

**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**

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**Reference No:** 22/02523/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr D Higgins  
**Proposal:** Erection of dwellinghouse, formation of vehicular access and associated works  
**Site Address:** Garden Ground of Torwood House, Torwoodhill Road, Rhu, Helensburgh, Argyll And Bute

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**DECISION ROUTE**

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Sub-division of curtilage of single residential development to create a site for erection of a new separate dwellinghouse
- Erection of a dwellinghouse
- Formation of access and driveway
- Associated land engineering works/re-profiling existing ground levels
- Installation of surface water drainage system

**(ii) Other specified operations**

- Connection to existing public water supply network
  - Connection to existing public drainage network
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**(B) RECOMMENDATION:**

It is recommended that planning permission be refused.

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**(C) CONSULTATIONS:**

ABC Roads (08.03.2023):

Torwoodhill Road, in its current layout is considered unsuitable to serve the existing properties and the proposed new development.

It is recommended that determination of the application be deferred until details of commensurate improvements to Torwoodhill Road are submitted for assessment.

Commensurate improvements should include the creation of 2No. intervisible passing places between the Upper Torwoodhill Road junction and the access to the proposed. This could include the creation of a 'Service Bay' access arrangement at the access to the proposed development.

ABC Local Biodiversity Officer (21.02.2023):

- 1) The submitted Tree Report does not provide advice on the timing for opening up the site for foundation construction with reference to impact on birds.
- 2) Requests a planning condition requiring a pre-start ecological survey to be carried out in advance of excavation works, if it is proposed to commence during the bird nesting season.
- 3) Advises that good practice measures e.g. pipe end capping and escape ramps from foundation/services trenches should be implemented during construction to avoid trapping animals.
- 4) Advises that submission, assessment and approval of a Landscape Design Planting Plan be required by planning condition.

ABC Built Heritage & Conservation Officer (22.02.2023):

Planning Permission Ref 16/03045/PP was granted for the sub division of the plot and proposed new dwellinghouse. Whilst the same LDP is currently in place, there has been a material change in that the NPF4 has now been adopted which requires to be taken into account as part of a proper assessment of the current application. It is not considered that the supporting information submitted as part of the Planning Statement provides sufficient assessment of the character of the conservation area and the properties (both listed and un-listed within it) to allow a full assessment against the provisions of NPF4 Policy 7.

Notwithstanding the above required information, initial concern is expressed that:

- 1) the proposed development is at odds with the existing pattern of development/urban grain; and,
- 2) there is a lack of justification for the architectural style of the proposed house in relation to the mixture of distinct architectural styles for existing houses within the area.

It is suggested that the applicant submits a more comprehensive assessment of the historic assets and the likely impacts of the proposal which may help to address these concerns.

Scottish Water (03.02.2023):

No objection. This does not confirm that the proposed development can currently be serviced. Further investigation regarding Water Capacity Assessment may be required when a formal application is submitted to Scottish Water. Suggest that the applicant submits a Pre-Development Enquiry to Scottish Water to allow a full assessment of waste Water Capacity. Scottish Water will not accept any surface water connections into their combined sewer system.

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**(D) HISTORY:**

20/01190/PP - Conversion of garage into dwellinghouse, erection of two storey extension and installation of air source heat pump at Garden Ground Of Torwood House – Approved 18.10.2020.

16/03045/PP – Erection of dwellinghouse at Garden Ground Of Torwood House, Torwoodhill Road, Rhu – Approved 01.12.2017

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**(E) PUBLICITY:**

Site Notice - Conservation Area – Expired 22.02.2023

Site Notice - Setting Listed Building – Expired 22.02.2023

Listed Building/Conservation Advert – Expired 02.03.2023

Neighbour Consultation – Expired 22.02.2023

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

Representations are published in full on the planning application file and are available to view via the Public Access section of the Council's website.

A total of thirteen representations have been received from third parties. Twelve of these are objections to the proposal and the remaining one does not object in principle subject to concerns regarding drainage being satisfied prior to determination of the application.

It is noted that whilst the status of several third party submissions has been expressed as an "objection" - their concerns may be satisfied by resolution of these identified concerns ((primarily relating to drainage and roads/access.)

Objection:

- Hilary Stuart – Dunaivon, Armadale Road, Rhu Helensburgh, Argyll and Bute G84 8LG
- Dr. Florence Watt - Acorn Cottage, Invergare Cottages, Glenarn Road, Rhu, Helensburgh, Argyll and Bute G84 8LL
- Miss Kim Maclean - The Cottage, Invergare, Glenarn Road, Rhu
- Mrs. Jill Wadge - 5 Torwoodhill, Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute G84 8LE
- Ms. Carolan Dobson – Auchenlea, Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute G84 8LF
- Frazer King – Hazelwood, Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute G84 8LF
- Nick Barton – Dunrowan, Armadale Road, Rhu, Helensburgh, Argyll and Bute G84 8LG
- Mrs. Celia Taylor - Rowan House, Armadale Road, Rhu, Helensburgh, Argyll and Bute G84 8LG
- Jane Nicholson - Torwood Cottage, Armadale Road, Rhu
- Albert Barclay - Carbeth House, Torwoodhill Road, Rhu
- Michael Thornley - Glenarn House, Glenarn Road, Rhu, Helensburgh
- Sue Thornley - Glenarn House, Glenarn Road, Rhu, Helensburgh
- Mrs. Norma Bennie – Oakdene, Armadale Road, Rhu, Helensburgh, Argyll and Bute G84 8LG

Representation:

- Tim Esson - Melsetter ,Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute G84 8LF

**(ii) Summary of issues raised:**

- Drainage Infrastructure/Surface Water Flood Risk:

Sewage system does not have capacity to serve an additional house. Anecdotal evidence of recent sewer blockages on Torwoodhill Road is submitted in support the above.

