

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: 19/01139/PPP
Planning Hierarchy: Local Application
Applicant: Peter Malthouse
Proposal: Site for the erection of 2 dwellinghouses
Site Address: Land North East of Fairwater, Portincaple, Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Erection of 2 dwellinghouses
Formation of access
Installation of septic tank

ii) Other Specified Operations

Connection to existing public water main

(B) RECOMMENDATION:

It is recommended that planning permission in principle be approved.

(C) HISTORY:

17/02526/PREAPP - Pre Application Enquiry - to erect 2 houses on vacant land

(D) CONSULTATIONS:

Garelochhead Community Council - 04.07.2019 - We have concerns regarding the following:

- Steepness of bank from Feuins Road.
- Gradient of Feuins Road at site point.
- Privacy issues with regards to other households
- Ability of contractor to carry out works without major disturbance to the single track road and the hamlet of Portincaple since this is the only access road in and out.

Scottish Environmental Protection Agency - 21.06.2019 – We confirm that there has been pre-application discussions between the applicant and our local regulatory team. Authorisation for the discharge will be required from SEPA under The Water (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended). To date, no application has been received, however, based on the information currently available to us, the proposals are acceptable and we have no objection to this planning application.

Roads Helensburgh and Lomond - 04.11.2019 – No objections subject to conditions

The proposed development will be accessed from the existing public road (Feuins Road) is acceptable. The access should afford good visibility for vehicles to ingress and egress. Surface water must not be able to flow from the site onto carriageway. The parking provision shall be in accordance with the Local Development Plan parking policy.

Scottish Water - 14.06.2019 – No objections

MOD - Statutory Planning Applications - 24.07.2019 - Buildings should be of a non-vulnerable construction.

Core Paths – No response

(E) PUBLICITY: Advert Type: Regulation 20 Advert Local Application Expiry: 18.07.2019

(F) REPRESENTATIONS:

19 people have submitted letters of objection:

i) Representations received from:

Objection

Howard Worton, Saddlevie, Portincaple 04.07.2019
Hilary Worton, Saddlevie, Portincaple 04.07.2019
Rachel Roberts, No Address Given 05.07.2019
Mr Fergus Madigan, Fairwater, Portincaple 27.06.2018, 01.07.2019, 03.07.2019 & 04.11.2019
Ms Ruth Chapman, Ferry House, Feuins Road, Portincaple 02.07.2019
Mark King Suilven, Portincaple, 04.07.2019
Ms Debbie Carr, Braeside, Portincaple, 19.06.2019
Mr Duncan Macpherson, Ferry House, Feuins Road, Portincaple 02.07.2019
Ms Polly Dunlop, Flat 2/1, 4 Lorne Street, Helensburgh 03.07.2019
Gemma Kimmett, Duntorquil, Feuins Road, Portincaple 03.07.2019
Susan Slade, Duntorquil, Feuins Road, Portincaple 03.07.2019
Mrs T Mawhinney, Lochside, Portincaple 02.07.2019
Antony Robinson, The Sheiling, Feuins Road, Portincaple
Watson Robinson, Upper Flat, Creaggan, Feuins Road, Portincaple 04.07.2019
Joe Walker, Woodruff, Portincaple 03.07.2019
Michael Devine, Varragill, Portincaple
Rachael Roberts, Fairwater, Portincaple 04.07.2019
Chris Smith, Dalriada, Portincaple 08.07.2019
Richard Breslin, Tigh Na Mara, Feuins Road, Portincaple 12.07.2019

ii) Summary of issues raised:

- I am owner of the roadside garage and small area of land adjacent to this proposal and I was not notified.

Comment: The Council do not hold details on who owns land. If there is not a house on the land, a Regulation 24 Vacant Land Advert is placed in the local paper. Procedure was followed and this advert was placed.

- The proposed plan is hugely speculative on unsuitable land with questionable access and destruction of natural habitat.

Comment: See the assessment.

- There have been no previous dwellings on this land and it is outwith the Local Plan.

Comment: There has not been any dwellings on this land. However, the site is within the settlement boundary of Portincaple where there is a presumption in favour of development.

- I have serious concerns that the correct process has not been adhered to regarding the planning application. The application does not present as accurate particularly in terms of land ownership and I respectfully ask that it be made invalid or withdrawn.

