

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the ROTHESAY PAVILION, 45 ARGYLL STREET, ROTHESAY, ISLE OF BUTE  
on TUESDAY, 13 SEPTEMBER 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor David Kinniburgh	Councillor Alister MacAlister
Councillor Neil Mackay	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor James McQueen
Councillor Al Reay	

**Attending:** Charles Reppke , Head of Governance and Law  
Ian Woollcott, Applicant  
Scott Graham and Craig Veldon, Agents for the Applicant  
David Eaglesham, Area Team Leader, Planning  
Mr R Falconer, Objector  
Mrs J McIntyre, Supporter  
Councillor R Macintyre, Supporter  
Councillor I Strong, Supporter

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated by:-

Councillor Gordon Chalmers  
Councillor Rory Colville  
Councillor Robin Currie  
Councillor Vivien Dance  
Councillor Mary Jean Devon  
Councillor Bruce Marshall  
Councillor Roderick McCuish

**2. DECLARATIONS OF INTEREST (IF ANY)**

There were no Declarations of Interest.

**3. MR IAN WOOLLCOTT: APPLICATION FOR ERECTION OF A CARE HOME  
AND FORMATION OF NEW ACCESS: LAND NORTH OF ASCOG  
MANSIONS, ASCOG, ISLE OF BUTE (REF: 11/00954/PP)**

The Chair welcomed everyone to the meeting and introductions were made.

Mr Charles Reppke, Head of Governance and Law, outlined the hearing procedure and invited anyone who wished to speak at the meeting to identify themselves and once that process had been completed the Chair invited the Planning Department to set out their recommendations.

Councillor Robert Macintyre informed the Committee that he had submitted written representation in support of the application which was not detailed within

the report. Councillor Isobel Strong stated that she too had submitted written representation. After discussion, the Committee unanimously agreed to allow both Councillor Macintyre and Councillor Strong to speak at the hearing.

## **PLANNING AUTHORITY**

David Eaglesham presented the case on behalf of the Head of Planning and Regulatory Services.

He tabled a Supplementary report which confirmed the receipt of late letters of representation and correspondence since the planning report dated 15 August, 2011.

He advised that the planning application was for the erection of a residential care home, formation of new access and the installation of a private sewage treatment plant to be situated on the A844 to Ascog Village on the east side of the Bute; to the south of Rothesay. The Committee had agreed to the hearing due to the number of representations received and confirmed that these numbered 27 in total. He advised that the site had been viewed by Members and he detailed the various aspects of the proposed development in a series of slides. In policy terms, he advised that the proposed development on the Argyll and Bute Local Plan was within the pink area, a designated settlement zone.

He confirmed that other than the objections detailed, there had been no other statutory consultee objections. Therefore, he recommended approval of the Planning Application subject to the conditions, reasons and informative notes at the end of the report.

## **APPLICANT**

Mr Gavin Graham spoke on behalf of the Applicant, assisted by Mr Craig Veldon and detailed the case in the building design and access alluding to the care taken in respect of the history of this conservation area.

He related that the land had previously received planning approval in January 2006 for substantive housing development. This was considered by some at that time to be an over-development of the site and that scale of the housing development was not in keeping with the area.

The form of the proposed building is a direct response to the brief and the site. It has the appearance of a two-storey Victorian house extended with wings linked across the frontage by a single storey fully glazed public rooms and entrance foyer. He informed Members that any concerns in regards the proposed design had been addressed. He noted the support received from the local community for this much needed facility, which would also generate local jobs.

He advised Members that a local forum – Bute Forum for Older Voices – had written to Nicola Sturgeon, Health Secretary, highlighting the distinct lack of care facilities and removal of 24-hour care from the island. Mr Graham continued that a recent census conducted with 34 Local Authorities had attested that Argyll and Bute council was third last in the table for the provision of care facilities for the elderly. Between March 2000- March 2010, there had been a 19.4 % reduction in care provision within Argyll and Bute.

He stated that the proposed development would incorporate a dedicated dementia unit, which was not presently available on the island.

In regards the issue of road safety and the impact on wildlife, again these had been addressed.

