

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: 14/02020/PP
Planning Hierarchy: Local
Applicant: MacLeod Construction Ltd.
Proposal: Erection of Class 1 Retail Store, Upgrade of Access and Associated Landscaping
Site Address: Land South West of Inveraray Primary School, The Avenue, Inveraray

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of Class 1 Retail Store (420sqm Gross Retail Floorspace);
- Improvement and alteration of junction onto A83(T);
- Formation of an adoption standard service road, including alteration of the Avenue Car Park layout;
- Formation of 21 space car park and HGV turning;
- Public realm improvements.

(ii) Other specified operations

- Connection to public water supply;
 - Connection to public sewer;
 - Landscape works.
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(B) RECOMMENDATION:

Recommend that planning permission be granted subject to the conditions and reasons attached.

(C) CONSULTATIONS:

ABC Roads: (26.08.14) – No objections subject to conditions.

ABC Core Paths: - No response to date, assumed no objections

ABC Environmental Health: (05.09.14) – No objections subject to conditions.

ABC Development Policy Unit: No response to date, assumed no objections.

ABC Flood Prevention Manager: (12.09.14) – No objections subject to condition (update to response on 14/01664/PP dated 17.07.14).

Historic Scotland: (02.09.14) – No objections; however, concern is raised in respect of the proposed road layout within the context of the Inveraray Castle Designed Landscape.

Inveraray Community Council: (04.09.14) – No objections.

Scottish Water: No response to date, assumed no objections in light of consultation response to earlier, withdrawn application ref. 13/02930/PP.

SEPA: (04.09.14) – No objections.

Transport Scotland: (09.09.14) – No objections subject to conditions.

West of Scotland Archaeology Service: (28.08.14) – Advise that the site be subject to a prior archaeological investigation.

(D) HISTORY:

13/02860/MPLAN – Masterplan for designation MAST 1/5. Framework plan and Phase I Development Brief endorsed by PPSL on 18th June 2014. Phase II Development Brief is tabled as Supplementary Report No. 1 for consideration elsewhere on the agenda for 24th September PPSL meeting.

13/02930/PP – Erection of Class 1 Retail Store – Withdrawn

14/01664/PP – Erection of Class 1 Retail Store – Withdrawn

14/01082/PP – 8 Houses & 4 Flats – Phase I Development at Barn Park – approved by PPSL on 18th June 2014.

(E) PUBLICITY:

Reg. 20 – Expired 12th September 2014

(F) REPRESENTATIONS:

(i) Representations received from:

One letter of representation has been received to the current application from Mr Chris Doherty, The Old Cooperage, Inveraray.

(ii) Summary of issues raised:

- The submission does not raise objection to the proposal but simply highlights the location of a foul drainage soakaway serving the Old Cooperage which is located within the application site.

Comments: Relocation of the soakaway would be a civil matter to be resolved between the developer, the affected party and current landowner. In the event of planning permission being granted the requirement to resolve this issue could be highlighted by means of a note to the applicant.

(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: | Yes |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes – Retail Statement |

(H) PLANNING OBLIGATIONS

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

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- (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 DC 2 – Development within the Countryside Around Settlements

STRAT DC 8 – Landscape and Development Control

STRAT DC 9 – Historic Environment and Development Control
STRAT DC 10 – Flooding and Land Erosion

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)
LP ENV 11 – Impact on Historic Gardens and Designed Landscapes
LP ENV 13a – Impact on Listed Buildings and their Setting
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP ENV 17 – Impact on Sites of Archaeological Importance
LP ENV 19 – Development Setting, Layout and Design

LP RET 1 – Retail Development in the Towns – The Sequential Approach
LP RET 4 – Retail Development Within Countryside DC Zones
LP RET 6 – Design of Shop Frontages

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems
LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems
LP SERV 4 – Water Supply
LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development

LP TRAN 1 – Public Access and Rights of Way
LP TRAN 2 – Development and Public Transport Accessibility
LP TRAN 3 – Special Needs Access Provision
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 6 – Vehicle Parking Provision

LP DEP 1 – Departures to the Development Plan

Appendix A – Sustainable Siting and Design Principles
Appendix B – Shop Front/Advertising Design Principles
Appendix C – Access and Parking Standards
Appendix E – Allocations, Potential Development Area Schedules and Areas for Action Schedules

(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.

