

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 24 OCTOBER 2018**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Lorna Douglas	Councillor Roderick McCuish
Councillor Audrey Forrest	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Graham Archibald Hardie	Councillor Richard Trail

**Attending:** Angus Gilmour, Head of Planning Housing and Regulatory Services  
Patricia O'Neill, Central Governance Manager  
Sheila MacFadyen, Senior Solicitor  
Sandra Davies, Acting Major Applications Team Leader  
Graeme McMillan, Trainee Solicitor

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Robin Currie, Mary-Jean Devon and Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

Councillor Jean Moffat declared a financial interest in planning application reference 18/01612/PP which is dealt with at item 7 of this Minute as she is the Applicant. Councillor Moffat left the room and took no part in the consideration of this application.

Councillor Graham Archibald Hardie declared a non-financial interest in planning application reference 18/01614/PP which is dealt with at item 8 of this Minute as he is a Director of Live Argyll. Councillor Hardie left the room and took no part in the consideration of this application.

**3. MINUTES**

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 17 September 2018 at 10.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 17 September 2018 at 10.20 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 17 September 2018 at 10.40 am was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 17 September 2018 at 11.00 am was approved as a correct record.

The committee were advised that the Hearing agreed at item 4 of this Minute was postponed at the request of the Applicant and would be scheduled at a later date than normal.

- e) The Minute of the Planning, Protective Services and Licensing Committee held on 19 September 2018 at 11.45 am was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 19 September 2018 at 2.00 pm was approved as a correct record.

#### **4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the local authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The fares were last reviewed by Members on 18 January 2017 and took effect on 25 July 2017. A new fare structure requires to come into force by 28 January 2019. Consideration was given to a report advising the Committee they were now required to carry out a further review of taxi fares and other charges.

##### **Decision**

The Committee agreed:-

1. to propose that there be no change to the existing scales and that this take effect from 28 January 2019;
2. to authorise the Head of Governance and Law to advertise this proposal and to invite any responses within one month of the advertisement and report back to Members at their meeting in December 2018; and
3. should no objection or representations be received in relation to the proposal, to delegate to the Head of Governance and Law, in consultation with the Chair of the PPSL Committee to conclude the review without the requirement for the Committee to consider a further report on the review.

(Reference: Report by Executive Director – Customer Services, submitted)

#### **5. THE GULLY PARTNERSHIP LLP: ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS: LAND SOUTH EAST OF THE LIBRARY, BAILE MOR, ISLE OF IONA (REF: 18/00931/PP)**

The Acting Major Applications Team Leader advised that this application had been withdrawn by the Applicant and was no longer required to be considered by the Committee.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 9 October 2018, submitted)

**6. MR AND MRS M ROBERTSON: ERECTION OF DWELLINGHOUSE: LAND WEST OF PRETORIA, GLENSHELLACH ROAD, OBAN (REF: 18/01223/PP)**

The Acting Major Applications Team Leader spoke to the terms of the report. The site is within the settlement of Oban. The application triggers the requirement to be determined by the Committee due to the applicant being an Elected Member of the Council. The principle of a dwellinghouse has been established on this site by the granting of detailed planning permission 12/01072/PP on 11 July 2012 which benefits from a 'meaningful start' on site rendering the permission live in perpetuity and capable of implementation on site. The alternative design proposed in the current application is considered to represent a small but welcome 'Planning gain' over and above that which was previously granted permission and can be accommodated within the site without any significant material detriment to the character or amenity of surrounding properties or the wider streetscene and without any materially harmful and unacceptable loss of privacy and amenity to the occupiers of the adjacent dwelling houses. The proposal accords with relevant policies of the Local Development Plan and it is recommended that planning permission be granted subject to conditions and reasons detailed in the report of handling.

**Decision**

The Committee agreed to grant planning permission subject to the following conditions and reasons:-

**General**

1. The development shall be implemented in accordance with the details specified on the application form dated 22/05/18 and the approved amended drawing reference numbers:

Plan 1 of 5 (Drawing Number 18.01.01)  
Plan 2 of 5 (Drawing Number 18.01.xxx)  
Plan 3 of 5 (Drawing Number 18.01.02 rev b)  
Plan 4 of 5 (Drawing Number 18.01.04 rev b)  
Plan 5 of 5 (Drawing Number 18.01.05 rev b)

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 (as amended).

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

Note to Applicant:

- 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).]
- In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

- 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.