Comment: The application was made valid and the correct process has been adhered to. The applicant has been contacted regarding this dispute in ownership and has advised that they do own all of the land within the application site. Any further dispute is a civil matter and not a material planning consideration. There is no reason to withdraw the application.

- The application does not meet the national standards for the validation and determination of planning applications in Scotland. The location plan is invalid on numerous points.

Comment: It is considered that the applicant's submission was adequate to validate the application.

- I have particular concerns regarding the loss of ancient woodland and the unsuitability of the site to be built upon.

Comment: Although there are trees on site, it is not included in the Inventory of Ancient Woodlands. See also the assessment.

- The steep angle of the hillside isn't shown on the drawings and this is vital to the building process.

Comment: It is agreed that the site topography was essential to the decision making process and as such a topographical plan was requested to be submitted, showing the site levels and a site section. This information was submitted in October.

- The nearest dwelling to the proposed site has been omitted completely (Plantree Cottage). This dwelling is directly in front of the site and its relevance to the site and location plans is crucial in allowing both consultee and public comments to be based on all the relevant information.

Comment: The dwellinghouse at Plantree Cottage was demolished and a new one has been built. It's omission from the plans is not intentional. The Council's mapping system, which is OS based does not yet show this new dwellinghouse. However, for the purpose of our assessment, the dwelling at that location was taken into consideration. Furthermore, the topographical survey plan shows the new house, which is now named 'Suilven'.

- Portincaple has grown slowly and organically over the last half century. There are no highly visible houses built on the road edge along this stretch of road. The 2 houses along this stretch that do have their access set back from the road and are hardly visible. This gives a sense of place.

Comment: It is considered that 2 houses at this location, sensitively designed and landscaped could fit in with the minor settlement of Portincaple without adversely affecting the sense of place.

- This is a PPP application. However due to the topography of the site the houses will need to be next to the road. Therefore the design of the houses is a material consideration.

Comment: The purpose of this application is to ascertain whether or not the principle of the houses is acceptable. While the design of the houses is a material consideration, this is not required at this stage and will be dealt with at the AMSC stage.

- The position of two houses next to the road will be out of context of its surroundings along this green stretch of road. The dwellings will bring a linear structure which is again out of context. The development will not integrate in its surroundings, it will jar and look forced.

Comment: It is considered that a thoughtfully designed, split level house with associated landscaping will be able to be built at this location while successfully integrating with its surroundings.

- There are issues with sewerage and drainage. There is no detail on the type of sewerage treatment plant. The poor permeability of the soil would demonstrate that a soakaway is not feasible. The proposed stream location is implicit that it is a continual movement of water. This stream is often dry and as such there would be no dilution of any run off.

Comment: SEPA have been consulted and have no objections. They have advised that they have been pre-application discussions with the applicant and that they consider the proposals to be acceptable.

- The single track road already struggles with traffic. I need to stand on the road to cut my hedge and it is becoming hard to do that safely.

Comment: The Area Roads Engineer has no objections regarding road safety.

- I do not believe that the existing infrastructure can cope with further developments without upgrade. In particular roads and electricity.

Comment: The Area Roads Engineer has no objections regarding the road. If the electricity needs to be upgraded this is the responsibility of the applicant.

- Loss of wildlife is a concern. There are many protected birds spotted at this location. Bats and deer also.

Comment: This is a PPP application. A condition will be placed on the consent that a suitable wildlife survey is completed at the AMSC stage.

- A previous application (reference 97/01611/OUT) at this location was refused.

Comment: At this time the Local Plan did not include the site within the settlement boundary. The site now lies within the settlement boundary and as such accords with the Local Development Plan.

- Due to the steepness of the site and the position of the houses, the development would directly overlook my home (Suilven). I am greatly concerned about the lack of privacy and the peaceful enjoyment of our home.

Comment: The proposed houses, by virtue of the steepness of the site, will be at least 30 metres from the boundary. There will be an increase in overlook given the existing situation, however due to the distances involved, it is considered that this is within acceptable limits.

- I am concerned with the proposed soakaway as it is adjacent to my garden and the land is a bog. I believe the effluent would drain into my garden causing ground water pollution.

