

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

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 3 dwellinghouses
- Formation of vehicular access

(ii) Other specified operations

- Connection to public water main
 - Connection to public drainage system
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

No relevant history.

(D) CONSULTATIONS:

Area Roads Authority

Initial report dated 02/10/19 deferring decision until such time as a Traffic Management Plan (TMP) was submitted. A TMP was subsequently submitted with the Roads Authority confirming their acceptance in an e-mail dated 27/02/19.

Scottish Water

Letter dated 25/09/18 stating no objection to the proposed development advising that there is currently sufficient capacity in the Tullich Water Treatment Works and Toberonochy Waste Water Treatment Works but that further investigations may be required once a formal application for connection is submitted.

Flood Risk Manager (FRM)

Initial response dated 26/10/18 deferring decision until a topographic survey to determine whether a Flood Risk Assessment (FRA) is required together with further information on drainage design was submitted. Ongoing discussions took place with the FRM and the Agent resulting in an amended response dated 14/02/19 in light of additional information in the form of site levels and a Drainage Assessment being submitted. The additional information allowed the FRM to amend his response to one of no objection subject to conditions being imposed on the grant of permission regarding the finished floor level of the dwellinghouse and the surface water drainage being designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition with details to include site investigation, a method statement for surface water containment during construction and maintenance information.

Biodiversity Officer

Initial letter dated 14/11/18 advising no objection to the proposed development but advising that a tree protection plan be submitted and a bat survey be undertaken for the drystone dyke. However, as a result of works to the wall on site to facilitate the vehicular access, the Biodiversity Officer advised that this negated the need for a bat survey. A condition will be imposed on the grant of planning permission requiring the submission of a tree protection plan.

Luing Community Council (LCC)

Letter dated 19/10/19 advising that whilst LCC are generally supportive of appropriate housing developments on the island, they have concerns with regard to the management of surface water drainage of this particular proposal. LCC advise that the site is on higher ground than neighbouring properties and the road and if the surface water drainage on the site is inadequate any excess water would potentially run off onto the road and other properties. The proposal for SUDS in the Design and Access Statement is vague.

Comment: The surface water drainage system for the proposed development is fully discussed at Section F below.

The above represents a summary of the comments made. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Conservation Area, Site Notice and Neighbour Notification procedures, overall closing date 25/10/19.

(F) REPRESENTATIONS:

14 objections from 9 households and 2 expressions of support from 1 household have been received regarding the proposed development.

Objection

Gemma Wells, Seabank, Toberonochy, Isle of Luing, PA34 4UE (26/10/18, 27/11/18)
Mr Paul Thomas, 34 Toberonochy, Isle of Luing, PA34 4UE (26/10/18)
Mrs Eugenie Thomas, 34 Toberonochy, Isle of Luing, PA34 4UE (26/10/18)
Cathie MacKenzie, 37 Toberonochy, Isle of Luing, PA34 4UE (24/10/18)
David Baudains, 42 Toberonochy, Isle of Luing, PA34 4UE (15/10/18)
Geraldine Baudains (by e-mail 13/10/18)
Mr Peter Roberts, 16 Toberonochy, Isle of Luing, PA34 4UE (13/11/18)
Mr Brian Heaton, 18 Toberonochy, Isle of Luing, PA34 4UE (26/10/18)
Mrs H. R Graham, 41 Toberonochy, Isle of Luing, PA34 4UE (21/10/18)
June Graham, 41 Toberonochy, Isle of Luing, PA34 4UE (03/03/19)
June Graham, 30a Upper Bridge Street, Stirling, FK8 1ES (21/10/18 x 2)
Malcolm Dunmore, 30a Upper Bridge Street, Stirling, FK8 1ES (21/10/18)
Mr Gavin McCutcheon, 40 Toberonochy, Isle of Luing, PA34 4UE (25/10/18)
Mrs Alison Ewart, 39 Toberonochy, Isle of Luing, PA34 4UE (23/10/18)

