

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 DECEMBER 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Neil Mackay
Councillor Gordon Chalmers	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor Vivien Dance	Councillor Alex McNaughton
Councillor Mary-Jean Devon	Councillor James McQueen
Councillor David Kinniburgh	Councillor Al Reay
Councillor Bruce Marshall	

**Attending:** Charles Reppke, Head of Governance and Law  
Angus Gilmour, Head of Planning and Regulatory Services  
Ross McLaughlin, Development Manager  
Sandra Davies, Planning Officer  
Grant Whyte, Technical Officer (Flooding Alleviation)

**1. APOLOGIES FOR ABSENCE**

An apology for absence was intimated from Councillor Alister MacAlister.

**2. DECLARATIONS OF INTEREST**

Councillor Vivien Dance declared a non financial interest in the planning application dealt with at item 9 of this Minute as she had been contacted by the Applicant to encourage support for the application. Councillor Dance left the room and took no part in the discussion of this item.

Councillor James McQueen declared a financial interest in the planning application dealt with at item 5 of this Minute as he is a shareholder and retired employee of Scottish Gas. Councillor McQueen left the room and took no part in the discussion of this item.

Councillor Bruce Marshall declared a non financial interest in the planning application dealt with at item 5 of this Minute as he has previously made his feelings known on a related planning application. Councillor Marshall remained in the room but took no part in the discussion of this item.

Councillor Bruce Marshall declared a non financial interest in the planning application dealt with at item 6 of this Minute as he has made representations on this application. Councillor Marshall left the room and took no part in the discussion of this item.

**3. MINUTES**

(a) The Minutes of the Planning, Protective Services and Licensing Committee of 23 November 2011 (10.00 am) were approved as a correct record.

- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 23 November 2011 (10.30 am) were approved as a correct record subject to the following change:-

With reference to the planning application dealt with at item 5 of this Minute the wording "supplementary planning report number 2" should read "supplementary planning report number 3".

In view of the number of late reports and letters tabled at the meeting the Chair ruled, and the Committee agreed, to adjourn the meeting for 15 minutes to allow Members the opportunity of reading through this paperwork.

The Committee reconvened at 10.50 am.

Councillor Vivien Dance declared a non financial interest in the planning application dealt with at item 8 of this Minute as she has made representations on this application. Councillor Dance left the room and took no part in the discussion of this item.

Councillors Gordon Chalmers and Mary-Jean Devon joined the meeting.

**4. ARDKINGLAS ESTATE: ERECTION OF MIXED DEVELOPMENT COMPRISING 16 DWELLING HOUSES, 7 COMMERCIAL UNITS, CHILDCARE CENTRE AND INSTALLATION OF SEWAGE SYSTEMS AND ACCESS IMPROVEMENTS: LAND ADJACENT TO ARDKINGLAS SAWMILL, CLACHAN, CAIRNDOW (REF: 09/00385/OUT)**

The Development Manager spoke to the terms of supplementary report number 6 which was tabled at the meeting and advised on the advertisement of the Masterplan document submitted by the Applicant, further supporting information from the Applicant, further consultee responses and further representations including a petition of support with 155 names. Notwithstanding the level of support for the proposal, or general acceptance of the Masterplan by Members at previous meetings, the Development Manager advised that the Masterplan document does not provide an appropriate and detailed working of this PDA and is light in terms of population estimates, phasing, massing, heights, integration, landscape capacity and key viewpoint assessment and recommended to Members that they note the contents of this supplementary report and that planning permission be refused as per the original planning report dated 14 September 2011 and amendments to reason for refusal number 3 contained in supplementary report number 1 dated 20 September 2011.

