

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 20 JANUARY 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	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 Kieron Green	

Attending: Shona Barton, Committee Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Howard Young, Area Team Leader (Bute & Cowal/Helensburgh & Lomond)
Arlene Knox, Senior Planning Officer
Brian Close, Planning Officer
Iain MacInnes, Graduate Digital Liaison Officer

Due to connectivity issues the Vice Chair, Councillor Rory Colville, Chaired the meeting until Councillor David Kinniburgh was able to join the Skype call.

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Donald MacMillan.

Councillor Kinniburgh joined the meeting and Chaired the proceedings from this point.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 14 December 2020 were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 16 December 2020 at 11.00 am were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 16 December 2020 at 2.00 pm were approved as a correct record.
- d) The Minutes of the Planning, Protective Services and Licensing Committee held on 16 December 2020 at 2.30 pm were approved as a correct record.
- e) The Minutes of the Planning, Protective Services and Licensing Committee held on 16 December 2020 at 3.00 pm were approved as a correct record.

4. KEITH AND DENICE PUNLER: REMOVAL OF PLANNING CONDITIONS 2D (PATH IMPROVEMENTS) AND 4 (FOOTPATH LINK) RELATIVE TO PLANNING PERMISSION 17/02052/PP - ERECTION OF 1800MM HIGH DEER FENCE (RETROSPECTIVE): LAND SOUTH-EAST OF CASTLE TOWARD, TOWARD, ARGYLL (REF: 19/00447/PP)

Prior to presenting the application, the Planning Officer referred to a supplementary report which advised of a late objection and a request from the Applicants' Agent for continuation of this application for 4 weeks. The Committee were advised that the late objection raised no new information. The Planning Officer provided further information on why continuation of consideration of this application was sought and gave reasons why granting this extension was not recommended. Members were invited to consider whether or not to continue consideration of this application.

Motion

To agree to continue consideration of this application to a future meeting.

Moved by Councillor Rory Colville, seconded by Councillor George Freeman

Amendment

To agree to proceed with consideration of this application today.

Moved by Councillor Jean Moffat, seconded by Councillor Audrey Forrest

A vote was taken by calling the roll.

Motion

Councillor Colville
Councillor Freeman
Councillor Hardie
Councillor Kinniburgh

Amendment

Councillor Blair
Councillor Devon
Councillor Forrest
Councillor Green
Councillor McCuish
Councillor Moffat
Councillor Redman
Councillor Taylor
Councillor Trail

The Amendment was carried by 9 votes to 4 and the Committee resolved accordingly.

The Planning Officer then proceeded to present the application and spoke to the terms of the report. Planning permission was previously granted (ref. 17/02052/PP) to allow the Applicants to erect a deer fence on condition that access elsewhere on the estate was improved to mitigate the loss of public access to land within the area enclosed by the deer fence. Conditions 2, 3 and 4 attached to this consent were appealed against by the Applicants and an appeal (reference 18/0005/LRB) was submitted to the Argyll and Bute Local Review Body on 28 June 2018. The Local Review Body unanimously recommended that the conditions remain as per the Officer's recommendation and that the appeal be dismissed.

The current application to remove planning conditions 2d (path improvements) and 4 (footpath link) without carrying out necessary improvements for alternative path systems would be contrary to Policy LDP 11 – Improving our Connectivity and Infrastructure and Policy SG LDP TRAN 1 – Access to the Outdoors, of the Argyll and Bute Local Development Plan. The proposal to remove these conditions would also be contrary to the decision taken by the Local Review Body.

Letters of objection have been received from 18 individuals, the details of which were contained within Section F of the report of handling. The determining factor of this application is procedural in that the Applicants are attempting to remove planning conditions previously appealed to a Local Review Body but dismissed on the grounds that the original planning conditions were reasonable. As the application is recommended for refusal, it is not considered that a hearing would add value to the determination process.

In the absence of any notable improvements in the last year, the Applicants have left the department no other option than to recommend refusal of this application as it does not address the previous breaches of planning conditions and the decision taken by the Local Review Body in 2018.

It is considered that the proposal is inconsistent with the relevant development plan policies and it was recommended that planning permission be refused for the reasons stated in the report of handling.

Decision

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

1. The Council previously granted planning permission (ref. 17/02052/PP) to the applicants to allow them to erect the deer fencing on condition that access elsewhere on the estate was improved to mitigate the loss of public access to land within the area enclosed by the deer fence. The current application to remove these conditions without carrying out necessary improvements for alternative path systems would be contrary to Policy LDP 11 – Improving our Connectivity and Infrastructure and Policy SG LDP TRAN 1 – Access to the Outdoors of the Argyll and Bute Local Development Plan that requires development proposals to safeguard and enhance public rights of access to the outdoors in a manner that is appropriate and proportionate to the specific site characteristics and the scale and impact of the proposed development on access issues. The proposal to remove these conditions would also be contrary the decision taken by The Local Review Body on 28th June 2018, when the applicants lodged an appeal (ref. 18/0005/LRB) against conditions, 2, 3 and 4 of Planning Permission (ref. 17/02052/PP) for the erection of an 1800mm high deer fence.

