

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 16/01595/PP

**Planning Hierarchy:** Local

**Applicant:** Mr Ewan Maclean

**Proposal:** Alterations and Change of Use of Shop to Form Residential Flat

**Site Address:** Present and Bygones Shop, Tighnabruaich

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**SUPPLEMENTARY REPORT NO.1**

**(A) INTRODUCTION AND FURTHER OBJECTION**

The attention of Members is drawn to the report dated 9<sup>th</sup> August 2016 that is currently before you for consideration. Since the composition of this report, a further objection has been received from Mr Paul Paterson, 2 Manor Way, Tighnabruaich (e-mail dated 9<sup>th</sup> August 2016). The e-mail is presented on a verbatim basis with the Department's comments contained underneath each point:

*"With regards to the email and correspondence that the Agent via their Client has sent to the Planning Department along with four photographs, dated 4th August 2016.*

*The following is seen as my continued objection and I also point out some deeply concerning worries of the Agent showing signs of what can only be described as an attempt to "noble and fix" the system in their own favour.*

*First of all, you do not address a member of any company or Council member by their first name and also say "Hi". Secondly, be professional, the person is not some mate or friend and does have a title, so don't trivialise and don't be discourteous and, it is not material to the matter at hand to say how was your holiday, as if you are pals.*

**Comment:**

Mr Paterson's comments regarding the wording of the greeting contained within the e-mail from Stewart Associates dated 4th August 2016 have no material bearing upon the planning aspects of the case.

*Point One as seen within the email from the Agent states and mentions:*

*“As discussed in the outset” ... “the intention was always that the property would be made available free of charge for c20% of a year to charitable causes. That is ex-servicemen with limited mobility and people affected by prostate cancer and other deserving causes” – Sorry but that is NOT on the planning application paperwork or within any part of the planning application given to the public or made aware to the public and nearest neighbours.*

*This comes across as that the Agent has spoken to Council Planning members with details that are NOT in the planning application process and has been kept from the public; it also comes across as the Agent trying to “noble” the process by using heart string methods to get their own way. The Application DOES NOT and FAILS to mention the above in the process and paperwork; we are told that this application is for a disabled member of the family, then it mentions that it is for the renting market for and to meet the tourist trade, now we see that it is for something else and something that has NOT been mentioned before, all of this is suspicious and raises the likelihood of being a fixed and rigged game, this can only mean one thing here, that the Council member and Agent are in cahoots or that the Agent is trying to fix and rig the game to suit themselves in favour of their client.*

**Comment:**

On occasion, supplementary information is submitted with an application as it progresses. In this particular case, the information that has been submitted by Stewart Associates throughout the processing of the application has been included on the Council's public access system and has also been included in the report to the Committee. It is, therefore, open to scrutiny and, indeed, Mr Paterson has taken the opportunity to make further comments.

The information regarding the connection with charitable causes does not have a material bearing upon the planning aspects of the case and it would be for Members as to how much weight to attach to this particular issue.

*Point two as seen within the email from the Agent states and mentions:*

*“I would argue that precedent already exists in the village and surroundings with the former Tighnabruaich Royal Bank being converted into residential this year and multiple units in Kames converted from shops over the years without detriment to the community.”*

*This statement from the Agent is both factually misguided and lacks any merit or credit, and also lacks correct research.*

*The ex-Royal Bank of Scotland building was not always the bank, actually the bank bought the building not that many years ago, and the building prior to the Bank was a house which the bank saw as potential.*

*The “village” as the Agent puts it is historically incorrect, the area as a whole is made up of numerous small hamlets that converge from Rhuban, Tighnabruaich, Berry Burn, Kames, Millhouse, Kilfinan. The only recent shop that was converted back into a flat was “the cabin” in Kames, this was a group of flats to start off with, then a person turned one bottom flat into a café, the person then moved and the building was converted back into a flat as it was originally. What we have here is the Agent grasping at straws, using a strawman defence which lacks both merit and historical value.*

**Comment:**

The issue of precedent that the agent refers to does not have a material bearing upon the planning aspects of the case.

*I strongly object to the application furthermore, I put it to the Planning Committee; Is the Agent and its manner being fair, equal to the planning process and can it be shown that the whole process is open and transparent for all? – There is a very strong case here to suggest that the Agent and manner is not complying with a fair transparent application process and throws a curveball into the situation where it is seen as a potential to noble the system.”*

**Comment:**

The Department considers that the application has been progressed in a fair and transparent manner. All information and representations have been logged and taken into account.

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**(B) RECOMMENDATION:**

None of the points raised by Mr Paterson affect the recommendation contained within the original report dated 9<sup>th</sup> August 2016, namely that, subject to the convening of a pre-determination hearing, planning permission be granted as a **minor departure** to the Local Development Plan subject to the conditions, reasons and informative notes set out in this report.

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**Author of Report:** Steven Gove

**Date:** 15<sup>th</sup> August 2016

**Reviewing Officer:** David Love

**Date:** 15<sup>th</sup> August 2016

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 16/01595/PP

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

Drawing No. 1616/P01

Drawing No. 1616/P02

Drawing No. 1616/P03

Drawing No. 1616/P04

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. Prior to the installation of the new door on the front elevation of the premises, full details of the design of the door and the materials to be used in its construction shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the door shall be installed in accordance with the approved details.

*Reason: In the interests of visual amenity and for the avoidance of doubt.*

## NOTES TO APPLICANT

- **Length of permission:** 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 Section 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.
- 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 of Development' to the Planning Authority specifying the date upon which the development was completed.