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Argyll and Bute Council **Comhairle Earra-Ghàidheal Agus Bhòid**

Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD

16 June 2020

SUPPLEMENTARY PACK 1

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - BY SKYPE on
WEDNESDAY, 17 JUNE 2020 at 10:30 AM**

I enclose herewith a supplementary report for **item 4** on the Agenda for the above meeting.

Douglas Hendry
Executive Director

SUPPLEMENTARY REPORT

**4. MR ANDREW JAHODA: ERECTION OF ONE DWELLINGHOUSE (AMENDED
13.05.20): IANMYO, PEEL STREET, CARDROSS (REF: 19/00253/PP)**

Report by Head of Development and Economic Growth (Pages 3 – 8)

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor Lorna Douglas	Councillor Audrey Forrest
Councillor George Freeman	Councillor Graham Hardie
Councillor David Kinniburgh (Chair)	Councillor Donald MacMillan BEM
Councillor Roderick McCuish	Councillor Jean Moffat
Councillor Alastair Redman	Councillor Sandy Taylor
Councillor Richard Trail	

Contact: Fiona McCallum

Tel. No. 01546 604392

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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

Reference No: 19/00253/PP

Planning Hierarchy: Local Application

Applicant: Mr Andrew Jahoda

Proposal: Erection of one dwellinghouse (amended 13.05.20)

Site Address: lanmyo, Peel Street, Cardross

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to advise Members of late representations, the submission of a bat survey and the comments of the Council's Bio-diversity Officer on the submitted bat survey.

2.0 LATE REPRESENTATION

Carol Bone, 4 Burnfoot, Cardross, G82 5NB (e-mails dated 10/06/20 x 3 and 12/06/20 x 4); Gavin Rae, 2 Burnfoot, Cardross, G82 5NB (e-mails and 14/06/20 dated 15/06/20); Gerry Bone, 4 Burnfoot, Cardross, G82 5NB (e-mail dated 15/06/20 x 2)

SUMMARY OF ISSUES

1. The meeting to discuss the above application is scheduled for 17th June 2020 The plans for this development have been revised on several occasions however most recently in December 2019 and again on the 25th May 2020 On both occasions the revised plans have not appeared on the public portal WITHOUT interested parties (i.e. resident neighbours) contacting the planning department to query the position The most recent revised plans appeared on the portal on the 10th June 2020 ONE DAY AFTER THE CLOSING DATE for 'contributor responses'. It appears that on both occasions the statutory procedures have/are not been carried out by planning officers with the net result that the position seriously favours the applicant - surely this a breach and the proposed meeting should be postponed until such times that contributors responses can be made.

Comment: Amended plans reducing the number of houses from 2 to 1 were submitted on 13 May 2020. They were considered to be a non-material amendment and addressed some of the concerns of objectors. The applicant also requested that the application go to the June meeting

of the PPSL Committee. All previous objections together with comments on the amended plans have been included within the report of handling and this supplementary report. Any late representations received will be brought to the attention of elected Members.

2. Document 22247983 shows that the Eastern boundary of the proposed development is the Western edge of the Kilmahew burn and not the more usual boundary of the centre of the burn, does the applicant have the riparian rights, the right to take water out of or in this case outfall water into the Kilmahew Burn?

Comment: The application form indicates that the applicant owns the land set out in the site edged red. The issue of riparian rights to water is a civil matter between the parties concerned. Both SEPA and Scottish Water have indicated no objections.

3. The entrance from Peel Street to both the existing dwelling and the proposed dwelling is not shown on the plan. Would the existing narrow entrance be adequate to cope with all building traffic that the proposed development would bring? Peel Street is an unadopted road recently resurfaced at great cost to the residents. Would the proposed development involve a road opening permit?

Comment: Under the amended plans access for the new house is via the existing access. The Area Roads Manager has indicated no objections. A Road Opening permit will be required.

