

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: 21/00349/PPP
Planning Hierarchy: Local
Applicant: Rosneath Farms Ltd
Proposal: Site for the erection of dwellinghouse
Site Address: Plot 7, Land To The Rear Of Lochewe and Ardlanish, Kilcreggan, Helensburgh Argyll And Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of a dwellinghouse
- Formation of access
- Installation of private foul drainage scheme comprising septic tank with outfall to soakaway

(ii) Other specified operations

- Connection to public water supply network
-

(B) RECOMMENDATION:

Planning permission in principle be approved subject to conditions

(C) CONSULTATIONS:

Area Roads – 30.04.2021 - No objections subject to conditions.

It is noted that the existing private access does not have capacity for further development without essential improvement and road widening works being carried out.

Parking to be provided in accordance with adopted standards referred to in SG LDP TRAN 6.

Surface water must not be discharged from the site onto the carriageway.

Scottish Water – 13.04.2021 - No objections.

This does not confirm that the proposed development can currently be serviced. Further investigations into Water capacity may be required upon submission of a formal application by the applicant to Scottish Water.

Records do not show any public Waste Water infrastructure within vicinity of site - advise applicant to explore private treatment options.
Surface water connection in to Scottish water combined sewer system will be accepted only in limited exceptional circumstances on brownfield sites.

WoSAS – 07.05.2021 –

Recommended that any planning permission be subject to a safeguarding conditions requiring an archaeological watching brief to be carried out during ground disturbance works.

(D) HISTORY:

No relevant planning history on this application site.

(E) PUBLICITY:

Regulation 20 Advert Local Application – Expired 13.05.2021

Neighbour Consultation - Expired 13.05.2021

(F) REPRESENTATIONS:

(i) Representations received from:

Sabine Colgan - No Address Provided
Sheena Edwards - Portkil House, Kilcreggan, Helensburgh
John Lindsay - Portkil Lodge, Kilcreggan, Helensburgh
S.A. Mieszkowski - Raith Cottage, Kilcreggan, Helensburgh
C.I. Martin - Raith Cottage, Kilcreggan, Helensburgh
Martin Hodgson - No Address Provided
Roger Mitchell – Greensleeves, Kilcreggan, Helensburgh
Jean Mitchell – Greensleeves, Kilcreggan, Helensburgh
Alex Stewart – No Address Provided
Sue Stewart – No Address Provided
Sue Carpenter – Newport, Kilcreggan, Helensburgh
Calum MacLeod – Newport, Kilcreggan, Helensburgh

(ii) Summary of issues raised:

A total of 12 representations have been received.

Ten of these object to the proposed development and two are neutral in tone however they raise planning issues that require to be addressed.

All representations and objections are available for inspection on the planning file via the Council's web-site, however the issues raised by objectors and other contributors are summarised below:

General Principle of Development in Relation Spatial Strategy

- This proposed house is the latest in a series of several separate applications for residential development that would be the 17th new house

in the hamlet of Portkil by the applicant over recent years. This process avoids the applicant's requirement to provide an element of social housing, referred to as "development creep." This is an inappropriate scale of new development relative to the size of the original hamlet.

- Cumulative development of this hamlet has increased traffic movements to the detriment of the quality of the natural environment and residential amenities contrary to LDP policy.

Comment: - The proposed development has to be assessed with regard to its individual merits however issues such as the capacity of the existing private road will be taken into consideration.

- Approval of this application will open up even further development.
Comment: - The current application falls to be assessed with regard to its individual merits. Anticipation of further development is not a material consideration. Any new applications for further development at this hamlet will be assessed on their own merits having regard to all relevant material planning considerations. This will include the Portkil (Village and Minor Settlement) Development Management Zone as designated in the approved Local Development Pattern.

Impact on Historic Environment

- Adverse impact on the setting of nearby listed buildings with reference to their social history interest.

Comment: - This is a material consideration and is assessed in detail in Section (P) below with reference to LDP policy and guidance by HES.)

- The site is in an area of historical interest with evidence of stone coffins and pre-historic tools having been discovered.

Comment: - This is acknowledged. However as the degree of archaeological significance of the site is uncertain, National and local policy guidance advises that development may be approved in principle subject to an archaeological safeguarding condition (refer to consultation response from WoSAS and the assessment at Section (P)).

