

MINUTES of MEETING of OBAN LORN & THE ISLES AREA COMMITTEE held in the MCCAIG SUITE, CORRAN HALLS, OBAN on WEDNESDAY, 6 MAY 2009

Present: Councillor Duncan MacIntyre (Chair)

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| Councillor Gordon Chalmers | Councillor Mary-Jean Devon |
| Councillor Donald MacDonald | Councillor Neil Mackay |
| Councillor Roderick McCuish | Councillor Donald McIntosh |
| Councillor Elaine Robertson | |

Attending: Kenneth Macdonald, Area Corporate Services Manager
Jane Gillies, Committee Services Assistant
George Harper, Director of Development Services
Patricia Slater, Community Learning & Regeneration
Peter Bain, Head Teacher, Oban High School
Ian MacIntyre, Area Team Leader, Development Services
Bill Weston, Senior Engineer, Roads & Amenity Services
John Heron, Technical Officer, Roads & Amenity Services
Hugh Blake, Senior Estates Surveyor

The Chairman ruled, and the Committee agreed, that the business dealt with at Items 5(d), 7(c) and 10 of this Minute be dealt with as matters of urgency by reason of the need to make a decision prior to the next meeting of the Area Committee.

1. APOLOGIES FOR ABSENCE

None

2. DECLARATIONS OF INTEREST

Councillors McCuish, MacDonald and Mackay each declared a non-pecuniary interest in item 5(d) by reason of their membership of the Oban Forward Group.

Councillor Chalmers declared a non-pecuniary interest in item 7(c).

3. GAELIC RING

The Chairman introduced a short film about the Gaelic Ring, a route through parts of Argyll and Bute, Highland and Western Isles focusing on the gaelic cultural heritage of the area. He advised that information booklets on the route are available locally.

4. CORPORATE SERVICES

(a) MINUTE OF MEETING OF OBAN LORN & THE ISLES AREA COMMITTEE HELD ON 8TH APRIL 2009

The Minute of the meeting of the Oban Lorn & the Isles Area Committee held on 8th April 2009 was approved as a correct record.

(b) **MINUTE OF MEETING OF OBAN LORN & THE ISLES AREA COMMITTEE HELD ON 24TH MARCH 2009**

The Committee agreed that this item be continued to the next meeting.

(c) **ARDUAINE GARDENS**

The Committee considered a letter dated 14th April 2009 from the Properties and Visitor Services Director of The National Trust for Scotland in regard to Arduaine Gardens.

The Chairman advised that this matter is a subject of current discussion between The National Trust and the Council Leader.

Decision:

The Committee agreed to await the outcome of the current discussions.

(Ref: Letter to Councillor Dick Walsh dated 14th April 2009, submitted)

5. COMMUNITY SERVICES

(a) **SUMMARY OF EDUCATION AND LEISURE DEVELOPMENT GRANTS PAID 2008/09**

The Committee considered, and noted a report providing a summary of all Education and Leisure Development Grants awarded during the financial year 2008/09.

(Ref: Report by Acting Area Manager, Community Learning & Regeneration, dated 14th April 2009, submitted)

(b) **APPLICATIONS FOR FINANCIAL ASSISTANCE UNDER THE EDUCATION DEVELOPMENT GRANTS SCHEME**

Members considered and dealt with applications from voluntary organisations for financial assistance under the Leisure Development Grants Scheme as follows:

| Applicant | Narrative | Cost of Project | Decision |
|----------------------------------|--|-----------------|-----------------|
| Club a'Mhoid, Ard Sgoil Thiriodh | To prepare children under 18, from Tiree, to take part in the Mod 2009 in Oban | £4,850 | Grant of £1,000 |
| Girlguiding Argyll | To help support volunteer leaders to organise a training weekend allowing Guiders to exchange ideas and experience | £4,735.80 | Grant of £350 |

(Ref: Report by Acting Area Manager, Community Learning and Regeneration, dated 14th April, submitted)

(c) **OBAN HIGH SCHOOL**

The Committee heard a presentation from Mr Bain, Head Teacher of Oban High School, on the achievements of the pupils in 2007/08. Mr Bain then answered questions put by the Members.

