

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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18 January 2011

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – 19
JANUARY 2011 – COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD – 10.30AM**

I refer to the above and enclose herewith supplementary reports in connection with agenda items 8, 9, 10 and 11.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 8. MR AND MRS P CAIRNS: ERECTION OF DWELLINGHOUSES AND ASSOCIATED WORKS: GROUND TO THE NORTH OF DEAN HOUSE, EAST ABERCROMBY STREET, HELENSBURGH (REF: 10/01302/PP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 2)
- 9. SCOTTISH WATER: APPLICATION FOR FORMATION OF LAYBY: ARDBEG ROAD, ARDBEG, BUTE (REF: 10/01777/PP)**
Report by Head of Planning and Regulatory Services (Pages 3 - 6)
- 10. SCOTTISH WATER: RE-PROFILING OF GROUND AND RE-ALIGNMENT OF HANDRAIL TO ACCOMMODATE BURIED PUMPING STATION CHAMBERS, FORMATION OF LAY-BY AND INSTALLATION OF ROCK ARMOURING AND RETAINING WALL: LAND OPPOSITE 8 MARINE PLACE, ARDBEG, ROTHESAY, ISLE OF BUTE (REF: 10/01977/PP)**
Report by Head of Planning and Regulatory Services (Pages 7 - 12)
- 11. SCOTTISH WATER: ERECTION OF ACCESS GATES, WIDENING OF EXISTING ACCESS, FORMATION OF ACCESS TRACK AND HARDSTANDING AREA: LAND WEST OF PUBLIC CONVENIENCE, MARINE ROAD, PORT BANNATYNE, ISLE OF BUTE (REF: 10/01806/PP)**
Report by Head of Planning and Regulatory Services (Pages 13 - 18)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

Contact: Melissa Stewart

Tel. No. 01546 604331

**Argyll and Bute Council
Development & Regulatory Services**

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01302/PP

Planning Hierarchy: Local Application

Applicant: Mr and Mrs P Cairns

Proposal: Erection of dwellinghouse and associated works

Site Address: Ground to the North of Dean House, East Abercromby Street,
Helensburgh

SUPPLEMENTARY REPORT NO 1

1) Additional information

Since the production of the original report, the Council's Conservation Officer has had the opportunity to review the case and has expressed some concerns regarding both the principle of the subdivision of the plot, and the design and scale of the dwelling proposed. She considers that it would be appropriate to continue the application to provide a further opportunity to enter into dialogue between the planning authority and the applicant. As the applicant's agent has indicated that he is out of the country for the time being, it would be appropriate to await his return in order to be able to involve him in such discussions.

2) Recommendation

It is recommended that the application be continued to enable dialogue to be entered into between the Council's conservation officer and the applicant/agent, in order to be able address conservation issues in full prior to the application being considered by Members at a local hearing.

Author of Report: Richard Kerr

Date: 18/01/2011

**Angus Gilmour
Head of Planning**

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**Argyll and Bute Council
Development and Infrastructure Services**

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01777/PP

Planning Hierarchy: Local

Applicant: Scottish Water

Proposal: Formation of Layby

Site Address: Land Opposite 11 and 12 Ardbeg Road, Rothesay, Isle of Bute

SUPPLEMENTARY REPORT NO.1

(A) INTRODUCTION

Members' attention is drawn to the report dated 30th December 2010 in respect of the above which is currently before them for consideration.

Since the composition of this report, the comments of the Roads Section have been received (report dated 30th December 2010). The recommendation is that a decision on the application be deferred on the grounds that *"the details of the adjacent pipe network have been superseded by a further design of the Ardbeg and Port Bannatyne Sewerage Scheme. These details must be provided for review and acceptance prior to approval of this planning application as being dependent on one another"*.

In addition to the recommendation of deferral, the following comments have also been made:

- I. The sightlines of 42 metres by 2.4 metres are acceptable;
- II. The provision of a parking/service bay is required to ensure the safety of pedestrians, vehicles and operatives attending the proposed pumping station;
- III. A 2-metre wide footway should be provided to the rear of the lay-by;
- IV. The bay shall have a 10 mm upstand at the existing channel and 100 mm kerb face at the rear of the bay;
- V. During construction of the site, safe access must be provided for both pedestrian and vehicular traffic;
- VI. A system of surface water drainage shall be provided to prevent water running onto the footway and road;

- VII. The location of the CSO to be shown at a location off the carriageway in a safe position that would not impede the flow of all traffic when inspections or maintenance is carried out.

