

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 14 DECEMBER 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Alistair MacDougall	Councillor Alex McNaughton
Councillor Neil MacIntyre	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Sandra Davies, Senior Planning Officer
Angus Gilmour, Head of Planning and Regulatory Services
Jolyon Gritten, Access Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillor Rory Colville, Councillor Roderick McCuish and Councillor James McQueen.

2. DECLARATIONS OF INTEREST

Councillors Donald MacMillan and Richard Trail declared a non-financial interest in planning application reference 16/02601/PP, which is dealt with at items 5 of this Minute, as they represent the Council at ACHA Board meetings.

Councillor Neil MacIntyre also declared a non-financial interest in this application as he represents the Council on ACHA's Area Committee for Oban, Lorn and the Isles.

The Chair ruled, with agreement of the Committee, to vary the order of business to allow an Officer to attend another meeting. The following items are minuted in the order they were taken at the meeting.

*** 3. PROPOSED VARIATION OF PATH AGREEMENTS TO FACILITATE TRANSFER OF THE DALRIADA TRUST TO THE BLARBUIE FOREST ENTERPRISE**

Consideration was given to a report advising that the Dalriada Trust, a partnership which maintains footpaths within Kilmartin Glen, is proposing to transfer its liabilities and assets to the Blarbuie Forest Enterprise in order to achieve the most efficient use of funds available for the maintenance liabilities. In order to do this the Dalriada Trust is asking that four path agreements between the Council and private landowners are varied to identify the Blarbuie Forest Enterprise as the Council's agent.

Decision

Committee agreed:-

- 1) to support the proposed transfer of the Dalriada Trust's assets and liabilities to the Blarbuie Woodland Enterprise, subject to the appointment of a Council representative on the Board of Blarbuie Woodland Enterprise;

- 2) to authorise Officers to seek agreement of the landowners to, and make variation of, the path agreements such that Blarbuie Woodland Enterprise becomes the agent of the Council; subject to Blarbuie Woodland Enterprise satisfactorily taking on the assets and liabilities of the Dalriada Trust and the appointment of a Council representative on its Board; and
- 3) to recommend to Council that a representative of the Council is appointed to the Board of Blarbuie Woodland Enterprise.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 30 November 2016, submitted)

4. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 14 November 2016 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 16 November 2016 at 9.30 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 16 November 2016 at 10.45 am was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 28 November 2016 was approved as a correct record.

At this point, having previously declared an interest in the following planning application, Councillors Neil MacIntyre, MacMillan and Trail left the room and took no part in the discussion of item 5.

5. ARGYLL COMMUNITY HOUSING ASSOCIATION: ERECTION OF 6 DWELLINGHOUSES, LAND EAST OF 9 HAYFIELD, OBAN (REF: 16/02601/PP)

The Major Applications Team Leader spoke to the terms of the report. Planning permission is sought for erection of 6 dwelling houses on an area of land to the east of the established Hayfield development within the Glenshellach area of Oban. In terms of the adopted Argyll and Bute Local Development Plan (LDP 2015) the application site forms part of a wider Housing Allocation H-AL 5/4 which has been approved for an overall housing development of 11 units with a requirement of 25% of those to be provided as affordable units.

A previous application, 16/01920/PP, for 12 dwelling houses directly to the north of the site subject of this current application was recently approved by the Committee at a discretionary hearing held in Oban. Should permission be granted for the current application, this would result in an overall number of 18 units within the housing allocation exceeding the 11 units which it was allocated for. However, the LDP states that "...The housing provision numbers are indicative and in appropriate circumstances may be varied at the discretion of the Planning Authority". This provides flexibility in response to unit size led by market demand, provided that density and other layout requirements still remain capable of satisfying LDP standards and guidance. In this instance an overall increase from 11 to 18 within the

wider allocation is considered to be acceptable and would relate well to the higher density development directly to the east of the site.

