

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 19 AUGUST 2020**

Present: Councillor David Kinniburgh (Chair)

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

Attending: Fergus Murray, Head of Development and Economic Growth
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Tim Williams, Area Team Leader – Oban, Lorn and the Isles
Howard Young – Area Team Leader – Helensburgh and Lomond
David Moore – Senior Planning Officer
Fiona Scott, Planning Officer
Andrew Barrie, Planning Officer
Patricia O’Neill, Governance Manager
Shona Barton, Committee Manager

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing order 5.4 to enable discussion of reports on the Agenda.

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Gordon Blair.

2. DECLARATIONS OF INTEREST

Councillors Lorna Douglas and Richard Trail declared a non-financial interest in Agenda item 10 (**Planning Application Reference 20/01028/PP**) as they both knew the Applicant well. They left the meeting and took no part in the determination of this Application.

3. MINUTES

- a) The Minutes of the Planning Protective Services and Licensing Committee held on 17 June 2020 at 10.30 am were approved as a correct record.
- b) The Minutes of the Planning Protective Services and Licensing Committee held on 17 June 2020 at 2.30 pm were approved as a correct record.

- c) The Minutes of the Planning Protective Services and Licensing Committee held on 22 June 2020 at 2.00 pm were approved as a correct record.
- d) The Minutes of the Planning Protective Services and Licensing Committee held on 22 June 2020 at 2.30 pm were approved as a correct record.

4. LINK GROUP LTD: APPLICATION UNDER SECTION 75A(2): DISCHARGE OF PLANNING OBLIGATION RELATIVE TO PLANNING PERMISSION REFERENCE: 11/02248/PP: LAND NORTH OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 18/00422/PP)

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1. He also referred to a submission made by the Oban Disability Forum which had not been referenced in the reports. He advised that their submission was not an objection but a request for the play areas provided to have inclusive play equipment for a wide range of children. A Section 75 agreement was entered into requiring either the provision of play equipment or the payment of funds to the Planning Authority if this was not provided for Phase 1 under permission 11/02248/PP within five years of the commencement of the development. It has been understood, and agreed by Officers, since the initial Masterplan submissions for Phase 3 that it would be appropriate to amalgamate, as yet unmet, play provision for Phases 1 and 2 with the development of the larger Phase 3. The Applicants have been developing their play strategy for the whole site in consultation with local schools and this has now reached the stage where they have worked up detailed designs in order to meet the requirements of policy SG LDP HOU 3 to provide play areas for Phases 1 and 2 as well as Phase 3. Officers are reassured that in terms of location, scale and quality of provision, that the new play areas for Phases 1 and 2 will be brought forward under condition 13 of planning permission 18/00375/PP in an acceptable manner and in accordance with required standards. Therefore the Section 75 control is no longer considered to be required to secure the necessary play areas. Members were therefore requested to endorse the recommendation that the Section 75 obligation in respect of Phase 1 be discharged due to the provision of the required formal play area under the terms of condition 13 of Phase 3 (permission 18/00375/PP).

Decision

The Committee agreed that the Section 75 obligation in respect of Phase 1 be discharged due to the provision of the required formal play area under the terms of condition 13 of Phase 3 (permission 18/00375/PP).

(Reference: Report by Head of Development and Economic Development dated 4 August 2020 and supplementary report number 1 dated 18 August 2020, submitted)

Councillor Donald MacMillan joined the meeting at this point.

5. MR PELHAM OLIVE: ERECTION OF 12 DWELLINGHOUSES, ALTERATIONS TO VEHICULAR ACCESS AND INSTALLATION OF PRIVATE DRAINAGE SYSTEM: LAND EAST OF LOCHSIDE, PORTINCAPLE (REF: 20/00094/PP)

The Major Applications Team Leader spoke to the terms of the report and to supplementary reports 1 and 2. The main determining issues relating to this

application relate to the principle of medium scale development in a minor settlement, the acceptability of the siting and design of the proposed development, access, flooding/drainage and impacts on biodiversity and protected species, trees and the landscape which is designated as an Area of Panoramic Quality. At the time of writing the report for this application it had attracted over 1110 objections, 6 representations and 2 letters of support. Garelochhead Community Council has also objected to the application. Given the level of interest in the application and the nature and number of issues raised, it was recommended that a pre-determination hearing should be held as it is the view of Officers that this would add value to the decision making process.

Motion

To agree to hold a site visit and hearing based on the decision Members will take on the report at item 12 on the Agenda.

