

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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10 November 2010

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 17 NOVEMBER 2010** at **10:45 AM**, or at the conclusion of the 10.00am Planning, Protective Services and Licensing Committee, whichever is the later, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 11 October 2010 (Pages 1 - 6)
 - (b) Planning, Protective Services and Licensing Committee 15 October 2010 (Pages 7 - 8)
 - (c) Planning, Protective Services and Licensing Committee 20 October 2010 (9.30am) (Pages 9 - 12)
 - (d) Planning, Protective Services and Licensing Committee 20 October 2010 (10.00am) (Pages 13 - 16)
 - (e) Planning, Protective Services and Licensing Committee 20 October 2010 (10.30am) (Pages 17 - 30)

(f) Planning, Protective Services and Licensing Committee 20 October 2010
(2.30pm) (Pages 31 - 42)

4. TAXI SURVEY REVIEW

Report by Head of Governance and Law (Pages 43 - 44)

5. CLYDESDALE BANK PLC: FORMATION OF EXTERNAL RAMP AND LEVEL LANDING AND INSTALLATION OF AUTOMATIC OPENING DOUBLE ENTRANCE DOOR TO ACHIEVE ACCESS FOR DISABLED USERS TO COMPLY WITH DDA REQUIREMENTS: 120 ARGYLL STREET, DUNOON (REF: 10/00980/PP)

Report by Head of Planning and Regulatory Services (Pages 45 - 54)

6. ARGYLL AND BUTE COUNCIL: WALKING AND CYCLING PATH: LAND NORTH OF FORD SPENCE COURT, BENDERLOCH (REF: 10/01498/PP)

Report by Head of Planning and Regulatory Services (Pages 55 - 64)

7. ARGYLL COLLEGE UHI LTD: ERECTION OF CYCLE SHELTER, HAZELBURN, CAMPBELTOWN (REF: 10/00738/PP)

Report by Head of Planning and Regulatory Services (Pages 65 - 66)

8. ENFORCEMENT REPORT: 10/00012/ENOTH1

Report by Head of Planning and Regulatory Services (to follow)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

Contact: Melissa Stewart

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COVE BURGH HALL (MAIN HALL), COVE
on MONDAY, 11 OCTOBER 2010**

Present:

Councillor Daniel Kelly (Chair)

Councillor Vivien Dance
Councillor Bruce Marshall
Councillor Alister MacAlister
Councillor Donald MacMillan

Councillor Alex McNaughton
Councillor James McQueen
Councillor Al Reay

Attending:

Iain Jackson, Governance and Law
Howard Young, Planning and Regulatory Services
Campbell Divertie, Roads and Amenity Services
Mr Thomson, Applicant
Mr Calderwood
Mr Hodgson, Objector
Ms Martin, Objector
Mr Mieszkowski, Objector
Mr Williams, Objector

Apologies:

Councillor Rory Colville
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh

Councillor Neil Mackay
Councillor Roderick McCuish

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, David Kinniburgh, Neil McKay and Roderick McCuish.

2. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest.

3. JAMES K B THOMSON: ERECTION OF DWELLING AND INSTALLATION OF PRIVATE SEWERAGE TREATMENT PLANT: LAND NORTH WEST OF PORTKIL LODGE, PORTKIL (REF: 10/00510/PP)

The Chair welcomed everyone to the meeting and Members of the Committee introduced themselves. Mr Jackson outlined the hearing procedure and the Chair invited anyone who wished to speak at the meeting to come forward and make themselves known.

Howard Young, Planning and Regulatory Services gave a short presentation to the Committee on the application. He advised that the application was for the erection of a dwellinghouse, installation of private sewerage treatment works and road and junction improvements to the B833. He advised that outline planning permission for the erection of 5 dwellings and installation of a private sewerage

treatment plant had been granted on 22 April 2008. He advised that the design statement had indicated that permission was for a single storey house and that the current application was for a one and a half storey house but the design was acceptable to the Planning Authority.

Mr Young advised that with regard to surface water drainage, a late representation had been received from Mr Mieszkowski with details of surface overflow and damage to the existing drainage system. The Planning Authority had contacted Mr Gilfillan, Flood Alleviation Manager for advice and Mr Young read Mr Gilfillan's response to the Committee. He suggested that should the Committee be minded to approve the application he would advise the addition of a further condition covering the issues raised within the representation from Mr Mieszkowski.

Mr Young concluded by advising that the Planning Authority were recommending approval of this application subject to the conditions as detailed in the report by the Head of Planning and Regulatory Services with the addition of a further condition covering the issues raised by Mr Mieszkowski.

Mr Thompson, Applicant, introduced himself and advised that he would be speaking in response to the concerns raised in the representations that had been made and the conditions set down by the Planning Authority. He advised that the proposed development would be his family home despite suggestions that he was building it to sell. He advised that the development would almost be carbon neutral.

In response to condition 1, Mr Thomson advised that, if approved, the development would begin the following summer. In response to condition number 2, Mr Thomson advised that he had worked closely with the Planning Authority throughout the previous year to ensure that his application reached acceptable standards. He advised the dwelling would be one and a half storeys and of vernacular style, he advised that he was aware that the outline permission had been for a single storey dwelling but none of the styles had suited, they had been too wide. He informed the Committee that the carbon footprint of a one and a half storey house was 49% less than that of a single storey. In response to concerns over the ridge height and that the development would be skyline; Mr Thomson advised that there were only 2 vantage points at which you could currently see Ardmish. He referred the Committee to paragraphs P and R within the report by the Head of Planning and Regulatory Services stating that the development was appropriate and acceptable.

In response to conditions 3 and 4, Mr Thomson advised the Committee that improvements to the access road had already been started by Mr Calderwood and it was to be further improved by the construction of speed bumps and passing places. In response to condition 5, Mr Thomson advised that samples of the materials to be used would be supplied to the Planning Authority in due course. In respect of condition 6, Mr Thomson highlighted that there had been a substantial number of objections in relation to surface drainage and advised that any problems were pre-existing as he had not begun any development work and assured the Committee that he would be developing suitable drainage measures to protect his property. Mr Thomson advised that pictures and a DVD previously circulated and had been misleading. He advised that flooding near Raith Cottage was due to exploratory holes dug by Mr Calderwood filling up with

rainwater and that the cascades of water that had been filmed was when severe flooding had occurred in the whole area. When Mr Gilfillan had looked at the one in 200 year event he had found that there was more than enough capacity for the proposed drainage system and advised that his system would actually improve surface drainage for the whole area.

Mr Thomson advised that there would be no problem complying with condition 7. In respect of condition 8, he advised that he had written to Dr Paul Robins, West of Scotland Archaeological Service and hoped that this work would be carried out towards the end of October.

In respect of conditions 9 and 10 Mr Thomson advised that the septic tank to be installed was self factoring and that an annual survey would be done. Mr Thomson asked that condition 10 be removed due to the fact that the proposed treatment plant a soakaway would lie below the well which would make contamination very unlikely. He added that tests done had shown that the water in the well was already contaminated. In addition Mr Thomson told the Committee that untreated raw sewerage had been seen on the beach below the Portkil hamlet and when he had contacted SEPA he had discovered that only 2 septic tanks had been registered.

In response to condition 11 Mr Thomson advised that he could not yet give a definite answer on the type of trees that would be planted until he had determined the type of soil on the site. Mr Thomson concluded by asking the Committee for approval of his application.

Mr Calderwood spoke in support of Mr Thomson's application. He advised that he was involved in the infrastructure of the surface drainage system and sewerage treatment plant and advised that he had obtained permission to improve the drainage on the south side of Portkil where the raw sewerage had been seen and which was included in the condition set down by Mr Gilfillan. Mr Calderwood advised that in respect of the flooding in the fields he had investigated the ditches that had been dug by his father in previous years and had discovered that they were full of tree roots; he advised that he planned to dig new ditches 1m away from the fence. He told the Committee again that his aim was to improve the amenity of the area and that surface drainage would be 100% better once works had been completed.

Campbell Divertie, Roads and Amenity Services advised that a lot of time had been spent designing the road improvements as detailed in recommended conditions 3 and 4 within the report by the Head of Planning and Regulatory Services. He advised that the key point for the Committee to note was that this work would be completed before development of the first house and not the fifth house.

Mr Hodgson spoke on behalf of the objectors. He advised that there were 2 key elements to their objection which were the height and location of the proposed dwelling and the surface drainage. He advised that many of the objections put forward for previous applications still also applied. Mr Hodgson referred the Committee to a quote made by the Planning Authority during consideration of a previous application with regard to mitigating against skyline development and told the Committee that in his view this application was a skyline development. He advised that the other two new builds near to the plot could be seen from a

distance and had an impact on the landscape. Mr Hodgson moved on to tell the Committee that he had no confidence in conditions set down by the Planning Authority as in the past these had not been adhered to once the application had been approved. Mr Hodgson insisted that if the application were to be approved that the new build be no more than one storey as detailed in the outline planning permission and insisted that the materials used blend into the landscape. He emphasised again that height was important and that this application had an element of skyline development. He told the Committee that he required assurance that the conditions set down by the Planning Authority would be adhered to.

Ms Martin also spoke on behalf of the objectors. She advised that drainage was a serious problem and was surprised that Mr Gilfillan had had no objection to the application. She advised that the SUDS proposal was unacceptable and that the garden of Raith Cottage was too close to the proposed soakaway. She showed the Committee flooding figures from the previous 5 years and pictures during high rainfall. She referred to the tree roots that were currently blocking the ditches and advised that the current situation was causing erosion of the roots which could cause the trees to fall. Ms Martin advised that in the plans, the soakaway sat approximately 10m from the corner of Raith Cottage and expressed concerns over its close proximity. She then questioned the need for a separate application for the drainage system as it would be used by all 5 houses and not just this one. Ms Martin told the Committee that Scottish Executive regulations state that any bio disc plant should be fitted with an alarm and again expressed concern over how close the soakaway was to other properties. Ms Martin then showed the Committee photographs showing the topography of the land and explained that the run off would be towards Raith Cottage. In respect of the well Ms Martin agreed that it could presently contain contamination but had been informed that a UV system would adequately support the well if it was required. Ms Martin then told the Committee that the exploratory holes dug by Mr Calderwood along the boundary of Raith Cottage had caused flooding during heavy rainfall and showed the Committee photographs of the flow of water and advised that the use of sandbags had been required to alleviate this.

Mr Williams advised that he had lived in the area for 35 years and that he objected to the proposals made to improve the access road. He told the Committee that the junction required complete realignment, that the proposals would not make the road any safer and that the sight lines were insufficient. Mr Williams told the Committee that there were 11 families currently residing in the area, some of which have children and not all of which drive and advised the Committee that it would not be safe for a bus to stop at the junction with the B833. He emphasised the danger of the road and advised that in his opinion the junction needed realignment, a bus stop constructed and a reduction in speed limit.

The Committee were then given the opportunity to ask questions.

Councillor Marshall asked Campbell Divertie if the road improvements would continue past Portkil House to the shore, if there was another access from the shore and if the road would be brought up to adoptable standard. Mr Divertie detailed the works to be done and advised that there was only one access from the B833. He advised that there was no obligation to bring the road up to adoptable standard. Councillor Kelly asked if there was further work to be

carried out at the junction to which Mr Divertie replied yes.

Councillor McMillan asked Ms Martin if flooding occurred on a regular basis and if she would still be subject to this if the house was not built to which she replied yes, but if the house was built it would be worse

Councillor Reay asked Mr Young if he was confident that the drainage system would not contaminate other properties to which he replied yes and that he was confident due to the conditions that had been set down.

Councillor Dance asked for confirmation over the flooding issues, she advised that the objectors had claimed that flooding was due to work done by Mr Thomson but Mr Thomson had intimated that he had done no work. She also asked for clarification on the issue with skyline development and if the bio disc plant would be fitted with an alarm.

