

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 16 FEBRUARY 2011

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Alister MacAlister
Councillor Robin Currie	Councillor Neil Mackay
Councillor Vivien Dance	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor Al Reay

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer

Apologies: Councillor Gordon Chalmers Councillor James McQueen

1. DECLARATIONS OF INTEREST

Councillor MacNaughton declared a financial interest in relation to item 3 (Planning Application 08/00607/DET) on the basis that a family member was the applicant for planning permission.

Councillor McCuish declared a non-financial interest in relation to item 5 (Planning Application 10/01289/PPP) on the basis that a family member had lodged a representation in support of the application.

2. MINUTES

(a) The Minutes of the Planning, Protective Services and Licensing Committee of 19 January 2011 were approved as a correct record.

Arising from item 3 (Civic Government (Scotland) Act 1982: Taxi Fare Scale Review) the Head of Governance and Law reported that he had been advised that a late representation was being lodged with the Traffic Commissioner and therefore a judgement had been made by him not to advertise the new fare structure. This was on the basis that the Traffic Commissioner had, as of today's date, not yet advised whether this late representation had been received. He advised that if the appeal was accepted the Authority would be notified and there could be a hearing. He further advised that if the representation was rejected he would proceed to advertise as per the decision of the PPSL Committee on 19 January 2011.

(b) The Minutes of the Planning, Protective Services and Licensing Committee of 31 January 2011 were approved as a correct record subject to amendment of paragraph 4, page 26 to read "Councillor Reay, who was from Helensburgh, the birth place of John Logie Baird, reflected that the town had little to reflect

the impact his invention has had on all our lives. He advised that although it was important for a site to reflect its history, there was nothing on the site that was viable and that he too supported the demolition of the shed.”

Having previously declared an interest, Councillor Alex McNaughton, left the room and took no part in the discussion of the following item.

3. J MCNAUGHTON: APPLICATION FOR ERECTION OF DWELLING: LAND SOUTH OF SALTHOUSE, COLINTRAIVE (REF: 08/00607/DET)

The Principal Planning Officer spoke to the history of the application and also to Supplementary Report 3, which had been tabled at the meeting. He reported that this supplementary had been prepared following submission of amended plans and discussions the previous day with the applicant. As a result of these non-material changes, the recommendation was for approval subject to conditions.

Decision

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

Reason: in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the approved drawings:

1777-LP: Location Plan
1777-PL-01 Rev E: Proposed Plans and Elevations- House 1
(dated received 07.02.11)
1777-SITE-02 Rev I: Proposed Site Plan - Plot 1 (dated received 07.02.11)

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. Prior to the first occupation of the dwellinghouse, visibility splays measuring 120.0 metres from a 2.5 metre set back shall be formed free of all obstructions (including walls, fences, hedges, etc.) over one metre in height above the level of the road and within 2 metres from the edge of the road, including the required passing place (see condition 4 below). The sightlines shall thereafter be maintained in perpetuity, unless consent for variation is obtained in writing from the Planning Authority in consultation with the Area Roads Manager.

Reason: In the interests of road safety.

4. Prior to the first occupation of the dwellinghouse, the following works shall be undertaken to the satisfaction of the Planning Authority, in consultation with

the Area Roads Manager, unless the prior written consent of the Planning Authority is obtained for variation;

- i) A parking and turning area for two vehicles shall be fully constructed and thereafter maintained in perpetuity for such a dedicated purpose.
- ii) A passing place shall be constructed on the road at the access to the property.
- iii) The vehicular access shall be constructed as per the Council's Development Guidelines Fig 10.16 and must be a minimum of 2.75 metres wide.
- iv) The gradient of the access shall not exceed 5% for the first 2.5 metres.
- v) The first 2.5 metres of the access shall be constructed with a sealed surface.

Reason: In the interests of road safety.

5. Prior to commencement of development a detailed landscaping and tree planting scheme shall be submitted for the written approval of the Planning Authority. This shall include the following:
 - a) A method statement for the construction of the driveway and parking area along with details of proposed surface treatments. This shall provide for minimum disturbance to ground levels and vegetation along the route of the driveway and shall include details of the proposed means of treatment of exposed faces and batters to either side of the route of the driveway. It shall also specify intended surface treatment which shall include the use of muted colours and/or grasscrete or similar.
 - b) A planting scheme for the site incorporating native tree planting, which in particular, should include tree planting of the bank between the rear of the dwelling, the upper section of the driveway and the site boundary along the top of the bank. This should specify the siting, numbers, species and heights (at the time of planting) of all trees and shrubs to be planted.

