

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 23 NOVEMBER 2011**

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

Councillor Rory Colville	Councillor Neil Mackay
Councillor Gordon Chalmers	Councillor Donald MacMillan
Councillor Vivien Dance	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Bruce Marshall	Councillor Al Reay

**Attending:** Charles Reppke, Head of Governance and Law  
Angus Gilmour, Head of Planning and Regulatory Services  
Ross McLaughlin, Development Manager

The Chair ruled, and the Committee agreed, to consider the business dealt with at item 12 of this Minute as a matter of urgency by reason of the need to have a formal written procedure agreed on the Council's requirements for the preparation and submission (including consultation arrangements) of Masterplans in accordance with the provisions of the current Development Plan and national guidance.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Robin Currie and Alister MacAlister.

**2. DECLARATIONS OF INTEREST**

Councillor James McQueen declared a financial interest in the planning application dealt with at item 9 of this Minute as he is a shareholder and retired employee of Scottish Gas.

Councillor Bruce Marshall declared a non financial interest in the planning application dealt with at item 9 of this Minute as he has previously made his feelings known on a related planning application.

Councillor Marshall and Councillor McQueen left the room and took no part in the discussion of this item.

**3. MINUTES**

(a) The Minutes of the Planning, Protective Services and Licensing Committee of 10 October 2011 (11.00 am) -

The Head of Governance and Law advised that he had received representations regarding the accuracy of these Minutes and the competency of the Committee's decision taken at the discretionary hearing held in respect of Planning Application Ref: 11/00887/PP. He

referred Members to page 13 of these Minutes and advised that a comma had been misplaced and that “£11500,” should read as “£11,500”. He also advised Members it was his opinion that the Motion agreed at the hearing was competent given that it had been dealt with in accordance with the Council’s procedure for said matters and invited Members to approve the Minutes as a correct record.

Councillor Reay referred to page 18 of the Minutes and advised that the word “optimistic” should read “opportunistic”.

The Minutes of the Planning, Protective Services and Licensing Committee of 10 October 2011 (11.00 am) were approved as a correct record subject to the changes referred to above.

- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 10 October 2011 (2.00 pm) were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 19 October 2011 (9.30 am) were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 19 October 2011 (10.00 am) were approved as a correct record.
- (e) The Minutes of the Planning, Protective Services and Licensing Committee of 19 October 2011 (10.30 am) were approved as a correct record.
- (f) The Minutes of the Planning, Protective Services and Licensing Committee of 21 October 2011 were approved as a correct record.
- (g) The Minutes of the Planning, Protective Services and Licensing Committee of 9 November 2011 (11.00 am) were approved as a correct record.

**4. ARDKINGLAS ESTATE: ERECTION OF MIXED DEVELOPMENT COMPRISING 16 DWELLINGHOUSES, 7 COMMERCIAL UNITS, CHILDCARE CENTRE, INSTALLATION OF SEWAGE TREATMENT SYSTEMS AND ACCESS IMPROVEMENTS: LAND ADJACENT TO ARDKINGLAS SAWMILL, CLACHAN, CAIRNDOW (REF: 09/00385/OUT)**

The Development Manager spoke to the terms of supplementary report number 4 which advised of the receipt of additional documentation from the Applicant and a further third party representation in light of the PPSL Committee’s decision to continue consideration of this application following the discretionary hearing which took place on 21 October 2011. He also spoke to the terms of a further supplementary report number 5 which was tabled at the meeting and alerted Members to the receipt of 3 further representations and further supporting documentation from the Applicant in respect of visibility splays. He summarised the proposal and ran through the presentation slides and highlighted various aspects of the new Masterplan which had been submitted by the Applicant on 27

October 2011 and circulated to Members.

