

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 23 SEPTEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Hardie	

Attending: Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Howard Young, Area Team Leader – Helensburgh and Lomond
David Moore, Senior Planning Officer
Matt Mulderrig, Development Policy and Housing Strategy Manager
David Logan, Head of Legal and Regulatory Support
Sheila MacFadyen, Senior Solicitor
Stuart McLean, Committee Manager
Shona Barton, Committee Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Robin Currie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

Councillor Lorna Douglas and Councillor Richard Trail declared a non-financial interest in item 5 of the agenda (John Rapallini: Variation Of Condition 2 Relative To Planning Permission Reference 17/01756/PP To Extend Permitted Opening Hours To Beer Garden: Clyde Bar, 62 West Clyde Street, Helensburgh (Ref: 20/01028/PP)) by reason that they both knew the applicant well. They left the meeting and took no part in the determination of this application.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 19 August 2020 at 10.15 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 19 August 2020 at 2.30 pm were approved as a correct record subject to an amendment under item 1 (Apologies for Absence) to include apologies from Councillor George Freeman.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 19 August 2020 at 3.00 pm were approved as a correct record.

4. D HILL PROPERTY LTD: RESIDENTIAL DEVELOPMENT COMPRISING 101 DWELLINGHOUSES INCLUDING FORMATION OF VEHICULAR ACCESSES, LANDSCAPING, OPEN SPACE AND PLAY AREAS: LAND WEST OF ALEXANDER STREET, DUNOON (REF: 19/01456/PP)

The Senior Planning Officer spoke to the terms of the report. The proposal seeks to develop an allocated housing site to provide a total of 101 dwellings of varying sizes. The site itself forms a greenfield site on the edge of Dunoon and is well used by locals for informal recreation and as such is valued by the local community which is demonstrated by the number of objections which have been received to the current planning application. Notwithstanding these objections to the principle of developing the site, this is an allocated housing site within the LDP (Site H-AL 2/3: 100 units) and therefore the principle of housing development on the site has already been agreed and approved as part of the LDP adoption process. Due to the number of objections received, from primarily local residents, it is recommended that Planning Permission be granted subject to a discretionary local hearing being held.

The Senior Planning Officer referred to Supplementary Report 1 advising the Committee of a late objection which had been circulated to Members on 22 September 2020.

Motion

To agree to a virtual discretionary local hearing and to not hold an informal site visit with additional information on the site being provided at the meeting through photographs, satellite imagery or video.

Moved Councillor George Freeman, seconded Councillor David Kinniburgh.

Amendment

To agree to a virtual discretionary local hearing and to ask that Officers explore the feasibility of a physical site visit.

Moved Councillor Audrey Forrest, seconded Councillor Sandy Taylor.

A vote was taken by calling the roll and Members voted as follows –

Motion

Councillor Rory Colville
Councillor George Freeman
Councillor Graham Archibald Hardie
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alistair Redman
Councillor Richard Trail

Amendment

Councillor Mary Jean Devon
Councillor Lorna Douglas
Councillor Audrey Forrest
Councillor Jean Moffat
Councillor Sandy Taylor

The Motion was carried by 7 votes to 5 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a virtual discretionary local hearing in respect of planning application reference 19/01456/PP and to not hold an informal site visit. Additional information on the site would be provided at the hearing through photographs, satellite imagery or video.

(Reference: Report by Head of Development and Economic Growth dated 4 September 2020 and Supplementary Report number 1 dated 22 September 2020, submitted)

Councillors Lorna Douglas and Richard Trail, having declared an interest in the following item of business, left the meeting and took no part in the determination of the application.

5. JOHN RAPALLINI: VARIATION OF CONDITION 2 RELATIVE TO PLANNING PERMISSION REFERENCE 17/01756/PP TO EXTEND PERMITTED OPENING HOURS TO BEER GARDEN: CLYDE BAR, 62 WEST CLYDE STREET, HELENSBURGH (REF: 20/01028/PP)

At the Planning, Protective Services and Licensing Committee on 19 August 2020 it was agreed to continue consideration of this application to allow Members to seek advice on the preparation of a competent Motion to refuse the application.

Motion

To approve planning permission subject to the conditions and reasons appended to the report by the Head of Development and Economic Growth.

Moved Councillor George Freeman, seconded Councillor Alastair Redman.

Amendment

Chair I intend to move a motion to refuse the application and in doing so I am taking a different view to that expressed by the Council's Planning and Environmental Health officers. While I fully respect the professional judgements advanced by them I believe, on this occasion, that I should follow my own view in regard to the weight of consideration to be given in balancing the various material planning considerations.

In doing so I have had regard to the various policy provisions set out in the report of handling and particularly:

SG LDP BUS1 (C) states that within existing settlements and industry and business areas applications will normally be permitted provided that; (c) In residential locations the proposed development would not erode the residential character of the area or adversely affect local residents through an increase in traffic levels, noise, fumes or hours of operation

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas provides additional detail to Policy LDP 5 – Supporting the Sustainable Growth of Our Economy, proposals for the development of new/extensions to existing businesses in existing settlements areas will normally be permitted subject to certain considerations.

