

Public Document Pack

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

Executive Director: Douglas Hendry



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16 August 2022

SUPPLEMENTARY PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - ON A HYBRID BASIS BY ATTENDANCE IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD OR REMOTELY BY MICROSOFT TEAMS on WEDNESDAY, 17 AUGUST 2022 at 10:30 AM

I enclose herewith supplementary reports for **items 6 and 7** on the Agenda for the above meeting.

Douglas Hendry
Executive Director

SUPPLEMENTARY REPORTS

- 6. MR PAUL RODGER: DEMOLITION OF DETACHED DWELLINGHOUSE, ERECTION OF 3 DETACHED DWELLINGHOUSES AND FORMATION OF VEHICULAR ACCESS: PEAT KNOWE, BACK ROAD, CLYNDER, HELENSBURGH (REF: 21/01943/PP) (Pages 3 - 8)**

Report by Head of Development and Economic Growth

- 7. KILBOWIE DEVELOPMENT COMPANY LTD: ALTERATIONS TO INCREASE ROOF PITCH OF DWELLINGHOUSES: 1-7 KILBOWIE SHORE, GALLANACH ROAD, OBAN (REF: 22/00231/PP) (Pages 9 - 12)**

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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**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: 21/01943/PP
Planning Hierarchy: Local Application
Applicant: Mr Paul Rodger
Proposal: Demolition of detached dwellinghouse, erection of 3 detached dwellinghouses and formation of vehicular access
Site Address: Peat Knowe, Back Road, Clynder, Helensburgh, Argyll and Bute G84 0QF

SUPPLEMENTARY REPORT NO. 2

1.0 INTRODUCTION

The attention of Members is drawn to the main Report of Handling dated 8th June 2022 that is currently before them for consideration in respect of the above application and the Supplementary Report No.1 dated 3rd August 2022, on the main agenda.

At the PPSL meeting on 22nd June, The Council agreed to continue consideration of this application at their next available meeting in August 2022 and instructed Officers to request that the Applicant provide by the end of July 2022, an engineering report on the ground engineering works required to ensure stability of the sloping ground to prevent any slippage or flooding onto neighbouring properties.

At the time of the preparation of the Supplementary Report no.1 the requested Civil Engineering Report had not been received, nor had the agent contacted Officers to agree an extended timescale for preparation and submission of the Report. As advised within that Supplementary Report no.1, Officers contacted the agent requesting an up-date to Members by means of a Supplementary Report. The agent has since provided up-dates on progress summarised below.

In addition, further representations have been submitted in relation to the proposed development subsequent to the June meeting of the PPSL and the preparation of the Supplementary Report no.1 to the August meeting.

The purpose of the Supplementary Report is to up-date Members with regard to the following:

-

- 1) The applicants progress and intended deadlines for the submission of a Civil Engineering Report pursuant to consideration of this item by members at the June PPSL meeting; and,
- 2) Further representations received subsequent to the June PPSL meeting.

2.0 SUMMARY OF DEVELOPMENTS

Up-date by the planning agent with regard to the requested Civil Engineering Report

08.08.2022 – The agent confirmed that his client has instructed an engineer to prepare and submit the further information requested by the PPSL Committee, however he advised that a full site investigation is required to confirm the stability of the ground, and that due to the scale of this work the final report wasn't quite ready. He confirmed that a desktop study and a soil investigation study has been carried out by Cowal Design. The Report in respect of these interim investigations is awaited.

The agent has assured Officers that the preparation of the Civil Engineering Report (to address the issues raised by the PPSL Committee at the June meeting) is being progressed as quickly as possible and will be submitted before the deadline of 26/8/22 at the latest (in order to allow the proposed development to be fully considered by Members at the September PPSL Committee.)

12.08.2022: - Pursuant to the above, the agent advised that the applicant is still awaiting the full soil investigation report from his civil/structural engineering consultant, Cowal Design, but in the interim has provided an email from his structural engineer with regard to the stability of the site. This e-mail is reproduced in full below: -

“In relation to the above site we can confirm that we have reviewed the proposals, the site topographical survey and have recently had ground investigation works carried out on the site to establish the underlying ground conditions and confirm that on the basis of these conditions with sandy clay across the site overlying shallow bedrock the site is stable and suitable for the proposals.

We will update when the Ground Investigation Report is received, and when the Civil Engineers have designed the proposed retaining wall layout”.

Further representations received

The main report to PPSL Committee at the June meeting advised that a total of 20 no. representations had been received, ‘broken down’ as follows: -

Support	1
Objections	17
Representation	2

Since the June meeting of the PPSL, a further representation has been submitted by a Local Member, Cllr. Mark Irvine, on behalf of local residents who have raised further issues of concern. These issues are summarised below: -

11.07.2022 Cllr Mark Irvine –

- **Sightlines**

It is submitted that the applicant has carried out site clearance works and modifications to the site (including cutting back a hedge on adjoin land without permission), as well as seeking to purchase adjacent land, prior to submission of the application in order to try to meet Roads Authority guidelines in relation to access design and sightlines for an access to serve 3 no. dwellinghouses.

