

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry



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10 February 2016

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 17 FEBRUARY 2016** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 20 January 2016 at 11.00 am (Pages 1 - 6)
 - (b) Planning, Protective Services and Licensing Committee 20 January 2016 at 2.00 pm (Pages 7 - 10)
 - (c) Planning, Protective Services and Licensing Committee 20 January 2016 at 2.20 pm (Pages 11 - 14)
 - (d) Planning, Protective Services and Licensing Committee 20 January 2016 at 2.40 pm (Pages 15 - 16)
 - (e) Planning, Protective Services and Licensing Committee 20 January 2016 at 3.00 pm (Pages 17 - 20)
 - (f) Planning, Protective Services and Licensing Committee 20 January 2016 at 3.20 pm (Pages 21 - 22)

4. MINISTRY OF DEFENCE: RESURFACING OF EXISTING SPORTS PITCH, INSTALLATION OF FLOODLIGHTS AND WIRE PERIMETER FENCE: PLAYING FIELD NORTH OF MONITORING STATION, CUMBERLAND ROAD, RHU (REF: 15/02729/PP

Report by Head of Planning and Regulatory Services (Pages 23 – 44)

5. PLANNING AND REGULATORY SERVICES PERFORMANCE REPORT, FQ3 2015-16

Report by Head of Planning and Regulatory Services (Pages 45 – 52)

6. PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS

Report by Head of Planning and Regulatory Services (Pages 53 – 56)

Planning, Protective Services and Licensing Committee

Councillor David Kinniburgh (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor George Freeman	Councillor Alistair MacDougall
Councillor Neil MacIntyre	Councillor Robert Graham MacIntyre
Councillor Donald MacMillan	Councillor Roderick McCuish
Councillor Alex McNaughton	Councillor James McQueen
Councillor Sandy Taylor	Councillor Richard Trail

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 JANUARY 2016**

Present: Councillor David Kinniburgh (Chair)

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

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Sandra Davies, Acting Area Team Leader
Mark Lodge, Senior Planning and Strategies Officer

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

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 11 December 2015 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 10.45 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 2.00 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 2.20 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 2.40 pm was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 3.00 pm was approved as a correct record.
- g) The Minute of the Planning, Protective Services and Licensing Committee held on 16 December 2015 at 3.20 pm was approved as a correct record.

4. DR NORMAN MACDONALD: ERECTION OF RECREATIONAL/FISHING HUT (RETROSPECTIVE): LAND NORTH EAST OF KENOVARA, BENDERLOCH, OBAN, ARGYLL AND BUTE, PA37 1QS (REF: 15/01225/PP)

The Acting Area Team Leader spoke to the terms of the report and supplementary report 1 which advised of a substantive change to the recommendation first advanced to Members in November 2015 and the reasons for the reversal of the Planning Authority's original position. She also referred to supplementary report 2 which advised of the receipt of further correspondence from the Solicitor acting on behalf of the Applicant and further information from the adjacent land owner citing legal advice obtained from their solicitor. The Committee considered this retrospective planning application at their meeting on 18 November 2015 and it was agreed to continue consideration until the legal matter regarding ownership and use rights of Lochan Dubh was concluded. Whilst no agreement has been reached between the Applicant and the objector and no further evidence submitted, the Council's Solicitor has been asked to review the available documentation and has concluded that whilst the ownership of the lochan may indeed be fragmented between both parties, the balance of evidence clearly points to the fishing rights and all other rights pertaining to the water contained by the lochan having been reserved for the sole benefit of Sir Roderick and Lady Caroline Campbell (the objector). In light of this, it is considered that the Applicant's 'exceptional case' argument fails such that the planning authority is no longer able to support the application for planning permission for the reasons stated in supplementary report number 1.

Decision

The Committee agreed to refuse retrospective planning permission for the following reasons:-

1. The proposed retrospective development seeks the retention of an unlawful, small scale, timber building located within a wider 'countryside zone' within which the relevant provisions of the Local Development Plan would only offer support for such a development on the basis of it constituting an acceptable infill, rounding-off or redevelopment opportunity or else, and in exceptional circumstances only, if the proposed development is on an appropriate site and accords with an Area Capacity Evaluation.

In this case, the development does not constitute any appropriate infill, redevelopment or rounding-off opportunity within the countryside zone and neither is it considered that any substantive exceptional circumstances exist; the Applicant's claim of an exceptional case based wholly on a locational/operational need to site the proposed fishing hut immediately adjacent to Lochan Dubh being not supported by the Planning Authority on the balance of the submitted and available evidence.

The proposed development is therefore considered contrary to the relevant provisions of the Local Development Plan, specifically part E of policy LDP DM 1 which is only supportive of new development within the countryside which can be defined as infill, rounding off or redevelopment unless an exceptional case has been made and accepted and point (1) of supplementary guidance policy LDP REC/COM 1 as it does not accord with policy DM1.

(Reference: Report by Head of Planning and Regulatory Services dated 6 November 2015, Supplementary Report Number 1 dated 21 December 2015 and Supplementary Report Number 2 dated 15 January 2016, submitted)

5. HOUSES FOR HEROES SCOTLAND AND THE CHRYSTAL TRUST: ERECTION OF 2 DWELLINGHOUSES AND THE FORMATION OF VEHICULAR ACCESS: LAND EAST OF SHIRA LODGE, MAIN ROAD, CARDROSS (REF: 15/03004/PP)

Before commencing with her presentation the Acting Area Team Leader advised of a late representation of support from Councillor Maurice Corry and the contents of his email were read out to the Committee. Reference was also made to email correspondence between the Chief Executive of Houses for Heroes and the Council's Chief Executive and a copy of this was tabled to Members. It was agreed to adjourn the meeting for 10 minutes to allow Members the opportunity of reading through this correspondence and supplementary report number 1 which advised of additional representations both objecting to and in support of this application together with further comments from the Applicants' Agent and which was circulated the day before this meeting. The Area Team Leader also advised of a further late representation of support received by email from Mr P Watson. Planning permission is sought for the erection of 2 dwellinghouses and the formation of a new access on a site adjoining Cardross Old Parish Church and Churchyard. The site is located within the greenbelt and Cardross Conservation Area. This proposal follows on from an application for 3 dwelling houses at the same site which was refused following a hearing held in November 2014. It is recommended that planning permission be refused for the reasons detailed in the report of handling but due to the number of representations received it is also recommended that a hearing be held in advance of determination of this application.

Motion

To agree to hold a pre determination hearing in respect of this application.

Moved by Councillor George Freeman, seconded by Councillor Roderick McCuish

Amendment

To agree to hear the full presentation from Planning before determining whether or not a hearing is required.

Moved by Councillor David Kinniburgh, seconded by Councillor Sandy Taylor

The Motion was carried by 8 votes to 6 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a pre determination hearing in respect of this application.

(Reference: Report by Head of Planning and Regulatory Services dated 7 January 2016 and Supplementary Report Number 1 dated 19 January 2016, submitted)

6. HOUSES FOR HEROES SCOTLAND AND THE CHRYSTAL TRUST: PARTIAL DEMOLITION OF LISTED BOUNDARY WALL TO FACILITATE CONSTRUCTION OF VEHICULAR ACCESS: LAND EAST OF SHIRA LODGE, MAIN ROAD, CARDROSS (REF: 15/03005/LIB)

Listed building consent is sought for the formation of a new access in connection with an associated development for the erection of 2 dwellinghouses on a site adjoining Cardross Old Parish Church and Churchyard.

Decision

The Committee agreed to consider this item in conjunction with the previous item at a pre determination hearing, as agreed at item 5 of this Minute.

(Reference: Report by Head of Planning and Regulatory Services dated 7 January 2016 and Supplementary Report Number 1 dated 12 January 2016, submitted)

7. INDEPENDENT REVIEW OF PLANNING

A report advising that the Scottish Government has appointed an independent panel to undertake a strategic level review of the planning system to identify the scope for further targeted improvements to the system was before Members for consideration. As part of the review the Scottish Government is looking for input from all those with an interest in the planning system, and a questionnaire covering six broad elements of the planning system has been issued to allow for the submission of written evidence. The closing date for the submission of written evidence was 1 December 2015 and an Officer response to the review questionnaire has been submitted to the Scottish Government and is appended to the report.

Decision

The Committee noted the Officer response to the review questionnaire.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 2 December 2015, submitted)

8. ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE: RENEWABLES

A report advising Members of additional proposed supplementary guidance on renewable energy developments and spatial framework for windfarms was considered.

Decision

The Committee agreed:-

1. to approve the publication of the Draft Supplementary Guidance on Renewables for public consultation for a 6 week period in February/March 2016;
2. that at the end of the consultation period a report be submitted to the PPSL Committee summarising the issues raised by any representations on the

Supplementary Guidance and provide an Officer recommendation for the finalised policy for consideration by Committee; and

3. that after consideration of the finalised policy by the PPSL Committee a report be sent to Council for approval to send Notification of Intention to Adopt to Scottish Ministers, and thereafter adoption by the Council.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 17 December 2015, submitted)

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and 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.

9. ENFORCEMENT REPORT - 15/00059/ENOTH2

Consideration was given to enforcement case reference 15/00059/ENOTH2.

Motion

To agree the recommendations as detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Alex McNaughton

Amendment

To agree the recommendations in the report subject to the timescale of 3 months being changed to 4 months.

Moved by Councillor Sandy Taylor, seconded by Councillor Gordon Blair

The Motion was carried by 9 votes to 3 and the Committee resolved accordingly.

Decision

The Committee agreed the recommendations in the report.

