

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 15 SEPTEMBER 2010**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Neil Mackay
Councillor Robin Currie	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Bruce Marshall	Councillor Al Reay

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Alan Morrison, Manager – Environmental Health Operations

The Chair ruled and the Committee agreed to consider a report in respect of a Tree Preservation Order as a matter of urgency by reason of the need to prevent trees being removed from an area currently being cleared to allow access to improve drainage. This report is dealt with at item 17 of this Minute.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Vivien Dance, Mary Jean Devon, Donald MacMillan, Alister MacAlister and Roderick McCuish.

2. DECLARATIONS OF INTEREST

Councillor James McQueen declared a non financial interest in respect of the planning application submitted by Dunoon Amateur Boxing Club which is dealt with at item 12 of this Minute as he is a member of the Boxing Club. He left the room and took no part in the discussion of this item.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee of 9 August 2010 were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee of 10 August 2010 (10.30 am) were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee of 10 August 2010 (2.00 pm) were approved as a correct record.
- d) The Minutes of the Planning, Protective Services and Licensing Committee of 18 August 2010 (10.00 am) were approved as a correct record.
- e) The Minutes of the Planning, Protective Services and Licensing Committee of 18 August 2010 (10.30 am) were approved as a correct record.

4. ELECTRONIC IDENTIFICATION OF SHEEP IN ARGYLL AND BUTE

The Sheep and Goats (Identification and Traceability) (Scotland) Amendment Regulations 2007 placed a responsibility on the farming industry to electronically tag all sheep and goats, for traceability purposes, and for local authorities to enforce these provisions. A report advocating an enforcement strategy which is designed to support the industry in the interim, and to ensure that animal health and welfare are protected was considered.

Decision

1. Approved a strategy as detailed at paragraph 4.4 of the Executive Director's report for the proportionate enforcement of the Regulations which seek to support implementation, as opposed to "stringent" enforcement;
2. Noted that this strategy will run until 31 December 2010 and that a further report will be brought to the Committee in January 2011; and
3. Noted that the risks to animal health and to public health, in adopting this strategy, are perceived to be low as traceability will not be compromised and no animals will be allowed to move which are not identified electronically/or by paper based systems.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

5. ROSS OF MULL RENEWABLE ENERGY LIMITED: ERECTION OF A SINGLE 15 KILOWATT WIND TURBINE: LAND WEST OF HILL PARK, BUNESSAN, ISLE OF MULL (REF: 09/01157/PP)

The Principal Planning Officer advised that the application was for the erection of 1 No. 15 metre high (hub) 15 kilowatt wind turbine on an area of land southwest of Hillpark, Ardtun, Bunessan, Isle of Mull. The site is situated within a Rural Opportunity Area and is also situated within the Ross of Mull Area of Panoramic Quality. The application was originally one of five applications for wind turbines in the area and that there were now only two, one of which was still to come before the Committee for consideration. The proposals are consistent with Policies STRAT DC 4 and STRAT DC 8 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10 and LP REN 2 of the adopted Argyll and Bute Local Plan.

He recommended that the Committee approve the application subject to conditions.

Decision

Agreed to hold a Discretionary Hearing on Mull on Friday 15 October 2010 at 11.00 am at a venue to be confirmed.

(Reference: Report by Head of Planning and Regulatory Services dated 17 March 2010, submitted)

6. TESCO: ERECTION OF CLASS 1 FOODSTORE, PETROL FILLING STATION, CAR PARKING AND ASSOCIATED ACCESS: CAMPBELTOWN CREAMERY, WITCHBURN ROAD, CAMPBELTOWN (REF: 10/00239/PP)

The Head of Planning and Regulatory Services advised that the application was for the erection of a supermarket and petrol filling station located on the existing Campbeltown Creamery site on Witchburn Road, Campbeltown. He referred to a supplementary report tabled at the meeting which advised of two late representations received. The Head of Governance and Law also referred to a letter and fact sheet received from Campbeltown Bakery on behalf of Campbeltown Businesses.

The Head of Planning and Regulatory Services recommended that planning permission be approved as a minor departure from policies LP RET 1 and LP BUS 3 subject to a section 75 legal agreement and a PAN 41 Hearing and conditions.

Decision

Agreed to hold a PAN 41 Hearing on Thursday 30 September 2010 at 10.15 am within the Victoria Halls, Campbeltown.