Summary of issues raised

Surface Water Drainage

- Concerns over the lack of detailed information relating to the treatment of surface water drainage for the proposed development. There is a substantial amount of surface water currently runs onto, through and off the proposed site and there are concerns that, if appropriate measures are not taken, the risk of flooding could increase which would be a disastrous consequence for the homes which are located downhill from the proposed entrance to the site.
- The developers should meet and liaise with the occupants of the village to discuss and show proposed robust plans for drainage and also to inform regarding the type of hard surface proposed for use on the site.
- A condition of any planning permission should require the developers to instigate suitable mitigation measures in conjunction and under consultation with the local residents of 1 and 39-42 Toberonochy.
- The proposed soakaway should not be on the site, this facility should be connected to the main system recently installed in the village.
- Whilst the flood risk response recommends planning conditions regarding detailed investigation and SUDS maintenance, should flooding occur to existing dwellings what redress will occupants have through enforcement of the planning condition after the fact.

Comment: During the processing of the application ongoing discussions took place with the Council's Flood Risk Manager, JBA Consulting resulting in the submission of site level details and a Drainage Assessment prepared by CRA (Edinburgh). JBA reviewed the information submitted relating to site levels and determined that a site specific FRA is not required for the site but recommended that the finished floor levels (FFL) of the proposed dwellinghouses be set at least 0.3 metres above ground level as a precaution against possible surface water flooding. The proposed drainage system comprises a land drain, permeable paving with attenuation via a cellular storage system and a hydrobrake, with ultimate discharge to land via a soakaway to which JBA advised the principle of which is acceptable. However JBA advise that no site investigation has been undertaken to establish soil permeability with the British Geological Survey mapped information used instead and therefore it is recommended that site investigations be undertaken at detailed

design stage and the soakaway design be updated as appropriate. JBA further advise that surface water containment during construction and maintenance of the proposed system have also not been provided but both these issues could be addressed by a planning condition.

JBA further advised that, provided that the SUDS scheme is designed and maintained properly, as per suggested conditions, then the runoff from the site should be no greater than the pre-development amounts and the development should have a neutral effect upon flood risk.

In light of the above, it is not considered necessary for a meeting on site to discuss the surface water drainage arrangements.

Roads and Access Issues

- The proposed access is sited near to a bend causing road safety issues. The access should be moved to a straight road before the village.
- How will congestion and risk of accidents arising from construction vehicles be addressed.
- Construction vehicles waiting at North Cuan for the half hourly ferry crossing add to existing congestion, including obstruction of access to car-parking bays and the turning area for the local bus service.
- What consideration will be given to the increased wear and tear on the Council owned and operated Cuan Ferry. The ferry has been in service for several decades and increased volumes of heavy traffic for construction projects on the island have taken their toll resulting in more frequent breakdowns.
- There is insufficient information on how access and unloading of construction vehicles will be accommodated on the site. Vehicles should not be allowed to park in front of existing properties which has been common practice in the past.

Comment: The Councils Roads Authority was consulted on the proposal and initially deferred their decision until such time as a Traffic Management Plan (TMP) was submitted providing information on plant, labour and materials required to construct the development and the route to be taken by material and plant deliveries. The TMP was submitted outlining the information required and the Roads Authority confirmed their acceptance of the TMP advising that they were content that works involved in the proposed development will not have an adverse effect on the roads on the island. Accordingly, with conditions to secure the requirements of the Roads Authority, namely construction of the access to the standard roads specification, clearance of visibility splays and provision of a bin store at the junction with the public road the proposal is considered acceptable from a road safety perspective.

Trees, Wildlife and Boundary Wall

- Whilst the plans clearly state that the trees are not to be removed as part of the development, there are concerns that, due to the size and boggy nature of the site, the proposed works would cause disturbance to the trees resulting in damage to their root structure and their ultimate removal due to safety reasons. The removal of the trees would have a detrimental impact to the visual effects when entering the village and also on the wildlife which regularly frequents them.
- Should the trees become unstable, and fall, there is potential for them to cause damage to properties and electricity infrastructure.
- The boundary wall enclosing the site should be rebuilt if and where necessary to continue providing the scenic entrance to the historic village. The removal of the wall would allow for the visual impact to become urban ruining the entrance to the beautiful conservation area the site is within.

