

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: 19/00253/PP

Planning Hierarchy: Local Development

Applicant: Mr Andrew Jahoda

Proposal: Erection of one dwellinghouse (amended 13.05.20)

Site Address: Ianmyo, Peel Street, Cardross

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse

(ii) Other specified operations

- Connection to public water main
 - Connection to public sewerage system
-

(B) RECOMMENDATION:

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

(C) HISTORY:

13/02902/TPO – Lopping of 2 Sycamore trees – Approved 29.01.14

18/00370/TPO – Proposed lopping of 5 Leylandii trees – Withdrawn 01.08.18

18/00395/TPO – Proposed lopping of 5 Leylandii trees – Withdrawn 16.03.18

18/02738/PP – Erection of 2 dwellinghouses – Withdrawn 14.02.19

(D) CONSULTATIONS:

Area Roads Manager

Memo and e-mail dated 06/06/19 and 25/05/20 – No objections subject to conditions.

Flood Risk/Drainage Impact Officer

Memos dated 11/11/19 and 15/11/19. No objections subject to conditions

Scottish Water

Letter dated 06/03/19 - No objection in principle. There is currently sufficient capacity in the Alexandria Water Treatment Works. The proposed development will be serviced by the Ardoch Waste Water Treatment Works. We cannot confirm capacity at this time and so the applicant should submit a Pre-development Inquiry Form

SEPA

Letters dated 06/03/19 and 19/11/19 – No objection.

Bio-Diversity Officer

E-mail dated 02/06/20 - A bat survey is required and any impacts mitigated before the application can be approved.

(E) PUBLICITY:

Listed Building/Conservation Area Advert, closing date 04/04/19.

(F) REPRESENTATIONS:

i) Representations have been received from the following:

Objection

Peel Street Residents Association Letter via e-mail dated 07/03/19)

Gavin Rae, 2 Burnfoot, Cardross, G82 5NB (e-mails and 08/03/19 dated 11/03/19)

Carol Bone, 4 Burnfoot, Cardross, G82 5NB (e-mails dated 11/03/19 and 25/03/19, 09/05/19 and 08/07/19)

David McVittie, Ardmoy, Main Road, Cardross, G82 5JX

Michele Rae, 2 Burnfoot, Cardross, G82 5NB (e-mail dated 11/03/19)

Allan Stewart, 53 Bainfield Road, Cardross, G82 5JQ (letter dated 12/03/19)

Karen and Inness Veitch Thomson, 5 Burnfoot, Cardross, G82 5NB (letter and e-mails dated 13/03/19, 04/04/19 and 21/05/19)

Mrs Kirstie Dubojski, Tigh Na Mara, Peel Street, Cardross, G82 5LD (e-mail dated 20/03/19)

V Searle, 51 Bainfield Road, Cardross, G82 5JQ (letter dated 14/03/19)

Mark Ryan, 2 Cedar Road, Cardross, G82 5JW (e-mail dated 27/03/19)

Mark Harrison and Evelyn Turner, Seafield, Peel Street, Cardross, G82 5LD (e-mail dated 22/03/19)

Robert Reid, Morayville, Peel Street, Cardross, G82 5LD (letter dated 27/03/19)

James Orr, Loning Villa, Peel Street, Cardross, G82 5LD (letter dated 31/03/19)

i) Summary of issues raised:

It is contrary to the Argyll and Bute Council Local Plan and inappropriate development for a Conservation Area.

Comment: See assessment.

The adjacent Kilmahew Burn has flooded in the past. This burn is critically affected by the high water spring tides backed up by the prevailing south-westerly winds and a large water catchment from the hills above Cardross. Outflow from the burn stalls and residents have evidence of many incidents where the burn has almost breached the existing flood defences. On no account can any additional surface water outfalls be permitted to enter the burn.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

The existing drainage infrastructure has also flooded in the past. Residents regularly experience the drainage network backing up and it appears the existing pumping station at Cardross Station is unable to cope with the demands being placed on it.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

The proposed development will be connecting to existing local infrastructure to the south of Peel Street which is already overcapacity and regularly backs up and has caused untreated sewage to flood onto adjacent properties.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

The soakaway infrastructure of the planned development is contrary to SEPA approval and the Flood Risk Management (Scotland) Act 2009. The surface water will be drained by means of a soakaway into the Kilmahew Burn. There are reservations about whether the burn can support any additional water at certain times of the year. There is a culvert which feeds into the burn and any additional water may result in the culvert backing up. It will increase the risk of flooding particularly to properties to the south.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

In 2018, 5 Leylandii trees were topped and any soakaway would be directed through the leylandii. This could undermine the root structure of the Leylandii making them susceptible to falling down.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

The proposed driveway will affect privacy in terms of noise from cars and headlights. Concerned about the potential flood risk from the proposed driveway. Also concerned about the embankment and retaining wall in terms of its impact on flooding.

