

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: 18/01526/PP

Planning Hierarchy: Local Development

Applicant: Glaisters Farms Ltd

Proposal: Erection of 3 Dwellinghouses

Site Address: Land North West of Arizona, Toberonochy, Isle of Luing

SUPPLEMENTARY REPORT NO. 1

(A) INTRODUCTION

This application is due to be presented to the Planning, Protective Services and Licensing Committee on 17 April 2019.

Since the original Report of Handling (ROH) was prepared, the Planning Service has, for the first time, obtained full unrestricted access into the development site and has identified a deficiency in the information submitted with the application to allow a competent decision to be made.

It is advised that at the time of the initial case officer site inspection, the application site was entirely enclosed by a stone boundary wall which precluded ready access. Views into the site from surrounding land were partially obscured by trees cover and brambles which cover the majority of the site. The applicant has however subsequently undertaken recent works to obtain access into the site for the purpose of undertaking a drainage assessment; this has required the provision of an opening within the stone wall and clearance of some undergrowth. Whilst securing up to date site photos for presentation of the item to PPSL, the enhanced access to the site has not only allowed a better understanding of the elevated nature of site levels in relation to existing development within the adjacent Toberonochy Conservation Area but has also provided confirmation that the position of existing trees have not been accurately represented within the submitted plans.

One late objection to the application has also been received.

(B) FURTHER INFORMATION REQUIRED

Trees / Bats

Subsequent to the Head of Planning, Housing & Regulatory Service's report dated 1st April 2019 it has been established that the representation of tree cover on the submitted plans is not an accurate representation of existing tree cover and consequently gives rise to concern that the applicant's previous assertions that the development can be accommodated without felling or lopping of existing trees is unsubstantiated and

accordingly further information is required to undertake a proper assessment of the potential impact of the proposed development upon:

- i) Bats as a European Protected Species having regard to the provisions of policy LDP 3 and SG LDP ENV 1;
- ii) Impact upon trees as required by policy LDP 3 and SG LDP ENV 6; and,
- iii) Impact upon the settings of category B listed buildings and the Toberonochy Conservation Area as respectively required by policy LDP 3, SG LDP ENV 16(a), and SG LDP ENV 17.

In light of the identified discrepancy officers have issued the applicant with a request on under Regulation 24 of the Development Management Regulations requiring the submission of a tree survey which accurately plots the location of each tree, and its canopy in relation to the proposed development, and provides an assessment of its condition and value to nature conservation and amenity. In the event that the tree survey identifies that any existing tree within or overhanging the site would require to be felled or lopped, or would be put at significant risk of loss as a result of the development being implemented then further instruction has been provided for submission of a Bat Survey by an appropriately qualified person to establish whether or not Bats are present in any of the affected trees.

Site and Finished Floor Levels

The formation of an opening in the stone boundary wall has confirmed the extent to which the application site is elevated above the level of the existing public road and finished floor level of existing neighbouring development. Whilst the submitted details show the development is intended to be cut into existing site levels this aspect is potentially in conflict with the recommendations of the Council's Flood Risk Manager who has stipulated that the finished floor level of the development requires to incorporate a 0.3m freeboard above ground levels to mitigate risk of surface water flooding. In the absence of accurate information about the location and impact upon trees it is unclear whether the requirement for 0.3m freeboard can be achieved without raising the development up above existing ground levels – in the event that this is required then accurate detail on finished levels and their relationship to surrounding properties is required to complete a competent assessment of the proposal having regard to:

- i) the impact of the development upon the settings of category B listed buildings and the Toberonochy Conservation Area; and,
- ii) the acceptability of the siting and design of the development having regard to policy LDP 9 and SG LDP Sustainable Siting and Design Principles.

The agent has agreed to engage with the Planning Service and provide these further details.

(C) FURTHER REPRESENTATION

One late objection has been received.

Tina Avery, 4 Toberonochy, Isle of Luing, PA34 4UE (11/04/1)

The main thrust of the objection relates to surface water run-off from the site once it is developed; the Drainage Impact Assessment submitted in support of the application; and the consultation response from the Council's Flood Risk Advisor, JBA Consulting, full details of which are fully addressed in the main ROH before Members.

Concerns were also raised regarding the removal of a small part of the wall and the need for permission for such works. However, Conservation Area Consent would only be required for the total or substantial demolition of a structure within a Conservation Area.

One further submission has also been received from Gemma Wells, Seabank, Toberonochy, PA34 4UE on 15th April 2019 in the form of three video clips which are intended to provide evidence of local surface water drainage issues as an addendum to her earlier letters of objection dated 26/10/18 and 27/11/18. It is contended by Ms Wells that the videos establish that run-off water from the plot flows across the public road and through the garden ground of neighbouring property.

Comment: Whilst it is obvious from the video evidence submitted that there is an issue with surface water run-off affecting neighbouring property it is unclear whether the source of the water is directly from the application site, an overgrown roadside ditch or adjacent field drain culvert. The late nature of this submission has precluded further discussion with the Council's Flood Risk Advisor in advance of the PPSL meeting on 17th April 2019; in the event of a continuation it would be officer's intention to forward this further information for such comment.

(D) RECOMMENDATION

That Members continue the application to allow the agent to submit the further information required by the Planning Service to complete a competent assessment of the impact of the proposed development upon the receiving environment.

Author of Report: Fiona Scott **Date:** 15/04/19

Reviewing Officer: Peter Bain **Date:** 16/04/19

Angus Gilmour
Head of Planning, Housing and Regulatory Services