The duly approved scheme shall be completed by the planting season following the first occupation of the building. Any trees or shrubs failing to become established, which are removed, or which in the opinion of the Planning Authority, are dying, have become severely damaged or seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of surface treatment and landscaping in order to help assimilate the development within its landscape setting.

6. Prior to the commencement of the development, details of the extent of the

proposed domestic curtilage of the dwelling, and any intended means of enclosure thereof, shall be submitted for the prior written approval of the Local Planning Authority. The defined curtilage shall exclude the area of rock between the alignment of the driveway shown on the approved plans and the public road frontage of the site, which shall remain undisturbed in its natural state, as shall the majority of the slope between the front of the dwelling and the public road frontage of the site. It shall also exclude that land to the rear of the dwelling proposed to be tree planted in accordance with the requirements of condition 5 above.

Reason: In the interest of reducing the wider landscape impact of the development and to help retain its rural character.

7. Prior to commencement of development, full details of the proposed roof covering, external wall finishes and timber windows shall be submitted for the written approval of the Planning Authority. The development shall be implemented in accordance with the duly approved details unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: In the interest visual amenity and to integrate the development into the wider landscape setting.

(Ref: Report by Head of Planning and Regulatory Services dated 25 November 2008, 20 December 2011 and 28 January 2011, submitted and Report by Head of Planning and Regulatory Services dated 15 February 2011, tabled)

Councillor McNaughton returned to the meeting.

- 4. KILCHATTAN WIND FARM LIMITED: ERECTION OF 16 WINDTURBINES (81 METRES TO BLADE TIP), FORMATION OF ACCESS TRACKS, ERECTION OF WIND MONITORING MAST, CONSTRUCTION OF SWITCH GEAR BUILDING AND TEMPORARY CONSTRUCTION COMPOUND: KILCHATTAN, LAND AT TODD HILL, SOUTHEND, BY CAMPBELTOWN (REF: 08/00138/DET)**

The Principal Planning Officer presented the report and advised that the application was recommended for refusal subject to a Discretionary Hearing being held in view of the number of representations which have been received.

Decision

Agreed to hold a Discretionary Hearing at a date and time to be determined.

(Reference: Report by Head of Planning and Regulatory Services dated 28 January 2011, submitted)

Having previously declared an interest, Councillor McCuish left the room and took no part in the discussion of the following item.

- 5. HIGHLAND HOUSE DEVELOPMENTS: APPLICATION FOR ERECTION OF PROPOSED HOUSING DEVELOPMENT: LAND NORTH OF CAIRNMORE, KILMORE, OBAN (REF: 10/01289/PPP)**

The Principal Planning Officer presented the report and advised that the application was recommended for approval subject to a Discretionary Hearing being held in advance of determination of the application, in view of the number of representations received, and the prior conclusion of a Section 75 agreement to address affordable housing provision.

Decision

Agreed to hold a Discretionary Hearing on 22 March 2010 in the Kilmore Village Hall and that more information on commuted sums be made available at this hearing.

(Reference: Report by Head of Planning and Regulatory Services dated 28 January 2011, submitted)

Councillor McCuish returned to the meeting.

6. MR A READ AND MS A YOUNG: APPLICATION OF AGRICULTURAL BUILDING: LAND NORTH EAST OF KAMES FARMHOUSE, KILMELFORD (REF: 10/01410/PP)

The Principal Planning Officer presented the report, advising that this was one of three items on the agenda for Kames that would require a hearing due to the number of representations received in the context of a small community. He advised that having due regard to the Development Plan and all other material considerations, that planning permission be granted subject to a Discretionary Hearing.

Decision

Agreed to hold a Discretionary Hearing on Thursday 17 March 2011 in Kilmelford Village Hall and that more information regarding the water supply should be made available at this time.

