

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 22 JUNE 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Neil MacIntyre	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Ross McLaughlin, Development Manager
Richard Kerr, Major Applications Team Leader
Mark Stewart, Marine and Coastal Development Manager
Mark Lodge, Senior Planning and Strategies Officer
Sybil Johnson, Senior Planning and Strategies Officer
Campbell Divertie, Area Roads Engineer

The Chair ruled, and the Committee agreed, to vary the order of business and consider the report on Argyll and Bute Local Development Plan Supplementary Guidance 2 after the Minutes.

1. APOLOGIES FOR ABSENCE

An apology for absence was intimated from Councillor Roderick McCuish.

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 18 May 2016 at 11.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 18 May 2016 at 2.30 pm was approved as a correct record.

*** 4. ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE 2**

This report advising the Committee of the results of the consultation process on the Argyll and Bute Local Development Plan Supplementary Guidance 2 was before the PPSL Committee on 18 May 2016 where it was agreed to continue consideration of this report to allow for a training session on this Supplementary Guidance to be delivered and which was done so prior to the start of this PPSL Committee meeting. The supplementary guidance provides further detail on policies or proposals contained in the Local Development Plan on Coastal Development and Harbours, Aquaculture and Renewable Energy contained in the Local Development Plan.

Decision

The Committee agreed:-

1. to approve the recommendations with regard to the changes to the Supplementary Guidance in response to the consultation process as detailed within Appendix 1 of the report; and
2. to recommend to Council that the proposed Supplementary Guidance 2 be submitted to Scottish Ministers, and thereafter, subject to no major modifications, that Supplementary Guidance 2 be adopted as a statutory part of the Development Plan.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 27 April 2016, submitted)

5. MR G NICHOLSBY: ERECTION OF HOLIDAY ACCOMMODATION UNIT: DUNDONALD, NORTH CONNEL (REF: 15/02216/PP)

The Development Manager spoke to the terms of the report and to supplementary report number 1. Planning permission is sought for erection of a holiday unit on an area of ground to the south of Dundonald, North Connel. He referred to the planning history as detailed at Section C of the report and confirmed that since permission for 4 other holiday units were approved the SEPA flood risk maps have been updated. Six letters of objection have been received from three third parties and Ardchattan Community have raised a number of concerns which have been addressed at section D of the report. In terms of the adopted Argyll and Bute Local Development Plan 2015 the application site is located within the Countryside Zone where Policy LDP DM 1 only gives encouragement to 'small scale' development on an appropriate infill, rounding off, redevelopment and change of use of building development, subject to compliance with other relevant policies and supplementary guidance. Whilst Policy LDP DM 1 accepts the principle of infill development within the Countryside Zone, this is qualified by the requirement to avoid inappropriate densities or the loss of valuable open areas. In this instance it is considered that the open nature of the site makes a positive contribution to the amenity of this scenic coastal area and that amenity value would be lost should it be developed with the proposed holiday unit. This effect is exacerbated by the need to achieve a floor level to meet the Flood Alleviation Officer's requirements, which will result in the structure being positioned with a floor level 1.76 m higher than the adjacent holiday unit, presenting a structure with an inappropriately vertical appearance and to the detriment of the visual relationship between the two. In light of the above, whilst there is already a holiday unit to the east of the site, the development of the site with a further unit would represent overdevelopment introducing an inappropriate scale of development in the landscape in an attractive coastal location, and involved a structure necessarily elevated well above ground level, contrary to the provisions of Policies LDP DM 1, LDP DM 3, LDP 9 and the siting and design principles contained within Supplementary Guidance 2 and is recommended for refusal for the reason stated in the report of handing.

Decision

The Committee agreed to refuse planning permission for the following reason:-

1. The 'Argyll and Bute Local Development Plan' 2015 identifies the site as being within the Countryside Zone where Policy LDP DM 1 only gives encouragement to 'small scale' development on an appropriate infill, rounding off, redevelopment and change of use of building development, subject to compliance with other relevant policies and supplementary guidance. The proposed development, by reason of its siting and design, including its vertical emphasis by reason of the need for it to be elevated above ground level and the adjacent holiday unit in order to satisfy flood prevention requirements, is considered to constitute a prominent and inappropriate overdevelopment of the site, which would be visually intrusive and detrimental to the character and appearance of the wider coastal landscape, contrary to the provisions of Local Plan Policies LP DM 1, LDP DM 3, LP DM 9 and the design and siting principles contained within Supplementary Guidance 2 - Sustainable Siting and Design Principles.