- The loss of natural habitat will have a detrimental impact on local biodiversity including the loss of nesting and feeding ground for birds and bats. Owls are frequently observed perched in the tree at the telephone box and bats are visible at dusk.

Comment: The Councils Biodiversity Officer was consulted on the proposal and in her initial response advised no objection to the proposed development subject to a tree protection plan being submitted and a bat survey being undertaken for the drystone dyke. However, as a result of works to the wall on site to facilitate the vehicular access, the Biodiversity Officer advised that this negated the need for a bat survey.

The Planning Service will impose suitably worded conditions to secure details of tree protection measures during the construction period and also to retain and make good the existing stone boundary wall.

Siting, Design and Finishing Materials

- The development should be limited to a maximum of 2 dwellinghouses.
- The development will create a manmade visual obstruction ruining the villages open east-west aspect from sea to farmland and disrupting the planned layout of the conservation area.
- The scale and design of the proposed dwellinghouses, especially the larger dwelling on the corner, are not in keeping with existing properties within the conservation area, specifically the former quarries cottages.
- The proposed dwellings would loom over lower-lying properties, creating an overbearing, effectively 30 foot vertical barrier bringing a pervading sense of enclosure to the village dominating the skyline resulting in a suburban landscape.
- The proposed dwellinghouses will have an adverse impact on the privacy and amenity of 'Seabank' with 16 windows/rooflights facing the property which is unacceptable.
- The larger end dwellinghouse will directly overlook a small area of land with a shed (former outside privy) which is currently secluded and provides a peaceful recreational space.
- The fencing reaches the roof line at the front of the dwellinghouses, surely this is too high to be classed as in keeping.
- No details of the proposed windows have been shown, these should be timber sliding sash and case to maintain the character of the village.

Comment: The proposed site is considered to represent a suitable opportunity for development with three dwellinghouses within the minor settlement as defined in the adopted 'Argyll and Bute Local Development Plan' 2015. Whilst it is accepted that the proposed dwellinghouses are larger in scale to the adjacent historic slate workers cottages they give regard to the existing cottages by maintaining a traditional frontage facing the public road with a natural slate roof, white rendered walls and vertically emphasised windows. The rear elevation, which is not visible from within the main village centre, incorporates a number of more contemporary design features including flat roof dormer windows and slate cladding to the external walls which are considered to be acceptable. The proposed development will round off the extent of built development within this part of the village with the sympathetic design ensuring that the proposed dwellinghouses do not appear as overbearing structures within the site or wider village.

The Planning Service has been in discussion with the agent regarding the proposed windows to secure traditional timber sliding sash and case units to the front elevation of the proposed dwellinghouses where the design is more traditional in character and which will help integrate the development within the site and wider streetscene. The rear elevations of the proposed dwellinghouses are contemporary and benefit from contemporary but high quality fenestration which is considered to be acceptable.

The Planning Service has been in discussion with the agent to secure a reduction in height of the proposed gates and fencing to ensure they are no higher than 1.8 metres in height.

The dwellinghouses are a sufficient distance from neighbouring properties and ground to ensure no privacy or amenity conflict consistent with the guidance set out in SG 2.

General

- It is important that constraints on the developers imposed by the Council are rigorously enforced and not allowed to go unchecked.

Comment: Any conditions imposed on the grant of planning permission will be monitored and enforced as necessary by the Planning Service.

- What measures will be in place to limit noise and disturbance during construction.

Comment: Noise and disturbance during the construction period of developments is not a material planning consideration. Should noise become an issue, contact should be made with the Council's Environmental Health Unit.

- The area designated within the site for storage of rubbish bins should be mandatory.

Comment: Notwithstanding the plans submitted with the application, the Roads Authority has requested that a condition be imposed requiring full details of the proposed bin store to be submitted and approved by them.

- The pictures used in the submission are over a decade old and do not show a true likeness to how properties now look. It is shameful that it is acceptable to use images that work in the planners favour while jeopardising other human beings rights to privacy.

Comment: This comment is noted, however there have been no major developments within the village which have substantially changed to context of the site. Furthermore site visits are undertaken by the Planning Service prior to the determination of planning applications which gives an accurate account of the site and its surroundings.

