

**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the QUEEN'S HALL,
DUNOON
on TUESDAY, 23 JUNE 2009**

Present: Councillor Bruce Marshall (Chair)
Councillor Alex McNaughton Councillor Ron Simon
Councillor James McQueen Councillor Isobel Strong
Councillor Len Scoullar (Vice-Chair)_

Also Present: Shirley MacLeod – Area Corporate Services Manager
David Eaglesham- Area Team Leader, Development Control
George Craig - Assistant Roads & Amenity Services Manager
John Duncan – Area Children’s Manager
Belinda Hamilton – Area Committee Officer

Jackie Fulton – Homestart

Group Commander Stuart McLean, Strathclyde Fire & Rescue
Inspector Crawford Richmond, Strathclyde Police

1. APOLOGIES

Apologies were intimated from Councillor Alister McAlister, Councillor Robert McIntyre and Councillor Dick Walsh.

The Chairman ruled, and the Committee agreed, in terms of Standing Order 3.1 that the report by the Head of Roads and Amenity Services in regard to Revenue and Capital Roads Maintenance Budgets to be dealt with at item 8(a), be taken following item 5 due to the need for the Officer having to attend another meeting.

2. DECLARATIONS OF INTEREST

Councillor Bruce Marshall declared a non-financial interest in relation to Item 8(b) 2.4, (Crossroads), of this minute, on the basis that he is a Member of the Board for this organisation. He left the meeting during discussion of this item and accordingly took no part in the decision making process.

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 5TH MAY 2009

Agreed that the Minute of 5 May 2009 be approved as a correct record.

4. PRESENTATION TO DUNOON YOUTH FOOTBALL LEAGUE UNDER 13'S TEAM

The Committee welcomed representatives from the Dunoon Youth Football League and congratulated them on their many achievements over the last year. On behalf of Members, Councillor Bruce Marshall, Chair of the Bute and Cowal Area Committee, presented a donation to assist them continue their success and

wished the Club the very best for the coming season.

5. AREA SPORTS VOLUNTEER AWARDS

Dylan Kerr, Football Development Officer, informed Members that the Sports Volunteer Awards, which took place on 5 June 2009, were a partnership between the Volunteer Centre and Argyll and Bute Council and recognise the valued work that volunteers contribute to community life in Argyll and Bute.

Mr Kerr, on behalf of Argyll and Bute Council, congratulated the winners of the Area Sports Volunteer Awards for Bute and Cowal who were:

Adult Sports Volunteer – Catriona Perlich, Tighnabruaich, for athletics, tennis and Active Schools.

Junior Sports Volunteer – Craig Murray, Bute, for football, primary schools and Active Schools.

Councillor Bruce Marshall also congratulated the winners on behalf of the Bute and Cowal Area Committee.

6. OPERATIONAL SERVICES

(a) REVENUE AND CAPITAL ROADS MAINTENANCE BUDGETS

Members considered a report by Stewart Turner, Head of Roads and Amenity Services, which set out the 2009/2010 roads maintenance Revenue and Capital budgets for Bute & Cowal, highlighting the effect the limited budget would have on meeting the requirements of the 'Road Maintenance & Asset Management Plan for the Road Network.'

Decision

1. Agreed to note the contents of the report by the Head of Roads & Amenity.
2. Agreed to congratulate George Craig and his team for the commendable work undertaken in the past few months.

(Ref: Report by Head of Roads & Amenity, dated 23 June 2009, submitted)

7. HOMESTART PROJECT - PRESENTATION BY JACKIE FULTON

Members heard an informative presentation from Jackie Fulton from Homestart. She outlined the remit of the Group and advised that the service was now due to expand to other areas of Argyll and Bute. She explained that the Group's biggest challenges were funding, sustainability and recruiting. A recent review was carried out to obtain feedback from all users of the service to ascertain how they use it and how it benefits them.

Councillor Marshall thanked Ms Fulton and brought Member's attention to leaflets provided for their further information.

8. COMMUNITY SERVICES

(a) SCHOOL HOLIDAYS AND IN SERVICE DAYS: 2010/2011

Members considered a report by the Director of Community Services regarding the framework of main holiday dates for schools in Bute and Cowal in 2010/2011.

Decision

1. Agreed to endorse the final pattern of school holidays and in-service days for all schools in Bute and Cowal as outlined in Appendices 1 and 2 of the report.
2. Agreed that the details of school holidays and in-service days for 2010/2011 should now be circulated to schools and all relevant organisations.

