

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 APRIL 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning, Housing and Regulatory Services
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Alan Morrison, Regulatory Services Manager
Sybil Johnson, Senior Planning and Strategies Officer
Andrew Barrie, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair and Graham Archibald Hardie.

2. DECLARATIONS OF INTEREST

Councillors Roderick McCuish and Donald MacMillan both declared a non-financial interest in Proposal of Application Notice (PAN) reference 19/00306/PAN as they were Board Members of Argyll Community Housing Association (ACHA). They left the room and took no part in the consideration of this PAN which was dealt with at item 8 of this Minute.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 20 March 2019 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 20 March 2019 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 20 March 2019 at 2.20 pm was approved as a correct record subject to the inclusion of PC Simpson, Police Scotland, in the list of those attending.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 20 March 2019 at 2.40 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 26 March 2019 was approved as a correct record.

4. EDF ENERGY RENEWABLES LTD (VIA SCOTTISH GOVERNMENT CONSENTS UNIT): ELECTRICITY ACT SECTION 36 CONSULTATION RELATIVE TO AIRIGH WIND FARM: LAND SOUTH-WEST OF TARBERT, ARGYLL (REF: 17/02484/S36)

The Major Applications Team Leader spoke to the terms of the report. Before commencing her presentation she referred to the details of a late objection received from David Wilson of Kilberry which should have been directed to the Energy Consents Unit as they were the decision making body for Section 36 Applications. She confirmed that the objector was advised of this and that he subsequently forwarded his objection to the Consents Unit for consideration. In August 2017, EDF Energy Renewables submitted an application to the Scottish Government Energy Consents Unit (ECU) for Section 36 consent under the Electricity Act 1989 to construct and operate a wind farm development known as Airigh Wind Farm in Argyll and Bute Council administrative area. Since the application was submitted, and since the recommendation of the Council to object to this proposal, the Applicant has taken the decision to make slight amendments to the location of some onsite infrastructure components, the effects of which need to be reassessed. There have also been information requests from various consultees during the consultation period, which the ECU formally requested from the Applicant under Regulation 19 of the EIA Regulations. The Applicant has prepared and submitted Supplementary Environmental Information (SEI) and this is intended to supplement the original Environmental Impact Assessment (EIA) Report (2017). The submission of the SEI has triggered a further round of consultation on the application. In conclusion, whilst the SEI addresses some of the outstanding technical concerns, introduces further information on shared ownership proposals, provides an additional viewpoint and additional visualisations, it is not considered that it presents any additional information to alter the Council's view on the significant adverse landscape and visual impact (including cumulative) of this proposal. There is no change to the recommendation to object to the proposal, however, following the advice of the Council's Landscape Consultant it is recommended that the reasons for objection are amended from those detailed in the main report dated 22 December 2017 to reflect the advice which has been provided.

Motion

To agree to object to this proposal for the reasons detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman

Amendment

To agree to continue this application to give Members time to seek advice on the terms of a competent Motion to justify not raising objections to this proposal.

Moved by Councillor George Freeman, seconded by Councillor Lorna Douglas

The Amendment was carried by 8 votes to 5 and the Committee ruled accordingly.

Decision

The Committee agreed to continue consideration of this Application to a future meeting of the Committee to give Members' time to seek advice on the terms of a competent Motion to justify not raising objections to this proposal.

(Reference: Supplementary Report Number 2 dated 4 April 2019, submitted)

5. MR R MUNN: ERECTION OF DWELLINGHOUSE, FORMATION OF ACCESS AND INSTALLATION OF SEPTIC TANK AND SOAKAWAY: LAND APPROX 82M SOUTH-EAST OF 13 KILMALUAIG, ISLE OF TIREE (REF: 17/02909/PP)

This application was presented to Members on 20 March 2019 with a recommendation of refusal. The Committee resolved to continue the application to this meeting to allow additional time for the Applicant to submit reasons why he considered that the proposed alternative sites were not suitable. The Planning Officer advised that further to supplementary report number 1 prepared for this meeting, further information was received from the Applicant on 15 April 2019 in support of his application. The additional information comprises of a croft boundary plan, supporting statement with photographs and a croft management plan. As this additional information raises new material planning considerations which will require careful and detailed assessment as well as consultation with the Crofting Commission a request was made to continue consideration of this application to a future meeting of the Committee.

