

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 OCTOBER 2011**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Bruce Marshal
Councillor Gordon Chalmers	Councillor Donald MacMillan
Councillor Vivien Dance	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Alan Morrison, Regulatory Services Manager
Sandra Davies, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Robin Currie, Mary-Jean Devon, Neil Mackay and Alex McNaughton.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 13 September 2011 were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 21 September 2011 (10.00 am) were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 21 September 2011 (2.00 pm) were approved as a correct record subject to the following amendment:

Under Item 2 - Declarations of Interest, Councillor Gordon Chalmers had intimated in advance of the meeting the need to declare a non financial interest in respect of item 3 of the Minutes as he was a close personal friend of one of the Objectors. Councillor Chalmers did not attend the meeting and took no part in the discussion of this item.

- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 21 September 2011 (2.30 pm) were approved as a correct record subject to the following amendment.

Under Item 2 - Declarations of Interest, Councillor Gordon Chalmers had intimated in advance of the meeting the need to declare a non financial interest in respect of item 3 of the Minutes as he was a close personal friend of one of the Objectors. Councillors Chalmers did not attend the

meeting and took no part in the discussion of this item.

4. FOOD SAFETY ENFORCEMENT IN ARGYLL AND BUTE: OUTCOME OF FOOD STANDARDS AGENCY AUDIT

A report advising of the positive audit report received from the Food Standards Agency (Scotland) (FSAS) was considered. The purpose of the audit, which was carried out on 13 – 15 September 2011, was to audit the level of compliance with the requirements for a Food Authority regulating food establishments subject to Regulations (EC) 852 and 853/2004.

Decision

1. Recognised the findings of the FSAS audit and the excellent work undertaken by Environmental Health staff within Regulatory Services to protect food safety;
2. Approved the action plan, which addresses minor issues raised by the audit, and requires the Regulatory Services Manager, at the Council's Head of Food Safety, to respond fully to the FSAS on this matter; and
3. Agreed that a progress report be submitted to the PPSL Committee on the action plan at the March 2012 Committee meeting.

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

5. REVIEW OF THE CONSUMER LANDSCAPE

A report highlighting the implications of the Government consultation dated June 2011 which proposes radical changes in the way in which Councils' Trading Standards deliver consumer protection across the UK was considered. These proposals arise from the decision to abolish the Office of Fair Trading.

Decision

1. Noted the consultation paper and supported the view that it is essential that any proposals will not diminish the delivery of consumer protection at a local level; and
2. Noted that the Regulatory Services Manager will bring a report to a future meeting of the PPSL Committee once the outcome of the review is known.

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

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW

In terms of the Civic Government (Scotland) Act 1982, Section 17, the Council requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. At its meeting on 19 January 2011, the PPSL Committee agreed to increase the fare structure; make no change to the charges in respect of soiling, waiting and telephone bookings; to make no change to the

yardage distances; and to undertake a further review of the fare structure in 12 months times rather than 18 months as required by the Civic Government (Scotland) Act 1982. A report advising of new procedures to be followed for the forthcoming review of fares was considered including the option, which was not mandatory, to advertise the initial consultation phase.

Decision

1. Agreed the procedure for reviewing taxi fares and that, in the first instance, notification will be given in writing to all Taxi Operators within the local authority area of the review inviting them and their representatives to make written representations by 28 November 2011; and
2. Agreed that a report be submitted to the PPSL Committee early in the new year for a decision on what the fare scale will be from February/March 2012.