(Ref: Report by Director of Community Services dated 2 June 2009, submitted)

APPLICATIONS FROM VOLUNTARY ORGANISATIONS FOR FINANCIAL ASSISTANCE UNDER THE SOCIAL WELFARE GRANTS SCHEME 2009/2010

Ten Social Welfare Grants were presented for consideration

Decision

1. Noted the budget of £11269 for the financial year 2009/10.
2. The Social Welfare Grants were determined as follows:-

Applicant	Amount Requested	Grant Awarded
2.1 Argyll & Bute Rape Crisis	£3000	£1700
2.2 Bute Advice Centre	£7000	£4000
2.3 Cowal Community Care Programme	£1000	£750

Councillor Bruce Marshall, having previously Declared an Interest in the following item, left the meeting at this point.

Applicant	Amount Requested	Grant Awarded
2.4 Crossroads (Cowal and Bute)	£3508.50	£2000

Councillor Bruce Marshall returned to the meeting.

Applicant	Amount Requested	Grant Awarded
2.5 Dunoon & Cowal Elderly Forum	£460	£300
2.6 Dunoon Senior Citizens	£1000	Nil
2.7 Homestart Majik Council	£1750	Nil
2.8 People & Agencies of Cowal Coming	£2054	£1000

Together		
2.9 Relationship Argyll (Argyll Couple Counselling)	£1581	£750
2.10 Sandbank Senior Citizens Club	£1665	£769

(Ref: Report by Director of Community Services dated June 2009, submitted)

9. CORPORATE SERVICES

(a) VERBAL REPORT ON DUNOON - GOUROCK FERRY SERVICE

Members were updated by Shirley McLeod, Area Corporate Services Manager, on the progress that had been made since May. An update meeting had been held on 12 June and members were advised of the Invitation to Tender which would require a 50 day advertising period, which it is hoped will commence in September 2009, with a proposed date for the new operators to be in place by Spring 2011. Ms McLeod advised that a European Commission Enquiry on the previous tendering process was currently underway and that a report on this was forthcoming.

(b) AREA CAPITAL RECEIPTS

Members considered a report by the Head of Strategic Finance advising them of an estimated level of capital receipts to allow forward planning on the use and allocation of this funding for 2009/2010.

Decision

Agreed to note the terms of the report.

(Ref: Report by Head of Strategic Finance, dated 8 May 2009, submitted)

(c) AREA CAPITAL RECEIPTS APPLICATION

Members considered a report by the Area Corporate Services Manager regarding a request by the Streetscene Manager for assistance from the Capital Receipt Fund to improve the playing fields associated with Dunoon Stadium. Members were advised that a sum of money is available in the Capital Receipt Fund which can be allocated against projects which meet the capital criteria.

Decision

1. Agreed to consider allocation of the available sum in the Capital Receipt Fund.
2. Agreed that future allocations of Capital Receipt Funds for Cowal go first and foremost towards repairs to the Dunoon town centre Christmas Lights fittings until such time as that matter is fully funded.

(Ref: Report by Area Corporate Services Manager, dated 15 June 2009, submitted)

(d) **REQUEST FOR PARTNERSHIP FROM DUNOON & COWAL BUSINESS ASSOCIATION**

Members considered a report by the Area Corporate Services Manager regarding a request from the Dunoon and Cowal Business Association to enter into a partnership agreement with the Council.

Decision

1. Agreed to note the contents of the report.
2. Agreed to continue discussion of this item to the August Business Day to allow discussions with the Dunoon and Cowal Business Association.

(Ref: Report by Area Corporate Services Manager, dated 27 May 2009, submitted)

The meeting adjourned at 11.40am in terms of the Scheme of Public Participation.

10. PUBLIC AND COUNCILLOR QUESTION TIME

Mrs Irene Pratt expressed her concerns that, during a recent journey on the Calmac Ferry, a visitor to the area was not correctly advised of the ticket purchasing procedure resulting in her being left with non-transferable tickets at the end of her holiday. Mrs Platt asked if the Council were in a position to do anything to resolve the current situation.

Councillor Marshall responded by suggesting to Mrs Platt that she write to Calmac explaining that their policies are detrimental to tourists visiting this area.

Members suggested inviting a representative from Calmac to a future Area Committee Public Question Time when a response could be given. The Community Planning Partnership will also be notified in order that the Executive of the Council are made aware of the current situation.

Ann Gabriel, Chairperson Dunoon Community Council, enquired about the remedial work currently being undertaken on 'Highland Mary' and raised her concerns regarding the fencing surrounding the statue and asked when this would be removed.

Councillor Bruce Marshall assured her that the fencing would be removed in the near future once the maintenance work was complete.