Mr Thomson confirmed that bio disc plants do have an alarm. He advised that in terms of height the dwelling was undoubtedly one and a half storeys but would not be as high as Ardminish, he advised that none of the single storey properties he had looked at would have fitted in with the site. He advised that he did not believe the development was skyline.

Mr Calderwood advised that he had carried out some exploratory work due to the concerns over flooding. He advised that one of the ditches was currently out of working order and this could be the reason for the flooding, he added that water did not always fall as shown in the pictures produced by the objectors. He added that this could also be due to the change from an arable field to a grass field. In respect of the soakaway he advised that this was to the side of Raith Cottage and not above as stated by the objectors.

Mr Young advised Councillor Dance that pre-application discussions had taken place between the applicant and the Planning Authority and that they were satisfied with the application. He advised that they did not consider the development skyline as the land rose beyond the site, that it was a good design and fitted well into the landscape. With regard to surface water run off Mr Young advised that this would most likely change due to the change from a field to a house, he advised that this would need to be looked at and that a detailed SUDS scheme would be submitted prior to any work taking place on the site. Mr Young informed the Committee that the proposed bio disc plant purifies the water before it reaches the soakaway therefore there would be no contamination.

Councillor Kelly asked Mr Calderwood if he planned to resolve the flooding issues to which he replied that he intended to reinstate the ditch that was currently out of order.

All parties were given the opportunity to sum up.

Mr Young summed up by saying that the site was included within the settlement boundary of Portkil House and the application was supported by development policy. He advised that the proposed design was both appropriate and acceptable and that the Planning Authority were recommending it for approval subject to the conditions as set down in the report and the addition of a further condition to address the issues raised by Mr Mieszkowski.

Mr Thomson summed up by saying that in terms of height the application complied with appropriate policies and that measures were being put in place to resolve the issues with surface drainage. He confirmed that no destabilisation of the hillside would occur due to the types of soil on the site. He asked that the Committee approve his application.

Mr Calderwood summed up by informing the Committee that his plots were sold on the condition that a share of the maintenance would be paid and that this would be included in the titles.

Mr Divertie summed up by emphasising the fact that the improvements to the road would be completed before the first house was started, not after the fifth and that the Roads Authority had no objections to the application.

Mr Hodgson summed up by asking the Committee to consider the option of requesting a single storey house as had been detailed in the outline permission and also asked that they consider the need for two separate applications; one for the house and one for the filtration system. Ms Martin summed up by emphasising the closeness of the soakaway to Raith Cottage and highlighting how the run off from the field goes through the Portkil settlement.

Mr Williams summed up by telling the Committee that the junction improvements were imperative but asked if there was the need for a fatal accident before any action would be taken over the issues he had raised.

The Chair asked all parties if they considered that they had had a fair hearing to which they confirmed that they had.

Decision

That planning permission be approved subject to -

1. the conditions as detailed in the report by the Head of Planning and Regulatory Services;
2. the addition of a further condition to address the concerns raised in the letter by Mr Mieszkowski dated 14 September 2010; to be agreed by the Chair, Vice Chair and Head of Planning and Regulatory Services.

MINUTES of MEETING of INQUORATE MEETING OF THE PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the MAIN HALL, BUNESSAN COMMUNITY CENTRE, BUNESSAN, ISLE OF MULL on FRIDAY, 15 OCTOBER 2010

Attending: Gill Govan, Clerical Assistant

1. ROSS OF MULL RENEWABLE ENERGY LTD: APPLICATION FOR ERECTION OF ONE 15 METRE HIGH (HUB) 15 KILOWATT TURBINE: LAND SOUTHWEST OF HILLPARK, ARDTUN, BUNESSAN, ISLE OF MULL (REF: 09/01157/PP)

Advance notification had been given by the Council's Customer Services Department that the discretionary hearing was no longer necessary on the basis that the planning application had been withdrawn by the applicant on Wednesday 13 October 2010. There was therefore no attendance by Members of the Committee.

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the HOLYROOD SUITE, QUEEN'S HALL, DUNOON
on WEDNESDAY, 20 OCTOBER 2010**

Present:

Councillor Daniel Kelly (Chair)

Councillor Robin Currie
Councillor David Kinniburgh
Councillor Bruce Marshall
Councillor Alister MacAlister

Councillor Donald MacMillan
Councillor Roderick McCuish
Councillor Alex McNaughton
Councillor James McQueen

Attending:

Charles Reppke, Head of Governance and Law
Graeme Forrester, Trainee Solicitor
Mr Tucker, Applicant
Mr MacIntyre, Objector
Mr Darroch, Objector

Apologies:

Councillor Rory Colville
Councillor Vivien Dance
Councillor Mary-Jean Devon

Councillor Neil Mackay
Councillor Al Reay

1. DECLARATIONS OF INTEREST

Councillor MacAlister declared a financial interest in relation to item 2 of these minutes on the basis that he is the holder of a taxi car licence. He left the room during discussion of the item and accordingly took no part in the decision making.

2. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A PRIVATE HIRE CAR OPERATOR'S LICENCE: W TUCKER, DUNOON

The Chairman introduced himself and invited those present at the meeting to do likewise. He outlined the procedure that would be followed and invited the applicant to make his case.

Mr Tucker was unclear why he had been invited to attend a hearing on the basis that he had been told at a previous hearing that there would be no objection to him applying for a private hire car licence. With regard to the objections he advised that 1. the survey did not deal with disabled access vehicles, 2. that there were other taxi car licences in Dunoon that could transfer their licences to saloon vehicles, 3. he questioned where luggage was stored on both the E7 Eurobuses and that these vehicles were not suitable for transporting a three wheeled scooter.

The objectors confirmed that they had no questions for the applicant on his submission and the chair then invited them to present their grounds for objection.

Mr MacIntyre advised that after the meeting had taken place on 18 August 2010 he felt there was no choice but to lodge a further objection to any private hire car licence application on the basis that if this were granted it would still leave two

vehicles on an already overcrowded taxi rank.

Mr Darroch accepted that his disability access vehicle was more awkward than Mr Tucker's vehicle as he had to remove seats to accommodate a wheelchair. He then responded to Mr Tucker's comments about the three wheeled scooter advising the Committee that he had been donated a third ramp to allow him to accept this type of fare. He advised that with 3 current disabled access vehicles, he was sure that Dunoon would meet the requirements in terms of European Legislation.

Mr Tucker asked Mr Darroch where luggage was stored within his taxi. Mr Darroch advised that there was a space for luggage behind the seat.

Mr Tucker asked Mr Darroch if there was a guard behind the seats or harnesses. Mr Darroch advised that there were harnesses.

Mr Tucker queried why there had been a change in mind about objecting to a Private Hire Car Licence application. Mr MacIntyre advised that there were 13 objectors and that it was in relation to Mr Tucker's other 2 cars being used on the rank.

The Chairman invited Members of the Committee to raise questions.

Councillor Marshall asked Mr Tucker about his previous ownership of a 3rd licence. Mr Tucker explained that he had entered into a partnership which had broken down and as a result the plate had gone to his business partner.

Councillor Marshall questioned the objectors on how serious it was with regard to demand in Dunoon. Mr MacIntyre advised there was no significant unmet demand due to being in the grip of a recession. He commented that trade was down a third on last year and that drivers were making less than the minimum wage.

Councillor McCuish asked what the reason was behind requiring a third licence. Mr Tucker advised that the new vehicle would be full accessible and that he required a back up for his Social Work and Hospital contracts. Councillor McCuish followed up his question by querying whether this licence would be exclusively for contract work. Mr Tucker advised that a Private Hire Car was not permitted on a taxi rank and it would be for his contract work.

Councillor McCuish then asked how many taxis were in Dunoon and how many were disabled access. It was established that there were in the order of 43 plates and Mr Darroch advised that guidance suggested that 5% were required to be disabled access and therefore the 3 licences currently in operation met this requirement.

Councillor Kinniburgh asked whether the new vehicle would be used only for disabled customers. Mr Tucker advised that it would be available for any person to use.

Councillor Currie asked whether there was anything to support either side of the argument as to whether there was or was not significant unmet demand. Mr Tucker commented that the survey said there was no unmet demand and also

that his vehicle was the only devoted disabled access vehicle as he had a condition on his licence to this effect. The other two licences could revert to other non disabled vehicles if their owners saw fit.

Councillor Kinniburgh asked what percentage of customers using disabled access vehicles were in wheelchairs. Mr Tucker did not know the exact figure but that the percentage would be quite high. Councillor Kinniburgh asked about the percentage of use of Mr Tucker's existing disabled access vehicle – what percentage was on the rank and what percentage was the vehicle working. Mr Tucker advised the split was 40% on the rank and 60% working.

Councillor McCuish asked for confirmation that the new licence would only be available to people who had phoned to book the vehicle. Mr Tucker confirmed this was correct.

Councillor Marshall asked whether Mr Tucker found it difficult to make a living given comments from the objectors. Mr Tucker said he did not.

Councillor McQueen asked how many hours per week did Mr MacIntyre work per week. Mr MacIntyre advised he worked about 84 hours per week to make a living.

Councillor Currie asked whether a 3rd plate was necessary. Mr Tucker advised that he had to purchase the car before he could apply for the licence and he therefore had purchased the vehicle.

The Chairman invited both parties to sum up.

Mr Macintyre advised that the Taxi Owners Association objected on the basis that there would be 2 taxis sitting on the ranks longer if this licence is granted. He commented that Mr Tucker could have bought out his partner to have kept his third licence and that if Mr Tucker was so busy why his taxi was unavailable on 18 and 19 September as there was no day shift driver. He also advised that the letter of support Mr Tucker had obtained could have been given to any taxi operator in the area if they'd asked for support regarding putting a disabled vehicle on the road. He added that Mr Darroch and Mr Anderson had been taken into cover the contract and that this enabled 24 hour, 7 day per week cover.

With regard to the Cowal Care Forum comments about the number of disabled taxis, he suggested that the basis for this was blatantly wrong as there are 3. He then suggested that the Committee put a condition on any licence to restrict the use of the vehicle to use for Mr Tucker's contract work only.

Mr Tucker reiterated comments about the other two vehicles reverting to saloon vehicles.

The Chairman asked both parties to the hearing to confirm that they had received a fair hearing. Both the applicant and the objectors confirmed this was the case and the Committee proceeded to debate the application.

Councillor Marshall advised that he had real concerns with this application following representations by the objectors that the situation was perilous in

Dunoon. He felt that in granting this licence it could only make this situation worse. He commented that he had had a discussion with a taxi driver in Edinburgh who advised that there was legislation on the way to ensure all vehicles were disabled access and that this had been implemented in Edinburgh and that it was only a matter of time before this permeated into small towns.

Councillor McQueen advised that he agreed with Councillor Marshall's comments.

Councillor Currie felt that if the Committee were minded to grant the licence it would be appropriate to restrict by condition that the operation was for disabled or hospital work only.

Councillor McCuish referred to the survey regarding unmet demand. Mr Forrester advised that this survey only referred to taxis and was not relevant in consideration of this licence. The grounds for refusal of a licence were either that the applicant was not a fit or proper person or that the application premises were not suitable. This being the case, the only grounds for refusal would be on the basis that the applicant was not a fit and proper person. Mr Forrester also advised that the Committee could impose any reasonable condition on any licence.

Councillor Marshall commented that he was dissatisfied that in granting this licence it would increase the number of taxis sitting on the rank. Mr Reppke indicated that if Mr Tucker was minded to he could put both his taxi vehicles on the rank which would also give an increase and that there was no power to prevent this.

The Committee discussed possible conditions noting that it would not be easy to enforce a condition limiting hires for disabled use only as some disabilities were not readily discernable.

Members then discussed restricting the use of the 3rd vehicle for contracts for the hospital and Cowal Care Forum Customers and were advised that they would be an unusual condition to place on a Private Hire Car Licence ie. Restricting the passengers that could be carried.

