

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 APRIL 2011**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor Bruce Marshall	Councillor Alex McNaughton
Councillor Alister MacAlister	Councillor James McQueen
Councillor Neil Mackay	

Attending: Charles Reppke, Head of Governance and Law (to 1.10pm)
Angus Gilmour, Head of Planning and Regulatory Services
Ross McLaughlin, Development Manager
Sandra Davies, Planning Officer
Alan Morrison, Regulatory Services Manager
Sheila MacFadyen, Senior Solicitor
Iain Jackson, Governance Manager (from 1.45pm)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dance, Devon, Kinniburgh and Reay.

2. DECLARATIONS OF INTEREST

Councillor McAlister declared a financial interest in items 14 and 20 of the agenda.

Councillors Currie, McCuish, McKay and Colville declared a financial interest in item 14 of the agenda.

3. MINUTES

- (a) Planning, Protective Services and Licensing Committee held on 25 February 2011 at 10.00am

The Minutes of the Planning, Protective Services and Licensing Committee held on 25 February 2011 at 10am were approved as a correct record.

- (b) Planning, Protective Services and Licensing Committee held on 25 February 2011 at 2.00pm

The Minutes of the Planning, Protective Services and Licensing Committee held on 25 February 2011 at 2.00pm were approved as a correct record.

- (c) Planning, Protective Services and Licensing Committee held on 11 March 2011

The Minutes of the Planning, Protective Services and Licensing Committee held on 11 March 2011 were approved as a correct record subject to a request by Councillor Chalmers to change wording in paragraph 4 of the debate. It was agreed that this wording would be amended in consultation with Committee Services at the end of the meeting.

- (d) Planning, Protective Services and Licensing Committee held on 16 March 2011 at 10.00am

The Minutes of the Planning, Protective Services and Licensing Committee held on 16 March 2011 at 10am were approved as a correct record.

- (e) Planning, Protective Services and Licensing Committee held on 16 March 2011 at 10.30am

The Minutes of the Planning, Protective Services and Licensing Committee held on 16 March 2011 at 10.30am were approved as a correct record.

- (f) Planning, Protective Services and Licensing Committee held on 17 March 2011 at 10.30am

The Minutes of the Planning, Protective Services and Licensing Committee held on 17 March 2011 at 10.30am were approved as a correct record subject to a request by Councillor Chalmers to change wording in paragraph 1 of the debate. It was agreed that this wording would be amended in consultation with Committee Services at the end of the meeting.

- (g) Planning, Protective Services and Licensing Committee held on 17 March 2011 at 2.00pm

The Minutes of the Planning, Protective Services and Licensing Committee held 17 March 2011 at 2pm were approved as a correct record.

- (h) Planning, Protective Services and Licensing Committee held on 22 March 2011

The Minutes of the Planning, Protective Services and Licensing Committee held on 22 March 2011 were approved as a correct record.

- (i) Planning, Protective Services and Licensing Committee held on 24 March 2011

The Minutes of the Planning, Protective Services and Licensing Committee

held on 24 March 2011 were approved as a correct record.

4. STATUTORY APPOINTMENTS FOR REGULATORY SERVICES

The Regulatory Services Manager spoke to a report outlining a number of formal statutory appointments within Animal Health and Welfare; Environmental Health and Trading Standards which required to be formally approved by the Committee.

Decision

The Committee approved the statutory appointments.

(Reference: Report by Regulatory Services Manager dated 6 March 2011, submitted)

5. FOOD LAW ENFORCEMENT PLAN 2011 - 2012

The Regulatory Services Manager spoke to a report presenting the Food Safety Law Enforcement Plan 2011/12 which required formal approval from the Committee.

Decision

The Committee –

1. Recognised the extent of the work being undertaken by Regulatory Services staff, principally Environmental Health professionals, in respect of food safety and the achievements in 2010-11.
2. Approved -
 - a) The Food Safety Law Enforcement Workplan 2011/2012
 - b) Revisions to the Food Law Enforcement Policy
 - c) Formal appointments of the Council's Public Analyst, Agricultural Analyst and Food Examiners
 - d) The authorisation status of all Officers in respect of food safety

(Reference: Report by Regulatory Services Manager dated 5 March 2011, submitted and Food Safety Law Enforcement Plan 2011/12, submitted)

6. WORKPLACE HEALTH AND SAFETY ENFORCEMENT PLAN 2011 - 2012

The Regulatory Services Manager spoke to a report presenting the Workplace Health and Safety Law Enforcement Plan 2011/12 and the Enforcement Policy which required formal approval by the Committee.