It is understood that a meeting was held between representatives of Scottish Water and the Roads Section on 17th January 2011. However, from the Roads Section's perspective, Scottish Water have not addressed the previous unacceptable aspects of the proposed scheme.

In terms of the current application, the Council is in the position of adjudicating upon the works that require Planning Permission and that are incorporated within the red line defining the site. In this regard, no specific objections have been raised to the lay-by with the consequence that there are no sound planning reasons to the refuse this particular application. Points (i), (iii) and (iv) above can be incorporated into conditions whilst the other issues are essentially between the Roads Section and Scottish Water and can be included via informative notes.

(B) RECOMMENDATION:

In view of the foregoing, it is recommended planning permission be granted subject to the attached conditions and reasons and notes to applicant.

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

(D) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10, LP ENV 14 and LP ENV 19 of the Argyll and Bute Local Plan (2009) and the proposal raises no other material consideration which would justify refusal of permission.

(E) Reasoned justification for a departure from the provisions of the Development Plan

Not applicable

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

Author of Report: Steven Gove

Date: 18/1/2011

Reviewing Officer: Richard Kerr

Date: 18/1/2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 10/01777/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers: Drawing No. 400114-0000-20-DRG-9940; Drawing No. 400114-0000-20-DRG-9941; and Drawing No. 400114-0000-20-DRG-9942 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. Notwithstanding the provisions of Article 3 and Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no works shall be carried out within the development site in respect of the erection of the control kiosk until its details have been submitted to and approved in writing by the Planning Authority. Such details shall show the erection of a kiosk that shall be clad in stone and be no higher than 2.0 metres above the level of the carriageway as it adjoins the frontage of the site. The kiosk shall be erected in accordance with such details as may be approved, unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In order to safeguard the visual amenity of the Rothesay Conservation Area from the unsympathetic siting and design of sewerage infrastructure normally carried out without Planning Permission under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

4. The lay-by shall be formed with visibility splays of 42 metres in both directions measured from a distance of 2.4 metres back from the edge of the carriageway at the centre point of the access. Thereafter, no obstructions to visibility above a height of 1 metre from the level of the carriageway shall be permitted within the requisite splays unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

5. Prior to the first use of the lay-by hereby approved, it shall have a 10 mm upstand at the existing channel and 100 mm kerb face at the rear of the bay.

Reason: In the interests of road safety.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The Roads Section has advised of the following:
 - I. During construction of the site, safe access must be provided for both pedestrian and vehicular traffic;
 - II. A system of surface water drainage shall be provided to prevent water running onto the footway and road;
 - III. The location of the CSO to be shown at a location off the carriageway in a safe position that would not impede the flow of all traffic when inspections or maintenance is carried out.
- The approval of this application for Planning Permission in no way grants permission for or implies that the works both within and outwith the site are acceptable in terms of the Council's role as Roads Authority.

**Argyll and Bute Council
Development and Infrastructure Services**

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01977/PP

Planning Hierarchy: Local

Applicant: Scottish Water

Proposal: Re-profiling of ground and re-alignment of handrail to accommodate buried pumping station chambers, formation of lay-by and installation of rock armouring and retaining wall

Site Address: Land Opposite 8 Marine Place, Ardbeg, Rothesay, Isle of Bute

SUPPLEMENTARY REPORT NO.1

(A) INTRODUCTION

Members' attention is drawn to the report dated 30th December 2010 in respect of the above which is currently before them for consideration.

Road Safety

Since the composition of this report, the comments of the Roads Section have been received (report dated 30th December 2010). The recommendation is that a decision on the application be deferred on the grounds that *"the details of the adjacent pipe network have been superseded by a further design of the Ardbeg and Port Bannatyne Sewerage Scheme. These details must be provided for review and acceptance prior to approval of this planning application as being dependent on one another"*.

In addition to the recommendation of deferral, the following comments have also been made:

- I. The sightlines of 42 metres by 2.4 metres are acceptable;
- II. The provision of a parking/service bay is required to ensure the safety of pedestrians, vehicles and operatives attending the proposed pumping station;
- III. A 2-metre wide footway should be provided to the rear of the lay-by with a demarcation line at the rear of the footway;
- IV. The bay shall have a 10 mm upstand at the existing channel and 100 mm kerb face at the rear of the bay;
- V. During construction of the site, safe access must be provided for both pedestrian and vehicular traffic;

- VI. A system of surface water drainage shall be provided to prevent water running onto the footway and road;
- VII. The location of the CSO to be shown at a location off the carriageway in a safe position.

