

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the PILLAR HALL, VICTORIA HALLS, HELENSBURGH
on MONDAY, 10 OCTOBER 2011

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Al Reay
Councillor Gordon Chalmers	Councillor Neil Mackay
Councillor Vivien Dance	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor James McQueen

Attending: Charles Reppke – Head of Governance and Law
Belinda Ruthven – Area Governance Assistant
Howard Young – Area Team Leader, Development Management
Nigel Millar – Helensburgh Community Council Statutory Consultee
James Adamson – Agent for Applicant
Alastair Mcbeth – Objector
Charles Carver - Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from:-

Councillor Bruce Marshall
Councillor Robin Currie
Councillor Alex McNaughton
Councillor Alister McAlister

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest

3. ADAMS (FLANSHAM) LTD: CHANGE OF USE OF AGRICULTURAL SHEDS TO A FIREWOOD PROCESSING UNIT: LAND NORTH WEST OF CAMIS ESKAN FARM HOUSE, HELENSBURGH (REF: 11/00213/PP)

The Chair welcomed everyone to the meeting and general introductions were made.

Charles Reppke, Head of Governance and Law, outlined the hearing procedure that would follow and the Chair invited anyone who wished to speak at the meeting to identify themselves.

Planning Officer

Howard Young, Area Team Leader, gave a brief outline of the application and gave a short PowerPoint presentation showing various aspects of the application site.

He indicated that there were two now redundant lambing sheds and that the proposal was to utilise these sheds for the processing of firewood for local distribution. Mr Young advised that this was a finely balanced proposal and that the key policy for determining this application was STRAT DC3 and noted that Green Belt policies were more restrictive than other countryside policies.

Mr Young explained that the application had been delayed because of issues relating to road safety. This development was not supported as an appropriate use under Green Belt. The only other issue the Planning Officer had was that Environmental Health had indicated their concerns regarding noise and dust. He had asked them to be specific about this and they had requested that more information be brought up prior to consideration of the application which had not yet been forthcoming as of the Hearing. Mr Young advised that if Members were minded to approve the application they could attach a suspensive condition regarding the noise and dust. However this could mean that if both issues could not be resolved, then the applicant would have a planning permission that couldn't be implemented. Mr Young said that, on policy grounds, he could not support the application and recommended refusal.

Applicant's Agent

Mr James Adamson – Scottish Woodlands Ltd – informed that he plans were set out in detail and that additional information had been produced when requested. He felt that there were a few key points to address and that it was important to highlight the context and background of the application and he went on to give a brief outline of this.

In May 2009 the site and the farm were sold. The sale of the land to the current owner did not include farmhouse and outbuildings, only the two existing lambing sheds and that there had been little interest from neighbouring farmers at that time. A grant application, subsequently approved, for the Woodland Grant Scheme for Forestry was submitted and the acquisition was completed in 2009. In 2010, a short term grazing agreement was permitted to allow the movement of cattle. The lambing sheds were no longer in use for their original purpose and had been empty for the last ten months. Mr Adamson advised that the owner had looked at various options for alternative use and did not wish to sell and was concerned that the sheds would become a focus for anti social behaviour. Mr Adamson said that as the owner did not live in the area, he would require to employ a local workforce and wanted any diversification to be compatible with his forestry business,

In 2010, discussions with the Planning Officer had taken place to discuss various options for the site and under existing consent, the current proposal was suitable. Further to requests, additional information was submitted and the applicants had now been waiting since April 2011.

Mr Adamson advised that there had been a change in focus from farming to forestry and that there was little scope for seasonal use. Local farmers had not been interested in renting the land and the owner was keen to see the site maintained. It was in their opinion that this application would fall within the scope of farming/forestry and that it had excellent environmental credentials in producing wood fuel for the domestic market.

Mr Adamson explained that the process of seasoning wood for burning was lengthy and that only 5 – 6 cubic metres per hour would be processed. This was in comparison to 120 -130 cubic metres per hour in a modern processing facility. Mr Adamson accepted that there would be some resultant noise but that the frequency of this would be limited to working hours only and that the use of the site would be fairly low key.

Statutory Consultee

Nigel Millar – Helensburgh Community Council (HCC) wished to register objection to the proposal and cited STRAT DC3 which permits only “very limited and specific categories of countryside based development”. Mr Millar explained that it was the view of the HCC that this development was of an industrial nature there were concerns regarding the delivery and removal of heavy timber to and from the site.

Mr Millar referred to the change of use for the existing buildings and again referred to STRAT DC3 which lists that only in exceptional cases where it could be successfully demonstrated that the buildings were part of the vital infrastructure, which Mr Millar felt that in this case it did not.