(Reference: Report by Head of Planning and Regulatory Services dated 25 August 2010, submitted; supplementary report by Head of Planning and Regulatory Services dated 13 September 2010, tabled; and fact sheet from Campbeltown Businesses, tabled)

7. JAMES K B THOMSON: ERECTION OF DWELLING AND INSTALLATION OF PRIVATE SEWERAGE TREATMENT PLANT: LAND NORTH WEST OF PORTKIL LODGE, PORTKIL (REF: 10/00510/PP)

The Principal Planning Officer advised that this application was for the erection of a dwelling house and installation of a septic tank at land located north west of Portkil Lodge, Portkil. The current application was part of the larger site granted outline planning permission under reference 07/01864/OUT and was itself the subject of a hearing. As such the policy and principle of residential development has been established and dealt with. However, in terms of site based criteria, the outline application proposed single storey dwelling houses and this application is for a one and a half storey solution. In addition new issues have been raised in the representations.

He recommended approval of the application subject to conditions and a Discretionary Hearing being held given the level of representations received.

Decision

Agreed to hold a Discretionary Hearing in Cove on Monday 11 October 2010 at 11.00 am at a venue to be confirmed.

(Reference: Report by Head of Planning and Regulatory Services dated 23 August 2010, submitted)

8. NEIL MACINTYRE: ERECTION OF A CROFT HOUSE AND GARAGE: LAND WEST OF LARACHBHAN, KILCHRENAN (REF: 10/00598/PPP)

The Principal Planning Officer advised that this proposal was for the erection of a croft house and garage on land to the west of Larachbhan, Kilchrenan. It is considered that the development of a moderately sized, appropriately sited and designed dwelling house will be acceptable, on the basis of locational need associated with the management of associated croft land. The Area Capacity Evaluation (ACE) which forms a material planning consideration in the determination of this application, has concluded that the site in question will complement the existing development pattern and respect the landscape character within the locality. The proposal will not cause any privacy or amenity issues within the immediately surrounding area. The proposal satisfies Policies STRAT DC 4, STRAT DC 5, STRAT DC 8 and STRAT AC 1 (C) of the Argyll and Bute Structure Plan 2002 and Policies LP ENV 1, LP ENV 6, LP ENV 10, LP ENV 19, LP HOU 1, LP SERV 1, LP SERV 4, LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and a section 75 agreement.

Decision

1. Agreed that the ACE undertaken in association with the assessment of this application be endorsed as a material planning consideration in the determination of this application and in future assessment of any further applications for development within the boundary of the identified ACE compartment; and
2. Agreed that planning permission in principle be granted subject to a Section 75 Agreement requiring that the proposed dwelling and the associated croft holding are maintained in a single ownership and that neither are permitted to be sold separately and subject to the following conditions and reasons:-

(1) That the permission is granted in terms of Section 59 of the undernoted Act and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2007 on the basis of an application (or applications) for planning permission in principle that further approval of Argyll and Bute Council or of Scottish Minister on appeal shall be required, such application must be made before whichever is the later of the following:

- a) the expiration of a period of 3 years from the date of this permission.
- b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.
- c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.

and in the case of b) and c) above only one such application can be

made after the expiration of the period of 3 years from the original planning permission in principle.

Reason: In accordance with Section 59 (1) of the Town and Country Planning (Scotland) Act 1997.

(2) The development shall be implemented in accordance with the details specified on the application form dated 29th March 2010 and the approved drawing reference number:

- Plan 1 of 1 (1018 01) (Location Plan at a scale of 1:20,000 and Site Plan at a scale of 1:1000)

unless the prior written approval of the Local 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.

(3) No development shall be commenced until the Council as Planning Authority has given permission, on application, for the siting, design, external appearance of the dwelling house hereby approved, including materials to be used externally in construction, and the details of the construction of the means of access thereto. These details shall provide for a dwelling house which shall:

- (i) be finished in white wet dash render or natural stone or a mixture of both;
- (ii) have a roof covering of natural slate or good quality slate substitute;
- (iii) be one and a half storey in height;
- (iv) incorporate windows with a strong vertical emphasis;
- (v) have a roof pitch of not less than 37 and not greater than 42 degrees;
- (vi) be predominantly rectangular in shape with traditional gable ends;
- (vii) be sited to fit with the natural contours of the site and using existing landscape features as a natural backdrop.

Reason: In the interests of visual amenity and in order to integrate the proposed dwelling house with its surroundings.

(4) No development shall commence on site until the private vehicular access has been formed in accordance with the Council's Road Engineers Drawing No. (SD 08/004a) with visibility splays measuring 75.0m x 2.4m in each direction formed from the centre line of the proposed private vehicular access. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Local Planning Authority.

