

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

2 March 2012

RECONVENED MEETING OF ARGYLL AND BUTE LOCAL REVIEW BODY
WEDNESDAY 7 MARCH 2012 AT 2.00 PM IN COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD

I refer to the above meeting and enclose herewith further written submissions requested by the Local Review Body at their meeting on 1 February 2012.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

**3. CONSIDER NOTICE OF REVIEW: LAND NORTH EAST OF CONISBY,
BRUICHLADDICH, ISLE OF ISLAY**

(d) Further Written Submissions (Pages 1 - 6)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly (Chair)
Councillor Alex McNaughton

Councillor Neil Mackay

Contact: Fiona McCallum Tel: 01546 604406

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SUGGESTED PLANNING CONDITIONS FOR 10/00263/PP

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 9th February 2010; and the stamped approved drawings numbered 1 of 6 to 6 of 6.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

2. Prior to the commencement of development details of the proposed colour and type of roof covering and upper wall sheeting shall be submitted to and approved in writing by the Planning Authority. Notwithstanding the provisions of condition 1 above, the development shall thereafter be implemented in accordance with these duly approved details.
3. Prior to the commencement of development, details of the proposed finished floor levels of the bonded store building relative to an identifiable fixed datum located outwith the application site shall be submitted to and approved in writing by the Planning Authority. Notwithstanding the provisions of condition 1 above, the development shall thereafter be implemented in accordance with these duly approved details.

Reason: In the interests of visual amenity and to assist in the integration of the development into its surroundings.

4. The proposed building shall be used solely as a bonded whisky warehouse ancillary to the operation of Kilchoman Distillery and for no other use or purpose whatsoever, including any use within Class 6 and Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or as subsequently amended). Should the bonded whisky warehouse which is the subject of this permission no longer be required to serve the operational needs of Kilchoman Distillery then it shall be permanently demolished / dismantled and the site cleared to the satisfaction of the Planning Authority.

Reason: In accordance with the use specified in the applicant's submission and in order to underpin the justification for considering the development to be a "special case" having due regard to the provisions of policies STRAT DC 4 and STRAT DC 5 of the Argyll and Bute Structure Plan 2002 and policy LP BUS 2 of the Argyll and Bute Local Plan 2009 which would all otherwise seek to resist large scale business/industrial development within the countryside development control zones.

5. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeologist shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief shall be submitted by the applicant

and agreed by the West of Scotland Archaeology Service and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: To allow for the correct recording and recovery of any sensitive archaeological remains or features, in the interests of the preservation and protection of the historic environment.

6. Prior to work starting on site, the access hereby permitted shall be formed in accordance with the Council's Highway Drawing No. SD 08/001 Rev a. and shall have visibility splays of 42 metres by 2.4 metres, formed from the centre line of the proposed access. The gradient of the access shall not exceed 1 in 15 within 4.5 metres of the edge of the existing carriageway and shall thereafter not be steeper than 1 in 7. Prior to work starting on site these visibility splays shall be cleared of all obstructions over 1.05 metres in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interest of road safety.

7. Prior to work starting on site full details of a parking and turning area for an articulated lorry within the application site, drawn up in consultation with the Area Roads Manager, shall be submitted to and approved in writing by the Planning Authority. Notwithstanding the provisions of condition 1 above, the development shall thereafter be implemented in accordance with these duly approved details with the parking and turning area to be provided prior to the first use of the building.

Reasons: In the interests of road safety.

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.
- The Area Roads Engineer indicates that the access to the site shall be constructed to ensure that no surface water is discharged to the public highway. A Road Opening Permit under Section 56 of the Roads (Scotland) Act 1984 will be required. Contact 01546 604655.

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Commentary on suggested planning conditions for 10/00263/PP

Conditions:

Condition 1: Standard condition which confirms the documents which are to be subject to approval in the decision.

Condition 2: Condition requiring the submission and approval of details relating to the colour and external finish of both the roof and upper walls – neither of these items having been specified in the appellant's submission.

Condition 3: Condition requiring the submission and approval of details of the finished floor level of the building relative to an identifiable fixed datum – this detail not having been specified in the appellant's submission.

Condition 4: It is noted that at their meeting of 1st Feb 2012, Members of the LRB appeared to be of the opinion that the proposal might be considered as a "special case" – in the event that the decision of the LRB were to justify approval of the development as a "special case" having regard to the provisions of policies LP BUS 2, STRAT DC 4 and STRAT DC 5 then it is advised that it would be appropriate to underpin any such justification by ensuring that the benefits of any such permission are solely utilised by Kilchoman Distillery with a requirement that the building be demolished in the event that it is no longer required as their bonded store. If the building were either to be utilised by another party or was no longer required as a bonded store for Kilchoman Distillery then the circumstances upon which the "special case" is based and upon which the permission relies would no longer be relevant. It is further advised that the exact wording of the reasons which justify the imposition of such a condition would require to be amended to reflect the exact reasons and policy justification (including their justification for any departure to the development plan) which the LRB may settle upon should they determine this matter in favour of the appellant.

Condition 5: Requirement for an archaeological watching brief requested by the West of Scotland Archaeology Service based upon the location of the development within a site of archaeological sensitivity. Requirement for a condition is consistent with the provisions of Scottish Planning Policy and Development Plan policies STRAT DC 9 and LP ENV 17.

Condition 6: Requirement for upgrade of connection with the public highway specified by the Area Roads Manager. Requirement is consistent with provisions of Local Plan policies LP BUS 2 and LP TRAN 4.

Condition 7: Requirement for provision of onsite parking and turning commensurate to scale/nature of development as specified by the Area Roads Manager. Requirement is consistent with provisions of Local Plan Policies LP BUS 2 and LP TRAN 6.

Notes to the Applicant:

1st Note – Standard note providing advice relating to the time period for implementation of the permission.

2nd Note – Standard note advising of requirement to notify the planning authority in advance of works commencing.

3rd Note – Standard note advising of requirement to notify the planning authority upon completion of the development.

4th Note – Standard note advising of a requirement for a road opening permit and drainage as requested by the Area Roads Manager.