

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

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of a layby

(ii) Other specified operations

- Erection of control cabinet.
 - Installation of underground valve chamber and wet well
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(B) RECOMMENDATION:

It is recommended planning permission be granted subject to the attached conditions and reasons and notes to applicant.

(C) HISTORY:

Application for Planning Permission (ref: 05/00085/DET) for a layby at the subject site was withdrawn in May 2005 as the overall scheme was put on hold.

(D) CONSULTATIONS:

Area Roads Manager - No comments received at the time of writing. Any comments received subsequently will be reported at the meeting.

E) PUBLICITY:

Article 9 neighbour notification procedure (closing date 15th November 2010) and Conservation Area Advert (closing date 26th November 2010).

(F) REPRESENTATIONS:

No representations have been received.

(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) Supporting Information**

In a letter dated 15th October 2010, Scottish Water explained that the proposed development is part of the Ardbeg and Port Bannatyne Sewerage Scheme, which will intercept the numerous foul gravity outfalls to the sea and convey the flows to the existing sewerage system in Rothesay. Five pumping stations will be provided at locations accessible from the coast road, together with lengths of intercepting sewer and rising main. It is intended that the majority of pipework including on-line storage will be located in the roadway. Each pumping station will be equipped with pumps, associated pipework, ancillary equipment and control kiosk.

The proposed control kiosk will be positioned and clad sympathetically whilst the position of the layby will provide sufficient space for pedestrians to continue use of the existing walkway and footpath.

- (v) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
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(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required:** No
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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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- (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 Structure Plan 2002

STRAT DC 1 – Development within the Settlements

STRAT DC 9 – Historic Environment and Development Control

Argyll & Bute Local Plan 2009

LP ENV 10 seeks to resist development within Areas of Panoramic Quality where its scale, location or design will have a significant adverse effect on the character of the landscape.

LP ENV 14 presumes against development that does not preserve or enhance the character or appearance of an existing Conservation Area.

LP ENV 19 '*Development Layout, Setting & Design*' requires developers to execute a high standard of setting, layout and design where new developments are proposed.

- (ii) **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.**

Not applicable

(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: Yes

(O) Requirement for a hearing (PAN41 or other): No

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

This proposal is one of a number of sites for pumping stations that Scottish Water identified in 2005 in order to comply with the Urban Waste Water Treatment (Scotland) Regulations 1994 and to address the problem of untreated sewage being discharged into the waters surrounding Port Bannatyne and Ardbeg.

The site consists of an area of hardstanding which includes the footway on the shoreward side of Ardbeg Road. A bus shelter stands to the south of the site and the shore falls away to the east of the site. Residential and non-residential properties lie on the opposite side of Ardbeg Road, to the west.

In addition to the proposed layby, a control cabinet is also to be erected. Such control cabinets are normally designed and sized so that they fall within '*permitted development*' tolerances under Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. In terms of the design, some of the cabinets installed at other Scottish Water sites within the Cowal area have been stone faced in order to improve their appearance where they have been sited in prominent or sensitive locations (e.g. Kames, Tighnabraich and Strachur). Such exterior cladding takes their volume beyond that which constitutes '*permitted development*'. Given that this particular site is located within the Rothesay Conservation Area, it is considered reasonable to require the subject kiosk to be faced in a suitable material (in this case stone) rather than the standard olive green kiosk. Scottish Water have agreed to this course of action and are willing to accept a condition to that effect.

The main outstanding issue relates to the impact of the proposed layby on road and pedestrian safety and it is understood that this has been the subject of discussions between the Area Roads Engineer and the applicant. An amended plan was submitted on 16th December 2010 which showed a reduction in the width of the layby with the intention of affording pedestrians easier access. The comments of the Area Roads Manager are awaited in this regard.

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

(R) 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.

(S) Reasoned justification for a departure from the provisions of the Development Plan: Not applicable

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

Author of Report: Steven Gove

Date: 29/12/2010

Reviewing Officer: Richard Kerr

Date: 30/12/2010

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 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 details of its design and external finishes 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 any variation thereof.

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.

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.