

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 SEPTEMBER 2011**

Present: Councillor Daniel Kelly (Chair)

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

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

1. APOLOGIES FOR ABSENCE

An apology for absence was intimated from Councillor Alex McNaughton. It was noted that Councillor Gordon Chalmers would be arriving late to the meeting.

2. DECLARATIONS OF INTEREST

Councillor Bruce Marshall declared a non financial interest in relation to planning application 10/00222/PP which is dealt with at item 6 of this Minute as he had made a representation on this application. He left the room and took no part in the discussion of this item.

Councillor Vivien Dance declared a financial interest in relation to planning application 11/00887/PP which is dealt with at item 10 of this Minute as she is a Director of a company that gives advice to the Applicant. Councillor David Kinniburgh declared a non financial interest in relation to this planning application as he had made representations on a similar application in 2005. Councillors Dance and Kinniburgh left the room and took no part in the discussion of this item.

Councillor James McQueen declared a non financial interest in relation to planning application 11/00689/PPP which is dealt with at item 7 of this Minute as he was former employee of Scottish Gas. He left the room and took no part in the discussion of this item.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 24 August 2011 (10.00 am) were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing

Committee of 24 August 2011 (10.30 am) were approved as a correct record.

- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 26 August 2011 (10.00 am) were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 26 August 2011 (10.30 am) were approved as a correct record.
- (e) The Minutes of the Planning, Protective Services and Licensing Committee of 30 August 2011 (10.30 am) were approved as a correct record.
- (f) The Minutes of the Planning, Protective Services and Licensing Committee of 30 August 2011 (11.00 am) were approved as a correct record.
- (g) The Minutes of the Planning, Protective Services and Licensing Committee of 5 September 2011 were approved as a correct record.

The Chair ruled, and the Committee agreed, to adjourn the meeting for 15 minutes to allow Members the chance to read over a number of supplementary reports which had been tabled at the start of the meeting.

The Committee reconvened at 10.25 am.

4. ARDKINGLAS ESTATE: ERECTION OF MIXED DEVELOPMENT COMPRISING 16 DWELLING HOUSES, 7 COMMERCIAL UNITS, CHILDCARE CENTRE, INSTALLATION OF SEWAGE TREATMENT SYSTEMS AND ACCESS IMPROVEMENTS: LAND ADJACENT TO ARDKINGLAS SAWMILL, CLACHAN, CAIRNDOW (REF: 09/00385/OUT)

The Development Manager spoke to the terms of his report and to a supplementary planning report which was tabled at the meeting and referred to a revised response from Transport Scotland, a response from Public Protection and further representation from Elaine Pound. He advised that in the Argyll and Bute Local Plan the application site was located within sensitive countryside, but forms part of Potential Development Area PDA 9/13 'Cairndow-Inverfyne' where mixed use – business/housing/recreation use is supported, and Area for Action AFA 9/4 'Inverfyne' where strategic, business and environmental improvements are encouraged. He recommended that planning permission be refused but in view of the number of representations received in the context of a small community, also recommended that a discretionary hearing be held prior to determination of the application.

Decision

Agreed to hold a discretionary hearing on 21 October 2011.

(Reference: Report by Head of Planning and Regulatory Services dated 14 September 2011, submitted and Supplementary Planning Report 1 dated 20 September 2011, tabled)

Councillor Gordon Chalmers joined the meeting at 10.45 am during discussion of the foregoing item.

5. ADAMS (FLANSHAM) LTD: CHANGE OF USE OF AGRICULTURAL SHEDS TO A FIREWOOD PROCESSING UNIT: LAND NORTH WEST OF CAMIS ESKAN FARM HOUSE, HELENSBURGH (REF: 11/00213/PP)

The Principal Planning Officer spoke to the terms of his report advising that the application site was in open countryside north-east of Colgrain in the Greenbelt. He advised that it is considered that a site specification justification has not been established and that the development does not require to be located within the Greenbelt and, as such, the development is contrary to Structure Plan Policy STRAT DC3 which states that encouragement will only be given to very limited and specific categories of countryside based development. He advised that although 17 representations have been received, given that these are objections which accord with the recommendation for refusal, it is not considered necessary to hold a discretionary hearing in that circumstance, as it would not add value to the decision making process. He recommended refusal of the application as it was non compliant with Greenbelt policy. He advised that if the Committee were minded to approve the application then a noise assessment would need to be carried out by the applicant in advance of the determination of the application.