The proposed private vehicular access hereby granted permission shall be constructed to at least base course level prior to any works starting on site and the final wearing surface of the road shall be applied prior to the first occupation of the dwelling house hereby approved.

Reason: In the interests of road safety and to ensure the proposed development is served by a safe means of vehicular access and to accord with Policy 'LP TRAN 4' of the Argyll and Bute Local Plan 2009.

- (5) Prior to any works commencing on site, full details of a turning area and parking provision which is commensurate with the size of dwelling house hereby approved shall be provided within the curtilage and shall be drawn up in consultation with an Area Roads Engineer and then submitted to and approved in writing by the Local Planning Authority. The proposed parking and turning areas must be constructed and made available for use prior to the occupation of the dwelling house to which this permission relates.

Reason: In the interests of road safety and to accord with Policy 'LP TRAN 6' of the Argyll and Bute Local Plan 2009.

- (6) Prior to the development commencing, a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to, and approved in writing by the Local Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisals shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006, and shall on the basis of such risk assessment, specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisals shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness, and sufficiency, can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

- (7) Prior to any works commencing on site, an ecological survey and report prepared by any appropriately qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority in order to assess the areas within the proposed development site which are subject to construction work, (including the construction of the proposed access, any tree removal/ground disturbance etc) where there

could potentially be the presence of the following protected species: bats, otter, badger and squirrel.

The submitted ecological survey and report shall include details of when the survey was carried out, the methodology employed and any mitigation measures required. Any duly identified and approved mitigation measures shall be implemented in full for the duration of the construction process.

Reason: To prevent disturbance of a European Protected Species and in accordance with the provision of Policy 'LP ENV 6'.

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

9. ARGYLL COLLEGE UHI LTD: ERECTION OF CYCLE SHELTER (RETROSPECTIVE): LOCHGILPHEAD CONSTRUCTION, SITE 18 KILMORY INDUSTRIAL ESTATE, LOCHGILPHEAD (REF: 10/00736/PP)

The Principal Planning Officer advised that retrospective planning permission was sought to retain a metal cycle shelter to the rear of the learning centre and accords with policies LP ENV 1, LP ENV 13a, LP ENV 19 and LP TRAN 3 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions.

Decision

Agreed to grant planning permission subject to the following condition and reason:-

1. The development shall be implemented in accordance with the details specified on the application form dated 22 April 2010 and the approved drawing reference numbers 001, 002 and 003 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 clarify, to ensure that the development is implemented in accordance with the approved details.

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

10. ARGYLL COLLEGE UHI LTD: ERECTION OF CYCLE SHELTER (RETROSPECTIVE): ISLAY LEARNING CENTRE, ISLAY HIGH SCHOOL, FLORA STREET, ISLE OF ISLAY (REF: 10/00737/PP)

The Principal Planning Officer advised that retrospective planning permission was sought to retain a metal cycle shelter at Islay Learning Centre and accords with policies LP ENV 1, LP ENV 13a, LP ENV 19 and LP TRAN 3 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following condition and reason:-

1. The development shall be implemented in accordance with the details specified on the application form dated 22 April 2010 and the approved drawing reference numbers 001, 002 and 003 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 clarify, to ensure that the development is implemented in accordance with the approved details.

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

11. ARGYLL COLLEGE UHI LTD: ERECTION OF CYCLE SHELTER (RETROSPECTIVE): CAMPBELTOWN LEARNING CENTRE, HAZELBURN CAMPUS, CAMPBELTOWN (REF: 10/00738/PP)

The Principal Planning Officer advised that retrospective planning permission was sought to retain a metal cycle shelter to the rear of the learning centre and accords with policies LP ENV 1, LP ENV 13a, LP ENV 19 and LP TRAN 3 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions.

Decision

Agreed to continue consideration of this application to establish ownership of the land and whether or not the cycle shelter could be re-sited away from the window on the gable end of the building.

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

Having previously declared an interest Councillor James McQueen left the room and took no part in the discussion of the following item.

12. DUNOON AMATEUR BOXING CLUB: CHANGE OF USE FROM WORKSHOP/STORE TO GYM (CLASS 11) AND EXTERNAL ALTERATIONS: 20 CHURCH STREET, DUNOON (REF: 10/00975/PP)

The Principal Planning Officer advised that this proposal was for the change of use of an existing Council Community Services building into a gymnasium for Dunoon Amateur Boxing Club. The application site is located in the main town settlement of Dunoon within the main town centre and is consistent with policies

LP ENV 19, LP REC 1 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 2 June 2010 and the approved drawing reference numbers: DABC (00) 001-A and DABC (00) 002-B, unless the prior written approval of the planning authority is obtained 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.

