

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that a decision on the application be deferred on the grounds that *"the details of the adjacent pipe network have been superseded by a further design of the Ardbeg and Port Bannatyne Sewerage Scheme.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.