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 JANUARY 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Alex McNaughton
Councillor Robin Currie	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Kate Connelly, Solicitor
John Steven Shaw, Applicant
Jane MacLeod, Applicant's Solicitor
Inspector Julie McLeish, Police Scotland
Heather Murray, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, George Freeman, Roderick McCuish and Neil MacIntyre.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (J SHAW, OBAN)

The Chair welcomed everyone to the meeting and introductions were made. Thereafter he outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

Applicant

Mrs MacLeod spoke on behalf of Mr Shaw. She referred to Mr Shaw's previous convictions and the circumstances surrounding each of these. Referring to the incident in 2012 when Mr Shaw was cautioned and charged for stopping on zig zag lines at Combie Street, Oban, Mrs MacLeod explained that Mr Shaw had believed that a pedestrian standing at this location looked ill and that he had stopped to check that they were okay. She stated that Mr Shaw was approached by the Police and asked to move off the crossing. At the request of the Police he produced his driving licence which detailed an address which was not his current address. Mrs MacLeod advised that in respect of the incident with the zig zag lines a not dissimilar incident occurred with another taxi driver and on that occasion Members did not consider that taxi driver not good enough to hold a Taxi Driver's Licence. She advised that this was not the most heinous of crimes and that the Committee should be proud that taxi drivers in the Oban area were prepared to go to someone in need. Mrs MacLeod then referred to the conviction of fraud in 2009 and acknowledged that this was more

serious. She explained that Mr Shaw and his partner had come to trust a gentleman who was staying for an extended period in their hotel and they had agreed to let this gentleman borrow their vehicle. She advised that when the gentleman failed to return with the vehicle Mr Shaw had reported the left of his car and made a claim on his car insurance. She explained that the insurance company did not consider this to be theft as Mr Shaw had handed his car keys over to the gentleman and he was subsequently detained and charged with knowingly making a false statement to his insurance company. She confirmed that Mr Shaw received no insurance money and that his car was eventually returned having been found abandoned near Edinburgh. Mrs MacLeod advised that the circumstances surrounding this offence were presented to the Licensing Board and that they were satisfied with this explanation. She stated that Mr Shaw had been a victim in this case and not a fraudster. She stated that Mr Shaw has run a successful business before and that he continues to do so. She advised that the Licensing Board considered Mr Shaw to be a fit and proper person to hold a liquor licence and asked the Committee to agree that Mr Shaw was a fit and proper person to hold a Taxi Driver's Licence.

Police

Inspector McLeish referred to a letter of representation from the Divisional Commander which drew Members' attention to convictions the Applicant had received in respect of incidents which took place on 31 October 2008 and 2 December 2012. She provided detail of the incidents and advised that in light of these Members may wish to consider whether or not the Applicant was a fit and proper person to be the holder of a Taxi Driver's Licence. Inspector McLeish confirmed that this was not an objection but a representation as it was felt appropriate that these matters be brought to the Committee's attention for consideration.

Questions from Applicant

Mrs MacLeod asked Inspector McLeish to note that the car was stolen from the Rowantree Hotel and not the Woodside Hotel. Inspector McLeish acknowledged that this may well have been the case.

Members' Questions

Councillor Trail sought and received confirmation from Mr Shaw that he ran a business in Oban and that this was a full time occupation. Mr Shaw confirmed that he ran the business with his partner and that he employed 21 members of staff.

Councillor Colville sought and received confirmation from Inspector McLeish that Mr Shaw was convicted of stopping on the zig zag lines and for not having his current home address on his driver's licence.

Councillor Kinniburgh sought and received confirmation from Mr Shaw that his name was John Steven Shaw and that he was known as Steven.

Councillor Robert MacIntyre sought and received confirmation from Mr Reppke that the 2 convictions referred to by the Police were considered current. Mr Reppke advised that Mrs MacLeod had referred to an earlier conviction which was considered spent.

Summing Up

Police

Inspector McLeish advised that she had already reported all that needed to be said. She appreciated the liquor licence in place held by Mr Shaw and referred again to the matter regarding fraud.

Applicant

Mrs MacLeod reaffirmed that the explanation regarding fraud had been accepted by the Licensing Board. She confirmed that Mr Shaw had admitted the charge but did not consider it to be fraud. She advised that he now understood that as he had handed over his car keys this was not theft and that Mr Shaw would most certainly not do this again with his car keys and certainly not with taxi car keys and that he had learnt from this unfortunate experience. She referred again to the incident regarding the zig zag lines where Mr Shaw had gone to help someone. She asked the Committee to consider ignoring both convictions and to consider Mr Shaw to be a fit and proper person to be the holder of the licence applied for.

When asked both parties confirmed that they had received a fair hearing.

Debate

Councillor Currie stated that he noticed that no objections had been received from the taxi trade in Oban. He advised that what sold it for him was the fact that the Licensing Board had considered the fraud offence from 2009 and decided that Mr Shaw was a fit and proper person to run a licensed premises. He noted Mrs MacLeod saying that as Mr Shaw was considered a fit and proper person to hold a liquor licence then he should be considered a fit and proper person to hold a Taxi Driver's Licence. He stated that he would have no hesitation in granting this licence to Mr Shaw.

Decision

The Committee agreed to grant a Taxi Driver's Licence to Mr Shaw.

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 JANUARY 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Alex McNaughton
Councillor Robin Currie	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Kate Connelly, Solicitor
John Steven Shaw, Applicant
Jane MacLeod, Applicant's Solicitor
Inspector Julie McLeish, Police Scotland
Heather Murray, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, George Freeman, Roderick McCuish and Neil MacIntyre.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR'S LICENCE (J SHAW, OBAN)

The Chair welcomed everyone to the meeting and having previously explained the procedure that would be followed at the hearing for the Applicant's Taxi Driver's Licence application he invited the Applicant to speak in support of this application.

Applicant

Mrs MacLeod spoke on behalf of Mr Shaw. She advised that the Taxi Operators who had objected to this application were not present today. She added that the objections submitted appeared to be on a standard blank letter which may have been handed out for signing. She stated that the only objection which was not the same came from Julie MacKay who had raised concerns about the number of taxis at the rank and the difficulties with accommodating all the taxis due to construction works currently being carried out in Oban. Mrs MacLeod advised that these works seem to be settling down now so this objection was not relevant. She also advised that Mr Shaw did not intend sitting at the rank. She referred also to the Survey carried out in 2013 which stated that there was no significant unmet demand. She said that since the survey had been carried out Mr Shaw has spoken to the Council and received confirmation that 6 new licences have been issued and not all to the Oban area. She pointed out that Cal Mac would be shortly introducing 2 vessels for the Oban to Mull route and with the introduction of RET on this route would likely see

an increase in visitors to Oban and an increase in demand for taxis. She stated that the 2013 Survey was dated. She advised that Mr Shaw has heard from customers at his hotel having difficulty getting taxis to take them to the train station and ferry terminal and that this demand was what prompted him to apply for a Taxi Operator's Licence so that he could provide his customers with a service based at the Rowantree Hotel and not at the rank. She advised that Mr Shaw would have a 5 door 8 seater vehicle and that it was his intention to adapt this for wheelchair and disabled access. She stated that given the number of wheelchair users this would only enhance the service in the town. Mrs MacLeod advised that in Argyll and Bute Taxi Operators report that almost 70% of their clients pre book by telephone and that Mr Shaw expected that this would continue to be the case when they realise what type of vehicle he has. Mrs MacLeod said that Mr Shaw's taxi would be based at the Rowantree Hotel and would not add to the taxis already at the rank and that this would benefit visitors to and residents of the town. Mrs MacLeod assured Members that Mr Shaw would not cause any further congestion at Station Square and that he would not be in direct competition with the taxis there. She asked Members to grant Mr Shaw a Taxi Operator's Licence and accept the explanations given for his previous convictions at the early hearing for his Taxi Driver's Licence.

Police

Inspector McLeish advised that her representation made at the earlier hearing was the same in respect of this application.

Members' Questions

Councillor Trail sought and received confirmation from Mr Shaw that the Rowantree Hotel had 24 bedrooms capable of accommodating 48 people and that he employed 21 members of staff.

Councillor Trail also sought and received confirmation on the location of the hotel within Oban and when asked Mr Shaw confirmed that his taxi would be available to hire all day and all night. Mr Shaw also advised that his hotel was about 2.5 minutes away from the ferry when travelling by car.

Councillor Trail asked why, if it was Mr Shaw's intention just to take bookings from his hotel, he did not apply for a Private Hire Operator's Licence instead. Mr Shaw advised that he believed that this would be the best Licence to apply for.

Councillor Colville asked if Mr Shaw was offering not to sit at the rank but just to take bookings from his hotel. Mrs MacLeod advised that there may be an occasion when returning from dropping off a customer at the ferry that he could pick up fares from the rank if he was flagged down.

Mr Reppke confirmed that it would not be possible to impose a condition preventing a Taxi Operator from sitting at the rank.

Councillor Robert MacIntyre referred to Mr Shaw's intention to convert his car for wheelchair and disabled access and asked if this could be a condition. Mr Shaw advised that he would be happy for this to be made a condition.

Councillor MacIntyre asked Mr Shaw if he would accept guide dogs in his car. Mr Shaw confirmed that he would.

Councillor Currie asked Mr Shaw and Mrs MacLeod if they would agree that if Mr Shaw was to travel from the Rowantree Hotel to the ferry terminal in 2.5 minutes he would likely be committing another offence. Councillor Currie referred to it sometimes taking up to 30 minutes to get through Oban depending on the time of day and he suggested that it would be beneficial to have another taxi rank at the top of the town. Mr Shaw confirmed that he would use this if it was there.