Comment: It is not considered that an additional house will have a serious detrimental impact on privacy. SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions.

The Flood risk Assessment was due to be undertaken in May of 2019. Given the average rainfall this will not necessarily show a true picture.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions.

With reference to the Scottish Government guidelines it is felt that the application is lacking in information on several very important points with regards to drainage.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions.

A policy brief in 2017 titled the Reform of Scottish Private Water Rights. It states that a downstream owner has the right to have the water transmitted to them undiminished in quantity, unpolluted in quality and current unaffected in force and natural direction and current, except in so far as the primary uses of it may legitimately operate.

Comment: The Scottish Government introduced new regulations in 2017 for private water supplies. It is not considered this is a significant material planning consideration in this instance. In relation to surface water and flooding SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions.

Argyll and Bute refused to adopt Peel Street as it was not to adoptable standard. The existing street lighting within the area is extremely poor. Peel Street cannot sustain additional traffic flow and pedestrian movements.

Comment: The Area Roads Manager has no objection.

The development requires access over a private road. Where the access is proposed the road narrows which would impact on opportunities for passing places and parking for Seafield and Burnfoot Cottages. The plan overlooks realistic turning circles to and from the proposed site. This will negatively impact on wide vehicle access such as bin lorries and delivery HGVs. We would question the authority of Argyll and Bute Council to be able to award Planning Permission for a development that includes a new access onto a road that neither the Council nor the applicant owns.

Comment: The Area Roads Manager has no objections.

In 2018 Peel Street residents paid to have the street tarmacked. Concerned that the road will be adversely affected by the number of heavy vehicles on the road that will be required to complete the development and that it will need to be dug up to install services to the new development.

Comment: The Area Roads Manager has no objections. The potential impact of the installation of services is not considered a significant material consideration in this instance.

The border for the proposed property extends all the way down to the burn. The title deeds for our property (51 Bainfield Road) extends six feet on the opposite side of the burn. Is this not the case with the deed boundary for Ianmyo?

Comment: The application form indicates that the applicant owns the land set out in the site edged red.

The development is directly adjacent to our property (2 Cedar Grove) and would lead to a significant reduction in daylight and overshadowing of both our property and garden. The escape window and adjacent window on the northern elevation would overlook our property and constitute significant intrusion into our privacy.

Comment: See assessment.

The infrastructure regarding high speed electronic communications networks for the development is unable to support the additional increase contrary to Building Standards Technical Handbook Standard 4.14.

Comment: This is not a material planning consideration.

A large Monkey Puzzle tree, which is protected as it is in the Conservation Area, will be removed for the access. In other parts of the world these trees are an endangered species. It is also believed that there may be bats roosting in the land or property at lanmyo.

Comment: The Monkey Puzzle will not be affected by the development and the applicant has confirmed that it will be retained. See also the assessment.

The proposed development appears to encompass several large mature trees but overlooks root removal and soil disturbance in access road construction. These trees to could present a risk to adjoining properties in terms of stability in high winds. Also concerned that other trees would be removed during construction.

Comment: See assessment.

Loss of view.

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

(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 |
| (iv) 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**
- (ii) Reason for refusal in the event that the Section 75 agreement is not concluded:**

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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.

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
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 LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity
SG LDP ENV 5 Development Impact on Local Nature Conservation Sites (LNCS)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas
SG LDP HOU 1 – General Housing Development including Affordable Housing
SG LDP HOU 2 – Special Needs Access Provision in Housing Developments
SG LDP HOU 3 – Housing Green Space
Sustainable Siting and Design Principles
Delivery of Affordable Housing

SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5 (b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP DEP – Departures to the Local Development Plan

(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 4/2009.