He stated that there were no sound planning reasons for the planning application to be refused and that no statutory consultees had opposed it.

## **SUPPORTERS**

Councillor Macintyre spoke on behalf of the planning application and stated that care facilities on the island had been seriously diminished. Residents had intimated their concerns regarding both this and the frequent instances whereby residents requiring specialist care were often transferred to mainland to receive this.

Councillor Strong related instances of previous residential childrens care home on the island which had functioned well with no adverse impact onto the local community. In her opinion, the proposed development would not have an adverse impact on the Ascog area.

She fully agreed with Councillor Macintyre in regard to the upheaval and problems caused to both patients and family members when they were transferred to the mainland for care. The new care home would provide an excellent facility for the island's ageing population.

Jeannette McIntyre, on behalf of Bute Forum for Older Voices, reiterated the trauma of families being split up, when the administration of care was implemented on the mainland. She detailed the sometimes onerous travel arrangements for family members endeavouring to visit patients. She stated that the new facility would provide peace of mind to older residents.

## **OBJECTORS**

Mr Ronnie Falconer detailed the concerns raised by local residents at a local meeting he had chaired regarding the proposed development. The meeting had been held on an impartial basis and reflected views both for and against the development.

He agreed that there was a strong need for a care home on the island, but stated that the siting of the proposed development on a different venue would be more opportune. He felt that the Ascog estate may change considerably if the care home was in situ.

He detailed that he had concerns in regards the scale of the development and questioned the need for a care home of this size. The adjacency of the development to Clyde House may result in a lack of privacy for its owner. He wondered if there would be potentially high traffic movements in and out of the proposed development which would be detrimental to which, in his opinion, was already an accident blackspot. He realised that there were no objections received from the Area Roads manager.

He continued that the development could have an adverse impact on the local environment – trees, birds and bats – he related a recent sighting of otters. There was an indication that this was evidence of the increased bio-diversity of the area. He raised the issue of flooding and queried the proposals to deal with that potential hazard. He questioned whether the existing drainage could effectively deal with the effect of surplus water. Again, he noted that the Scottish Environment Protection Agency (SEPA) had not raised any concerns, but reiterated the need to maintain the drainage system assiduously.

He enquired whether when the care home was completed, would places be readily available for local residents. Mr Falconer stressed that he was not against the provision of a local care home, but wished to ensure that the proper conditions and recommendations were in place prior to planning approval was granted. He detailed the conditions he wished to highlight to Members:

6. Regarding the discharge pipe leading from the sewage treatment plant. To ensure that the pipe construction was constructed in accordance with the approved details to ensure no adverse affect to human health.
7. Regarding the proposed access, sufficient traffic signage was in place to negate a further risk of accident.
- 11 Regarding the drainage system, to incorporate the basic principles of Sustainable Urban Drainage systems (SUDS) and any adverse effects would be borne at the expense of the developer.

The Chair enquired of all parties whether they had received a fair hearing and this was confirmed.

## **QUESTIONS**

Councillor Reay enquired of the Applicant what form of heating was in place and if there were plans to utilise solar energy.

He was informed that the primary heating for the building would be provided by a ground source heat pump serving a full underfloor heating system. In regards solar energy, the siting of the panels on the slated roof would not present a major problem. However, the panels had a limited life span.

Councillor Kinniburgh asked if there was a timeline in regards the drainage system. If anything adversely happened, were there time stipulations for the developer to rectify problems. He recalled that at a previous hearing the SUDS had a 10 year limitation.

David Eaglesham replied that he was not aware of this limitation and that landowners needed to ensure that water did not adversely impact onto others. However, the Planning Department could not oversee this issue. This would be a civil matter.

Councillor Mackay enquired on the number of Bute residents who had needed to leave the island to receive suitable care.

Councillor Strong replied that to her knowledge there had been 3 instances in the last 6 months whereby residents had been transferred to the mainland to receive care.

Councillor Mackay raised the issue of road safety and questioned if signage to advise of the proximity of a residential home was necessary.

David Eaglesham responded that he did not envisage traffic being increased and noted that the Roads Department had not raised any concerns. He did not think that flashing signage was conducive in this conservation area and furthermore drivers emerging from the care home could be observed by other road users. The road directly outside the home was a straight stretch of road.