Moved by Councillor George Freeman, seconded by Councillor Lorna Douglas.

Amendment

To agree to delay a decision on this application until a decision is taken on the report at item 12 on the Agenda.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville.

A vote was taken by calling the roll.

Motion

Cllr R Currie
Cllr M J Devon
Cllr L Douglas
Cllr A Forrest
Cllr G Freeman
Cllr J Moffat

Amendment

Cllr R Colville
Cllr G A Hardie
Cllr D Kinniburgh
Cllr R McCuish
Cllr A Redman
Cllr S Taylor
Cllr R Trail

The Amendment was carried by 7 votes to 6 and the Committee resolved accordingly.

Decision

The Committee agreed to delay their decision on this Application until a decision was taken on the report at Item 12 on the Agenda.

(Reference: Report by Head of Development and Economic Growth dated 10 August 2020 and supplementary report number 1 dated 13 August 2020 and supplementary report number 2 dated 18 August 2020, submitted)

This application was subsequently dealt with at Item 13 of the Minute.

During presentation of the foregoing item the Committee were made aware that due to technical difficulties some Members of the Committee and Officers had lost

connection to the meeting. A short adjournment was agreed and the Committee reconvened at 11.35 am.

It was established that all Members of the Committee present for the meeting today were connected and the Major Applications Team Leader was invited to repeat her presentation on the Planning Application.

It was also noted that some Members had lost connection to the meeting during the presentation of the Planning Application submitted by Point Five Building Design (Reference: 19/02562/PPP) which was item 5 on the Agenda. The Chair ruled, and the Committee agreed, in the interests of fairness to receive the presentation again. This Application was subsequently dealt with at item 8 of this Minute.

Councillor Mary-Jean Devon left the meeting at this point.

6. MS ALISON J SINCLAIR: ERECTION OF HOLIDAY LET COTTAGE: GARDEN GROUND OF OTTER BAY, KILMELFORD (REF: 20/00388/PP)

The Planning Officer spoke to the terms of the report and advised of two late representations received from Kerr Solicitors, on behalf of the Applicant, and from Mrs Rintoul. In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the minor settlement of Kames where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG). The determining factors in the assessment of this application are whether or not the scale and design of the proposed development is acceptable for its site and surroundings including its impact upon the character and amenity of this area. It is also necessary to address access, infrastructure and servicing concerns. The proposal has elicited 17 objections from 10 households. In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the report and it is not considered that a discretionary hearing would add value to the planning process. The proposed small scale tourism development is wholly in accordance with the adopted LDP and was recommended for approval subject to the conditions and reasons detailed in the report of handling.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated **24/02/20**; supporting information and, the approved drawings listed in the table below unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Supplementary Map for Location Only (No Scale)			03/03/20

Location Plan (1:5000 @ A4)			03/03/20
Location and Ownership Drawing	LO (01)	A	03/03/20
Site Plan (1:500 @ A3)			03/03/20
Block Plan As Proposed (1:200)			03/03/20
Elevations and Floor Plan (1:100)			03/03/20

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached
- 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Please note the advice and guidance contained in the attached responses from the Council's Environmental Health Service and Biodiversity Officer. You are advised to contact them direct to discuss any of the issues raised.

OCCUPANCY RESTRICTION

2. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year.

Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwelling due to the proximity to the neighbouring residential properties and in order to respect the spacing between those properties.

Note to Applicant:

For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.

COMMENSURATE IMPROVEMENTS TO PRIVATE ACCESS TRACK

3. Notwithstanding the provisions of Condition 1, prior the holiday letting unit first coming into use, commensurate improvements to the private access track shall be undertaken. Such works shall comprise the repair of all carriageway potholing and surface rutting on a like for like basis and the clearance of drainage ditches and culverts. Thereafter the drainage ditches and culverts shall be retained clear of any obstructions.

Reason: In the interests of road safety.

VISIBILITY SPLAYS

4. Notwithstanding the provisions of Condition 1, prior to the holiday letting unit first coming into use, visibility splays of 2.4 metres to point X by 160 metres to point Y from the centre line of the junction at the public road shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y and maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

PARKING AND TURNING PROVISION

5. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate one vehicle within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

PRIVATE WATER SUPPLY

6. 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 hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Private Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2007 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The 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 shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supply.

