

# Public Document Pack

## Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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15 March 2023

## NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 22 MARCH 2023** at **11:30 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE** (Pages 3 - 20)  
Planning, Protective Services and Licensing Committee held on 15 February 2023
4. **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)** (Pages 21 - 68)  
Report by Head of Development and Economic Growth
5. **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)** (Pages 69 - 76)  
Report by Head of Development and Economic Growth

## **Planning, Protective Services and Licensing Committee**

Councillor John Armour	Councillor Jan Brown
Councillor Audrey Forrest	Councillor Kieron Green (Chair)
Councillor Amanda Hampsey (Vice-Chair)	
Councillor Daniel Hampsey	Councillor Graham Hardie
Councillor Fiona Howard	Councillor Willie Hume
Councillor Mark Irvine	Councillor Andrew Kain
Councillor Paul Donald Kennedy	Councillor Liz McCabe
Councillor Luna Martin	Councillor Peter Wallace

Contact: Fiona McCallum

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 15 FEBRUARY 2023**

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Willie Hume
Councillor Jan Brown	Councillor Andrew Kain
Councillor Audrey Forrest	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Peter Wallace
Councillor Fiona Howard	

**Attending:** David Logan, Head of Legal & Regulatory Support  
Shona Barton Governance Manager  
Peter Bain, Development Manager  
Sandra Davies, Major Applications Team Leader  
Howard Young, Area Team Leader – Helensburgh & Lomond/Bute & Cowal  
Arlene Knox, Senior Planning Officer  
David Moore, Senior Planning Officer  
Stephanie Wade, Senior Planning Officer  
Emma Jane, Planning Officer  
Norman Shewan, Planning Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Graham Hardie and Mark Irvine.

**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 18 January 2023 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 18 January 2023 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 18 January 2023 at 2.30 pm was approved as a correct record.

**4. ROSNEATH FARMS LTD: SITE FOR THE ERECTION OF DWELLINGHOUSE:  
PLOT 7, LAND TO THE REAR OF LOCHEWE AND ARDLANISH,  
KILGREGGAN, HELENSBURGH (REF: 21/00349/PPP)**

The Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised of further representations received on 13 February 2023 and the submission of a supporting statement from the Applicant's Agent in response to the issues raised.

The proposed site is situated within the minor settlement boundary for Portkil as designated in the Argyll and Bute Local Development Plan 2015. Subject to appropriate safeguarding conditions to secure the appropriate siting and design of a modest dwellinghouse within the site, the site is considered to represent an appropriate opportunity for development within the defined Rural Opportunity Area (ROA) consistent with the relevant provisions of the Development Plan and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act. Also subject to commensurate improvements to the existing private access road, it is considered that the proposal can be served by an appropriate private and public road regime.

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

### Decision

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons:

#### 1. PPP - Standard Condition & Notes 1

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7 and 8 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).PP - Approved Details & Standard Notes – Non EIA Development.

#### 2. PPP - Approved Details & Standard Notes 2

The development shall be implemented in accordance with the details specified on the application form dated 17<sup>th</sup> February 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 Ref. No.	Version	Date Received
Location Plan	PL-657-00	-	18.02.21
Location Plan and Existing & Proposed Site Plan	PL-657-01	-	18.02.21

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

#### 3. Design and Finishes

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:

- (i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- (ii) Taking consideration of the Sustainable Siting and Design Principles set out in the adopted 'Argyll and Bute Local Development Plan' 2015;
- (iii) Single or single storey with accommodation in the roof space;
- (iv) A house siting, scale and plan form that responds clearly to the natural contours of the site in order that the proposed built development 'hunkers down' into the prevailing landform and minimises intrusive cut and fill excavation;
- (v) Building scale, massing and form that reflects, or sympathetic to the existing pattern of built development in the immediate vicinity;
- (vi) Narrow span volumetric form with symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate, unless an alternative roof form/design/materiality can be demonstrated as an acceptable alternative solution to the satisfaction of the planning authority by means of a comprehensive Design Statement;
- (vii) External walls finished in wet dash render, smooth render, natural stone, timber or a mixture of these finishes unless an alternative material cladding strategy can be justified by means of a Design Statement to the satisfaction of the planning authority;
- (viii) Window openings with a vertical emphasis unless alternative opening proportions can be justified as an integral part of a robust design process and justified by means of a Design Statement to the satisfaction of the planning authority.
- (ix) Existing and proposed sections through the site to demonstrate that the dwellinghouse will be sited in a manner sympathetic to the wider landscape impact of the area.
- (x) Existing topographical survey and proposed site plan showing ground levels and finished floor levels (FFLs) relative to an identified fixed datum point located close to but outwith the application site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

4. Pursuant to Condition 1, no development shall commence until plans and details showing the following works to the vehicular access, including the existing private access road from the junction of the proposed new access to the proposed site for a dwellinghouse to the junction with the B833 public road, and parking regime to serve the proposed development are submitted to and approved in writing by the Local Planning Authority:
  - (i) Access at connection between the development site and the private access track to be constructed in accordance with Council's Roads Standard Detail Drawing SD 08/004a.
  - (ii) Commensurate improvements to the existing private access road/track to provide a continuous 5.5 metre adoptable carriageway width between the junction of the Rosneath road (B833) and the private access to the proposed dwellinghouse, including a 2 metre wide service strip/grass verge;

- (iii) Parking provision commensurate with the size of dwellinghouse proposed in accordance with SG LDP TRAN 6 and the Car Parking Standards of the adopted 'Argyll and Bute Local Development Plan' 2015.

Prior to commencement of any works on the application site:

- (i) The commensurate improvements to the private access road from the access point to the proposed dwellinghouse to the junction with the Rosneath road (B833), as specified above, shall be completed, and written confirmation that the improvements have been implemented to an adoptable standard has been issued by the planning authority in consultation with the Council's Roads and Infrastructure Services.
- (ii) The approved scheme of works in respect of the junction layout at the connection between the private site access and the private track shall be formed to at least type 1 base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the improved private access and passing place shall be completed prior to the development first being occupied and the visibility splays shall be maintained clear of all obstructions thereafter.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: To ensure that the proposed development can be served by an appropriate private/public road regime and in the interests of road safety in accordance with the provisions of the Argyll and Bute local Development Plan – 2015 and policies 35, 36, 37 and 39 of the emerging Proposed Argyll and Bute Local Development Plan 2.

5. No development or other work shall be carried out on the site until a pre-commencement survey for the presence of protected species has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority in consultation with NatureScot. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

**6. PPP – Archaeological Watching Brief**

Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

### **7. PPP – Full Landscaping Scheme**

Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- (i) Existing and proposed ground levels in relation to an identified fixed datum;
- (ii) A tree survey including a site plan accurately showing the location and species of existing trees within the site and identifying those to be retained and those to be felled;
- (iii) A proposed scheme for the planting of a substantial tree belt along the south eastern edge of the application site boundary including an appropriate mix of deciduous species, sizes and planting densities;
- (iv) Location design and materials of proposed walls, fences and gates;
- (v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- (vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

If it is not possible to provide a suitably deep tree buffer zone within the planning application site boundary then a tree belt shall be provided in the adjacent field alongside the south eastern boundary of the application site.

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 with its surroundings in the interest of amenity.

### **8. PPP – Details of New Private Foul Drainage System**

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved 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.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

#### 9. **Sustainable Drainage System**

Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 and Sewers for Scotland 4th Edition with post development runoff not exceeding the greenfield runoff rate. 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 6 February 2023 and supplementary report number 1 dated 14 February 2023, submitted)

#### 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 4 and also drew Members' attention to the main report of handling and supplementary reports numbered 1, 2 and 3.

The Committee postponed 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. In light of the most recent submission Planning Officers have re-consulted the Roads Department. A request was before the Members to continue consideration of this application to the March PPSL Committee meeting to allow time for the Roads Officer to respond to this most recent submission and for policy NPF4 to be applied to the application following its adoption on 13 February 2023.

#### **Decision**

The Committee agreed to postpone determination of this application to the March meeting of the PPSL Committee.

(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 and supplementary report number 4 dated 8 February 2023, submitted)



**6. THE SCOTTISH GOVERNMENT ON BEHALF OF ENERGIEKONTOR UK LTD: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO ROWAN WIND FARM: LAND APPROXIMATELY 4.5KM NORTH WEST OF TARBERT, ARGYLL & BUTE (REF: 22/00385/S36)**

The Senior Planning Officer spoke to the terms of supplementary reports 3 and 4. This proposal was originally presented to Committee on 28 September 2022. The Committee agreed, on behalf of the Council, as Planning Authority, to object to this proposal for the reasons detailed in the report of handling. The Energy Consents Unit was notified accordingly. The Energy Consents Unit re-consulted the Planning Authority on 14 December 2022 due to the Revised Draft National Planning Framework 4 (NPF4) being laid before Parliament. As NPF4 was subsequently approved by Parliament, and adopted by Scottish Ministers on 13 February 2023, it was now part of the Development Plan. As the Planning Authority's consultation response of 28 September 2022 was provided prior to the NPF4 being laid, the Scottish Government would like to give the Planning Authority the opportunity to provide further comment on NPF4. This report seeks Members' agreement on Officers' further consultation response to the Energy Consents Unit.

Having considered NPF4 it was recommended that the Council as Planning Authority, continues to object to this proposal for the revised reasons detailed in supplementary report number 3, with the inclusion of an additional note attached to these reasons as detailed in supplementary report number 4, and that the Scottish Government be notified accordingly. Members should note that an objection from the Council will instigate the requirement for a Public Local Inquiry to be held.

**Decision**

Having considered NPF4, the Committee, on behalf of the Council as Planning Authority, agreed to continue to object to this proposal for the following reasons:

**1. Landscape & Visual Impact (including cumulative)**

The proposed development site lies within the Knapdale Upland Forest Moor Mosaic Landscape Character Type (LCT) which covers much of the Knapdale area between West Loch Tarbert and the southern edge of the Knapdale National Scenic Area. This landscape has a simpler landform in the south-west but is complex and craggy in the north-east. This proposal, which comprises very large turbines of up to 200m, would be sited in a basin which reduces its prominence and intrusion seen from Loch Fyne and from the settled eastern coastal fringes of this loch. The containment provided by landform is however diminished in views from the south around West Loch Tarbert where turbines would be visible in closer proximity and where their scale would be more appreciated due to greater visual exposure and because they would be seen in close conjunction with the smaller scale settled loch fringes. The proposal would significantly affect the character of West Loch Tarbert and views from the A83, the Islay ferry route, settlement, and recreation routes on the south-eastern shores of the loch. Proposed aviation lighting would increase the duration of these significant adverse effects. While it is acknowledged that the extent of these significant adverse landscape and visual effects is confined to the waters and south-eastern shores of West Loch Tarbert and the proposal is well screened and/or distant from other sensitive locations, there is concern about the effects on the tourist routes of the A83 and the Islay ferry which are regionally important within Argyll and Bute.

The potential cumulative effects of visible aviation lighting on character and views are also a concern given the number of recent applications for turbines >150m in Argyll & Bute requiring such lighting, including application stage: Narachan, Earraghail, Clachaig Glen and this proposal although we consider that these effects could be mitigated to an acceptable degree by the adoption of an Aviation Detection Lighting System which would significantly reduce the duration of visible night-time lighting.

The principal concern is, however, the cumulative landscape and visual effects likely to occur with the application-stage Sheirdrim wind farm. If the Sheirdrim proposal is consented on appeal, it is considered that the addition of the Rowan proposal would result in significant combined cumulative landscape and visual effects on the West Loch Tarbert area with a substantial increase in the extent of major adverse effects. It is considered that the nature of these significant effects on landscape and visual interests would be of regional importance, affecting not just the tourist routes of A83 and the Islay Ferry but also settlement and recreation routes including views to and from the nationally important scheduled monument of Dun Skeig.

In conclusion, it is considered that the cumulative landscape and visual impact of this proposal with Sheirdrim is unacceptable.

**Having due regard to the above it is concluded that the proposal will have significant adverse cumulative landscape and visual impacts and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; the Argyll & Bute Landscape Wind Energy Capacity Study 2017; the Onshore wind policy statement and Policies 4 (Natural Places) and 11 (Energy) of National Planning Framework 4 (NPF4)**

## **2. Aviation**

Argyll & Bute Council will assess development proposals with the aim of preventing unnecessary dangers to aircraft. Policy requires that development is refused where it would constrain the present and future operations of existing airports and airfields.

National Air Traffic Services Safeguarding (NATS) have advised that an unacceptable technical impact is anticipated, and they object. Glasgow Prestwick Airport advise that the development raises aviation safety concerns which have an operational impact on the airport as an air navigation services provider. Until all technical and operational aviation safety matters are addressed to the satisfaction of Glasgow Prestwick Airport, and a mitigation agreement is put in place for the life of the wind farm, the airport also objects to the proposal.

Local Development Plan Policy is clear that developments that have an adverse impact on the Safeguarding of Airports should be refused.