Decision

The Committee agreed to continue consideration of this application to a future meeting of the Committee.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 4 March 2019 and supplementary report number 1 dated 8 April 2019 and supplementary report number 2 dated 16 April 2019, submitted)

6. GLAISTERS FARMS LTD: ERECTION OF 3 DWELLINGHOUSE:, LAND NORTH-WEST OF ARIZONA, TOBERONOCHY, ISLE OF LUING (REF: 18/01526/PP)

The Development Manager drew Members' attention to supplementary report number 1 which sought a continuation of this application to a future meeting of the Committee as new information had come to light. Since the original report of handling was prepared, the Planning Service has, for the first time, obtained full unrestricted access into the development site and has identified a deficiency in the information submitted with the application to allow a competent decision to be made.

Decision

The Committee agreed to continue consideration of this application to a future meeting of the Committee.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 1 April 2019 and supplementary report number 1 dated 16 April 2019, submitted)

7. TSL LTD: SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT: SITE AT LONAN DRIVE, OBAN (REF: 18/02720/PPP)

The Development Manager spoke to the terms of the report and to supplementary report number 1 which advised of two additional objections received from third parties that had previously objected. Planning permission in principle (PPP) is sought for a residential development on an area of land at Lonan Drive, Oban. As this is an application for PPP it is only seeking approval for the residential development of the land subject of this planning application and not for any specified number, layout or form of dwellings. The proposal has elicited 60 objections, 1 representation and an objection from Oban Community Council. Given the significant interest in the application, with many from local addresses, it is considered that there would be benefit in the matter being addressed by means of a discretionary local hearing.

Decision

The Committee agreed to hold a discretionary pre-determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 1 April 2019 and supplementary report number 1 dated 16 April 2019, submitted)

Having previously declared an interest in the following item, Councillors Roderick McCuish and Donald MacMillan left the meeting at this point.

8. ARGYLL COMMUNITY HOUSING ASSOCIATION (ACHA): PROPOSAL OF APPLICATION NOTICE FOR MASTERPLAN AND RESIDENTIAL DEVELOPMENT, INFRASTRUCTURE AND LANDSCAPING ON 2.32 HA OF GROUND: LAND NORTH-WEST OF GLENCRUITTEN RISE, OBAN (REF: 19/00306/PAN)

The Development Manager spoke to the terms of the report. A Proposal of Application Notice (PAN) seeks to notify the Planning Authority of a proposed application for housing within the settlement zone of Oban. He pointed out a typographical error in the Applicant's submission which should have stated "23.2 ha" of ground and not "2.32 ha" of ground. The site is situated to the rear of the established Glencruitten Rise development on the periphery of the main town centre. The proposed development site(s) which form part of the application boundary are located within Strategic Masterplan Area under MAST 1/11 – Oban, for Education, Housing, commercial including retail, business and industry and more particularly are identified as Potential Development Areas (PDA) 5/3, 5/6 and 5/7. Parts of the identified site also sit within land protected for the future Oban Link Road safeguarding as identified in the Local Development Plan under DRA 5/6. A section of the western boundary of PDA 5/6 is protected under Tree Preservation Order (TPO) 02/99 Ardconnel Hill. No details on the number or location of the proposed housing within the application site has been provided. The report summarises the policy considerations against which any future planning applications will be considered, as well as potential material considerations and key issues based upon the information received to date. It is recommended that Members consider the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee agreed that the following issue should be taken into consideration by the Applicant in finalising any future planning application submission:

The current infrastructure of the road and access to the proposal development.

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

Councillors McCuish and MacMillan returned to the meeting.

9. HOUSES IN MULTIPLE OCCUPATION: TECHNICAL GUIDANCE

A House in Multiple Occupation (HMO) in terms of planning is where over 5 unrelated people live together in a house or where 3 or more unrelated people from 3 or more families live together in a flat. Consideration was given to a report recommending that a Technical Note, which has been subject to public consultation, be adopted as non-statutory planning guidance. This Technical Note will provide clarity and certainty on what issues will be considered when assessing planning applications for HMO across Argyll and Bute.

Decision

The Committee agreed to:

1. note the content of the report; and
2. approve "Technical Note 3: Houses in Multiple Occupation", as set out in Appendix 1 for use as non-statutory Planning Guidance.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 1 April 2019 and Technical Note 3: Houses in Multiple Occupation dated April 2019, submitted)

10. PLANNING PERFORMANCE FRAMEWORK 2017/18

A report containing feedback from the Scottish Government in relation to Planning Services 7th Annual Planning Performance Framework (PPF) was considered.

Decision

The Committee agreed to note and publicise the positive feedback from the independent review.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 14 March 2019, submitted)