Councillor Ron Simon asked Inspector Richmond, Strathclyde Police, about whether there had been any problems regarding motor vehicles in the town centre and also raised concerns that there had been evidence of boisterous behaviour in Kirn, with park benches and flower beds being destroyed.

The Inspector responded to this by advising the public to report any concerns they may have as, unless the police were aware of these issues, very little could

be done. He explained that there are no extra resources available during the summer months and that it is imperative that the public alert the police to any potential situations and that any complaints could be treated confidentially.

Group Commander Stuart McLean, Strathclyde Fire and Rescue, informed members that it is anticipated that the work on the fire station, although 3-4 weeks over schedule, should be completed by the end of July. An opening date will be confirmed nearer the time. He advised that there had been no significant increase in incidents.

Mr Moonan, raised his concerns that his local Councillor was not readily available after the move to multi member wards. Shirley McLeod, Area Corporate Services Manager, explained that all Councillors were available at all times either by telephone or internet and that there are benefits to the new system, with more than one Councillor being able to campaign for any potential causes on the person's behalf. She suggested that if Mr Moonan was still unhappy about the situation, he should write to the Electoral Commission and also to Scottish Government outlining his concerns.

The meeting re-convened at 11.55am.

11. DEVELOPMENT SERVICES

(a) OUTLINE PLANNING APPLICATION 07/00952/OUT, SIR ROBERT MCALPINE ENTERPRISE LTD, ARDYNE TOWARD

Members noted that this Application has been withdrawn.

(b) PLANNING APPLICATION 08/00489/DET, F & G DEVELOPMENTS LTD. FORMER ROYAL HOTEL AND SURROUNDING LAND, PIER ROAD, INNELLAN

A report by the Head of Planning was considered regarding a Detailed Planning Application for the erection of 12 dwellinghouses, detached double garage, formation of new vehicular access, car parking, turning and landscaping at Former Royal Hotel and surrounding land, Pier Road, Innellan in which it was recommended that the application be refused

Decision

Agreed to continue consideration to a Discretionary Hearing on 30 July 2009 following prior Site Familiarisation Visit

(Ref: Report by Head of Planning dated 5 March 2008, submitted)

(c) OUTLINE PLANNING APPLICATION 08/01597/OUT, MR & MRS HUTCHINSON, LAND EAST OF BURNSIDE COTTAGE, MONTFORD, ROTHESAY

Members considered a report by the Head of Planning regarding an Outline Planning Application for the erection of a dwellinghouse at Land East of Burnside Cottage, Montford, Rothesay in which it was recommended that

the application be refused.

Decision

Agreed to refuse planning permission for the reasons contained within the report by Head of Planning.

(Ref: Report by Head of Planning dated 8 September 2008, submitted)

(d) **OUTLINE PLANNING APPLICATION 08/02011/OUT, MR J STIRLING, LAND SOUTH EAST OF ALDERSYDE, TOWARD**

A report by the Head of Planning was considered regarding a Detailed Planning Application for the erection of 3 dwellinghouses and formation of vehicular accesses, at Land South east of Aldersyde, Toward, Argyll

Decision

Agreed to continue consideration to a Discretionary Hearing on 30 July 2009 following prior Site Familiarisation Visit.

(Ref: Report by Head of Planning dated 13 November 2008, submitted)

(e) **APPROVAL OF RESERVED MATTERS 08/02133/REM, MR & MRS HARRISON, BALMORY HALL, BALMORY ROAD, ASCOG, ISLE OF BUTE**

A report by the Head of Planning was considered regarding an Approval of Reserved Matters for the erection of dwellinghouse, detached garage and formation of vehicular access at Balmory Hall, Balmory Road, Ascog, Isle of Bute in which it was recommended that the application be refused.

Decision

Agreed to refuse planning permission for the reasons contained within the report by Head of Planning.

(Ref: Report by Head of Planning dated 9 December 2008, submitted)

(f) **CHANGE OF USE 09/00333/COU, GANTOCK ROCK LTD, 43 ARGYLL STREET, DUNOON**

A report by the Head of Planning was considered regarding a Change of Use Application for the Change of use of shop (Class1) to hot food takeaway (Sui Generis) and installation of external flue at 43 Argyll St, Dunoon, Argyll in which it was recommended that the application be approved.

Decision

To grant planning permission as a minor departure to the Development Plan and subject to the conditions contained within the report by the Head

of Planning for the following reasons:-

Policy POL COM 2 of the adopted Cowal Local Plan 1995 seeks to protect Dunoon's retail core by restricting non-retail changes of use from Class 1 in the part of *Argyll Street* that contains the subject premises (*43 Argyll Street*).