Regard should be given to the advice set out in the consultation response from Network Rail. You are advised to contact Network Rail directly to discuss the issues raised.

## **Roads, Access and Parking**

2. Notwithstanding the provisions of Condition 1, the proposed access shall be upgraded in accordance with the Council's Roads Standard Detail Drawing SD 08/002a and shall include visibility splays of 2.4 metres to point X by 42 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays cleared of all obstructions over 1.05 metres above the public road carriageway. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

### Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be upgraded and drained to ensure that no surface water is discharged onto the public road.

## **SUDS**

3. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage 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.*

### Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk).

## **Design and Finishes**

4. Notwithstanding the effect of Condition 1, no development shall commence until written details of the proposed roof covering to be used in the construction of the proposed dwellinghouse have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed 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.*

## **Landscaping**

5. Notwithstanding the provisions of Condition 2, no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
  - i) Location, design and materials of proposed walls, fences and gates;
  - ii) Surface treatment of proposed means of access and hardstanding areas;
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) Proposed hard and soft landscape works.

Where trees/shrubs are to be planted adjacent to the railway boundary, these should be positioned a minimum distance from the boundary which is greater than their predicted mature height.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.*

### Note to Applicant:

Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail can provide details of planting recommendations for adjacent developments.

## **Removal of Permitted Development Rights**

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1D, 2B, 3A, 3B, 3C, 3D and 3E of the aforementioned Schedule, as summarised below:

## PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

*Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).*

### **Air Source Heat Pump**

7. The noise level from the operation of the air source heat pump hereby approved must not exceed 42dB LAeq (5 min) at 1 metre from the window of a habitable room on the façade of any neighbouring residential property. If, in the opinion of the Local Planning Authority the proposed air source heat pump result in any noise nuisance to the

occupant of any neighbouring dwelling the Applicant shall install noise mitigation measures in agreement with the Planning Authority.

*Reason: In the interests of amenity in order to avoid noise nuisance which could otherwise occur*

### **Trespass Fencing**

8. Notwithstanding the provisions of Condition 2, no development shall commence until full details of a scheme for protecting the adjacent Network Rail land asset from trespass, and maintaining that protection, has been submitted to the planning authority and agreed in writing following consultation with Network Rail. The agreed anti-trespass boundary shall thereafter be installed (should additional boundary treatment be deemed necessary following the submission and assessment of the required mitigation strategy) before the development is first occupied and shall thereafter be maintained in accordance with the agreed scheme of maintenance and renewal.

*Reason: In the interests of public safety and the protection of Network Rail infrastructure.*

### **Noise Impact Assessment**

9. Notwithstanding the provisions of Condition 2, no development shall commence on site until such time as a noise impact assessment has been submitted to and approved in writing by the Planning Authority. The noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from the railway line. Should a potential for materially harmful noise disturbance be identified, proposals for the attenuation of that noise disturbance shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented alongside the development and shall be completed before the dwellinghouse hereby approved is first occupied. Any noise attenuation measures deemed necessary and appropriate shall thereafter be retained in accordance with the approved scheme.

*Reason: To ensure that occupants/users of the development do not experience undue disturbance arising from nearby noise sources.*

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 3 October 2018, submitted)

Having previously declared an interest in the following item, Councillor Moffat left the meeting.

### **7. MRS JEAN MOFFAT: INSTALLATION OF REPLACEMENT WINDOWS (RETROSPECTIVE): CRAIGMORE PIER COTTAGE, MOUNTSTUART ROAD, ROTHESAY, ISLE OF BUTE (REF: 18/01612/PP)**

The Major Applications Team Leader spoke to the terms of the report. The application triggers the requirement to be determined by the Committee due to the applicant being an Elected Member of the Council. Craigmores Pier is located in a visually prominent site on the shore side of the A844 at Mountstuart Road, Rothesay within Rothesay Conservation Area. Planning permission (16/03018/PP) was granted in January 2017 for altering and changing the use of this former tearoom to residential use and forming a connection to the adjacent cottage thereby creating a