Motion

Due to the volume of representations to this application it is proposed that a hearing take place prior to determination of the application.

Moved by Councillor Daniel Kelly, seconded by Councillor Roderick McCuish

Amendment

I am minded that this application should be approved as a minor departure from STRAT DC 3 as I believe this is an acceptable farm diversification (which is not strictly in accordance with STRAT DC 3) which makes use of an existing facility which will bring economic benefits to the farm/establishment and ensure its future sustainability.

Furthermore that a suspensive condition be placed to require a noise impact assessment be undertaken to the satisfaction of the Head of Planning and Regulatory Services prior to any permission being granted and that a PAN 41 Hearing be arranged.

Moved by Councillor Bruce Marshall, seconded by Councillor Vivien Dance

Decision

The motion was carried by 12 votes to 2 and the Committee resolved accordingly.

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

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

6. CWP PROPERTY DEVELOPMENT AND INVESTMENT: ERECTION OF CLASS 1 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)

The Committee resumed consideration of this application which was the subject of a hearing on 8 April 2011. At a subsequent meeting of the Committee on 18 May 2011 it had been agreed to continue determination of the application to allow for consideration of planning application number 11/00689/PPP relating to a further application for a supermarket on another site in the town and to allow for assessment of that site's availability and deliverability.

Mr Reppke reminded the Committee that Councillors Dance, Reay and Chalmers would not be able to participate in the debate of this application as they had not been present at the hearing when this application was considered.

The Development Manager spoke to the terms of supplementary planning report no 5 advising that a further letter of support had been received from Mr and Mrs Baldock since the circulation of supplementary planning report 4. This report also provided clarification regarding the gas works site and application and on planning gain matters which had been offered verbally by the applicant during the hearing. The Development Manager also spoke to the terms of supplementary planning report no 6 which was tabled at the meeting and referred to further emails issued to the Council by the Applicant and their specialist agent relating to retail impact matters relevant to their own site and flooding matters at the National Grid application over his own. The Development Manager recommended refusal of the application for the reasons detailed in his original report.

Decision

Agreed to continue consideration of this application until after the hearing and determination of the application by National Grid Property (planning ref: 11/00689/PPP).

(Reference: Report by Head of Planning and Regulatory Services dated 4 March 2011, Supplementary Report 1 dated 15 March 2011, Supplementary Report 2 dated 30 March 2011, Supplementary Report 3 dated 7 April 2011, Supplementary Report 4 dated 9 May 2011, Supplementary Report 5 dated 8 September 2011, submitted and Supplementary Report 6 dated 19 September 2011, tabled)

Councillor Marshall returned to the meeting.

Having previously declared an interest in the following item Councillor James McQueen left the room and took no part in the discussion of this application.

7. NATIONAL GRID PROPERTY: SITE FOR THE ERECTION OF RETAIL STORE (CLASS 1) WITH ASSOCIATED DEVELOPMENT INCLUDING ACCESS, CAR PARKING AND LANDSCAPING: LAND AT FORMER GASWORKS, ARGYLL STREET/HAMILTON STREET, DUNOON (REF: 11/00689/PPP)

The Development Manager spoke to the terms of his report and to a supplementary report which confirmed receipt of a revised response received from Flood Risk Management and receipt of additional representations. He advised that in the Argyll and Bute Local Plan the proposed retail development was located on the former Dunoon Gas Works site that is situated within the Main Town settlement of Dunoon. While the 'brownfield' site lies outwith the identified Dunoon Town Centre, which is identified as the preferred location for new retail investment, it is located within the defined 'edge of town centre' zone, which in the absence of suitable town centre sites, is the next sequentially preferred location for retail development. Whilst recommending approval of the planning application as a 'minor departure' to development plan policy he recommended that a PAN 41 hearing be held prior to determination of the application in view of the number of representations received relative to a prospective departure to the provisions of the development plan.

