

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY MICROSOFT TEAMS on WEDNESDAY, 20 NOVEMBER 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Graham Hardie
Councillor Gordon Blair	Councillor Fiona Howard
Councillor Audrey Forrest	Councillor Mark Irvine
Councillor Amanda Hampsey	Councillor Peter Wallace
Councillor Daniel Hampsey	

Attending: Stuart McLean, Committee Manager
Susan Mair, Legal Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Kirsty Sweeney, Area Team Leader
Arlene Knox, Senior Planning Officer
Emma Jane, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jan Brown, Andrew Kain, Paul Kennedy, Liz McCabe and Dougie Philand.

2. DECLARATIONS OF INTEREST

Councillor Peter Wallace declared in non-financial interest in planning application reference 24/00465/PP as he had been approached by a number of people about the proposal. He left the meeting and took no part in the consideration of this application which was dealt with at item 7 of this Minute.

Councillor Mark Irvine declared a non-financial interest in planning application reference 24/01249/PP as he had been approached about an application on an adjacent site. He left the meeting and took no part in the consideration of this proposal which was dealt with at item 8 of this Minute.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2024 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2024 at 2.30 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 23 October 2024 at 3.30 pm was approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI SURVEY

The Committee, at their meeting on 24 January 2024, agreed to instruct Officers to commission a new taxi survey for the Helensburgh and Lomond administrative area only, in relation to whether there was unmet demand for taxis within that area. The Committee also agreed that, in going forward, in the other administrative areas, there would be no

regard taken to the existing taxi surveys when considering applications for taxi car/operator licences.

A report presenting information to Members to enable them to consider whether they now wish to include the other three Argyll and Bute Council administrative areas of Bute and Cowal, Oban, Lorn and the Isles, and Mid Argyll, Kintyre and the Islands, in the new taxi survey along with the previously agreed Helensburgh and Lomond administrative area, was considered.

Decision

The Committee agreed:

1. to note the contents of the report;
2. to include the other three Argyll and Bute Council administrative areas of Bute and Cowal, Oban, Lorn and the Isles, and Mid Argyll, Kintyre and the Islands in the new taxi survey along with the previously agreed Helensburgh and Lomond administrative area; and
3. that until such time as the new surveys were available, regard would be had to the existing LVSA surveys (dated August 2019) in respect of Helensburgh and Lomond, Bute and Cowal, Oban, Lorn and the Isles and Mid Argyll, Kintyre and the Islands.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 26 September 2024, submitted)

5. THE SCOTTISH GOVERNMENT: SECTION 36 CONSULTATION FOR ERECTION OF 13 WIND TURBINES, WITH A MAXIMUM HEIGHT OF 180M AND ANCILLARY INFRASTRUCTURE, INCLUDING A BATTERY ENERGY STORAGE SYSTEM (BESS): LAND APPROXIMATELY 4.7 KM NORTH OF INVERARAY (REF: 24/00053/S36)

The Senior Planning Officer advised that due to an outstanding issue regarding Noise the Energy Consents Unit had agreed to an extension for submission of a consultation response from Argyll and Bute Council in respect of this proposal to 19 December 2024.

It was recommended that consideration of this proposal be continued until the PPSL Committee on 18 December 2024 when an updated report would be presented.

Decision

The Committee agreed to continue consideration of this proposal to their meeting on 18 December 2024.

(Reference: Report by Head of Development and Economic Growth dated 6 November 2024, submitted)

6. MR GERALD BIAGI: CHANGE OF USE FROM YARD (SUI GENERIS) TO CLASS 5 TO CREATE A NEW COMMERCIAL GARAGE: LAND BEHIND VIEWFIELD, MAIN ROAD, CARDROSS (REF: 24/00462/PP)

The Planning Officer spoke to the terms of the report. The proposal includes the demolition of the existing building on the site and the erection of a new building to house

the proposed commercial garage. The site is located within the settlement area of Cardross within a largely residential area within the village centre.

The application has attracted 13 objections, 7 representations of support and one neutral representation and a summary of the issues raised were addressed in the report of handling.

