

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 18 SEPTEMBER 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Audrey Forrest	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Graham Archibald	Councillor Sandy Taylor
Hardie	Councillor Richard Trail

Attending: Fergus Murray, Head of Development and Economic Growth
Stuart McLean, Area Committee Manager
Peter Bain, Development Manager
Kim de Buiteleir, Design and Conservation Officer
Iain MacInnes, Graduate Design Liaison Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robin Currie, Mary-Jean Devon, Lorna Douglas and 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 21 August 2019 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 21 August 2019 at 2.30 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 21 August 2019 at 2.50 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 28 August 2019 was approved as a correct record.

4. MR FRANK PHIPPS: ERECTION OF 9 DWELLINGHOUSES, INSTALLATION OF SEWAGE TREATMENT PLANT AND FORMATION OF VEHICLE ACCESS: LAND NORTH OF WEST SHORE COTTAGE, FORT ROAD, KILCREGGAN (REF: 16/02218/PP)

The PPSL Committee, on 18 January 2017 agreed to grant detailed planning permission subject to conditions and reasons and the satisfactory conclusion of a Section 75 Planning Agreement to secure offsite road improvements and affordable housing provision. A report appraising Members of a material change in circumstances of this matter and setting out proposals for amendment of planning

conditions and the proposed Section 75 Agreement to address the revised circumstances was considered.

Decision

The Committee agreed:

1. the amended Heads of Terms of the Section 75 Agreement;
2. to grant planning permission subject to the satisfactory conclusion of the Section 75 Agreement, and subject to the amended conditions and reasons attached to supplementary report number 1; and
3. in the event that the Section 75 Agreement is not concluded within 3 months, that planning be refused for the reasons given in the supplementary report.

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

(Reference: Supplementary Report Number 1 dated 4 September 2019 and report of handling dated 5 January 2017, submitted)

5. GAEL FORCE FUSION LIMITED: PROPOSAL OF APPLICATION NOTICE FOR CHANGE OF USE AND REDEVELOPMENT OF FORMER SEA LIFE CENTRE TO USE CLASSES 4, 5 AND 6 (OFFICE, INDUSTRIAL, STORAGE AND DISTRIBUTION CENTRE), INCLUDING NEW INDUSTRIAL, OFFICE AND ANCILLARY USE BUILDINGS, OUTSIDE WORKING AND STORAGE AREAS, CAR AND LORRY PARKING, RELATED INFRASTRUCTURE AND LANDSCAPING: FORMER SEA LIFE CENTRE, BARLCALDINE, OBAN (REF: 19/01542/PAN)

The Development Manager spoke to the terms of the report. A Proposal of Application Notice (PAN) seeks to notify the Planning Authority of a proposed change of use and redevelopment of the former Sea Life Centre at Barcaldine. The current site has been a long term use falling within class 11 "leisure and assembly". The previous Sea Life Centre, which started around 1979, ceased to exist around October 2018 when the previous facility was closed. The adopted Argyll and Bute Local Development Plan identifies the site as PDA4003. The related schedules indicate that the preferred use is for tourism related development. The proposed uses do not therefore accord with this current allocation. The site is within the defined Countryside Zone and therefore policy LDP DM 1 is applicable, and given the likely scale of development an Area Capacity Evaluation (ACE) and an exceptional case for large scale development in the Countryside will be required. The report summarises the 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 submissions and provide such feedback as they consider appropriate in respect of this PAN in order to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee agreed that the following issue should be taken into consideration by the Applicant in finalising any future planning application submission:

- To have a plan in place for the recycling of old materials.

(Reference: Report by Head of Development and Economic Growth dated 2 September 2019)

Councillor Sandy Taylor left the meeting at 11.40 am during consideration of the following item.

* **6. HELENSBURGH TOWN CENTRE CONSERVATION AREA PROPOSAL**

Consideration was given to a report seeking Members' approval to progress the designation of a new conservation area to cover part of Helensburgh town centre.

The Committee adjourned the meeting at 11.45 am to clarify the extent of the proposed Helensburgh Town Centre Conservation Area boundary.

The Committee reconvened at 12 noon.

Decision

The Committee agreed:

1. to the proposed Helensburgh Town Centre Conservation Area; and
2. that this Conservation Area and the proposed boundary, as per Appendix 2 of the report, be taken forward to Council for designation.

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

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 9 August 2019, submitted)

7. BRITISH TELECOM'S PUBLIC PAYPHONE RATIONALISATION CONSULTATION

Consideration was given to a report informing Members of the current consultation being undertaken in respect of BT's Public Payphone Rationalisation programme.

Motion

To agree the recommendations detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Audrey Forrest.

Amendment

To agree to object to the removal of all the phone boxes listed in Appendix 1 of the report.

Moved by Councillor Alastair Redman, seconded by Councillor Graham Archibald Hardie.

The Motion was carried by 7 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to:

1. approve the removal of phone boxes that have not received any public objections, provided there is 4G coverage from at least one Mobile Network Operator; and
2. formally object to the removal of phone boxes which have received public objections or are not in receipt of 4G coverage from at least one Mobile Network Operator.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth, dated 18 September 2019, submitted)

8. PLANNING AND REGULATORY SERVICES PERFORMANCE REPORT FQ1 2019-20

A paper presenting the Committee with the Planning and Regulatory Services performance report with associated scorecard for performance in FQ1 2019-20 (April – June 2019) was considered.

Decision

The Committee reviewed the scorecard as presented.

(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 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.

9. TREE PRESERVATION ORDER

Consideration was given to a report bringing to Members' attention the request for a Tree Preservation Order (TPO) under The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

Decision

The Committee agreed the recommendation in the report.

(Reference: Report by Head of Development and Economic Growth dated 18 September 2019, submitted)