

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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14 October 2020

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY SKYPE** on **WEDNESDAY, 21 OCTOBER 2020** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 23 September 2020 at 11.00 am (Pages 3 - 8)
 - (b) Planning, Protective Services and Licensing Committee 23 September 2020 at 2.30 pm (Pages 9 - 12)
 - (c) Planning, Protective Services and Licensing Committee 23 September 2020 at 3.00 pm (Pages 13 - 16)
4. **MR GORDON RUSSELL: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1-6 RELATIVE TO PLANNING PERMISSION IN PRINCIPLE REFERENCE 16/02522/PPP - SITE FOR THE ERECTION OF RESIDENTIAL HOUSING DEVELOPMENT AND FORMATION OF NEW ACCESS: LAND NORTH-WEST OF ACHNASHEEN, THE BAY, STRACHUR (REF: 19/02375/AMSC)**

Report by Head of Development and Economic Growth (Pages 17 – 52)
5. **BUTE ISLAND FOODS LTD: ERECTION OF FOOD PRODUCTION FACILITY AND ASSOCIATED WORKS (REVISED PROPOSAL RELATIVE TO PLANNING APPLICATION REFERENCE 20/00333/PP TO INCORPORATE REMOVAL OF NEW ACCESS ONTO BARONE ROAD, USE OF EXISTING ACCESS ONTO MEADOWS ROAD FOR ALL VEHICLES AND INCREASE IN NUMBER OF OFF-STREET PARKING SPACES TO 78): FORMER GAS NETWORK SITE, MEADOWS ROAD, ROTHESAY, ISLE OF BUTE (REF: 20/01441/PP)**

Report by Head of Development and Economic Growth (Pages 53 – 92)

6. MACLEOD CONSTRUCTION: MASTERPLAN TO PDA 10/15 FOR RESIDENTIAL DEVELOPMENT AS IDENTIFIED IN THE ADOPTED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN 2015: LAND AT IMERAVAL, PORT ELLEN, ISLE OF ISLAY: PDA 10/15 (REF: 20/01281/MPLAN)

Report by Head of Development and Economic Growth (Pages 93 – 106)

7. MCFADYENS CONTRACTORS (CAMPBELTOWN) LTD: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED EXTRACTION, PROCESSING AND DESPATCH OF SAND AND GRAVEL: AROS FARM, CAMPBELTOWN (REF: 20/01463/PAN)

Report by Head of Development and Economic Growth (Pages 107 – 112)

8. ARDNAHOE DISTILLERY COMPANY LTD: PROPOSAL OF APPLICATION NOTICE FOR THE ERECTION OF WHISKY MATURATION WAREHOUSE AND ASSOCIATED WORKS: ARDNAHOE DISTILLERY, PORT ASKAIG, ISLE OF ISLAY (REF: 20/01714/PAN)

Report by Head of Development and Economic Growth (Pages 113 – 118)

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor Lorna Douglas	Councillor Audrey Forrest
Councillor George Freeman	Councillor Graham Hardie
Councillor David Kinniburgh (Chair)	Councillor Donald MacMillan BEM
Councillor Roderick McCuish	Councillor Jean Moffat
Councillor Alastair Redman	Councillor Sandy Taylor
Councillor Richard Trail	

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 23 SEPTEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Hardie	

Attending: Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Howard Young, Area Team Leader – Helensburgh and Lomond
David Moore, Senior Planning Officer
Matt Mulderrig, Development Policy and Housing Strategy Manager
David Logan, Head of Legal and Regulatory Support
Sheila MacFadyen, Senior Solicitor
Stuart McLean, Committee Manager
Shona Barton, Committee Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Robin Currie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

Councillor Lorna Douglas and Councillor Richard Trail declared a non-financial interest in item 5 of the agenda (John Rapallini: Variation Of Condition 2 Relative To Planning Permission Reference 17/01756/PP To Extend Permitted Opening Hours To Beer Garden: Clyde Bar, 62 West Clyde Street, Helensburgh (Ref: 20/01028/PP)) by reason that they both knew the applicant well. They left the meeting and took no part in the determination of this application.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 19 August 2020 at 10.15 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 19 August 2020 at 2.30 pm were approved as a correct record subject to an amendment under item 1 (Apologies for Absence) to include apologies from Councillor George Freeman.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 19 August 2020 at 3.00 pm were approved as a correct record.

4. D HILL PROPERTY LTD: RESIDENTIAL DEVELOPMENT COMPRISING 101 DWELLINGHOUSES INCLUDING FORMATION OF VEHICULAR ACCESSES, LANDSCAPING, OPEN SPACE AND PLAY AREAS: LAND WEST OF ALEXANDER STREET, DUNOON (REF: 19/01456/PP)

The Senior Planning Officer spoke to the terms of the report. The proposal seeks to develop an allocated housing site to provide a total of 101 dwellings of varying sizes. The site itself forms a greenfield site on the edge of Dunoon and is well used by locals for informal recreation and as such is valued by the local community which is demonstrated by the number of objections which have been received to the current planning application. Notwithstanding these objections to the principle of developing the site, this is an allocated housing site within the LDP (Site H-AL 2/3: 100 units) and therefore the principle of housing development on the site has already been agreed and approved as part of the LDP adoption process. Due to the number of objections received, from primarily local residents, it is recommended that Planning Permission be granted subject to a discretionary local hearing being held.

The Senior Planning Officer referred to Supplementary Report 1 advising the Committee of a late objection which had been circulated to Members on 22 September 2020.

Motion

To agree to a virtual discretionary local hearing and to not hold an informal site visit with additional information on the site being provided at the meeting through photographs, satellite imagery or video.

Moved Councillor George Freeman, seconded Councillor David Kinniburgh.

Amendment

To agree to a virtual discretionary local hearing and to ask that Officers explore the feasibility of a physical site visit.

Moved Councillor Audrey Forrest, seconded Councillor Sandy Taylor.

A vote was taken by calling the roll and Members voted as follows –

Motion

Councillor Rory Colville
Councillor George Freeman
Councillor Graham Archibald Hardie
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alistair Redman
Councillor Richard Trail

Amendment

Councillor Mary Jean Devon
Councillor Lorna Douglas
Councillor Audrey Forrest
Councillor Jean Moffat
Councillor Sandy Taylor

The Motion was carried by 7 votes to 5 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a virtual discretionary local hearing in respect of planning application reference 19/01456/PP and to not hold an informal site visit. Additional information on the site would be provided at the hearing through photographs, satellite imagery or video.

(Reference: Report by Head of Development and Economic Growth dated 4 September 2020 and Supplementary Report number 1 dated 22 September 2020, submitted)

Councillors Lorna Douglas and Richard Trail, having declared an interest in the following item of business, left the meeting and took no part in the determination of the application.

5. JOHN RAPALLINI: VARIATION OF CONDITION 2 RELATIVE TO PLANNING PERMISSION REFERENCE 17/01756/PP TO EXTEND PERMITTED OPENING HOURS TO BEER GARDEN: CLYDE BAR, 62 WEST CLYDE STREET, HELENSBURGH (REF: 20/01028/PP)

At the Planning, Protective Services and Licensing Committee on 19 August 2020 it was agreed to continue consideration of this application to allow Members to seek advice on the preparation of a competent Motion to refuse the application.

Motion

To approve planning permission subject to the conditions and reasons appended to the report by the Head of Development and Economic Growth.

Moved Councillor George Freeman, seconded Councillor Alastair Redman.

Amendment

Chair I intend to move a motion to refuse the application and in doing so I am taking a different view to that expressed by the Council's Planning and Environmental Health officers. While I fully respect the professional judgements advanced by them I believe, on this occasion, that I should follow my own view in regard to the weight of consideration to be given in balancing the various material planning considerations.

In doing so I have had regard to the various policy provisions set out in the report of handling and particularly:

SG LDP BUS1 (C) states that within existing settlements and industry and business areas applications will normally be permitted provided that; (c) In residential locations the proposed development would not erode the residential character of the area or adversely affect local residents through an increase in traffic levels, noise, fumes or hours of operation

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas provides additional detail to Policy LDP 5 – Supporting the Sustainable Growth of Our Economy, proposals for the development of new/extensions to existing businesses in existing settlements areas will normally be permitted subject to certain considerations.

I have also consider the materiality and weight to be given to the various planning considerations and in particular to the Objections. While the application is in accordance with spatial elements of the development plan I consider that the objections received and SG Bad 1 Neighbour Development policy are material planning considerations and I consider they have sufficient weight to merit refusal of the application.

SG Bad 1 Neighbour Development policy objectives state that all applications including those from Pubs have to be considered on their individual merits and will only be permitted when the following criteria have been met (a) There are no unacceptable adverse effects of neighbouring residents. (b) The proposal includes appropriate measures to reduce the impact on amenity as defined by the use classes order (i.e. noise, light, smells.)

Notwithstanding the position adopted by Environmental Health that the proposal is acceptable subject to provision of a noise mitigation plan, I consider that the concerns raise by objectors to the application citing the potential adverse impact upon residential amenity to be of significant material weight indicating that the proposal is likely to exacerbate the effects of a 'bad neighbour' development with consequent adverse impact upon the residential amenity of the locale having regard to noise, light pollution and smells. Accordingly, it is my considered opinion that the development is considered likely to give rise to a significant adverse impact upon the amenity of local residents which would be contrary to SG LDP BUS 1 and SG LDP BAD 1 and should be refused.