Comment: SEPA have been consulted and have no objections.

- The proposal will overshadow 3 houses, ours included (Ferry House) and our conservatory will be overlooked unless the buildings do not have north and west facing windows.

Comment: Although the houses would be built at a higher level than the plots to the rear of the development, they sit on large plots and are a sufficient distance away to ensure that the minimum 18 metres window to window distance is adhered to. There will be an increase in overlook given the existing situation, however due to the distances involved, it is considered that this is within acceptable limits.

- It would appear that the applicant has undertaken an official land grab while marking the boundaries of their plan, including my workshop.

Comment: The applicant have been contacted regarding this dispute in ownership and has advised that they do own all of the land within the application site. Any further dispute is a civil matter and not a material planning consideration.

- Loss of view in this area of outstanding natural beauty.

Comment: Loss of view is not a material planning consideration.

- SEPA correspondence seems unclear. I'm concerned about the provision for foul water. The burn is often completely dry so it seems extraordinary that this will be offered as a solution.

Comment: SEPA have no objections. This will also be investigated at AMSC and building warrant stage to ensure suitability.

- Portincapple is an oasis of peacefulness and is a treasure from those suffering with anxiety, stress or mental health issues. It is important that these settlements are protected from development. There is low unemployment and the area is economically active. It does not need either social or economic regeneration.

Comment: The application has been submitted and is assessed on its merits.

- The topographical plans submitted by the applicant on 8th October do not show the location of the proposed dwellings in relation to surrounding dwellings.

Comment: This is not required at this stage as the application is for planning permission in principle.

- The original plans showed a parking and turning area behind the proposed dwellings. The new topographical plan omits this altogether. The section of Feuins Road alongside the proposed dwellings has no space for either parking or turning.

Comment: The original plans showed the parking area to the front of the proposed dwellings. However, any plans at this stage are indicative only. It was not a requirement to show this on the topographical survey.

- Consultee responses were first based on inaccurate information, they are now based on incorrect information.

Comment: The roads consultation response was not received until after the topographical survey was submitted. It is considered that the other consultees could comment fully without this survey.

- The plans do not show parking or turning and the topographical map clearly shows the problem and how it would be virtually impossible to have such an area on such a steep incline adjacent to Feuins Road.

Comment: There are design solutions with the access road that can overcome the steepness at the top of the road. This will be explored in the AMSC stage.

- The applicant has made no contact regarding the disparity of the site boundary along 'Fairwater'. As it stands the site plans and land ownership certificate are wrong according to the cadastral map of the Scottish Land Registry.

Comment: The applicant has been contacted regarding this dispute in ownership and has advised that they do own all of the land within the application site. Any further dispute is a civil matter and not a material planning consideration.

- The applicant was given 3 weeks from the 16th July to submit topographical and section plans. They were not submitted for 12 weeks with no explanation. The statutory expiry date for the application was 12/04/2019. Can the planning department provide the relevant correspondence as to how and why the extension was agreed?

Comment: There was no formal extension agreed. The applicant was given time to submit the requested information.

(G) SUPPORTING INFORMATION

- i) Environmental Statement:: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:N
- iii) A design or design/access statement: No
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:

Mabbet (dated 9/11/18): Solution Assessment for the Treatment and Disposal of Foul Drainage.

(H) PLANNING OBLIGATIONS

None Required

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

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- (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.**

Local Development Plan Policies

- LDP STRAT 1 – Sustainable Development
- LDP DM1 – Development within the Development Management Zones
- LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
- LDP 10 – Maximising our Resources and Reducing our Consumption

- LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan – Supplementary Guidance Policies

- SG LDP ENV 1 – Development Impact on Habitats, Species and Biodiversity
- SG LDP ENV 6 – Development Impact on Trees / Woodland
- SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
- SG LDP HOU 1 – General Housing Development including Affordable Housing
- SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems
- SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
- SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development. SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 – Vehicle Parking Provision
- SG LDP BAD 1 – Bad Neighbour Development

(ii) List of other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

- Scottish Planning Policy
- Consultee responses
- Third party representations

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

(L) Has the application been subject of statutory pre-application consultation (PAC):

No Pre-application consultation required as the proposal is a Local application.

