

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 22 NOVEMBER 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Paul Donald Kennedy
Councillor Jan Brown	Councillor Luna Martin
Councillor Audrey Forrest	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Shona Barton, Governance Manager
Peter Bain, Development Manager
Bryn Bowker, Area Team Leader – Mid Argyll, Kintyre and the Islands
Kirsty Sweeney, Area Team Leader – Helensburgh and Lomond/Bute and Cowal
Emma Jane, Planning Officer
Fiona Scott, Planning Officer
Tiwaah Antwi, Planning Officer
Marina Curran Colthart, Local Biodiversity Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Amanda Hampsey, Daniel Hampsey, Andrew Kain and Liz McCabe.

2. DECLARATIONS OF INTEREST

Councillor Mark Irvine declared a non-financial interest in planning application reference 22/00678/PPP, as he knew the Applicant personally and had been lobbied frequently over the last few months. He left the room and took no part in the determination of this application which was dealt with at item 4 of this Minute.

Councillor John Armour declared a non-financial interest in planning application reference 23/01018/PP as it concerned a farm neighbouring his own business and he had also been lobbied by local residents. He indicated that he would take no part in the determination of this application which was dealt with at item 6 of this Minute, but would remain in the meeting.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 18 October 2023 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 18 October 2023 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 18 October 2023 at 3.00 pm was approved as a correct record.

Having declared an interest in the following item, Councillor Mark Irvine left the meeting at this point.

4. MR ROBERT MACINTYRE: SITE FOR THE ERECTION OF DWELLINGHOUSE: LAND WEST OF RUANDA, SHORE ROAD, PEATON, HELENSBURGH (REF: 22/00678/PPP)

The Planning Officer spoke to the terms of the report. Planning permission in principle is sought for the erection of a single dwellinghouse and installation of a septic tank. The site for the proposed dwellinghouse is located within the minor settlement boundary of Coulport/Letter. The proposal also includes the formation of a new access to serve the proposed dwellinghouse. The majority of this new access is out with the settlement boundary and is located within the countryside zone. The site is also located within the MOD safeguarding zone of Coulport.

The proposed site is located on the seaward side of the main road (B833) opposite an existing dwelling known as Ruanda. All development within the minor settlement boundary of Coulport/Letter is located exclusively on the landward side of the main road and there is no existing development to the seaward side of the road within the settlement boundary. It is considered that the proposals do not constitute an appropriate site within the settlement zone, because they do not relate to this established settlement pattern of Coulport/Letter.

It is recognised that there is development on the seaward side of the main road in nearby neighbouring Ardpeaton. This development is either historical or is re-development on brownfield sites and is not on a greenfield site. The application site is a greenfield site, considered to be natural foreshore and can be described as a mature aged broadleaved woodland with areas of wet woodland within it.

There have been 26 objections to this proposal received and one representation along with objections from Cove and Kilcreggan Community Council and the Development Policy Unit. There have been no objections from other consultees, subject to conditions.

The proposal was assessed against policies of the Local Development Plan (LDP) 2015, National Planning Framework 4 and LDP2, as detailed at section P of the report and it was recommended that planning permission in principle be refused for the reasons outlined in the report of handling.

Decision

The Committee agreed to refuse planning permission in principle for the reasons detailed below:

1. LDP DM1 gives encouragement to sustainable forms of development within key settlements on appropriate sites and within the countryside zone on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone. With regard to LDP DM1 the proposal includes an area of settlement zone and countryside zone, the proposal does not constitute an appropriate site within the settlement zone, because it does not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. The proposed access to the development is located within the countryside zone and therefore does not accord with part E of LDP DM1. In

addition, it would not be supported by LDP2 Policy 01 in relation to settlement areas and Policy 02 out with settlement areas which is a material consideration. In relation to Policy 01 – Settlement Areas, development will normally be acceptable where it is an appropriate scale and fit for the size of settlement in which it is proposed and respects the character and appearance of the surrounding townscape. In this regard the proposal does not constitute an appropriate site within the settlement zone, because the proposal does not relate to the established settlement pattern at Coulpport/Letter, and results in the development of a section of natural foreshore in a village where built development is located exclusively on the landward side of the road. Regarding Policy 02, the proposal would not constitute as infill, rounding off, redevelopment or located on a previously developed site and is therefore not generally supported. Policy 02 further notes that development adjacent to, but out with settlement boundaries which are delineated in the proposals maps will not constitute infill, rounding off or redevelopment.

