

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: 15/03176/PP

Planning Hierarchy: Local Development

Applicant: Scottish Water

Proposal: Installation of 2 Service Reservoirs and Associated Works

Site Address: Pennyfuir Sewage Works, Dunollie Road, Oban

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

Members will recall that this application was first presented to them at the March meeting where it was agreed to continue the application for one month to allow the impact of the proposal on the route of the proposed Oban Development Road to be fully assessed.

The original proposal included a new track to maintain access to the adjacent telecommunications site which falls within the boundary of the application site. Concerns were raised by the Roads Authority regarding the proximity of this track to the route of the proposed Oban Development Road. As a result of these concerns discussions took place with Scottish Water which has resulted in the access track being relocated to the west of the originally proposed position, but still within the confines of the application site, which has satisfied the Roads Authority who confirmed that the revised location will have no adverse impact on the route of the proposed Oban Development Road.

In addition to the above, due to a misinterpretation of the Local Development Plan map covering the site, the proposal was originally assessed as being within the Countryside Development Control Zone and an Area Capacity Evaluation was undertaken by the Planning Service. This has since been rectified and the proposal has been correctly assessed in this revised report as a development within the Settlement.

(i) Development Requiring Express Planning Permission

- Installation of service reservoir outside Scottish Water operational land;
- Erection of 1.8 metre high chain link anti-intruder boundary fence;
- Re-contouring of land;
- Upgrading of existing internal access track;
- Formation of temporary access track;

(ii) Other specified operations benefiting from Permitted Development Rights

- Installation of service reservoir on operational land;
 - Erection of kiosk under 29m³;
 - Ancillary underground works.
-

(B) RECOMMENDATION:

That planning permission is granted subject to the conditions appended to this report.

(C) HISTORY:

09/00499/DET

Installation of replacement water storage tank, 2.4m high anti-intruder fence, upgrade of existing access road and associated ground re-profiling works – Granted: 24/06/09

(D) CONSULTATIONS:

Trunk Roads Authority

Report dated 04/12/15 advising no objection to the proposed development.

Area Roads Authority

E-mail dated 07/08/16 advising no objection and that the proposal will have no adverse impact on the proposed Oban Development Road.

Scottish Environment Protection Agency

Letter dated 14/12/15 advising no objection to the proposed development but providing advisory comments.

West of Scotland Archaeology Service

Letter dated 10/12/15 advising that the proposal has the potential to reveal buried archaeological deposits and requests a condition be imposed requiring the implementation of an archaeological watching brief.

Environmental Health Unit

No response at time of report and no request for an extension of time.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 31/12/15.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
-

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required:	No
-------------------------------------	----

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:	No
--	----

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP ENV 14 – Landscape

SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

SG LDP SERV 7 – Flooding and Land Erosion, The Risk Framework

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

(i) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Consultee Responses

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

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

(M) **Has a sustainability check list been submitted:** No

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

(O) **Requirement for a hearing:** No

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought to replace the existing service reservoir with two new reservoirs and other associated works at Pennyfuir Wastewater Treatment Works, Oban.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is located within the 'Settlement' of Oban where Policy LDP DM 1 gives encouragement to sustainable forms of development, including large scale, on appropriate sites, subject to compliance with other policies and supplementary guidance.

The site is situated to the north of the main town of Oban and approximately 300 metres to the south-west of the established Wastewater Treatment Works (WWTW) which serves Oban and the surrounding area. The site is not readily visible from public view being well contained within the landscape by the topography of the area and established planting along the boundary of the A85 Trunk Road.

The site is situated adjacent to the route of a protected corridor allocated in the LDP for the future development of the proposed Oban Development Road. The Roads Authority has confirmed that the current proposal will not have any adverse impact on the proposed route.

The site is currently occupied by a partially buried circular service reservoir tank which is accessed via an existing access track from the A85 Trunk Road which also serves the WWTW.

The application proposes to replace the existing service reservoir and construct an additional service reservoir approximately 40 metres to the south of the existing. The proposed reservoirs measure approximately 30 metres in diameter and will be constructed from pre-cast concrete and partially buried within the site. The proposal will involve an element of ground re-contouring to accommodate the reservoirs within the landscape which will help reduce any potential visual impact they may have on the surrounding landscape at this location.

The existing access currently serving the reservoirs is to be upgraded and provided with four new passing places which will involve minor ground re-profiling works and will be finished in Type 1 crushed stone. A new section of track will be formed from the existing track to maintain access to the adjacent telecommunications mast with a small section of temporary track formed to access the working area for the new reservoir.

The proposed reservoirs are to be contained by a 1.8 metre high chain link anti-intruder fence.