Impact on the Natural Environment

- Adverse impact of proposed development on existing natural features and conditions that provides wildlife habitat potential. Ongoing noise from residential use of the site will have an adverse impact upon birds and other wildlife habitat.
- Proposed development should be assessed with regard to the European Birds and Habitats Directive.

Comment: - Refer to assessment at Section(P) below.

Detriment to Residential Amenities

- Loss of privacy to occupiers of adjacent houses due to close proximity.
Comment: - Notwithstanding that detailed design is not shown at this stage it is considered that the site is large enough to accommodate a dwellinghouse without detriment to the residential amenities of existing residents by reason of direct overlooking windows to habitable rooms in accordance with supplementary guidance.

- Detriment to local residential amenity by reason noise and vibration disturbance; dust and debris: fumes: etc of prolonged and constant construction activity.

Comment: - Whilst this these issues are not dismissed as causing nuisance to residents they are not a material consideration in relation to the current application. Any planning permission will be subject to planning conditions to safeguard residential amenities during the construction phase and any breach will be investigated and acted upon.

- Increased light pollution.

Comment: - The application site is bounded by four existing residential properties. Whilst it bounds onto open countryside to the north east and south east, a new house would relate to existing houses adjacent to it and the increase in light resulting from one house on the edge of a hamlet of houses will not have a material impact on either residential amenities or the natural environment/landscape character.

Vehicular Access

- Private access road does not have capacity to serve existing development with congestion caused by an intensification of traffic movements and inability of vehicles to pass.

- Capacity issues relating to the private road and the intensification of traffic movements has resulted in vehicle related damage to property and road safety issues. This will be exacerbated by additional development.

Comment: - Refer to assessment at Section (P).

- There are large holes in the roads. Road maintenance is not the legal responsibility of local residents.

Comment: - It is not clear whether this refers to the wider public road network or the private road (Portkil Road) linking the development at Portkil to the B833 public road. Reference to maintenance responsibilities under the terms of title deeds strongly indicates the former. Maintenance of the private access road is a private legal matter and as such, the condition of the private access road surface is not a material land-use planning consideration that can be afforded material weight by the planning authority in assessing this planning application.

- Private access to Plot 7 (current application site is too narrow for construction vehicles. This will result in obstruction of access to existing houses by reason of construction vehicles unloading/parking on shared section of private road.

Comment: - It is the responsibility of the developer to provide safe and appropriate access to the site for construction plant and materials within any constraints.

- Access is not wide enough to accommodate fire tender vehicles

Comment: - This is a Building Warrant consideration.

Drainage and Flooding

Existing residents have been threatened by flooding due to surface water run-off from the private road, made worse by inadequate, damaged/blocked field drains and ditches.

Comment: - Refer to the assessment at Section (P)

Infrastructure Services

- Services infrastructure, including surface water drainage and public water supply in this area does not have capacity to serve any more development.

Comment: - Refer to the assessment at Section (P)

Proposed development will further reduce water pressure in the local area.

Comment: - The consultation response from Scottish water does not identify any constraints with regard to public water supply, however Scottish Water may investigate capacity, or any other existing issues with regard to service, upon receipt of an application form the developer. Existing residents experiencing water pressure issues should contact Scottish water in the first instance.

- Concern that there is inadequate provision of fire hydrants to serve the existing number of properties.

Comment: - Fire hydrants and access for fire tenders is a matter related to an application for a Building warrant (as opposed to an application for planning permission.) The adequacy of the number and location of fire hydrants will be assessed as part of any subsequent application to the Council for a Building Warrant. Residents with concerns over existing provisions for fire-fighting are advised to contact the Fire service in the first instance.

Miscellaneous

- Previous housing development has been built on good quality agricultural land and not to an appropriate scale, design and siting relative to the countryside contrary to LDP policy and local objections.

Comment: - The contributor accepts that the current application site is not good quality land. Notwithstanding repeated objections regarding previously approved housing development, this current application falls to be determined on its individual merits having regard to all material considerations including LDP policy and material planning considerations raised by contributors.

- Alleged indifference of landowner to maintaining the quality of the area with specific alleged actions or lack of actions.
- Alleged destruction of one third of woodland on the application site by the landowner during the bird nesting season in 2020, demonstrating disregard for the natural environment.

