

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 OCTOBER 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Paul Donald Kennedy
Councillor Jan Brown	Councillor Liz McCabe
Councillor Audrey Forrest	Councillor Luna Martin
Councillor Amanda Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

Attending: Fergus Murray, Head of Development and Economic Growth
Stuart McLean, Committee Manager
Sheila MacFadyen, Senior Solicitor
Sandra Davies, Major Applications Team Leader
Kirsty Sweeney, Area Team Leader – Helensburgh & Lomond
Alan Morrison, Regulatory Services & Building Standards Manager
Kim de Buitel  ir, Design and Conservation Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Daniel Hampsey, Andrew Kain and Dougie Philand.

2. DECLARATIONS OF INTEREST

Councillor Paul Kennedy declared a non-financial interest in item 5 (Private Hire Cars and Taxis Licensed in Argyll & Bute) as he held a Taxi Driver Licence for the Helensburgh and Lomond Area. He advised that he would remain the meeting but not take part in the consideration of this report.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 20 September 2023 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 20 September 2023 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 20 September 2023 at 2.45 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 20 September 2023 at 3.30 pm was approved as a correct record.

* **4. CONSUMPTION OF ALCOHOL IN DESIGNATED PLACES BYELAWS**

In terms of Section 201 of the Local Government (Scotland) Act 1973, byelaws require to be reviewed not later than ten years from them coming into force and every 10 years thereafter.

A report advising on a review of the Byelaw prohibiting consumption of alcohol in designated places in Argyll and Bute which was due for review in 2024 was considered.

Decision

The Committee agreed to:

1. note the position with regards to the review of the Byelaw prohibiting consumption of alcohol in designated areas in Argyll and Bute which was due for review in 2024; and
2. recommend to the Council that no change to the byelaw was required at this time, in the knowledge that should there be any changes in circumstances that a formal review could take place at any point before the next period of review subject to adherence to Scottish Government Guidelines and their consequent approval and confirmation.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 18 October 2023, submitted)

5. PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL & 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 consideration.

Decision

The Committee agreed to:

1. consider and note the report;
2. note that amendments would be made to the figures detailed at Appendix 2 of the report; and
3. request that Officers investigate whether or not it would be appropriate at this time to refresh the LVSA survey and bring back a report to the Committee before the end of the year to advise on the outcome of this investigation.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 2 October 2023, submitted)

6. MS GAIL CRAWFORD: ALTERATIONS AND EXTENSIONS: 4 WEST LENNOX DRIVE, HELENSBURGH (REF: 23/00652/PP)

The Area Team Leader spoke to the terms of the report. Planning permission is sought for the alterations and extensions to an existing detached two storey traditional villa located within the Helensburgh Hill House Conservation Area. The site is located within the Main Town Settlement Zone of Helensburgh as identified in the Argyll and Bute Local Development Plan (LDP) 2015.

Reference was made to 2 additional objections submitted after publication of the report; one from a new representative and one from an existing representative, bringing the total to 29 objections and one representation. The comments did not alter the recommendation and did not raise any new issues not already addressed within the report. It is considered

that a hearing and site visit would not add value to the process as it is considered that all information was available within the report.

It is considered that the proposal accords with NPF (National Planning Framework) policies 1, 2, 3, 6, 7, 14 and 16 and Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, SG LDP ENV 6, SG LDP ENV 16(a), SG LDP ENV 17, SG LDP ENV 18, SG LDP SERV 2 and SG LDP – Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan as well as Policies 01, 04, 05, 08, 09, 10, 15, 16, 17, 61 and 77 of LDP 2.

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

Motion

To agree to hold a discretionary pre-determination hearing for this application.

Moved by Councillor Mark Irvine, seconded by Councillor Paul Kennedy.

Amendment

To agree to determine the application at this meeting today.

Moved by Councillor Liz McCabe, seconded by Councillor Peter Wallace

A vote was taken by calling the roll.

<u>Motion</u>	<u>Amendment</u>	<u>No Vote</u>
Councillor Armour	Councillor Hampsey	Councillor Green
Councillor Blair	Councillor McCabe	
Councillor Brown	Councillor Wallace	
Councillor Forrest		
Councillor Hardie		
Councillor Irvine		
Councillor Kennedy		
Councillor Martin		

The Motion was carried by 8 votes, with 3 for the Amendment and 1 no vote, and the Committee resolved accordingly.

Decision

The Committee agreed to:

1. hold a discretionary pre-determination hearing on a Hybrid basis in Helensburgh; and
2. hold an informal site visit in advance of this hearing.

(Reference: Report by Head of Development and Economic Growth dated 29 September 2023, submitted)

7. LOCAL DEVELOPMENT PLAN 2 TECHNICAL NOTES

On 28 September 2023 the Council agreed to the submission of Argyll and Bute Local Development Plan 2 (LDP2) as modified by the reporters to the Scottish Ministers stating intent to adopt. The Plan will be adopted within 28 days of submission unless otherwise directed by the Scottish Ministers.

A report inviting Members to approve technical notes as planning guidance to LDP2 was considered.

Decision

The Committee agreed to note and approve the content of the following proposed technical notes and supporting documents as non-statutory guidance to support LDP2.

- TN06 Sustainability Technical Note and Checklist (Appendix 1 of the submitted report)
- TN21 VII and LVIA (Light) Technical Note (Appendix 2 of the submitted report)
- TN21 Appendix 1 Sample Visualisations for VII and LVIA (Light) (Appendix 3 of the submitted report)
- TN21 Appendix 2 VII Template (Appendix 4 of the submitted report)
- TN21 Appendix 3 LVIA (Appendix 5 of the submitted report)
- TN07 Sustainable Buildings Technical Note and Checklist (Appendix 6 of the submitted report)

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 18 October 2023, submitted)

8. FOOD CONTROL LAW ENFORCEMENT PLAN 2023-2025

The Council, as a statutory food authority under the Food Safety Act 1990 and associated statutes, must ensure that it delivers, principally through Environmental Health, a service which is adequately resourced to meet the requirements of a national Code of Practice (FLCOP) issued by Food Standards Scotland. The FLCOP also requires food authorities to have a formal food control law enforcement plan approved by the appropriate Committee.

A report advising of the work undertaken by Environmental Health and presenting the Food Control Law Enforcement Plan for 2023-2025 was before the Committee for consideration.

Decision

The Committee agreed to:

1. recognise the work by Environmental Health to protect food safety in Argyll and Bute; and
2. approve the Food Control Law Enforcement Plan 2023-25 and reaffirm the statutory appointments of the Council's Head of Food Safety, Lead Officer (Food Control) together with the appointments of authorised Officers of the Council, and the Council's Public Analyst, Agricultural Analyst and Food Examiner arrangements.

(Reference: Report by Executive Director with responsibility for Environmental Health dated 18 October 2023 and Food Control Law Enforcement Plan 2023-2025, submitted)

9. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report summarising the outcome of a recent appeal decision by The Planning and Environmental Appeals Division (DPEA) relative to planning application reference 21/02709/PP, was before the Committee for information.

Decision

The Committee agreed to note the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 18 October 2023, 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.

10. REQUEST FOR A TREE PRESERVATION ORDER

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

Decision

The Committee agreed to the recommendations detailed in the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 18 October 2023, submitted)