licensing standards.	95%	Quarterly	Internal benchmark: 95%
High risk premises and activities with the area are proportionally targeted. If any issues are identified, then corrective action takes place.				

SM Code	Success measures	Target	Timescale	Benchmark
BO105	Our natural and built environment is protected and respected			
DEG105_01	Respond to Building warrant applications within 20 days.	80%	Quarterly	Previous quarter performance: FQ1 2019/20: 99.0%
Providing a prompt service helps support the local economy. This national target allows us to benchmark our performance.				
DEG105_02	Respond to Completion Certificate applications within 10 days.	80%	Quarterly	Previous quarter performance: FQ1 2019/20: 2.1 days
Providing a prompt service helps support the local economy. This national target allows us to benchmark our performance.				
DEG105_03	Retain our customer service excellence award status for Building Standards and Planning and Regulatory Services.	Awarded	Annually	No benchmark
This demonstrates our customer-focused service delivery and is in line with the Council's objective.				

SM Code	Success measures	Target	Timescale	Benchmark
BO110	We support businesses, employment and development opportunities			
DEG110_01	Increase visitor numbers by working in partnership with the tourism industry.	1.5% on previous calendar year	FQ2 2020/21 FQ4 2020/21	STEAM (Science, Technology, Engineering and Mathematics): 2.799m visitors
Tourism is a key sector for Argyll & Bute both in terms of securing and retaining a skilled workforce and with Argyll & Bute being a world-class destination. The Economic Strategy aims to increase visitor numbers by 15% by 2030.				
DEG110_02	The 12 month survival rate of new small and medium sized businesses.	77%	Quarterly	2018/19: 85%
We support new small and medium sized business start-ups during the difficult first 12 months by offering free, impartial and confidential advice. This is a key driver to growing our economy.				
DEG110_03	The number of new business start-ups supported.	100 per annum	FQ4 2020/21	2018/19: 116
Topical or legislative workshops and/or advisory support is offered to new business start-ups. The advice given is free, impartial and confidential. This is a key driver to growing our economy.				
DEG110_04	Complete the LEADER programme and produce an evaluation report.	Complete	Quarterly FQ3 2020/21	No benchmark
Once the LEADER programme is completed an evaluation report highlighting the benefits of the programme will be produced.				
DEG110_05	The above national average level of planning application approval rates is maintained.	Above 95%	Quarterly	2018/19 Scottish National Average: 93.7%
We commit resource at an early stage in the planning process to improve/negotiate any substandard submissions. The high approval rate indicates the Council's commitment to delivery positive outcomes.				
DEG110_06	The time it takes to determine 'local' planning applications is no longer than 10% above the National Average.	10 weeks	Quarterly	2018/19 Scottish National Average: 9 weeks
This indicates the efficiency of the Council's planning process. Prompt planning application decisions is a driver to support and help grow the local economy.				

SM Code	Success measures	Target	Timescale	Benchmark
DEG110_07	Increase the proportion of planning applications that are right first time.	2020/21: 40% 2021/22: 50% 2022/23: 60%	Annually	Large Rural Authorities (PPF publications): TBC

The number of planning applications that are submitted right first time will reduce both applicant and Council costs. This in turn will support and help grow the local economy.

DEG110_08	Maintain a Local Development Plan that is less than 5 years old.	On track	Quarterly	No benchmark
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An up to date LDP is essential to ensure that the appropriate supply of land for homes and economic development is in the right areas. Correct future development is crucial for underpinning investment and funding activity. It is also a key indicator of planning performance.

SM Code	Success measures	Target	Timescale	Benchmark
BO111	We influence and engage with businesses and policy makers			
DEG111_01	An enforcement intervention is performed in a consistent and fair manner with businesses fully supported throughout.	80% measured by customer survey responses	FQ2 2020/21 FQ4 2020/21	Previous year survey results: TBC

This is a requirement of the Scottish Governments Regulators Strategic Code. We seek feedback from our customers on a range of issues including fairness and officer behaviours. This is also essential evidence for the Customer Services Excellence award.

