

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 24 AUGUST 2011**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Gordon Chalmers	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Alister MacAlister	Councillor Al Reay

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

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Robin Currie, Vivien Dance, Mary-Jean Devon and Neil Mackay.

2. DECLARATIONS OF INTEREST

Councillor Roderick McCuish declared a non financial interest in relation to planning applications 11/00387/PPP, 11/00504/PPP and 11/00505/PP which are dealt with at items 6, 7 and 8 of this Minute. He left the room and took no part in the discussion of these items.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 22 June 2011 (10.00 am) were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 22 June 2011 (10.30 am) were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 30 June 2011 were approved as a correct record.

4. ARGYLL AND BUTE COUNCIL: APPLICATION FOR PARTIAL USE OF CAR PARK FOR SITING OF A MOBILE SNACK BAR WITH FOUR REMOVABLE TABLES AND CHAIRS: GANAVAN SANDS CAR PARK, OBAN (REF: 10/02132/PP)

The Principal Planning Officer presented his report advising that the proposal was for the change of use of a small area of land situated adjacent to the public conveniences at the north eastern corner of the public car park at Ganavan Sands, by Oban. He advised that this was a Council interest application as the

land was owned by the Council. The proposed change of use was required to allow the land to be used for the stationing of a small mobile catering van and associated tables and chairs for operation between the hours of 9:00 and 20:00 hours, seven days per week during the months of April to October. He advised that there had been no objections received from consultees or third parties. The proposal accorded with Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' and Policies LP BAD 1, LP ENV 1, LP ENV 19 and LP TOUR 1 of the adopted 'Argyll and Bute Local Plan' and that there were no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the Development Plan. On this basis he invited the Committee to approve the application for planning permission.

Decision

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

1. The mobile snack bar and external seating area as identified on the approved plan shall only be used between the hours of 0900 and 2000 hours during the months of April to October inclusive. Outwith these time periods, the tables, chairs and any barriers erected on the site shall be removed and securely stored, and between 1st November and 31st March, the snack bar shall be completely removed from site and shall not return to the site, all unless otherwise first agreed in writing by the Planning Authority.

Reason: To safeguard the environmental amenity of the area.

2. No development shall commence on site until full details, in plan form, of a proposed barrier to enclose the table and chairs has been submitted to and approved in writing by the Planning Authority.

Reason: In the interest of road and pedestrian safety.

3. The development shall be implemented in accordance with the details specified on the application form dated 14/12/10 and the approved drawing reference numbers:

Plan 1 of 3 (Location Plan at scale of 1:2500)

Plan 2 of 3 (Site Plan at scale of 1:500)

Plan 3 of 3 (Photo showing elevations of mobile snack van)

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.

(Reference: Report by Head of Planning and Regulatory Services dated 1 July 2011, submitted)

5. MR M MACDONALD: APPLICATION FOR CHANGE OF USE OF LAND TO FORM 9 HARD STANDING AREAS FOR HOLIDAY LET LODGES/CARAVANS, FORMATION OF NEW ACCESS AND INSTALLATION OF TREATMENT PLANT WITH PARTIAL SOAKAWAY: LAND SOUTH OF BELLOCHANTUY COTTAGES, CAMPBELTOWN (REF: 11/00281/PP)

The Principal Planning Officer presented his report advising that the proposal was for nine static caravans/lodges for general holiday accommodation and that the site was on the landward side of the road located within the 'settlement zone' for Bellochantuy and had a previous planning permission for five dwellings. While his recommendation was for approval, in view of the Community Council objection and the level of representation from local residents which was significant in the context of a small settlement, he recommended that a discretionary local hearing be held prior to the Committee determining the application.

Decision

Agreed to hold a discretionary hearing on Monday 5 September 2011 at 1.00 pm in the Kintyre Community Education Centre, Stewart Road, Campbeltown.

