

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 18 JANUARY 2012**

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

Councillor Rory Colville	Councillor Neil Mackay
Councillor Gordon Chalmers	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Alex McNaughton
Councillor Vivien Dance	Councillor James McQueen
Councillor Mary-Jean Devon	Councillor Al Reay
Councillor David Kinniburgh	

**Attending:** Charles Reppke, Head of Governance and Law  
Richard Kerr, Principal Planning Officer  
Sheila MacFadyen, Senior Solicitor

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Donald MacMillan, Alister McAlister and Bruce Marshall.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. MINUTES**

The Minutes of the Planning, Protective Services and Licensing Committee of 21 December 2011 were approved as a correct record.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**

In terms of the Civic Government (Scotland) Act 1982, Section 17, the Local Authority require 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. A report was before them in which they were invited to consider the representations received in response to a consultation carried out regarding the review of the fares and to decide on what course of action to take. Members were also asked to consider reverting back to reviewing the fare structure every 18 months rather than in 12 months time as agreed at their meeting on 19 January 2011.

The Committee agreed, in the first instance, to consider the request to revert back to reviewing the taxi fare structure every 18 months.

**Decision**

Agreed that further review of the fare structure should be undertaken in 18 months as required in terms of the Civic Government (Scotland) Act 1982.

The Committee then reviewed the current fare structure and took into consideration representations received following the consultation.

### **Motion**

That the present fare structure remain the same including the charges in respect of soiling, waiting and telephone bookings and the yardage distances.

Moved by Councillor Al Reay, seconded by Councillor Vivien Dance.

### **Amendment**

That the fare structure be increased as follows:-

Tariff 1 from £2.70 to £3.00

Tariff 2 from £3.20 to £3.50

Tariff 3 from £3.70 to £4.00

That the charges in respect of soiling, waiting and telephone bookings and yardage distances remain the same.

Moved by Councillor Gordon Chalmers, seconded by Councillor Roderick McCuish

### **Decision**

1. The Motion was carried by 8 votes to 3 and the Committee resolved accordingly;
2. Authorised the Head of Governance and Law to advertise the proposed tariffs and to invite any responses within one month of the advertisement and report back to Members at their meeting on 21 March 2012 on any representations made;
3. Agreed that if no representations are made it be delegated to the Head of Governance and Law, in consultation with the Chair of PPSL Committee, to conclude the review without the requirement for the Committee to consider a further report on the review; and
4. Agreed that these proposed charges should come into effect on 30 April 2012.

(Reference: Report by Head of Governance and Law, submitted)

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

At its meeting on 21 December 2011, the Committee agreed to continue

consideration of this application to the January PPSL Committee meeting. The Principal Planning Officer spoke to the terms of supplementary report number 5 which advised on the discussions which took place with the Applicant at the pre-application stage. He also spoke to the terms of supplementary report number 6 tabled at the meeting which advised and commented on an email circulated to Members by the Applicant. The Principal Planning Officer then discussed in detail various slides showing the location of the site, access to the site, the trees to be removed from the site and the extent of the woodland Tree Preservation Order. He confirmed receipt of 13 letters of objection and 10 letters of support. He recommended to Members that they refuse the application for the reasons set out in supplementary planning report number 1.

