

Reference Number: 08/02242/VARCON
Applicants Name: Seavision (Scotland) Ltd
Application Type: Variation of Condition Application
Application Description: Formation of marina and port development comprising : expansion of existing marina to provide an additional 300 berths, floating breakwater, infilling and land reclamation to provide 361 car parking spaces, erection of licensed restaurant/shop, retail units, pier services building/offices: construction of commercial pier including weigh bridge and causeway, car parking and bark storage area; formation of new port and marina vehicular entrances, new bus stop and widening of A815. (Variation of Conditions 5 (overspill car park), 10 (noise and operational management plan), 12 (boundary fencing) and 13 (external lighting) of planning permission 06/00589/DET)
Location: Holy Loch Marina, Rankins Brae, Sandbank, Dunoon.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Variation of Condition 5 (overspill car park), condition 10 (noise and operational management plan), condition 12 (boundary fencing) and condition 13 (external lighting) of planning permission 06/00589/DET.
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(B) RECOMMENDATION

Having due regard to development plan policy and other material considerations it is recommended that planning permission **be granted** subject to the attached conditions and reasons along with the informatives detailed overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

This application seeks to vary the wording of some conditions attached to planning permission 06/00589/DET. However, these breaches are of a technical nature which is effectively as a result of the restrictive wording of each condition.

This application does not propose any physical change to the layout or development of the site. To this end, the principle of this development, consistent with development plan policy, has already been established by virtue of planning permission 06/00589/DET.

(ii) Representations:

None.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

Not applicable.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

Not applicable.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
27 April 2009

Author: John Irving, Tel: 01369 708621 **Date:** 23 April 2009
Reviewing Officer: David Eaglesham, Tel: 01369 708608 **Date:** 27 April 2009

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/02242/VARCON

1. The development of the site shall be undertaken in strict accordance with the approved amended plans relevant to planning permission 06/00589/DET titled **Location Plan 1355-00A** received 21st April 2006; **1:1250 Site Plan as Existing 1355-01B** received 16th August 2006; **1:1250 Proposed Masterplan 1355-02B** received 29th March 2006; **1:1000 Landscape Masterplan 1356 L01 Rev G** received 13th June 2006; **1:200 Landscape Sections 1356 L02 RevD** received 7th April 2006; **1:100 Proposed Bar/Restaurant, shop and Office – Plans and Elevations 1355-03** received 31st March 2006; **1:100 Proposed Retail Units Block 1 – Plans and Elevations 1355-04A** received 29th March 2006; **1:100 Proposed Retail Units Block 2 – Plans and Elevations 1355-05A** received 29th March 2006; **1:50 Proposed Pontoon Access Station 1355-06** received 29th March 2006; **1:100 Proposed Pier Services Building – Plans and Elevations 1355-07** received 29th March 2006; **1:1250 New and Existing Piers A022302 015 Rev E** received 29th March 2006; **Sections through pier and pier approach structures A022302 016 Rev A** received 29th March 2006; **1:1250 Existing and Proposed Levels – Marina and Pier A022302 019 Rev B** received 1st December 2006; **1:1250 Proposed Masterplan Holy Loch E A022302 020** received 29th March 2006; **1:1250 Proposed Drainage Layout A022302 021 Rev B** received 1st December 2006; **1:500 Cross sections showing proposed development A022302 023 Rev A** received 1st December 2006; **1:1250 Proposed Road Drainage A022302 024 Rev A** received 1st December 2006; **1:500 Holy Loch Marina Servicing – Refuse Lorry A022302 016** received 29th March 2006; **1:500 Holy Loch Marina Servicing – 7.5T Delivery Vehicle A022302 017** received 29th March 2006; **1:500 Holy Loch Timber Pier - Articulated Timber Vehicles A022302 018** received 29th March 2006; **1:500 Holy Loch Timber Pier - Articulated Timber Vehicles A022302 019** received 29th March 2006; **Lighting Masterplan L03** received 1st December 2006; unless consent for variation is obtained in writing from the Planning Authority.

