

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

Present: Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers	Councillor Alister MacAlister
Councillor Rory Colville	Councillor Neil Mackay
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Vivien Dance	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
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
Alan Morrison – Operations Manager – Environmental Health
Bill Winthrop, Area Environmental Health Manager

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST (IF ANY)

Councillor Bruce Marshall declared an interest in item 5 of the agenda as he had previously submitted an objection to the application.

Councillor David Kinniburgh declared an interest in item 9 of the agenda as the applicant was a work colleague of his.

Councillor Dance declared an interest in item 14 of the agenda as she was the applicant.

Councillors Colville, MacMillan, MacAlister, McCuish, McKay and Reay declared an interest in item 11 of the agenda due to their membership on the ACHA Board and ACHA Area Committee.

The Chair introduced to the Committee Mr Bill Winthrop, Area Environmental Health Manager - Helensburgh and Lomond. He advised that Mr Winthrop would be retiring from Argyll and Bute Council on 31 March 2011 after 45 years service in Local Government. The Chair thanked Mr Winthrop on behalf of the Committee and on behalf of the Council for his years of hard work and presented him with a Quaich.

3. MINUTES

(a) Planning, Protective Services and Licensing Committee 16 February 2011 (10.00am)

The Minutes of the Meeting of the Planning, Protective Services and Licensing Committee held on 16 February 2011 at 10.00am were approved as a correct record.

- (b) Planning, Protective Services and Licensing Committee 16 February 2011 (10.30am)

The Minutes of the Meeting of the Planning, Protective Services and Licensing Committee held on 16 February 2011 at 10.30am were approved as a correct record.

4. PROMOTING FOOD SAFETY STANDARDS IN ARGYLL AND BUTE

The Operations Manager – Environmental Health spoke to his report highlighting the work undertaken by the Council on the Eatsafe and Food Hygiene Information Award Schemes which had taken the Council to the forefront of these national schemes in Scotland.

Decision

The Committee noted –

1. The work being undertaken by the Council's Environmental Health Service to protect food safety and to support the food industry in Argyll and Bute.
2. That the Council's work on the Eatsafe and Food Hygiene Information Awards Schemes is at the forefront in Scotland.
3. The work of the catering industry in the introduction of the scheme and the high level of compliance with food safety in terms of the Eatsafe and Food Hygiene Information Awards Schemes.

(Reference: Report by Operations Manager – Environmental health dated March 2011, submitted)

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

5. CWP PROPERTY DEVELOPMENT AND INVESTMENT: APPLICATION FOR ERECTION OF A CLASS 1 FOODSTORE WITH ASSOCIATED DEVELOPMENT TO INCLUDE CAR PARKING, ACCESS ROAD, ROAD BRIDGE, FILLING STATION AND ENGINEERING WORKS: 361 ARGYLL STREET, DUNOON (REF: 10/00222/PPP)

The Head of Planning and Regulatory Services presented the report and also supplementary report 1 that had been tabled at the meeting. The supplementary report confirmed receipt of late letters of representation. He advised that the application was recommended for refusal for the reasons set out in his report subject to a discretionary local hearing being held due to the large number of representations that had 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 4 March 2011, submitted and Supplementary Report 1 dated 15 March 2011, tabled)

Councillor Marshall rejoined the meeting.

6. MARK NEWALL: APPLICATION FOR FORMATION OF PRIVATE ACCESS TRACK: ROWALEYN, GLENARN ROAD, RHU (REF: 10/00490/PP)

The Head of Planning and Regulatory Services spoke to an update report on the application that had been continued from the Planning, Protective Services and Licensing Committee held in December 2010. He advised that the applicant had been given the opportunity to submit a more suitable revised scheme, that to date nothing had been received and therefore he recommended refusal of the application for the reasons contained within the original report.

Decision

1. Noted that no further scheme had been submitted by the applicant.
2. Agreed that the application be refused for the reasons as detailed in the report by the Head of Planning and Regulatory Services dated 25 November 2010.