It is understood that a meeting was held between representatives of Scottish Water and the Roads Section on 17th January 2011. However, from the Roads Section's perspective, Scottish Water have not addressed the previous unacceptable aspects of the proposed scheme.

In terms of the current application, the Council is in the position of adjudicating upon the works that require Planning Permission and that are incorporated within the red line defining the site. In this regard, no specific objections have been raised to the proposed works with the consequence that there are no sound planning reasons to the refuse this particular application. Points (i) and (iv) above can be incorporated into conditions whilst the other issues are essentially between the Roads Section and Scottish Water and can be included via informative notes.

Point (ii) above relates to the provision of a 2-metre wide footway to the rear of the lay-by. The submitted drawings show a flexible footway within the confines of the land that is to be built out to accommodate the wet well and valve chamber and it is considered that this will allow pedestrians to navigate through the site should a vehicle(s) be parked in the lay-by.

Railings

In the submitted drawings, the proposal shows the erection of new handrails around the area that is to be built out. In the interests of the character and appearance of the Rothesay Conservation Area, and for the avoidance of doubt, it is intended that an additional condition should be attached requesting details of the new handrails to be agreed with the Planning Authority prior to their erection.

(B) RECOMMENDATION:

In view of the foregoing, it is recommended planning permission be granted subject to the attached conditions and reasons and notes to applicant.

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

(D) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10, LP ENV 14 and LP ENV 19 of the Argyll and Bute Local Plan (2009) and the proposal raises no other material consideration which would justify refusal of permission.

(E) Reasoned justification for a departure from the provisions of the Development Plan

Not applicable

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

Author of Report: Steven Gove

Date: 18/1/2011

Reviewing Officer: Richard Kerr

Date: 18/1/2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 10/01977/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997

2. The development shall be implemented in accordance with the details specified on the approved drawings numbers: Drawing No. 400114-0000-20-DRG-9920; Drawing No. 400114-0000-20-DRG-9921; Drawing No. 400114-0000-20-DRG-9922; and Drawing No. 400114-0000-20-DRG-9923 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. Notwithstanding the provisions of Article 3 and Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no works shall be carried out within the development site in respect of the erection of the control kiosk until its details have been submitted to and approved in writing by the Planning Authority. Such details shall show the erection of a kiosk that shall be clad in stone and be no higher than 2.0 metres above the level of the carriageway as it adjoins the frontage of the site. The kiosk shall be erected in accordance with such details as may be approved, unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In order to safeguard the visual amenity of the Rothesay Conservation Area from the unsympathetic siting and design of sewerage infrastructure normally carried out without Planning Permission under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

4. Prior to the commencement of any development, details shall be submitted of the composition of rock armour including, source and size of material. Such material, as may be approved in consultation with SEPA, shall be used in the approved development.

Reason: In order to integrate the development along the shore and in the interests of health and amenity to ensure that there is no potential for flooding either within or outwith the site.

5. No lighting units shall be installed unless the prior written consent of the Planning Authority is obtained in consultation with the Public Protection Service. Any lighting units that are approved shall be operated, positioned and angled to prevent any glare or light spillage outwith the boundary of the site, having regard to the Institute of Lighting Engineers Guidance.

Reason: In order to avoid the potential of light pollution.

6. The calculated noise levels, arising from the operation of the pumping station, shall not increase pre-determined ambient background noise levels (LA90), as agreed with the Planning Authority, by more than 3dBA at the nearest noise sensitive property. All measurements shall be taken in accordance with BS 4142:1997.

Reason: In the interests of public health and amenity and in accordance with Policy LP BAD 1 of the Argyll and Local Plan 2009.

7. No part of the development shall take place until a detailed scheme of odour control measures for the works has been submitted to, and approved in writing by the Planning Authority. Details shall include the design of plant, operational procedures and maintenance arrangements with particular reference to odour control. The scheme shall include details of the best practicable means of odour suppression and procedures to be followed in the event of an emergency.

Reason: In the interests of public health and amenity and in accordance with Policy LP BAD 1 of the Argyll and Bute Local Plan 2009.

8. The pumping station and all associated plant shall be maintained in accordance with the manufacturer's recommendations and a system for keeping records of maintenance and monitoring of plant performance, including response to complaints, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development.

Reason: In the interests of public health and amenity and in accordance with Policy LP BAD 1 of the Argyll and Bute Local Plan 2009.

9. Prior to the erection of any new handrails within the development site, details of their appearance and height shall be submitted to and approved in writing by the Planning Authority. The submitted details shall show the erection of handrails that reflect the appearance and height of the existing handrails in the vicinity of the site. The handrails shall be erected in accordance with the approved details prior to the first operation of the facility unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of visual amenity having regard to the location of the site within the Rothesay Conservation Area and for the avoidance of doubt.

