

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS

A) INTRODUCTION

This report summarises the outcome of a recent appeal against the non-determination of application 18/01444/PP on land to the north of Cardross Primary, Barrs Road, Cardross. This application was an application under s42 of the Planning Act to carry out the development without compliance with 4 and 5 and with a variation of condition 7 imposed in the grant of planning permission in principle 15/01794/PPP (erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works).

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISIONS

Planning Authority:	Argyll and Bute Council
Planning application ref:	18/01444/PP
Planning appeal ref:	PPA-130-2071
Proposal:	Appeal by Avant Homes Scotland against the non-determination by Argyll and Bute Council of the application for planning permission reference 18/01444/PP, dated 25 June 2018, to carry out the development without compliance with conditions 4 and 5, and with variation of condition 7, imposed in the grant of planning permission 15/01794/PPP dated 26 January 2017.
Location:	Land north of Cardross Primary School, Barrs Road, Cardross
Date of decision:	15 th July 2019

This appeal decision relates to a non-determination appeal against an application made under s42 of the Planning Act for permission to implement the development without compliance with conditions 4 and 5 and a variation to condition 7 on a site north of Cardross Primary, Barrs Road, Cardross. The site is allocated for housing in the adopted Local Development Plan and the site is referred to as “Kirkton Farm” in the plan.

While the Reporter approved the application, he did not accept that conditions 4 and 5 were unnecessary and that condition 7 should be varied as advocated by the appellant. Instead he allowed the appeal and granted planning permission in principle with all the same conditions the Council imposed on the 2015 application with the exception of a slightly amended condition 4.

With regard to condition 4, the Council's original condition and the Reporter's amended condition are noted below:

The Council's condition no. 4 on 15/01794/PPP:

Unless otherwise agreed in writing by the planning authority in consultation with the Council's Road Network Manager no development shall commence unless and until the following road improvements to Darleith Road have been provided to the satisfaction of the Planning Authority in consultation with the Road Network Manager

(i) The provision of a suitable traffic calming scheme (give and take priority) between Barr's Terrace and Mill Road. This shall also include the provision of a minimum of 10 new off street car parking spaces, as shown on plan TIAVCAR2_SK003 C

(ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan TIAVCAR2_SK002 B

(iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions;

(iv) The provision of street lighting to the north of the new access to the development, the exact location to be agreed in consultation with the Council's Road Network Manager;

(v) the existing lighting between Mill Road and the existing 30 mph speed restriction limit shall be upgraded.

Reason: In the interests of road safety and to ensure a safe connection from the A814 to the site, suitable traffic calming measures, compensatory parking and a passing place for larger vehicles are required to be implemented before construction work commences on site.

The Reporter's amended condition 4:

Unless otherwise agreed in writing by the planning authority in consultation with the Road Network Manager no development shall commence unless and until the following improvements to Darleith Road have been provided:

(i) The provision of a suitable traffic calming scheme (give and take priority) and the provision of three new off-street car parking spaces between Barrs Terrace and Mill Road. A drawing showing details of these provisions shall be submitted for the prior written approval of the planning authority.

(ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan TIAVCAR2_SK002 B

(iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions

(iv) Upgrading of the existing lighting between Mill Road and the existing 30mph speed restriction limit

Reason: to provide improvements, including suitable traffic calming measures, compensatory parking and a passing place for larger vehicles, in the interests of road safety and to ensure a safe connection from the A814 to the site.

From this it can be seen that the Reporter has reduced the requirement for off-street parking on Darleith Road from 10 spaces to 3 spaces. In addition, the requirement for lighting to be installed to the north of the proposed access to the site has been removed. The proposal requires the detail of the road improvements between Barrs Terrace and Mill Road to be approved by the Council through an Approval of Matters Specified in Conditions (AMSC) application.

Whilst the Reporter has approved the appeal, the revised conditions are very similar to those imposed on the Council's 2025 permission. The Reporter has rejected the appellant's arguments that the development could be served by an access to Barrs Road. He is supportive of the Council's view that Barrs Road is not suitable as the sole vehicular access to the site.

D) IMPLICATIONS

Policy: None

Financial: None.

Personnel: None

Equal Opportunities: None

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