SM Code	Success measures	Target	Timescale	Benchmark
BO112	Argyll and Bute is promoted to everyone			
DEG112_01	Deliver the Dunoon CARS (Conservation Area Regeneration Scheme) project. Percentage of project delivery to date Total spend to date	60% delivery complete £s TBC	Quarterly	No benchmark
This strategic development project is delivery Stronger Places. It focuses on delivering physical improvements and creating an outstanding built environment and a sense of place.				
DEG112_02	Deliver the Rothesay TH (Townscape Heritage) project. Percentage of project delivery to date Total spend to date	60% delivery complete £s TBC	Quarterly	No benchmark
This strategic development project is delivery Stronger Places. It focuses on delivering physical improvements and creating an outstanding built environment and a sense of place.				
DEG112_03	Deliver the Tarbert and Lochgilphead Regeneration Fund project. Percentage of project delivery to date Total spend to date	70% delivery complete £s TBC	Quarterly	No benchmark
This strategic development project is delivery Stronger Places. It focuses on delivering physical improvements and creating an outstanding built environment and a sense of place.				
DEG112_04	Deliver the Lochgilphead CARS (Conservation Area Regeneration Scheme) project. Percentage of project delivery to date Spend to date	10% delivery complete £s TBC	Quarterly	No benchmark
This strategic development project is delivery Stronger Places. It focuses on delivering physical improvements and creating an outstanding built environment and a sense of place.				

BO113	SM Code	Success measures	Target	Timescale	Benchmark
Our infrastructure is safe and fit for the future					
	DEG113_01	Maintain the total number of landings at Oban airport per annum.	1,817	Quarterly	Previous year performance: 1,817
A viable airport is vital for services to our islands as well as supporting our economic and tourist sectors and providing employment opportunities.					

	SM Code	Success measures	Target	Timescale	Benchmark
BO116		We engage and work with our customers, staff and partners			
	DEG116_01	Market the Building Standards service commercially to become self-funding and to assist with budget reconciliation.	£100k annually profiled quarterly	Quarterly	No benchmark

Additional income stream assisting BS to become self funding. Also assists with junior staff development.

Development and Economic Growth (2020-2023): Service Improvements

SI Code	Improvement Action	Completion date	Source of improvement	Source detail
BO104	Our communities are protected and supported			
DEG104_01i	To complete the Food Control Improvement Plan and the Action Plan developed following the external audit by Food Standards Scotland (FSS).	FQ1 2020/21	Audit or inspection key recommendation	Food Control Improvement Plan agreed by Committee in September 2016 and FSS audit report.

SI Code	Improvement Action	Completion date	Source of improvement	Source detail
BO105	Our natural and built environment is protected and respected			
DEG105_01i	Replace CIVICA with the Idox document management system.	FQ4 2020/21	Employee suggestion	This improvement seeks to ensure a faster and more customer focused on site service delivery.

SI Code	Improvement Action	Completion date	Source of improvement	Source detail
BO115	We are efficient and cost effective			
DEG115_01i	Develop a project evaluation procedure to capture our lessons learned and use the knowledge to help inform future projects and service delivery and investment opportunities.	FQ4 2020/21	Other	Economic profiles and committee papers.
DEG115_02i	Fully digitalise all document and evidence exchanges for LDP2 Examination in Public.	FQ4 2020/21	Employee suggestion	Previous successful partial digital transfer at the previous Examination and encouragement by the Scottish Government.
DEG115_03i	Review current performance measures and identify appropriate outcomes with targets across Regulatory Services.	FQ4 2020/21	Self-evaluation	Association of Public Services and Excellence Performance Network.

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ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

DEVELOPMENT AND ECONOMIC

18 DECEMBER 2019

GROWTH

FQ2 2019/20 PERFORMANCE REPORT:

DEVELOPMENT AND ECONOMIC GROWTH

1.0 EXECUTIVE SUMMARY

- 1.1 The Council's Performance and Improvement Framework (PIF) sets out the presentation process for the Quarterly Performance Reports. This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the Development and Economic Growth Service (PPSL only) FQ2 2019-20 (July - September) Performance Report and accompanying PPSL Scorecard.
- 1.2 It is recommended that the PPSL Services Committee reviews the FQ2 2019/20 Performance Report as presented.