Having due regard to the above it is concluded that due to the fact that National Air Traffic Services Safeguarding (NATS) and Glasgow Prestwick Airport have advised the Energy Consents Unit that they object to the proposal, it will have an adverse impact on aviation and is therefore inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, the Onshore Wind Policy Statement and Policy 11 (Energy) of the National Planning Framework 4 in this respect.

Argyll & Bute Council therefore object to the proposal due to the adverse impact it would have on Aviation.

The Energy Consents Unit should please note that:

- **Should Sheirdrim Renewable Energy Development be refused, then Argyll & Bute Council would no longer object to Rowan wind farm on Landscape & Visual grounds. Should Sheirdrim Renewable Energy Development be approved then the Council's objection would be maintained as per the recommendation in this report.**
- **If National Air Traffic Services (NATS) and Glasgow Prestwick Airport withdraw their objections, then Argyll & Bute Council would no longer object on aviation grounds. Should these objections not be removed, and the proposal progresses to an Inquiry, Argyll & Bute Council would defer to National Air Traffic Services and Glasgow Prestwick Airport as the Technical Experts on this matter.**

(Reference: Supplementary report number 3 by Head of Development and Economic Growth dated 31 January 2023 and supplementary report number 4 dated 14 February 2023, submitted)

**7. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: TO CONSTRUCT AND OPERATE A 132/275 KILOVOLT (KV) GIS SUBSTATION AND ASSOCIATED INFRASTRUCTURE THAT WILL CONNECT THE EXISTING 132 KV OVERHEAD LINE (OHL) FROM TAYNULT TO INVERARAY TO A PROPOSED 275 KV OHL TO DALMALLY: LAND APPROXIMATELY 2.5 KM SOUTH WEST OF CLADICH, ARGYLL AND BUTE (REF: 22/00782/PP)**

The Senior Planning Officer spoke to the terms of the report. He drew Members' attention to a typographical error in the report of handling and confirmed that the planning application reference was 22/00782/PP and not 22/00728/PP. Reference was also made to a briefing note prepared and circulated by SSEN to Members in respect of the adoption of National Planning Framework 4 (NPF4) on 13 February 2023 and their network obligations to this.

This application is for the erection of an electrical substation and the proposed development consists of the substation buildings and electrical infrastructure, and associated works required to accommodate construction, landscaping and access. The development footprint for the proposed substation site once completed includes the substation platforms, cut/fill embankments, access road, associated culverts, Sustainable Urban Drainage System (SUDS) and solar panels.

It is considered that the proposal would accord fully with the policies of the development plan and there are no other material considerations which would indicate otherwise.

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 13/04/2022, the Environmental Appraisal (April 2022), 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 Ref. No.	Version	Date Received
Location Plan	R170_3673_Fig1_1_RedlineBoundarySite_C		14/04/22
Proposed A819 Site Access Design Location Plan	LT29_CRDH_0804_0010	B	08/08/22
Proposed A819 Site Access Design General Arrangement Plan	LT29_CRDH_0804-001	B	08/08/22
Proposed A819 Site Access Design Construction Details	LT29_CRDH-0804_0013	C	22/08/22
Proposed Substation Electrical Layout	LT29_CRDH_1104_0007	01	08/08/22
Proposed Substation Cross Sections	LT29_CRDH_1104_0008	01	08/08/22
Proposed Storage Buildings-	LT29_CRDH_0805_0005	0C	08/08/22

Elevations			
Proposed Storage Buildings-Floorplans	LT29_CRDH_0805_0006	0A	16/08/22
Proposed 132kV GIS Building Elevations	LT29_CRDH_0805_0003	0D	08/08/22
Proposed 132kV GIS Building Floor Plan and Sections	LT29_CRDH_0805_0001	01	08/08/22
Proposed 257kV GIS Building Elevations	LT29_CRDH_0805_0004	0D	08/08/22
Proposed 257kV GIS Building Floor Plan and Sections	LT29_CRDH_0805_0002	01	08/08/22
Location of septic tank, borehole water supply and SUDS	R170_3673_Fig1_SepticTank_BHWS_SUDS_D		08/08/22
2.5m High Security Palisade Fencing Details	CE/34/2015	E	08/08/22
2.5m High Security Palisade Fencing	CE/34/2016	E	08/08/22

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

2. No construction works shall be commenced until a Finalised Construction Environmental Management Document (CEMD) has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA, and other appropriate consultees as appropriate. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include:
  - a) An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
  - b) Processes to control/ action changes from the agreed SM;

- c) Construction Environment Management Plans (CEMPs) for the construction phase covering:
- (i) Habitat and species protection, including ECoW details, and surveys.
  - (ii) Landscape and Mitigation Restoration Plan
  - (iii) Long Term woodland management and compensatory planting plan (refer to Condition 9)
  - (iv) Pollution prevention and control;
  - (v) Dust management, including construction activity and vehicle movements;
  - (vi) Construction Noise and Vibration (refer to Condition 7)
  - (vii) Temporary Site lighting;
  - (viii) Site Waste Management;
  - (ix) Surface and Ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
  - (x) Soil Management and Peat Management (refer to Condition 8)
  - (xi) Mapping of borrow pits and associated habitats identified for restoration;
  - (xii) Habitat Management and Restoration Plan;
  - (xiii) Emergency Response Plans;
  - (xiv) Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
  - (xv) Other relevant environmental management as may be relevant to the development.
- d) A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- e) Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

*Reason: To ensure protection of surrounding environmental interests and general amenity.*

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the Local Authority, in consultation with the Roads Authority, and Transport Scotland as the trunk roads Authority. The Plan shall details approved access routes, agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A819 warning of construction traffic. reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

*Reason: To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cycle users using the trunk road and adjacent facilities and to be consistent with current guidance and best practice.*

4. No development or ground breaking works shall commence until a programme of archaeological works in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The scheme shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

*Reason: In order to protect archaeological resources.*

5. Prior to the commencement of development, a strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

*Reason: In order to ensure that any potential adverse impacts on the functioning of the local housing market and tourist accommodation to the detriment of the interests of the local community are identified and mitigated in accordance with the requirements of NPF4, and in particular Policy 11C and Policy 25 Objectives.*

6. No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/ hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

*Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.*

7. No development shall commence until a Construction Noise Management Plan (CNMP) which demonstrates how the developer will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration, is submitted to and approved in writing by the Planning Authority. The CNMP shall include, but is not limited to, the following:
  - a) A description of the most significant noise sources in terms of equipment; processes or phases of construction;
  - b) The proposed operating hours and the estimated duration of the works for each phase;

- c) A detailed plan showing the location of noise and vibration sources and noise sensitive receptors; and
- d) A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.

Thereafter the development shall progress in accordance with the approved CNMP with all approved mitigation measures to be in place prior to the commencement of development, or as otherwise agreed in writing by the Planning Authority.

*Reason: In the interest of safeguarding residential amenity.*

- 8. No development shall commence until a finalised Peat Management Plan (PMP) has been submitted to and agreed in writing by the Planning Authority, in consultation with SEPA. The finalised version shall outline the further measures proposed to reduce peat disturbance, recalculate the volumes of peat to be disturbed and indicate the finalised measures for peatland restoration. Thereafter the development shall progress in accordance with the approved PMP.

*Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat.*

- 9. No development shall commence until a detailed Compensatory Planting Plan (CPP) and Long Term Forestry Management Plan (LTFMP) are submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The approved CPP and LTFMP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

*Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.*

- 10. The development shall not become operational until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Local Authority, in consultation with Transport Scotland as the trunk roads authority.

*Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.*

- 11. Notwithstanding the provisions of Condition 1, the finished ground floor levels of the buildings of the development shall be elevated to 0.3m above surrounding ground level unless otherwise agreed in writing by the Planning Authority.

*Reason: In order to ensure appropriate mitigation for flood risk and to ensure an acceptable relationship between the development and its surroundings.*

- 12. Watercourse crossings, hereby permitted, shall be designed to at least the capacity of the existing channel and to the 1 in 200 year plus climate change flow and an allowance for freeboard, unless otherwise agreed in writing by the Planning Authority. This includes the replacement of the existing River Array watercourse crossing with a



new oversized box culvert, or bottomless traditional style bridge to accommodate the 1 in 200 year flood event without constriction.

*Reason: To ensure that new watercourse crossings do not affect the existing flows in the interests of flood risk.*

13. The development shall not include for the provision of walls, fences or hedges within 2.0 metres of the carriageway of the public road, and any gates shall open inwards, away from the public road.

*Reason: In the interest of road safety.*

14. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Operational Services Drawing No SD08/001a; and visibility splays of 160 metres x 2.4 metres shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

15. No external lighting shall be installed on the site other than with the prior written approval of the planning authority. In that event the location, type and luminance of the lighting units to be installed shall be specified, and any duly approved lighting shall be installed in a manner which minimises illumination and glare outwith the boundary of the application site. The site shall not be illuminated other than in the event of staff being present on site.

*Reason: In order to avoid unnecessary visual intrusion in the interests of the visual amenity of an area otherwise unaffected by the presence of light sources.*

16. All vehicles transporting construction material to and from the proposed development shall be sheeted.

*Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.*

17. Any blasting for the development, hereby permitted, shall not exceed vibration levels at the nearest NSR's of the guideline limits presented in BS 7385-2: 19937 and BS 6472-2: 20088.

*Reason: In the interests of protecting amenity of neighbouring land use occupiers.*

(Reference: Report by Head of Development and Economic Growth dated 31 January 2023, submitted)

**8. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 13.3 KM OF 275KV OVER HEAD 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 Head of Legal & Regulatory Support spoke to the terms of the report. The Committee, at its meeting on 28 September 2022, considered a report of handling in respect of the above proposal. The Members agreed, on behalf of the Council, as Planning Authority, to object to this proposal. The matter is now subject to a Public Local Inquiry (PLI). NPF4 was only available as a consultation draft and not in force at the time this matter was considered by the PPSL Committee in September 2022. Scottish Ministers adopted and published NPF4 on 13 February 2023 meaning that it is now in force and National Planning Framework 3 and Scottish Planning Policy has been superseded from that date and time. The PLI will consider this matter in light of NPF4. As Members were not in a position to consider NPF4 when forming their decision and, due to this material change in circumstances, it is considered appropriate to bring this matter back to Members for their consideration.

**Decision**

The Committee agreed to:

1. note that NPF4 came into force on 13 February 2023;
2. note that this is a material change in circumstances since Members made their decision in September 2022, and it was considered appropriate to bring this matter back to Members for their consideration;
3. note that it is considered the application of NPF4, once assessed, may alter the Council's prospects for success in the Public Local Inquiry; and
4. request the Council's Development Service to provide a report to the next meeting of the PPSL Committee.

(Reference: Report by Head of Legal & Regulatory Support dated February 2023, submitted)

**9. THE SCOTTISH GOVERNMENT ON BEHALF OF DRAX CRUACHAN EXPANSION LIMITED: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO CONSTRUCTION AND OPERATION OF NEW UNDERGROUND POWER STATION AND ASSOCIATED INFRASTRUCTURE ADJACENT TO CRUACHAN 1 TO PROVIDE UP TO 600 MEGAWATTS (MW) OF ADDITIONAL NEW GENERATING CAPACITY: CRUACHAN POWER STATION, LOCHAWE, DALMALLY (REF: 22/01221/S36)**

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which proposed a change to the original recommendation in the main report following receipt of legal advice. Reference was also made to late submissions to the Energy Consents Unit by external consultees. Historic Environment Scotland clarified in a response dated 1 February 2023 that they had no objections to this proposal and they were satisfied that the works impacting the Category A Turbine Hall could be addressed

through the Listed Building Consent Application. SEPA in a response dated 8 February 2023 confirmed the withdrawal of their holding objection as they were content that appropriate conditions could address their concerns.

In Scotland, any proposal to construct, extend, or operate an onshore electricity generating station, in this case, a pump storage hydro, with a capacity of over 50 megawatts (MW), requires the consent of Scottish Ministers under section 36 of the Electricity Act. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit ("ECU") Scottish Government - Energy Consents. Section 57(2) of the Town and Country Planning (Scotland) Act 1997 ("TCP(S)A") also allows the Scottish Ministers, on granting consent under section 36, to direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction. The Council's role in this process is therefore one of a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by Scottish Ministers.

In terms of the Local Development Plan Settlement Strategy, the main site is located within a combination of, Lorn and the Inner Area Very Sensitive Countryside, North Argyll Area of Panoramic Quality (APQ), and Glen Etive and Glen Fyne Special Protected Area.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other internal consultations undertaken by the Council, and third party opinion expressed to the Scottish Government.

It was recommended that Members agree that the Council Objects to the current proposals, unless the conditions as recommended by the Planning Authority and other consultees are imposed on any consent.

Officers also sought Member's authority to undertake further discussions with the applicants and The Scottish Ministers to determine whether a planning condition, a Section 69 agreement, or a Section 75 agreement between parties would most effectively deliver the Council's requirement for the necessary Housing Strategy.

