

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: 19/02562/PPP

Planning Hierarchy: Local Development

Applicant: Point Five Building Design

Proposal: Site for Erection of Two Dwellinghouses

Site Address: Land South East of Elderslie, Oban

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for erection of two dwellinghouses (Planning permission in principle)
- Upgrade of existing vehicular access (Planning permission in principle)

(ii) Other specified operations

- Connection to public water main
 - Connection to public drainage system
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be refused for the reasons appended to this report.

(C) HISTORY:

20/00006/NONDET

Appeal to the Scottish Government against non-determination of the current planning application – The appeal was returned to the appellant by the Scottish Government as it was out of time.

19/01351/PPP

Site for erection of two dwellinghouses – Withdrawn 09/12/19 on the advice of the Planning Authority as the application required the junction with the A816 public road to be

included within the application site to allow the Planning Authority to condition upgrades required by the Roads Authority.

16/03392/PREAPP

Pre-application area for development of four dwellinghouses within the grounds of Soroba House Hotel (which included the site subject of the current application) – In the response to this enquiry dated 18/01/17 the Planning Authority advised the applicant that a structural design certificate would be required as part of any formal planning application for development of the sites.

(D) CONSULTATIONS:

Argyll and Bute Roads Authority

Report dated 17/03/20 deferring their decision until such time as the following information was submitted in support of the application:

- A safety audit/risk assessment/traffic management plan to ascertain and mitigate any implications caused by the proposed development both during the construction phase and on completion of the development due to the fact that the proposed access is situated on a primary school link path/cycle path which forms part of the core path network.
- A full structural survey to demonstrate that the bridge accessing the site from the A816 public road can take a 44t vehicle. Such details will require to be submitted and agreed with the Council's Structures Team.

Scottish Water

Letter dated 21/01/20 stating no objection to the proposal advising that the proposed development will be served by Tullich Water Treatment Works and will require the submission of a pre-development enquiry form to be submitted directly to Scottish Water. Scottish Water further advise that there is no public waste water infrastructure within the vicinity of the proposed development and therefore the applicant is advised to investigate private treatment options.

Argyll and Bute Access Officer

E-mail dated 14/04/20 advising that the proposal does not raise any concerns regarding the anticipated increase in the volume of traffic using the bridge because Sustrans stipulate that a cycle route can be used by unaccompanied 11 year olds provided that under 1000 vehicles use the road daily. The volume of traffic over the bridge is likely to be a very small fraction of this figure even with the two additional properties.

The Access Officer further advised that any additional traffic associated with the construction phase will need to be managed by the contractor responsible for building the houses under the Health and Safety & Works Acts and provided comments on what should be expected of the contractor.

Scottish Rights of Way and Access Society (Scotways)

E-mail dated 15/05/20 advising that Scotways has no additional comments to make on the proposal having had sight of the Traffic Management Plan submitted by the applicant.

Scottish Environment Protection Agency (SEPA)

Letter dated 07/02/20 advising no objection to the proposed development on flood risk grounds.

JBA Consulting

Report dated 05/02/20 advising no objection to the proposed development subject to conditions regarding the siting of the proposed dwellinghouses and their finished floor levels together with an appropriately designed surface water drainage system.

Historic Environment Scotland (HES)

Letter dated 22/01/20 advising no objection to the proposed development.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 13/02/20.

(F) REPRESENTATIONS:

18 objections have been received regarding the proposed development.

A. J. McAlovie, Duart Cottage, Soroba House Mews, Oban, PA34 4SB (26/01/20)
S. C. McAlovie, Duart Cottage, Soroba House Mews, Oban, PA34 4SB (26/01/20)
Lorna Conway, Elderslie, Soroba Road, Oban PA34 4SB (25/01/20)
Susan I. Clark, Lag an Daraich, Croft Road, Oban, PA34 5JL (01/02/20)
Maria E. Coletta-MacLean, 23 Verona Avenue, Scotstoun, G14 9EB (31/01/20)
Archie MacLean, 23 Verona Avenue, Scotstoun, G14 9EB (31/01/20)
A.D. Douglas, Gylen, Soroba House Mews, Oban, PA34 4SB (04/02/20)
Nigel Evans, Chanonry, Polvinister Road, Oban, PA34 5TN (02/02/20)
Hazel Evans, Chanonry, Polvinister Road, Oban, PA34 5TN (02/02/20)
Andrew K. Henderson, Birkmoss, North Connel, PA37 1RE (31/01/20)
Doreen I. Henderson, Birkmoss, North Connel, PA37 1RE (31/01/20)
Siobhan MacLellan, 1 Creag Bhan Village, Oban, PA34 4BF (02/02/20)
William Evans, Carnasserie, Soroba House Mews, Oban, PA34 4SB (02/02/20)
Pauline Evans, Carnasserie, Soroba House Mews, Oban, PA34 4SB (02/02/20)
Roger Elliott, The Stables, Soroba Road, Oban, PA34 4SB (06/02/20)
Lyndsay Elliott, The Stables, Soroba Road, Oban, PA34 4SB (06/02/20)
Anne MacLarty c/o Anderson Banks, 22 Argyll Square, Oban, PA34 4AT (14/02/20)
Stewart Mclver (by e-mail 02/02/20 stating that he is a member of Oban Community Council but not advising that the e-mail is on behalf of Oban Community Council)