Decision

The Committee –

1. Approved the Workplace Health and Safety Law Enforcement Plan 2011/12 and the Enforcement Policy relating to Workplace Health and Safety Law Enforcement which details the service priorities for 2011-12.
2. Noted the drive to revitalise health and safety enforcement in Argyll and Bute Council.

(Reference: Report by Regulatory Services Manager dated April 2011, Workplace Health and Safety Law Enforcement Plan 2011/12 and Workplace Health and Safety Law Enforcement Policy, submitted)

7. REMOVAL OF SECTION 75 AGREEMENT ASSOCIATED WITH PROPOSAL FOR THE ERECTION OF A DWELLINGHOUSE: ARICHUAN, SILVERCRAIGS, LOCHGILPHEAD (REF: 98/00027/DET)

The Committee considered an application to rescind a Section 75 Agreement to allow the separate sale of the dwellinghouse from that of the associated bareland croft at Silvercraigs, Lochgilphead.

Decision

Agreed that the Section 75 Agreement be rescinded as the principle requirement for entering into such an agreement has been removed with the revision of the Council's Settlement Strategy as set out in the adopted Argyll and Bute Local Plan 2009.

(Reference: Report by Head of Planning and Regulatory Services dated April 2011, submitted)

8. ARGYLL AND BUTE COUNCIL - OPERATIONAL SERVICES: EXTENSION TO EXISTING BURIAL GROUND: PENNYFUIR BURIAL GROUND, OBAN (REF: 07/01478/COU)

The Committee considered an application to extend Pennyfuir Burial Ground, Oban.

Decision

That Planning permission be granted subject to the conditions contained within the report by the Head of Planning and Regulatory Services.

(Reference: Head of Planning and Regulatory Services dated 28 March 2011, submitted)

9. EE-USK: DEMOLITION OF HOTEL (CATEGORY C LISTED BUILDING): ARGYLL HOTEL, CORRAN ESPLANADE, OBAN (REF:10/01817/LIB)

The Committee considered an application for the demolition of the category (c) listed building currently known as the Argyll Hotel, Corran Esplanade, Oban. The Head of Planning and Regulatory Services presented his report and gave

details of two further representations that had been made after the closing date.

Decision

Agreed that listed building consent be granted subject to the conditions as detailed within the report by the Head of Planning and Regulatory Services.

(Councillor McCuish having moved an amendment that failed to find a seconder, requested that his dissent be recorded to the foregoing decision)

(Reference: Report by Head of Planning and Regulatory Services dated 1 April 2011, submitted)

10. EE-USK: DEMOLITION OF HOTEL (CATEGORY C LISTED BUILDING) AND ERECTION OF NEW 63 BEDROOM HOTEL: ARGYLL HOTEL, CORRAN ESPLANADE, OBAN (REF: 10/01831/PP)

The Committee considered an application for the erection of a 63 bedroom hotel on the site of the current Argyll Hotel, Corran Esplanade, Oban after demolition.

Decision

The Committee agreed that Planning Permission be granted subject to:

- 1) The conditions and reasons set out in the report by the Head of Planning and Regulatory Services;
- 2) The associated application for listed building consent 10/01817/LIB has been cleared by Historic Scotland or has been granted by Scottish Ministers in the event of a 'call in', and the decision has been notified in writing.

(Reference: Report by Head of Planning and Regulatory Services dated 5 April 2011, submitted)

11. EILEAN EISDEAL: ERECTION OF 6KW WIND TURBINE WITH A MAXIMUM HEIGHT OF 17.75 METRES TO BLADE TIP: LAND SOUTH EAST OF EASDALE MUSEUM, EASDALE ISLAND, OBAN (REF: 10/02000/PP)

The Committee considered an application for the erection of a 15m high (hub height) 6kw wind turbine on land southeast of Easdale Museum, Easdale.