### **Decision**

The Committee agreed:

1. on behalf of the Council, to object to the current proposals unless the conditions as recommended by the Planning Authority and other consultees are imposed on any consent; and
2. that Officers undertake further discussions with the applicants and The Scottish Ministers to determine whether a planning condition, a Section 69 agreement, or a Section 75 agreement between parties would most effectively deliver the Council's requirement for the necessary Housing Strategy

(Reference: Report by Head of Development and Economic Growth dated 31 January 2023 and supplementary report number 1 dated 14 February 2023, submitted)

**10. PLANNING PERFORMANCE FRAMEWORK REPORT 2021/2022**

A report containing recent feedback from the Scottish Government in relation to the Council's Planning Performance Framework (PPF) was considered.

**Decision**

The Committee agreed:

1. to note the content of the report; and
2. to publicise (press, Twitter, Facebook and website release) the positive feedback from the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth, dated 2 February 2023, submitted)

**Argyll and Bute Council  
Development and Economic Growth**

**Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 21/02709/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Graham Wylie

**Proposal:** 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

**Site Address:** Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

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**SUPPLEMENTARY REPORT NO. 5**

## **1. INTRODUCTION**

The attention of Members is drawn to the main Report of Handling dated 8<sup>th</sup> November 2022 and to supplementary reports; No.1 dated 22<sup>nd</sup> November 2022, No. 2 dated 10<sup>th</sup> January 2023, No. 3 dated 16<sup>th</sup> January 2023 and No. 4 dated 8<sup>th</sup> February 2023 that are currently before them for consideration in respect of the above application.

Committee Members postponed the determination of the application in order for the roads department to respond to the submission of further drawings from the applicants which were received on the 6<sup>th</sup> of February 2023.

Below is a list of all revised and additional drawings that have been provided along with a commentary (in conjunction with the roads area manager) in response to these drawings.

**19 / 20 / R2 A - Proposed passing place improvements Rev A;** This drawing has not been altered therefore, the previous comments remain.

**19 / 20 / R4 D - Proposed traffic calming improvements Rev D;** This drawing has been altered to include an additional speed hump to the East of the driveway access, bringing the total of proposed speed humps up to three. In terms of our previous comments on the earlier drawing, these still stand. The presence of such features does not permit us to determine the operational speed of the road to less than 20mph. This drawing also notes that the new passing place is to be 5500mm wide, please see the comment below in regards to the revised driveway plan in relation to this.

**19 / 20 / R5 D - Combined traffic calming measures Rev D;** Comment same as above.

**19 / 20 / R7 D - Ferry Road proposed improvements Rev D;** This drawing has been altered to include an additional speed hump to the East of the driveway access as well as a note in regards to the proposed new road construction being type C. Please see comment below in regards to the re-alignment, new road construction and passing place details required.

**19 / 20 / R9 D - Ferry Road extent of re-surfacing Rev D;** This drawing has been altered to include an additional speed hump to the East of the driveway access as well as a note in regards to the proposed new road construction being type C. In regards to the note that indicates new road construction is to be type C - this has not been requested by the roads department, we would require further information in terms of the proposed extents and details to support this. Lastly in regards to the comments provided on the previous revision – these comments have not been addressed and still stand. These comments are; *This drawing shows the extent of the proposed re-surfacing works, the proposed grass verge to sections and indicates the proposed and existing passing places. As below if the applicant wishes to install a grass verge then full details of the proposed re-alignment are required (this drawings does not adequately show this as we require details showing the full extent of re-alignment, dimensions along the full length, method of illumination for the re-alignment etc.). Furthermore, the existing and proposed 100m intervisible passing places between the driveway access and the public road are not adequately detailed. This drawing also fails to detail the second passing place that is required between the driveway access and the main road – the passing place indicated at the junction of the public road does not meet standard detail SD 08/003 A as it is a junction . All passing places must be no more than 100m apart and intervisible for all road users. All passing places must be constructed in accordance with the minimum requirements as set out in standard detail SD 08/003 A. This drawing also notes the new passing place is to be 5500mm wide - please see the comment below in regards to the revised driveway plan in relation to this.*

**19 / 20 / R10 B - Driveway plan Rev B;** This drawing has been altered to address our previous comments in regards to the 2.4m visibility set back and the location of the water prevention measures. These alterations successfully address these comments and I can confirm the visibility splays and method of preventing water from flowing onto the carriageway are acceptable. However, this drawing does not address other comments from the earlier revision. These outstanding comments are; this drawing fails to detail the full extent of the proposed road re-alignment required to install the grass verge along the boundary wall. If the applicant wishes to install a grass verge then details of the full roads re-alignment must be included. These details should include illumination of the carriageway (i.e. bollards). Lastly this revised drawing now includes a 3.5m dimension across the carriageway East of the application site. As this location is bounded by a high stone wall to the North this dimension would not be acceptable or in accordance with roads guidance or original condition; this dimension would need to be a minimum of 3.7m where bounded by a wall.

**22034\_006 B - ECS drawing Rev B;** This drawing has been updated to show the correct visibility splay set back. In addition to this the drawing has also been altered to show a 3.5m dimension to the carriageway to the East of the application site in lieu of the 4m dimension which was previously noted – as above; as this location is bounded by a high stone wall to the North this dimension would not be acceptable or in accordance with roads guidance or original condition; this dimension would need to be a minimum of 3.7m where bounded by a wall. Furthermore, the passing place detail as shown has been updated to reflect SD 08/003 A. As

per our comments on the previous revision; The detail showing the 100m intervisible passing place is incorrect as the suggested passing place at the access to the Rosslea is not in line with standard detail SD 08/003 A – this suggested passing place is also not considered to be intervisible for all road users as those exiting the Rosslea will not be able to see traffic from the right. This drawing also indicates localised widening of 7m at the access to the adjacent property however, this is not adequately detailed as no lengths of the widening are stipulated. Lastly this drawing fails to demonstrate the requirement for 100m intervisible passing places between the driveway access and the public road.

In addition to the above drawings two additional drawings have been provided. These are;

**19/20/R11 – Passing Place (A814 Junction);** This drawing indicates a 4.5m wide x 10m long box to indicate an existing ‘passing place’ at the A814 junction. The roads officer has commented on this drawing and has noted that this is a junction with the public road and is not a passing place. All passing places should be detailed as per standard detail SD 08/003 A and be intervisible. The minimum width of a passing place is 5.5m and not the 4.5m as detailed.

**19/20/R12 – Passing Place (Hotel Split);** This drawing indicates a 5.5m wide x 10m long box to indicate an existing ‘passing place’ at the junction of the hotel access. The roads officer has commented on this drawing and has noted that this is an informal junction with the hotel access and is not a passing place. All passing places should be detailed as per the standard detail SD 08/003 A and be intervisible. The 5.5m dimension as detailed should not protrude into the junction of the hotel access. This passing place should not restrict the junction of the hotel. Furthermore, this drawing details the existing road width to the West of the hotel access as 2.75m – this is not in line with the required minimum width of 3.5m where not restricted by walls.

In addition to the revised set of drawings the applicants have proposed three new roads conditions to substitute the current roads conditions. In terms of the suggested substitute conditions these would not be acceptable as the drawings submitted and referred to within these conditions are not in line with roads guidance for the reasons detailed above. Roads have also commented; *in the interest of road safety, Roads will not accept less than the requirements previously conditioned within the report of handling before Members.* This report of handling also details within appendix A the reasons why the roads conditions should remain unchanged and why certain conditions should be varied.

Further to this; subsequent to the last continuation please note that NPF 4 has been adopted. Therefore, it is necessary to apply the relevant policies of NPF 4 to the development proposed. National Planning Framework 4 (NPF4) is the national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. It replaces NPF3 and Scottish Planning Policy. There are a range of policies within NPF4 that cover all developments, however, please note that the principle of development has been established under the previous consent (ref: 20/01150/PP). As such this application solely relates to; the variation / omission of roads conditions relative to planning permission 20/01150/PP and as such we have only addressed the policies of NPF 4 relating to this aspect. In this instance the relevant key policy would be policy 13(G); Sustainable Transport which notes; *where it has been demonstrated that existing infrastructure does not have the capacity*

*to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.* This policy is strongly aligned with current LDP policies LDP 11 and SG LDP TRAN 4. Based on this NPF 4 supports the current policy assessment and as such the current recommendation stands.

## **2. RECOMMENDATION**

The additional revised drawings submitted by the applicant have been considered and commented on but do not alter the recommendation contained in the main Report of Handling dated 8<sup>th</sup> November 2022; namely, that the application be **granted** subject to the conditions, reasons and informative notes contained therein.

**Author of Report:** Emma Jane    **Date:** 14<sup>th</sup> March 2023

**Reviewing Officer:** Howard Young    **Date:** 14<sup>th</sup> March 2023

**Fergus Murray**  
**Head of Development and Economic Growth**



**Argyll and Bute Council  
Development and Economic Growth**

**Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 21/02709/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Graham Wylie

**Proposal:** 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

**Site Address:** Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

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**SUPPLEMENTARY REPORT NO. 4**

**1. INTRODUCTION**

The attention of Members is drawn to the main Report of Handling dated 8<sup>th</sup> November 2022 and to supplementary reports; No.1 dated 22<sup>nd</sup> November 2022, No. 2 dated 10<sup>th</sup> January 2023 and No. 3 dated 16<sup>th</sup> January 2023 that are currently before them for consideration in respect of the above application.

Committee members postponed the determination of the application pending the submission of further drawings which were received on the 6<sup>th</sup> of February 2023. In light of the most recent submission we have re-consulted the roads department. In order for the roads department to respond to this submission we would seek to again postpone the determination of this application to the next committee meeting in March.

Further to this; subsequent to the last continuation please note that the determination of this application will be made after NPF 4 has been adopted. Therefore, it is necessary to apply policy NPF 4 to the next supplementary report.

**2. RECOMMENDATION**

**Recommend that determination of the application be postponed to the March meeting of PPSL.**

**Author of Report:** Emma Jane     **Date:** 8<sup>th</sup> February 2023

**Reviewing Officer:** Peter Bain     **Date:** 8<sup>th</sup> February 2023

**Fergus Murray  
Head of Development and Economic Growth**

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Argyll and Bute Council  
Development and Economic Growth

**Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 21/02709/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Graham Wylie

**Proposal:** 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

**Site Address:** Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

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**SUPPLEMENTARY REPORT NO. 3**

**1. INTRODUCTION**

The attention of Members is drawn to the main Report of Handling dated 8<sup>th</sup> November 2022 and to supplementary reports; No.1 dated 22<sup>nd</sup> November 2022 and No. 2 dated 10<sup>th</sup> January 2023 that are currently before them for consideration in respect of the above application.

Committee members postponed the determination of the application pending a site visit, which took place on the 12<sup>th</sup> of January 2023. This supplementary report has been provided with regards to additional revised drawings received from the applicant on the 10<sup>th</sup> of January 2023.

Below is a list of all revised drawings that have been provided and also provides a commentary (in conjunction with the roads area manager) on these drawings.

**19 / 20 / R2 A - Proposed passing place improvements Rev A;** This drawing illustrates the location of the proposed passing place it does not illustrate or provide any further details.

**19 / 20 / R4 C - Proposed traffic calming improvements Rev C;** This drawing indicates the location of two proposed speed humps as well as noting that the new passing place is to be 5500mm wide (please see the comment below in regards to the revised driveway plan in relation to this). In terms of the existing and proposed speed humps, these are noted, however, the presence of such features does not permit us to determine the operational speed of the road to less than 20mph.

**19 / 20 / R5 C - Combined traffic calming measures Rev C;** This drawing shows the existing and proposed speed humps – while these are noted it does not alter the minimum accepted speed limit of 20mph. This drawing also notes the new passing place is to be 5500mm wide. Please see the comment below in regards to the revised driveway plan which flags up the specific issues with this proposed passing place.

**19 / 20 / R7 C - Ferry Road proposed improvements Rev C;** This drawing shows the extent of the proposed improvement works and also notes the new passing place is to be 5500mm wide - please see the comment below in regards to the revised driveway plan in relation to the proposed passing place. This drawing also indicates the proposed grass verge as well as the existing and proposed passing places – please see comment below in regards to the re-alignment and passing place details required.

**19 / 20 / R9 C - Ferry Road extent of re-surfacing Rev C;** This drawing shows the extent of the proposed re-surfacing works, the proposed grass verge to sections and indicates the proposed and existing passing places. As below if the applicant wishes to install a grass verge then full details of the proposed re-alignment are required (this drawings does not adequately show this as we require details showing the full extent of re-alignment, dimensions along the full length, method of illumination for the re-alignment etc.). Furthermore, the existing and proposed 100m intervisible passing places between the driveway access and the public road are not adequately detailed. This drawing also fails to detail the second passing place that is required between the driveway access and the main road – the passing place indicated at the junction of the public road does not meet standard detail SD 08/003 A as it is a junction . All passing places must be no more than 100m apart and intervisible for all road users. All passing places must be constructed in accordance with the minimum requirements as set out in standard detail SD 08/003 A. This drawing also notes the new passing place is to be 5500mm wide - please see the comment below in regards to the revised driveway plan in relation to this.