Anecdotal evidence is submitted with regard to regular flooding on the local road network and adjacent residential properties. It is submitted that this has significantly worsened after clearance of vegetation from the application site.

The application does not include details of a specific drainage plan. The drawings indicate “Aco” type drains at the bottom of the driveway with no information on where these discharge to.

Proposal is likely to exacerbate surface water flooding on public adopted road and nearby properties on lower ground to the south, and the integrity of the existing retaining wall may be threatened.

Planning permission should not be approved until a full drainage impact survey has been carried out, and an effective and comprehensive surface water drainage system agreed.

(It is understood (by an objector) that soakaways are proposed however this is unlikely to be achievable due to underlying ground conditions).

*Comment: - It is noted that planning permission has previously been approved for the erection of a house on this site in December 2017 subject to a planning condition that the development incorporate a Sustainable Urban Drainage System (SuDS). The current application submission has been revised to show further detail with regard to the proposed surface water drainage design. Officers accept that further details are required to demonstrate to the satisfaction of the local planning authority that adequate surface water drainage can be provided to serve the propose development particularly with regard to the suitability of a soakaway; however Officers are satisfied that the current information available provide sufficient assurance that the site is capable of development, and that the exact technical design, based on a geological survey, if required, can be satisfactorily dealt with by means of a suspensive planning condition. The Council’s Flood Risk Consultant will be consulted as part of that process.*

- Access and Road Safety:

The proposal will result in further intensification of traffic using a sub-standard access (Torwoodhill Road) and will increase safety hazards to drivers and pedestrians.

Size of the site results in “less than adequate” arrangements for access and egress.

*Comment: - Noted. The consultation response from Area Roads will be given significant material weight as part of this assessment. Area Roads consider that Torwoodhill Road is unsuitable, in its current layout, to service a further intensification of use generated by the proposed*

development. Area Roads recommend deferral of the application pending submission of details of commensurate improvements to Torwoodhill Road, to comprise 2 no. intervisible passing spaces to the west of its junction with Upper Torwoodhill Road. Following further clarification of the requirement for commensurate off-site access improvement works, this requirement has been confirmed to the applicant with request that the applicant confirm that he has ownership/control over sufficient land (if required outside of the public road corridor) to provide the passing spaces and whether he is willing to provide the required improvement works.

**A response is awaited.**

- Historic Environment

Objection to “yet another property being built in the garden of a conservation village.”

The layout/siting; development density and design style of the house does not reflect the character (inc. historic grain) of the conservation area.

*Comment: - These issues are assessed in full within Section (P) below.*

- Residential/Visual Amenity

Screening onto Torwoodhill Road needs to be carefully considered to maintain privacy of residents in existing houses (and preserve the ambience of the local area.)

Replacement tree planting should be addressed to reflect the character of the area.

*Comment: - Having regard to Policy LDP 9 and SG LDP – Sustainable Guidance and Design principles - it is considered that the proposed development, by reason of its siting and orientation relative to nearby residential properties; and the visual screening provided by existing and proposed natural planting along the site boundaries, will not have a materially adverse impact upon residential amenities of the occupiers of nearby properties by reason of loss of privacy through overlooking between windows to habitable rooms.*

- Miscellaneous

Construction related activity/parking etc. may cause temporary blockages to Torwoodhill Road to the detriment of the amenities of existing residents, including potential obstruction of emergency vehicles.

*Comment: - Whilst the concerns of local residents are noted, this is not a material consideration that can form part of this assessment. Any obstruction of the public road system by contractors would be a matter for parking enforcement or police Scotland.*

The application should not be determined until an up-to-date Tree Report has been submitted.

*Comment: - Officers consider that the Tree Report dated October 2016 is adequate to allow a full and professional assessment of the proposed development impact upon trees within the application site.*

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Impact Assessment Report:**  Yes  No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:**  Yes  No
- (iii) **A Design or Design/Access statement**  Yes  No

Planning Design Statement

- This application is for minor changes to a proposal for a single dwellinghouse previously approved under ref: 16/03045/PP (since expired.)
- Site description, context and history is set out.
- The design incorporates traditional features evident in neighbouring properties, particularly Torwood House and high quality materials are proposed to ensure that the building will respect and enhance the area and preserve the listed building and its setting in accordance with relevant planning policy.
- An existing access onto Torwoodhill Road will be widened and otherwise improved.
- Parking and turning for 3 cars will be provided within the site.
- Drainage channels to be installed across the access junction and the driveway to mitigate any water run-off from the development.
- The site will be served by a connection to mains water and sewage systems.
- Landscape design proposes retention of mature trees where recommended by an accompanying Tree Survey Report, and additional planting where trees are to be removed. The North West of the site is to be retained to maintain existing screening between the site and the neighbouring property, Carbeth.
- The proposal is sustainable development with reference to siting/orientation and there is an aim to meet high technical standards e.g energy efficient build; energy efficient

heating; enhanced natural lighting; home office space; etc.