(Reference: Report by Head of Planning and Regulatory Services dated 25 January 2011, submitted)

7. MULL AND IONA COMMUNITY TRUST: APPLICATION FOR ADDITIONAL PLANT ROOM, AMENDED SITING, AMENDED FENESTRATION ON THE SOUTH EAST AND SOUTH WEST ELEVATIONS, UPGRADING OF ROOF COVERING TO NATURAL SLATE, ADDITION OF 7 SUNPIPES, DELETION OF SOLAR PANELS AND INSTALLATION OF A WASTE WATER DISCHARGE PIPE (RETROSPECTIVE) (REF: 10/01767/PP)

The Principal Planning Officer presented a report in respect of a retrospective application addressing alterations in footprint, floor level, fenestration, drainage arrangements and other minor details to the previously approved consent of 07/02265/DET which was continued from the previous PPSL Committee meeting in view of matters requiring clarification which were now incorporated within the Planner's report. He recommended that planning permission be granted subject to revised conditions which took account of the need to obscure glaze windows and to provide rock armour protection to the outfall pipe.

Decision

1. Agreed to grant Planning Permission subject to the following conditions and reasons:-

1. Prior to the initial use of the centre hereby approved, a scheme for improving the appearance of the outfall pipe between the sea wall and the mean low water spring level shall be submitted to and be approved in writing by the Local Planning Authority, and the duly approved scheme shall be implemented in full. The scheme shall provide for the undergrounding of the pipe other than where it can be demonstrated that the removal of rock is impractical. Any sections of pipe which cannot be laid underground shall be protected on either side by rock armour. This shall employ rock of local provenance, the type and size of which shall be agreed in advance by the Local Planning Authority. The rock shall be laid in an uneven and random manner using a variety of rock sizes in order to avoid uniformity and linearity, in order that the completed works assume as natural an appearance as possible, so as to respect the character and appearance of the foreshore.

Reason: In the interests of visual amenity and to ensure that the visually intrusive discharge pipe blends into its surroundings.

2. Prior to initial use of the centre hereby approved, the six toilet windows (numbered 24, 25, 26 and 45, 46, 47) the office window (numbered 49) and the stairwell window (numbered 48), all on the south-east elevation, shall be fitted with obscure glazing, which shall thereafter be retained in perpetuity. ,

Reason: To eliminate overlooking of the neighbouring residential property.

3. The development shall be implemented in accordance with the details specified on the application form dated 20/10/2010 and the approved drawing reference numbers:

Plan 1 of 8 (Site Plan and Location Plan at scale of 1:500 and 1:2500)

Plan 2 of 8 (Elevations at scale of 1:1200)

Plan 3 of 8 (Section Thro Site NW to SW at scale of 1:100)

Plan 4 of 8 (Floor Plans at scale of 1:100)

Plan 5 of 8 (Roof Plan at scale of 1:100)

Plan 6 of 8 (Proposed Drainage Layout at 1:200)

Plan 7 Of 8 (Landscaping at scale of 1:100)

Plan 8 of 8 (Landscaping and access ramp elevation at 1:100)

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. That the exact wording of condition 1 be remitted to the Head of Planning and Regulatory Services in consultation with the Chair and Vice-Chair of the

Planning, Protective Services and Licensing Committee and Councillor Mary-Jean Devon.

(Reference: Report by Head of Planning and Regulatory Services dated 22 December 2010 and Supplementary Report dated 26 January 2011, submitted)

8. TERMS OF PROPOSED SECTION 75 CONSENT: TESCO STORE, CAMPBELTOWN (REF: 10/00239/PP)

The Committee considered a report by the Head of Planning and Regulatory Services which advised Members of a proposed change of the terms of the Section 75 Legal Agreement associated with this proposal.

Decision

1. Agreed to approve the amended terms of the Section 75 agreement as follows:-

1. A developer contribution of £120,000 in order to fund specific projects within Campbeltown Town Centre aimed at securing a vibrant and economically active Town Centre. The full sum to be paid on implementation of the consent when works commence on site. If not committed within a 5 year period, all monies shall be returned to the developer.
 2. Commencement of Development shall not be permitted, unless and until an agreement under Section 75 of the 1997 Act, which provides that for so long as the Proposed Store remains open to the public, the Existing Store shall not be used for the sale of Convenience Goods, has been entered into between the Council and the Applicant or their successors (as proprietors of the Existing Store Site), and has been registered in the Land Register of Scotland/recorded in the General Register of Sasines, as appropriate.
 3. The funding of a safer access at Campbeltown Heritage Centre. This is currently priced at £12,000 and the developer's contribution shall not exceed this level. If unused within a 5 year period, all monies shall be returned to the developer.
 4. A contribution from the developer in order to support the re-routing of public transport bus routes plus the installation of a display rack in store for public transport timetables. This subsidy is to the value of £15,000 and is for one year only.
2. To note that with regard to Head of Term 3, the applicants, as a gesture of goodwill, have agreed to pay the Access Contribution to the Council within 7 days of the issue of planning permission rather than on the commencement of works on the superstore as had previously been agreed. This would allow the development of the bunkhouse to proceed in advance of the superstore.