Councillor Colville referred to the 2013 Survey and asked if Mr Shaw had any evidence of any unmet demand. Mrs MacLeod referred to the increase in housing in the area which would continue to be delivered. She advised that it was hoped that Oban would eventually be a University town and added that the Premier Inn was going to invest in Oban. She referred to the addition of RET to the Oban – Mull ferry route and stated that the economy of Oban appeared to be doing well with the population increasing and not having the same ageing population as other parts of rural Argyll and Bute.

Councillor Robert MacIntyre referred to a report on wheelchair accessible taxis which had recently been considered by the Committee and asked if there was a demand for this type of vehicle in Oban. Mr Reppke advised that it had been noted by the Committee that there was currently no unmet demand in the area and that they agreed to review this in the future.

Councillor Kinniburgh asked Mr Shaw if he had researched whether there was any other disabled access taxis in Oban. Mr Shaw advised that he was aware of 1 other taxi but thought that there may be another 2. Councillor Kinniburgh referred to the report mentioned by Councillor MacIntyre and advised that this report had advised of 3 wheelchair accessible taxis in Oban.

Councillor Kinniburgh sought and received confirmation from Mrs MacLeod that Mr Shaw wished to hold a Taxi Operator's Licence rather than a Private Hire Operator's Licence as this would enable Mr Shaw to pick up fares on return from dropping customers off at the train station and ferry terminal and that one journey could in turn lead to 2 or even 3 journeys before his return to the hotel. She confirmed that Mr Shaw wanted to be covered for every eventuality.

Councillor Kinniburgh sought and received confirmation from Mr Shaw that if there was another taxi rank at the other end of the town he may sit at that rank.

Summing Up

Police

Inspector McLeish advised that the representation submitted by Police Scotland was before Members for their information and consideration.

Applicant

Mrs MacLeod indicated that 4 wheelchair accessible vehicles would not be enough for a town the size of Oban. She advised that depending on how well his business did Mr Shaw may employ someone else in the future to take on some driving shifts. She referred to Oban growing and advised that the addition of an 8 seater taxi to the area would be welcome.

When asked both parties confirmed that they had received a fair hearing.

Debate

Councillor Trail advised that in the past when granting Operator Licences this has been due to the justification of special circumstances. He stated that an Operator's plate was a valuable thing and that on this occasion he did not think the Committee had heard any special circumstances to justify another Licence being granted for Oban. He stated that he believed Mr Shaw had applied for the wrong type of Licence. He added that Mr Shaw already ran a successful business so his livelihood did not depend on being granted this Licence. He stated that he was minded not to grant the Licence.

Councillor Currie advised that he held the opposite view. He confirmed that he had originally had doubts but having heard what had been said he was totally convinced that there was a need for this type of taxi service in Oban. He stated that there should be another taxi rank at the top end of the town as there was a lot of hotels and bed and breakfast establishments there as well as the Corran Halls which was close to the Rowantree Hotel. He stated that there was a huge opportunity here which he expected would do well. He referred to Mr Reppke advising before that people from the islands were unable to get taxis. He confirmed that he thought the Licence should be granted.

Councillor McNaughton advised that he supported Councillor Currie.

Motion

To agree to grant a Taxi Operator's Licence to Mr Shaw

Moved by Councillor Robin Currie, seconded by Councillor Alex McNaughton

Amendment

To agree not to grant a Taxi Operator's Licence to Mr Shaw as there was no significant unmet demand in the Oban area.

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

The Motion was carried by 8 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to grant a Taxi Operator's Licence to Mr Shaw.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
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Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Sandy Taylor
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Kate Connelly, Solicitor
Mr MacDonald, Applicant
Mrs MacDonald, Applicant's wife

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, George Freeman, Roderick McCuish, Neil MacIntyre and Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and 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 6 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF TAXI DRIVER LICENCE (A MACDONALD, OBAN)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

Applicant

Mr MacDonald presented his case in support of his application for the renewal of his Taxi Driver's Licence.

Members' Questions

The Members received responses to a number of questions raised.

Summing Up

Mr MacDonald advised that he had nothing further to say and confirmed that he had received a fair hearing.

Decision

The Committee agreed to grant the renewal of Mr MacDonald's Taxi Driver's Licence.

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

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Kate Connelly, Solicitor
Martin Stewart, Applicant
Inspector Julie McLeish, Police Scotland
Heather Murray, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, George Freeman, Roderick McCuish, Neil MacIntyre and Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (M STEWART, OBAN)

The Chair welcomed everyone to the meeting and introductions were made. Thereafter he outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

Applicant

Mr Stewart advised that he was applying for a Taxi Driver's Licence to supplement his income. He currently works for a company maintaining the roads and he would like to drive taxis a couple of nights a week to make extra money to enable him to finish building his house.

Police

Inspector McLeish referred to a letter of representation from the Divisional Commander which drew Members' attention to convictions the Applicant had received in respect of incidents which took place on 23 February 2003 and 22 February 2009. She provided detail of the incidents and advised that in light of these Members may wish to consider whether or not the Applicant was a fit and proper person to be the holder of a Taxi Driver's Licence.

Members' Questions

Councillor Currie sought and received confirmation from Mr Stewart that he was aged 34 years and that he was 21 years old when the first offence was committed and 27 years old when the second offence was committed. Mr Stewart confirmed that he had grown up since these offences took place.

Councillor McNaughton asked Mr Stewart why he had not declared his convictions on his application form. Mr Stewart advised that this was an oversight on his part. He stated that his current licence had no points or endorsements on it and he did not realise he should have declared the convictions on the form.

Councillor Kinniburgh pointed out to Mr Stewart that the application form stated that all previous convictions should be declared. Mr Stewart advised that as they were not on his current driving licence he thought they were done and dusted.

Councillor Kinniburgh referred to each offence being 6 years apart and that it was almost 6 years since the last offence. Mr Stewart confirmed that he had learnt his lesson and that he no longer drank alcohol. He stated that it did not agree with him and had led him to make stupid decisions in the past.

Summing Up

Police

Inspector McLeish advised that in respect of his second offence it was the manner in which Mr Stewart was driving that led the Police to stop him on that occasion. She also advised that in respect of the first offence 70mgs of alcohol in 100ml of breath was quite a high reading. She advised that Mr Stewart was a repeat offender and that drink driving was a serious offence.

Applicant

Mr Stewart advised that he understood where the Police were coming from. He advised that he has always been a careful driver, has never been caught for speeding or been involved in an accident. He advised that he had been stupid before and that if he had got the chance again he never would have did it.

When asked both parties confirmed that they had received a fair hearing.

Debate

Councillor Currie advised that he noted that Mr Stewart has stated that he no longer drank alcohol and that he believed this would wipe out any doubts of Mr Stewart carrying out this same offence again. He advised that as Mr Stewart had no other record and no speeding offences he could not see a reason why his Taxi Driver's Licence should not be granted.

Councillor Kinniburgh advised that he found it difficult to back what Councillor Currie said. He said that taking account of the length of time between the offences and the fact that Mr Stewart had stated that he no longer drank he was inclined to take him at his word and move to grant his Licence.

Decision

The Committee agreed to grant a Taxi Driver's Licence to Mr Stewart.

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 JANUARY 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Sandy Taylor
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Kate Connelly, Solicitor
Mr Langford, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, George Freeman, Roderick McCuish, Neil MacIntyre and Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and 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 6 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE (D LANGFORD, TOBERMORY, ISLE OF MULL)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

Applicant

Mr Langford presented his case in support of his application for grant of a Private Hire Driver's Licence.

Members' Questions

The Members received responses to a number of questions raised.

Summing Up

After summing up Mr Langford confirmed that he had received a fair hearing.

Decision

The Committee agreed to grant a Private Hire Driver's Licence to Mr Langford.

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

**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 15/02729/PP

Planning Hierarchy: Local Application

Applicant: Ministry of Defence

Proposal: Resurfacing of existing sports pitch, installation of floodlights and wire perimeter fence

Site Address: Playing Field North of Monitoring Station Cumberland Road, Rhu

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Resurfacing of existing sports pitch from grass to synthetic 3G surface
- Installation of 8 x 15 metre high floodlights
- Erection of wire perimeter fence varying from 4 metres to 6 metres in height
- Installation of a vehicular passing place

(ii) Other specified operations

- **None**
-

(B) RECOMMENDATION:

It is recommended that planning permission be approved subject to a pre determination Hearing and the attached conditions and reasons.

(C) HISTORY:

None

(D) CONSULTATIONS:

Roads Helensburgh – (Email dated 25th January 2016) No objection subject to the installation of the vehicle passing place along Cumberland Road leading to the site and also the application being approved in accordance with the applicant’s operational plan.

Environmental Health (Email dated 17th December 2015) – Concerned that this type of development may lead to light pollution at nearby residential properties from the installation of floodlighting. They have highlighted that the installer requires to mitigate against any light pollution and implement suitable measures to prevent any nuisance from the installation of the floodlighting. However, they do not object subject to the provision of an appropriate floodlight condition limiting the hours it may be illuminated for.

Core Paths (Email dated 18th December 2015) – No objection to this application, however they have made a comment regarding access for locals and whether or not gates to the pitch could be designed with no locks.

External Drainage Consultant (Email dated 22nd December 2015) – No objection subject to the provision of a drainage related condition assuring adequate drainage measures outlined by agent are fully met and fulfilled.

Rhu & Shandon Community Council (Letter dated 16th December 2015) – Object on the basis that proposal is contrary to a number of Local Development Plan Policies and the detrimental impact the development will have on both amenity as well as the physical appearance of the village of Rhu and the wider conservation area. Issues relating to the site’s designation as an Open Space Protection Area as well as inadequate traffic measures and parking access are other prominent factors which have been raised in relation to this objection.