Decision

It was unanimously agreed to grant Mr Tucker's Private Hire Car Licence for a three year period subject to the undernoted condition:-

That this Private Hire Car licence be restricted for use only in connection with the Licence Holder's current and future contracts with the hospital and Cowal Care Forum.

(Ref: Report by Head of Governance and Law dated 20 October 2010, submitted)

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the HOLYROOD SUITE, QUEEN'S HALL, DUNOON
on WEDNESDAY, 20 OCTOBER 2010

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Alister MacAlister	

Attending: Charles Reppke, Head of Governance and Law
 Graeme Forrester, Trainee Solicitor
 Mr Hunter, Applicant
 Mr Duff, Objector

Apologies: Councillor Vivien Dance Councillor Neil Mackay
 Councillor Mary-Jean Devon Councillor Al Reay

1. DECLARATIONS OF INTEREST

Councillor MacAlister declared a financial interest in relation to item 2 of these minutes on the basis that he is the holder of a taxi car licence. He left the room during discussion of the item and accordingly took no part in the decision making.

2. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR A TAXI CAR LICENCE: J HUNTER, OBAN

The Chairman introduced himself and asked his fellow colleagues to do likewise. He outlined the procedure that would be followed at the meeting and asked the applicant, Mr Hunter, to present his case to the Committee.

Mr Hunter advised he had applied for a Taxi Car Licence in order to make a living. He advised that despite the survey, he considered there was an unmet demand for taxis during week nights when there were only 5/6 cars out due to the fact that many of the licence holders had full time jobs. He often received complaints from the public about the lack of taxis, particularly when the bus and train arrived in. On this basis he considered that there was a place for him on the rank. He advised the Committee that there had been two taxi plates handed in and commented that the public did not get a good service.

The Chairman asked Mr Duff who had objected to the grant of the licence, whether he had any questions for Mr Hunter following his submission. Mr Duff questioned Mr Hunter where his proof was about a lack of taxis during week nights. He commented that he often worked nights from 3am to 6am. Mr Hunter replied that he was out until 2/3am and that he never seen Mr Duff despite his car being quite distinctive.

Mr Duff then set out the grounds for his objection advising that he had nothing against the applicant and that his objection related to their being no significant unmet demand. He found it hard to believe that there was any night shift demand on the basis that his firm supplied 4 cars per night and another firm were putting out 2 if not 3 per night. He also referred to the lack of space during the day on the taxi rank. Stating that the rank has 13 spaces and there was 25/26 each day trying to get onto the rank.

Mr Hunter referred to an advert in the local paper for a car and driver and questioned if there was no demand why this advert had been placed. Mr Duff advised that his submission was on the basis of the survey findings and that he couldn't comment on this as he was not the person who placed the advert.

The Chairman then invited questions from Members of the Committee.

Councillor MacMillan asked how many taxi car licences Mr Duff had. Mr Duff advised that he had one.

Councillor Marshall asked how many taxi car licences there were in Oban. Mr Hunter was unsure about this but thought there would be in the region of 40. Councillor Marshall then asked Mr Duff if this number was deemed to be suitable to deal with the amount of business. Mr Duff advised that the survey indicated that it was and that there had also been further licences granted since the survey had been carried out.

Councillor Marshall asked how the licences that had been handed in had affected business. Mr Duff advised that there had been licences handed back to the Council but that these had been issued again.

Councillor McCuish referred to a petition previously presented to the Committee and asked if the feeling was still there. Mr Duff advised that the majority of owners felt there were sufficient taxis to cope with demand. Councillor McCuish then asked Mr Hunter if he had signed the petition at the time. Mr Hunter stated that he had not signed this petition and was unaware of it.

Councillor McCuish asked Mr Hunter if he had ever approached any of the licence holders who handed back their plates to attempt to buy into their business. Mr Hunter confirmed he had not and commented that he had previously held a taxi car licence that he had failed to renew due to personal circumstances.

Councillor Currie commented that he felt there were a lot of taxis through the day but very few at night. He asked Mr Hunter to comment on this. Mr Hunter confirmed this was the case and it was lucky if there were more than 6 taxis available on weeknights.

Councillor Colville queried whether the findings of a survey from 2003 were still relevant. Mr Duff advised that in his opinion the survey was certainly relevant and that around 6 licences had been granted since then.

Councillor Colville asked Mr Hunter if he had been using his taxi car licence up to one year ago. Mr Hunter advised that he had ceased using his licence 6 months before it had expired and confirmed in a follow up question that he had

operated a taxi for two and a half years.

Councillor Kinniburgh asked Mr Duff whether he agreed with Mr Hunter that there were few taxis available during weeknights. Mr Duff refuted this stating that his company alone put out around 3 and sometimes 4 taxis. Mr Duff accepted that there could be demand when the bus or train arrived from Glasgow but that that people having to wait was not a frequent occurrence.

Councillor McCuish asked Mr Hunter whether he drove a taxi at the moment. Mr Hunter confirmed that he did. Councillor McCuish asked if he considered there was adequate space at the taxi rank for cars. Mr Hunter confirmed that at the weekend there was but accepted that there was not adequate space most days having agreed taxis often parked at the bus stop.

The Chairman then invited parties to sum up.

Mr Duff advised that he had covered everything and that he hoped the Committee would follow the findings of the survey and take account of the health and safety implications for the overcrowded taxi rank.

Mr Hunter advised that he considered there was a need for more taxis on the rank and that if he got his own licence it would take another car off the rank.

Both parties confirmed they had received a fair hearing and the Committee moved on to debate the application.

Councillor Marshall stated that it would have been helpful to know the number of taxis licensed at the moment. Mr Reppke advised that if he wanted this information it was open to the Committee to continue the application.

Councillor Currie referred to Mr Hunter's comment about there being no extra vehicle. Mr Reppke advised that there was no indication that the plate was being surrendered and could therefore be used by another driver.

Councillor McNaughton felt that there could be demand and that the survey was too old to be considered.

Councillor McCuish personally considered there was no unmet demand and that there were occasions where people had to wait for a taxi. He had particular concerns about the state of the taxi rank.

The Chairman commented that he had observed plenty of taxis in Oban.

Councillor Currie advised that he considered there was a problem with unmet demand during week nights. He stated that the Committee should support someone trying to get on. In response the Chairman stated that if the demand was there then the taxis would be out at night to address this. Councillor Currie replied to this stating that it was for operators to decide when to send out their cars and that it was important to note that a number of licence holders had full time jobs through the week.

Motion

That the application be refused on the basis of there being no significant unmet demand.

Moved by Councillor Kelly, seconded by Councillor McQueen

Amendment

That the application be granted for a three year period.

Moved by Councillor Currie, seconded by Councillor McNaughton

Decision

The motion was carried by 6 votes to 2 and the Committee resolved accordingly.

(Ref: Report by Head of Governance and Law dated 20 October 2010, submitted)

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the HOLYROOD SUITE, QUEEN'S HALL, DUNOON
on WEDNESDAY, 20 OCTOBER 2010

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Alister MacAlister	

Also Present: Councillor Ron Simon

Attending: Charles Reppke, Head of Governance and Law
 Angus Gilmour, Head of Planning and Regulatory Services
 Ross McLaughlin, Development Manager

Apologies: Councillor Vivien Dance Councillor Neil Mackay
 Councillor Mary-Jean Devon Councillor Al Reay

1. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 15 September 2010 (10.00am) were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 15 September 2010 (10.30am) were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 30 September 2010 were approved as a correct record subject to the alteration of the word "store" to "skate park" at paragraph 3, line 6 of page 22 of the agenda pack.

2. PROPOSED AMENDMENTS TO PRE-DETERMINATION HEARING PROTOCOL

The Committee were asked to consider a report suggesting that the numbers threshold which currently triggered a pre-determination hearing be reviewed. The suggestion was that this number threshold be discontinued in favour of a criteria based approach which sought to add value to the decision making process. This new approach would look at the degree of local interest and controversy, the complexity of the case, how up to date the Development Plan is, the volume of representation and whether there had been any previous decisions or pre-determination hearings with the same issues/material considerations.

Decision

The Committee agreed to endorse the new criteria based approach as outlined in the report by the Head of Planning and Regulatory Services dated 20 October 2010 and that this be implemented with immediate effect.

(Ref: Report by Head of Planning and Regulatory Services dated 20 October 2010, submitted)

3. BUILDING STANDARDS BALANCED SCORECARD AND GENERAL PERFORMANCE: UPDATE

The Committee were invited to consider a report updating them on the Balanced Scorecard and General Performance of the Building Standards Service. The report advised that since the last reporting period (March 2010) the performance figures have continually exceeded targets despite difficulties in recruiting staff. The report also contained positive information relating to Customer Satisfaction Surveys with 100% of respondents rating the service delivery as either good or excellent.

Decision

1. To note with satisfaction the content of the submitted report.
2. To congratulate the Building Standards Manager and his staff for all their efforts.

(Ref: Report by Head of Planning and Protective Services dated 4 October 2010, submitted)

4. TRUSTEES OF REVEREND FELL: APPLICATION FOR DEMOLITION OF TWO BUILDINGS AND ERECTION OF TWO DWELLINGS: PORT MOLUAG, LISMORE (REF: 09/01676/PP)

The Development Manager spoke to the application advising that this was consistent with the Local Plan and was therefore recommended for approval. However, while there were no objections from statutory consultees (subject to conditions), there were 27 letters of representation received and he therefore recommended that a discretionary hearing be undertaken by the Committee in advance of determining the application. He recommended that this hearing would be undertaken on the basis of the volume of local interest in the application.

Decision

Agreed to hold a discretionary hearing in advance of determining the application on a date, time and venue yet to be determined.

(Ref: Report by Head of Planning and Regulatory Services dated 1 October 2010, submitted)

5. RWE NPOWER RENEWABLE LTD: APPLICATION FOR ERECTION OF A 15 TURBINE WINDFARM (45 MEGAWATT MAXIMUM CAPACITY): RAERA FOREST, KILNINVER (REF: 09/01874/PP)

The Development Manager spoke to his recommendation for refusal and advised that due to the level of representations and the complexity of the issues a local discretionary hearing be arranged in advance of determining the application.

Decision

Agreed to hold a discretionary hearing in advance of determining the application on a date, time and venue yet to be determined.

(Ref: Report by Head of Planning and Regulatory Services dated 7 October 2010, submitted)

6. MR AND MRS MACGREGOR: APPLICATION FOR DEMOLITION OF OUTBUILDINGS AND ERECTION OF 5 DWELLINGS IN COURTYARD FORMATION: LAND AT LITTLE RAHANE FARM, RAHANE, HELENSBURGH (REF: 10/00536/PP)

The Development Manager advised that the site lay within a Rural Opportunity Area and was small in scale. The Council's Environmental Health Service had recommended that the associated noise from the neighbouring farm would cause nuisance and therefore be considered the proposal to be "bad neighbour in reverse". Accordingly, the recommendation was for refusal as the development was contrary to Policy LP BAD 2. Due to the technical nature of the case it was recommended that a discretionary hearing take place.

Decision

Agreed to hold a discretionary hearing in advance of determining the application on a date, time and venue yet to be determined.

(Ref: Report by Head of Planning and Regulatory Services dated 30 September 2010, submitted)

7. COWAL GOLF CLUB: APPLICATION FOR ERECTION OF 4 HOUSES AND 8 FLATS: COWAL GOLF CLUB, ARDENSLATE ROAD, KIRN, DUNOON (REF: 10/00899/PP)

The Head of Planning and Regulatory Services advised that the proposal was required to amend a previous permission granted in 2008. The proposal conforms with the requirements of the Local Plan Policies and that there were no material considerations to suggest anything other than approval. He commented that there was a Section 75 Agreement in place for permission ref 07/02508/DET which would be required to be altered to reflect the change in number of flats and the addition of dwellinghouses and to allow the affordable housing objective to be met. There had been no objections from either Statutory Consultees or the public and he recommended that the application be approved.