In general, he said, HCC was pro-business in the town and whilst they appreciated that this was an economic development, they felt that the location was unsuitable and in these respects, they had no alternative but to oppose the development but that everything should be done to facilitate such developments in suitable locations in the area.

Objectors

Alastair Mcbeth, Helensburgh Green Belt Group, said that he would like to focus only on planning rules and that the new planning legislation emphasises support of the Council’s development plans. He advised that the Scottish Planning Policy states that the system should be ‘genuinely plan-led’

In his opinion, Mr Mcbeth felt that the application was contrary to Argyll & Bute’s Structure Plan STRAT DC3 (Green Belt) and Local Plan Policies LP ENV1 and LP BUS2 and that Mr Young had already pointed out several aspects these.

Mr Mcbeth felt that he would like to add two points which were that this application also contravened Scottish Planning Policy 2010, sections 159 – 164 on Green Belts and that none of the 14 material considerations listed in Scottish Government Circular 4, 2009 supported such developments and that several of them were contrary to it.

Mr Mcbeth noted that permission for ‘agricultural’ sheds had been given in 2010 but felt that the new application was not agricultural but was industrialisation of the countryside.

Mr Mcbeth pointed out that what was done with timber following the felling process was not forestry, and that it was industrial. He gave examples of this.

Other attempts to industrialise parts of Green Belt had been rejected by Scottish

Government reporters. He referred to the Reporter's comments following the public local inquiry for current Local Plan, 2008 vol. 3, page 29 as stating "we consider that such uses should be relocated on land designated for the purpose as such industrial estates" and in summing up, Mr Mcbeth urged members not to approve this development.

Mr Charles Carver, local resident, said that he had been appalled at the prospect of an industrial process being located 200 yards from the existing properties. There was approved planning for housing adjacent to the proposed site which had not been listed in the report and Mr Carver had concerns that this would be jeopardised as it would be untenable to live beside such a business.

Mr Carver had taken issue as to why the Road Department had retracted their concerns and noted that this was now not a farm and had an absentee landlord who was only interested in the site as an investment. Mr Carver noted that that the development would necessitate about 56, 30 tonne articulated trucks going through housing estates where naval families lived with small children and that this was a time bomb and that there would also be associated traffic with the sale of the wood. He noted also that the timber used for the firewood was not coming off the Camis Eskan forest and that if it had, things would be very different. Mr Carver stated that in his opinion this was not an agricultural development, but was industrial and that the wrong equipment would be used. He had concerns that there was no provision for dust extraction or ventilation of the diesel fumes that would result if equipment were to be used within the sheds.

Regarding the anticipated noise level of 102 decibels, Mr Carver said that this did not include associated noise which could bring the level up to a potential 300 decibels which would be outwith the permissible Health and Safety limit. Scottish Woodlands had allowed the Three Lochs Way to run through the farm and Mr Carver wondered how the public would get through the sheds and the locked farm gate. He also noted that there was no 3-phase power supply or sanitation provision.

Mr Carver advised that the sheds had been erected without any notification to neighbouring properties and that the developers of the new houses had received no such notification. He added that the barn was currently being used for storage of equipment.

Members' Questions

Councillor Reay asked the Mr Carver if the development on the planning application approved in 2002 had been build, to which Mr Carver said that it had. Mr Young explained that the omission of reference to this application had been an oversight and that he was happy to take this on board.

Councillor Reay suggested that if that were the case, how would it take STRAT DC3 into consideration.

Councillor Kinniburgh referred to the access which had been more accessible prior to the construction of the new Hermitage Academy and asked whether it would be possible to impose conditions restricting the movement of traffic to be outwith school hours only.

Mr Young responded by saying that it would require to meet the six tests of conditions and that any such condition would be difficult to enforce.

Councillor McKay asked Mr Young why there was no Roads Manager here to answer such important questions. Mr Young explained that the Roads Manager had given apologies due to a personal matter.

Mr Young explained that the Environmental Officer had requested further information in order that assessments could be carried out but that the problem with this was that if members chose to continue the application until this information was forthcoming, it might result in an application that could not be implemented were it to be granted.

Mr Young said that STRAT DC3 was the policy which was most relevant in determining this application and that there had been some difficulty in arguing for diversification of a farm business under this policy. He said that he must take a balanced judgement and that in his view as the site was Green Belt, the answer would have to be no. He agreed that there was no negative visual impact but that there were other issues to be considered.

Councillor Dance asked if there could be some reference as to where the approved new houses were to be and also as to why no notification of this development had been given to neighbours. She asked how it would be possible to support an application where there would be no electricity, no water and no response from Environmental Health.

Mr Adamson confirmed the distance of his home from the development as being 250m.

Mr Adamson said that he had never indicated that these facilities were required and that the machinery was not electrical and that there was a small water supply for sheep on site.