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

It was recommended that planning permission be granted subject to the conditions and reasons appended to this report.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 07/03/2024; 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	1 of 8	01	28.03.2024
Site Plan as Existing	2 of 8	03	28.03.2024
Elevations and Floor Plan as Existing	3 of 8	-	08.03.2024
Site Plan as Proposed	4 of 8	03	28.03.2024
Elevations and Floor Plans as Proposed	5 of 8	02	08.03.2024
Drainage plan	6 of 8	02	13.06.2024
Roads plan	7 of 8	02	13.06.2024
Design and Access Statement	8 of 8	-	08.03.2024

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

- 2. External Materials** - Prior to work starting on site samples of the proposed materials to be used for the external finishes of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings.

- 3. Sustainable Design** – Prior to the commencement of development, details of the on-site micro renewable energy to provide heat or electricity to the property and details of the use of the final materials – including details of any re-cycled materials or local sourced materials and their embodied energy for each materials, shall first be submitted and approved in writing by the Local Planning Authority. Thereafter the approved micro renewables and materials must be used in the development hereby approved.

Reason: In order to ensure compliance with LDP2 Policy 09 and to ensure the building is being as energy efficient as possible in order to respond to climate change.

- 4. Parking and Turning** – The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development being brought into use and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

- 5. Visibility Splays** – The proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/005 Rev B. Vehicular visibility splays of 2.4 metres to point X by 42 metres to point Y from the centre line of the proposed access (measured from the edge of the public carriageway) and pedestrian visibility splays of 2.4 metres to point X by 2.4 metres to point Y from the centre line of the proposed access (measured from the rear of the footway). The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interest of road safety.

- 6. Drainage** – Drainage within the site shall be implemented in accordance with the details shown on the approved plans prior to the development being brought into use.

Reason: In the interest of road safety and to prevent surface water from being discharged onto the public road.

- 7. Boundary treatments** – The stone boundary wall that borders the site shall be protected and retained during the demolition and construction phase.

Reason: *In the interest of residential amenity.*

8. **Demolition and Construction Method Statement** - No demolition or construction works shall commence until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Planning Authority. The Method Statement shall address the developer's intentions in respect of:

- Demolition Methodology - Type and sequence of demolition and site establishment;
- Intended hours of construction/demolition;
- Details of the use of plant and storage of equipment and materials on site during construction and demolition;
- Disposal of Waste Materials – details of the intended means of disposing of all materials arising from the demolition including any special arrangements required for the potential removal and disposal of hazardous materials;
- Notification of demolition to adjacent property owners and local residents;
- Dust, Vibration & Noise Reduction Strategy - steps to be taken to minimise the risk and nuisance to adjoining land, building or road users
- Proximity to Buildings, Other Structures, Roads and Accesses – measures to protect structural integrity, to ensure exposed gables remain weather tight and protection of means of access;
- Traffic Management – including details of parking and traffic movements to protect safety of pedestrians and vehicular traffic.

The development shall be implemented in accordance with the approved Demolition and Construction Method Statement, unless otherwise approved in writing by the Planning Authority.

Reason: *In the interest of public safety and in order to protect the amenity of the locale and the built environment.*

Note to Applicant:

- In devising the Demolition and Construction Method Statement consultation should take place with the Council's Building Standards Officers, Environmental Health Officers and the Roads Authority to ensure compliance with other statutory requirements.

9. **Operational hours** - The operational hours of the garage business shall be restricted to Monday to Friday between 08:30 and 17:00, excepting Saturdays, Sundays and Bank Holidays when the use will not be permitted at all. No deliveries should be undertaken between the hours of 17:00 and 08:30hrs Monday to Friday.

Reason: *In order to avoid sources of nuisance in the interest of amenity.*

10. **External Lighting** - No external lighting shall be installed until full details of any external lighting installation have been submitted to and approved by the Planning Authority in consultation with Environmental Health. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage out with the site boundary. No external lighting shall be installed in accordance with the duly approved scheme.

***Reason:** To protect the amenity of the immediate area, prevent the creation of nuisance due to light pollution and to support the reduction of energy consumption.*

11. **Waste storage** - Prior to work starting on site the applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place.

