

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

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Archibald Hardie
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning, Housing and Regulatory Services
Sandra Davies, Acting Major Applications Team Leader
Graeme McMillan, Trainee Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee meeting held on 21 February 2018 at 10.45 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee meeting held on 21 February 2018 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee meeting held on 21 February 2018 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee meeting held on 26 February 2018 was approved as a correct record.

*** 4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: - LICENSING CONDITIONS, LICENSING FEES AND PREPARATION FOR LICENCE RENEWALS**

A report advising Members of recent changes to Civic Government Licensing legislation, as well as informing them of potential changes that may be implemented in the near future was considered. In addition the report also updated Members on preparations for the renewal of licences granted under the Civic Government (Scotland) Act 1982, and invited them to consider revision of the respective fees and conditions which apply to these licences.

Decision

The Committee agreed:-

1. to note the contents of the report;
2. to consult with licence holders and other relevant parties on the proposed amendments to the licence conditions as detailed in Appendix 1 to the Executive Director's report;
3. to continue to have regard to the existing Taxi Surveys at hearings for taxi operator licences, and consider at a later date whether new reports are required at such a time where circumstances have changed to a material degree;
4. to the proposed new fees for all Civic Government licences as detailed at Appendix 2 of the report and that these be passed to the Council for approval; and
5. that licences currently subject to a fixed three year period and due for renewal in June 2018 continue to be granted on that basis.

Having moved an Amendment which failed to find a seconder in respect of decision 4 above, Councillor George Freeman, asked for his dissent to be recorded in respect of that part of the decision.

(Reference: Report by Executive Director – Customer Services dated 5 March 2018, submitted)

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR AMENDMENT TO A STREET TRADER'S LICENCE (R SERAPIGLIA, LARBERT)

The Committee, at a Civic Government Hearing on 24 January 2018, considered an application for an amendment to a Street Trader's Licence. At this hearing the Committee agreed to continue this application until March following consideration of a report on the general issue of conditions which is referred to at item 4 of this Minute.

This application was before those Members of the Committee that attended the hearing on 24 January 2018 for further consideration.

Decision

The Committee agreed to continue consideration of this application until the outcome of a consultation, agreed to be undertaken in respect of proposed amendments to licensing conditions, is reported back to the Committee.

(Reference: PPSL Civic Hearing Minute dated 24 January 2018 and report by Head of Governance and Law, submitted)

6. DR NORMAN MACDONALD: IMPROVEMENTS TO JUNCTION AND ACCESS: LAND OPPOSITE FERLUM, BENDERLOCH, OBAN, PA37 1QS (REF: 17/00983/PP)

The Acting Major Applications Team Leader spoke to the terms a supplementary report which advised of additional third party representations received raising objection to the proposal. Additionally it had been identified that the initial report to Members dated 9 March 2018 did not fully address concerns raised in relation to the impact of the proposed development upon road safety in relation to its impact upon the existing private access located to the NE between the properties Ferlum and Korora. In light of the further material issues raised by third parties in relation to the road safety implication of the proposal it is recommended that Members should convene a discretionary public hearing to explore these issues further in advance of a formal determination being reached.

Decision

The Committee agreed to hold a Members' site visit and to convene a meeting of the Committee at the conclusion of this site visit to resume consideration of this application.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 9 March 2018 and supplementary report number 1, submitted)

Councillor Robin Currie left the meeting during consideration of the foregoing item.