Councillor Dance said that this would suggest that the non-electrical equipment would be run outside and asked for clarification on this.

Mr Adamson could not confirm whether this would be the case but acknowledged that chainsaws would be in operation out of doors. Any equipment operated inside the shed would do so with the doors open and that this would only take place during sociable hours.

Mr Young explained that delay with Environmental had been due to the retirement of the previous Environmental Officer. Regarding the notification to neighbours, Mr Young advised that the sheds were normally permitted development and that the applicant had failed to notify the Council. As such, they required retrospective planning permission which had been subsequently obtained. As the land was in the applicant's ownership and due to the distance from the adjacent properties, there was no requirement to neighbour notify.

Councillor Devon asked Mr Adamson if Camis Eskin was an operating farm.

Mr Adamson said that it was difficult to determine as the boundaries between farming and forestry were vague. He did confirm that there was only a seasonal

grazing agreement in place and that this was due to expire. By May 2012 there would only be trees. Councillor Devon suggested that this would be more like a woodland. Mr Adamson advised that the current owners did operate a dairy business in Sussex.

Councillor Devon noted that Mr Carver had mentioned that the 3 Lochs Way dissected the site but noted that the gates were locked and asked why this was. Mr Adamson said that it was for security.

Councillor McCuish asked if the construction of three houses and two agricultural sheds compromised the Green Belt.

Mr Young stated that it had been a legitimate proposal and that following consultations he had found justification for it. As an agricultural use the sheds would have been permitted development if the correct procedure had been followed. The houses were also compatible as an occupational and locational need could be established.

Councillor McCuish suggested that if they were only 250m away, would this not constitute a Bad Neighbour in reverse.

Mr Young replied that they did have planning permission so the potential effect that the proposed development might have on them must be taken into consideration.

Councillor Colville asked Mr Adamson if the business was purely for the production of firewood, to which the applicant confirmed that it was.

Councillor Colville then asked Mr Young whether the Green Belt strategy was out of date and that under the Renewable Energy Action Plan, biomass had a huge importance in this area. He felt that the scale of this type of development was to be encouraged but that he needed clarification of the definition of allowing this in a Green Belt. He asked the planning officer to justify the definition of agriculture in this context.

Mr Young said that the policy only lists the allowance of 'tourism related' schemes and that this development could not be seen as such. He suggested that a competent motion could be put together to justify the proposal.

Councillor Reay said that he wished to clarify with the Planning Officer whether there was a specific definition that could apply to this proposal that was acceptable.

Mr Young replied that there were not many tourism related applications and quoted Ardardan as being an example of this.

Councillor Reay asked whether the application would be acceptable as a form of farming diversification and that whilst it was clear that this would be a well organised industrial operation, it would still require to comply with relevant regulations.

Councillor Kinniburgh asked Mr Adamson if the doors would be open during some of the processing works. Mr Adamson confirmed that they would and

asked that it be made clear that this was not an industrial operation and would only operate for around 200 hours in the whole year. He confirmed that according to his information, there would only be an increase in 10 decibels from machinery working outside.

Councillor Kinniburgh asked Mr Adamson how he proposed to address any conditions that would restrict access times. Mr Adamson said that there was in existence a highly developed process for the transporting of timber and that it was self regulated. He said that it would be possible to ensure specific time slots as the production of firewood was ad-hoc.

Councillor McKay asked what the trigger would be for a Traffic Impact Assessment to be carried out, to which Mr Young replied that there was no particular criteria and that it depended on local circumstances. Councillor McKay asked why this had not been requested by the Roads Manager. Mr Young said that the objection had been withdrawn and in that respect, the Roads Department clearly saw no problems.

Councillor Colville said that he would like clarity on STRAT DC3 and asked if it was up to date. Mr Young advised that the Structure Plan still formed part of the extant Development Plan and was still part of Council policy and was therefore up to date and viable. Mr Young suggested again that a competent motion could be argued but that it would need to take in the specific policy which would only take in tourism related development in relation to farm diversification.

Councillor Dance asked Mr Young that if he could confirm that if permission was granted that the council would have little control of what would happen in the future and that it would be in effect open ended.

Mr Young replied that this would largely be the case but that if use intensified, further application may be necessary.

Councillor Devon asked Mr Adamson if he could confirm if some of the wood would be processed elsewhere to which Mr Adamson responded that it would not. He added that the operator was a tree surgeon and only took home the surplus wood for processing. It was now necessary for him to look for bigger premises as he had difficulty storing the wood. He would also be looking to employ the current squad more fully and would buy in any surplus wood.