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

Tree Report

- Sets out the legal position with regard to trees and wildlife, specifically in relation to bats and birds.
- Details of the tree survey and analysis methodology and tree categorisation.
- None of the 34 trees surveyed are classed as Category A trees. 14 no. trees are Category B and 16 are Category C. Five trees are Category U (either already dead or in such poor condition that they should be removed regardless of development.)
- Recommended management includes removal of overgrown laurel and rhododendron which has suppressed the surrounding trees; and remedial tree work operations including felling of 27 no. trees. 8 no. trees are proposed “to accommodate the development”.
- Recommends Tree Protection Measures during construction in accordance with BS standards – Trees and Construction.

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:**  Yes  No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**  Yes  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.**

[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)

**Part 2 – National Planning Policy**

**Sustainable Places**

NPF4 Policy 1 – Tackling the Climate and Nature Crises  
NPF4 Policy 2 – Climate Mitigation and Adaption  
NPF4 Policy 3 – Biodiversity  
NPF4 Policy 4 – Natural Places  
NPF4 Policy 5 – Soils  
NPF4 Policy 6 – Forestry, Woodland and Trees  
NPF4 Policy 7 – Historic Assets and Places  
NPF4 Policy 13 – Sustainable Transport

#### **Liveable Places**

NPF4 Policy 14 – Design, Quality and Place  
NPF4 Policy 16 – Quality Homes  
NPF4 Policy 22 – Flood Risk and Water Management

#### **'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 & December 2016)**

#### **Natural Environment**

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

#### **Historic Environment and Archaeology**

SG LDP ENV 16(a) – Impact on Listed Buildings  
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)

#### **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 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

#### **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. (delete as appropriate)**

- Historic Environment Scotland - HEPS
- Historic Environment Scotland – Managing Change in The Historic Environment

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The reporters have written to Argyll and Bute Council regarding the Proposed Local Development Plan 2, which is currently at Examination. Due to the status of the revised draft National Planning Framework 4 the reporters are currently determining what, if any, further processes are required as a consequence. Although PLDP2 remains a material consideration it is now subject to this further assessment [against NPF4 policies](#). Therefore, it considered appropriate **not** to attach significant weight to PLDP2 [policies](#) during this time, i.e. until the consequences of NPF4 [policies](#) for the PLDP2 have been assessed by the reporters and the Examination report is issued. [Specific sites in PLDP2 that have not received objections and are not being dealt with at the Examination may continue as strong material considerations, e.g. allocations and potential development areas.](#)

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

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

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**(M) Has a Sustainability Checklist been submitted:**  Yes  No

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

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**(O) Requirement for a pre-determination hearing:**  Yes  No

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**(P)(i) Key Constraints/Designations Affected by the Development:**

- Setting of a Listed Building
- Conservation Area
- Existing trees

**(P)(ii) Soils**

[Agricultural Land Classification:](#)

Built Up Area

Peatland/Carbon Rich Soils Classification:

- Class 1
- Class 2
- Class 3
- N/A
- N/A

Peat Depth Classification:

- Does the development relate to croft land?  Yes  No  N/A
- Would the development restrict access to croft or better quality agricultural land?  Yes  No  N/A
- Would the development result in fragmentation of croft / better quality agricultural land?  Yes  No  N/A

**(P)(iii) Woodland**

- Will the proposal result in loss of trees/woodland?  Yes  
 No
- Does the proposal include any replacement or compensatory planting?  Yes  
 No details to be secured by condition  
 N/A

**(P)(iv) Land Status / LDP Settlement Strategy**

- Status of Land within the Application  
(tick all relevant boxes)
- Brownfield
  - Brownfield Reclaimed by Nature
  - Greenfield

- ABC LDP 2015 Settlement Strategy  
LDP DM 1 (tick all relevant boxes)
- Main Town Settlement Area
  - Key Rural Settlement Area
  - Village/Minor Settlement Area
  - Rural Opportunity Area
  - Countryside Zone
  - Very Sensitive Countryside Zone
  - Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc: N/A

**(P)(v) Summary assessment and summary of determining issues and material considerations**

The proposed development comprises the sub-division of a residential curtilage, and the erection of a new detached 4-bedroom house with new access; land engineering works; and installation of a private surface water drainage system.

The site is located within the Village/Minor Settlement Zone of Rhu as identified in the Argyll and Bute Local Development Plan 2015 (LDP) wherein Policy LDP DM 1 gives encouragement to sustainable forms of small scale development on appropriate sites.