I note that Environmental Health have no objection, subject to a noise mitigation plan. In this particular instance, there are material considerations which I consider to be of sufficient weight meriting a departure from the Local development plan and these are the amount and relevance of the objections and their relevance and merit in regard to policy. These are material objections which appropriately address the issue of adverse effects on neighbouring residents in accordance with SG Bad 1 neighbour development Policy with particular regard to the additional hour exacerbating the concerns raised in relation to noise, increased light pollution and smells.

Therefore having due regard to the Development Plan and all other material considerations, I consider that the objections received and SG Bad 1 Neighbour Development policy are material considerations which have sufficient weight to merit refusal of the application.

Moved Councillor Rory Colville, seconded Councillor Graham Hardie.

A vote was taken by calling the roll and Members voted as follows -

Motion

Councillor George Freeman
Councillor David Kinniburgh
Councillor Alistair Redman
Councillor Sandy Taylor

Amendment

Councillor Rory Colville
Councillor Mary Jean Devon
Councillor Audrey Forrest
Councillor Graham Archibald Hardie
Councillor Donald MacMillan
Councillor Jean Moffat

The Amendment was carried by 6 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to refuse planning permission for the reasons outlined within the amendment by Councillor Rory Colville, seconded by Councillor Graham Hardie.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2020, submitted)

Councillors Lorna Douglas and Richard Trail returned to the meeting at this point.

Councillor Mary Jean Devon left the meeting during consideration of the following item of business.

6. INDICATIVE REGIONAL SPATIAL STRATEGY

A report seeking endorsement of the Officer submission of the Indicative Regional Spatial Strategy to the Scottish Government was considered. This submission forms part of Argyll and Bute Council's continuing engagement regarding the National Planning Framework 4 preparation process.

Motion

To agree the recommendations within the report.

Moved Councillor David Kinniburgh, seconded Councillor Rory Colville.

Amendment

To agree the recommendations within the report and that officers are delegated to make amendments to the officer submission of the Indicative Regional Spatial Strategy taking into account comments made by Members at the Planning, Protective Services and Licensing Committee.

Moved Councillor George Freeman, seconded Councillor Lorna Douglas.

The vote was taken by calling the roll and Members voted as follows –

Motion

Councillor Rory Colville
Councillor Audrey Forrest
Councillor Graham Archibald Hardie
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alistair Redman
Councillor Sandy Taylor
Councillor Richard Trail.

Amendment

Councillor Lorna Douglas
Councillor George Freeman
Councillor Jean Moffat

The Motion was carried by 8 votes to 3 and the Committee resolved accordingly.

Decision

The Committee agreed to -

1. Note the content of the report.
2. Endorse the Officer submission of the Indicative Regional Spatial Strategy appended to the report to the Scottish Government as part of Argyll and Bute Council's continuing engagement in the National Planning Framework 4 preparation process.
3. Note that this submission was without prejudice to any comments the Council may wish to make at future engagement stages or the content of the formal Regional Spatial Strategy when produced.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 August 2020 and Argyll and Bute Indicative Regional Spatial Strategy, submitted)

7. DEVELOPMENT PLAN SCHEME UPDATE - LOCAL DEVELOPMENT PLAN 2

A report seeking approval of the updated Development Plan Scheme (DPS), including its associated Participation Statement, and authority to publish the approved updated DPS and submit it to the Scottish Ministers, was considered.

Decision

The Committee agreed to -

1. Note the contents of the report.
2. Approve the updated Development Plan Scheme (DPS) attached in Appendix A of the report for publication and submission to the Scottish Ministers.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 24 August 2020 and Development Plan Scheme: Local Development 2 dated September 2020, submitted)

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARE SCALE REVIEW

A report advising on the outcome of the review of taxi fares and other charges in connection with the hire of taxis operating in the Argyll and Bute Council area was before the Committee for information

Decision

The Committee noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated August 2020, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 23 SEPTEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail

Attending: Shona Barton, Committee Manager
Stuart McLean, Committee Manager
Graeme McMillan, Solicitor
Sergeant Gall, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robin Currie, Roderick McCuish and Jean Moffat.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NO. 4274) (D MACINTYRE, OBAN)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by Video Call, by Audio Call or by written submission. For this meeting the licence holder's representative opted to proceed by way of written submission and Police Scotland opted to participate by audio call.

At the hearing on 19 August 2020, the Committee agreed to continue consideration of this matter in order to request further information from parties about the incident to which the suspension relates.

Licence Holder

Mr McMillan referred to the written submission from the licence holder's representative which had been circulated in Supplementary Pack 1. Mr McMillan read out the written submission and explained that the licence holder's representative was requesting further continuation until after a trial date which had been set for 19 October 2020 in relation to a drink driving charge. Mr McMillan advised that the request was due to the fact that the information sought by the Committee related closely to the charge and criminal proceedings and the licence holder's representative was fearful that any information disclosed prior to the trial may prejudice the licence holder's position and his right to a fair trial. The written submission had provided some information such as the date of the offence and

advised that the licence holder had not been driving a taxi at the time. Following the trial more information could be provided.

Mr McMillan advised that due to the circumstances, the request seemed reasonable and that a short continuation would allow for a full explanation and would allow Members to consider all of the facts.

The Chair invited Sergeant Gall to speak on behalf of Police Scotland.

Police Scotland

Sergeant Gall advised the Committee that Police Scotland would be supportive of continuation until after the trial as they could not disclose any information surrounding the charge until this time.

The Chair invited questions from Members of the Committee.

Questions/Debate

Councillor Colville advised that the next scheduled meeting of the Committee was 21 October and asked if the outcome of the trial would be available by that date. Mr MacMillan advised that in terms of paperwork, the Council were required to provide two weeks' notice prior to calling a hearing which may be too tight. Mr McMillan suggested the Committee agree continuation until after the outcome of the court proceedings rather than setting a particular date which would mean that it could be brought back at the relevant time.

Councillor Blair advised he had serious concerns because even although clarity had been given that the licence holder had not been driving a taxi, there was no clarity given over what vehicle he had been driving and therefore it could have been a people carrier or a minibus or other private hire vehicle. Councillor Blair referred to the request by Police Scotland for immediate suspension of the licence advising that he had zero tolerance in respect of drink driving. Mr McMillan advised that the licence holder's representative did not feel at liberty to provide any further information about the vehicle that was driven and Police Scotland could not provide that information either at that time. Councillor Blair advised that he had serious concerns over public safety and that it worried him that Police Scotland had requested suspension of the licence and the accused was still currently driving a taxi.

Councillor Kinniburgh agreed with Councillor Blair but referred to the intimation made by Police Scotland that they had no objection to a continuation of the hearing until after the trial.

Councillor Taylor expressed frustration because the Committee had been asked to consider immediate suspension but had been held back due to the legal process.

Councillor Redman advised that he would like to continue consideration until after the court date when all the facts could be considered as he felt it would be unfair to pass judgement without the full facts before them.

Councillor Kinniburgh asked the Committee to be aware that the Civic Government process and the court process were different and, although it was highly unlikely, the

Committee could take a different view to that of the outcome of a court decision. Mr McMillan explained the difference between the standards of proof required between a civil case and a criminal case and suggested that the Committee continue consideration to allow full evidence to come before the Committee.

Councillor Blair asked if the Committee had come to a decision to suspend the licence without the full facts before them would they have been entitled to do this. Mr McMillan advised that they would have been entitled to do this but the decision could be subject to challenge. Councillor Blair advised that he was at ease with the comments made by Police Scotland about continuing consideration but at the same time he did not want it to take away the regulatory role that the Committee had.

Councillor Devon advised that she felt very strongly against drunk driving having lost family members to this. She advised that she felt the messages from the Police were contradictory as they had asked for immediate suspension and then today advised that they were supportive of a continuation.

Councillor Hardie agreed with Councillor Devon and advised he shared Councillor Blair's concerns. He advised that he would be inclined to suspend the licence on the back of the request by the Police.

Mr McMillan advised that the role of the Police was to be a complainer and that they were required to make a case to the Committee to back up the complaint. He reminded the Committee that the Police had advised they were happy with a short continuation to allow all the facts to become available in order that they could make their case properly and effectively.

Councillor Kinniburgh advised he had concerns about how these hearings were conducted due to the pandemic, which he had raised at the previous meeting. He noted that there were only 2 days between the scheduled court case and the next meeting of the Committee and advised that if the court were to take relevant action, the accused would lose their driving licence and therefore be taken off the road regardless. He moved that the decision to suspend the licence be continued until after the outcome of the trial.

Decision

The Planning, Protective Services and Licensing Committee agreed to continue consideration of the suspension of the licence until criminal proceedings have concluded, the outcome of the trial becomes available and the Committee can be presented with the full facts of the case.