The Head of Governance and Law referred to an email he had received from one of the objectors, Mr Pound, regarding his view that there were inaccuracies in the Minute of the hearing and also expressed concerns about the procedures being followed and this was circulated to Members. He advised that in his opinion the Minute was accurate and that the question regarding whether or not the application could be treated as a minor departure from the Local Plan had, in fact, been raised by Councillor MacMillan and not Councillor Marshall as suggested by Mr Pound. He confirmed that Councillor MacMillan's question and Mr McLaughlin's reply to this had been recorded in the Minute. He confirmed that the Minute was not a verbatim record of the hearing but as much detail as possible was included. He also referred to Mr Pound's concerns about the new Masterplan and he advised Members that if they wished to take this Masterplan into consideration then a period of public consultation should be undertaken prior to taking a decision on it.

### **Decision**

The Committee agreed :-

1. To continue consideration of this Application to allow a period of public consultation to be undertaken in respect of the new Masterplan submitted by the Applicant;
2. To note that local consultation had already been ongoing since submission of the Masterplan on 27 October 2011;
3. That consultation on the Masterplan be advertised in the local press from 1 December 2011 advising that representations on this should be submitted to the Head of Planning and Regulatory Services prior to the 20 December 2011; and
4. That this application and any further representations received will be considered by the Committee on 21 December 2011.

(Reference: Report by Head of Planning and Regulatory Services dated 14 September 2011, Supplementary Report 1 dated 20 September 2011, Supplementary Report 2 dated 13 October 2011, Supplementary Report 3 dated 20 October 2011 and Supplementary Report 4 dated 2 November 2011, submitted and Supplementary Report 5 dated 22 November 2011, tabled)

**5. MR DUNCAN CAMPBELL: SUB-DIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AND FORMATION OF NEW ACCESS: 7 LAGGARY PARK, RHU, HELENSBURGH (REF: 11/00784/PP)**

It was agreed at the PPSL Committee on 19 October 2011 to continue consideration of this application to this meeting to allow Officers to clarify with the Applicant which set of plans he wished to put forward for consideration and whether or not he wished to see the original proposal determined, or whether he proposed to withdraw this current application and submit a new application in respect of an alternative proposal. The Development Manager spoke to the

terms of supplementary planning report number 2 advising that the Applicant would be pleased to secure planning permission for either of the two site layouts and would like to discuss this further with Planning Officers.

### **Decision**

Agreed to note the terms of the report and to continue consideration of the Application to allow the Applicant to have further discussions with Planning Officers.

(Reference: Report by Head of Planning and Regulatory Services dated 2 September 2011, Supplementary Report 1 dated 19 September 2011 and Supplementary Report 2 dated 3 October 2011, submitted)

**6. EE-USK: REMOVAL OF CONDITION 4 RELATIVE TO LISTED BUILDING CONSENT 10/01817/LIB (DEMOLITION NOT TO COMMENCE UNTIL CONTRACT LET FOR RE-DEVELOPMENT): ARGYLL HOTEL, CORRAN ESPLANADE, OBAN (REF: 11/01019/LIB)**

This application was continued from the PPSL Committee on 19 October 2011 in order to invite the Applicants to meet with Officers to establish whether the suggestion of a legal agreement between the Applicants and the Council could safeguard the positions of both parties and potentially enable the condition in question to be removed. The Head of Planning and Regulatory Services provided a verbal update to Members on the contents of supplementary planning report number 2 which advised of the current position of the structural condition of the building and presented the conclusions of the review of the Applicant's structural report by the Council's Building Standards Manager and consultant engineers employed by the Council which had been referred to in supplementary planning report number 1. He advised that the outcome of the review had resulted in a significant material change in circumstances and in view of ongoing safety concerns it was now recommended that the listed building consent condition at issue be removed in order to allow demolition to proceed before further deterioration in the structure presented an uncontrolled safety risk. Legislation provides that in deleting a condition, there is opportunity to modify or add conditions arising as a consequence of that a deletion, so condition 3 of the original listed building consent has been amended to include the requirement for hoarding installation and retention.

