

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held by MICROSOFT TEAMS on WEDNESDAY, 22 SEPTEMBER 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Richard Trail
Councillor Kieron Green	

Attending: Fergus Murray, Head of Development and Economic Growth
Patricia O'Neill, Governance Manager
Peter Bain, Development Manager
Howard Young, Area Team Leader – Bute & Cowal/Helensburgh & Lomond
David Love, Area Team Leader – Mid Argyll, Kintyre and the Islands
Sandra Davies, Major Applications Team Leader
David Moore, Senior Planning Officer
Norman Shewan, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Roderick McCuish and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 18 August 2021 at 11.00 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 18 August 2021 at 2.00 pm were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 18 August 2021 at 2.30 pm were approved as a correct record.
- d) The Minutes of the Planning, Protective Services and Licensing Committee held on 18 August 2021 at 3.00 pm were approved as a correct record.

4. MISS BARBARA SMITH: TEMPORARY CHANGE OF USE OF DWELLINGHOUSE AND CURTILAGE TO WILDLIFE RESCUE CENTRE (RETROSPECTIVE): 19 LOCHAN AVENUE, KIRN, DUNOON (REF: 21/00514/PP)

The Planning Officer spoke to the terms of the report. The application site comprises a 3 bed-room bungalow and its associated curtilage, located within a residential cul-de-sac

within the key settlement of Dunoon. The application proposes a temporary change of use from a residential property to a wildlife rescue facility for the treatment, rehabilitation and release of sick, injured and orphaned wildlife. A total of 89 representations have been received comprising 47 objections, 41 in support and 1 neutral representation. Objections have also been received from Dunoon Community Council, Hunter's Quay Community Council and the Council's Roads Engineer. Sandbank Community Council has submitted a representation of support.

Given the large number of representations received both for and against the proposal it is considered that a discretionary hearing would add value to the process and was recommended in this instance.

Decision

The Committee:

1. agreed to hold a discretionary hearing; and
2. instructed Officers to make arrangements for an informal site visit to be undertaken with the Committee in advance of the date of this hearing.

(Reference: Report by Head of Development and Economic Growth dated 2 September 2021, submitted)

5. MR GRAHAM GARDNER: CHANGE OF USE FROM (CLASS 9) RESIDENTIAL TO (SUI GENERIS) EXCLUSIVE USE VISITOR ACCOMMODATION (RETROSPECTIVE): INVERGARE CASTLE, GLENARN ROAD, RHU (REF: 21/01404/PP)

The Planning Officer spoke to the terms of the report and to supplementary report number 1. The site comprises a prominent, Category B Listed Building, formerly a dwellinghouse, set within extensive landscaped grounds and located within the village of Rhu and Rhu Conservation Area. The house has been used periodically over the last two and a half years for short term letting. This application seeks retrospective planning permission for change of use from a single dwellinghouse falling within Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 to sui-generis use described as "exclusive use visitor accommodation".

At the time of writing the report of handling a total of 34 representations had been received objecting to the application. Objections were also received from the Council's Roads Engineer and Rhu and Shandon Community Council. A summary of the issues raised were detailed at section (c) and section (F) ii of the report. Since publication of the Agenda pack a further 38 representations were received comprising 31 in support and a further 7 objections. None of the issues raised changed the Officer's recommendation set out in the report of handling and it was not considered that holding a hearing would add value to the decision making process.

Having regard to all material planning considerations it was considered that the proposed development/change of use would be out of keeping with, and detrimental to, the character and residential amenities of the local area; and to the free flow of traffic and road safety. The proposed development was considered to be contrary to the relevant provisions of the Local Development Plan and no exceptional circumstances have been

demonstrated to justify a departure from these provisions. It was recommended that planning permission be refused for the reasons set out in the report of handling.

Motion

To agree to refuse planning permission for the reasons set out in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman.

Amendment

To agree to hold a site visit in advance of determining this application.

Moved by Councillor Gordon Blair, seconded by Councillor Mary-Jean Devon.

A vote was taken by calling the roll.

Motion

Councillor Rory Colville
Councillor Audrey Forrest
Councillor George Freeman
Councillor Kieron Green
Councillor Graham Archibald Hardie
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Jean Moffat
Councillor Alastair Redman
Councillor Richard Trail

Amendment

Councillor Gordon Blair
Councillor Mary-Jean Devon

The Motion was carried by 10 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to refuse planning permission for the following reasons:

1. Having regard to the scale and proposed nature and pattern of the proposed use in conjunction with the proximity of dwellinghouses within a uniformly residential area, the proposal would be severely detrimental to the residential amenities of residents. It would be out of keeping with the quiet residential character of the area and the proposal would not protect the established residential character and appearance of Rhu Conservation Area. The intensification of use of a dwellinghouse by up to 24 people over a condensed letting period would result in general disturbance and significant detrimental impact on amenity by reason of intrusive and prolonged noise levels including amplified music, often at unsociable hours and intensification of activity including commercial and car vehicle movements. Environmental Health has concluded that this type of proposal could give cause for noise breakout causing nuisance to neighbouring residential properties. It has not been demonstrated that potential impacts upon the residential character and amenities of the local area can be satisfactorily mitigated by means of management or planning mechanisms including planning conditions or a 'good neighbour agreement'. Given the above the proposal is contrary to Policies LDP 3, LDP 5, LDP 9, SG LDP ENV 17, SG LDP TOUR 1 and SG LDP BAD 1 which presume against development which does not protect, conserve or

where possible enhance the established character of the built environment in terms of its location, scale, form and design, and development that does not preserve or enhance the character or appearance of an existing Conservation Area.

The proposal is also contrary to Policies 14 (Bad Neighbour Development) and 23 (Tourist Development, Accommodation, Infrastructure and Facilities) of the proposed Argyll and Bute Local Development Plan 2 approved November 2019. Following consultation on this plan, no representations have been received on these policies and they will proceed unaltered into the adopted Local Development Plan 2 and can therefore be afforded significant weight.

2. By reason of narrow width, lack of footways, sub-standard visibility at access junctions and existing volume and speed of traffic, the existing private road regime does not have capacity to accommodate the intensification, nature and pattern of vehicular traffic movements generated by the proposed development without undue detrimental impact upon road safety and the free flow of traffic contrary to the provisions of policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 of the Argyll and Bute Local Development Plan.

(Reference: Report by Head of Development and Economic Growth dated 6 September 2021, submitted)

Councillor Jean Moffat left the meeting at this point.

6. MR AND MRS G GARDNER: INTERNAL ALTERATIONS, INSTALLATION OF REPLACEMENT WINDOWS AND REPLACEMENT LEAD WORKS TO ROOF: INVERGARE HOUSE, GLENARN ROAD, RHU, HELENSBURGH (REF: 19/00543/LIB)

The Planning Officer spoke to the terms of the report. The application property comprises a Category B Listed Building located within a residential area within the village of Rhu. Formerly used as a dwellinghouse, the property is currently being used for short term letting. The proposed works include internal alterations to the first floor comprising minor alterations to the layout in order to create 3 no. en-suites. They also include the replacement of existing lead work with code 6 lead and it is considered that code 6 lead is an appropriate specification to the pre-existing lead work. Thirdly it is proposed to replace a total of 5 no. existing windows. This work has been implemented and the Planning Authority is satisfied that the windows shown on the submitted drawings are a genuine 'like for like' in relation to the existing windows that have been retained elsewhere in the building.

It is considered that the works satisfactorily preserve and conserve the architectural and historic character of the listed building in accordance with relevant national and local policy on conserving the historic environment and associated technical guidance and the application for Listed Building Consent was recommended for approval subject to conditions and reasons set out in the report of handling.

Decision

The Committee agreed to approve Listed Building Consent subject to the following conditions and reason:

1. The works permitted to which this consent relates must be begun within three years from the date of this permission.

Reason: to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1991.

2. The development shall be implemented in accordance with the details specified on the application form dated 14th March 2019, supporting information and, the approved drawings listed in the table below 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.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	379/L01	-	21.05.2019
Basement and Ground Floor Plans – As Existing	379/E01	02	21.05.2019
First and 2 nd Floor Plans – As Existing (incorrect title on architects drawing.)	379/E02 (incorrect dwg. no. on architects drawing.)	02	21.05.2019
Elevations Sheet 1 of 2 – As Existing	379/E03	03	21.05.2019
Elevations Sheet 2 of 2 – As Existing	379/E04	01	21.05.2019
Elevations Sheet 1 of 2	379/LB01	03	21.05.2019
Elevations Sheet 2 of 2	379/LB02	01	21.05.2019
Roof Plan	379/LB03	01	21.05.2019
Window Plan Detail (Sheet 1 of 3)	BWSD-034	-	21.05.2019
Window Vertical Section Details (Sheet 2 of 3)	BWSD-033	-	21.05.2019
Window Astragal Detail (Sheet 3 of 3)	22B-021	-	21.05.2019

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

3. Notwithstanding the effect of Condition 2, no development shall commence with regard to the internal alterations until full construction details of the proposed internal wall

partitions have been submitted to and approved in writing by the Planning Authority. The details should include:

- (i) a schedule of existing (or pre-existing) internal architectural fixtures and features (including photographs) at the locations where the proposed new partition walls abut the existing (or pre-existing) internal building fabric;
- (ii) fully notated plan and section details at a scale of not less than 1:20 showing the partition wall construction where the intervention abuts any identified existing/pre-existing internal features including cornices; skirtings or other applied architectural mouldings; and,
- (iii) a conservation construction method statement relating to the methods to be adopted in the formation of any new partition walls to retain the identified architectural features intact and to ensure that the new partition walls are capable of removal at a later date without any impact upon the existing internal fabric, fixtures and features.