4. Would Argyll and Bute council be putting any measures in place to make sure any damage to Peel Street which it does not own or maintain is repaired to a standard that is satisfactory to the residents who paid for it to be resurfaced?

Comment: This is a civil matter between the parties concerned.

5. I also have serious concerns that the area road manager's report states 'no objections' to the plan BUT crucially that report is based around the ORIGINAL plans and is predated to the plans submitted in December 2019 and May 2020 - the most recent plans are using a different access point to the proposed development.

Comment: The Area Road Manager was re-consulted on the amended plans submitted on 13 May 2020 and has advised no objections subject to conditions.

6. The report does not acknowledge that the access road is PRIVATE and owned by residents of Peel Street, Burnfoot and Cedar Grove - there is no mention of a damage bond being placed on the developers should the newly tarmac road (Residents paid £35 k) be damaged.

Comment: This is a civil matter between the parties concerned.

3.0 CONSULTEE RESPONSE ON SUBMITTED BAT SURVEY

Bio-Diversity Officer (e-mail dated 15/06/20)

It is noted that the surveyors found no roosts in the trees earmarked for felling but found that between 6-10 bats use the garden for foraging. They also note that 'it would appear by the early emergence time there is a bat roost, albeit a low number, in the vicinity'. In view of this and for the protection of trees for retention, it is requested that the applicant ensures that these trees are afforded protection during the construction- albeit that planning permission is granted; the guidance is that heras fencing should be placed below the edge of the tree canopy so as to avoid incursion by construction activities.

Comment: This can be covered by condition.

4.0 CONCLUSION

In the original report of handling the application was recommended for refusal due to the lack of a bat survey. This has now been submitted and the Council's bio-Diversity officer has indicated no objections subject to condition. On this basis it is considered that the application can now be recommended for approval, subject to conditions. The points raised in the late representations are noted but do not provide a basis to refuse the amended proposal.

5.0 RECOMMENDATION

It is recommended that planning permission be granted subject to the conditions and reasons listed overleaf.

Author of Report: Howard Young

Date: 15/06/20

Reviewing Officer: Peter Bain

Date: 16/06/20

Fergus Murray

Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. (19/00253/PP)

1. The development shall be implemented in accordance with the details specified on the application form dated 6 February 2019 and the approved drawing reference numbers AL(0)001, AL(0)005, AL(0)006 Revision N, AL(0)030 AL(0)020 Revision AB unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding Condition 1 above, the finished floor level of the dwellinghouse hereby approved shall be a minimum of 5.5AOD.

Comment: To ensure the proposed new dwellinghouse is not subject to flooding.

3. No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided to the Planning Authority for approval before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

4. No development shall commence until samples of materials to be used in the construction of the dwellinghouse hereby approved 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.

5. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

6. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS), shall be located outwith the 200 year functional floodplain and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition and include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

Reason: To ensure that an acceptable scheme of surface water drainage is implemented.

7. No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 3A and 3D of the of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect adjoining dwellinghouses, in the interest of amenity from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

9. Notwithstanding Condition 1 above, no consent is hereby granted for the kitchen window on the west elevation and the window at first floor level on the southern elevation of the dwellinghouse hereby approved. The windows shall be deleted or changed to a high level window unless otherwise agreed in writing. Details of this shall be submitted prior to works commencing on site.

Reason: To protect the amenity of adjoining dwellinghouses in terms of window to window standards and privacy.

10. At the junction of the proposed access serving the lanmyo and the proposed dwellinghouse hereby approved and Peel Street a visibility sightline 2 x 20 x 1.05 metres shall be provided in both directions and maintained in perpetuity.

Reason: In the interests of road safety.

11. The first 10 metres of the driveway should be surfaced in a bituminous material or other approved hard material.

Reason: In the interests of road safety.

12. The provision for car parking and a turning area within the site shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

Reason: In the interests of road safety.

Notes to Applicant:

This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

The Area Roads Manager advises that a Road Opening Permit will be required for all Works on or adjacent to the road.