

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 18 JANUARY 2017**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor George Freeman	Councillor Roderick McCuish
Councillor Alistair MacDougall	Councillor James McQueen
Councillor Neil MacIntyre	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Sandra Davies, Acting Major Applications Team Leader
Mark Lodge, Senior Planning and Strategies Officer
Sheila MacFadyen, Senior Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Alex McNaughton and Sandy Taylor.

2. DECLARATIONS OF INTEREST

Councillor Neil MacIntyre declared a non-financial interest in planning application reference 15/03260/PP which is dealt with at item 8 of this Minute as he had previously confirmed his position regarding this application. He left the room and took no part in the determination of this application.

3. MINUTES

- a) The Minute of the Planning, Protective Services Licensing Committee held on 13 December 2016 was approved as a correct record.
- b) The Minute of the Planning, Protective Services Licensing Committee held on 14 December 2016 at 11.30 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services Licensing Committee held on 14 December 2016 at 2.00 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services Licensing Committee held on 14 December 2016 at 2.20 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services Licensing Committee held on 14 December 2016 at 2.40 pm was approved as a correct record.
- f) The Minute of the Planning, Protective Services Licensing Committee held on 14 December 2016 at 3.00 pm was approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: PUBLIC ENTERTAINMENT LICENCES

Consideration was given to a report advising Members of an amendment to the Civic Government (Scotland) Act 1982 from 1 November 2016 in relation to public entertainment licensing. The licensing provisions of the Civic Government (Scotland) Act 1982 have been amended to restrict the exemption from public entertainment licensing requirements to specify that the exception is only applicable to premises in possession of a premises licence within the meaning of section 17 of the Licensing (Scotland) 2005 Act. This would result in those in possession of an occasional licence no longer being exempt from public entertainment licensing requirements.

Decision

The Committee agreed to continue not charging a fee for events (indoor or outdoor) where the event is organised by a formally constituted voluntary group based in Argyll and Bute.

Having moved an amendment which failed to find a seconder, Councillor George Freeman asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Executive Director – Customer Services dated December 2016, submitted)

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the local authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 25 July 2017. The fares were last reviewed by Members on 21 October 2015 and took effect on 25 January 2016. Consideration was given to a report advising that the Committee were now required to carry out a further review of taxi fares.

Decision

The Committee agreed:-

1. to propose that there be no increase to the existing scales and that this take effect from 25 July 2017;
2. to authorise the Head of Governance and Law to advertise this proposal and to invite any responses within one month of the advertisement and report back to Members at their meeting in March 2017; and
3. that should no objection or representations be received in relation to the proposal to delegate to the Head of Governance and Law in consultation with the Chair of the PPSL Committee to conclude the review without the requirement for the Committee to consider a further report on the review.

(Reference: Report by Executive Director – Customer Services dated December 2016, submitted)

6. DRAFT SERVICE PLAN 2017-20 - PLANNING AND REGULATORY SERVICES

Consideration was given to a report presenting the Draft Service Plan 2017-20 for Planning and Regulatory Services which supports the delivery of the Corporate Plan and the Single Outcome Agreement and its objectives.

Decision

The Committee agreed to note the draft Service Plan 2017-2020 for Planning and Regulatory Services.

(Reference: Report by Executive Director – Customer Services dated 9 December 2016, submitted)

7. DEVELOPMENT PLAN SCHEME ANNUAL UPDATE - LOCAL DEVELOPMENT PLAN 2

Consideration was given to a report presenting the second (updated) Development Plan Scheme which sets out the key milestones in the LDP2 process and how people can become engaged at those stages. The report also provided a timetable that will deliver LDP2 within the required 5 year period from adoption of the current Local Development Plan.

Decision

The Committee agreed:-

1. to note the contents of the report; and
2. to approve the updated Development Plan Scheme attached in Appendix A of the report for publication and submission to the Scottish Ministers subject to the amendment of a typo at paragraph 5.2 – change the word “form” in the first sentence to “from”.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 21 December 2016, submitted)

Having previously declared an interest in the following item, Councillor Neil MacIntyre left the room.

The Chair advised the Committee that only those Members who had attended the hearing on 28 November 2016 could participate in the determination of this application.

Councillors Robin Currie, Rory Colville and Alistair MacDougall left the room at this point.