(E) PUBLICITY:

*Helensburgh Advertiser – ADVLB Listed Building/Conservation Advert – Published 05/11/15
Expiry date – 26/11/15*

*Re-advertised - Helensburgh Advertiser – ADVLB Listed Building/Conservation Advert –
Published 26/11/15. Expiry date – 17/12/15*

(F) REPRESENTATIONS:

A total of 28 emails, letters and public access representations have been received for this application. These comprise of 26 objectors, 1 representation and 1 support as detailed below:

Objectors

Mr Gordon Mowat, Whistlers Dell, Gareloch Road, Rhu, Helensburgh (public access and email 17/12/15)

Mr Michael Tait, Clarinbeag, Gareloch Road, Rhu, Helensburgh (public access 17/12/15)

Mrs Patricia Cook, Clanard, Gareloch Road, Rhu, Helensburgh (public access 07/12/15)

Mrs Colin Jackson, Tanglewood, Cumberland Road, Rhu, Helensburgh (public access and letter 05/11/15)

John Brown, Daniels Head, 22 Ardenconnel Way, Rhu, Helensburgh (14/12/15)

Dr Michael Yendell, Elston, Gareloch Road, Rhu, Helensburgh (letter 11/12/15)

Mrs Eileen Yendell, Elston, Gareloch Road, Rhu, Helensburgh (letter 11/12/15)

Mr Anthony Matteo, Linton Lodge, Gareloch Road, Rhu, Helensburgh (public access 15/12/15)

Mr Andrew Nisbet, Ty Rhiw, Station Road, Rhu, Helensburgh (letter and public access 15/12/15)

Mrs Pat Pollok-Morris, 4 Cumberland Road, Rhu, Helensburgh (public access 15/12/15)

Mrs Caroline O'Brien, 16 Ardenconnel Way, Rhu, Helensburgh (public access 16/12/15)

Mr Kieran Martin, Rosevale, Cumberland Road, Rhu, Helensburgh (public access 17/12/15)

Mr Alan MacNicol, Kintore, Aros Road, Rhu, Helensburgh (email 17/12/15)

Mrs Betty MacNicol, Kintore, Aros Road, Rhu, Helensburgh (email 17/12/15)

Mrs Rosemary Brown, 22 Ardenconnel Way, Rhu, Helensburgh (public access 16/12/15)

Mr William Pumfrey, 19 Ardenconnel Way, Rhu, Helensburgh (email 17/12/15)

Mrs Wendy Bell, Aldonaig House, Rhu, Helensburgh (public access 17/12/15)

Miss Caroline Sheen, Flat 1/2, Hebe Villa, Cumberland Road, Rhu, Helensburgh (public access 18/12/15)

Phyllis Tait, Clarinbeag, Gareloch Road, Rhu, Helensburgh (public access 17/12/15)

Fiona Baker, Hillcroft, Station Road, Rhu, Helensburgh (public access 17/12/15)

David Bell, Aldonaig Gareloch Road, Rhu, Helensburgh (email 17/12/15)

Joan Mowat, Whistlers Dell, Gareloch Road, Rhu, Helensburgh (email 17/12/15)

James Duncan, Shoreacres, Artaman Road, Rhu, Helensburgh (email 16/12/15)

Mr Grant Mitchinson, Grianan, Rhu, Helensburgh (email 16/12/15)

Jean Cook, Inverallt, Shandon, Helensburgh (email 18/12/15)

Jean Baker, Hillcroft, Station Road, Rhu, Helensburgh (public access 17/12/15)

P Bailey, Kinvara, Cumberland Road, Rhu, Helensburgh (letter 27/11/15)

Summarised grounds of objection

Below are a number of sub-headings of themes which were identified whilst summarising the objection representations

Non-compliance with Argyll and Bute Local Development Plan Policies

This development represents a direct contradiction to the following LDP Policies.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 8 – Supporting the Strength of Our Communities

SG Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas

SG Policy REC/COM 1 – Sport, Recreation and Community

SG Policy LDP BAD 1 – Bad Neighbour Development

Comment: The points are noted. See assessment below

Unsuitable development for Conservation Area and Open Space Protection Area

The Sports Field is in a Conservation Area and an Open Space Protection Area and this development is inappropriate in nature because of this. Not only will this development lead to the loss of this open space but it will not preserve or enhance the character or appearance of the conservation area or its setting. As such the nature of the scale and design of this development is uncharacteristic and unacceptable for this location.

Comment: See the assessment below

Impact of Floodlighting

This is a semi-rural area and as such floodlights will have an adverse effect on the amenity of the general area. We cherish the darkness of night, which is being gradually eroded by artificial lighting. The proposal and agent shows analysis to the potential issues of light trespass however this is theoretical and based upon 'luminaire manufacturers' data. Only when the lighting has been erected and switched on will we discover if the impact on neighbouring residents is obtrusive.

Comment: Environmental Health have been consulted and have no objections to the application subject to the introduction of a condition limiting the hours that floodlights may be lit for in the evening. See also assessment below

Impact of evening/nighttime use on amenity

Presumably the purpose of floodlighting the pitch is to use it in the dark evenings. This would generate activity and noise in an otherwise quiet environment during such hours. I would hope that the pitch is not going to be used at night as although acceptable through the day, evening

use will disturb the normal peace of the area. The use of the pitch in the evening will have an adverse effect on the amenity of the general area but in particular the residents adjacent and in close proximity to the pitch.

Comment: Environmental Health have been consulted and have no objections to the application subject to the introduction of a condition limiting the hours that floodlights may be lit for in the evening. See also the assessment below.

Litter and Discharge

Litter is already a problem after many of the games played on the pitch. Often, despite somebody cleaning up the more obvious litter, small items are left behind and blow wind into our garden. Increased usage is likely to exacerbate this situation. On match days where there is an increased crowd we have often had to tolerate public urination with spectators using our hedgerow area as a public toilet. During such occasions we are regularly having to clear litter and discarded beer cans from our back garden.

Comment: Litter is not a material consideration in the assessment of this application. Public urination and other disorder is a matter for the Police.

Intensification/Crowds

The existing pitch is at present rarely used for events which attract crowds. However, the proposed changes would result in significantly increased usage and therefore increased crowd activity. The upgrade means that pitch will be able to be used throughout the day and evening and as such demand and usage will be greater.

Comment: An Operational plan has been submitted by the agent outlining the management for the facility and this has been implemented as a condition. See also assessment below

Drainage arrangements and flooding issues

The water has to go somewhere: the letter from Paul Bancroft Architects would suggest that, with their proposal, the water will simply sink into the ground. It is not clear whether they have visited and understood the topography or potential drainage routes. The water has to emerge somewhere. Might this be in the garden of a neighbouring property? Or in the foundations of a neighbouring house?

Comment: An external drainage consultant has been consulted on this application and has considered the drainage arrangements to be acceptable subject to a condition.

When drainage to the pitch was last modified several years ago, it resulted in a flood within our neighbour's property: we were lucky that it wasn't ours. Clearly this must be engineered in such a way that flooding does not occur outwith the boundaries of the MOD owned property. The proposers should also be aware that increased water flows in Whistler's Burn have in the past resulted in flooding of properties adjoining the Burn further downstream. The burn is already at capacity in times of peak rain fall. Any action that will increase the risk of flooding to my property and adjacent neighbouring properties is unacceptable. This has been made even more pertinent with news of record rainfalls and consequential flooding in Cumbria, and the potential for increasingly unpredictable rainfall in future years.

Comment: An external drainage consultant has been consulted on this application and has considered the drainage arrangements to be acceptable subject to a condition.

Access and parking provisions

Concerned at potential increase in traffic on Cumberland Road and Hall Road, the main access to the site. There is an existing issue of on-street parking on these approach roads and restricted space for parking at the pitch means this can only get worse. The access road is single track and any intensification of use may be hazardous due to inadequate width of the footpath. The vehicular access and parking would be very restricted and impose difficulties in the Cumberland Road and surrounding areas.

Comment: The Area Road Engineer has been consulted on the application and has no objection to the development subject to the operational statement proposed by the agent being controlled by a condition and the provision of a passing place on Cumberland Road.

Noise disturbance

There is bound to be a much higher level of noise than at present due to the pitch being used on most evenings. Our peaceful village will be impacted with the noise generated from this pitch. The current noise level from the Rhu amateur games on Saturday are significant but part of the village community, this application would make this in essence a 24 hr facility the noise levels would be continuous.

Comment: Environmental Health have been consulted and have no objections

Loss of community and informal use of the playing field

Object to this proposal because there is no community benefit at all for Rhu and it would effectively remove a valuable open space. The proposed development would be locked and inaccessible for everyone other than the MOD. Enclosing this development will change the way this piece of land has been used in the past. Putting a wire fence around the pitch will exclude all the local community who use it, kids playing football golfers practising shots, dog walkers, keep fit enthusiasts. If this planning application is granted it will have the effect of excluding local residents and would be a substantial loss of amenity to the local community. This planning application if granted would be highly detrimental to the amenity and community life of Rhu and Shandon residents.

Comment: The playing field is property of the Ministry of Defence. The primary function of this site is as a sports pitch and as such any other uses would be considered ancillary to this.

Other issues

Had always assumed that the Planners were professionals who were able to look at an application and judge what the grounds for objection would be, and seek at the submission stage to mitigate these if possible. This does not seem to be the case in this application.

Comment: The relevant consultees have been consulted and have responded on this application. Additionally, see the assessment below.