Thereafter the development shall be completed in accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to ensure that the proposed new partition walls do not compromise internal features, fixtures or fittings of architectural or historic value and to ensure that, in accordance with good conservation practice, that the modern partition walls are capable of subsequent removal without having compromised such internal features. In the interests of protecting historic fabric of the listed building.

(Reference: Report by Head of Development and Economic Growth dated 8 September 2021, submitted)

7. LINK GROUP LTD: MIXED USE DEVELOPMENT COMPRISING RETAIL (CLASS 1); FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 2); FOOD AND DRINK (CLASS 3); BUSINESS (CLASS 4); HOTEL (CLASS 7); RESIDENTIAL DEVELOPMENT (DUNBEG PHASE 4) (CLASS 9); NON-RESIDENTIAL INSTITUTIONS (CLASS 10); ASSEMBLY AND LEISURE (CLASS 11); PUBLIC HOUSE; TAKEAWAYS; SITE FOR COMMUNITY FACILITIES; SITE FOR NEW PRIMARY SCHOOL; NEW ROUNDABOUT ON A85; ROADS AND PARKING; GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE; OPEN SPACE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 21/01609/PAN)

This second of three Proposal of Application Notices (PANs) in respect of the site at Dunbeg is an amalgamation of the other two PANs and covers the whole site. The report sets out the information submitted to date as part of the PAN and summarises the policy considerations, against which any future planning application will be considered as well as any material consideration.

It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the Applicant in finalising any future planning application submissions.

Decision

The Committee noted the content of the report and submissions and agreed that the Applicant should take into consideration the following when finalising any future planning application submissions:

- To have regard to the impact of traffic on associated properties, roads and the local community; and
- To construct the new roundabout on the A85 prior to the construction of any other works.

(Reference: Report by Head of Development and Economic Growth dated 1 September 2021, submitted)

8. LINK GROUP LTD: RESIDENTIAL DEVELOPMENT (DUNBEG PHASE 4) (CLASS 9) INCLUDING SITE FOR COMMUNITY FACILITIES, SITE FOR NEW PRIMARY SCHOOL, NEW ROADS AND PARKING, GROUND RE-MODELLING, ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 21/01607/PAN)

The Senior Planning Officer spoke to the terms of the report. Three new Proposal of Application Notices (PANs) have been submitted to the Planning Authority in respect of the wider area of Dunbeg. Flooding and peat studies carried out at the site since the submission of the previous PANs have required that the red line boundaries of the proposed development areas be amended and therefore new PAN submissions are required. Within the adopted Argyll and Bute Local Development Plan (LDP) (March 2015) the Council has designated a Strategic Masterplan Area under MAST 1/12 "Dunbeg Corridor). This area includes the following uses: education; housing; commercial, including neighbourhood retail; business and industry. The current PAN proposals sit within this wider strategic area but concentrate on housing, community uses, infrastructure and mixed commercial use on a number of sites as defined on Proposals Map 178 of the adopted LDP.

This first of three PANs relates to residential development (Dunbeg Phase 4) (Class 9) including site for community facilities, site for new primary school, new roads and parking, ground re-modelling, above and below ground infrastructure, open space and parking. The report sets out the information submitted to date as part of the PAN and summarises the policy considerations, against which any future planning application will be considered as well as any material considerations.

It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the Applicant in finalising any future planning application submissions.

Decision

The Committee noted the content of the report and submissions and agreed that the Applicant should take into consideration the following when finalising any future planning application submissions:

- To have regard to the impact of traffic on associated properties, roads and the local community; and
- To construct the new roundabout on the A85 prior to the construction of any other works.

(Reference: Report by Head of Development and Economic Growth dated 1 September 2021, submitted)

9. LINK GROUP LTD: MIXED USE DEVELOPMENT COMPRISING RETAIL (CLASS 1 FOOD AND NON-FOOD); FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 2); FOOD AND DRINK (CLASS 3); BUSINESS (CLASS 4); HOTEL (CLASS 7); NON-RESIDENTIAL INSTITUTIONS (CLASS 10); ASSEMBLY AND LEISURE (CLASS 11); PUBLIC HOUSE; TAKEAWAYS; ROADS AND PARKING; GROUND RE-MODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE; OPEN SPACE AND LANDSCAPING: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 21/01611/PAN)

This third Proposal of Application Notice (PAN) in respect of the site at Dunbeg relates to the business/commercial area comprising: retail; financial, professional and other services; business; hotel; non-residential institutions; assembly and leisure; public house; takeaways, roads and parking; ground re-modelling; above and below ground infrastructure; open space and landscaping. The report sets out the information submitted to date as part of the PAN and summarises the policy considerations, against which any future planning application will be considered as well as any material considerations.