8. MRS IONA LARG: ERECTION OF BEACH HUT FOR BLACKHOUSE WATERSPORTS (RETROSPECTIVE): LAND NORTH-EAST OF BRAEHEAD, BALEVULLIN BEACH, BALEVULLIN, ISLE OF TIREE (REF: 15/03260/PP)

The Head of Planning and Regulatory Services spoke to the terms of the report and to the supplementary reports. This retrospective planning application was the subject of a discretionary local hearing which took place on Tiree on 28 November 2016. At the conclusion of the Hearing the Committee agreed to continue consideration of this application to the PPSL Committee on 18 January 2017 to allow Members to seek advice from Officers in regard to a competent Motion to support approval of the application and to allow for arrangements to be made for any requirement for an Area Capacity Evaluation (ACE). The reports before Members today advise Members of their considerations in respect of any competent Motion and also provides an ACE for Members consideration and critique. Additional representations have been received by the Committee on an individual basis which they are able to consider if so minded. Supplementary report number 4 deals with a late representation from the Applicant's Agent who does not consider an ACE is required. The Agent advised that if the ACE is required then the Applicant should be given the opportunity to respond and that the application should be continued to allow for this to happen. Officers have responded that the ACE is required and Mr Gilmour summarised the ACE assessment for Members which concludes that the proposed development would have a materially harmful visual impact within the identified area of common landscape character. He asked Members to note the procedural advice given and the conclusions of Officers in respect of the ACE and he reinforced the recommendation to refuse this application for the reasons stated in the report of handling.

The Head of Governance and Law referred to the legal advice to Members contained in Supplementary Report number 4. He suggested that Members consider the request from the Applicant's Agent and that, if so minded, time be given to all interested parties to submit written comments on the ACE.

Decision

The Committee agreed to continue consideration of this application to the next PPSL Committee in February 2017 to allow time for further written representations on the ACE to be received for any interested party.

(Reference: Report by Head of Planning and Regulatory Services dated 30 August 2016, supplementary report number 1 dated 19 September 2016, supplementary report number 2 dated 24 November 2016 and supplementary report number 3 dated 23 December 2016 and supplementary report number 4 dated 16 January 2017, submitted)

Councillors Colville, Currie, MacDougall and Neil MacIntyre returned to the meeting.

9. MR FRANK PHIPPS: ERECTION OF 9 DWELLINGHOUSES, INSTALLATION OF SEWAGE TREATMENT PLANT AND FORMATION OF VEHICLE ACCESS: LAND NORTH OF WEST SHORE COTTAGE, FORT ROAD, KILCREGGAN (REF: 16/02218/PP) 10.

The Acting Major Applications Team Leader spoke to the terms of the report. Planning permission is sought for the erection of 9, originally 10, dwelling houses on

an area of land at Fort Road, Kilcreggan. The development site is covered by an Area for Action in the Local Development Plan and also forms part of a larger Local Nature Conservation Site. All of the proposed houses are located within the settlement boundary but a section of the application site which includes the access road to service four of the house plots and the proposed private sewage treatment plant are located outwith the settlement boundary in the Countryside Zone. There is currently no visible defined edge to the existing settlement boundary and a scheme of boundary planting is proposed which will give a specific and defensible end to the settlement. There are compelling reasons to justify a minor departure from the Local Development Plan as there will be an environmental gain with significant tree planting and the upgrading of footpaths. The scheme of 9 houses will provide 2 affordable units by means of a commuted sum off site thus having a positive social benefit. The Area Roads Officer has requested a number of offsite road improvements which will be delivered via a Section 75 Agreement. The commuted sum will also be sought through the Section 75 Agreement. A total of 31 objections and 12 representations of support have been received in respect of this application. It is recommended that the application be approved as a minor departure to Policies LDP DM 1 and SG LDP HOU 1 of the Local Development Plan, subject to a Section 75 Agreement covering offsite junction improvements, footway provision and affordable housing and the conditions and reasons detailed in the report of handling. In view of the number of representations received it is also recommended that a discretionary local hearing be held in advance of determining this application.