Decision

Agreed to grant planning permissions subject to (a) the alteration of the original Section 75 Agreement (07/02508/DET) to reflect the changes to the number of flats, the addition of four dwellinghouses and to allow the affordable housing objective to be met by the sale of the site of one block of 24 flats to a RSL (Registered Social Landlord) and (b) that the affordable housing element (Block A) should be implemented prior to the completion of Block B. The following conditions and reasons were also endorsed:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 16th April 2010 and the approved drawing reference numbers: 2634/P/102 RevA, 2634/P/101, 2634/P/200 RevC, 2634/P/201 RevC, 2634/P/300, 2634/P/301, 2634/P/302, 2634/P/303 RevA, 2634/P/304, 2634/P/305, 2634/P/500 RevA, 2634/P/501, 2634/P/503, 2634/P/901, 2634/P/902, Flood Risk and Surface Water Drainage Impact Assessment Report by Dougal Baillie Associates dated February 2010 including drawings and details contained in Appendices A to H (or as amended), 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.

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

3. Within one year of any work commencing on site, the applicant/developer shall provide an equipped children's play area (as shown on Proposed Site Plan 1:500 drawing no. 2634/P/200 Rev C and 1:200 Proposed Site Plan drawing no. 2634/P/201 RevC) that shall be completed and ready for use. Prior to any works commencing on site full details shall be submitted in writing for the approval of the Planning Authority in respect of play equipment, seating, landscaping, boundary treatment and maintenance/factoring of this area.

Reason: In order to provide on-site play provision for the proposed development.

4. No development, including any site works, shall commence until the written agreement of Scottish Water has been received confirming that the site foul drainage system can be connected to the public sewerage system, unless otherwise agreed in writing by the planning authority.

Reason: In order to provide for sustainable development of the site, and to avoid any unacceptable adverse impact on the water environment.

5. Prior to the commencement of any construction works, the following information to supplement the submitted 'Flood Risk and Surface Water Drainage Impact Assessment Report' by Dougal Baillie Associates dated February 2010 shall be

submitted for the prior written approval of the Planning Authority in consultation with the Council's Flood Alleviation Manager. Such details shall include :

- Details of access to intakes MH1, MH2 and MH4 which should have a platform at the end of the access with a handrail;
- Detail of intakes showing horizontal section of intake grill 900mm long;
- Details of flow path should intake MH1 overtop;
- Confirmation of maintenance procedures for surface water drainage systems, SuDS, watercourses, surface water outfalls and intakes and that the property owners will be responsible for the maintenance of these systems.

Reason: To avoid potential for flooding at the site in the interests of health and amenity.

6. The drainage proposals as detailed in the submitted Flood Risk and Surface Water Drainage Impact Assessment Report by Dougal Bailie Associates dated February 2010 including drawings and details contained in Appendices A to H (or as amended) shall be fully implemented prior to the occupation of the first flat or dwellinghouse, or such other timescale as may be agreed in writing with the Planning Authority.

Reason: In order to provide for a sustainable drainage scheme for the development.

7. Prior to the commencement of any site works, a preliminary contaminated land assessment, carried out by a competent person, shall be undertaken and submitted to the Planning Authority. The assessment should be sufficient, given the past use(s) of the site, to demonstrate the likely presence or absence of contaminants and their nature and make recommendations for further investigation if needed to quantify any hazards posed.

Reason: In the interest of public health and amenity as previous site uses may have resulted in contamination which may pose a hazard to the proposed residential development.

8. Where the preliminary investigation has concluded that contamination is present and may pose a hazard to the development, a secondary assessment, carried out by a competent person, shall be undertaken and submitted to the Planning Authority prior to the commencement of any site works. The assessment should seek to define any risks to the development posed by contamination, and make recommendations as to the requirement for any actions necessary to render the site suitable for the proposed use. The recommendations shall be agreed in writing by the Planning Authority, prior to the commencement of any site works.

Reason: In the interest of public health and amenity as previous site uses may have resulted in contamination which may pose a hazard to the proposed residential development.

9. Where the secondary investigation has indicated that action is necessary to render the site suitable for the proposed use, a remediation plan shall be devised by a competent person and submitted to the Planning Authority, prior to the commencement of any site works. The plan shall include details of the methodology that will be employed to demonstrate that the site will be

rendered suitable for the proposed use.

Reason: In the interest of public health and amenity.

10. The remediation works shall be carried out as detailed within a remediation plan, unless otherwise agree, in writing, with the Planning Authority. Upon completion of remediation works a completion certificate shall be issued, by a competent person, certifying that the works identified within the remediation plan have been carried out in accordance with the plan.

Reason: In the interest of public health and amenity.

11. Prior to the commencement of any construction works, samples of all external finishes (including car park surfaces) and roof coverings shall be submitted for the written approval of the Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity and to help integrate the proposal within its surroundings.

12. The access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council's Area Roads Manager, unless the prior consent for variation is obtained in writing from the Planning Authority.

Reason: In order to ensure that provision is made for a service "road" commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.

13. Prior to the construction of any of the flats or dwellinghouses hereby approved or such other timescale as may be agreed in writing with the Planning Authority, the proposed vehicular access shall be constructed to adoptable standards as per the Council's Development Guidelines and shall be 'fit for purpose' for existing users at Kirn Hunters Quay Bowling Club and Cowal Indoor Bowling Club. The access shall have a minimum radius of 6 metres, width 5.5 metres and 2 metre wide footway/service strip on both sides with a turning area at or near the end of the road.

Reason: In order to ensure that provision is made for a service "road" commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.

14. Prior to the first occupation of any of the flats or dwellinghouses hereby approved, the car parking area for 24 vehicles serving Block B and the terraced block as shown on approved site plan drawings 2634/P/200 RevC and 2634/P/201 RevC, shall be provided together (unless otherwise agreed in writing with the Planning Authority) and the northernmost 12 no spaces identified on this plan suitably surfaced in 'grasscrete' (or other similar material that may be agreed with the Planning Authority) and thereafter be retained in perpetuity for such a dedicated purpose.

Reason: In the interest of traffic and pedestrian safety and to ensure suitable

car parking provision for the development that will be surfaced to integrate with the surroundings in terms of visual amenity.

15. Prior to the occupancy of any of the flats or dwellinghouses hereby approved, the vehicular accesses onto Ardenslate Road and internal access shall be formed with sightlines of 90 metres in each direction formed from a 2.5 metres setback. No obstruction to visibility shall be permitted thereafter within these visibility splays above a height of 1.0 metres from the level of the highway.

Reason: In the interests of road safety and to ensure that appropriate sightlines can be achieved and maintained.

16. No development (including any land engineering works or any associated operations) shall take place within the site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in consultation and agreement with the West of Scotland Archaeology Service.

Reason: In order to allow the recovery and recording of any finds of archaeological significance.

17. No downpipes, burglar alarms, balanced flue extracts, meter boxes or service pipes shall be installed on the front elevations (south) on all of the flatted blocks, unless otherwise agreed in writing with the Planning Authority.

Reason: In order that such external fittings do not detract from the appearance of the building.

18. Prior to the commencement of any construction works, a detailed landscaping and tree planting scheme shall be submitted to the Planning Authority for approval. The scheme shall provide for a high quality scheme that shall include all landscaping including tree planting, shrub planting, hedges and soft/hard landscaping proposals for the site including all communal areas including details of the management and maintenance regime. The landscaping scheme, as may be approved, shall be fully implemented no later than the first planting and seeding season following the commencement of the development and thereafter shall be maintained for a period of ten years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.

Reason: In the interest of visual amenity and to help integrate the proposal into its surroundings.

19. Notwithstanding any details submitted, and prior to the commencement of any construction works a detailed scheme indicating a common boundary

treatment to the flatted development shall be submitted for the written approval of the Planning Authority. The scheme shall be provided around all communal open space areas (including car parking areas and bin shelters) and shall provide for a natural hedge and/or stone boundary wall that shall be consistent throughout in terms of height, material and appearance and implemented commensurate with the development of the individual dwellinghouse(s). Thereafter and notwithstanding the provision of Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no fence or wall shall be erected fronting the new road without the prior written approval of the Planning Authority.

Reason: In the interests of visual amenity and to help integrate the proposal into the surrounding townscape setting and in terms of health and safety.

20. Prior to any construction works on site, full details (in respect of design and materials) of all proposed bin stores, cycle shelters, screening of electricity sub-station and any seating areas shall be submitted to and approved in writing by the Planning Authority.

Reason: No such details having been submitted.

21. Prior to any construction works on site, full details of a public art scheme(s) at the entrance to and within the development, shall be submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented prior to the first occupation of the last of the units to be occupied.

Reason: In the interest of visual amenity and to create a sense of place.

22. No works shall commence until further details including a timetable for ground engineering works has been submitted to and approved by the Planning Authority. Such details shall include confirmation and extent of soil redistribution and regarding of fairways and other land within Cowal Golf Course included within the application boundary. Given potential contamination on parts of the existing site close to the green keeper's buildings, no soil or material shall be moved around the site until the contamination conditions above have been formally discharged and subsequent details of earthworks submitted for consideration.

Reason: As no details have been submitted and to avoid redistribution of potential contaminated material.

(Ref: Report by Head of Planning dated 24 September 2010, submitted)

8. MR ROBERT BROWN: APPLICATION FOR REPLACEMENT OF ROOF COVERING ON BARN (RETROSPECTIVE), INSTALLATION OF CHIMNEY FLUE, ERECTION OF PORCH AND FENCING: COURTYARD COTTAGE, STRATHLACHLAN, CAIRNDOW (REF: 10/01128/PP)

The Head of Planning and Regulatory Services advised that the application was recommended for approval as it accords with the Development Plan, being consistent with Policies LP ENV1, LP ENV 10 and LP ENV 19. Although there was sufficient number of representations to trigger a hearing in relation to the old

thresholds, with the adoption of the new criteria it was considered that the criteria prompting the need for a hearing was not satisfied in this case.

Motion

That a discretionary hearing take place in advance of determining the application.

Moved by Councillor Marshall, seconded by Councillor McNaughton

Amendment

That the application be granted subject to the conditions and reasons contained within the report by the Head of Planning and Regulatory Services dated 5 October 2010.

Moved by Councillor Kinniburgh, seconded by Councillor Colville

Decision

The amendment was carried by 6 votes to 3 and the Committee resolved to grant planning permission subject to the undernoted conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 25th June 2010 and the approved site plan titled '*Application Ref no. 10/01128/PP*', received on 22nd July 2010 and approved drawings titled '*Plan of Building & Adjacent Property to Letter Farm Showing Extent of Land Belonging to Courtyard Cottage Letters*', received 22nd July 2010, '*Plans & Elevations Existing & Proposed*', Drg, No. RGB/10/1, received 22nd July 2010, '*Details of Proposed Entrance Porch At Courtyard Cottage, Letter Farm*' (x2), received 22nd July 2010 and unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Prior to the first use of the porch enclosure, its roof shall be fitted with opaque glazing and its north facing elevation shall be of solid construction. The porch enclosure shall be retained with this design and appearance in perpetuity, unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interest of privacy and amenity of the adjoining property.

(Ref: Report by Head of Planning and Regulatory Services dated 5 October 2010, submitted)

9. MR R YOUNG: APPLICATION FOR ERECTION OF ANEMOMETER MAST FOR TEMPORARY PERIOD (2 YEARS): SOUTH OF BEINN MHOR, CLACHAN SEIL (REF: 10/01147/PP)

The Development Manager advised that there had been a further 5 letters of representation received taking the total number to 63. He also advised that he had been made aware that the mast had been erected onsite. In terms of permitted development rights this would be allowed for a 28 day period and if it exceeded this period, enforcement action could be taken if there was no planning permission. He advised that the land could absorb the development and that the land was relatively featureless. In terms of the new hearing criteria, it was not recommended that a hearing was necessary.

