

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 22 MARCH 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Daniel Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Fiona Howard	

Also Present: Councillor Robin Currie Councillor Alastair Redman

Attending: Stuart McLean, Committee Manager
Peter Bain, Development Manager
Matt Mulderrig, Development Policy and Housing Strategy Manager
Susan Mair, Legal Manager
Sandra Davies, Major Applications Team Leader
David Moore, Senior Planning Officer
Emma Jane, Planning Officer
Raymond Kane, Traffic and Development Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Willie Hume, Mark Irvine and Paul Kennedy.

The Chair ruled, and the Committee agreed, to consider a report on the Scottish Government's consultation on proposals for Highly Protected Marine Areas as a matter of urgency as a decision was required before the next ordinary meeting of the Committee. It was agreed to suspend Standing Order 8.1.12 and consider this report at item 4 of this Minute.

The Chair intimated that Councillors Robin Currie and Alastair Redman, who were not members of the Planning, Protective Services and Licensing Committee, had notified the Executive Director that they wished, in terms of Standing Order 22.1 to speak but not vote on the above urgent item. The Chair confirmed that he would exercise his discretion to allow Councillors Currie and Redman to speak but not vote on item 4 of this Minute.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTE

The Minute of the Planning, Protective Services and Licensing Committee held on 15 February 2023 was approved as a correct record.

4. SCOTTISH GOVERNMENT PROPOSALS FOR HIGHLY PROTECTED MARINE AREAS (HPMA)

The Scottish Government are consulting on proposals to establish Highly Protected Marine Areas (HPMAs) across Scotland. The consultation, which runs until 17 April 2023, is seeking views on a number of key documents including draft Policy Framework and Site Selection Guidelines.

Consideration was given to a report proposing that Officers of the Council prepare a response to the consultation, in consultation with the Leader, Depute Leader, Leader of the largest Opposition Group, and the Policy Lead for Planning and Regulatory Services prior to the deadline of 17 April 2023.

Decision

The Committee agreed that:

1. the Council's response to the consultation be delegated to the Executive Director with responsibility for Development and Economic Growth in consultation with the Leader, Depute Leader, Leader of the largest Opposition Group, and the Policy Lead for Planning and Regulatory Services to ensure that a response could be submitted by the deadline of 17 April 2023;
2. the Members of the Council have an opportunity to comment on the agreed delegated response prior to submission; and
3. the Council would continue to raise awareness of this consultation to ensure that local communities in Argyll and Bute could submit their own thoughts on the process being taken forward.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 March 2023, tabled)

5. MR GRAHAM WYLIE: VARIATION OF CONDITION NUMBERS 3, 4, 5 AND 6 AND REMOVAL OF CONDITIONS 7 AND 8 RELATIVE TO PLANNING PERMISSION 20/01150/PP (ERECTION OF DWELLINGHOUSE). ACCESS ARRANGEMENTS: RHU LODGE, FERRY ROAD, RHU, HELENSBURGH (REF: 21/02709/PP)

The Planning Officer spoke to the terms of supplementary report number 5 and also drew Members' attention to the main report of handling and supplementary reports numbered 1, 2, 3 and 4.

At the PPSL Committee on 23 November 2022 it was agreed to continue consideration of this application and instruct Officers to make arrangements for the Committee to accompany Planning and Roads Officers on a site visit which subsequently took place on 12 January 2023.

The Committee agreed to postpone determination of the application at their meeting on 18 January 2023, pending the submission of further drawings from the Applicant, which were received on 6 February 2023.

The Committee agreed to postpone determination of the application at their meeting on 15 February 2023 to allow time for the Roads Officer to respond to the revised drawings submitted by the Applicant and for policy National Planning Framework 4 (NPF 4) to be applied to the application following its adoption on 13 February 2023.

There are a range of policies within NPF 4 that cover all developments however, as the principle of this development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to the variation/omission of roads conditions relative to planning permission 20/01150/PP. As such, Officers have only addressed the policies of NPF 4 which relate to this aspect. In this instance the key relevant policy is policy 13(G) Sustainable Transport. This policy is strongly aligned with current Local Development Plan Policies LDP 11 and SG TRAN 4. Based on this, it is considered that NPF 4 supports the current policy assessment and as such the current recommendation stands.

The additional revised drawings submitted by the Applicant were considered and commented on by Officers and did not alter the recommendation contained in the main report of handling dated 8 November 2022, namely that the application be granted subject to the conditions, reasons and informative notes contained in the report of handling.