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

**DEVELOPMENT AND ECONOMIC
GROWTH**

18 DECEMBER 2019

**FQ2 2019/20 PERFORMANCE REPORT:
DEVELOPMENT AND ECONOMIC GROWTH**

2.0 INTRODUCTION

2.1 The Council's Performance and Improvement Framework (PIF) sets out the presentation process for the Quarterly Performance Reports. This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the Development and Economic Growth Service (PPSL only) FQ2 2019-20 (July - September) Performance Report and accompanying PPSL Scorecard.

3.0 RECOMMENDATIONS

3.1 It is recommended that the PPSL Services Committee reviews the FQ2 2019/20 Performance Report as presented.

4.0 DETAIL

4.1 The performance report has been extracted from the Council's Pyramid performance management system. It comprises of key success measures extracted from Development and Economic Growth Service.

4.2 Commentary on the success measures within the Scorecard can be interrogated via the Pyramid system.

5.0 IMPLICATIONS

- 5.1 Policy None
- 5.2 Financial None
- 5.3 Legal The Council has a duty to deliver best value under the Local Government in Scotland Act 2003
- 5.4 HR None
- 5.5 Fairer Scotland Duty: (please refer to guidance on Hub)
 - 5.5.1 Equalities - protected characteristics None
 - 5.5.2 Socio-economic Duty None
 - 5.5.3 Islands None
- 5.6 Risk Ensuring performance is effectively scrutinised by members
- 5.7 Customer Service None

Executive Director with responsibility for Development and Economic Growth

Policy Leads

Cllr David Kinniburgh
Cllr Gary Mulvaney

15 November 2019

For further information contact:

Pippa Milne, Tel 01546 604076

APPENDICES

- Appendix 1 - FQ2 2019/20 Performance Report for
Development and Economic Growth – PPSL only.
- Appendix 2 – PPSL Scorecard