Councillor Mackay questioned the issues in regards the sewage treatment plant and enquired if there was a likelihood of the drainage impacting onto

neighbouring properties. Ronnie Falconer responded that he had detailed his specific concerns. David Eaglesham replied that he did not envisage problems. The water was discharged directly into the river. SEPA would monitor any discharge/effluence emitting from the care home drainage system.

Councillor Reay enquired if there was adequate screening of the care home in relation to the adjacent property, Clyde House. Scott Graham replied that there would be adequate plant screening to address the issue of car highlights impacting onto the adjacent property.

Councillor Reay raised the issue of the area being classed as an accident blackspot and enquired if there were statistics to verify this. David Eaglesham replied that he did not have any statistics to quantify this. Ronnie Falconer responded that he had not received verification from Strathclyde police and the statement was an observation on his part. He detailed a previous accident on the road which had caused great concern to local residents.

Councillor Reay questioned of Ronnie Falconer if, as he had stated, that a care home was a necessary facility, where on the island he would situate a home. Ronnie Falconer replied that he was not against the proposed development; however, it should be appropriate to the location. He continued that it would perhaps be of benefit to future care home residents if the development was closer to the town so they could avail the shops, Health Centre and other facilities. There were other unused buildings around the town which could be utilised.

The Chair stated that the application was being considered for the site detailed on the report, not for conjecture for other venues. He stated that the site access was proving concern for some of the Members and that the Applicant would meet with the Roads Department to give this further discussion. Councillor Mackay requested more clarification on this issue. Charles Reppke, Head of Governance Law interjected that this issue should be addressed when Members debate the matter.

The Chair stated that this would be dealt with later during the course of the debate.

Councillor Kinniburgh raised the issue of the pavement width outside the care home. David Eaglesham responded that the pavement width was not the current standard width.

Councillor Kinniburgh enquired if the Applicant had plans to raise the height of the wall. Currently, the wall had been lowered beyond 5/6 metres of the access. Scott Graham replied that the proposed height of the wall was 1 metre high. Councillor Kinniburgh raised the issue of the old access point. David Eaglesham replied that this access would not be used. Access and ingress would be by means of the new access. A barrier would be erected to reduce pedestrian access at this point.

Councillor MacAlister stated that reduced speed limit from 60mph to 30mph – at close proximity to the care home – would mean a car travelling at a higher speed would need to break drastically if pedestrians were crossing at this point.

## **SUMMING UP**

### **Planning Authority**

David Eaglesham advised that the Applicant could address the concerns raised by the Objector. In regards to the issue over sewage, SEPA could consult with Building Control to resolve any dubiety over this.

With regards to Councillor Kinniburgh's query over the timescale. David advised that if the Applicant was in breach of the planning conditions within a 10 year period then necessary action could be taken to address any problem which had arisen.

He recommended that the Applicant and the Roads Department could meet to discuss and agree any road signage that might be appropriate.

He had limited concerns in the design and location of the proposed development and recommended approval of the planning application.

### **Applicant**

Scott Graham advised Members of the careful design of the building, mindful of the previous planning application which would have resulted in a denser housing development.

He agreed that he would instigate discussions with the Roads Department to agree on road signage.

### **Councillor Macintyre**

He reiterated that this was a much needed facility for the island which would negate the need for people to travel to the mainland to receive a required level of care. Thus, reducing onerous travel for family members wishing to visit them

### **Councillor Strong**

She envisaged that the care home would not have any detrimental effect on other residents.

### **Jeannette McIntyre**

She fully agreed with Councillor Macintyre and Councillor Strong in that there was a tremendous need for this facility. It would meet the needs of local residents and enable them to have a care provision in their own area.

### **Objector**

Ronnie Falconer again highlighted the size of the development and his concerns

in relation to traffic issues, pavement width and signage. He reiterated the points he had previously made in regards increased bio-diversity on the environment and adjacency of the development to neighbouring properties.

He noted that any adverse impact on local drainage should be rectified by the developer up to a 10 year period.