Comment: - The consultation response by the Roads Authority advises that there are no highways objections to the proposed development subject to a suspensive planning condition requiring formation of the access with the required visibility splays.

However, planning officers will investigate whether the land required for the visibility splays are within the applicant's ownership/control, or if not whether there is an agreement that would allow for the visibility splays to be provided and maintained where they overlap land not owned by the applicant. Officers will clarify this issue when the application is reported to the PPSL Committee following receipt and consideration of the Civil Engineering report.

Boundaries

- Concerns have been expressed that the site boundaries have been 'stretched' by the felling of trees that were not within the property boundaries.

Comment:- The planning authority does not have a remit to arbitrate on land ownership disputes, however, it does have a duty to ensure that the application submission is competent in relation to the Town and Country Planning (Scotland) Act 1997 – section 35, and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Reg. 15 in relation to the land ownership certification submitted as part of the application forms. On the basis of legislative/regulatory procedure only, planning officers undertake to request confirmation of the certification on the application forms that no person, other than the applicant, was an owner of any part of the application site (edged red) at the period 21 days prior to the submission of the application. The response will be reported back to the PPSL at the first opportunity.

• **Drainage**

It is implied that the small watercourse that forms the southern boundary of the application site (as shown on the application drawings) has been damaged and become blocked as a result of the applicant's activities. It is suggested that any permission that the planning authority is minded to approve be subject to a planning condition requiring restoration/repair of this watercourse and connected to an adequate drain to avoid potential flooding to neighbouring properties.

Comment: - The Main Report recommends that planning permission be subject to a suspensive planning condition requiring submission and approval of full details of a surface water drainage system (compliant with the principles of SuDS and the CIRIA's

Manual) prior to commencement of any further works on site. It is expected that such details shall identify any existing blockages of the watercourse and propose remedial works, and any other measures required to demonstrate that the proposed drainage system has adequate capacity to accommodate additional surface water run-off without resulting in flooding elsewhere.

Public Access/Footpath

- A submitted extract from Scotland's Land Information Service (LIS) suggests that there is a strip of land/footpath that is not within the property ownership. It is further submitted by local residents that a cast iron kissing gate has been removed from a position adjacent to the burn as part of the site clearance, and that this suggests that there had been some kind of pedestrian footpath along the strip of land between the burn and the hedge (cleared) that demarcated the southern boundary of "Peat Knowe", that at one time led up to "Cromrach".

Comment: - The consultation response from 'Scotways' advises that right of way SD13, as recorded in the National Catalogue of Rights of Way (CROW), crosses or is close to the application site. As set out in the main report to the June meeting of the PPSL Committee, it is considered that any potential impact on the recorded Right of Way SD13 can be satisfactorily mitigated by planning condition.

The route of the potential footpath along the southern edge of the site (subject of this representation) is not recorded on the 'CROW Map'.

'Scotways' additionally point out that there may also be "Unrecorded Rights of Way" subject to meeting specified criteria; or subject to "General Rights of Access" created by the Land Reform (Scotland) Act 2003. Planning Officers will investigate this issue in discussion with the Council's Access Manager and advise Members further at the next available meeting.

Tree Preservation Orders and Tree Felling

- It is submitted that a local resident made a request to the planning authority regarding a Tree Preservation Order (TPO) at this site on July 26th 2021. Now that the trees have been felled there is no evidence left to prove or disprove that any of the trees would have been subject to a TPO.

Comment: - It is confirmed that the trees felled on/or adjacent to the site were not subject to a Tree Preservation Order.

Traffic and Access

- It is submitted that the local public/private road network is unsuitable to accommodate the type of HGV construction traffic required without causing major disruption and damage. It is suggested that any permission that the planning authority is minded to approve be subject to a planning condition requiring on-site provision for unloading of parked construction vehicles and on-site storage of materials.

Comment: - The consultation response from the Roads Authority indicates that the local public road network has been considered to have capacity in principle to accommodate any additional traffic movements generated by the propose development, and that notwithstanding the width, horizontal alignment, gradients and lack of footways, that the standard of the access regime is not an over-riding constraint to the proposal in relation to the nature of traffic movements generated during the construction phase. However, any planning permission that is approved may be subject to a planning condition requiring the submission and approval of an Access Management Plan for consideration by the planning authority in consultation with the Roads Authority prior to the commencement of any further works on site. Any such condition will form part of a later report to PPSL.

3.0 RECOMMENDATION

It is recommended that consideration of this planning application be continued to the September PPSL Committee to allow the applicant the extended opportunity to prepare and submit the Civil Engineering Report requested.

Planning officers undertake to carry out any further investigations required in response to concerns expressed by local residents and to report back to the next available PPSL Committee.