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

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

(O) Requirement for hearing (PAN41 or other):

A total of 19 representations have been received objecting to the proposed development together with concerns from Garelochhead Community Council. Therefore consideration has to be given to holding a discretionary hearing. In this instance the application is for planning permission in principle in which specific detail is not available in respect of design etc. It is considered that the principle of development is consistent with the relevant provisions of the Local Development Plan, there are no objections from statutory consultees and the key issues raised by objectors have been covered in the report of handling or can be dealt with by condition. As such it is not considered that a discretionary hearing would add any value to this process.

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

Planning Permission in Principle is sought for the erection of 2 dwellinghouses each with a detached garage and sewerage treatment works at land off of Feuins Road, Portincaple as defined by the adopted Development Plan. Within this area there is a general presumption

in favour of small scale residential development subject to other local plan policies being satisfied. The site also lies within an area designated as an Area of Panoramic Quality (APQ) and careful consideration must be given to the impact of the proposed development in this important landscape.

Both dwellings will have a new access from Feuins Road, Portincaple. The site slopes downwards to the west and is covered in shrubs and trees. The submitted plans show two plots, each with a site area approximately of 1450 square metres, which is comparable to other sites in the area. It shows 2 dwellings at the top of the site, with the parking and turning in front of the dwelling. The Area Roads Manager has been consulted on this and has no objections to the proposal subject to conditions. A section shows that the houses will be split level. A sewerage treatment plant is proposed with partial soakaway to the burn. Although the house will be built at a much higher level than the houses to the rear, there will be no issue with regards to window to window distances. There will be some loss of privacy with overlook, given the height difference, but given the size of the plots, this is considered to be within acceptable limits. The impact that the development will have on trees and wildlife will be further investigated at the AMSC stage of the development.

With regards to the designation as an Area of Panoramic Quality the proposed houses will be to the west side of Feuins Road, where the majority of the development at this location is sited. To the east is undeveloped woodland, which slopes upwards, forms a backdrop and is one of the key features of this Area of Panoramic Quality.

There have been a number of objections relating to land ownership and the fact that the site boundary encompasses a shed which is used and maintained by another party. The applicant has been questioned about this and the agents have written to us with assurance that they indeed own all of the land in the application site. We have accepted that and any other disputes regarding this is a civil matter and not a material planning consideration. The area in question does not form a meaningful part of this application and its inclusion in the site boundary would not affect the decision making process or the outcome.

It is therefore considered that the proposal accords with Policy LDP STRAT 1, LDP DM 1, Policy LDP 3, LDP 10, LDP 11, SG LDP ENV 6, SG LDP ENV 13, SG LDP - Sustainable Siting and Design Principles, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

(R) Reasons why Planning Permission or a Planning Permission in Principle should be granted:

The proposal accords with Policy LDP STRAT 1, LDP DM 1, Policy LDP 3, LDP 10, LDP 11, SG LDP ENV 6, SG LDP ENV 13, SG LDP - Sustainable Siting and Design Principles, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan and there are no other material considerations 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:

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

Author of Report: Stephanie Spreng

Date: 01.11.2019

Reviewing Officer: Howard Young

Date: 06.11.2019



Howard Young

Dated: 06.11.2019

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 19/01139/PPP

1. Plans and particulars of the matters specified in conditions 2 to 10 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Pursuant to Condition 1 – no development shall commence in respect of any of the two plots until plans and particulars of the site layout including the provision for the storage / separation / recycling of waste in accordance with Local Development Plan policy, design, topographical surveys, cross sections and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located out with the application site. Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.

3. Pursuant to the provisions of Condition 1, no development shall commence until details of a Sustainable urban Drainage Systems (SuDS) scheme is submitted to the Council for further approval. This scheme shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA C753 and Sewers for Scotland 3rd Edition. Development shall thereafter be carried out using the approved scheme and be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

4. Pursuant to the provisions of Condition 1, no development shall commence until details of a communal sewage treatment system to service both dwellinghouses has been submitted to and agreed in writing by the Planning Authority. Development shall thereafter be carried out using the approved scheme and be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate system to deal with foul drainage.

