

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 NOVEMBER 2018**

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

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Archibald Hardie	

**Attending:** Iain Jackson, Governance and Risk Manager  
Sandra Davies, Acting Major Applications Team Leader  
Howard Young, Area Team Leader – Helensburgh and Lomond

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Lorna Douglas.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES**

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 24 October 2018 at 10.45 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 24 October 2018 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 24 October 2018 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 24 October 2018 at 2.40 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 24 October 2018 at 3.00 pm was approved as a correct record.

**\* 4. REVIEW OF SECTION 43[A] OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997 SCHEME OF DELEGATIONS**

Members considered a report inviting them to endorse the current Scheme of Delegations for planning matters and to invite the Council to seek the agreement of Scottish Ministers to confirm the Scheme for a further 5 year period.

## **Decision**

The Committee noted the views expressed by the Head of Planning, Housing and Regulatory Services and the Head of Governance and Law in terms of the current suitability of the Scheme of Delegations and recommended to Council that it seeks consent from Scottish Ministers to renew the current Scheme with no changes to that which currently operates.

(Reference: Report by Executive Director – Customer Services dated 17 September 2018, submitted)

**5. MR COLIN KENNEDY: SITE FOR ERECTION OF DWELLINGHOUSE: SITE ADJACENT TO TIGH NA MARA, ARINAGOUR, ISLE OF COLL (REF: 18/01538/PPP)**

The Acting Major Applications Team Leader advised the Committee that the Applicant had withdrawn his application.

## **Decision**

The Committee noted the withdrawal of the Application.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 7 November 2018, submitted)

**6. MR MATTHEW SNEDDON: SITE FOR ERECTION OF 3 DWELLINGHOUSES: LAND EAST OF LOCHHAVEN, PORTINCAPLE, HELENSBURGH (REF: 18/01787/PPP)**

The Area Team Leader for Helensburgh and Lomond spoke to the terms of the report. Planning permission in principle is sought for the erection of three dwellings at the most northern part of Portincaple, east of Lochhaven. The site lies within the settlement boundary of the minor settlement of Portincaple/Whistlefield as defined by the adopted Local Development Plan. Within this area there is a presumption in favour of small scale residential development subject to other local plan policies being satisfied. The site also lies within an area designated as an Area of Panoramic Quality (APQ) and careful consideration must be given to the impact of the proposed development in this important landscape. A total of 12 representations have been received objecting to the proposed development therefore consideration has to be given to holding a discretionary hearing. In this instance the application is for planning permission in principle in which specific detail is not available in respect of design etc. It is considered that the key issues raised by objectors have been covered in the report of handling or can be dealt with by condition. As such it is not considered that a discretionary hearing would add any value to this process. No objections have been received from statutory consultees. The proposal accords with Policies LDP DM 1, LDP 3, LDP 9 and Supplementary Guidance SG LDP HOU 1, SG LDP – Sustainable Siting and Design Principles, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERVE 3, SG LDP TRAN 4, SG LDP TRAN 6, SG LDP ENV 1, SG LDP ENV 6 and SG LDP ENV 13 of the adopted Argyll and Bute Local Development Plan and is recommended for approval subject to conditions and reasons detailed in the report of handling.

## **Motion**

To agree to grant planning permission in principle subject to the conditions and reasons detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

## **Amendment**

To agree to hold a site visit and discretionary pre-determination hearing given the number of objectors and issues with the area.

Moved by Councillor George Freeman, seconded by Councillor Gordon Blair

On a show of hands vote, the Motion was carried by 10 votes to 4 and the Committee resolved accordingly.

## **Decision**

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

1. Plans and particulars of the matters specified in conditions 2 to 8 and 10 to 11 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

*Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).*

2. Pursuant to Condition 1 – no development shall commence in respect of any of the three plots until plans and particulars of the site layout, design, topographical surveys, cross sections and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located out with the application site. Thereafter the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements and protection and enhancement of green networks established by policies SG LDP TRAN 3, SG LDP HOU 2 and SG LDP ENV 8.

*Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.*

3. Pursuant to the provisions of Condition 1, no development shall commence until details of a Sustainable urban Drainage Systems (SuDS) scheme is submitted to the Council for further approval. This scheme 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 C753 and Sewers for Scotland 3rd Edition. Development shall thereafter be carried out

using the approved scheme and 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.*

4. Pursuant to the provisions of Condition 1, no development shall commence until details of a communal sewage treatment system to service all three dwellinghouses has been submitted to and agreed in writing by the Planning Authority. Development shall thereafter be carried out using the approved scheme and 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 system to deal with foul drainage.*

5. Pursuant to the provisions of Condition 1, development shall not begin until samples of the materials to be used on external surfaces of the buildings and in the construction of hard standings, walls and fences have been submitted to, and approved in writing by, the planning authority. Development shall thereafter be carried out using the approved materials, or such alternatives that the planning authority may agree in writing.

