

MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the EAGLESHAM HOUSE, MOUNTPLEASANT ROAD, ROTHESAY on TUESDAY, 3 JUNE 2008

Present: Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor L Scoullar
Councillor R Macintyre	Councillor R Simon
Councillor A McNaughton	Councillor I Strong
Councillor J McQueen	

Attending: Shirley MacLeod, Area Corporate Services Manager
Eilidh Headrick, Area Committee Services Officer
David Eaglesham, Area Team Leader Development Control
Alan Kerr, Network and Environment Manager
Caroline Sheen, Estates Surveyor

Inspector Macdonald Stephens, Strathclyde Police

James Perlich, Active Schools Coordinator
Jane Sinclair, Active Schools Coordinator
Kathleen Sidebottom

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Walsh.

The Chairman ruled, and the Committee agreed, in terms of Standing Order 3.2.2 that a report by the Head of Planning Services in regard to the appeal lodged by Argyll Windfarm Ltd, dealt with at item 8 (g) of the agenda, be taken as a matter of urgency because there is no Area Committee in July.

2. DECLARATIONS OF INTEREST

Councillor Scoullar declared a non-pecuniary interest in items 8a and 8b by reason of being a member of that church but indicated that he would take part in the discussions. Councillor Scoullar declared a non-pecuniary interest in Enforcement Report 07/00279/ENFOCC by reason of being a friend of a principal objector.

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 6TH MAY 2008

The minute of the Area Committee of 6th May 2008 was approved as a correct record.

4. COMMUNITY SERVICES

(a) SPORTS VOLUNTEER AWARD

The Chairman congratulated Kathleen Sidebottom on winning the Sports Volunteer Award and presented her with her award.

Ms Sidebottom asked about getting a badminton court in Rothesay Joint Campus and Councillor Strong said she would look into this.

5. OPERATIONAL SERVICES

(a) DUNOON MARKET RELOCATION TO TOWN CENTRE

Members heard from the Network and Environment Manager on the potential movement of the Dunoon market from the Coal Pier to the town centre on a trial basis.

The Committee agreed:

- i. To the trial relocation on a one off basis of the market to Argyll Street.
- ii. To the trial relocation of the market to the Kent Trust Car Park during the winter months.
- iii. That the Area Corporate Services Manager and Network and Environment Manager liaise with the shopkeepers in Argyll Street regarding these trial relocations and the evaluation of outcomes from the trial.

(Reference: Report by the Network and Environment Manager – submitted)

(b) ROADS WORKS PROGRAMME 2008/9

Members heard from the Network and Environment Manager on the roads revenue budget to fund the Works Programme for 2008/09. The Network and Environment Manager explained there was a discrepancy in the figures of the background in the report and these figures should read: R10 from £940,294 to £1,264,755, winter maintenance from £150,000 to £250,000 and flooding to stay the same at £25,000.

Decision

The Committee agreed to the proposed allocation of revenue budget as detailed in Appendix 1 of the report.

(Reference: Report by the Network and Environment Manager – submitted)

(c) ROADS WORKS CAPITAL PROGRAMME 2008/9

Members heard from the Network and Environment Manager on the Roads Capital Budget to fund the Works Programme during 2008/09.

Motion

That the imbalance in this years roads works capital programme which mitigates against improvement works for the Island of Bute, be reallocated in the 2009/10 budget.

Proposed: Councillor R Macintyre
Seconded: Councillor I Strong

Amendment

That in order to ensure fair spend in relation to highest need, this and future budgets, be allocated in accordance with need as assessed by the road condition survey carried out by the Department.

Proposed: Councillor Marshall
Seconded: Councillor Simon

With the matter being put to the vote 3 voted for the Motion and 4 for the Amendment.

Decision

The Committee agreed the recommendation in the report by the Network and Environment Manager, this and future budgets, be allocated in accordance with need as assessed by the road condition survey carried out by the Department.

Councillors Macintyre, Scoullar and Strong asked that their dissent with this decision be recorded in the minutes.

(Reference: Report by the Network and Environment Manager – submitted)

6. CORPORATE SERVICES

(a) VERBAL REPORT ON DUNOON - GOUROCK FERRY SERVICE

The Committee heard an update from the Area Corporate Services Manager on the Gourock/Dunoon Ferry Service.