Motion

As concerns raised by third party representors will be addressed via a Section 75 Agreement or condition to agree that there would be no added value in holding a hearing and to agree to grant planning permission as a minor departure from Policies LDP DM 1 and SG LDP HOU 1 of the Local Development Plan subject to the conclusion of a Section 75 Legal Agreement and conditions and reasons as detailed in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor Richard Trail

Amendment

To agree to hold a discretionary local hearing in advance of determining this planning application.

Moved by Councillor Robin Currie, seconded by Councillor George Freeman

The Motion was carried by 6 votes to 5 and the Committee resolved accordingly.

Decision

The Committee agreed to grant planning permission as a minor departure from Policies LDP DM 1 and SG LDP HOU 1 of the Local Development Plan subject to a Section 75 Agreement covering offsite junction improvements, footway provision and affordable housing, and the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 9 August 2016 and the approved drawing reference numbers P(LP)001, P(SP)001, A.005H, A.005, A.006H, A.007H, A.007 and

D(AP)001 A 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 development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided to the Planning Authority for approval before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

3. No development shall commence until samples of materials to be used in the construction of the dwellinghouse hereby approved have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority

Reason: In order to integrate the development into its surroundings.

4. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
 - i. Location, design and materials of proposed walls, fences and gates;
 - ii. Surface treatment of proposed means of access and hardstanding areas;
 - iii. Any proposed re-contouring of the site by means of existing and proposed ground levels;
 - iv. Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. Prior to development commencing on site, full details of the proposed private sewage treatment plant to serve the development shall be submitted to and

approved in writing by the Planning Authority. The information submitted shall include details of the proposed outfall soakaway and a regime for the on-going maintenance of the private treatment plant. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development and to ensure that there is no discharge of contaminated or polluted drainage to ground or surface waters.

6. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS) and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 3rd Edition and include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

Reason: To ensure that an acceptable scheme of surface water drainage is implemented.

7. Prior to development commencing a method statement for an archaeological watching brief shall be submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

8. Prior to works commencing on site an ecological survey of the Kilcreggan Woodlands and Raised Beach Local Nature Conservation Site shall be carried out by a qualified ecologist to determine its current biodiversity status in relation to the LNCS designation and any other biodiversity interest. The survey should identify measures to maintain and enhance the flora and fauna of the area including a timescale for the implementation of any of the measures agreed with the Council.

Reason: To maintain and enhance the range of species and character of Kilcreggan Woodlands and Raised Beach Local Nature Conservation Site.

9. Prior to works commencing on site, the following information shall be submitted and agreed in writing with the Council:

- details of how it is proposed to maintain Core Path C499 during the construction phase of operations and after completion of development;

- details of how it is proposed to maintain the wider path network namely paths 15/22 and 15/86 which traverse the site during the construction phase of operations and after completion of development.

Reason: To ensure that Core Path C499 is maintained and improved.

10. Prior to works commencing on site, the following information shall be submitted and agreed in writing with the Council:

- details of how Core Path C499, within the applicant's control, will be improved and maintained. Thereafter, the approved details shall be implemented prior to the development hereby approved being completed or brought into use unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that Core Path C499 is maintained and improved.

11. Prior to works commencing on site, details of the method of construction of the private access serving the four dwellings including gradients and finishes shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

12. At the junction of the proposed private access serving the four dwellings and the public road (Fort Road) a visibility sightline 2.4 x 25 x 1.05 metres shall be provided and maintained in perpetuity.

Reason: In the interests of road safety.

13. The provision for car parking within the site shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

Reason: In the interests of road safety.

(Reference: Report by Head of Planning and Regulatory Services dated 5 January 2017, submitted)

10. MR COLIN FINNIE: ERECTION OF DWELLINGHOUSE: LAND ADJACENT TO 21 VICTORIA ROAD, HELENSBURGH (REF: 16/02515/PP)

The Acting Major Applications Team Leader spoke to the terms of the report and to supplementary report number 1 advising of a late letter of objection. Planning permission is sought for the erection of a detached dwelling house within the garden ground of 21 Victoria Road, Helensburgh. This site has a long history, with an original application in 1990 being refused and the subsequent appeal dismissed. In 2006 a similar application was made with an Officer recommendation for approval. This recommendation was overturned at a discretionary hearing and the application was refused. The Applicant appealed this decision and the Reporter allowed the development. In 2012 an application for renewal of the existing consent was applied for and approved. A total of 12 objections to this application have been received. The Helensburgh Community Council has not objected but has raised concerns which are summarised in the report of handling. This current application is for the same scheme as the 2012 application (with some minor amendments) but cannot be

considered a renewal because the previous permission has expired. It is considered that the proposal is acceptable and in accordance with the Development Plan. The site history and previous approvals are a strong material consideration and it is considered that no new information since the previous approval would warrant a change in recommendation.