Decision

The Committee agreed to refuse planning permission for the reasons as detailed in the report by the Head of Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 5 April 2011, submitted)

12. EILEAN EISDEAL: INSTALLATION OF SOLAR PANELS AND AIR SOURCE HEAT PUMP: EASDALE ISLAND COMMUNITY HALL, EASDALE ISLAND, OBAN (REF: 10/01729/PP)

The Committee considered an application for the installation of 14 Solar PV Panels and Air Source Heat Pump at Easdale Island Community Hall, Easdale Island.

Decision

The Committee agreed that planning permission be granted subject to the conditions and reasons as detailed within the report by the Head of Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated April 2011, submitted and Supplementary Report 1 dated 15 April 2011, tabled)

13. EILEAN EISDEAL: INSTALLATION OF 14 SOLAR PANELS AND AIR SOURCE HEAT PUMP: EASDALE ISLAND COMMUNITY HALL, EASDALE ISLAND, OBAN (REF: 10/02013/LIB)

The Committee considered an application for listed building consent for the installation of 14 Solar PV Panels and air source heat pump at Easdale Island Community Hall, Easdale Island.

Decision

The Committee agreed that listed building consent be granted subject to the conditions and reasons as detailed within the report by the Head of Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 30 March 2011, submitted and Supplementary Report 1 dated 15 April 2011, tabled)

The Committee adjourned for lunch at 1.10pm and reconvened at 1.45pm.

Councillors McAlister, Currie, McCuish, McKay and Colville having previously declared an interest in the following item of business left the room and took no part in the discussion.

14. ARGYLL COMMUNITY HOUSING ASSOCIATION: ERECTION OF 30 RESIDENTIAL UNITS (COMPRISING 2 SEMI DETACHED DWELLINGHOUSES AND 28 FLATS OVER 4 BLOCKS) WITH ASSOCIATED ACCESS ROAD, PARKING AND COMMUNAL GARDEN AREAS: DEVELOPMENT SITE, MCCALLUM STREET AND KINLOCH ROAD AND LONGROW, CAMPBELTOWN (REF: 10/02153/PP)

The Committee considered an application for the erection of 30 residential units with associated access road, parking and communal garden areas at McCallum Street, Longrow and Kinloch Road, Campbeltown.

Decision

The Committee agreed that planning permission be granted subject to a section 69 agreement under the Local Government (Scotland) Act 1973 and to the conditions and reasons as detailed within the report by the Head of Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 5 April 2011, submitted)

Councillors McAlister, Currie, McCuish, McKay and Colville rejoined the meeting.

15. ROYAL NATIONAL LIFEBOAT INSTITUTION: ERECTION OF NEW CREW FACILITIES AND SOUVENIR SHOP: PORT ASKAIG PIER, PORT ASKAIG, ISLE OF ISLAY (REF: 11/00021//PP)

The Committee considered an application by the Royal Lifeboat Institution for the erection of new crew facilities and souvenir shop on Port Askaig Pier, Isle of Islay.

Decision

The Committee agreed that planning permission be granted subject to the conditions and reasons as detailed in the report by the Head of Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 29 March 2011, submitted)

16. MR AND MRS S MCKINLAY: ERECTION OF CAR PORT WITH DECK OVER (RETROSPECTIVE): COUL-NA-MARA, PENINVER, CAMPBELTOWN (REF: 11/00037//PP)

The Committee considered a retrospective application for the erection of a car port with decking area above at Coul-Na-Mara, Peninver, Campbeltown.

Decision

The Committee agreed to refuse planning permission for the reasons as detailed within the report by Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 23 February 2011, submitted)

The Committee adjourned at 2.15pm to allow for the Local Review Body to convene and adjourn until the conclusion of the Committee.

17. TSL CONTRACTORS LTD: RETENTION OF EXISTING CONCRETE BATCHING PLANT FOR TEMPORARY PERIOD OF 18 MONTHS: ROBERTSONS YARD, SANDBANK, DUNOON (REF: 11/00158//PP)

The Committee considered an application for the retention of a concrete batching plant for a temporary period of 18 months at Robertson's Yard, Sandbank, Dunoon.