Reason: *For the avoidance of doubt and to ensure that the development is undertaken in strict accordance with the approved plans.*

2. Drainage works shall be undertaken in accordance with approved drawings number 024 rev B, titled '*Proposed Roads Drainage*' and 021 rev E, titled '*Proposed Drainage Layout*' approved pursuant to condition 3 of planning permission 06/00589/DET on 25th January 2007 or as may subsequently be approved. All drainage work shall be carried out in accordance with the approved drainage programme or as otherwise agreed in writing with the Planning Authority.

Reason: *To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected.*

3. Prior to the commencement of any works, full details shall be submitted indicating the revised development levels and freeboard in respect of the potential for ponding to take place, and that the floor levels of all buildings on site will be 150mm above surrounding ground levels. Details shall also be submitted in respect of surface water drainage including surface water attenuation storage which shall be re-designed to take account of the A815 road drainage, drainage at the rear of Clyde to Miller Cottages and run-off from the boat storage/seasonal overspill parking area. Additionally, revised calculations shall be submitted to confirm that there will be no overtopping of the proposed drainage system at the 1 in 200 year event with these drainage additions.

Reason: To ensure that the proposed development will not be prone to flooding or inundation.

4. Notwithstanding the submitted details pursuant to planning permission 06/00589/DET and prior to the 98 space berth car park located to the north west of the boat shed first coming into use for the parking of cars, revised details of the berth car parking of the 98 spaces at the southern portion of the site shall be submitted to the Planning Authority indicating a reconfigured car park arrangement which will relocate the car parking spaces immediately adjacent to Clyde Cottages. Full details of revised car parking layout including surfacing materials, hard/soft landscaping and surface water drainage system(s) shall be submitted for the written approval of the Planning Authority, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: In the interests of visual amenity and to safeguard the amenities of neighbouring properties.

5. All approved dredging works shall be undertaken in accordance with the mitigation measures detailed within the conclusion of the approved report pursuant to condition 6 of planning permission 06/00589/DET titled 'Assessment of Marine Sediment for Holy Loch Marina' dated 11th February 2008. Upon completion of all dredging works a completion certificate shall be issued, by a competent person, certifying that the dredging works have carried out in accordance with stipulated mitigation measures, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: In the interest of public health and amenity.

6. The calculated noise levels arising from any operations at the marina and timber transfer facility shall not increase pre-determined ambient background noise levels (LA90) by more than 3dBA at the nearest noise sensitive property. All measurements to be taken in accordance with BS4142:1997. The predetermined background noise levels shall be agreed in writing with the Planning Authority, in consultation with the Public Protection Service prior to any works commencing.

Reason: In the interests of public health and safety.

7. Prior to the timber transport terminal becoming operational, a Noise and Operational Management Plan shall be submitted to and approved in writing by the Planning Authority for the operation of the timber transport terminal. The plan shall ensure that local residents are not adversely affected by vehicular movements and logging operations associated with the timber transfer facility and shall incorporate the following elements:
 - Full details of the noise attenuation measures which are to be adopted to mitigate the impact from noise emanating from the timber transfer facility;
 - The operational procedures for the premises in relation to noise including restrictions in use of the car park and loading/unloading area; intended hours of operation, stock-piling arrangements, traffic management arrangements, the control of noise from vessels using the pier;

- Details of arrangements for the monitoring of these operational procedures and specifications including the effectiveness of any noise attenuation measures.

Thereafter the use of the timber transfer facility shall be in accordance with the findings of the Noise and Operational Management Plan and noise investigation/assessment, together with any required mitigation requirements, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interests of public health and safety.*

8. Notwithstanding the submitted details, natural slate or a slate substitute tile shall be used on the roof of the bar/restaurant building and a metal clad roof system shall be used on the roofs of the retail units and pier services building, unless otherwise agreed in writing with the Planning Authority. All proposed external materials shall be submitted for the written approval of the Planning Authority prior to their use on any buildings.