Note to Applicant:

Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

SUSTAINABLE DRAINAGE SYSTEM

7. Notwithstanding the provisions of Condition 1 the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk.

LANDSCAPING

8. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

OTTER WATCHING BRIEF

9. Notwithstanding the provisions of Condition 1, a Watching Brief for Otter should be maintained during the construction period of the proposed development to ensure that no otter or otter habitat are compromised, with the Watching Brief made available for inspection by the Planning Authority.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

Note to Applicant:

Regard should be had to the Council's Biodiversity Officer's consultation comments in relation to the proposed development which provide further detail in respect of Otter which may be affected and the developer's responsibilities and obligations under nature conservation legislation.

(Reference: Report by Head of Development and Economic Growth dated 28 July 2020, submitted)

7. ISLE OF ULVA COMMUNITY MASTERPLAN: MASTERPLAN REPORT (REF: 20/00804/MPLAN)

The Planning Officer spoke to the terms of the report. The Isle of Ulva was subject to a successful community buyout on 21 June 2018 under the Land Reform (Scotland) Act 2003 by North West Mull Community Woodland Company. The aim of the purchase was to bring about the social and economic development of Ulva for the benefit of the community and a key objective was the repopulation of the island. A community masterplan has been prepared as the circumstances of Ulva and its community have materially changed subsequent to preparation of the adopted Argyll and Bute Local Development Plan 2015 which no longer meets the development aspirations of the community. The masterplan provides a framework for delivery of development in a format which the Council can consider and adopt as a further material consideration in the determination of future planning applications. The masterplan vision for the Isle of Ulva is to provide sustainable benefits for the community, including the repopulation and regeneration of the island in the short, medium and long term. It is considered that the components of the proposed Masterplan are appropriate for the sustainable development of the island. It was recommended that the Masterplan be approved and form a material consideration in the determination of future planning applications. The Masterplan should be updated as necessary in the event that developments are approved at the site in conformity with the Masterplan which prove to have implications for the delivery of development within the remainder of the site.

Decision

The Committee agreed:

1. to approve the Masterplan and that it form a material consideration in the determination of future planning applications; and
2. that the Masterplan should be updated as necessary in the event that developments are approved at the site in conformity with the Masterplan which

prove to have implications for the delivery of development within the remainder of the site.

(Reference: Report by Head of Development and Economic Growth dated 28 July 2020, submitted)

8. POINT FIVE BUILDING DESIGN: SITE FOR ERECTION OF TWO DWELLINGHOUSES: LAND SOUTH EAST OF ELDELSLIE, OBAN (REF: 19/02562/PPP)

The Area Team Leader for Oban, Lorn and the Isles brought to the Committee's attention a series of email submissions received from the Applicant on 18 August 2020. The emails alleged inconsistencies and inaccuracies within the published report of handling and raised complaints regarding the handling of the Application by the Planning Officer, the Roads Engineer and an engineer from the Council's Structures Team. He indicated that none of the complaints raised matters fundamental to the Application today. He advised that the Applicant had alleged deceit in the report and wished it to be known that he had never refused to provide a structural report and that he took exception with the use of the word "refused". The Area Team Leader confirmed that Officers have acknowledged that any use of the word "refused" in the published report of handling and in this context may be interpreted as inflammatory and have offered their apologies for any distress caused. He advised that the required structural survey report had been requested on a number of occasions – 18 March 2020, 23 March 2020, twice on 25 March 2020 – both by the Planning Case Officer and directly to the Applicant from the Roads Engineer, on 7 April 2020 (directly requested by the Roads Engineer), on 28 April 2020, on 12 May 2020, and a detailed response and comprehensive list of requirements and engineering guidance from the Council's Structures Team on 20 May 2020. This was followed by an appeal by the Applicant to the Scottish Government against the non-determination of the planning application. The appeal was declined as out of time. Finally on 2 June 2020 the Applicant was given a deadline for receipt of the missing information of 1 July 2020. He advised that while it was accepted that the Applicant had never strictly "refused" to provide the information, the fact remained that he had refused to agree to an extension of time to enable the information to be produced and, ultimately, has not provided the information despite Officers' best efforts to secure it. He advised that the Applicant had claimed that the bridge was currently used by heavy vehicles including the Council's and that he had no intention of using any vehicles heavier than this. He advised that no evidence was provided to support this claim and the Council's Network and Standards Manager has confirmed that even if Council vehicles did cross the bridge, the heaviest vehicle likely to do so would be a 26 tonne refuse collection lorry and, at most, one such vehicle movement every 2 weeks. This contrasts sharply with the requirement that the bridge is demonstrated to be safe for passage by 44 tonne vehicles and at a much greater frequency during the construction of the development.

