

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held by MICROSOFT TEAMS on WEDNESDAY, 23 MARCH 2022**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Hardie
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Sandy Taylor
Councillor Kieron Green	Councillor Richard Trail

Attending: Stuart McLean, Committee Manager
Sheila MacFadyen, Senior Solicitor
Graeme McMillan, Solicitor
Peter Bain, Development Manager
Matt Mulderrig, Development Policy and Housing Strategy Manager
Sybil Johnson, Senior Planning & Strategies Officer
Tiwaah Antwi, Planning Officer
Matthew Watkiss, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Roderick McCuish and Donald MacMillan BEM.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 23 February 2022 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 23 February 2022 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 23 February 2022 at 2.30 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 28 February 2022 was approved as a correct record subject to the following amendment:

The sentence before “**DECISION**” on the last page of the Minute should read “The Amendment was carried by 6 votes to 3 and the Committee resolved accordingly.”

4. 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 Committee, at their meeting on 19 January 2022, agreed to propose an increase of 15% on the 3 tariffs and other charges. An advert was placed in the local press week commencing 24 January 2022 detailing the proposed changes to the scales and inviting any person wishing to lodge representations in respect of these proposals to do so in writing by 28 February 2022.

Consideration was given to a report advising of one representation received and Members were invited to consider this before fixing the scales.

Decision

The Committee agreed to proceed with the 15% increase as previously proposed at their meeting on 19 January 2022 as detailed at Appendix 1 of the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 23 March 2022, submitted)

* **5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI DRIVER/PRIVATE HIRE CAR DRIVER MEDICALS AND DELEGATION FOR SUSPENSION OF LICENCE**

Consideration was given to a report inviting the Committee to agree to consult private hire/taxi drivers and operators by writing to them seeking their views on the proposed amended procedure for taxi/private hire car driver medicals.

As a consequence of considering the position regarding medicals it was noted that within the Council's Scheme of Delegation there was no delegation to the Executive Director with responsibility for Legal and Regulatory Support to consider the immediate suspension of a licence. The Committee were also asked to give consideration to a recommendation to Council that this delegation be given.

Decision

The Committee agreed to:

1. consult private hire/taxi drivers and operators by writing to them to seek their views on the proposed amended procedure for taxi/private hire car medicals; and
2. recommend to Council that a delegation be given to the Executive Director with responsibility for Legal and Regulatory Support in consultation with the Chair and Vice Chair of the PPSL Committee, to immediately suspend a licence in terms of paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 if they determine that the circumstances of the case justify immediate suspension, on the grounds of undue public nuisance or a threat to public order or public safety.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 23 February 2022, submitted)

6. MR CALLUM MACDONALD AND MISS CARA KEMP SMITH: ERECTION OF DWELLINGHOUSE: LAND SOUTH OF CAOLSIDE, LADY ILEENE ROAD, TARBERT (REF: 21/02359/PP)

The Planning Officer spoke to the terms of the report. This application was before the Committee as one of the Applicants was employed within the Council's Planning Service. This application is for the construction of a 3 bedroom detached property to be constructed over two floor levels. The application site is the immediate vacant corner plot to the South of Caolside on Lady Ileene Road in Tarbert and is accessible directly off Lady Ileene Road. One representation has been received, a summary of which is detailed at Section F of the report of handling. There have been no objections from statutory consultees.

The nature of the proposal constitutes small scale infill development deemed acceptable and consistent with the requirement for a Key Settlement area. It does not raise any detrimental residential amenity concerns and would not detract from the existing character of the Conservation Area or the wider environment where it would be established.

