

**Argyll and Bute Council**  
**Development and Infrastructure Services**

**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 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 16/02515/PP

**Planning Hierarchy:** Local Application

**Applicant:** Mr Colin Finnie

**Proposal:** Erection of dwellinghouse

**Site Address:** Land Adjacent To 21 Victoria Road, Helensburgh

**SUPPLEMENTARY REPORT NO. 1**

**1.0 INTRODUCTION**

The purpose of this report is to advise Members that a further letter of representation has been received from Robert Hepburn, 33 Charlotte Street, Helensburgh (email dated 13/01/2017). This representation was written in response to the Officer's report which was published on the Council's website.

This application has been recommended for approval and is under consideration at this Committee

This Supplementary Report is to advise Members of the contents of the email and offers comments relating to the various matters raised.

**2.0 OBJECTIONS RAISED**

**Flood Risk**

Mr Hepburn considers that the Officer's report is factually incorrect when it states that SEPA has no objections to the application.

*Comment: The opening paragraph of SEPA's consultation response states that that they 'have no objection to the planning application on flood grounds'. This is a no objection response. The remainder of the letter is advice to the Planning Authority and the applicant. The advice given by SEPA is included in the decision notice.*

Mr Hepburn feels that the potential flood risk has not been adequately assessed. He quotes SEPA's response, specifically that it was strongly recommended that;

- (a) Additional information is sought from the applicant, which could take the form of a FRA;
- (b) Contact is made with your Flood Prevention Authority to ascertain any information/local knowledge that they may possess.

*Comment: The Council's Flood Risk Assessor was consulted regarding the application. Had he felt that a Flood Risk Assessment was required, we would have asked the applicant to provide one. However, he was satisfied that the proposal will not raise any flooding issues. It was considered that tree removal may pose a risk regarding the possible destabilisation of the banks of the burn. A condition has already been attached to deal with this issue.*

It was also pointed out that it is a regulatory requirement that any proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

*Comment: This is a matter for SEPA under separate legislation.*

### **Damage to Trees**

The issue has been raised again regarding the Arboricultural report which states that; 'Oil, bitumen, cement or other material injurious to a tree should not be stacked or discharged within 10 metres of a bole', and it is pointed out that several of the retained trees are well within 10 metres of the concrete foundations of the proposed dwelling.'

*Comment: This guidance note is standard and relates to work going on above ground that could potentially damage the tree boles. The bole of the tree is the main wooden axis of a tree which is more commonly known as the trunk. Separate conditions have been attached to protect the tree roots, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.*

### **Concerns about the applicant**

Mr Hepburn received an allegedly 'abusive' letter from Mr Finnie. It is alleged that similar letters were also sent to other objectors to the planning application. He suggests that the applicant cannot be trusted to fully implement any conditions should the application be approved. It is suggested that the Council should take extraordinary measures to make sure any planning conditions are adhered to.

*Comment: This is not a material planning consideration. The assessment of the application, including the recommendation, is made on land use planning grounds. The character of the applicant does not form any part of the decision making process. Should permission be granted, the site will be monitored in line with our standard procedures. With specific regard to the letter, the applicant was advised that it was considered vexatious and would not be scanned on to the Council's public system. It is understood that Members may have been sent a copy. As indicated above, it raises no material planning considerations and does not form part of the assessment of the proposal.*

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## **3.0 RECOMMENDATION:**

- 3.1 It is recommended that Members note the additional representation and the comments on them. They do not alter the original recommendation which is to grant planning permission subject to the conditions and reasons set out in the report of handling.

Author of Report:  
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