I have also consider the materiality and weight to be given to the various planning considerations and in particular to the Objections. While the application is in accordance with spatial elements of the development plan I consider that the objections received and SG Bad 1 Neighbour Development policy are material planning considerations and I consider they have sufficient weight to merit refusal of the application.

SG Bad 1 Neighbour Development policy objectives state that all applications including those from Pubs have to be considered on their individual merits and will only be permitted when the following criteria have been met (a) There are no unacceptable adverse effects of neighbouring residents. (b) The proposal includes appropriate measures to reduce the impact on amenity as defined by the use classes order (i.e. noise, light, smells.)

Notwithstanding the position adopted by Environmental Health that the proposal is acceptable subject to provision of a noise mitigation plan, I consider that the concerns raise by objectors to the application citing the potential adverse impact upon residential amenity to be of significant material weight indicating that the proposal is likely to exacerbate the effects of a 'bad neighbour' development with consequent adverse impact upon the residential amenity of the locale having regard to noise, light pollution and smells. Accordingly, it is my considered opinion that the development is considered likely to give rise to a significant adverse impact upon the amenity of local residents which would be contrary to SG LDP BUS 1 and SG LDP BAD 1 and should be refused.

I note that Environmental Health have no objection, subject to a noise mitigation plan. In this particular instance, there are material considerations which I consider to be of sufficient weight meriting a departure from the Local development plan and these are the amount and relevance of the objections and their relevance and merit in regard to policy. These are material objections which appropriately address the issue of adverse effects on neighbouring residents in accordance with SG Bad 1 neighbour development Policy with particular regard to the additional hour exacerbating the concerns raised in relation to noise, increased light pollution and smells.

Therefore having due regard to the Development Plan and all other material considerations, I consider that the objections received and SG Bad 1 Neighbour Development policy are material considerations which have sufficient weight to merit refusal of the application.

Moved Councillor Rory Colville, seconded Councillor Graham Hardie.

A vote was taken by calling the roll and Members voted as follows -

Motion

Councillor George Freeman
Councillor David Kinniburgh
Councillor Alistair Redman
Councillor Sandy Taylor

Amendment

Councillor Rory Colville
Councillor Mary Jean Devon
Councillor Audrey Forrest
Councillor Graham Archibald Hardie
Councillor Donald MacMillan
Councillor Jean Moffat

The Amendment was carried by 6 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to refuse planning permission for the reasons outlined within the amendment by Councillor Rory Colville, seconded by Councillor Graham Hardie.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2020, submitted)

Councillors Lorna Douglas and Richard Trail returned to the meeting at this point.

Councillor Mary Jean Devon left the meeting during consideration of the following item of business.

6. INDICATIVE REGIONAL SPATIAL STRATEGY

A report seeking endorsement of the Officer submission of the Indicative Regional Spatial Strategy to the Scottish Government was considered. This submission forms part of Argyll and Bute Council's continuing engagement regarding the National Planning Framework 4 preparation process.

Motion

To agree the recommendations within the report.

Moved Councillor David Kinniburgh, seconded Councillor Rory Colville.

Amendment

To agree the recommendations within the report and that officers are delegated to make amendments to the officer submission of the Indicative Regional Spatial Strategy taking into account comments made by Members at the Planning, Protective Services and Licensing Committee.

Moved Councillor George Freeman, seconded Councillor Lorna Douglas.

The vote was taken by calling the roll and Members voted as follows –

Motion

Councillor Rory Colville
Councillor Audrey Forrest
Councillor Graham Archibald Hardie
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alistair Redman
Councillor Sandy Taylor
Councillor Richard Trail.

Amendment

Councillor Lorna Douglas
Councillor George Freeman
Councillor Jean Moffat

The Motion was carried by 8 votes to 3 and the Committee resolved accordingly.

Decision

The Committee agreed to -

1. Note the content of the report.
2. Endorse the Officer submission of the Indicative Regional Spatial Strategy appended to the report to the Scottish Government as part of Argyll and Bute Council's continuing engagement in the National Planning Framework 4 preparation process.
3. Note that this submission was without prejudice to any comments the Council may wish to make at future engagement stages or the content of the formal Regional Spatial Strategy when produced.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 August 2020 and Argyll and Bute Indicative Regional Spatial Strategy, submitted)

7. DEVELOPMENT PLAN SCHEME UPDATE - LOCAL DEVELOPMENT PLAN 2

A report seeking approval of the updated Development Plan Scheme (DPS), including its associated Participation Statement, and authority to publish the approved updated DPS and submit it to the Scottish Ministers, was considered.

Decision

The Committee agreed to -

1. Note the contents of the report.
2. Approve the updated Development Plan Scheme (DPS) attached in Appendix A of the report for publication and submission to the Scottish Ministers.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 24 August 2020 and Development Plan Scheme: Local Development 2 dated September 2020, submitted)

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARE SCALE REVIEW

A report advising on the outcome of the review of taxi fares and other charges in connection with the hire of taxis operating in the Argyll and Bute Council area was before the Committee for information

Decision

The Committee noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated August 2020, submitted)