

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a decision on the application be deferred on the grounds that *"the details of the adjacent pipe network have been superseded by a further design of the Ardbeg and Port Bannatyne Sewerage Scheme.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