### **Decision**

Agreed that Listed Building Consent be granted subject to clearance being given by Historic Scotland prior to the decision being issued and to the following conditions and reasons:

1. That the development to which this permission relates must be begun within three years from the date of this permission.

*Reason: In accordance with Section 20 of the Planning etc. (Scotland) Act 1997.*

2. Before the demolition hereby permitted is first commenced, the developer in consultation with the Planning Authority shall draw up a schedule of

materials and items which shall be reclaimed from the site during or prior to demolition. This shall include the reclamation of existing slate from the building. These materials and items shall be satisfactorily set aside, stored and/or used in a manner which shall first be agreed with by the Planning Authority, prior to any demolition taking place.

*Reason: In order to protect and save materials and items which can reasonably be retrieved, in the interests of the historical and architectural qualities of the building to be demolished.*

3. Prior to the commencement of demolition, a scheme shall be submitted to and approved by the Council as Planning Authority for the temporary reinstatement of the cleared site. The scheme shall include *inter alia* details of surface treatment, the treatment of newly exposed building gables, and the screening of the site by means of hoardings, including a timetable for the demolition and reinstatement. The development shall proceed in accordance with the duly agreed scheme and the timetable for its implementation. Hoardings required by virtue of this condition shall be of a material, height, location and colour and with any signage or graphics all being agreed in advance of demolition works being commenced, and these hoardings shall remain in place and shall be maintained free of advertisements, posters or graffiti following the completion of demolition operations, until such time as construction works are commenced on the redevelopment of the site.

*Reason: To ensure that the cleared site does not compromise further the settings of the adjacent category B listed buildings and/or downgrade the environmental quality of the Special Built Environment Area of which it is a part.*

4. Prior to the commencement of demolition, a Demolition Method Statement shall be submitted to and approved in writing by the Planning Authority in consultation with, Historic Scotland and Transport Scotland. The Demolition Method Statement address intentions in respect of:
  - Demolition Methodology - Type and sequence of demolition and site establishment;
  - Hazardous Materials - special arrangements required for the potential removal and disposal of any asbestos;
  - Notification of demolition to adjacent property owners and local residents;
  - Dust & Noise Reduction Strategy - steps to be taken to minimise the risk and nuisance to adjoining land, building or road users
  - Proximity to Other Structures - Trunk Road, Public Footpath, Public Right of Way (Pend), Access Rights of Adjacent Properties (Pend), Regent Hotel (Category B listed building), Oban Inn (Category B listed Building) and Charles Street (Category B listed buildings)
  - Traffic Management

*Reason: To protect the structural integrity of the adjacent listed buildings, the character of the Special Built Environment Area, in the interests of Public Health and Safety and, to maintain the safe and free flow of traffic and pedestrians on the Trunk Road during demolition.*

(Reference: Report by Head of Planning and Regulatory Services dated 1 October 2011 and Supplementary Report 1 dated 7 November 2011, submitted and Verbal Update on Supplementary Report 2.)

**7. BUTE COUNTY CRICKET CLUB: CHANGE OF USE OF LAND FOR SITING OF STORAGE CONTAINER: CAR PARK TO NORTH OF SWIMMING POOL 118 HIGH STREET, ROTHESAY (REF: 11/01453/PP)**

The Development Manager spoke to the terms of his report advising that this was a Council interest application for the proposed siting of a storage container within the confines of the car park at the Rothesay Swimming Pool. The container will store equipment in association with Bute Country Cricket Club, who play their home matches at The Lade recreation ground adjacent to the car park. He advised that the proposal accorded with policies STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and LP REC 1, LP ENV 10 and LP ENV 19 of the Argyll and Bute Local Plan 2009 and raised no other material considerations and recommended approval of the application.

