

**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**

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**Reference No:** 11/00954/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Ian Woolcott  
**Proposal:** Erection of residential care home and formation of new access.  
**Site Address:** Land North Of Ascog Mansions, Ascog, Isle of Bute

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## **SUPPLEMENTARY REPORT**

### **1.0 SUMMARY**

The purpose of this supplementary report is to confirm the receipt of late letters of representation and correspondence since the planning report dated 15<sup>th</sup> August 2011.

### **2.0 FURTHER REPRESENTATIONS**

As reported verbally at the Meeting of the Committee on 24 August 2011, an e-mail of support (dated 21 August 2011) was received from Jean Moffat, The Hermitage, Ascog.

Correspondence (e-mails dated 8, 9, 11 and 12 September 2011) has been received from Colin Slinn, Director, Capital Developments (GB) Ltd, which raises no objection to the proposed development but claims title to the foreshore over which the sewage treatment plant outfall will cross and suggests that the matter be addressed by planning condition and informative. Responses (e-mails dated 9 and 12 September 2011) from MacRoberts Solicitors on behalf of the applicant maintain that the foreshore is within the ownership of The Crown and that The Crown Estate has granted the appropriate consent

### **4.0 ASSESSMENT**

It is not for the planning authority to arbitrate on matters of land ownership. Conditions 6 and 11 as originally recommended sought to ensure that all drainage was implemented timeously. It is considered that condition 6 could be amplified and that a further informative to draw attention to the land ownership issue be attached, both by the words in bold in the recommendation below.

### **5.0 RECOMMENDATION**

It is recommended that planning permission be granted subject to the revised conditions, reasons and informative notes at the end of this report.

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**Angus J Gilmour, Head of Planning & Regulatory Services**

**12 September 2011**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 11/00954/PP

1. The development shall be implemented in accordance with the details specified on the approved drawings numbers: Drawing No. 2344/PL/011, Drawing No. 2344PL/009, Drawing No. 2344/PL/002; Drawing No. 2344/PL/003, Drawing No. 2344/PL/004, Drawing No. 2344/PL/005, Drawing No. 2344/PL/006, Drawing No. 2344/PL/007; and Drawing No. 2344/PL/008, 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*

2. A landscaping scheme shall be submitted to the Planning Authority prior to any works being first undertaken at the site. This scheme shall specifically include full details of the age, species and location of all existing trees and vegetation proposed to be retained and those to be removed together with full details of proposed planting. Specifically the landscaping scheme shall provide for native tree planting along the southern boundary of the site:
  - i) The landscaping scheme, as may be approved, shall be fully implemented no later than the first planting and seeding season following the commencement of the development and thereafter shall be maintained to the satisfaction of the Planning Authority for a period of five years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.
  - ii) Prior to any works being first undertaken at the site, and upon the written approval of the landscaping scheme, each tree to be removed shall be clearly indicated (*tagged*) on site using a coloured identification and each tree to be retained shall be clearly indicated (*tagged*) on site using a separate coloured identification. Such measures shall be put in place for the written approval of the Planning Authority before any felling/lopping commences.
  - iii) Prior to the felling/lopping of any trees within the site, the subject trees will be surveyed for evidence of any bats and nesting birds. Should such evidence be found, the developer shall contact the Planning Authority for further advice in consultation with Scottish Natural Heritage;
  - iv) During the course of construction those trees that are to be retained (*as indicated and approved in writing by the Planning Authority as ii above*), shall be protected by suitable fencing not less than one metre in height that shall be erected around the extremities of the crowns of these trees, or as may be agreed in writing with the Planning Authority. No material, spoil or fires shall be placed within such protected areas during any construction works.

