

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 18 APRIL 2012**

Present: Councillor Roderick McCuish (Chair)

Councillor Rory Colville	Councillor Mary-Jean Devon
Councillor Gordon Chalmers	Councillor David Kinniburgh
Councillor Robin Currie	Councillor Bruce Marshall

Attending: Alison Younger, Central Governance Manager
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Alan Morrison, Regulatory Services Manager

The Chair referred to the sad death of Councillor Alister MacAlister and that the Committee had lost two Councillors this year. He advised that Alister was a quiet but valued member of the Committee and that Members' thoughts were with his family.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Vivien Dance, Daniel Kelly, Neil Mackay, Donald MacMillan, Alex McNaughton and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 13 March 2012 were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 21 March 2012 (10.00 am) were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 21 March 2012 (10.30 am) were approved as a correct record.

The Chair ruled, and the Committee agreed, to vary the order of business and consider all the planning reports next on the agenda.

4. MRS LYNN CLARK: SITE FOR ERECTION OF DWELLINGHOUSE AND ALTERATION TO ACCESS: LAND SOUTH WEST OF MUDHEIREADH, BALUACHRACH, TARBERT (REF: 09/00564/OUT)

The Principal Planning Officer spoke to the terms of a report advising that this proposal seeks the development (in principle) of a new dwelling house within the curtilage of Mudheireadh. The plot lies within the settlement zone of Tarbert where the proposal is to be assessed in the context of Structure Plan Policy STRAT DC 1 and Local Plan Policy LP HOU 1. He advised that the Roads

Engineer objected to the proposal on access grounds and that objections had also been received from 11 individuals including the occupiers of all 3 properties that overlook the application site. He recommended refusal of this application for the reasons outlined in the report.

Decision

Agreed to refuse planning permission (in principle) for the following reasons:-

1. This application relates to land within a cluster of dwellings originally forming part of a small crofting community on the outskirts of Tarbert. Whilst this has now been subsumed within the settlement due to the encroachment of adjoining development, it does, however, still retain small dwellings and an informal clustering of buildings, including some undeveloped land and narrow unmade access tracks, which is untypical of more recent planned development in the surrounding area. Whilst some development has recently been completed on the margins of this cluster, further development as proposed would infill the last remaining open area of any significance within this cluster and would involve additional vehicles using sub-standard single width access tracks, involving in particular, additional use of the access passing immediately in front of adjacent terraced cottages by vehicles associated with the applicant's existing dwelling and the proposed dwelling, and increasing the number of properties served by that access to seven. Such level of usage at close quarters and having regard to the sub-standard width and geometry of the access and the lack of off-street parking to serve the existing dwellings would be to the detriment of the residential amenity of the occupiers of those dwellings. The shortcomings of the access regime, together with the loss of this open area to infill development, which would necessarily have to be sited uncharacteristically at right angles to adjacent buildings so as not to compromise privacy, would conspire to produce a form of development which, when these factors are considered together, would have adverse consequences for the residential amenity of adjacent properties. The development does not secure an acceptable relationship with adjacent properties and does not constitute a form of infill development which is sympathetic to its surroundings, and therefore fails to satisfy development plan policies STRAT DC 1, LP HOU 1 or LP ENV 19.
2. The geometry of the existing access makes it unsuitable to sustain further development. The existing public roads in the immediate vicinity are narrow and heavily parked with resident's vehicles. This also restricts the ability of this area to sustain further development. The proposed development would therefore represent an unacceptable intensification of use of a substandard private access regime, contrary to policy LP TRAN 4 of the Argyll and Bute Local Plan.

(Reference: Report by Head of Planning and Regulatory Services dated 11 April 2012, submitted)

5. MRS P MACKAY: SITE FOR THE ERECTION OF 2 DWELLINGHOUSES: LAND WEST OF LOCHVIEW, ARDFERN (REF: 11/02560/PPP)

The Principal Planning Officer spoke to the terms of the report and to supplementary planning report number 1. This application was continued from

the last meeting in order to afford the Applicants the opportunity to prepare an amended illustrative layout in an attempt to overcome some of the policy impediments to the proposal, and to allow Members an opportunity to give consideration as to whether an amended Area Capacity Evaluation (ACE) should be brought forward as justification for any prospective motion in support of the development. The Principal Planning Officer referred to the detail of the ACE prepared by Planning Officers and advised that the first task for the Committee was to determine the details of this. Councillor Colville presented an amendment to the ACE which was unanimously approved by Members.