The proposal lies within the Rhu Village Conservation Area and both the 'donor property' "Torwood house", and the residential property adjacent to the north, "Carbeth House" are both Category "C" listed buildings. As such, the impact of the proposed development on the historic environment will be a determining factor. In

addition, the proposed development has been assessed more generally with regard to siting, scale, massing form, and detailed design in relation to the aim of respecting and reflecting the visual character of the existing built development pattern; and protecting local residential amenity in terms of loss of privacy by reason of direct over-looking of nearby houses.

The site is not located within or in proximity to any nature conservation designation and existing trees are not specifically protected by a Tree Preservation Order, nor do they lie within NatureScot Ancient Woodland Inventory. However, any impact upon the natural environment in relation to biodiversity and impact on trees/woodland falls to be assessed in connection with the proposal.

The proposal has also been assessed with regard to the satisfactory provision of services infrastructure provision.

A fully detailed assessment with reference to the above determining factors, and all other material considerations, including planning history and material planning issues raised by third party representations are set out in the Appendix A to this report.

Having regard to all material considerations it is considered that the proposal cannot be supported on the basis of the information currently available. It is considered that existing public approach road, "Torwoodhill Road", is unsuitable to accommodate the intensification of traffic that will be generated by this additional house without detriment to road safety and the free flow of traffic. The applicant has been unable to demonstrate to the satisfaction of the planning authority that commensurate improvements can be implemented as part of the development in order to address current road access constraints. It is therefore recommended that the application be refused on road safety grounds.

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

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

N/A

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

Not applicable.

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
 Yes  No (If yes provide detail below)

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**Author of Report:** Norman Shewan

**Date:** 02.06.2023

**Reviewing Officer:** Sandra Davies

**Date:** 13.06.2023

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

## **REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 22/02523/PP**

1. It is considered that the proposed public road access regime is unsuitable, in terms of width and alignment, to accommodate the resultant intensification of traffic movements generated by the proposed development and would result in an increase in road traffic hazards to the detriment of highway safety and the free flow of traffic contrary to the provisions of Policy LDP 11; SG TRAN 4 and NPF 13. On the basis of the submitted information, the applicant is unable to demonstrate that the design issues relating to this substandard access approach road can be addressed by commensurate improvements to the satisfaction by the Council as Roads Authority to a level that can serve the additional vehicular and pedestrian movements that will result from the proposed development.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>22/02523/PP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## **1. Settlement Strategy**

- 1.1. The site is located within the Village/Minor Settlement Zone of Rhu as identified in the Argyll and Bute Local Development Plan 2015 (LDP) wherein Policy LDP DM 1 gives encouragement to sustainable forms of small scale development on appropriate sites.
- 1.2. The proposed residential development is considered to be “small-scale” with reference to SG LDP HOU 1 – “General Housing Development Including Affordable Housing.” Policy LDP 8 and SG LDP HOU 1 serve to operate a presumption in favour of housing development in accordance with the nature and scale of development set out in Policy LDP DM 1, and advises that such development “will be supported unless there is an unacceptable environmental, servicing or access impact.”
- 1.3. NPF 4 Policy 1 requires that significant weight be given the global climate and nature crises when considering new development. Policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to impacts on climate change. NPF 4 Policy 5 aims to protect locally, regionally, national and internationally valued soils.
- 1.4. The development is located within an identified settlement with access to community facilities and public transport networks, consistent with the LDP Settlement Strategy, and as such complies with the Sustainability criteria established by Policy LDP STRAT 1, and is compatible with the provisions of NPF 4 Policy 1 in terms of addressing the Climate Crisis in principle. The site is located within an established residential area and will not impact upon soil that has material value. It is recommended that any planning permission will be subject to a model planning condition
- 1.5. On the above basis, it is considered that there is a general presumption in favour of the principle of this proposed development in terms of its location, nature and scale when assessed against the policy provisions relating to the LDP Settlement Strategy and relevant NPF 4 Policy.

## **2. Location, Nature and Design of Proposed Development**

- 2.1. Torwood House is a large, detached Category B listed traditional villa set in a very large curtilage characterised by mature trees, hedgerows and large shrubs that bound the site. It is accessed off Torwoodhill Road. Torwood House is sited towards the upper north west of the grounds and overlooks the Gareloch.
- 2.2. The proposal is to subdivide this site to create a plot of some 1040m<sup>2</sup> within the south west corner of the grounds for a new dwellinghouse. The application site is bounded to the east and north by the remaining curtilage of Torwood House and the west by an adjoining dwellinghouse known as Carbeth House. This latter property is also a Category B listed building. There is an established natural belt of trees and large shrubs along the western site boundary separating it from the grounds of Carbeth House. Lastly, the site is bounded to the south by a public adopted road known as Torwoodhill Road. The level of

the site slopes downwards towards the road and the boundary is demarcated by a stone retaining wall.