- The application does not indicate whether the proposed dwellings will be for rent or sale. This is a material consideration as nearly half of the houses within the conservation area are already second homes.

Comment: Whether the proposed dwellinghouses are for rent or sale is not a material consideration in the determination of this planning application.

- Concerns over the delay with Neighbour Notification being received.

Comment: Neighbour Notification was sent in the post to the relevant properties by the Planning Service on 21 September 2018. The delay in the notification being received by the relevant properties is not a matter for the Planning Service but a matter for Royal Mail.

- The plans show that there will be a septic tank located on the site for the foul waste which raises serious concerns as local knowledge can demonstrate that the location for the proposed septic tank is where the majority of the surface water runs down the site. If the septic tank overflows due to the volume of water it would result in surface water being contaminated with foul waste.

Comment: The application does not propose the installation of a septic tank, connection to Scottish Water's public drainage network is proposed. The soakaway shown on the plans relates to surface water drainage.

Support

Mr Jurgen Wolf, Arizona Villa, Toberonochy, Isle of Luing, PA34 4UG (10/10/18)

Mrs Linda Houston, Arizona Villa, Toberonochy, Isle of Luing, PA34 4UG (10/10/18)

Summary of issues raised

- The local initiative to enable the sensitive development of the adjacent gap site for the provision of three potential new quality homes within the village is welcomed.
- Provided the design principles included in the application are adhered to, privacy, rights of light and amenity will not be negatively affected by the development.
- It is assumed that the post box and telephone box will remain or be relocated elsewhere within the village in agreement with the service providers as these are important amenities for the village as a whole.
- Pleased that the shared access location has been agreed with the Roads Authority.
- Supporting the retention/build of a traditional wall along the site/road edge.
- The mature trees on the site should be maintained for their amenity and environmental value.
- The proposed materials are in keeping with the Conservation Area.

Comment: These comments are noted by the Planning Service.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---------------------------------------------------------------------------------------------------|------------|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes |

A Design and Access Statement (DAS) has been submitted in support of the application for planning permission providing a background to how the design solution for the site was reached. The DAS sets out that the site is suitable for three homes following the loose grain and low density of the surrounding settlement continuing the building lines formed by the existing terraces taking advantage of the existing green spaces and trees on site which will act as a buffer between the development and the street. The DAS asserts that the architectural quality of the dwellinghouses are sensitive to the context of the conservation area and adjacent listed cottages with the form, proportions, materials and fenestration inspired by the character of the listed cottages and the scale of the dwellinghouses matching the existing one and a half storey structures within the wider conservation area.

The above represents an extract of the DAS. A full copy of the DAS is available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

**A report on the impact of the proposed development
e.g. retail impact, transport impact, noise impact, flood risk,
drainage impact etc:** **No**

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: **No**

**(I) Has a Direction been issued by Scottish Ministers in terms of
Regulation 30, 31 or 32:** **No**

**(J) Section 25 of the Act; Development Plan and any other material considerations over
and above those listed above which have been taken into account in the
assessment of the application**

**(i) List of all Development Plan Policy considerations taken into account in
assessment of the application.**

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones (*Minor Settlement of Toberonochy*)

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs) (*Knapdale and Melfort APQ*)

SG LDP ENV 14 – Landscape

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG LDP ENV 17 – Development in Conservation Areas & Special Built Environment Areas (*Toberonochy Conservation Area*)

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

**(i) List of all other material planning considerations taken into account in the
assessment of the application, having due regard to Annex A of Circular
3/2013.**

Argyll and Bute Sustainable Design Guidance, 2006

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No

In deciding whether to hold a discretionary hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

14 objections from 9 households and 2 expressions of support from 1 household have been received regarding the proposed development.

The main thrust of the objections relate to technical issues regarding the treatment of the surface water drainage arising from the proposed development the details of which have been fully assessed and accepted by the Council's flood advisor.

Accordingly, the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the fully adopted 'Argyll and Bute Local Development Plan' 2015 and the direct relevance of key planning policies contained within it.

Accordingly, in this instance, it is not considered that the objections raise any complex or technical issues that have not been addressed in the current report of handling and it is not considered that a discretionary local hearing would add value to the planning process.