(Reference: Report by Head of Planning and Regulatory Services dated 7 June 2016 and supplementary planning report number 1 dated 21 June 2016, submitted)

6. ARGYLL AND BUTE COUNCIL: FORMATION OF CAR PARK: HELENSBURGH ATHLETIC CLUBHOUSE, REDGAUNTLET ROAD, HELENSBURGH (REF: 16/00475/PP)

The Development Manager spoke to the terms of the report and two supplementary reports. The application proposes the formation of a car park and associated access to provide parking for Helensburgh Athletic Club (HAC). The car park will be surfaced in gravel and is indicated to provide 9 spaces. The car park and access meet all necessary roads standards for a use of this type and scale. The car park will be accessed off of Redgauntlet Road, which is currently a local access road serving a small number of residential properties, which ends in a turning head to form a cul-de-sac. The works are proposed by the Council's Property Services and the car park and building it would serve, although leased by HAC, will remain under Council ownership and control. Objections have been received from 6 households and multiple objections have also been received from Mr Scullion who has stated that he is acting on behalf of the Residents Association of 1 – 13 Redgauntlet Road. A summary of these objections and comments on these by Officers are detailed at section F of the main report. The supplementary planning reports refer to further objections received expressing concerns associated with asbestos found on the adjoining Taylor Wimpey site and public health matters associated with this, the road verge on the adopted access road and future use of the building. Officer responses to these further objections are detailed in the supplementary reports. The formation of the car park will accord with policies LDP 2 and LDP 9 of the Local Development Plan. The Area Roads Engineer, who was present for this item, also confirmed that the access and parking layout meets necessary roads standards under SG LDP TRAN 6 and no objection on road safety or other roads matters has been raised. The limitations on the use of the building through conditions placed upon planning permission reference 97/00950/DET and those proposed to be attached to this grant of planning permission are considered to adequately address residential amenity issues. Given the above it is considered that subject to the imposition of appropriate conditions as detailed within the main report along with a further condition detailed in supplementary planning report number 1 to address health and safety concerns, that planning permission should be granted.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 16.02.2016 and the approved drawing reference:

AL(90)001 Rev A

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. The existing boundary fence along the boundary of the proposed car park and Redgauntlet Road and house No.1 shall be retained except for that limited extent required to form the new access as shown on drawing AL(90)001 Rev A.

Reason: In the interests of visual amenity

3. The use of the car park for the parking of vehicles or for any other purpose associated with the use of the building shall cease at 23.15 hours and all persons and vehicles associated with the use of the building shall vacate the site by that time.

Reason: In the interests of residential amenity and to reflect current limitations on the permitted hours of use of the building.

4. Prior to commencement of development full details of any external lighting to be used within the site shall be submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

No external lighting shall be installed or operated except in accordance with the duly approved scheme

Reason: In order to avoid light pollution in the interest of amenity.

5. No external lighting shall be operational outside the hours of use of the car park area

Reason: In the interests of visual amenity.

6. The car parking spaces shown on drawing AL (90)001 Rev A (Block Plan) shall be made available for the parking of vehicles at all times when the building is in use and shall be used for no other purpose.

Reason: To ensure the continued provision of adequate parking provision for the use.

7. The first five metres of the vehicular access should be surfaced in a bituminous material to the satisfaction of the Planning Authority in consultation with the Roads Engineer prior to the use of the parking area commencing.

Reason: In the interests of road safety.

8. Prior to commencement of development an assessment of the condition of the land shall be undertaken, submitted and approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites.

Where contamination is identified, then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and be subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development with the exception of those actions required to carry out remediation unless otherwise agreed in writing by the Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation must be produced, and is subject to the approval in writing of the Planning Authority.

Reason: In order to ensure that contamination issues on the site have been fully investigated and remediated.

Councillor George Freeman, having moved an Amendment which failed to find a seconder, asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning and Regulatory Services dated 3 June 2016, supplementary planning report number 1 dated 17 June 2016 and supplementary planning report number 2 dated 20 June 2016, submitted)

7. BUTE COMMUNITY LAND COMPANY: MASTERPLAN IN RESPECT OF STRATEGIC MASTERPLAN AREA MAST 1/13 AND POTENTIAL DEVELOPMENT AREA 1001: RHUBODACH WOODLAND, ROTHESAY, ISLE OF BUTE (REF: 16/01206/MPLAN)