On behalf of the Members of the Committee the Chairman congratulated Mr Bain on the High School's achievements and invited him to arrange for pupil representatives to attend the Area Committee meeting to be held on 5th August 2009.

(Ref: Report by Head Teacher, submitted)

Having previously declared a non-pecuniary interest in the following item, Councillors McCuish, MacDonald and Mackay left the room and took no part in the discussion thereof.

(d) **APPLICATIONS FOR FINANCIAL ASSISTANCE UNDER THE LEISURE DEVELOPMENT GRANTS SCHEME**

Members considered and dealt with the undernoted application for financial assistance under the Leisure Development Grants Scheme as follows:

| Applicant | Narrative | Cost of Project | Decision |
|--------------------|---|-----------------|--|
| Oban Forward Group | To promote Oban Lorn & the Isles and to ensure the town of Oban is a smart successful place to visit and to do business | £20,020 | It was agreed to award an interim grant of £3,000, and to advise the Group that further funding may be considered at a future meeting. |

(Ref: Report by Acting Area Manager, Community Learning and Regeneration, submitted)

Councillors McCuish, MacDonald and Mackay rejoined the meeting.

6. DEVELOPMENT SERVICES

(a) **08/01271/DET: DR D MACKAY JAMES: ERECTION OF 3 DWELLING HOUSES - SITE SOUTH OF GLENCRUITTEN HOUSE, OBAN**

After consideration of Supplementary Report No.1 dated 5th May 2009 it was agreed that planning permission be granted as a minor amendment to the Development Plan subject to (a) the conditions set out in the report dated 16th March 2009; and (b) the conclusion of a S75 Agreement requiring the provision of sight lines as set out in the aforesaid report.

(Ref: Report by Head of Planning dated 16th March 2009 and Supplementary Report No.1 dated 5th May 2009, submitted)

(b) **08/01766/OUT: MR & MRS L MCINTYRE: SITE FOR ERECTION OF DWELLING HOUSE AND INSTALLATION OF SEPTIC TANK AND INFILTRATION SYSTEM - SITE NORTH OF SITHEAN HOUSE, ISLE OF IONA**

It was agreed to recommend to the Protective Services and Licensing Committee that this application be approved, subject to condition to be remitted to the Head of Planning in consultation with the Chairman and Vice Chairman of the Area Committee, on the grounds that the proposal is consistent with Planning Policy RUR1 and RUR 2 of the adopted Mull, Coll and Tiree Local Plan on the basis that:

- (a) the settlement pattern, as can be seen from the plan - which has at least two dwelling houses omitted, is in fact a variety of small clusters of dwelling houses, clusters of croft houses together with croft steadings, and dwelling houses sitting on their own. Contrary to what the report states, all of the existing houses are built on flat open ground or relatively high prominent positions. All are visible as part of the panoramic vista of the west coast of the island to anyone walking along the road to the west side of the island from where it enters the ACE compartment;
- (b) whilst agreeing with the boundaries of the ACE the omission of a key environmental feature and 2 dwelling houses has to be noted;
- (c) the largest natural feature within the ACE compartment is the hill known as Sithean Mor, It is a large grassy hill adjacent to the main road, north of Sithean Croft steadings and Lechnaban dwelling house. It is approximately 60 metres east of the proposed house and sits 10 to 12 metres above the proposed house site. As a result, the proposed house will be the only dwelling **not** visible to someone walking along the road to the west, as it will be obscured by Sithean Mor, therefore this proposed development will integrate sympathetically with the landscape and settlement pattern and will only become visible on reaching the north side of Sithean Mor. By continuing on to the end of the road, approximately 100 metres, and on to the Machair they will for the first time, since they entered the ACE compartment, have a clear view of the west coast encroached upon only by Culbhuirg Farm house and buildings to the north, and Culdamp dwelling house to the south; all other buildings including the new house will be behind them. From any other vantage point west, north, or east of the site, the house will be seen to relate with the other buildings in the compartment and to follow the established settlement plan;
- (d) the proposed development is being sited in an open area where the character is one of open agricultural land with limited scattered residential development well spaced out and situated in a location which respects the landscape, with buildings sited in relation to natural and physical features which will help to assimilate them in their landscape setting. The siting of this dwelling in this proposed site will reinforce the established settlement pattern and will not compromise the openness of its surroundings and in the process will not intrude upon views across the wider area. Consequently it satisfies the provisions of POL RUR1 and 2 of the adopted Mull, Coll and Tiree local Plan; and
- (e) the Argyll & Bute Structure Plan 2002 Policy Strat DC 5 supports development where a locational need can be demonstrated. As in many rural and island community's persons often have more than one job some integral to their respective communities; Mr Macintyre clearly fits this