On a non-planning issue, this development directly contravenes the Armed Forces Community Covenant which seeks to integrate military personnel into the community. If the MOD wanted to do this, there are two underused all-weather pitches in the community. There is totally unused small pitch at Kirkmichael which has significantly better changing rooms and showers than the ones at Ardenconnel Field. There is also a full size pitch owned by Lomond School which has more availability than the MOD is looking for on this new pitch.

Comment: An application has been submitted and is judged on its merits against development plan policy and other material considerations.

Supporters

Rhu Primary School, school road, Rhu, G84 8RS (Email – 04/02/16)

Summarised grounds of support:

Due to a lack of space within the school tarmac playground, the use of facility which provides a secure, safe and all weather pitch will create a valuable opportunity for our pupils to enhance their Health and Wellbeing. Currently the Scottish Curriculum for Excellence promotes two hours of physical education per week for each pupil and at Rhu Primary we recognise the benefits of a health promoting school and having this facility on our doorstep would go some way to achieve this.

As mentioned we have used the grass pitch in the past but obviously due to inclement weather, it was not always possible. This new facility will provide an all year round access. Our PE trained teachers are extremely excited at the prospect of using the new 3G pitch and the fact that the facility will be free to Rhu Primary School makes an even more viable opportunity.

Comment: These points are noted. See the assessment below.

Representations

Mr Tim Lightoller, Appleburn Aros Road, Rhu, Helensburgh (Public Access - 30/11/15)

Summarised grounds of representation:

No objection in principle, but a few points for consideration.

1. Would sooner see it be made suitable for hockey and soccer as these are more suitable activities for both sexes and for the local community
2. If the floodlights need to be 15 metres high let us hope that they are only on during the use of the pitch facility.
3. From experience, having lived close to the pitch for 40 years as well as being involved in RN sport when I was serving, I would be very surprised to see it being used by the Navy more than twice a week unless hockey usage was included.
4. If there is redundant turf and topsoil available from the site clearance, it could be usefully donated and spread to help level the Rhu Football Club pitch.

Comment: These points are noted. See the assessment below.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement:

No

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:

No

(iii) A design or design/access statement:

No

(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:

Yes, a Drainage Statement has been provided

Drainage Statement

The drainage system will be a sustainable drainage system (SuDS). At present the area is suffering from surface water run off due to the nature of the soils and their low permeability. The proposed construction of the pitch details Type 3 sub base with a highly porous surface layer meeting permeability laid down under EN12616(2013).The whole area would have a new herringbone drainage system set at 5m centres and either discharging via the current outfall pipe or a new outfall as necessary. The design would obviously be submitted for approval but would include attenuation as required to restrict the outfall flow rates to what is currently accepted. We are currently awaiting as built drawings giving details of the existing outfall which we believe to be into the western end of the culvert on site.

In summary, the new sports pitch would not have any surface water run off with all water passing through the porous sub base and eventually discharging into the outflow drain or similar as above. The intention is to provide attenuation as required to ensure the current flow rates are not exceeded. At present it is noted that water passes through the existing bank on the NE corner and it is planned to put an additional drain in at the foot of the bank. This would connect into the new pitch drainage scheme. This new drainage design will prevent surface water discharge problems that residents have noted.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required

No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:

No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Local Development Plan adopted March 2015

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 8 – Supporting the Strength of Our Communities

Policy LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG Policy LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas

SG Policy REC/COM 1 – Sport, Recreation and Community

SG Policy REC/COM 2 – Safeguarding Sports Fields, Recreational Areas and Open Space Protection Areas

SG Policy LDP BAD 1 – Bad Neighbour Development

Other material planning considerations

Scottish Planning Policy: SPP 11: Open Space and Physical Activity

- (ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:

No

(L) Has the application been the subject of statutory pre-application consultation (PAC):

No

(M) Has a sustainability check list been submitted:

No

(N) Does the Council have an interest in the site:

No

(O) Requirement for a hearing (PAN41 or other):

A total of 28 emails and letters of representation have been received, 27 of which objected to this application as well as an objection from Rhu and Shandon Community Council. Due to the large number of representations to this application, a Hearing is recommended as it is considered to give added value to the decision making process.

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for the upgrade of an existing sport pitch located to the north of the Monitoring Station, Cumberland Road, Rhu. The works associated with this development include the resurfacing of the current sports pitch from grass to AstroTurf 3G, installation of 8 x 15 metres high floodlights and a 6 metre high wire perimeter fence. The site is rectangular in shape, extends to 0.88 hectares and is located within an Open Space Protected Area within Rhu Conservation Area.

The justification for this development and subsequent application as stated by the applicant and agent is to upgrade the existing facility to improve playing capacity and enable various sports to be played throughout the year and not be prohibited by any form of weather constraints.

There is currently a playing field facility present on this site, as such, this application is to be considered as an upgrade to the already established facility rather than an expansion of the current pitch or a completely new development. As a result of this, it is considered that this development does not constitute a change of use, as the lawful and primary use of the facility as a formal recreational sports facility is being retained with the essential character remaining intact.

The nature of this space is not being materially altered in terms of the character of its use; in essence, it is considered that it will remain an open space for the purpose of formal recreational activity, with the only difference being physical changes in the form of a new surface and the addition of floodlights and perimeter fencing. It is considered that these structures; floodlights and fencing are elements which are normally associated with this type of use, and in this instance these may be introduced without changing the use of the facility nor impacting upon the nature of the Open Space Protection Area designation for the site.

Notwithstanding this, the impacts of the physical alterations to the playing field are deemed an important matter which should be considered in relation to the Conservation Area and these are addressed within Appendix A of this report. It is acknowledged that physical alterations to the proposal do potentially have consequential impacts upon the character of the use of the pitch,

particularly in the evenings and winter months where currently there is little activity taking place. However, notwithstanding this, the current situation allows the use of the playing field at any time, unrestricted from both formal and informal use and this usage can be particularly prevalent in the summer months. As such, it is considered that the works associated with this development will create an environment which allows for a more controlled and structured usage which can in turn be managed through the operational plan provided.

The site is reasonably secluded and it is considered that the refurbishment of this sports pitch will not detrimentally affect the amenity of adjacent residents by reason of unacceptable noise or disruption. As a consequence, and subject to suitable conditions, both Environmental Health and the Area Roads Engineer has indicated no objections. It is also considered that the proposal will not detract from the overall visual amenity of the Conservation Area in line with policy SG LDP ENV 17. Furthermore, this development represents an improvement to an existing sport facility which will enhance its playing capacity whilst still retaining its primary function as a formal recreational space and therefore supports the relevant policies LDP SG REC/COM1 and REC/COM2. Based upon the factors outlined above, this proposal is recommended for approval.

(Q) Is the proposal consistent with the Development Plan:

Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The site is reasonably secluded and it is considered that the refurbishment of this sports pitch will not detrimentally affect the amenity of adjacent residents by reason of unacceptable noise or disruption. As a consequence, and subject to suitable conditions, both Environmental Health and the Area Roads Engineer have indicated no objections. It is also considered that the proposal will not detract from the overall visual amenity of the Conservation Area and in line with policy SG LDP ENV 17. Furthermore, this development represents an improvement to an existing sport facility which will enhance its playing capacity whilst still retaining its primary function as a formal playing field and therefore supports the relevant policies LDP SG REC/COM1 and REC/COM2. Based upon the factors outlined above, this proposal is recommended for approval.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland:

No

Author of Report: Ross Lee

Date: 04/02/16

Reviewing Officer: Howard Young

Date: 04/02/16

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 15/02729/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 29th October 2015 and the approved drawing reference numbers

Drawing 1035-03 – Location Plan

Drawing 1035-01 – Site Plan

Drawing 1135-02 – New pitch surface layout rugby and football

Drawing 1035-04 – Vehicular passing place, Cumberland Road

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. Prior to commencement of development, an approved drawing pertaining to drainage arrangements shall be submitted for the approval of the planning authority. Thereafter the drainage shall be implemented in accordance with the details specified within the drainage statement. Runoff should be attenuated to the 1 in 2 year greenfield runoff amount and SUDS should be designed in accordance with CIRIA C753. This shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

3. Notwithstanding the effect of Condition 1, and the details specified in the application, no development shall commence until details of the colour finish to be applied to the fence and floodlighting have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented using the approved colour scheme and shall be maintained as such.

Reason: In the interest of visual amenity and in order to integrate the development into its surroundings.

4. Notwithstanding the effect of Condition 1 and implementation of the works associated drawing 1135-02, the height of the perimeter fence on the Western and Eastern boundaries of the sports pitch shall be reduced from a height of 6 metres to a height of 4 metres. Thereafter the development shall be implemented using the approved perimeter fencing height and shall be maintained as such.

Reason: In the interest of visual amenity.

5. The development shall be managed in accordance with the Operational Plan/Statement submitted in support of this planning application unless otherwise agreed in writing with the planning authority.

Reason: In the interest of road safety and residential amenity

6. The floodlights hereby granted shall only be illuminated between 16.00 hours and 20.30 hours. At 20.30 hours these shall be switched off with the exception of the illumination of a security light will be permitted for a further 30 minutes after the floodlight has been switched off.

Reason: In the interest of the amenities of occupiers of nearby residential properties.

7. Notwithstanding the effect of Condition 1, a vehicle passing place shall be installed at the access point to the site on Cumberland Road in accordance with drawing number 1035-04. This shall be implemented prior to this facility being brought in to use and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of road safety

8. Tree protection measures shall be implemented for the full duration of construction works, full details of which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 15/02729/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission is sought for the upgrade of an existing sport pitch located to the north of the Monitoring Station, Cumberland Road, Rhu. The works associated with this development include the resurfacing of the current pitch from grass to AstroTurf 3G, installation of 8 x 15 metres high floodlights and a 6 metre high wire perimeter fence. The site is rectangular in shape, extends to 0.88 hectares and is located within an Open Space Protected Area within Rhu Conservation Area.