It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and submissions and agreed that the Applicant should take into consideration the following when finalising any future planning application submissions:

- To have regard to the impact of traffic on associated properties, roads and the local community; and
- To construct the new roundabout on the A85 prior to the construction of any other works.

(Reference: Report by Head of Development and Economic Growth dated 1 September 2021, submitted)

10. GEARACH LIMITED: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED DISTILLERY: GEARACH FARM (ILI DISTILLERY), PORT CHARLOTTE, ISLE OF ISLAY (REF: 21/01629/PAN)

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. This Proposal of Application Notice (PAN) is for a proposed distillery, related purposes and a visitor centre. Associated and ancillary development is to include warehouse buildings, services and hardstanding areas, parking, access roads and footpaths. Associated plant and infrastructure is to include renewable energy infrastructure, drainage arrangements, electrical sub-station and hard and soft landscaping. Two buildings are envisaged: a distillery, café, shop and tour building north of the Port Charlotte to Kilchiaran road towards Loch Gearach; and south of the road, a building to replace an existing cattle shed for grain storage, distilling by-product management and barrel warehousing. The application site lies within the countryside west of Port Charlotte, Islay and is identified in the Local Development Plan (LDP) Spatial Strategy as 'Tourism Development Area'. A number of nature designations are also identified in the spatial strategy, and the entire island is designated a 'Water Conservation Area'. The majority of the site is located within the countryside zone and the scale of the intended development is 'large' in terms of the typologies established by the LDP (site in excess of 2 hectares). The report sets out the information submitted to date as part of the PAN and summarises the policy considerations, against which any future planning application will be considered as well as any material considerations.

It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the Applicant in finalising any future planning application submissions.

Decision

The Committee noted the content of the report and submissions and agreed that the Applicant should take into consideration the following when finalising any future planning application submissions:

- Impact on Sites of Special Scientific Interest (SSSIs), Sites of Archaeological Importance (SACs), Special Protection Areas (SPAs) and the Ramsar Site

(Reference: Report by Head of Development and Economic Growth dated 3 September 2021, submitted)

11. EXTENSION OF RELAXATION OF PLANNING ENFORCEMENT IN RESPONSE TO COVID-19 - UPDATED SEPTEMBER 2021

A report seeking approval to further extend existing planning relaxations relating to recovery of town centre business activity and approval for the continued application of an addendum to the Council's Enforcement & Monitoring Charter was considered.

This addendum provides clarity to officers, complainants and land owners of the weighting that Covid-19 and its relevance to the unauthorised development will be afforded in the setting timescales and the processes that will be followed when seeing to resolve a breach of planning control.

Decision

The Committee agreed to:

1. approve that the Planning Position Statement (Appendix A), (setting out the relaxation of planning controls within designated town centres as previously approved by the Council Leadership Group in July 2020, and subsequently extended on 29 October 2020 and by PPSL on 17 March 2021) be further extended until 31 March 2022; and
2. approve the Addendum to the Enforcement & Monitoring Charter (Appendix B) for a further temporary period expiring 31 March 2022, subject to periodic review in the event of updated guidance being provided by the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 6 September 2021, submitted)

12. UPDATE ON RECENT PLANNING APPEAL DECISIONS

A report providing an update on recent decisions by the Planning and Environmental Appeals Division in relation to Planning Appeal Reference PPA-130-2079: Land East of Tigh Na Mara, Arinagour, Isle of Coll and Planning Appeal Reference PPA-130-2077: Land South East of Elderslie, Oban, was before the Committee for information.

Decision

The Committee noted the contents of the report.

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

13. PLANNING PERFORMANCE FRAMEWORK 2020/21

A report introducing the 2020/21 Planning Performance Framework (PPF) Annual report as required by the Scottish Government Planning Reform Agenda was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 6 September 2021, 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 3 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

E1 14. ENFORCEMENT REPORT REFERENCE 18/00042/ENOTH1

Consideration was given to enforcement case reference 18/00042/ENOTH1.

Decision

The Committee agreed to continue consideration of this report.

(Reference: Report by Head of Development and Economic Growth dated 10 September 2021, submitted)

E1 15. ENFORCEMENT REPORT REFERENCE 18/00219/ENFLB

Consideration was given to enforcement case reference 18/00219/ENFLB.

Decision

The Committee agreed to the recommendations in the report.

(Reference: Report by Head of Development and Economic Growth dated 10 September 2021, submitted)

E1 16. ENFORCEMENT REPORT REFERENCE 19/00238/ENFHSH

Consideration was given to enforcement case reference 19/00238/ENFHSH.

Decision

The Committee agreed to the recommendations in the report.

(Reference: Report by Head of Development and Economic Growth dated 10 September 2021, submitted)