- Scottish Planning Policy
- Argyll and Bute proposed Local Development Plan (Feb 2013) (pLDP)

Note: The emergent pLDP is the most recent expression of Council policy, and following the conclusion of public consultation, those elements which are uncontested may be afforded significant material weight in the determination of planning applications at this time.

- 13/02860/MPLAN – Masterplan Framework Plan/Phase I Development Brief (endorsed 18.06.14)
- 13/02860/MPLAN – Phase II Masterplan/Development Brief (anticipated)

to be endorsed in advance of consideration of this item)

(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 (PAN41 or other): No

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

The proposal relates to development located within the 'Countryside Around Settlement' lying adjacent to the Inveraray 'settlement area' to which the provisions of STRAT DC 2 set out a presumption in principle against development. This designation is however superseded by the uncontested, emergent provisions of the Argyll and Bute proposed Local Development Plan which sets out the Council's intent to subsume the current Housing Allocation within a larger Mixed Use Allocation (MU 3001) within which support in principle is afforded for up to 150 dwelling units subject to a masterplan for designation MAST 1/5 having already been endorsed by the Council.

An initial Framework Plan for the masterplan area, along with a Phase I development brief was endorsed by PPSL on 18th June 2014. Argyll Estates have now put forward a Phase II masterplan/brief for designation MAST 1/5 which seeks to provide sufficient detail to allow release of the land adjoining the Avenue Car Park in advance of proposals being finalised for the wider designation. The Phase II masterplan document appears elsewhere on the agenda for this meeting (ref. 13/02860/MPLAN, Supplementary Report No. 1); for the purposes of this report it has been assumed that the Phase II masterplan submission will be endorsed by Members in its current form.

The proposal sets out a 'medium scale' retail development of 420sqm gross retail floor space which is intended to be operated by the Co-op as a replacement for their existing town centre store.

The proposed development is of appropriate scale, massing, design, proportions and finish to comply with the relevant provisions of the Phase II Masterplan and its Design Brief and the Council's Sustainable Design Guidance. The development will not have any significant or adverse effect upon the character, appearance of setting of the Inveraray Castle Designed Landscape, or upon the Inveraray Conservation Area.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

See sections P above and S below.

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

Whilst the proposal is considered to be contrary to the provisions of policies STRAT DC 2 of the Argyll and Bute Structure Plan 2002 and LP RET 4 of the adopted Argyll and Bute Local Plan 2009 it is considered appropriate at this time to afford greater material weight to the uncontested provisions of the emergent Argyll and Bute proposed Local Development Plan (Feb 2013) as the most recent expression of Council policy. In this respect the application site is located within the proposed Mixed Use Allocation MU 3001 which would be supportive in principle of up to and including 'large' scale retail development provided that the developer can adequately demonstrate that this will not have an adverse impact upon the vitality or viability of the existing town centre, and subject to a comprehensive masterplan approach being adopted to comply with the provisions of proposed masterplan area MAST 1/5. It is therefore considered appropriate to grant approval to the current application as a 'minor departure' to the provisions of the adopted Local Plan.

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

Author of Report: Peter Bain **Date:** 12th September 2014

Reviewing Officer: Ross McLaughlin **Date:** 12th September 2014

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 14/02020/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 19th August 2014 and the approved drawing reference numbers 1/6 – 6/6 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. Notwithstanding the effect of Condition 1, no development shall commence until samples of materials to be used in the construction of external wall finishes, roof coverings, skew/masonry details have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

3. Notwithstanding the effect of Condition 1, no development shall commence until 1:100 scale plans confirming the position and dimensions of window and door units to be installed in the development, and 1:20 scale plans providing details of the proposed window and door units, their colour finishes and material have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

4. No development shall commence until details of all rainwater goods to be installed in the development have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

5. Notwithstanding the provisions of Condition 1, the finished ground floor level of the development shall be 5.725m relative to Ordnance Datum unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure appropriate mitigation for flood risk and to ensure an acceptable relationship between the development and its surroundings.