Decision

Agreed to hold a PAN 41 Hearing on Wednesday 9 November 2011 in the Queens Hall, Dunoon.

(Reference: Report by Head of Planning and Regulatory Services dated 7 September 2011, submitted, Supplementary Planning Report 1 dated 20 September 2011, tabled and correspondence received from CWP Properties dated 19 September 2011, tabled)

Councillor McQueen returned to the meeting.

8. MR DUNCAN CAMPBELL: SUB-DIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AND FORMATION OF NEW VEHICULAR ACCESS: 7 LAGGARY PARK, RHU, HELENSBURGH (REF: 11/00784/PP)

The Head of Planning and Regulatory Services spoke to the terms of the report and to a supplementary report which was tabled at the meeting and made a minor change to the reason for refusal recommended in the original report for the purposes of clarity. He advised that planning permission was sought for the erection of a dwellinghouse and garage within the lower garden area of 7 Laggary Park, Rhu and that this detached dwellinghouse was within the Rhu Article 4 Conservation Area and the site also had a Tree Preservation Order in place. He advised that the proposal was contrary to Policies STRAT DC 9 and STRAT ENV FW 2 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 7, LP ENV 14, LP ENV 19, LP HOU 1 and Appendix A of the Argyll and Bute Local Plan and recommended refusal of the application.

Decision

Agreed to continue consideration of this application to the PPSL Committee on 19 October 2011 and that arrangements be made for a site visit in advance of that date.

(Reference: Report by Head of Planning and Regulatory Services dated 2 September 2011, submitted and Supplementary Report 1 dated 19 September 2011, tabled)

9. MR A TEAR: ERECTION OF A 50 METRE WIND MONITORING METEOROLOGICAL MAST FOR A TEMPORARY PERIOD OF 14 MONTHS: ASCOG FARM, BALMORY ROAD, ASCOG, ISLE OF BUTE (REF: 11/00873/PP)

The Principal Planning Officer spoke to the terms of his report advising that in terms of the adopted Argyll and Bute Local Plan, the site is identified as being within Sensitive Countryside within which Policy STRAT DC 5 of the approved Argyll and Bute Structure Plan only gives support to 'small scale' development or, in exceptional cases, a development with locational need may be supported and subject to compliance with other relevant Local Plan Policies. In such circumstances STRAT DC 5 requires that an Area Capacity Evaluation be undertaken in order to support an exceptional case. The proposal accords with Policies STRAT DC 5 and STRAT DC 8 of the approved Argyll and Bute Structure Plan and Policies LP ENV 5, LP ENV 6, LP ENV 10, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan. He advised that there were no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan and recommended approval of the application and that an Area Capacity Evaluation be carried out and that the findings of the ACE be endorsed.

Decision

Agreed to grant planning permission subject to the following conditions and reasons and agreed that the conclusions of the Area Capacity Evaluation undertaken to accompany the assessment of the proposal be endorsed as a material consideration in the determination of this application and in the consideration of subsequent applications within the defined ACE compartment:-

1. Permission is hereby granted for a period of 14 months from the date of the erection of the mast. The wind monitoring mast, supporting guy wires (and any base and associated fencing) shall be completely removed from the site upon the expiry of the fourteen month period. Thereafter, the site shall be reinstated with the planting of indigenous vegetation within one month of the mast being removed from the site, unless a further period for an extended period is obtained from the Planning Authority.

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

2. The wind monitoring mast shall not be erected until full details of bird deflectors (which should be spaced at no greater than 5.0 metre

intervals) to be installed on all guy wires of the mast have been submitted to and approved by the Planning Authority in consultation with Scottish Natural Heritage. The approved deflectors shall be installed on the mast for the duration of its installation and any that break or become detached shall be replaced within one month of the breakage or detachment occurring.

