

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 FEBRUARY 2013**

Present: Councillor Sandy Taylor (Chair)

Councillor Robin Currie	Councillor Donald MacMillan
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Richard Trail

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

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, Mary-Jean Devon, George Freeman and Fred Hall.

2. DECLARATIONS OF INTEREST

Councillor Donald MacMillan declared a non financial interest in relation to planning application reference 12/00886/PP as the Applicant had made prior contact with him regarding this application.

Councillor Sandy Taylor also declared a non financial interest in relation to planning application reference 12/00886/PP as he had received representations from and met with the Applicant in respect of this Application.

Councillors MacMillan and Taylor left the room and took no part in the discussion of this Application which is dealt with at item 5 of this Minute.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 23 January 2013 at 10.30 am were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 23 January 2013 at 2.00 pm were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 28 January 2013 were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 30 January 2013 were approved as a correct record.

4. TAXI AND PRIVATE CAR HIRE LICENSING - PROPOSALS FOR CHANGE - A PUBLIC CONSULTATION BY THE SCOTTISH GOVERNMENT

The Scottish Government has issued a consultation document proposing a range of changes to the current regime which aims to tighten up the licensing process for taxi and private hire drivers, vehicles and booking offices. The Scottish Government advise any changes made should support the local authorities and the police in creating and managing appropriate local arrangements and that they want to bring all drivers and firms up to the correct standards to benefit people and business who make use of and rely on these services. A report presenting a draft response to this consultation was before the Committee for consideration.

Decision

Approved the terms of the response to the consultation and agreed that it be submitted to the Scottish Government by the closing date of 15 March 2013.

(Reference: Report by Executive Director – Customer Services dated 28 January 2013, submitted)

Having previously declared an interest in the following item Councillors Donald MacMillan and Sandy Taylor left the room and took no part in the discussion of this Application.

Councillor David Kinnburgh took the Chair in Councillor Sandy Taylor's absence.

5. PENTLAND DEVELOPMENT: ERECTION OF DWELLINGHOUSE: LAND TO SOUTH OF AN STRUAN (PLOT 8S), CRAOBH HAVEN, LOCHGILPHEAD (REF: 12/00886/PP)

The Principal Planning Officer spoke to the terms of the report advising that this proposal seeks planning permission for the erection of one dwelling house. The application site is located within the 'settlement area' of Craobh Haven as defined by the Argyll and Bute Local Plan 2009. The site is also located within a larger Open Space Protection Area and is contrary to the provisions of Local Plan Policy LP REC 2. The site also lies within a Tree Preservation Order and an Ancient Semi-Natural Woodland which have in previous decisions of the Council been noted to be a key environmental feature of the Knapdale/Melfort Area of Panoramic Quality and of biodiversity value. Twenty seven third party representations have been received, four raising objection to the proposal, twenty two offering support and one from an interested party – the Agent for the application. In addition Councillor Philand has also indicated support. Despite the level of representation received, the determining issue in this case is one of the primacy of local plan policy, and prematurity in the consideration of any potential deviation from that in the light of the impending consideration of the future of the wider area as part of the Local Development Plan process. The policy provision is one of record and there would be no added value by convening a local hearing. For the reasons stated in the report it is recommended that this application be refused.

Decision

Agreed to refuse planning permission for the following reasons:-

1. The proposal would result in the loss of some 0.14ha of designated Open Space Protection Area (OSPA) to built development. In this instance the OSPA is neither readily accessible nor useable for recreational purposes by the public but is a significant passive amenity resource which is valued as an undeveloped green, woodland space which contributes significantly to landscape character, setting of the built environment and biodiversity, and as such is a resource which cannot readily be replaced or relocated. The proposal is therefore contrary to the provisions of policy LP REC 2 of the adopted 'Argyll and Bute Local Plan' 2009 which set out a presumption against the development of Open Space Protection Areas as designated in the Local Plan proposals maps.
2. The development of the application site is considered likely to give rise to adverse effects upon the long-term viability of the existing woodland within which it is located as a consequence of the exposure of the existing woodland edge to construction activities and the anticipated pressure for further tree felling to provide for the residential amenity and safety of the proposed dwelling, which, notwithstanding the loss of recently wooded land to built development, would compromise the available seed bank and land suitable for natural regeneration of an ancient semi-natural woodland. Any further tree loss arising from the development of this location would not only erode a key landscape feature which makes a significant contribution to the Knapdale / Melfort Area of Panoramic Quality, but would also have an adverse impact upon the integrity of of TPO 2/11 and biodiversity value of the wider area of Ancient Semi-Natural Woodland. The proposal is contrary to the provisions of policies STRAT DC 7 and STRAT DC 8 of the 'Argyll and Bute Structure Plan' 2002 and LP ENV 2, LP ENV 6, LP ENV 7 and LP ENV 10 of the adopted 'Argyll and Bute Local Plan' 2009.
3. The proposed 'Argyll and Bute Local Development Plan' published for public consultation on 4th February 2013 includes for the retention of an Open Space Protection Area which encompasses the development site and a proposed policy which presumes against development of this land; in this respect any determination at the current time which undermined these proposals would be prejudicial to the Local Development Plan process.

