

MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the EAGLESHAM HOUSE, MOUNTPLEASANT ROAD, ROTHESAY, ISLE OF BUTE on TUESDAY, 13 JANUARY 2009

Present: Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor L Scoullar
Councillor A McNaughton	Councillor R Simon
Councillor J McQueen	Councillor I Strong
Councillor R Macintyre	

Attending: Charles Reppke, Head of Democratic Services and Governance
David Eaglesham, Area Team Leader Development Control

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Walsh and Chief Inspector Mosley.

2. DECLARATIONS OF INTEREST

Councillor A McNaughton declared a non financial interest in items 4a and b by reason of personal knowledge of the applicant.

Councillors R Macintyre and L Scoullar declared a non financial interest in item 4f by reason of personal knowledge with the main objector.

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 16TH DECEMBER 2008

The Minute of the Area Committee of 16th December 2008 was approved as a correct record.

4. DEVELOPMENT SERVICES

(a) PLANNING APPLICATION 08/00607/DET, J MCNAUGHTON, SITE 1 LAND 250 METRES SOUTH OF SALTHOUSE, COLINTRAIVE

Councillor A McNaughton, having declared a non financial interest in this item, left the meeting and took no part in the discussion of this matter.

Motion

Section 25 of the Town and Country (Scotland) Act 1997 requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Cowal Local Plan and the Argyll and Bute Structure Plan.

In terms of the Cowal Local Plan, the site complements the existing settlement pattern along the eastern shore of Loch Riddon which is

characterised by small clusters of houses at widely spread intervals. Although the site of the development is more elevated than others, it is well screened by existing trees on the loch side and only the roof would be visible from the A886. I therefore consider that the proposal accords with POL HO 10 of the Cowal Local Plan.

The Post Inquiry Modified Argyll & Bute Local Plan, although the most recent statement of council policy, is only a material consideration. In the Plan, the site lies within a ROA, although the Reasoned Justification to Policy LP HOU 1 mentions that development proposals in such areas in National Scenic Areas will be considered to be premature until a Landscape Capacity Study has been approved by the Council. However the ROA in question stretches over 1km along the northern end of the east shore on Loch Riddon and given that precedent was set in relation to Site 2 in 2004 when that plot was considered to have an acceptable environmental impact, I cannot imagine that a Landscape Capacity Study could find that the landscape impact of this site was now unacceptable. Approval of this application would not therefore compromise the findings of such a study. I do not therefore consider that the emerging Local Plan should override the provisions of the development plan in this case.

I also consider that operational need is an important consideration, bearing in mind STRAT AC 1 which “allows non agricultural form of development to support farming”.

Consequently, I move that the application be approved as being in accordance with the development plan subject to conditions to be approved by the Head of Planning Services in consultation with the Area Chair.

Proposed: Councillor B Marshall
Seconded: Councillor R Simon

The Head of Democratic Services and Governance and Area Team Leader, Development Control advised Members that this was not a competent motion and explained the reasons for the advice and advised that it would be recorded in the minutes that this advice had been given to Members.

The Chair, having considered the advice, ruled that the motion was competent.

Decision

The Committee unanimously agreed the terms of the Motion and noted that the application would be referred to the Protective Services and Licensing Committee.

(Reference: Report by the Head of Planning Services dated 28th November 2008 – submitted)

(b) **PLANNING APPLICATION 08/00611/DET, J MCNAUGHTON, SITE 2
LAND 250 METRES SOUTH OF SALTHOUSE, COLINTRAIVE**

Councillor A McNaughton, having declared a non financial interest in this item, left the meeting and took no part in the discussion of this matter.

Motion

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Cowal Local Plan and the Argyll & Bute Structure Plan.

This site benefitted from an outline planning permission granted as recently as 2004. The permission was granted (under delegated powers) and presumably considered to accord with the development plan despite being located in a National Scenic Area. As the development plan has not changed, the current application must therefore accord with the development plan.