(Reference: Report by Head of Planning and Regulatory Services dated 13 July 2011, submitted)

Having previously declared an interest in the following 3 items of business, Councillor Roderick McCuish left the meeting and took no part in the discussion of these applications.

6. MR AND MRS S BATE: APPLICATION FOR ERECTION OF A CROFT HOUSE LAND EAST OF ACHARA, OBAN (REF: 11/00387/PPP)

The Principal Planning Officer presented his report advising that this was one of three proposals put forward by the same applicants for development of a site within Potential Area Development (PDA) 5/5 adjacent to the Oban settlement zone along Glencruitten Road immediately north east of the golf course. He referred to a letter that had been received from the Applicant requesting that this application and the following two applications (11/00504/PPP and 11/00505/PP) be continued to the next meeting to allow him more time to consider his options in view of the Planning Officer's report. The Principal Planning Officer advised that the applicant had submitted this letter having taking advice from a local Planning Advisor but that the Architect for the applications had professional view that the Committee ought to go ahead and consider all three applications at the meeting today. The Members noted the contents of the letter and agreed to determine all three applications at the meeting today.

On this basis the Principal Planning Officer went on to present his reports. He advised that the site was designated as a PDA to allow the golf expansion as a result of land which would be lost to the route of the Oban Development Road (ODR) and that the first application was for the erection of a Croft House. He advised that the applicants secured croft status for the land in December 2010, which required the application to be considered in the light of Structure Plan Policy STRAT AC 1 which supports the principle of a single house on a bareland

croft on appropriate sites and diversification of crofts. The Policy does however include other caveats and ought not to override the PDA allocation that requires a comprehensive masterplanned approach and also requires the ODR and golf course reconfiguration to come forward as the stimulus to the development of this site. He confirmed that the Council's Development Plan Officers have confirmed the policy position that the PDA status should take priority over the croft status and it is considered that the principle of the development was not acceptable on this site at this time. He advised that the proposed location of the croft house was different to the location advised when the applicants applied for croft status and that the reason given was the new location gave a better outlook. He advised that the proposed siting of the croft house was on a very elevated piece of land on a rocky knoll and was an entirely inappropriate location for a house which would break the pattern of houses already in this location. He recommended that the Committee refuse this application.

Decision

Agreed to refuse the planning application on the basis that:-

1. The application proposes piecemeal development within the confines of PDA 5/5 identified by the 'Argyll and Bute Local Plan' (2009) for golf course expansion with possible ancillary, low density, high amenity, small scale housing and a 25% affordable element, associated with and prompted by the proposed Oban Development Road, the general route of which is provided for by the plan. There is a presumption that PDA's are not immediately effective and should therefore be planned for on a comprehensive basis in order to address servicing, ownership and other potential development constraints, in order to ensure that the purposes behind their designation are not frustrated or inhibited by premature or piecemeal forms of development, which in turn, could undermine the long term aspirations of the development plan for such sites. The proposal does not constitute part of the required master-planned approach to the PDA designation within which it is situated, and is therefore contrary to the provisions of the 'Argyll & Bute Local Plan' and there are no other material considerations, including croft status, which would warrant the application being determined other than in accordance with the primary designation of the land as delineated in the local plan; and
2. The site lies on the fringe of the existing settlement of Oban in an area characterised by low density scattered housing development and undulating natural landscape. The site cannot comfortably accommodate a dwelling house at the location proposed due to its skyline location, which is at odds with Local Plan Policies LP ENV 1, LP ENV 19 and LP HOU 1 and the Council's adopted Sustainable Design Guide, which seek to respect established patterns of development and integrate new buildings appropriately into their landscape settings. Development on the site proposed would create a dominant elevated house at variance with the pattern of well sited and contained development around the site. Notwithstanding the exceptional case advanced in respect of the provision of a house on a bareland croft, the site is not a location suited to development on the croft land in terms of Structure Plan Policy STRAT AC 1 and Local Plan Policy LP HOU 1, as there are more appropriate and less environmentally damaging locations available at the north-eastern

end of the croft, currently proposed for a three chalet development.

