

**FINAL MINUTE OF MEETING 02/2014
OF THE PLANNING & ACCESS COMMITTEE
HELD ON MONDAY 31st MARCH 2014 AT 1PM
JOHN MUIR SUITE, CARROCHAN, CARROCHAN ROAD, BALLOCH**

Present: Owen McKee (Chairman)
David McCowan
Willie Nisbet
David Warnock
Colin Bayes
Fergus Wood
Kate Sankey
George Freeman

In Attendance: Iain Nicolson, Head of Planning
Bob Cook, Development and Implementation Manager
Catherine Stewart, Planning Officer
Sandra Dalziel, Governance Manager (interim)
Nicola Arnott, Committee Officer
Stuart Mearns, Forward Planning Manager

The Chairman opened the meeting and welcomed those present at the meeting.

1. Apologies

Apologies were received from Petra Biberbach and David McKenzie.

2. Minutes of previous meeting

The minutes of the meeting on 27th January were agreed as an accurate record of the meeting subject to the addition of the decision to approve item 5 of the agenda.

3. Matters arising

Sandra Dalziel introduced the report. Updates were given as follows:

Actions from meeting on 27th January

Colin Bayes advised that he is meeting with SEPA on Friday 4th April regarding the process for obtaining CAR licences and how this integrates with the planning process.

Bob Cook circulated a paper on roads projects in the NPA. Iain Nicolson gave an update on Pulpit Rock and advised that he has suggested that Transport Scotland give a presentation to Officers and Members. A short discussion took place regarding the most appropriate forum in which the presentation could be given and it was agreed this would be considered under AOB.

ACTION: Iain Nicolson to liaise with Transport Scotland to arrange for a presentation to be given to Officers and Members.

Actions from meeting on 16th September 2013

Bob Cook gave an update on the action regarding enforcement issues at the Rowardennan Hotel and confirmed that the Authority is working with the applicant on a new application and the new application will address enforcement issues.

4. Declarations of interest

None

5. 2013/0301/DET – Old telephone exchange, Church Road, Luss

Erection of fish smokery (Class 5 premises) with visitor viewing area

Catherine Stewart introduced the report and explained that the location of the site is within the 1:200 year flood zone and is within the Luss Conservation Area. She circulated an amended condition for the restriction on use and an additional condition for breeding birds protection. She advised that SEPA have objected to the application and that if Members were minded to approve the application, it would be required to be referred to Scottish Ministers. She explained that Argyll and Bute's Flood Risk Team have recommended that the finished floor level (FFL) is 11.47m AOD. She further advised that SEPA have maintained their objection following a re-consultation due to further information being submitted by the applicant; they have subsequently stated that their objection can be removed if a condition is secured which raises the FFL to 11.47m AOD. She gave a presentation of slides that showed the design and layout of the development. She gave further detail on the issue of flooding and advised that the floor to ceiling height would need to be further reduced in order to comply with the requirement for the FFL to be 11.47m AOD. She advised that discussions with the agent have not resulted in agreement to comply with the 11.47m AOD level and they have indicated that the maximum FFL that can be achieved is 11.2m AOD due to the design issues. She invited questions and comments from Members.

Members discussed the application and the following comments were made:

- Concern was expressed regarding the objections from SEPA and Argyll and Bute Council's Flood Risk Team.
- The drawings are of an unsatisfactory standard particularly given the proposed development's location with a conservation area. Catherine

Stewart advised that revised drawings would be required to be submitted to address the preventative measures regarding flooding should planning permission be granted.

- The FFL of 11.47m AOD was discussed in terms of the design compromises it would require in order to meet this recommended level. Members discussed the height of the building at this level and its relationship with surrounding buildings and it was agreed that an increase in the external height would not be in keeping with the character of the conservation area.

It was agreed that a compromise between the design issues and flood issues required to be reached. George Freeman proposed a motion to include a condition that required an FFL of 11.2m AOD. The motion was seconded by Colin Bayes. Members voted on the recommendation and 5 Members voted for the motion and 3 Members voted against it.