7. THE FYNES CAVIAR COMPANY LTD: SITE FOR THE ERECTION OF A CLOSED CONTAINMENT AQUACULTURE FACILITY FOR THE PRODUCTION OF STURGEON: ARDKINGLAS SAWMILL, CAIRNDOW (REF: 17/02897/PPP)

The Acting Major Applications Team Leader spoke to the terms of the report. Planning permission in principle is sought for the erection of a closed containment aquaculture facility at Cairndow. The site is located within a Potential Development Area (PDA) as defined within the adopted Argyll and Bute Local Development Plan which is identified as a mixed use site for business, housing and recreation. The PDA already has the benefit of an approved Masterplan which is a material consideration in the determination of this application. The fish farm would be located in an area identified for commercial development in the Masterplan and would accord with all other relevant LDP policies. Reference was made to supplementary report number 1 which advised Members of the details of a consultation from SNH dated 15 March 2018. Reference was also made to supplementary report number 2 which updated Members on responses received from the Animal and Plant Agency and the Marine Fish Inspectors. The application has been the subject of 2 objections, 1 representation and a petition with 5000 names. The local Community Council also expressed concerns. As all issues have been addressed in the reports and the proposal would comply with the Local Development Plan, it is considered that a Hearing would not add value to the land use planning aspects of this application and it is recommended for approval subject to the conditions, reasons and notes to the Applicant detailed in the report of handling and in supplementary report number 1.

Decision

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons and to notes to the Applicant detailed in the report of handling and supplementary report number 1:-

1. Plans and particulars of the matters specified in conditions 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 17; 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 details contained within the approved plans and particulars.

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

2. Pursuant to Condition 1- The proposed access shall join the trunk road at an improved junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 6. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, before any part of the development is commenced.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

3. Development shall not commence until the applicant has provided and is able to maintain visibility splays onto the A83 trunk road on each side of the access to the satisfaction of the Planning Authority in consultation with Transport Scotland. These splays shall measure 160m x 4.5m x 1.05m for traffic headed towards Arrochar and 160m x 4.5m x 1.05m for traffic headed towards Inveraray.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To ensure that drivers headed towards Inveraray are able to see stationary vehicles waiting to turn right into the access in ample time to enable them to stop.

4. Development shall not commence until the applicant has provided and is able to maintain visibility splays from the private access onto the old A83 of 42m x 2.4m x 1.05m in both directions to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

5. Prior to the fish farm being brought into use, the access from the application site onto the private access shall:
 - i) Be a minimum of 4.5m wide with the first 5m being finished in a sealed surface;
 - ii) Have visibility splays of 20m x 2m x 1.05m in both directions;
 - iii) The access shall be designed so that surface water will not flow onto the private access;
 - iv) Gates shall not be able to open out onto the private access.

During both the construction and operational phases all vehicles associated with the development must be contained within the site and be able to enter and leave in forward gear.

Reason: In the interests of road safety.

6. Pursuant to condition 1 - Potential surface water flood risk shall be mitigated by either raising final floor levels to be at least 0.3 metres above the existing ground level and / or site drainage design. Full details of this mitigation shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall proceed in accordance with these details.

Reason: In order to ensure that flood risk is effectively addressed.

7. Pursuant to condition 1 - full details of the surface water drainage for the site which shall be designed in accordance with CIRIA C753 and Sewers for Scotland 3rd Edition shall be submitted to and approved in writing by the Planning Authority. This shall include calculations and maintenance details. Thereafter the development shall proceed in accordance with these details.

Reason: to ensure that the site has an acceptable surface water drainage system.

8. Pursuant to condition 1 – Full details of a SUDS system which shall drain the development during construction shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA.

Reason: In order to ensure that the water environment is not at risk during the construction phase.

9. Pursuant to condition 1 – full details of the proposed foul drainage system shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall proceed in accordance with these details.

Reason: To ensure that the site has an acceptable foul water drainage system.

10. Pursuant to condition 1- The layout of the site shall be in accordance with indicative layout plan LF/16/PP05 rev D or such alternatives as may be agreed in writing with the Planning Authority. Full details of the final layout shall be submitted for the fulfilment of this condition.

Reason: To ensure that there is an acceptable layout for the site.

11. Pursuant to condition 1 – The design of the building and external materials shall be completed in accordance with indicative drawings LF/16/PP06, LF/16/PP07 and LF/16/PP08 or such alternatives as may be agreed in writing with the Planning Authority. Full details of the final design and materials shall be submitted for the fulfilment of this condition.