He agreed that a care home facility was needed on the island, but had heard nothing that would guarantee places for islanders.

## **DEBATE**

Councillor Reay stated that with the population living longer, there was a need for a care home. The design of the building appeared of a high quality sited in an open setting. He stated that Planning should fully approve the SUDS scheme to ensure that there is no risk to the drainage system and other properties.

Councillor McNaughton stated that his concerns had been addressed and agreed to the planning application.

Councillor McQueen replied that he had no issue and agreed to the planning approval.

Councillor MacMillan advised that he thought the design of the building was of a high quality and approved the planning application.

Councillor Kinniburgh supported the planning application and thought this would provide a quality care home. He raised the issue of the SUDS scheme and discussion between the Applicant and Roads department to address signage.

Councillor Mackay stated that Planning Development should take away the points raised and liaise with the Applicant to address these issues.

Councillor Kelly fully supported this planning application and stated that the Applicant should address the issues recorded and liaise with the Roads Department.

Charles Reppke advised that the Committee could not stipulate as a condition that signage be erected to advise road users of the proximity of the care home, without advice from the roads authority on the criteria.

Furthermore, in regards the SUDS, there was no other warranty, as had been alluded to by Mr Falconer, that the Committee could give in respect of third parties that was a matter of civil law. However, the SUDS scheme should meet the conditions stipulated in the condition with the report.

## **DECISION**

It was unanimously agreed that planning permission be granted as set out in the report subject to the following conditions and reasons:-

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO:  
11/00954/PP**

1. The development shall be implemented in accordance with the details specified on the approved drawings numbers: Drawing No. 2344/PL/011, Drawing No. 2344/PL/009, Drawing No. 2344/PL/002; Drawing No. 2344/PL/003, Drawing No. 2344/PL/004, Drawing No. 2344/PL/005, Drawing No. 2344/PL/006, Drawing No. 2344/PL/007; and Drawing No. 2344/PL/008, unless the prior written approval of the planning authority is obtained for other materials/finishes/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. A landscaping scheme shall be submitted to the Planning Authority prior to any works being first undertaken at the site. This scheme shall specifically include full details of the age, species and location of all existing trees and vegetation proposed to be retained and those to be removed together with full details of proposed planting. Specifically the landscaping scheme shall provide for native tree planting along the southern boundary of the site:
  - i) The landscaping scheme, as may be approved, shall be fully implemented no later than  
the first planting and seeding season following the commencement of the development and thereafter shall be maintained to the satisfaction of the Planning Authority for a period of five years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.
  - ii) Prior to any works being first undertaken at the site, and upon the written approval of the landscaping scheme, each tree to be removed shall be clearly indicated (*tagged*) on site using a coloured identification and each tree to be retained shall be clearly indicated (*tagged*) on site using a separate coloured identification. Such measures shall be put in place for the written approval of the Planning Authority before any felling/lopping commences.
  - iii) Prior to the felling/lopping of any trees within the site, the subject trees will be surveyed for evidence of any bats and nesting birds. Should such evidence be found, the developer shall contact the Planning Authority for further advice in consultation with Scottish Natural Heritage;
  - iv) During the course of construction those trees that are to be retained (*as indicated and approved in writing by the Planning Authority as ii above*), shall be protected by suitable fencing not less than one metre in height that shall be erected around the extremities of the crowns of these trees, or as may be agreed in writing with the Planning Authority. No material, spoil or fires shall be placed within such protected areas during any construction works.

*Reason: In the interests of visual and residential amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees during development operations.*

3. A substantial sample panel, being not less than 2.0 square metres, showing the proposed external wall finishes shall be made available on the site for the inspection and written approval of the Planning Authority. The panel shall be made available prior to the application of any render to the external walls being implemented. The building shall be constructed using the approved finishes unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In the interests of visual amenity in order to ensure that the proposal integrates successfully into its surrounding townscape setting and having due regard to Central Government guidance and Local Plan policies.*

4. The roof covering shall be of natural slate, the details of which (including a sample) shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The roof shall be finished in the approved covering unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In the interests of visual amenity in order to ensure that the proposal integrates successfully into its surrounding townscape setting and having due regard to Central Government guidance and Local Plan policies.*

5. Prior to the commencement of the development, the final location and design of the sewage treatment plant, the odour control measures to be undertaken and a scheme for the maintenance in perpetuity of the approved communal sewage system shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA, the Building Control Section and the Public Protection Service.

