

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: 11/02051/PP

Planning Hierarchy: Local Application

Applicant: Argyll and Bute Council

Proposal: Resurfacing of existing footpath, installation of culvert and formation of further footpath link.

Site Address: Route Linking Cumberland Road and Aros Road/Smugglers Way Rhu

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Resurfacing of existing footpath, installation of culvert, formation of further footpath link and erection of 1.2 metre high post and wire fence.

(ii) Other specified operations

- None
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(B) RECOMMENDATION:

It is recommended that planning permission be approved subject to the attached conditions and reasons.

(C) HISTORY:

None

(D) CONSULTATIONS:

Area Roads Manager – (memo dated 05/01/2012) – No objections subject to conditions regarding maintaining the south-east sightline at the junction with Aros Road and the provision of advance warning signs.

Flood Alleviation Officer – (e-mail dated 05/12/2012) – Details of the proposed culvert are required which can be covered by condition

SEPA (letter dated 24/11/2011) – Object unless condition is attached requiring the submission of a Construction Method Statement (CMS). Also request that in regard to the construction of the culvert the applicant looks at installation of the splash plate and whether or not this is completely necessary.

Comment: The submission of a Construction Method Statement can be covered by condition.

(E) PUBLICITY: Conservation Area advert (expiry date 09.12.2011)

(F) REPRESENTATIONS:

None

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
 - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
 - (iii) **A design or design/access statement:** No
 - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
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(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No
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(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements
STRAT DC9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP ENV 19 – Development Setting, Layout and Design

LP COM 1 – Community Facility Development
LP TRAN 1 – Public Access and Rights of Way
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 5 – Off-Site Highway Improvements
Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: Yes, as applicant.

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment of determining issues and material considerations

Planning permission is sought for the upgrading of an existing footpath, installation of culvert and formation of a further footpath link. The application site is within the 'settlement' boundary and within the Rhu Conservation Area as defined by the adopted Local Plan. Within this Article 4 Conservation Area the Council's permitted development rights have been removed.

The site comprises, in part, an existing 182 metre long concrete slabbed footpath/cycle route. It currently runs from Cumberland Road past Rhu Amateur Football Club's pitch to a set of steps up onto Aros Road. The proposal involves resurfacing this existing section in asphalt concrete, providing a new 173 metre long, 2.5 metre wide extension within an existing field onto Aros Road and the installation of a 600mm culvert. Sundry operations include the erection of a 1.2 metre high stock proof post and wire fence, dropped kerbs at the carriageways at either end of the path (as extended) and the removal of some overhanging shrubbery.

It is considered that the scale and design of the proposed extension is acceptable and that it accords with Policy LP ENV 19 of the adopted Local Plan. Since the proposal involves an existing footpath/cycle path and the new section of footpath will be along the side of an existing field and will not be visible from the street then it will have little impact on the character or appearance of the Conservation Area. It is therefore considered that the proposal accords with Policy LP ENV 14 of the adopted Local Plan insofar as it would not be detrimental to the character and appearance of the conservation area.

Policy LP COM 1 presumes in favour of new and improved community facilities provided they fulfil a list of criteria including consistency with other policies within the Local and

Structure Plan and that they respect the townscape character of the surrounding area. It is considered that the proposal accords with this policy.

Policies LP TRAN 1, LP TRAN 4 and LP TRAN 5 are also applicable. Policy LP TRAN 1 requires that development proposals should safeguard public rights of way, core paths and important public access routes. Policy LP TRAN 4 sets out guidance on new and existing public roads and private access regimes. Finally, Policy LP TRAN 5 requires improvements to sections of the public or private road network where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads. In terms of road safety, the Area Roads Manager has no objections subject to retention of the south-east sightline at the junction with Aros Road and the provision of advance warning signs in both directions at the approach with the junction of Aros Road. The Flood Alleviation Officer has indicated no objections subject to agreement of the details of the proposed culvert. Similarly, SEPA have no objections subject to the submission of a Construction Method Statement. Both the concerns of the Flood Alleviation Officer and the Area Roads Manager can be covered by condition.

(Q) Is the proposal consistent with the Development Plan: Yes

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

The proposed improvement and extension of the existing footpath/cycle path is acceptable and accords with policies set out within the Development Plan. It is in accordance with Policies STRAT DC 1 and STRAT DC 9 of the 'Argyll and Bute Structure Plan' as well as Policies LP ENV 1, LP ENV 14, LP ENV 19, LP COM 1, LP TRAN 1, LP TRAN 4 and LP TRAN 5 of the 'Argyll and Bute Local Plan'.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

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

Author of Report: Howard Young

Date: 05/01/2012

Reviewing Officer: Richard Kerr

Date: 06/01/2012

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 11/02051/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 21/10/2011 and the approved drawing reference numbers 654/10/04/001, 654/10/04/002, 654/10/04/003, 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. Prior to works commencing on site, a site specific Construction Method Statement (CMS), shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

Reason: To control pollution of air, land and water.

3. Prior to works commencing on site, details of the proposed culvert shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter the proposed culvert shall be installed and operational prior to the refurbished and extended footpath hereby approved being completed or brought into use.

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected.

4. The south-east sightline at the junction of Aros Road should be maintained at a standard of 2.4 metres x 42.0 metres and shall be kept clear of all obstructions in excess of 1.05 metres in height in perpetuity.

Reason: In the interests of road safety.

5. Prior to works commencing on site, details of advance warning signs to be erected in both directions at the approach with the junction on Aros Road shall be submitted to and approved in writing by the Planning Authority. The signs should be in accordance with the Traffic Signs Regulations and General Directions 2002 and the locations agreed with the Network Manager. Thereafter, the agreed signs shall be erected prior to the refurbished and extended footpath hereby approved being completed or brought into use.

Reason: In the interests of road safety.

NOTES TO APPLICANT

1. **The length of the permission:** 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 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.
3. 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.

4. Please note the comments from SEPA contained in their attached letter dated 24 November 2011.