10. Prior to the first use of the lay-by hereby approved, it shall have a 10 mm upstand at the existing channel and 100 mm kerb face at the rear of the bay.

Reason: In the interests of road safety.

11. The lay-by shall be formed with visibility splays of 42 metres in both directions measured from a distance of 2.4 metres back from the edge of the carriageway at the centre point of the access. Thereafter, no obstructions to visibility above a height of 1 metre from the level of the carriageway shall be permitted within the requisite splays unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

NOTES TO APPLICANT

1. In order to comply with Section 27A(1) of the Town & Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
2. In order to comply with Section 27B(1) of the Town & Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was complete.
3. Public Protection Service has powers under the Environmental Protection Act 1990 to remedy any environmental nuisance. It is **strongly recommended** that prior to any works taking place agreement is reached with Jo Rains, Area Environmental Health Manager, Argyll and Bute Council, Hill Street, Dunoon (telephone Number 01369 707124).
4. It is **strongly recommended** that prior to any works taking place agreement is reached relative to the method to suppress dust for the construction of the pumping station. You are advised to contact Jo Rains, Area Environmental Health Manager, Argyll and Bute Council, Hill Street, Dunoon (telephone Number 01369 707124).
5. A Road Opening Permit would be required in connection with the proposed works.
6. A system of surface water drainage is required to prevent water running of the road in accordance with 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."
7. The Roads Section has advised of the following:
 - I. During construction of the site, safe access must be provided for both pedestrian and vehicular traffic;
 - II. The location of the CSO to be shown at a location off the carriageway in a safe position.
8. The approval of this application for Planning Permission in no way grants permission for or implies that the works both within and outwith the site are acceptable in terms of the Council's role as Roads Authority.

**Argyll and Bute Council
Development and Infrastructure Services**

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01806/PP

Planning Hierarchy: Local

Applicant: Scottish Water

Proposal: Erection of access gates, widening of existing access, formation of access track and hardstanding area

Site Address: Land west of Public Convenience, Marine Road, Port Bannatyne, Isle of Bute

SUPPLEMENTARY REPORT NO.1

(A) INTRODUCTION

Members' attention is drawn to the report dated 30th December 2010 in respect of the above which is currently before them for consideration.

Road Safety

Since the composition of this report, the comments of the Roads Section have been received (report dated 30th December 2010). The recommendation is that a decision on the application be deferred on the grounds that *"the details of the adjacent pipe network have been superseded by a further design of the Ardbeg and Port Bannatyne Sewerage Scheme. These details must be provided for review and acceptance prior to approval of this planning application as being dependent on one another"*.

In addition to the recommendation of deferral, the following comments have been made:

- I. The sightlines of 42 metres by 2.4 metres are acceptable;
- II. The access should be constructed in accordance with Figure 10.16 of the Council's Development Guidelines;
- III. The crossing and track should be surfaced to prevent material from being deposited onto the footway and carriageway;
- IV. Parking and provision of a turning area to be provided within the site;
- V. A system of surface water drainage to be provided to prevent water running onto the footway and road;

- VI. The application deals with the siting of the wet well and valve chamber but consideration should be given to the applicant's proposal of installing large diameter storage pipes within the road when there is space available within the confines of this application. It is noted that the large diameter pipes are of the previous design and updated drawings must be provided for review prior to the determination of this application. This change may result in other changes within this planning application.
- VII. A Road Opening Permit will be required for works within the road corridor.

It is understood that a meeting was held between representatives of Scottish Water and the Roads Section on 17th January 2011. However, from the Roads Section's perspective, Scottish Water have not addressed the previous unacceptable aspects of the proposed scheme.

In terms of the current application, the Council is in the position of adjudicating upon the works that require Planning Permission and that are incorporated within the red line defining the site. In this regard, no specific objections have been raised to the proposed works with the consequence that there are no sound planning reasons to the refuse this particular application. Points (i) and (ii) above can be incorporated into conditions whilst the other issues are essentially between the Roads Section and Scottish Water and can be included via informative notes.

Open Space Protection Area

It has been established since the composition of the original report that the application site falls within an Open Space Protection Area (OSPA). On this basis, Policy LP REC 2 is applicable. This policy presumes against development or redevelopment of established playing fields or sports pitches (public or private) or recreational areas and open space protection areas that are shown to be safeguarded.

