

**MINUTES of MEETING of PUBLIC SERVICE AND LICENSING COMMITTEE held in the
COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 31 MARCH 2005**

Present: Councillor Gordon McKinven (Chair)

Councillor John Findlay	Councillor Sidney MacDougall
Councillor Ronald Kinloch	Councillor John McAlpine
Councillor Bruce Marshall	Councillor Al Reay

Also Present: Councillor Daniel Kelly Councillor Donald MacMillan
Councillor Donald Kelly

Attending: Charles Reppke, Head of Democratic Services and Governance
Angus Gilmour, Head of Planning

Apologies: Councillor Robin Currie Councillor Isobel Strong
Councillor Donald McIntosh

The Chair intimated that Councillor Donald Kelly, who was not a member of the Public Service and Licensing Committee, had notified him that he wished, in terms of Standing Order 22.1, to be added to the Committee for the purpose of the business regarding the planning application made by Brightside Leisure Development Ltd. He confirmed that he would exercise his discretion to allow him to speak and vote on this application which is dealt with at item 3 of this Minute.

1. DECLARATION OF INTEREST

Councillor Kinloch declared a non pecuniary interest in relation to the planning application for Brightside Leisure Development Ltd which is dealt with at item 3 of this Minute due to a family relationship. He left the room prior to its consideration and took no part in the discussion regarding this item.

2. MINUTES

- a) The Minutes of the Public Service and Licensing Committee 17 February 2005 were approved as a correct record.
- b) The Minutes of the Public Service and Licensing Committee 24 February 2005 were approved as a correct record.

3. BRIGHTSIDE LEISURE DEVELOPMENT LTD: DETAILED APPLICATION FOR PROPOSED 18 HOLE GOLF COURSE, VISITOR ACCOMMODATION AND ANCILLARY DEVELOPMENT: CLOCHKEIL, CAMPBELTOWN (REF: 04/01924/DET)

The Public Service and Licensing Committee had, at their meeting on 24 February 2005, agreed to continue consideration of the application to allow the MOD to review their consultation response in light of a pending announcement

concerning the future of the former RAF Machrihanish. Since this meeting, the MOD had responded further by withdrawing their objection to the application and therefore the Head of Planning was now recommending that the application be approved.

Decision

To approve the application subject to :-

- i) The standard condition and reason;
- ii) The conditions and reasons set out in the report by the Head of Planning dated 19 March 2005, subject to the amendment of condition 5 to reflect the requirement of the applicants to provide an annual report on green fees to the Head of Planning to ensure that the condition can be effectively monitored;
- iii) The conclusion of a Section 75 agreement in respect of the long term maintenance and management of those parts of the site situated within the designated Machrihanish Dunes Site of Special Scientific Interest;
- iv) The Head of Planning being authorised to issue the decision notice following the signing of the legal agreement; and
- v) In the event that the legal agreement is not concluded within three months of the date of this decision, the application should be refused for the reasons set out in the report by the Head of Planning dated 19 March 2005.

(Reference - Reports by Head of Planning dated 9 February, 23 February and 19 March 2005 and recommendation from the Mid Argyll, Kintyre and Islay Area Committee of 16 February 2005, submitted)

4. FOOD CONVERTORS LTD: DETAILED APPLICATION FOR DEMOLITION OF EXISTING HOTEL AND ERECTION OF 3 FLATS: ARGYLL HOTEL, CORRAN ESPLANADE, OBAN (REF: 04/02426/DET)

The Oban, Lorn and the Isles Area Committee had, at their meeting on 2 March 2005, heard the applicant's proposals in regard to the provision of a communal garden area, and having been advised that the proposed dwellings would not be for permanent occupancy, coupled with the proposed noise insulations/glazing, agreed that the proposed flats would not have an unacceptably low level of amenity, and that for the foregoing reasons the proposals are consistent with Policy COM 4 of the adopted Local Plan, Policy E3 of the Draft Argyll and Bute Local Plan, Policy HO21 of the Lorn Local Plan and Policy STRAT 1 of the Argyll and Bute Structure Plan. Accordingly they agreed to recommend to the Public Service and Licensing Committee that the application be approved, subject to conditions to be determined by the Head of Planning, in consultation with the Chairman and Vice Chairman of the Oban, Lorn and the Isles Area Committee and the Local Member.

Having heard from the Head of Planning:-

Decision

To approve the application subject to conditions which will be determined by the Head of Planning in consultation with the Chairman and Vice Chairman of the

Oban, Lorn & the Isles Area Committee and the Local Member.