(Reference: Report by Head of Legal and Regulatory Support, and email from licence holder's representative dated 22 September, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY SKYPE
on WEDNESDAY, 23 SEPTEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail

Attending: Stuart McLean, Committee Manager
Graeme McMillan, Solicitor
Sergeant Gillian Gall, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robin Currie, Roderick McCuish and Jean Moffat.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE (NO. 5011) (M MUNRO, OBAN)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by Video Call, by Audio Call or by written submission. For this hearing the Applicant opted to proceed by way of written submission and copies of this were circulated to the Committee in a Supplementary Agenda Pack for this hearing. Sergeant Gall, on behalf of Police Scotland, joined the meeting by telephone.

The Chair then outlined the procedure that would be followed and invited the Council's Solicitor, Mr McMillan, to advise of the Applicant's written submission.

APPLICANT

Mr McMillan referred to an e-mail from Ms Munro, dated 10th September 2020, which advised that a trial date had been set for 20th October 2020 at Oban Sherriff Court, consequently Ms Munro requested that the Hearing be postponed until such time as the outcome and verdict of this court case was known. Ms Munro's e-mail also advised that a short continuation would allow her the opportunity to arrange legal representation.

Mr McMillan noted that the licencing team had sought and received clarification from Ms Munro that the court proceedings scheduled for 20th October 2020 related to an alleged incident which had taken place on 4th March 2020 and which was one of two incidents outlined within Police Scotland's objection letter.

Mr McMillan asked that Members note: that this was the first request for continuation from the Applicant in relation to this application; that the Applicant would be in a better position to provide further information at a hearing following a continuation when the matter was not subject to ongoing criminal proceedings; that the Applicant was seeking a continuation to allow her to arrange legal representation; and that continuation of this matter would not prejudice Police Scotland or the Committee in the interim as the licence was currently suspended and suspension would remain in place until such time as a decision was made in relation to the application as per the terms of the Act.

The Chair then invited Sergeant Gall to speak to Police Scotland's objection to the application.

POLICE SCOTLAND

Sergeant Gall confirmed that there were no objections from Police Scotland to the matter being continued until the outcome of the court proceedings was known as the licence was currently suspended. Sergeant Gall noted that the second charge which was outlined within Police Scotland's objection letter had not yet been marked by the Procurator Fiscal. Sergeant Gall advised that since the Applicant had applied for the renewal of their licence a further two incidents had taken place in July involving the Applicant, details of which could be lodged into proceedings by letter for Members' consideration at a future hearing.

The Chair then invited Members' Questions.

MEMBERS' QUESTIONS

Councillor Trail sought clarification from Mr McMillan as to whether the licence previously suspended by the Committee had already expired. Mr McMillan confirmed that the licence had not expired and noted that originally the licence had been due to expire on 13th May 2020, however the Applicant had submitted a renewal application on 1st May 2020 and in doing so had extended the lifetime of the old licence until the Committee were able to deal with the renewal application.

Mr McMillan noted that during this time Police Scotland had made a suspension request in relation to the licence holder which the Committee had dealt with previously and agreed to suspend the licence. Mr McMillan confirmed that the Applicant's licence was suspended and would remain suspended until a decision had been made in relation to the renewal application. It was noted that if the renewal application was refused then the licence would fall, however if it was granted then the suspension would be lifted.

Councillor Blair requested clarification around the statement that information provided to the Committee at this time could prejudice later criminal proceedings and noted that he did not understand how this could be the case if the applicant was truthful. Councillor Blair expressed dissatisfaction at this and noted that the Committee was at times limited in what it could do given a lack of available information until the outcome of a criminal case was known, advising that at times this made him question the reason for having a Committee to deal with licencing matters.

Councillor Kinniburgh responded that in this instance the licence had been suspended following a suspension request from Police Scotland and the Committee had therefore played its role.

Mr McMillan outlined the reasons underpinned in Scots Law for the Committee being unable to compel any party to provide evidence. Mr McMillan noted that it would be his advice that the Committee be aware that other proceedings, of a significant nature, were ongoing and that they wait until the appropriate time to consider all the available information, Mr McMillan also advised that the outcome of the court case could be a significant factor for the Committee to take into account when determining whether the Applicant was a fit and proper person to hold a licence.

Councillor Blair noted that his concern was around the interim period where further incidents could occur and Councillor Kinniburgh clarified that in this instance the licence would remain suspended until a decision was reached in relation to the application. Mr McMillan confirmed that he noted the points raised by Councillor Blair and reiterated that the licence would remain suspended until a decision was reached in relation to this application.

Councillor Redman advised that the right not to comment and the fact that speech can't be compelled was a right that everyone used to agree with and he felt that speech should never be compelled.

Councillor Kinniburgh sought clarification from Sergeant Gall around the second of the incidents outlined in Police Scotland's objection letter. Councillor Kinniburgh noted that the alleged incident on the 4th March 2020 was the matter which was due to be considered by the court in October and enquired as to whether the alleged incident on 31st August 2019 was being progressed and whether there was a time limit on it being brought to court. Sergeant Gall confirmed that the offences being libelled were not subject to time barring and that the matter was currently with the Procurator Fiscal who had not yet marked it.

Councillor Kinniburgh noted that if a continuation was to be granted, when the matter came back to the Committee for consideration the only incident which would have been considered by the court would be the alleged incident of 4th March 2020 and the other incident outlined in Police Scotland's objection letter and the further two alleged incidents mentioned by Sergeant Gall would likely remain outstanding with the courts. Mr McMillan confirmed that this was likely to be the case and noted that a continuation would also provide Police Scotland the opportunity to lodge a supplementary objection letter to advise of any of the recent alleged incidents which had been referenced by Sergeant Gall.

Councillor Kinniburgh advised that he was minded to grant a continuation pending the outcome of court proceedings in relation to the alleged incident on 4th March 2020. Mr McMillan confirmed that the Committee did not require the court to convict the Applicant to take certain action and that this could be revisited at the relevant time when all information would be available to Members.

Councillor Kinniburgh sought clarification from Mr McMillan that if the courts returned a decision on 20th October, the Applicant would be able to appear at the next scheduled meeting of the Committee on 21st October. Mr McMillan noted that in terms of Schedule 1 of the Act, 14 days' notice should be given to the Applicant prior to any hearing, consequently it was unlikely that the matter would be brought to the Committee on 21st October. Mr McMillan gave assurance that the matter would be brought to the next available Committee meeting following officers being made aware of the court's decision.

SUMMING UP

Police Scotland

Sergeant Gall confirmed that she had nothing to add to her original statement and that Police Scotland had no objections to the matter being continued until the outcome of the court case was known.

When asked, Sergeant Gall, Police Scotland, confirmed that she had received a fair hearing.

DECISION

The Planning, Protective Services and Licensing Committee agreed to continue the application until such time as matters have been considered by the Court.

(Reference: Report by Head of Legal and Regulatory Support, submitted; and written submission from the Applicant, submitted)

Argyll and Bute Council
Development and Economic Growth

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 19/02375/AMSC

Planning Hierarchy: Local

Applicant: Mr Gordon Russell

Proposal: Approval of matters specified in conditions 1-6 relative to planning permission in principle reference 16/02522/PPP - Site for the erection of residential housing development and formation of new access.

Site Address: Land north-west of Achnasheen, The Bay, Strachur

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 18 dwellinghouses (14 detached, 4 x semi-detached) - approval of matters specified by condition of planning permission in principle ref. 16/02522/PPP;
- Formation of vehicular access onto the A886 Strachur-Colintraive road - approval of matters specified by condition of planning permission in principle ref. 16/02522/PPP;
- Proposed diversion and culverting of sections of two watercourses - approval of matters specified by condition of planning permission in principle ref. 16/02522/PPP.

(ii) Other specified operations

- Connection to public water main and public sewerage system;
 - Demolition of derelict barn and byre.
-

(B) RECOMMENDATION:

It is recommended that Approval of Matters Specified in Conditions be granted subject to the attached conditions and reasons appended to this report.

(C) HISTORY:

Planning Permission in Principle (ref. 13/00724/PPP) - Site for the erection of residential housing development and formation of new access, granted 23rd September 2013 and renewed by ref. 16/02522/PPP which expired on 24th November 2019, (following receipt of current application on 13th November 2019).

(D) CONSULTATIONS:

Area Roads Manager (response dated 10th December 2019): No objections subject to conditions regarding access design standards, visibility splays and parking/turning requirements. Comments regarding design solution for surface water and culverts. Advisory comments regarding Road Construction Consent, Road Bond and a Road Opening Permit. Updated response 22nd July 2020 based on revised drainage layout confirms no objections subject to conditions and advisory notes as outlined above. Refer to Appendix A below.

Local Biodiversity Officer (response dated 18th December 2019): No information provided by the applicant relating to habitat and species interest. Applicant advised to submit a Biodiversity Checklist which will inform an Ecological Survey. Further comments will be provided on submission of an Ecological Report. Further details required on tree and shrub species. Updated response 24th March 2020 confirms no objections in principle. Advisory comments and recommended conditions following discussion with applicant's ecologist. Updated response 5th August 2020 confirms no further comments based on revised drainage layout plan. Previous concerns the subject of conditions still applicable.

Scottish Natural Heritage (response dated 16th December 2019): SNH do not intend to offer formal comment as the proposal does not meet criteria for consultation. Advisory comments.

SEPA (Updated response 25th August 2020): confirms SEPA are satisfied that the matters relating to their interests have been addressed and recommend that the relevant conditions may be discharged. Refer to Appendix A below for a more detailed technical review of the submitted material.

