

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 APRIL 2013

Present: Councillor Sandy Taylor (Chair)

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| Councillor Gordon Blair | Councillor David Kinniburgh |
| Councillor Rory Colville | Councillor Alistair MacDougall |
| Councillor Robin Currie | Councillor Robert G MacIntyre |
| Councillor Mary-Jean Devon | Councillor Alex McNaughton |
| Councillor George Freeman | Councillor James McQueen |
| Councillor Fred Hall | Councillor Richard Trail |

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Alan Morrison, Regulatory Services Manager
Patricia O'Neill, Central Governance Manager

1. APOLOGIES

Apologies for absence were received from Councillor Iain MacDonald and Councillor Donald MacMillan.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 20 March 2013 at 11.30 am were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 20 March 2013 at 2.00 pm were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 20 March 2013 at 2.20 pm were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 25 March 2013 were approved as a correct record.

4. AUDIT SCOTLAND'S "PROTECTING CONSUMERS" REPORT: THE SERVICE RESPONSE

A report advising Members of the Audit Scotland report "Protecting Consumers" which reviewed arrangements for the delivery of trading standards and food safety services across Scotland and proposed an action plan at a local and national level to address Audit Scotland's concerns was considered.

Decision

1. Noted the significance of the Audit Scotland “Protecting Consumers” report to Regulatory Services as it relates to trading standards and food safety services to consumers and agreed to endorse the Action Plan detailed at Appendix 1 of the Executive Director’s report;
2. Considered the recommendations detailed at paragraph 4.4 (viii) of the Executive Director’s report and agreed the steps to be taken in 2013-14; and
3. Requested that the Regulatory Services Manager bring a progress report to the next meeting of the Planning, Protective Services and Licensing Committee taking into account the issues raised by Members.

(Reference: Report by Executive Director – Development and Infrastructure Services dated March 2013, submitted)

5. MR JAMES PAUL DALY AND ANDREENA DALY: ERECTION OF DWELLINGHOUSE, FORMATION OF CAR PARKING, AND SITING OF A STEEL CONTAINER UNIT (RETROSPECTIVE): 3 KYLE VIEW, KILCREGGAN, HELENSBURGH (REF: 12/02761/PP)

The Head of Planning and Regulatory Services advised that when he had visited the site discrepancies had become apparent in the layout plans and block plans submitted as part of the application and as a result the application had been withdrawn. He advised that it was intended that the application would be resubmitted once these issues had been resolved and would be considered at a future meeting of the Committee.

6. THE SCOTTISH SALMON COMPANY: FORMATION OF 16 CAGE FISH FARM AND INSTALLATION OF FEED BARGE: SGIAN DUBH, NORTH OF STRONE POINT, LOCH STRIVEN (REF:12/02585/MFF)

The Principal Planning Officer spoke to the terms of the report advising that this proposal seeks permission for the installation of a marine finfish development of 16 (No.) 32m diameter cages and a feed/service barge to be utilised for the production of farmed salmon. The application site is located off the west coast of Loch Striven approximately 3 km north of Strone Point. There is currently one existing salmon farm operated by the applicants within Loch Striven just to the north of Strone Point and that site is currently the subject of a separate application for extension (planning ref: 12/02589/MFF). The applicants operate a third site off Ardyne, by Toward at the entrance of the loch where their shore base is located. There have been 37 individual expressions of interest of support plus 12 objections. Notwithstanding the third party concerns and the position of Colintrave and Glendaruel Community Council, the application has been recommended for approval. The recommendation to approve this proposal has had regard to the associated application for the extension of the existing fish farm at Strone and the cumulative consequences in the event of both applications being permitted. Although the balance of representation is in support of the proposal, 12 objections have been received from local interests along with objection from the Colintrave and Glendaruel Community Council. The Community Council has indicated that the decision to object was the

unanimous view of all community councillors and members of the public present at a meeting and a request has been made by them for the matter to be determined by way of a hearing. In view of the matters raised in the context of a small community it is recommended that a discretionary pre determination hearing be convened. The Committee were advised verbally of 2 further late representations that had been submitted from a resident in Colintrave which raised issues over the level of support given by Scottish Salmon Fisheries Staff and separation distance between the proposal and the nearest residential property.

Decision

Agreed to hold a discretionary pre-determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 22 March 2013, submitted)

7. THE SCOTTISH SALMON COMPANY: EXTENSION TO FISH FARM (ADDITIONAL 6 CAGES): STRONE FISH FARM, LOCH STRIVEN (REF: 12/02589/MFF)

The Principal Planning Officer spoke to the terms of the report advising that this proposal seeks permission for the extension of a site in use for the production of farmed salmon. The development involves the addition of 6 No. additional cages to the installation which currently comprises 8 No. cages. An existing feed barge will be repositioned to allow for the enlargement of the cage group. The application site is located off the west coast of Loch Striven approximately 8.8 km north of Strone Point. The applicants operate a further site off Ardyne, by Toward and they also have an undetermined application for the establishment of a third fish farm on the west coast of Loch Striven (planning ref: 12/02585/MFF). There have been 36 individual expressions of support plus 11 objections along with an objection from Colintrave and Glendaruel Community Council. Notwithstanding the third party concerns and the position of the Community Council, the application has been recommended for approval. The recommendation to approve this proposal has had regard to the associated application for the establishment of a further fish farm at Sgian Dhubh in Loch Striven and the cumulative consequences in the event of both applications being permitted. Although the balance of representation is in support of the proposal, 11 objections have been received from local interests along with objection from Colintrave and Glendaruel Community Council. The Community Council has indicated that the decision to object was the unanimous view of all community councillors and members of the public present at a meeting and a request has been made by them for the matter to be determined by way of a hearing. In view of the matters raised in the context of a small community it is recommended that a discretionary pre determination hearing be convened.

