

**MINUTE of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 23 OCTOBER 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor George Freeman
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail

Attending: Shona Barton, Committee Manager
Lesley Montague, Senior Solicitor
Peter Bain, Development Manager
Tim Williams, Area Team Leader
Graeme McMillan, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Graham Archibald Hardie, Roderick McCuish, Alastair Redman and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 2.40 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 18 September 2019 at 3.00 pm was approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI AND PRIVATE HIRE SURVEY

A report detailing the findings of a survey carried out in order to determine the demand for taxis and the provision of private hire cars in Argyll and Bute Council's four administrative areas was considered.

Decision

The Committee agreed -

1. to note the contents of the survey to determine the demand for taxis in Bute and Cowal; Helensburgh and Lomond; Mid Argyll, Kintyre and Islay; and Oban, Lorn and the Isles,
2. to note the contents of the survey to determine the provision of private hire cars in Bute and Cowal; Helensburgh and Lomond; Mid Argyll, Kintyre and Islay; and Oban, Lorn and the Isles,
3. to have such regard as they see fit to the results of the survey in determining applications for taxi and private hire operator licences that come before them,
4. to note the findings of the survey in relation to new potential taxi rank locations located throughout Argyll and Bute and agree that Officers carry out further detailed consideration of the potential locations identified including, where appropriate, consultation with the relevant stakeholders, in accordance with Section 19 of the Civic Government (Scotland) Act 1992, and
5. that all future applications for private hire car licences should come to the PPSL Committee for determination and, once the Scottish Government has published best practice guidance on private hire overprovision, Officers should bring a report to the Committee for consideration.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 15 October 2019, submitted)

5. ARGYLL PROPERTIES LTD: ERECTION OF RETAIL UNIT, VISITOR CENTRE AND 3 SELF-CATERING UNITS, INCLUDING REALIGNMENT OF ESCAPE STAIRS TO TAIGH SOLAIS AND MACGOCHANS: LAND ADJACENT TO TAIGH SOLAIS, TOBERMORY, ISLE OF MULL (REF: 17/01205/PP)

Before presenting the application the Area Team Leader drew Members' attention to two errors within the report. He advised that at Section C of the report it had been stated that there had been no consultation response received from Environmental Health. Mr Williams confirmed that a response of no objection had been received from Environmental Health. He also advised that within Section C of the report reference was made to the Flood Risk Officer objecting to the development as the proposal was contrary to Policy LDP 11 and Supplementary Guidance LDP SG TRAN 7. Mr Williams confirmed that this should have been Policy LDP 10 and Supplementary Guidance LDP SG SERV 7.

The Area Leader then made his presentation. This is an application for the erection of a retail unit, visitor centre and three self-catering residential holiday units within a previously undeveloped gap site forming part of Tobermory waterfront development. The proposed development is located within the Key Settlement of Tobermory where Policy LDP DM 1 of the Local Development Plan (LDP) gives encouragement to sustainable forms of development up to large scale subject to compliance with other relevant policies and supplementary guidance. The site is located within the defined Main Town Centre and it also lies within Area for Action (AFA 6/1) and Tobermory Conservation Area. The application site is located within the 1 in 200 year coastal

flood zone (classified as Medium to High Risk) as identified in SEPA's flooding map and SEPA has objected to the application in principle as it introduces a new built development to a previously undeveloped site and therefore places additional buildings and people at risk from flooding. As such, in this case it is considered that this is not an appropriate site for the development. The development complies with the LDP in all other aspects and it is recommended that planning permission be refused purely on a single technical ground of flooding. As the determining factor in the assessment of this planning application rests on a single technical issue and is a matter of national and local planning policy with respect to flood risk it is considered that there is no requirement for a hearing. Should Members be minded to go against the Officer recommendation this would need to be referred to the Scottish Ministers as the objection from SEPA cannot be set aside without the prior notification of this application to Scottish Ministers.

Motion

To agree to hold a site visit and discretionary pre-determination hearing.

Moved by Councillor Mary-Jean Devon, seconded by Councillor George Freeman

Amendment

To agree not to have a hearing and make a decision on the application today.

Moved by Councillor Richard Trail, seconded by Councillor Gordon Blair

The Motion was carried by 8 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a site visit and pre-determination hearing.

(Reference: Report by Head of Development and Economic Growth dated 2 October 2019, submitted)

6. NOTICE OF MOTION UNDER STANDING ORDER 14 - STREET SIGNAGE, OBAN

Recommendations from the Oban, Lorn and the Isles Committee regarding the enforcement of street signage policy currently taking place in Oban Town Centre were before the PPSL Committee for consideration.

In terms of Standing Order 16.1 no motion which seeks to alter or revoke a decision of the Council or has that effect will be considered within a period of 6 months of the original decision.

The Advertisement & Signage Policy Technical Working Note – Update, which proposed proactive enforcement measures to be taken of unauthorised A Board signage by Officers following surveys undertaken of Argyll and Bute Town Centres, was agreed by the PPSL Committee at its meeting on 22 May 2019.

In terms of Standing Order 16.2 it would be competent to review a decision before the end of the 6 months period, provided the Chair of the Committee was satisfied that a material change of circumstances had occurred.

The Chair ruled that, in view of the extensive consultation exercise undertaken prior to the decision made in May, there was no material change in circumstances so this issue would not be considered today.

Decision

The Committee noted the ruling by the Chair.

(Reference: Extract from Minute of Oban, Lorn and the Isles Area Committee 11 September 2019, submitted)