*Reason: In the interests of visual and residential amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees during development operations.*

3. A substantial sample panel, being not less than 2.0 square metres, showing the proposed external wall finishes shall be made available on the site for the inspection and written approval of the Planning Authority. The panel shall be made available prior to the application of any render to the external walls being implemented. The building shall be constructed using the approved finishes unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In the interests of visual amenity in order to ensure that the proposal integrates successfully into its surrounding townscape setting and having due regard to Central Government guidance and Local Plan policies.*

4. The roof covering shall be of natural slate, the details of which (including a sample) shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The roof shall be finished in the approved covering unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In the interests of visual amenity in order to ensure that the proposal integrates successfully into its surrounding townscape setting and having due regard to Central Government guidance and Local Plan policies.*

5. Prior to the commencement of the development, the final location and design of the sewage treatment plant, the odour control measures to be undertaken and a scheme for the maintenance in perpetuity of the approved communal sewage system shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA, the Building Control Section and the Public Protection Service.

*Reason: To ensure the ongoing maintenance of the method of sewerage treatment in the interests of residential amenity and public health of existing and future occupiers of the area and to prevent the unnecessary proliferation of septic tanks.*

6. The discharge pipe leading from the sewage treatment plant shall be constructed to a point below Mean Low Water Spring and shall be buried underground for its full length, the details of which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The pipe shall be constructed in accordance with the approved details **prior to the first occupation of the development** unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In order to safeguard the visual amenity of the area.*

7. Prior to the commencement of development on the site, visibility splays of 42.0 metres x 2.5 metres in both directions shall be formed from the centre line of the proposed access and shall, thereafter, be kept clear of all obstructions over 1.05 metres in height above the level of the adjoining carriageway unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In the interests of road safety.*

8. Prior to the construction of the road system and parking areas, full details (including a sample) of the surfacing to be used within the internal road system and parking areas shall be submitted to and approved in writing by the Planning Authority.

*Reason: In the interests of visual amenity in order to ensure that the proposal integrates successfully into its surrounding townscape setting and no such details having been submitted.*

9. Prior to the commencement of the development, details of the position, height and appearance of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. In particular, such details shall show the erection of substantial screening along the southern boundary of the site. All boundary treatments shall be constructed in accordance with the approved details unless the prior written consent of the Planning Authority is obtained for variation.

*Reason: In the interests of visual amenity in order to successfully integrate the proposal into its surrounding townscape setting.*

10. Unless otherwise agreed in writing with the Planning Authority, the vehicular access onto the public road shall be constructed in accordance with the Council's Standard Drawing No. Figure 10.16. The access formation shall be undertaken prior to the first coming into use of the approved residential care home.

*Reason: In the interests of road safety.*

11. Prior to any construction works on site, full details shall be submitted for the prior written approval of the Planning Authority of a drainage scheme that shall incorporate the basic principles of Sustainable Urban Drainage Systems identified in 'Planning Advice Note 61' which shall provide details of a totally separate drainage system with the surface water discharging to a suitable outlet. The drainage system shall include measures to slow down run-off; methods of treatments and its release into the system, existing and proposed drainage of the site and temporary surface water drainage system during construction phases; unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved, shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

*Reason: In order to provide for a sustainable drainage scheme for the development.*

12. No lighting units shall be installed unless the prior written consent of the Planning Authority is obtained in conjunction 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 the interest of the amenity of adjacent residential properties.*

## NOTES TO APPLICANT

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. 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.
3. 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.
4. The Area Roads Manager has advised that a Road Opening Permit will be required in association with the formation of the vehicular access. A system of surface water drainage should also be undertaken to prevent water running onto the footway or carriageway.
5. The Environmental Health Officer has advised that the proposed development includes the preparation and service of food on the site for residents and staff. The developer should contact the Public Protection Service (Richard Gorman on 01700 501366) to seek advice regarding the following:
  - The requirements of relevant food legislation in terms of the layout of the food rooms and the management of food production;
  - The registration of the food business 28 days prior to the opening/use of the premises;
  - The impact of other relevant legislation including health and safety and smoking regulations.
6. **Correspondence has been received from the Director of Capital Developments (GB) Ltd to the effect that his company owns part of the land under which the discharge pipe is proposed to be constructed. Prior to the commencement of the development, the applicants should satisfy themselves that they have sufficient control over all of the land within the application site to enable the development to be constructed in accordance with the approved plans and in compliance with Conditions 6 and 11 above.**