5. Pursuant to the provisions of Condition 1, development shall not begin until samples of the materials to be used on external surfaces of the buildings and in the construction of hard standings, walls and fences have been submitted to, and approved in writing by, the planning authority. Development shall thereafter be carried out using the approved materials, or such alternatives that the planning authority may agree in writing.

Reason: To ensure that the appearance of the development is compatible with its surroundings.

6. Pursuant to the provisions of Condition 1, development shall not begin until details of the method of construction of the dwellings are submitted to the Planning Authority to allow further consultation with the Ministry of Defence (MOD) safeguarding department. Such details as may be approved by the Planning Authority in consultation with the MOD shall thereafter be implemented.

Reason: The site is located within an MOD safeguarding zone and construction of any dwelling requires to accord with necessary standards in the interests of safety.

7. Pursuant to the provisions of Condition 1, development shall not begin until details of the following road traffic safety requirements are submitted to the Planning Authority to allow further consideration with the Area Roads Manager. These shall comprise further information to show;
- (a) the junctions of the new driveways onto the new access with sightline visibility splays 2.4 x 35 x 1.05m.
 - (b) the gradient of the private access and driveways which shall be greater than 10% absolute maximum 12.5%
 - (c) The access shall be surfaced in a bituminous material for a distance of 5 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
 - (d) The access at the junction with the public road shall be constructed as per drawing SD 08/002
 - (e) The access shall be a minimum of 4.5 metres wide for a distance of 10 metres from the radius tangent point as per Drg SD 08/002.
 - (f) Car parking and turning provision in accordance with the Councils 'Roads Guidance for Developers'

Reason: In the interest of road traffic safety.

8. Pursuant to the provisions of Condition 1, no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved 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) Location design and materials of proposed walls, fences and gates;
 - iii) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - iv) 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.

9. Pursuant to the provisions of Condition 1, the applicant shall complete and submit the following Biodiversity Information for further approval by the Planning Authority prior to any works commencing on site.
- (a) a Biodiversity Checklist as supporting information.
 - (b) a Bat Survey report carried out at the optimum time of the year by an appropriately qualified person.

(c) the following ecological surveys for Red Squirrel, Badger and Ornithological interest carried out at the optimum time of the year by an appropriately qualified person.

Reason: In the interests of Biodiversity.

10. No development shall take place until details of trees, shrubs and hedgerows to be removed and to be retained, tree protection measures, soil stripping, storage and re-spreading procedures have been submitted to and approved in writing by the Planning Authority.

Reason: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings.

NOTE TO APPLICANT

1. This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
2. Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 within the time limits specified in Section 59 of the Act.
3. Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
4. The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
5. In order to comply with Section 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.
6. 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.
7. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which: is more than 4 hectares, is in excess of 5km, or includes an area of more than 1 hectare, or length of more than 500m, on ground with a slope in excess of 25°. Please see SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.
Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ. Tel: 01698 839000.
8. Detailed design must be agreed with Road Network Manager prior to works commencing on site.
9. A road opening permit will be required for all works on or adjacent to the road corridor.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/01139/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the village/minor settlement of Portincaple in which Policy LDP DM 1 gives support to small scale development subject to compliance with other relevant policies and supplementary guidance. Under Policy LDP SG HOU 1 there is support for small scale housing development (less than 5 dwellings) in the Villages and Minor Settlements. The proposal is in accordance with this Policy.

B. Location, Nature and Design of Proposed Development

Both dwellings will have a new access from Feuins Road, Portincaple. The site slopes downwards to the west and is covered in shrubs and trees. The submitted plans show two plots, each with a site area of approximately 1450 square metres, which is comparable to other sites in the area. It shows 2 dwellings at the top of the site, with the parking and turning in front of the dwelling. They will have a shared sewerage treatment plant with partial soakaway to the burn.

There is no set rhythm to the settlement pattern of this section of Feuins Road. Further northwards a linear pattern forms with houses on either side of the road. But at this location there are no dwellings to the east of the site, with all of the other dwellings located to the west of Feuins Road, between the road and the shore, with a mix of house styles all orientated to the west benefiting from views of Loch Long.

A topographical survey was requested due to the very steep nature of the site. This was submitted and showed that there is a height difference from the top of the site at Feuins Road to the rear site boundary of approximately 10 metres. The site is steepest where it falls away from the road. Given the sloping nature of the site, the houses would require to be split level. A site section with an indicative plan of the house shows that this can be accommodated on site.