## **Motion**

The site is located in the rear, unmaintained, overgrown garden area of 7 Laggary Park and is of a size which can easily accommodate the proposed dwelling. The removal of the invasive shrubbery on the site and replacement with specimen planting and blossoming trees will in my opinion enhance the conservation area at this particular point. The site predominantly faces Pier Road and the new dwelling would access on to this road and there is precedent for a monobloc access from the road 20 metres from the application site with the access into Laggary Cottage. With effective screening, governed by condition, it would not be possible to see the dwelling from Laggary House as Laggary House could not be seen from this site and therefore the proposed dwelling would have no impact on the Laggary estate. There are no issues with design of the proposed dwelling, in fact there is a similar recently built home some 400 metres from the site which has been built in a sub-divided plot. The application site is currently overgrown bounded by a semi-derelict wall which will be rebuilt in stone, governed by condition. The provision of this dwelling house would provide an overall upgrading of the wider streetscene on Pier Road and is consistent with the mixed housing on the street evidenced by a locality survey which confirms that directly opposite the site are 34 RSL homes and a modern estate, further along the road there is a period house, Laggary Lodge, which is flanked on two sides by modern houses, to the north and adjacent to the proposed site is Laggary Cottage which sits directly opposite the modern estate on Glebe Road and next to that is the Coach House which is directly opposite a modern detached house within integral garage (Glebe Cottage) followed by the modern houses of Torr Crescent. In my opinion the eclectic mix of dwellings in the immediate vicinity of the application site means that the proposed dwelling will not be visually intrusive or discordant within the locale. Given that the development is well designed and the form, location and scale respects the character and appearance of the neighbourhood and is compatible with the mixed streetscene within a semi-rural settlement, it is consistent with Policy LP ENV 14 and STRAT DC 1 of the Structure Plan. The development is consistent with the established settlement pattern in that Laggary Park, adjacent to the site, is set back from the main road. It adds a quality dwelling into the housing mix, addresses issues of unsightly, overgrown and neglected land and infrastructure and thereby improves the amenity, integrity and sustainability of the neighbourhood within the wider Conservation Area of Rhu. In so doing the proposed development protects, restores and enhances the original character of the area and is consistent with Policies LP ENV 1, LP ENV 14, LP ENV 19 and Appendix A of the Local Plan.

The proposed dwelling house will be set in a small part of a larger wooded area which is covered by Tree Preservation Order number 27 dated March 13<sup>th</sup> 1972. The development will cause the loss of only two Category B trees and five Category C trees. The loss of the two Category B trees which are the only ones described as in good condition, although each is showing evidence of decay and cavities, can be mitigated by the requirement to replant more appropriate, younger and healthy trees which will reinvigorate the woodland in this area. The loss of seven trees could in the overall scale of this particular woodland TPO be considered to be de minimus. The TPO allows for the felling of any tree within the plan if, "it is immediately required for the purpose of carrying out development authorised by a planning permission granted on an application". The TPO also allows for the felling of trees in "the interests of safety" and it is obvious from a site visit and the submitted professional tree survey report that many trees on the application site have been felled for such a reason in the past and many of them will require to be felled in the future for safety reasons as many of them are showing signs of weaknesses indicated by signs of age and decay such as bifurcation, trifurcation, forked and wounded stems, suppressed canopies, cavities and damaged bark. The extant TPO does not specify single trees or groups of trees and is therefore a woodland TPO. Under these circumstances Section 167, paragraph B, of the current Planning Act exempts trees removed, uprooted or destroyed at a time authorised by Section 160 (6)(a) (where immediately required to be removed in the interests of safety). Therefore, given the condition of the seven trees to be removed and that the applicant can be compelled to replant as a condition of consent, it is in the interests of amenity and conservation that permission should be granted as this would ensure the viability and integrity of the extant woodland Tree Preservation Order by ensuring a replanting schedule by condition. This is consistent with Policy LP ENV7 in that the development only has minor consequences for the overall woodland TPO.

Given all of these points and consistency with current policy, I move that consent be granted, subject to conditions in respect of the boundary wall and planting schedule, which will require seven trees to be replaced, to be agreed by the Chair and Vice Chair of the PPSL.

Moved by Councillor Vivien Dance, seconded by Councillor Rory Colville.

### **Amendment**

To agree the Planner's recommendation to refuse the application for the reasons stated in supplementary planning report number 1.

Moved by Councillor Al Reay, seconded by Councillor Gordon Chalmers.

The vote was taken by a show of hands. On there being an equality of votes, the Chair gave his casting vote for the Amendment and the Committee resolved accordingly.