(Reference: Report by Head of Planning and Regulatory Services dated 17 August 2010, submitted)

Councillor McQueen returned to the meeting.

13. MR & MRS O'SULLIVAN: WIDENING OF EXISTING FOOTPATH TO FORM OUTDOOR SEATING AND SITING OF CANOPY AND SALTAIRE: PORT BANNATYNE POST OFFICE, MARINE ROAD, PORT BANNATYNE, ISLE OF BUTE (REF: 10/00978/PP)

The Principal Planning Officer advised that this proposal was for the widening of the pavement in front of the Post Office at Marine Road, Port Bannatyne. This is a very small scale operation that would not have a significant visual impact on the Conservation Area or adjacent Listed Buildings and is consistent with policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 13a , LP ENV 14, LP ENV 19 and LP BAD 1 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the approved drawings – Drawing No. LPb: Drawing No. 001b; Drawing No. 011b, Drawing No. 013; Drawing No. 015; and Proposed Pavement Café – Outline Dimensions unless the prior written approval of the planning authority is obtained 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.

3. The seating area shall not be open except between the hours of 08.00 am and 5.30 pm and shall not be visited by members of the public in relation to the sale of food and drink outwith these times unless the prior written consent of the planning authority is obtained for variation.

Reason: In the interests of the amenities of the area and in accordance with the hours of business stated by the applicants in the submitted application form.

(Reference: Report by Head of Planning and Regulatory Services dated 18 August 2010, submitted)

14. FAMILY MEDIATION ARGYLL AND BUTE: CHANGE OF USE OF DWELLING (CLASS 9) TO FAMILY MEDIATION CENTRE (SUI GENERIS) (RETROSPECTIVE): ATHOLE COTTAGE, 20C WELLINGTON STREET, DUNOON (REF: 10/01036/PP)

The Principal Planning Officer advised that this proposal was for the change of use of a dwelling house to family mediation centre and accords with policies STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 1, LP COM 1, LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.

He recommended approval of the application subject to conditions and a Discretionary Hearing being held given the level of representations received.

Decision

Agreed to hold a Discretionary Hearing in Dunoon on Wednesday 20 October 2010 at a time and venue to be determined.

(Reference: Report by Head of Planning and Regulatory Services dated 26 August 2010, submitted)

15. ARGYLL AND BUTE COUNCIL: FORMATION OF DISABLED ACCESS RAMP AND INSTALLATION OF EXTRACTOR FAN: RHU COMMUNITY EDUCATION CENTRE, HALL ROAD, RHU (REF: 10/01145/PP)

The Principal Planning Officer advised that planning permission was sought for the erection of a disabled access ramp at Rhu Community Education Centre, Hall Road, Rhu. This is a Category B Listed Building within Rhu Conservation

Area. The conservation area is subject to an Article 4 Direction which removes the Council's permitted development rights. In addition, as it is a Council application, it also has to be presented to and considered by the PPSL Committee. A separate application for Listed Building Consent is under consideration and will be sent to Historic Scotland for decision.

He recommended approval of the application subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 12 July 2010 and the approved drawing reference numbers L00(00)1 A, L00(00)2 A and L00(00)3 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.

(Reference: Report by Head of Planning and Regulatory Services dated 19 August 2010, submitted)

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraphs 13 and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

16. ENFORCEMENT REPORT - 10/00168/ENOTH

The Committee considered enforcement case 10/00168/ENFOTH.

Decision

Agreed to continue consideration of this matter to the Discretionary Hearing taking place on Wednesday 20 October 2010.

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

17. TREE PRESERVATION ORDER

The Committee considered a proposal to impose a provisional Tree Preservation Order with immediate effect on an area of woodland in Rosneath.

Decision

1. Agreed that a provisional Tree Preservation Order (TPO) be imposed with immediate effect in accordance with Section 160 of the Town and Country Planning (Scotland) Act 1997 for the area marked on the plan attached to the Head Planning and Regulatory Services' report, subject to the provision of minor amendments following a more detailed survey, as may be deemed necessary;
2. Noted that during the period of the Provisional TPO Planning Officers would seek further comments from the Council's Horticultural Technical Services Officer; and
3. Noted that in the event of no representations being received during the required advertisement period that the Order will be duly confirmed and that in the event of any representations being received to the provisional TPO the matter will be referred back to the Committee for further consideration.

(Reference: Report by Head of Planning and Regulatory Services dated 14 September 2010 dated 14 September 2010, tabled)