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

7. MR AND MRS S BATE: APPLICATION FOR ERECTION OF 2 CHALET LETTING UNITS: LAND EAST OF ACHARA, OBAN (REF: 11/00504/PPP)

Having regard to the Committee's decision on the request for a continuation, the Principal Planning Officer advised that this was the second of the three applications submitted by the same applicant for development of a site within Potential Area Development (PDA) 5/5 adjacent to the Oban settlement zone along Glencruitten Road immediately north east of the golf course. He advised that this application was for the erection of two chalet letting units situated within the existing site of an unauthorised chalet. He advised that the location of the chalets was in a more contained and discrete location however as with the croft house did not conform with the PDA designation and recommended refusal of the application.

Decision

Agreed to refuse the planning application on the basis that:-

The application proposes piecemeal development within the confines of PDA 5/5 identified by the 'Argyll and Bute Local Plan' (2009) for golf course expansion with possible ancillary, low density, high amenity, small scale housing and a 25% affordable element, associated with and prompted by the proposed Oban Development Road, the general route of which is provided for by the plan. There is a presumption that PDA's are not immediately effective and should therefore be planned for on a comprehensive basis in order to address servicing, ownership and other potential development constraints, in order to ensure that the purposes behind their designation are not frustrated or inhibited by premature or piecemeal forms of development, which in turn, could undermine the long term aspirations of the development plan for such sites. The proposal does not constitute part of the required master-planned approach to the PDA designation within which it is situated, and is therefore contrary to the provisions of the 'Argyll & Bute Local Plan' and there are no other material considerations, including croft status, which would warrant the application being determined other than in accordance with the primary designation of the land as delineated in the local plan.

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

8. MR AND MRS S BATE: APPLICATION FOR ERECTION OF CHALET LETTING UNIT (RETROSPECTIVE): LAND EAST OF ACHARA, OBAN (REF: 11/00505/PP)

Having regard to the Committee's decision on the request for continuation, the Principal Planning Officer presented his report advising that this was the third application submitted by the same applicants for development of a site within Potential Area Development (PDA) 5/5 adjacent to the Oban settlement zone along Glencruitten Road immediately north east of the golf course. He advised

that this was a retrospective planning application for a letting Chalet which was erected without planning permission and was currently being used by the applicant as living accommodation. The applicant was seeking permission for the Chalet to remain and be used as a letting unit. The Principal Planning Officer advised that an enforcement notice had been served and subsequently withdrawn due to it being served jointly instead of separately to the owners of the property. For the same reasons as before ie the development did not conform with the PDA designation, the Principal Planning Officer recommended refusal of this retrospective application and that the earlier enforcement notice be re-served with the drafting errors corrected in order to secure the removal of the unauthorised development.

Decision

Agreed to refuse the planning application on the basis that:-

The application seeks to regularise piecemeal development within the confines of PDA 5/5 identified by the 'Argyll and Bute Local Plan' (2009) for golf course expansion with possible ancillary, low density, high amenity, small scale housing and a 25% affordable element, associated with and prompted by the proposed Oban Development Road, the general route of which is provided for by the plan. There is a presumption that PDA's are not immediately effective and should therefore be planned for on a comprehensive basis in order to address servicing, ownership and other potential development constraints, in order to ensure that the purposes behind their designation are not frustrated or inhibited by premature or piecemeal forms of development, which in turn, could undermine the long term aspirations of the development plan for such sites. The proposal does not constitute part of the required master-planned approach to the PDA designation within which it is situated, and is therefore contrary to the provisions of the 'Argyll & Bute Local Plan' and there are no other material considerations, including croft status, which would warrant the application being determined other than in accordance with the primary designation of the land as delineated in the local plan.

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

Councillor McCuish returned to the meeting.

