

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

Reference No:	22/02523/PP
Planning Hierarchy:	Local Application
Applicant:	Mr D Higgins
Proposal:	Erection of dwellinghouse, formation of vehicular access and associated works
Site Address:	Garden Ground of Torwood House, Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute

SUPPLEMENTARY REPORT NO. 2

1.0 INTRODUCTION:

Members will recall that a Report by officers, with regard to the above proposal, was published as part of the PPSL Committee Agenda for 21 June 2023. The officer's recommendation at the time of publication was that the application be refused on the basis that the public road regime was unsuitable to accommodate the resultant intensification of traffic. At the time of publication of that report, officer's considered that applicant had not demonstrated to the satisfaction of the planning authority that commensurate improvements could be implemented as part of the development, in order to address current road access constraints as highlighted in the consultation response from the Council's Area Roads Engineer. Members will be aware that the proposed development was considered by officers to be acceptable with regard to all other material planning considerations (with the exception of the access regime.)

However, Members agreed to defer determination of this application to allow an opportunity for the applicant to prepare and submit further details to demonstrate that there were no constraints to the implementation of an agreed scheme of commensurate off-site road improvements, as per the officers' recommendation set out in a Supplementary Report No.1 (Agenda Item no. 10.) Members also noted that this would be reported back to the Committee at a future meeting

The purpose of this report is to:

- 1) Advise Members that further information has been submitted by the applicant in August 2023 providing detail of proposed road improvements;
- 2) Advise Members that a revised consultation response has been received by the Council's Area Roads Engineer on the basis of additional information submitted by the applicant, following the June meeting of the PPSL Committee; and,
- 3) Report to Members that Officers now consider that the applicant has demonstrated that there are no known constraints to prevent the applicant/developer implementing

required commensurate off-site road improvements, referred to in the original consultation response from the Council's Area Roads Engineer, subject to compliance with recommended planning conditions.

2.0 RECOMMENDATION:

That planning permission be approved subject to planning conditions as set out within this report.

3.0 ADDITIONAL SUPPORTING INFORMATION/DRAWINGS:

Since the June meeting of the PPSL Committee, further information has been received from the applicant's agent comprising the following: -

- Drawing No. 807(L)002B Revision B – (Revised) Proposed Site Plan;
- Drawing No. 807(L)004 – Proposed Location – 2 Nos. Passing Places; and,
- *A covering letter confirming that “the applicant has control over the land outside the application site as highlighted on Dwg No 807 L 004, to allow 2 no passing spaces to be formed as per Argyll and Bute Council Roads Authority comments.”*

4.0 CONSULTATIONS:

Area Roads – 29.08.2023 – On the basis of the shared point of access (refer to Section 3.0 above) there is no objection to the proposal subject to planning conditions and advisory notes.

5.0 ASSESSMENT

Further to deferral of formal determination at the June meeting of the PPSL Committee the applicant has since submitted an additional plan showing the position of 2 no. passing spaces on the northern side of Torwoodhill Road; one of which is by means of a service bay type access layout at the junction of the proposed private driveway and the public road, and the other being the formation of a new passing space on the northern side of the public road located towards the middle of that section of Torwoodhill Road between the proposed new access and the junction with Upper Torwoodhill Road.

The applicant has also confirmed that the applicant has control over the land outwith the application site required for these off-site road improvements as shown on the above drawing.

The Area Roads Engineer has re-assessed this proposal on the basis of the additional information submitted and issued a revised consultation on this basis to the effect that the proposed off-site road improvements (provision of two passing spaces) will address previous concerns regarding the design capacity of the public road to accommodate the intensification of traffic resulting from the proposed new house. Notwithstanding, the above drawing no. 807(L)004, it is recommended that further details of the detailed design layout of the 2 no. passing spaces be submitted to, and approved in writing, by the planning authority in consultation with the Roads Authority to ensure that these proposed improvements comply with design standards.

On this basis, officers are satisfied that the applicant has the necessary control to implement the off-site road improvements. This can be secured by means of a suspensive condition. The provision of off-site road improvements commensurate with the scale and nature of the proposed development complies with the provisions of Policy LDP 11 and SG LDP TRAN 5.

It is considered that the application proposal is in accordance with all relevant provisions of the Development Plan and will not give rise to any other planning matters that would warrant a departure from these procedures.

