

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 22 OCTOBER 2014**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Neil MacIntyre	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Major Applications Team Leader
Stephen Fair, Area Team Leader, Oban, Lorn and the Isles

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Mary-Jean Devon and Alistair MacDougall.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

(a) The Minute of the Planning, Protective Services and Licensing Committee held on 24 September 2014 at 10.30 am was approved as a correct record.

(b) The Minute of the Planning, Protective Services and Licensing Committee held on 24 September 2014 at 2.00 pm was approved as a correct record subject to the following amendment:

Councillor Sandy Taylor to be added to the list of those who had submitted apologies.

4. ISLE OF LUING COMMUNITY TRUST: DISCHARGE OF CONDITION - VARIATION OF CONDITION 9 (ROOFING SLATE) OF PLANNING PERMISSION 10/1059/PP: THE ATLANTIC ISLANDS CENTRE, CULLIPOOL, ISLE OF LUING (REF: 14/01018/PP)

The Major Applications Team Leader spoke to the terms of the report which related to the Atlantic Islands Centre currently under construction. In August 2014 the Committee considered an application to vary condition 9 to enable the use of Matacouta Spanish Slate. The Committee agreed with the Officer's recommendation not to accept this and it was agreed to

amend the wording of the original condition and delete reference to West Highland Slate but still request that samples of the slate proposed to be used be submitted for approval. The Applicant now wished to discharge this condition and Officers met on site with the Applicant to look at alternative slates, samples of which were presented to Members for consideration. The Applicant's preferred material is CUPA Heavy 3. Reference was made to an email received from Edna White regarding her request that Scottish Slate be used on this building. A letter from a geologist from the Slate Forum accompanied this email. The Conservation Officer has confirmed that although the use of West Highland Slate remained a preference, there was a compelling argument that the finite resource of second West Highland Slate is retained for use on existing listed buildings and repairs within Conservation Areas; whereas new build developments provide an opportunity for new materials to be applied. The Conservation Officer is satisfied that the CUPA Heavy 3 option is a good colour match to Luing Slate and laid to diminishing courses would be acceptable. It was recommended that the request to utilise CUPA Heavy 3 roofing slate on this building be accepted on the basis that it is considered an appropriate natural slate for use on a new build project provided the slates are no larger than 405 x 205 mm and laid to diminishing courses.

Motion

Agreed to approve the Officer's recommendation as detailed in the report at section (D).

Moved by Councillor David Kinniburgh, seconded by Councillor Richard Trail.

The Chair ruled and the Committee agreed to adjourn the meeting at 11.35 am to give Councillor McCuish the opportunity to prepare a competent Amendment.

The Committee reconvened at 11.45 am.

Amendment

That the request to discharge condition 9 be refused on the basis that the introduction of CUPA Heavy 3 slate would have a detrimental impact on the appearance and character of the Conservation Area given the difference in appearance between the CUPA Heavy 3 slate and natural West Highland Slate due to CUPA Heavy 3 slate's lack of texture, different colour and size from West Highland Slate which remains available to the developer and which there is a compelling case for the use of West Highland Slate on this heritage building in a historic slate village.

Moved by Councillor Roderick McCuish, seconded by Councillor George Freeman.

The Motion was carried by 7 votes to 5 and the Committee resolved accordingly.

Decision

Agreed that the agent's request to utilise CUPA Heavy 3 roofing slate on this building be accepted on the basis that it is considered an appropriate natural slate for use on a new build project. The use of the CUPA Heavy 3 would retain the finite resource of WHS for use in Listed Buildings and conversion projects as well as sitting comfortably within the context of a new building. The CUPA Heavy 3 is also considered to be an appropriate match in this context given its colouring, grain, texture and edge detail which closely align to that of WHS.

Provided the slates are no larger than 405 x 205mm and laid to diminishing courses, it will result in an appropriate appearance in terms of the completed new building, and will not harm the surrounding Cullipool Conservation Area which already contains a number of different slate types.