*Reason: To ensure the ongoing maintenance of the method of sewerage treatment in the interests of residential amenity and public health of existing and future occupiers of the area and to prevent the unnecessary proliferation of septic tanks.*

6. The discharge pipe leading from the sewage treatment plant shall be constructed to a point below Mean Low Water Spring and shall be buried underground for its full length, the details of which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The pipe shall be constructed in accordance with the approved details **prior to the first occupation of the development** unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In order to safeguard the visual amenity of the area.*

7. Prior to the commencement of development on the site, visibility splays of 42.0 metres x 2.5 metres in both directions shall be formed from the centre line of the proposed access and shall, thereafter, be kept clear of all obstructions over 1.05 metres in height above the level of the adjoining carriageway unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In the interests of road safety.*

8. Prior to the construction of the road system and parking areas, full details (including a sample) of the surfacing to be used within the internal road system and parking areas shall be submitted to and approved in writing by the Planning Authority.

*Reason: In the interests of visual amenity in order to ensure that the proposal integrates successfully into its surrounding townscape setting and no such details having been submitted.*

9. Prior to the commencement of the development, details of the position, height and appearance of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. In particular, such details shall show the erection of substantial screening along the southern boundary of the site. All boundary treatments shall be constructed in accordance with the approved details unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In the interests of visual amenity in order to successfully integrate the proposal into its surrounding townscape setting.*

10. Unless otherwise agreed in writing with the Planning Authority, the vehicular access onto the public road shall be constructed in accordance with the Council's Standard Drawing No. Figure 10.16. The access formation shall be undertaken prior to the first coming into use of the approved residential care home.

*Reason: In the interests of road safety.*

11. Prior to any construction works on site, full details shall be submitted for the prior written approval of the Planning Authority of a drainage scheme that shall incorporate the basic principles of Sustainable Urban Drainage Systems identified in 'Planning Advice Note 61' which shall provide details of a totally separate drainage system with the surface water discharging to a suitable outlet. The drainage system shall include measures to slow down run-off; methods of treatments and its release into the system, existing and proposed drainage of the site and temporary surface water drainage system during construction phases; unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved, shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

*Reason: In order to provide for a sustainable drainage scheme for the development.*

12. No lighting units shall be installed unless the prior written consent of the Planning Authority is obtained in conjunction with the Public Protection Service. Any lighting units that are approved shall be operated, positioned and angled to prevent any glare or light spillage outwith the boundary of the site, having regard to the Institute of Lighting Engineers Guidance.

*Reason: In the interest of the amenity of adjacent residential properties.*

## NOTES TO APPLICANT

1. 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).]
2. In order to comply with Section 27A(1) of the Town & 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.
3. In order to comply with Section 27B(1) of the Town & Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was complete.
4. The Area Roads Manager has advised that a Road Opening Permit will be required in association with the formation of the vehicular access. A system of surface water drainage should also be undertaken to prevent water running onto the footway or carriageway.
5. The Environmental Health Officer has advised that the proposed development includes the preparation and service of food on the site for residents and staff. The developer should contact the Public Protection Service (Richard Gorman on 01700 501366) to seek advice regarding the following:
  - The requirements of relevant food legislation in terms of the layout of the food rooms and the management of food production;
  - The registration of the food business 28 days prior to the opening/use of the premises;
  - The impact of other relevant legislation including health and safety and smoking regulations.
6. **Correspondence has been received from the Director of Capital Developments (GB) Ltd to the effect that his company owns part of the land under which the discharge pipe is proposed to be constructed. Prior to the commencement of the development, the applicants should satisfy themselves that they have sufficient control over all of the land within the application site to enable the development to be constructed in accordance with the approved plans and in compliance with Conditions 6 and 11 above.**

(Reference: Report by Head of Planning and Regulatory Services dated 12 September 2011, submitted).