DECISION: Members **approved** the application subject to the imposition of conditions as set out in Appendix 1 of the report with amendments and additions to conditions as follows and subject to referral to Scottish Ministers.

- i) Amended condition 3 for the restriction on use as per circulated amendment;
- ii) Additional condition for breeding birds protection as per circulated additional conditions;
- iii) Finished floor level of 11.2m to be secured by an additional condition requiring detailed drawings to be submitted for approval.

6. 2013/0302/CON - Old telephone exchange, Church Road, Luss
Demolition of former telephone exchange

Catherine Stewart introduced the report and explained that the demolition of the old telephone exchange is required in order for the development of associated application 2013/0301/DET to take place. She advised that there have been no objections from Historic Scotland or the National Park's Built Heritage Advisor and she drew Members' attention to the additional conditions circulated for bat mitigation measures and breeding bird protection. She advised that a bat survey was received after the committee report was published and an additional condition has been drafted to address bat mitigation measures and an additional condition for breeding bird protection.

DECISION: Members **approved** the application subject to the imposition of conditions contained in Appendix 1 of the report and additional conditions as follows:

- i) Additional condition for breeding birds protection as per circulated additional conditions.
- ii) Additional condition for bat mitigation measures as per circulated additional conditions.

7. Planning Service Charter Update

Bob Cook introduced the report and advised that the report gives details of performance against targets. He advised that there has been a decline in results for some targets which was attributed to the increase in the number of run of the river hydro schemes and also of staff absence. He advised that a review of the Service Charter is currently being worked on. Members discussed the statutory timescales and it was noted that there had been no complaints received in respect of the statutory timescales targets. The impact on the team from the increase in the number of run of the river hydro schemes and staff absence was noted by Members.

DECISION: Members **noted** the report.

8. Planning Obligations (Section 75 Agreements)

Bob Cook introduced the report and advised that only 3% of applications in 2013 were subject to legal agreements, however, this small number of cases can disproportionately impact upon performance statistics. He explained that the aim of the procedural updates outlined in the report is to improve efficiencies in the processing of planning applications which are subject to legal agreements. He advised that of the 34 planning authorities in Scotland, 8 currently have efficiencies in place. He advised that the use of deadlines for conclusion of legal agreements should significantly improve overall timescales for conclusion of planning applications where cases have become 'stalled' at this stage.

DECISION: Members **noted** the report.

9. A.O. B.

Iain Nicolson advised that Transport Scotland have indicated that they can provide a briefing session to Members on the various roads projects taking place in the National Park. It was agreed that the NPA Board Business Session would be the most appropriate forum in which this could take place. He advised that there is also an opportunity for Members to receive a briefing session from Digital Scotland/BT regarding the Step Change capital programme roll out.

ACTION: Iain Nicolson to liaise with Digital Scotland/BT to arrange for a presentation to be given to Members.

The recent Scottish Government publication 'The Role of Councillors in pre application discussions' was discussed and Bob Cook advised the guidance will require to be incorporated via an appropriate mechanism e.g. Members Code of Conduct and/or new procedures to be drafted. He advised that work will be ongoing to determine the appropriate way to take the guidance forward.

Stuart Mearns gave an overview of the programme of public engagement for the Local Development Plan Main Issues Report. He advised that Officers have attended Local Area Network meetings and a training session facilitated by Planning Aid for community representatives will be held. He stated that community council meetings will also be attended by Officers and that there will be a programme of engagement with local schools. He emphasized that non-

attributable comments will be sought as part of a visioning exercise. He added that there is a live twitter feed for the Main Issues Report entitled Live Park.

Iain Nicolson advised that a planning training session for Members will be held later in the year which will include site visits and the timing will take account of the potential changes to committee following the local elections and ministerial appointments.

10. Date of next meeting: 28th April

Signed _____
O. McKee, Chairman