The justification for this development and subsequent application as stated by the applicant and agent is to improve the existing facility to enable various sports to be played throughout the year and not be prohibited by any form of weather constraints.

A fundamental issue which should be addressed at an early stage is that notwithstanding any developments, this site is an existing playing field which has a lawful use as a sports pitch and for this reason this development should not be viewed as, nor constitute a change of use. As such, it should instead be considered as an upgrade or refurbishment to an existing sport pitch where the works associated with the development would conclude with the same current use being inherently retained and the essential character not changing.

Policy SG LDP REC/COM1, which establishes a presumption in favour of new or improved sport, recreation and community facilities, is of particular relevance to this proposal, with the existing playing field being upgraded and enhanced. This development is also considered to align with policy SG LDP REC/COM 2, in particular part iii) which states that:

'any playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area'.

The refurbishment of this playing field to an AstroTurf 3G pitch is considered to be an acceptable improvement, providing a facility which is not prohibited by weather constraints and ultimately improving the overall playing capacity of the facility.

It is considered that the inherent function of this space will not be changed and therefore the OSPA will be retained in terms of function and form and as such this application accords with SG LDP REC/COM 2.

Ultimately, this development involves additional investment into a local sporting facility, which will be improved and upgraded, consequentially safeguarding it for the future and as such it is considered that this represents an acceptable development, which as previous stated inherently retains the primary function of this space.

B. Location and Site Context

With this pitch being located within the Rhu Conservation Area, there is an acknowledgement that this development will have a level of impact upon this designation. It is noted that the sports pitch will undergo a degree of change in physical appearance with the upgrade works associated with this development and these alterations are carefully considered within the context of its location. However, it is designated as an OSPA and the character of the space will not materially change.

The setting of the Rhu Conservation Area currently comprises of estate-based and suburban residential developments along with a number of existing recreational sports pitches and as such, it is considered that the existing nature of the space could not be described as wholly rural, open or greenfield.

The site is located within a secluded area with restricted views and a high degree of self-containment. It is not widely visible or overlooked and is only prominent as a feature from its immediate locality or when accessing via Cumberland Road. As such, it is considered that the character and visual impact of this application would be limited. Furthermore, the pitch itself is surrounded on three sides by a dense and prominent tree boundary, which provides a backdrop and level of screening which will not be impacted upon by this development. A condition is recommended which will ensure that all trees which surround the application site will be retained during the construction stage and remain thereafter. Based upon this, it is considered that there is a sufficient level of containment inherent within the location and restricted viewpoints which mean that the visual impact of this refurbished development would be limited.

The character of the area is also formed by the utilitarian buildings located within the immediate vicinity including the monitoring station, BT telephone exchange and the local scout hall. The site already contains many of the features which are characteristic of, and combine to define a sports pitch, including lighting columns, goal posts and parking provisions. As a result, it is considered that the proposed development does align with SG Policy SG LDP ENV 17 in terms of preserving the character and appearance of the conservation area, albeit with physical alterations, but with the existing character and use as a sport pitch being retained and safeguarded through this development.

C. Design and scale

The physical structures associated with this development have to be considered in the context of the location of the pitch within a conservation area as well as the close proximity of residential properties.

These structures will have a visual impact upon the surrounding area during daylight hours, however it is considered that with the site being well contained within the Rhu settlement, both the fencing and floodlights in overall terms are appropriate and the visual impact will be limited as a result of this.

A number of representations have highlighted concerns regarding the visual impact of the floodlighting in the evening when they will be 'illuminated'. Whilst these issues are acknowledged, it is considered that as the floodlights are only illuminated for a controlled period of time; between 4.00pm and 8.30pm in the evening in the winter, then their impact will be very limited. These floodlights have been designed to be localised, each floodlight is 15 metres in height and it is considered that this will allow the light omitting from them to be more focused and in turn, reduce the levels of light spillage to a minimum. The agent responsible for the application has provided additional assurance within the specific design, which is set to a standard of E1 regulations and incorporate provisions to minimize the issue of light spillage

through the inclusion of additional bafflers which will reduce their impact upon neighbouring residential properties.

Furthermore, the agent for this project has highlighted a number of alternative designs and adjustments relating to the height and colour of the fencing and floodlights which could be made available. It is recommended that the fence and floodlights are to be painted a dark green or black in order to better assimilate and blend with the existing context. Additionally, the height of the fence is to be reduced to 4 metres on the Eastern and Western sides of the facility in order to minimize their overall impact. The 6 metres height of the fence at the North and South ends, behind the goal posts, is required to be retained in order to ensure footballs being used during matches remain within the facility. Both of these recommendations shall be implemented through conditions and be arranged and agreed with the planning authority prior to any other works taking place.

D. Use of the Facility

In relation to accessibility and the use of this sports pitch as an amenity or public area for members of the public, it is acknowledged that this development could potentially constitute a loss of this site as a historic space for informal activity.

This has been considered with particular regard to policy LDP SG REC/COM 2 part v) which states:

“In the case of valued recreational areas (public or private) it can be adequately demonstrated that there would be no loss of amenity through either partial or complete development and that an alternative provision of equal benefit and accessibility be made available.”

Representations which have been received clarify that this site has been actively used by the local community for many years as an historical space for informal activity and the impact that this proposal could have on this represents a matter which has to be carefully evaluated.

Whilst this site plays a role for a range of community activities, it must be considered that this site's lawful use is as a playing field for formal sports matches. Fundamentally, this site constitutes a sports pitch which is owned by the Ministry of Defence, whose primary purpose and function is to facilitate formal recreational activity. Therefore, it is considered that any informal recreational use is viewed to be ancillary to the primary function and as such the loss of this space for members of the public would not constitute substantial enough grounds to warrant refusal for this application.

Notwithstanding this, the agent and applicant for the application have tried to address this secondary recreational use on the site and have come to an agreement with Rhu Amateurs football club and Rhu Primary School who are going to be able to use the proposed upgraded facility. This would free up Rhu Amateur Football Clubs current pitch which sits on the access road towards Ardenconnel playing field and this could serve as an alternative space to facilitate informal recreational activity.

On balance, it is considered that this application represents an upgraded facility which improves the playing capacity for the primary use of this site as formal recreational activity. This development will not significantly impact upon the ability for members of the public to engage in informal recreational activity within the area, which is well served by alternative open spaces. Furthermore, with the compensatory measures which have been put in place, it is considered that there is a net benefit for the community with both Rhu Primary School and Rhu Amateur's football club having an agreement to use the upgraded facility.

E. Amenity Issues

An associated issue relating to this application questions whether the upgrade of this facility would lead to an unacceptable reduction in residential amenity for the surrounding area. In addition, a number of concerns were highlighted through representations pertaining to light pollution resulting from the floodlighting and a potential increase of noise levels in relation to the proposed hours of operation for this facility.

Whilst the upgrade of this facility may lead to more frequent use of the site, at the same time it is important to consider that although this is predominantly a residential area, there is already an established sporting facility present on this site which is currently used both formally and informally by a variety of different users. At present this facility has no existing restriction in terms of when it is used, in particular during the lighter summer months, where in the evenings activity levels may be increased.

The agent has created an operational plan for this facility which incorporates the following: -

- Hours of operation of the facility
- Facility booking system
- Traffic management arrangements
- Access improvements
- Floodlight management and operation
- Estimated annual projected use of the facility

Should this application be approved, this operational plan will be implemented as a condition, ensuring these arrangements contained within it are adhered to in perpetuity.

Environmental Health have been consulted in relation to this application and have offered no formal objection to the development. Their position is subject to provisions which will limit the hours during which the floodlights may be illuminated and as such control the hours of operation of the facility in the evening. As a direct result, it is considered that this will also in turn serve to reduce and minimize the noise activity in the evening associated with the development. The aforementioned factors have been addressed within the operational plan, the implementation of which as a condition, will facilitate a level of control over the facility and prevent any use being unduly disruptive to the overall residential amenity of the surrounding area. It is considered that this operational plan will alleviate the amenity issues and prevent the activity on this facility from being excessive to the point of unacceptability. As a result of this, it is considered that this would prevent this development from being considered a 'bad neighbour'.

When addressing the specific issue of noise, it is considered that this will neither change nor increase significantly to an unacceptable level in relation to the refurbishment of this facility. As previously stated this playing field is currently used both formally and informally and there are no existing measures in place through which to control the level of noise being generated. It is expected that this development will, if anything, help to manage the impact of noise upon neighbouring properties by creating a more controlled environment whereby activity on the site will conclude by 8.30pm in the evening.

F. Drainage Arrangements

The proposed construction of the pitch details type 3 sub base with a highly porous surface layer meeting permeability requirements as laid down under EN12616 (2013). The whole area is

proposed to have a new herringbone drainage system set at 5m centres which will either discharge via the current outfall pipe or a new outfall if necessary.

The external drainage consultant has confirmed that the drainage scheme being proposed in relation to this application is not only acceptable but represents an improvement to the existing system and has confirmed its acceptability subject to a condition being implemented ensuring the correct level of drainage requirements are met.

This stipulates that the surface water drainage system is to be designed to the satisfaction of Argyll and Bute Council. Runoff should be attenuated to the 1 in 2 year greenfield runoff amount and SUDS should be designed in accordance with CIRIA C753.