Comment: - Not a material planning considerations in relation the current planning application. The habitats regulations are legislatively separate to Town and country Planning legislation and the Council is not the appropriate authority in respect of alleged breaches. Allegations of offences under the provisions of the Wildlife and Countryside Act 1981/Conservation (Natural Habitats, &c.) Regulations 1994 should be reported to NatureScot or Police Scotland.

Concerns regarding landfilling with contaminated material should be reported to the Council's Environmental Health Services.

- The planning authority developer has failed to manage breaches of planning conditions by the developer(s) in respect of previous

developments. Approval of the current application will exacerbate these issues.

Comment: - Officers cannot comment in detail on allegations of lack of responses to breaches of specific planning conditions relative to previously approved development within this area. Local residents are advised to contact Planning Services to report any ongoing breaches of conditions separate to this current process application and Officers will investigate these concerns and respond if required. Should the current application be approved subject to planning conditions then Officers will seek to ensure that the development is implemented with due regard to those conditions.

- There's no identified need for additional housing in this location.

Comment: - The application does not seek to justify the proposed development with regard to any exceptional circumstances including an identified need for housing. This application is for small-scale residential development on a site within a designated minor settlement, consistent in principle with the LDP Settlement and Spatial Strategy. A lack of identified need is not material to this proposal and does not in itself warrant refusal of planning permission.

(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: | No |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

Percolation Test Results Report – 19th March 2021

- Report refers to percolation tests in relation to 3 no. trial holes. (It's noted that location of trial holes not supplied.)
 - The above informed a "percolation value".
 - Septic tank soakaway calculations
 - Proposed subsurface drainage system for proposed soakaway recommended as 5m x 20m trench with 150mm dia. perforated drainage pipes as indicated on site plan.
- NOTE: - Contrary to the above, neither the plan attached to the Percolation Test Report or any other plan submitted as par of the

application shows the proposed location for a soakaway.

(H) PLANNING OBLIGATIONS

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' Adopted March 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 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 to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 6 – Impact on Trees / Woodland

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings
SG LDP ENV 20 – Impact on Sites of Archaeological Importance

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

SG LDP SERV 5(c) – Safeguarding Existing Waste Management Sites

Transport (Including Core Paths)

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

SG LDP TRAN 5 – Off-site Highway Improvements

SG LDP TRAN 6 – Vehicle Parking Provision

(ii) 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.

- NPF4 – Approved by Scottish Parliament 11th January 2023.
- Historic Environment Policy for Scotland (HEPS) – 04.04.2019 – Historic Environment Scotland (HES).
- Managing Change in the Historic Environment: Setting – 03.02.2020 – HES
- *Argyll and Bute proposed Local Development Plan 2 (November 2019)*
The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below.
 - Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
 - Policy 36 – New Private Accesses
 - Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
 - Policy 39 – Construction Standards for Private Access

(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

A total of 12 representations have been received in objection to the proposed development (10 objections and 2 representations of a neutral nature.)

The approved Hearing protocol advocates a lesser emphasis on the previous numbers (of representations) threshold as a 'trigger' for a Hearing and more reliance on a criteria based approach in order to 'add value' to the determination process.

- The material considerations in relation to the proposal are not considered to be significantly complex.
- The proposed development is considered to be consistent with fundamental and up-to-date Local Development Plan policies and supplementary guidance. As such, the recommendation does not seek to justify a departure to the provisions of the Local Development Plan.

Therefore, having regard to the criteria-based assessments set out in current protocol, it is considered that a Pre-Determination Hearing will not add value to the decision-making process, and is not required.

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

The proposed site is situated within the minor settlement boundary for Portkil as designated in the Argyll and Bute local development Plan 2015. As such, the proposal is consistent with the Settlement and Spatial Strategy and should be supported unless it would result in adverse environmental, transport or service impact.

The proposed development, by reason of location, siting, scale, density and massing will integrate successfully with the existing pattern of built development in accordance with the provisions of policies LDP 9 and Sg – Sustainable Siting and Design Principles.

Subject to safeguarding conditions, it is considered that the site can accommodate a single dwellinghouse without adverse impact upon the natural or historic environment.

Subject to commensurate improvements to the existing private access road it is considered that the proposal can be served by an appropriate private and public road regime. The applicant has confirmed that he owns the land to either side of the private road along its length, and such the required improvement works can be secured by a suspensive planning condition.

It is considered that private drainage infrastructure can be provided to serve the proposed development without risk of flooding. Full details of the private drainage system can be secured by means of planning condition.