Decision

Agreed:-

1. That the conclusions of the Area Capacity Evaluation (ACE) undertaken to accompany the assessment of this proposal be endorsed as a material consideration in the determination of the application and in the consideration of subsequent applications within the defined ACE compartment.
2. That a discretionary hearing was not required on the basis that there were no technically complex matters and that in granting this application it did not set a precedent for a windfarm development in this location.

3. To grant planning permission subject to the following conditions and reasons:-

1. Permission is hereby granted for 2 years from the date of this permission. The anemometer mast, supporting guy wires (and any base and associated fencing) shall be completely removed from the site no later than 31 October 2012. Thereafter the site shall be reinstated with the planting of indigenous vegetation within one month of the mast being removed from the site, unless a further period for an extended period is obtained from the Planning Authority.

Reason: In order that the Planning Authority may review the circumstances pertaining to the development within a reasonable period of time and in the interests of visual amenity.

2. The wind monitoring mast shall not be erected until full details of bird deflectors (which should be spaced at no greater than 2.5 metre intervals) to be installed on all guy wires of the mast have been submitted to and approved by the Planning Authority in consultation with Scottish Natural Heritage. The approved deflectors shall be installed on the mast for the duration of its installation and any that break or become detached shall be replaced.

Reason: In the interest of nature conservation to protect important bird species, as the application site is located within an important area for raptors, principally Golden Eagle, which are specifically protected under Annex 1 of the EEC Birds Directive 1979 and Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

3. The development shall be implemented in accordance with the details specified on the application form dated 25/06/10 and the approved drawing reference numbers:

Plan 1 of 2 (Drawing Number ANM – 001)

Plan 2 of 2 (Drawing Number ANM – 002)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

(Ref: Report by Head of Planning and Regulatory Services dated 23 September 2010, submitted and 19 October 2010, tabled)

10. NHS HIGHLAND: APPLICATION FOR INSTALLATION OF GENERATOR: VICTORIA HOSPITAL, ROTHESAY (REF: 10/01251/PP)

The Head of Planning and Protective Services advised that that application was in respect of the siting of a standby generator at the hospital. He advised that the large open spaced area gave a buffer to the residential property and that in terms of visual amenity the generator could not be seen from High Street although could be viewed from Wallace avenue. He advised that he had proposed a condition regarding screening and noise attenuation in terms of the representation from the Environmental Health Officer. He recommended that planning permission be approved subject to the conditions and reasons contained within his report.

Decision

Agreed to grant planning permission subject to the undernoted conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997)

2. The development shall be implemented in accordance with the details specified on the approved drawings: Drawing Number. 10011 00A; Drawing Number. 10017 01D; Drawing Number. 10017 03M; Drawing Number. 10017 20; and Drawing Number. 10017 21A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. Additional sound reduction measures should be taken to ensure that calculated noise levels, arising from the operation of the generator, shall not increase pre-determined ambient background noise levels, as agreed with the Planning Authority, by more than 3dB at the nearest noise-sensitive property. All measurements shall be taken in accordance with BS 4142: 1997. Such measures shall include erecting a suitable barrier around the generator to reduce both sound transmission and the visual impact of the generator. A competent person such as a noise consultant must be appointed to identify suitable sound reduction measures.

The sound reduction measures that are agreed shall be implemented prior to the first operation of the generator.

Reason: In the interests of visual amenity and no such details having been submitted.

(Ref: Report by Head of Planning and Regulatory Services dated 30 September 2010, submitted)

11. ARGYLL COLLEGE UHI LTD:APPLICATION FOR ERECTION OF CYCLE SHELTER: CAMPBELTOWN LEARNING CENTRE, HAZELBURN CAMPUS, CAMPBELTOWN (REF: 10/00738/PP)

The Committee had, at their September 2010 meeting, agreed that this application be continued to explore the alternative siting of the shelter to a less intrusive location and to seek confirmation of the Council's interest in the application (if any). A report updating the Committee was considered which advised that the applicant had not submitted any further information in respect of this request.

Decision

Agreed to continue the application for a further month to allow the opportunity for submission of further/amended details by the applicant and to instruct the Head of Planning and Regulatory Services to take a more proactive approach by asking the Local Planning Officer to visit the applicant to progress the matter.

(Ref: Report by Head of Planning and Regulatory Services dated 6 October 2010, submitted)

12. PROPOSED FELLING OF TREES AT THE BURIAL GROUND, KILMARTIN

On 19 May 2010 the Committee had agreed to grant permission to fell a number of conservation area trees within Kilmartin Burial Ground subject to a scheme to provide replacement trees. Following this decision, the Council's Horticultural Officer had advised that it would be impractical to replant within the cemetery grounds and that attempts to agreed to plant on third party land outwith the site had been unsuccessful. Due to this material change in circumstances, the Committee were invited to reconsider their earlier decision.

Decision

Agreed to fell the ten trees identified within the application (09/01778/TPO) without the previously identified requirement for compensatory planting.

(Ref: Report by Head of Planning and Regulatory Services dated 5 October 2010, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following 3 items 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.

13. 10/00323/ENOTH2

The Committee were invited to consider a report regarding enforcement case 10/00323/ENOTH2.

Decision

Agreed the recommendation contained within the report dated 8 October 2010 by the Head of Planning and Regulatory Services.

(Ref: Report by Head of Planning and Regulatory Services dated 8 October 2010, submitted)

14. 10/00204/ENOTH2

The Committee were invited to consider a report in relation to enforcement case 10/00204/ENOTH2.

Decision

Agreed that no enforcement action be taken.

(Ref: Report by Head of Planning and Regulatory Services dated 23 September 2010, submitted)

15. 10/00012/ENOTH1, 10/00077/ENOTH2 & 10/00210/ENFOTH2

The Committee were invited to consider a report in relation to enforcement cases 10/00012/ENOTH1, 10/00077/ENOTH2 and 10/00210/ENFORTH2.

Decision

Agreed that enforcement option 1 within the report by the Head of Planning and Regulatory Services be the preferred course of action and that the Head of Planning and Regulatory Services investigate and expedite the consultation process with Transport Scotland, reporting back on progress to the Committee each month.

(Ref: Report by Head of Planning and Regulatory Services dated 18 October 2010, submitted)

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MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the HOLYROOD SUITE, QUEEN'S HALL, DUNOON
on WEDNESDAY, 20 OCTOBER 2010

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Alister MacAlister	

Attending: Charles Reppke, Head of Government and Law
 David Eaglesham, Area Team Leader
 John Irvine, Enforcement Officer
 Jane MacLeod, Applicant
 Tanya MacDougall, Supporter
 Stephen Carroll, Supporter
 Carol Gillies, Supporter
 Councillor Walsh, Objector
 Mrs McChlery, Objector
 Miss Graham, Objector
 Mr Findlay, Objector

Apologies: Councillor Vivien Dance Councillor Neil Mackay
 Councillor Mary-Jean Devon Councillor Al Reay

1. FAMILY MEDIATION ARGYLL AND BUTE: CHANGE OF USE OF DWELLING (CLASS 9) TO FAMILY MEDIATION CENTRE (SUI GENERIS) (RETROSPECTIVE): ATHOLE COTTAGE, 20C WELLINGTON STREET, DUNOON (REF: 10/01036/PP)

The Chair welcomed everyone to the meeting and asked the participants to introduce themselves.

The Head of Governance and Law spoke to the procedure that would be followed at the meeting and in accordance with the first step, asked attendees who wished to address the Committee to identify themselves.

Planning Authority

Mr Eaglesham spoke regarding the application advising that it was for a change of use of a dwelling (class 9) to family mediation centre which falls outwith the class categories and therefore is referred to as sui generis. He referred to the location plan and the earlier informal site visit by the Members of the Committee. He advised that there were no physical changes required to the property.

Mr Eaglesham advised his understanding of the proposed use was that it was to be used in relation to families in dispute in attempt to resolve their difficulties. The families using the centre would be supervised at all time by staff and the

centre would operate during the hours of Monday to Saturday, 9am to 5pm for sessions lasting between 1 and 2 hours.

Mr Eaglesham advised that there had been no objection from the Council's Environmental Health Officer and that the Roads Authority had asked the case to be deferred to see whether site lines could be achieved. They had also advised that there should be 4 spaces for parking for the centre, an additional 2 for the cottages (1 each) and a turning space. From the site visit it was clear the proposal did not meet these standards.

Mr Eaglesham then discussed the 26 letters of representation (24 objections and 2 in support) and issues raised which included an increase in the comings and goings of people at non specific times, limited parking, road safety issues, noise level increases in the area due to shouting adults and children and that the proposal was incompatible with the surrounding residential area. Within the two letters of support there was comment that one tenant had no experience of complaint and a solicitor had commented that they had not observed any of the issues raised during their visits.

In conclusion, Mr Eaglesham advised that the policy was within the settlement zone and therefore STRAT DC 1 was applied. The proposal was consistent with this policy and he did not consider it was contrary to LP BAD 1 which was more appropriate in use for takeaways or public houses due to nuisances caused by odour, noise etc. The bulk of representations were in relation to impact on privacy and amenity but from the information supplied by the applicants there were only a maximum of 3 appointments per day with these visits being staggered. He felt this was a low key use and with the addition of conditions restricting the opening hours and number of appointments per day this would ensure no undue increase in usage. He suggested that if the Committee were minded to grant the application they may wish to do so for a 12 month period to allow a re-assessment in view of the anti social behaviour claims. The proposal was also complied with LP ENV 1. While the applicant couldn't comply with the parking requests he felt that there would be little increase in the property than if it were a family home and therefore it was not appropriate to recommend refusal on roads grounds.

Applicant

Mrs MacLeod spoke on behalf of the company in her capacity as one of the Company Directors. She advised that Tanya MacDougall who was the centre manager was present if the Committee had any questions relating to the operation of the centre and that in addition Mr Carroll and one of the volunteers would also speak.

Mrs MacLeod spoke to the background of the service which had been in operation since 2001. The service had begun in Oban but was offered out to other areas in Argyll and Bute. She commented on the similarities of the property in Oban to Athole Cottage, advising that both properties were homely, making children feel comfortable and that they had gardens that the children could run out in if they felt overwhelmed during a reunion which could often be with a parent they had been split up from for some time. She advised that it was crucial to have a safe, comfortable environment for these mediation sessions and that Athole Cottage provided this. She discussed previous arrangements for

the sessions which included use of sterile halls which were not suitable, confidential or of any comfort to a child. She also advised that the house had been offered to the Company as a safe, secure family home and this was the basis which it was being used.

Mrs MacLeod advised that she had checked with Strathclyde Police in Oban to see if there were any complaints in relation to the centre. The Police had confirmed that there were no complaints on record. She advised that she felt the movement to and from Athole Cottage would be no greater than normal family use and apologised for the fact that planning permission had not been sought before the centre started operating and that she hoped the Committee would deal with on the merits of the case and not on the basis of being retrospective. She commented that the proposal did not breach the Development Plan and that by no stretch of the imagination could it be considered a bad neighbour development.

Mrs MacLeod then spoke regarding arrangements for use of the centre and of the no drink or drugs or bad language agreement that clients must sign up to.. She extended an invite to the objectors to visit the centre to review the work taking place so long as there were not sessions being run. She discussed the hours of operation advising of the pattern in increased activity of the centre and categorically denied that there were any loud, ranting exchanges due to clients signing up to the agreement.

Mrs MacLeod then discussed the town centre location which meant that there were rarely travel costs for those visiting the centre as there was option of walking or public transport therefore meaning there was no additional traffic.

She spoke regarding the importance for children to have access to two parents and how this was the same regardless of whether the parents were living together or had split up. Athole Cottage allows this to happen.