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

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 29/12/2021, 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 No.	Ref.	Version	Date Received
Location Plan	00.01			08/11/2021
Site Plan (1:200)	90.10.1			21/01/2022
Site Block Plan (1:500)	90.20			21/01/2022
Proposed Floor Plans and Sections	100.10.1			05/01/2022
Proposed Elevations	100.20.1			05/01/2022
Other: Fence and Wall Details	21.01			05/01/2022

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

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Standard Roads Drawing SD 08/002 Rev A and the approved Site Plan drawing ref. 90.10.1 with the junction located a minimum distance of 25 metres from the A83 Tarbert Kennacraig / UC 45 Lady Ileene Road junction and shall have visibility splays of 25.0 metres by 2.4 metres from the centre line of the proposed access with the bellmouth area surfaced in dense bitumen macadam for a distance of 5.0 metres back from the existing carriageway edge. Prior to work starting

on site the bellmouth shall be fully formed and the visibility splays shall be cleared of all obstructions over 1.0 metre in height above the level of the adjoining carriageway. The visibility splays shall be maintained clear of all obstructions over 1.0 metre in height thereafter.

Reason: In the interests of road safety.

3. The parking and turning area and refuse collection point shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles and, refuse collection.

Reason: In the interest of road safety.

4. 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 comprise a planting plan and schedule which shall include details of:

- i. 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 5837:2005 "Trees in Relation to Construction".
- ii. Existing and proposed ground levels in relation to an identified fixed datum;
- iii. Existing landscaping features and vegetation to be retained;
- iv. Location, design and materials of a safety barrier to be located between the new access/turning area and existing private access to safeguard users of the private access and the new dwellinghouse;
- v. Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted. No hedges, fences or walls shall be permitted, built or grown within 2 metres of the public road;
- vi. 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.

The approved safety barrier shall be installed prior to any excavation works commencing within the site.

The approved means of boundary enclosure shall be fully implemented prior to the first occupation of the development.

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 with its surroundings in the interest of amenity, road and public safety and the privacy of adjacent residential property.

5. The dwellinghouse shall be constructed with a finished floor level height at the specified 28m AOD as shown on the approved site plan (drawing no. 90.10.1) and the ground levels of the driveway, turning and parking areas shall also be created to reflect their specified levels respectively as shown on that same drawing, relative to the surveyed fixed datum points off-site within the approved drawing unless minor amendments to these levels are otherwise submitted to and agreed in writing by the Planning Authority.

Reason: To ensure the development satisfactorily integrates into the neighbouring topography, landscape and built environment within this part of the Conservation Area.

6. Samples of the proposed materials to be used for the external walls (the colour/texture of the wet dash render, material and colour of the cill and door/window bands as shown) and the roof of the development (which shall be mock slate as specified on the amended approved drawing no. 100.20.1) hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site. The development shall be completed in accordance with the duly approved details.

Reason: In the interest of visual amenity and in order to integrate the proposal with its surroundings within this part of the Conservation Area.

7. No development shall commence until the surface water drainage system has been submitted to and approved in writing by the planning authority. This shall be consistent with the principles of Sustainable urban Drainage Systems (SuDS) and compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

(Reference: Report by Head of Development and Economic Growth dated 10 March 2022, submitted)

7. UPDATED PLANNING ENFORCEMENT AND MONITORING CHARTER 2022

Enforcement Charters should be reviewed every 2 years and must outline what service the Council provides to customers and complainants in relation to breaches and alleged breaches of planning control. Consideration was given to a report seeking endorsement of an updated Argyll and Bute Enforcement and Monitoring Charter.

The report also advised that the Scottish Government's advice on the relaxation of planning enforcement remains in place until 30 September 2022. The Committee previously reviewed and approved an addendum to the Charter, most recently in September 2021, setting out specific provisions that specifically support town centre businesses and their recovery, and a more general position recognising the circumstances under which the pandemic may provide grounds for relaxation of planning enforcement. Committee approval was sought for the extension of these additional temporary relaxations until 30 September 2022 to retain alignment with the National position on planning enforcement.