It is therefore recommended that planning permission in principle should be approved subject to the planning conditions recommended below.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

Subject to appropriate safeguarding conditions to secure the appropriate siting and design of a modest dwellinghouse within the site, the site is considered to represent an appropriate opportunity for development within the defined ROA consistent the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

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

N/a

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

Author of Report: Norman Shewan **Date:** 02.02.2023

Reviewing Officer: Sandra Davies **Date:** 06.02.2023

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/00349/PPP

1. PPP - Standard Condition & Notes 1

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7 and 8 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).PP - Approved Details & Standard Notes – Non EIA Development

2. PPP - Approved Details & Standard Notes 2

The development shall be implemented in accordance with the details specified on the application form dated 17th February 2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	PL-657-00	-	18.02.21
Location Plan and Existing & Proposed Site Plan	PL-657-01	-	18.02.21

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

3. Design and Finishes

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:

- (i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- (ii) Taking consideration of the Sustainable Siting and Design Principles set out in the adopted 'Argyll and Bute Local Development Plan' 2015;
- (iii) Single or single storey with accommodation in the roof space;
- (iv) A house siting, scale and plan form that responds clearly to the natural contours of the site in order that the proposed built development 'hunkers down' into the prevailing landform and minimises intrusive cut and fill excavation;
- (v) Building scale, massing and form that reflects, or sympathetic to the existing pattern of built development in the immediate vicinity;
- (vi) Narrow span volumetric form with symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate, unless an alternative roof form/design/materiality can be demonstrated as an acceptable alternative solution to the satisfaction of the planning authority by means of a comprehensive Design Statement;

- (vii) External walls finished in wet dash render, smooth render, natural stone, timber or a mixture of these finishes unless an alternative material cladding strategy can be justified by means of a Design Statement to the satisfaction of the planning authority;
- (viii) Window openings with a vertical emphasis unless alternative opening proportions can be justified as an integral part of a robust design process and justified by means of a Design Statement to the satisfaction of the planning authority.
- (ix) Existing and proposed sections through the site to demonstrate that the dwellinghouse will be sited in a manner sympathetic to the wider landscape impact of the area.
- (x) Existing topographical survey and proposed site plan showing ground levels and finished floor levels (FFLs) relative to an identified fixed datum point located close to but outwith the application site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

4. Pursuant to Condition 1, no development shall commence until plans and details showing the following works to the vehicular access, including the existing private access road from the junction of the proposed new access to the proposed site for a dwellinghouse to the junction with the B833 public road, and parking regime to serve the proposed development are submitted to and approved in writing by the Local Planning Authority:
 - (i) Access at connection between the development site and the private access track to be constructed in accordance with Council's Roads Standard Detail Drawing SD 08/004a.
 - (ii) Commensurate improvements to the existing private access road/track to provide a continuous 5.5 metre adoptable carriageway width between the junction of the Rosneath road (B833) and the private access to the proposed dwellinghouse, including a 2 metre wide service strip/grass verge;
 - (iii) Parking provision commensurate with the size of dwellinghouse proposed in accordance with SG LDP TRAN 6 and the Car Parking Standards of the adopted 'Argyll and Bute Local Development Plan' 2015.

Prior to commencement of any works on the application site:

- (i) The commensurate improvements to the private access road from the access point to the proposed dwellinghouse to the junction with the Rosneath road (B833), as specified above, shall be completed, and written confirmation that the improvements have been implemented to an adoptable standard has been issued by the planning authority in consultation with the Council's Roads and Infrastructure Services.
- (ii) The approved scheme of works in respect of the junction layout at the connection between the private site access and the private track shall be formed to at least type 1 base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the improved private access and passing place shall be completed prior to the development first being occupied and the visibility splays shall be maintained clear of all obstructions thereafter.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: To ensure that the proposed development can be served by an appropriate private/public road regime and in the interests of road safety in accordance with the provisions of the Argyll and Bute local Development Plan – 2015 and policies 35, 36, 37 and 39 of the emerging Proposed Argyll and Bute Local Development Plan 2.