The Post Inquiry Modified Argyll & Bute Local Plan, although the most recent statement of Council policy, is only a material consideration. In that Plan, the site lies within a Rural Opportunity Area, although the Reasoned Justification to Policy LP HOU 1 mentions that development proposals in such areas in National Scenic Areas will be considered to be premature until a Landscape Capacity Study had been approved by the Council. However, the Rural Opportunity Area in question stretches over 1km along the northern end of the east shore of Loch Riddon and, given that the plot was considered in 2004 to have an acceptable environmental impact, I can not imagine that a Landscape Capacity Study could find that the landscape impact of this site was now unacceptable. Approval of this application, bearing in mind its recently expired planning permission, would not therefore compromise the findings of such a study. I do not therefore consider that the emerging Local Plan should override the provisions of the development plan in the case.

Consequently, I move that the application be approved subject to conditions to be approved by the Head of Planning Services in consultation with the Area Chair.

Proposed: Councillor B Marshall

Seconded: Councillor R Simon

The Head of Democratic Services and Governance and Area Team Leader, Development Control advised Members that this was not a competent motion and explained the reasons for the advice and advised that it would be recorded in the minutes that this advice had been given to Members.

The Chair, having considered the advice, ruled that the motion was competent.

Decision

The Committee unanimously agreed the terms of the Motion and noted that the application would be referred to the Protective Services and Licensing Committee.

(Reference: Report by the Head of Planning Services dated 26th November 2008 – submitted)

- (c) **PLANNING APPLICATION 08/01244/DET, GEORGE HANSON (BUILDING CONTRACTORS) LTD, LAND SOUTH OF MONTFORD HOUSE, CRAIGMORE ROAD, ROTHESAY**

Councillor I Strong intimated her apologies for being late and joined the meeting at this stage.

Decision

The planning application be approved subject to conditions contained in the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 17th December 2008 – submitted)

- (d) **LISTED BUILDING APPLICATION 08/01537/LIB, GEORGE HANSON (BUILDING CONTRACTORS) LTD, LAND SOUTH OF MONTFORD HOUSE, CRAIGMORE ROAD, ROTHESAY**

Decision

The Committee agreed to refer to Historic Scotland that the listed building consent be approved subject to the standard conditions and reasons by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 17th December 2008 – submitted)

- (e) **CHANGE OF USE APPLICATION 08/01587/COU, DENICE PURDIE, CRAWFORD COTTAGE, STRATHLACHLAN, STRACHUR**

Decision

The planning application be approved subject to conditions contained in the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 22nd December 2008 – submitted)

- (f) **APPROVAL OF RESERVED MATTERS 08/01849/REM, MR D HAIG, GROUND TO REAR OF ST BLANES HOTEL, KILCHATTAN BAY, ISLE OF BUTE**

Councillors R Macintyre and L Scoullar, having declared a non financial interest in this item, left the meeting and took no part in the discussion of this matter.

Decision

The planning application be approved subject to conditions contained in the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 18th December 2008 – submitted)

- (g) **PLANNING APPLICATION 08/01815/DET, MACINTOSH HOMES, RUBERSLAW HOUSE, SHORE ROAD, INNELLAN.**

Decision

The planning application be refused in terms of the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 17th December 2008 – submitted)

- (h) **DELEGATED DEVELOPMENT CONTROL AND BUILDING CONTROL DECISIONS**

The Committee noted Delegated Development Control and Building Control Decisions made since the last meeting.

5. EXEMPT ITEMS

EXCLUSION OF PRESS AND PUBLIC

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the 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.

- (a) **ENFORCEMENT REPORTS**

Decision

Enforcement Reports:-

08/00256/ENOTH3 – no further action
08/00291/ENOTH1 – no further action

(b) **TREE PRESERVATION ORDER**

Decision

The Committee agreed with the recommendations in the report by the Head of Planning Services.