Reason: *In the interests of visual amenity and in order to integrate the proposal with its immediate surroundings and in order to ensure an integrated approach toward the design and finish of the entire works and in accordance with the provisions of RUR 1 and BE9 of the Development Plan.*

9. Notwithstanding the use of temporary site security fencing, prior to the installation of any other boundary treatments on site, the applicant/developer shall submit full details including alignment, design, height and colour for the written approval of the Planning Authority prior to their use on site, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *To allow the Planning Authority to consider these aspects in detail.*

10. Notwithstanding the use of temporary construction lighting on site, prior to the installation of any external permanent lighting on any part of the site, full details of a scheme of external lighting (that demonstrates that low-intensity lighting has been used wherever possible) to be used within the site, including mast lighting, pier lighting and all buildings lighting shall be submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, period of operation, angle of direction and wattage/intensity of each light, which shall be so positioned to prevent any glare or light spillage especially outwith the site boundary, having regard to the Institute of Lighting Engineers Guidance in consultation with Public Protection, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *In order to minimise the effect of light pollution and in the interests of surrounding amenity.*

11. Prior to the commencement of any landscaping works full details of the scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - (i) existing and finished ground levels in relation to an identified fixed datum;
 - (ii) existing landscaping features and vegetation to be retained;
 - (iii) location and design, including materials, of walls, fences and gates;

- (iv) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub and mounding/modelling/screening of car parking areas;
- (v) full details showing provision for cycle parking and cycling/pedestrian routes within the development including surfacing and signage;
- (vi) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure the implementation of a satisfactory scheme of landscaping and to minimise the effect of reflective light pollution in the interests of surrounding amenity.*

12. Before any of the retail units (as depicted on approved drawings under Condition 2 above) is first occupied, details of the goods to be sold (which shall be related to the activities at the marina) shall be submitted to and approved by the planning authority. Thereafter, none of the retail units hereby approved shall be combined unless otherwise agreed in writing with the Planning Authority.

Reason: *In order to protect the vitality of surrounding shops.*

13. Development works shall be undertaken in strict accordance with the Construction Management Statement dated May 2008, approved pursuant to condition 6 of Planning Permission 06/00589/DET on 3rd June 2008. All aspects contained within the approved Construction Environmental Management Plan (CEMP) shall be carried out in accordance with the details and conclusions of the CEMP, together with any required mitigation requirements, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *To ensure that the construction of the site is suitably controlled and in respect of residential amenity, road safety and in the interests of public health and amenity.*

14. Development works shall be undertaken in accordance with the revised development phasing plan approved on 19th February 2009 pursuant to condition 17 of planning permission 06/00589/DET. Development works shall be undertaken in strict accordance with the approved plan. Prior to any works commence on subsequent phase works full details shall be submitted in plan form for the written approval of the Planning Authority, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *In order to ensure that a phased approach is undertaken in the development of the entire site.*

15. Prior to the commencement of any further works, measures shall be put in place to ensure that all vehicles are clean of material before entering the public road from any

access. The vehicular wash-down area(s) as shown on Drawing Nos. 1:1250 *Proposed Masterplan 1355-02B* received 29th March 2006; 1:1000 *Landscape Masterplan 1356 L01 Rev G* received 13th June 2006 shall be retained for the duration of the entire construction phases, unless otherwise agreed in writing by the Planning Authority.

Reason: *In the interests of road safety and to ensure that wash-down facilities are provided within the site.*

16. A 2.0 metre wide footway shall be provided along the totality of the development on the east side of the A815 and return to the rear of the junction bellmouths and to the Port Office.

Reason: *In the interests of pedestrian safety.*

17. The A815 shall be made up to 6.8metres wide along the frontage of the development (with provision of a bus pull in and consideration of the need for a right turning lane at the entrance to the marina). The entrance road to the marina shall be 6.0metres wide for at least the first 15metres and shall be surfaced in asphalt surfacing at least to the rear of the bellmouth. Internal roads shall be a minimum of 6.0 metres wide with suitable geometry to allow for delivery vehicle movements. All kerbs shall be provided on the main junction radii.

