

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

**Present:** Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Bruce Marshall	Councillor Roderick McCuish
Councillor Alister MacAlister	Councillor James McQueen
Councillor Neil Mackay	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 Alex McNaughton  
Councillor Mary-Jean Devon

**1. MINUTES**

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 5 November 2010 were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 12 November 2010 were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 17 November 2010 (10.00am) were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 17 November 2010 (10.45am) were approved as a correct record.

**2. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: AMENDMENTS TO THE ACT IN TERMS OF CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010**

Several of the provisions of the Civic Government (Scotland) Act 1982 are amended by the introduction of the Criminal Justice and Licensing (Scotland) Act 2010. The Committee were invited to consider a report which sets out the changes and their potential impacts.

**Decision**

- 1. Noted the changes and approved the recommendations in relation to market operation and public entertainment licences as contained within the submitted report at paragraphs 4.1 and 3.5 respectively.
- 2. Noted that a report on staggering the renewal process should be brought to this Committee once a full assessment of options is conducted.

(Ref: Report by Head of Governance and Law dated 15 December 2010, submitted)

**3. JOHN MCNAUGHTON: APPLICATION FOR ERECTION OF DWELLINGHOUSE, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF SEPTIC TANK: SITE 1, LAND 200M SOUTH OF SALTHOUSE, COLINTRAIVE (REF: 08/00607/DET)**

The Principal Planning Officer spoke to the history of the application advising that the application had last been considered by the (then) Protective Services and Licensing Committee who has resolved that the application should be continued until such time as a landscape capacity study had been undertaken. This study was approved by the Bute and Cowal Area Committee on 7 December 2010 and the application had therefore been brought to this meeting for consideration.

The Principal Planning Officer advised that the study was now a material consideration in respect of this application and explained that reasons 1 and 4 within the earlier recommendation were no longer relevant although recommendations 2 and 3 which related to siting and design were still applicable.

He then advised that there had been contact from the applicant's agent yesterday in which they had sought for a continuation of the application in order to establish whether there could be less intrusive engineering works to accommodate the development and to work towards bring forward a proposal which the Planning Authority could support.

**Decision**

Agreed to continue the application to allow further discussions to take place between the Planning Authority and the applicant.

(Ref: Reports by Head of Planning and Regulatory Services dated 15 December 2010 and 25 November 2008, submitted)

**4. MARK NEWALL: APPLICATION FOR FORMATION OF PRIVATE ACCESS TRACK: ROWALEYN, GLENARN ROAD, RHU (REF: 10/00490/PP)**

The Head of Planning and Regulatory Services spoke to the application advising that the formation of the access formed a tortuous route involving the removal of trees, shrubs and open garden ground. He explained that the sloping was so considerable on the site that there would be substantial cut and fill required.

The Head of Planning and Regulatory Services advised that his recommendation was for refusal of the application. However, the applicant had recently entered into good discussions with the Planning Authority and as a result of this had sought a 2-3 month continuation to allow negotiations to progress.

**Decision**

Agreed to continue the application for a period of 3 months to allow further negotiations between the Planning Authority and applicant regarding formation of

an alternative access route.

(Ref: Report by Head of Planning and Regulatory Services dated 25 November 2010, submitted)

**5. ECOS CONSTRUCTION: APPLICATION FOR ERECTION OF 33 FLATS, VEHICULAR ACCESS AND LANDSCAPING: 113 MARINE PARADE, KIRN, DUNOON (REF: 10/01532/PP)**

The Principal Planning Officer advised that the application had been referred to the Committee on the basis that the Council had an ownership interest in the site. He outlined the proposals for the development and the negotiations with the applicant which had resulted in the original proposals for car parking provision, design of the roof and close proximity to Fountain Key being amended. These amended proposals were a suitable alternative to the original scheme and therefore his recommendation was that the application be approved.

**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 proposed development shall be carried out in accordance with the details specified in the application form dated 8<sup>th</sup> September 2010; and the approved amended drawings received 22<sup>nd</sup> November 2010 which are numbered: 09.130.10\_L (Proposed Site Plan); 09.130.01\_C (Site Plans – Existing & Proposed); 09.130.15\_1 (Proposed Elevations Sheet 1 to Flatted Block 'A'); 09.130.16\_G (Proposed Elevations Sheet 2 to Flatted Block 'A'); 09.130.14\_D (Marine Parade Elevations); 09.130.13 - 1 (Proposed Flat Type Floor Plans); 09.130.12 - M (Proposed First/Second Floor Plan); 09.130.11 – P (Proposed Ground Floor Plan and Flat Type Plans all stamped approved by Argyll and Bute Council.

