

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 18 NOVEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Sandy Taylor
Councillor Graham Hardie	Councillor Richard Trail
Councillor Donald MacMillan BEM	

Attending: Shona Barton, Committee Manager
Patricia O'Neill, Governance Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Howard Young, Area Team Leader – Bute and Cowal
Brian Close, Planning Officer
Graeme McMillan, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Lorna Douglas and Audrey Forrest.

2. DECLARATIONS OF INTEREST

Councillor Rory Colville declared a non-financial interest in item 6 of this Minute (Scottish Government Consultation on Reviewing and Extending Permitted Development Rights (PDR) in Scotland – Phase 1) as he is the owner of a building which forms part of a farm steading. He left the meeting and took no part in the consideration of this report.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 October 2020 at 11.00 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 October 2020 at 2.00 pm were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 October 2020 at 2.30 pm were approved as a correct record.
- d) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 October 2020 at 3.00 pm were approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: PRIVATE HIRE CAR LICENCE APPLICATIONS

Following publication of the Scottish Government's best practice guidance on the power to refuse to grant private hire licences on the grounds of over provision, consideration was given to a report inviting Members to amend the procedure for determining private hire car licence applications.

Decision

The Committee agreed:

1. that all future unopposed applications for private hire car licences may be granted by Officers on a delegated basis; and
2. that Officers should prepare periodic reports at least every six months, for the Planning, Protective Services and Licensing Committee providing updates on the number of private hire cars and taxis across the licensing authority's area.

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

5. MR AND MRS JOHN AND JULIE MCNAMEE: ALTERATIONS/EXTENSION AND CHANGE OF USE OF ECCLESIASTICAL BUILDING (CLASS 10) TO FORM DWELLINGHOUSE (CLASS 9), INSTALLATION OF SEWAGE TREATMENT PLANT AND FORMATION OF VEHICULAR ACCESS (REVISED APPLICATION TO CREATE DOMESTIC CURTILAGE): INVERCHAOLAIN CHURCH, TOWARD (REF: 19/00849/PP)

The Planning Officer spoke to the terms of the report and to supplementary report number 1. The application site lies within the Countryside Zone where policy LDP DM 1 will only support proposals that are infill, redevelopment, rounding off or change of use. In this case the conversion of the church building and partial use of the adjacent field for associated domestic purposes is considered to be consistent with the settlement and spatial strategy. The Council own the graveyard which completely surrounds the church. The proposed external alterations to convert the church into a mainstream dwellinghouse are considered to be minimal and the physical appearance and character of the church would be relatively untouched. The proposal has attracted a total of 19 letters of objection, including 5 late representations detailed in the supplementary report. The concerns raised relate to the use of the church building as a dwellinghouse, impact on existing amenity and privacy as a historic and functional graveyard, access and car parking issues and serving issues. There have been no objections from consultees subject to conditions. It is not considered that holding a discretionary hearing would add value to the planning process. The proposal is considered to be consistent with the relevant development plan policies and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

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 25th April 2019 and the approved drawings listed in the table below, and supporting information, 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
1:10,000 Supplementary Location Plan	1 of 14 Drawing no. 1365-02-14E	RevE	04/08/2020
1:1250 Location Plan	2 of 14 Drawing no. 1365-02-01F	RevF	04/08/2020
1:500 Site Plan as Existing	3 of 14 Drawing no. 1365-02-02G	RevG	04/08/2020
1:100 Ground Floor Plan as Existing	4 of 14 Drawing no. 1365-02-04A	RevA	26/04/2019
1:100 First Floor Plan as Existing	5 of 14 Drawing no. 1365-02-05A	RevA	26/04/2019
1:100 Elevations as Existing	6 of 14 Drawing no. 1365-02-06A	RevA	26/04/2019
1:100 Sections as Existing	7 of 14 Drawing no. 1365-02-07		26/04/2019
nts 3D Views as Existing	8 of 14 Drawing no. 1365-02-08		26/04/2019
1:500 Site Plan as Proposed	9 of 14 Drawing no. 1365-02-03G	RevG	04/08/2020
1:100 Ground Floor Plan as Proposed	10 of 14 Drawing no. 1365-02-09A	RevA	26/04/2019
1:100 First Floor Plan as Proposed	11 of 14 Drawing no. 1365-02-10A	RevA	26/04/2019
1:100 Elevations as Proposed	12 of 14 Drawing no. 1365-02-11B	RevB	26/04/2019
1:100 Sections as Proposed	13 of 14 Drawing no. 1365-02-12		26/04/2019
nts 3D Views as Proposed	14 of 14 Drawing no. 1365-02-13		26/04/2019

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

2. Prior to the commencement of any development, the existing private water supply and infrastructure for storage and distribution will need to meet the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 if it is to be used for the proposed development. The development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the recommendations made in the submitted report by Highwater Private Water Supplies – “Spring Water Supply Stronyaraig, near Inverchaolain”, dated 28th November 2018.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both quality and quantity can be provided to meet the requirements of the proposed development and to protect existing supplies.

3. No development (including any tree felling or land engineering works or any associated operations) shall take place within the site until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to allow the recovery and recording of any finds of archaeological significance.

