

**Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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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 work

**Site Address:** Garden Ground of Torwood House, Torwoodhill Road, Rhu, Helensburgh

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## **SUPPLEMENTARY REPORT NO. 1**

### **1.0 INTRODUCTION**

The purpose of this report is to advise Members that:

- 1) The applicant has requested that determination of this application be deferred to allow an opportunity for him to engage in discussions to Council Officers and to prepare further details of a scheme of commensurate off-site road improvements for assessment by Planning Officers in consultation with Area Roads Engineers.
- 2) To advise Members of the implications of LDP2 as recommended by the Examination Report.
- 3) To advise members of further representations received from one of the original objectors in response to the submission of a revised site plan – proposed drawing no. 807(L)002 Revision A, received on 21<sup>st</sup> February 2023.

### **2.0 REQUEST FOR DEFERRAL**

Members will be aware from the Main Report, that Council officers have assessed the proposal as being acceptable with reference to all material considerations with the exception of impact upon highways issues, having particular regard to the consultation response from the Council's Area Roads Engineer and third party representations.

It is also noted that the most recent formal consultation response from Area Roads recommends deferral of determination pending the submission of details of commensurate off-site improvements to the public approach road, commensurate to accommodate the intensification of traffic movements resulting from the proposed development. These commensurate improvements comprise the provision of two passing places on Torwoodhill Road between the proposed site access and the junction with Upper Torwoodhill Road.

Officers published the Main Report on the basis of information available at the time of the publication deadline in order to give the applicant a determination as soon as possible. During the drafting of the Main Report, Officers were engaged in negotiations with the applicant with

regard to the commensurate improvements. However, the timescale from the start of negotiations relative to the deadline for the publication of the report gave a very short window of opportunity to conclude the negotiations to an extent to allow a recommendation for approval prior to the report publication deadline. At the time of publication of the Main Report, the recommendation was that the application be refused on grounds that the applicant had failed to demonstrate that the required commensurate improvements could be implemented, and as such Officers considered that a recommendation for approval subject to a planning condition requiring implementation of the improvements would not be competent.

However, on 13<sup>th</sup> June, the applicant confirmed that the applicant:

*“can provide the passing spaces in his land as he owns Torward House which is next to the proposed site - and the spaces can be formed within his land ownership.”*

On the basis of this commitment in principle, Officer's would support the request for deferral in order to give the applicant the reasonable opportunity to seek to agree a detailed design for road improvements, particularly since the time available for the applicant to explore this opportunity was significantly constrained by the deadline for reports for the June PPSL meeting. In addition, Officers consider that the roads issue is the only one that warrants a recommendation for refusal, and that if this issue is reasonably capable of satisfactory resolution, then the most reasonable way to proceed would be defer formal determination to give the applicant a reasonable timescale to prepare details of a scheme of road improvements and to enter into further dialogue with planning officers in consultation with the Area Roads Engineer.

The application can be reported to PPSL at the next available opportunity upon resolution of this issue at which time the assessment will be based on a more categorical assessment of whether the required improvements can be implemented to the satisfaction of Area Roads.

### **3.0 RELEVANT PLDP2 POLICIES**

Policy 01 - Settlement Areas

Policy 04 – Sustainable Development

Policy 05 – Design and Placemaking

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment

Policy 16 – Listed Buildings

Policy 17 – Conservation Areas

Policy 34 – Electric Vehicle Charging

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 36 – New Private Accesses

Policy 40 – Vehicle Parking Provision

Policy 41 – Off Site Highway Improvements

Policy 61 – Sustainable Drainage Systems (SUDS)

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance.

Policy 77 – Forestry, Woodland and Trees

Policy 79 – Protection of Soil and Peat Resources

#### **4.0 IMPLICATIONS OF PLDP 2 AS RECOMMENDED TO BE MODIFIED BY THE EXAMINATION REPORT**

The assessment of this proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

Policy 01 – Settlement Areas: The proposal is located within the Settlement Area for Rhu as identified in PDL2. The provisions of Policy 01 continues to set out general support for development within the settlement area. No substantive change to previous assessment.