Accordingly it is recommended that the Committee does not hold a hearing prior to the application being determined.

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for the erection of three detached dwellinghouses on an area of ground to the northwest of Arizona, Toberonochy, Isle of Luing.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the site is within the minor settlement of Toberonochy where Policy LDP DM 1 gives encouragement to small-scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG). The appropriate Local Development Plan framework for the proposed development is discussed in Appendix A below.

The site is situated within the Toberonochy Conservation Area and wider Knapdale and Melfort Area of Panoramic Quality and in proximity to a number of Listed Buildings.

The site is contained by an overgrown natural stone wall which has collapsed at certain points and contains a number of mature trees along its boundaries. There is a telephone box and postbox within the site positioned between the boundary wall and public road, however the application does not propose to remove these structures.

The application proposes three detached contemporary designed one and a half storey dwellinghouses finished in white painted render with natural slate roofs.

A new vehicular access is proposed to serve the development with water and drainage via connection to the public systems.

The determining factors in the assessment of this application are whether or not the scale and design of the development is acceptable for its site and surroundings, including its impact upon the character and amenity of the area. It is also necessary to address access, infrastructure and servicing concerns.

The proposal has elicited 14 objections from 9 households and 2 expressions of support from 1 household.

The proposed development will have no materially adverse impact upon the historic environment including (but not necessarily limited to) the historic/architectural/cultural value and/or setting or other specified qualities of any listed building, any scheduled ancient monument, any garden and designed landscape, any conservation area or any special built environment area. Neither will the proposed development result in any material harm to the natural environment including (but not necessarily limited to) the special environmental/habitat/geological or other specified qualities of any site of special scientific interest, any special protection area, any 'Ramsar' site, any national or local nature reserve, any designated area of wild land, any marine consultation area, any area of semi-natural ancient woodland, any carbon and peatland area or any tree preservation order.

The development has been assessed against all of the above potential constraints and designations and has been determined to raise no issues or concerns except for any specifically referred to within this summary assessment.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

The site is considered to represent a suitable opportunity for development with three dwellinghouses within the minor settlement of Toberonochy as defined in the adopted 'Argyll and Bute Local Development Plan' 2015.

The siting, design and finishing materials of the proposed dwellinghouses are considered to be acceptable and will not detract from the site or its setting within the wider Conservation Area or Area of Panoramic Quality nor will they detract from the setting of nearby Listed Buildings.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 1, SG LDP ENV 13, SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17, SG LDP HOU 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Fiona Scott Date: 19/03/19

Reviewing Officer: Tim Williams Date: 01/04/19

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 18/01526/PP

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 05/07/18 and the approved drawing reference numbers Plan 1 of 25 to Plan 25 of 25 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 (as amended).

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.
- Please note the advice contained in the attached consultation response from Scottish Water. You are advised to contact Scottish Water direct to discuss the issues raised.

VEHICULAR ACCESS

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/002a at 90° to the public road with visibility splays of 2.4 metres to point X by 53 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. 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 1.05 metres above the access. 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.
- No walls, fences, hedges etc. will be permitted within 2 metres from the channel line of the public road.

PARKING AND TURNING

3. The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans 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.

BIN STORE

4. Notwithstanding the provisions of Condition 1 – full details in plan form of a proposed bin store and enclosure at the junction with the public road shall be submitted and approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

SURFACE WATER DRAINAGE

5. Notwithstanding the provisions of Condition 1, no development shall commence on site until updated details of the proposed surface water drainage system have been submitted and approved in writing by the Planning Service in consultation with JBA Consulting. Such details shall show the surface water drainage system designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition and include site investigation details; a method statement for surface water containment during construction; and maintenance details for the proposed system.

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.

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

FINISHED FLOOR LEVEL

6. No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. Such a level shall be at least 0.3 metres above finished ground levels. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development

and its surroundings and prevent surface water flooding.

DESIGN AND FINISHES

7. Notwithstanding the provisions of Condition 1, the windows to the front elevation of the proposed dwellinghouses shall be timber sliding sash and case units, full details of which shall be submitted in plan form and approved in writing by the Planning Authority prior to work starting on construction of the proposed dwellinghouses.

