

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: 10/01806/PP

Planning Hierarchy: Local

Applicant: Scottish Water

Proposal: Erection of access gates, widening of existing access, formation of access track and hardstanding area

Site Address: Land west of Public Convenience, Marine Road, Port Bannatyne, 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that a decision on the application be deferred on the grounds that *"the details of the adjacent pipe network have been superseded by a further design of the Ardbeg and Port Bannatyne Sewerage Scheme.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 been made:

- I. The sightlines of 42 metres by 2.4 metres are acceptable;
- II. The access should be constructed in accordance with Figure 10.16 of the Council's Development Guidelines;
- III. The crossing and track should be surfaced to prevent material from being deposited onto the footway and carriageway;
- IV. Parking and provision of a turning area to be provided within the site;
- V. A system of surface water drainage to be provided to prevent water running onto the footway and road;

VI. The application deals with the siting of the wet well and valve chamber but consideration should be given to the applicant's proposal of installing large diameter storage pipes within the road when there is space available within the confines of this application. It is noted that the large diameter pipes are of the previous design and updated drawings must be provided for review prior to the determination of this application. This change may result in other changes within this planning application.

VII. A Road Opening Permit will be required for works within the road corridor.

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 (ii) 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.

Open Space Protection Area

It has been established since the composition of the original report that the application site falls within an Open Space Protection Area (OSPA). On this basis, Policy LP REC 2 is applicable. This policy presumes against development or redevelopment of established playing fields or sports pitches (public or private) or recreational areas and open space protection areas that are shown to be safeguarded.

In this particular case, the development site is within the far eastern edge of the OSPA. There is a strong element of locational/operational need associated with the proposal in the sense that the pumping station is one of several that is required as part of the Ardbeg and Port Bannatyne Sewerage Scheme in order to transfer collected flows from the existing gravity outfalls to the existing public system in Rothesay. The overall scheme is an essential public infrastructure exercise to comply with the Urban Waste Water Treatment Directive.

In addition to the above, the proposal will not impinge upon any areas that are currently used for sport or recreation and, upon the completion of the works, the picnic benches will be reinstated. In acknowledgement of the OSPA status, Scottish Water has also agreed (e-mail dated 17th January 2011) that a grasscrete (or similar) surfacing material could be used at the site. One further point is that exactly the same scheme was approved in February 2005 albeit before the OSPA designation.

On the basis of the foregoing, it is considered that the proposal can be justified as a minor departure from Policy LP REC 2 of the Argyll and Bute Local Plan 2009.

(B) RECOMMENDATION:

It is recommended that planning permission be granted as a minor departure to the Development Plan subject to the attached conditions and reasons and notes to applicant.

(C) Is the proposal consistent with the Development Plan: No

(D) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policy STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10 and LP ENV 19 of the Argyll and Bute Local Plan (2009) and can be justified as a minor departure from Policy LP REC 2 of the Local Plan 2009. 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

Policy LP REC 2 presumes against development or redevelopment of established playing fields or sports pitches (public or private) or recreational areas and open space protection areas that are shown to be safeguarded.

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On the basis of the foregoing, it is considered that the proposal can be justified as a minor departure from Policy LP REC 2 of the Argyll and Bute Local Plan 2009.

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

Author of Report: Steven Gove
Reviewing Officer: Richard Kerr

Date: 18/1/2011
Date: 18/1/2011

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 10/01806/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-9900; Drawing No. 400114-0000-20-DRG-9901; Drawing No. 400114-0000-20-DRG-9902; Drawing No. 400114-0000-20-DRG-9903; and Drawing No. 400114-0000-20-DRG-9904 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. The access 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.

4. Unless otherwise agreed in writing with the Planning Authority, the access shall be constructed in accordance with Figure 10.16 of Argyll and Bute Council's Design Guidelines.

Reason: In the interests of road safety.

5. Prior to the commencement of works on surfacing within the site, details of the use of 'grasscrete' or similar material shall be submitted to and approved in writing by the Planning Authority. The surfacing shall be undertaken in accordance with the approved details prior to the first operation of the facility unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity having regard to the location of the site within an Open Space Protection Area and the provisions of Policy LP REC 2 of the Argyll and Bute Local Plan 2009.

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. The crossing and track should be surfaced to prevent material from being deposited onto the footway and carriageway;
 - II. A system of surface water drainage to be provided to prevent water running onto the footway and road;
 - III. The application deals with the siting of the wet well and valve chamber but consideration should be given to the applicant's proposal of installing large diameter storage pipes within the road when there is space available within the confines of this application. It is noted that the large diameter pipes are of the previous design and updated drawings must be provided for review prior to the determination of this application. This change may result in other changes within this planning application.
 - IV. A Road Opening Permit will be required for works within the road corridor.
- 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.