Author of Report: Norman Shewan

Date: 15th August 2022

Reviewing Officer: Howard Young

Date: 16th August 2022

Fergus Murray
Head of Development and Economic Growth

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

Delegated 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: 22/00231/PP
Planning Hierarchy: Local Development
Applicant: Kilbowie Development Company Ltd
Proposal: Alterations to Increase Roof Pitch of Dwellinghouses
Site Address: 1-7 Kilbowie Shore, Gallanach Road, Oban

DECISION ROUTE

Local Government Scotland Act 1973

SUPPLEMENTARY REPORT NO. 1

(A) INTRODUCTION

The purpose of this Supplementary Report (SR) is to bring Member's attention to two late representations received regarding the proposed development which is addressed in Section B below.

(B) FURTHER REPRESENTATION

Two, further, late representations have been received from Kenneth and Catherine Campbell, 2 Dungallan Terrace, Gallanach Road, Oban.

Summary of issues raised:

- Submitting comments on the details of the report submitted in support of the application from Base Metal as follows:

'The report states that the FTMRG guide for good practice is "a minimum of 3 degrees pitch and between 3 and 5 degrees". Therefore, why has a roof pitch of 15 degrees being sought, this is at the very least 3 times what is needed.

It is noted that the internal gutters are to be replaced to external gutters with the report stating that "internal gutters are always risky". I would like to repeat my past comments that this is the alleged problem and not the pitch of the roof.

It is also with great interest that report states that "wind and rain has increased by 30% in the previous 30 years". I am sure this would make no difference to the pitch of a totally waterproof roof with a proper guttering system.

Issue is taken with the comment that “the pleasing aesthetic appearance of the zinc roof will be more visible from the ground level”. Is this part of the reason why the higher pitch is being applied for, to give the building a more “pleasing aesthetic feel”. It can only be assumed that the company has never visited the site and has been promised the work if this planning application is passed.

Officer Comment: *The comments regarding the report are noted, however, the Planning Authority has to consider the proposal subject of the current planning application, including the supporting roof report as submitted, it is not for the Planning Authority to critique the report of a specialist.*

- Noting that, despite rain during a very wet summer, some extremely heavy at times, there has been no attempt to carry out intermediate work on the roofs at Kilbowie Shore. If the water ingress is actually happening, or is as severe as been advised, surely some attempt would have been made to lessen the damage.

Officer Comment: *Whilst this comment is noted, it does not represent a material planning matter in the consideration of this application.*

- Raising concerns that the proposed rooflights, which are angled towards Dungallan Terrace, will cause light pollution as some residents of Kilbowie Shore leave their lights on all night.

Officer Comment: *The existing roofs contain rooflights and it is not considered that having them at a slightly different angle will result in any significant light pollution.*

- The current buildings are not sitting low in the site, they are obtrusive, unsympathetic and any further overdevelopment of a steep pitched roof will be in direct conflict with the original planning approval. While also at the detriment in the long term of the visual amenity of the wider natural landscape.
- It is noted that the visualisations previously submitted in support of the application have been withdrawn and it is unclear as to whether the photographs submitted by residents of Dungallan Terrace will still be considered as they clearly demonstrated the difference between the proposed original plan and the reality of what was built.

Officer Comment: *As set out in the main Report of Handling before Members, whilst the overall height of the dwellinghouses will increase as a result of the new hipped roof, the increase in height, approximately 1.57 metres, is not considered to be so significant that the overall appearance of the dwellinghouses, or their setting within the site and wider landscape will be adversely affected.*

Again, as set out in the main Report of Handling before Members, the dwellinghouses have been built as approved in the previous planning application and associated non-material amendment for a slight increase in height.

The above represents a summary of the issues raised in this late representation. Full details of the representation is available on the Council's Public Access System by clicking on the following link [Argyll and Bute - Planning Documents \(argyll-bute.gov.uk\)](http://Argyll%20and%20Bute%20-%20Planning%20Documents%20(argyll-bute.gov.uk))

(C) RECOMMENDATION

That Members note the contents of the late representations and endorse the recommendation of the Planning Authority that planning permission be granted subject to the conditions and reasons appended to this Supplementary Report and the main Report of Handling.

Author of Report: Fiona Scott **Date:** 16/08/22

Reviewing Officer: Tim Williams **Date:** 16/08/22

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/00231/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 03/02/22, 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/Site Plan	100	A	31/03/22
Proposed Roof Plans	101	A	31/03/22
Existing Roof Plans	102	**	04/02/22
Proposed West Elevations	103	**	04/02/22
Terrace 1 – South East & North Elevations	104	**	04/02/22
Terrace 2 – South, East and North Elevations	105	A	31/03/22
Terrace 1 – Section AA	106	**	04/02/22
Terrace 2 – Section AA	107	**	04/02/22
Terrace 2 – Section BB	108	**	04/02/22
Terrace 2 – Section CC	109	**	
Existing West Elevations Terraces 1&2	110	**	31/03/22
Roof Report – 3 PAGES			
Report on Design Alterations			07/07/22

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

Note 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.

Both the Notification of Initiation and Notification of Completion forms referred to above are available via the following link on the Council's website:

<https://www.argyll-bute.gov.uk/planning-and-environment/make-planning-application>