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

8. Notwithstanding the provisions of Condition 1, the proposed gates and fencing shall be no higher than 1.8 metres in height, full details of which shall be submitted in plan form and approved in writing by the Planning Authority prior to work starting on construction of the proposed dwellinghouses.

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

TREES

9. Pursuant to Condition 1 – 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) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
- ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
- iii) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- iv) 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 5837:2005 "Trees in Relation to 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.

LANDSCAPING & BOUNDARY WALL

10. 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) Retention and details of any rebuilding of the stone boundary wall;
- iv) Location design and materials of proposed walls, fences and gates;
- v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted including details of new tree planting along the boundaries of the site;
- 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.

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

TELEPHONE BOX AND POST BOX

11. Notwithstanding the provisions of Condition 1, the telephone box and post box shall be retained within the site to the satisfaction of the Planning Service.

Reason: In the interests of public amenity.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01526/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is within the minor settlement of Toberonochy where Policy LDP DM 1 gives encouragement to small-scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is within the Toberonochy Conservation Area (CA) and the Knapdale and Melfort Area of Panoramic Quality (APQ) and in close proximity to a number of Listed Buildings (LB) where, collectively, SG LDP 17, SG LDP ENV 13 and SG LDP 16(a) seek to preserve and enhance the character and appearance of CAs and APQs and protect the setting of LBs from unsympathetic development seeking to secure a high standard of appropriate siting, design and finishing materials.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities with SG LDP HOU 1 expanding on this policy giving support to new housing in the settlements on appropriate sites provided there are no unacceptable environmental, servicing or access issue.

Policy LDP 9 seeks developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. SG 2 expands on this policy seeking development layouts to be compatible with, and consolidate the existing settlement and take into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The proposal has elicited 14 objections from 9 households and 2 expressions of support from 1 household.

B. Location, Nature and Design of Proposed Development

The application site is situated within the minor settlement of Toberonochy comprising a rough semi-circular shaped area of land elevated slightly above the level of the adjacent public road

To the southeast of the site is a row of traditional single storey slate workers cottages with more modern one and a half storey dwellinghouses situated to the northeast. To the west there are open fields with the foreshore and Shuna Sound to the northeast.

The site is contained by an overgrown natural stone wall which has collapsed at certain points and contains a number of mature trees along its boundaries. There is a telephone box and postbox within the site positioned between the boundary wall and public road.

The current application seeks planning permission for three detached dwellinghouses. The proposed dwellinghouses are contemporary designed one and a half storey structures, two of which take a 'L' shaped footprint with the most northerly unit taking an elongated 'L' shaped footprint following the curve in the adjacent public road. The proposed dwellinghouses pay regard to the adjacent historic slate workers cottage by maintaining a traditional frontage facing the public road with a natural slate roof, white rendered walls and vertically emphasised windows. The rear elevation, which is not visible from within the main village centre, incorporate a number of more contemporary design features including flat roof dormer windows and slate cladding to the external walls.

The parking area to serve the dwellinghouses is positioned to the rear of the dwellinghouses concealed from the public road maintaining an uninterrupted frontage presenting the public road.

The proposal is considered to comply with the terms Policy LDP 9 and SG 2 which seek to ensure developments are of a suitable scale, design and finish and do not have an adverse impact on the privacy and amenity of neighbouring properties.

C. Natural and Built Environment

The site is situated within the Toberonochy Conservation Area (CA) and within close proximity to a number of Listed Buildings (LBs). Accordingly the provisions of SG LDP ENV 17 and SG LDP ENV 16(a) require to be considered in any proposal which collectively seek to protect CAs, and LBs from unsympathetic development seeking to secure a high standard of appropriate siting, design and finishing materials.

The row of traditional single storey slate workers cottages situated to the southeast of the site together with the more modern one and a half storey dwellinghouses to the south and northeast are all LBs.

Whilst it is accepted that the site is in close proximity to a number of LBs, it is considered that the proposed dwellinghouses have been sympathetically designed with a traditional façade facing into the village taking regard to the design of the nearby listed slate workers cottages which will help integrate them within the site and wider village. It is not considered that the proposed development, which is proposed within an area of defined settlement and which is adjacent to existing built development, would be materially harmful to the current setting of the surrounding LBs or the wider CA.