Reason: In the interest of nature conservation to protect important bird species, as the application site is located adjacent to Loch Ascog, which is a Site of Special Scientific Interest that provides an internationally important roosting area for wintering greylag geese.

3. The development shall be implemented in accordance with the details specified on the application form dated 24th May 2011 and the approved drawing reference numbers:

Plan 1 of 3 (Drawing Number 11428 – Site Location)
Plan 2 of 3 (Drawing Number 11428 – Mast Site Plan)
Plan 3 of 3 (Drawing Number 11428 – Mast Elevation)

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 2 September 2011, submitted)

Having previously declared an interest in the following item Councillor Vivien Dance and Councillor David Kinniburgh left the room and took no part in the discussion of this application.

Councillors Alister MacAlister and Roderick McCuish left the meeting.

10. OSBORNE INTERIORS LTD: ERECTION OF 3 DWELLINGHOUSES: LAND BETWEEN 19 TO 37 CUMBERLAND AVENUE, HELENSBURGH (REF: 11/00887/PP)

The Head of Planning and Regulatory Services spoke to the terms of his report and to a supplementary report which referred to an email Members would have received from the Applicant's agent. He advised that the application site currently has Open Space Protection Area status afforded to it by Policy LP REC 2 of the Argyll and Bute Local Plan. He recommended that planning permission be refused subject to a discretionary hearing being held in view of the number of representations received.

Decision

Agreed to hold a discretionary hearing on 10 October 2011 in the Victoria Halls, Helensburgh.

(Reference: Report by Head of Planning and Regulatory Services dated 6 September 2011, submitted and Supplementary Report 1 dated 20 September 2011, tabled)

Councillors Dance and Kinniburgh returned to the meeting.

Councillor Donald MacMillan left the meeting.

11. MRS SARA MACLEAN: CONSTRUCTION OF CULVERT AND HANDRAILS: LAND NORTH WEST OF TIGNABRUAICH PRIMARY SCHOOL, SCHOOL ROAD, TIGNABRUAICH (REF: 11/01084/PP)

The Principal Planning Officer spoke to the terms of his report advising that the application site was located in a relatively inconspicuous location which is a significant distance from main public areas of Tighnabruaich. He advised that the proposal accorded with policies STRAT DC 1 of the Argyll and Bute Structure Plan and LP ENV 10 and LP ENV 19 of the Argyll and Bute Local Plan and recommended approval of the planning application.

Decision

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

The development shall be implemented in accordance with the approved drawings: Location Plan (scale 1:5000); Site Plan (scale 1: 500); and Elevation/Section Details (scale 1:100) 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.

(Reference: Report by Head of Planning and Regulatory Services dated 30 August 2011, submitted)

12. SCOTTISH WATER: VARIATION OF CONDITION 3 OF PLANNING PERMISSION 10/01977/PP - AMENDMENTS TO EXTERNAL FINISHES OF KIOSK: LAND OPPOSITE 8 MARINE PLACE, ROTHESAY, ISLE OF BUTE (REF: 11/01310/PP)

The Principal Planning Officer spoke to the terms of his report and to a supplementary planning report tabled at the meeting which referred to amended conditions. He advised that the proposal accorded with policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan and policies LP ENV 10, LP ENV 14, LP ENV 19 and LP CST 1 of the Argyll and Bute Local Plan and recommended approval of the planning application.

Decision

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 approved drawings numbers: Drawing No. 400114-0000-20-DRG-9920 Rev 0B; Drawing No. 400114-0000-20-DRG-9921; Drawing No. 400114-0000-20-DRG-9922; Drawing No. 400114-0000-20-DRG-9923; and Drawing Number 400114-0000-20-DRG-9979-0A 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. No lighting units shall be installed unless the prior written consent of the Planning Authority is obtained in consultation with the Public Protection Service. Any lighting units that are approved shall be operated, positioned and angled to prevent any glare or light spillage outwith the boundary of the site, having regard to the Institute of Lighting Engineers Guidance.

Reason: In order to avoid the potential of light pollution.