Flood Risk Management Updated response 26th March 2020 based on submission of revised FRA confirms that the information is sufficient to meet the flood risk and drainage aspects of the planning conditions.

Updated response 23rd July 2020 on revised drainage proposals concludes that the planning conditions have been met but it is noted that SEPA will also need to review the flood risk information. Refer to Appendix A below for a more detailed technical review of the submitted material.

Scottish Water (response dated 10th December 2019): No objections in principle. Sufficient capacity in Loch Eck Water Treatment Works subject to further investigations. Proposed development will be serviced by Strachur Waste Water Treatment Works but unable to confirm capacity at this time. Applicant to discuss connection via a Pre-Development Enquiry (PDE) form. Scottish Water will not accept any surface water connections into the combined sewer system. According to records, the development proposals impact on existing Scottish Water assets and the applicant must identify any potential conflicts with Scottish Water directly.

Strachur Community Council (response dated 17th December 2019): Comments regarding infrastructure capacity, demand for housing in Strachur and design and materials of proposed dwellinghouses. Concerned that the existing infrastructure, i.e. mains water, sewerage, and electricity supply, may not have the capacity to accommodate another 18 households. On current evidence, there is little demand for housing in Strachur.

Existing building plots have remained vacant for years and houses on the market take a long time to sell. This makes it likely that the properties in this proposed development will eventually be marketed as holiday homes or holiday lets and the whole complex will end up being a "holiday village" that is dead for a significant part of each year and of limited benefit to the local community. It is disturbing that on page 3 of the 'Design Statement', top of the list of possible occupiers is "Tourists...". The design of the houses is totally out of keeping with the surrounding buildings, particularly the intended use of untreated larch cladding and "copper coloured standing seam metal roofing" which, according to the 'Design Statement', references "the red corrugated tin roofs traditional to the area". There is in fact a notable lack of red corrugated tin roofs in Strachur, grey slate or tile being the dominant roofing material. Far from "blending with the surrounding village", this development will stick out like a sore thumb.

(E) PUBLICITY:

Regulation 20 advert (publication date 13th December 2019, expiry date 3rd January 2019). Neighbour notification expired on 19th December 2019.

(F) REPRESENTATIONS:

Letters and emails of objection have been received from the following 18 individuals.

1. Mr Thomas Gibson, Gorston House, Strachur (email dated 6th December 2019);
2. Mr Andrew Sutcliffe, Ardran, The Bay, Strachur (email dated 12th December 2019);
3. Mr Rob Thuring, Shore Cottage, Strachur (email dated 12th December 2019);
4. Irene Sutcliffe, Ardran, The Bay, Strachur (email dated 12th December 2019);
5. John B Sutcliffe, Ardran, The Bay, Strachur (letter received 13th December 2019);
6. Lucia Cordani, Shore Cottage, Strachur (email dated 13th December 2019);
7. Miss Michelle Speirs, Police Station House, Strachur (email dated 13th December 2019);
8. Maureen Thuring, Shore Cottage, Strachur (letter dated 13th December 2019);
9. Mr Myles Gardner, Ashburn, Baycroft, Strachur (email dated 14th December 2019);
10. Sarah A Black, Waterside Cottage, The Bay, Strachur (email dated 14th December 2019);
11. Ronald Leahy, Waterside Cottage, The Bay, Strachur (email dated 14th December 2019);
12. Joseph McKie, Raineachan, The Bay, Strachur (email dated 16th December 2019);
13. Nicolas Deshayes, g/f Flat 2, Victoria Park, Dover (email dated 16th December 2019);
14. Vivien Hill Rosehill Strachur, (email dated 16th December 2019);
15. Mr Grant Gibson, Fernbank, The Bay, Strachur (email dated 17th December 2019);
16. Caragh Thuring, Shore Cottage, The Bay, Strachur (emails dated 17th December 2019, 24th March 2020, 15th July 2020 and 28th July 2020);
17. Grace Yoxon, Director International Otter Survival Fund, 7 Black Park, Broadford, Isle of Skye (email and letter dated 17th December 2019);
18. Mr Thomas Hill, Rosehill, The Bay, Strachur (email dated 17th December 2019);

The concerns raised are summarised within the various common themes below:

Validity of Current Application

- *Application 16/02522/PPP was valid until 24th November 2019. 19/02375/AMSC was validated on 27th November 2019, which is 3 days after the lapsed planning permission. Does this not render 19/02375/AMSC invalid?*
- *Planning in Principle has lapsed. The original planning permission in principle 13/00724/PPP for the erection of residential housing development and formation of new access was extended on 24th November 2016 and expired on 24th November 2019.*

- *Approval for matters specified in conditions was validated on 27th November 2019 after the extension for the planning in principle expired. Therefore, the approval of conditions, which have been submitted, seems to relate to a lapsed planning in principle. Surely the applicant must be required to apply for a new planning application?*
- *Documents submitted in the Approval of Matters Specified in Conditions represent a new scheme which is radically different from that which was granted planning in principle and does not operate in the interest of the local community.*
- *There has recently been a material change to the original planning application. Surely a new application is necessary for such major changes.*
- *The recent submission of amendments and renewal would warrant a new application as design and quantity of houses has changed along with diverting a major water course.*
- *There has also been no commencing of work, which is one of the points in order to retain the permission.*

Comment: Planning Permission in Principle is not a permission to start work on site. The decision notice for 16/02522/PPP stated which matters were reserved for later approval. In terms of statutory time periods for Planning Permission in Principle, an application for approval of the matters specified in conditions must all have been made within three years of the in principle approval (i.e. in this case the application was submitted on 13th November 2019, prior to the expiry of the Planning Permission in Principle ref. 16/02522/PP on 24th November 2019).

When all of the reserved matters have been approved, work may begin on the site. Planning Permission lasts for two years from the last date that the reserved matters were approved, or, three years from the date that Planning Permission in Principle was approved – whichever date is the later.

Planning Circular 3/2013: Development Management Procedures (Regulation 12), states that applications for approval of matters specified in conditions (AMSC) are not applications for planning permission but there are still requirements for neighbour notification, and for advertising where neighbour notification has not been carried out. Also, there is no statutory limit on the number of such approvals which can be sought in any one application.

The relevant legislation is contained within The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Following the granting of Planning Permission in Principle, an Application for Approval of Matters Specified in Conditions deals with some or all of the outstanding details of the outline application proposal, including:

- appearance - aspects of a building or place which affect the way it looks, including the exterior of the development;
- means of access - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site;
- landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen;
- layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development;
- scale - includes information on the size of the development, including the height, width and length of each proposed building.

The principle of the development of 18 dwellinghouses on the site has already been established by the granting of Planning Permission in Principle ref. 16/02522/PPP on 24th November 2016 (which extended the original permission (ref. 13/00724/PPP, granted 23rd

September 2013). Accordingly, this application for approval of matters subject of conditions has been made within the requisite timescale.

Procedural Matters

- *There is not a planning notice anywhere on the site, evidence of this is also clear on the planning portal that shows no such documents or dates as available;*
- *No, or few, notices detailing the proposed proposition have been posted around the village. We believe this is illegal and affects all of the village community;*
- *There needs to be a thorough consultation for a development on such a scale;*
- *A large project that affects the whole community, landscape and biodiversity of the area should be properly conducted;*
- *Amendments that affect the whole Strachur community should be communicated with more than 15 letters to 15 immediate houses, this would only be acceptable for a new single dwelling and not a housing estate that does not appear to be for the benefit of the community;*
- *This was also demonstrated at the village council meeting on 11th December 2019 when residents presented the proposal to the council leaders and other members of the village in attendance, all of whom who were wholly unaware of the development proposal. And particularly perturbed by lack of details of such a large project, its density and the manner in which this application is being conducted.*

Comment: Neighbour notification procedures and Regulation 20 Vacant Land Advertisement procedures have been carried out correctly. There is no requirement to place a site notice. The community were similarly neighbour notified and informed by advertisements for previous applications 13/00724/PPP and 16/02522/PPP.

- *I am concerned about the manner in which the developer and Argyll and Bute Planning are conducting this application.*

Comment: This allegation has been answered separately and directly to the objector.

Habitat and Species

- *Where is the Environmental Impact Survey? Why has there been no Environmental Impact Assessment been conducted at any point of this application?*

Comment: The application is not for planning permission but is an Application for Matters Specified in Conditions. The principle of development has been established by previous permissions. As such an Environmental Impact Assessment is not required.