The Head of Governance and Law advised of the receipt of a private and confidential email that had been sent to the Council's Chief Executive by Mrs Pound and read out a section of this which Mrs Pound had requested be brought to Members' attention as follows:-

*"1. Please advise the PPSL that the personal comments within the new waive of 'letters for support' since December 2011 under application 09/00385/OUT – referenced below – are completely incorrect and defamatory and these comments have clearly been made by ill-informed and misguided individuals who have clearly got their facts wrong and/or purposely been given incorrect information. I do not feel that I need to justify what my or my husband's business is – suffice to say that it is not commercial property development.*

*I am a stakeholder within the community, run a small business – have done for the last decade – and contribute to the local economy. To that extent, I was recently invited by the Treasurer of the Cowal Marketing Group – as a ‘Business Colleague’ to join that Group so I do find it rather alarming that certain individuals have put in writing comments that I or my husband are commercial developers – when we are not – and contribute nothing to the local economy – when we do – to which I take exception and I would like to put the matter straight once and for all.*

*"2. I am also alarmed at an elected Member's personal and defamatory comments made at the last PPSL meeting on 23 November 2011. My answers to any personal questions at the Hearing were factually correct even though they had no relevance to the application and I have to request a public apology".*

The Head of Governance and Law advised that in terms of point 2 above this was not a matter for the PPSL Committee to deal with and that in terms of point 1 this has been drawn to Members' attention.

### **Motion**

That planning permission be refused as per the original planning report dated 14 September 2011 and amendments to reason for refusal number 3 contained in supplementary report dated 20 September 2011.

Moved by Councillor Daniel Kelly, seconded by Councillor Al Reay.

### **Amendment**

1. This site is described in planning terms as a very generous PDA and the development of less than 2 hectares of this site under the proposals before us to deliver a mixed use development to meet local need for houses, jobs and a childcare facility is in line with Argyll and Bute's Development Plan and Corporate Plan. This development is a proactive approach to sustaining economic growth and vibrancy in a rural area in what are extremely challenging financial times and will not impede future development of the other 28 hectares against a Masterplan approach to the total site. The submitted Masterplan clearly outlines how the landowner will unlock the potential of this area and support the endeavours of the estate to grow the local economy to a worldwide audience and market. Furthermore, regardless of any perceived shortcomings of the Applicant's Masterplan for the wider PDA I do not consider this 'Phase 1' shall prejudice the satisfactory development of the wider PDA in the longer term and does highlight a level of foresight as can be practicable in the current economic climate. This outline application will not impede the development of a co-ordinated and comprehensive Masterplanning approach for the rest of the site given its discreet and sensitive siting within the overall PDA area. To this extent, I consider the submitted Masterplan to be broadly acceptable in this instance and demonstrates a comprehensive approach taken by the developer in bringing forward the site and therefore complying with requirements of the Local Plan's Action Plan. The developer has a long term vision for the area and a proven track record of supporting local enterprise and business in

difficult economic times and delivering sensitive and successful enterprises to meet local aspirations and provide much needed employment in the locality

In view of the local hearing attended by both objectors and supporters it is submitted that the proposed Masterplan has been adequately publicised to the local community and that there are unlikely to be any new issues arising given that the Masterplan has been altered only to the extent of removing a small area of land from its area of assessment and application being 'in the public domain' since 2009. The further period of consultation that has taken place over the past 3 weeks on the Council's website and local press is more than reasonable given that the new Masterplan has been altered only to the extent of removing a small area of land from its area of assessment. I am also aware of the huge groundswell of local public support for this development and also the fact that it strongly accords with Argyll and Bute Council's Economic Development Action Plan 2010 – 2013.

2. The inclusion of houses, affordable homes, business units and a childcare facility meets the aspirations of Argyll and Bute and contribute towards sustaining a fragile rural economy and grow and retain the population and should be seen as significant planning gain. This application is for an acceptable land use in the context of the area and would deliver increased amenity in the form of business development and opportunities, homes, childcare facilities for a wide catchment area, and the infrastructure proposals in respect of sewage treatment systems and access improvements would unlock the potential of the rest of the PDA in years to come.
3. By designating the PDA, the Council has accepted that the settlement pattern in this part of Glen Fyne will change. In that context, the development of 16 dwellings, 7 commercial units and a childcare community building within a 2 hectare site need not be regarded as excessive. Most of the land surrounding the actual application site is within the Applicant's control, so there would be no difficulty in imposing conditions requiring the submission and implementation of a strategic landscape plan to assist the assimilation into the countryside. Furthermore, there are no objections from statutory consultees to the development and specific design and bad neighbour concerns can be mitigated by conditions or even a Section 75 agreement at detail stage. Any other issues raised by the consultees, such as water or access, can be adequately addressed by planning conditions. To this extent, I consider appropriate landscaping, design, drainage, water supply, access and background noise conditions can be attached for the development to accord with Policies STRAT SI 1, STRAT DC 1, STRAT HOU 1 of the Argyll and Bute Structure Plan 2002 and to Policies LP ENV 1, LP ENV 10 and LP ENV 19.