5. No development or other work shall be carried out on the site until a pre-commencement survey for the presence of protected species has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority in consultation with NatureScot. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

6. **PPP – Archaeological Watching Brief**

Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

7. **PPP – Full Landscaping Scheme**

Pursuant to 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) A tree survey including a site plan accurately showing the location and species of existing trees within the site and identifying those to be retained and those to be felled;
- (iii) A proposed scheme for the planting of a substantial tree belt along the south eastern edge of the application site boundary including an appropriate mix of deciduous species, sizes and planting densities;
- (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;
- (vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

If it is not possible to provide a suitably deep tree buffer zone within the planning application site boundary then a tree belt shall be provided in the adjacent field alongside the south eastern boundary of the application site.

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.

8. **PPP – Details of New Private Foul Drainage System**

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

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.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

9. **Sustainable Drainage System**

Notwithstanding the provisions of Condition 2, the development 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's SuDS Manual C753 and Sewers for Scotland 4th Edition with post development runoff not exceeding the greenfield runoff rate. The requisite surface water drainage shall 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.

ADDITIONAL NOTES TO APPLICANT

- Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.
- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/00349/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the Portkil Village/minor Settlement Development management Zone designated in the Argyll and Bute Local development Plan 2015 (the LDP) wherein Policy LDP DM 1 (C) gives encouragement to sustainable and small scale residential development on appropriate sites.

As such the proposed development is consistent in principle with the LDP Settlement and Spatial Strategy.

The assessment of whether this site is otherwise appropriate is set out within other sections report, with reference to all relevant material planning considerations including site specific LDP policy; consultation responses and planning issues raised by contributors.

B. Location, Nature and Design of Proposed Development

The application site is located within the hamlet of Portkil located to the north east of the key settlement of Kilcreggan towards at the southern end of the Rosneath Peninsula. The hamlet is served by an existing private access road with a junction onto the public road network at the B833 some 460 metres to the north of the edge of Potkil.

The application forms state that the site measure approximately 2100m². The site is irregularly shaped, but generally wedge-shaped with a 'leg' at its southern end to provide access to a shared private access road. It is bounded to the south west by an existing residential property known as "Portkil Lodge." It is bounded to the west and north by existing houses (from north to south – "Newport", "Ardlanish" and "Lochewe"). The north eastern and south eastern site boundaries are demarcated by existing field boundary fences giving onto open fields. (The north eastern and south eastern site boundaries coincide with the eastern boundary of the Portkil Minor Settlement as designated in the LDP.)

The site is characterised by thick undergrowth with some marshy ground conditions within the western and northern areas where the ground level is comparatively low. The eastern part of the site has dense undergrowth and an area of deciduous woodland. Map records indicate that the woodland within the application site appears to have been part of a larger area of woodland extending into open countryside south east of the site. This area of woodland outside off the site boundary has been removed. Levels are generally uneven and the levels generally fall over the length of the site from north to south with a cross fall from east to west. Officers site visit revealed a substantial amount of burrows within the eastern part of the site although it was not possible to identify the species habitat. An open field drain/ditch has been dug along the rear of the western site boundary with "Lochewe" discharging onto an unsurfaced farm track that runs along the south western edge of the site and gives access from the 'main' private road to the fields to the east between "Lochewe" and "Portkil Lodge." This strip of land (existing farm track) is within the application site in order to provide a private access from the shared private road to serve the proposed house.

The application proposal is to establish the principle of erection of a house on the application site with vehicular access to the shared private access road and installation of private drainage system comprising a new septic tank discharging to a soakaway. No details of the private drainage system has been provided (apart from a very brief description in the Percolation Test Report and such the detailed design will be assessed by means of a subsequent application for approval of matters specified by conditions (AMSC). The submitted site plan indicates a house to be sited within the widest part of the site to the rear of "Lochewe" and "Ardlanish" however it is noted that no design work has been carried out and that the layout, scale and massing shown is purely indicative at this stage; and that siting/layout, scale, massing, form, design and external materials will be agreed as reserved matters by an application for AMSC. This is acceptable in procedural terms.

Therefore this application for planning permission in principle will be assessed in terms of the principle of the erection of a single dwellinghouse with vehicular access and any other details will be subject to planning conditions.

C. Natural Environment

Policy LDP 3 and SG LDP ENV 1 generally aim to give stronger protection, and where appropriate seek enhancement, to habitats and species, even when they are not associated with specifically designated nature conservation sites.