Reason: To ensure that the buildings are of an acceptable design and materials.

12. Pursuant to condition 1 – Landscaping shall be carried out in accordance with indicative drawing no. IWFLI/CLACH/01 unless otherwise agreed by the Planning Authority. The scheme shall comprise a planting plan and a schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location, design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree / shrub to be planted.

- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees / shrubs which within a period of 5 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.

13. Pursuant to condition 1 – Full details of any external lighting at the site shall be submitted to and approved in writing by the Planning Authority. This shall include details of any external lighting at the site details of the location, number and luminance of the intended lighting units, the manner in which they will be aligned or shielded to avoid glare outwith the site boundary, and the means by which they will be controlled so as to restrict times of operation. The development shall be implemented and occupied thereafter in accordance with the duly approved details or such revisions as may be agreed subsequently by the Planning Authority.

Reason: To ensure that the lighting of the site is controlled so as to avoid unnecessary illumination in an area largely free of artificial light sources, in the interests of amenity.

14. Pursuant to condition 1 – no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified and competent person(s) and shall include a risk assessment having regard to the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 which shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. The development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification and is operational.

Reason: In order to ensure that there is an acceptable water supply for the development.

15. Pursuant to condition 1 – The applicant shall submit a fully comprehensive operating plan in terms of the site and the processing unit prior to the commencement of development. The development shall be implemented and occupied thereafter in accordance with the duly approved details or such revisions as may be agreed subsequently by the Planning Authority.

Reason: In order to ensure that the development will have no adverse impacts on surrounding amenity.

16. During the demolition and construction phase the hours of operation of the site shall be restricted to 08:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays. There shall be no operation on Sundays or Bank Holidays.

Reason: In order to minimise the level of noise and/or vibration that nearby residents will be exposed to during the construction phase.

17. Pursuant to condition 1 – A management plan shall be submitted which details suitable control measures to be put in place so as to ensure that the construction phase does not cause loss of amenity to local residents and / or statutory nuisance. This shall include the identification and assessment of all potential sources of nuisance including noise / vibration, dust and any temporary lighting provided which may cause disturbance to nearby residents during the demolition and construction of the development. It shall also include consideration of the intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site during the construction phase. Thereafter the development shall be carried out in accordance with these details.

Reason: In order to minimise disruption during the construction phase.

18. The Noise Rating Level attributable to the operation of the approved scheme shall not exceed background noise levels by more than 3dB(A) at 3.5m from the façade of any residential property measured in accordance with BS4142:2014.

Reason: In order to protect the amenity of the area from noise disturbance.

19. Pursuant to condition 1 – Prior to the commencement of development the applicant should produce a full biosecurity plan that addresses the following key issues:

1. How the proposed outflow screening meets the definition of a closed facility under Article 3 of the Alien and Locally Absent Species in Aquaculture (Scotland) Regs.
2. How they will prevent escapes from occurring, and how they might recover fish if they actually do escape.

This is an issue that requires careful consideration as we consider that if fish get out or are liberated into the wider environment, then they are unlikely to be caught.

3. How they will mitigate the risk of accidental import of hitch-hikers along with the transfer water.

In order to do this, the applicant will need to specify which location(s) the fish will come from; whether or not these are closed facilities in terms of the Regs.; how they will ensure all fish are properly disease screened before they are taken to the site; how the fish will be transferred from the farm into the transit tanks; and how the water in these tanks will be treated to minimise the risk of accidentally introducing non-native plants and animals into Scotland.

Reason: In order to minimise the risk of accidentally introducing non-native plants and animals into Scotland.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 13 March 2018, submitted)

8. PLANNING PERFORMANCE FRAMEWORK 2016/17

A report containing recent feedback from the Scottish Government in relation to the Council's Planning Performance Framework (PPF) was considered.

Decision

The Committee considered the terms of the report and agreed to publicise the positive feedback from the independent review.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 9 March 2018, submitted)