I therefore move that the application be approved as being consistent with PDA 9/13 and relevant policies of the Argyll and Bute Local Plan, subject to appropriate conditions to be remitted to Officers in consultation with the Chair and Vice Chair of the PPSL Committee.

Moved by Councillor Bruce Marshall, seconded by Councillor Vivien Dance.

Councillor Reay advised that having heard the Amendment he would like to withdraw his support for the Motion which was accepted by Councillor Kelly and the Motion fell.

Having established that there were no further amendments, the Amendment became the Motion and the subsequent decision of the Committee.

### **Decision**

Agreed to grant planning permission subject to appropriate conditions to be remitted to Officers in consultation with the Chair and Vice Chair of the PPSL Committee.

(Reference: Report by Head of Planning and Regulatory Services dated 14 September 2011, Supplementary Report 1 dated 20 September 2011, Supplementary Report 2 dated 13 October 2011, Supplementary Report 3 dated 20 October 2011, Supplementary Report 4 dated 2 November 2011, Supplementary Report 5 dated 22 November 2011, submitted and Supplementary Report 6 dated 19 December 2011, tabled)

Having previously declared an interest in the following application Councillor James McQueen left the room and took no part in the discussion of this item. Councillor Bruce Marshall took no part in the discussion of this item.

### **5. NATIONAL GRID PROPERTY: SITE FOR THE ERECTION OF RETAIL STORE (CLASS 1) WITH ASSOCIATED DEVELOPMENT INCLUDING ACCESS, CAR PARKING AND LANDSCAPING: LAND AT FORMER GASWORKS, ARGYLL STREET/HAMILTON, DUNOON (REF: 11/00689/PPP)**

At the PPSL Committee on 23 November 2011, following a Hearing in the Queen's Hall, Dunoon on 9 November 2011, Members resolved to continue determination of this application for additional flood risk information to be submitted for consideration. The Development Manager spoke to the terms of supplementary report number 4 which confirmed receipt of further flood risk information from Dougal Baillie and responses from the Council's Flood Risk Management and SEPA. The report also referred to a letter of objection from GVA Grimley Ltd on behalf of Morrisons, further objections from James Barr/Kaya regarding flood risk issues and a letter of support from the Old Men's Club, Dunoon. The Development Manager also referred to supplementary report number 5 which was tabled at the meeting and confirmed receipt of further supporting information from the Applicants in response to matters raised at the Hearing, in the press and from objectors and a copy of this was circulated to Members. The Development Manager recommended that planning permission be approved as per the original report.

### **Motion**

That planning permission be approved subject to the conditions and reasons detailed in the Planner's original report dated 7 September 2011.

Moved by Councillor Daniel Kelly, seconded by Councillor Donald MacMillan.

### **Amendment**

Having read all the reports and listened closely to the debate at the hearing and weighing up the sometimes competing professional opinion on technical matters such as parking, flooding and land contamination I am unconvinced that the National Grid Site is either large enough or operationally viable to construct a modern supermarket of the scale as proposed. Whilst I acknowledge this is an 'in principle' application the attachment of no less than 27 conditions casts significant doubt over the deliverability and viability of the site and all of the technical matters could manifest into significant or 'show stopping hurdle' at which point more advantageous sites will have been lost from the area altogether.

Firstly, taking a precautionary principle approach in terms of climate change and additional rainfall and frequency of storm which increase the occasions when the West of Scotland is susceptible to flooding and associated damage, I do not agree that the site can deliver the size of store shown on the indicative plans and still have enough of the site to deliver the compensatory flood storage required. This development will increase the flood risk to other properties on the opposite bank of the burn and to properties downstream of the site. The applicant does not address these issues or whether any measures would be needed to protect the channel bed or opposite bank. The flood level estimates have been revised and the floodplain storage lost will have increased, but not the size of the compensatory flood storage area. Whilst I acknowledge the comments of both SEPA and Council's own engineer into the matter, which have been challenged by other professional experts particularly in respect of consistency of approach, I side with the professional opinion of Kaya Consulting and remain unsatisfied that matter is or can be resolved. The development is therefore contrary to the PPS, Strat DC10, LP SERV 8 and LP ENV1(D) in that it increases the risk to other land and property as it occupies the functional flood plain and the plans submitted do not give me comfort that this development will mitigate these risks.