**Reason:** *In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.*

3. No works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
  - (i) Existing and proposed finished ground levels relative to a fixed datum point;
  - (ii) Existing landscape features and vegetation to be retained;
  - (iii) Existing and proposed services including cables, pipelines and substations;
  - (iv) The location of new trees, shrubs, hedges, grassed areas and water features;
  - (v) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - (vi) The location, design and materials of all hard landscaping works including walls, fences, gates, and street furniture;

- (vii) An indication of existing trees, shrubs and hedges to be removed;
- (viii) A programme for the completion and subsequent maintenance of the proposed landscaping

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting, which, within a period of ten years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted

**Reason:** *To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.*

4. Prior to any works commencing, full details of a scheme to protect the trees that are to be retained within the site (as shown on the Landscape Masterplan drawing ref. LO1 Rev H from TGP Landscape Architects approved under 08/00662/DET) shall be submitted to and approved in writing by the Planning Authority. No trees identified for being retained shall be felled, lopped, topped or removed without the prior written approval of the Planning Authority.

**Reason:** *In order to protect the existing woodland area and other trees within the site in accordance with Policy ENV 7: Development Impact on Trees/Woodland of the Argyll & Bute Local Plan (adopted 2009).*

5. No development in connection with the permission hereby approved shall take place unless samples of all the materials to be used in the external finish for the proposed development (including harling texture and colour) have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

**Reason:** *In order to integrate the development into its surroundings and in accordance with the provisions of policy ENV 19 of the Argyll & Bute Local Plan (adopted 2009).*

6. Full details and/or samples of the proposed roofing materials shall be submitted for the written approval of the planning authority prior to the commencement of any works on site. The development shall be implemented in accordance with the duly approved details.

**Reason:** *In order to ensure that the materials are appropriate to the character of the area and sympathetic to established roofing materials in the area.*

7. No development in connection with this development hereby approved shall take place unless a revised Drainage Strategy drawing incorporating Sustainable Urban Drainage Systems and a revised Drainage Impact/Flood Risk Assessment (previously approved under 08/00662/DET) which take account of the proposed amendments have been submitted to and approved in writing by the Planning Authority in consultation with the Councils Flood Risk Officer, Area Roads, SEPA and Scottish Water. The development shall not be occupied until the agreed drainage system has been provided and is fully operational.

**Reason:** *To ensure the site is adequately drained to meet Best Management Practice and to prevent pollution of watercourses in accordance with Policy SERV 2: Sustainable Urban Drainage Systems of the Argyll & Bute Local Plan (adopted 2009).*

8. Prior to commencement of any development, a detailed construction method statement for this site shall be submitted to and agreed in writing with the Planning Authority, in consultation with the Scottish Environment Protection Agency. This method statement shall address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final Sustainable Urban Drainage System.

**Reason:** *In order to prevent potential pollution of the water environment in accordance with Policy SERV 2: Sustainable Urban Drainage Systems of the Argyll & Bute Local Plan (adopted 2009).*

9. Prior to work starting on the development hereby approved, the developer shall provide the Planning Authority with written proof from Scottish Water of the public mains water and drainage connections.

**Reason:** *In the interests of public health and in order to ensure that adequate drainage and water provision is available for the site.*

10. Prior to the commencement of any works on site, full details shall be submitted for the proposed detention pond and associated landscaping works in front of the approved flats, as shown on drawing number: 09.130.10\_L from Thomson Dawes dated 22<sup>nd</sup> November 2010.

**Reason:** *In the interests of providing a detention pond capable of supporting the approved Sustainable urban Drainage System and to integrate it with its surroundings and to provide any safety or other barriers as may be required.*

11. No works in connection with the development hereby approved shall take place unless a Waste Management Plan for the site has been submitted to and approved in writing by the Planning Authority in consultation with Protective Services and the Scottish Environment Protection Agency. This plan shall include details of the arrangements for the storage, including the design and location of all bin stores together with the separation and collection points for waste from the site or roadside collection points, including provision for the safe pick up by refuse collection vehicles. The approved Waste Management proposals shall be carried out in accordance with the approved scheme.