Whilst the route of the '*southern access path*' and '*eastern flank*' path systems have been agreed and are currently in use, these informal paths are considered to be unsatisfactory in providing suitable alternative paths for those closed off by the erection of the deer fence. The '*southern access path*' and '*eastern flank*' path systems would benefit from better surfacing, additional signage, improved drainage measures, regular strimming and removal of obstructions in the form of fallen trees or tree roots. Without these necessary improvements to provide

suitable alternative public access routes, the proposal would be inconsistent with policies to Policy LDP 11 and SG LDP TRAN 1 of the adopted Argyll and Bute Local Development Plan which seek to safeguard and enhance public rights of access to the outdoors in a manner that is appropriate and proportionate to the specific site characteristics and the scale and impact of the proposed development on access issues.

Councillor George Freeman, having failed to find a seconder for a proposed Amendment, asked that his dissent from the foregoing decision be recorded.

(Reference: Report by Head of Development and Economic Growth dated 5 January 2021 and supplementary report number 1 dated 19 January 2021, submitted)

Councillor Gordon Blair joined the meeting during consideration of the foregoing item.

5. THE SCOTTISH GOVERNMENT ON BEHALF OF SLR CONSULTING LIMITED: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO SHEIRDRIM RENEWABLE ENERGY DEVELOPMENT: LAND AT GARTNAGRENACH FOREST, WHITEHOUSE, ARGYLL (REF: 19/02424/S36)

The Senior Planning Officer spoke to the terms of the report. The Section 36 consultation was originally considered by the Committee on 20 May 2020. The Committee agreed to object to the proposal as per the reasons outlined in the report of handling dated 6 May 2020 subject to including reference to the proposal having an adverse landscape and visual impact on the villages of Clachan and Whitehouse and that the Scottish Government be notified accordingly.

Since the Committee's consideration of the original Section 36 Consultation, the Applicant has submitted Additional Information to the Energy Consents Unit. In accordance with the EIA Regulations the Council has been consulted on this Additional Information and a response is required by 25 January 2021.

It is considered that the Additional Information and accompanying appendices do not facilitate any necessity to alter the details of the recommendation to object and it was recommended that the Energy Consents Unit be notified accordingly.

Decision

The Committee agreed not to alter the details of the Council's objection to this proposal and that the Energy Consent's Unit be notified accordingly.

(Reference: Supplementary Report by Head of Development and Economic Growth dated 22 December 2020, submitted)

6. BRITISH TELECOM'S PUBLIC PAYPHONE RATIONALISATION CONSULTATION

Consideration was given to a report informing Members of the current consultation that was being undertaken in respect to BT's Public payphone rationalisation programme.

Decision

The Committee agreed that:

1. no objection be raised to the removal of the phone boxes that are outlined in Appendix 1 of the Executive Director's report where the Community Council has agreed that they are content for it to be removed;
2. the Council formally object to the removal of those phone boxes which have received public objections or have not had a response from a Community Council as outlined in Appendix 1; and
3. Officers make contact with BT to highlight the comments of Members in relation to the way future consultations are conducted.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 January 2021, submitted)

Councillor Lorna Douglas joined the meeting during consideration of the foregoing item.

7. PLANNING PERFORMANCE FRAMEWORK 2019/20

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

Decision

The Committee agreed the content of the report and to publicise (press, Twitter, Facebook and website release) the positive feedback from the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 23 December 2020, submitted)

8. UPDATE ON CALL IN DECISION - 17/01205/PP - SITE WEST OF TAIGH SOLAIS, LEDAIG, TOBERMORY

A report summarising the Scottish Minister's decision in respect of planning application reference 17/01205/PP was before the Committee for information.

Decision

The Committee noted the contents of the report.

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

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

9. ENFORCEMENT REPORT REFERENCE 18/00197/ENBOC3

Consideration was given to Enforcement case reference 18/00197/ENBOC3.

Decision

The Committee agreed to the recommendations detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 5 January 2021, submitted)

Councillor George Freeman left the meeting during consideration of the foregoing item.

10. ENFORCEMENT REPORT REFERENCE 18/00198/ENBOC3

Consideration was given to Enforcement case reference 18/00198/ENBOC3.

Decision

The Committee agreed to the recommendations detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 5 January 2021, submitted)

Councillor Mary-Jean Devon left the meeting during consideration of the foregoing item.