

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on TUESDAY, 28 MAY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Fiona Howard
Councillor Gordon Blair	Councillor Liz McCabe
Councillor Jan Brown	Councillor Dougie Philand
Councillor Daniel Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

Attending: Stuart McLean, Committee Manager
Katie Clanahan, Solicitor
David Walker, Solicitor
Alison MacLeod, Licensing Standards Officer
Guy Crichton, Applicant
Douglas Graham, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Mark Irvine, Andrew Kain, and Paul Donald Kennedy.

2. DECLARATIONS OF INTEREST

Councillor Peter Wallace, prior to consideration of item 3 (Civic Government (Scotland) Act 1982, The Civic Government (Scotland) Act 1982 (Licensing Of Short-Term Lets) Order 2022: Application For Grant Of A Short-Term Let Licence (Bute Island Developments Ltd)) on the agenda, advised that he had recently dealt with the Applicant in a business setting, and noted that the Applicant owns a property in the same building as Councillor Wallace's business. He advised that he would leave the meeting during discussion and deliberation of the item.

Having declared an interest in the following item of business, Councillor Wallace left the meeting and took no part in discussion of this item.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATION FOR GRANT OF A SHORT-TERM LET LICENCE (BUTE ISLAND DEVELOPMENTS LTD)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of video call and Mr Crichton joined the meeting by MS Teams.

Mr Graham, Objector, also opted to proceed by way of video call and joined the meeting by MS Teams.

Mr and Mrs Forrester, Objectors, opted to proceed by way of written submission and a copy of this was included in the Agenda pack for this meeting.

It was noted that Mr Liddell, Objector, had also been invited to attend the meeting but was unable to do so.

The Chair outlined the procedure that would be followed and invited the Licensing Standards Officer to speak to the terms of the report.

The Chair then invited the Applicant to speak in support of the application.

APPLICANT

The Applicant, Mr Crichton, provided an overview of the work of Bute Island Developments (BID), and the work of 'On Tranquil Shores', who specialise in providing quality accommodation in tranquil settings, promoting relaxing, peaceful breaks.

Mr Crichton advised that the company aimed to provide high-end properties for families and groups to enjoy luxurious breaks in nature. He noted that the company aimed to promote Argyll and Bute, and to encourage people to travel to the area to enjoy the setting.

Mr Crichton advised that he had reviewed the objections in detail, and had also attended an onsite visit with one of the Council's Licensing Standards Officers to alleviate concerns raised. He advised that the company did not wish to cause any inconvenience or disruption.

Mr Crichton highlighted that concerns around parking had been addressed by widening the driveway to allow an additional parking space, as well as clearing the garage to allow for an additional parking space. He advised that it had been possible for staff to turn a long wheelbase van in the turning circle, and so it was unlikely that there would be any need for guests to reverse down the driveway.

Mr Crichton confirmed that the listing for the property would advise that no events or parties of any description could be held there, and that the property would be aimed at families. He also advised there would be a quiet period in place for guests between 10pm-7am, to ensure that there was no excessive noise or outside activities. He noted that a guest information pack would be available at the property to remind guests of these rules, and a contact number would be provided to the occupants of neighbouring properties in case of any issues.

Mr Crichton advised that he found that guests in the area were very respectful, and he had received no complaints in relation to the other properties that the company managed in the area. He highlighted that there was a vetting process in place through AirBnB to ensure that only quality guests were accepted to stay at the property.

QUESTIONS FROM OBJECTORS

Mr Graham, Objector, advised that increasing the parking spaces to accommodate 4 cars, only increased concerns from neighbours that there would be a large number of people at the property. He advised that a neighbour had highlighted to him that he did not feel that the new parking space which had been created would be large enough to accommodate a vehicle. He asked if a turning circle would still be available if 4 cars were parked at the property.

Mr Crichton advised that a photo of a Jeep parked in the newly created space had been provided for the Committee's attention. He confirmed that it would be possible for a car to turn in the turning circle if there were 4 cars parked at the property.

Mr Graham noted that the company would be relying on AirBnB to vet potential guests, despite AirBnB not having a very good reputation. He advised that ratings referring to how a guest treats a property did not guarantee that the person would behave well. He noted that if guests were to go out in the area, there was likely to be noise in the evenings when they returned to the property.

Mr Graham advised that the property is in a quiet conservation area, and access to the property is via a narrow lane between two neighbouring properties. He noted that anyone walking up to the property could see into his own garden, and a large number of people doing this would violate his privacy. He noted that as a short term let, there was likely to be a lot of different people at the property, and there was no guarantee that these people would be well behaved.

Mr Graham noted that, although the listing may state no parties or events, people do not always tell the truth, and they may host celebrations there. He noted that, as the property is able to accommodate up to 12 people, it is unlikely that these people would be from one family. He noted that all of these issues provided him with concern, and he would like to be able to enjoy his garden in peace and quiet outwith designated quiet hours.