Mr Carroll, who was a client of the centre, had waived his right to confidentiality in order to speak in support of the application. He advised that he had not seen or heard from his child for one year and had initially been denied a right to see his child by the Courts when his partner had left him. He had been put in touch with the centre and had eventually been allowed an hour per week access. He was very impressed with the staff at the centre and without their supported was not sure where or what he would be doing. He had been a client of the centre for a year and half and his access to his son had now increased to 6 hours per week.

Mr Carroll advised that he had initially visited the centre by cars and that in his experience he had always found plenty of room. He had never observed anyone reversing onto the highway and commented that the only noise issue he had experienced in the area was down to a cockerel.

Mrs MacLeod surmised by advising that children needed 2 parents and that the centre was there as a means to ensure children were not deprived of this contact. The application was compliant with the Development Plan and merits approval. She urged the Committee to grant the application.

Ms Gillies, one of the centre volunteers, spoke advising that the building was small but adequate for purpose. There were very few clients who had cars and a

lot who resided outwith the area, arriving by ferry and walking to the centre. In her experience there had never been an instance where 2 cars had met. Amongst all the staff present at the hearing they had covered all the visits and they had never encountered any raised voices. She commented that it would be tragedy if the Committee turned their backs on the centre and showed they don't care.

Councillors not on the Committee

Councillor Walsh advised that he would be putting the representations received at his surgery to the Committee. He had received significant representations regarding the use of the centre which he commented was not an attack on mediation services. Many of the complaints he had received related to the detrimental impact to the amenity and area in which the residents lived.

Councillor Walsh commented that concerns had first been raised with him regarding the loss of privacy and amenity due to increased activity at Athole Cottage. There was weekend disturbance on Saturday and this was put down to what was seen to be illegal and increased activity in a quiet cul de sac location. His constituents felt that there was potential for future noise and wanted to protect their comfortable environment.

Councillor Walsh advised he was aware of the need and importance of mediation but not at this location. He advised that he was discussing alternative accommodation for the service with the Council's Head of Children and Families and was not therefore discussing the removal of the service. He accepted that Athole Cottage was no doubt a homely, family setting the location but commented that the location was wrong for users and residents. There was a lack of space and there were clear road safety and anti social behaviour concerns. The development was inconsistent with Policies and their objectives. He then discussed Policies STRAT DC 1, LP CON 1, LP ENV 1 and LP BAD 1 and how each of these policies were breached by the development on grounds mainly of the nature of the use, loss of amenity and noise/poor behaviour regardless of how well run or supervised the centre was.

He then spoke of the traffic and pedestrian conflict due to the narrow access and no footpath or turning facilities advising his constituents had observed people reversing onto the main road. He seen no proposal to address this within the application and questioned where the planning gain was to overcome the breaches in policy. He was concerned that there was no recommendation for a Section 75 to address this within the Head of Planning and Regulatory Services' report. He stated this was at variance with the requirements of planning gain on the basis that the Roads Authority had identified a threat to safety which compromised LP TRAN 4 and LP TRAN 6. He requested that the application for change of use be refused and suggested that the service could continue if thought were given to an appropriate enforcement period.

Objectors

Mrs McChlery advised the Committee she was a resident of Wellington Street and a retired Police Sergeant who had had special responsibility for family problems. She was well aware of the work carried out at the centre and that it was to be applauded. However, she had concerns about safety having seen

numerous vehicles reversing on to the Main Road over the years (including recently). She considered the site to be very unsafe.

On the subject of noise she advised that yes she had heard some increased noise levels but a bigger concern was that the area was not fenced off and was close to the road. She also had concern about access of emergency service vehicles and did not think they would access the area if there were cars parked. She did not consider the safety angle had been thought through and that there must be other places which were safer and could provide the same facilities.

Miss Graham advised that she was a neighbour whose house backs onto the lane. She was aware of what the centre was about and the good work that they do. She advised that she agreed with the concerns re road safety aspects but that her focus would be on the noise issue. She reported that there had been 3 instances where she had witnessed people "kicking off". She was aware that the Police had been involved in one of the incidents and that the situation had been very scary. She accepted that on the third occasion the situation had been sorted out quickly.

She advised that the noise from the traffic passing vibrates her home and that there is a privacy issue for her house as clients walked past her house and she felt the need to ensure that her blinds were drawn. Her privacy was also affected due to the centre looking onto her drying green. She advised that the scheme she had previously lived in was quieter than her new home having recorded 10 cars passing between 9-10am on a Saturday morning. She commented that this was less than when the centre had first opened and that although she was not certain whether this was centre or staff users, considered the usage to be excessive.

With regard to Mr Carroll's submissions, she advised that she had full respect for what he had said but generally one of the parents involved (if not both) would have a home and wondered why the volunteer staff could not conduct the visits within the parents own home.

While there was only one person in the centre for a set time she still felt there was a lot of noise and a lot of traffic which all added up in a day.

Miss Graham advised that she had witnessed kids running up as far as her house before being noticed by volunteers who then collected the child. She commented that they were seconds from the road and an accident.

Miss Graham commented that she was aware that the Council had a vested interest but wondered whether the centre was inspected by the Care Commission. She also wondered if the centre had a fire certificate in their capacity for looking after children. She also queried whether volunteers were vetted.

Mr Findlay advised he had only one question which was why the centre was kept so secret as residents were not told or consulted about it.

Question Time

Councillor McCuish asked if there had been any mediation with neighbours given

the sensitivity. Mrs MacLeod advised that with hindsight this would probably have been beneficial although the use of the premises was to be low key and quite (despite what the Committee had heard. She again confirmed that the Centre were happy for neighbours to visit the centre and discuss the kind of work carried out by the volunteers.

Councillor McCuish felt that since the location was quite, any noise increase would be noticed and advised that in his opinion Oban was in the Main Street and therefore not affected so much by any noise increase. Mrs MacLeod advised that it was a flat with families living beside the Oban centre and that the neighbouring families had not expressed any concern.

Councillor Kinniburgh questioned whether there was a back door to the property leading onto the alleyway. Mrs MacLeod advised there was not.

Councillor Kinniburgh asked about the garden at Athole Cottage commenting that the Oban garden had seemed to be enclosed whereas this garden was not. He asked what steps were taken to address the comment about the child getting as far as the window of Miss Graham's cottage. Mrs MacLeod advised that children are prone to wandering although they were always monitored by staff to ensure they don't get further than this. Councillor Kinniburgh followed this up by asking Mrs MacLeod if she felt the children using the centre were safe. Mrs MacLeod advised that the children were more closely monitored than if a child was put out to play by a mother who was, for example, cooking.

Councillor McQueen questioned how they could guarantee there was no trouble from clients. Mrs MacLeod advised that workers were always supervising and referred to the strict policies on drink and drugs. There were strict limits on when sessions could take place (from 9am to 5pm) and if someone had turned up intoxicated they would be asked to leave.

Councillor Marshall asked Miss Graham whether she was sure the people she had heard passing her window were using the centre given they had heard there was no access via a back door. Miss Graham advised she was certain they were clients.

Councillor Marshall asked Mrs MacLeod about whether the centre was inspected by the Care Commission. Mrs MacLeod advised that the centre were not in charge of care provision and only supplied a mediation service. They were not therefore required to be inspected. She also advised that a fire certificate was not necessary.

Councillor Marshall asked Councillor Walsh about his comments re noise complaints on Saturdays. Councillor Walsh advised that there had been complaint about an incident early on a Saturday morning (possibly about 10am) during the early stage of operating. He had no detail other than there was shouting/swearing.

Councillor Marshall asked about planning gain advising that while it was good if gain could be achieved but given the organisation were a charity did Councillor Walsh think it was fair to ask for gain in these circumstances. Councillor Walsh advised that there was poor access and that a Section 75 agreement to improve this rather than financial input. He considered that there had been disregard to

the comments by the Roads Authority.

Councillor Marshall asked Councillor Walsh for his comments about a Section 75 regarding the illegality reversing out of the lane. Councillor Walsh advised that if the committee were so inclined to recommend a Section 75 it would be for the Planning Authority to pursue and come back with recommendations.

Councillor Marshall asked about the request from Roads to defer a decision. He asked whether there had been a definitive response yet. Mr Eaglesham advised that they had asked for a decision to be deferred until the visibility splays could be looked at. As the applicant could not deliver anything other than what was on the ground. He advised Roads were consulted in this case as the impact the change of use would have was unknown. He accepted that there were issues with the standards re parking and visibility but had to consider whether the change of intensity was greater or less than the existing useage. Given cars had been reversing for a number of years it could be accepted that this situation was always there. In weighing this shortfall he did not consider this to be of such significance as to merit a refusal.

Councillor Marshall asked whether the same situation existed in other locations. Mr Eaglesham advised that there were a number of premises which don't have visibility or ability to turn a vehicle around.

Councillor Currie asked for comment as to whether if the cottage had been let to a family with 3 cars as a private let then whilst there may be concerns about safety then there wouldn't be opportunity to interfere. Miss Graham advised that what was being considered was not about what could or might have been but what was here now.

Councillor Colville asked whether, in terms of Policy LP BAD 1, the flexibility where there was good public transport was applied in this case. Mr Eaglesham advised that this applied and also the consideration as to whether there was a significant increase in comparing the lawful use with the proposed new use.

Councillor Colville asked if planning were to be granted for a one year period whether there was any chance of alternative accommodation being found. Mrs MacLeod advised that Athole Cottage was perfect at the moment but in discussions with the Council none of the suggested alternatives were suitable. If there was an alternative as good as Athole which did not cost more then it would certainly be considered.

Councillor Colville asked Councillor Walsh what the likelihood was of this. Councillor Walsh advised the discussions were undertaken to ensure an amicable outcome and that the Council were currently spending capital on Dunclutha Lodge which he felt was suitable for the centre.

Councillor Kinniburgh felt a lot of ground had been covered but that he remained concerned about safety and the Roads Authority report. He questioned the number of parking spaces available. Mr Eaglesham confirmed there were 4 spaces, 2 for the centre and 2 for the other cottages. Councillor Kinniburgh then asked if 4 cars were parked there would there be any option other than to reverse. Mr Eaglesham stated the person could ask for one of the cars to be moved but that the most obvious way out was to reverse.

Councillor McCuish queried whether if the application for change of use were lodged before the centre moved if whether a neighbourhood notification would have been necessary which would have enabled neighbours to object. Mr Eaglesham confirmed this would have been the case. Councillor McCuish asked whether this neighbour notification had taken place at the retrospective stage. Again this was confirmed.

Councillor McCuish asked about the suggested alternative accommodation stating that he had thought Dunclutha Lodge was for sale. Councillor Walsh advised that there was a lodge and a house and that the lodge would be suitable and could be made available.

Councillor Marshall queried the noise behind the premises, he wondered whether this could be as a result of people taking the wrong turn. Ms Gillies advised this could be possible as most people arrived on foot.

Councillor Marshall queried whether the log of appointments contained all details since the centre opened on 12 April 2010. Mrs MacLeod confirmed it did.

Summing up

Mr Eaglesham advised there was not a great deal he could add. The Committee had heard the merits of the project and while the aims were worthy they were not a planning concern. The issue at hand was the impact between residential use of the cottage or change of use and whether this led to a greater or lesser use of traffic.

He was sympathetic to the concerns of objectors that this was not simply about noise or disturbance but sensitivity of bringing strangers rather than have regular neighbours but in their consideration a balance approach must be taken as to whether at the end of the day this could be considered as an appropriate reason to refuse. The view in this case was that it was not and on this basis the application was recommended for approval.

Mrs MacLeod suggested that the proposed use was less intensive than if a family with 2/3 cars were in residence. The centre was only in use from 9am to 5pm 6 days per week and the area in which it was located was a mixture of residential and commercial properties with a pub and Building Supplier being nearby. It was considered a safe and quite place for a child to be and while she appreciated the sensitivity of the neighbours, this was not a planning issue.

She commented that the Committee had heard that reversing out of the lane onto the road was not a new issue and that she had not been aware of any cases of people doing this since the centre opened.