The Planning Officer then spoke to the terms of the report. The Applicant is seeking planning permission in principle for two dwellinghouses with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters beyond layout and design to be addressed by way of future application(s) for approval of matters specified in conditions. The application provides an indicative layout showing how the proposed dwellinghouses could be accommodated within the site.

The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate two suitably sited and designed dwellinghouses within the defined settlement zone of Oban. Access to the site forms a critical part of this application and must be resolved at this stage. The Council's Roads Officer was consulted and requested the submission of a Safety Audit/Risk Assessment/Traffic Management Plan and a full structural survey of the bridge accessing the site from the A816 public road to demonstrate that the bridge could safely support a 44 tonne vehicle, being the minimum weight necessary to service any construction site relying on this proposed route of access. The Applicant submitted the Traffic Assessment which has been accepted by the Roads Authority, the Access Officer and Scotways. However, to date, the structural report has not been submitted and, despite several requests for this vital information, the Applicant has not provided it. The Planning Authority cannot deal with the requirements of the Roads Authority by way of a suspensive condition as it has to be satisfactorily demonstrated that the bridge is capable of taking the increased load resulting from the current application. The proposal has elicited 18 objections which are detailed at section F of the report of handling. Notwithstanding the assessment that the site could, potentially, successfully accommodate two suitably sited and designed dwellinghouses, the structural integrity of the bridge has not been addressed and it was recommended that the planning application be refused for the reason detailed in the report of handling.

Decision

The Committee agreed to refuse planning permission for the following reason:

1. Policy LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 state that the use of an existing private access will only be accepted if that access is either safe and appropriate in its current form or else is capable of commensurate improvements considered by the Roads Authority to be appropriate and necessary to the scale and nature of the proposed new development, and that it takes into account any current access issues (informed by an assessment of usage).

The proposed development would result in the intensification in vehicular use of a private access regime where it has not been demonstrated, through lack of structural details of the existing bridge, that the private access track is capable of serving the proposed development, either in its current state or else by any reasonable and necessary commensurate improvements to that access as informed by the submission and assessment of information necessary for the planning authority to properly assess this part of the proposed development.

In this regard, and in the absence of the submission and professional assessment of this necessary information, the proposal is considered contrary to the provisions of SG LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015.

Having moved an Amendment which failed to find a seconder, Councillor Roderick McCuish asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Development and Economic Growth dated 28 July 2020, submitted)

Councillor Donald MacMillan left the meeting during consideration of the foregoing item due to technical difficulties.

9. CRAIG CANT: ERECTION OF STORAGE BUILDING AND INSTALLATION OF ENTRANCE GATES AND 1.8 METRE HIGH FENCE TO FORM ENCLOSED YARD: LAND NORTH OF DARLEITH LODGE, DARLEITH ROAD, CARDROSS (REF: 20/00971/PP)

The Area Team Leader for Helensburgh and Lomond spoke to the terms of the report. The site is within the Greenbelt and in this case the determining issues are whether the proposal is justified at this location and its impact on the natural, human and built environment. In terms of the adopted Argyll and Bute Local Development Plan Policy DM 1 sets out the settlement strategy in terms of capacity in each of the development management zones including Greenbelt. Greenbelt policy is a fairly restrictive policy which only gives encouragement to limited and specific categories of countryside based development. In this case the supporting statement indicates that the application site does not form part of an agricultural unit. A total of 72 objections and 4 representations have been received and consideration has to be given to holding a discretionary hearing. The storage shed does not comply with any of the permissible forms of development set out at LDP DM 1(G). The application was recommended for refusal and it was not considered that holding a hearing would add value to the process of determining this application.

Decision

The Committee agreed to refuse planning permission for the following reason:

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in policy LDP DM1(G). Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The storage shed do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2020, submitted)

Having declared an interest in the following application, Councillors Lorna Douglas and Richard Trail left the meeting at this point.