Reason: *In the interests of road and pedestrian safety*

18. Prior to the opening of any additional berths, appropriate signage (and other operational management methods) shall be placed around the berths/pontoons indicating that under no circumstances shall foul effluent be discharged from boats using the pontoons.

Reason: *In order to prevent discharge of effluent into the Holy Loch.*

INFORMATIVES RELATIVE TO APPLICATION: 08/02242/DET

- (i) The applicant/developer is advised that in terms of construction noise the Public Protection Service will use powers under the Control of Pollution Act 1974 to control the noise from construction work.

It is envisaged that, in order to comply with the above controls, construction and dredging operations within the site may require being restricted to the hours of 0800 to 1800 Monday to Friday. No construction works or dredging, (but allowing for cleaning and maintenance of plant and equipment), shall take place and no heavy goods vehicles shall leave the site outwith such prescribed times and at no times on weekends or Bank Holidays.

In addition, all vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

- (ii) Scottish Natural Heritage (SNH) advise that all workers should be briefed about the likelihood of otters being found on site, and should an otter or an otter shelter be found, all works should stop immediately and Scottish Natural Heritage contacted for advice. Please contact Elizabeth Pryor, Area Officer, Cowal and Bute, tel. 01369 705377.

- (ii) The applicant/developer is strongly advised that they contact Scottish Water directly to discuss waste and wastewater provision, especially the timing requirements of connection to the public sewerage network.

For all of the advisory points given above, the applicant/developer is advised to contact Scottish Water directly Victoria Peel, Planning and Development Services, tel.0845 601 8855).

- (iii) The applicant/developer is advised by Scottish Water, that due to the size of the proposed development the applicant must make a separate application in writing to Planning and Development Services, in order for Scottish Water to fully assess the impact of the development on their assets;

- If the connection to the public sewer/water main requires to be laid through land outwith the applicant's ownership, then the applicant must provide evidence of formal approval from the affected landowner(s) through whose ground the connection to the public wastewater system/water main must pass. This shall be done at the time of application;
- the applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and water network at the appropriate time. It is important to note that the granting of planning consent does not necessarily guarantee a connection to Scottish Water's assets;
- Planning & Development Services no longer deal with requests for location of services. Should the applicant require this information, they should contact Property Searches Department, Bullion House, Dundee, DD2 5BB;
- A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water support the principle of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage system. It is important to note that

Scottish Water will not adopt surface water drainage systems that require the flows to be pumped;

For the advisory notes above, the applicant/developer is advised to contact Scottish Water directly (Planning and Development Services, 419 Balmore Road, Glasgow G22 6NU, Tel. 0845 601 8855 or at www.scottishwater.co.uk).

(v) The Area Roads Manager has advised that the following aspects must be provided:

- Signage must be provided advising road traffic of the site entrance(s) and the presence of heavy traffic turning;
- The scale of the development requires a Road Safety Audit taking into account traffic generated by both the marina and the timber port facility. The initial RSA has been submitted;
- A pedestrian route is to be developed along the shore and up via the area shown for boat storage towards the village shops, not shown on the drawings. Land is to be made available for the provision of a footway with the aim to provide a pedestrian crossing in the area south of Cottages;
- Pedestrian crossing facility is to be provided at the marina entrance by the construction of dropped kerbs on the radii and on the west side of the A815 opposite the southern radius;
- A 2m wide footway is to be provided along the totality of the development on the east side of the A815 and return to the rear of the junction bellmouths and to the Port Office;
- Drop kerbs are to be provided on the main junction radii;
- Provision is required for cycle parking within the development;
- The inbound [Dunoon] bus stop with pull in is to also include a bus shelter. An outbound stop should also be provided near the marina entrance;
- The internal roads layout requires road marking and traffic calming measures;
- Traffic restrictions are to be developed comprising No Waiting and No Loading on the east side and No Waiting 8:00am – 6:00pm on the west side of the A815 from Rankin's Brae northwards to the Beeches. The developer is to carry out all consultations and preparations of an Order for the Council as Roads Authority to make. The developer will carry out the signing and lining for the order;
- The A815 is to be made up to 6.8m width along the frontage of the development with provision of a bus pull in and consideration on the need for a right turning lane at the entrance to the marina;
- The entrance road to the marina is to be 6m wide for at least the first 15m and is to be surfaced in asphalt surfacing at least to the rear of the bellmouth;
- Internal roads are indicated to be 6m wide and must allow for delivery vehicles. Geometry must allow for delivery vehicle movements;
- The new port facility is to handle all commercial freight replacing the existing freight traffic on the pier at the existing Holy Loch Port;
- Pedestrian routes within the development must be clearly identified;
- Traffic exiting the port facility must be made to pass over the vehicle cleaning facility with a management regime to ensure that no material is transmitted to the public road;
- Access to the slipway is to be made from the marina side of the development;
- The development roads must be signposted as private;
- Traffic signs are required for traffic coming out of the development advising of Give Way, and Directional signs for A815 Dunoon and Ferry terminal; and for

