

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 18 MAY 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 James McQueen

Attending: Charles Reppke, Head of Governance and Law (until item 8)
Iain Jackson, Governance Officer (from item 8)
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Graeme Forrester, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Chalmers and Reay.

2. DECLARATIONS OF INTEREST

Councillor McAllister declared a non financial interest in item 4 of these minutes (Civic Government (Scotland) Act 1982: Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities: Draft Consultation Paper) 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.

Councillor Marshall declared a non financial interest in item 6 of these minutes (Planning Application by CWP Property Development and Investment for site at 261 Argyll Street, Dunoon – Ref: 10/00222/PPP) as he had objected to the application. He left the room during discussion of the item and accordingly took no part in the decision making.

Councillor Dance declared a financial interest in item 8 of these minutes (Enforcement Report for 12 Cumberland Avenue, Helensburgh) on the basis that a company of which she was a Director was providing consultancy services to the landowners. She left the room during discussion of the item and accordingly took no part in the decision making.

3. MINUTES

(a) Planning, Protective Services and Licensing Committee held on 7 April 2011 at 10.45am

The Minutes of the meeting of the Planning, Protective Services and Licensing Committee held on 7 April 2011 at 10.45am were approved as a

correct record subject to it being noted that Councillor Chalmers had attended this meeting.

- (b) Planning, Protective Services and Licensing Committee held on 7 April 2011 at 2.00pm

The Minutes of the meeting of the Planning, Protective Services and Licensing Committee held on 7 April 2011 at 2.00pm were approved as a correct record subject to it being noted that Councillor Chalmers had attended this meeting.

- (c) Planning, Protective Services and Licensing Committee held on 8 April 2011

The Minutes of the meeting of the Planning, Protective Services and Licensing Committee held on 8 April 2011 were approved as a correct record.

- (d) Planning, Protective Services and Licensing Committee held on 20 April 2011 at 9.30am

The Minutes of the meeting of the Planning Protective Services and Licensing Committee held on 20 April 2011 at 9.30am were approved as a correct record subject to it being noted that Councillor McAlister had attended this meeting.

- (e) Planning, Protective Services and Licensing Committee held on 20 April 2011 at 10.00am

The Minutes of the meeting of the Planning Protective Services and Licensing Committee held on 20 April 2011 at 10.00am were approved as a correct record subject to it being noted that Councillor McAlister had attended this meeting. Councillor McKay requested amendments to paragraph one under "Question Time" and paragraph 10 under "Debate". It was agreed that these changes would be made in consultation with the Head of Governance and Law. Councillor Currie noted that the markets he made reference to in paragraph 2, sentence 2 of Question Time were in fact St Enoch's, Glasgow and Eastgate, Inverness and it was agreed that this would be amended.

- (f) Planning, Protective Services and Licensing Committee held on 20 April 2011 at 10.30am

The Minutes of the meeting of the Planning Protective Services and Licensing Committee held on 20 April 2011 at 9.30am were approved as a correct record subject to Councillor Currie requesting that the reference to him declaring an interest in item 14 of the minutes was removed as he had declared an interest at the beginning of the meeting and had changed his mind.

Councillor McAlister having previously declared an interest in the following item of business left the room and took no part in discussion.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI AND PRIVATE HIRE CAR LICENSING: BEST PRACTICE FOR LICENSING AUTHORITIES: DRAFT CONSULTATION PAPER

Members considered a report on a draft consultation paper on Revised Best Practice Guidance for Licensing Authorities for Tax and Private Hire Car Licensing which updated earlier advice and reflected legislative changes that had taken place since 2007. Comments in respect of the consultation required to be submitted by 17 June 2011.

Decision

The Committee noted the terms of the draft guidance and agreed -

1. That no comments were required in respect of the consultation;
2. That a further report be placed before the Committee in relation to accessibility issues and security issues;
3. That applicants from countries other than the UK be required to produce a certificate of good conduct authenticated by the relevant embassy;
4. That applicants requiring insulin treatment for diabetes provide evidence of satisfying C1 medical standards;
5. That a complaints procedure be published on the Council's web site.

(Reference: Report by Head of Governance and Law dated 10 May 2011, submitted)

Councillor McAlister rejoined the meeting.