9. MR KIERAN O'ROURKE: APPLICATION FOR REINSTATEMENT OF DERELICT COTTAGE: LAND ADJACENT TO 31 ELLENABEICH, ISLE OF SEIL (REF: 11/00618/PP)

The Principal Planning Officer advised that this was one of two applications in respect of the reinstatement of a derelict cottage adjacent to 31 Ellenabeich, Isle of Seil within a conservation area and this application accompanied an application for listed building consent. He advised that this was for a single dwelling designed to look like two dwellings and was considered appropriate to adjoining properties and the character of the conservation area. Whilst the dwellinghouse proposed is considered to be of a suitable form, scale and design, incorporating materials which will ensure it integrates well into its surroundings, it is accepted it will have some adverse impact on the privacy, amenity and

daylighting currently afforded to number 32, which would normally warrant protection through the operation of Local Plan Policies LP ENV 1, LP ENV 19 and Appendix A. However the site currently benefits from a live permission (reference 79/82) for redevelopment with a single dwellinghouse, by virtue of a 'meaningful start' having been made on the development by virtue of the implementation of drainage arrangements, which the Council has previously accepted as being sufficient to keep that consent live in perpetuity. He advised that Seil and Easdale Community Council had raised concerns but did not submit an objection to this application. He advised that objections had been received from 19 third parties but given that the site already benefitted from a consent for the development of a dwelling, which is a material consideration of significance in the adjudication of the current proposal, it is not considered that a hearing would add value to the process and recommended approval of this planning application as a minor departure to the Local Plan.

Decision

Agreed to grant planning permission as a 'minor departure' to Policies LP ENV 1, LP ENV 19 and LP HOU 1 and Appendix A of the adopted local plan due to the existence of planning permission 79/82 which remains capable of implementation by virtue of a meaningful start having been made on that development subject to the following conditions and reasons:-

1. Notwithstanding the details shown in the plans hereby approved, the glazing in the three windows in the rear (southern) elevation shall be finished in obscure glass and shall be so maintained thereafter in perpetuity to the satisfaction of the Planning Authority.

Reason: In order to protect the privacy and amenity of the adjacent property to the immediate south.

2. Notwithstanding the provisions of Article 3 Class 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any equivalent provisions following the revocation and re-enactment thereof, with or without modifications, no window or other openings other than those shown on the approved plans shall be installed in the front, rear and side elevation of the proposed dwellinghouse without the prior written permission of the Planning Authority.

Reason: In order to prevent the inclusion of window and other openings which would undermine the privacy and amenity of the adjacent properties and which could adversely affect the appearance of the proposed dwellinghouse.

3. No development shall commence on site until full details, in plan form, of a form of screening for the oil storage tank have been submitted to, and approved in writing by the Planning Authority. Such details shall comprise a natural slate finish to match the garden walls of neighbouring properties. The screening measures as are agreed must be installed prior to the initial occupation of the house hereby approved and be so maintained thereafter in perpetuity.

Reason: In the interests of visual amenity to ensure that the proposals do not adversely affect the architectural and historic character of the surrounding buildings and the Conservation Area.

4. The development shall be implemented in accordance with the details specified on the application form dated 23/04/11 and the approved drawing reference numbers:

Plan 1 of 2 (Site Plan at scale of 1:200)
Plan 2 of 2 (Drawing Number B-01 at various scales)

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.

5. The parking area within the application site shall be fully formed to the satisfaction of the Planning Authority prior to the initial occupation of the house hereby approved and be so maintained thereafter in perpetuity.

Reason: To ensure that parking can be undertaken in a way that avoids blocking the public road.

(Reference: Report by Head of Planning and Regulatory Services dated 11 July 2011, submitted)

Councillor Bruce Marshall left the meeting.