(Reference: Report by Head of Planning and Regulatory Services dated 7 February 2011, submitted)

The Chair ruled, and the Committee agreed, to adjourn the meeting at 1.30 pm for

lunch and reconvene at 2.00 pm.

Councillors Rory Colville, Mary-Jean Devon and Bruce Marshall left the meeting at this point.

9. MR A READ AND MS A YOUNG: APPLICATION FOR ERECTION OF AGRICULTURAL SHED INCORPORATING FARM SHOP AND CAFE BUILDING AND INSTALLATION OF PRIVATE SEWERAGE TREATMENT PLANT AND SOAKAWAY: LAND NORTH WEST OF KAMES FARMHOUSE, KILMELFORD (REF: 10/01415/PP)

The Principal Planning Officer presented the report and advised that having due regard to the Development Plan and all other material considerations, that planning permission be granted as a 'minor departure' to development plan policy RET 4 subject to a Discretionary Hearing being held in view of the number of representations received in the context of a small community.

Decision

Agreed to hold a Discretionary Hearing on Thursday 17 March 2011 in Kilmelford Village Hall and that more information regarding the water supply should be made available at this time.

(Reference: Report by Head of Planning and Regulatory Services dated 24 January 2011, submitted)

10. MR AND MRS LOWE: APPLICATION FOR DEMOLITION OF VILLAGE HALL AND ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE/OFFICE AND IMPROVEMENTS TO VEHICULAR DRIVEWAYS: FORMER ST CATHERINE'S HALL, ST CATHERINE'S, CAIRNDOW (REF: 10/01566/PP)

The Head of Planning and Regulatory Services presented a report advising that the proposed development is compliant with development plan settlement strategy in terms of policies STRAT DC 1 and LP HOU 1, and the plot size, layout and design are acceptable in terms of Local plan policy LP ENV 19. He advised that whilst the department considers the proposed design and layout acceptable, the rear portion of the site lies within Archyline Wood Site of Special Scientific Interest (SSSI) and that Scottish Natural Heritage have raised an objection. However, given the planning history for development on the western part of the site, the dimensions of the application site within the defined settlement boundary of St. Catherines and a very limited (if any) impact of the Ardchylene Wood SSSI, the Planning Authority do not concur with the views of Scottish Natural Heritage. On the basis that the proposed dwellinghouse and detached garage/office with appropriate materials and tree planting/shrub planting and boundary treatments will be capable of integrating within its surroundings, it is considered to be acceptable and consistent with policies LP ENV 5, ENV 6, ENV 7, ENV 10, ENV 19, HOU 1, TRAN 4 and TRAN 6 of the Argyll and Bute Local Plan (2009) and he recommended that Planning Permission be granted.

Decision

Subject to notification to the Scottish Ministers and amendment to the proposal description to the effect that this application is for demolition of a former village hall now occupied as a dwelling, agreed to grant Planning Permission subject to the following 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 application form dated 14th September 2010 and the approved drawing reference numbers: 1705.03, 1705.01 RevB received 31st January 2011, 1705.02 RevA, 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. No development shall commence, including any site works, until details are submitted for the prior written approval of the Planning Authority of a surface water drainage scheme (including any works to the existing watercourse through the site) that shall incorporate the basic principles of *Sustainable Urban Drainage Systems* identified in 'Planning Advice Note 61' and which shall provide details of surface water run-off, measures to slow down run off; methods of treatments and its release into the system, unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

Reason: In order to provide for sustainable development of the site, and to protect existing and proposed development from the effects of potential increased surface water run-off.