6. No development shall commence until a scheme of boundary treatment, surface treatment, landscaping and public realm works has been submitted to and approved in writing by the Planning Authority, in consultation with Roads & Amenity Services. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;

- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Surface treatment of proposed means of access and hardstanding areas;
- v) Specification of any street furniture to be provided;
- vi) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- vii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

The submission shall include proposals for the provision of public realm improvement works along the eastern edge of the Avenue car park within the application site boundary, and landscape/surface treatment to be applied to the re-aligned section of the Avenue car park.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

7. External storage within the planning unit shall only take place on land designated for such purpose and which has the prior written approval of the Planning Authority.

A request for the written approval of the Planning Authority shall include the extent and location of the proposed storage area(s), the types of materials to be stored, maximum stacking heights and details of any means of enclosure required.

Reason: In order to protect the amenity of the locale.

8. The proposed access shall join the trunk road at a junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority, before any part of the development is commenced.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

9. Visibility splays shall be provided and maintained on each side of the access onto the A83(T) to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 70 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a

driver's eye height of between 1.05 metres and 2.0 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason: To ensure that vehicles entering or existing the access can undertake the manoeuvre safely and with minimum interference to the safety and freeflow of traffic on the trunk road.

10. Notwithstanding the provisions of Condition 1, the access serving the site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984 which shall be constructed in consultation with the Council's Roads Engineers.

Reason: In the interests of road safety to ensure the provision of a road commensurate to the scale of development.

11. Notwithstanding the provisions of Condition 1, the proposed access from the retail store car park onto the prospectively adoptable standard road shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/002 Rev a. and visibility splays of 2.4 metres to point X by 42.0 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

12. Notwithstanding the provisions of Condition 1, the proposed access from the retail store service area onto the prospectively adoptable standard road shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/002 Rev a. and visibility splays of 2.4 metres to point X by 42.0 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

13. The parking and turning areas shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

14. No development shall commence until, a Traffic Management Plan has been submitted for the written approval of the Planning Authority in consultation with the Roads

Authority. The Plan shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

Reason: To address abnormal traffic associated with the development in the interests of road safety.

15. No development or ground breaking works shall commence until an Archaeological Mitigation Strategy has been submitted to and approved in writing by the Planning Authority in accordance with a brief which has been the subject of prior agreement with the West of Scotland Archaeology Service.

The Archaeological Mitigation Strategy shall be prepared by a suitably qualified person and shall provide that all significant archaeological remains are preserved in situ with provision for the recording and recovery of archaeological resources within the development site.

Thereafter the development shall be implemented in accordance with the duly approved Archaeological Mitigation Strategy unless otherwise approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

Reason: In order to protect archaeological resources.

16. All construction works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 08.00 and 18.00 on Mondays to Fridays and between the hours of 09.00 and 13.00 on Saturdays.

Reason: In order to protect the amenities of the area from noise disturbance.

17. Large goods vehicles shall not enter or leave the application site, nor shall deliveries be transferred between the store and vehicles, except between the hours of 07.00 hours and 18.00 hours Mondays to Saturdays and 10.00 and 16.00 on Sundays.

Reason: In order to protect the amenities of the area from noise disturbance.

18. No development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Lighting proposals shall be designed having regard to the Scottish Executive Guidance Note Controlling Light Pollution and Reducing Light Energy Consumption. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity.

19. Notwithstanding the provisions of Condition 1, the development shall incorporate a

surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

NOTE TO APPLICANT

- **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).]
- 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.
- This consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland, Trunk Road and Bus Operations. Please see Transport Scotland's consultation comments for the relevant contact details.
- Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- Regard should be had to SEPA's consultation comments dated 4th September 2014.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 14/02020/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The main body of the application site is located within the 'Countryside Around Settlement' (CAS) immediately adjoining the western boundary of the Inveraray 'Settlement Area'; a portion of the access route is located within the 'Settlement Area'. Within the CAS, STRAT DC 2 of the Argyll and Bute Structure Plan 2002 and LP RET 4 of the Argyll and Bute Local Plan 2009 would be supportive in principle of 'small' scale retail development on appropriate infill, 'rounding-off' and 're-development' sites.

The proposal relates to a 'medium' scale retail development and as such is contrary to the provisions of STRAT DC 2 and LP RET 4.