10. MR KIERAN O'ROURKE: APPLICATION FOR REINSTATEMENT OF DERELICT COTTAGE: LAND ADJACENT TO 31 ELLENABEICH, ISLE OF SEIL (REF: 11/00619/LIB)

The Principal Planning Officer advised that this application accompanied the previous application and was for listed building consent for the reinstatement of a derelict cottage adjacent to 31 Ellenabeich, Isle of Seil.

Decision

Agreed to grant listed building consent subject to clearance by Historic Scotland and subject to the following conditions and reasons:-

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

Reason: To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

2. Notwithstanding the details shown in the plans hereby approved, the

glazing in the three windows in the rear (southern) elevation shall be finished in obscure glass and shall be so maintained thereafter in perpetuity to the satisfaction of the Planning Authority.

Reason: In order to protect the privacy and amenity of the adjacent property.

3. No development shall commence on site until full details, in plan form, of a form of screening for the oil storage tank has been submitted to, and approved in writing by the Planning Authority. Such details shall comprise a natural stone finish to match the garden walls of neighbouring properties. The screening measures as are agreed must be installed prior to the initial occupation of the house hereby approved and be so maintained thereafter in perpetuity.

Reason: In the interests of visual amenity to ensure that the proposals do not adversely affect the architectural and historic character of the surrounding buildings and the overall setting of the Conservation Area.

(Reference: Report by Head of Planning and Regulatory Services dated 11 July 2011, submitted)

11. MR HUGH COLE: APPLICATION FOR ALTERATIONS AND CHANGE OF USE OF CHURCH TO DWELLINGHOUSE WITH CLASS 4 BUSINESS USE AND STORAGE: ROTHESAY FREE CHURCH (REF: 11/00624/PP)

The Head of Planning and Regulatory Services presented his report advising that the proposal involved undertaking alterations to the former Rothesay Free Church (a Category B Listed Building) to facilitate its conversion to a business/storage use on the ground floor and a four bedroomed flatted dwelling on the upper floor. He advised that the proposed alterations to the property were unsympathetic in nature and included a raised decking area, inappropriate polycarbonate windows and an excessive number of rooflights, would have an adverse effect on the character and appearance of the building and this part of the Conservation Area and that there is a shortfall of off street parking and insufficient turning within the confines of the site. He referred to correspondence received from the applicant which had been circulated to Members which did not raise any new issues but showed the Applicant's frustrations and that there was a need to work with the Applicant to develop a more suitable conversion. He advised that a single dwelling would be more appropriate without storage facilities and that the current proposal did not fit the bill. On the basis of the foregoing he recommended refusal of the application and advised that he would ask Planning Officers to enter into further dialogue with the Applicant to determine if a more suitable proposal could be obtained.

Decision

Agreed to refuse planning permission for the following reasons:-

1. The proposed development, by virtue of the incongruous French doors, the substantial raised decking, the inappropriate windows and the excessive number of rooflights, would have a significantly adverse effect upon the character and appearance of this Category 'B' Listed Building and this part of

the Rothesay Conservation Area. On this basis, the proposal is considered to contravene STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 13a, LP ENV 14 and LP ENV 19 of the Argyll and Bute Local Plan 2009; and

2. The proposed development, by virtue of the shortfall in off-street parking of five spaces, would result in the demand for the parking of vehicles on the public road in a relatively narrow and congested thoroughfare. On this basis, the proposal is considered to contravene policy LP TRAN 6 of the Argyll and Bute Local Plan 2009.

(Reference: Report by Head of Planning and Regulatory Services dated 29 July 2011, submitted)

12. D MCNAIR AND SON: APPLICATION FOR ERECTION OF ACCESS PLATFORM AND FUEL SUPPLY GANTRY TO SERVE EXISTING FUEL OIL STORAGE TANK: OIL DEPOT, OLD QUAY, CAMPBELTOWN (REF: 11/00943/PP)