In addition the site is within the Knapdale and Melfort APQ where SG LDP ENV 13 seeks to resist development where its scale, location or design will have a significant adverse impact on the character of an APQ.

In light of comments from third parties regarding the potential impact of the development on trees and wildlife, the Council's Biodiversity Officer was consulted on the proposal. In her initial response she advised that, as the existing trees are to be retained, a Tree Protection Plan should be submitted for approval prior to construction commencing on site. The Biodiversity Officer further advised that the drystone dyke be assessed for biodiversity interest including bats. However, as a result of works to the wall on site to facilitate the proposed site entrance, there is no requirement for a bat survey to be undertaken.

It is considered that the proposed dwellinghouses respects the established settlement pattern of the surrounding area and are of a scale and design which will ensure they do not have any significant adverse impact on the character of the site, its setting within the streetscene, the CA or the wider APQ consistent with the terms of Policy LDP 3, SG LDP ENV 13, SG LDP ENV 14, SG LDP ENV 16(a) and SG LDP

ENV 17 and with Conditions satisfies SG LDP ENV 1 which seeks to protect habitats and species.

D. Road Network, Parking and Associated Transport Matters.

The application proposes to form a new vehicular access into the site spurring from the C35 Toberonochy Road. Due to the roads on Luing being narrow, poorly aligned and built on sub-grade material, the Roads Authority deferred their decision until such time as a Traffic Management Plan (TMP) was submitted detailing all plant, labour and materials required to construct the proposed development together with the route to be taken by material and plant deliveries. The TMP submitted by the agent outlined the information required and the Roads Authority confirmed their acceptance of the TMP advising that they were content that works involved in the proposed development will not have an adverse effect on the roads on the island. Accordingly, with conditions to secure the requirements of the Roads Authority, namely construction of the access to the standard roads specification, clearance of visibility splays and provision of a bin store at the junction with the public road the proposal is considered acceptable from a road safety perspective. The application shows the requisite parking requirement within the site and therefore there is no need for this aspect of the proposal to be conditioned.

The proposal complies with the terms of Policy LDP DM 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area within the site.

E. Infrastructure

The application shows water and drainage via connection to the public systems. Scottish Water was consulted on the proposed development and raised no objection but provided advisory comments for the applicant regarding connection to their infrastructure. Accordingly, should planning permission be granted, an informative should be added to the grant of planning permission advising the applicant to contact Scottish Water to discuss connection to their infrastructure.

The proposal is considered acceptable in terms of Policy LDP DM 11 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.

F. Surface Water Drainage

Due to concerns raised by third parties regarding the impact of surface water from the proposed development, comments were sought from the Council's Flood Risk Manager, JBA Consulting. In their initial response JBA requested that a topographic survey be submitted to determine if a Flood Risk Assessment (FRA) was required together with further information on the drainage design to serve the proposed development. Ongoing discussions took place between the agent and JBA resulting in the agent submitting details of site levels and a Drainage Assessment prepared by CRA (Edinburgh). JBA reviewed the information submitted relating to site levels and determined that a site specific FRA is not required but recommended that the finished floor levels (FFL) of the proposed dwellinghouses be set at least 0.3 metres above ground level as a precaution against possible surface water flooding. The proposed drainage system comprises a land drain, permeable paving with attenuation via a cellular storage system and a hydrobrake, with ultimate discharge to land via a soakaway to which JBA advised the principle of which is acceptable. However JBA advise that no site investigation has been undertaken to establish soil permeability with the British Geological Survey mapped information used instead and therefore it is recommended that site investigations be undertaken at detailed design stage and the soakaway design be updated as appropriate. JBA further advise

that surface water containment during construction and maintenance of the proposed system have also not been provided but this could be addressed by a planning condition.

With conditions to achieve the requirements of the Councils Flood Risk Manager, the proposal is considered acceptable in terms of Policy LDP DM 10 and SG LDP SERV 2 which seek to ensure that developments incorporate a suitable surface water drainage system to reduce the risk of flooding which can occur.