Decision

The Committee 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 13/09/2016 and the approved drawing reference numbers 2016_027-00, 2016_027-01A, 2016_027-02C, 2016_027-03, 2016_027/04B and 2016_027/05 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. The development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA C753 and Sewers for Scotland 3rd Edition. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

3. Development shall not begin until samples of the materials to be used on external surfaces of the buildings and in the construction of hard standings, walls and fences have been submitted to, and approved in writing by, the planning authority. Development shall thereafter be carried out using the approved materials, or such alternatives that the planning authority may agree in writing.

Reason: To ensure that the appearance of the development is compatible with its surroundings.

4. No part of the development shall take place until a construction method statement has been submitted to and approved in writing by the Planning Authority. Such a statement shall in particular include the hours of working and the measures proposed to control noise, vibration, dust and other disturbance to local residents caused by the construction work, and to prevent pollution of the Millig Burn. The work shall be carried out in accordance with the approved statement, unless the prior written consent of the planning authority is obtained for variation.

Reason: To limit the disturbance caused to local residents by the construction work, and to prevent water pollution from construction activities.

5. Prior to the occupation of the house, the first 5 metres of the driveway shall be finished in a bituminous material to the satisfaction of the planning authority.

Reason: To prevent loose material being carried on to the road, in the interests of traffic safety.

6. Before development begins, tree protection measures in accordance with BS 5837:2012 shall be erected along the edges of the canopies of the trees on or overhanging the site, and these shall not be removed until completion of the development unless approved in writing by the planning authority.

Reason: To protect the preserved trees on or overhanging the site.

7. During all construction works on site, including the provision of services, any excavation work through tree root areas shall be undertaken by hand.

Reason: To ensure that no damage is caused to tree roots during the works.

8. Before development begins, full details of a replacement tree planting scheme shall be submitted to, and approved in writing by, the planning authority. The scheme shall include two replacement trees to be planted close to the west bank of the Millig Burn, the ground preparation details for planting the trees, the proposed tree species and the nursery stock size of the proposed trees in terms of British Standards. The approved scheme shall be implemented within the planting season following the occupation of the house. Any replacement tree which in the opinion of the planning authority is dying, severely damaged or becoming seriously diseased within 10 years of the planting shall be replaced by a tree of similar size and species to that originally planted.

Reason: To ensure that the landscape character of the site and its surrounding area is maintained.

9. A bank stability and erosion study relating to the removal of two trees on/close to the Millig Burn banks should be submitted to and approved in writing by the Planning Authority prior to works commencing on site.

Reason: In order to ensure that the integrity of the banks of the burn are not jeopardised during the tree removal.

(Reference: Report by Head of Planning and Regulatory Services dated 22 December 2016 and Supplementary Report number 1 dated 16 January 2017, submitted)

11. OILFAST LIMITED: PROPOSED OIL DEPOT, COMPRISING THE ERECTION OF 2 PORTABLE BUILDINGS, INSTALLATION OF 4 OIL STORAGE TANKS, 3 ARM SKID AND SEPTIC TANK AND ERECTION OF METAL FENCE ENCLOSURE: YARD, OBAN AIRPORT, LEDAIG, OBAN (REF: 16/02835/PP)

The Acting Major Applications Team Leader spoke to the terms of the report. Planning permission is sought for the formation of an oil depot comprising the erection of two portable buildings, installation of oil storage tanks, 3 arm skid, septic tank and the erection of a metal fence to enclose the site to supply domestic properties in the area. The previous occupant of the site was the Council's Roads

