

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 JANUARY 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Neil MacIntyre	Councillor Richard Trail
Councillor Robert G MacIntyre	

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Sandra Davies, Acting Area Team Leader
Mark Lodge, Senior Planning and Strategies Officer

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

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 11 December 2015 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 10.45 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 2.00 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 2.20 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 2.40 pm was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 3.00 pm was approved as a correct record.
- g) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 3.20 pm was approved as a correct record.

4. DR NORMAN MACDONALD: ERECTION OF RECREATIONAL/FISHING HUT (RETROSPECTIVE): LAND NORTH EAST OF KENOVARA, BENDERLOCH, OBAN, ARGYLL AND BUTE, PA37 1QS (REF: 15/01225/PP)

The Acting Area Team Leader spoke to the terms of the report and supplementary report 1 which advised of a substantive change to the recommendation first advanced to Members in November 2015 and the reasons for the reversal of the Planning Authority's original position. She also referred to supplementary report 2 which advised of the receipt of further correspondence from the Solicitor acting on behalf of the Applicant and further information from the adjacent land owner citing legal advice obtained from their solicitor. The Committee considered this retrospective planning application at their meeting on 18 November 2015 and it was agreed to continue consideration until the legal matter regarding ownership and use rights of Lochan Dubh was concluded. Whilst no agreement has been reached between the Applicant and the objector and no further evidence submitted, the Council's Solicitor has been asked to review the available documentation and has concluded that whilst the ownership of the lochan may indeed be fragmented between both parties, the balance of evidence clearly points to the fishing rights and all other rights pertaining to the water contained by the lochan having been reserved for the sole benefit of Sir Roderick and Lady Caroline Campbell (the objector). In light of this, it is considered that the Applicant's 'exceptional case' argument fails such that the planning authority is no longer able to support the application for planning permission for the reasons stated in supplementary report number 1.

Decision

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

1. The proposed retrospective development seeks the retention of an unlawful, small scale, timber building located within a wider 'countryside zone' within which the relevant provisions of the Local Development Plan would only offer support for such a development on the basis of it constituting an acceptable infill, rounding-off or redevelopment opportunity or else, and in exceptional circumstances only, if the proposed development is on an appropriate site and accords with an Area Capacity Evaluation.

In this case, the development does not constitute any appropriate infill, redevelopment or rounding-off opportunity within the countryside zone and neither is it considered that any substantive exceptional circumstances exist; the Applicant's claim of an exceptional case based wholly on a locational/operational need to site the proposed fishing hut immediately adjacent to Lochan Dubh being not supported by the Planning Authority on the balance of the submitted and available evidence.

The proposed development is therefore considered contrary to the relevant provisions of the Local Development Plan, specifically part E of policy LDP DM 1 which is only supportive of new development within the countryside which can be defined as infill, rounding off or redevelopment unless an exceptional case has been made and accepted and point (1) of supplementary guidance policy LDP REC/COM 1 as it does not accord with policy DM1.

(Reference: Report by Head of Planning and Regulatory Services dated 6 November 2015, Supplementary Report Number 1 dated 21 December 2015 and Supplementary Report Number 2 dated 15 January 2016, submitted)

5. HOUSES FOR HEROES SCOTLAND AND THE CHRYSTAL TRUST: ERECTION OF 2 DWELLINGHOUSES AND THE FORMATION OF VEHICULAR ACCESS: LAND EAST OF SHIRA LODGE, MAIN ROAD, CARDROSS (REF: 15/03004/PP)