(Reference - Reports by Head of Planning dated 4 February and 10 March 2005 and recommendation by Oban, Lorn and the Isles Area Committee of 2 March 2005, submitted)

5. MR & MRS STOREY: DETAILED APPLICATION FOR EXTENSION TO DWELLINGHOUSE: 3 KENNEDY DRIVE, HELENSBURGH (REF: 04/00962/DET)

The Helensburgh and Lomond Area Committee had, at their meeting on 21 March 2005, agreed to recommend to the Public Service and Licensing Committee that the application be approved subject to conditions and reasons to be agreed by the Head of Planning in consultation with the Chair of the Area Committee and the Local Member. The reason for the approval being as follows:-

The design of the proposed extension is of a high standard and has regard to the traditional architecture and historic character as it tries to reinstate the appearance of a traditional coach house.

While the massing increases that of the existing extension, its overall massing and scale is acceptable as it will only introduce an additional footprint of 14 square meters.

While the extension adds height and bulk to the original structure, the enlarged building by appearance, for the reasons set out above, will not be unsympathetic to the original built form and will not have a detrimental impact on the conservation areas. Furthermore, the separation distance is such that the additional massing and scale will not have a detrimental impact on the adjoining properties in the area.

The use of sash and case windows would further improve the traditional character of the finished property and it is recommended that this be a condition of approval.

The existing property has previously been unsympathetically extended. Consequently, the proposed alterations will significantly improve the appearance of the existing building and, in turn, will enhance the character and appearance to the wider conservation area. The proposal is therefore consistent with the Policies B3 and B10 of the Dumbarton District Wide Local Plan.

Having heard from the Head of Planning:-

Motion

To refuse the application on the basis that the proposed development is not of a high standards design and does not have regard to the traditional architectural and historic character of the Helensburgh Conservation Area. In terms of scale and massing the proposal further enlarges a previous extension that has an awkward and contrived relationship to the original dwelling to the extent that the original coach house will be dominated by the extension. Furthermore, adding to the height and bulk of this structure will result in a larger scale building that is still unsympathetic to the traditional built form of the area and will exacerbate the

dwelling's detrimental impact on the Conservation Area by making it more prominent and visually intrusive in the streetscape. For these reasons the proposed development is considered to have an adverse impact on the Conservation Area in terms of scale, mass design and fenestration contrary to Policy BE3 of the Dumbarton District Wide Local Plan which states inter alia that proposals for alteration and extension in the Conservation Area will be to a high standard and have regard to the traditional architectural and historic character of the area.

Also, the proposed development is not of a high standards of design and by virtue of its massing and scale will detract attention from and further undermine the adjacent listed building Brincliffe by introducing an increased height of development which is positioned forward of the original coach house thus detrimentally affecting the setting of the listed building contrary to Policy BE10 of the Dumbarton District Wide Local Plan and the Memorandum of Guidance on Listed Buildings and Conservation Areas which require inter alia that special attention is paid to the design and materials of new development to ensure that the building's character or setting is not eroded and which states that at all times the listed building should remain the focus of its setting and that development should preserve or enhance the character of conservation areas.

Moved by Councillor Ronald Kinloch, seconded by Councillor John McAlpine.

Amendment

The design of the proposed extension is of a high standard and has regard to the traditional architecture and historic character as it tries to reinstate the appearance of a traditional coach house.

While the massing increases that of the existing extension, its overall massing and scale is acceptable as it will only introduce an additional footprint of 14 square meters.

While the extension adds height and bulk to the original structure, the enlarged building by appearance, for the reasons set out above, will not be unsympathetic to the original built form and will not have a detrimental impact on the conservation areas. Furthermore, the separation distance is such that the additional massing and scale will not have a detrimental impact on the adjoining properties in the area.

The use of sash and case windows would further improve the traditional character of the finished property and it is recommended that this be a condition of approval.

The existing property has previously been unsympathetically extended. Consequently, the proposed alterations will significantly improve the appearance of the existing building and, in turn, will enhance the character and appearance to the wider conservation area. The proposal is therefore consistent with the Policies B3 and B10 of the Dumbarton District Wide Local Plan.

Moved by Councillor Al Reay, seconded by Councillor Bruce Marshall

Decision

The motion was carried by 4 votes to 2 and the Committee resolved accordingly.

(Reference - Reports by Head of Planning 19 January 2005 and 14 March 2005 and recommendation by the Helensburgh and Lomond Area Committee of 21 March 2005, submitted)

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REVIEW OF TAXI FARE SCALES

Local authorities are required to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The Committee were requested to agree to the commencement of review procedures.

Decision

1. To instruct the Head of Legal and Protective Services to give notice of the proposed review in the local press during April 2005, inviting representations.
1. That the Head of Legal and Protective Services write to representatives of the operators of taxis within all areas advising them of the review and inviting them to make written representations.
2. That following the period of consultation, a further report be submitted to the Committee at its meeting on 11 August 2005 for consideration as to what the fare scale will be as from 29 September 2005.

(Reference - Report by Head of Legal and Protective Services 31 March 2005, submitted)