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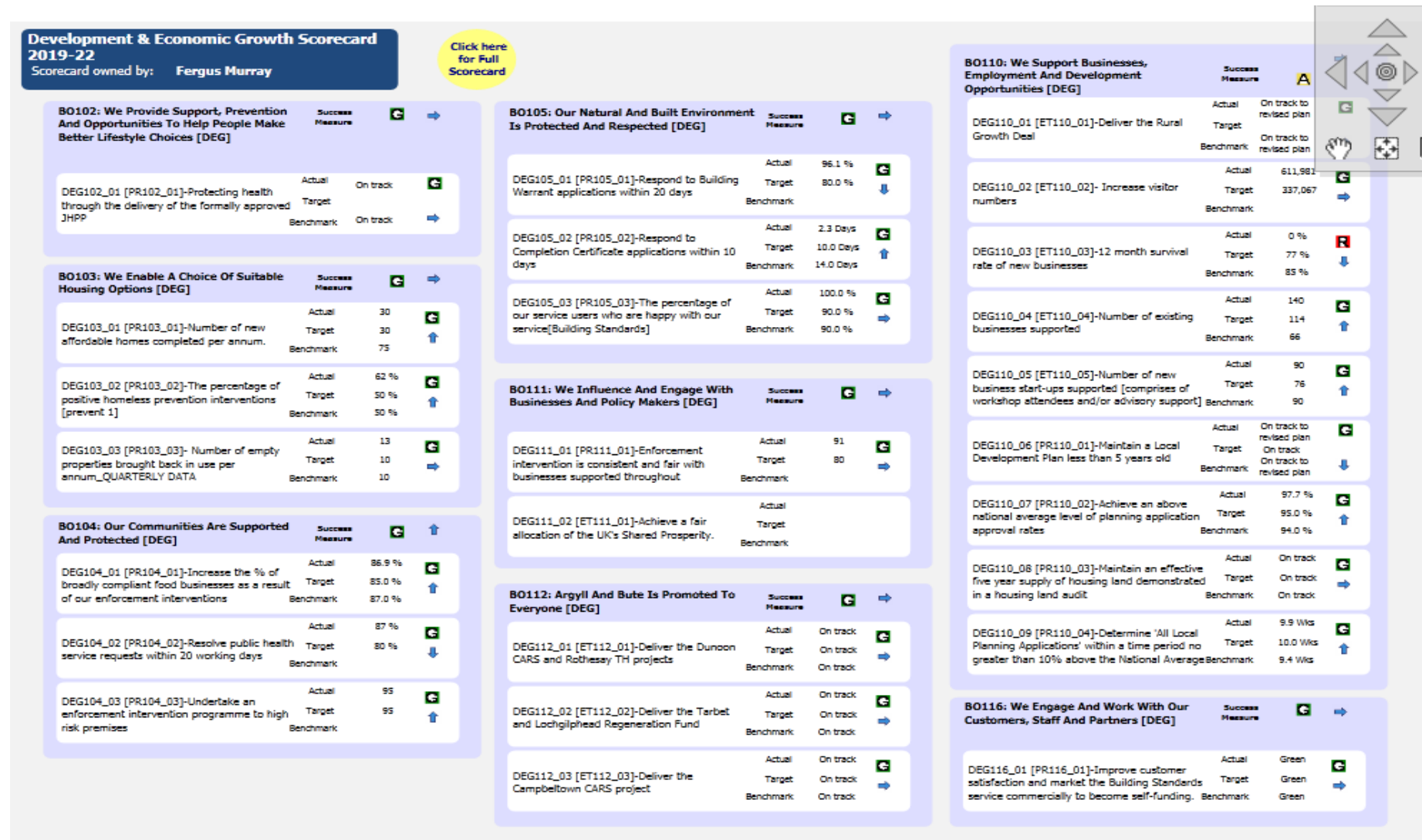
Council Performance Report – Development and Economic Growth	Period: FQ2 19/20
<p style="text-align: center;">SUMMARY OF PERFORMANCE - No. of Success Measures: 8</p> <p style="text-align: center;">Green 8 Red 0 No Data 0</p>	
Delivering Our Outcomes	
Corporate Outcome 5 - Our economy is diverse and thriving	
BO110 We support businesses, employment and development opportunities	
<ol style="list-style-type: none"> 1. Maintain a Local Development Plan Less Than Five Years Old: A key milestone was achieved in progression of LDP2 which will replace the current LDP. The proposed LDP2 was agreed at Full Council in September and will now go out for a statutory public consultation period over the winter months. Following that any objections will be reported to Council prior to being submitted to a Scottish Government reporter who will carry out an examination of the Plan. After that process the Council will be able to adopt it as a replacement LDP2. The timescale for delivery has been revised for adoption of the plan by 31st January 2021. 	
Our Challenges	
Current Short-term Operational Challenges [Include Service id]	
<p>Development and Economic Growth (DEG)</p> <ol style="list-style-type: none"> 1. Professional staff resource is an issue within Development Management and Regulatory Services and will impact on future performance. In Development Management, Helensburgh and Lomond continues to be depleted by a long-term absence and impact upon performance been exacerbated during August / September by periods of annual leave and short periods of sick leave by other staff members. Recruitment of a 0.5fte Planning Officer post is currently underway and will provide greater resilience to in the medium/longer term. Within Regulatory Services there are 5 vacancies (4.5 FTE) and attempts to recruit professional qualified Environmental health professionals have been largely unsuccessful reflecting the national shortage. Contingency measures are in place to minimise the impact although performance will dip. 2. The Planning (Scotland) Act 2019 was approved by Scottish Parliament and received Royal Assent in July 2019; the Scottish Government have published their programme for implementation of the various provisions of the Act on 30th September 2019. The Act will introduce a number of new/amended duties which will require revision to current Development Management (DM) processes, and in some cases will have resource implications. 3. Work is ongoing to develop a Scottish model for exporting foods to the EU in the event of a ‘no deal’ Brexit. A Business case has been developed in conjunction with COSLA to Scottish Ministers outlining issues relating to the export of food to EU including financial support for business and local authorities. The export model, capacity and resilience concerns and a proposals for a charging regime. There are significant risks from a 2no-deal” EU Exit, as the current environmental health service does not have capacity to deal with projected demand for expert certificates, without core duties being paused or the quality of service reduced 	