Mr Graham asked, as there would be no one onsite to monitor the AirBnB, how neighbours could contact the Applicant to resolve any issues which may arise. Mr Crichton advised that a contact number would be provided to neighbours in case of any issues, and although this support may not be available 24/7, any issues would be resolved as soon as possible. He advised that AirBnB allows hosts to rate guests, and if any guests were poorly behaved, there would be a mechanism in place for hosts to give them a bad rating. He advised that this would also ensure that any guests staying in the property had been respectful of properties that they had stayed at in the past, as the company could reject guests with any bad reviews.

Mr Graham advised that he was not only concerned with the guests behaviour in the property, but also outwith the property. He advised that in addition to cars accessing the property, it was likely that people would also be walking up and down the access road. He noted that he had grandchildren who regularly used the garden, and was not comfortable with strangers walking past them in the garden frequently. He also advised that any guests would be able to see valuable items in his garden. He asked Mr Crichton how he could guarantee that these concerns would be alleviated. Mr Crichton advised that he could not guarantee the actions of anyone else, and could only talk about the track record of guests and provide assurance that the company would assist in dealing with any issues. He noted that it was not possible to guarantee what someone else would do, but the property would be marketed for high-end luxury breaks and would be unlikely to attract people who were likely to cause any issues.

Mr Graham asked if pictures had been provided of all of the renovations which had been carried out. Mr Crichton advised that some of the renovations were still ongoing.

Mr Graham advised that he did not believe that the situation was great, and that it was detrimental to the area.

OBJECTORS

Mr Graham advised that he would reiterate the point which he had previously made during the meeting in relation to the application jeopardising the area's tranquil and quiet setting. He advised that noise carries in the area, and the Applicant would be unable to guarantee that guests would be quiet and not hold parties or events. Mr Graham advised that excessive noise caused by guests was likely to impact negatively on his way of life.

Mr Graham also advised that he did not feel that issues could be appropriately monitored without on-site supervision.

Mr Graham reiterated issues around the access to the property, and noted that the road in front of the access was narrow and often very busy with traffic.

Mr Graham advised that he was fearful of theft and damage to his own property. He was also fearful for the wellbeing of his grandchildren, due to the volume of strangers who would be walking past the property and would be able to see them in the garden. He advised that granting the application could have a serious impact on the quality of life that people in the area had enjoyed in the past, and could also impact on local house valuations.

QUESTIONS FROM APPLICANT

Mr Crichton confirmed that he had no questions for the Objector.

MEMBERS' QUESTIONS

Councillor Howard asked if Mr Crichton was willing to trim a hedge to the property to aid access, as this had been raised by one of the Objectors. Mr Crichton confirmed that he would be happy to ensure that the hedges on the driveway were kept trimmed to allow easy access to the property for vehicles.

Councillor Brown enquired about the extension to the driveway, and Mr Crichton confirmed that an additional space had been added to allow a car to park beside the porch.

Councillor Brown sought and received confirmation from Mr Crichton that the driveway could now accommodate 4 cars.

Councillor Brown asked if the other properties managed by Mr Crichton's company were based in Argyll and Bute. Mr Crichton confirmed that approximately 95% of the properties managed by the company were in Argyll and Bute. Councillor Brown sought and received confirmation that two other properties in the area which were managed by the company had been maintained to a high standard, and had not been subject to any complaints.

Councillor Armour advised that he had a better understanding of the changes to the driveway from an image on Google Maps, and was happy with the improvements which had been made to alleviate issues around parking. Councillor Armour sought and received confirmation from Mr Crichton that this was the first application for the property to be used as a short term let.

Councillor Armour sought and received confirmation from the Council's Licencing Standards Officer that conditions relating to shared doors were provided in the form of

standard wording, and that there were no specific concerns about shared doors relevant to the property.

Councillor Philand asked Mr Crichton about the hours during which support would be available from the management company in the event of any issues. Mr Crichton advised that a contact number would be provided to neighbours and assigned to a member of staff, and the member of staff responsible would aim to get in touch with the guest or attend the property as soon as possible to resolve any issues. Councillor Philand sought and received confirmation from Mr Crichton that a member of staff would be able to attend the property if required.

Councillor Brown sought and received confirmation from Mr Crichton that the property would be available to book for only one group at a time.

Councillor Green advised that he had walked past the access to the property previously on a walk to Arden Craig Gardens, and asked Mr Graham if he considered that it would be reasonable to expect that a lot of people would be walking in the area to the Gardens. Mr Graham advised that not a lot of people chose to walk to the Gardens as they were uphill, but people do walk on the pavement past his house, and he had experienced disrespectful behaviour from people walking past the house previously.

Councillor McCabe commented that it was a nice walk up to Arden Craig Gardens on that route, and it was very busy.

SUMMING UP

Objectors

Mr Graham asked Mr Crichton if the other properties being managed in the area were as big as the one that was subject to the application. Mr Crichton confirmed that the other two properties were large, although they had smaller garden areas.