A815 Strachur (A83 Glasgow). The traffic regulation signs will require to be illuminated;

- Signs on the public road should be provided by the developer advising of HGV turning traffic in both directions;
- Checks are to be made on the provision of additional lighting at the junctions;
- As a Port Operator the developer will be required to provide a measured response for oil spills comprising an oil spill plan and also the provision of at least Tier 1 oil spill response equipment;
- During construction any access to the public road must have advance signage on the A815 advising of site entrance(s), and the turning of heavy vehicles. Arrangements must be in place prior to any access being used for wheel and vehicle cleaning to ensure that no material is transmitted on to the public highway.

The applicant/developer is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708600) directly upon these matters.

(vi) The Area Roads Manager has advised that Construction Consent (S21), A Road Bond (S17) and a Road Opening Permit (S56) will all be required for proposed development. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708600) directly upon this matter.

(vii) The Area Roads Manager has advised that a system of surface water drainage is required to prevent water running of the road and to do would be contrary to Section 99 of the Roads (Scotland) Act 1984 that states that:

"(i) The owner and occupier of any land, whether or not that land is such as constitutes a structure over or across a road, shall prevent any flow of water, or of filth, dirt or offensive matter from, or any percolation of water through, the land onto the road."

A system of surface water drainage to be provided to prevent surface water running on to the footway and carriageway. Consideration should be given to prevent waste or by products from passing on to the footway and carriageway from site. A drainage system including positive surface water drainage measures should be agreed with the Area Roads Manager. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell (tel. 01369 708613) directly in this regard.

(viii) The applicant is advised by Clydeport Properties Ltd. that it will be necessary for Clydeport in the interest of safety, to create a navigable channel where Rule 9 of the International Collision Regulations applies. The channel will require the establishment of a new Fairway Buoy which has to be established and laid by Clydeport. The applicant /developer is advised to contact Andrew Stafford, Property Surveyor, Clydeport Properties Ltd. 16 Robertson Street, Glasgow G2 8DS (tel. 0141 221 8733) directly upon this matter.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/02242/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Cowal Local Plan 1993

Policy RUR 1 'Landscape Quality' seeks to resist prominent development which would have an adverse impact on East Cowal's rural and coastal landscape

Policy POL BE 9 'Layout & Design of Urban Development' seeks to achieve a high standard of layout and design.

Policy POL TOUR 7 'Development of Water Based Tourism' supports water based tourism in Cowal, including Dunoon/Holy Loch area.

Policy POL TOUR 8 'Marina Development in Holy Loch' supports the development of marina and related facilities in the Holy Loch.

Policy POL COM 5 'Bad Neighbour Development' opposes "Bad Neighbour" developments which adversely affect the amenity of neighbouring properties and land.

Argyll & Bute Local Plan Post Inquiry Modifications 2008

Policy LP ENV 19 Development Setting, Layout and Design seeks to ensure that new developments harmonise with their surroundings in terms of their setting, layout and density.