- *It is surprising that neither the Planning in Principle application nor the Approval of Matters Specified in Conditions address the important issue of European protected species, which could be affected by the development. This includes otters which have been observed in the area, together with red deer and red squirrels which use the site. An Environmental Impact Assessment of the site to identify affected species, along with a professional survey of the current wildlife population, should accompany any application. The scheme needs to include proposals to identify and mitigate any effect on the local ecosystem. It is not an area accidentally been left behind but was a space full of trees and scrub.*
- *Concerns with the loss of habitat for important local wildlife. This paddock is used for deer and where they go to give birth. The loss of this habitat would also effect, bird life and Otters which all use this as nesting, source of food and natural cover. These are a European wide legally protected species. The boggy land supports a careful ecosystem of fauna, flora and water distribution focused on two waterways leading to Loch Fyne. The loss of this ecosystem for an unnecessary building development seems unjustified.*

- *The habitat has been partly destroyed by the removal of at least 30 trees before planning was applied for. This is an eco disaster for the area.*
- *Biodiversity officer contacted for the first time in the application on 11th December 2019.*
- *The project mentions diverting two natural watercourses which flow into Loch Fyne, this will have a serious impact on the wildlife who are dependent on this habitat. It is an offence to destroy or damage a holt, breeding site or habitat of otters in Scotland.*
- *Trees were removed before the original planning application was obtained. These were the habitat of our red squirrels and offered protection for the deer and their young.*
- *The area has never been developed and as such is a haven for nature, a variety of wild flowers and plants which sustain our rapidly declining insects and bees crucial for sustaining our eco system.*
- *I further object that no Habitat survey has been undertaken to understand the impact on nature conversation. I also believe there are other desirable creatures from a nature conservation perspective that live in the field that will now be at risk.*
- *Can you also confirm that the hedgerow along "New City Road" will be maintained or enhanced to support the local wildlife and plant life rather than any wooden fencing or breeze block walling and also that no access from the estate to the Road will be allowed so as maintain some privacy?*

Comment: A Habitat and Species survey has been submitted to the Council's Biodiversity Officer who offers no objections subject to safeguarding conditions. Refer to report (Appendix A) below.

Siting, Design and Materials

- *Planning in principle was for 18 dwellings consisting of four types. Each of these types was a small scale, dwelling of render with tiled roofs. They did not include attached garages. The roof forms were simple gable forms with a clear primary and secondary roof element, which were appropriate to the village setting.*
- *The new proposed dwellings consist of 13 types. These are now much larger than the original proposed houses and the new development represents an increase in development area without justification and not in the spirit of the Planning in Principle.*
- *The scale of development does not 'fit happily' with the rural village of Strachur especially within this particularly sensitive area of mainly well-spaced Victorian villas.*
- *Open space provision for the community in this part of the village has been overlooked and if this development goes ahead will be taken away from them. The 'Design Philosophy' of the proposed site is way off the mark in this particular case. I am surprised that the design and in particular the density has been deemed acceptable by the local planners.*
- *The layout and density of building development does not reflect a village environment and certainly does not allow for green spaces within the development itself. Given the number of proposed houses, this will change the very nature of the village itself.*
- *Copper coloured roofs on such a dense scale will be an eyesore and are not part of the local vernacular. The housing design is not in keeping with the local vernacular.*

- *Red tin roofs are not in keeping with the village. Such a dense scale will be an ugly eyesore.*
- *This development is not in context with the area. The development does not fit the area and its aesthetics. It is over populated for the small ground it covers. Plus the houses are no longer bungalows as outlined in 13/00724/PPP.*
- *This development turns a village into a housing estate which is unsuitable for the area. There are no two-storey houses in this area e.g.: The two "Type C" apartments are outwith the character of the established settlement in this part of Strachur.*
- *While individual developments in local area may have a more contemporary character, this is not appropriate for such a large scheme of 18 dwellings. The large number of dwellings will fundamentally overwhelm the appearance, scale and character of the village. I believe the character of the original planning in principle has been lost in the new proposals and this new character is not appropriate to the area.*
- *The site is over developed with 18 houses being proposed which would create a dense housing estate that will look incongruous to the rest of the village. The proposal suggest that the estate will be in keeping with the natural surroundings and well may have been developed sooner if the land had been available. However, the natural surroundings of the village include cottages, buildings from the 1800's, bungalows and fisherman cottages all with space between the buildings and therefore the estate feels over loaded and too dense for a quiet and peaceful village in an area of natural beauty. This is particularly apparent from the architect's depiction of the estate 'view from the pontoon pier'.*
- *The new dwellings include attached garages connected by flat roofs and a contemporary mix of materials - they are quite different in scale, material and appearance from the original Planning in Principle. Background reading of correspondence with the planning department suggests that the main justification for these changes are matters of convenience For example, it is possible to build slate roofs in a way which will not 'blow away' as claimed in the project correspondence and this cannot be considered justification for such a radical design change.*
- *The first application had merit due to the consideration of social housing and the proposed houses being single storey that therefore in a small way had slightly less of an impact on the existing houses whilst this proposal does not and that is why I ultimately object.*
- *Although the site is highly visible from the village. The elevations provided are highly schematic (houses have been rotated 'for simplicity'), show no context and provide no sense of how the proposed scheme will sit within its context.*
- *The visualisations and computer generated images show only the development itself and do not provide a sense for how it sits within the village, how it appears from key vantage points in the wider area or how it relates to existing building and landscape features.*

Comment: Refer to report (Appendix A) below.

Renewables and Sustainable Design

- *No mention of renewables being implemented to heat the buildings. In 2015 Scottish parliament brought in new building regulations to encourage developers to reduce carbon dioxide emissions in line with Scottish government targets.*
- *Energy used for heating, hot water, cooling and lighting is a major factor in energy consumption and the creation of greenhouse gas emissions. There is no information regarding the green credentials of this development.*

- *No renewables seem to be used in the construction. This does not fit in with the Scottish Government's emissions targets.*

Comment: Refer to report (Appendix A) below.

Siting, Privacy and Overlooking

- *Shore Cottage is located at the bottom of the hill located below the road level. There are two types of houses proposed that given the height and the elevation from the hill will look directly into my bedroom sky lights and our garden leading to a loss of privacy and overshadowing. Shore Cottage and its garden will be overlooked and possibly overshadowed particularly by the Type C housing on the roadside. Screening, ideally greenery, should be provided to mitigate this loss of privacy.*
- *Change in construction from single storey also materially impacts Overlooking/loss of privacy - moving from single story clearly impacts on height and therefore loss of privacy. Note I invested quite a lot of money in an outside seating area to enjoy the view down across Baycroft and the Loch which will now be rendered worthless.*
- *Owners of Fernbank comment that every other existing house on what is locally known as Beech Avenue is either higher than the proposed new builds or is situated in a gap between the proposed new builds, with the exception of Fernbank where the new build is directly in front of the house. In addition, the house type ("C") is higher than any of the other house types in the development. We consider this to have a disproportionate effect on our residential amenity. We would also point out that, looking at the SE elevation of building type C, it is going to be like looking onto the end of an industrial building!*
- *From the site layout as proposed, ground floor windows of Fernbank are almost completely obscured by the new houses, whereas all the other existing houses are either higher than the new development or situated in a gap between the new houses. Given that the houses on plots 15 & 16 would appear to be full 2-storey houses as opposed to all the others on the site which are 1½ it seems as if we will be disproportionately affected, and there will inevitably be an element of overshadowing.*

Comment: The layout has been designed to ensure that no surrounding houses will be directly overlooked (i.e. less than 18m separation distance between directly facing habitable room windows). Refer to report. Minor changes have however been made to the orientation of the four semi-detached dwellings on Plots 15 and 16 to improve their siting.

Affordable Housing

- *The development does not have affordable housing in the proposal. If there is no call for affordable housing there must be no call for any development at such a scale in the area?*
- *Affordable housing has been removed from the original application I believe this is detrimental to the young in this community who will be forced to move with their families which will result in the closure of the local primary school and Strachur becoming a village of mainly second homes, holiday lets and retirees.*
- *Note that affordable housing component appears to have been removed with no policy justification. For a development of this size it should be seen as a long-term strategy, especially in a rural area. New homes are not designed to be family homes.*

- *In trying to remove the original stipulation that a certain amount of affordable housing must be built is callously ignoring the needs of certain locals who would wish to live in this part of the village if the housing were affordable.*

Comment: The proposal indicatively identifies the erection of eighteen units within the site. When planning permission was originally granted, Policy LP HOU 2 of the Local Plan 2009 advised that, in schemes of greater than eight units, there should be 25% affordable housing. In this particular case, four units have been shown as affordable housing.

In terms of the Affordable Homes component of the development (the 'Type C' houses), the applicant comments that *"we have conducted research since our initial pre-app discussions, and have been informed that there is likely to be no demand for affordable homes in this area. We believe that our Type C houses could have similar specifications to the Type A and Type B houses and be marketed on the same basis, perhaps as houses more suited to those who would rather avoid the maintenance issues of the larger private gardens attached to the other plots. From a site security and psychological perspective, we feel that the Type C houses as currently designed fulfil a key function in appearing to have southerly overview of the entire length of the new access road, thus helping to render it 'defensible space' in sociological terms. As can be seen from our photomontage view from the north, their larger built form and gables seem to provide an element of 'book-end' and 'marker' to the north of the development site, helping to bind it into the rest of the village's built forms, by mediating between larger and smaller volumes"*.

The moratorium on the provision of affordable housing in Bute and Cowal was for a period of two years from the adoption of the LDP in 2015 and this was reflected in the original consent. The current AMSC reflects the conditions attached to the original consent including any requirement for the provision of affordable housing.