criteria on a number of counts he works as a landscape gardener on the island; he also drives the only Taxi on the island used by locals and also by tourists, especially when their mobility makes it difficult to enjoy the walk from the ferry to the internationally acclaimed Iona Abbey. This is often considered as a pilgrimage by many visitors and the service he provides can be an important part of a visit. Lastly and probably more importantly Mr. Macintyre is a member of the islands crew of Strathclyde Fire & Rescue Firefighters. Nowadays this role fulfills many aspects of the rescue service especially in rural and island communities. The mainland of Argyll and its islands finds in itself in the forefront of many news items of this nature some good however more often than not these emergency personnel find their communities dependant on them for a vast range of services. Mrs. Macintyre's role within the island community of Iona is vital. She is the Local Nurse, Local Midwife and Local Health Visitor. The nearest Doctor is ten miles away on the island of Mull and subsequently Mrs MacIntyre might well be considered as the only person with any medical knowledge or experience on the island community of Iona. More often than not the Doctor on Mull has to call upon Mrs. Macintyre's professional expertise for a fast locational response, particularly "out of hours" which she clearly states in her letter of support for the application. In a close knit community like the island of Iona, property and land rarely become available and whilst there is a presumption against development in Sensitive Countryside as in Policy HOU 1 of the Draft Local Plan the same policy justification clearly states "in exceptional cases where an operational need has been established and the applicant can demonstrate that there is a specific and locational requirement". Mr.& Mrs. MacIntyre fit well within these specifications having worked on Iona for over 10 years and now are considered key personnel within the community. Their continued presence on the Iona is appreciated and valued. It is also clear to see that the community wish to protect their invaluable roles on the island. This is demonstrated by the fact that one of the islands best known families spanning over three generations are providing the land to locate this application. Both these emergency/medical personnel, and the level of service they provide to the community of Iona is crucial to the island. They clearly fit within the specific operational need and locational requirements of the guidelines as defined in Appendix A section 2.1(two) of the supplementary planning guidelines for Area Capacity Evaluations as passed by the Executive Committee of Argyll & Bute Council on 19th February 2009.

(c) **08/02208/COU: MS MHAIRI BLUE &MR LAURANCE LARMOUR:
TEMPORARY SITING OF RESIDENTIAL CARAVAN FOR 18 MONTHS -
BARBEITH, NORTH CONNEL**

The Committee considered a report by the Head of Planning in regard to an application for temporary siting of a residential caravan for 18 months.

Motion

That the application be refused for the reasons set out in the report by Head of Planning dated 11th February 2009, but that enforcement action be suspended for a 12 month period to allow the applicant time to secure suitable alternative accommodation.

Moved by Councillor Robertson
Seconded by Councillor MacDonald

Amendment

That the application be refused for the reasons set out in the report by Head of Planning dated 11th February 2009, but that enforcement action be suspended for a 6 month period to allow the applicant time to secure suitable alternative accommodation.