- 2.3. Evidence suggests that there was an original pedestrian gated access to the grounds of Torwood House within the site frontage of the current application site. This gate has been removed; perimeter trees removed; the small opening in the stone boundary wall significantly enlarged; and ground engineering works carried out to form an access track from the level of Torwoodhill Road up the central part of the application site. The application site has been fenced off from the rest of the curtilage to Toward House and the central area cleared of vegetation.
- 2.4. The site slopes reasonably steeply upwards from south to north. The houses to the south of Torwoodhill Road sit much lower than the proposed plot.
- 2.5. The proposed house is to be sited towards the north west corner of the site. A level 'plateau' for the siting of the house, and a driveway at the southern edge of the site will be formed by ground engineering works. The level of the proposed house will sit significantly above the level of Torwoodhill Road. It will be set back some 17.3 metres from the southern boundary with the public road and set in approximately 2.16 metres from the western boundary (with Carbeth House). The proposed dwellinghouse will have 4 bedrooms with a floor area of approximately 130 square metres and a maximum ridge height of 8.5 metres. It will be traditional in design to reflect the architectural character of Torwood House. Two projecting gable forms at either end of the principal (south) elevation serve to visually 'break up' the massing of the new building; and in conjunction with traditional chimneys and finial, this will provide an attractive, well-considered form and 'animated' roofscape. External wall finishes are to be off-white coloured render with stone detailing, a natural slate roof and timber framed windows.
- 2.6. The site previously had a wooded character however a number of trees and shrubs have been removed as recommended in a Tree Survey Report submitted as part of this application. The removed trees and clearance relates mostly to the southern site boundary with the road and the central area of the site. Trees and large shrubs remain along the north, east and west boundaries to maintain the privacy of neighbouring properties. New trees will be planted to the front of the site to further protect privacy and to help the development to integrate into its surroundings.
- 2.7. NPF4 Policy 14 requires that development proposals be designed to improve the quality of an area; and, offers support to development that achieve the six qualities of Health; Pleasant; Connected; Distinctive; Sustainable; and, Adaptable. Development that is poorly designed, detrimental to the amenities of surrounding areas or inconsistent with the aforementioned six qualities will not be supported.
- 2.8. NPF Policy 14 is closely aligned with the provisions of Policy LDP 9 and SG LDP Sustainable Siting and Design Principles which requires that new development be assessed against identified sustainability criteria and identified design criteria relating to the Design of New Housing in Settlements. The Supplementary Guidance also establishes design criteria that seeks to protect the residential amenities and daylight enjoyed by the occupiers of neighbouring properties.
- 2.9. Having regard to the built development pattern and densities of the local area, it is noted that there is a range of scale and design of houses, and whilst the overall pattern of built development is very spacious, there is a range of site densities; and that the ratio of built development to open curtilage in the case of this proposal is similar to some other existing development. The scale of the house is comparatively small and it is considered that the siting, form, massing and material finishes will respect and reflect the existing character

of built development and compliment the visual character of the area in accordance with the relevant provisions of NPF4; LDP 9 and SG on Sustainable Siting and Design Principles.

- 2.10. The proposed house will be screened from Carbeth and Torwood House by existing natural boundary features and this screening, in conjunction with the relative orientation of windows and separation distances will mean that there will be no material loss of residential amenities to the occupiers of these properties by reason of overlooking. The properties to the south of the site, “Dunrowan” and “Hazelwood” are set at a significantly lower level than the proposed development due to the prevailing slope. However, the windows on the south elevation of the proposed house is in excess of the minimum 18 metres guideline (SG – Sustainable) from windows on the rear elevations of these properties. Additionally the windows in the proposed house do not directly face the rear windows at Hazelwood. There is an existing natural boundary along the rear of “Dunrowan” and supplementary planting proposed along the southern edge of the application site will mitigate any issue of loss of privacy to an acceptable level. On this basis, Officers are satisfied that the proposed development will not have a material impact upon the residential amenities of nearby properties in accordance with the provisions of NPF4 Policy 14 and Policy LDP 9/SG – Sustainable Siting and Design Principles.

### **3. Natural Environment**

- 3.1. NPF4 Policy 3 generally seeks to protect biodiversity, reverse biodiversity loss and to deliver positive benefits from development that strengthens nature networks. Policy 3(c) requires that proposals for local development will include appropriate biodiversity measures proportionate to the scale and nature of the proposal. Policy 3(d) requires any potential adverse impacts on biodiversity/nature networks/natural environment to be minimised by planning and design. NPF 4 Policy 3 is generally aligned with LDP Policy, although NPF 4 Policy 3(c) goes beyond the LDP requirements in relation to current biodiversity interests of the site.
- 3.2. NPF 4 Policy 4 generally confirms that development that will have an unacceptable impact on the natural environment will not be supported. Outside of European, national and local designations, development is expected to meet the relevant statutory tests in terms of protected species legislation; and potential impacts must be fully considered prior to determination of planning applications. NPF 4 Policy 4 (insofar as it relates to the location, nature and scale of the current proposal) largely aligns with the provisions of LDP policy.
- 3.3. Policy LDP 3 (the Argyll and Bute Local Development Plan – 2015) generally serves to support the protection, conservation and enhancement of the environment. SG LDP ENV 1 ensures that other legislation relating to biodiversity habitats are fully considered in relation to development proposals; and generally that development does not have an adverse impact on habitat or species, particularly in relation to habitat or species designated as being of European, national or local significance.
- 3.4. The site is not located within or in proximity to any nature conservation designation.
- 3.5. The site was previously a small ‘pocket’ of woodland and ground cover vegetation within the corner of the extensive grounds to Torwood House, however this wooded area is not overlain by a Tree Preservation Order, nor does it form part of any woodland within the NatureScot Ancient Woodland Inventory.