Decision

The Committee noted the detail provided on this matter.

(b) SECTION 75 AGREEMENT, PROPOSED DEVELOPMENT AT COWAL GOLF CLUB BY LAURIESTON DEVELOPMENTS (COWAL) LIMITED

The Committee heard from the Area Team Leader, Development Control on the Section 75 agreement to be entered into with Laurieston Development (Cowal) Limited in respect of the proposed development at Cowal Golf Club.

Motion

To agree the recommendation in the report.

Proposed: Councillor B Marshall
Seconded: Councillor A MacAlister

Amendment

To advise Legal Services to insist on the 12 months period detailed in the conditions attached to the Planning Report.

Proposed: Councillor R Simon
Seconded: Councillor I Strong

With the matter being put to the vote 4 voted for the Motion and 3 for the Amendment.

Decision

That Legal Services discuss the matter with the developer and may agree a lesser period than the 12 months period.

(c) **BYE-LAW REVIEW-PUBLIC CONSUMPTION OF ALCOHOL**

The Committee heard from the Area Corporate Services Manager on the requirement for a review into all existing byelaws prohibiting consumption of alcohol in public and the progress already made in respect of an amendment to the existing byelaw in Rothesay.

Decision

The Committee agreed:

- i. To the recommendations in the report.
- ii. That the Dunoon byelaw area be extended to incorporate the old Dunoon Burgh Boundary.

(Reference: Report by the Anti Social Behaviour Coordinator dated 26th May 2008 – submitted)

(d) **AREA CAPITAL RECEIPTS**

The Committee heard from the Area Corporate Services Manager regarding clarification on unspent capital receipts.

Decision

The Committee agreed:

- i. The recommendations in the report.
- ii. A report be brought back to the Area Committee on the £4000 spend for pedestrian crossings and ramps.

(Reference: Report by the Area Corporate Services Manager dated 20th May 2008 – submitted)

(e) **BT'S PROPOSAL TO RE ALIGN PAYPHONE PROVISION TO MEET CONSUMER DEMAND**

The Committee heard from the Area Corporate Services Manager on the notification from BT to re-align payphone provision to meet consumer demand and the removal of specific payphones across the area.

Decision

The Committee agreed:

- i. To note the detail of responses made by Community Councils and groups.
- ii. Agreed to forward the matters raised to BT for consideration.

(Reference: Report by the Area Corporate Services Manager dated 22nd May 2008 – submitted)

(f) **COWAL HIGHLAND GATHERING PARTNERSHIP**

The Committee heard from the Area Corporate Services Manager on the Council's Service Level Agreement with Cowal Highland Gathering.

Decision

The Committee agreed to instruct the Director of Community Services to proceed to completion of the Service Level Agreement with Cowal Highland Gathering in line with the Partnership discussion.

(Reference: Report by the Area Corporate Services manager dated 20th May 2008 – submitted)

7. PUBLIC AND COUNCILLOR QUESTION TIME

Inspector Macdonald Stephens asked Members about the funding for the Campus Officer and it was agreed that the Committee would write to the Executive asking that this issue of funding be considered.

Inspector Macdonald Stephens also asked about the marking of double yellow lines in certain areas, the need for a bus parking area and the parking on the Esplanade, it was agreed the Network and Environment Manager would look into these matters.

It was further agreed that the Committee would contact Fyne Homes with regard to parking provision at Gallowgate.

Councillor Simon asked about the lines being painted on areas where resurfacing was scheduled and Councillor McNaughton asked when the line programme would be progressing, both received advice from the Network and Environment Manager.

8. DEVELOPMENT SERVICES

- (a) **PLANNING APPLICATION 08/00311/DET, UNITED CHURCH OF BUTE, UNITED CHURCH OF BUTE, HIGH STREET, ROTHESAY**

Decision

The planning application be approved subject to the conditions contained in the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 23rd May 2008 – submitted)

- (b) **LISTED BUILDING CONSENT 08/00313/LIB, UNITED CHURCH OF BUTE, UNITED CHURCH OF BUTE, HIGH STREET, ROTHESAY**

Decision

The listed building consent be approved subject to the conditions contained in the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 23rd May 2008 – submitted)

- (c) **PLANNING APPLICATION 08/00322/DET, TARYA ANN WATSON, 106 DIXON AVENUE, KIRN, DUNOON**

Councillor Macintyre intimated his apologies and left the meeting at the stage.