Councillor Devon referred to timber operations on the island of Mull and said that in her experience, timber lorries were dependent on ferry times. Mr Adamson said that in this instance this would not be the case as the applicant could suit himself and was flexible.

The Chair then asked that the summing up process would now begin and ascertained that no new information could be introduced at this point.

Planning Officer

Mr Young said that this was not a straightforward application and that if the new business could not meet the requirement of Policy STRAT DC3 it would have to be refused.

Statutory Consultee

Mr Millar reiterated his previous comments in that their objection focused around STRAT DC3. He had listened to the discussion today and was now clear that the figures given were what had been envisaged and that this would be an open ended commitment and felt that it was a pity that more suitable land could not be identified.

Mr Mcbeth agreed that this was an important point and that while STRAT DC3 was important, there had been indication that the Structure Plan could be slightly out of date. He advised that Scottish Planning Policy had a section on Green Belts part of which particularly stated what could be allowed in Green Belt and it also stated that:-

1. The designation of development in Green Belt should be of the highest quality and
2. The cumulative erosion of a Green Belt integrity through individual development should be avoided.

Mr Carver said that he was disappointed that the Roads Officers were not in attendance. He reminded members that there was no sanitation on the site and that this would necessitate the provision of portaloos which were unsightly. He was also concerned that the machinery was not fit for purpose and adequate for mass production and that it would be running inside a building. Mr Carver had not been convinced that this was a small scale operation. He also reminded members that the noise levels would be in the region of an unacceptable 200 decibels.

The Chair then ascertained that all parties had received a fair hearing to which they confirmed that they had.

Debate

Councillor Dance said that she had initially been sympathetic to the potential of farm diversification when the application had come to the September PPSL especially in the current climate. However, she was now surprised as to why a farm in Sussex should wish to diversify in Helensburgh. She agreed with the Planning Officer's recommendation and was disappointed at the non attendance of the Roads or Environmental Officer.

Councillor Kinniburgh said that he had given the application careful consideration and that he too was disappointed that there were no officers from Roads or Environment present today especially as there was an issue with noise levels. He felt that a dangerous precedent under STRAT DC3 would be set if the application were granted and was accordingly minded to support the Planning Officer's recommendation.

Councillor McKay also expressed his concern about the lack of relevant council officers as he felt that their expertise was relevant in addressing the potential traffic and safety issues which would result in the area. He was minded to support the Planning Officer's recommendation.

Councillor Devon indicated her support for the Planning Officer's recommendation.

Councillor Chalmers agreed with Mr Mcbeth's comments regarding the system being plan-led and that Mr Adamson had put a good case forward. However, he felt that there was potential for too many variables and unanswerable questions. He would therefore be supporting the Planning Officer's recommendation.

Councillor McMillan felt that due to the breach of Green Belt policy, he would support the Planning Officer's recommendation.

Councillor McQueen indicated support for the Planning Officer's recommendation.

Councillor Colville indicated that had it not been for the Green Belt element, he would have been supportive of the application and that a competent motion could be put up. He was minded to continue the application until further information was forthcoming and that a condition could be added to indicate what would be required. He wanted clear instruction on noise levels and conditions that could be applied. Councillor Colville had concerns that clarification would need to be had on the farm diversification aspect.

Councillor Reay agreed that the Green Belt and visual impact were the main issues. He felt that the importing of this industrial opportunity had been opportunistic and that the precedent of setting and industrial process in the Green Belt must be avoided. He stated that the blocking off of the 3 Lochs Way path was unacceptable. Councillor Reay indicated his strong support for the Planning Officer's recommendation.

Councillor McCuish said that whilst he sympathised in some respects with the applicant, he did not feel that this was diversification and indicated his support for the Planning Officer's recommendation.

Councillor Kelly said that he had also some reservations regarding the location of the application and that he had concerns regarding the lack of officers at today's hearing.

Decision

To refuse planning permission for the following reasons:-

The application site lies within the Helensburgh and Cardross Greenbelt as defined in the 'Argyll and Bute Structure Plan' 2002. Within this area, permission will not be given except in very special circumstances for development for purposes other than those related to agriculture, farm diversification, tourism, outdoor sport and recreation, development required to manage and sustain the natural heritage and access resources of the Greenbelt, demolition and replacement of buildings and alterations or extensions to buildings, including dwellinghouses, subject to no change of use occurring and change of use of buildings, including alterations and subordinate extensions of such buildings to residential institutional use. No such special circumstances are apparent in this case. It is considered that a site specific justification has not been established and that the proposed development does not require to be located within the

Greenbelt at this location. As such, the proposal is contrary to Structure Plan Policy STRAT DC3, which only gives encouragement to very limited and specific categories of countryside based development.

Councillor Colville having failed to find a seconder for an amendment asked that his dissent be recorded.