The Cowal Local Plan adopted fourteen years ago is aged and is being replaced by the *Argyll & Bute Local Plan Post Inquiry Modifications 2008*. The proposed change of use would not conflict with Policy LP RET 2 in so far as the premise is located outwith the defined core Shopping Area of Main Town Centres, as defined by the emerging local plan. Such a proposed new use does not conflict with any land use policies within this local plan.

(Ref: Report by Head of Planning dated 5 March 2008, submitted)

(g) **PLANNING APPLICATION 09/00461/DET, MR & MRS GEORGE BROWN, GROUND FLAT 5A COLUMSHILL PLACE, ROTHESAY, ISLE OF BUTE**

A report by the Head of Planning was considered regarding a Detailed Planning Application for the retention of replacement windows at Ground Flat 5a Columshill Place, Rothesay, Isle of Bute in which it was recommended that the application be refused.

Decision

Agreed to refuse planning permission for the reasons contained within the report by Head of Planning.

(Ref: Report by Head of Planning dated 1 April 2009, submitted)

(h) **LISTED BUILDING CONSENT 09/00462/LIB, MR & MRS GEORGE BROWN, GROUND FLAT 5A COLUMSHILL PLACE, ROTHESAY, ISLE OF BUTE**

A report by the Head of Planning was considered regarding a Listed Building Application for the retention of replacement windows at Ground Flat 5a Columshill Place, Rothesay, Isle of Bute in which it was recommended that the application be refused.

Decision

Agreed to refuse planning permission for the reasons contained within the report by Head of Planning.

(Ref: Report by Head of Planning dated 1 April 2009, submitted)

(i) **VARIATION OF CONDITION 09/00483/VARCON, MR & MRS HARRISON, BALMORY HALL, BALMORY ROAD, ASCOG, ISLE OF BUTE - REPORT TO FOLLOW**

A report by the Head of Planning was considered regarding a Variation of Condition Application for the erection of dwellinghouse (Removal of Condition 4 of Planning Permission 07/02143/OUT Relating to House Design) in which it was recommended that the application be approved.

Decision

Agreed to grant planning permission for the reasons contained within the report by Head of Planning.

(Ref: Report by Head of Planning dated 9 April 2009, submitted)

(j) **PLANNING APPLICATION 09/00528/DET, FYNE HOMES, 32 COLUMSHILL STREET AND 2 COLUMSHILL PLACE, ROTHESAY**

A report by the Head of Planning was considered regarding a Detailed Planning Application for the Installation of Replacement Windows at 32 Columshill Street and 2 Columshill Place, Rothesay in which it was recommended that the application be refused

Decision

Agreed to continue application to July Area Committee Meeting to allow discussions between Area Corporate Services Manager, Head of Democratic Services and Planning Officer regarding terms of a motion.

(Ref: Report by Head of Planning dated 17 April 2009, submitted)

(k) **LISTED BUILDING CONSENT 09/00532/LIB, FYNE HOMES, 32 COLUMSHILL STREET AND 2 COLUMSHILL PLACE, ROTHESAY**

A report by the Head of Planning was considered regarding a Listed Building Application for the Installation of Replacement Windows at 32 Columshill Street and 2 Columshill Place, Rothesay in which it was recommended that the application be refused

Decision

Agreed to continue application to July Area Committee Meeting to allow discussions between Area Corporate Services Manager, Head of Democratic Services and Planning Officer regarding terms of a motion.

(Ref: Report by Head of Planning dated 17 April 2009, submitted)

(l) **OUTLINE PLANNING APPLICATION 09/00595/OUT, DENIS DOHERTY, LAND EAST OF DAVIDSON PLACE, NORTH CAMPBELL ROAD, INNELLAN**

Members considered a report by the Head of Planning regarding an Outline Planning Application for the erection of three dwellinghouses and formation of vehicular access at Land East of Davidson Place, North Campbell Road, Innellan, in which it was recommended that the application be refused.

Decision

Agreed to refuse planning permission for the reasons contained within the report by Head of Planning.

(Ref: Report by Head of Planning dated 8 May 2009, submitted)

(m) **PLANNING APPLICATION 09/00616/DET, BARRYRANGE LTD, BUCKINGHAM TERRACE, CASTLE STREET, PORT BANNATYNE - REPORT TO FOLLOW**

Members considered a report by the Head of Planning regarding a Detailed Planning Application for alterations to tenement incorporating change to roof shape, installation of new rooflights and installation of replacement windows (amendment to planning permission 08/00658/DET incorporating the change of roof void development – formation of dormer windows on south elevation, balcony feature on north elevation and installation of UPVC windows throughout at Buckingham Terrace, 12/14/16 Castle Street, Port Bannatyne, Isle of Bute in which it was recommended that the application be refused.