- 3.6. The Council's Local Biodiversity Officer has been consulted on the basis of potential impact upon wildlife habitat with particular regard to the felling of trees and scrub clearance (although a large part of this has been implemented.)
- 3.7. The consultation response from the Council's Local Biodiversity Officer has noted that the submitted Tree Report has provided the applicant information on Bats, the law and licencing, along with Birds and the law, although it does not provide advice on the timing for opening up the site for foundation construction with reference to impact on birds. On this basis, it is considered that adequate information has been submitted to allow an assessment on impact on species and habitats in accordance with the provisions of NPF 4 Policy 3(c).
- 3.8. However, it is recommended that any permission be subject to a planning condition requiring a pre-start ecological survey to be carried out in advance of excavation works, if it is proposed to commence during the bird nesting season.
- 3.9. It is also advised that submission, assessment and approval of a Landscape Design Planting Plan be required by planning condition. (With regard to the latter, additional information relating to new planting has been submitted on the revised Site Plan – Proposed drawing showing the SUDS design, and the Council's Local Biodiversity Officer has not had the opportunity to assess this.) It is recommended that planning permission be subject to a condition requiring the submission of further information, should the Council not be satisfied with the level of information already submitted.
- 3.10. Good practice measures e.g. pipe end capping and escape ramps from foundation/services trenches should be implemented during construction to avoid trapping animals. It is recommended that any permission be accompanied by an advisory in relation to the above.

#### **4. Built / Historic Environment**

- 4.1. The application site forms part of the original grounds of a Category B listed building, "Torwood House." Additionally, the western site boundary is shared with an adjoining Category B listed building, "Carbeth House."
- 4.2. The site is located within the Rhu Conservation Area.
- 4.3. NPF4 Policy 7 generally seeks to protect and enhance the historic environment, assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy 7(a) requires that development proposals with a potentially significant impact on historic assets or places be accompanied by an assessment based on an understanding of the cultural significance of the asset and/or place. Development will only be supported where the character and appearance of the conservation area is preserved or enhanced; and where the existing natural and built features which contribute to the character of the conservation area (including boundary walls, trees and hedges) are retained.
- 4.4. The provisions of NPF 4 Policy 7 (as it applies to the current proposal) are LDP 3 and SG LDP ENV 16(a) and SG LDP ENV 17, however NPF 4 Policy 7(a) imposes an additional requirement for a detailed assessment as summarised above.
- 4.5. The Council's Design and Conservation Officer makes reference to NPF 4 Policy 7(a) and the requirement for an assessment of the historic assets and the likely impacts of the proposed development and advises that such an assessment could demonstrate that the sub-division of the curtilage to provide a house plot is appropriate; as well as demonstrating the most appropriate siting, scale and detailed design for the proposal. The

assessment could be used to address two initial concerns expressed by the Design and Conservation Area:

- 1) How the proposal addresses the urban grain in the area; and,
- 2) The architectural style (which has been designed to reflect the architectural character of Torwood House.)

4.6. Whilst the 'new' requirements for an assessment under the provisions of NPF 4 Policy 7(a) are acknowledged, it is also considered that significant material weight should be given to planning history, specifically planning permission reference 16/03045/PP for an identical house design (but handed), in a similar siting to the current proposal, that has been approved in late 2017. The Case Officer's Report of Handling clearly set out the policy context relating to the siting within the Rhu Conservation Area and the consequential requirement for both a high quality design and for it to be of a scale that respects the character and appearance of the (conservation) area and the surrounding listed properties. During the processing of this (16/03045/PP) application, the originally submitted scale and design style was assessed as being inappropriate to the historic environment. In response, a revised design was submitted as a non-material amendment that effectively reduced the scale of the building and adopted a more traditional architectural style. The Report of Handling concluded that *"the scale and design of the proposed new house (as amended) is acceptable and in accordance with Development Plan policies."* As such, a favourable assessment has been relatively recently carried out with reference to Policy 3 and SG LDP 16(a) - SG LDP ENV 17 – Development in Conservation Areas.

4.7. It is noted that the policy context has changed since that favourable assessment only in that NPF 4 Policy 7(a) would now normally require a more substantial Assessment to support the design process. Specifically, there are no changes to policy with regard to the 'tests' for assessing whether the proposal will have an acceptable impact on historic assets. On the basis that a favourable assessment has previously been carried out by the planning authority, and that the Policy 'tests' for assessment have not changed since then, it is considered that the submission of an Assessment under the provisions of NPF 4 Policy 7(a) would unnecessarily delay determination whilst not adding any value to the quality of the decision making process, notwithstanding the consultation response from the Council's Design and Conservation Officer.