In this particular case, the development site is within the far eastern edge of the OSPA. There is a strong element of locational/operational need associated with the proposal in the sense that the pumping station is one of several that is required as part of the Ardbeg and Port Bannatyne Sewerage Scheme in order to transfer collected flows from the existing gravity outfalls to the existing public system in Rothesay. The overall scheme is an essential public infrastructure exercise to comply with the Urban Waste Water Treatment Directive.

In addition to the above, the proposal will not impinge upon any areas that are currently used for sport or recreation and, upon the completion of the works, the picnic benches will be reinstated. In acknowledgement of the OSPA status, Scottish Water has also agreed (e-mail dated 17th January 2011) that a grasscrete (or similar) surfacing material could be used at the site. One further point is that exactly the same scheme was approved in February 2005 albeit before the OSPA designation.

On the basis of the foregoing, it is considered that the proposal can be justified as a minor departure from Policy LP REC 2 of the Argyll and Bute Local Plan 2009.

(B) RECOMMENDATION:

It is recommended that planning permission be granted as a minor departure to the Development Plan subject to the attached conditions and reasons and notes to applicant.

(C) Is the proposal consistent with the Development Plan: No

(D) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policy STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10 and LP ENV 19 of the Argyll and Bute Local Plan (2009) and can be justified as a minor departure from Policy LP REC 2 of the Local Plan 2009. The proposal raises no other material consideration which would justify refusal of permission.

(E) Reasoned justification for a departure from the provisions of the Development Plan

Policy LP REC 2 presumes against development or redevelopment of established playing fields or sports pitches (public or private) or recreational areas and open space protection areas that are shown to be safeguarded.

In this particular case, the development site is within the far eastern edge of the OSPA. There is a strong element of locational/operational need associated with the proposal in the sense that the pumping station is one of several that is required as part of the Ardbeg and Port Bannatyne Sewerage Scheme in order to transfer collected flows from the existing gravity outfalls to the existing public system in Rothesay. The overall scheme is an essential public infrastructure exercise to comply with the Urban Waste Water Treatment Directive.

In addition to the above, the proposal will not impinge upon any areas that are currently used for sport or recreation and, upon the completion of the works, the picnic benches will be reinstated. In acknowledgement of the OSPA status, Scottish Water has also agreed (e-mail dated 17th January 2011) that a grasscrete (or similar) surfacing material could be used at the site. One further point is that exactly the same scheme was approved in February 2005 albeit before the OSPA designation.

On the basis of the foregoing, it is considered that the proposal can be justified as a minor departure from Policy LP REC 2 of the Argyll and Bute Local Plan 2009.

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

Author of Report: Steven Gove
Reviewing Officer: Richard Kerr

Date: 18/1/2011
Date: 18/1/2011

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 10/01806/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers: Drawing No. 400114-0000-20-DRG-9900; Drawing No. 400114-0000-20-DRG-9901; Drawing No. 400114-0000-20-DRG-9902; Drawing No. 400114-0000-20-DRG-9903; and Drawing No. 400114-0000-20-DRG-9904 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. The access shall be formed with visibility splays of 42 metres in both directions measured from a distance of 2.4 metres back from the edge of the carriageway at the centre point of the access. Thereafter, no obstructions to visibility above a height of 1 metre from the level of the carriageway shall be permitted within the requisite splays unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

4. Unless otherwise agreed in writing with the Planning Authority, the access shall be constructed in accordance with Figure 10.16 of Argyll and Bute Council's Design Guidelines.

Reason: In the interests of road safety.

5. Prior to the commencement of works on surfacing within the site, details of the use of 'grasscrete' or similar material shall be submitted to and approved in writing by the Planning Authority. The surfacing shall be undertaken in accordance with the approved details prior to the first operation of the facility unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity having regard to the location of the site within an Open Space Protection Area and the provisions of Policy LP REC 2 of the Argyll and Bute Local Plan 2009.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The Roads Section has advised of the following:
 - I. The crossing and track should be surfaced to prevent material from being deposited onto the footway and carriageway;
 - II. A system of surface water drainage to be provided to prevent water running onto the footway and road;
 - III. The application deals with the siting of the wet well and valve chamber but consideration should be given to the applicant's proposal of installing large diameter storage pipes within the road when there is space available within the confines of this application. It is noted that the large diameter pipes are of the previous design and updated drawings must be provided for review prior to the determination of this application. This change may result in other changes within this planning application.
 - IV. A Road Opening Permit will be required for works within the road corridor.
- The approval of this application for Planning Permission in no way grants permission for or implies that the works both within and outwith the site are acceptable in terms of the Council's role as Roads Authority.

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