6.0 RECOMMENDATION

- 1) Planning Permission be approved subject to planning conditions as set out within this report.

Author of Report: Norman Shewan **Date:** 07.09.2023

Reviewing Officer: Peter Bain **Date:** 07.09.2023

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/02523/PP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PP - Approved Details & Standard Notes

The development shall be implemented in accordance with the details specified on the application form dated 12th December 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	807(L)000A	-	25.01.2023
Existing Site Plan	807(L)002A	-	25.01.2023
Proposed Site Plan	807(L)002	Rev. B	09.08.2023
Proposed Plans, Sections and Elevations	807(L)003A	-	25.01.2023
Tree Survey Plan	2016_015/01	-	13.12.2022
Location Plan with Passing Places	807(L)004		

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

2. No development in relation to the construction of the dwellinghouse, hereby approved, shall commence until such time as the two passing places identified in drawing no 807(L)004 have been fully formed and surfaced.

Notwithstanding the details shown on the approved plan, construction details for the proposed passing places shall be submitted to and approved in writing by the Planning Authority, in consultation with the Roads Authority, prior to implementation.

Reason: In the interest of road safety.

3. PP - Junction with public road:

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing 08/006 Rev A. and visibility splays of 2.4 metres to point X by 25.0 metres to point Y from the centre line of the proposed access.

The access road shall be a minimum width of 5.5m for the first 10m from the back of the service bay. Thereafter it may be reduced to a private driveway of minimum 3.5m width.

The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing for a minimum of 5.0m back from the edge of the carriageway.

Prior to work starting on site the access hereby approved shall be formed to at least 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 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.

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

4. **PP - Access Gradient**

Notwithstanding the provisions of Condition 1, the gradient of the service bay / access road / driveway shall not exceed 1 in 20 within 5 metres of the edge of the existing carriageway and shall thereafter not be steeper than 1 in 7.

Reason: In the interest of road safety.

5. **PP – No Walls, Fences or Hedges Beside the Road**

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.

6. **PP - Parking and Turning Further Details Required**

Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate three vehicles within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers.

The submitted layout shall demonstrate that adequate manoeuvring space will be provided within the site to allow a vehicle to enter and leave in a forward gear.

The duly approved scheme 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: In the interest of road safety.

7. **PP – Submission of Details of Materials**

Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used for the external wall finishes and the roof slate have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

8. **PP – Full Landscaping Scheme**

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

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, and to comply with the requirements of NPF4 Policy 3

9. **PP / PPP / AMSC – Pre-commencement Survey**

No development or other work shall be carried out on the site until a pre-commencement survey for the presence of Bats has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority in consultation with Nature.Scot. 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.

10. **PP – Surface Water Drainage – Further detail required**

Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority, in consultation with the Roads Authority.

Drainage shall be achieved within the site boundary and no water shall discharge onto the public road carriageway.

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

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

11. **PP – Tree Retention and Protection**

No development shall commence until a site plan showing the Root Protection Area for every existing tree proposed to be retained (with reference to the Tree Inspection Report – October 2016) has been submitted to and approved in writing by the Planning Authority.

Tree protection measures shall be implemented for the full duration of construction works in accordance with BS 5837:2005 “Trees in Relation to Construction” and the Tree Inspection Report – October 2016. No trees shall be lopped, topped or felled other than in accordance with the details of the Tree Inspection Report unless otherwise approved in writing by the Planning Authority.

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

NOTE TO APPLICANT

- The applicant is advised that the boundary wall of Torwood House is a listed structure; separate listed building consent will be required in relation to any works to alter the wall, including the formation of the driveway opening and passing place formation.
- It is strongly recommended that the applicant/developer implement the approved development having careful regard to the advice set out in the consultation response from the Council's Local Biodiversity Officer dated 21st February 2023, including incorporation of good practice ecological measures e.g. provision of pipe end capping and escape ramps from foundation/services trenches during construction to avoid trapping animals. The above consultation response is available for inspection in full via the Public Access section of the Council's website.
- Notwithstanding the approval of planning permission, and the assessment carried out with regard to Town and Country Planning legislation and Policy guidance, the applicant/developer should be fully aware of their legal responsibilities and obligations under nature conservation legislation including the Habitats Directive and Habitats Regulations. Further details on the above are available by contacting NatureScot directly.