Summary of issues raised

- **Structural Integrity of Bridge**

The existing bridge is not capable, or strong enough, to take the heavy site traffic, and increased vehicles, associated with the proposed development to the site.

The brickwork on the bridge is in poor condition and any damage could render the bridge unsafe resulting it being closed and preventing access to the existing properties.

Planning Authority Comment: A report on the structural integrity of the bridge was requested by the Roads Authority during the processing of the application, however, to date, no report has been submitted. The applicant has refused to provide this necessary information despite repeated requests.

A structural report of the bridge is necessary to prove that the structure, (in this case the bridge serving Soroba House, Elderslie, Soroba Lodge and surrounding properties) can safely and structurally cope with the increased weight and volume of traffic both during and post construction for the developments covered under the current application.

As the report has not been submitted, the Planning Authority is recommending that the application be refused due to the lack of technical evidence that the bridge is robust and structurally sound and solid enough to withstand the increased usage that the proposed development will cause the bridge to endure.

- **Road Safety**

The access road, especially the bridge, is narrow and is not up to adoptable standards for additional users with no footpath, street lighting or passing places.

The access into the site for the northern plot would impact on the parking and turning area for Elderslie

As the site for the second dwellinghouse has its entrance/exit after the first gate, it would be difficult to drive a car in or out on your own if there were animals in the field.

How could adequate provision be made for existing users of the access road and emergency vehicles during the construction period of the proposed development.

The south side of Oban has become seriously overdeveloped with ongoing issues of serious congestion and the application should be refused.

Planning Authority Comment: The Roads Authority deferred their decision on the application until such time as the applicant submitted further information to allow a definitive decision on the proposed development to be made.

The consultation response from the Roads Authority was in two-parts: The first part required the submission of a Safety Audit/Risk Assessment/Traffic Management Plan to ascertain and mitigate any implications caused by the proposed development both during the construction phase and on completion of the development due to the fact that the proposed access is situated on a primary school/link path/cycle path which forms part of the Core Path Network.

The second part of the consultation response required a full structural survey of the bridge accessing the site from the A816 to demonstrate it can take a 44 tonne vehicle.

The applicant has addressed the first part of the consultation response by submitting a Traffic Assessment which has been accepted by the Roads Authority, the Access Officer and Scotways, however, to date, the necessary structural report has not been submitted.

The response from the Roads Authority advised that a road to adoptable standard will be required from the A816 junction to the junction with the access track and the road

to the hotel. This would form part of a planning condition should planning permission in principle be granted for the proposed development.

- **Pedestrian Safety**

The private access track is at present part of a mainly traffic-free right of way for pedestrians travelling from Glengallan Road to the main Oban to Lochgilphead Road. As such it is used by a large number of primary school children travelling to the joint St. Columba's and Rockfield Primary School Campus.

The right of way path was developed specifically to aid safe active transport for young children and the use of this right of way by additional motorised traffic would put pedestrian users at risk.

It is noted that the application incorporate a footbridge to the south side of the existing bridge. This will cause children to cross at a point where cars from the Mews/Soroba House etc. are coming down a hill and are blind to anyone coming up from the path due to buses and, if coming from the main road, will not see small children behind the wall of the old bridge.

Speed bumps would be required to make the area safe.

Planning Authority Comment: *In their response to the application the Access Officer advised that the proposal does not raise any concerns regarding the anticipated increase in the volume of traffic using the bridge because Sustrans stipulate that a cycle route can be used by unaccompanied 11 year olds provided that under 1000 vehicles use the road daily. The volume of traffic over the bridge is likely to be a very small fraction of this figure even with the two additional properties.*

The Access Officer further advised that any additional traffic associated with the construction phase will need to be managed by the contractor responsible for building the houses under the Health and Safety & Works Acts and provided comments on what should be expected of the contractor.