Policy 04 – Sustainable Development: Promotes the principles of sustainable development and remains generally aligned with the requirements of ABC LDP STRAT 1 and NPF 4 Policies 1 and 2 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 05 – Design and Placemaking: Sets out principles for achieving good quality places and is generally aligned with the requirements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, and NPF4 Policy 14 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 06 – Green infrastructure: Sets out a requirement for the developer to demonstrate how green infrastructure has been integrated into the design of the proposal from the outset. This policy overlaps with provisions elsewhere to consider enhancements to biodiversity and sustainable urban drainage which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 08 – Sustainable Siting: Sets out the principles for successfully integrating new development into its landscape/townscape setting and is aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 09 – Sustainable Design: Sets out that development proposals should demonstrate consideration of and where possible utilisation of renewable sources of energy; and sustainable design and construction methods. The Supporting Statement accompanying the application identifies that the proposal has been sited to maximise solar gain and would be constructed to meet Section 7 Sustainability of Scottish Technical Standards to provide an energy efficient build, enhanced natural lighting, home office space, energy efficient heating and improved storage space. No substantive change to previous assessment.

Policy 10 – Design – All Development: Sets out requirements for the design of new development and is generally aligned with the provisions of NPF4 and ABC 2015 Policy LDP

9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment: Sets out that development will not be supported where it fails to protect, conserve or enhance the special characteristics and/or cultural significance of the historic built environment, or to avoid any cumulative effect upon the integrity or special qualities of heritage assets. Policy 15 is aligned with the aims of NPF4 Policy 7 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 16 – Listed Buildings: Sets out requirements for development which affects a listed building or its wider setting. The aims of Policy 16 are aligned with the aims of NPF4 Policy 7 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 17 – Conservation Areas: Sets out a requirement that new development will preserve or enhance the character and appearance of a conservation area. The aims of Policy 17 are aligned with the aims of NPF4 Policy 7 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 34 – Electric Vehicle Charging: This policy sets out a requirement for all new residential development with private off street parking to install dedicated cable ducting connecting each private residential parking space to the nearest electricity supply connection point capable of supporting the installation of a 7-kilowatt EV charging point. The provisions of Policy 34 introduce an additional requirement for residential development that has not been included within the design of the current proposal or the previous assessment. In the event that it were proposed to grant planning permission then it would be appropriate to seek the submission of further information to ascertain the practicability of this requirement in relation to the current development, and if deliverable and considered appropriate, to impose a planning condition to secure the provision of EV cable ducting within the implementation of the development.

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes: Sets out that the acceptance of development utilising existing public roads is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and Planning Authority. In this instance it has been identified by the Roads Authority that the existing public road serving the development is substandard and unsuited to accommodate additional development without improvement; a detailed assessment is set out in the main report of handling of this aspect in relation to ABC LDP 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 5. On the basis that the applicant has not demonstrated that they would be able to address the underlying issues relating to street design and road safety the proposal would be viewed as contrary to the provisions of Policy 35. No substantive change to previous assessment.

Policy 36 – New Private Access: Sets out the circumstances where a new private access may be considered to be acceptable. In this instance the proposal would connect to the public road by a private driveway connection and would be consistent with the principles of Policy 36a. No substantive change to previous assessment.

Policy 40 – Vehicle Parking Provision: Sets out standards for off street car and vehicle parking. The proposed provision of 3 onsite parking spaces would be consistent with the requirements of Policy 40. No substantive change to previous assessment.

Policy 41 – Offsite Highway Improvements: Sets out an expectation that where new development would be served by a substandard private or public approach road then it will contribute proportionately to improvements to an agreed section of the public or private road

network. A detailed assessment is set out in the main report of handling of this aspect in relation to ABC LDP 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 5. No substantive change to previous assessment.

Policy 61 – Sustainable Urban Drainage Systems: Sets out a requirement that proposal for SuDS are required in relation to all development prior to determination. The proposal has been amended to include detail that SuDS are to be designed and installed in accordance to BRE Digest 365 Soakaway Design and BSEN - 752-4. No substantive change to previous assessment.

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas: Sets out criteria to be applied to new residential development on non-allocated sites which seeks to secure an appropriate relationship with existing properties, respect the character of the locale, and to ensure that appropriate standards of access and parking are secured. The provisions of Policy 66 are aligned with the provisions of NPF 4 Policy 14, and elements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which are all covered within the previous assessment. No substantive change to previous assessment.