However, having regard to the draft provisions of the Argyll and Bute proposed Local Development Plan (Feb 2013) (pLDP) the application site is included within an extended 'settlement area' wherein the provisions of draft Policies LDP DM 1, LDP 7 and SG LDP RET 1 would potentially be supportive in principle of up to and including 'large' scale development; large scale development being defined as buildings exceeding 1000sqm gross floor space. However, having regard to the pLDP settlement maps, the application site is located outwith the 'Main Town Centre' and as such the proposal requires to be the subject of a sequential assessment.

Furthermore, the pLDP proposes to replace CAS with a planned town expansion to Inveraray and provides for this with the proposed Mixed Use Allocation (MU 3001) setting out the Council's support for a mixed use development comprising 150 dwelling units, Class 4 (business), tourism and community facilities within a site area of 8.7ha. This allocation is overlaid with a proposed Masterplan designation (MAST 1/5) which would require a Council endorsed masterplan to be in place in advance of the allocation being deliverable. It is noted that the MAST 1/5 designation also includes tentative support for retail development.

The Council have already endorsed a masterplan framework document and a design brief allowing for a Phase I housing development at Barn Park in June 2014. The approved Framework Plan identifies an area of land for Phase II development which adjoins the Avenue Car Park and which is intended for the location of commercial and community/service uses, to be integrated with the Avenue to provide a gateway to the wider masterplan area. The current application is located within the larger, identified phase II site area.

Retail Policy Considerations:

Proposed policy LDP 7 sets out general support for development proposals which seek to maintain and enhance the viability of established town centres within Argyll and Bute. This support includes retail, commercial and other developments where the scale is appropriate to the size and function of the settlement.

LDP 7 establishes that town centres will be the preferred location for retail, commercial and leisure uses which serve a wide community of interest. SG LDP RET 1 sets out a general presumption in favour of up to and including 'large scale' Class 1 retail development within the proposed Inveraray 'settlement area' subject to the

implementation of a sequential approach based upon a decreasing preference for new development stepping out from the defined town centre, through edge of town centre locations, to other locations within the 'settlement area'. Over and above this, the onus is on the developer to demonstrate that their proposals will not have a significant effect on the vitality or viability of existing town centres.

- **Sequential Assessment:**

Scottish Planning Policy sets out that: *the sequential approach should be used when selecting locations for all retail and commercial leisure uses unless the development plan identifies an exception.* Furthermore it is stated that: *the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location. Where development proposals in edge of town centre or out-of-centre locations are not consistent with the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable.*

The current application would provide for a Class 1 retail unit with a gross floorspace of 420sqm which is intended for occupation by the Co-op as a foodstore. The application is accompanied by a Retail Statement which advises that the applicant has examined Inveraray Town Centre but has been unable to identify any sequentially preferred sites, or any suitable and/or available sites that could accommodate the proposed development.

- **Impact Upon Vitality and Viability of the Town Centre**

Within the SPP, 'vitality' is defined as a measure of *how lively and busy a town centre is.* 'Viability' is a measure of *ongoing investment for maintenance, improvement and adaption to changing needs.* The SPP also sets out key measures which can be used to establish the performance of a town centre.

The Retail Statement sets out that the Co-op find their existing Inveraray store to be constrained in terms of size, configuration, storage, servicing and lack of dedicated customer parking. In the event that permission were to be granted it is understood that the Co-op would vacate their existing town centre unit and re-let to an appropriate town centre operator.

The Retail Statement identifies that the catchment area of the proposed foodstore would encompass a number of smaller settlements which presently have no super market provision and which presently look towards larger offerings in Lochgilphead, Oban and Dunoon; the catchment area would extend as far as Furnace to the south-west, Cairndow to the east, and Eredine in the north-west. The size of the proposed Co-op foodstore is such that is relatively modest compared to large stores in urban areas, it is however intended to offer a wider range and choice of products than the existing store in Inveraray and therefore the primary trade draw to the proposed store will be from stores beyond the catchment that residents currently travel to in order to access range and choice.