The Principal Planning Officer presented his report advising that this local matter had been referred to Members for determination in light of the Council's ownership interest in the application site. The proposal fell within the 'settlement zone' for Campbeltown and lay outside of, but adjacent to, the Campbeltown Conservation Area. The application has been considered in the light of policies LP ENV 1 and LP ENV 19 and that the design and appearance of the access platform and gantry is considered appropriate in the context of this commercial area and working harbour environment. In view of its small scale it would not adversely affect the character or appearance of the nearby conservation area in terms of the effect of policy LP ENV 14 and he invited the Committee to grant planning permission subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following condition and reason:-

The development shall be implemented in accordance with the details specified on the application form dated 31st May 2011 and the approved drawing reference numbers:

Plan 1 of 1 (Drawing No. McNair11/100-01 Rev B)

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 18 July 2011, submitted)

13. MR IAN WOOLLCOTT: APPLICATION FOR ERECTION OF CARE HOME AND FORMATION OF NEW ACCESS: LAND NORTH OF ASCOG MANSIONS, ASCOG, ISLE OF BUTE (REF: 11/00954/PP)

The Head of Planning and Regulatory Services presented his report advising that one further representation in support of the application had been received by email from Jean Moffat. The principle for development of the site has been established by virtue of Planning Permission 05/01800/DET for the erection of ten dwellings (renewed for a period of 12 months by permission 11/00027/PP in June 2011). He advised that the current proposal was for the erection of a 40 bedroom care home incorporating a dedicated dementia care unit. He advised that on the basis that representations have been received from a total of 27 sources and that the objectors and supporters are evenly split, it was considered justifiable to hold a discretionary hearing into this application prior to a decision being made.

Decision

Agreed to hold a discretionary hearing on Tuesday 13 September 2011 at 2.00 pm in Rothesay, Isle of Bute.

(Reference: Report by Head of Planning and Regulatory Services dated 29 July 2011, submitted)

Councillor Bruce Marshall returned to the meeting.

14. ARGYLL AND BUTE COUNCIL: APPLICATION FOR CHANGE OF USE OF GROUND FLOOR FLAT TO FAMILY MEDIATION CENTRE: 60A EDWARD STREET (WOODSIDE), DUNOON (REF: 11/01032/PP)

The Principal Planning Officer presented his report advising that this was a local Council interest application as it has been submitted by the Council in respect of premises it owns and was for the change of use of a ground floor flat to Family Mediation Centre. This property was identified by the Council as a potential alternative location for the Family Mediation Centre following refusal of retrospective permission in respect of premises at Wellington Street, which are due to be vacated shortly following dismissal of an appeal and associated enforcement action. It's felt that the actual use of this property as a mediation centre would be low key and have a very limited impact upon its surroundings and that conditions would be imposed on the grant of planning permission to ensure the use did not intensify by stipulating the days per week and hours per day the centre could open. He advised that the centre would be open Monday to Saturday between 8 am and 6 pm on an appointment basis and that staff would only be based there during appointment times. He advised that the current application does not share the same shortcomings in terms of access and consequent possible disturbance to neighbours that led to the refusal and dismissal of appeal in respect of the previous application and premises. He advised that there has been no objections received from Consultees but there has been 8 representations of objection from third parties including a petition with 10 signatures and that some of these dealt with material matters and others were based on misconceptions about what the Family Mediation Centre was about. In view of the number of representations he advised that it was necessary for the Committee to consider whether there was a need for a hearing

prior to determining the application. He advised that his recommendation was that a hearing should be held but acknowledged that the Committee may wish to take into consideration the substance of the representations received and the previous hearing.

Decision

On the basis that many of the representations received related either to matters that were not material considerations or were errors of fact in regard to the work of the Family Mediation Centre as established at the hearing for an alternative site it was agreed that there would be no additional benefit to the Committee in convening a hearing given the foregoing circumstances and therefore the Committee having considered the request agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 20th June 2011 and the approved drawings 1;1250 location plan and 1;50 floor plan L(00)001 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

2. The use hereby permitted shall be discontinued no later than 30th December 2016, unless a further permission has been sought and granted.

