

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: 11/00428/PP

Planning Hierarchy: Local

Applicant: Scottish Water

Proposal: Re-profiling of ground and re-alignment of handrail to accommodate buried pumping station chambers and CSO chamber; installation of rock armouring and retaining wall; and drop kerbs for vehicular access

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 Department's report dated 30th March 2011 in respect of the above application.

Since the composition of this report, the comments of the Area Roads Manager have been received (report dated 15th April 2011) and he has no objections to the proposal subject to certain conditions. The main condition relates to the provision of adequate sightlines in relation to the proposal and such a condition was attached to the previous report. The matters that form the main part of the Area Roads Manager's current recommendation relate to technical issues such as signage, footway construction, access during the construction phase, etc. These matters can be adequately addressed in the informative notes.

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions, reasons and informative notes at the end of this report.

Author of Report: Steven Gove

Date: 15/4/2011

Reviewing Officer: David Eaglesham

Date: 15/4/2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 11/00428/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-9965-0B; Drawing No. 400114-0000-20-DRG-9966-0C; Drawing No. 400114-0000-20-DRG-9967-0C; and Drawing No. 400114-0000-20-DRG-9968-0B 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 constructed of glass reinforced plastic; shall have a colour similar to the bus shelter to the south of the site; and be no higher than 1.2 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 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 for 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. 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.

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 onto 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 Area Roads Manager has recommended the following:
 - i. The provision of a parking/service bay is required to ensure the safety of pedestrians, vehicles and operatives attending the proposed pumping station;
 - ii. The footway is to remain in its existing location;
 - iii. Dropped kerbs should be provided across the frontage of the site to allow vehicular access;
 - iv. Construction of the footway to be 40 mm thick surface course; 60 mm binder course; and a minimum of 150 mm of Granular Type 1;
 - v. The precast concrete dropped kerbs to have a 10 mm upstand;
 - vi. A demarcation line with flush precast concrete pin kerb or similar to be provided at the rear of the footway;
 - vii. The CSO to be shown at a position off the carriageway and at a safe location not impeding the flow of traffic when inspections or maintenance are to be carried out;
 - viii. Signage is to be provided to ensure access is available 24 hours;

- ix. During the construction phase, safe access must be provided for both pedestrian and vehicular traffic.