10. JOHN RAPALLINI: VARIATION OF CONDITION 2 RELATIVE TO PLANNING PERMISSION REFERENCE 17/01756/PP TO EXTEND PERMITTED OPENING HOURS TO BEER GARDEN: CLYDE BAR, 62 WEST CLYDE STREET, HELENSBURGH (REF: 20/01028/PP)

The Area Team Leader for Helensburgh and Lomond spoke to the terms of the report. The application property is the Clyde Bar located on the seafront within Helensburgh. In 2017 planning permission was granted for the formation of a beer garden under application 17/01756/PP. A series of conditions were imposed including Condition 2 limiting the use of the beer garden to 9 pm each day. The current application seeks to extend the use of the beer garden for an additional hour until 10 pm each day. A total of 12 objections and 2 representations have been received and consideration has to be given to holding discretionary hearing. The beer garden is already operating and the Applicant wishes to extend its use by one hour. The key material objections relate to noise and impact on amenity. In addressing these issues Environmental Health have been consulted and have indicated that they have had complaints from one neighbour regarding noise, however, no noise diary has been submitted to justify the complaint. As such they have indicated no objections subject to the submission of a noise mitigation plan. Subject to this and other safeguarding conditions the proposal is regarded to comply with the Development Plan and Supplementary Guidance and it was recommended that planning permission be granted.

Motion

To agree to the recommendations in the report to grant planning permission subject to the conditions and reasons appended to the report.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman

Amendment 1

To agree continuation of this application to allow Members to seek advice on the preparation of a competent Motion to refuse the application.

Moved by Councillor Rory Colville, seconded by Councillor Jean Moffat

Amendment 2

To agree to grant planning permission for a temporary period of 6 months.

Moved by Councillor Graham Archibald Hardie, seconded by Councillor Sandy Taylor

A vote was taken by calling the roll.

Motion

Cllr R Currie
Cllr G Freeman
Cllr D Kinniburgh
Cllr A Redman

Amendment 1

Cllr R Colville
Cllr A Forrest
Cllr R McCuish
Cllr J Moffat

Amendment 2

Cllr G A Hardie
Cllr S Taylor

On there being an equality of votes for the Motion and Amendment 1, Amendment 2 was dropped and a further vote was taken between the Motion and Amendment 1.

Motion

Cllr R Currie
Cllr G Freeman
Cllr D Kinniburgh
Cllr A Redman

Amendment 1

Cllr R Colville
Cllr A Forrest
Cllr G A Hardie
Cllr R McCuish
Cllr J Moffat
Cllr S Taylor

Amendment 1 was carried by 6 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to continue consideration of this application to allow Members to seek advice on the preparation of a competent Motion to refuse the application.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2020, submitted)

Councillors Lorna Douglas and Richard Trail returned to the meeting at this point.

11. MACLEOD CONSTRUCTION LIMITED: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED NORTH EASTERN EXTENSION TO EXISTING SAND AND GRAVEL QUARRY EXTENDING SOME 4HA (EXTENSION TO ALLOCATION REFERENCE MIN-AL 12/2): KILMARTIN QUARRY, UPPER LARGIE, KILMARTIN (REF: 20/01068/PAN)

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. This Proposal of Application Notice (PAN) has been submitted for an extension to the existing Kilmartin Quarry which has been worked for a significant period of time with permissions extending back to 1986. The original extraction void has been worked and is in the process of restoration but the processing plant and settlement ponds remain in situ and are expected to support the proposed extension. The proposed extension is to the north east and extends to some 4ha. The land is currently agricultural with some mature trees across the site. Access is proposed from the existing A846 main road off a single track to a point just north of the centre of Kilmartin village as utilised by the current workings. The report summarises the policy considerations as well as potential material considerations and key issues based upon the information received to date. It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the Applicants in finalising any future planning application submission.

Decision

The Committee noted the content of the report and raised no further issues for consideration by the Applicant in finalising any future planning submission.

(Reference: Report by Head of Development and Economic Growth, submitted)

12. PRE-DETERMINATION PLANNING HEARING ARRANGEMENTS DURING COVID-19 RESPONSE PERIOD

The Committee considered a report setting out the current position in relation to pre-determination hearing arrangements during the Covid-19 response period and inviting Members to note the current position, review the arrangements for pre-determination planning hearings in light of the ongoing response to the Covid-19 pandemic and government guidance on public gatherings and consequently in the event of resumption of hearings to consider the arrangements for informal site visits.