Secondly, the parking provision and emphasis on this being a linked trip function site by officers concerns me greatly. Paragraph 1.9 of Appendix C of the Local Plan rightly expects that more parking should be provided where the car parking has a link to town centre shopping and parking. My interpretation is that the parking provision falls short of minimum requirements or is at the lower end of requirements and does not befit a modern supermarket that serves a dispersed and rural community such as the Cowal peninsula where there is a greater reliance on private cars. To this extent, I consider the application to be contrary to Policy LP TRAN 6 and Appendix C of the Local Plan.

Thirdly, I consider the proposal to be contrary to policy LP ENV 19 in that the density and layout of the building is inappropriate and represents overdevelopment of the site. The impact of this development in respect of its size, its location, its prominence and its relationship with the surrounding environment, including open space, renders it incompatible in that it fails to make a positive contribution to the area.

I consider that the applicant has failed and cannot prove beyond reasonable doubt that the site is free from technical impediments and therefore is not a viable site for retail for the people of Dunoon especially when more attractive offers are on the table. This site does not offer the best option and fails to

maximise the potential for retail opportunities across the spectrum of food, non food and fuel to serve the Dunoon population and ensure the economic vibrancy and sustainability of a rural town. The plan for this site lacks vision and is a “shoe in” development, compressed to meet the needs of the applicant as to what can be fitted on site rather than what would best meet the aspirational retail needs of Dunoon and Cowal and as such is contrary to LP RET 1 in that it does not meet the sequential test.

With this in mind, and mindful of the requirements laid down to decision makers in SPP1, contrary to Officers’ recommendation I propose an amendment that the application be refused for the reasoning stated above.

Moved by Councillor Vivien Dance, seconded by Councillor Mary Jean Devon.

### **Decision**

The Amendment was carried by 7 votes to 4 and the Committee resolved accordingly.

(Reference: Report by Head of Planning and Regulatory Services dated 7 September 2011, Supplementary Report 1 dated 20 September 2011, Supplementary Report 2 dated 8 November 2011, Supplementary Report 3 dated 16 November 2011, Supplementary Report 4 dated 15 December 2011, submitted and Supplementary Report 5 dated 20 December 2011, tabled)

Councillor McQueen returned to the meeting.

Having declared an interest in the following application Councillor Bruce Marshall left the room and took no part in the discussion of this item.

**6. CWP PROPERTY DEVELOPMENT AND INVESTMENT: ERECTION OF CLASS 1 FOODSTORE WITH ASSOCIATED DEVELOPMENT TO INCLUDE CAR PARKING, ACCESS ROAD, ROAD BRIDGE, PETROL FILLING STATION AND ENGINEERING WORKS: 361 ARGYLL STREET, DUNOON (REF: 10/00222/PPP)**

At its meeting on 9 November 2011 the PPSL Committee agreed to continue consideration of this Application in view of the decision reached at the PAN 41 Hearing in respect of the National Grid Application (Ref: 11/00689/PPP) and that it would be dealt with again when considering the National Grid Application.

The Development Manager spoke to the terms of supplementary report 8 which confirmed receipt of a letter of objection (dated 8 December 2011) from the Commercial Property Manager of National Grid Property which was circulated to Members. Further information forwarded to the Head of Governance and Law in an email dated 20 December 2011 by the Applicant was also circulated to Members at the meeting. The Development Manager advised that in view of the decision made by Members in respect of the National Grid Application (Reference: 11/00689/PPP), he recommended refusal of this application for reasons 1, 3 and 4 detailed in the original report and that reason 2 in respect of the sequential test no longer applied.

## **Motion**

That planning permission be refused for reasons 1, 3 and 4 detailed in the Planner's original report dated 4 March 2011.

Moved by Councillor Daniel Kelly, seconded by Councillor Donald MacMillan.