4. No works shall commence until full details of the provision of alternative accommodation for the bat population within the site (including the design and location of the bat buildings, boxes and roosts) and a management regime for the maintenance of this accommodation have been submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. These details shall generally be in accordance with the Protected Species Survey submitted by Mr. A. Kerr dated 12th December 2010.

Reason: In the interests of nature conservation and to ensure that there are sufficient alternative bat roosts within the development.

5. The visibility splays of 75.0 x 2.5 metres in both directions onto the A815 from both the existing access track and widened existing access shall be maintained in perpetuity free from all obstructions (i.e. walls, fences, hedges) over one metre in height.

Reason: In the interests of vehicular and public safety and in order to achieve required sightlines.

6. Prior to any works commencing on the demolition of the hall or construction of the outbuilding, the vehicular access(es) to the site shall be constructed as per standard detail drawing SD 08/005 and shall be constructed in consultation with the Roads Department of Development and Infrastructure Services. The gradient of the access shall not exceed 5% for the first 5m and 8% thereafter and the first 5m shall have a sealed surface to prevent debris running onto the public road/footway.

Reason: In the interests of vehicular and public safety and in order to provide a suitable access.

7. Prior to the occupancy of the dwellinghouse (or temporary habitation of the outbuilding), a parking area for two vehicles, together with a turning area, shall be provided within the curtilage of the site and shall thereafter be retained in perpetuity for such a dedicated purpose, unless the prior consent for variation is obtained in writing from the planning authority.

Reason: To ensure that adequate off-street car parking provision is provided.

8. The dwellinghouse shall not be occupied until the first 5m of the access onto the A815 from the lane serving Halftown Cottages has been constructed with a sealed surface in accordance with details to be submitted to and approved by the planning authority.

Reason: In the interests of vehicular and public safety and in order to provide a suitable access.

9. No development work shall commence on site until full details regarding the proposed foul water drainage system including effluent discharge calculations have been submitted to and agreed in writing with the Planning Authority.

Reason: To safeguard the waters of Loch Fyne, which are now a shellfish designation.

10. No building, engineering or tree-felling works shall commence until shall commence until a detailed scheme of all boundary treatments has been submitted to and approved in writing by the Planning Authority. The scheme of boundary treatment is expected to comprise a dry stone wall with post and wire fence to the rear portion and frontage of the site with an enclosed area with protective deer fencing in the central portion only. The scheme as may be approved shall be implemented prior to the occupancy of the dwellinghouse, or as otherwise agreed in writing with the Planning Authority.

Reason : In order to protect the visual amenity of the surrounding area.

11. No work shall commence on site (unless consent for variation is approved in writing by the planning authority) until a detailed scheme of native tree planting and shrub planting has been submitted to and approved in writing by the Planning Authority. The planting scheme, as may be approved shall indicate the siting,

numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:

- (a) Completion of the scheme during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority.
- (b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping

12. Notwithstanding the provisions of Article 3 and Class 1 (*the extension, enlargement, improvement, alteration of the dwelling*) and Class 3 (*building, enclosure, pool, incidental to the enjoyment of the dwelling and maintenance, improvement, alteration thereof*) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within that part of the curtilage of the dwellinghouse hereby permitted which falls within the Ardchyline Woodland Site of Special Scientific Interest without the prior written consent of the Planning Authority.

Reason: In order to protect the nature conservation value of the Ardchyline Woodland Site of Special Scientific Interest

13. Prior to the commencement of any construction works, samples of all external finishes and roof coverings shall be submitted for the written approval of the Planning Authority.

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

(Reference: Report by Head of Planning and Regulatory Services dated 9 February 2011, submitted)

11. MR H HOOD: SITE FOR ERECTION OF A DWELLINGHOUSE: LAND WEST OF 15 LOCH DRIVE, HELENSBURGH (REF: 10/01578/PPP)

The Head of Planning and Regulatory Services presented a report and referred to a late representation received which queried the dimensions of the proposed dwellinghouse which he had dealt with by way of a supplementary report. He advised that in terms of the plans submitted, the site plan at 1:500 scale shows the gable to gable distance to be 18.5 metres and on the 1:200 elevation plan the distance is 18.3 metres. Following the representation received the gable to gable distance was measured on site and this distance was approximately 17.3 metres. Consequently, the applicant's agent has been contacted and accurate amended plans requested. Despite this 1 to 1.2 metre discrepancy, it is still considered that an appropriately designed dwellinghouse can be accommodated on this site without a detrimental impact on the amenity if the adjoining properties or the surrounding area. As such it does not affect the recommendation that planning permission in principle be granted subject to a Discretionary Hearing being held in recognition of the number of representations received.