Within the adopted Argyll and Bute Local Development Plan the Council has designated a potential development area (PDA) for the development of tourism and recreational schemes within Rhubodach Woodland at the north end of Bute. In addition, a Strategic Masterplan Area has been identified for a wider area with a view to providing a mixed use development including tourism, leisure, access and

community use. A masterplan which identifies the landowner's current aspirations for development of both the smaller PDA and the wider strategic area has been submitted. A separate application (ref 16/01164/PP) for the erection of a café, formation of camping facilities, a communal dining area, installation of sewage treatment plant and formation of new vehicular access will also be presented to the PPSL Committee for consideration. The components of the mixed use scheme envisaged in the masterplan document and accompanying plans as detailed at Section C of the report are considered to be compatible with the proposed LDP mixed use PDA 1001 and Strategic Masterplan MAST 1/13. It is considered that there is sufficient detail to assess the merits of the overall development concept/vision. It is recommended that the masterplan be approved and endorsed as a material consideration in the assessment of the current planning application (reference 16/01164/PP) and in the determination of future planning applications within the masterplan boundary.

Decision

The Committee agreed to approve the masterplan and endorse this as a material consideration in the assessment of the current planning application (reference 16/01164/PP) and in the determination of future planning applications within the masterplan boundary.

(Reference: Report by Head of Planning and Regulatory Services dated 7 June 2016, submitted)

8. BUTE COMMUNITY LAND COMPANY: ERECTION OF CAFE AND EXTERNAL DECK; FORMATION OF CAMPING FACILITIES (INCLUDING 6 GLAMPING PODS WITH ASSOCIATED EXTERNAL DECKING); ERECTION OF COMMUNAL DINING AREA; INSTALLATION OF SEWAGE TREATMENT PLANT; AND FORMATION OF NEW VEHICULAR ACCESS: RHUBODACH WOODLAND, ISLE OF BUTE (REF: 16/01164/PP)

The Major Applications Team Leader spoke to the terms of the report. The proposal seeks the erection of a forest centre (incorporating a café and classroom), the installation of six glamping pods, the formation of a new vehicular access from the A886 public road, the formation of 33 car parking spaces, and the installation of a private sewage treatment system. The site is in the ownership of the Bute Community Land Company who are committed to the delivery of a variety of environmental, economic and community benefits centred round the Bute Forest at the north end of the island. It is considered that the information submitted within the accompanying masterplan approved by the PPSL Committee demonstrates how both the PDA and Masterplan allocations could be developed in the future in a satisfactory manner, and that the current application would not interfere negatively with the overall vision for the site. The proposal conforms to the relevant development plan policies and there are no other material considerations, including raised by consultees, which would warrant anything other than the application being determined in accordance with the provisions of the development plan and as such is recommended for approval subject to conditions and reasons detailed in the report of handing.

Decision

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

1. The development shall be implemented in accordance with the approved drawings:

Drawing No. 1238 12 P00
Drawing No. 1238 12 P01
Drawing No. 1238 12 P02
Drawing No. 1238 12 P03
Drawing No. 1238 12 P04
Drawing No. 1238 12 P05

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.

2. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interests of protecting the archaeological significance of the site.

3. Unless otherwise agreed in writing with the Planning Authority, the first five metres of the access shall be formed with a sealed surface prior to the first coming into use of the café building or the occupation of the first glamping pod, whichever is the sooner.

Reason: In the interests of road safety.

4. Prior to the commencement of the development, visibility splays of 160 metres shall be formed in both directions measured from a point 2.4 metres back from the edge of the carriageway at the centre of the vehicular access. All boundary walls, fencing or vegetation within the visibility splays shall thereafter be maintained in perpetuity at a height not exceeding 1.05 metres above the level of the road.

Reason: In the interests of road safety.

5. Unless otherwise agreed in writing by the Planning Authority, the 27 parking spaces identified on Drawing No 1238 12 P02 shall be formed and be capable of use prior to the first coming into use of the café building, and the 6 parking

spaces identified on the same drawing shall be formed and capable of use prior to the occupation of the first glamping pod.

Reason: In the interests of road safety and to ensure a level of parking that is commensurate with the scale of development.

6. 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 parking areas;
 - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
 - iv) Proposed hard and soft landscape works.

Unless otherwise agreed in writing with the Planning Authority, 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.

7. Prior to the commencement of construction works on the café building hereby approved, details (including samples) of the proposed external wall finish and roof covering shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the café building shall be constructed using the approved materials.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and for the avoidance of doubt.

8. Prior to the commencement of construction works on the glamping pods hereby approved, details (including samples) of the proposed external wall finish shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the glamping pods shall be constructed using the approved material.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and for the avoidance of doubt.