Finally, the Access Officer accepted the content of the Traffic Management Plan prepared for the proposed development for the site referred to above.

- **Previous Planning Applications**

In their response to a previous application (reference 05/01141/OUT) for two dwellinghouses utilising the private access the Council's Area Roads Engineer advised that the proposal would have an adverse impact, advising that the existing private road should be upgraded to adoptable standard and the existing bridge crossing the Soroba Burn would require to be widened to adoptable standard. The application was recommended for refusal by the Planning Authority but was withdrawn prior to its determination.

The previous planning application (19/01351/PP) was rejected because of concerns from the Roads Department about the structure of the bridge and need for a structural survey; the upgrade of the road access and need for a footpath; and the need for consultation with other owners who use the access from the main road to their properties.

Planning Authority Comment: *The comments relating to the 2005 planning application are noted.*

With regard to the comments about application 19/01351/PP, this application was withdrawn as a result of comments from the Roads Authority to amend the application site edged red to include the junction with the public road to allow a condition to be imposed on the grant of permission requiring a road to adoptable standard. The current submission shows an area of footpath adjacent to the bridge the details of which were agreed with the Roads Authority. With regard to the structural report, this remains a requirement of the current application and its lack of submission is the reason that the application is being recommended for refusal by the Planning Authority.

- **Foul Drainage Arrangements**

Concerns over the proposed arrangement for sewage as the main sewer is located at the other side of Soroba Road. The stream to the right of the site is dry for the greater part of the year and, if that is where they proposed the outlet, there may be odour issues.

It is noted that the application states connection to the public sewage network but Scottish Water say there is none close. If it is the intention to run pipes down the foot/cycle path to Balvicar Road, it should be noted that there is a problem with drainage in that area.

Planning Authority Comment: *Scottish Water has confirmed that there is no waste water infrastructure within the vicinity of the site. Accordingly, should planning permission in principle be granted, a condition of any further detailed application would be for private drainage arrangements to serve the proposed development.*

- **Flooding**

The south side of Oban has become seriously overdeveloped with ongoing issues of recurrent flooding and the application should be refused.

Planning Authority Comment: *SEPA raised no objection to the proposed development on flood risk grounds with the Council's Flood Advisors JBA Consulting raising no objection on flood risk grounds subject to conditions regarding the proposed finished floor level of the proposed dwellinghouses together with an appropriately designed surface water drainage system.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(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 <i>Traffic management plan</i> e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:	Yes –

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 obligation 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
(*Settlement Zone of Oban*)

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

LDP 8 – Supporting the Strength of our Communities

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 6 – Development Impact on Trees/Woodland

SG LDP ENV 14 – Landscape

SG LDP ENV 16(a) – Development Impact on Listed Buildings
(*Soroba House Hotel, Category C Listed Building*)

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

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

SG LDP TRAN 6 – Vehicle Parking Provision

(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 3/2013.

Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Historic Environment Policy for Scotland (HEPS), 2019 Consultee Responses

Argyll and Bute Proposed Local Development Plan 2 (November 2019)

Consultation Responses

Third Party Representations

(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 in principle is sought for the erection of two dwellinghouses on an area of land to the south east of Elderslie, Oban.

The site is a gently sloping area of ground situated adjacent to a private access track which spurs from the A816 public road. To the north is the long established bed and breakfast establishment of Elderslie with Soroba House Hotel, a Category C Listed Building, and the Soroba House Mews development to the east but at a much higher level than the application site.

The application is seeking planning permission in principle for two dwellinghouses with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions. However, whilst no detailed layout has been submitted, the application does provide an indicative layout showing how the proposed dwellinghouses could be accommodated within the site.

The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate two suitably sited and designed dwellinghouses within the defined settlement zone of Oban which would relate to the settlement pattern of the surrounding area.

However, whilst the site is within the defined settlement zone of Oban where Policy LDP DM 1 and SG LDP HOU 1 of the adopted 'Argyll and Bute Local Development Plan' 2015 give encouragement to housing developments, this is on the basis that there is no unacceptable environmental, servicing or access impacts.

Access to the site forms a critical part of this application for planning permission in principle and whilst the engineering/construction details of any such access might be subject to a further application for approval of details pursuant to any planning permission in principle, the fundamental suitability (or otherwise) of the proposed means of access is a matter which must be resolved at this stage,

During the processing of the application the Council's Roads Authority deferred their decision until such time as the applicant submitted further information to allow a definitive decision on the proposal to be made. The consultation response was in two-parts:

- The first required the submission of a Safety Audit/Risk Assessment/Traffic Management Plan to ascertain and mitigate any implications caused by the proposed

development both during the construction phase and on completion of the development due to the fact that the proposed access is situated on a primary school/link path/cycle path which forms part of the Core Path Network.