Decision

The Committee agreed to:

1. approve and endorse the updated Enforcement and Monitoring Charter 2022 (Appendix A);
2. approve that the Planning Position Statement (Appendix B), (setting out the relaxation of planning controls within designated town centres as previously approved by the Council Leadership Group in July 2020, and subsequently extended on 29 October 2020 and by PPSL 17 March 2021 and 22 September 2021) be further extended until 30 September 2022; and
3. approve the addendum to the Enforcement and Monitoring Charter (Appendix C) for a further temporary period expiring 30 September 2022, 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 9 March 2022, submitted)

8. NATIONAL PLANNING FRAMEWORK 4 FINAL DRAFT CONSULTATION

As a result of the Planning (Scotland) Act 2019, the National Planning Framework 4 (NPF4) will have enhanced status as part of the statutory development plan. The Scottish Government aim is that it guides spatial development, aligns with infrastructure investment, sets out national planning policies, designates national developments and highlights regional special priorities. A long term spatial strategy for Scotland to 2045, NPF4 is intended to bring together policies and programmes to enable sustainable and inclusive growth across the country.

A report outlining the content of Draft Fourth National Planning Framework 4 (Draft NPF4) and presenting comments within Appendix 1 which seeks approval to submit these to the Scottish Government was considered.

This is the final part of the consultation process which has been ongoing since Autumn 2019, with the Final Draft expected in Summer 2022.

Decision

The Committee agreed to:

1. note that when approved by Scottish Government, NPF4 would become part of the Statutory Development Plan for Argyll and Bute;
2. note the report and the link to [Draft Fourth National Planning Framework \(Draft NPF4\)](#); and
3. approve the response in Appendix 1 of the report for submission to Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 23 March 2022, submitted)

9. LOCAL DEVELOPMENT PLANNING - REGULATIONS AND GUIDANCE CONSULTATION

A report advising the Committee of the Scottish Government Local Development Planning Regulations and Guidance Consultation and seeking approval for the proposed response to this consultation was considered.

Decision

The Committee agreed to:

1. note this report and the implications, including financial for the planning service and wider council; and
2. approve the response to the Scottish Government in Appendix 1 of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 25 February 2022, submitted)

10. SCOTTISH GOVERNMENT CONSULTATION: OPEN SPACE STRATEGIES AND PLAY SUFFICIENCY ASSESSMENTS REGULATIONS

There is now a statutory duty for the planning authority to prepare and publish an Open Space Strategy, and to assess the sufficiency of play opportunities in their area for children through a Play Sufficiency Assessment and the proposed regulations relate to a range of detailed aspects regarding these. Both the Open Space Strategy and Play Sufficiency Assessment will form part of the evidence base for the preparation of the next Local Development Plan.

A report advising of the Scottish Government consultation on Open Space Strategies and Play Sufficiency Assessments Regulations and seeking approval for the proposed response to this consultation was considered.

Decision

The Committee agreed to:

1. note this report and the implications of the proposed regulations, including financial for the planning service and wider council; and
2. approve the response on this consultation to the Scottish Government in Appendix 1 of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 1 March 2022, submitted)

11. DEVELOPMENT PLAN SCHEME UPDATE - LOCAL DEVELOPMENT PLAN 2

A report seeking approval of the updated Development Plan Scheme (DPS), including its associated Participation Statement, and authority to publish the approved updated DPS and submit it to the Scottish Ministers, was considered.

Decision

The Committee agreed to:

1. note the contents of this report; and
2. approve the updated Development Plan Scheme (DPS) attached in Appendix 1 of this report for publication and submission to the Scottish Ministers.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 28 January 2022, submitted)

12. UPDATE ON PLANNING APPEAL REFERENCE: ENA-130-2045 - INVERGARE, GLENARN ROAD, RHU, G84 8LL

A report providing an update on the recent decision by the Planning and Environmental Appeals Division in relation to Planning Appeal Reference ENA-130-2045 was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 23 March 2022, submitted)

13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: CONTINUED REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NUMBER 5434) (G DEMPSEY, KILCREGGAN)

A report advising that the above taxi driver licence has now lapsed and was no longer in force and as such there was no longer a requirement to consider any suspension of the licence, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Legal and Regulatory Support dated 23 March 2022, submitted)