

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 NOVEMBER 2010**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Bruce Marshall	Councillor Alex McNaughton
Councillor Alister MacAlister	Councillor James McQueen
Councillor Donald MacMillan	Councillor Al Reay

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer

Apologies: Councillor Robin Currie Councillor David Kinniburgh
Councillor Vivien Dance Councillor Neil Mackay
Councillor Mary-Jean Devon

1. DECLARATIONS OF INTEREST

Councillor MacAlister declared a financial interest in relation to item 3 of these minutes (Taxi Fare Scale Review) on the basis that he is the holder of a taxi car licence. He left the room during discussion of the item and accordingly took no part in the decision making.

2. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee held on 11 October 2010 were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee held on 15 October 2010 were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee held on 20 October 2010 (9.30am) were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee held on 20 October 2010 (10.00am) were approved as a correct record.
- (e) The Minutes of the Planning, Protective Services and Licensing Committee held on 20 October 2010 (10.30am) were approved as a correct record.
- (f) The Minutes of the Planning, Protective Services and Licensing Committee held on 20 October 2010 (2.30pm) were approved as a correct record.

Councillor MacAlister, having previously declared an interest in the following matter, left the meeting at this point and took no part in the decision making.

3. TAXI FARE SCALE REVIEW

The Planning, Protective Services and Licensing Committee agreed on 20 January 2010 to keep the fares at the existing level with a further review taking place in January 2011. The report before the Committee set out the process for the commencement of the review.

Decision

1. Agreed that a report on the fare scale be submitted to the Committee on either 19 January or 16 February 2011 for a decision on what the fare scale will be from 21 February 2011.
2. Agreed that information should also be contained within this report regarding:-
 - The total number of taxi operations in the area (split into the 4 zones)
 - A comparison of fare scales with other rural authorities and West Dunbartonshire Council.
 - A snapshot of fuel prices in Argyll (to be provided on the day to give the most up to date information)
 - Information (if possible) as to what fuel prices were when the taxi scale was last increased.

(Ref: Report by Head of Governance and Law dated 17 November 2010, submitted)

Councillor MacAlister rejoined the meeting at this point.

4. CLYDESDALE BANK PLC: FORMATION OF EXTERNAL RAMP AND LEVEL LANDING AND INSTALLATION OF AUTOMATIC OPENING DOUBLE ENTRANCE DOOR TO ACHIEVE ACCESS FOR DISABLED USERS TO COMPLY WITH DDA REQUIREMENTS: 120 ARGYLL STREET, DUNOON (REF: 10/00980/PP)

The Principal Planning Officer advised that this application was before the Committee on the basis that it was a Council Interest application. The proposal related to the installation of an external ramp on the footway.

He advised that there had been a previous application in 2003 which had been withdrawn on the basis that Roads had objected. The Bank of Scotland had also applied with similar proposals at this time and again withdrew their application. The elected instead to build the ramp internally.

The recommendation in this case was for refusal on the basis of the objection by Roads that they were not content with the proposal and that no construction consent would be forthcoming as it would unreasonably narrow the footway.

Decision

Refused the application for planning permission on the following grounds:-

1. The location and appearance of the proposed external disabled persons' access ramp is considered to be unacceptable in townscape terms as it

would, by virtue of the raised construction and associated handrailing, result in the introduction of an isolated and alien feature into the streetscape to the detriment of the character of this thoroughfare. The proposal would significantly narrow the section of public footway on Argyll Street close to Moir Street junction and the ramp and handrailing would be intrusive and incongruous in the context of a footway otherwise devoid of such features, the character of which makes a contribution to the overall townscape in terms of it being a traditional street with narrow but largely uncluttered pavements., Accordingly, the proposal would be contrary to policies LP ENV 14 and LP ENV 19 of the 'Argyll and Bute Local Plan' (August 2009).

2. The proposed external disabled persons' access ramp would be located within the public footway which would result in a narrowing of available width of public footway on Argyll Street close to Moir Street junction, and this situation would be worsened by the presence of a lamp post. The development would constitute an obstruction to the passage of pedestrians which is considered to be unacceptable in safety and access terms. Accordingly, the proposal would be contrary to policies LP TRAN 1 and LP TRAN 3 of the 'Argyll and Bute Local Plan' (August 2009)

(Ref: Report by Head of Planning and Regulatory Services dated 1 November 2010, submitted)

5. ARGYLL AND BUTE COUNCIL: WALKING AND CYCLING PATH: LAND NORTH OF FORD SPENCE COURT, BENDERLOCH (REF: 10/01498/PP)

The Head of Planning and Regulatory Services spoke to the application advising that the proposal was for a shared use walking and cycle path and formation of 2 additional car parking spaces. The intention was that this path would eventually link up with other paths to form part of the Oban to Fort William cycle network and that this particular stretch was for a 410m long, 2.5m wide path which followed the disused railway line.

He advised that the pathway would touch on an open space protected area but in this instance, as the development was on the periphery, land uptake was small and the proposal would not affect the open nature of the site it was not considered that the proposal would affect the Policy constraint.

He advised that there had been 4 letters of objection from neighbouring properties on the basis of loss of privacy and amenity. He had therefore tabled a supplementary report which suggested a further condition to address this concern and recommended that the application be approved with the addition of this extra condition.

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 9th September 2010 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan at scale of 1:5000)

Plan 2 of 2 (Site Plan at scale of 1:1250)

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.

3. No development shall be commenced until a scheme for boundary treatment between the route of the path and adjoining land between the points marked A – B and X – Y on the plans hereby approved has been submitted to and has been approved in writing by the Council as Planning Authority. The scheme shall provide for physical definition of the boundary, and in particular, shall include screen planting using native hedging/tree planting to the rear of Station Cottages within the area marked A – B. The duly approved scheme shall be implemented in full during the first planting season following the commencement of development. Any planting which fails to become established, or within ten years of planting is removed, or becomes seriously diseased or dies, shall be replaced in the following planting season with equivalent numbers, sizes and species to those originally required to be planted.

Reason: In order to protect the residential amenity of property adjoining the route of this public path.

(Ref: Report by Head of Planning and Regulatory Services dated 1 November 2010, submitted and Supplementary Report No. 1 by Head of Planning and Regulatory Services dated 16 November 2010, tabled)

6. ARGYLL COLLEGE UHI LTD: ERECTION OF CYCLE SHELTER, HAZELBURN, CAMPBELTOWN (REF: 10/00738/PP)

The Principal Planning Officer reminded Members of the history to the application. He had hoped to be able to give a definitive answer to the Committee although matters hadn't yet been fully resolved.

A representative of Argyll College had advised that they would be agreeable to relocating the shelter and investigate was underway as to whether this would be a material amendment requiring a fresh application or whether it could be accommodated as an amended application. He was able to clarify that the land in question was not Council owned and therefore the matter could be dealt with under delegated powers.

Decision

Agreed to continue the item to allow the opportunity for submission of amended details by the applicant with the determination of the application to be undertaken by officers under the approved Scheme of Delegation upon receipt of such details.

(Ref: Report by Head of Planning and Regulatory Services dated 8 November 2010, submitted)

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

7. ENFORCEMENT REPORT: 10/00012/ENOTH1

The Principal Planning Officer gave an oral update regarding this case advising that there was no definitive response from Transerve.

Decision

Agreed to continue the matter to the meeting on 15 December 2010.