- The second part of the consultation response required a full structural survey of the bridge accessing the site from the A816 public road to demonstrate that the bridge can safely support a 44 tonne vehicle, being the minimum weight necessary to service any construction site relying on this proposed route of access.

The applicant has addressed the first part of the consultation response by submitting a Traffic Assessment which has been accepted by the Roads Authority, the Access Officer and Scotways, however, to date, the structural report has not been submitted and, despite several requests for this vital information, has refused to provide it.

The Planning Authority cannot deal with the requirements of the Roads Authority by way of a suspensive condition as it has to be satisfactorily demonstrated that the bridge is capable of taking the increased load resulting from the current application.

During the processing of the application the applicant declined to agree to an extension of time with the Planning Authority to allow the matter of the structural integrity of the bridge to be resolved and bring the application to a positive conclusion. Furthermore, the applicant submitted an appeal for non-determination to the Scottish Government; however the appeal was out of time and was rejected by the Scottish Government.

The proposal has elicited 18 objections. The main thrust of which relate to road and pedestrian safety issues and the requirement for a structural survey of the bridge to be undertaken. Full details of the objections are outlined at Section F above.

Accordingly, notwithstanding the above assessment that the site could, potentially, successfully accommodate two suitably sited and designed dwellinghouses, the structural integrity of the bridge has not been addressed and therefore the application has not demonstrated a suitable access regime and it is recommended that the application be refused due to the lack of technical information.

It should be noted that the applicant was first made aware of the need for a structural survey of the bridge during the processing of a pre-application enquiry undertaken with the Planning Authority in 2016.

(Q)	Is the proposal consistent with the Development Plan:	No
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(R)	Reasons why planning permission in principle should be refused
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See reasons for refusal below.

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

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

Author of Report: Fiona Scott **Date:** 20/07/20

Reviewing Officer: Tim Williams **Date:** 28/07/20

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 19/02562/PP

1. Policy LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 state that the use of an existing private access will only be accepted if that access is either safe and appropriate in its current form or else is capable of commensurate improvements considered by the Roads Authority to be appropriate and necessary to the scale and nature of the proposed new development, and that it takes into account any current access issues (informed by an assessment of usage).

The proposed development would result in the intensification in vehicular use of a private access regime where it has not been demonstrated, through lack of structural details of the existing bridge, that the private access track is capable of serving the proposed development, either in its current state or else by any reasonable and necessary commensurate improvements to that access as informed by the submission and assessment of information necessary for the planning authority to properly assess this part of the proposed development.

In this regard, and in the absence of the submission and professional assessment of this necessary information, the proposal is considered contrary to the provisions of SG LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/02562/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 Zone of Oban where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is situated to the west of Soroba House Hotel which is a Category C Listed Building and therefore consideration has to be given to SG LDP ENV 16(a) which seeks to ensure that listed buildings, and their settings, are not adversely affected by new development.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities with SG LDP HOU 1 expanding on this policy giving support to new housing in the settlements on appropriate sites provided there are no unacceptable environmental, servicing or access issue.

Policy LDP 9 and SG 2 seek 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 taking into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The proposal has elicited 18 objections.

B. Location, Nature and Design of Proposed Development

The application site is a gently sloping area of ground situated adjacent to a private access track which spurs from the A816 public road. To the north is the long established bed and breakfast establishment of Elderslie with Soroba House Hotel, a Category C Listed Building, and the Soroba House Mews development to the east but at a much higher level than the application site.

The application is seeking planning permission in principle for two dwellinghouses with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions. However, whilst no detailed layout has been submitted, the application does provide an indicative layout showing how the proposed dwellinghouses could be accommodated within the site.

The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate two suitably sited and designed dwellinghouses within the defined settlement zone of Oban which would relate to the settlement pattern of the surrounding area.

With suitably worded planning conditions to control the siting, design and finishes of the development it is considered that the proposal is consistent with the terms of Policy LDP 9 and SG 2 which seek developers to produce and execute a high standard of appropriate design and ensure that development is compatible with and would appropriately consolidate the existing settlement, and takes into account the relationship with neighbouring properties.

C. Natural and Built Environment

The site is situated adjacent to Soroba House Hotel which is a Category C Listed Building which requires the provisions of SG LDP ENV 16(a) to be considered. SG LDP ENV 16(a) seeks to protect Listed Buildings, and their settings, from unsympathetic development and seeks to secure a high standard of appropriate siting, design and finishing materials.