Mr Graham advised that his main concerns were around safety and security, noise levels, and the effects on his quality of life. He advised that he had no objection to other people enjoying themselves, but this application had the potential to negatively impact upon the lifestyle of the occupants of the neighbouring properties.

Mr Graham reiterated that the increased availability of parking spaces increased concerns about large gatherings at the property.

Mr Graham also highlighted that the property was in a conservation area, and that people living in the area did not want properties to be used as short term lets.

The Committee Manager, Mr McLean, read the written submission from Mr & Mrs Forrester to the Committee, and the Committee noted its contents.

Mr Graham advised that he was in agreement with Mr & Mrs Forrester in terms of their objections.

Applicant

Mr Crichton advised that he noted concerns from Mr Forrester in relation to the hedge on the driveway, and would ensure that it was kept trimmed to allow safe access to the

property for vehicles. He also noted concerns in relation to guests at the property parking on the road, and advised that he would expect that most guests would wish to utilise the parking areas provided at the property.

Mr Crichton advised that he noted suggestions that guests at the property could be restricted to 4-5 people, however he did not think that this would be practical.

Mr Crichton reiterated that a contact number would be provided to the occupants of neighbouring properties if the application was granted, and the company would do everything possible to ensure that clients and guests were respectful of the property and neighbouring properties.

During the Applicant's summing up, the Chair briefly lost connection to the meeting and the meeting was adjourned to resolve this issue. The meeting resumed at 13:02, with all present as per the Sederunt. Subsequently, the Applicant reiterated his summing up.

Mr Graham advised that the suggestion about restricting the number of guests at the property to 4-5 had been in relation to adults, and not total number of people. He advised that he felt that this had been misrepresented by Mr Crichton in his summing up.

When asked, Mr Crichton confirmed that he had received a fair hearing.

When asked, Mr Graham advised that he had not received a fair hearing.

DEBATE

Councillor Hardie advised that the marketing and price of the property was likely to deter party-goers, and was more likely to appeal to families. He advised that he was minded to grant the application with the recommended conditions.

Councillor Armour advised that he was minded to approve the application.

Councillors Armour and Green enquired with the Council officers about the competency of including a condition relating to guests being required to park at the property. The Council's Solicitor, Ms Clanahan, advised that a condition could not be applied to stop guests from parking in other legally available parking spaces, but that this could be included as a request for guests in the guidebook for the property.

Councillor Brown advised that she was minded to approve the application, and noted that there was a market for large houses which could accommodate families. She highlighted concerns that there would not be support available from the management company at all times, but noted that neighbours would still be able to call the Police to address disturbances where appropriate, if the management company could not be contacted. She advised that she would be happy to grant the licence with the recommended conditions attached.

Councillor McCabe advised that she would have no concerns with approving the application. She noted that there were opportunities for guests to park at the property but there was nothing that could be done to stop people from parking legally outwith the property.

Councillor Philand agreed with Councillor Brown's concerns regarding the management company not being available at all times to resolve any issues. He noted that, despite this,

the suggested conditions to be attached to the Licence were sufficient that he was happy that this could be revisited in case of any issues, and on this basis he would be minded to approve the application.

Councillor Blair advised that he shared the concerns of Councillors Brown and Philand regarding the accessibility of the management company. He suggested that it may be beneficial for neighbours to be provided with contact details for owners and agents going forward to ensure that there is always the ability to contact someone, in case of any issues arising. Councillor Blair advised that he would be minded to support the application, with the recommended conditions attached.

Councillor Green sought confirmation from Council officers as to what could be included as a condition of the Licence around the maintenance of the driveway and hedges to allow easy access for vehicles. Ms Clanahan advised that there were already mandatory conditions in place around ensuring safety, but the Committee could agree to include an additional condition requiring that the Licence Holder ensures that the property's private access is maintained to a reasonable standard to enable the safe passage of vehicles to and from the property and parking areas thereon.

Councillor Green advised that he was minded to approve the application, and had been satisfied by the actions taken by the Applicant and their willingness to continue this.

Councillor Green moved that the application be approved with the conditions, as outlined within the report relating to antisocial behaviour, privacy and security, and littering and waste disposal, and with the inclusion of an additional condition requiring that the Licence Holder ensures that the property's private access is maintained to a reasonable standard to enable the safe passage of vehicles to and from the property and parking areas thereon. With no one being otherwise minded this became the decision of the Committee.

DECISION

The Planning, Protective Services and Licensing Committee unanimously agreed to grant a Short-Term Let Licence to the Applicant, subject to the inclusion of the antisocial behaviour, privacy and security, and littering and waste disposal conditions set out at paragraph 6 of the report, and subject to the inclusion of the condition that the Licence Holder ensures that the property's private access is maintained to a reasonable standard to enable the safe passage of vehicles to and from the property and parking areas thereon.

(Reference: Report by Regulatory Services and Building Standards Manager dated 28 May 2024, submitted)