Before commencing with her presentation the Acting Area Team Leader advised of a late representation of support from Councillor Maurice Corry and the contents of his email were read out to the Committee. Reference was also made to email correspondence between the Chief Executive of Houses for Heroes and the Council's Chief Executive and a copy of this was tabled to Members. It was agreed to adjourn the meeting for 10 minutes to allow Members the opportunity of reading through this correspondence and supplementary report number 1 which advised of additional representations both objecting to and in support of this application together with further comments from the Applicants' Agent and which was circulated the day before this meeting. The Area Team Leader also advised of a further late representation of support received by email from Mr P Watson. Planning permission is sought for the erection of 2 dwellinghouses and the formation of a new access on a site adjoining Cardross Old Parish Church and Churchyard. The site is located within the greenbelt and Cardross Conservation Area. This proposal follows on from an application for 3 dwelling houses at the same site which was refused following a hearing held in November 2014. It is recommended that planning permission be refused for the reasons detailed in the report of handling but due to the number of representations received it is also recommended that a hearing be held in advance of determination of this application.

Motion

To agree to hold a pre determination hearing in respect of this application.

Moved by Councillor George Freeman, seconded by Councillor Roderick McCuish

Amendment

To agree to hear the full presentation from Planning before determining whether or not a hearing is required.

Moved by Councillor David Kinniburgh, seconded by Councillor Sandy Taylor

The Motion was carried by 8 votes to 6 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a pre determination hearing in respect of this application.

(Reference: Report by Head of Planning and Regulatory Services dated 7 January 2016 and Supplementary Report Number 1 dated 19 January 2016, submitted)

6. HOUSES FOR HEROES SCOTLAND AND THE CHRYSTAL TRUST: PARTIAL DEMOLITION OF LISTED BOUNDARY WALL TO FACILITATE CONSTRUCTION OF VEHICULAR ACCESS: LAND EAST OF SHIRA LODGE, MAIN ROAD, CARDROSS (REF: 15/03005/LIB)

Listed building consent is sought for the formation of a new access in connection with an associated development for the erection of 2 dwellinghouses on a site adjoining Cardross Old Parish Church and Churchyard.

Decision

The Committee agreed to consider this item in conjunction with the previous item at a pre determination hearing, as agreed at item 5 of this Minute.

(Reference: Report by Head of Planning and Regulatory Services dated 7 January 2016 and Supplementary Report Number 1 dated 12 January 2016, submitted)

7. INDEPENDENT REVIEW OF PLANNING

A report advising that the Scottish Government has appointed an independent panel to undertake a strategic level review of the planning system to identify the scope for further targeted improvements to the system was before Members for consideration. As part of the review the Scottish Government is looking for input from all those with an interest in the planning system, and a questionnaire covering six broad elements of the planning system has been issued to allow for the submission of written evidence. The closing date for the submission of written evidence was 1 December 2015 and an Officer response to the review questionnaire has been submitted to the Scottish Government and is appended to the report.

Decision

The Committee noted the Officer response to the review questionnaire.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 2 December 2015, submitted)

8. ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE: RENEWABLES

A report advising Members of additional proposed supplementary guidance on renewable energy developments and spatial framework for windfarms was considered.

Decision

The Committee agreed:-

1. to approve the publication of the Draft Supplementary Guidance on Renewables for public consultation for a 6 week period in February/March 2016;
2. that at the end of the consultation period a report be submitted to the PPSL Committee summarising the issues raised by any representations on the

Supplementary Guidance and provide an Officer recommendation for the finalised policy for consideration by Committee; and

3. that after consideration of the finalised policy by the PPSL Committee a report be sent to Council for approval to send Notification of Intention to Adopt to Scottish Ministers, and thereafter adoption by the Council.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 17 December 2015, submitted)

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

9. ENFORCEMENT REPORT - 15/00059/ENOTH2

Consideration was given to enforcement case reference 15/00059/ENOTH2.

Motion

To agree the recommendations as detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Alex McNaughton

Amendment

To agree the recommendations in the report subject to the timescale of 3 months being changed to 4 months.

Moved by Councillor Sandy Taylor, seconded by Councillor Gordon Blair

The Motion was carried by 9 votes to 3 and the Committee resolved accordingly.

Decision

The Committee agreed the recommendations in the report.

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