The Committee then went on to consider the detail of the application. The Principal Planning Officer referred to the original submission and advised that the Roads Engineer raised no objections subject to access improvements. He advised that Craignish Community Council had objected on the grounds that the proposal was contrary to Local Plan Policy and the recently completed and approved Community Plan which will feed into the Local Plan. He advised that the Applicants had prepared an amended illustrative site layout giving due cognisance to the presence of the Rural Opportunity Area (ROA) boundary. The amended plan has confirmed that it would be possible to contain both dwellings and their access arrangements within the confines of the ROA and as a consequence it is sufficient to overcome recommended reason for refusal number 1 in the main report, insofar as appropriate conditions could render any enclosure of garden ground outwith the ROA as de minimus. However, at the time of writing the supplementary report, the retention of two dwellings and their repositioning as suggested did not overcome recommended reason for refusal number 2 which was founded around the conclusions of the Council's Landscape Capacity Study and the findings of the ACE prepared subsequently by Officers. In view of the Committee's decision to approve an alternative ACE this 2nd reason for refusal was now undermined. The Principal Planning Officer recommended that if the Committee were minded to approve the planning application conditions should be agreed limiting the position, scale and permitted development rights of plot 2.

Decision

The Committee agreed:-

1. That the ACE assessment is acceptable subject to the deletion of the section in the planning report around the assessment of capacity to absorb development and that the ACE assessment be concluded as set out in the Appendix to this Minute;
2. In light of the ACE assessment that the application be approved on the basis of the ACE assessment demonstrating that the development is compatible with planning policy and as such can be absorbed into the landscape with no detrimental impact given the analysis contained within the ACE critique;
3. That it be delegated to the Head of Planning and Regulatory Services in consultation with the Chair and Vice Chair of the Planning, Protective Services and Licensing Committee and Councillor Rory Colville to finalise appropriate conditions and reasons to be attached to the planning consent; and

4. Noted that approval of this planning application exhausts opportunities for further development in this ACE compartment.

(Reference: Report by Head of Planning and Regulatory Services dated 6 March 2012 and supplementary report number dated 12 April 2012, submitted)

6. DUNBRITTON HOUSING ASSOCIATION: FORMATION OF ROUNDABOUT ON A814 TO PROVIDE ACCESS TO NEW HOUSING DEVELOPMENT: HERMITAGE ACADEMY, CAMPBELL DRIVE, HELENSBURGH (REF: 12/00417/PP)

The Principal Planning Officer spoke to the terms of the report advising that planning permission was sought for the formation of a roundabout on the A814 to provide access to new housing development on part of the former Hermitage Academy site. A separate application for the development of part of this site has been submitted by the same applicant under reference 12/00319/PP and is pending determination. The application site is located within the settlement boundary of Helensburgh where there is a presumption in favour of development subject to a number of site specific criteria being met. The site was the subject of a detailed planning permission for a 166 dwelling development served by a roundabout access in April 2008 (07/01955/DET). That permission has not been implemented due to the applicant company having gone into receivership. Although the roundabout was approved as part of that consent which remains valid, it cannot be implemented independently of the approved development due to the effect of pre-commencement conditions associated with the development as a whole. Accordingly this separate application has been submitted which would enable construction of the roundabout without the complication of it being tied into detailed consent for residential development which is not to be pursued, but which is now intended to be the subject of a revised scheme. The extant permission is a material consideration in the determination of this application. It is considered that the proposal is acceptable and accords with Local Plan policies and is therefore recommended for approval subject to conditions and reasons detailed in the report.

Decision

1. Agreed to grant planning permission subject to the following conditions and reasons:-
 - (a) The development shall be implemented in accordance with the details specified on the application form dated 15/02/12 and the approved drawing reference numbers L(20) 008 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.

- (b) Within 4 months of the roundabout being first brought into use, it shall be completed by means of a scheme of surface treatment, landscaping and/or artwork in accordance with a scheme which shall be submitted in

advance and approved in writing by the Council as Planning Authority.

Reason: In order to secure an appearance appropriate to the locality in the interests of visual amenity.

2. Agreed that the final design of the roundabout be approved by the Helensburgh and Lomond Area Committee.

(Reference: Report by Head of Planning and Regulatory Services dated 30 March 2012, submitted)

7. MR J WALSH: ALTERATIONS AND EXTENSION TO DWELLINGHOUSE: VICTORIA VILLA, 34 ROYAL CRESCENT, DUNOON (REF: 12/00628/PP)

The Principal Planning Officer spoke to the terms of the report advising that this dwelling house lies within a Special Built Environment Area adjacent to Dunoon Conservation Area. The proposal involves the removal of the existing utility room, storage room, greenhouse, canopy and timber deck and the erection of a two storey extension. A sun lounge is to be erected to the south west elevation with a timber deck with associated steps leading onto the grassed area of the rear garden. The proposal accords with policies LP ENV 1, LP ENV 14, LP ENV 19 and LP HOU 5 of the Argyll and Bute Local Plan (2009) and the proposal raised no other material consideration which would justify refusal of permission.