5. DELIVERING PLANNING REFORM - PLANNING SERVICES IMPROVEMENT PLAN 2011 - 2012

As part of the Scottish Government's programme of Delivering Planning Reform planning authorities were required to produce an Improvement Plan on an annual basis identifying areas for improvement and how they should be tackled. The Head of Planning and Regulatory Services presented the Planning Services Improvement Plan 2011 – 2012 which sought comments from Members before submission to the Scottish Government.

Decision

Members approved the Planning Services Improvement Plan for 2011-2012 and agreed its formal submission to the Scottish Government.

(Councillor Dance having moved an amendment that failed to find a seconder,

requested that her dissent be recorded to the foregoing decision)

(Reference: Report by Head of Planning and Regulatory Services dated 4 May 2011, Planning Services Improvement Plan and Appendix A, submitted)

Councillor Marshall having previously declared an interest in the following item of business took no part in the discussion.

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

At a hearing in the Queens Hall, Dunoon on 8 April 2011 the Committee resolved to continue determination of the application to a future meeting to allow Members to explore the formulation of a valid motion to approve the application. Only Members who attended this hearing were allowed to take part in discussion of this item. In order for members to approve the application further information on planning gain and the effectiveness/deliverability of the sequentially preferable site would be required. Without this information, the application would be recommended a significant departure from the Local Plan and would require endorsement by the full Council.

The Principal Planning Officer reported that a further application for a 32,000 sq ft supermarket had been received from the National Grid and suggested consideration of the new application to assess the effectiveness/ deliverability of the site before determination of the current application. In terms of planning gain the applicant for the Walkers site had offered a total of £147,00 to mitigate the loss of 9 affordable units and the negative impact on the town centre which Planning did not consider to be meaningful against the impact.

Decision

Agreed to continue determination of the application to allow for consideration of planning application number 11/00689/PPP and to allow for assessment of the site's effectiveness/deliverability.

(Reference: Supplementary Report 4 by Head of Planning and Regulatory Services dated 9 May 2011, submitted)

Councillor Marshall rejoined the meeting.

7. GANAVAN SANDS LTD: ERECTION OF RESTAURANT (CLASS 3) AND 8 FLATS (AMENDMENT TO 08/01854/DET): 2 SHORE STREET, OBAN (REF: 11/00389/PP)

The Committee gave consideration to an application for the erection of a class 3 restaurant and 8 flats at 2 Shore Street, Oban. The Principal Planning Officer recommended that planning permission be granted as a minor departure to Policy LP HOU 2 of the Local Plan.

Decision

The Committee agreed to grant planning permission as a minor departure to Policy LP HOU2 of the Local Plan and subject to the conditions and reasons as detailed within the report by the Head of Planning and Regulatory Services.

(Councillor Currie having moved an amendment that failed to find a seconder, requested that his dissent be recorded to the foregoing decision)

(Reference: Report by Head of Planning and Regulatory Services dated 3 May 2011, submitted)

The Chair ruled and the Committee agreed that the following item, previously marked exempt on the agenda, be taken in public.

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

8. ENFORCEMENT REPORT: 06/00076/ENFOTH

The Committee considered a report regarding the removal of trees at land adjacent to 12 Cumberland Avenue, Helensburgh covered by TPO 16/04. Supplementary Report 1 was tabled at the meeting updating members on additional information received regarding the condition of the trees on the site.

Decision

The Committee -

1. Noted the report.
2. Agreed that the remaining larch trees be felled in the interests of safety as public access to the site could not be fully limited.
3. Agreed that deciduous trees of value in the TPO site be recorded prior to the felling of the remaining larch trees.
4. Agreed that with removal of the safety issue, a note be put to the owners requesting that the heras fencing be removed and highlighting their responsibilities in terms of birds and bats as detailed within Supplementary Report 1.

(Reference: Report by Head of Planning and Regulatory Services dated May 2011, submitted and Supplementary Report 1 by Head of Planning and Regulatory Services dated 18 May 2011, tabled)

Councillor Dance rejoined the meeting.

The Committee resolved in terms of Section 50(A)(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.

9. ENFORCEMENT REPORT: 10/00012/ENOTH1, 10/00077/ENOTH2 & 10/00210/ENFOTH2

The Committee considered enforcement update report for cases 10/00012/ENOTH1, 10/00077/ENOTH2 and 10/00210/ENFOTH2.

Decision

The Committee noted the report.

(Reference: Report by Head of Planning and Regulatory Services dated 3 May 2011, submitted)