Argyll and Bute Sustainable Design Guidance, 2006
Scottish Planning Policy (SPP), 2014
Representations
Argyll and Bute proposed Local Development Plan 2

(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:

A total of nineteen objections have been received and consideration has to be given to holding a Discretionary Hearing. The application, as originally submitted, raised a number of concerns regarding potential flood risk, impact on amenity and the potential loss of trees. The development has been reduced to one house and located outwith the flood risk area. The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed house will enhance the character of the Conservation Area. However, the potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. The applicant has agreed to this but has not confirmed the timetable for submission. The applicant has also indicated that he wants the application to go to Committee in June. As such the application is recommended for refusal because the impact on bats cannot be assessed. It is not considered that holding a Hearing would add value to the process of determining this application.

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

Planning permission is sought for the erection of a dwellinghouse, (the application was originally for two dwellinghouses but amended to one unit on 13th May 2020), within the sub-divided curtilage of the applicant's existing dwellinghouse, Ianmyo, at Peel Street, Cardross. The site is within Cardross Conservation Area in an established residential area and is roughly rectangular in shape, extending to approximately 3,149 square metres. It is bounded to the north-west by Peel Street from where access is proposed and to the south-east by the Kilmahew Burn. In this case the determining issues are whether the proposal has a high standard of design and its impact on the natural, human and built environment including the character and appearance of the Conservation Area and surface water run-off and flooding.

In terms of the adopted Argyll and Bute Local Development Plan the application site is located within the settlement boundary where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance.

Cardross is a key settlement where there is a presumption against major (more than 30 houses) but support for medium and small scale (6 to 30) and (1 to 5) housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At a single dwellinghouse the proposal is defined as small scale and is acceptable in principle.

Policy SG LDP ENV 1 provides additional detail to Policy LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment. Policy SG LDP ENV 6 resists development likely to have an adverse impact on trees. As the site is within the Conservation Area Policy SG LDP ENV 17 requires that any development preserve or enhance the character and appearance of the conservation area. It is considered that the application site is located within an area comprising a variety of architectural house

styles and of varying plot sizes and that there is no defining characteristic within this part of Cardross. Amended plans show a split level dwellinghouse of modern design comprising single storey and two storey elements located to the south of the donor property. Proposals such as these are considered an acceptable form of development subject to meeting the other provisions of the Development Plan. Within this context, the proposal will increase density however it is considered that the proposed modern design will add to the variety of development and enhance this part of the Conservation Area. As such, it is considered that the proposal accords with Policies LDP DM 1, SG LDP HOU 1, SG LDP ENV 6 and SG LDP ENV 17.

Access is via the existing access serving Ianmyo from Peel Street which is a private road. Peel Street takes access off the A814. The Area Roads Manager has indicated no objections subject to conditions.

Water supply and foul drainage is via a connection to the public system. There is currently sufficient capacity in the Alexandria Water Treatment Works. In terms of foul water the proposed development will be serviced by the Ardoch Waste Water Treatment Works. Scottish Water cannot confirm capacity at this time and so the applicant should submit a Pre-development Inquiry Form. This can be covered by a note and condition. An initial Flood Risk Assessment submitted with the application noted previous flood events include fluvial/tidal flooding on Peel Street in 1991 and flooding of the A814 in 2001 due to a watercourse blockage. Recurring flooding from surface water is also known to occur at the A814. The site lies within the indicative limits of fluvial flooding from the Kilmahew Burn on the SEPA Flood Map (2014) with depths above 0.3 m. The overall site boundary also lies within the indicative limits of coastal and surface water flooding on the SEPA map. SEPA objected to the proposal as originally submitted which indicated two dwellinghouses located to the south of the donor property. The Council's Flood Risk/Drainage Impact Officer also advised deferral of any decision to resolve the potential flood risk to the site and from the proposed development.

Following the concerns raised by SEPA and the Council's advisor, a fresh Flood Risk assessment was submitted. This stated that the site can be generally separated into two elevations. The eastern side of the site, adjacent to the burn has ground levels between approximately 4mAOD and 4.5mAOD, which is a similar level to the banks of the burn. Further west the site rises sharply to a level of between approximately 5.5mAOD and 7mAOD. To resolve the potential flood risk the prospective property, originally two, will be located on this raised area. SEPA and the Flood Risk/Drainage Impact Officer were re-consulted. SEPA has lifted its objection and the Council's Flood Risk advisor has indicated no objections. As such the proposal accords with Policies SG LDP SERV 3 and SG LDP SERV 7.