It should be noted that Scottish Water, as Statutory Undertakers, benefits from 'permitted development' rights in respect of operational land under Class 38 of the Town and Country

Planning (Scotland) (General Permitted Development) (Scotland) Order 1992 (as amended). Accordingly the replacement service reservoir; kiosk and proposed ancillary underground works falling within the confines of current operational land do not require the benefit of planning permission. It is only that element of the works which extends beyond the existing site which requires the benefit of planning permission.

It is considered that the proposal represents a suitable opportunity for development to provide essential upgraded infrastructure which will help facilitate future growth of the community yielding a significant local community and economic benefit.

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

(R) Reasons why planning permission should be granted

It is considered that the proposal represents a suitable opportunity adjacent to the existing site to provide essential upgraded infrastructure which will help facilitate future growth of the community yielding a significant local community and economic benefit. The proposal has a clear locational need to be sited immediately adjacent to the existing infrastructure works.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 14, SG LDP ENV 20 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Fiona Scott **Date:** 25/07/16

Reviewing Officer: Tim Williams **Date:** 25/07/16

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 15/03176/PP

General

1. The development shall be implemented in accordance with the details specified on the application form dated 19/11/15 and the approved drawing reference numbers:

Plan 1 of 8 (Drawing Number 5000557681-WN-DRA-00091064-0C)
Plan 2 of 8 (Drawing Number 5000557681-WN-DRA-00091065-0C)
Plan 3 of 8 (Drawing Number 5000557681-WN-DRA-00091066-0B)
Plan 4 of 8 (Drawing Number 5000557681-WN-DRA-00091067-0B)
Plan 5 of 8 (Drawing Number 5000557681-WN-DRA-00091069-0C)
Plan 6 of 8 (Drawing Number 5000557681-WN-DRA-00091072-0A)
Plan 7 of 8 (Drawing Number 5000557681-WN-DRA-00091073-0B)
Plan 8 of 8 (Supporting Statement)

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 (as amended).

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

Roads, Access And Parking

2. The proposed passing places shall be constructed in accordance with Standard Roads Drawing SD 08/003a to the satisfaction of the Planning Authority in consultation with the Roads Authority before the development is first brought into use.

Reason: In the interests of road safety to ensure a safe vehicular access in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015.

Archaeology

3. Notwithstanding the provisions of condition 1, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to protect archaeological resources in accordance with Policy LDP DM 3 and Supplementary Guidance SG LDP ENV 20 of the adopted 'Argyll and Bute Local Development Plan' 2015.

Site Levels

4. No development shall commence on site until details of the existing and proposed site levels shown in the form of sectional drawings/contour plans/site level survey, or a combination of these, for the access track to the telecommunications mast have been submitted to and approved by the Planning Authority. Such details shall include details of mitigation measures to reduce the visual impact of the proposed track. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development and its surroundings.

Site Reinstatement

5. Within three months of the service reservoirs becoming fully operational, all temporary site offices, containers, machinery and equipment shall be removed, and the temporary compound shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Planning Authority, unless otherwise agreed in writing with the Planning Authority.

Reason: In order to secure appropriate reinstatement of those areas disturbed by construction in the interests of amenity in accordance with Policy LDP 9 and SG 2 of the adopted 'Argyll and Bute Local Development Plan' 2015.

6. Within three months of the service reservoirs becoming fully operational, the temporary access track shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Planning Authority unless otherwise agreed in writing with the Planning Authority.

Reason: In order to secure appropriate reinstatement of the temporary access track in the interests of amenity in accordance with Policy LDP 9 and SG 2 of the adopted 'Argyll and Bute Local Development Plan' 2015.

Landscaping

7. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i) Existing landscaping features and vegetation to be retained;
 - ii) Proposed tree and shrub planting to the south and south-east margins of the approved new service reservoir (denoted as SR 1 on the approved drawings) including the location, species and size of every tree/shrub to be planted;
 - iii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

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

NOTES TO APPLICANT

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- 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.
- Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the requirements of condition 3 above.

APPENDIX A – RELATIVE TO APPLICATION NUMBER 15/03176/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is located within the 'Settlement' of Oban where Policy LDP DM 1 gives encouragement to sustainable forms of development, including large scale, on appropriate sites, subject to compliance with other policies and supplementary guidance.

B. Location, Nature and Design of Proposed Development

The site is situated to the north of the main town of Oban and approximately 300 metres to the south-west of the established Wastewater Treatment Works (WWTW). The site is not readily visible from public view, being well contained within the landscape by the topography of the area and established planting along the boundary of the A85 Trunk Road.

The site is currently occupied by a partially buried circular service reservoir tank which is accessed via an existing access track from the A85 Trunk Road which also serves the WWTW.