*Reason: To ensure that the appearance of the development is compatible with its surroundings.*

6. Pursuant to the provisions of Condition 1, development shall not begin until details of the method of construction of the dwellings are submitted to the Planning Authority to allow further consultation with the Ministry of Defence (MOD) safeguarding department. Such details as may be approved by the Planning Authority in consultation with the MOD shall thereafter be implemented.

*Reason: The site is located within an MOD safeguarding zone and construction of any dwelling requires to accord with necessary standards in the interests of safety.*

7. Pursuant to the provisions of Condition 1, development shall not begin until details of the following road traffic safety requirements are submitted to the Planning Authority to allow further consideration with the Area Roads Manager. These shall comprise further information to show;

- (a) the junctions of the new driveways onto the new access with sightline visibility splays 2.4 x 20 x 1.05m.
- (b) the gradient of the driveways which shall be no steeper than 1 in 20 (5%) over the first 5 metres and thereafter should not exceed 1 in 8 (12.5%).
- (c) at the junction of the existing access the width shall be increased to 5.5m over a distance of 10 metres with 45 degree splays at each end. This area shall be surfaced in a bituminous material and shall include the first 5 metres of the new access. These works shall be completed prior to the occupation of the first dwelling house or as agreed in writing with the Planning Authority.

- (d) at the new junction, a visibility sightline in both directions of 2.4m x 35m x 1.05m. These sightlines shall be in place before construction work starts on the dwelling and shall be maintained in perpetuity thereafter.
- (e) at the new junction, details of a drainage system to ensure that no surface water will spill from the new access onto the existing access.
- (f) the new vehicular access to include inter-visible passing places and a turning area. These shall be completed prior to occupation of the first house or as agreed in writing with the Planning Authority.
- (g) details of the driveway design and material and parking provision prior to works starting on site.

*Reason: In the interest of road traffic safety.*

8. Pursuant to the provisions of Condition 1, prior to works starting, the condition of the existing access from the public road to the new site access shall be jointly inspected and a report submitted to the Planning Authority for approval. Thereafter during the construction of the three dwelling houses and until the completion of the third dwellinghouse, any damage to the existing surface identified shall be made good to the satisfaction of the Planning Officer in conjunction with the Roads Officer. All remedial works shall be completed within a three month period of the defect being notified in writing by the Council. The costs incurred to rectify any damage shall be at the developer's expense.

*Reason: In the interest of road traffic safety.*

9. Pursuant to the provisions of Condition 1, before development begins, tree protection measures in accordance with BS 5837:2012 relating to tree care with a view to achieving a harmonious and sustainable relationship between new construction and their surrounding trees, shall be erected along the edges of the canopies of the trees forming the Tree Preservation Order and those overhanging the site as identified by the Council. These shall not be removed until completion of the development unless approved in writing by the planning authority.

*Reason: To protect the preserved trees on or overhanging the site.*

10. During all construction works on site, including the provision of services, any excavation work through tree root areas shall be undertaken by hand.

*Reason: To ensure that no damage is caused to tree roots during the works.*

11. Pursuant to the provisions of Condition 1, no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) A management plan to show the ongoing maintenance of the Tree Preservation Order which is located within the development site;
- iii) Location design and materials of proposed walls, fences and gates;

- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

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

12. Pursuant to the provisions of Condition 1, the applicant shall complete and submit the following Biodiversity Information for further approval by the Planning Authority prior to any works commencing on site.

- (a) a Biodiversity Checklist as supporting information
- (b) a Bat Survey report carried out at the optimum time of the year by an appropriately qualified person.
- (c) the following ecological surveys for Red Squirrel, Badger and Ornithological interest carried out at the optimum time of the year by an appropriately qualified person.

*Reason: In the interests of Biodiversity.*

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 31 October 2018, submitted)

## **7. PLANNING AND REGULATORY SERVICES PERFORMANCE REPORT FQ1 2018-19 AND FQ2 2018-19**

A report presenting the Planning and Regulatory Services performance report with associated scorecard for performance in FQ1 2018-19 (April – June 2018) and FQ 2 2018-19 (July to September 2018) was before the Committee for information.

### **Decision**

The Committee noted the report.

(Reference: Report by Executive Director – Development and Infrastructure Services, 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 2 items of business on the grounds that they were both 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.

#### **8. ENFORCEMENT REPORT - REFERENCE 18/00053/ENAMEN**

Consideration was given to Enforcement Case reference 18/00053/ENAMEN.

##### **Decision**

The Committee agreed:-

1. that an Amenity Notice should be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 giving the land owner 6 weeks to comply; and
2. if no action is taken within the given compliance period that a report be brought back to the Committee for consideration of Direct Action.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 6 November 2018, submitted)

#### **9. PROPOSED TREE PRESERVATION ORDER**

The Committee considered a report outlining the case to make a Tree Preservation Order under The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

##### **Decision**

The Committee agreed the recommendation as detailed in the report.

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