Mrs MacLeod advised that a Section 75 Agreement was out of the question as the centre did not have control over the land and that it was not possible to impose a Section 75 Agreement to forbid reversing onto a road. She commended the application to the Committee.

Mr Carroll spoke about the concerns re noise and reversing. He had observed this up and down Wellington Road by residents. He felt that there was ample

space for turning given there was rarely more than 3 cars parked. He had never seen/heard what had been put forward by the objectors and considered the area perfect for kids and parents. He added that there was ample room for parents and children approaching on foot as if there was a car approaching, they would normally stop until the pedestrians had passed.

Ms Gillies commented that if there were noise from the centre this would obviously cease at 5pm. She felt the centre had been hit by a hostile smear campaign which was unfortunate.

Councillor Walsh drew distinction to value and attention to policies. He felt there was potential for increased activity and that noise would follow. He also felt traffic usage was bound to increase and although the access was substandard, it did not make it right to ignore this. He indicated that his wish would be for the Committee to refuse the application on Policy grounds.

Mrs McChlery reaffirmed that her main worry was not the service offered but the location and road safety stating that traffic over the last 20 years had tripled and this with speeding vehicles had potential for disaster.

Miss Graham stated that at no time had anyone suggested a smear campaign and that the issue was with the different use. She asked Councillors to recognise their duty of care in deciding the outcome.

Mr Findlay confirmed he had nothing to add.

Debate

Councillor Marshall commented on the wonderful job done at the centre. He was impressed and moved by what had been said. He felt that the permission could be granted for a year and was fully in favour of that outcome. He referred to the Report by the Head of Planning advising that the application was compliant with policy and that there were no other material considerations therefore there was no reason why the application should not be approved.

Regarding the Roads issues, he reminded the Committee that there was no actual need to consult them on the application and that their response should be considered only as a comment.

He discussed the level of use of the centre commenting that there had only been 159 clinics in 6 months which was less than one per day which was of no concern to him.

Councillor MacAlister felt in a difficult position as this application was within his ward but as he was on this Committee he could not discuss it with his constituents. He referred to the comments regarding loss of privacy and amenity of the residents stating that due to the present financial circumstances the use of the clinic was set to increase. He was perturbed as planning permission had not been sought before the centre had opened and had concerns about the cognisance he should take of the lack of planning gain.

Councillor Kinniburgh had concerns about access to the property. Given there was only 2 rooms in the property how many cars would any family realistically

need. As a Section 75 could not be provided to assist road safety he would prefer for the centre to be elsewhere.

Councillor Colville supported Councillor Marshall's views. He recognised there were concerns but would like to see a temporary permission to allow a suitable alternative venue to be found.

Councillor Currie suggested adding to the conditions to indicate that a temporary permission was being granted to allow discussions with the Council in attempt to locate other accommodation.

Councillor McNaughton was of similar opinion although had some reservations regarding location.

Councillor McQueen was not in favour of approving the planning permission as he considered that the centre was in the wrong location.

Councillor McCuish stated that he fully supported the service but that it was in the wrong location. He had comfort from the knowledge that the Head of Service was working with the Service to identify accommodation which would be suitable for both parties. He commented that this position could have been avoided if neighbours had been consulted and brought onboard at the start.

Councillor MacMillan agreed with Councillor McCuish stating that consultation should have happened before the centre had opened.

Motion

That the application be refused on the basis that (a) the use would adversely affect the privacy and amenity of the neighbouring properties and would introduce an incompatible and incongruous use into a quiet residential area and (b) the operation of the centre will materially increase the use of the access lane which has substandard width and insufficient visibility splays to accommodate the likely volume of traffic with a consequent detrimental impact on road safety.

Moved by Councillor Kelly, seconded by Councillor McQueen

Amendment

That the application be approved subject to the conditions and reasons outlined in the report by the Head of Planning and Regulatory Services.

Moved by Councillor Marshall, seconded by Councillor McNaughton.

Decision

The motion was carried by 6 votes to 4 and the Committee resolved accordingly to refuse planning permission.

(Ref: Report by Head of Planning dated 26 August 2010, submitted)

2. ENFORCEMENT REPORT - 10/00168/ENOTH

The Committee were invited to consider how best to progress the enforcement case 10/00168/ENOTH.

Decision

Agreed to serve an enforcement notice with a 6 month period for compliance.

(Ref: Report by Director of Planning and Regulatory Services dated 18 August 2010, submitted)

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**ARGYLL AND BUTE COUNCIL
CORPORATE SERVICES**

**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE**

17th November 2010

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
TAXI FARE SCALE REVIEW**

1. BACKGROUND

- 1.1** In terms of the Civic Government (Scotland) Act 1982, Section 17, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis.
- 1.2** The Planning, Protective Services and Licensing Committee at their meeting on 20 January 2010 decided to keep the fares at the existing level with a further review to take place in January 2011.
- 1.3** The purpose of this report is to advise the Committee regarding the commencement of these procedures for the review.

2. ARRANGEMENTS FOR TAXI FARE SCALE REVIEW

- 2.1** The proposed review of fares has already been advertised in the press and an opportunity has been given for representations to be submitted.
- 2.2** Consultation requires to be carried out with taxi associations in Argyll and Bute before the Committee takes a decision on the review.

3. ACTION

- 3.1** Notice of the proposed review was advertised in the local press in late October early November 2010. All Taxi Operators within the local area have been notified in writing of the forthcoming review and they and their representatives have been invited to make written representations by 6 December 2010

4. RECOMMENDATIONS

- 4.1** It is recommended that a report be submitted to this Committee on either 19 January 2011 or 16 February 2011, for a decision on what the fare scale will be from 21 February 2011.

CHARLES REPPKE
Head of Governance and Law

Amn/sept10/4638

For further information contact: Alison MacNab Tel: 01546 604198

**Argyll and Bute Council
Development and Infrastructure Services**

Delegated Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission.

Reference No: 10/00980/PP

Planning Hierarchy: Local application

Applicant: Clydesdale Bank plc

Proposal: Formation of external ramp and level landing and installation of automatic opening double entrance doors to achieve access for disabled users to comply with DDA requirements.

Site Address: The Clydesdale Bank, 120 Argyll Street, Dunoon, Argyll

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Formation of external ramp for disabled access;
Installation of automatic opening double entrance doors.

(ii) Other specified operations

None

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons set out below.

(C) HISTORY

An application (ref. 03/02055/DET) for the formation of a disabled access ramp was withdrawn on 15th June 2006 due to concern regarding creating an obstruction in the public footway.

[An application (ref. 04/00979/DET) for a similar access ramp to the Bank of Scotland at 78 Argyll Street was withdrawn following concerns that such an external ramp would cause an obstruction in the public footway. An alternative internal solution was found and now in operation.]

Advertisement consent (ref. 06/01582/ADV) for the erection of three internally illuminated fascia signs and one projecting sign was granted on 28th August 2006 and has been implemented.

(D) CONSULTATIONS:

Area Roads Manager (response dated 18th October 2010): Recommends refusal on grounds that no works should take place in the public footway and that any access ramp should be located within the premises.

(E) PUBLICITY: None.

(F) REPRESENTATIONS:

No representations have been received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No.
 - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No.
 - (iii) **A design or design/access statement:** No.
 - (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No.
-

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No.

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No.

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Local Plan 2009

Policy LP ENV 14 Development in Special Built Environment Areas;
Policy LP ENV19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;
Policy LP TRAN1 Public Accesses and Rights of Way;
Policy LP TRAN 3 Special Needs Access Provision.

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.** n/a
-

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No.

(L) Has the application been the subject of statutory pre-application consultation (PAC): No.

(M) Has a sustainability check list been submitted: No.

(N) Does the Council have an interest in the site: Yes. Application encroaches into public footway.

(O) Requirement for a hearing (PAN41 or other): No.

(P) Assessment and summary of determining issues and material considerations

The proposal is for a disabled access ramp on the Argyll Street frontage of the Clydesdale Bank premises with the intention of satisfying DDA requirements.

The Area Roads Manager has recommended refusal on the basis that the proposed access ramp would cause an obstruction to the passage of pedestrians within the public footpath and also confirms that no permission will be granted by the Roads Authority to build on this section of public footway and any alterations should take place within the building.

The existing access involves steps up to the ground floor level of the bank. The installation of the proposed access ramp would significantly narrow this section of public footway to the detriment of general pedestrian movements. A previous application (ref. 03/02055/DOT) was withdrawn following concerns of obstructing the public footway.

Whilst the department looks to accommodate DDA schemes, external works should be avoided where they give rise to a significant adverse impact on the general usability and safety of the public footway. Other premises have experienced similar problems but have successfully devised internal alterations to comply with DDA requirements. There would appear to be no reason why the Argyll Street frontage of the subject premises could not be adapted and internally reconfigured to incorporate an internal access ramp.

Given all of the above, the proposal is considered to be unacceptable in scale, design, townscape and impact on pedestrian safety that would be would be contrary to policies LP ENV 14, ENV 19, TRAN 1 and TRAN 3 of the 'Argyll and Bute Local Plan' (2009).

(Q) Is the proposal consistent with the Development Plan: No.

(R) Reasons why Planning Permission should be refused.

The proposal to install an external ramp to serve the premises in question has adverse consequences for townscape character and for the passage of pedestrians along the public highway. It is considered contrary to LP ENV 14, LP ENV 19, LP TRAN 1 and LP TRAN 3 of the 'Argyll and Bute Local Plan' (August 2009).

(S) Reasoned justification for a departure from the provisions of the Development Plan
n/a

(T) Need for notification to Scottish Ministers or Historic Scotland: No.

Author of Report: Brian Close

Date: 1st November 2010

Reviewing Officer: David Eaglesham

Date: 1 November 2010

Angus Gilmour
Head of Planning

REASONS FOR REFUSAL RELATIVE TO APPLICATION 10/00980/PP

1. The location and appearance of the proposed external disabled persons' access ramp is considered to be unacceptable in townscape terms as it would, by virtue of the raised construction and associated handrailing, result in the introduction of an isolated and alien feature into the streetscape to the detriment of the character of this thoroughfare. The proposal would significantly narrow the section of public footway on Argyll Street close to Moir Street junction and the ramp and handrailing would be intrusive and incongruous in the context of a footway otherwise devoid of such features, the character of which makes a contribution to the overall townscape in terms of it being a traditional street with narrow but largely uncluttered pavements., Accordingly, the proposal would be contrary to policies LP ENV 14 and LP ENV 19 of the 'Argyll and Bute Local Plan' (August 2009).
2. The proposed external disabled persons' access ramp would be located within the public footway which would result in a narrowing of available width of public footway on Argyll Street close to Moir Street junction, and this situation would be worsened by the presence of a lamp post. The development would constitute an obstruction to the passage of pedestrians which is considered to be unacceptable in safety and access terms. Accordingly, the proposal would be contrary to policies LP TRAN 1 and LP TRAN 3 of the 'Argyll and Bute Local Plan' (August 2009)

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00980/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

As the proposal is for a minor alteration to the existing bank premises, the application requires to be assessed against the criteria below.

i) Location

The proposal is for a disabled access ramp on the Argyll Street frontage of the Clydesdale Bank premises. The subject premises are situated on Argyll Street, north of its junction with Moir Street, Dunoon. The application premises are located within the Core Shopping Area of Dunoon Town Centre and within a Special Built Environment Area.

ii) Nature and Design

The ramp and landing would be finished in block paving to match the footpath and includes a 1.1 metre high balustrade with handrail. The proposal would also involve the installation of automatic opening double entrance doors to achieve access for disabled users to comply with DDA requirements. Other than the alterations to the doors, no other alterations are proposed for the internal layout of the bank premises.

ii) Assessment

The proposal must be assessed against the provisions of Policies LP ENV 14 - Development Within Special Built Environment Areas and LP ENV 19 - Development Setting, Layout and Design, of the 'Argyll and Bute Local Plan' (August 2009) where a high standard of appropriate design is expected in accordance with the Council's design principles.