Current Key Challenges and Actions to address the Challenges		
Key Challenges and Actions to address the Challenges (DEG)		
BO102 We provide support, prevention and opportunities to help people make better lifestyle choices.		
1. Challenge - Deliver the outcomes defined in the Joint Health Protection Plan (JHPP) within the agreed milestones. Action Detail - To continue to deliver core public health actions through the work of Regulatory Services and where appropriate, working with our partners. This includes better directing our resources more effectively to meet the statutory framework for food authorities, and to complete the actions required from the FSS audit.		
Carried Forward From Previous Quarter: N	Action Milestone Dates: Dec 2019	Responsible Person: Regulatory Services Manager/ Environmental Health Manager (West/East)
Key Challenges and Actions to address the Challenges (DEG)		
BO110 We Support Businesses, Employment and Development Opportunities.		
2. Challenge - Update and Improve our Conservation Area Appraisal Coverage. Continuing to deliver 2 conservation area appraisals in the absence of the conservation officer who was on maternity leave until January 2019. Cover arrangements had been planned within the LDP team, but workload pressure within the LDP work (as above) and the extended length of consultation period that was required for the Slate Island Conservation Area Appraisals means that the planned timetable of work slipped. In addition it is now necessary for the Design and Conservation officer to support the development policy team writing the Proposed LDP2. Action Detail - Helensburgh Conservation Area was approved by PPSL and designated by Council in September. Slate Islands and Lochgilphead Conservation Area Appraisals are scheduled for presentation to PPSL for approval before the end of 2019.		
Carried Forward From Previous Quarter: Y	Action Milestone Dates: FQ4 19/20	Responsible Person: Senior Planning and Strategies Officer
Key Challenges and Actions to address the Challenges		
BO112 Argyll and Bute is Promoted to Everyone		
3. Challenge – Delivery of Town Centre Fund projects. Action Detail – The Town Centre Fund requires to be spent 2019/20 or at the very least a contract awarded by 31 March 2020 for each of the projects. Monthly reporting is in place to assist in highlighting any key issues that need to be addressed and particular if any projects are at risk of not being delivered however delivery is still challenging given the short timelines and also given that these projects are all being taken forward within existing resources.		
Carried Forward From Previous Quarter: Y	Action Milestone Dates: FQ4 19/20	Responsible Person: Head of Development and Economic Growth/Head of Roads and

		Infrastructure Services
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FQ2 2019/20 PPSL Scorecard



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of Schedule 7A of the Local Government(Scotland) Act 1973

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

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – 18th December 2019

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A) INTRODUCTION

This report summarises the outcome of a recent appeal decision by the The Planning and Environmental Appeals Division (DPEA) relative to the case set out below.

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISIONS

Planning Authority:	Argyll and Bute Council
Planning application ref:	18/01516/PP
Planning appeal ref:	PPA-130-2073
Proposal:	Construction, operation and decommissioning of a wind farm comprising seven wind turbines with a maximum height of 136.5 metres and associated infrastructure including substation plus control building and battery storage facility compound, site tracks, crane hardstandings, temporary construction compound and provision for
Location:	Ardtaraig Wind Farm, 3.1km east of Glendaruel and approximately 15km west of Dunoon, Loch Striven.
Date of decision:	7th November 2019

This application was refused by the Council on 26th March 2019 following a public Hearing. An appeal was subsequently submitted to the Department of Environmental and Planning Appeals (DPEA). The Reporter assessed the application in accordance with section 25 of the Town and Country Planning Act (as amended) which requires development to be in accordance with the Local Development Plan unless material considerations indicate otherwise.

Following consideration of all applicable Local Development Plan policies, the Reporter concluded that whilst the proposal accords with much of the development plan, the determining matter was the balance to be struck between the adverse landscape and visual amenity effects on the Kyles of Bute National Scenic Area and the important benefits of the proposed development that are strongly supported by national policy.

On reaching his decision on this issue, the Reporter noted policies within National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP). He also noted that in May 2019 the Climate Change Secretary had advised that “subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of SPP will include considerable focus on how the planning system can support our climate change goals.” From this the Reporter

concluded that planning policy is to be reviewed in the light of the climate emergency. However, until this policy has been reviewed, he considered that it was appropriate to act in accordance with existing policy. He therefore took the view that having given the fullest weight to the environmental benefits of the proposal, they do not overcome the harm that would be caused to the Kyles of Bute National Scenic Area. The proposal did not accord with the development plan and was therefore dismissed.

Full details of the appeal decision can be viewed on the DPEA website:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=120474>

D) IMPLICATIONS

Policy: None.

Financial: None.

Personnel: None

Equal Opportunities: None

Author and Contact Officer: Sandra Davies 01436 658884

Fergus Murray

Head of Development and Economic Growth