Moved by Councillor MacIntyre
Seconded by Councillor Devon

Upon a show of hands there voted 5 for the motion and 3 for the amendment.

Decision:

That the application be refused for the reasons set out in the report by Head of Planning dated 11th February 2009, but that enforcement action be suspended for a 12 month period to allow the applicant time to secure suitable alternative accommodation.

(Ref: Report dated 11th February 2009 by the Head of Planning, submitted)

- (d) **09/00094/DET: MR & MRS BATE & MR D BLAINEY: PROPOSED FORMATION OF 4 HOUSE PLOTS AND 2 SEWAGE TREATMENT PLANTS AND OUTFALLS - LAND EAST OF ACHARA, OBAN (TO FOLLOW)**

There being no report, this matter was continued to a future meeting.

7. OPERATIONAL SERVICES

- (a) **GRANT ALLOCATION FOR PUBLIC REALM WORKS AND PUBLIC FACING IMPROVEMENT WORKS AT THE CORRAN HALLS**

The Committee agreed to continue this matter for further consideration and reassessment.

(Ref: Report by Head of Facility Services dated 22nd March 2009, submitted)

- (b) **CAPITAL RECONSTRUCTION AND RESURFACING**

The Committee considered a report by the Head of Roads & Amenity Services dated 21st April 2009.

Decision:

1. To approve reconstruction works for schemes 1 to 7 as set out in Appendix A to the report, with the stipulation that up to £100k of the

allocation under scheme 3 be spent on works within Tobermory; and

2. To approve resurfacing works for schemes 8 to 10 as set out in Appendix A to the report.

(Ref: Report by Head of Roads & Amenity Services dated 21st April 2009, submitted)

Prior to discussion of the following item of business Councillor Chalmers, having earlier declared an interest, left the room and took no part in the discussion.

(c) **TOBERMORY TOILETS**

The Committee considered a report by the Head of Roads & Amenity Services advising members of negotiations for a private group to lease and operate the public conveniences in Tobermory.

Decision:

The Committee (a) confirmed their support for the proposals subject to a satisfactory agreement being arranged, and (b) authorised the Network & Environment Manager to arrange for a lease to be concluded on the basis of the information contained in the report and the negotiated agreement.

(Ref: Report by Head of Roads and Amenity Services dated 29th April 2009, submitted)

Councillor Chalmers rejoined the meeting.

8. PUBLIC QUESTION TIME

There were no public questions.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following items of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 9 and 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

9. ACQUISITION / DISPOSAL / LEASING OF PROPERTY

(a) **REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO LEASE OF SNACK BAR SITES, OBAN**

The Committee considered, and approved, a report on the offers received in respect of the Corran Halls, McCaigs Tower and Pulpit Hill Snack Bar Sites, Oban, which were recently advertised for lease.

(Ref: Report by Director of Corporate Services dated 20th March 2009, submitted)

(b) **REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO KERRERA SCHOOL**

The Committee considered, and approved, a report by the Director of Corporate Services in regard to the former school building on Kerrera.

(Ref: Report by Director of Corporate Services dated 28th April 2009, submitted)

(c) **REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO BRIDGE OF ORCHY SCHOOL**

The Committee considered, and noted, a report advising them of the progress in the sale of the Bridge of Orchy Primary School site.

(Ref: Report by Director of Corporate Services dated 16th April 2009, submitted)

(d) **REPORT BY DIRECTOR OF CORPORATE SERVICES IN REGARD TO GANAVAN SNACK BAR SITE**

The Committee considered, and approved, a report by the Director of Corporate Services in regard to the Snack Bar Site at Ganavan Sands which was recently advertised for lease.

(Ref: Report by Director of Corporate Services dated 4th May 2009, submitted)

10. ENFORCEMENT ACTION - 06/00145/ENFLB

The Committee considered, and approved, a report by the Head of Planning dated 1st May 2009 in regard to enforcement action ref. 06/00145/ENFLB.

(Ref: Report by Head of Planning dated 1st May 2009, submitted)