C. Natural Environment

The site has previously been undeveloped, with tree cover and shrubs. This habitat may support a range of wildlife including birds and bats. A safeguarding condition is the most appropriate method of ensuring this information is submitted prior to an AMSC application being approved. By doing so this will ensure compliance with SG LDP ENV 1 – Development Impact on Habitats, Species and Biodiversity.

D. Built Environment

The settlement pattern of Portincaple is sporadic. Most houses occupy large, sloping plots with detached dwellings. The 2 houses will be sited well over 18 metres from the nearest neighbouring properties and will not pose any harm to residential amenity in terms of window to window distance. The houses will be positioned on higher ground in relation to neighbouring dwellings however this is a characteristic of Portincaple in which single dwellings are staggered on the hillside to gain views of the Loch. The siting of these dwellings in this manner will be in keeping with the surrounding area. Further examination will be undertaken on submission of a more detailed application which will examine overlooking, overshadowing and daylighting. Their footprint, within each plot, are considered to be appropriate and not overdevelopment. Matters concerning scale, massing and design will be examined further on the submission of an AMSC application which will ensure compliance with SG LDP - Sustainable Siting and Design Principles. Overall it is considered that the principle of development is acceptable.

E. Impact on Woodland/Access to Countryside

Although the site does host a number of trees, the trees are not protected by a Tree Preservation Order, neither are they on the Ancient Woodland Inventory. While a number of trees will have to be removed to make way for development, there are many that will remain. It is considered that 2 houses can be accommodated on site without detriment to the overall character of the location. The area to the east of Feuins Road is wooded and forms the backdrop to the development. A condition will be placed on the consent to ensure that a site survey is done, and all trees to be removed and remain are shown. This is in accordance with Policy SG LDP ENV 6.

F. Landscape Character

The site is designated as an Area of Panoramic Quality and in accordance with Policy SG LDP ENV 13, development should be of the highest quality and not detract from this designation. The proposed houses will be to the west side of Feuins Road where the majority of the development at this location is sited. The land to the east is undeveloped woodland which slopes upwards to the main road and forms the backdrop to the development below, which is one of the key features of this Area of Panoramic Quality. It is considered that a thoughtfully designed, split level house with associated landscaping will be able to be built at this location while successfully integrating with its surroundings and will not adversely affect the APQ.

G. Road Network, Parking and Associated Transport Matters

The Area Roads Manager has advised no objections subject to a number of safeguarding conditions regarding visibility splays and sightlines. These matters are all within the applicants control and can be dealt with by safeguarding conditions to ensure compliance with SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes and SG LDP TRAN 6 - Vehicle Parking Provision. This matter can be investigated further on the submission of a more detailed planning application (AMSC application).

H. Infrastructure

It is proposed to connect the two dwellinghouses to the public water main. Scottish Water has raised no objection to this proposal subject to advisory information being attached to the grant of Planning Permission in Principle. In terms of waste water a sewage treatment plant is proposed to service both dwellings. Policy SG LDP SERV 1 requires that connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 will be a prerequisite of planning consent for all development proposals in the main settlements identified in the plan with a population equivalent of more than 2000 and wherever significant development (large scale) is proposed. Elsewhere, connection to the public sewer will be required, unless, inter alia, the applicant can demonstrate that connection is not feasible, for technical or economic reasons.

It is proposed that both dwellings will connect to a sewage treatment plant. As such, apart from Policy SG LDP SERV 1 it is potentially a bad neighbour development where Policy SG LDP BAD 1 is applicable. Proposals for developments classed as "Bad Neighbour" Developments will only be permitted where, inter alia, there are no unacceptable adverse effects on the amenity of neighbouring residents and no, amenity or public service provision objections.

It is not possible to connect to the public system at this location. SEPA have been consulted and has no objections. They have advised that they have been pre-application discussions with the applicant and that they consider the proposals to be acceptable. Similarly Scottish Water has raised no objections. On this basis, **the proposal would accord with**

Supplementary Guidance Policy SG LDP SERV 1 and Policy SG LDP BAD 1 of the Argyll and Bute Local Development Plan 2015.