G. Road Network, Parking and Associated Transport Matters.

As this application is not considered to constitute a change of use, ultimately the works associated with this development cannot be seen as resulting in a form of intensification on the site. Within this proposal, there are no additional sports pitches being introduced nor is the existing pitch going to be expanded or enlarged. Instead the site will continue to retain a single sports pitch. As a result of this the Area Roads Engineer considers that the parking provisions for this facility are sufficient, particularly with the main mode of transport for Ministry of Defence use being a single minibus. Furthermore, the operational plan, which is proposed to be implemented and secured through a condition, demonstrates that the use of facility by the Ministry of Defence and Navy is limited on average to a 4 slot per week basis. It has also been projected that should the usage diversify into wider community use, then a 30-minute gap between bookings will be put in place in order to minimize traffic and congestion issues relating to the facility.

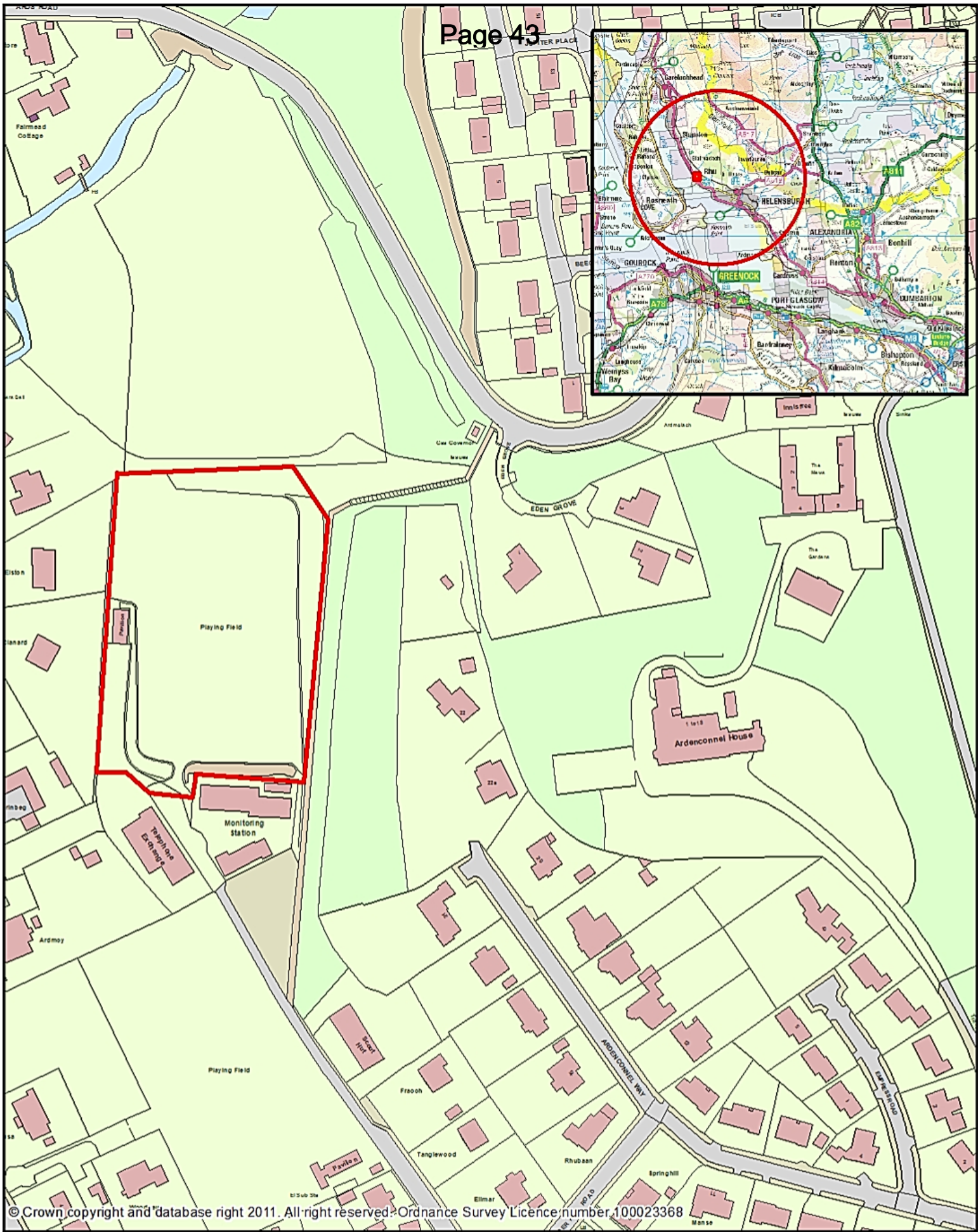
A number of representations pertaining to concerns relating to the access road on Cumberland Avenue leading to the playing field being privately owned have been raised. However, it is important to highlight that 'land ownership' in this instance cannot be considered a material planning consideration, instead this would be a civil matter between those parties involved.

The Area Roads Engineer has raised no objections to the proposal subject to the implementation of a passing place on Cumberland Road and the arrangements of the operational plan being conditioned in perpetuity. It was felt that there was an opportunity to improve the access road to the site and also alleviate any existing issues relating to traffic. As such a suspensive condition is recommended for the applicant to provide a passing place on Cumberland Road. The proposed passing place is to be constructed in accordance with the details outlined within the operational statement and plan number 1035-04 and is to be made available for use prior to the new pitch surface being operational.

H. Conclusion.

The site is reasonably secluded and it is considered that the refurbishment of this sports pitch will not detrimentally affect the amenity of adjacent residents by reason of unacceptable noise or disruption. As a consequence, and subject to suitable conditions, both Environmental Health and the Area Roads Engineer have indicated no objections. It is also considered that the proposal will not detract from the overall visual amenity of the Conservation Area in line with policy SG LDP ENV 17. Furthermore, this development represents an improvement to an existing sport facility which will enhance its playing capacity whilst still retaining its primary function as a formal recreational space and therefore supports the relevant policies LDP SG REC/COM1 and REC/COM2. Based upon the factors outlined above, this proposal is recommended for approval.

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Location Plan relative to Planning Application:-
Playing Field North Of Monitoring Station, Cumberland Road, Rhu
Ref No:- 15/02729/PP

Scale 1:1,250



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ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

DEVELOPMENT AND INFRASTRUCTURE SERVICES

17 February 2016

**PLANNING AND REGULATORY SERVICES
PERFORMANCE REPORT, FQ3 2015-16**

1.0 EXECUTIVE SUMMARY

- 1.1 The Council's Planning and Performance Management Framework sets out the process for presentation of the Council's quarterly performance reports.
- 1.2 This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the Planning and Regulatory Services performance report with associated scorecard performance in FQ3 2015-16 (October to December 2015).
- 1.3 It is recommended that the PPSL Committee reviews the scorecard as presented.

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

DEVELOPMENT AND INFRASTRUCTURE SERVICES

17 February 2016

**PLANNING AND REGULATORY SERVICES
PERFORMANCE REPORT, FQ3 2015-16**

2.0 INTRODUCTION

- 2.1 The Planning and Performance Management Framework sets out the process for presentation of the council's quarterly performance reports.
- 2.2 This paper presents the PPSL Committee with the Planning and Regulatory Services performance report with associated scorecard for performance in FQ3 2015-16.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee reviews the scorecard as presented.

4.0 DETAIL

- 4.1 The performance scorecard for Planning and Regulatory Services was extracted from the Council's Pyramid performance management system and is comprised of key performance indicators incorporating the services that make up Planning and Regulatory Services.

5.0 IMPLICATIONS

5.1	Policy	None
5.2	Financial	Inherent
5.3	Legal	The Council has a duty to deliver best value under the Local Government (Scotland) Act
5.4	HR	None
5.5	Equalities	None
5.6	Risk	Ensuring performance is effectively scrutinised by members
5.7	Customer Service	Inherent

Pippa Milne, Executive Director – Development and Infrastructure Services

For further information contact: Angus Gilmour, Head of Planning and Regulatory Services
Tel: 01546 604288 e-mail: Angus.Gilmour@argyll-bute.gov.uk

APPENDICES

Financial Quarter 3 Performance report and scorecard – Planning and Regulatory Services

Key successes

1. Building Standards attainment of all performance related target response times authority wide.
2. At the Council's Excellence Awards, Regulatory Services received 2 silver awards in the categories of Service Innovation and Improvement and achieving better outcomes, and 2 bronze awards in tackling inequalities and strong and sustainable communities.
3. LDP Community Plans/Charrettes progressing well with funding received and charrettes programmed for Tiree, Rothesay and the Crinan Canal in February/March 2016.
4. Planning application numbers are on the increase (a positive sign of increased economic activity) with a corresponding increase in planning fee income (currently £150k above budget).
5. Development Management customer satisfaction feedback highest on record at 22 forms submitted. Over 90% satisfied or very satisfied with service provided.

Key challenges

1. National e-building standards portal (ability to submit building warrant applications electronically) coming on line August 2016.
2. Corporate/Strategic challenges for Regulatory Services relating to the Scottish Regulatory Code of Practice and Event Safety in Argyll and Bute.
3. As part of the LDP2 process complete Housing Sites Review and prepare online mechanism for LDP2 call for sites prior to scheduled start in June 2016.
4. Recruitment to vacant planning officer posts in MAKI and B/C Team Leader post in Dunoon.

Actions to address the challenges

1. Continue to develop our procedures and processes by monitoring the success of our own "in house" e-building standards system which is now

live.

2. Produce Council Enforcement Policy for approval of full Council to ensure compliance with the Scottish Government's Regulatory Strategic Code. Prepare and deliver, as part of a cross departmental working group, the Council's Event Safety Improvement Plan.
3. Focus/prioritization of Development Policy team workload over next 3 months with assistance from GIS team.
4. Complete recruitment process and implement as part of Development Management Workforce Plan.