Reason: In order to enable the Planning Authority the opportunity to assess the effect of the use on the surrounding area and to enable the use of the premises to revert to a residential flat if the use hereby permitted ceases.

3. The use hereby approved shall not operate except between the hours of 8:00am until 6:00pm Monday to Saturday only.

Reason: In order to control the intensity of use and to protect the established levels of privacy and amenity afforded to neighbouring residential properties.

(Reference: Report by Head of Planning and Regulatory Services dated 22 July 2011, submitted)

15. ARGYLL FAMILY MEDIATION SERVICE: APPLICATION TO CONTINUE USE OF DWELLINGHOUSE (CLASS 9) AS FAMILY MEDIATION CENTRE (SUE GENERIS): ATHOLE COTTAGE, 20C WELLINGTON STREET, DUNOON (REF: 11/01272/PP)

The Principal Planning Officer advised that this was a local application seeking temporary occupation of Wellington Street which was currently occupied by the Family Mediation Centre without planning permission. They were seeking temporary accommodation of the premises to avoid disruption to the service whilst other premises were secured and he referred to a letter from the Family Mediation Centre in which they were volunteering to reduce their opening hours and request visitors to park elsewhere and he stated that this was a material

change in circumstances. He advised that whilst the Centre would be able to control their opening hours they would not be able to control where people parked and hence, whilst it would be possible to restrict hours of operation by condition, it would not be possible to control parking by way of condition. He referred to the refusal of retrospective planning permission for the Mediation Service to occupy these premises on a permanent basis and he also referred to the enforcement notice which had taken effect on 22 August 2011. He also referred to the appeal which had also been dismissed and outlined the reasons for this. He advised that the Reporter's decision was a material consideration and that the reasons for refusal of the retrospective planning permission were equally applicable to the application for temporary occupation and recommended refusal of this application.

Decision

1. Agreed to refuse planning permission for the following reasons:-
 - (a) The use would introduce an incompatible and incongruous use into a quiet residential area which would adversely affect the privacy and amenity of neighbouring residential properties, by virtue of the vehicle movements and comings and goings and general activity associated with the occupation of the premises for the intended purpose. Planning permission has been recently refused on appeal for the use of the premises for the intended purpose on a permanent basis, and although this application is now for temporary occupation, it would entail disturbance for a significant period, which would be unacceptable in terms of the impact of such a temporary use upon residential amenity. The proposal therefore does not comply with policies LP BAD 1 and LP COM 1 of the 'Argyll and Bute Local Plan' (2009).
 - (b) The operation of the centre will materially increase the use of the access lane which has sub-standard width and insufficient parking and visibility splays to accommodate the likely volume of traffic associated with the intended use, with a consequent detrimental impact on road safety contrary to Policy LP TRAN 4 and TRAN 6 of the 'Argyll and Bute Local Plan' (2009).
2. Agreed to resume consideration of the circumstances of the enforcement notice served in respect of this unauthorised use and the compliance period for such, in the light of permission having been granted for alternative premises at Edward Street, the likely timescale for them being available for occupation, and the operating concessions recently advanced by the Mediation Service for Wellington Street, and that this be brought back to the next meeting of the Committee.

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

Councillor Bruce Marshall left the meeting.

**16. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISION:
STACAIN WINDFARM, BY INVERARAY**

The Principal Planning Officer advised that this report was before the Committee for information and advised on the outcome of the decision on Stacain Windfarm application (Ref: 05/00770/DET) which had been “called in” for determination by Scottish Ministers in 2008, in view of Members’ resolution to grant permission contrary to recommendation and to the view of Scottish Natural Heritage in their capacity as a statutory consultee.

Decision

Noted the contents of the report and that Scottish Ministers had refused planning permission on 15 July 2011 following a Public Local Inquiry.

(Reference: Report by Head of Planning and Regulatory Services dated 19 July 2011 submitted)