Policy LP CST 1 - Coastal Development on the Developed Coast (Settlements and Countryside Around Settlements) generally supports development which:(A) Requires a coastal location;(B) Is of a form, location and scale consistent with STRAT DC 1-3;(C) Provides economic and social benefits to the local community;(D) Respects the landscape/townscape character and amenity of the surrounding area; AND,(E) Is in accordance with policy LP ENV 1.

Policy LP CST 4 - Development Impact on the Natural Foreshore. Development will only be acceptable on the natural foreshore if there is a specific operational purpose for its foreshore location and there being no effective alternative location for the development landward of the natural foreshore. Development shall not damage nor undermine the key features of foreshore areas including the following:

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

A variety of planning applications have been submitted since 2001 for this marina development. The most recent and relevant planning permission is 06/00589/DET, granted on 25th January 2007 for the formation of marina and port development comprising : expansion of existing marina to provide an additional 300 berths, floating breakwater, infilling and land reclamation to provide 361 car parking spaces, erection of licensed restaurant/shop, retail units, pier services building/offices: construction of commercial pier including weigh bridge and causeway, car parking and bark storage area; formation of new port and marina vehicular entrances, new bus stop and widening of A815.

There is an associated enforcement report (Ref: 07/00309/ENFBOC) elsewhere on this agenda.

(iii) CONSULTATIONS

Sandbank Community Council (e-mail dated 26th March 2009): No observations.

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedures no letters of representation have been received.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/02242/VARCON

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

By virtue of planning permission 06/00589/DET the marina development has been determined as consistent with development plan policy. This application relates the rewording of specific conditions attached to this planning permission in order to regularised minor technical breaches of planning conditions. This application will not have any impact upon the wider landscape or indeed the established surrounding settlement pattern.

The proposal is consistent with policies POL RUR 1, POL TOUR 7 & 8 of the adopted Cowal Local Plan and policies LP CST 3 & 4 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

Since development works commenced on site, it has transpired that construction works have been in breach of some specific conditions attached to planning permission 06/00589/DET, as detailed below.

Condition 5 related to the overspill car park, which prevented any works within this area of the site until revised layout plans were received and duly approved. Infill works commenced in this area of the site some time ago, in breach of this condition. In order to resolve this breach, this condition has been redefined to ensure that the revised layout drawings are submitted and implemented prior to this area of the site first coming into use as a car park.

Condition 10 required the submission and approval of a noise and operational management plan prior to commencement of works to the terminal area of the site. Works commenced in this area of the site with the importation and storage of infill material. This condition has therefore been reworded to ensure this management plan is submitted and approved prior to the timber transport terminal first coming into use.

Condition 12 relates to boundary treatments and required the submission of a boundary treatment scheme for the entire site prior to any boundary treatments being installed on site. Temporary site security fencing has been installed on site in breach of this condition. To this end, this condition has been redefined to ensure that notwithstanding temporary site security fencing, no other boundary treatments shall be erected on site until full details are submitted and duly approved.

Condition 13 relates to external lighting on site and required full details of all lighting on site to be submitted and approved prior to any external lighting being used on site. Development works have been in breach of this condition with the intermittent use of some temporary construction lighting. To this end, this condition has been redefined to ensure that notwithstanding the use of temporary site construction lighting, no other external lighting shall be installed on site until full details are submitted and duly approved.

Other conditions attached to planning permission 06/00589/DET has also been reworded to take account of the current stage of development works on site and

specific plans and drawings which have already been approved pursuant to other conditions attached to planning permission 06/00589/DET.

CONCLUSION

The redefining of these conditions does not remove the requirement for the developer to submit appropriate information and duly comply with each condition but it does allow the required information to be submitted at a later, relevant stage, allowing development works to continue on site without breaching any of the associated planning conditions.

The approval of this application will ensure these technical breaches of planning control are fully resolved and allow the development to progress works on site without an enforcement liability.