The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed house will enhance the character of the Conservation Area and will not impact on the character and amenity of adjoining houses or the surrounding area in terms of design and visual impact. However, the potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. The applicant has agreed to this but has not confirmed the timetable for submission. The applicant has also indicated that he wants the application to go to Committee in June. As such the application is recommended for refusal because the impact on bats cannot be assessed. However, if a bat survey is submitted which indicates that the development could proceed without detriment to bats then this can be covered in a Supplementary Report following consultation with the Council's Bio-Diversity officer. It may also mean that the application could be approved subject to conditions.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission should be refused

The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed house will enhance the character of the Conservation Area and will not impact on the character and amenity of adjoining houses and the surrounding area.

However, the potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. The applicant has agreed to this but has not confirmed the timetable for submission. The applicant has also indicated that he wants the application to go to Committee in June. As such the application is recommended for refusal because the impact on bats cannot be assessed. However, if a bat survey is submitted which indicates that the development could proceed without detriment to bats then this can be covered in a Supplementary Report following consultation with the Council's Bio-Diversity officer. It may also mean that the application could be approved subject to conditions.

(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: Howard Young Date: 28/05/2020

Reviewing Officer: Peter Bain Date: 4/06/2020

**Fergus Murray
Head of Development and Economic Growth**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. (19/00253/PP)

Local Plan Policies LDP 3 and SG LDP ENV 1 state that where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application. Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation. The potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. No survey has been submitted and the impact on bats cannot be assessed or mitigation measures implemented. The proposal is therefore contrary to Policies LDP 3 and SG LDP ENV 1 which presume against development which, inter alia, does not protect, conserve or where possible enhance biodiversity.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/00253/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission is sought for erection of a dwellinghouse on a sub-divided curtilage of a property located off Peel Street, Cardross. Permission was initially sought for two dwellinghouses but subsequently reduced to one dwelling unit following submission of amended plans on 13th May 2020.

In terms of the adopted Argyll and Bute Local Development Plan the application site is located within the settlement boundary where Policies LDP DM 1 and SD LDP HOU 1 give encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance. Cardross is a key settlement where there is a presumption against major (more than 30 houses) but support for medium (6 to 30) and small (1 to 5) scale housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At a single dwellinghouse the proposal is defined as small scale and is acceptable in principle subject to a site based criteria assessment. As the site is also within Cardross Conservation Area development must preserve or enhance the character and appearance of the conservation area. This is assessed below.

B. Location, Nature and Design of Proposed Development

Scottish Planning Policy requires that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. This advice is reflected in Local Development Plan Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas. Argyll and Bute Council Sustainable Design Guide, 2006 also offers advice on urban infill citing three options: contemporary ‘landmark’ development, contemporary ‘integrated’ development and traditional design.

Supplementary guidance also advises that new development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise. As a general principle all new proposals should be designed taking the following into account:

- Location: new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.
- Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.
- Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties. In rural areas, isolated sections of urban-style roads, pavements and lighting are best avoided.
- Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq. m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.
- Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor - particularly if there is a limited capacity.

- Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

The site is located within an existing residential area bounded by Peel Street to the north-west and the Kilmahew Burn to the south-east. It is roughly rectangular in shape extending to some 3149 square metres. It forms part of a larger curtilage of lanmyo, a two storey detached dwellinghouse accessed off Peel Street. The site is situated on the right hand bank, looking in the direction of river flow, of the Kilmahew Burn. The site can be generally separated into two elevations. In the eastern side of the site, adjacent to the burn, has ground levels between approximately 4mAOD and 4.5mAOD, which is a similar level to the banks of the burn. Further west the site rises sharply to a level of between approximately 5.5mAOD and 7mAOD. The proposed property will be located on this raised area.