The existing access involves two steps up to the ground floor level of the bank. The pavement at this part of Argyll Street tapers from approximately 2.6 to 3.3 metres. The installation of an access ramp 6 metres long and 1.2 metres wide would narrow this section of public footway down to between 1.2 to 1.9 metres.

By virtue of the raised construction and associated handrailing, the proposal would result in the introduction of an isolated and alien feature into the streetscape which would be intrusive and incongruous in the context of a footway otherwise devoid of such features, and it would significantly narrow the section of public footway on Argyll Street close to Moir Street junction to the detriment of the character of this existing public and traditional thoroughfare.

A previous application (ref. 03/02055/DOT) was withdrawn following similar concerns being raised by the department as have arisen in this case. The current application has been lodged without the benefit of any pre-application discussions and the situation on Argyll Street has not changed since this previous application was withdrawn.

Given previous concerns regarding the narrowing and cluttering up of Argyll Street's pavements, it is considered that the proposed external ramp would create an

unacceptable and incongruous design feature which is untypical of the current street scene, the presence of which could create a harmful precedent in terms of townscape character in a traditional street with and largely uncluttered narrow pavements.

Having due regard to the above, the proposal is considered to be inconsistent with Policies LP ENV14 and LP ENV 19 *including Appendix A Sustainable Siting and Design Principles* of the Argyll and Bute Local Plan (August 2009).

B. Roads and Associated Transport Matters

The Area Roads Manager has recommended refusal on the basis that the proposed access ramp would cause an obstruction to the passage of pedestrians within the public footpath. The access ramp on the public footpath narrows the existing footpath considerably and this is made worse by the location of a nearby lamp post. Roads also confirm that Construction Consent and a Road Opening Permit would be required under the Roads (Scotland) Act 1984 for the proposed works and that no permission will be given by the Roads Authority to build on this section of public footway. It is recommended that any alterations should take place within the building.

Given the above, it is considered that the proposal would be detrimental to public access along this part of Argyll Street and should be refused due to unacceptable narrowing of the public footway.

Having due regard to the above the proposal would be considered inconsistent with Policies LP TRAN 1 and TRAN 3 of the Argyll and Bute Local Plan.

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**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01498/PP

Planning Hierarchy: Local Development

Applicant: Argyll and Bute Council

Proposal: Formation of shared use walking and cycle path

Site Address: Land North of Ford Spence Court, Benderloch, By Oban

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION**(i) Development Requiring Express Planning Permission**

- Formation of shared use walking and cycle path
- Formation of 2 additional car parking spaces

(ii) Other specified operations

None

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

No previous history for this particular site, however this proposal will eventually form part of the Oban to Fort William cycle network of which the following stages have already been granted planning permission:

06/02616/COU - Cycle Track from Sea Life Centre to South Creagan, Barcaldine.
Granted 8th June 2007

06/02620/COU - Cycle Track from Strath of Appin to Argyll and Bute Boundary. Granted 8th June 2007

07/00635/DET - Cycle Track from Ganavan to Dunbeg, Ganavan Road. Granted 31st May 2007

10/00567/PP - Land between the Allt an Duine Mhoir And Barcaldine Castle Road. Granted 28th May 2010-10-29

A further application (Our ref: 10/01531/PP) is currently pending consideration for the formation of a shared use walking and cycling path at Dunollie Estate Woodland, Ganavan Road, Oban.

(D) CONSULTATIONS:

Area Roads Manager - No objections. Report dated 13th October 2010

Trunk Roads Authority - No objections. Report dated 13th October 2010

West of Scotland Archaeology Service - No archaeological issues raised. E-mail dated 14th October 2010

Access Officer - No response at time of report

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 28th October 2010.

(F) REPRESENTATIONS:

Four letters of representation were received during the determination process of this planning application. The letters of representation were received from:

1. D.W. Taxford, J.A. Tite, J.W. Lite, An Cala, Benderloch, By Oban, PA37 1QP (letter dated 4th October 2010)
2. Louise MacBrayne, 2 Station Cottages, Benderloch, By Oban, PA37 1RT (e-mail dated 7th October 2010)
3. Suzanne McPhillips, Dun na Mara, Benderloch, By Oban, PA37 1RT (letter dated 10th October 2010)
4. Susan Lowe, 4 Station Cottages, Benderloch, By Oban PA37 1RT (e-mail dated 18th October 2010)

(i) Summary of issues raised

- Neighbour notification carried out incorrectly

Comment: It has been established that neighbour notification was carried out correctly in accordance with Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2008. The contributor has been notified accordingly.

- Concerns regarding privacy and amenity. Requests that a boundary fence be erected including gate to facilitate access to the path from Ford Spence Court and Station Cottages

Comment: Given the nature of the proposed path and the character of its surroundings it is considered that the erection of a section of fencing would be an inappropriate isolated feature. Station Road properties have a defined curtilage and an additional parcel of land between themselves and the proposed path providing reasonable separation. However, the level of privacy and amenity the occupiers of these properties enjoy could be safeguarded by some less formal screening by way of planting, which could be an option, and the applicants have been asked to consider this (the outcome will be reported at the meeting) There is mature foliage and shrubbery to one side of the route at the rear of Ford Spence Court so a fence to the other would create a very confined section of route. Again an element of planting could assist here. The path follows the boundary of ACHA's property along the edge of the car park and they are agreeable to this route subject to a seating area and a couple of extra parking spaces being provided for residents.

- Concern regarding the provision for the turning of gas delivery lorries where the proposed path meets the existing path adjacent to An Cala.

Comment: The proposal involves the formation of a bound surface at ground level. There are no physical obstacles proposed that would impede whatever area is currently accessed by gas delivery vehicles.

The above represents a summary of the issues raised. Full details of the letters of representation can be viewed on the Council's public access system by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |

- (iv) **A report on the impact of the proposed development** No
 e.g. retail impact, transport impact, noise impact, flood risk,
 drainage impact etc:

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No

- (I) **Has a Direction been issued by Scottish Ministers in terms of** No
Regulation 30, 31 or 32:

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 16 – Impact on Scheduled Ancient Monuments

LP ENV 17 – Impact on Sites of Archaeological Importance

LP TRAN 1 – Public Access and Rights of Way

LP REC 1 – Sport, Leisure and Recreation

LP REC 2 – Safeguarding of Important Open Spaces

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Town and Country Planning (Scotland) Acts 1997 (as amended by 2006 Act)

Scottish Planning Policy

Consultation responses

Representations

- (K) **Is the proposal a Schedule 2 Development not requiring an** No
Environmental Impact Assessment:

- (L) **Has the application been the subject of statutory pre-application** No
consultation (PAC):

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: Yes

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for the formation of a shared use walking and cycling path on land north of Ford Spence Court, Benderloch, by Oban.

The area of path to be formed measures approximately 410m in length and comprises the formation of a 2.5m wide dense bitumen macadam path and follows the alignment of the disused railway line. The path will extend from the existing community viewing area to the south and link up with the existing path network adjacent to the Ben Lora car park to the north, which in turn runs through the village leading to the primary school. The path will run adjacent to Station Cottages, being approximately 17m at its closest point, and within the grounds of Ford Spence Court, between the car parking area and the boundary, being approximately 6m at its closest point from the building.

The proposal also involves the creation of 2 additional parking spaces at Ford Spence Court, and the creation of a paved seating area and direct access to the path from Ford Spence Court. These works have been agreed with ACHA as a consideration for taking the route across their property.

The site lies within the Settlement Zone where policy Structure Plan policy STRAT DC 1, and Local Plan policies LP ENV 1, LP ENV 16, LP ENV 17, LP TRAN 1 and LP REC 1 apply.

There will be minimal environmental impact as the proposal mainly follows the course of the former railway line and it is considered that this is an appropriate route. Although the path is located approximately 95m from the New Selma Standing Stone, it is considered that the path will have no adverse effect on the standing stone or its setting. No objections have been raised by West of Scotland Archaeology Service. A short section of the proposed route passes through an Open Space Protection Area subject to the effect of Policy LP REC 2. However given that the route runs along the boundary of the designated area, the land take is small, and the nature of the development does not affect the openness or amenity value of the land involved, the consequences of the proposal are considered insignificant in terms of the effect of the policy.

Concerns have been raised regarding privacy and amenity and objectors suggest that screen fencing should be erected along the length of the path along with gated access to the path from the properties at Station Cottages. The proposal is related to outdoor recreation and will eventually form part of the Oban to Fort William cycle network and will be of benefit to the residents of both Station Cottages and Ford Spence Court. As detailed in section (F) (i) of this report, screen fencing is not considered an appropriate solution to any intrusion which the path may cause to residential amenity, although the applicants have been asked to explore the opportunities for a more natural solution by way of planting, and the outcome of this and any requirement for condition will be reported at the meeting.

The application is judged to accord with relevant planning policy and will form part of the wider cycle network, to the benefit of the wider community. There are no material considerations identified, including matters raised by third parties, of sufficient weight to merit refusing the application. It is recommended that planning permission be granted.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

The application site is situated within the Settlement Zone for Benderloch where the proposal sufficiently satisfies Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan. The proposal is considered to be a suitable development within the defined settlement boundary and accords with Policies LP ENV 1, LP ENV 16, LP ENV 17, LP TRAN 1 and LP REC 1 of the 'Argyll and Bute Local Plan' 2009. There are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A – Proposal is in accordance with the development plan

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Andrew Barrie

Date: 1st November 2010

Reviewing Officer: Stephen Fair

Date: 1st November 2010

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01498/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 9th September 2010 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan at scale of 1:5000)
Plan 2 of 2 (Site Plan at scale of 1:1250)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997(as amended), 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.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **10/01498/PP**

- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

No

- (B)** Has the application been the subject of a non-material amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

No

- (C)** The reason why planning permission has been approved.

The application site is situated within the Settlement Zone for Benderloch where the proposal sufficiently satisfies Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan. The proposal is considered to be a suitable development within the defined settlement boundary and accords with Policies LP ENV 1, LP ENV 16, LP ENV 17, LP TRAN 1 and LP REC 1 of the 'Argyll and Bute Local Plan' 2009. There are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.



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**Argyll and Bute Council
Development & Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00738/PP

Planning Hierarchy: Local

Applicant: Argyll College UHI Ltd

Proposal: Erection of cycle shelter (retrospective).

Site Address: Campbeltown Learning Centre, Hazelburn Campus,
Campbeltown, Argyll.

SUPPLEMENTARY REPORT NO. 2

A) BACKGROUND

Further to the Head of Planning & Regulatory Services Report dated 26th August 2010, it was resolved at the September PPSL meeting that determination of this item be delayed for one month to explore the alternative siting of the cycle shelter to a location which would be less intrusive upon the setting of the Grade B listed building and, to seek confirmation from the applicant as to the nature, if any, of the Council's interest in this application site.

Firstly, it can now be confirmed that despite the applicant's having served notice on the Council as having an interest in the application site, the Council does not in fact have any land ownership interest in the land to which the application relates. With that in mind, it is noted that there is no procedural barrier to this application being determined by officers under the Scheme of Delegation.

Secondly, it is advised that Argyll College have confirmed their willingness to relocate the cycle shelter to a more appropriate position where it would secure a less intrusive relationship with the building which it serves. The applicant has advised that revised plans to this effect will be submitted shortly but these are, at the time of writing, unavailable for assessment. As the original application boundary encompasses all the land associated with the building in question, this revision could be achieved by way of amended plans rather than requiring withdrawal and resubmission.

B) RECOMMENDATION

It is recommended that this item be continued to allow the opportunity for submission of amended details by the applicant with the determination of the application to be undertaken by officers under the approved Scheme of Delegation upon receipt of such details.

Author of Report: Peter Bain

Date: 5th November 2010

Reviewing Officer: Richard Kerr

Date: 8th November 2010

Angus Gilmour
Head of Planning & Regulatory Services