Planning & Regulatory Services Scorecard 2015-16

FQ3 15/16

<p>Click for full Outcomes</p> <p>Building Standards Team Scorecard</p> <p>Development Management Team Scorecard</p> <p>Development Policy Team Scorecard</p> <p>Regulatory Services Team Scorecard</p>	PR01 Local economy improved by delivery of sustainable development	Links to Outcome SOA 1	A ↓
	PR02 Empowered ... customers ... exercising their legal rights ...	Links to Outcome SOA 6	A →
	PR03 Secure standards re public health & health protection ...	Links to Outcome SOA 6	A ↓
	PR04 Health, safety etc of people in & around buildings is protected ...	Links to Outcome SOA 6	G →
	PR05 Improved & enhanced access to natural environment & green networks	Links to Outcome SOA 2	A ↓
	PR06 ... an environment which is safe, promotes health & supports local economy	Links to Outcome SOA 6	R ↓
	PR07 Creation of well designed and sustainable places ...	Links to Outcome SOA 2	G →
	PR08 Protect health of our communities through effective partnership working	Links to Outcome SOA 5	G →

RESOURCES

People	Benchmark	Target	Actual	Status	Trend
Sickness absence PR		1.5 Days	3.4 Days	R	↓
PDRs PR		90 %	100 %	G	→
Financial	Budget	Forecast			
Finance Revenue totals PR	£K 3,144	£K 3,158	A	↑	
Capital forecasts - current year PR	£K 0	£K 0			
Capital forecasts - total project PR	£K 0	£K 0			
Efficiency Savings PR	Actions on track Savings	Target	Actual	G	→
		1	1		
		£K 32	£K 32		

IMPROVEMENT

					Status	Trend
PR Service Improvement Plan 2015-16	Total No	Off track	On track	Complete		
Actions	16	3	4	9		
Planning and Regulatory Services Audit Recommendations	Overdue	Due in future	Future - off target			
	2 ↓	0 ↓	0 →			
CARP Planning & Regulatory	Total No	Off track	On track	Complete		
	6	0	6	0	G	→
Customer Service PR	Number of consultations					0
Customer Charter	Stage 1 complaints					
Customer satisfaction 91 %	Stage 2 complaints					
PR Average Demand Risk	Score	6	Appetite	6		→
PR Average Supply Risk	Score	6	Appetite	6		→

PR01 Local economy improved by delivery of sustainable development		Links to Outcome SOA 1	A	PR04 Health, safety etc of people in & around buildings is protected ...		Links to Outcome SOA 6	G	Planning & Regulatory Services Scorecard 2015-16 FQ3 15/16		Click for full Scorecard		
PR01 Development Management - Net		£	Budget: £ 414,712 Forecast: £ 414,712	PR04 Building Standards - Net		£	Budget: £ 22,946 Forecast: £ 36,946	PR07 Creation of well designed and sustainable places ...		Links to Outcome SOA 2	G	
All Local Planning Apps: Ave no of Weeks to Determine - ABC			Actual: 9.3 Wks Target: 11.0 Wks Benchmark:	% of Building Warrants responded to within 20 Days			Actual: 95.8 % Target: 80.0 % Benchmark:	PR07 Development Policy - Net		£	Budget: £ 508,174 Forecast: £ 508,174	G
% of ALL Pre-Application Enquiries processed within 20 working days			Actual: 82.2 % Target: 75.0 % Benchmark: N/A	Production of a Balanced Scorecard			Status: Complete Target: On track	Formal adoption of LDP			Status: On track Target: On track	G
% of Planning Applications Approved			Actual: 96.5 % Target: 95.0 % Benchmark:	Efficiency in processing completion certificates			Actual: 1.9 Days Target: 10.0 Days Benchmark: 14.0 Days	Maintain an effective five year housing land supply at all times			Status: On track Target: On track	G
% of Valid Applications Reg & NN within 5 days of receipt			Actual: 84.2 % Target: 90.0 % Benchmark: N/A	PR05 Improved & enhanced access to natural environment & green networks		Links to Outcome SOA 2	A	PR08 Protect health of our communities through effective partnership working		Links to Outcome SOA 5	G	
PR02 Empowered ... customers ... exercising their legal rights ...		Links to Outcome SOA 6	A	PR05 Corepath Plan - Net		£	Budget: £ 138,742 Forecast: £ 138,742	Complete all JHIP activities agreed with NHS			Actual: 40 % Target: 40 % Benchmark: N/A	G
PR02 Trading Standards - Net		£	Budget: £ 522,123 Forecast: £ 522,123	Miles of core paths surveyed per annum			Actual: 105 miles Target: 190 miles Benchmark:					R
% Trading Standards Consumer Complaints Resolved within 14 days			Actual: 83 % Target: 85 % Benchmark:	Create 80 online guides for Core Paths per annum			Actual: On track Target: On track Benchmark: On track					G
TS - % of clients who are more able to manage their financial situation after our intervention			Actual: 100.0 % Target: 90.0 % Benchmark:	PR06 ... an environment which is safe, promotes health & supports local economy		Links to Outcome SOA 6	R					R
PR03 Secure standards re public health & health protection ...		Links to Outcome SOA 6	A	PR06 Environmental Safety - Net		£	Budget: £ 96,319 Forecast: £ 96,319	% Food Hygiene High Risk Inspections Undertaken within Due Date			Actual: 92.3 % Target: 100.0 % Benchmark:	R
PR03 Environmental Health - Net		£	Budget: £ 1,136,542 Forecast: £ 1,136,542	% compliance with specified sampling plan for shellfish monitoring			Actual: 98.0 % Target: 95.0 % Benchmark:	% of Environmental Health service requests resolved within 20 days			Actual: 84 % Target: 90 % Benchmark:	R
% of Food Premises which are Broadly Compliant			Actual: 91.5 % Target: 80.0 % Benchmark:									G
% of the Service Alternative Enforcement Strategy completed			Actual: 70.0 % Target: 70.0 % Benchmark:									G
Regulatory Services - Customer Satisfaction			Actual: 75.0 % Target: 90.0 % Benchmark:									R

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PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS

1. INTRODUCTION

Over the past 3 years a series of short training sessions (or workshops) has been delivered for all elected Members with an aim to improve knowledge of the planning system universally. The training has usually taken place in the hour before the Planning, Protective Services and Licencing Committee (PPSLC).

A wide range of topics have been covered to date and there has been a focus on the legislative and policy framework within which planning operates and the procedural aspects of the quasi-judicial decision-making process. The workshops have been generally well received and the perception from officers and Members alike is that they 'add value' to the planning process as well as the overall success of the PPSLC. It is understood that other Council Committees are now adopting similar workshop style development opportunities. In 2015 we also took the workshops 'on the road' to reflect upon some previous planning decisions with a study / walking tour of Campbeltown. Visiting development on the ground should strengthen the Committee's understanding on how their decisions effect communities, the built environment and contribute to 'Place Making'. We seek to convene further 'place visits' in 2016.

This report seeks the endorsement of the workshop programme and recommends extending it in 2016.

This report suggests a programme of topics for the year which includes issues previously identified and held over from 2015 as well as additional subjects. As the programme is intended to address areas in which Members feel they might benefit from additional training to provide better understanding of the planning process, any suggestions for the inclusion of particular topics beyond those identified below would be welcome.

Given the success of the format to date, it is intended to continue delivering training primarily by way of 'bite sized' sessions associated with the PPSL calendar of meetings. However, some topics necessarily require more in depth attention in which case it would be intended to deliver these by way of separate half day sessions.

As before, it would not be intended to restrict the availability of training to the PPSL Committee membership, so there would be an open invitation to all Council Members to attend any of the sessions.

2. SUGGESTED PROGRAMME FOR 2016

Date	Committee day training	Half day workshop	Visit
February 2016	Introduction to Cumulative Assessment of on shore wind turbines – LUC Study (Mark Lodge)		
March 2016	Introductions to Charrettes and its integration with Planning (Sybil Johnson)		
April 2016	Affordable Housing (Mark Lodge / Sandra Davies)		Visit Helensburgh – CHORD, Dunbritton Housing
May 2016	PPSL Members to inform		
June 2016	Call for Sites Consultation / LDP – the process (Sybil Johnson)		
August 2016		Roads design, aligning consents, roads development guides (Ross McLaughlin + Kevin McIntosh)	
September 2016	Historic Environment Presentation (HES & Lynda)		
October 2016	Local Review Bodies (Charles)		
November 2016	Flooding (Arthur McCulloch / David Cameron)		
December 2016	PPSL Members to inform		

3. RECOMMENDATION

It is recommended that Members:

- i) Agree to continuing an ongoing programme of planning related training for Members of the PPSL Committee, which should also be open to any other Members not currently involved in planning decision-making;

- ii) Endorse the initial subject areas for training and the provisional dates for delivery, on the understanding that the programme may be varied to take account of any additional training requirements Members may wish to identify, along with any other particular training needs identified by officers as a consequence of matters emerging during the course of the year.

3. IMPLICATIONS

3.1	Policy	Nil
3.2	Financial	It is considered that the level of training required can be delivered internally from existing resources with assistance as necessary from external partners at no cost, without recourse to having to buy in training from external providers.
3.3	Personnel	Nil
3.4	Equalities Impact Assessment	Nil
3.5	Legal	Nil

Author of Report: Ross McLaughlin

Date: 29th January 2016

Angus J Gilmour
Head of Planning & Regulatory Services

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