**Decision**

1. Agreed to grant planning permission and delegated to the Head of Planning and Regulatory Services, in consultation with the Chair and Vice Chair of the PPSL Committee, to impose a suitable condition to ensure that the colour of the container blends in with its surroundings and subject to the following conditions and reasons:-

- (a) The development shall be implemented in accordance with the approved drawings: Location Plan (scale 1:2500); Site Plan (scale 1: 500); and Elevation Details (scale 1:50) 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.

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

- (b) Unless the further written consent of the Planning Authority is obtained, the storage container hereby approved shall be removed from the site within three years of the date of the container being sited on the land.

*Reason: In the interests of visual amenity and parking having regard to the essentially temporary nature and appearance of the container.*

2. Agreed that the Note to Applicant should stress the need for the Applicant to ensure a longer term solution for the storage of the equipment is sought prior to the end of the three year consent.

(Reference: Report by Head of Planning and Regulatory Services dated 3 November 2011, submitted)

**8. DAVID MOONEY: ERECTION OF DWELLINGHOUSE AND FORMATION OF NEW ACCESS: PLOT 3, LAND TO THE REAR OF LIMEKILN COTTAGE, FERRY ROAD, ROSNEATH (REF: 11/01550/PP)**

The Development Manager spoke to the terms of his report advising that the application site was within the settlement zone of Rosneath and close to a Category A listed building. He also referred to a supplementary planning report which was tabled at the meeting and alerted Members to the receipt of 2 further letter and email contributions from the Applicant and addressed a number of clarifications from the original report principally relating to the Application not being part of the Rosneath Conservation Area. He recommended that planning permission be refused as per the original planning report dated 16 November 2011 and revised reason for refusal as detailed in the supplementary report. He advised that in the event that Members were minded to support the recommendation to refuse, then it was not considered that a discretionary hearing would add value to the process due to the overwhelming number of local objectors who agreed with the Officer recommendation. He advised that if Members were minded to support the applicant contrary to the recommendation, then a discretionary local hearing was recommended.

**Decision**

Agreed to refuse planning permission for the reason outlined below:-

The proposal would reduce the existing curtilage of the dwellinghouse occupying Plot 1 by approximately 23m in width and 290 square metres in total, as defined implemented consent 08/00895/DET. The size and shape of the proposed plot is insufficient to accommodate a dwellinghouse in keeping with the character of the streetscape of this part of Rosneath Village. The plot of land is situated at the end of a line of 2 newly built detached dwellinghouses which are set within generous rectangular shaped plots of approximately 26 metres in width and approximately 40 metres in depth giving an area of approximately 1040 square metres. The proposed plot size would measure only 23 metres in width and 23 metres in depth giving an area of approximately 529 square metres, which around 50% smaller than curtilage of Plot No 2. The proportions and design of the dwellinghouse proposed would appear to be too large for this triangular plot, crammed to boundaries with only a 2 metre separation from boundary walls and trees, which would be out of keeping with the character of its surroundings. Consequently, the combination of the sub-division of the existing plot and the introduction of a detached dwellinghouse with smaller curtilage into a block of detached dwellinghouses with generously proportioned plots, would not be capable of being integrated satisfactorily within its surroundings, and, when juxtaposed with the existing properties would be visually discordant and would have a detrimental impact on the character and amenity of adjoining properties, the settlement pattern and the wider street scene. This would be contrary to adopted Local Plan Policies LP ENV1, LP ENV 19, LP HOU1 and Appendix A, which require that new development should integrate with its setting, should be compatible with its surroundings and respect the character of existing streetscape.

(Reference: Report by Head of Planning and Regulatory Services dated 17 November 2011, submitted and Supplementary Report 1 dated 22 November 2011, tabled)

Having previously declared an interest Councillors McQueen and Marshall left the room and took no part in the discussion of the following item.