3. The calculated noise levels, arising from the operation of the pumping station, shall not increase pre-determined ambient background noise levels (LA90), as agreed with the Planning Authority, by more than 3dBA at the nearest noise sensitive property. All measurements shall be taken in accordance with BS 4142:1997.

*Reason: In the interests of public health and amenity and in accordance with Policy LP
BAD 1 of the Argyll and Local Plan 2009.*

(Reference: Report by Head of Planning and Regulatory Services dated 2 September 2011, submitted and Supplementary Report 1 dated 19 September 2011, tabled)

13. ARGYLL AND BUTE COUNCIL: UPGRADING AND EXTENSION OF EXISTING NETWORK OF FOOTPATHS TO PROVIDE SHARED USE WALKING AND CYCLING PATHS: LAND NORTH OF SOROBA HOUSE HOTEL, OBAN (REF: 11/01400/PP)

The Principal Planning Officer spoke to the terms of his report advising that this was a Council interest application and that the proposal conforms with the relevant development policies and that there are no other material considerations, including issued raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan and recommended approval of the planning application.

Decision

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

1. Prior to the commencement of work on site, the access at the junction of the public road leading to the site shall be formed in accordance with Argyll & Bute Council Roads Department drawing number SD 08/005a with the access details as shown on the submitted drawing from the new back edge of the carriageway and shall have visibility splays of 2.4m x 42m in both directions formed from the centre line of the proposed access from Glengallan Road. Prior to work starting on site, these visibility splays shall be cleared of all obstructions over 1.05m in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over 1.05m in height in perpetuity.

Reason: In the interests of road safety.

2. No development shall commence on site until full details of the proposed means of surface water drainage has been submitted and approved by the Planning Authority in writing. Such details shall include a drainage layout plan which shall include full details of the surface water discharge from the site and shall include any mitigation measures required to address surface water run-off, prevent ponding and prevent increased surface water run-off onto adjacent properties. The development shall thereafter be completed in strict accordance with this plan prior to the initial use of the path by members of the public.

Reason: To ensure that there is a satisfactory drainage system in place for the development in the interests of health and amenity.

3. Except for the 40 windblown trees identified in the plans as requiring removal, no trees within the site shall be lopped, topped, felled or otherwise damaged without the prior written consent of the Planning Authority.

Reason: To ensure that the visual, nature conservation interests and potential noise impacts associated with tree clearance alongside the hospital helipad, are fully considered prior to tree felling taking place and allow an opportunity for mitigation measures to be devised if additional tree felling is proposed.

4. The development shall be implemented in accordance with the details specified on the application form dated 29/7/11 and the approved drawing reference numbers:

Plan 1 of 6 (Location Plan at scale of 1:5000)

Plan 2 of 6 (Site Plan at scale of 1:1250)

Plan 3 of 6 (Plans of Access Path to Glengallen Drive at scale of 1:100)

Plan 4 of 6 (Plan of Access Paths to Balvicar Road at scale of 1:100)

Plan 5 of 6 (Plan of Path at Hospital Gate, Plan of Junction at Soroba Hotel Road, Section C-C and Section D-D at scale of 1:100, 1:25)

Plan 6 of 6 (Section E-E, Dropped Kerb Profile, Bollard Detail at scale of 1:25)

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 2 September 2011, submitted)

14. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISION

Consideration was given to a report advising of recent appeal decisions by the Scottish Government Directorate for Planning and Environmental Appeals.

Decision

1. Noted that the Appeal against the refusal for Listed Building Consent Ref: 10/00383/LIB was dismissed by the Reporter; and
2. Noted that the Appeal against the refusal for an Application for Certificate of Lawfulness Ref: 11/00171/CLAWU was allowed by the Reporter.

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

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

15. ENFORCEMENT CASE: 00168ENFOTH2

The Principal Planning Officer advised that since the production of the original report the Family Mediation Service had notified the Council that they had vacated Athole Cottage and that a request to extend to time period for compliance of an enforcement action was no longer required.

Decision

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services dated 1 September 2011, submitted and Supplementary Report 1 dated 20 September 2011, tabled)