Motion

To agree option (b) at paragraph 3.6 which is to arrange for virtual hearings to proceed on either an audio or video basis and that site visits in relation to hearings will be dealt with as detailed at paragraph 3.10 of the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Sandy Taylor

Amendment

The Planning, Protective Services and Licensing Committee (PPSLC) notes the contents of the report relating to Pre-Determination Planning Hearings and agrees that:

1. The first priority should be for Pre-Determination Hearings to be held in public.
2. That the Covid 19 restrictions continued to be reviewed by the Scottish Government and that it is expected that these will be relaxed further in the near future which should allow public hearings to be held with limited restrictions.
3. That each application, where a hearing is supported by the PPSLC, should be considered on their individual merits.
4. That this report is continued to allow officers to consider each application where a hearing has been agreed to allow them to return to committee with recommendations on each proposed hearing.

Moved by Councillor George Freeman, seconded by Councillor Alastair Redman

A vote was taken by calling the roll.

Motion

Cllr R Colville
Cllr R Currie
Cllr L Douglas
Cllr A Forrest
Cllr G A Hardie
Cllr D Kinniburgh
Cllr R McCuish
Cllr J Moffat

Amendment

Cllr G Freeman
Cllr A Redman

Cllr S Taylor
Cllr R Trail

The Motion was carried by 10 votes to 2 and the Committee resolved accordingly.

Reference was made to the hearings previously agreed to be held in respect of Planning Application Reference 19/02555/PP and Planning Application Reference: 19/01232/PP and Members were invited to consider whether or not they wished to hold site visits prior to the hearings taking place. It was unanimously agreed to receive visual presentations in respect of both applications and not hold site visits.

Decision

The Committee:

1. noted the position in relation to pre-determination hearings within Argyll and Bute which were currently pending as a consequence of the Covid-19 pandemic response and the arrangements for planning hearings in light of the ongoing response to the Covid-19 pandemic and government guidance on public gatherings;
2. agreed to arrange for virtual planning hearings to proceed on either an audio or video basis as set out at option (b) at paragraph 3.6 of the report in order to allow for the hearing process to be concluded without further delay and mitigate against current and any ongoing challenges in respect of public health factors and associated government restrictions and guidelines;
3. agreed the arrangements for informal site visits as set out in paragraph 3.10 of the report;
 - site visits are only considered if specifically requested by the Committee and where additional information on the site provided through photographs, satellite imagery or video is not acceptable,
 - Officers will consider arrangements for the site visit to ensure adherence to Covid-19 guidance can be maintained,
 - in the event there are concerns in relation to those arrangements then Officers will report that back to Members for their further consideration as required; and
4. in respect of the discretionary hearings previously agreed to be held for planning application reference 19/02555/PP and planning application reference 19/01232/PP, agreed not to hold informal site visits and that additional information on the sites be provided at the hearings through photographs, satellite imagery or video.

(Reference: Joint report by Executive Director with responsibility for Legal and Regulatory Support and Executive Director with responsibility for Development and Economic Growth dated 5 August 2020, submitted)

13. MR PELHAM OLIVE: ERECTION OF 12 DWELLINGHOUSES, ALTERATIONS TO VEHICULAR ACCESS AND INSTALLATION OF PRIVATE DRAINAGE SYSTEM: LAND EAST OF LOCHSIDE, PORTINCAPLE (REF: 20/00094/PP)

Members resumed consideration of the Planning Application which had been presented earlier in this meeting at item 5 of this Minute. The Committee unanimously agreed to hold a virtual pre-determination hearing. Consideration was given to whether or not an informal site visit should be held.

Motion

To agree to not have a site visit.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Amendment

To agree to hold a site visit.

Moved by Councillor George Freeman, seconded by Councillor Jean Moffat

A vote was taken by calling the roll.

Motion

Amendment

Cllr R Colville
Cllr R Currie
Cllr A Forrest
Cllr G A Hardie
Cllr D Kinniburgh
Cllr R McCuish
Cllr A Redman
Cllr R Trail

Cllr L Douglas
Cllr G Freeman
Cllr J Moffat
Cllr S Taylor

The Motion was carried by 8 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a virtual pre-determination hearing for Planning Application Reference 20/00094/PP and to not hold an informal site visit. Additional information on the site would be provided at the hearing through photographs, satellite imagery or video.

(Reference: Report by Head of Development and Economic Growth dated 10 August 2020, supplementary report number 1 dated 13 August 2020 and supplementary report number 2 dated 18 August 2020, submitted)

14. PLANNING PERFORMANCE FRAMEWORK 2019/20

A report introducing the 2019/20 Planning Performance Framework (PPF) Annual report as required by the Scottish Government Planning Reform Agenda was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Interim Executive Director with responsibility for Development and Economic Growth dated 22 July 2020, submitted)