***Reason:** To ensure that acceptable waste and recycling facilities are provided.*

12. **General Restriction of Use** – The land and premises to which this permission relates shall only be used for a commercial garage that carries out MOT's and repairs by appointment only and for no other use including any other purpose in Class 5 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or other uses in Class 4 or 6 as permitted by the General Permitted Development Order 1992 (as amended).

***Reason:** To define the permission in order to protect the amenity of the immediate area.*

(Reference: Report by Head of Development and Economic Growth dated 5 November 2024, submitted)

Having declared an interest in the following item, Councillor Peter Wallace left the meeting at this point.

7. MR CALLUM MCKIRDY: ERECTION OF DRY STORAGE SHED WITHIN EXISTING YARD, FORMATION OF NEW ACCESS ROUTE FROM WATSON PLACE, ERECTION OF PERIMETER FENCING AND CHANGE OF USE OF LAND TO EXTEND EXISTING YARD (PART RETROSPECTIVE): 22A WYNDHAM ROAD, ROTHESAY, ISLE OF BUTE (REF: 24/00465/PP)

The Area Team Leader spoke to the terms of the report. The site is located within the Settlement Area of Ardbeg, Isle of Bute and comprises an existing work yard and adjoining vacant land. The adjoining land is owned by Argyll Community Housing Association (ACHA) and is leased to the Applicant for the purpose of expanding the existing yard. The land was previously used for a flatted housing block which was demolished in 2018. The brownfield land has remained vacant since then and, although previously used for housing, the site is not an allocated housing site within the LDP2.

The proposal has attracted 17 objections, 7 representations on support and one neutral representation and a summary of the issues raised were addressed in the report of handling.

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

It was recommended that planning permission be granted subject to the conditions and reasons appended to this report.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:

Standard Time Limit Condition (as defined by Regulation)

Additional Conditions

PP - Approved Details & Standard Notes – Non EIA Development

1. The development shall be implemented in accordance with the details specified on the application form dated 08.03.2024, 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	1929 - 3001	01	24.06.2024
Supplementary Location Plan	1929- 3000	01	24.06.2024
Existing Site Plan	1929-3002	01	24.06.2024
Proposed Site Plan	1929-3003	01	24.06.2024
One -Way System (annotated Site Plan)	1929-3003	(02) Annotated by Applicant to show one-way system	26.09.2024
Parking Bays (annotated site Plan)	1929-3003	(03) Annotated by Applicant to show parking bays	26.09.2024
Shed Elevations	1929-3003	02	02.07.2024
Shed Floor Plan	1929-3111	01	24.06.2024
Topographical Plan	0043	01	11.03.2024

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

2. No external lighting shall be installed until full details of any external lighting installation have been submitted to and approved by the Planning Authority in consultation with Environmental Health. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. No external lighting shall be installed in accordance with the duly approved scheme.

Reason: *In order to avoid light pollution in the interest of amenity.*

3. Notwithstanding the provisions of Condition 1, no loading or unloading of vehicles shall be undertaken on the site outwith the hours of 08:00- 18:00 Monday – Friday and 08:00- 13:00 Saturday. There shall be no working permitted on Sundays or Bank Holidays.

Reason: *In order to minimise noise disturbance to protect the amenity of the area.*

4. Notwithstanding the provisions of Condition 1, the access from Watson Place shall only be used to enter the site and shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08 005 [Revision B]; The first 5m of access road shall be a sealed surface in accordance with the stated Standard Detail Drawing. It shall be formed prior to the operation of the site.

Reason: *In the interests of road safety.*

5. Notwithstanding the provisions of Condition 1, the access on to Wyndham Road shall only be used to exit the site and shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08 005 [Revision B]; with visibility splays of 2.4m x 42m (2.4m setback distance to be taken from the carriageway edge). The visibility splays shall be cleared of all obstructions above 1.05 metres. It shall be formed prior to the operation of the site.

Reason: *In the interests of road safety.*

(Reference: Report by Head of Development and Economic Growth dated 1 November 2024, submitted)

During consideration of the foregoing item, Councillor Mark Irvine declared a non-financial interest in this planning application (reference 24/00465/PP) as he was an independent Member on the Argyll Community Housing Association (ACHA) Board. He left the meeting before the item was debated by Members and he remained out with the meeting during consideration of item 8 which he had also declared an interest in.