9. Prior to the commencement of construction works on the gathering place hereby approved, details (including samples) of the proposed external wall finish and roof covering shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the gathering place shall be constructed using the approved materials.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and for the avoidance of doubt.

10. The glamping pod accommodation hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling.

Reason: In order to define the permitted occupancy to satisfy the provisions of the Argyll and Bute Local Development Plan.

(Reference: Report by Head of Planning and Regulatory Services dated 7 June 2016, submitted)

9. MR TONY HILL: NON-MATERIAL AMENDMENT FOR RE-ORIENTATION OF TANK, CHANGE TO ACCESS GATE, PROVISION OF TANKER DELIVERY STAND, CHANGE IN THICKNESS OF CONCRETE BASE AND INSTALLATION OF ADDITIONAL VENTILATION OPENING RELATIVE TO PLANNING PERMISSION 14/00914/PP GRANTED FOR 'CHANGE OF USE OF LAND FOR THE SITING OF TIMBER SHED, INSTALLATION OF PETROL STORAGE TANK AND ERECTION OF ASSOCIATED FENCING': LAND ADJACENT TO PUBLIC CAR PARK, ELLENABEICH, ISLE OF SEIL (REF: 16/01530/NMA)

The Major Applications Team Leader spoke to the terms of the report and to supplementary report number 1. Planning permission 14/00914/PP for change of use of land for the siting of timber shed, installation of petrol storage tank and erection of associated fencing was granted on 29 August 2014 following a site visit and hearing by the PPSL Committee. Details Pursuant to Conditions 3 and 10 relative to this planning permission were granted by Committee on 20 April 2016. The current submission requests that the Council as Planning Authority exercised the discretion provided under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary the details which are subject of planning permission on the grounds that the variations which are sought are to be regarded as being not material. The current submission seeks approval of the Planning Authority for the variation of the approved plans as detailed at section E of the report of handing, having regard to the need to satisfy other non-planning regulatory requirements. It is not normal practice to present applications for non-material amendment to Committee for determination. However, in this instance, Officers have decided not to exercise delegated powers given a number of ongoing complaints surrounding the proposed development within this small community. Three letters of representation have been received from third parties and the details of these and comments by Officers are contained within the supplementary report. It is considered that the variations which are requested within the current submission do not represent a material change to the approved plans, having due regard to the context of this site and the details of the developed approved. Accordingly, it would be appropriate to consider these to be a 'non-material' amendment under Section 64 of the Act, without prompting the need for a further application for planning permission.

Decision

The Committee determined that the proposed changes were a 'non-material' amendment to the original planning application as provided for by Section 64 of the Town and Country Planning (Scotland) Act 1997.

(Reference: Report by Head of Planning and Regulatory Services dated 8 June 2016)

10. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS

Consideration was given to a report summarising the outcome of recent appeal decisions by the Scottish Government Directorate of Planning and Environmental Appeals relative to planning application reference PPA-280-2022 – Erection of 8 Wind Turbines etc. at Land North and East of Corlic Hill, Greenock and planning application reference 15/01374/LIB – Installation of Replacement Windows at The Pillar House, 121 East Clyde Street, Helensburgh.

Decision

The Committee agreed to note the contents of the report.

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

11. UPDATED GUIDANCE ON THE PRODUCTION OF MASTERPLANS

Consideration was given to a report which provided an update to the Council's guidance on the production of masterplans which was approved by the PPSL Committee on 23 November 2011, following on from the Adoption of the Local Development Plan (LDP) and its associated Supplementary Guidance. The updates include reference to LDP, and Strategic Masterplan Areas identified in it, a single format for Masterplans, and the need to address responsibility for delivery of shared elements where phased developments are proposed. The report proposes this is brought forward as non-statutory planning guidance giving technical advice for the preparation and submission of masterplans, in accordance with the provisions of the Adopted Development Plan and national guidance.

Decision

The Committee agreed:-

1. to note the content of the report; and
2. to approve the non-statutory planning guidance "Technical Note 1: Masterplanning in Argyll and Bute" as set out in Appendix 1 of the report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 10 May 2016 and Technical Note 1: Masterplanning in Argyll and Bute, submitted)

12. PLANNING AND REGULATORY SERVICES PERFORMANCE REPORT FQ4 - 2015-16

Consideration was given to the Planning and Regulatory Services performance report with associated scorecard for performance in FQ4 2015-16.

Decision

The Committee reviewed and noted the scorecard as presented.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)