Department who used the site for the storage and distribution of salt. This use falls within Class 6 – Storage and Distribution of the Town and Country Planning Use (Use Classes) (Scotland) Order 1997. The use of the site as an oil distribution depot also falls fully within Class 6 of the 1997 Order. Consideration requires to be given to whether this use has been abandoned. This use was in operation until 2014 and there has not been any other use of the land since then. The site is in a neat and tidy condition and would appear ready for a business to move in and operate a further Class 6 Use. It is considered there is sufficient evidence as detailed in the report of handling to indicate that the Class 6 use has not been abandoned and therefore it benefits from a full unrestricted Class 6 use. An application for planning permission is not therefore required for the use of the land and the determining issues for this application only relate to the site layout and design. The application has been the subject of 24 objections which largely relate to the general use and potential impacts on the amenity of residents of the Travellers site to the north. The use of the site for Class 6 has been established and does not require planning permission. It is also not considered that the application raises any complex or technical issues and as the majority of the representations relate to the use which is not up for consideration it is not considered that a hearing would add value to the process. It is therefore recommended that Members do not hold a hearing prior to the application being determined. The development is considered to be of appropriate scale, siting and design having regard to its location within the Area for Action promoting development of the Airport as a Strategic transport hub and will secure existing employment in a manner consistent with the aspirations of Policy LDP 5. The development also accords with the Local Development plan in all other aspects and is recommended for approval subject to the conditions and reasons detailed in the report of handling and to the addition of a condition regarding details of the bunding surrounding the storage tanks.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:-

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 19.10.2016; and the approved drawings numbered 1-2; 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.

2. Notwithstanding the effect of Condition 1, the portable buildings hereby approved shall be finished in dark recessive materials. No development shall commence until written details of the type and colour of materials to be used in the construction of the portable buildings and fuel tanks; have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate 4 lorries and 5 vehicles within the application site have been

submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

4. Notwithstanding the provisions of Condition 1, no development shall commence until full details of signage to be erected along the private access advising motorists that there is an advisory speed limit in place and that they can expect to encounter pedestrians, cyclists and horse riders using the road have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the site first being occupied and used and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

5. No development shall commence until details of the screen planting in the north eastern corner of the site has been submitted to and approved in writing by the Planning Authority. The following details will be required to be submitted:
 - i) The location, species and size of every tree/shrub to be planted;
 - ii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the landscaping works shall be compliant with the CAA's Safeguarding of Aerodromes Advice Note 3 "Potential Bird Hazards from Amenity Landscaping and Building Design" and will be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

6. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

7. External storage within the planning unit shall only take place on land designated for such purpose and which has the prior written approval of the Planning Authority.

A request for the written approval of the Planning Authority shall include the extent and location of the proposed storage area(s), the types of materials to be stored, maximum stacking heights and details of any means of enclosure required.

Reason: In order to protect the amenity of the locale.

8. No development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall provide for a lighting scheme compliant with the CAA's Safeguarding of Aerodromes Advice Note 2 "Lighting Near Aerodromes". Details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity and the safeguarding of Oban Airport.

9. The portable buildings hereby permitted shall be removed from the site within 10 years from the date of planning permission having been granted.

Reason: To define the permission and in order to protect the amenity of the locale.

10. No development shall commence or is hereby authorised until full details of the proposed bunding has been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of visual amenity.

(Reference: Report by Head of Planning and Regulatory Services dated 23 December 2016, submitted)

12. MR JONATHAN BARTON: ERECTION OF HOUSE IN MULTIPLE OCCUPATION, INSTALLATION OF SEWAGE TREATMENT PLANT, AIR SOURCE HEAT PUMP AND FORMATION OF VEHICULAR ACCESS: LAND EAST OF NANT FARM, ICHRACHAN, TAYNUILT (REF: 16/02861/PP)

The Acting Major Applications Team Leader spoke to the terms of the report. Planning permission is sought for the erection of a House in Multiple Occupation (HMO) on land east of Nant Farm, Ichrachan, Taynuilt for use by students of Ballet West. The proposed house footprint is located wholly within the settlement boundary as defined by the adopted Local Development Plan, however, part of the parking area and a section of the rear garden is located within the Countryside Zone. This application follows on from an application for a house on the same site which was

approved subject to conditions. In this application, which is still live, part of the footprint of the house was also within the countryside zone. A total of 11 objections to this application have been received the details of which are contained within the report of handling. As part of the development is located within the countryside zone the proposal is considered to be a minor departure from policies LDP DM 1 and SG LDP HOU 1. It is considered that the encroachment into the countryside is de minimis and will have a minimal impact on the area and the adjustment will allow a suitable layout to be achieved in the longer term. It is therefore considered that a minor departure is justified in this instance. It is considered that subject to the imposition of appropriate conditions that the proposal is in accordance with policies SG LDP DEP 1, LDP STRAT 1, LDP 3, LDP 9, LDP 11, SG LDP 2, SG LDP ENV 14, SG LDP SERV 1, SG LDP SERV 2, SG LDP TRAN 1, SG SDP TRAN 4 and SG LDP TRAN 6 and that planning permission should be granted.

