

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

Reference No: 22/01986/PPP
Planning Hierarchy: Local Development
Applicant: Beaton And McMurphy Architects Ltd
Proposal: Site for the erection of dwellinghouse
Site Address: Land North of Lynburn, Rowan Road, Oban

SUPPLEMENTARY REPORT NO. 2

(A) INTRODUCTION

This application was presented to the Planning, Protective Services and Licensing (PPSL) Committee on 21 February 2024 where the application was approved subject to conditions and the conclusion of a Section 75 Agreement.

The purpose of this current Supplementary Report is to advise Members of a change in circumstances regarding legal control over the relevant section of land that negates the requirement for a Section 75 Agreement, as addressed in Section B below.

(B) REQUIREMENT FOR A SECTION 75 AGREEMENT

This application was presented to the Committee in February 2024 and was approved subject to conditions and the conclusion of Section 75 Agreement to secure an area of land from a third party within the private road corridor at the junction with the public road. The Section 75 Agreement was required to ensure that the required upgrades to the private access road at its junction with the public road could be achieved within land under the control of the developer.

During the preparation of the Section 75 Agreement and prior to its conclusion and issue of a formal determination, it has subsequently been demonstrated that the developer has now gained legal control over the relevant section of land within the private road corridor at the junction with the public road. The Section 75 Agreement is therefore no longer required and this matter can now be satisfactorily addressed by planning condition.

Condition 4 relative to the application relates to vehicular access, parking and turning and states that, pursuant to Condition 1, no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority, to include the necessary upgrade to the existing private road at the junction with the public road and the associated commensurate improvements to the existing private access. Condition 4 further states that prior to work starting on site, the approved scheme of works shall be completed, and the visibility splays shall be cleared

of all obstructions. In the absence of a S75 Agreement, it is proposed to amend the terms of Condition 4 to include a requirement for the written approval of the completed scheme of works by the Planning Authority prior to work starting on the construction of the dwellinghouse. The full list of conditions, to include the amendment to Condition 4, is appended to this report.

(C) RECOMMENDATION

That Members note the content of this report which does not introduce any new information that has not already been addressed in the original Report of Handling.

The recommendation of the Planning Authority remains that planning permission be granted, subject to the conditions and reasons appended to Supplementary Report No. 2.

Author of Report: Emma Shaw **Date:** 04.09.2024

Reviewing Officer: Peter Bain **Date:** 04.09.2024

Fergus Murray
Head of Development and Economic Growth

APPENDIX A – CONDITIONS AND REASONS RELATIVE TO APPLICATION NO. 22/01986/PPP, TO INCLUDE AN AMENDMENT TO CONDITION 4, VEHICULAR ACCESS, PARKING AND TURNING.

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/01986/PPP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PPP – Matters Requiring AMSC Submission

Plans and particulars of the matters specified in Conditions 3, 4, 5, 7, 8 and 9 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

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

2. PPP - Approved Details

The development shall be implemented in accordance with the details specified on the application form dated 30.09.2022 supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Plan & Section	2034 02	B	13.10.2022
Site & Location Plans	2034 03	B	13.10.2022
Cross Sections	2034 04		01.12.2022
Site & Location Plans Road Improvements Proposals	2034 07	A	06.02.2024
Junction Site Plan as Proposed	2034 11		06.02.2024

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

3. Timescale to be Agreed for Completion

Pursuant to condition 1 - no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

4. **Vehicular Access, Parking and Turning**

Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The upgrade of the existing access at the connection with the public road in accordance with the Council's Roads Standard Detail Drawing SD08/002a with visibility splays measuring 2.4 metres to point X by 25 metres to point Y;
- ii) The provision of a parking and turning area in accordance with the requirements of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015;
- iii) The provision of a footway to be provided over the total length of the private road;
- iv) A road carriageway with a minimum width of 3 metres;
- v) The provision of passing places in accordance with Operational Services Drawing 08/003a at locations approximately 50m, 90m and 180m from the junction with the public road;
- vi) The provision of a turning head in accordance with Figure 18 of The Roads Development Guide to be provided at the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill', with a bin storage area to the rear of the turning head;
- vii) The provision of street lighting ducting to be installed from the junction with the public road to the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill';

Prior to any work starting on site, the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 0.6m above the road carriageway at point Y and the visibility splays shall be maintained clear of all obstructions thereafter.

The approved scheme of road improvement works shall be fully implemented prior to any works commencing in relation to the construction of the dwelling. The developer shall provide written notification to the planning authority upon completion of the approved road improvement works and shall not proceed with any further development within the application site boundary until such time as written confirmation has been received from the planning authority, in consultation with the Council's Roads Engineers, that the completed road improvements are satisfactory.

Reason: In the interests of road safety.

Note to applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

5. **PPP – Availability of Connection to Public Water Supply**

Pursuant to Condition 1 - no development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

Note to Applicant:

- In the event that a public water supply connection cannot be obtained an alternative private water supply would constitute a material amendment requiring the submission of a further planning application.

6. **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. 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.

Note to Applicant:

- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk .

7. **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 dwellinghouse has 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) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design;
- iv) Maximum of one and three quarter storey in design;
- v) Rectangular footprint with traditional gable ends;
- vi) Symmetrically pitched roof angled between 35 and 42 degrees finished in natural slate or good quality artificial slate;
- vii) External walls finished in white wet dash roughcast, white smooth render, natural stone, timber cladding or a mixture of these finishes;
- viii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site, along with details of the existing and proposed site levels shown in the form of section drawings, contour plans, site level surveys, or a combination of these;
- ix) Windows with a vertical emphasis; and
- x) Details of an area within the application site for the placement of refuse/recycling bins.

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 surroundings.

8. Landscaping and Biodiversity Enhancement

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 include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- iv) Proposed hard and soft landscape works; and
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and

any re-contouring works have been completed in accordance with the duly approved scheme.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

9. **Pre-commencement Survey**

Pursuant to Condition 1 - no development or other work shall be carried out on the site until a pre-commencement survey for the presence of nesting birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. 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.