Decision

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

1. The development shall be implemented in accordance with the approved drawings as follows: Drawing Number 305-01 and Drawing Number 305-02 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 29 March 2012, 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.

8. ENFORCEMENT UPDATE: 10/00319/ENAMEN

Consideration was given to an update on enforcement case 10/00319/ENAMEN.

Decision

Agreed to the recommendation detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services dated 18 April 2012, submitted)

The Chair ruled, and the Committee agreed, to invite the press and public back into the meeting.

Councillor Gordon Chalmers left the meeting at 11.50 am.

9. CHANGE TO THE PROVISION OF CONSUMER ADVICE IN SCOTLAND

Consideration was given to a report advising Members of the changes to the provision of consumer advice which, as a result of UK Government changes, has resulted in the consumer advice services being transferred from Consumer Direct's Hotline to the new Citizens Advice consumer service.

Decision

Noted the changes to the provision of consumer advice, and affirmed the decision made to enter into the new data sharing arrangements with Citizens Advice nationally which are required to facilitate an effective service to consumers within Argyll and Bute who will still be able to access the service unchanged.

(Reference: Report by Regulatory Services Manager dated March 2012, submitted)

10. JOINT HEALTH PROTECTION PLAN 2012 - 2014

The Public Health, etc (Scotland) Act 2008 requires each NHS Health Board to prepare a Joint Health Protection Plan (JHPP) every 2 years in consultation with their local authorities within their area. The Plan requires to be approved by each local authority and the NHS Board. The inaugural Plan was developed for 2010 – 2012 and approved by Members of the PPSL Committee on 21 April 2010. Consideration was given to the 2012 – 2014 Plan which outlines national and local priorities and the health protection arrangements between NHS Highland, Argyll and Bute Council and Highland Council.

Decision

The Committee agreed to:-

1. Note the work being undertaken across the health protection agenda which goes largely unrecognised until there is a significant incident where the measures come to the fore;
2. Approve the Joint Health Protection Plan 2012 – 2014; and
3. Place a requirement on the Regulatory Services Manager, as the Council's Designated Competent Person under the Act, to sign the plan on behalf of the Council and to implement the necessary measures to meet this plan and to provide an interim progress report for the April 2013 Committee.

(Reference: Report by Regulatory Services Manager dated March 2012 and NHS Highland Area Joint Health Protection Plan April 2012 – March 2014, submitted)

11. OCCUPATIONAL HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2012 - 2013

The Council provides a statutory workplace safety law enforcement service in terms of the Health and Safety at Work etc (Scotland) Act 1974 and is required in terms of the Section 18 Guidance issued by the Health and Safety Executive to formally approve an Occupational Health and Safety Law Enforcement Plan annually. A report presenting the Occupational Health and Safety Law Enforcement Plan 2012 – 2013 and the Enforcement Policy was considered.

Decision

1. Approved the Plan and Enforcement Policy relating to Occupational Health and Safety Law Enforcement which details the service priorities for 2012-13 and noted the drive to revitalise health and safety enforcement in Argyll and Bute Council;
2. Noted the significant changes to how health and safety enforcement is delivered in the United Kingdom and that the Council is currently reviewing its arrangements in line with these requirements to ensure local and national priorities are met; and
3. Agreed that a report should be brought to the PPSL Committee in October 2012 confirming these new arrangements referred to in decision 2 above.

(Reference: Report by Regulatory Services Manager dated March 2012, Argyll and Bute Council's Occupational Health and Safety Law Enforcement Plan 2012-13 and Argyll and Bute Council's Occupational Health and Safety Law Enforcement Policy, submitted)

12. ANIMAL HEALTH SERVICE PLAN 2012 - 2013

The Council's Animal Health and Welfare Strategy duties are provided by qualified and competent authorised inspectors located within the Council's Regulatory Services Unit. As a requirement of the new Framework Document issued by the Scottish Government, the Service Plan required to be formally approved by the Council. A report detailing the Animal Health and Welfare Service Plan for 2012/2013 was considered.

Decision

1. Approved the Service Plan subject to the following amendments:-

In respect of undertaken primary production inspections, Programmed inspection programme of 20 premises to be completed instead of 59 premises due to a reduction in funding.

In respect of Exercise the Argyll and Bute Generic Disease Plan, remove reference to the multi agency forward operating centre as this has already

been completed; and

2. Recognised the Animal Health and Welfare Service meets the standards defined in the Framework Agreement for Local Authorities.