In addition, whilst it is believed that the site could accommodate a modest sized dwelling, it has not been demonstrated that there would be sufficient land for the required amenity space including; garden, parking and turning area.

As the proposed development fails to pay regard to the established settlement pattern in this location it is also considered to be contrary to NPF4 Policy 14. Furthermore, based on the above the proposals would also be contrary to the provisions of Policy LDP 9 and the Supplementary Guidance Sustainable Siting and Design Principles (paras 4.1 and 4.2) and proposed LDP policies 05, 08 & 10 which are a material consideration.

2. Policy 9 of NPF4 does not support greenfield sites unless the site is allocated for development or the proposal is explicitly supported by policies in the LDP. Given the house is not supported by the settlement strategy policies within the adopted LDP (as explained in point 1), then the proposal is also contrary to Policy 9 of NPF4.
3. It is considered that the proposed development is contrary to NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, 6 & 14 and Proposed LDP2 Policy 73 given the disturbance to biodiversity is not acceptable. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.
4. The proposal would be contrary to NPF4 Policy 6 part b) which notes that proposals will not be supported where they result in adverse impacts on native woodlands including individual trees of high biodiversity value or fragmenting woodland habitats. In regard to potentially fragmenting woodland habitats, the preliminary ecological appraisal has noted the site has good connectivity to further Ancient Woodland Inventory and to the Local Nature Conservation Site at Peaton Glen. Also of relevance is SG LDP ENV 6, which places importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees. Policy 77 of the proposed LDP notes that there is a strong presumption in favour of protecting our woodland resources. Particular care will be taken to ensure that ancient semi-natural woodland, native or long-established woods and individual trees of high nature conservation value are safeguarded, conserved and, where possible, enhanced. Removal of woodland resources will only be permitted where it would achieve

significant and clearly defined additional public benefits. As noted above the adverse impacts on native woodland and individual mature trees of biodiversity value would be contrary to NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77 which is a material consideration.

5. NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change, part B) notes; Development proposals in undeveloped coastal areas will only be supported where they are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site. In addition, policy SG LDP CST 1 (Coastal Development) notes that the preferred location for developments requiring a coastal location is the Developed Coast, which consists of coastal areas within the Settlement Development Management Zone, excluding the Natural Foreshore. This proposed site is a Natural Foreshore where there is a presumption against development unless there is a specific operational need; and ii) there is no effective alternative location for the development landward of the natural foreshore; and iii) the development does not damage or undermine the key features of the natural foreshore area. As the proposal for a single dwelling house fails to demonstrate compliance with the above criteria the proposal would also be contrary to SG LDP CST 1. Furthermore, as this proposal for a single dwelling is located within an undeveloped coastal area it would also be contrary to NPF4 Policy 10.

(Reference: Report by Head of Development and Economic Growth dated 6 November 2023, submitted)

Councillor Luna Martin joined the meeting during consideration of the foregoing item.

Councillor Irvine returned to the meeting at this point.

5. OBAN BAPTIST CHURCH: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW CHURCH/COMMUNITY BUILDING WITH ASSOCIATED LANDSCAPING WORKS: OBAN BAPTIST CHURCH, ALBANY STREET, OBAN (REF: 23/00688/PP)

The Planning Officer spoke to the terms of the report. Planning permission is sought for the demolition of the existing Oban Baptist Church and ancillary buildings to allow for the erection of a replacement church/community building.