The application proposes to replace the existing service reservoir (denoted SR 2 on the submitted drawings) and construct an additional service reservoir (denoted SR 1 on the submitted drawings) approximately 40 metres to the south of the existing. The proposed reservoirs measure approximately 30 metres in diameter and will be constructed from pre-cast concrete and partially buried. The proposal will involve an element of ground re-contouring to accommodate the reservoirs within the landscape which will help reduce any potential visual impact they may have on the surrounding landscape at this location.

It is proposed to generally reduce the existing ground levels within the immediate vicinity of the proposed service reservoirs in order to facilitate construction and subsequent servicing of the new infrastructure. SR 2 (being the site of the existing reservoir, to be replaced) will primarily occupy the existing ground profile with a slight reduction to the existing ground levels of between 0.4 and 1.5 metres when the finished site is viewed from the south. Nevertheless, the overall development of SR 2 will remain well-contained within the surrounding landscape for the most part and the top of the new reservoir will sit nearly 2 metres lower than that of the existing.

The proposed new SR 1 will be subject to a greater amount of land recontouring with a general proposed reduction to the existing landform of between 0 and 4 metres, with the main areas of ground reduction being confined to the view of the new development from the south. The proposed SR 1 would sit at the same finished level as SR 2.

At a finished top-height of some 80.25 metres above ordnance datum, the proposed development would sit below the level of the surrounding landform to the east and to the west. The natural topography rises steeply to a height of some 85 metres to the west and more gradually to a height of approximately 84 metres to the east. The most exposed elevation of the new development is to the south and the south-east and, whilst it is considered that the overall impact of the development within the wider landscape would be appropriate given the size of the site and its considerable distance from the nearest public receptor to the south (the dwellinghouses Cairndhu,

Rowantree, Innishail, Aros Ard and Ashlea – some 140 to 180 metres away) the overall impact of the development would be 'softened' within its setting by a requirement that the development is adequately landscaped by a scheme of new tree planting to its south and south-eastern margins. Such planting can be secured by a planning condition.

The proposed reservoirs are to be contained by a 1.8 metre high chain link anti-intruder fence.

It should be noted that Scottish Water, as Statutory Undertakers, benefit from 'permitted development' rights in respect of operational land under Class 38 of the Town and Country Planning (Scotland) (General Permitted Development) (Scotland) Order 1992 (as amended). Accordingly, the replacement service reservoir; kiosk and proposed ancillary underground works outlined above do not require the benefit of planning permission.

Policy LDP 11 aims to support development proposals that seek to make best use of existing infrastructure by ensuring that the design and location of new infrastructure is appropriate. Policy LDP 9 seeks developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. Supplementary Guidance 2 expands on these policies stating that large commercial structures should be sited and designed to ensure they are absorbed into the landscape to minimise their impact on the wider setting of the site. Suitable materials and colours should be used on commercial developments to further minimise their perceived bulk and visual impact.

In this instance, the proposed development is closely associated with the existing infrastructure on site and has been sympathetically designed being partially buried which will help to ensure there is no significant adverse visual impact on the wider landscape setting of the site. The proposed development represents essential infrastructure which will ensure the future delivery of sustainable development for the area consistent with the terms of Policy LDP 9, Policy LDP 11 and Supplementary Guidance SG 2.

C. Built Environment

The site is identified as being within an area which has the potential to raise archaeological issues based on the presence of recorded sites in the surrounding landscape. West of Scotland Archaeology Service, whilst not objecting to the proposed development, has recommended that a condition be imposed in the event of permission being granted requiring the developer to implement an archaeological watching brief during all ground disturbance.

With an appropriate safeguarding condition, this aspect of the proposal is considered consistent with Policy LDP 3 and Supplementary Guidance SG LDP ENV 20 which seek to ensure that existing archaeological and future discoveries are retained and protected.

D. Natural Environment

The application site and surrounding area are not subject to any natural environment designations and there are no identified impacts which would arise from the proposed development which would adversely affect the natural environment.

The proposal is therefore consistent with the provisions of Policy LDP 3.

E. Road Network, Parking and Associated Transport Matters

The access serving the existing reservoir is to be upgraded and provided with four new passing places which will involve minor ground re-profiling works and will be finished in Type 1 crushed stone. A new section of track will be formed from the existing track to maintain access to the adjacent telecommunications mast with a small section of temporary track formed to access the working area for the new reservoir.

During the processing of the application concerns were raised by the Area Roads Authority regarding the proximity of the proposed access track to serve the adjacent telecommunications mast to the route of the proposed Oban Development Road. As a result of these concerns, discussions took place with the applicant which has resulted in the proposed access track to serve the mast being relocated further to the west which has satisfied the Roads Authority who confirmed that the revised location will have no adverse impact on the proposed Oban Development Road. The relocated access track falls within the confines of the existing application site representing a non-material change to the proposal.