4.8. Whilst there may be a 'technical' conflict with NPF 4 Policy 7(a) in relation to the level of supporting information submitted, having regard to the relative weight of material considerations including the previous favourable assessment in late 2017, Officers are satisfied that the proposed development, by reason of siting, scale, form and architectural style is of a sufficiently high standard and will otherwise at least preserve the character and appearance of this part of the Rhu Conservation Area in accordance with NPF 4 Policy 7, Policy LDP 3, SG LDP 16(a), and relevant HES guidance on development impact on historic assets.

## **5. Impact on Woodland**

5.1. The site previously comprised a large corner of a garden characterised by unmanaged woodland with dense undergrowth.

5.2. None of the trees on the site are protected by a Tree Preservation Order; nor are they within the NatureScot Ancient Woodland Inventory/Sem-natural ancient woodland.

- 5.3. None of the 34 trees surveyed are classed as Category A trees. 14 no. trees are Category B and 16 are Category C. Five trees are Category U (either already dead or in such poor condition that they should be removed regardless of development).
- 5.4. The Tree Report recommends management including removal of overgrown laurel and rhododendron which has suppressed the surrounding trees; and remedial tree work operations including felling of 27 no. trees. 8 no. trees are proposed "to accommodate the development". It is noted from a recent site inspection that a significant number of these trees have already been felled, particularly towards the central and frontage areas of the site.
- 5.5. The submitted Tree Inspection Report also sets out the legal position with regard to trees and wildlife, specifically in relation to bats and birds. The consultation response from the Council's Local Biodiversity Officer acknowledges this, but advises that the Report does not provide advice on the timing for opening up the site for foundation construction with reference to impact on birds. In order to address this issue, a planning condition is recommended to require a pre-start ecological survey to be carried out in advance of excavation works, if it is proposed to commence during the bird nesting season.
- 5.6. In other respects, it is not considered that the individual trees to be removed are of high biodiversity value and that removal of the trees proposed in the report will have an adverse impact on the ecological condition of the area, based on the Tree Survey and Officers inspection of the site.
- 5.7. It is recommended that the Tree Protection Measures set out in the submission are appropriate, and that any planning permission be subject to a condition requiring the works to be carried out in accordance with these agreed protection measures during construction in accordance with BS standards – Trees and Construction.
- 5.8. On the above basis it is considered that the proposal is in accordance with the provisions of NPF4 Policy 6; Policy LDP 3; and SG LDP ENV 6.

## **6. Road Network, Parking and Associated Transport Matters.**

- 6.1. Access to the site is directly from a cul-de-sac forming the upper end of Torwoodhill Road at a point some 125 metres from the junction with Upper Torwoodhill Road.
- 6.2. This cul-de-sac currently serves 5 houses. In addition, planning permission reference 20/01190/PP has been approved for a new detached 4-bedroom house within the grounds of Torwood House (on a site adjacent to the west of the main access to Torwood house) to the east of the current application site. This latter development has been implemented and appears to be nearing completion. When occupied, this section of Torwoodhill Road will therefore serve 6 no. existing dwellinghouses.
- 6.3. From the access junction a private driveway will bend to the east and run up a steep bank to the central part of the application site to a parking and turning area laid out in front of the proposed house. Three car parking spaces are identified on the application drawings on the paved parking/turning area and the top of the driveway.
- 6.4. NPF4 Policy 13 generally aims to encourage, promote and facilitate developments that prioritise alternative means of transport to car journeys and reduce the need to travel unsustainably. The requirement to submit a Transport Assessment is introduced for some developments however this relates to larger scale developments than the current proposal for a single house.

- 6.5. The elements of NPF 4 Policy 13 that are relative to the scale and nature of this development are largely aligned with the provisions of Policy LDP 11 and associated SG LDP TRAN 1 – 6.
- 6.6. SG LDP TRAN 4 advises that acceptance of development using existing public and private access regimes is subject to road safety and street design issues being addressed.
- 6.7. Where development proposals will significantly increase vehicular or pedestrian traffic on substandard public approach roads, then SG LDP TRAN 5 requires that developments contribute proportionally to improvements to an agreed section of the public network.
- 6.8. The consultation response from Council Area Roads notes that Torwoodhill Road (past its junction with Upper Torwoodhill Rd.) currently serves 6 no. properties and that it is substandard to service an intensification of the existing level of use without an adverse impact on road safety and the free-flow of traffic contrary to the provisions of Policy LDP 11 and SG LDP TRAN 4.
- 6.9. Under the provisions of SG LDP TRAN 5, it is considered that improvement works to this section of the public road network, commensurate to the scale and nature of the proposed development, could improve the access road to a level where it can satisfactorily accommodate the resultant intensification in traffic movements. It is advised that the commensurate improvements should include the provision of 2 no. intervisible passing spaces between the Upper Torwoodhill Road junction and the proposed new private access to the application site. It is also noted that the formation of a 'Service Bay' access arrangement at the junction of proposed private driveway and the public road could be accepted as one of these two required passing spaces.
- 6.10. The applicant has challenged the validity of this requirement on the basis that the Council's Area Roads did not consider that commensurate improvements to Torwoodhill Road were required by the proposed development of 1 no. house as part of the assessment of previous planning permission ref: 16/03045/PP. It is confirmed that this planning permission was approved without any requirement for off-site improvements.
- 6.11. Area Roads has responded that all previous relevant planning history has been taken into account, including planning permission ref. 16/03045/PP, however any new assessment of this proposal should give due consideration to up-dated guidance including the National Roads Development Guidance (NRDG) and the Highway Code; and in doing so, acknowledge the proposed intensification of use, the limited pedestrian step-off available, the number of dwellings accessed from Torwoodhill Road and the available carriageway width for bi-directional traffic.
- 6.12. The agent has responded further that the applicant can create a large pull in area next to the entrance to the right to allow vehicles to pull in including vans to allow passing for vehicles.
- 6.13. On the basis of all of the information currently available, this fails to demonstrate that the applicant can provide the off-site road improvements considered by the Area Roads Engineer to be required in order to increase the capacity of the public approach road to serve the proposed house. It is considered that the required improvements to comprise 2 no. intervisible passing spaces (one of which can be provided by means of a service bay access) is commensurate with the scale and nature of the proposed development.
- 6.14. On the basis that the applicant is unable to demonstrate that commensurate off-site road improvements can be implemented under the provisions of Policy LDP 11 and SG

