

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on WEDNESDAY, 17 JUNE 2020**

**Present:** Councillor David Kinniburgh (Chair)

|                            |                                 |
|----------------------------|---------------------------------|
| Councillor Gordon Blair    | Councillor Donald MacMillan BEM |
| Councillor Rory Colville   | Councillor Roderick McCuish     |
| Councillor Robin Currie    | Councillor Jean Moffat          |
| Councillor Mary-Jean Devon | Councillor Alastair Redman      |
| Councillor Lorna Douglas   | Councillor Sandy Taylor         |
| Councillor George Freeman  | Councillor Richard Trail        |
| Councillor Graham Hardie   |                                 |

**Attending:** Shona Barton, Committee Manager  
Stuart McLean, Committee Manager  
Peter Bain, Development Manager  
Howard Young, Area Team Leader – Helensburgh & Lomond/Bute & Cowal  
Sandra Davies, Major Applications Team Leader  
Sheila MacFadyen, Senior Solicitor

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Audrey Forrest.

**2. DECLARATIONS OF INTEREST**

Councillor Graham Archibald Hardie declared a non-financial interest in item 4 of the Agenda (Planning Application Reference: 19/00253/PP) as his wife knew the Applicant and family. He left the meeting and took no part in the consideration of this application.

**3. MINUTES**

The Minutes of the Planning, Protective Services and Licensing Committee held on 20 May 2020 were approved as a correct record.

Councillor Gordon Blair joined the meeting at this point.

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

Councillor Donald MacMillan, who had joined the meeting by phone, indicated that as he would not be able view the power point presentation made to Members, he

would not take part in the determination of the following item but would remain in the meeting.

**4. MR ANDREW JAHODA: ERECTION OF ONE DWELLINGHOUSE (AMENDED 13.05.20): IANMYO, PEEL STREET, CARDROSS (REF: 19/00253/PP)**

The Area Team Leader spoke to the terms of the report and to supplementary report number 1. Planning permission is sought for the erection of a dwellinghouse within the sub-divided curtilage of the Applicant's existing dwellinghouse. Cardross is a key settlement where there is presumption against major (more than 30 houses) but support for medium and small scale (6 to 30) and (1 to 5) housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. As a single dwellinghouse the proposal is defined as small scale and is acceptable in principle. The development has a high standard of design and sits comfortably within the existing settlement structure which comprises a mix of house styles. A total of 19 objections have been received. The application, as originally submitted, for two dwelling houses, raised a number of concerns regarding potential flood risk, impact on amenity, access road and the potential loss of trees. The development has been reduced to one house and located outwith the flood risk area. It is considered that the proposed house will enhance the character of the Conservation Area and will not impact on the character and amenity of adjoining houses and the surrounding area. The Roads Officer has indicated no objection subject to conditions, and concerns raised about the access road are a civil matter between the parties concerned. It is not considered that holding a hearing would add value to the process of determining this application as the key issues have been addressed. The potential for bats roosting within the site has also been raised by objectors. The Council's Biodiversity Officer was consulted and required that a bat survey be undertaken. The results of the bat survey are referred to in supplementary report number 1 which also advises of late representations. A further 2 representations were received after publication of supplementary report number 1 from Carol Bone and Gerry Bone. The original report of handling recommended that the application be refused due to the lack of a bat survey. As this has now been submitted and the Council's Bio-diversity has indicated no objections subject to condition, it is considered that the application can now be recommended for approval subject to conditions. The points raised in the late representations are noted but do not provide a basis to refuse the amended proposal.

The application before Members was recommended for approval subject to the conditions and reasons detailed in supplementary report number 1.

### **Decision**

The Committee 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 6 February 2019 and the approved drawing reference numbers AL(0)001, AL(0)005, AL(0)006 Revision N, AL(0)030 AL(0)020 Revision AB 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. Notwithstanding Condition 1 above, the finished floor level of the dwellinghouse hereby approved shall be a minimum of 5.5AOD.

*Reason: To ensure the proposed new dwellinghouse is not subject to flooding.*

3. No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided to the Planning Authority for approval before commencement of development.

*Reason: To ensure that the development is adequately served by a public water supply.*

4. No development shall commence until samples of materials to be used in the construction of the dwellinghouse hereby approved have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to integrate the development into its surroundings.*

5. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
  - i) Location, design and materials of proposed walls, fences and gates;
  - ii) Surface treatment of proposed means of access and hardstanding areas;
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by 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 assist with the integration of the proposal with its surroundings in the interest of amenity.*

6. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and

approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS), shall be located outwith the 200 year functional floodplain and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition and include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

*Reason: To ensure that an acceptable scheme of surface water drainage is implemented.*

7. No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
  - i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
  - ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

*Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.*

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 3A and 3D of the of the aforementioned Schedule, as summarised below:

#### PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

*Reason: To protect adjoining dwellinghouses, in the interest of amenity from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).*

9. Notwithstanding Condition 1 above, no consent is hereby granted for the kitchen window on the west elevation and the window at first floor level on the southern elevation of the dwellinghouse hereby approved. The windows shall be deleted or changed to a high level window unless otherwise agreed in writing. Details of this shall be submitted prior to works commencing on site.

*Reason: To protect the amenity of adjoining dwellinghouses in terms of window to window standards and privacy.*

10. At the junction of the proposed access serving the lanmyo and the proposed dwellinghouse hereby approved and Peel Street a visibility sightline 2 x 20 x 1.05 metres shall be provided in both directions and maintained in perpetuity.

*Reason: In the interests of road safety.*

11. The first 10 metres of the driveway should be surfaced in a bituminous material or other approved hard material.

*Reason: In the interests of road safety.*

12. The provision for car parking and a turning area within the site shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

*Reason: In the interests of road safety.*

(Reference: Report by Head of Development and Economic Growth dated 4 June 2020 and supplementary report number 1 dated 16 June 2020, submitted)

Councillor Hardie returned to the meeting.

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

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires 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. The new fare structure requires to come into force by 22 October 2020. The fares were last reviewed by Members on 24 October 2018 and took effect on 22 April 2019. Consideration was given to a report advising the Committee they were now required to carry out a further review of taxi fares and other charges.

### **Decision**

The Committee agreed:

1. to propose that there be no change to the existing scales and that this take effect from 22 October 2020;
2. to authorise the Head of Legal and Regulatory Support to advertise this proposal and to invite any responses within one month of the advertisement and report back to Members at their meeting on 19 August 2020; and
3. should no objections or representations be received in relation to the proposal, to delegate to the Head of Legal and Regulatory Support, in consultation with the Chair of the PPSL Committee to conclude the review without the requirement for the Committee to consider a further report on the review.

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