NPF 4 places considerable emphasis upon the need for planning to respond to the global biodiversity crisis and to secure positive effects for biodiversity and our natural environment. National Planning Policies 3 and 4 serve to protect biodiversity and natural assets, which in turn play a crucial role in carbon reduction. NPP 3 advises that proposals for local development should include appropriate measures to conserve, restore and enhance biodiversity, proportionate to the scale and nature of the development. NPP 4 advises that, if there are reasonable evidence to suggest that a protected species is present on site or may be affected by a proposed development then steps must be taken to establish its presence and potential impacts must be fully considered prior to the determination of the application.

Where there is evidence of protected species on a site that would be affected by proposed development then the applicant will be required to submit a specialist survey and if necessary a mitigation plan as part of a planning application. Development proposals that are likely to have an adverse effect on protected species and habitat will only be permitted where it can be justified in accordance with the relevant protected species legislation.

The application site is not overlain by, or in proximity to any European, national or local designations. However, it does have several conditions that would support natural habitat. This is confirmed by evidence of numerous burrows identified during the officer's site inspection however there was no demonstrable evidence to the particular habitat. The existing tree belt and hedgerow provides good conditions for nesting birds.

Given the uncertainty of the significance of species habitat within the site, it is recommended that permission be approved subject to a safeguarding condition to require a pre-commencement survey and report by an appropriate professional to confirm, or otherwise, the presence of protected species. This report will also recommend appropriate measures to mitigate against impact on habitat, and the development shall be carried out in accordance with the approved mitigation strategy.

D. Built Environment

Policies LDP 9 and SG LDP – Sustainable Siting and Design Principles generally serve to require a good standard of siting, layout design that integrates appropriately with the existing built development pattern and character. SG – Sustainable requires that design of new housing in settlements be assessed against general principles set out in paragraphs 4.1 and 4.2 (SG – Sustainable). These principles relate to location, layout, access, density, services and design.

The minor settlement of Portkil is a small to medium cluster of built development within open countryside. The overall pattern of development is a clustered form (as opposed to being linear). The original settlement of Portkil comprised a group of historic buildings including Portkil House, Portkil Cottage, Portkil Lodge and several smaller cottages. This original group is still evident at the southern end of the settlement as having a distinct character to modern housing development that has taken to the north over recent years. The proposed house plot is ‘tucked into’ a corner to the rear of three of these more modern houses and the part of the site to be developed by a house is separated from “Portkil Lodge” to the south west by a farm track. (The farm track is within the current application site in order to provide access to the proposed house – it will continue to serve as an access to fields to the east of the settlement.) Ground levels rise to the north and north east of the site such that any development will ‘sit in a landscape ‘bowl’ when viewed from the north. It is considered that that the application site has a strong relationship with existing built development adjoining to the west and north and would appear as a logical extension of the settlement rounding off built development up to the edge of the defined settlement boundary.

Although densities of recent new development vary across the northern part of Portkil, the size of the site is generally comparable with several other existing properties and as such it is not considered that development will be out of keeping with the existing built development pattern in relation to density.

It is considered that the proposed development, by reason of location and size in relation to existing built development, would integrate in a satisfactory manner with the local pattern of built development in accordance with the provisions of policy LDP 9 and SG LDP – Sustainable siting and Design Principles.

E. Impact on the Historic Environment

The application site is adjacent to the north of two category C listed buildings, “Portkil Cottage” and “Portkil Lodge.”

Policy LDP 3 and SG LDP ENV 16(a) serve to require that development affecting a listed building or its setting shall preserve the building or its setting and any special architectural or historic interest that it possesses.

In order to inform this assessment, an abridged extract of the listing by Historic Environment Scotland, is reproduced below for each building: -

“Portkil Cottage: -

Circa 1840, L-plan cottage with slightly later wing addition to NE. Low single storey, gabled cottage, former factor's house to Portkil House. Grey cement render with ashlar margins and dressings; advanced bracketted eaves. NW (ENTRANCE) ELEVATION: broad 3-bay gable to outer right, lean-to boarded porch addition at centre; flanking windows. Gabled wing advanced to left. SE

(MAIN) ELEVATION: 3-bay symmetrical block with slightly recessed 2-bay wing addition to outer right. Advanced gabled centre bay breaking eaves. Earlier 19th century with early 20th century alterations. Low, single storey, broad cottage; cement harled with ashlar margins, mullions and dressings; chamfered reveals; stop-chamfered arrises and quoins. Advanced boarded eaves.

