

**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:** 11/02577/PP

**Planning Hierarchy:** Local Development

**Applicant:** Argyll and Bute Council

**Proposal:** Construction of footpath linking Lorn Road to Etive Road.

**Site Address:** Vacant Land Between Lorn Road and Etive Road, Dunbeg

---

**DECISION ROUTE**

**(i) Local Government Scotland Act 1973**

---

**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Construction of 2.5m wide tarmacadem foot/cycle path
- Installation of access controlled bollard
- Erection of small footbridge

**(ii) Other specified operations**

- Dropped kerb
  - Installation of culvert
- 

**(B) RECOMMENDATION:**

It is recommended that the application is approved subject to the conditions and reasons listed below.

---

**(C) HISTORY:**

None

---

**(D) CONSULTATIONS:**

Area Roads Manager (report dated 26/1/12) - no objection subject to the following conditions:

- A footway constructed to adoptable standards is required between the new footpath access at Etive Road and the Church, adjacent to existing carriageway in existing verge, so as existing footway facilities will be continuous, width to match existing.

- A system of surface water drainage is required to prevent water from passing onto the public road.

---

**(E) PUBLICITY:**

The proposal has been advertised in terms of regulation 20, closing date 16/2/12.

---

**(F) REPRESENTATIONS:**

None received at the time of writing.

---

**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |   |    |
|---|----|
| <b>(i) Environmental Statement:</b>   | No |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | No |
| <b>(iii) A design or design/access statement:</b>   | No |
| <b>(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | No |
- 

**(H) PLANNING OBLIGATIONS**

- |  |    |
|--|----|
| <b>(i) Is a Section 75 agreement required:</b> | No |
|--|----|
- 

- |   |    |
|---|----|
| <b>(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | 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

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP TRAN 1 – Public Access and Rights of Way

LP REC 1 – Sport, Leisure and Recreation

LP REC 2 – Safeguarding of Recreational Land and Important Open Spaces

LP COM 1 – Community Facility Development

- (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.**

The Town & Country Planning Act (Scotland) 1997  
The Planning etc. (Scotland) Act, 2006  
SPP, Scottish Planning Policy, 2010

---

**(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

---

**(O) Requirement for a hearing:** No

---

**(P) Assessment and summary of determining issues and material considerations**

The proposal is for the installation of a footpath from Etive Road to Lorn Road, adjacent the primary school, in Dunbeg. The proposal will involve laying down a tarmac surface, entry control bollards, handrail, a system of culverts and surface water drainage and a small footbridge. There is some evidence that the works will refine and improve on an existing informal desire line.

There have been no objections from members of the public. The Council's Area Roads Engineer has not raised any issue with the proposal but requested two conditions as detailed above.

The proposal does not raise any planning issues nor are there concerns raised by third parties that would warrant anything other than a positive recommendation.

---

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

---

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

1. The proposal will provide an alternative access from one part of Dunbeg to the other as well as the local newsagent and the primary school.
  2. The proposal will result in a positive benefit to the community, by enhancing the local path network.
  3. The proposal conforms to the relevant development plan policies and that there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development 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:** David Love

**Date:** 07/02/12

**Reviewing Officer:** Richard Kerr

**Date:** 07/02/12

**Angus Gilmour**  
**Head of Planning and Regulatory Services**

#### **CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 11/02170/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 23/12/11 and the approved drawing reference numbers:

Plan 1 of 7 (Location Plan at scale of 1:1250)  
Plan 2 of 7 (General Arrangement at scale of 1:200)  
Plan 3 of 7 (Sections at scale of 1:1:20)  
Plan 4 of 7 (Details at scale of 1:20)  
Plan 5 of 7 (Details at scale of 1:20)  
Plan 6 of 7 (Details at scale of 1:20)  
Plan 7 of 7 (Details at scale of 1:20)

unless the prior written approval of the planning authority is obtained for other an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. The footpath hereby approved shall not be brought into use until a section of footway between the new footpath access at Etive Road and the adjacent Church has been constructed to an adoptable standard within the existing verge along the carriageway edge, so as to enable connection of the approved development to the existing footway network.