**19 / 20 / R10 A - Driveway plan Rev A;** This drawing shows the proposed driveway access and proposed passing place at the driveway access – this drawing fails to detail the full extent of the proposed road re-alignment required to install the grass verge along the boundary wall. If the applicant wishes to install a grass verge then details of the full roads re-alignment must be included. These details should include illumination of the carriageway (i.e. bollards). Furthermore the visibility splay should be 2.4m back from the edge of the carriageway – this drawing shows the splay set back 2m. Lastly, if the applicant wishes to install a grass verge then the method of preventing water from flowing onto the carriageway should be within the property boundary and not at the edge of the proposed verge as this drawing illustrates.

**22034\_006 A - ECS drawing Rev A;** This drawing shows the proposed access alterations including visibility splays and alterations to the existing boundary wall. This drawing also shows the two new speed humps and also indicates the 100m intervisible passing place between the Rosslea access and the new passing place at the driveway access. Road widths are also indicated on this drawing. The detail showing the 100m intervisible passing place is incorrect as the suggested passing place at the access to the Rosslea is not in line with standard detail SD 08/003 A – this suggested passing place is also not considered to be intervisible for all road users as those exiting the Rosslea will not be able to see traffic from the right. This drawing also indicates localised widening of 7m at the access to the adjacent property however, this is not adequately detailed as no lengths of the widening are stipulated. Lastly this drawing fails to demonstrate the requirement for 100m intervisible passing places between the driveway access and the public road.

## 2. RECOMMENDATION

The additional revised drawings submitted by the applicant have been considered and commented on but do not alter the recommendation contained in the main Report of Handling dated 8<sup>th</sup> November 2022; namely, that the application be **granted** subject to the conditions, reasons and informative notes contained therein.

**Author of Report:** Emma Jane    **Date:** 16<sup>th</sup> January 2023

**Reviewing Officer:** Howard Young    **Date:** 16<sup>th</sup> January 2023

**Fergus Murray**  
**Head of Development and Economic Growth**

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Argyll and Bute Council  
Development and Economic Growth

**Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 21/02709/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Graham Wylie

**Proposal:** 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

**Site Address:** Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

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**SUPPLEMENTARY REPORT NO. 2**

**1. INTRODUCTION**

The attention of Members is drawn to the main Report of Handling dated 8<sup>th</sup> November 2022 and to supplementary report No.1 dated 22<sup>nd</sup> November 2022 that is currently before them for consideration in respect of the above application.

This supplementary report has been provided with regards to additional correspondence received by the applicant on the 14<sup>th</sup> of December 2022 and also in response to the applicant's comments received on the 23<sup>rd</sup> of November in response to supplementary report No.1.

Firstly, with regards to the additional correspondence received on the 14<sup>th</sup> of December for which the main points 1 & 2 have been copied in (**in bold**) below;

**1. The roads officer twice stated that the minimum width for fire engine access is 3.5 metres. This is misinformation. The required width for fire engine access widths at "pinch points" is 2.75 metres. In the context of Ferry road as with many other private accesses this can be critical and the PPSL members have been misguided here.**

In respect of the above Stuart Watson the Assistant Network and Standards Manager has noted; Designing Streets (extract below) makes allowance for a carriageway width to be reduced to 2.75m over short distances, this is not intended to cover the full length of a road. The minimum width is stated as 3.7m and any reduction from this has to be agreed by the Fire Safety Officer.

*"Emergency vehicles - The requirements for emergency vehicles are generally dictated by the fire service requirements. All development proposals should be discussed with the relevant Fire Authorities.*

*The Association of Chief Fire Officers has expanded upon and clarified these requirements as follows:*

- *A 3.7 m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of all points within a dwelling.*
- *If an authority or developer wishes to reduce the running carriageway width to below 3.7 m, they should consult the local Fire Safety Officer.”*

In addition to the above, the National Roads Development guide, under section 3.1.9 (d) Fire Fighting, states:

“Notwithstanding the recommended road widths in these guidelines, all roads should accommodate access and operation of fire tenders. The width of roads and reinforced emergency vehicle paths and their proximity to buildings is detailed in Part E of the Building Standards (Scotland) Regulations. This document specifies a minimum width of 3.7 metres adjacent to low rise dwellings to facilitate the use of pumping appliances (this width is increased to 4.5 metres to permit the use of heavy rescue and firefighting equipment where buildings are 9 metres or more in height). **It should be noted that a basic vehicle path of 3.5 metres width (2.75 metres at pinch points)** is appropriate for access but not operation of the fire tender. ”

**2. It was also stated at the meeting that discussions with the roads officer and the applicant had reached a stage where there may be no point in further discussion. Again misinformation. Apart from an initial discussion with the roads officer in July / August 2020 there have been no discussions or site meeting between the roads officer and the applicant to date. I asked the roads officer in November 2020 for a meeting which was declined. Over the last two years despite many attempts to engage with the roads officer there has been no meaningful assistance from the officer.**

In respect of the above Stuart Watson the Assistant Network and Standards Manager has noted; Road Officers have not refused to meet - only that there was no merit in meeting before an acceptable submission had been received.

Secondly, with regards to the applicant’s comments received on the 23<sup>rd</sup> of November 2022 in respect of supplementary report No.1 the following is noted in conjunction with the roads area manager;

The applicant has noted in regards to road width; *Details have been provided to confirm that the full length of the private road between the A 814 and the development site would achieve a 3.5 metre width. Also I have submitted confirmation that at the location where the existing road width requires to be increased, the frontages have given their permission.*

In terms of the above comment from the applicant it is noted that drawings detailing new/ widened sections of carriageway ‘make-up’, in accordance with standard detail section requirements available with SD 08/003 Rev A have not been provided within the drawing package. Furthermore, where the existing carriageway is to be retained, no details have been



provided as to the method of 'proving' the existing formation is suitable for retention in accordance with the aforementioned standard section detail.

The applicant also notes in regards to passing places; *a site visit would confirm that the area of the existing passing places exceeds the width and length of a standard passing place. Although the geometry of these passing places differs from standard detail SD 08/003A they provide the same ability to pass easily and safely and have done so for many years. This is where consideration should be given to the fact that Ferry Road is within Rhu Conservation Area and as such any improvements should be both proportionate and commensurate with any current access issues and take into account the location of the site. Any required improvements should therefore be the minimum necessary to satisfy any identified roads issues.*

In terms of the above comment from the applicant it is confirmed that the geometry of passing places has been considered within the geometry detailed within SD 08/003 Rev A. Therefore, to ensure consistency throughout the area, passing place geometry shall be constructed in accordance with SD 08/003 Rev A. Where this is not apparent within the drawing package provided, the condition has been applied. Whilst consideration should be applied towards the Conservation Area status, so to should it be applied to the road safety of all road users.

Furthermore, the applicant has noted the following in regards to the proposed passing place at the driveway access and proposals to install a grass verge; *I confirm that the proposal to introduce a new grass verge has been proposed from the submission of the application which was validated 16th February 2022. The supporting drawings were included. To date no construction details have been requested, however, prior to any works starting on site this detail would be submitted for approval. It should be noted that the angle the roads officer refers to as being "too acute" is 50% less acute than the junction of Ferry road and the main A814. The proposed passing place final design to be agreed prior to any works starting on site.*

In response to the above the roads officer has noted that until such time that drawings/ details have been provided/ approved by Roads the condition previously set out shall apply.

Lastly the applicants have noted in regards to speed limits; *As previously advised the existing traffic calming measures (speed ramps) plus the proposal of an additional passing place and further traffic calming measures ensures that the traffic speeds are below 20mph. It should not be forgotten that very few vehicles travel along this route, however, these combined traffic calming measures will maintain slow traffic speeds.*

In regards to the above, from a position of road safety, the road has been measured against the lowest regulatory speed of 20mph. With due consideration for the hierarchy of road users, which places pedestrians over vehicles, in addition to there being no footway in this location, the assessment speed of 20mph was considered correct from a position of road safety to all road users.

## **2. RECOMMENDATION**

The additional comments from the applicant have been mentioned for completeness but do not alter the recommendation contained in the main Report of Handling dated 8<sup>th</sup> November

2022; namely, that the application be **granted** subject to the conditions, reasons and informative notes contained therein.

**Author of Report:** Emma Jane    **Date:** 10<sup>th</sup> January 2023

**Reviewing Officer:** Howard Young    **Date:** 10<sup>th</sup> January 2023

**Fergus Murray**  
**Head of Development and Economic Growth**

Argyll and Bute Council  
Development and Economic Growth

**Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 21/02709/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Graham Wylie

**Proposal:** 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

**Site Address:** Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

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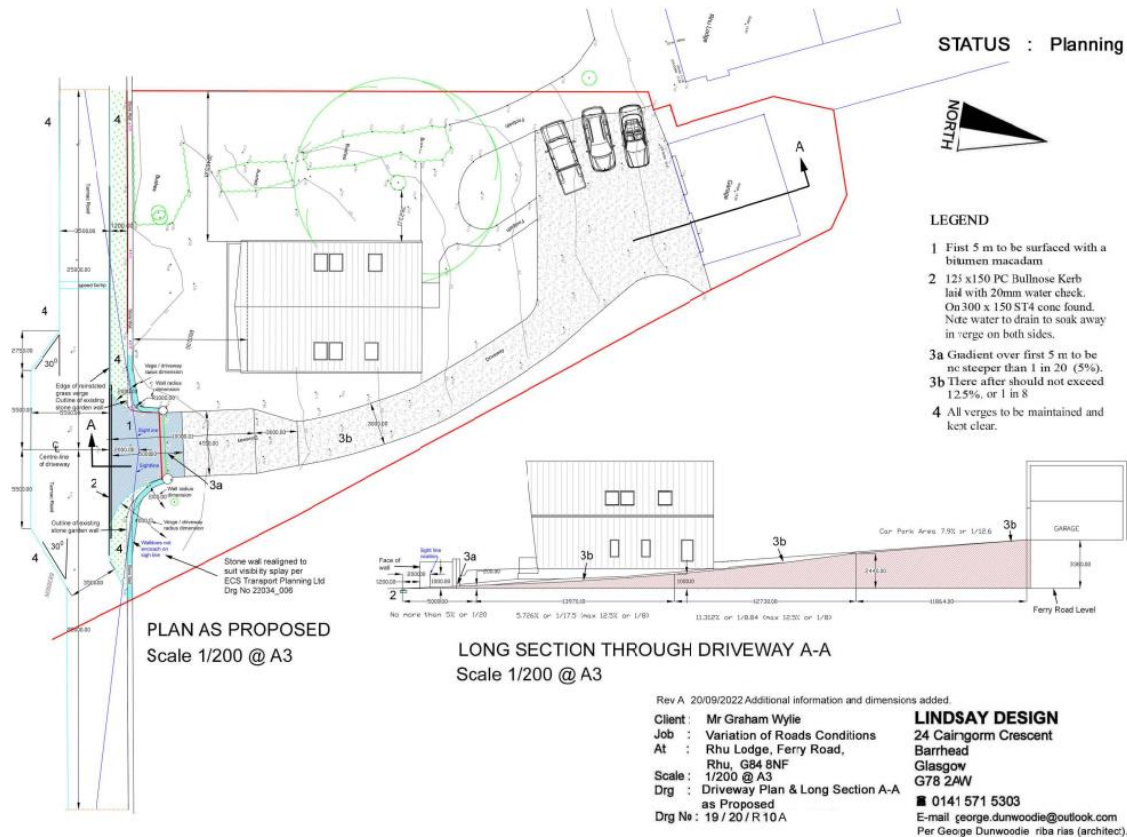
**SUPPLEMENTARY REPORT NO. 1**

**1. INTRODUCTION**

The attention of Members is drawn to the main Report of Handling dated 8<sup>th</sup> November 2022 that is currently before them for consideration in respect of the above application.

This supplementary report has been provided with regards to proposed drawing reference 19/20/10 as an updated drawing (ref: 19/20/10 REV A) below, has been supplied by the applicant. The roads officer has provided further comment on this drawing and has noted;

*Whilst the details as shown within this drawing noting the 4.5m wide driveway for the first 10m, the radius and the kerb with water check are correct, it is noted that they have been shown in the incorrect location as these should be measured back from the boundary wall and not from a point beyond the boundary wall therefore, the details contained within this drawing are not acceptable.*



Further to this, the applicant has provided further information within an email to Members commenting on the detail within the published report of handling. Most of the matters noted have been covered in detail within the report of handling and appendix A. However please note the following additional comments;

In Relation to note 1; *The requirement to provide a 3.5 metre wide adopted road between the A814 and the entrance dwelling (sic) is unnecessary, and most of Ferry Road is already more than 3.5 metres wide and the submitted plans show that a 3.5 metre wide road can be provided along the whole length of the road by simply surfacing a small gully approximately 60 metres long, on the north side of the road, immediately after the split.*

Officer comment; While it is noted that that proposed drawings contain a note that the carriageway will be 3.5m wide we do not have specific details of this to show that the proposals accord with the standard details. It is also noted that the road is within shared ownership hence why condition 3(a) should remain to ensure this is implemented.