The application site is situated within the defined Main town Settlement Zone of Oban. The site is currently occupied by three buildings, the main Church building, the Church hall and a detached bungalow, all of which are used for various functions. Whilst a historic building, the Church is not covered by any statutory designation nor is it within any area benefiting from statutory protection. The proposed new building is a contemporary designed, split level structure which presents as a single storey mono-pitched roof structure to Albany Street, with a two storey pitched roof element presenting to Shore Street. The roof height would be lower than that of the existing Church building.

The proposal has elicited 12 objections, 1 representation and 48 expressions of support. The main thrust of the objections relate to the demolition of the Church building. However, the demolition of the building would benefit from “deemed permission” under the Town and Country Planning General Permitted Development Order 1992 (as amended) and

therefore this aspect of the proposal is outwith the remit of the Council as Planning Authority.

With regard to the other concerns raised by objectors in relation to the access and infrastructure arrangements to serve the proposed development, the site is already operating a similar development to that proposed in the application. No objections were raised by any of the statutory consultees.

As a minor departure to NPF4 Policy 9 with regards to demolition, which can be undertaken without any input from the Planning Authority, the proposal is otherwise consistent with the provisions of both Local and National Planning Policy and it was 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:

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. The development shall be implemented in accordance with the details specified on the application form dated 31/03/23, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Existing Drawings	01		03/04/23
Location & Block Plans	AL- 001 -A3		21/04/23
Topographical Plan	AL- 002 1-125 A2		03/04/23
Existing Site Plan	AL- 003 A3		03/04/23
Proposed Site Plan	AL- 004 A3		21/04/23
Proposed Floor Plans	AL- 005 A1		03/04/23
Proposed Elevations	AL- 006 A1		03/04/23
Client Statement/Pre-Application Consultation – 24 PAGES			03/04/23

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

Note to Applicant

Please note the comments in the consultation response from Scottish Water and the comments provided in the submission from the Oban District Access Panel, details of

which are available to view on the planning application file via the Public Access section of the Council's website.

2. PP – Traffic Management Plan

Notwithstanding the effect of Condition 1, no development shall commence until a Traffic Management Plan has been submitted for the written approval of the Planning Authority in consultation with the Roads Authority. The Plan shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

Reason: To address potential abnormal traffic associated with the development in the interests of road safety.

3. PP - Finishing Materials

Notwithstanding the effect of Condition 1, no development shall commence until samples of materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

4. PP - Reclamation of Materials

No demolition works shall commence until a scheme for the reclamation of stone from the Oban Baptist Church building, during or prior to demolition has been drawn up in consultation with, and approved in writing by the Planning Authority. The stone shall be satisfactorily set aside, stored and used within the redevelopment scheme in a manner which shall first be agreed with by the Planning Authority, prior to any demolition taking place.

Reason: In order to protect and save materials and items which can reasonably be retrieved, in the interests of the historical qualities of the building to be demolished.

5. PP – Sustainable Drainage System

Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

Note to Applicant

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

6. PP - Waste Management

Notwithstanding the effect of Condition 1, no development shall commence until a Waste Management Strategy for the development has been submitted to and approved in writing by the Planning Authority.

The Waste Management Strategy shall include details of how much waste the proposal is expected to generate and how it will be managed including:

- (i) Details of provisions to maximise waste reduction and waste separation at source;
- (ii) Details of measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

Thereafter the development shall be undertaken in accordance with the approved Waste Management Strategy unless otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 12.

7. PP - Landscaping and Biodiversity Enhancement

Notwithstanding the effect of Condition 1, no development shall commence until details of the proposed treatment of the soft landscaping areas within the development has been submitted to and approved in writing by the Planning Authority.

The scheme shall include details of:

- (i) Location, design and materials of proposed walls, fences and gates;
- (ii) Surface treatment of proposed means of access and hardstanding areas;
- (iii) Proposed hard and soft landscape works;
- (iv) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the boundary and surface treatment have been completed in accordance with the duly approved scheme.

All physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc) shall be implemented in full before the development hereby approved is first brought into use.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

The biodiversity statement should refer to: [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, and to comply with the requirements of NPF4 Policy 3.