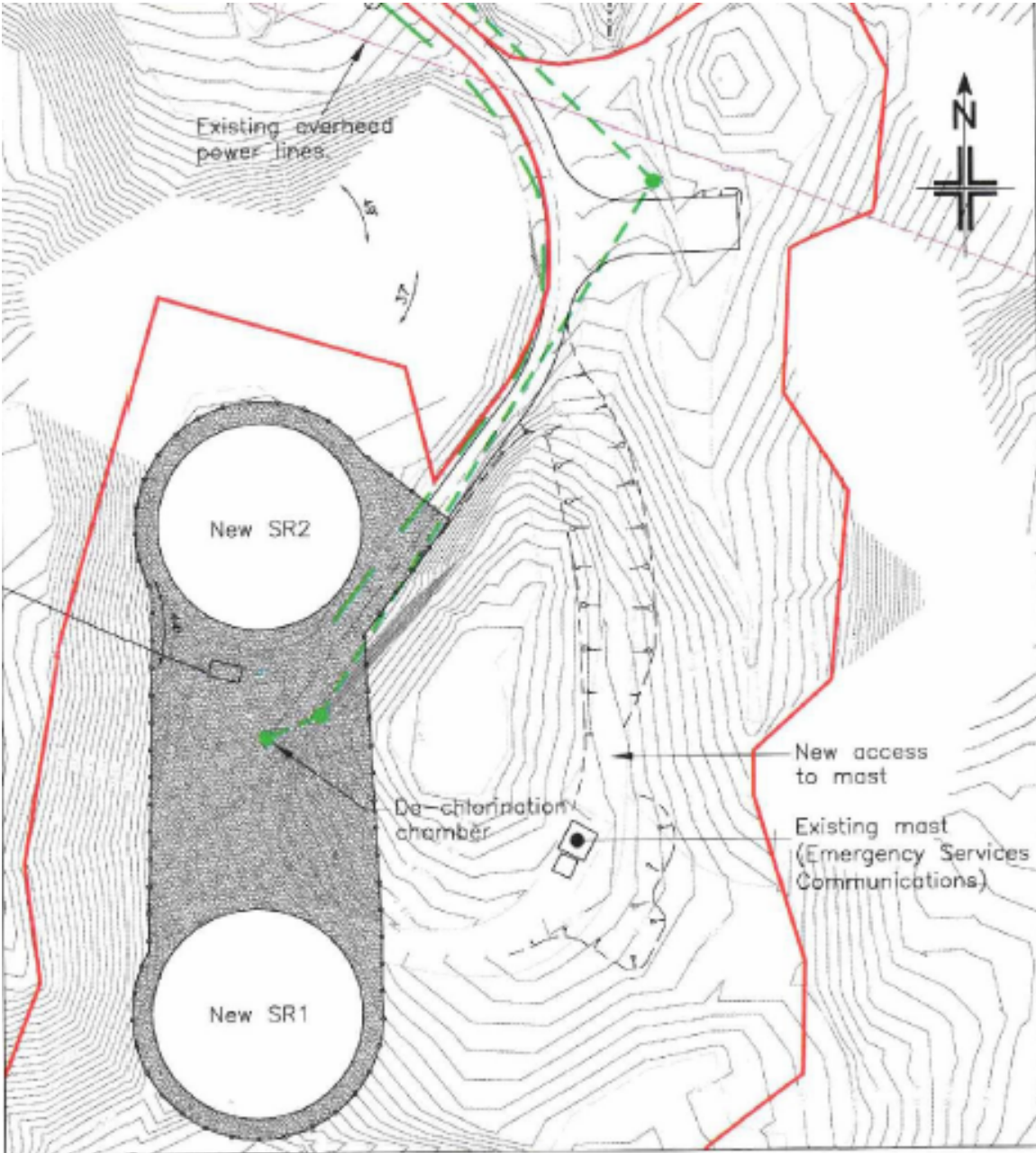
No objections were raised by the Trunk Roads Authority.

Accordingly, with appropriate safeguarding conditions, this aspect of the proposal is consistent with policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 which seek to ensure that developments are served by a safe means of vehicular access.

APPENDIX B – RELATIVE TO APPLICATION NUMBER 15/03176/PP

PLANS SHOWING ORIGINAL AND PROPOSED ACCESS ARRANGEMENTS TO SERVE TELCOMMUNICATION SITE WITHIN APPLICATION SITE

Plan 1 – Originally Proposed Access Route



Plan 2 – Current Proposed Access Route