Decision

The Committee agreed to grant planning permission as a minor departure from Policies LDP DM 1 and SG LDP HOU 1 subject to the following conditions and reasons:-

1. Approved Drawings & General:

The proposed development shall be carried out in accordance with the details specified in the application form dated 18/03/16 and the approved drawings numbered:

- Plan 1 of 2 (1575 05 rev E)
- Plan 2 of 2 (1575 01 rev A)

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.

2. Sewage Treatment Tank and Soakaway:

No development shall commence on site until full details of the proposed means of private foul drainage to serve the development and five other family sized residential units have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

3. Sustainable Urban Drainage System (SuDS):

No development shall commence on-site until details of a Sustainable Urban Drainage System (SUDS) are submitted to and approved in writing by the Planning Authority. Such details shall include a drainage layout plan which shall include any mitigation measures required to address surface water run-off from

the development site. The development thereafter shall be completed in accordance with the approved details prior to the initial occupation of the house hereby approved.

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

4. Availability of Connection to Public Water Supply:

No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

5. Sample Materials:

No development shall commence on site until samples of materials and colour finishes to be used in the external finishes of the building have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed and maintained using the approved materials and colours or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

6. Landscape/Surface/Boundary Treatment:

No development shall commence on site until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

7. Visibility Splays:

The existing vehicular access at the junction of the existing public road shall have visibility sightlines of 2.4m x 42m x 1.05m in both directions and shall be constructed in accordance with Argyll and Bute Council Small Development Guide Drawing no. SD 08/004 rev a. This shall include a surface water drainage system to prevent water spilling onto the public road.

Reason: In the interests of road safety.

8. Parking and Turning Facilities

Prior to the occupation of the development hereby approved the parking and turning detailed on drawing no. 1575 05 Rev E shall be available for use and retained thereafter.

Reason: In order to ensure that there are acceptable levels of parking and turning provided on the site.

9. Finished Floor Levels:

No development shall commence on site until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development and its surroundings.

10. Prior to the commencement of development details of an alternative footpath route to replace that which is being obstructed by the development shall be submitted to the planning authority for its approval. Such details as may be approved shall be provided in accordance with approved details in advance of any obstruction of the current footpath route through the curtilage of the proposed HMO.

Moreover any footpath formed in respect of the above requirement shall be retained in perpetuity unless with the written permission of the Planning Authority and maintained free of obstruction to allow the safe and unhindered passage of pedestrians linking in to the existing footpath route travelling in a north easterly direction away from the application site.

Reason: To ensure pedestrian access from Otter Creek and Ballet West is maintained to a level commensurate with the existing level of pedestrian permeability to the village of Taynuilt.

11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any other revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit within the area subject of this permission, any development referred to in Part 2 Class 7 of the aforementioned Schedule, as summarised below:

PART 2: SUNDRY MINOR OPERATIONS
Class 7.—

(1) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Reason: To protect the sensitive area and the setting of the proposed dwellinghouse in the interest of visual amenity.

(Reference: Report by Head of Planning and Regulatory Services dated 4 January 2017, submitted)

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 2 items of business on the grounds that they were both 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.

13. ENFORCEMENT REPORT - REFERENCE 15/00120/ENOTH2

Consideration was given to enforcement case reference 15/00120/ENOTH2.

Decision

The Committee agreed to continue consideration of enforcement case reference 15/0120/ENOTH 2.

(Reference. Report by Head of Planning and Regulatory Services dated 26 August 2016, submitted)

14. ENFORCEMENT REPORT - REFERENCE 15/00259/ENOTH2

Consideration was given to enforcement case reference 15/00259/ENOTH2.

Decision

The Committee noted that this case has been closed as there was no longer a breach of planning control at this locus.

(Reference. Report by Head of Planning and Regulatory Services dated 26 August 2016, submitted)