(Reference: Report by Head of Development and Economic Growth dated 6 November 2023, submitted)

6. MR THOMAS IRWIN: FORMATION OF EARTH BANK SLURRY LAGOON AND ASSOCIATED WORKS: LAND AT WEST DRUMLEMBLE FARM, WEST OF ROWAN TREE COTTAGE, DRUMLEMBLE, CAMPBELTOWN (REF: 23/01018/PP)

The Planning Officer spoke to the terms of the report. This application seeks planning permission to establish an earth bank slurry lagoon and associated works, including erection of a 2m high security fence.

The application site is accessible via a farm track off a private access to the U031 public road. The proposed development is in response to the updated Scottish Government legislation on the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021, which requires all cattle and pig farmers to have a maximum slurry storage capacity for a period of 22 and 26 weeks by 1 January 2026; and slurry storage to be built in line with the Silage, Slurry and Agricultural Fuel Oil (SSAFO) requirements. The application site comprises a greenfield site located within the Countryside Zone.

In this instance, the proposed erection of a slurry lagoon, whilst on a greenfield site, represents an exceptional case (to comply with new regulatory requirements) requiring this specific location (located within a reasonable distance from the existing functioning agricultural buildings) to function as an integral part of the agricultural operations of West Drumlemble Farm.

At the time of writing the report a total of 29 representations had been received, 28 of which were in objection and one neutral response. An objection had also been received from Laggan Community Council. One objector, Leslie McGeachy, had since indicated that he no longer objected to the proposal as his previous concerns had been addressed.

The proposal, subject to conditions, is considered to be consistent with the relevant provisions of the Development Plan, NPF4 and LDP2 and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission.

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

Decision

In order to address Health and Safety concerns raised by Members, the Committee agreed to continue consideration of this application to a future meeting and requested Officers obtain from the Applicant the following further information:

1. Details on the nature of the proposed fence in terms of size and design and signage displayed in order to secure the site of the slurry lagoon;
2. Clarification on the type of cover that will go over the slurry lagoon in terms of the safety aspects of it; and

3. Details of protocols that will be put in place in respect of the Health and Safety aspects of the site, to ensure it was a safe place to work.

(Report by Head of Development and Economic Growth dated 10 November 2023, submitted)

Councillors Paul Kennedy and Luna Martin left the meeting during consideration of the foregoing item.

7. SCOTTISH BIODIVERSITY STRATEGY - DELIVERY PLAN: TACKLING THE NATURE EMERGENCY: CONSULTATION ON SCOTLAND'S STRATEGIC FRAMEWORK FOR BIODIVERSITY

The Scottish Biodiversity Strategy: Tackling the Nature Emergency consultation is seeking views on a range of topics and actions to halt the loss of biodiversity and tackle the nature emergency in Scotland. An officer response will be submitted to the consultation, and as the Scottish Biodiversity Strategy – Development plan progresses, further reports will be brought forward to Committee with updates on what the implications are for the Council.

A report summarising the actions that local authorities will be expected to deliver in the Scottish Biodiversity Strategy Delivery Plan, which is a five year rolling plan, was considered.

Decision

The Committee agreed to:

1. recognise the implications for local authorities, as set out in paragraph 4.2 of the report, in delivering the Scottish Biodiversity Strategy – Delivery Plan actions including Nature Networks 30 x 30 in terms of resources, funding and timescales; and
2. recognise the implications for local authorities, as set out in paragraph 4.5 of the report, in meeting any of the targets (which have yet to be agreed) in the draft Natural Environment Bill.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 26 October 2023, submitted)

8. THE FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022 - FIREWORK CONTROL ZONES IN ARGYLL AND BUTE

The report to the PPSL Committee in September 2023 provided detail on the introduction and provisions of the Fireworks and Pyrotechnics Articles (Scotland) Act 2022 and particularly the matter of Firework Control Zones.

A report setting out how the Council proposes to provide information on Firework Control Zones and how community requests will be managed was considered.

Decision

The Committee agreed to endorse the proposals detailed in the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 27 October 2023, submitted)