4. The proposed shared vehicular access shall be designed and constructed with a passing place that shall be constructed as per Standard Detail for private driveway SD8004a Access from Single lane road. The access shall be designed and constructed to prevent water running onto the public road. The car parking area shall be designed with a turning area to allow vehicles to exit the site in a forward manner. The access shall be constructed prior to any work commencing on site, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

5. The dwellinghouse hereby approved shall not be occupied until sightlines of 75 metres from a 2.4 metre setback onto the C10 serving the new domestic curtilage to the north of the church site have been provided. Thereafter, no obstruction to visibility (i.e. walls, fences and hedges) shall be permitted within these visibility splays above a height of 1.0 metre from ground level.

Reason: To achieve and maintain required sightlines onto the C10 road.

6. Prior to the first occupation of the dwellinghouse, a parking area for a minimum of four vehicles shall be provided within the application site (i.e. land to the north of the graveyard) and thereafter be retained for such a dedicated purpose, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of traffic and pedestrian safety.

7. Any trenches dug deeper than 50 cm shall have a ramp to allow any otters (and other species) to exit.

Reason: In order to minimise any potential impacts on otters and other species.

8. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the

development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent surface water flooding.

9. No development shall commence until a scheme of tree planting, landscaping, boundary treatment, surface treatment for new garden area, lay-by and car parking and turning area has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i) Existing landscaping features and vegetation to be retained;
 - ii) Location design and materials of proposed walls, fences and gates; Fence around new domestic amenity space should be a post and rail stock proof fence to match existing around the field, unless otherwise agreed in writing;
 - iii) Proposed soft and hard landscaping works including the location, species and size of every indigenous tree/shrub to be planted; Tree species should include a mix of Quercus sp. either Sessile Oak or Pedunculate species with some intermittent planting of Birch (Betula sp.) and Rowan (Sorbus sp.);
 - iv) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal within its rural surroundings.

10. The existing stone boundary walls forming the western and northern boundaries of the graveyard shall be retained. No part of the wall shall be removed, altered or lowered without the written approval of the planning authority.

Reason: In the interests of visual amenity and to safeguard the character of the former Inverchaolain Church and graveyard.

11. Unless otherwise agreed in writing by the Planning Authority, all rooflights to be installed shall be the 'conservation type' rooflight window. Full details of all new rooflights shall be submitted (including scaled plans) for the prior written approval of the Planning Authority prior to their installation on the church building.

Reason: To safeguard the character of the former Inverchaolain Church building.

12. Unless otherwise agreed in writing by the Planning Authority, natural slates to be used for repairs or re-roofing.

Reason: To safeguard the character of the former Inverchaolain Church building.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, classes 3A, 3D and 3E, prior to the erection of any domestic outbuildings, decking, gates or fences within the new amenity space area (i.e. land to the north of the graveyard), full details of siting, scale, design and materials shall be submitted for the written approval of the Planning Authority.

Reason: In order to consider this aspect in detail and in terms of assessing any potential impact on the setting of Inverchaolain Church graveyard and surrounding dwellings.

14. For the avoidance of doubt, the graveyard surrounding the former Inverchaolain Church building shall remain publicly accessible at all times during the construction phase and following completion of the development

Reason: In order to safeguard public access both during and after the construction phase of the development.

15. No works shall commence until full details of a Construction Environment Management Plan (CEMP) for all ground engineering and construction works has been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads and Amenity Services. Such plan shall, include a timetable for works shall including full details of delivery times for materials and plant, construction work operating hours, parking arrangements for construction traffic and construction management protocol.

Reason: In order to safeguard operation and maintenance of the graveyard from construction noise and activities.

(Reference: Report by Head of Development and Economic Growth dated 31 October 2020 and supplementary report number 1 dated 17 November 2020, submitted)

Councillor Donald MacMillan left the meeting at this point.

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

6. SCOTTISH GOVERNMENT CONSULTATION ON REVIEWING AND EXTENDING PERMITTED DEVELOPMENT RIGHTS (PDR) IN SCOTLAND - PHASE 1

A report appraising the Committee of the content and potential implications of Scottish Government proposals to review and extend Permitted Development Rights

(PDR) as set out in their Phase 1 consultation paper published on 1 October 2020 and its accompanying Strategic Environmental Assessment was considered.

The deadline for responding to the consultation was 12 November 2020 and an Officer response was submitted in advance of this deadline with commentary advising that this was a draft response and may be subject to a further submission of amendment following consideration by the PPSL Committee.

Decision

The Committee:

1. agreed to endorse the submitted response to the consultation as per the detailed response to each of the 73 consultation questions contained within Appendix B of the report; and
2. acknowledged and thanked Officers for their work in preparing the response to this consultation within the very short timescale provided.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 6 November 2020, submitted)

Councillor Rory Colville returned to the meeting at this point.

7. RELAXATION OF PLANNING ENFORCEMENT IN RESPONSE TO COVID-19

Consideration was given to a report seeking approval for an addendum to the Council's Enforcement and Monitoring Charter which would provide clarity to officers, complainants, and land owners of the weighting that Covid-19 and its relevance to the unauthorised will be afforded in the setting of timescales and the processes that will be followed when seeking to resolve a breach of planning control.

Decision

The Committee agreed to:

1. note the guidance provided by the Scottish Government's Chief Planner on relaxation of planning enforcement in response to Covid-19;
2. note that the Planning Position Statement (Appendix A), setting out previously approved relaxation of planning controls within town centres will now remain in force until 31 March 2021 (following approval by the Council's Leadership Group on 29 October 2020); and
3. approve the proposed addendum to the Enforcement & Monitoring Charter (Appendix B) for a temporary period expiring 31 March 2021, subject to periodic review in the event of updated guidance being provided by the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 5 November 2020, submitted)