## **Amendment**

1. That in terms of the sequential test given that the National Grid site has been refused the site is now the sequentially preferable site for Dunoon and so consistent with Policy.
2. In terms of the significant impact on the retail centre of Dunoon as identified by the Applicant's retail impact assessment, it is considered that Dunoon town centre has a range of retail outlets, many of which are operated by locally based independent businesses and, as such, many are assessed to be fragile businesses unlikely to be able to withstand significant downturn in revenue from competition from an out of centre supermarket selling comparison goods. It is assessed that if there was a reduction in leakage of spend and if the town centre was made more attractive to shoppers, creating a more modern environment that would attract shoppers and tourists to frequent the town centre, then the identified negative impact would be offset by these factors and, as such, would make the impact justifiable as a minor departure from the development plan policy and together with the mitigation measures proposed would assist in sustaining the town centre with a limited adverse impact and, as such, would be a justified departure to policies STRAT S1, STRAT DC1, PROP SET 2 PROP SET 3, PROP SET 4 of the Structure Plan and policies ENV 1, ENV19 and P/PDA 1 of the Local Plan. It is my view that some niche suppliers and those selling established locally branded goods will be better placed to withstand such competition whilst others will need to reposition themselves to capitalise on the increased opportunities that reducing leakage of spend to the Gourock/Glasgow conurbation will provide. It is perceived that a new retail store that would reduce that leakage would have less of an impact on the retail centre than a smaller outlet which did not reduce that leakage on the basis that it would retain shoppers in the Dunoon area and attract shoppers from the wider Cowal and Bute area who would frequent not only the new retail store but would also be drawn to an improved town centre shopping area: thus a store of the scale of 40,000 square feet is judged to be of sufficient scale to reduce the leakage and to retain and redirect that lost revenue into the Cowal economy. In addition any such store will have a greater impact on the two existing supermarkets in Dunoon which are assessed as being more able to withstand the increased competition and that this increased competition will be of positive benefit to the economy of Dunoon as competition will be likely to reduce prices with increased future reduction of leakage to other retail centres and an increased spend available for non convenience goods in the Cowal area. It is further accepted that there will be some negative impact on the town centre retail area and in mitigation of this a sum of £276,000 should be provided to the Dunoon town centre CHORD project for public realm works to create a more modern and inviting retail centre that would assist with the retention of small independent shops in the town centre, and support a transitional period as the town centre adjusts to the changed opportunities

that will arise from the development.

3. That the Applicant's be required to enter into a section 75 agreement in the following terms namely
  - an undertaking to pay the sums identified by the District Valuer in compensation for the loss of affordable housing in accordance with policy hou2 and that such sum be paid prior to the commencement of development on the site to the Council strategic housing fund; and for the avoidance of doubt that such sum as may be calculated by the district valuer at his instance only shall not be subject to challenge by the applicants;
  - that in mitigation of the limited adverse impact on the retail centre of Dunoon that a commuted sum of £276,000 be paid by the Applicants to the Council for them to undertake public realm works, and any other works deemed appropriate by the Council to maintain the viability and vitality of Dunoon town centre by the Dunoon town centre CHORD project. Such works to improve the public space and infrastructure associated with the retail centre of the town to create a more vibrant and modern appearance to the retail area which will attract customers to the retail outlets in the town centre. For the avoidance of doubt the payment shall be made prior to the commencement of development.
4. That in respect of the detailed design of the store and any associated engineering operations, the concerns around the positioning of the retail buildings is endorsed and therefore the design scheme for the development should seek to minimise the impact on the townscape and should make provision for reducing the prominence of the building when viewed from the locality and which should incorporate traditional design elements sympathetic to the existing locality and with design treatments and finishes that recognise the rural location which together with appropriate landscaping and boundary construction and treatments will present a more homogenous appearance in the local townscape. Full details of the design proposals should be required as a suspensive condition attached to the planning approval and to meet the terms of policy STRAT S1, STRAT DC1, LP ENV 1, and LP ENV 19.
5. That detailed conditions and reasons for the consent be delegated to the Head of Planning and Regulatory Services in consultation with the Chair and Vice Chair of the PPSL Committee and Councillor Devon.

Moved by Councillor Mary-Jean Devon, seconded by Councillor Roderick McCuish.

### **Decision**

The Amendment was carried by 6 Votes to 3 and the Committee resolved accordingly.