In relation to note 2; *With respect to the provision of passing places, there are two intervisible passing places already in existence, within 100 metres of each other, and these have operated safely for many years. At the access to the approved new dwelling a third passing place will be introduced.*

Officer comment; Again while this has been noted on the proposed drawings, there has been no details provided to show that the existing passing places accord with standard detail SD 08/003 A, hence why condition 3(b) should remain to ensure this is implemented as per the standard detail.

In relation to note 3; *The Road's Officer's additional concern, the absence of a formal turning head, cannot be introduced now. The current application seeks only the variation (or*

*removal) of conditions that were attached to the previous grant of planning permission, and this did not include any requirement in respect of the turning head, which in any event is already used by the Council refuse lorry, and which has proved to be more than adequate for many years.*

Officers comment; In regards to the lack of formal turning head, this has been raised as a concern that supported the need for roads improvements. There is no planning condition being imposed that requires this.

In terms of the proposed passing place at the driveway access and proposals to install a grass verge, it is noted that the visibility splays as detailed within revised drawing 9/20/10 REV A show the splays taken from a point beyond the boundary / edge of existing carriageway. There is no existing verge, if the applicant wishes to realign the road to install a verge then we would need specific details on this, in terms of road construction. Furthermore, this would no longer solely be assessed as a passing place but as a road realignment and therefore, the details within this drawing are not acceptable as the angle is too acute hence the requirement for a condition.

Lastly in response to the comments in regards to speed limits, the roads officer has noted; Ferry road is a private road and therefore has no enforceable speed limit, it is commonly accepted that the default speed limit should be 30mph on private roads. As a local authority we cannot imply a speed limit of less than 20mph therefore, in the absence of accurate speed surveys we have deemed a 20mph visibility splay is acceptable, this is detailed as part of the planning conditions.

## **2. RECOMMENDATION**

This revised drawing and the additional comments from the applicant have been mentioned for completeness but do not alter the recommendation contained in the main Report of Handling dated 8<sup>th</sup> November 2022; namely, that the application be **granted** subject to the conditions, reasons and informative notes contained therein.

**Author of Report:** Emma Jane    **Date:** 22<sup>nd</sup> November 2022

**Reviewing Officer:** Howard Young    **Date:** 22<sup>nd</sup> November 2022

**Fergus Murray**  
**Head of Development and Economic Growth**

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Argyll and Bute Council  
Development & Economic Growth

**Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 21/02709/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Graham Wylie  
**Proposal:** 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  
**Site Address:** Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll And Bute, G84 8NF

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- 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

**(ii) Other specified operations**

- None
- 

**(B) RECOMMENDATION:**

Planning permission be approved subject to conditions recommended herein.

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**(C) CONSULTATIONS:**

**Rhu and Shandon Community Council - 07.03.2022 – Object**

Rhu and Shandon Community Council have objected on the basis that the proposed roads alterations will harm the character of the conservation area and they would like to see the road remain as is.

**Roads Helensburgh And Lomond - 04.03.2022 – Object**

Roads Helensburgh and Lomond have objected to the proposals to vary/omit the roads conditions relative to planning permission 20/01150/PP due to the current issues with the existing access road, as follows; Existing carriageway width is less than the acceptable carriageway width of 3.5m for emergency services vehicles, No intervisible Passing Places & No formal turning head In accordance with:

SG LDP TRAN 4. They further note that; Private Access shall be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling. Based on this roads have noted that conditions 3, 5, 6, 7 & 8 relative to planning permission 20/01150/PP shall remain unchanged and condition 4 should be revised to suit the roads consultation original response relative to planning application 20/01150/PP being a minimum visibility splay of 2.4 x 25 x 1.05 metres and not the 2.4 x 42 x 1.05 metres as per the decision notice for 20/01150/PP.

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**(D) HISTORY:**

**02/00728/DET**

Alterations to dwellinghouse  
11.06.2002

**15/00085/PP**

Erection of sunroom extension  
02.04.2015

**16/00225/PP**

Erection of dwellinghouse  
23.03.2016

**17/00194/PP**

Erection of detached garage  
13.03.2017

**20/01150/PP**

Erection of dwellinghouse  
18.11.2020

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**(E) PUBLICITY:**

Advert Type: Listed Building/Conservation Advert

Expiry Date: 24.03.2022

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**(F) REPRESENTATIONS:**

**i) Representations received from:**

**Objection**

1. *Brian Fleming Abergare House Rhu* 10.03.2022



2. Ruth Chappell Fleming Abergare House Rhu 10.03.2022
3. Tim Lamb Rhu Cottage Ferry Road Rhu Helensburgh 10.03.2022
4. Jim Duncan Shoreacres Artarman Road Rhu Helensburgh Argyll And Bute 10.03.2022

### **Support**

1. Colin Jackson Tanglewood Cumberland Road Rhu Helensburgh 02.03.2022
2. C A Cook Clanard Gareloch Road Rhu Helensburgh 02.03.2022
3. Jane Weir Victoria Cottage Hall Road Rhu Helensburgh 02.03.2022
4. Juliet Baines 1 Rhu Ellen Cottage Gareloch Road Rhu Helensburgh 02.03.2022
5. K Wallace 9 Guthrie Place Rhu Helensburgh Argyll And Bute 02.03.2022
6. Ann McKendrick Lagarie Torwoodhill Road Rhu 02.03.2022
7. Brian Murray 7 Church Road Rhu 02.03.2022
8. J Cairns 3 County Cottage Rhu 02.03.2022
9. R J Sawkins 66 East Clyde Street Helensburgh Argyll And Bute 03.03.2022
10. Danielle Paterson Rocklea Garelochhead Helensburgh Argyll And Bute 22.02.2022
11. Michelle Cameron 17 Nelson Place Helensburgh Argyll And Bute G84 9ES 23.02.2022
12. Kathleen McGinley Ferry Coach House Ferry Road Rhu Helensburgh 24.02.2022
13. John MacBeath Tigh Na Mara Ferry Road Rhu Helensburgh 22.02.2022
14. Maureen Kinnear Rosslea West Ferry Road Rhu Helensburgh 28.02.2022
15. Lynn Nicolson Rhu Lodge Ferry Road Rhu Helensburgh 03.03.2022
16. John McMeeking Ramah Rhu Point Ferry Road Rhu Argyll And Bute G84 8NF 21.02.2022
17. Roderic Taylor Garedale Manse Brae Rhu Helensburgh Argyll And Bute 23.02.2022
18. Emma Dodds 100 West Clyde Street Helensburgh Argyll And Bute G84 8BE 25.02.2022
19. Becky Morgan 100 West Clyde Street Helensburgh Argyll And Bute G84 8BE 25.02.2022
20. William Petrie Ground Floor Flat Craigard Church Road Rhu Helensburgh Argyll And Bute
21. Elizabeth Law 12 Cameron Drive Tullichewan Alexandria G83 0JT 28.02.2022
22. Paul Cairns 3 County Cottage Gareloch Road Rhu Helensburgh 03.03.2022
23. Jon Reid 10 Cumberland Terrace Rhu 03.03.2022
24. Peter Bogden 6 Rhu House Gareloch Road Rhu Helensburgh 03.03.2022
25. Fiona McNair 1 Glebefield Road Rhu Helensburgh Argyll And Bute 03.03.2022
26. Elizabeth Macdonald 4 Braehead Place Rhu Helensburgh Argyll And Bute 03.03.2022
27. Iain Coats 26 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 03.03.2022
28. Jo McKenzie 22 Baird Avenue Helensburgh Argyll And Bute G84 8DW 03.03.2022
29. Andrew Shearar 10 Havelock Street Helensburgh Argyll And Bute G84 7HB 03.03.2022

30. John Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84 7NN  
03.03.2022
31. Kathleen Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84  
7NN 03.03.2022
32. Roberta Kelly 10 Gallagher Way Renton Dumbarton 03.03.2022
33. Clive Burns 25 Malcolm Place Helensburgh Argyll And Bute G84 9HW  
03.03.2022
34. R Boothby 5 Camperdown Helensburgh 03.03.2022
35. C Boothby 5 Camperdown Helensburgh 03.03.2022
36. Anne Marie Johnston 30 Templeton Way Helensburgh Argyll And Bute G84  
8FA 03.03.2022
37. Ronald Grant 2/1 23 East Princes Street Helensburgh 03.03.2022
38. C Woolner 5 Princess Way Rosneath Helensburgh Argyll And Bute  
03.03.2022
39. J Crossan 145 West King Street Helensburgh Argyll And Bute G84 8DJ  
03.03.2022
40. J Cavana 31 Deanston Crescent Helensburgh 03.03.2022
41. L Nott 30 South King Street Helensburgh Argyll And Bute G84 7DX  
03.03.2022
42. Margaret Harvey 37 Old Luss Road Helensburgh Argyll And Bute G84 7BN  
03.03.2022
43. Tracy McGregor 1 Jeanie Deans Drive Helensburgh Argyll And Bute G84  
7TG 03.03.2022
44. S Boothby 13 Kings Crescent Helensburgh Argyll And Bute G84 7RB  
03.03.2022
45. Emma Campbell 1 Golf Place Helensburgh Argyll And Bute G84 9HQ  
03.03.2022
46. B Cairns 36 Macleod Drive Helensburgh Argyll And Bute G84 9QU  
03.03.2022
47. H Scott 77 West King Street Helensburgh Argyll And Bute G84 8EE  
03.03.2022
48. William Johnston 30 Templeton Way Helensburgh Argyll And Bute G84  
8FA 03.03.2022
49. Linda Conner 6 Hope Street Helensburgh Argyll And Bute G84 7EB  
03.03.2022
50. Olly Ross 1 Upper Colquhoun Street Helensburgh Argyll And Bute G84  
9AG 03.03.2022
51. Mick Howe Dilmun Ferry Road Rhu Helensburgh Argyll And Bute  
07.03.2022
52. Kieran Robertson 18 Laggary Road Rhu Helensburgh Argyll And Bute  
02.03.2022
53. Ella Lawson 2 Spys Lane Rhu Helensburgh Argyll And Bute 02.03.2022
54. S Forsyth Flat 1 8 Guthrie Place Rhu Helensburgh 02.03.2022
55. Agnes Murray 7 Church Place Rhu Helensburgh Argyll And Bute  
02.03.2022
56. James Ritchie 14 Church Place Rhu Helensburgh Argyll And Bute  
02.03.2022
57. A Cameron 9 Church Place Rhu Helensburgh Argyll And Bute 02.03.2022
58. Tim Brown 16 Church Place Rhu Helensburgh Argyll And Bute 02.03.2022
59. Mark Johnstone 1/2 Ardenlea Cumberland Road Rhu 02.03.2022
60. Zoe McEwan Dalarnie Pier Road Rhu Helensburgh 02.03.2022
61. Charlene Hamilton Woodside Cottage Cumberland Road Rhu Helensburgh  
02.03.2022
62. Patricia Drummond 16 Rhu Ellen Court Rhu Helensburgh Argyll And Bute  
02.03.2022

63. Ross Balfour Whistlers Burn Rhu 02.03.2022
64. Bernard Howe Dilmun Ferry Road Rhu Argyll And Bute G84 8NF  
23.02.2022
65. Mrs Lynsey Petchey 3 Kidston Gardens Rhu Road Higher Helensburgh  
Argyll And Bute 24.02.2022
66. Mary McGinley Ferry Coach House Ferry Road Rhu Helensburgh Argyll  
And Bute
67. Kerry Gould Tummel Cottage Cumberland Road Rhu Helensburgh  
08.03.2022
68. O Johnston 12A Cairndhu Gardens Rhu 08.03.2022
69. Paul Rickards 4 Rhu House Gareloch Road Rhu Helensburgh 08.03.2022
70. Elspeth McNicol Lower Lochview Church Road Rhu 08.03.2022
71. Pauline Cochrane 9 Church Road Rhu 08.03.2022
72. Claire Harvey 14 Barge Court Rhu 08.03.2022
73. Ona McPhail 4 East Abercromby Street Helensburgh Argyll And Bute G84  
7SP 08.03.2022
74. Paul King 4 East Abercromby Street Helensburgh Argyll And Bute G84 7SP  
08.03.2022
75. Margaret Martin 17 Loch Drive Helensburgh Argyll And Bute G84 8PY  
08.03.2022
76. Iain Martin 17 Loch Drive Helensburgh Argyll And Bute G84 8PY  
08.03.2022
77. K C Gibson 14 old Luss road Balloch G83 8qp 05.03.2022
78. Graham Wylie Rhu Lodge Ferry Road Rhu Helensburgh Argyll And Bute  
13.03.2022
79. David Macpherson 27C Queen Street Helensburgh Argyll And Bute G84  
9QL 07.03.2022
80. Josephine Brown 21 Brae House Manse Brae Rhu Helensburgh  
16.03.2022
81. H McNaught 11 Rhu Ellen Court Rhu Helensburgh Argyll And Bute  
16.03.2022
82. D Miller Flat Ground/2 Sunnyside Hall Road Rhu 16.03.2022
83. Unknown Flat 3 22 Barge Court Manse Brae Rhu 16.03.2022
84. R Kilpatrick 14 Bonar Law Helensburgh 16.03.2022
85. David Fletcher 81 B West Princes Street Helensburgh 16.03.2022
86. Jenifer Cox 15 Walker Place Helensburgh 16.03.2022
87. Megan Mundie 25 Baird Avenue Helensburgh Argyll And Bute G84 8DW  
16.03.2022
88. David Stewart 49B Dumbarton Road Bowling G60 5AQ 16.03.2022
89. Joan Kilpatrick 14 Bonar Law Avenue Helesnburgh 16.03.2022
90. Robert Morley Flat 1/2 18 West Clyde Street Helensburgh Argyll And Bute  
16.03.2022
91. George Stewart Flat 1 Hillhead House Kirk Brae Shandon 16.03.2022
92. Fay Stewart Bochyle Kirk Brae Shandon G84 8NP 16.03.2022
93. J Cox 15 Walker Place Helensburgh 16.03.2022
94. A Cairns 36 Macleod Drive Helensburgh Argyll And Bute G84 9QU  
16.03.2022
95. Graham Wylie Rhu Lodge Ferry Road Rhu Helensburgh Argyll And Bute  
09.03.2022
96. Russell Leonard 39 Dennistoun Crescent Helensburgh Argyll And Bute G84  
7JG 07.03.2022
97. Fiona Braddick 37 Johnson Court Helensburgh Argyll And Bute G84 7LJ  
07.03.2022
98. J McMurdo Helensburgh G84 8DS 07.03.2022
99. Unknown 2/5 Hood Court Helensburgh 07.03.2022