The current application was originally for two houses. But as part of the site is within the floodplain the proposal is now for one house. Amended plans show a split level dwellinghouse of modern design comprising single storey and two storey elements located to the south of the donor property. It is 7.8 metres high, 14.3 metres long and 6 metres wide. No finishes are shown but the original plans indicated timber cladding, render and slate roofs. A condition will be attached requiring samples of materials to be agreed. The proposed new house takes up less than 10% of the site and both dwellings will retain substantial curtilages. The gable of the proposed house on the southern elevation sits less than 18 metres from the existing property at 5 Burnfoot. There is a window at first floor level which appears as a lounge/living room. At less than 18 metres separation from the property at 5 Burnfoot it does not meet window to window standards. Similarly, on the west elevation of the new house, there is a kitchen window which within 11 metres of lanmyo. This too doesn't meet the requisite standards. However, on the east elevation of the proposed house there are large areas of glazing which will provide the appropriate daylight and sunlight. The window on the east elevation can either be deleted or changed to a high level window. There are no openings on the opposite northern gable and a new window could be inserted to provide light to the proposed kitchen. An appropriate condition is attached to deal with this issue. A separate safeguarding condition is attached removing permitted development rights. In practice this will allow the Planning Authority to control any future alterations to the new house. The separation distances of 13.4 metres on the southern elevation and 13 metres on the northern elevation mean that the new house will not impact on daylight/sunlight to adjoining properties.

Proposals such as these are considered an acceptable form of development subject to meeting the other provisions of the Development Plan. Within this part of the Conservation Area there are a mix of house styles from traditional to suburban. In this context, the proposal will increase density however it is considered that the proposed modern design will add to the variety of development and enhance this part of the Conservation Area. As such, it is considered that the proposal accords with Policies LDP DM 1, SG LDP HOU 1 and SG LDP ENV 17.

C. Road Network, Parking and Associated Transport Matters.

Under Policy SG LDP TRAN 4 further development that utilises an existing private access or private road will only be accepted if:-

- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the

applicant can;

- (ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,
- (iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

As originally submitted the proposal was for two houses with a new access off Peel Street located to the south of the existing access serving Ianmyo. Peel Street is a private road and takes access off the A814. The Area Roads Manager indicated no objections subject to the following conditions:

- The shared access to be constructed as per Standard Detail SD08002a Private Driveway, the access to be 4.5 metres wide for at least the first 10 metres.
- The visibility splay onto the road should be 20 x 2 metres. All walls, fences and hedges within the visibility Splays to be maintained at height not greater than 1 metre above the road
- The parking requirements are 2no.spaces for 2/3 bedroomed unit and 3no.spaces for 4 or more bedrooms. This includes the existing dwelling. These are shown on the amended plans. There should also be turning provision within the site, which isn't shown but could be covered by condition.

The development has now been reduced to a single dwellinghouse. Access is now via the existing access serving Ianmyo from Peel Street. The Area Roads Manager was re-consulted and has indicated no objections subject to the previous conditions albeit the existing access of 4.1 metres rather than 4.5 metres is acceptable. The provision of the 2 x 20 metre visibility splays will require the removal of a boundary wall and hedge but are within the applicant's ownership. A condition has been attached requiring the submission of a landscaping scheme and boundary treatment. It is considered that a replacement boundary wall and hedge set back outwith the proposed visibility splays would be acceptable. A condition has also been attached setting out the appropriate parking provision. On the basis the proposal accords with Policies SG LDP TRAN 4 and SG LDP TRAN 6.

D. Drainage/Flooding/Infrastructure

Water supply and foul drainage is via a connection to the public system. There is currently sufficient capacity in the Alexandria Water Treatment Works. In terms of foul water the proposed development will be serviced by the Ardoch Waste Water Treatment Works. Scottish Water cannot confirm capacity at this time and so the applicant should submit a Pre-development Inquiry Form. This can be covered by a note and condition. The site is bounded to the south-east by Kilmahew Burn. Previous advice from SEPA indicated that the application site (or parts thereof) lies within the medium likelihood (0.5% probability or 1 in 200 year return period) fluvial and surface water flood extent of the SEPA Flood Map and may therefore be at medium to high risk of flooding. They also indicated that they have records of three flood events in the vicinity of the site.

Development on the functional flood plain will be considered contrary to the objectives of this plan. In exceptional circumstances, where land is required to facilitate key development strategies which come forward through the Local Development Plan process, land raising may be acceptable provided effective compensatory flood storage can be demonstrated and it will not lead to flooding elsewhere, and the objectives of the EU Water Framework Directive are not compromised in so doing. Where redevelopment of existing sites within built up areas at risk from flooding is proposed, the planning authority will take into account the impact on flood risk elsewhere and the mitigation measures proposed. However, it should be noted that in all cases where the potential for

flooding is highlighted, the planning authority will exercise the 'precautionary principle' and refuse development proposals where such proposals do not comply with advice.