Decision

The Committee agreed to grant planning permission subject to the following conditions, reasons and informative note:

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 20/12/2021 and, the original approved drawings from application ref; 20/01150/PP listed in the table below and the related amendment approved under this 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
Location Plan	1 of 14	A	02.02.2020
Site Photographs Sheet 1	2 of 14	A	02.02.2020
Site Photographs Sheet 2	3 of 14	C	02.02.2020
Site Photographs Sheet 3	4 of 14	-	02.02.2020
Site Photographs Sheet 4	5 of 14	-	02.02.2020
Site Plan/Roof Plan as Proposed	6 of 14	C	02.02.2020
Floor Plans as Proposed	7 of 14	A	02.02.2020
North and West Elevations as	8 of 14	B	02.02.2020

Proposed			
South and East Elevations as Proposed	9 of 14	B	02.02.2020
Cross Section X X as Proposed	10 of 14	-	02.02.2020
Proposed Landscape and Planting Layout Plan	11 of 14	-	02.02.2020
Topographic Survey	12 of 14	-	02.02.2020
Arboricultural Report	13 of 14	-	02.02.2020
Design and Access Statement 2020	14 of 14	-	02.02.2020

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

2. Notwithstanding the effect of Condition 1; Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply.

Reason: In the interests of public health and to ensure the availability of an adequate water supply to serve the proposed development.

3. Notwithstanding the effect of Condition 1; the following improvement works to the access road are required:
 - a) The provision of a 3.5 metre adopted road between A814 and the entrance dwellings.
 - b) Passing places at a maximum of 100 metre spacing's should be provided as per Operational Services Drg No SD 08/003 rev a.

Full details of these proposed road improvements at Ferry Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager prior to works commencing on site. Thereafter the improvements shall be completed and in place before the dwellinghouse hereby approved shall be completed or brought into use.

Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.

4. Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and

thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

5. Notwithstanding the effect of Condition 1; The private access to the dwelling house should be constructed as per Drg SD 08/002.

Reason: *In the interest of road safety and in accordance with the Council's Roads Guidance for Developers'.*

6. Notwithstanding the effect of Condition 1; Prior to construction of the dwelling house, the private access shall be surfaced with bituminous material (or other approved hard material) for a distance of 5m from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

7. Notwithstanding the effect of Condition 1; The gradient of the private accesses will not exceed 5% for the first 5 metres and no more than 12.5% over the remainder of the access. Details of this shall be submitted to and approved in writing by the Planning Authority prior to works starting on site.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

8. Notwithstanding the effect of Condition 1; Prior to work starting on site full details of 2 No. parking spaces to be provided within the curtilage of the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. Thereafter the required car parking spaces shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

9. Notwithstanding the effect of Condition 1; Samples of the proposed materials to be used for the external walls and roof of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: *In the interests of visual amenity and in order to integrate the proposal with its surroundings.*

NOTE TO APPLICANT

The proposed road improvements to the existing private road to bring it to an adoptable standard will require the submission of an application for a roads construction consent. After subsequent Approval a finance security road bond will be required to be lodged before any works commence on site.

(Reference: Report by Head of Development and Economic Growth dated 8 November 2022, supplementary report number 1 dated 22 November 2022, supplementary report number 2 dated 10 January 2023, supplementary report number 3 dated 16 January 2023, supplementary report number 4 dated 8 February 2023 and supplementary report number 5 dated 14 March 2023, submitted)

6. THE SCOTTISH GOVERNMENT ON BEHALF OF SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 13.3 KM OF 275 KV OVERHEAD LINE (OHL) FROM BETWEEN A PROPOSED SUBSTATION AT CREAG DHUBH TO THE EXISTING SCOTTISH POWER ENERGY NETWORKS (SPEN) 275 KV OHL THAT RUNS FROM DALMALLY TO INVERARNAN: LAND SOUTH OF DALMALLY AND EAST OF CLADICH (REF: 22/01298/S37)

The Senior Planning Officer spoke to the terms of the report. This Section 37 proposal was originally presented to Members on 28 September 2022 with an Officer recommendation that no objection be lodged. The Committee determined, on behalf of the Council, as Planning Authority, to object to this proposal and the Energy Consents Unit were notified of this decision accordingly.

Since Members determined to object, Officers consider that there has been a substantial material change in circumstances which merits the matter being brought back to Members. National Planning Framework 4 (NPF 4) has become part of the statutory planning framework with it being formally adopted on 13 February 2023.

Officers consider that following the adoption of NPF 4 more weight should be given to the policies within it which support the delivery of nationally important energy transmission and grid infrastructure to assist in the transition to net zero and address the climate emergency. NPF 4 Policies 1 and 11 provide support for the current proposals as Nationally Important Development. This, in the opinion of Officers, strengthened the overall policy framework in support for the proposals since Members previously determined to object to the development.

Members were invited to re-consider their decision to object to the proposals in light of the enhanced status of NPF 4 and instruct Officers accordingly on this matter.

Decision

The Committee, having considered NPF 4 Policies including Policies 1, 4, 7 and 11 in relation to the proposed 275 kv Overhead Line from Creag Dhubh to Dalmally, agreed to instruct Officers to maintain the current objection.

(Reference: Report by Head of Development and Economic Growth dated 7 March 2023, submitted)