Former Coach Master's House and Coach House: -

SW (MAIN) ELEVATION: 3 bays symmetrically disposed; round-headed doorway at centre; tall stack directly above; slightly advanced flanking bays with tripartite windows. NW ELEVATION: former coach house elevation; original openings infilled to accommodate 3 casement windows; broad coach door at centre with flanking doors. Shallow pitched grey slate piended roof with lead flashings; tall coped wallhead stack, chamfered arrises; single octagonal can."

"Managing Change in the historic Environment – Setting" advises that is important to:

- *Identify the historic assets that might be affected;*
- *Define the setting of each historic asset; and,*
- *Assess the impact of any new development on this.*

Officers have identified the assets in this instance as the above two listed buildings. The two separately listed buildings are sited in very close proximity to each other and both are set in spacious grounds with mature landscaping and clearly defined boundaries demarcated by established natural screening, notably along the shared (northern) boundary with the application site and the eastern and southern boundaries. The original settlement pattern was such that these two listed buildings formed part a cohesive group of buildings including Portkil House to the west, but otherwise set in open countryside to the south, east and north. This open countryside setting is considered to form part of the setting. However, only a short length of the north eastern boundary of Portkil Lodge is close to existing development ("Lochewe") and extension of built development in this area will have a negligible impact upon the open countryside setting of the listed building from the north.

The two listed buildings are low, single-storey buildings and are sited at a significantly lower level than the application site due to prevailing landform. As such, it is considered that the setting of these buildings is protected by their large curtilages and strongly defined natural boundaries. There is very limited intervisibility between these listed buildings and the application site. The application site is not materially closer to the listed buildings than the recently constructed houses adjoining to the west, "Lochewe" and "Ardlanish" and in terms of spatial development pattern, the proposal could be considered as a part of this group of recent housing development distinct from the listed buildings and their curtilages.

On this basis, Officers are satisfied that the proposed development will not have a materially detrimental impact upon the historic or architectural character of nearby listed buildings or the integrity of their settings, in accordance with the provisions of Policy LDP 3 and SG LDP 16(a) as well as Historic Environment Policy for Scotland (HEPS) and the Managing Change in the Historic Environment advice by HES.

F. Impact on Woodland.

LDP 3 and SG LDP ENV 6 seek to generally protect and where possible enhance the natural environment in relation to trees/woodland and establish the principle that the Council will resist development likely to have an adverse impact on trees by the

preservation of and where appropriate compensatory planting of new woodland and trees. Development proposals will not be supported where they will result in *“fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy.”*

NPF 4 places considerable emphasis upon the need for planning to respond to the global biodiversity crisis and to secure positive effects for biodiversity and our natural environment. SPP – Policy 6 offers support to development proposals that enhance, expand and improve woodland and tree cover.

The submitted site plan does not show existing trees with an indication of trees to be retained or removed however an officers site inspection has revealed that there is a small linear group of deciduous trees (and thick ground cover) extending along the south eastern boundary of the site with open countryside beyond. Officers’ assessment is that many of these existing trees will require to be felled in order to implement the proposed development of the site. As well as providing a very important natural screen to the edge of built development in this area, the existing tree group provides potential for wildlife habitat.

In the event that significant tree removal is unavoidable, it is considered that the application can only be supported if new tree planting can be achieved by the applicant as a compensatory mitigation. This approach is consistent with the provisions of SG LDP ENV 6. Compensatory tree planting can be secured by means of a planning condition. If an effective buffer tree planting zone is not achievable within the current application site boundary as expected, then the recommended planning condition can allow for planting of an appropriate number and species of deciduous trees to form a ‘tree belt’ within the field adjacent to the east-south-east site boundary. Although outwith the current application site boundary it is noted that the adjacent field is within the ownership/control of the applicant, and as such, there is no ownership obstacle to compliance with such a condition.

G. Landscape Character

Whilst within settlement, the site is bounded to the east and north by open countryside and as such the impact on landscape character has been assessed.

NatureScot has assessed this wider landscape as “Rolling Farmland with Estates” type characterised by (abridged) groups of fairly large, rectangular fields enclosed by linear shelterbelts and blocks of mixed woodland: scattered large farmsteads in countryside: urban development on coastal plains and broader valleys: etc.

As previously set out, it is considered that the proposed development will relate strongly to the existing built development pattern and will not result in an obtrusive and discordant expansion into the wider landscape setting. The planting of a compensatory linear tree belt adjacent to the ESE site boundary will significantly assist the assimilation of new development on the edge of built development into the wider landscape character.