LDP TRAN 5, it is recommended that this application be refused on the basis that the public approach road is unsuitable to accommodate a further intensification of traffic without an adverse impact upon road traffic safety and the free flow of traffic contrary to the provisions of Policy LDP 11; SG LDP TRAN 4 and NPF 13.

- 6.15. SG LDP TRAN 6 generally serves to require that new development makes on-site provision for parking and turning of vehicles in accordance with the adopted “*Access and Parking Standards.*”
- 6.16. The site layout drawing shows 3 no. car parking spaces, however Officers have concerns that a vehicle parked in the space indicated at the top of the driveway could block any other cars from turning within the site to ensure that vehicles can enter and egress the site in a forward gear. It is considered however that the site has adequate space to allow for adequate turning and parking, and if this application had been assessed as acceptable with regard to all other material considerations, then this issue may be addressed by means of a suspensive planning condition requiring submission and approval of further layout details.

## **7. Infrastructure**

- 7.1. Water supply and foul drainage is proposed to be by means of a connection to the existing Scottish Water network. Notwithstanding objections relating to the capacity of the sewer system, the consultation response from Scottish Water does not indicate any over-riding capacity constraints to the system that would warrant an objection to the proposal, but advises that further investigation may be required upon submission of a Pre-Development Enquiry (PDE) by the applicant. On this basis, officers are satisfied in principle that there are no known constraints in respect of public water and sewage infrastructure.
- 7.2. The application forms state that the site is not within an area of known risk of flooding; and advises that the applicant does not think that the proposal will increase flood risk elsewhere. The curtilage of Torwood House, including the application site, is not overlain by any recorded areas at risk to coastal, fluvial or surface water flooding with reference to the SEPA Flood Map.
- 7.3. The consultation response from Scottish Water specifically advises that a surface water connection into its combined drainage system will not be accepted. The proposal is for rainwater run-off from the proposed house to be by means of a soakaway indicated to the east of the house. Aco drains are shown at various locations across and adjacent to the driveway to void surface water discharge onto the public road adjacent to the south of the site.
- 7.4. It is proposed to manage surface water drainage by the installation of soakaway crates wrapped with a permeable membrane allowing the rainwater and surface water run-off to be collected and slowly soak back into the ground through an infiltration process in line with the natural rate to avoid excessive water run-off. The driveway surfaces will be permeable to allow natural run off into the ground; and four no aco drains to deal with any excess water. SuDS to be designed and installed in accordance to BRE Digest 365 Soakaway Design and BSEN - 752-4.
- 7.5. A significant number of local residents have submitted anecdotal accounts that surface water currently runs off of the site onto falling levels of land adjacent to the south, including Torwoodhill Road and Lovers Lane as well as existing residential properties on the southern side of Torwoodhill Road. Third party representations submit that surface water run-off from the site has increased as a result of the clearance of vegetation over the site.

It has also been submitted that the underlying ground conditions are not suitable for a soakaway.

- 7.6. Whilst the concerns raised by objectors are acknowledged, it is considered that the revisions to the proposal gives sufficient information relating to the proposed surface water drainage to demonstrate that this is not an over-riding constraint to development, but a technical matter. It is further considered that these concerns can be properly addressed by means of a suspensive planning condition requiring submission of full details of the surface water drainage scheme design for assessment and written approval prior to commencement of any development. This should include a geological site survey and report demonstrating to the satisfaction of the planning authority that a soakaway/ground filtration system is appropriate. The Council's Flood Risk Assessor will be consulted as part of this process.
- 7.7. Subject to the above, it is considered that the proposal makes adequate provision for services infrastructure in accordance with the provisions of NPF4 Policies 18, 20, 22, 23 and 24. LDP 10 and SG LDP SERV 1 – 7.