The proposal has elicited 100 objections and 121 expressions of support. The majority of the objections are from local addresses and whilst this level of interest in a planning application in the context of the community would normally be considered to be significant, in this instance Members will recall the recent discretionary hearing held for the adjacent site, where an appreciation of the proposals for the wider housing allocation was gained. This current application proposes a continuation of the development of the previously approved site and represents the second and final phase of development within the housing allocation. The objections raised to this current application are similar to those raised during the previous application which were addressed at the hearing. Accordingly, in this instance, as the site is allocated within the current LDP as a Housing Allocation area and Members have seen the site on the ground, it is not considered that a discretionary hearing would add value to the planning process and it is recommended that the Committee do not hold a hearing prior to the application being determined. The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and LDP 11 and Supplementary Guidance SG2, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan and is recommended for approval subject to the conditions and reasons detailed in the report of handling.

Decision

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

General

- 1) The development shall be implemented in accordance with the details specified on the application form dated 23/09/16 and the approved drawing reference numbers:

Plan 1 of 6 (Drawing Number 1682-A3-001-B)

Plan 2 of 6 (Drawing Number 1682-A2-010-B)

Plan 3 of 6 (Drawing Number 1682-A3-011-A)

Plan 4 of 6 (Drawing Number 1682-A1-020)

Plan 5 of 6 (Drawing Number 1682-A1-021)

Plan 6 of 6 (Drawing Number J1246/C/01 C)

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.

Roads, Access and Parking

- 1) The access road and internal road layout shall be undertaken in accordance with a Road Construction Consent approved by the Roads Authority with the road

completed prior to the initial occupation of the dwellinghouses hereby approved, unless otherwise first agreed in writing by the Planning Authority.

Reason: In the interests of road safety in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015.

- 2) No development shall commence on site until visibility splays of 42m x 2.4m formed in each direction from the centre line of the accesses have been cleared of all obstructions 1.05m above the level of the adjoining carriageway and these splays shall be maintained free of obstruction thereafter to the satisfaction of the Planning Authority.

Reason: In the interests of road safety in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015.

- 3) Notwithstanding the provisions of Condition 1, details of the surfacing of the parking and turning areas shall be submitted and approved in writing by the Planning Authority. Thereafter the parking and turning areas shall be completed in accordance with the approved details 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 interests of road safety in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015.

Water, Drainage and Flooding

- 4) Notwithstanding the provisions of Condition 1, the proposed Sustainable urban Drainage Systems (SuDS) shown on Drawing Number J1246/C/01 C shall be operational prior to the initial occupation of any of the dwellinghouses hereby approved and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding in accordance with Policy LDP DM 10 and Supplementary Guidance SG LDP SERV 7 of the adopted 'Argyll and Bute Local Development Plan' 2015.

Landscaping

- 5) Notwithstanding the provisions of Condition 1, no development shall commence 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 comprise a planting plan and schedule which shall include details of:
 - i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;

- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall 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 in accordance with Policy LDP 3 of the adopted 'Argyll and Bute Local Development Plan' 2015.

Affordable Housing

- 6) The development hereby permitted shall only be implemented by a Registered Social Landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification) and shall not enure for the benefit of any other person, company or organisation.

Reason: To ensure the provision of affordable housing to the standard required by the development plan in the absence of any other agreed means of securing such provision.

Design and Finishes

- 7) Notwithstanding the provisions of Condition 1, the roofs of the development hereby approved shall be finished in a grey coloured concrete roof tile to the satisfaction of the Planning Authority.

Reason: In order to integrate the development into its surroundings in accordance with Policy LDP 9 and Supplementary Guidance SG 2 of the adopted Argyll and Bute Local Development Plan 2015.

(Reference: Report by Head of Planning and Regulatory Services dated 24 November 2016, submitted)

At this point Councillors Neil MacIntyre, MacMillan and Trail returned to the meeting.

6. PLANNING AND REGULATORY SERVICES PERFORMANCE REPORT - FQ2 2016-17

A report presenting the Planning and Regulatory Services performance report with associated scorecard for performance in FQ2 2016-17 was considered.

Decision

The Committee reviewed the scorecard as presented.

(Reference: Report by Head of Planning and Regulatory Services dated 14 December 2016, submitted)