H. Archaeological Matters

LDP 3 and SG LDP ENV 20 establish a presumption in favour of retaining, protecting, preserving and enhancing existing archaeological heritage.

The Council's archaeological consultant organisation WoSAS has advised that the application site lies within an area of some archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape. It is considered that the proposed ground disturbance associated with this proposal is reasonably large in scale and stands a chance of unearthing unrecorded buried remains which may survive below ground. As the degree of archaeological significance is uncertain, WoSAS has recommended that any planning permission be subject to a safeguarding conditions requiring an archaeological watching brief to be carried out by an acceptable archaeological organisation during all ground disturbance works. This approach is consistent with national guidance and LDP policy and supplementary guidance.

I. Road Network, Parking and Associated Transport Matters.

Policy LDP 11 generally serves to ensure that all new development is served by transport infrastructure and makes provision for car-parking in accordance with Council standards. SG LDP TRAN 4 requires that further development served by an existing private access or private road (as an alternative to a public road) will only be acceptable where:

- (i) *“the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed development and that takes into account current access issues (informed by an assessment of usage); AND;*
- (ii) *The applicant can secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.”*

Policy 35 of the proposed LDP 2 (Design of New and Existing, Public Roads and Private Access Regimes) seeks to establish similar principles to policy LDP 11 in the current LDP. Policy 36 of pLDP2 (New Private Accesses) advises that new private accesses that form an individual private driveway serving a single user development will generally be acceptable where it doesn't generate unacceptable levels of traffic. Policy 37 of pLDP2 (Development Utilising and existing Private Access or Existing private Road) is similar to SG LDP TRAN 4 of the LDP - 2015 (above) in relation to the current application in terms of securing commensurate improvements to the private road where required. Policy 39 (pLDP2) seeks to establish Construction Standards for Private Access.

The proposed development is served by a private access driveway from the proposed plot to the nearby 'main' shared private road along the line of an existing farm track. From there, access to the public road network is via a single-width private road from Portkil to a junction with the B833 some 460 metres to the north of the settlement.

The planning authority considers that the existing shared private access road does not have capacity to accommodate additional traffic generated by any further development within this hamlet. This assessment reflects concerns expressed by existing residents. However, the development is considered to be acceptable in respect of access issues provided that essential road improvement and widening works over the length of the private road from the settlement boundary to the B833 junction are carried out by the landowner/developer. This can be achieved by a suspensive planning condition. Although the private road is outwith the application site edged red, the applicant has confirmed that land on either side of the road along its full length is in the same

ownership as the applicant, and as such there is no potential ownership constraint that would preclude the use of such a condition.

This approach is consistent with the provisions of policy LDP 11 and SG LDP TRAN 4 of the approved LDP – 2015 and policies 35,36, 37 and 39 of the emerging pLDP2.

Policy LDP 11 and SG LDP TRAN 6 generally require the provision of on-site car parking and manoeuvring area in accordance with the Council's car parking standards set out in the SG i.e 2 no. parking spaces for a 3-bedroom house and 3 no. spaces for a house with more than three bedrooms. Officers are satisfied that the site is large enough to accommodate sufficient car parking and turning space in accordance with policy; and the detailed layout of parking and turning can be dealt with as a matter specified by condition attached to this current planning decision.

J. Service Infrastructure - Drainage

Water supply is proposed by means of connection to the public) Scottish water) public supply network. Whilst concerns regarding intermittent water pressure issues by local residents are acknowledged, Scottish Water has not raised any capacity issues with regard to water supply infrastructure, and as such this issue does not warrant refusal of the application. Scottish Water may assess water capacity upon receipt of an application by the developer.

SG LDP SERV 1 generally requires that new development connect to the public sewer unless the applicant can demonstrate that "*connection is not feasible, for technical or economic reasons...*" The Scottish Water consultation response confirms that there is no public waste water infrastructure within the vicinity of the site and as such a private treatment plant is an acceptable option in this instance.

It is proposed that drainage for the house be served by a private treatment system comprising installation of a septic tank with discharge to a soakaway. Percolation test results have been submitted to demonstrate that a soakaway system is appropriate and test results used to inform the detailed design and volume of the proposed soakaway.

On this basis, the planning authority is satisfied that adequate water supply and drainage infrastructure can be provided to serve the propose development in accordance with the provisions of policy LDP 10 and SG LDP SERV 1.