(Reference: Supplementary Report 1 by Head of Planning and Regulatory Services dated 7 February 2011, submitted and report by Head of Planning and Regulatory Services dated 25 November 2010, submitted)

7. MR GERRY BOYLE: APPLICATION FOR CONSTRUCTION OF AN ALL WEATHER SPORTS COURT AND THE ERECTION OF ASSOCIATED LIGHTING AND FENCING: STRATH OF APPIN PRIMARY SCHOOL, TYNRIBBIE, APPIN (REF: 10/01121/PP)

The Principal Planning Officer spoke to the report and recommended that having due regard to the development plan and all other material planning considerations, the application be granted subject to the conditions and reasons contained in the report.

Decision

Agreed to grant planning permission subject to the conditions and reasons contained within the report by the Head of Planning and Regulatory Services.

Reference: Report by Head of Planning and Regulatory Services dated 23 February 2011, submitted)

Councillor McQueen left the meeting.

Councillor Marshall declared an interest in the following item of business, he left the room and took no part in the discussion.

8. MR A FRASER: APPLICATION FOR ERECTION OF 3 DWELLINGHOUSES AND GARAGES, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF PRIVATE SEWAGE SYSTEM: LAND SOUTH EAST OF SEASIDE: NEWTON, STRATHLACHLAN (REF: 10/01656/PP)

The Head of Planning and Regulatory Services spoke to the report and to a further supplementary report containing a suggested change to the sewerage treatment plant which had been previously agreed with the applicant. He recommended that having due regard to the development plan and all other material considerations, the application be granted as a minor departure to the development plan subject to the conditions, reasons and informative notes contained within the report.

Decision

Agreed -

1. to grant planning permission as a minor departure to the development plan subject to the conditions, reasons and informative notes contained within the report by the Head of Planning and Regulatory Services.
2. that a note be passed to the applicant requesting that they inform Roads and Amenity Services of any construction works due to take place which may have a detrimental impact on the public road.

Reference: Report by Head of Planning and Regulatory Services dated 23 February 2011, submitted and Supplementary Report 1 by the Head of Planning and Regulatory Services dated 15 March 2011, tabled)

Councillor Marshall rejoined the meeting.

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

9. JD WETHERSPOON PLC: APPLICATION FOR CHANGE OF USE OF RETAIL PREMISES (CLASS 1) TO PUBLIC HOUSE (SUI GENERIS), FORMATION OF BEER GARDEN AND EXTERNAL ALTERATIONS IN CONNECTION WITH THE PROPOSED USE AND FORMATION OF TWO RETAIL UNITS: 19-29 JAMES STREET, HELENSBURGH (REF: 10/01892/PP)

The Principal Planning Officer presented the report and also a supplementary report giving information on further representations received. He recommended that subject to a discretionary local hearing being held the application be approved subject to the conditions and reasons as set out in the original report by the Head of Planning and Regulatory Services.

Motion

That the application be granted without holding a discretionary hearing. Moved Councillor Colville. Seconded Councillor Devon.

Amendment

That a discretionary hearing be held. Moved Councillor Kelly. Seconded Councillor Reay.

A vote was taken by a show of hands, the motion received 7 votes and the amendment received 7 votes. On there being an equality of votes the Chair gave his casting vote in favour of the amendment.

Decision

That a discretionary hearing be held with the date and time to be determined.

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

Councillor Kinniburgh rejoined the meeting.

10. ARGYLL AND BUTE COUNCIL: APPLICATION FOR CONSTRUCTION OF A 3G SYNTHETIC PITCH WITH ASSOCIATED LIGHTING, FENCING AND ACCESS PATHS:: KINLOCH PARK, CAMPBELTOWN (REF: 10/02037/PP)

The Principal Planning Officer spoke to the report and also to a supplementary report giving details of further representations that had been received. He recommended that the application be approved subject to the conditions and reasons as detailed in the original report dated 7 March 2011.

Decision

Agreed to grant planning permission subject to the conditions and reasons as detailed in the report by the Head of Planning and Regulatory Services dated 7 March 2011.