Decision

The application be continued to a Special Area Committee in July to allow Members a site familiarisation visit.

(Reference: Report by the Head of Planning Services dated 23rd May 2008 – submitted)

- (d) **PLANNING APPLICATION 08/00387/DET, SARA GOSS, 15 BATTERY PLACE, ROTHESAY**

Councillor Macintyre returned to the meeting at this stage.

Motion

That the application be approved as whilst the installation of UPVC windows would be contrary to the provisions of NPPG 18 "*Planning and the Historic Environment*"; Historic Scotland's "*Memorandum of Guidance on Listed Buildings and Conservation Areas*"; Policy STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policies POL BE 1 and POL BE 6 of the Bute Local Plan 1990; Policies LP ENV 13 (a) and LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's *Rothesay*

Window Policy Statement; and the Council's *Design Guide E – Replacement Windows*, having regard to (a) the extent of disrepair of the original windows and (b) the proliferation of non-traditional windows in the immediate vicinity of the application site (in particular, the Category C(S) Listed Building located at 14 Battery Place), the windows as installed can be justified as a “*minor departure*” from Development Plan Policy.

Proposed: Councillor L Scoullar
Seconded: Councillor I Strong

Decision

The Committee unanimously agreed that the planning application be approved subject to the standard conditions by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 21st May 2008 – submitted)

(e) **LISTED BUILDING CONSENT 08/00388/LIB, SARA GOSS, 15 BATTERY PLACE, ROTHESAY**

Motion

That the application be approved as whilst the installation of UPVC windows would be contrary to the provisions of NPPG 18 “*Planning and the Historic Environment*”; Historic Scotland’s “*Memorandum of Guidance on Listed Buildings and Conservation Areas*”; Policy STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policies POL BE 1 and POL BE 6 of the Bute Local Plan 1990; Policies LP ENV 13 (a) and LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council’s *Rothesay Window Policy Statement*; and the Council’s *Design Guide E – Replacement Windows*, having regard to (a) the extent of disrepair of the original windows and (b) the proliferation of non-traditional windows in the immediate vicinity of the application site (in particular, the Category C(S) Listed Building located at 14 Battery Place), the windows as installed can be justified as a “*minor departure*” from Development Plan Policy.

Proposed: Councillor L Scoullar
Seconded: Councillor I Strong

Decision

The Committee unanimously agreed that the listed building consent be approved subject to the standard conditions by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 21st May 2008 – submitted)

- (f) **PLANNING APPLICATION 08/00402/DET, WELCHS PARKS, MANOR PARK, VICTORIA ROAD, HUNTER'S QUAY, DUNOON**

Decision

The planning application be approved subject to the conditions contained in the report by the Head of Planning Services.

(Reference: Reports by the Head of Planning Services dated 23rd May 2008 – submitted and 2nd June 2008 - tabled)

- (g) **APPEAL LODGED BY ARGYLL WINDFARMS LTD**

Decision

The Committee noted the appeal lodged by Argyll Windfarms Ltd in respect of the Council's failure to determine the planning application.

(Reference: Report by the Head of Planning Services dated 29th May 2008 – tabled)

- (h) **DELEGATED DEVELOPMENT CONTROL AND BUILDING CONTROL DECISIONS**

The Committee noted Delegated Development Control and Building Control Decisions made since the last meeting.

9. EXEMPT REPORTS

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 9 and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

- (a) **ST JAMES CHURCH, 71 HIGH STREET, ROTHESAY**

The Committee heard from the Estates Surveyor on the request received to purchase St James Church, 71 High Street, Rothesay.

Decision

The Committee agreed to the recommendations in the report by the Director of Corporate Services.

(Reference: Report by the Director of Corporate Services dated 9th May 2008 – submitted)

- (b) **WEST BAY PAVILION, DUNOON**

The Committee heard from the Estates Surveyor on the request received to lease the West Bay Waiting Room, West Bay, Dunoon.