(Reference: Report by Head of Governance and Law, submitted)

7. MR DUNCAN CAMPBELL: SUB-DIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AND FORMATION OF NEW ACCESS: 7 LAGGARY PLACE, RHU, HELENSBURGH (REF: 11/00784/PP)

The PPSL Committee, at its meeting on 21 September 2011, agreed to continue consideration of this application until a site inspection took place and this was subsequently carried out on 10 October 2011. The Planning Officer spoke to the terms of the report and to supplementary report 1 which was before the Committee at the meeting on 21 September 2011. The Planning Officer also spoke to the terms of a further supplementary report 2 which summarised and assessed key points raised and submitted to Members by the Applicant prior to the meeting on 21 September 2011. She advised that this submission by the Applicant included photo montages which reflected an amended plan which was not the subject of this application. The Applicant had been advised that if he wished the Committee to consider the amended plan a new planning application would have to be submitted as the amended plan was considered a material change to the original application. The Planning Officer advised that the contents of supplementary report 2 did not change the recommendation contained in supplementary report 1 and recommended that planning permission be refused.

Decision

1. Agreed to continue consideration of this application to the next meeting to allow Planners to clarify with the Applicant which set of plans he wished to put forward for consideration and whether or not he wished to withdraw his current application and submit a new application; and
2. Noted that the Applicant had not made a request to have the TPO modified to exclude this area of ground.

(Reference: Report by Head of Planning and Regulatory Services dated 2 September 2011, Supplementary Report 1 dated 19 September 2011 and

Supplementary Report 2 dated 3 October 2011, submitted)

8. EE-USK: REMOVAL OF CONDITION 4 RELATIVE TO LISTED BUILDING CONSENT 10/01817/LIB (DEMOLITION NOT TO COMMENCE UNTIL CONTRACT LET FOR RE-DEVELOPMENT): ARGYLL HOTEL, CORRAN ESPLANADE, OBAN (REF: 11/01019/LIB)

The Head of Planning and Regulatory Services spoke to the terms of his report advising that the removal of condition 4 would not satisfy the requirements of development plan policies STRAT DC 9 or LP ENV 13(b) and associated government advice and recommended that Listed Building Consent be refused.

Decision

Agreed to continue consideration of this application to the next meeting to allow Planners to liaise with the Applicant, in consultation with Historic Scotland, to see if an appropriate legal agreement could be negotiated as an alternative solution to assist the Applicant and which would satisfy the requirements of Historic Scotland.

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

9. ARGYLL AND BUTE COUNCIL: ERECTION OF EXTENSION TO PROVIDE ADDITIONAL CLASSROOM AND STORE: TAYNUILT PRIMARY SCHOOL (REF: 11/01104/PP)

The Planning Officer spoke to the terms of the report advising that this was a Council interest application and that the proposed extension was of a suitable design and in keeping with the existing building. She advised that the proposal complied with policies LP ENV 1 and LP EN 19 of the adopted Argyll and Bute Local Plan and recommended approval of the planning application.

Decision

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

The development shall be implemented in accordance with the details specified on the application form dated 21st June 2011 and the approved drawing reference numbers:

Plan 1 of 5 (Location Plan at scale of 1:1250)
Plan 2 of 5 (Drawing Number AL(00)002 A)
Plan 3 of 5 (Drawing Number AL(00)003 A)
Plan 4 of 5 (Drawing Number AL(00)004 A)
Plan 5 of 5 (Drawing Number AL(00)005 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 3 October 2011, submitted)

10. ARGYLL AND BUTE COUNCIL: PROPOSED BIOMASS HEATING PLANT TO SERVE OFFICES AND NURSERY, COMPRISING BOILER ROOM, FUEL STORAGE, UNDER GROUND PIPEWORK CONNECTIONS, ACCESS IMPROVEMENTS AND ENABLING WORKS: KILMORY CASTLE, LOCHGILPHEAD (REF: 11/01461/PP)

The Planning Officer spoke to the terms of the report advising that this was a Council interest application and that the proposal was consistent with the provisions of policy LP REN 3 which seeks to encourage non-wind renewable energy development where this is compatible with the amenity of its surrounds and does not give rise to an adverse impact upon infrastructure. She further advised that the proposal will not give rise to detrimental impacts upon the amenity of the locale and is of appropriate, scale design, finishes and location having regard to the setting of the castle which is a category B listed building and recommended approval of the planning application.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 08/08/11 and the approved drawing reference numbers:

Plan 1 of 7 (Site Location Plan)
Plan 2 of 7 (Photos of Existing Stone Retaining Wall and Gate)
Plan 3 of 7 (Plan of Proposed Gate)
Plan 4 of 7 (Drawing No. CPp/ABC/KC/002)
Plan 5 of 7 (Drawing No. 1350/003A)
Plan 6 of 7 (Drawing No. 1350/002)
Plan 7 of 7 (Drawing No. 1350/004)

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.