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

Having previously declared an interest, Councillors Colville, McKay, MacMillan, McAlister and McCuish left the room and took no part in the discussion of the following item of business. Councillor Reay who had previously declared an interest opted to stay in the room.

11. ACHA: APPLICATION FOR EXTENSION TO EXISTING FLATTED DEVELOPMENT TO FORM TWO ADDITIONAL RESIDENTIAL UNITS AND FORMATION OF ENCLOSED GARDEN AREAS: 96-110 LONGROW, CAMPBELTOWN (REF: 10/02137/PP)

Members considered a report recommending that planning permission be approved subject to conditions contained within the report.

Decision

Agreed that the application be approved subject to the conditions listed in the report by the Head of Planning and Regulatory Services.

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

Councillors Colville, McKay, MacMillan, McAlister and McCuish rejoined the meeting.

12. MR AND MRS G NICHOLSBY: APPLICATION FOR ERECTION OF THREE TIMBER CABINS ('STUDICONS') FOR HOLIDAY LETTING PURPOSES: DUNDONALD, NORTH CONNEL (REF: 10/02167/PP)

The Principal Planning Officer spoke to the report recommending that planning permission be approved subject to the conditions listed within the report by the Head of Planning and regulatory Services.

Decision

That the application be granted subject to the conditions listed within the report by the Head of Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 23 February 2011, submitted)

The Chair ruled and the Committee agreed to adjourn the meeting at 1.05pm and reconvene at 1.40pm. Councillor Currie left the meeting at 1.05pm.

13. ARGYLL AND BUTE COUNCIL: APPLICATION FOR ALTERATIONS TO COLQUHOUN SQUARE INCLUDING ALTERATIONS TO ROAD LAYOUT, FORMATION OF SERVICE ACCESSES, PROVISION OF PARKING SPACES AND HARDSTANDING, INSTALLATION OF STREET FURNITURE, CYCLE STANDS AND BOLLARDS AND PROVISION OF LANDSCAPING: COLQUHOUN SQUARE, HELENSBURGH (REF: 11/00007/PP)

The Principal Planning Officer spoke to the report and recommended that planning permission be approved subject to the conditions and reasons contained within the report by the Head of Planning and Regulatory Services.

Decision

Agreed to grant the application subject to the conditions and reasons as set out within the report by the Head of Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 23 February 2011, submitted)

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

14. MR AND MRS T DANCE: APPLICATION FOR ALTERATIONS AND EXTENSIONS/REPOSITIONING OF LPG TANK: BARREMMAN, 24 STRAID-A-CNOG, CLYNDER (REF: 11/00132/PP)

The Principal Planning Officer presented the report to members recommending that planning permission be granted subject to conditions as detailed in the report by the Head of Planning and Regulatory Services.

Decision

Agreed to grant the application subject to the conditions as listed within the report.

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

Councillor Dance rejoined the meeting.

15. IVOR INGRAM: APPLICATION FOR ERECTION OF GARDEN SHED: LAND ADJACENT TO 20 JARVISFIELD, SALEN (REF: 11/00184/PP)

The Principal Planning Officer spoke to the report and recommended that having regard to the development plan and all other material considerations, the application be granted subject to the conditions as detailed within the report by the Head of Planning and Regulatory Services.

Decision

Agreed to grant planning permission subject to the conditions contained within the report.

(Reference: Report by Head of Planning and Regulatory Services dated 23 February 2011, submitted)

16. DUNBRITTON HOUSING ASSOCIATION: APPLICATION FOR ERECTION OF FOUR STOREY RESIDENTIAL BUILDING COMPRISING TWELVE TWO BEDROOM FLATS: FORMER SCRUMBLES, UPLAND ROAD, GARELOCHHEAD (REF: 11/00210/PP)

The Principal Planning Officer spoke to the report and recommended that having due regard to the development plan and all other material considerations, the application be approved subject to the conditions as detailed within the report by the Head of Planning and Regulatory Services.

Decision

Agreed to hold a discretionary hearing at a time and date to be determined.