The Retail Statement includes analysis which seeks to demonstrate that there is sufficient quantitative capacity within the catchment to support the proposed foodstore without any meaningful impact upon existing town centre convenience operators. This argument is further enhanced by two key elements, the first being that the existing Co-op would cease to trade upon opening of the new store, thereby transferring its capacity to the new foodstore development; the second element is

that the remainder of the existing Inveraray town centre retail offering does not directly compete with the Co-op, and thereby any impacts which do occur would be negligible.

Whilst the proposal is considered to be a 'minor departure' to the provisions of STRAT DC 2 and LP RET 4 of the adopted Local Plan this can be justified in light of its compliance with the amended and uncontested relevant provisions of the emergent Argyll and Bute proposed Local Development Plan, including the requirements of proposed Policy LDP 7, SG LDP RET 1, and proposed designations MAST 1/5 and allocation MU 3001.

B. Location, Nature and Design of Proposed Development

The application site relates to 0.67ha located within the southern end of the Avenue Car Park as it extends west from the junction onto the A83(T); taking access requirements out of the equation, the proposed new built development is contained within a 0.43ha site which immediately adjoins the southern end of the Inveraray Primary School playing field. The application site is on the western boundary of a substantial area of open parkland which separates the historic core of Inveraray and the relatively modern residential development at Barn Park.

The current planning application seeks detailed Planning Permission for the erection of a Class 1 Retail Store with a gross retail floor area of 420sqm; the proposals include for reprioritisation and realignment of a route through the Avenue Car Park to provide the new development, and envisaged future phases of development within the wider masterplan area with direct access to the A83(T).

The endorsed masterplan Framework Plan establishes a number of Key Principles to shape the layout and form of development within the masterplan area. Included within the Key Principles is the identification that the eastern edge of the site is an important interface with the Conservation Area, the main arrival point at the site and the best location for commercial uses. Development here should respond to the need for an enhanced public realm and the opportunity to create a well-used street frontage. Key requirements which would require to be finalised through a phase II masterplan would include:

- Buildings facing the Avenue car park;
- Buildings aligned along a public realm corridor;
- Buildings in terraced form or positioned close together;
- Public realm tree planting to enhance the wider setting of the planned town (supported by wider Avenue planting by others).

The Phase II submission seeks to build on the previously established Key Principles and provides justification to support the following requirements for new development:

- A single unified building line fronting the Avenue car park;
- Buildings in terraced form (or close together, linked by walls);
- 4 metre wide public realm strip between building line and car park;
- Development form inspired by Inveraray Main Street;
- Block south of proposed Co-op to have public frontages to north and east;
- Mixed uses supporting the town centre's role as Inveraray's hub;
- Rear parking and servicing to Design Streets standards;
- Functional open spaces integrated into the development.

The Phase II submission has been developed in tandem with the proposals for the new Co-op and has involved testing of the location and layout of the proposed retail development (this is the third evolution of this particular proposal with material amendment to the location and orientation having been required following development of the Phase II masterplan brief in discussion with A+DS and Historic Scotland), recognising that the form of a foodstore was not a ready fit with the masterplan design requirements but nonetheless seeking as far as possible to integrate the proposed development with, and facilitate delivery of Argyll Estates aspirations for the remainder of the Phase II site.

The proposed retail development comprises a building based upon a rectangular footprint (14.9m x 29.9m), with traditional gable ends with skews and a 30 degree roof pitch. Internally this would provide 280sqm net trading space and 140sqm net non-trading (stock storage & staff welfare). The external walls will be finished in a white render (specification to be secured by planning conditions), the roof covering shall be of natural slate (specification to be secured by planning condition); building detailing, including wall head skews is intended to be formed in a cast stone (specification to be secured by planning condition). The proposal includes for a glazed entrance at the south east corner of the building, the only other physical openings are a fire exit on the south elevation and a double door on the west elevation for deliveries. The orientation, scale and external appearance of the proposed building is considered to be acceptable (subject to securing appropriate high quality materials) having regard to the relevant requirements of the Phase II masterplan brief. Officers are however of the view that there would be potential to improve the building's design and its integration with the public realm (to be developed along the eastern edge of the phase II site) through inclusion of additional openings to the south, and perhaps also the east elevations – further consideration of the location, design and finishes of additional window and door openings can be secured by an appropriate planning condition. The proposals include for the provision of a screened external plant compound and bin storage area to be located to the rear (west) of the building; it would be appropriate to secure details of screen planting and prohibit external storage outwith the prescribed areas by means of planning condition.