(Reference: Report by Head of Planning and Regulatory Services dated 20 October 2014, submitted)

5. MR CHARLES DIXON-SPAIN: RETENTION OF A CABIN FOR OFFICE USE FOR A TEMPORARY PERIOD OF 36 MONTHS (RETROSPECTIVE): DUNANS CASTLE, GLENDARUEL, COLINTRAIVE (REF: 14/01500/PP)

The Head of Planning and Regulatory Services spoke to the terms of the report advising that this retrospective application related to the retention of a timber building for office use within the curtilage of category B listed Dunans Castle for a period of 36 months. The application site sits within Sensitive Countryside in the adopted Local Plan. Structure Plan policy STRAT DC 5 would normally require an Area Capacity Evaluation (ACE) to be undertaken. An ACE has not been carried out in this case as the building is small scale, only for a temporary period and does not have a significant impact on its surroundings. Reference was made to one objection that had been received. Following the service of an enforcement notice, retention of the building until September 2017 has been allowed on appeal and no purpose would be served by the refusal of permission to retain the building for 36 months, as requested. It was therefore recommended that planning permission be granted as a 'minor departure' to development plan policy subject to the conditions and reasons numbered 1 and 2 detailed in the report and an amendment to condition and reason number 3.

Decision

Agreed to grant planning permission as a 'minor departure' to development plan policy subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the approved drawings:
 - 1:10000 Location Office

- 1:2500 Location Office
- 1:500 Location Office
- 1:50 Plan view
- 1:100 Northeast and southwest elevations
- 1:100 Southeast and northwest elevations

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.

2. This permission shall cease on or before 31 August 2017 and immediately thereafter the building hereby permitted shall be removed from the site and the land restored to an equivalent condition to that of the land surrounding the development site.

Reason: To safeguard the long term setting of the Category B listed building, Dunans Castle

3. Notwithstanding the provisions of Class 4 (Business Use) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the subject building shall be used solely for administrative purposes associated with the management and restoration of Dunans Castle and the related 'Scottish Laird' business operated by the applicant and for no other purpose.

Reason: To underpin the locational need accepted in the granting of this temporary permission.

(Reference: Report by Head of Planning and Regulatory Services dated 9 October 2014, submitted)

6. MR CHARLES DIXON-SPAIN: ALTERATIONS TO LISTED BUILDING: DUNANS CASTLE, GLENDARUEL, COLINTRAIVE (REF: 14/01928/LIB)

The Head of Planning and Regulatory Services spoke to the terms of the report advising that listing building consent was sought for certain works undertaken to the Category B Listed Dunans Castle which were not in accordance with a previous listed building consent granted. The proposal accords with policies STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and LP ENV 13(a) of the Argyll and Bute Local Plan 2009 and was recommended for approval subject to clearance from Historic Scotland and the conditions and reasons detailed in the report.

Decision

Subject to clearance from Historic Scotland, agreed to grant Listed Building Consent subject to the following conditions and reasons:-

1. Prior to the erection of the garden room, full details (including samples) of its roof covering and the dimensions and profile of the frames to be used in its construction (which shall be timber) shall be submitted to and approved in writing by the Planning Authority. The garden room shall be constructed using the approved details unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of visual amenity in order to protect the character of Dunans Castle as a listed building.

2. Unless otherwise agreed in writing with the Planning Authority, all other alterations to the building shall be undertaken in accordance with the document entitled “*Dunans Castle & House Planning and Listed Building Consent Notes*” which was produced and approved in association with the previous Listed Building Consent ref: 05/00398/LIB.

Reason: In the interests of visual amenity in order to protect the character of Dunans Castle as a listed building.

(Reference: Report by Head of Planning and Regulatory Services dated 9 October 2014, submitted)

Councillors Gordon Blair and Donald MacMillan left the meeting prior to the determination of the foregoing application.

7. CONSULTATION ON PLANNING CONTROLS, PAY DAY LENDING AND BETTING OFFICES

Consideration was given to a proposed response to the Scottish Government consultation regarding the possible extension of Planning controls on Betting Offices and Pay Day Lenders.

Decision

The Committee agreed:-

- (a) To the response to the consultation as detailed in the Appendix to the report;
- (b) that reference to betting shops should be removed from Class 2, and included in the list of uses which are outwith a particular use class (*sui generis*);
- (c) to recommend that changes of use from betting shops to Class 1 (Retail) or Class 2 (Financial Professional and other services) continue to be permitted development; and
- (d) to object to proposed amendments to Class 2 in order to address the issue of Pay Day Lenders, on the basis that the proposals could extend the requirement to apply for planning permission to many other businesses in the financial services, professional or other services

sectors, which are considered appropriate to the role and function of town centres, and the use of premises for PDL in planning terms is indistinguishable from other premises offering financial services.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 6 October 2014, submitted)

8. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS

A report advising of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals was considered.

Decision

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services dated 10 October 2014, submitted)