Reason: In order to ensure that footway facilities will be continuous in the interests of pedestrian safety.

3. No development shall be commenced until full details of the proposed surface water drainage arrangements for the site have been submitted to and have been approved in writing by the Council as Planning Authority in consultation with the Area Roads Engineer. Such details shall be consistent with the principles of Sustainable Urban Drainage (SuDS) and shall be devised so as to prevent surface water from being discharged from the area of the works onto the public road. The development shall be implemented in accordance with the duly approved details.

Reason: In order to secure an appropriate form of drainage in order to avoid flooding.

## NOTES TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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 (as amended) 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 length of this planning 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).]
- A Road Opening Permit is required under Section 56 of the Roads (Scotland) Act 1984. (Contact: John Heron 01631 569170).

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/02577/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The proposal is within the settlement zone for Dunbeg and subject to Structure Plan policy STRAT DC1. This policy encourages development on suitable sites within the settlement zone so long as the proposal is consistent with the built and natural environment of the settlement.

#### **B. Location, Nature and Design of Proposed Development**

This proposal is to construct a 2.5m wide footpath link along the line of an informal route across open ground within the confines of Dunbeg, with a formal footpath providing users of the primary school and local shop with a more useable and direct route from Lorn Road. It is considered that the nature of this footpath will not impact significantly on the amenity of adjoining properties as the proposal replaces an established desire line and users of the path will be transient.

Local Plan policy LP REC 1 (Sport, Leisure and Recreation) encourages the provision of facilities to encourage recreation activities. Mixed use footpaths can provide a catalyst for additional walking and cycling, which bolsters the health of the local population and contributes to reduced road use. It is considered that this proposal is consistent with the aims of this policy and will make a small positive contribution towards these goals.

Such proposals are encouraged under local plan policy LP COM 1 (Community Facility Development) so long as they respect the form, location and scale consistent with policy STRAT DC 1. Additionally, proposals should respect the amenity of the surrounding area and be readily accessible. In this instance the proposal is accessible to a range of users and is considered to be consistent with this policy.

The site is allocated as an Open Space Protection Area subject to policy LP REC 2 which presumes against development in these specified areas unless the proposal enhances the area and provides an improvement on existing facilities. In this instance the site is a general boggy overgrown area between two built parts of Dunbeg. Its function is as an open break between these areas rather than as an area for sport or recreational activities. The footpath will not be significant in terms of its land take or its appearance and will formalise an existing route across this land. It will not prejudice the intentions behind the designation of the area as an OSPA and the area will be enhanced without diminishing its amenity value. Accordingly the proposal is acceptable in terms of Policy REC 2 (b) i.

The proposal is considered consistent with local plan policies LP ENV1, ENV19, COM 1, REC1 and REC2.

#### **I. Road Network, Parking and Associated Transport Matters.**

The Council's Area Roads Engineer has not raised any road safety concerns but requested two conditions as detailed above be attached to any consent. The first of these requests that the footpath is extended to the church along Etive Road, to connect the proposed route to the existing footway network. This has been addressed by way of suspensive condition which prevents the new route from being brought into use until the link to the limit of the existing footway on Etive Road has been made. The second suggested condition is for a system of system drainage to prevent water from flowing onto the public road. This is addressed below.

#### **J. Infrastructure**

The applicant intends to install a series of culverts to ensure the appropriate flow of water is maintained as existing. There are no known surface water issues and the proposal is not expected to raise any surface water drainage issues due to the porous nature of the soils either side. The applicant is proposing a Sustainable Drainage System (SuDS) to ensure the introduction of a non-porous material will not raise any substantive surface water issues. It is not clear however from the submission if these measures will prevent water from potentially flowing onto Etime Road. Therefore a condition is attached requiring further detailing of the SuDS proposals.