The proposals include for the provision of an adoption standard road to serve the development and provide a direct connection to the A83(T); the adoption standard road would be constructed from the existing car park junction onto the A83(T) and would cut across the Avenue car park and continue for some 50m into the phase II masterplan site, terminating at a turning head which would be capable of future expansion to serve phase II and later stages of the master plan development. A 21 space car park would be provided between the proposed south elevation of the proposed retail building and the adoption standard road; a separate access for deliveries would be provided with a turning area for HGVs located to the rear (west) of the building.

The proposal also makes provision for the establishment of a 4m public realm strip to integrate the proposed development with the existing Avenue car park, this being a prescribed requirement of the masterplan.

The current proposal has been designed with potential for future expansion and provides space to the north adjoining the Avenue car park for the potential extension of the Co-op building in a manner which would accord with the Phase II masterplan brief, space for additional parking is also indicatively provided. For the avoidance of doubt it is noted that the applicant's future proposals are simply indicative at this stage, these proposals would require to be the subject of a future application for

planning permission and any additional/extended retail proposals would require to demonstrate compliance with the relevant provisions of LDP 7 and SG LDP RET 1. Nonetheless, in order to allow future development potential within the site the proposed building has been significantly offset from the northern boundary of the application site, if left unscreened this gap will provide an open view of the blank north elevation of the building, a service area and the HGV turning facility. It is suggested that in the short/medium term that a screen wall/planting should be provided along the edge of the public realm to mitigate for this effect, planting should also be provided along the northern boundary of the site to mitigate for views of the development across the open school playing field. Detail of boundary treatment, landscaping, including treatment of the public realm, realigned sections of the Avenue car park and screen planting can all be secured by planning condition.

Having regard to the above, the proposal is considered to be consistent with the relevant provisions of policies LP ENV 19 and the design criteria set out within the Masterplan Framework and Phase II brief.

C. Historic Environment

The application site lies within the Inveraray Castle Designed Landscape; the Masterplan Framework and Phase II brief acknowledge that in distant views across Loch Fyne the original planned town and the Newtown extension are visible substantially in their original form viewed against parkland and the wooded backdrop of the Designed Landscape.

The application site is located outwith but adjacent to the Inveraray Conservation Area boundary which runs along the Avenue car park. The category A listed Belltower is located a 160m to the north on the opposite side of Inveraray Primary School. The proposal will not have an adverse impact upon views into the Belltower or have a detrimental effect upon its setting.

The current application is an incursion into what remains of the undeveloped parkland between the original planned town and the Newtown extension. Historic Scotland are supportive of the masterplan process for delivering a planned town expansion to Inveraray and accordingly have not raised objection to the proposals.

Historic Scotland has however raised concern that the curved alignment of the proposed access route across the Avenue car park. In this respect Historic Scotland have set out a preference for a straight access road which they consider would better reflect the townscape and road layout of the existing town and was a key component of early iterations of the masterplan.

Whilst Officers recognise that Historic Scotland's concerns are valid it should be recognised that the current proposal has arisen from testing of a number of design concepts within the Phase II development site through development of the masterplan process. This design process has resulted in the relocation to the northern end of the Phase II site to allow the developer access to a self-contained plot which met all their operational criteria but which also maximised the potential for Argyll Estates to deliver upon their aspirations for further development within the Phase II site. Provision of a straight access route from the existing junction with the A83(T) would not provide a site of sufficient size to accommodate the retail development. Relocation of the junction with the A83(T) has been considered; however, this would require the formation of a new opening in the category B listed Avenue screen wall and stopping up of the existing opening. Initial investigative work suggests that the new opening would require to be approximately 25% larger than

the existing opening to accommodate road geometry/visibility requirements at the revised location. It is also recognised that any new section of screen wall is likely to vary in appearance from the existing structure and would further degrade the value of this heritage asset. The curved section of access road also has a number of positive attributes in so far as it creates additional opportunities for provision of additional landscape work to soften the appearance of the rear section of the Avenue car park (the hard surface and extent of which has been subject to criticism from both Historic Scotland and A+DS during the masterplan process), and to act as a traffic calming effect.