Need for Housing

- *There are currently houses available for sale in Strachur, some being on the market for a considerable time. Why do we need more houses in the area?*
- *This is an unnecessary development which will have a negative impact on the village and its infrastructure.*
- *The main non material consideration is the economic impact on the local housing market and existing home owners who may have to sell their property to move for work or other family considerations that may now find the local market depressed for a number of years due to this large number of houses.*
- *Strachur does not need any more 2 bedroom houses. Strachur needs affordable family homes.*
- *From looking at historical developments proposed and realised in the area to date there is no need for a private development of this type, considering the vacant building plots and holiday rentals already in the area.*
- *The proposals do not fit well with the proposed local development plan 2.*
- *Two bedroom houses do not make family homes. The new houses are promote in the DDS) are being as an investment for holiday letting. There is already a plethora of this type of housing. These do not add to community living in the village.*
- *There are limited amenities in the village. The housing market in this area is very slow. There are several empty houses and sites with planning permission still to be developed.*

- *The village currently has an excess of land and property for sale which is not affordable for local families or families moving into the area and many properties are vacant for most of the year as they are used for holiday lets. Is this estate filling the needs of the local community or are you creating more holiday lets that will remain vacant for most of the year with very little positive effect on local business and contributing little to the local community that live here? I have had some discussions with young families in the village that are on mid-scale salaries (who wouldn't be eligible for SHIP) who are finding it difficult to make the transition from smaller to larger or mid-size housing as their families grow. Many have expressed a need for housing in the village that will be affordable for them and allow them to stay in the village and send their children to the school here.*

Occupancy

- *The new homes are not designed to be family homes. If DETAIL are aiming for the Air BnB and holiday home market then this development doesn't bring anything to improve the local community.*
- *These properties, I fear, are intended mainly for holiday lets, possibly by DETAIL themselves given that they are already a part of the holiday rental market. In effect, it is likely to become an upmarket holiday complex which will be profitable to the developers but not to the village.*

Comment: The application is for 18 mainstream dwellinghouses (Class 9). Holiday homes are classed as regarded as sui generis in nature which would require a change of use and determined on its individual merits.

Access, Car Parking and Turning

- *The plans do not leave the development with enough space for more than one car or turning points in each drive as specified in conditions 1-6;*
- *The development does not have proper road and safety provision as defined in the initial application. E.G sufficient turning space by each dwelling;*
- *There is no consideration of disabled access, turning circle and parking for two cars;*
- *We are also concerned about the limited access and understand that there is only parking for one car per house. Where will all the other cars park?;*
- *The road turning into the development is behind my property and should be positioned further away from the dwellings, post office and more busy area of the bay area of the village;*
- *The wider road and pavement will bring an urban look to an area so close to the loch and one of the few areas with trees;*
- *The designs appear to lack provision of car turning space within each property - does this not contravene a recognised stipulation of new builds.*

Comment: Roads offer no objections subject to conditions and advisory notes. Refer to report (Appendix A) below for Roads comments.

Flooding and Impact on Watercourses

- *The developer ignoring SEPA advice as stated in letter dated 9th December 2019 SEPA Ref:PCS/168940, the developer adding water diversions without contacting SEPA and obtaining the correct discharge notices from them.*
- *Diverting a second watercourse and a loss of footpath should further require a new planning application.*

- *Such dense coverage of boggy land will cause problems with water drainage. It is not just about diverting the waterways but accommodating the water within the site.*
- *Any change to the current water dispersion on the site. The damage and erosion to the watercourse and shore front running to the loch next to Shore Cottage are of concern to the stability of the surrounding land, shorefront and my property. This should have been/be subject to a thorough consultation with relevant bodies. Concerned about the risk of flooding due to this site.*
- *Shore Cottage is located opposite and next to a natural burn and the proposal suggest that two burns will be redirected though this has not been approved yet by SEPA. I am concerned firstly for the loss of habitat for the wildlife that use the burn and also the increase of run-off water. Increased run off will result in shoreline and loch erosion which will have an adverse effect and possible damage to our land and Shore Cottage itself as well as possible flooding. The letter from SEPA dated 9th December states that they are not happy with the applicant's response to previous feedback:*
- *Due to the proposed development, the increase in surface water will be disproportionate to the outlets. The existing trees, scrub and marshland act at the moment as soakaways and natural drainage of the area. SEPA abdicate responsibility for any issue other than flooding to the Local Authority. There appears to be no clear proposal on management of surface water, why not ?
To state that there is no need for 'filtration' of the run-off is completely to ignore the beneficial effect of the grass field in absorbing and filtering the rainfall, especially in times of high rainfall. This is a real and valid concern since the run off exits right next to our cottage and will in time result in damage. Ideally the foreshore needs to be professionally surveyed and recorded in its present condition, with the cost being borne by the developer.*

Comment: Refer to report below (Appendix A) for SEPA and Flood Risk Management comments.

Environmental Concerns

- *The development will cause noise, light and traffic pollution to the area.*
- *I am dubious about the noise disturbance with cars accelerating and decelerating. Noise pollution will also be an issue for us during the construction period.*
- *This area has enjoyed "dark skies" since the beginning of time, street lighting would destroy the pleasure we derive from observing the night sky.*
- *Smoke from these houses would affect all the residences to the North East of the development.*
- *We note that a new access road will be part of the development. Will street lighting be erected, causing more detrimental issues to the environment?*
- *Given the density of the estate and the proximity to my home I am concerned about the increase of light pollution at night time from houses, street lights and from cars turning into the estate causing a wash of bright lights into my front room window, due to the close proximity of the entrance of the estate to our driveway and home*
- *I also ask that trees be replanted along the A815 on the development site so that my garden is not overlooked and noise and light pollution is minimized.*

Comment: Refer to report (Appendix A) below.

Water Supply

- *Strachur's domestic water supply has given concerns in the past. Has the Water Board taken on board these concerns?*
- *The water treatment plant is also stretched to capacity*

Comment: Scottish Water offer no objections. Refer to report (Appendix A) below.

Sewage Proposals

- *Sewage management is also an issue in the village.*
- *The existing sewage supply causes unpleasant smells and large areas of polluted sea water coming in to shore. This fact should also come under Environmental impact.*

Comment: Scottish Water offer no objections. Refer to report (Appendix A) below.

Electricity and Services

- *Electricity Sub Station at the top of Beech Road will need increased electricity output and damage will be caused to the track (Beech Avenue) by maintenance engineers.*
- *The local electrical substation is currently unable to supply residents sufficiently with frequent surging.*
- *As regards electrical supply to 18 properties, we already suffer electrical surges due to the supply not being sufficient enough to supply the already existing properties.*

Comment: Service connections are matters to be addressed via Building Warrant or to the service providers directly.

Following the submission of additional supporting information, a further representation was received from Caragh Thuring, Shore Cottage (email dated 24th March 2020) with the following comments:

- *Flood Risk – The scheme proposes to divert two watercourses within the site to accommodate the proposed residential development. However, it is unclear from the information submitted how the applicant has demonstrated that the realignment/diversion of the watercourses would not increase flood risk elsewhere (i.e. on neighbouring sites). The FRA submitted by the applicant simply states that the realignment/ diversion of the two watercourses ‘does not increase flood risk to the development and/or elsewhere provided the channels and channels are adequately and appropriately sized.’*

This is somewhat unfounded from the information submitted, and there is currently no mechanism in place to ensure the developer provides channels which are appropriately sized to limit flooding elsewhere. Further information should be provided by the applicant, and the Council should provide confirmation on how the channel width is going to be controlled through the planning process.

Please also note my emails to you of 10th March 2020 - Proposed drain layout A1 6 February 2020 and 24th March 2020 J2762-C-04 Proposed Drainage Layout 19 March 2020, highlighting the incorrectly drawn plans.

Comment: This enquiry was passed to the agent and his engineering consultant for comments. The neighbour was informed that the new outfall location to the rear of the roadside verge, would take it away from her property. Whilst there will still be a remainder of the existing flow in the existing culvert, it will be much less under the diversion proposed and will greatly reduce any risk of flooding to this property.

- *Biodiversity/Ecology - I've noted comments from the Council's Local Biodiversity Officer (attached), which raised issue with the absence of an ecological report assessing the ecology of the existing site. The applicant has since issued an ecological report to the Council however, it isn't clear whether the Council consider the report to be acceptable. One point which I've noticed is that the ecological surveys carried out as part of the report were carried out out-of-season, with the consultant stating that 'the same conclusions would have been reached if carried out in the summer months'. However, this is an assumption not based on any evidence, and I would argue that these surveys should be carried out at the optimum time, given the existing site's potential to support a number of species or through ways to the land behind, in the existing trees, shrubbery and reedbed. Until these surveys are carried out in the appropriate season, the scheme should be considered unacceptable from a biodiversity perspective.*
- *Highways – It doesn't appear that the applicant has provided any information which addresses the highways comments attached (i.e. details of visibility splays, access widths etc.). Also, no Transport Assessment has been provided. A robust Transport Assessment, assessing the potential impact of the scheme on the surrounding highways network, should form a fundamental part of the submission, particularly as the addition of 18 residential units (and potentially circa. 40 vehicles) in this location could have a significant highways impact. My property will be greatly affected by the current scheme. My driveway is currently used as a turning space by vehicles and will be hugely impacted by more potential turning space and all the extra traffic coming in and out from the development. Therefore, at present, the Council cannot make a decision on whether the current scheme is acceptable from a highways perspective.*

Refer to report below (Appendix A).