single dwellinghouse. Neither the approved plans nor the information contained in the application form identified any changes to the fenestration of the building with the exception of the western elevation of the proposed lounge on the rear part of the building. During the development works, it was noted that all the window openings had been the subject of replacement and the Applicant was notified that these works required planning permission which she has elected to apply retrospectively for. Unfortunately, the Planning Department did not have the opportunity to advise the Applicant of the options that were available in the Rothesay Windows Technical Working Note. If it had, it would have sought to encourage the installation of timber or upvc sliding sash and case units or some other option that introduced the distinctive stepped effect of sash and case units. The previous windows were non-traditional in every respect and Statement 4 of the Rothesay Windows Technical Working Note states that one of its principal aims is to uplift the status quo and to reverse the damage caused by some of the unsympathetic window replacements that have occurred, even if these took place a number of years ago. The Note sets out a sequential approach to improving fenestration but also recognises that those windows which do not strictly accord with the three preferred options might be justifiable if '*clear benefit and enhancement*' can be demonstrated. For the reasons given in section R of the report of handling the proposal is considered consistent with the Technical Working Note for Rothesay Windows (December 2015) and relevant development plan policies and supplementary guidance and is recommended for approval.

## **Decision**

The Committee agreed to grant retrospective planning permission subject to the following condition and reason:-

1. The development shall be implemented in accordance with the details provided in the application form dated 13<sup>th</sup> August 2018 and the approved drawings:

Drawing No. 5787/1 Revision E (Plan 1 of 3)

Drawing No. 5787/3B (Plan 2 of 3)

Drawing No. 5787/7E (Plan 3 of 3)

unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 1 October 2018, submitted)

Councillor Moffat returned to the meeting.

Having previously declared at interest in the following item, Councillor Hardie left the room.



**8. ARGYLL AND BUTE COUNCIL: ERECTION OF NEW LEISURE BUILDING INCLUDING SWIMMING POOL, IMPROVED FLOOD DEFENCES, NEW CAR PARK INCLUDING PUBLIC REALM WORKS AND DEMOLITION OF EXISTING SWIMMING POOL: HELENSBURGH SWIMMING POOL, 1B WEST CLYDE STREET, HELENSBURGH (REF: 18/01614/PP)**

The Major Applications Team Leader spoke to the terms of the report. The proposed development comprises a new leisure building to include swimming pools/gym facilities, new flood defences, public realm works, cycle parking spaces, car parking spaces, including electric charging machines and a coach and drop off facility. Vehicular access to the proposed development would be via the existing Sinclair Street/West Clyde Street/East Clyde Street signalised junction. The proposals are located within the boundary of the LDP designated Town Centre and are of a scale appropriate to the settlement and accessible by a range of transport modes. There has been considerable local interest and objection to this application which has attracted in excess of 100 objectors and over 50 supporters. Since publication of the report a further 3 representations were received, 2 in support from J and V Davies and one objection from Mrs Duncan. No new issues have been raised. Helensburgh Community Council has objected to the design and layout proposed. In view of the number of representations received both for and against the proposal it is considered that value would be added to the consideration of the proposal by the holding of a discretionary local hearing.

**Decision**

The Committee agreed to hold a discretionary pre-determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 9 October 2018, submitted)

Councillor Hardie returned to the meeting.

**9. D HILL PROPERTIES: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED HOUSING DEVELOPMENT (UP TO ONE HUNDRED UNITS IN NUMBER): LAND WEST OF ALEXANDER STREET, DUNOON (REF: 18/02005/PAN)**

The Acting Major Application Team Leader spoke to the terms of the report. A Proposal of Application Notice (PAN) seeks views on the proposed erection of up to a maximum of 100 dwellinghouses on a Housing Allocation site on the western flanks of Dunoon. It is proposed to have a mix of detached and semi-detached properties and does not include flatted properties which are referred to in the report. The report sets out the information submitted to date as part of the PAN and summarises policy considerations against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date. It is recommended that Members consider the content of the report and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

## **Decision**

The Committee:-

1. agreed that the main determining issues listed in the report be taken into consideration by the Applicant in finalising any future planning application submission; and
2. emphasised the importance of roads issues and agreed that the Council's policy on Affordable Housing should be taken into account.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 21 September 2018, submitted)

### **10. RES LTD (VIA SCOTTISH GOVERNMENT CONSENTS UNIT): S36 CONSULTATION FOR PROPOSED KILLEAN WIND FARM: KILLEAN WIND FARM, TAYINLOAN (REF: 16/03400/S36)**

A report updating Members on the current situation with Killean Wind Farm was before the Committee for information.

## **Decision**

The Committee noted the contents of the report.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 2 October 2018, submitted)

The Committee 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.

### **11. ASSESSMENT OF REQUEST FOR TREE PRESERVATION ORDER**

Consideration was given to a report which assessed a request for a Tree Preservation Order.

## **Decision**

The Committee agreed the recommendation detailed in the report.

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