2. The use hereby permitted shall not commence until full particulars and details of a scheme for the dispersion of atmospheric pollutants from the development, including a calculation of the required flue heights from the boiler plants, has been submitted and approved by the Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason: In order that the Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to atmospheric pollutants.

3. Prior to the commencement of development, a scheme shall be submitted and approved by the Local Planning Authority to control the emission of dust from the site and the development shall not be carried out otherwise than in accordance with the approval given.

Reason: In the interests of the amenity of the locale.

4. Prior to the development hereby permitted commencing, a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site.

Reason: In order to prevent noise disturbance to nearby properties.

5. The stone removed for widening of the existing access shall be reused for the retaining wall of the development hereby granted consent unless otherwise approved in writing by the Planning Authority.

Reason In the interests of visual amenity and in order to integrate the proposal with its surroundings

(Reference: Report by Head of Planning and Regulatory Services dated 27 September 2011, submitted)

11. MR D MCCHEYNE AND MS A MACLEAN: ALTERATIONS AND CHANGE OF USE OF OFFICES TO DWELLINGHOUSE: FORMER COUNCIL OFFICES, DELL ROAD, CAMPBELTOWN (REF: 11/01543/PP)

The Planning Officer spoke to the terms of the report advising that this was a Council interest application and that the proposal was for the reinstatement of a former Council office building to its original use as a single dwellinghouse. She advised that the proposal did not give rise to amenity, access or infrastructure implications and will give rise to the positive enhancement of a category C(s) listed building and the wider Campbeltown Conservation Area within which it is situated and recommended approval of the planning application.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 17th August 2011 and the approved drawing reference numbers:

Plan 1 of 8 (Drawing Number 1/6W811)
Plan 2 of 8 (Drawing Number 2/6W811)
Plan 3 of 8 (Drawing Number 3/6W811)
Plan 4 of 8 (Drawing Number 4/6W811)

Plan 5 of 8 (Drawing Number 5/6W811)
Plan 6 of 8 (Drawing Number 6/6W811)
Plan 7 of 8 (Drawing Number 6A/6W811)
Plan 8 of 8 (Conservation roof window specification)

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.

2. No development shall commence on site or is hereby authorised until full details of the proposed timber door and French doors have been submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity, in order to ensure that the development integrates with its surroundings and that the architectural character of the building is maintained.

(Reference: Report by Head of Planning and Regulatory Services dated 28 September 2011, submitted)

12. PROPOSED CLOSURE/DIVERSION OF PUBLIC PATH - ROUTE BETWEEN CORRAN ESPLANADE AND CHARLES STREET AND GEORGE STREET, OBAN

A report advising of the requirement to close/divert pedestrian rights of way crossing the site of the Argyll Hotel, Oban in connection with permitted works of demolition and redevelopment of the site for a new hotel building was considered.

Decision

The Committee agreed:-

1. To authorise the Executive Director – Customer Services to make a public path extinguishment or diversion order under Sections 34 and 35 of the Countryside (Scotland) Act 1967, in respect of the rights of way indicated in the plan attached to the report, on securing from the owner/prospective development of the site in question agreement to meet the Council's full costs in promoting such an order;
2. In the event, following advertisement, that representations are made by the public against such an order, that the matter be remitted to the Committee for further consideration; and
3. In the event that the Order is unopposed, that it be referred to Scottish Ministers for confirmation.

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