(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**

A Design Statement by Detail dated 7th November 2019 and revised 13th February 2020 and 3rd July 2020, has been submitted in support of the proposed development. The following is a summary with further information contained in the report section (P) below.

“Detail Developments now seek to sensitively develop this land into what should ideally seem like a natural extension of the village, such as might have evolved organically had the land been available earlier. At the same time, clearly a development of 18 new houses presents an architectural opportunity to create a new paradigm for 21st century rural housing. The site is far enough from Glasgow to have an atmosphere of unspoilt nature, but close enough to offer residents the possibility of travel to urban amenities for shopping

or entertainment, or even work commuting. Therefore we anticipate that the houses will be attractive to a wide range of possible occupiers such as (in no particular order):

- *Local people with employment nearby;*
- *People with employment further afield who are able to commute or practice partial home-working, who are drawn to the area by its natural beauty;*
- *Retirees, potentially from anywhere in Scotland or further afield, who are able to enjoy the area fully without any need to leave regularly due to work commitments;*
- *Tourists staying in a house as a holiday let, owned by those who maintain it as an investment.*

The specification and sales prices of the houses will be pitched so as to encompass this diverse demographic, which we believe fits well with what will be generally desirable in terms of the long-term economic health of the area.

Our primary design criteria for the Scale, Form and Layout of the project can be summarised as follows:

- *To damage as little possible the existing views towards the loch that are currently enjoyed by the houses to the east road above the site (e.g. 'Achnasheen', 'Rubybank' etc);*
- *To capture views to the loch for the new houses in such a way that each house is an unaware and unobstructed as possible by its neighbours;*
- *To ensure that views into the site consistently suggest a sensitive and appropriate addition to the village.*

The solution that we have chosen to all of these issues is to step the houses into the slope with a split-level plan form and one-and-a-half-storey section. This gives the living spaces facing the loch extra ceiling height for a sense of drama fitting of their setting, while allowing the sleeping spaces to the rear to present the absolute minimum elevation to the east, thus minimising their impact on the existing landscape. Our intention is to disrupt the existing contours as little as possible, so that, as can be seen from our photomontages, the houses will seem to sit as naturally and seamlessly into the ground as can be achieved, thus appearing a good fit with the surrounding village.

Our governing Design Philosophy for the project can be summarised as follows:

- *All recognisable connotations of 'suburban' housing to be avoided as much as possible in favour of imagery more redolent of a 'rural', 'semi-rural', or 'frontier' living.*
- *Ancient subconscious symbols of settlement (iron-age round-houses, highland blackhouses) to be evoked through tent-like roofs and chimneys. Although wishing to blend with the surrounding village, a unique common character, a shared visual language, to give the houses their own sense of community and enclosure, within reason, is desirable.*

Our solution to the above is to use three basic interspersed houses types, A, B and C, dual-pitched roof, hipped roof, and semi-detached villa form, whose differing relationships to the road are generated by practical issues of path gradients and garages. Thus a first 'filter of variation' is introduced across the site to avoid regimentation and emulate instead the natural randomness of an evolved village".

- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No, however a Drainage Assessment was submitted in support of the previous application.**

Kishorn Strachur Development Flood Risk Assessment by EnviroCentre Ltd. for Cowal Design Consultants dated 3rd July 2020;
Proposed Drainage Layout drawing no. J2762-C-04 Rev F by Cowal Design Consultants revised 16th July 2020;

Storm Sewer Design calculations by Micro Drainage dated 20th March 2020;
Drainage Statement from Cowal Design Consultants Ltd (received 22nd November 2019);
Correspondence concerning affordable housing provision;
Preliminary Ecological Appraisal and Preliminary Roost Assessment by Applied Ecology Ltd, dated January 2020.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 obligation required: No

(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 Local Development Plan (26th March 2015)

LDP STRAT1 Sustainable Development;
LDP DM1 Development within the Development Management Zones;
LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment;
LDP 8 Supporting the Strength of Our Communities;
LDP 9 Development Setting, Layout and Design;
LDP 10 Maximising our Resources and Reducing Our Consumption;
LDP 11 Improving our Connectivity and Infrastructure.

Argyll and Bute Supplementary Guidance (approved March 2016)

SG LDP ENV 1 Development Impact on Habitats Species and our Biodiversity;
SG LDP ENV6 Development Impact on Trees / Woodland;
SG LDP ENV 13 - Development Impact on Areas of Panoramic Quality (APQs)
SG LDP HOU1 General Housing Development;
SG LDP SERV1 Private Sewage Treatment Plants and Wastewater Systems;
SG LDP SERV2 Incorporation of Natural Features / Sustainable Drainage Systems (SuDS);
SG LDP SERV 3 Drainage Impact Assessment (DIA);
SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for Development;
SG LDP TRAN4 New and Existing Public Roads and Private Access Regimes;
SG LDP TRAN6 Vehicle Parking Provision;
SG2 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);
Scottish Planning Policy (2014);
Consultee responses;
Planning history;

Legitimate public concern expressed on 'material' planning issues;
Argyll and Bute Proposed Local Development Plan 2 November 2019.

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: The proposal is a Schedule 2 Development. However, the application is not for planning permission but is an Application for Matters Specified in Conditions. The principle of development has been established by previous permissions. As such an Environmental Impact Assessment is not required.

(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: No

(O) Requirement for a hearing: No.

Planning Permission in Principle was originally granted on 23rd September 2013 under ref. 13/00724/PPP then renewed on 24th November 2016 under ref. 16/02522/PPP. This is an application for Approval of Matters Specified in Conditions 1-6 relative to Planning Permission in Principle ref. 16/02522/PPP. .

On 13th November 2019 an application for approval of matters specified in conditions 1-6 relative to planning permission in principle reference 16/02522/PPP was submitted within the statutory timescale. The earlier Planning Permissions in Principle established the principle of development of the site for an approved layout of 18 dwellinghouses. A small number of representations were received on these earlier applications. The issue is whether examining the detail of the proposal by means of a Discretionary Hearing would give added value to the process of assessment. Given that the matters specified in conditions 1-6 of Planning Permission in Principle ref. 16/02522/PPP are considered to have been satisfactorily addressed by the details submitted for consideration in this application, there is no objection to approval of the matters to satisfy these conditions.

Given the above, it is recommended that a discretionary local hearing would not add value to the planning process in this instance due to compliance with matters specified in conditions 1-6 relative to Planning Permission in Principle ref. 16/02522/PPP.

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

In the Argyll and Bute Local Development Plan (LDP), the application site is located within the Key Rural Settlement of Strachur. Policy LDP DM1 of the LDP supports sustainable forms of development in the Key Rural Settlements up to and including medium scale development (i.e. between 6 and 30 dwelling units) on appropriate sites. Policy SG LDP HOU1 states a general presumption in favour of housing development within the development management zones provided it is of an appropriate scale for the size of the settlement.

This is an application for Approval of Matters Specified in Conditions (AMSC) for planning application ref. 16/02522/PPP, which was granted on 24th November 2016 (and expired

on 24th November 2019 following receipt of the current application on 13th November 2019). The applicants have submitted 'reserved matters' within the statutory timescale. The 2016 application was a renewal of Planning Permission in Principle ref. 13/00724/PPP, granted on 23rd September 2013 for the erection of residential housing development and formation of new access. Accordingly, the development has already been granted planning permission and therefore no fundamental issues relating to the principle of the development require to be examined, only the matters 'reserved' i.e. siting, design, external appearance, landscaping, access arrangements, proposed water supply and drainage arrangements.

The application seeks permission for the details required by Conditions 1-6 relative to Planning Permission in Principle ref. 16/02522/PPP. It should be noted that Conditions 2 and 3 are time conditions relative to the submission of the AMSC application while Condition 4 relates to the approved drawings on the previous permission. These have been satisfied by the submission of this AMSC application and are not directly relevant to the assessment of this application. As such, for the purposes of clarity, the sections below relate to the other conditions namely 1, 5 and 6.

Condition 1 requires plans and particulars of the site layout, design and external finishes of the development, landscaping, access arrangements and water supply and drainage arrangements.

Comment: The siting of the proposed 18 dwellinghouses follows the original approved layout where the siting was then regarded as 'indicative'. Whilst the plots remain almost identical, the building footprints have been adjusted to suit the particular designs. The dwellinghouses are still sited centrally within each plot with in-curtilage garages and driveway parking spaces. The design concept is to create a mixed "street" of low-rise dwellings with a modern idiom based on traditional hipped roof bungalows and detached gable-ended dwellinghouses. The choice of varying external materials and house types all add variety and interest. Submitted hard and soft landscaping details, materials, shrub and tree planting are all considered to be acceptable.

Condition 5 requires further detailed information on access and related roads matters to be submitted.

Comment: Access is via a new junction from the adjacent A886 public road with visibility splays to the requirements of the Roads Authority. The design incorporates an internal access road with driveways and parking and turning areas to serve each dwellinghouse together with turning heads to accommodate service vehicles.

Condition 6 requires further detailed information on proposed watercourse diversions and details of culvert(s) to be submitted.

Following the submission of a Flood Risk Assessment (FRA), both SEPA and Flood Risk Management deferred decisions until a revised scheme was submitted and approved.