Decision

Agreed to hold a discretionary pre-determination hearing to run in conjunction with the discretionary hearing to be held to consider planning application number 12/02585/MFF previously agreed at item 6 of this Minute.

(Reference: Report by Head of Planning and Regulatory Services dated 26 March 2013, submitted)

8. MR JOHN STIRLING: ERECTION OF TWO 225KW WIND TURBINES (47.02 METRES TO BLADE TIP) AND ASSOCIATED METER HOUSES, FORMATION OF CRANE HARDSTANDING AND VEHICULAR ACCESS: LAND WEST OF NEWTON PARK, TOWARD, DUNOON (REF: 13/00004/PP)

The Principal Planning Officer spoke to the terms of the report advising that the proposal seeks the construction of two wind turbines with hub heights of 32m and rotor diameters of 29m (47m to blade tip), the formation of a new access track and ancillary development. The application has been submitted by the owner of Toward Taynult Farm, which is located 1 km south of the proposed wind turbines. The current application has been submitted and very slightly revised following withdrawal of a previous application. Twenty individuals have raised objections and four expressions of support have been received. There have been no objections from statutory consultees but concerns have been raised by SNH, Inverclyde Council and North Ayrshire Council. This proposal is inconsistent with the provisions of the Development Plan due to its potential adverse landscape and visual impact and insufficient information on potential impact to protected species and to private water supplies. All other material issues have been taken into account but these are not of such weight as to overcome these potential adverse impacts, which cannot be overcome by the imposition of planning conditions or by way of a Section 75 legal agreement and therefore it is recommended that this application be refused.

Decision

The Committee –

1. Requested that further information be sought by the Head of Planning and Regulatory Services in respect of the potential impact to protected species including otter, bats and bird species; and in respect of the potential impact to existing registered and unregistered private water supplies in the vicinity of the development site.
2. Agreed to hold a discretionary pre-determination hearing at the earliest opportunity after the information requested at 1 above has been obtained.

(Reference: Report by Head of Planning and Regulatory Services dated 9 April 2013, submitted)

9. CLYDESDALE BANK: EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF PEDESTRIAN ACCESS RAMP: 120 ARGYLL STREET, DUNOON (REF: 13/00116/PP)

The Principal Planning Officer spoke to the terms of the report advising that the application premises are located within the core shopping area of Dunoon. The bank premises are also located within a Special Built Environment Area which covers Argyll Street's retail core area. The application requires to be determined by the PPSL Committee as it involves works within the public footway which is in

control of the Council. There have been no objections from statutory consultees and no third party representations received. The proposal is considered to be acceptable and consistent with policies LP ENV 14, LP ENV 19 (including Appendix A: Sustainable Siting and Design Principles), LP RET 6, LP TRAN 1 and LP TRAN 3 of the Argyll and Bute Local Plan and is therefore recommended for approval subject to conditions detailed in the report.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 18 January 2013 and the approved drawing reference numbers: L(-2)100, L(-2)10, L(-2)11, L(-2)12, L(90)01, 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. Prior to the commencement of any works, samples and/or full details of all external finishes shall be submitted for the written approval of the Planning Authority. The development shall be implemented wholly in accordance with the duly approved details.

Reason: In the interest of visual amenity and to help integrate the proposal within its surroundings

(Reference: Report by Head of Planning and Regulatory Services dated 26 March 2013, submitted)

10. ARGYLL AND BUTE COUNCIL: INSTALLATION OF REPLACEMENT WINDOWS AND DOOR: UNIT 1 ARGYLL HOUSE, HARBOUR STREET, TARBERT (REF: 13/00201/PP)

The Principal Planning Officer spoke to the terms of the report advising that this application relates to a ground floor, former shop unit, located within Tarbert Conservation Area, which has for some time operated as an office for Argyll and Bute Council. It is proposed to replace an existing timber door and screen and two existing windows, one of which has been damaged and is currently boarded up, with double glazed, aluminium framed curtain walling. There have been no objections from statutory consultees and no third party representations received. This proposal is considered to be appropriate in terms of scale, siting and design and complies with all the relevant Development Plan policies. With no other material considerations to be taken into account the proposal is considered to be acceptable and it is recommended that planning permission is granted subject to one condition detailed in the report.

Decision

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

The proposed development shall be carried out in accordance with the details specified in the application form dated 31st January 2013 and the approved drawings numbered 1 to 2 of 2 and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

(Reference: Report by Head of Planning and Regulatory Services dated 27 March 2013, 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 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13; and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

11. ENFORCEMENT REPORT - 11/00243/ENOTH1

Consideration was given to enforcement case 11/00243/ENOTH 1.

Decision

The Committee -

1. Noted the situation and agreed that consideration be continued.
2. Requested that a further report be submitted to the Committee in August.

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

Having previously intimated his apologies Councillor MacMillan joined the meeting at this point.

12. ENFORCEMENT REPORT - 13/00073/ENFOC1

Consideration was given to enforcement case 13/00073/ENFOC1.

Decision

Agreed the recommendation as contained within the report.

(Reference: Report by Head of Planning and Regulatory Services dated 2 April 2013, submitted)