Whilst it is accepted that the site is in close proximity to Soroba House Hotel, due to the surrounding landform, the site sits much lower in the landscape than Soroba House Hotel and will not be readily visible within the same visual envelope. Subject to appropriate siting, design and finishing materials, it is not considered that the proposed development, which is within an area of defined settlement and which is adjacent to existing building development, would be materially harmful to the current setting of Soroba House Hotel or its setting within the wider landscape.

In addition, the woodland surrounding the site has been designated as Ancient Woodland by Scottish Natural Heritage. Ancient Woodland are classified as areas of ancient and semi-natural woodland which are important and irreplaceable national resources which should be protected and enhanced. Whilst there is no significant tree cover on the application site that would be lost as a result of the proposed development, there are areas of woodland surrounding the site and therefore should permission be granted a conditions should be imposed requiring any future detailed application to be accompanied by a detailed Woodland Management Plan which should identify the trees to be retained, tree works proposed, together with details of landscaping to further integrate the proposed development into its landscape setting.

With a planning condition to secure a Woodland Management Plan, it is considered that the development of the site with two dwellinghouses will not have any significant adverse impact on the character of the site or its setting within the wider landscape consistent with the terms of Policy LDP 3, SG LDP ENV 6 and SG LDP ENV 16(a).

D. Road Network, Parking and Associated Transport Matters.

The application proposes to utilise the existing private access spurring from the A816 public road.

Policy LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 state that the use of an existing private access will only be accepted if that access is either safe and appropriate in its current form or else is capable of commensurate improvements considered by the Roads Authority to be appropriate and necessary to the scale and nature of the proposed new development, and that it takes into account any current access issues (informed by an assessment of usage).

Access to the site forms a critical part of this application for planning permission in principle and whilst the engineering/construction details of any such access might be subject to a further application for approval of details pursuant to any planning permission in principle, the fundamental suitability (or otherwise) of the proposed means of access is a matter which must be resolved at this stage,

During the processing of the application the Council's Roads Authority deferred their decision until such time as the applicant submitted further information to allow a definitive decision on the proposal to be made. The consultation response was in two-parts: The first part required the submission of a Safety Audit/Risk Assessment/Traffic Management Plan to ascertain and mitigate any implications caused by the proposed development both during the construction phase and on completion of the development due to the fact that the proposed access is situated on a primary school/link path/cycle path which forms part of the Core Path Network. The second part of the consultation response required a full structural survey of the bridge accessing the site from the A816 public road to demonstrate that the bridge can safely support a 44 tonne vehicle, being the minimum weight necessary to service any construction site relying on this proposed route of access. The applicant has addressed the first part of the consultation response by submitting a Traffic Assessment which has been accepted by the Roads Authority, the Access Officer and Scotways, however, to date, the structural report has not been submitted and, despite several requests for this vital information, has refused to provide it.

A structural report is necessary to prove that the structure, (in this case the bridge serving Soroba House, Elderslie, Soroba Lodge and surrounding properties) can safely and structurally cope with the increased weight and volume of traffic both during and post construction for the developments covered under the current application. Failure to produce this information will result in a refusal of the application from the Roads Authority due to the lack of technical evidence that the bridge is robust and structurally sound and solid enough to withstand the increased usage that the proposed development will cause the bridge to endure.

The Planning Authority cannot deal with the requirements of the Roads Authority by way of a suspensive condition as it has to be satisfactorily demonstrated that the bridge is capable of taking the increased load resulting from the current application.

In this regard the proposal is considered contrary to the provisions of SG LDP 11 and SG LDP TRAN 4 as it has not been satisfactorily demonstrated, through lack of the submission of a structural survey of the bridge, that the existing private access is capable of serving the proposed development.

E. Infrastructure

The application indicates water and drainage via connection to the public systems. Scottish Water was consulted on the proposed development and in their response raised no objection to connection to the public water main but advise the applicant to complete a Pre-Development Enquiry form and submit it for consideration. Scottish Water further advised that, according to their records, there is no public Scottish Water Waste Water infrastructure within the vicinity of the site and therefore the applicant is advised to investigate private treatment options. Accordingly, should planning permission in principle be granted, a condition will be imposed requiring any future detailed application to incorporate private drainage arrangements.

The proposal is considered acceptable in terms of Policy LDP DM 11 and SG LDP SERV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments and gives support to private drainage arrangements where connection to the public system is not feasible.