(Reference: Report by Head of Planning and Regulatory Services dated 4 March 2011, Supplementary Report 1 dated 15 March 2011, Supplementary Report 2 dated 30 March 2011, Supplementary Report 3 dated 7 April 2011,

Supplementary Report 4 dated 9 May 2011, Supplementary Report 5 dated 8 September 2011, Supplementary Report 6 dated 19 September 2011, Supplementary Report 7 dated 8 November 2011, submitted and Supplementary Report 8 dated 19 December 2011, tabled)

Councillor Marshall returned to the meeting.

**7. MR DUNCAN CAMPBELL: SUB DIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AND FORMATION OF NEW ACCESS: 7 LAGGARY PARK, RHU, HELENSBURGH (REF: 11/00784/PP)**

At its meeting on 23 November 2011 it was agreed to continue consideration of this Application to allow the Applicant to have further discussions with Planning Officers. The Development Manager spoke to the terms of supplementary report number 4 which confirmed that this meeting had now taken place and also referred to a further email from the Applicant's Agent in support of their Application. At the meeting the Applicant and his Agent requested feedback on whether an amended scheme would likely to prove acceptable. Officers confirmed that it could not be supported as it would not overcome the shortcomings identified within the original proposal. In light of this, the Applicants wish Members to proceed with the determination of this Application as submitted which is recommended for refusal for the reasons set out in the original report.

**Motion**

To continue consideration of this Application to the January PPSL Committee meeting to see if it is possible for a competent Motion to be prepared to allow approval of this application.

Moved by Councillor Daniel Kelly, seconded by Councillor Vivien Dance.

**Amendment**

To support the Planner Officer's recommendation to refuse the planning application.

Moved by Councillor Al Reay, seconded by Councillor Robin Currie.

**Decision**

The Motion was carried by 10 votes to 4 and the Committee resolved accordingly.

(Reference: Report by Head of Planning and Regulatory Services dated 2 September 2011, Supplementary Report 1 dated 19 September 2011, Supplementary Report 2 dated 3 October 2011, Supplementary Report 3 dated 3 October 2011 and Supplementary Report 4 dated 7 December 2011, submitted)

Councillor Rory Colville left the meeting.

Having declared an interest in the following 2 applications Councillor Vivien Dance left

the room and took no part in the discussion of these items.

**8. WAITROSE LTD AND WANDERING WILD LTD: ERECTION OF CLASS 1 FOODSTORE, PETROL FILLING STATION, ACCESS, PARKING, LANDSCAPING AND ANCILLARY DEVELOPMENT: LAND SOUTH OF HERMITAGE ACADEMY, CARDROSS ROAD, HELENSBURGH (REF: 11/01422/PP)**

The Planning Officer spoke to the terms of the report advising that the application site is located at the edge of the settlement of Helensburgh mostly within an area allocated for business and that a small portion of the site at the western edge is within an Open Space Protection Area (OPSA). A Class 1 retail use does not fit with the requirements of this allocation and the proposal is therefore a departure from the Development Plan in this respect. For the reasons stated in the report the proposal was also considered contrary to Scottish Planning policy, Structure Plan policy PROP SET 2 and Local Plan policy LP RET 1, Structure Plan policy STRAT FW 2 and Local Plan policies LP REC 2 and LP ENV 7 and that there are no material considerations which would justify a departure and it was therefore recommended that planning permission be refused subject to a discretionary hearing being held in view of the scale of third party representation. Reference was also made to a supplementary report tabled at the meeting which referred to additional information and representations received and which did not alter the Planner's recommendation.

**Decision**

Agreed to hold a discretionary hearing at a date and time to be determined in Helensburgh.

(Reference: Report by Head of Planning and Regulatory Services dated 15 December 2011, submitted and Supplementary Report 1 dated 20 December 2011, tabled)

**9. MR AND MRS J URQUHART: ALTERATIONS AND EXTENSION TO DWELLINGHOUSE: 64B COLQUHOUN STREET, HELENSBURGH (REF: 11/01590/PP)**

The Head of Planning and Regulatory Services spoke to the terms of his report advising that this application site was within the settlement boundary of Helensburgh and within the Upper Helensburgh Conservation area. He referred to a previous application for the erection of an extension being refused in 2008 and that this new application seeks to extend the property in a manner which overcomes the shortcomings of the original proposal. He also referred to supplementary report 1 which was tabled at the meeting and advised on a further assessment having been carried out in relation to the impact of the proposal on the amenity of the adjoining property in terms of sunlight and daylight. He recommended to Members that the contents of the report be noted, that the proposed 1.8 metre boundary wall should be deleted and that the application be approved as a minor departure from Policy LP HOU 5 and Appendix A of the Argyll and Bute Adopted Local Plan subject to the justification and amended conditions and reasons listed in the supplementary report.