Decision

The Committee agreed that planning permission be refused for the reasons as detailed within the report by the Head of Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 4 April 2011, submitted)

- 18. SCOTTISH WATER: RE-PROFILING OF GROUND AND RE-ALIGNMENT OF HAND RAILING TO ACCOMMODATE BURIED PUMPING STATION CHAMBERS AND CSO CHAMBER; INSTALLATION OF RETAINING WALL AND ROCK ARMOURING; AND DROP KERBS FOR VEHICULAR ACCESS: LAND OPPOSITE 11 AND 12 ARDBEG ROAD, ROTHESAY, ISLE OF BUTE (REF: 11/00428/PP)**

The Committee considered an application for re-profiling of ground and realignment of handrail to accommodate buried pumping station chambers and CSO chamber; installation of rock armouring and retaining wall; and drop kerbs for vehicular access at land opposite 11 and 12 Ardbeg Road, Rothesay.

Decision

It was agreed that planning permission be granted subject to the conditions, reasons and informative notes within the report by Planning and Regulatory Services.

(Reference: Report by Planning and Regulatory Services dated 30 March 2011, submitted and Supplementary Report 1 dated 15 April 2011, tabled)

- 19. ARGYLL AND BUTE COUNCIL: FELLING OF TWO TREES - FRAXIMUN EXCELSIOR AND ULMUS GLABRA (RETROSPECTIVE):MONEYDRAIN ROAD, LOCHGILPHEAD (REF: 11/00420/TPO)**

The Committee considered a report informing Members of the felling of two trees at Moneydrain Road, Lochgilphead which were protected by tree preservation order ref: 2/95. The felling had been authorised under delegated powers on the grounds of preventing danger to both public and workforce safety due to the health and condition of the trees. The report also sought approval for the replanting of the trees to benefit the amenity of the area.

Decision

The Committee accepted that the action was necessary and authorised the replanting of the ground with replacement specimens.

(Reference: Report by Head of Planning and Regulatory Services dated April 2011, submitted)

Councillor McAlister, having previously declared an interest in the following item of business, left the room and took no part in discussion.

20. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: INSPECTION OF VEHICLES

The Head of Governance and Law submitted a report seeking agreement from Members to introduce a procedure for issuing warning letters to taxi/private hire car operators whose vehicle does not comply with standard conditions in terms of Section 11 of the Civic Government (Scotland) Act 1982; and that if they fail to comply with the warning letter then a report be placed before the Committee in order that they can consider whether it is appropriate to take steps to suspend the licence.

Decision

The Committee agreed to introduce the new procedure as detailed within the report by the Head of Governance and Law.

(Reference: Report by Head of Governance and Law dated 15 March 2011, submitted)

Councillor McAlister rejoined the meeting.

21. ENFORCEMENT REPORT: 10/00394/ENFHSB

The Committee considered enforcement report reference 10/00394/ENFHSB.

Decision

That enforcement action be taken as detailed within the report by Planning and Regulatory Services and that the timescale for compliance be 8 months from the date upon which the enforcement notice takes effect.

(Reference: Report by Head of Planning and Regulatory Services dated 22 March 2011, submitted)

22. ENFORCEMENT REPORT: 10/00377/ENTH2

The Committee considered enforcement report 10/00377/ENTH2.

Decision

The Committee agreed the recommendation within the report by Planning and Regulatory Services.

(Reference: Report by Head of Planning and Regulatory Services dated 29 March 2011, submitted)

23. ENFORCEMENT UPDATE REPORT: 10/00012/ENOTH1; 10/00077/ENOTH2; 10/00210/ENFOTH2

The Committee considered an update report with regard to enforcement cases 10/00012/ENOTH1; 10/00077/ENOTH2; and 10/00210/ENFOTH2.

Decision

The Committee –

1. Noted the report.
2. Noted that a further update report would be provided to the next meeting of the Committee.

(Reference: Report by Head of Planning and Regulatory Services dated 6 April 2011, submitted)