100. Maire Sutherland 52 Maitland Court Helensburgh Argyll And Bute G84 7EE 07.03.2022
101. D Hannah 10 Drumadoon Drive Helensburgh Argyll And Bute G84 9SF 07.03.2022
102. Alison Hannah 10 Drumadoon Drive Helensburgh Argyll And Bute G84 9SF 07.03.2022
103. M Siniscalco 13 Maclachlan Road Helensburgh Argyll And Bute G84 9BY 07.03.2022
104. Joan Bissett 13 Maclachlan Road Helensburgh Argyll And Bute G84 9BY 07.03.2022
105. Sybil Kennedy 35 Campbell Street Helensburgh Argyll And Bute G84 8XZ 07.03.2022
106. Alistair Dickson 238 West Princes Street Helensburgh Argyll And Bute G84 8HA 07.03.2022
107. S Mackenzie 1/1 4 Hanover Street Helensburgh 07.03.2022
108. Melanie Andrews 46 Abercromby Crescent Helensburgh Argyll And Bute G84 9DX 07.03.2022

ii) Summary of issues raised:

**Objection**

- Concern on the possible sub-division and use of previously approved dwelling house on site as three short term lets

**Comment:** *this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP however, it is noted that the owner has since removed the commercial listing for the above*

- Concern that the supposed commercial enterprise of the site of Rhu Lodge could impact the surrounding area

**Comment:** *as comment above*

- Concern that Ferry Roads integrity as an ancient right of way and drove road as an integral part of Scottish Gaelic life and culture could be undermined

**Comment:** *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Concern that the character of Ferry Road could be affected by the proposals

**Comment:** *as comment above*

- Concern that the proposals could affect the character of the surrounding conservation area

**Comment:** *as comment above*

- Note that the proposed drawings are not in line with private discussions between neighbours and the applicant

**Comment:** *This is not a material planning consideration*

- Concern that the boathouse as previously approved under application reference 20/01150/PP could be used commercially

**Comment:** *This application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The use of this property as a commercial business does not form part of this application nor the previous. If this were to be the case then a future planning application would be required for the change of use*

- Note that it is undesirable and inappropriate for a development within the boundary of Rhu Lodge to overflow beyond the site boundary by way of changes to Ferry Road which could affect the character and layout of Ferry Road and the surrounding conservation area

**Comment:** *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Concern about possible public misinformation resulting in the large number of 'pro-forma letters' supporting this application which misinterpret the point at issue

**Comment:** *This is not a material planning consideration*

- Note that the proposals include development on land not within the applicant's ownership

**Comment:** *Within the application form the applicant has noted that they are the sole owner of all the land*

## Support

- Note that any increase in traffic caused by one additional 2 bed dwelling on Ferry Road would be insignificant

**Comment:** *The above comments are noted*

- Note that a 3 bed dwelling was constructed on Ferry Road in 2018 with no roads conditions requiring the introduction of a public road

**Comment:** *Each application is assessed on its own merits*

- Comment that the supposed negligible increase in traffic resulting from the construction of a 2 bed dwelling does not require a publicly adopted road to be installed

**Comment:** *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Concern that the roads alterations could affect the character of Ferry Road and the wider conservation area

**Comment:** *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Note that the introduction of a public road combined with the construction of sea retaining walls, associated guard rails and rock armour would result in the loss of a part of Rhu beach and mature trees

**Comment:** *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety. The drawing submitted under this application indicates the above interventions would be subject to a further planning application if this were to be the proposed method of achieving the roads conditions under consent (ref: 20/01150/PP)*

- Note that a public road is being proposed to replace the private road

**Comment:** *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Concern that the introduction of a public road could cause more traffic and obstructions than one additional dwelling

**Comment:** *as comment above*

- Comment that the change of Ferry Road from a private to public road would be detrimental to users of the road

**Comment:** *as comment above*

- Note that the council currently struggle to maintain existing roads therefore, why would they want to take on further road maintenance

**Comment:** *this is not a material planning consideration*

- Note that it is understood that 50m of stone boundary wall has to be demolished and a number of mature trees removed to allow for the required visibility splay. This would affect the appearance and character of the conservation area

**Comment:** *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety. The drawing submitted under this application indicates the above interventions would be subject to a further planning application if this were to be the proposed method of achieving the roads conditions under consent (ref: 20/01150/PP)*

- Concern that the properties accessed off Ferry Road will not be able to access their properties while improvement works are undertaken

**Comment:** *this is a civil matter between the parties concerned*

- Note that if the Rosslea Hotel can host large weddings while accessed off Ferry Road then why can't a 2 bed dwelling be built without the requirement for the roads conditions

**Comment:** *Each application is assessed on its own merits*

- Concern that the provision of a public road could have a detrimental impact on the area in terms of wildlife and beauty

**Comment:** *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Note that the roads officer's conditions as per application reference 20/01150/PP state that Ferry Road requires to be a publically adopted road and furthermore, latterly the roads officer confirmed that the road will not be adopted

**Comment:** *the roads conditions as per application reference 20/01150/PP noted that the private road required improvements for it to be brought up to an adoptable standard, this does not necessarily mean the road will be adopted*

- Comment that the points raised in the community council's consultation response are not in relation to this application

**Comment:** *This application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The comments raised by the community council in relation to any supposed commercial use are subject to an enforcement investigation*

**Has the application been the subject of:**

- |  |   |
|--|---|
| <b>(i) Environmental Statement:</b>  | No  |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>  | No  |
| <b>(iii) A design or design/access statement:</b>  | No  |
| <b>(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | Yes, a report by ECS Transport Planning Ltd has been provided. The conclusion of this report is included below; |

*In conclusion the request by the Council's local roads officer requiring the road to be reconstructed to an adoptable standard would have a major impact on Rhu Bay. In accordance with the SCOTS National Road Guide a 3.5 metre adopted road width is not possible for the reasons given above and would require to be 5.5 metres wide.*

*This scale of works is not commensurate with the level of development proposed and therefore does not accord with the Council's planning policies or accord with Designing Streets.*

*Throughout the application process for the dwelling house and this current application, we have failed to see sight of the local Roads Officer's assessment of usage other than the road serves more than 5 houses is a concern.*

*We are also concerned at the inconsistent approach taken by the local roads officer in assessing other planning applications for single dwellings served off a private road with more than 10 houses.*

*The commensurate improvements proposed for Ferry Road have been devised following a comprehensive assessment of usage and have been designed to be sympathetic to the Conservation Area.*

*The proposed road improvements support road safety and ensure any road concerns have been satisfied giving continuous improvement for the benefit of all road users and are of a scale commensurate with the scale of development.*



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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

**(i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

**'Argyll and Bute Local Development Plan' Adopted March 2015**

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP Sustainable - Sustainable Siting and Design Principles

SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 –Vehicle Parking Provision

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Argyll and Bute Sustainable Design Guidance, 2006
- Scottish Planning Policy (SPP), 2014
- National Roads Development Guide
- Consultation Responses
- Third party representations

*Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below.*

- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 41 – Off Site Highway Improvements
- 

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

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**(M) Has a sustainability check list been submitted: No**

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**(N) Does the Council have an interest in the site: No**

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**(O) Requirement for a hearing: No.** This is a local application. It is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan and that the material land-use planning issues arising are not unduly complex. As such it is not considered that a Hearing will add value to the determination process.

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**(P) Assessment and summary of determining issues and material considerations:**

Permission is sought for the following; 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 dwelling house) access arrangements. The site is located at; Rhu Lodge, Ferry Road, Rhu, Helensburgh, which is within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less). The site is also within the Rhu Conservation Area; where policies LPD 3 and SG LPD ENV 17 of the adopted Local Development Plan require that

any new development within these areas must be of the highest quality and respect and enhance the Conservation Area.

It is noted that the principle of development has been established under the previous consent (ref: 20/01150/PP). This application solely relates to the variation of roads conditions; numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP.

Set out below is the main assessment from the previous consent which establishes the principal of development on the site;

*'Planning Permission is sought for the erection of a dwelling house within the garden ground of; Rhu Lodge, Ferry Road, Rhu, Helensburgh. The site is within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less). The site is also within the Rhu Conservation Area; where policies LPD 3 and SG LPD ENV 17 of the adopted Local Development Plan require that any new development within these areas must be of the highest quality and respect and enhance the Conservation Area. Within these areas location, siting, design, materials and boundary treatments must all be high quality and tree protection / management will be essential. The site area is approximately 1000 square metres with the site itself being generally level with a gentle slope to the South Eastern boundary. The surrounding area is established residential.*

*The site is bounded to the South East by a 2 metre high stone wall. In front of this stone wall is the access road – Ferry Road. The proposed house plot is located to the Southern corner of the site in front of an existing garage. There have been a number of consents for domestic development and extension on this site. None of these consents are located within the proposed development area for this dwelling house. It is proposed to sub-divide the garden ground of Rhu Lodge which at present has two vehicular accesses off Ferry Road. It is proposed that the garden ground is divided to give this new proposed dwelling house sole access via the existing Southern access and furthermore it is proposed that the land allocated to this proposal will include the existing detached double garage. There are two mature beech trees located on the proposal site however the dwelling house has been positioned to avoid these trees and furthermore raft foundation have been proposed over typical trench foundations to again avoid impact on the roots of these trees.*

*The proposed new dwelling house is set back from the existing stone boundary wall by approximately 8 metres and has a footprint of approximately 110 square metres. The dwelling house will be 1.5 storeys high (eaves approximately 8m above ground level) and will be of a contemporary 'boat house' style. The two bedroom will be located on the ground floor with the open plan living accommodation above on the first floor. The proposed external materials are; walls & roof – standing seam zinc (front inset elevation to have small area of timber cladding), rainwater goods – folded PPC coated steel, base course – engineering brick, windows (including roof lights) & doors – dark grey alu-clad. There will be a small area of decking to the front of the proposal with a glass balustrade.*

*The proposal requires careful consideration in relation to the surrounding Conservation Area in terms of design. The primary matters for determination relate*

*to scale, siting, residential amenity and materials to ensure that a high quality development is delivered. The proposed contemporary 'boat house' style dwelling is of a high quality architectural design that is well detailed and utilises high quality materials. The scale is appropriate to the site and wider conservation area. The proposal is not considered over development of the site as the overall Rhu Lodge site ownership extends to approximately 10500 square metres with the new site boundary of the proposal extending to approximately 1000 square metres and the new dwelling house having an approximate foot print of 110 square metres.*

*The Area Roads Manager has provided observations and conditions that will be appended to this report to ensure the means of vehicular access, sightlines and parking/turning arrangements will be subject to further assessment by the Planning Authority.*

*Furthermore a connection to the existing public sewer may require further consents from the Water Authority and all hardstanding areas shall comply with SUDS regulations. These matters can be secured by notes to applicant or safeguarding condition and be in accordance with supplementary guidance SG LDP SERV 2 - Incorporation of Natural Features / Sustainable Drainage Systems (SuDs).*

*Taking account of the above, it is recommended that planning permission be granted. The site is within the settlement boundary where there is a presumption in favour residential developments. The proposed plot is considered to be acceptable and it is considered to be of a density comparable with other plots in the area. The scale and design is acceptable and there are no issues with regards to loss of amenity to surrounding properties or the wider area. The proposals raise no issues in terms of overlooking or loss of daylight / privacy to surrounding properties. It is therefore considered that the proposal is in accordance with Policies LDP START1, LDP DM1, LDP 3, LDP 9, SG LDP ENV 17, SG LDP - Sustainable Siting and Design Principles, SG LDP HOU 1, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll & Bute Council Local Development Plan.'*

As part of the previous approval's (ref: 20/01150/PP) determination process, upon receipt of the roads officers consultation response the applicant was contacted by the planning authority to flag-up the roads conditions to ensure they were aware of them and could meet them. The applicant responded that they were aware of the roads conditions and were not concerned. It is noted at this point, if the applicant had informed the planning authority that they could not meet the required roads conditions then we would have proceeded with a recommendation for refusal on roads grounds.