**Reason:** *To ensure the waste from the proposed site is dealt with in a sustainable manner in accordance with the National Waste Strategy for Scotland and the Area Waste Plan for Argyll & Bute.*

12. No other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless sightlines/visibility of 42 metres in both directions along the public road has been provided from a point 2.5 metres measured at right angles from the existing carriageway surface along the centre line of the approved new access road. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind above a height of 1.0 metre from the level of the highway edge shall be permitted

within the visibility splays so formed.

**Reason:** *To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.*

13. The gradient of the access road shall not exceed 5% within 5 metres from the edge of the existing carriageway and shall have a sealed surface for the first 5 metres and a gradient no greater than 8% for the remainder of the road.

**Reason:** *In the interest of road safety*

14. The development granted permission shall not be occupied until space has been laid out within the site for a vehicle turning area, so that vehicles may enter and leave the site in forward gear, details of which shall have been agreed in writing by the Planning Authority, prior to work starting on site.

**Reason:** *In the interests of road and public safety*

15. Prior to commencement of works on site, a scheme for the provision of 57 off-street parking spaces, unless otherwise agreed by the Area Roads Manager, shall be submitted to and be approved in writing by the Planning Authority. The duly approved scheme shall be constructed, surfaced and made available for use prior to the first occupation of the flats hereby approved, and shall be retained available for the parking of vehicles thereafter.

**Reason:** *To ensure adequate provision of off-street parking.*

16. The access road required to serve the site shall be 5.5 metres wide with a 2 metre footway or service strip provided on either side.

**Reason:** *In the interests of road safety.*

17. Prior to the commencement of the development, full details of the intended methods of dust suppression measures shall be submitted to and approved in writing by the Planning Authority in respect of dust and particulate contamination in the immediate locality of the works. Such details as are approved shall be utilised during the course of construction works.

**Reason:** *In order to prevent the adjoining dwellinghouses, other premises and land uses being affected by an unacceptable level of dust pollution.*

18. Unless the prior written permission of the Planning Authority is obtained for variation, all external lighting units within the site shall be operated, positioned and angled to prevent any glare or light spillage outwith the boundaries of the site, having regard to the Institute of Lighting Engineers Guidance.

**Reason:** *In order to avoid the potential of light pollution infringing on surrounding land uses/properties.*

19. Prior to any work starting on site the applicant shall submit a red squirrel survey together with any mitigation measures which will identify the presence or otherwise of any red squirrels within the site or that use the site. Such a survey

shall be drawn up in consultation with the Council's biodiversity officer and shall include any mitigation measures that are required in order to ensure that the red squirrels within the site or using the site are not prejudiced.

**Reason:** *In the interests of safeguarding the habitat of a protected species in accordance with Policy ENV 6: Habitats and Species of the Argyll & Bute Local Plan (adopted 2009).*

20. The development hereby approved shall only be implemented by/on behalf of, and be factored 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).

*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.*

(Ref: Report by Head of Planning and Regulatory Services dated 29 November 2010, submitted)

**6. ISLE OF LUING COMMUNITY TRUST: DEMOLITION OF UNLISTED BUILDING IN CONSERVATION AREA: LAND SOUTHEAST OF CULLIPOOL HOUSE, CULLIPOOL, ISLE OF LUING (REF: 10/01348/CONAC)**

The Principal Planning Officer advised that this application was in respect of demolition of an unlisted building and was linked to the next agenda item. He advised that there was conflicting views regarding whether the remains could be incorporated into the proposed development and as such suggested that the Building Standards Team look at this or if this was not appropriate, a third structural report would be commissioned.

The Principal Planning Officer reported that both applications had attracted a significant level of interest within a small community and therefore his recommendation was that a discretionary hearing take place.

**Decision**

Agreed to hold a discretionary hearing in Cullipool Hall on a date yet to be determined.

(Ref: Report by Head of Planning and Regulatory Services dated 24 November 2010, submitted)

**7. ISLE OF LUING COMMUNITY TRUST: APPLICATION FOR ERECTION OF BUILDING INCORPORATING MUSEUM, LICENSED CAFE, EXHIBITION/FUNCTION ROOM AND OFFICE, LAND EAST OF CULLIPOOL HOUSE, CULLIPOOL, ISLE OF LUING (REF: 10/01059/PP)**

The Principal Planning Officer spoke to the re-development proposal advising that the application had attracted 134 objectors and 89 supporters. In view of the level of objection in such a small community he recommended that a discretionary hearing take place before determining the application.

## Decision

Agreed to hold a discretionary hearing in Cullipool Hall on a date yet to be determined.