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

17. PROPOSED TREE PRESERVATION ORDER: UPPER GLENFYNE PARK, ARDRISHAIG (TPO 1/11)

The Principal Planning Officer spoke to a report seeking approval from Members of a provisional Tree Preservation Order in respect of mature trees growing on land within a landscape corridor with footway connections within the Upper Glenfyne Park residential area of Ardrishaig.

Decision

1. Approved that a provisional Tree Preservation Order be made in respect of the trees as detailed in the plan appended to the report by the Head of Planning and Regulatory Services.
2. Agreed that the order should be tree specific in relation to the specified trees as shown on the plan as opposed to an Area or Woodland Order.

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

Councillors McCuish and Devon left the meeting.

Councillor Kinniburgh declared a non-financial interest in the following item of business, left the meeting and took no part in the discussion.

18. PROPOSED VARIATION OF HEADS OF TERM FOR SECTION 75 AGREEMENT - 09/00786/OUT - ERECTION OF 37 RESIDENTIAL UNITS, UPGRADE OF EXISTING ACCESS ROAD, CREATION OF OPEN SPACE AND RESTORATION OF BURIAL GROUND AT MIDDLE INNENS, TIGHNABRUAICH

Following on from the discretionary hearing that had been held on 10 August 2010 where the Committee had resolved to grant planning permission subject to the prior conclusion of a Section 75 Agreement. Members considered a report seeking agreement to a proposed change to the phasing aspect of the Heads of Terms of the proposed Section 75 Agreement.

Decision

Agreed the proposed change to the phasing aspect within the Heads of Terms of the proposed Section 75 Agreement.

(Reference: Supplementary Report 2 by Head of Planning and Regulatory Services dated 25 February 2011, submitted)

Councillor Kinniburgh rejoined the meeting.

Councillors Colville and MacMillan left the meeting.

19. APPEALS UPDATE

The Head of Planning and Regulatory Services had submitted a report advising of a recent appeal decision by the Scottish Government Directorate for Planning

and Environmental Appeals.

Decision

Members noted the contents of the report.

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

20. PROPOSED STOPPING UP ORDER: MACCALLUM STREET, CAMPBELTOWN

The Head of Governance and Law spoke to a report seeking authority for the Executive Director of Customer Services to make a Stopping Up Order for McCallum Street, Campbeltown utilising the powers contained within Section 207 of the Town and country Planning (Scotland) Act 1997.

Decision

Authorised the Executive Director of Customer Services to make a Stopping Up Order under the provisions of Section 207 of the Town and Country Planning (Scotland) Act 1997 in relation to MacCallum Street, Campbeltown shown delineated within the boundaries coloured red and hatched in red on the plan annexed to the report by the Executive Director of Customer Services and to take all necessary steps in relation thereto, and that as soon as possible in the event that Planning Permission is granted for the residential development on land encompassing part of said road in accordance with Planning Application Reference 10/02153/PP.

(Reference: Report by Executive Director of Customer Services, submitted)

21. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW

The Head of Governance and Law spoke to a report informing Members of the position with regard to the introduction of the new taxi fare scales and prospective appeal.

Decision

Members noted the contents of the report.

(Reference: Report by Head of Governance and Law, submitted)

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

22. ENFORCEMENT REPORT: 10/00012/ENOTH1

The Head of Planning and Regulatory Services gave a verbal report with regards to enforcement case 10/00012/ENOTH1.

Decision

Agreed to serve an enforcement notice if an application was not lodged by 15 April 2011.

(Reference: Verbal report by Head of Planning and Regulatory Services)

23. ENFORCEMENT UPDATE: CASE 10/00323/ENOTH2

The Head of Planning and Regulatory Services gave a verbal report with regards to enforcement case 10/00323/ENOTH2.

Decision

Agreed to give the Head of Planning and Regulatory Services delegated powers, in consultation with the Chair and Vice Chair of the Committee, to serve a notice to secure the reinstatement of the site.

(Reference: Verbal report by Head of Planning and Regulatory Services)

24. ENFORCEMENT CASE: 10/00414/ENFCON

Members considered a report with regard to enforcement case 10/00414/ENFCON.

Decision

Authorised the service of a Tree Replacement Notice on the owner.

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