It is noted that during the determination process a revised package of information was submitted by the applicants which included a set of revised drawings, a report by ECS Transport Planning Ltd and a covering letter from the agent which details the basis of their reasoning behind their proposal to vary / remove the roads conditions relative to planning permission 20/01150/PP and what variations / omissions are being proposed. The roads officer was subsequently re-consulted on the basis of this revised package of information and in turn the applicants have passed comment on this consultation, to which the roads officer has provided a further response.

This application solely relates to the variation of roads conditions; numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The previous conditions as per 20/01150/PP, the proposed variations/omissions and the roads officers' consultation response to this application are assessed in Appendix A.

On the basis of the assessment in Appendix A, subject to planning conditions, it is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and all other associated guidance.

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**(Q) Is the proposal consistent with the Development Plan:** Yes

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

It is considered that, subject to planning conditions, the proposed development is in accordance with all relevant provisions of the Argyll and Bute Local Development Plan and does not give rise to any other material land-use planning matters such as would warrant a departure to these provisions

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

Not applicable – It is considered that the proposed development accords with all relevant provisions of the Development Plan

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
No

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**Author of Report:** Emma Jane **Date:** 08.11.2022

**Reviewing Officer:** Howard Young **Date:** 08.11.2022

**Fergus Murray**  
**Head of Development & Economic Growth**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02709/PP****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
<b>Location Plan</b>	<b>1 of 14</b>	<b>A</b>	<b>02.02.2020</b>
<b>Site Photographs Sheet 1</b>	<b>2 of 14</b>	<b>A</b>	<b>02.02.2020</b>
<b>Site Photographs Sheet 2</b>	<b>3 of 14</b>	<b>C</b>	<b>02.02.2020</b>
<b>Site Photographs Sheet 3</b>	<b>4 of 14</b>	<b>-</b>	<b>02.02.2020</b>
<b>Site Photographs Sheet 4</b>	<b>5 of 14</b>	<b>-</b>	<b>02.02.2020</b>
<b>Site Plan/Roof Plan as Proposed</b>	<b>6 of 14</b>	<b>C</b>	<b>02.02.2020</b>
<b>Floor Plans as Proposed</b>	<b>7 of 14</b>	<b>A</b>	<b>02.02.2020</b>
<b>North and West Elevations as Proposed</b>	<b>8 of 14</b>	<b>B</b>	<b>02.02.2020</b>
<b>South and East Elevations as Proposed</b>	<b>9 of 14</b>	<b>B</b>	<b>02.02.2020</b>
<b>Cross Section X X as Proposed</b>	<b>10 of 14</b>	<b>-</b>	<b>02.02.2020</b>
<b>Proposed Landscape and Planting Layout Plan</b>	<b>11 of 14</b>	<b>-</b>	<b>02.02.2020</b>
<b>Topographic Survey</b>	<b>12 of 14</b>	<b>-</b>	<b>02.02.2020</b>
<b>Arboricultural Report</b>	<b>13 of 14</b>	<b>-</b>	<b>02.02.2020</b>
<b>Design and Access Statement 2020</b>	<b>14 of 14</b>	<b>-</b>	<b>02.02.2020</b>

**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.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02709/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The application site is located within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less).

It is therefore considered that the original proposed development for a dwellinghouse is consistent in principle with the LDP Settlement and Spatial Strategy.

**B. Location, Nature and Design of Proposed Development**

The application site area is approximately 1000 square metres and sits within the garden ground of; Rhu Lodge, Ferry Road, Rhu, Helensburgh. The site is generally level with a gentle slope to the South Eastern boundary. The surrounding area is established residential. The site is bounded to the South East by a 2 metre high stone wall. In front of this stone wall is the access road – Ferry Road.

The principle of development has been established under the previous consent (ref: 20/01150/PP), as such the key issues in this instance do not relate to establishing the principal of development but to the roads and access issues. An extract from the original report justifying the dwellinghouse is included above.

**C. Road Network, Parking and Associated Transport Matters.**

The site is served by an existing private road, Ferry Road. Policy LDP 11 and SG LDP TRAN 4 generally require that new development is served by an appropriate standard of access and SG LDP TRAN 6 requires that adequate provision is made for off-street car parking in accordance with approved parking standards.

The consultation response from the Council's Area Roads Engineer has noted that in accordance with SG LDP TRAN 4;

(A) Developments shall be served by a public road (over which the public have right of access and maintainable at public expense;

Except in the following circumstances:-

(2) Further development that utilises an existing private access or private road will only be accepted if:-

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;

(ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority;

Further to this the roads officer has noted the following issues with the current access;

1. Existing carriageway width is less than the acceptable carriageway width of 3.5m for emergency services vehicles
2. No intervisible Passing Places
3. No formal turning head

SG LDP TRAN 4 notes that the private access shall be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling.

When reviewing the below planning conditions '*Circular 4/1998: The use of conditions in planning permissions*' has been considered and in particular the six tests as follows;

*Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:*

- *Necessary*
- *relevant to planning*
- *relevant to the development to be permitted*
- *enforceable*
- *precise*
- *reasonable in all other respects*

Set out below are the original conditions together with the suggested amendments and an analysis in conjunction with the roads area manager.

**Condition 3 as per approval reference 20/01150/PP;**

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'.*

**Proposed change as per this application;**

The applicants wish to replace conditions 3a & b with the following;

Notwithstanding the effect of Condition 1; prior to the first occupation of the dwelling hereby approved, the following improvement works to the access road are required:

The provision of a private access road, between the A814 and the entrance to the approved new dwelling, with a minimum width of 3.5 metres, incorporating the traffic calming measures as shown on approved ECS drawing number 22034\_006, and drawings 19/20/R2 Rev A, 19/20/R4 Rev B, 19/20/R5 Rev B, 19/20/R7 Rev B and 19/20/R9 Rev B.

The applicants have provided a detailed reasoning as to why this condition should be changed, which has been summarised below;

The applicants have stated that the local roads officer fails to provide reasons to demonstrate that the additional traffic generated from a new single dwelling would make Ferry Road unsafe. They also note that condition 3 (a) requires a 3.5 metre adopted road; however, this fails to adhere to the National Road Development Guide, their reasoning behind this is to ensure that the utility providers are able to gain access to their apparatus in the future and if Ferry Road is required to be reconstructed to an adoptable standard it would be necessary to provide a 5.5 metre wide carriageway not 3.5 metres.

In terms of 3 (b) the applicants have noted that the minimum standard detailed for a private access within the Council's LP and LDP allow for a 4.5 metre width for a distance of 10 metres from the junction with the public road. As a 4.5 metre access width is acceptable at the location with the highest risk. The passing place design should take account of the setting of the place and the type of traffic travelling along the route. Except for the bin lorry the general vehicle movements are standard motor cars. Therefore, the requirement for all passing places to be 5.5 metres wide is an over engineered solution.

**Conclusion;**

The roads officer has concluded that conditions 3a & 3b should remain unchanged for the reasons detailed below;

In response to the above the roads officer has provided an extract from the National Roads Development Guidance, paragraph 3.1.6 (e), Services in Shared Surfaces, which facilitates service strips within the running surface and notes that manholes should be located within parking areas or widened areas within the total road width. Therefore, the roads officer notes that it would be possible for utility providers to gain access to their apparatus on a 3.5 metre wide carriageway. The roads officer has also noted; the provision of 3.5m adoptable road accounts for the presence of the existing verge, were the carriageway to be bound by a wall, the minimum width for emergency service vehicles, as per the National Roads Development Guide is 3.7m. A minimum road width of 3.5 plus verge is therefore, required to facilitate safe access and egress of pedestrians, vehicles and emergency service vehicles. In addition, roads have commented that the surfacing extents shown with drawing 19/20/R9B do not comply

with the aforementioned condition to provide a 3.5 metre adopted road between the A814 and the entrance dwellings.

The roads officer has also advised that a lack of forward visibility has underlined the requirement for localised carriageway widening to 5.5m at points of intervisibility. To allow any further development on this private access road, intervisible passing places must be provided and constructed in accordance with SD08/003. All vehicle passing places should be constructed in accordance with the minimum geometry requirements set out with SD08/003. They also note that on review of drawing 22034\_006 and in accordance with the National Roads Development Guide, all intervisible passing places should provide a minimum width, throughout its length, of 5.5 metres, note this should be shown over the length of the intervisible passing place and not solely at the radius/ access point.

Further to the above the roads officer has advised that as the existing road currently serves 10 dwellings and a hotel, the private access road is deemed substandard and will, in the interest of pedestrian and vehicle safety require improvements prior to any further development. The roads officer has further commented that on review of the revised drawings the removal of an existing verge/ pedestrian 'step-off', between the A814 and the access to the Rosslea property, to achieve a minimum carriageway width is considered an unacceptable method towards achieving a minimum carriageway width. This is in direct contradiction of the hierarchy of road users and, places vehicle traffic over pedestrian movements. As such, the removal of any existing verge/ 'step-off' would not be supported.

#### **Condition 4 as per approval 20/01150/PP;**

Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 42 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 Councils 'Roads Guidance for Developers'.*

#### **Proposed change as per this application;**

The applicants wish to replace condition 4 with the following;

Notwithstanding the effect of Condition 1; prior to the first occupation of the dwelling hereby approved, the access to the dwelling hereby permitted shall be formed in accordance with the details shown on approved ECS drawings number 22034\_006 and drawing 19/20/R10. The access shall incorporate visibility splays measuring 2 x 25 x 1.05 metres, and these shall be maintained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

#### **Conclusion;**

The roads officer has concluded that condition 4 should be altered for the reasons detailed below;

The original roads consultation response to application 20/01150/PP noted a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Whereas the decision notice noted 2.4 x 42 x 1.05 metres. Therefore this condition should be altered to;

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 Councils 'Roads Guidance for Developers'.*

**Condition 5 as per approval 20/01150/PP;**

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 Councils 'Roads Guidance for Developers'.*

**Proposed change as per this application;**

The applicants wish to replace condition 5 with the following;

Notwithstanding the effect of Condition 1; Prior to the first occupation of the dwelling hereby permitted, the parking and turning provisions as shown on approved Drawing 19/20/10 shall be implemented in full. Thereafter the approved parking and turning provisions shall be maintained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

The applicants have provided a detailed reasoning as to why this condition should be changed, which have been summarised below;

The applicants have stated that the local roads officer fails to recognise that this private access is in fact an individual driveway for which the minimum width of 2.75 metres is all that is required to be in accordance with the National Road Development Guide. The applicants have also noted; that the gradient shown is less than the 12.5% (1 in 8), the existing levels show a gradient 1 in 11.6 (8.5%) this is below the maximum gradient requirements and they have confirmed that it would be possible to provide drainage to prevent surface water discharge.

**Conclusion;**

The roads officer has concluded that condition 5 should remain unchanged for the reasons detailed below;

The roads officer has noted that the access should be constructed in accordance with SD08/002 titled, Private Drive Way from Un-kerbed Road. Within which, drawing note 6 details "Where access is bounded by walls the minimum width will be 3.7m." therefore, 2.75m is unacceptable. Furthermore, the roads officer has commented on drawing 19/20/R10 and notes, that this drawing fails to detail a minimum access width of 4.5m, does not achieve the drainage requirements defined with SD 08/002A and fails to detail the radius of the realigned boundary walls.

**Condition 6 as per approval 20/01150/PP;**

Notwithstanding the effect of Condition 1; The private access shall be surfaced with bituminous material for a distance of 5 metres 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 Councils 'Roads Guidance for Developers'.*

**Proposed change as per this application;**

The applicants wish to remove condition 6 as they believe this condition conflicts with condition 5 which allows for a bituminous or concrete surface, and they have suggested that it is not unreasonable to vary the condition to allow for any other approved hard material.

**Conclusion;**

The roads officer has concluded that condition 6 can be amended as follows;

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 Councils 'Roads Guidance for Developers'.*

**Condition 7 as per approval 20/01150/PP;**

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.

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

**Proposed change as per this application;**

The applicants wish to remove condition 7 as the gradient requirements have been detailed within the most recent drawing package.

**Conclusion;**

The roads officer notes that whilst the gradient requirements have been detailed within the most recent drawing ref; 19/20/R10, there are other elements included within this drawing which are not in accordance with roads guidance. Therefore, this condition shall remain as part of the application review to ensure implementation. However, it is noted that the phasing was not included within this condition and therefore, the roads officer has concluded that condition 7 can be amended as follows;

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 Councils 'Roads Guidance for Developers'.*

**Condition 8 as per approval 20/01150/PP;**

Notwithstanding the effect of Condition 1; The provision for car parking within the curtilage of each dwelling shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

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

**Proposed change as per this application;**

The applicants wish to remove condition 8 as the parking provision requirements have been detailed within the most recent drawing package.