Councillor Peter Wallace returned to the meeting at this point.

8. MR LORNE THOMSON: CHANGE OF USE OF LAND TO VEHICLE PARKING/STORAGE, INCLUDING LAYING OF HARDCORE, ERECTION OF BOUNDARY WALL AND FORMATION OF ACCESS (PART RETROSPECTIVE): LAND WEST OF BT TELEPHONE EXCHANGE, GARELOCHHEAD (REF: 24/01249/PP)

The Area Team Leader spoke to the terms of the report.

Before presenting the application she advised of the detail of a further 15 letters of support received following publication of the report, along with a further representation from Garelochhead Residents Association. All of the representations received raised issues that were already addressed in the report. She also clarified points raised by the Residents Association regarding protected species and confirmed a number of those which were found to be present.

This application seeks to regularise the existing unauthorised use of land as a vehicle storage yard. The proposed use is to support the Applicant's garage business located within the centre of Garelochhead. This retrospective application is made following planning enforcement action. This is a prominent site that sits at the junction with the B872 Whistlefield Road towards Portincaple to the North and the B833 to the Rosneath Peninsula to the South. The site is within the Bendarroch Park Open Space Protection

Area (OSPA), which encompasses land to the north of the B833 and land to south. The site has not been previously developed and is a greenfield site.

Whilst the proposed improvements to the existing unauthorised development will enhance the condition of the site, there remains significant conflict with the Local Development Plan.

Letters of support have been submitted from local residents encouraged by the proposed improvement of the condition of the site and the opportunity to alleviate parking concerns within the Settlement centre. However, Officers consider the proposed greenfield development is to create a private vehicle storage yard for the use of the Applicant and presents no discernible wider public benefit to justify departure from the Local Development Plan.

It was recommended that planning permission be refused for the reasons appended to this report.

Motion

To agree to refuse planning permission for the reasons detailed in the report.

Moved by Councillor Kieron Green, seconded by Councillor Gordon Blair.

Amendment

To agree to continue consideration of this application to a future meeting to give Members time to prepare a competent Motion to approve the application.

Moved by Councillor Fiona Howard, seconded by Councillor Amanda Hampsey.

A vote was taken by calling the roll.

Motion

Councillor Blair
Councillor Green
Councillor Hardie

Amendment

Councillor Armour
Councillor Forrest
Councillor A Hampsey
Councillor D Hampsey
Councillor Howard
Councillor Wallace

The Amendment was carried by 6 votes to 3 and the Committee resolved accordingly.

Decision

The Committee agreed to continue consideration of this application to a future meeting to give Members time to prepare a competent Motion to approve the application.

(Reference: Report by Head of Development and Economic Growth dated 1 November 2024, submitted)

Councillor Mark Irvine returned to the meeting at this point.

9. SCOTTISH GOVERNMENT CONSULTATION: SCOTTISH BUILDING SAFETY LEVY

The Scottish Government has launched a consultation on the proposed Building Safety Levy, which would apply to the construction of new residential buildings. The Scottish Government is seeking views and evidence on how the Levy should be structured and operate, based on the distinct characteristics and needs of the housing market in Scotland.

A report providing a proposed response to this consultation was before the Committee for consideration.

Decision

The Committee considered and approved the proposed Council response to the Building Safety Levy consultation.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 November 2024, submitted)

10. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - FQ2 2024/25

A report providing an update on the performance of the Development Management Service for the reporting period FQ2 2024/25 was considered.

Decision

The Committee considered and noted the content of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 26 October 2024, submitted)

11. PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL AND BUTE

A report providing an update on the number of private hire cars and taxis across the licensing authority's area was before the Committee for information.

Decision

The Committee noted the number of private hire cars and taxis across the licensing authority's area as detailed at Appendix 1 and 2 of the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 22 October 2024, 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 item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillor Mark Irvine left the meeting at this point.

12. REQUEST FOR A TREE PRESERVATION ORDER

Consideration was given to a request for a Tree Preservation Order.

Decision

The Committee agreed the recommendations in the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 November 2024, submitted)