(Reference: Report by Head of Planning and Regulatory Services dated 7 February 2013, submitted)

Councillors MacMillan and Taylor returned to the meeting and Councillor Taylor resumed the Chair.

6. MELFORT CARE LIMITED: SITE FOR THE ERECTION OF 24 FLATS: OSSIAN'S RETIREMENT HOME, NORTH CONNELL, OBAN (REF: 12/01854/PPP)

The Head of Planning and Regulatory Services spoke to the terms of the report advising that this application seeks planning permission in principle for the erection of 24 flats on the site of the former Ossians Retirement Home in North Connell. With reference to the Argyll and Bute Local Plan 2009, the application site is situated within the 'Settlement Zone' for North Connell which is categorised

as a Small Town/Village in the Local Plan. The proposal constitutes an acceptable form of 'medium scale' redevelopment within the 'Settlement Zone' for North Connel within which there is a general presumption in favour of residential development. There are eleven objections, as well as concerns from the Community Council. There have been no objections or concerns raised by statutory consultees that cannot be adequately controlled through the imposition of planning conditions. The proposal satisfies Policies STRAT SI 1, STRAT DC 1, STRAT DC 7, STRAT DC 8, LP ENV 1, LP ENV 2, LP ENV 6, LP ENV 7, LP ENV 19, LP HOU 1, LP HOU 2, LP HOU 4, LP SERV 2, LP TRAN 1 and LP TRAN 6. The application is recommended for approval subject to a discretionary hearing being held in view of the number of objections received in the context of a small community and subject to the conditions and reasons detailed in the report.

Decision

Agreed to hold a discretionary planning hearing on Monday 25 March 2013.

(Reference: Report by Head of Planning and Regulatory Services dated 5 February 2013, submitted)

7. ARGYLL AND BUTE COUNCIL: CHANGE OF USE OF LAND FOR SITING OF 2 STORAGE CONTAINERS FOR TEMPORARY 2 YEAR PERIOD: WILLOW VIEW COMMUNITY CARE CENTRE, OBAN (REF: 12/02764/PP)

The Head of Planning and Regulatory Services spoke to the terms of the report advising that planning permission is sought to site two storage containers for a temporary period of two years within the grounds of Willowview Community Care Centre in Oban. Whilst this form of structure would not be considered acceptable as a long term storage solution for the site, given the temporary nature of the proposal and the visual appearance of the containers, it is considered acceptable to grant permission on a temporary basis for a period of two years to allow a more permanent solution to be considered, provided that suitable screen fencing is secured by planning conditions.

Decision

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

1. This planning permission for the use of the land as a temporary site for the two storage containers is temporary and shall expire on 28 February 2015, by which time the storage containers shall cease being used for storage at the site. The storage containers shall be completely removed from the site and the land shall be reinstated to its former condition to the satisfaction of the Planning Authority. by 31 March 2015.

Reason: Planning permission would not normally be granted for a development of this nature in this location on a permanent basis, as temporary structures with limited life expectancy deteriorate over time with adverse consequences in terms of visual impact in the local area.

2. No development shall commence on site, or is hereby authorised, until full

details of a method of screening for the storage containers, has been submitted to and approved in writing by the Planning Authority. Such details shall show a close boarded timber fence to the height of the storage containers painted a dark recessive colour, or similar solid screening mechanism as may be approved. Such details as are approved shall be fully implemented on site prior to the first use of the containers for storage purposes at the site and shall be retained throughout the duration of this temporary planning permission.

Reason: In the interests of visual amenity.

3. The development shall be implemented in accordance with the details specified on the application form dated 05/12/12 and the approved drawing reference numbers:

Plan 1 of 3 (Drawing Number AL(00)001)

Plan 2 of 3 (Drawing Number AL(00)002)

Plan 3 of 3 (Drawing Number AL(00)003)

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 30 January 2013, 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.

8. ASSESSMENT OF REQUEST FOR PROVISIONAL TREE PRESERVATION ORDER

A report drawing to the Committee's attention a request to protect specific trees adjoining an on-going development site by means of a Tree Preservation Order was considered.

Decision

Noted and agreed the terms of the report.

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