The loss of mature tree cover and previous development of a public car park has already significantly changed and devalued the contribution of this particular location to the Designed Landscape. Officers are of the view that the provision of a short section of the access route with a curved alignment across the Avenue car park will not have any significant effect upon the key qualities of the Designed Landscape, and that on balance the current design solution sufficiently underpins the aspirations for place making set out in the masterplan.

The West of Scotland Archaeology Service have recommended that the site be the subject of a prior archaeological evaluation in advance of a planning determination and Officers would acknowledge that this should be the preferred position of the Planning Authority and as such is a requirement acknowledged in the Framework Plan. WoSAS's latest stipulation is however inconsistent with the content of consultation responses to the applicant's earlier, and subsequently withdrawn, planning applications at this location, wherein it was suggested that a suspensive planning condition would be acceptable in the absence of a prior evaluation.

Whilst Officers would reiterate the position that development within the masterplan area should be subject to pre-determination evaluation, the applicant has however advised that the project is now at a time critical phase for securing agreement from the Co-op and have already had to secure an extended period to secure planning permission in light of the extended period of time it has taken Argyll Estates to finalise its Phase II masterplan submission. In this respect it is considered that there are sufficient grounds in this case to make an exception and to secure the protection of archaeological resources by means of suspensive condition – this position being consistent with earlier WoSAS consultation comments.

The proposal is considered to be consistent with the relevant provisions of STRAT DC 9, LP ENV 11, LP ENV 13(a), LP ENV 14, LP ENV 17 and the relevant elements of the Masterplan Framework and Phase II brief.

D. Landscape Character

The application site is located within the West Loch Fyne Area of Panoramic Quality, as expressed above; the masterplan sets out an aspiration that the proposed development will be viewed within the context of a planned extension to Inveraray.

In the short-term, the new buildings will be partially screened by the existing Avenue screen wall, the development will also benefit from additional landscape screening as previous Beech planting along the line of the Avenue matures. It is considered that the proposed development will not have any significant detrimental effect upon the built form of Inveraray as a key component of the wider landscape and as such is consistent with the provisions of STRAT DC 8 and LP ENV 10.

E. Road Network, Parking and Associated Transport Matters.

Access to the site is via the existing junction from the Avenue car park onto the A83(T); the development will provide a new adoption standard road which cuts across the Avenue car park and which extends some 50m into the Phase II site. Twenty-one car parking spaces (including two disabled spaces) will be provided on site as a dedicated customer car park for the use of Co-op customers; a separate access and turning area for delivery vehicles will also be provided. The development will also make provision for the re-alignment and re-prioritisation of the Avenue car park to accommodate the new access route.

The application site is located centrally within Inveraray and can readily be access by pedestrians and cyclists using existing routes. Inveraray is located on the Campbeltown to Glasgow bus route.

Neither the Council's Roads Engineers nor Transport Scotland have raised objection to the proposal subject to conditions relating to access geometry, roads construction, parking provision and further works relating to the realignment of the Avenue car park.

The proposal is consistent with the relevant provisions of LP TRAN 1, LP TRAN 2, LP TRAN 3, LP TRAN 4 and LP TRAN 6.

F. Infrastructure & Flood Risk

Water shall be by connection to the existing public water main; foul drainage shall be by connection to the public sewer. Surface water drainage will be direct to Loch Fyne.

The proposal is considered to be consistent with the provisions of LP SERV 1, LP SERV 2 and LP SERV 4.

Part of the road within the Avenue car park which will provide access to the development is located within the 1:200 year coastal flood event as identified by SEPA. It is however noted that SEPA have not raised objection to the proposal, and the Council's Flood Prevention Officer has advised that safe access and egress to the development could potentially be made via other routes in a flood event if required. The proposed building will have a finished floor level of 5.725mAOD which is 1.665m above the 1 in 200 year still water coastal level estimated by SEPA. The Flood Prevention Officer has advised that this should offer a reasonable allowance for climate change and wave action over and above the still water level. It is however advised that implementation of the proposed finished floor level be secured by condition.

The proposal is consistent with the relevant elements of STRAT DC 10 and LP SERV 8.