Decision

Agreed to hold a Discretionary Hearing on Friday 25 February 2011 at 2.00 pm in the Victoria Halls, Helensburgh.

(Reference: Report by Head of Planning and Regulatory Services dated 28 January 2011 and Supplementary Report dated 14 February 2011, submitted)

12. **MS JANET THOM AND MRS ANN SMITH: APPLICATION FOR CHANGE OF USE OF PAVEMENT TO FORM OUTSIDE SEATING AREA: JULIE'S CAFE HOUSE, 33 STAFFORD STREET, OBAN (REF: 10/01932/PP)**

The Principal Planning Officer advised that this application was before the Committee as it forms part of the highway and therefore is a Council interest application. The proposal falls within the Oban 'settlement' zone where there is a general assumption in favour of appropriate development. The proposal is acceptable in terms of location, appearance and setting and raises no adverse privacy or amenity issues, nor unacceptable impacts on pedestrian safety. The proposal accords with structure plan policy STRAT DC 1 and local plan policies LP ENV 1, ENV 13a and ENV 19 of the adopted local plan and it is recommended that planning permission be granted.

Decision

Agreed to grant Planning Permission subject to the following conditions and reasons:-

1. 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 (as amended).

2. At all times when the external seating area is in use, the external seating area shall be bound by a restrictive barrier at both ends and the outside edge, the details of which shall be submitted to and approved in writing by the Planning Authority, prior to the commencement of the use hereby approved.

Reason: In the interests of public safety, to ensure that the seating area does not become a thoroughfare and to ensure that the use is contained within the application site.

3. The external seating area as identified on the approved plan shall only be used between the hours of 09:30am to 17:30pm. Outwith these time periods, the tables, chairs and barriers shall be removed from the footway and securely stored.

Reason: To protect the amenity of the area and to ensure that the use of the pavement as a seating area is restricted to the hours of operation of the cafe.

4. The development shall be implemented in accordance with the details specified on the application form dated 06/11/2010 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan at scale of 1:2500)
Plan 2 of 2 (Site Plan at scale of 1:200)

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.

(Reference: Report by Head of Planning and Regulatory Services dated 25 January 2011, submitted)

Councillor MacNaughton left the meeting at this point.

13. MR COLIN GLADSTONE: APPLICATION FOR ERECTION OF 2 DWELLINGHOUSES AND INSTALLATION OF 2 SEPTIC TANKS: LAND NORTH OF EAST KAMES, KILMELFORD (REF: 10/02048/PPP)

The Principal Planning Officer presented the report advising that the proposal conforms to the relevant development plan policies and there are no other material considerations, including issues raised by third parties, which warrant anything other than the application being determined in accordance with the provisions of the Development Plan. He advised that planning permission in principle should be granted subject to a Discretionary Hearing being held in view of the number of representations received in the context of a small community. He further advised that there were a few other objectors who had submitted late representations and that it was his intention to deal with these in a supplementary report which would be available for the hearing.

Decision

Agreed to hold a Discretionary Hearing on Friday 11 March 2011 in Kilmelford Village Hall and that more information regarding the water supply should be made available at this time.

(Reference: Report by Head of Planning and Regulatory Services dated 27 January 2011, submitted)

14. TPO CONFIRMATION: ST CLAIR ROAD, ARDRISHAIG

The Principal Planning Officer presented a report seeking confirmation of a provisional Tree Preservation Order in respect of trees growing on land at St. Clair Road, Ardrishaig within land principally/or entirely owned by British Waterways recognised as the former garden lands of the former Canal House, more latterly known as the Bridge House, having regard to a representation received in respect of the provisional Order (reference 09/10).

Decision

The Committee agreed:-

1. That, having regard to an assessment of the representation received that the Order be confirmed; and
2. That upon the confirmation of the Order an advisory letter, as mentioned in the body of the report, be sent to the owners.

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

15. APPEALS UPDATE

A report advising of two recent appeal decisions by the Scottish Government Directorate for Planning and Environmental Appeals was considered.

Decision

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services dated 24 January 2011, submitted)