**9. REPORT ON TIMESCALES FOR CONSIDERATION OF FURTHER INFORMATION REQUESTED IN RESPECT OF PLANNING APPLICATION FROM NATIONAL GRID PROPERTY: SITE FOR THE ERECTION OF RETAIL STORE (CLASS 1) WITH ASSOCIATED DEVELOPMENT INCLUDING ACCESS, CAR PARKING AND LANDSCAPING: LAND AT FORMER GASWORKS, ARGYLL STREET/HAMILTON STREET, DUNOON (REF: 11/00689/PPP)**

This application was considered at a PAN 41 hearing on 9 November 2011 and it was agreed at this hearing to continue consideration of the Application and request from the Applicant information as proposed in condition 14 detailed in the Planning Officer's supplementary report number 2. The Development Manager spoke to the terms of supplementary report number 3 confirming the timetable for bringing this requested information to the PPSL Committee.

**Decision**

Noted the contents of the report and that the Application will be reported to the PPSL Committee on 21 December 2011 with additional flood risk information and comments from SEPA, Flood Risk Manager and any other contributors.

(Reference: Supplementary Report 3 dated 16 November 2011, submitted)

Councillor McQueen returned to the meeting.

**10. DEVELOPMENT CONSENT FOR MARINE ALGAL FARMS**

Since April 2007, new aquaculture sites and modifications to existing aquaculture developments have required planning consent from Argyll and Bute Council under the provisions of the Town and Country Planning Marine Fish Farming (Scotland) Order 2007 and applied to the placement of equipment in the sea, on the seabed or on the foreshore below MWHS out of 12 nautical miles. The original definition of "fish farming" in the Town and Country Planning (Scotland) Act 1997 was restricted to breeding, rearing or keeping of fish or shellfish (including any kind of crustacean or mollusc). Article 8(2) of the 2007 Order amended this definition to include sea urchins which effectively means that development proposals for seaweed farms in coastal waters do not require planning consent, even though the type and scale of development is very similar to that of mussel farm developments.

The Committee considered a report advising that Marine Scotland will be consulting on proposals to introduce new legislation on improving management measures for farmed fish and that this was an opportunity for the Scottish Government to consider bringing seaweed farming under local authority planning control by amending the definition of "fish farming" to include seaweed.

**Decision**

Agreed to support the view that marine algal farm developments should be

brought under local authority planning control and agreed to the Head of Planning and Regulatory Services making representation to the Scottish Government for this option to be considered in the current development of the new Aquaculture Bill.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

## **11. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISION**

A report advising of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals was considered.

### **Decision**

Noted that the Appeal against the refusal for Planning Permission Ref: 10/02000/PP was dismissed by the Reporter.

(Reference: Report by Head of Planning and Regulatory Services dated 7 November 2011, submitted)

Councillor Marshall returned to the meeting.

## **12. GUIDANCE ON THE USE OF MASTERPLANS**

A report setting out the Council's requirements for the preparation and submission of Masterplans in accordance with the provisions of the current Development Plan and national guidance was considered.

### **Decision**

1. Agreed that:-

- (a) Where proposals for development of Potential Development Areas are submitted that these should be accompanied by a Masterplan which demonstrates how the proposed development will relate to the wider area and any parts of the Potential Development Area which do not form part of the application site, and that the publicity and consultation arrangements for the Masterplan and planning application run concurrently for a minimum 21 day period;
- (b) That where proposals for development are accompanied by a Masterplan the description of the proposal should make reference to the availability of the Masterplan and be advertised accordingly;
- (c) That where a Masterplan for a Potential Development Area is not submitted at the same time as a planning application, then the developer will be required to cover the costs of advertisement and consultation arrangements, and that as a minimum these would be an advertisement in the local newspaper and a minimum 21 day consultation period;
- (d) That where a Masterplan is required for a major phased urban expansion or regeneration project being taken forward by the

Council prior to the submission of any planning consent that publicity and consultation will be for a minimum of a 28 day period; and

2. Noted that the Head of Planning and Regulatory Services would be flexible with these provisions where justified.

(Reference: Report by Head of Planning and Regulatory Services, tabled)