Decision

Agreed to refuse planning permission for the reasons contained within the report by Head of Planning.

(Ref: Report by Head of Planning dated 5 May 2009, submitted)

(n) **REMOVAL OF CONDITION 09/00631/VARCON, WESTERN FERRIES (CLYDE) LTD, LAND NORTH OF FERRY TERMINAL, MARINE PARADE, HUNTERS QUAY, DUNOON**

A report by the Head of Planning was considered regarding a Variation of Condition Application for the erection of new linkspan: infilling works with rock armour sea wall to create extended Marshalling area: and associated infrastructure works (Removal of Condition 12 of Planning Permission 05/00200/DET relating to simultaneous use of both linkspans (Retrospective) at Land North of Ferry Terminal, Marine Parade, Hunter's Quay, Dunoon in which it was recommended that the application be approved.

Decision

Agreed that there has been no change to the operational requirements and that condition 12 of Planning Permission 05/00200/DET already contains a flexibility for using both linkspans in terms that written approval can be given by the Planning Authority to cover peak trading such as Cowal Games and maintenance. There is therefore no necessity to remove Condition 12 and that this application be refused.

(Ref: Report by Head of Planning dated 7 May 2009, submitted)

(o) **PLANNING APPLICATION 09/00314/DET, RONALD J HAIR, THE OLD BAKEHOUSE, EAST PRINCES STREET, ROTHESAY**

A report by the Head of Planning was considered regarding a Detailed Planning Application for the conversion of Redundant Bakery to form Four Flats at The Old Bakehouse, East Princes Street, Rothesay in which it was recommended that the application be refused.

Decision

Agreed that the application be approved as a minor departure from Policy LP TRAN 6 of the Argyll and Bute Local Plan since

- a) The proposal would enhance the Rothesay Conservation Area and
- b) The absence of car parking is consistent with the Objective of the Policy LP TRAN 6 which recognises that development can function effectively where public car parking and access to public transport are available, subject to:-
 - 1. The Standard Conditions and
 - 2. Notwithstanding the submitted details, any windows installed shall be timber framed, in accordance with details to be submitted to, and approved by, the Planning Authority

Reason

In the interests of the architectural character of Rothesay Conservation Area

(Ref: Report by Head of Planning dated 12 March 2009, submitted)

(p) **DELEGATED DEVELOPMENT CONTROL AND BUILDING CONTROL DECISIONS**

A monthly list of delegated decisions since the last Committee was submitted for information regarding Planning and Building Warrant Applications.

Decision

Agreed to note the contents of the submitted report.

(Ref: Reports by Head of Planning dated 4 June 2009, submitted)

12. EXEMPT ITEMS

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public from 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.

Paragraph 13

Information which, if disclosed to the public, would reveal that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

(a) ENFORCEMENT REPORTS

1. The Committee considered a report by the Head of Planning dated 2 June 2008 in regard to the Enforcement Report on Columshill Place, Rothesay

Decision

Agreed with the recommendation contained in the report

(Ref: Report by Head of Planning dated 2 June 2009, submitted)

2. The Committee considered a report by the Head of Planning dated 23 June 2009 in regard to the Enforcement Report on Colbeck Place, Rothesay

Decision

Agreed with the recommendation contained in the report

(Ref: Report by Head of Planning dated 23 June 2009, submitted)

3. The Committee considered a report by the Head of Planning dated 23 June 2009 in regard to the Enforcement Report on Buckingham Terrace, Port Bannatyne

Decision

Agreed with the recommendation contained in the report

(Ref: Report by Head of Planning dated 23 June 2009, submitted)

4. The Committee considered a report by the Head of Planning dated

23 June 2009 in regard to the Enforcement Report on Mountstuart Road, Rothesay

Decision

Agreed with the recommendation contained in the report

(Ref: Report by Head of Planning dated 23 June 2009, submitted)

5. The Committee considered a report by the Head of Planning dated 23 June 2009 in regard to the Enforcement Report on Marine Parade, Hunters Quay, Dunoon

Decision

Agreed with the recommendation contained in the report

(Ref: Report by Head of Planning dated 23 June 2009, submitted)

(b) **QUARTERLY ENFORCEMENT REPORT**

A report on the Enforcement of Planning Control for the first quarter of 2009 was submitted.

Decision

Agreed to note the contents of the submitted report by the Head of Planning.

(Ref: Report by Head of Planning dated 9 June 2009, submitted)