**Conclusion;**

The roads officer notes that whilst the parking provision requirements have been outlined within the most recent drawing ref; 19/20/R10, there are other elements included within this drawing which are not in accordance with roads guidance. Therefore, this condition shall remain as part of the application review to ensure implementation. However, it is noted that the phasing was not included within this condition and therefore, the roads officer has concluded that condition 8 can be amended as follows;

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 Councils 'Roads Guidance for Developers'.*



When reviewing the above planning conditions it is considered that they do meet the six tests as per '*Circular 4/1998: The use of conditions in planning permissions*'. Based on the above assessment, it is considered that subject to the revised conditions set out above, the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and all other associated guidance.

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Application Site

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### Location Plan Relative to Planning Application: 21/02709/PP



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**Argyll and Bute Council  
Development and Economic Growth**

**This Supplementary Report is an update to Members following the adoption of NPF 4 on 13 February 2023 and its materiality to the application.**

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<b>Reference No:</b>	22/01298/S37
<b>Applicant:</b>	The Scottish Government on behalf of Scottish Hydro Electric Transmission Plc
<b>Proposal:</b>	Construction of approximately 13.3 km of 275 kV Over Head 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.
<b>Site Address:</b>	Land South Of Dalmally and East of Cladich

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## **SUPPLEMENTARY REPORT NO. 1**

### **1. INTRODUCTION**

This Section 37 proposal was originally presented to Members on the 28.9.22 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 for the following reason;

*The proposal will have adverse landscape and visual impacts (including cumulative) within an Area of Panoramic Quality, and in particular from the Duncan Ban Monument, and is therefore inconsistent with the provisions of: LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; and SG LDP ENV 16(a) – Development Impact on Listed Buildings; of the Argyll and Bute Local Development Plan.*

The Energy Consents Unit was notified of this decision accordingly. As a result of the objection from the Planning Authority, in terms of the Electricity Act, if that objection is not withdrawn the Scottish Ministers must cause a Public Inquiry to be held. The case is currently with the DPEA and a Reporter has been appointed. The appeal reference is TRL-130-1 and a link to the DPEA website is provided below.

[Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/energy/dpea/cases/2022/130)

Since Members determined to object on 28.9.22 Officers consider that there has been a substantial and material change in circumstances which merits the matter being brought back to Members. National Planning Framework 4 (NPF4) has become part of the statutory planning framework with it being formally adopted on 13.2.23.

## 2. RE-CONSULTATION

### General Background

As the Planning Authority's decision to object to the current was taken prior to the NPF4 being adopted and forming part of the development plan (as referenced in Section 25 of the Planning Act 1997), Officers considered it expedient, to give the Members the opportunity to consider whether they wish to continue to object to the proposals.

The case is currently with the DPEA and no decision has been made to allow or refuse the proposal. The implications of NPF 4 on the merits of the proposal will be a matter which will require to be considered by the Reporter before making a decision. It was therefore considered appropriate to allow members the opportunity to express their own views on this matter.

This report therefore seeks Members' views on whether the adoption of NPF 4 and its contents would lead to the previous recommendation being altered.

## 3. STATUS OF NPF4

Clearly the status and importance of NPF4 as part of the decision making process has changed since the Council made a decision to object to the proposal. NPF 4 has from 13.2.23 replaced National Planning Policy 3 (NPF3) and Scottish Planning Policy 2014 (SPP). It has become the national element of the statutory development plan – for all parts of Scotland. NPF4 should now be given significant weight in the decision-making process.

## 4. ASSESSMENT OF PROPOSAL AGAINST NPF4

A link to the adopted version of NPF 4 is provided below for Members ease of reference:

[National Planning Framework 4 \(www.gov.scot\)](http://www.gov.scot)

The Spatial Strategy in NPF4 sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports our economy, identity, health, and wellbeing. It sets out that we have already taken significant steps towards decarbonising energy and land use, but choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The Spatial Strategy reflects legislation in setting out that decisions require to reflect the long-term public interest.

However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore, and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer, and more inclusive wellbeing economy.

Eighteen "National Developments" support this strategy. National developments will be a focus for delivery, as well as exemplars of the Place Principle, placemaking and a Community Wealth Building (CWB) approach to economic development.

The type of development subject to this application is identified as a national development of "*Strategic Renewable Electricity Generation and transmission Infrastructure*". Specific

commentary in the importance of the delivery of nationally important transmission infrastructure is provided at Page 104. This clarifies that:

*This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*

*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.*

*The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.*

Page 104 of NPF 4 further clarifies that:

*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas....*

There is in principle substantial policy support for the current proposals with NPF 4 as they have been identified of national importance in the delivery of Scotland's Spatial Strategy and national grid improvements necessary to transmit renewable energy. However, any project identified as a national development also requires to be considered at a project level against the other policies of NPF 4 applicable to the proposal to ensure evaluation against the objectives of NPF 4 as a whole is undertaken. This includes consideration against the provisions of the Development Plan, of which National Planning Framework 4 is now a part.

Within NPF 4 there are specific policies which Officers consider to be most directly applicable to the current proposals in terms of considering whether the proposal complies with NPF 4. These are set out below;

#### **NPF4 - Policy 1 – Tackling the Climate and Nature Crisis**

The intention of policy 1 is to "encourage, promote and facilitate development that addresses the global climate emergency and nature crisis". Planning Authorities are advised that "When considering all development proposals significant weight will be given to the global climate and nature crises".

Members are requested to have regard to and consider the stated objectives of Policy 1 in reaching a recommendation.

#### **NPF4 - Policy 11: Energy – The intention of Policy 11 is to:**

*"...encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)".*

Policy 11 sets out that development proposals for all forms of renewable energy (including new and replacement transmission and distribution infrastructure such as the current proposals) will be supported.

This policy continues to set out that proposals will only be supported where they demonstrate how, through project design and mitigation, the impact on a range of considerations has been addressed. This allows for consideration of matters related to impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects.

While the weight to be given to each of the considerations in Policy 11 is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to providing new nationally important electricity grid infrastructure associated with the transmission of renewable energy. In relation to landscape and visual impacts it advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable.

This support is not however to the exclusion of other factors, a balance still requires to be struck in terms of the impact of development. NPF4 must be read as a whole, and detailed consideration given to linked policies, such as Policy 4: Natural Places, considered below. Project design and mitigation needs to show how impacts (both individual and cumulative) on numerous receptors, including the natural environment have been addressed.

**NPF4 Policy 4: Natural Places** – The intention of Policy 4 is to protect, restore and enhance natural assets, making the best use of nature-based solutions. The policy outcome is that natural places are protected and restored, and natural assets are managed in a sustainable way that supports and grows their essential benefits and services. Of relevance to this proposal is policy 4(a) which sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported.

This policy seeks to “*protect, restore and enhance natural assets making best use of nature-based solutions*”. It is further clarified at (d) that;

*Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where: i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.*

Officers remain of the view that landscape impacts remain limited and acceptable. Such impacts as occur have to be weighed against other policies of NPF 4 and also the specific identification of electricity grid infrastructure upgrades as being an important aspect in meeting the objectives of Policy 1 and in respect of the objectives of NPF 4 policy 11 outcomes.

It should also be noted that neither NatureScot nor the Council’s Biodiversity Officer raised objections to the proposals on impact upon natural environment as the mitigation set out in the EIAR was considered to satisfactorily address these matters.

It is Officers’ opinion that the proposals are considered acceptable in respect of NPF 4 Policy 4 objectives.

**NPF Policy 7 – Historic Assets and Places**



In this instance Members have expressed concerns in their objection to the impacts of the development on not only landscape but also to the setting of the Duncan Ban Monument which is a Category B Listed building.

NPF 4 Policy 7 seeks to “*protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places*”.

It is further clarified in Policy 7 that:

*a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.*

*Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records*

As set out in the original Committee Report, the Council’s Conservation advisor was of the opinion that any harm caused to the setting of the Duncan Ban Monument did not justify objecting to the proposal.

In respect of the balance of judgement in considering NPF 4 and its policies, Officers consider that the support for the proposals has strengthened within NPF 4 (Policies 1 and 11 in particular as previously referenced), and therefore Officers consider that the weight of policy support for the proposals has increased due to the adoption of NPF4 and this outweighs any impact on the setting of the Listed Building.

## **5. Conclusion**

Officers consider that following the adoption of NPF 4 on 13.02.23 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 on 28.09.22.

Officers therefore consider it appropriate to give Members the opportunity to reconsider the current Objection in the light of this new and more supportive statutory planning policy framework set out in NPF4.

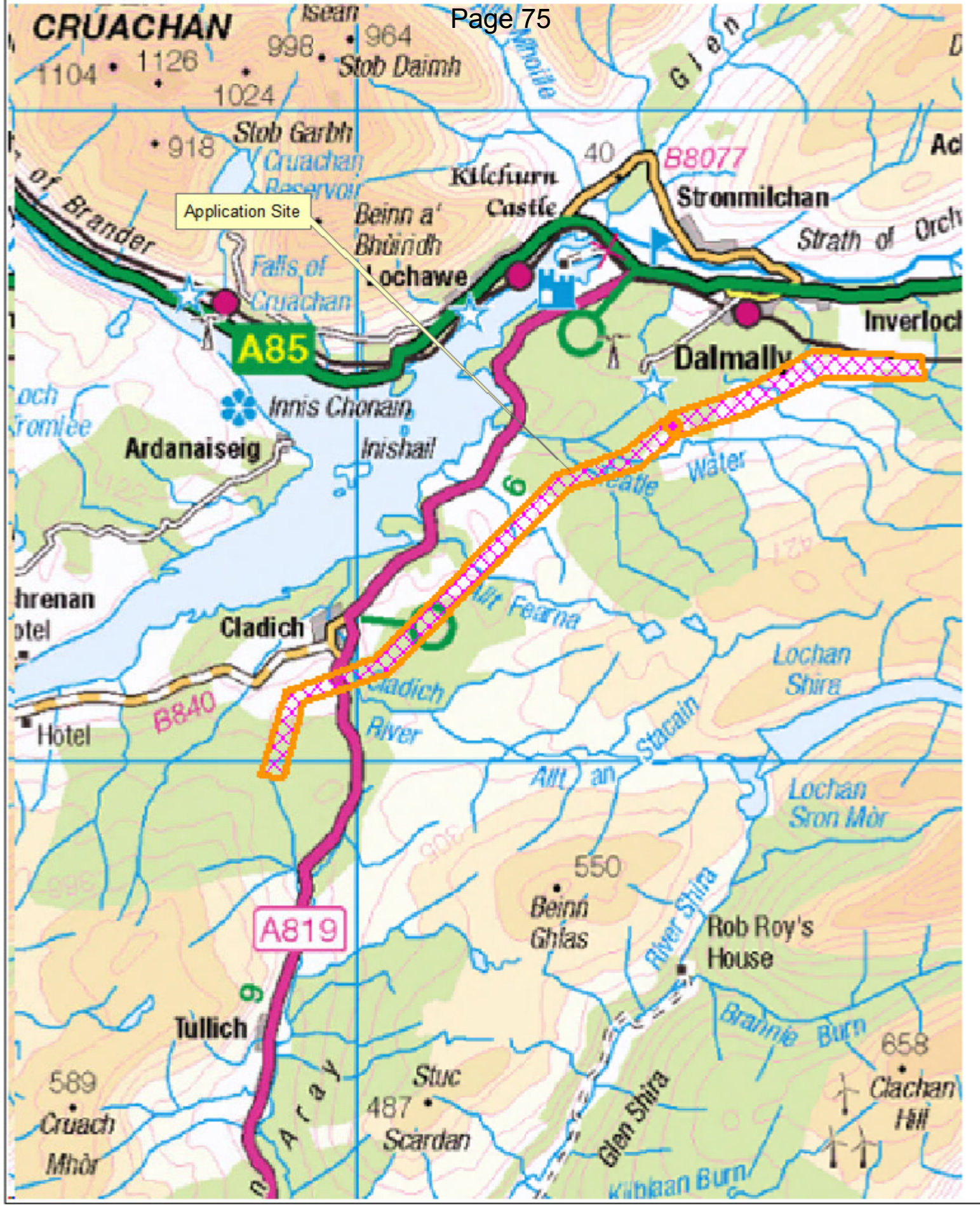
## **Recommendation**

***Members are invited to re-consider their decision to object to the proposals in light of the enhanced status of NPF4 and instruct Officers accordingly on this matter.***

**Author of Report: David Moore**  
**Reviewing Officer: Sandra Davies**

**Date: 07.03.23**  
**Date: 07.03.23**

**Fergus Murray**  
**Head of Development and Economic Growth**



**Location Plan Relative to Planning Application: 22/01298/S37**



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