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance. The provisions of Policy 73 are generally aligned with the requirements of NPF4 Policy 3, and ABC LDP 2015 Policy LDP 3 and Sg LDP ENV 1 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 77 – Forestry, Woodland and Trees: Sets out criteria for the assessment of development impact on woodland and trees. The provisions of Policy 77 are aligned with the requirements of NPF4 Policy 6; ABC LDP 2015 Policy LDP 3, and SG LDP ENV 6 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 79 – Protection of Soil and Peat Resources: Sets out that the Council will only support development where appropriate measures are taken to maintain soil resources and functions through measures that are proportionate to the development. Policy 79 is aligned with the provisions of NPF4 Policy 5 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

## **6.0 ADDITIONAL REPRESENTATIONS**

Since publication of the Report, an amended representation has been received from:

- Albert Barclay - Carbeth House, Torwoodhill Road, Rhu

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, and a summary of the issues raised are summarised as follows:

- The further information provided by the revised Drwg 807(L)002A is a substantive amendment to the application and additional information should be provided by the applicant to demonstrate that the proposed soakaway solution is fit for purpose.
- The underlying strata of the site is rock, so it is questionable how the principle of soakaways (proprietary or otherwise) would actually work effectively.

- The implications will be far reaching in terms of flood risk to adjacent infrastructure and will not be easily rectified if a wrong assessment is made.
- A detailed Drainage Survey should be required for approval by the relevant authorities as a condition of planning approval, particularly given the revised proposals.
- Additional particulars and detailed information should be required for proper consideration prior to approval by committee.

*Comment: - With respect to the objector, the latest representation offer some clarity on the issue of surface water/land drainage in respect of the revised drawings, however it does not raise any new material planning issues over and above those set out, and fully assessed in the Main Report. The revised representation does not raise any new issues that requires an amendment to the Main Report.*

- The revised drawing does not address waste and soil water discharge. This matter also needs to be fully addressed.

*Comment: - The application details propose that foul water drainage be by means of a connection to the public drainage network. The consultation response from Scottish Water does not indicate that there are any constraints that would warrant further information from the applicant in this respect. Land water drainage should be assessed as part of the proposed private surface water drainage system. No changes to the main Report are required in response to this issue.*

## **7.0 CONCLUSION**

### **Request for Deferral**

Having regard to all material considerations, including the planning history of a planning permission for a similar development on this site in 2017; the consultation response from Area Roads on the current application; and the acceptance of the applicant in principle to implement off-site road improvements to provide two passing places on the public approach road; and given that Officers are otherwise minded to support this proposal, it considered wholly appropriate in these circumstances to allow the applicant every reasonable opportunity to seek, with Council Officers, to continue to seek a resolution that accords with the consultation response from Area Roads and with relevant transport/access policy.

However, should Members wish to determine the application on the basis of the information available at the time of publication of the Report, then the following matters should be noted.

### **LDP2 Assessment**

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. However, in this case there is no significant material change of policy between the Adopted Plan and Proposed Local Development Plan 2 as recommended to be modified by the Examination Report that would require further assessment or lead to a change in the recommendation.

### **Further Representations**

Whilst the latest representation received provides some clarity to the original objection in response to the submission of a revised site plan drawing showing soakaway drainage, with respect to the objector, it does not raise any new issues that have not been assessed within the body of the Main Report. For Members convenience, should planning permission ultimately be approved, then it is recommended by officers that it be subject to a suspensive planning condition requiring the submission and approval of further drainage details for assessment by officers in consultation with the Council's Flood Risk Assessor.

## **6.0 RECOMMENDATION**

- 1) That Members defer determination of this application to allow an opportunity for the applicant to prepare and submit further details to demonstrate to the satisfaction of Council Officers that there are no constraints to the implementation of an agreed scheme of commensurate off-site road improvements.

Should Members wish to determine the application at the meeting on 21<sup>st</sup> June 2023, notwithstanding the Officer's recommendation above, then the secondary recommendation is that:

- 2) Members note the additional representation received: and,
- 3) Determine the application in accordance with the Head of Development & Economic Growth's report dated 13<sup>th</sup> June 2023.

**Author of Report:** N. Shewan                      **Date:** 20.06.2023

**Reviewing Officer:** Sandra Davies              **Date:** 20.06.2023

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