Within "medium to high risk areas" (1:200 or greater annual probability of flooding) only certain categories of development may be acceptable. An initial Flood Risk Assessment submitted with the application noted these previous flood events and included fluvial/tidal flooding on Peel Street in 1991 and flooding of the A814 in 2001 due to a watercourse blockage. Recurring flooding from surface water is also known to occur at the A814. The site lies within the indicative limits of fluvial flooding from the Kilmahew Burn on the SEPA Flood Map (2014) with depths above 0.3 m. The overall site boundary also lies within the indicative limits of coastal and surface water flooding on the SEPA map. SEPA objected to the proposal as originally submitted which indicated two dwellinghouses located to the south of the donor property. The Council's Flood Risk/Drainage Impact officer also advised deferral of any decision to resolve the potential flood risk to the site and from the proposed development.

Following the concerns raised by SEPA and the Council's advisor a fresh Flood Risk Assessment was submitted. This stated that the site can be generally separated into two elevations. In the eastern side of the site, adjacent to the burn, has ground levels between approximately 4mAOD and 4.5mAOD, which is a similar level to the banks of the burn. Further west the site rises sharply to a level of between approximately 5.5mAOD and 7mAOD. To resolve the potential flood risk the prospective property, originally two, will be located on this raised area. SEPA and the Flood Risk/Drainage Impact Officer were re-consulted. SEPA has lifted its objection and the Council's Flood Risk advisor has indicated no objections subject to SuDS to be located outside of the 200 year functional floodplain and designed according to Sewers for Scotland 4th Edition and CIRIA C753. On this basis the proposal accords with Policies SG LDP SERV 3 and SG LDP SERV 7.

E. Trees/Bio-Diversity

The application site is within the Conservation Area which gives limited protection to trees. However, there are no other nature conservation designations under the Local Plan. The site has a number of mature trees including a Monkey Puzzle. Trees and shrubs will be removed but the applicant has confirmed the Monkey Puzzle will remain. There is limited information on the extent of tree removal. As such conditions can be attached requiring tree protection and a landscaping scheme.

Local Plan Policies LDP 3 and SG LDP ENV 1 state that where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application. Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation which presume against development which, inter alia, does not protect, conserve or where possible enhance biodiversity.

However, the potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. The applicant has agreed to this but has not confirmed the timetable for submission. The applicant has also indicated that he wants the application to go to Committee in June. As such the application is recommended for refusal because the impact on bats cannot be assessed. However, if a bat survey is submitted which indicates that the development could proceed without detriment to bats then this can be covered in a Supplementary Report following consultation with the Council's Bio-

Diversity officer. It may also mean that the application could be approved subject to conditions.

F. Previous Planning History

This current application was received on 7 February 2019 and validated on 25 February 2019. As originally submitted the proposal was for 2, two storey dwellinghouses sited to the south of the existing dwellinghouse. As part of the site flooded and the proposed houses could have been at risk, the decision was taken to amend the proposal. The southernmost house was deleted. The design of the other was changed in to a split level design and a new house of a different design was proposed at the front of the existing house adjoining Peel Street. The case officer subsequently left the Council and it was considered that the house adjoining Peel Street was not acceptable. The proposal is now for a single, split level house to the south of lanmyo. In turn this requires an assessment of whether this constitutes a material change requiring a fresh application.

This is a reduction in the number of units and overall scale of development. The amended proposal is considered an upgraded design from that originally submitted and resolves the issue of flood risk. The position of the amended single house and separation distance from neighbouring properties/boundaries is similar to that originally submitted and can be located without compromising amenity. For these reasons it was considered that the application could be assessed without recourse to a fresh application and did not compromise the legitimate concerns of adjoining neighbours.

G. Conclusion.

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the plan relevant to the application is the Local Development Plan (LDP).

Cardross is a key settlement where there is a presumption against major (more than 30 houses) but support for medium (6 to 30) and small scale (1 to 5) scale housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At a single dwellinghouse the proposal is defined as small scale and is acceptable in principle.

The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed house will enhance the character of the Conservation Area and will not impact on the character and amenity of adjoining houses and the surrounding area. However, the site may be host to bats which are a European Protected Species. A bat survey has been requested but has yet to be submitted. Consequently, in the absence of this information, the application is recommended for refusal as being contrary to Policies LDP 3 and SG LDP ENV 1.