(Reference: Report by Regulatory Services Manager dated March 2012 and Animal Health and Welfare: Operational Plan and Priorities 2012-13, submitted)

13. FOOD SAFETY LAW ENFORCEMENT WORK PLAN 2012 - 2014

The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement requires the Council to produce and review an annual Food Safety Service Plan for consideration and approval by elected Members. A report presenting the Food Safety Law Enforcement Service Plan for 2012 – 2013 was considered.

Decision

The Committee agreed to:-

1. Recognise the work being undertaken by Environmental Health staff in respect of food safety and note the achievements in 2011/12 in protecting food safety and supporting businesses; and
2. Approve the Food Safety Law Enforcement Service Plan for 2012-13; the appointment of the statutory Public Analysts, Agricultural Analyst and Food Examiners, and revisions to the Council's Enforcement Policy.

(Reference: Report by Regulatory Services Manager dated March 2012 and Food Safety Law Enforcement Plan 2012/13, submitted)

14. VALEDICTORY

The Chair thanked Members and Officers for all their help and contributions to the PPSL Committee over the last 5 years.

Appendix A

d) Capacity to Absorb Development Successfully

The character of this rural area is essentially of undulating rough and semi-improved roughgrazing set on a series of plateau which step back from the coastscape. Existing development is concentrated in a loose cluster around the Corranmor Farm and the recommendation of the Council's LCS seeks to reinforce this pattern.

The Council's LCS allows a restricted area of land for further small scale development, the extent of this apparently being defined by the southern boundaries of the ROA and by a desire that development visually coalesce within a loose cluster around Corranmor and that development be restricted to two or three new buildings so as to avoid overdevelopment at this location.

The planning permissions in principle for three dwellings which have been granted within the ACE compartment during early 2011 have been arrived with officers having satisfied themselves that development in the middle and upper tiers of the compartment would largely be screened from view from the B8002, and in the knowledge that although open to view from Loch Craignish, buildings at these location would appear as part of a grouping around Corranmor, as relatively small elements set against the backdrop of higher land to the north which frames a panoramic landscape/coastscape setting. The permissions previously granted relate specifically to locations on the edge of the ACE compartment where development can be set against points of transition in the immediate landscape setting, with additional planting to reinforce these features. It is considered that the upper portion of the ACE compartment does not hold any further capacity for development, as this would involve breaking into the open areas of rough and semi-improved grazing where new development would appear isolated from existing built development around Corranmor. It is also recognised that it would be desirable to preserve elements of space between buildings to retain the essentially rural, low density, informal characteristics of the existing development pattern and such it is considered that future proposals for the infilling of essential spaces between buildings would be resisted.

Turning to the lower portion of the ACE compartment, it is considered that there is the ability for the landscape to accommodate additional development successfully as the dwellings consented above Corranmor have not exhausted the development potential of Corranmor Farm to act as a focus for a related cluster of buildings. Two further dwellings could reinforce the existing development at Corranmor without significantly increasing the development footprint in this area, provided that built development is confined to the ROA boundary, other than for any encroachment of garden ground which could be regarded as being de minimis. Furthermore, two properties could be sited so as to minimise the impact from the key view points and with appropriate design and landscape works could be successfully integrated into their landscape setting. This scale of development designed and laid out in a sensitive manner would not appear a dominant feature in the relatively contained views afforded from the B8002 in either direction.

In concluding the above, I have been influenced by the applicant's

commissioned landscape report (Grontmij Nov 2011) which arrives at a different conclusion and challenges the capacity assumption arrived at in the previous Landscape Capacity report produced by Gillespies on behalf of the Council, which concluded that up to three additional dwellings would represent the point at which development capacity is reached. Gillespies conclusion was based on the premise that the farmstead at Corranmor represented an appropriate focus for additional small-scale development in the countryside, but that a dispersed loose cluster would be the most suitable form of development. The stance adopted by Grontmij is that a more tightly grouped cluster of buildings would be appropriate, particularly given their view that the loose association achieved by the unimplemented consents granted to date is too tentative as an attempt to focus development in an appropriate manner, in the interests of creating a sense of place. I am minded to support the professional view from Grontmij as to the capacity to absorb the proposed development rather than that of the Council's consultants, as I believe that there will not be an adverse visual impact on the landscape if the development is allowed to proceed on the basis that it is sited and designed so that it does not intrude inappropriately on the skyline above the public road or detract significantly from key views out from the footpath passing the site. This can be achieved by careful siting and landscaping conditions as part of the submission of details pursuant to the granting of consent in principle.

The proposed development can therefore be accommodated into the settlement pattern of the ACE compartment but will exhaust the capacity for any further development in this ACE area.