**Decision**

Agreed to grant planning permission as a minor departure from Policy LP HOU 5 and Appendix A of the Argyll and Bute Adopted Local Plan subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 22/08/2011 and the approved drawing reference numbers 2027..31, 2027..32 and 2027..33 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. Development shall not begin until samples of materials to be used on external surfaces of the buildings and in construction of the wall has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

*Reason: In order to integrate the development into its surroundings.*

3. Notwithstanding the details shown on the docquetted plans no consent is hereby granted for the proposed new 1.8 metre boundary wall. In addition, the existing boundary treatment shall be retained.

*Reason: In order to protect the amenity of the adjoining property.*

4. Notwithstanding the provisions of Article 3 and Class 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no window or other openings shall be installed in the eastern facing elevations of the building without the prior written consent of the Council as Planning Authority.

*Reason: In order to prevent the inclusion of window or other openings in the specified elevations, which could significantly undermine the privacy and amenity of adjoining residential property.*

(Reference: Report by Head of Planning and Regulatory Services dated 1 December 2011, submitted and Supplementary Report 1 dated 20 December 2011, tabled)

Councillor Dance returned to the meeting.

**10. COUNCILLOR LEN AND MRS BEVERLEY SCULLAR: ALTERATIONS AND EXTENSION TO DWELLINGHOUSE INCLUDING REPLACEMENT ROOF TILES AND NEW SOLAR PANELS: 45 CRAIGMORE ROAD, ROTHESAY (REF: 11/02175/PP)**

The Planning Officer spoke to the terms of the report advising that the Applicant is a Local Member for the Bute Ward. 45 Craigmor Road is a modest, two bedroomed detached dwellinghouse located within the Rothesay Conservation

area. The proposal incorporates the erection of a domestic office on the west facing elevation; the expansion of the porch into a utility room on the north facing elevation; the removal of the existing rolled concrete tiles and their replacement with grey coloured smooth interlocking concrete tiles; and the installation of solar panels on the south facing roof slope. The proposal accords with policies LP ENV 1, LP ENV 14, LP ENV 19 and LP HOU 5 of the Argyll and Bute Local Plan (2009) and raises no other material consideration which would justify refusal of permission.

### **Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the approved drawings as follows: Drawing Number 45CR/SP; Drawing Number 45CR/SPE; Drawing Number 45CR/SPP; Drawing Number 45CR/NEE; Drawing Number 45CR/SEE; Drawing Number 45CR/EEE; Drawing Number 45CR/WEE; Drawing Number 45CR/FPE; Drawing Number 45CR/RPE; Drawing Number 45CR/NEP; Drawing Number 45CR/SEP; Drawing Number 45CR/EEP; Drawing Number 45CR/WEP; Drawing Number 45CR/PFPP; Drawing Number 45CR/PRPP; and Drawing Number 45CR/CD 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. A sample of the proposed roofing tile shall be submitted to and approved in writing by the Council as Planning Authority prior to development being commenced. The development shall be completed using the duly approved sample.

*Reason: In order to secure an appropriate appearance in the interests of maintaining the character and appearance of the conservation area.*

(Reference: Report by Head of Planning and Regulatory Services dated 24 November 2011, submitted)

## **11. COMMUNITY COUNCIL LIAISON MEETINGS**

A report drawing Members' attention to a series of recently convened planning workshops which were held across Argyll and Bute for the benefit of Community Councils was considered.

### **Decision**

Noted the contents of the report and supported future Community Council engagement in the planning process.

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

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 Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

**12. ENFORCEMENT CASE: 10/00319/ENAMEN**

The Committee considered enforcement report reference 10/00319/ENAMEN.

**Decision**

Agreed that a Section 33A enforcement notice be served.

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