(Ref: Report by Head of Planning and Regulatory Services dated 24 November 2010, submitted)

### 8. **ARGYLL AND BUTE COUNCIL: APPLICATION FOR UPGRADING AND PARTIAL RE-ALIGNMENT OF EXISTING TRACKS AND FOOTPATHS TO FORM HARD SURFACED SHARED-USE WALKING AND CYCLING PATH: DUNOLLIE ESTATE WOODLAND, GANAVAN ROAD, OBAN (REF: 10/01531/PP)**

The Principal Planning Officer advised that this was a council interest application in relation to provision of a hard surfaced shared walking and cycling path. He advised that there had 5 representations in relation to the application which mainly related to vehicular use. He stated that the Roads Authority had indicated that the proposals were acceptable providing appropriate signage was in place given access was for a limited number of rural properties. Although these were material considerations, none of the representations were of sufficient weight to change the recommendation which was for approval of the application.

## 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 1 September 2010 and the approved drawing reference numbers:

Plan 1 of 7 (Location Plan at scale of 1:2,500)  
Plan 2 of 7 (Location Plan for Planning Consent at scale of 1:500)  
Plan 3 of 7 (Location Plan for Planning Consent at scale of 1:500)  
Plan 4 of 7 (General Arrangement at scale of 1:1,000)  
Plan 5 of 7 (Details and Sections at scale 1:25, 1:50)  
Plan 6 of 7 (Details and Sections at scale 1:25, 1:100)  
Plan 7 of 7 (Details and Sections at scale 1:50, 1:200)

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.*

(Ref: Report by Head of Planning and Regulatory Services dated 25 November 2010, submitted)

**9. R.N.L.I: APPLICATION FOR RELOCATION OF FUEL TANK TO PERMANENT SITE AND INSTALLATION OF PROJECTING PLATFORM ACCESS LADDER: PORT ASKAIG PIER, PORT ASKAIG, ISLE OF ISLAY (REF: 10/01662/PP)**

The Principal Planning Officer advised that this was another Council interest application in respect of the relocation of a fuel tank to a permanent site. He reminded the Committee that they had previously granted a temporary consent which was required until a permanent site was identified. As this has now been identified, an application was submitted and was before the Committee with a recommendation for approval.

**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 proposed development shall be carried out in accordance with the details specified in the application form dated 22<sup>nd</sup> September 2010; and the approved drawing numbered 1 of 1; and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 2 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non material amendment (NMA) should be made in writing to Planning Services, Dalriada House, Lochgilphead, PA31 8ST which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

(Ref: Report by Head of Planning and Regulatory Services dated 25 November 2010, submitted)

**10. TREE PRESERVATION ORDER AT LOCHGAIR (TPO 04/10)**

The Principal Planning Officer advised that confirmation of an amended Tree Preservation Order (TPO) in respect of trees growing on land at Lochgair east of the War Memorial within extensive grounds of 'Caberfeidhe' and 'Tigh na Tobar' was sought following representations received in respect of the provisional order (Reference 4/10).

### **Decision**

Agreed to adjust the Order in relation to the protected specimens and areas of exclusion close to buildings, as described and modified in section 4 of the submitted report and that the modified Order now be confirmed as the Lochgair Tree Preservation Order 04/10.

(Ref: Report by Head of Planning and Protective Services dated 15 December 2010, submitted)

## **11. TREE PRESERVATION ORDER AT CARSAIG, TAYVALLICH (TPO 11/10)**

The Principal Planning Officer advised that confirmation of an amended Tree Preservation Order (TPO) in respect of trees growing on land at Carsaig on the landward side of the shore road within the extensive lands of 'Westwood' and 'Canna' was sought following representations received in respect of the provisional order (Reference 11/10).

### **Decision**

1. Agreed to adjust the Order in relation to (a) the boundary of the provisional order as modified in the submitted report and as identified in plan one (b) the protected specimens and (c) the management of certain trees within the area, as described and modified in section 4 of the submitted report.
2. Agreed to confirm the modified order as the Carsaig Tree Preservation Order 11/10.

(Ref: Report by Head of Planning and Protective Services dated 15 December 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 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.

## **12. ENFORCEMENT REPORT: 10/00012/ENOTH1**

The Principal Planning Officer outlined 2 options available to the Committee in respect of the enforcement case.

### **Decision**

Agreed to request that a retrospective planning application be submitted for the works within the next 3 months and that failing this, enforcement action be taken by the Planning Authority.

(Ref: Reports by Head of Planning and Regulatory Services dated 7 April, 19 April, 18 October and 2 December 2010, submitted)