### **Decision**

That planning permission be refused for the following reasons:-

The site is located in the rear garden area of 7 Laggary Park. The existing

character of Laggary Park is of substantial dwellings set within large garden areas around Laggary House, an imposing Category B Listed Building. The proposed dwellinghouse is sited on a wooded area of garden ground which is covered by a Tree Preservation Order and is within the Rhu Article 4 Conservation Area. The application site forms part of the setting of the Laggary Park development and has amenity value in the immediate area and wider Conservation Area due to its mature tree cover and woodland appearance successfully integrating and softening the impact of existing residential development into its wider landscape setting. The proposed development would result in the loss of six mature trees as well as numerous mature shrubs including rhododendron and cherry laurel which are important to the character and appearance of this part of the Conservation Area. The loss of the trees and shrubs and their replacement with a dwellinghouse, hard standing and other associated suburban development would be visually intrusive, visually discordant and would not maintain or enhance the character of the area. In addition, the existing character of Laggary Park is of large dwellings set within large garden areas around Laggary House, a Category B Listed Building. Along this area of Station Road, the only other existing houses are long established, are associated with Laggary House and run parallel with the adjoining road. Subdividing the plot and siting a new house, however well designed, set back at an angle from the adjoining road and outwith the building line of the long established properties to the north would undermine the established character and settlement pattern of this area. It would be visually intrusive, visually discordant and would not maintain or enhance the character of the area. The proposal is therefore contrary to Policies STRAT DC 9 and STRAT FW 2 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 7, LP ENV 14, LP ENV 19, LP HOU 1 and Appendix A of the Argyll & Bute Local Plan. These require, inter alia, that proposals provide a high standard of building and landscape design, prevent the loss of trees, contribute to environmental quality and maintain or enhance the amenity of the surrounding area. Proposals which unacceptably detract from the character or appearance of Conservation Areas or their setting will be resisted.

(Reference: Report by Head of Planning and Regulatory Services dated 2 September 2011, Supplementary Report 1 dated 19 September 2011, Supplementary Report 2 dated 3 October 2011, Supplementary Report 3 dated 3 October 2011, Supplementary Report 4 dated 7 December 2011, Supplementary Report 5 dated 7 December 2011, submitted and Supplementary Report 6 dated 16 January 2012, tabled)

**6. ARGYLL AND BUTE COUNCIL: RESURFACING OF EXISTING FOOTPATH, INSTALLATION OF CULVERT AND FORMATION OF FURTHER FOOTPATH LINK: ROUTE LINKING CUMBERLAND ROAD AND AROS ROAD/SMUGGLERS WAY, RHU (REF: 11/02051/PP)**

The Principal Planning Officer spoke to the terms of this report advising that this was a Council Interest application. Planning permission was sought for the upgrading of an existing footpath, installation of culvert and formation of a further footpath link within the 'settlement' boundary and within the Rhu Conservation Area as defined by the adopted Local Plan. Within this Article 4 Conservation Area the Council's permitted development rights have been removed. The proposal accords with Policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan as well as Policies LP ENV 1, LP ENV 14, LP ENV 19, LP

COM 1, LP TRAN 1, LP TRAN 4 and LP TRAN 5 of the Argyll and Bute Local Plan. He advised that no objections had been received from consultees or third parties and recommended that this application be approved subject to conditions and reasons detailed in the report.

## **Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 21/10/2011 and the approved drawing reference numbers 654/10/04/001, 654/10/04/002, 654/10/04/003, 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. Prior to works commencing on site, a site specific Construction Method Statement (CMS), shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

*Reason: To control pollution of air, land and water.*

3. Prior to works commencing on site, details of the proposed culvert shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter the proposed culvert shall be installed and operational prior to the refurbished and extended footpath hereby approved being completed or brought in to use.

*Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected.*

4. The south-east sightline at the junction of Aros Road should be maintained at a standard of 2.4 metres x 42.0 metres and shall be kept clear of all obstructions in excess of 1.05 metres in height in perpetuity.

*Reason: In the interests of road safety.*

5. Prior to works commencing on site, details of advance warning signs to be erected in both directions at the approach with the junction on Aros Road shall be submitted to and approved in writing by the Planning Authority. The signs should be in accordance with the Traffic Signs Regulations and General Directions 2002 and the locations agreed with the Network Manager. Thereafter, the agreed signs shall be erected prior to the refurbished and extended footpath hereby approved being completed or brought into use.

*Reason: In the interests of road safety.*

(Reference: Report by Head of Planning and Regulatory Services dated 6 January 2012, submitted)

**7. GARLOCH VIEW LTD: CHANGE OF USE OF PUBLIC TOILETS TO CAFE WITH ASSOCIATED TERRACE/PLAY AREA: KIDSTON PARK PUBLIC CONVENIENCE, RHU ROAD, LOWER HELENSBURGH (REF: 11/02227/PP)**

The Principal Planning Officer spoke to the terms of the report advising that this was a Council interest application. Planning permission was sought for the change of use of public toilets to a café within Kidston Park, Helensburgh. The public toilets would be retained in the new facility as part of its overall development. It is considered that the proposal is an acceptable use within Kidston Park and would comply with the overall provisions of Policies LP ENV 1, LP ENV 19, LP REC 2, LP TRAN 6, Appendix A and Appendix C of the Argyll and Bute Local Plan. He advised that 10 letters of objection had been received from 11 individuals and that a late letter of support had been received from Mrs Thomson of Laggary Road. There were no other material considerations, including the views expressed by third parties, which would warrant anything other than permission being granted in accordance with the provisions of the development plan.

**Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 23/11/11 and the approved drawing reference 1/6, 2/6, 3/3, 4/3, 5/6 and 6/6 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. The use hereby permitted shall not be commenced until a fume extraction system incorporating odour control has been installed on the premises in accordance with a scheme to be submitted to and approved in writing, in advance, by the Council as Planning Authority. Thereafter the duly approved system shall be operated and maintained in accordance with manufacturers' instructions.

Reason: In order to control cooking odours in the interests of the amenity of the area

3. The use hereby permitted shall not be commenced until details of the intended number, type and location of waste bins to serve the development have been submitted to and approved in writing, in advance, by the Council as Planning Authority, and the duly approved provision has been installed. Thereafter the duly approved provision shall be retained to serve the approved use..

*Reason: In order to ensure adequate provision for the collection of waste arising from the use proposed in the interests of amenity.*

(Reference: Report by Head of Planning and Regulatory Services dated 30 December 2011, submitted)

**8. ARGYLL AND BUTE COUNCIL: ERECTION OF EXTENSION: HERMITAGE PRIMARY, EAST ARGYLE STREET, HELENSBURGH (REF: 11/02357/PP)**

The Principal Planning Officer spoke to the terms of this report advising that this was a Council interest application. Planning permission was sought for the erection of an extension to the rear of Hermitage Primary School, Helensburgh which was located within the Upper Helensburgh Conservation Area as defined by the adopted Local Plan. The proposed extension is acceptable and accords within Policies STRAC DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan as well as Policies LP ENV 1, LP ENV 14, LP ENV 19 and LP COM 1 of the Argyll and Bute Local Plan. He advised that one representation had been received querying what the future use of the annex building within the grounds of the school would be. He confirmed that although this annex was not part of this application he had contacted the Applicants who advised that the intention would be to market it for sale. The Principal Planning Officer recommended that planning permission be granted subject to conditions and reasons detailed in the report.

**Decision**

1. The development shall be implemented in accordance with the details specified on the application form dated 24/11/2011 and the approved drawing reference numbers L(00)001, L(00)002, L(00)003, L(00)004 and L(00)005 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. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
  - i) location and design, including materials, of walls, fences and gates
  - ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
  - iii) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the



commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

*Reason: To ensure the implementation of a satisfactory scheme of landscaping*

(Reference: Report by Head of Planning and Regulatory Services dated 22 December 2011, submitted)