The revised FRA demonstrated that the burn to the south is being re-aligned and this includes the removal of two small, existing piped sections, which currently pose a risk of flooding to properties Kishorn and Archluian. The new route has been hydraulically modelled for major storms, including climate change, to show that future stormwater will remain within the burn channel. The burn to the north is also being re-aligned and its new route has been hydraulically modelled (based on 1:200 year major storms including climate change), to show that future stormwater will remain within the burn channel, including a new section of 900mm pipe. A new road crossing to the shore is proposed, which will divert existing and future stormwater away from Shore Cottage.

In view of the revised FRA, both SEPA and Flood Risk Management consider that their concerns have been addressed and the relevant condition can now be discharged, consistent with policies LDP10 and SG LDP SERV 7 of the adopted Argyll and Bute Local Development Plan.

It is considered that the matters specified in conditions 1-6 of Planning Permission in Principle 16/02522/PPP have been satisfactorily addressed by the details submitted for consideration in this application and, therefore, there is no objection to approval of the matters to satisfy these conditions.

Letters of objection from eighteen individuals have been received and the many concerns are detailed in section (F) above. It should be noted that when Planning Permission in Principle (ref. 13/00724/PPP) was approved on 23rd September 2013, two representations were received. When this approval was renewed on 24th November 2016 under ref. 16/02522/PPP, no objections or representations were received.

The proposed development is not unique in its layout and density. Within the Key Rural Settlement of Strachur, there are several examples of modern high density residential development. Letters Way (24 units in a 4-tier layout), Baycroft (23 units in a 4-tier layout) and Clachan Beag, Manse Gardens, Montgomery Place and Forest View are all examples of modern suburbanised medium to large scale housing development within the original and greatly expanded rural settlement. Indeed, the adopted Argyll and Bute Local Development Plan identifies potential future residential expansion of the Strachur settlement by the designation of housing allocation sites and potential development areas. The emerging Argyll and Bute Proposed Local Development Plan 2 identifies three housing allocation sites with future potential for a maximum of 49 dwellings.

The design, materials and planting associated with these submissions are all considered to be acceptable and therefore consider that the proposals comply with policies LDP3 and LDP9 and Sustainable Design Guidance. It is therefore confirmed that the details required to satisfy conditions 1 to 6 can be considered to be approved and all of these conditions can be considered to be satisfactorily discharged.

The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

It is considered that the matters specified in conditions 1 to 6 of Planning Permission in Principle 16/02522/PPP have been satisfactorily addressed by the details submitted for consideration in this application and, therefore, there is no objection to approval of the matters to satisfy these conditions.

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

(R) Reasons why Planning Permission in Principle should be granted

The details submitted for further approval to planning permission in principle ref. 16/02522/PPP are consistent with the relevant provisions of the adopted Local Development Plan.

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

N/A

(T) Need for notification to Scottish Ministers: No

Author of Report: Brian Close

Date: 29th September 2020

Reviewing Officer: Howard Young

Date: 7th October 2020

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 19/02375/AMSC

1. The development shall be implemented and managed in accordance with the conditions within the grant of planning permission in principle ref. 16/02522/PPP and in accordance with the details specified on the application form dated 12th November 2019; all supporting information; and the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	Drawing No. A4 1:2500		27/11/2019
Site Location Plan as Existing	Drawing No. L(--)-01	Rev C	27/11/2019
Site Location Plan as Proposed	Drawing No. L(--)-02	Rev G	03/07/2020
Ground Floor Site Plan as Proposed	Drawing No. L(--)-03	Rev H	03/07/2020
House Type A1 Plans & Elevations	Drawing No. L(--)-10		27/11/2019
House Type A2 Plans & Elevations	Drawing No. L(--)-11	Rev A	27/11/2019
House Type A3 Plans & Elevations	Drawing No. L(--)-12		27/11/2019
House Type A4 Plans & Elevations	Drawing No. L(--)-13		27/11/2019
House Type A5 Plans & Elevations	Drawing No. L(--)-14		27/11/2019
House Type A6 Plans & Elevations	Drawing No. L(--)-15		27/11/2019
House Type B1 Plans & Elevations	Drawing No. L(--)-20		27/11/2019
House Type B2 Plans & Elevations	Drawing No. L(--)-21		27/11/2019
House Type B3 Plans & Elevations	Drawing No. L(--)-22	Rev A	27/11/2019
House Type B4 Plans & Elevations	Drawing No. L(--)-23		27/11/2019
House Type B5 Plans & Elevations	Drawing No. L(--)-24	Rev A	27/11/2019
House Type B6 Plans & Elevations	Drawing No. L(--)-25	Rev A	27/11/2019
House Type C1 Plans & Elevations	Drawing No. L(--)-30	Rev B	14/02/2020
House Type C2 Plans & Elevations	Drawing No. L(--)-31		14/02/2020
Landscape Layout	Drawing No. L01	Rev D	27/11/2019
Proposed Drainage Layout	Drawing No. J2762-C-04	Rev F	16/07/2020

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

2. The access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council's Area Roads Manager having regard to Roads Construction Consent requirements which shall inform the final construction details, unless the prior consent for variation is obtained in writing from the Planning Authority.

Reason: *In order to ensure that provision is made for a service "road" commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.*

3. Prior to the construction of the dwellinghouses, sightlines of 75 metres from a 2.4 metre setback shall be provided from the proposed main vehicular access onto the A886 Strachur to Colintrave Road and no obstruction to visibility including walls, fences, hedges, vegetation or physical structures shall be permitted thereafter within the sightlines above a height of 1.0 metre from the level of the adjacent highway.

Reason: *In the interests of road and public safety, and to ensure that appropriate sightlines onto the A886 Strachur to Colintrave Road can be maintained.*

4. The visibility splays required for the individual dwellinghouse accesses shall be a minimum of 20 metres in each direction from a 2 metre setback. All walls, hedges and fences within the visibility splays shall be maintained at a height not greater than 1.0 metre above the road. These accesses must be a sealed surface for the first 5 metres behind the kerblines to minimise any debris from being deposited onto the road, their gradient not to exceed 5% for the first 5 metres and 8% for the remainder. A system of surface water drainage may be required to prevent water running onto the new road and footway. Accesses to be a minimum of 15 metres away from junctions.

Reason: *In the interests of road safety.*

5. The vehicular access shall be constructed 5.5 metres wide with a 2.0 metre wide footways and verges. Dropped kerbing to be provided to assist the safe passage of passing pedestrian traffic. The gradient of the access not to exceed 5% for the first 5 metres and not to exceed an absolute maximum of 10% for the remainder. The footways to be 2 metres wide with dropped kerbing at the junctions to assist pedestrian movements.

Reason: *In the interests of road and pedestrian safety.*

6. No dwellinghouse hereby approved shall be first occupied until its allocated parking spaces and turning head as shown on drawing ref. L(--)-03 Rev H, has been constructed and made available for use and thereafter shall be retained for the parking of vehicles, unless agreed otherwise in writing with the planning authority. The allocated parking provision for the development will be based on 2no. spaces for each 2/3 bedroomed unit and 3no. spaces for 4 or more bedrooms.

Reason: *In the interests of providing off-street car parking and turning provision.*

7. Notwithstanding the provisions of Article 2(4) and Class 2B(1) of Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no additional windows or other openings from habitable rooms shall be installed in the gable elevations of the dwellinghouses without prior written consent of the Planning Authority.

Reason: *In order to prevent the inclusion of any additional windows and other openings in side elevations, that could undermine the privacy and amenity of adjacent dwellinghouses.*

8. Any trenches dug deeper than 50 cm shall have a ramp to allow any otters (and other species) to exit.

Reason: *In order to minimise any potential impacts on otters and other species.*

9. Where 12 months or more have elapsed between the timing of the Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) surveys hereby approved, and development commencing, further update survey(s) shall be undertaken on the site to determine any changes in the reported presence of, or potential for, any statutorily protected species, in particular for bats, otter, red squirrel, badger, reptiles and amphibians. The said survey(s) shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the survey(s), any avoidance, mitigation, enhancement or compensation measures required for any European Protected Species and or protected species, shall be detailed in a Species Protection Plan, which must be agreed in writing with the Planning Authority before works commence on the site. The Species Protection Plan(s) shall reflect the results of the updated survey(s) and the recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable and be implemented in full as part of the development's Construction Method Statement.

Reason: *To ensure compliance with The Conservation (Natural Habitats &c.) Regulations 1994 (as amended), the Wildlife and Countryside Act (1981) as amended, the Protection of Badgers Act (1992) as amended, and the Nature Conservation (Scotland) Act (2004).*

10. No development shall commence unless and until the Planning Authority has approved in writing an independent Ecological Clerk of Works (ECoW) for the development [in consultation with SEPA]. The terms of the ECoW appointment shall include:
 - (i) A duty to monitor compliance with the ecological commitments provided in the PEA and PRA surveys dated 17 January 2020 or the most up to date report whichever is applicable;
 - (ii) A duty to monitor compliance with the Species Protection Plans contained within the development's Construction Method Statement;
 - (iii) A duty to report to the construction project manager any incidences of non-compliance at the earliest practical opportunity;
 - (iv) A duty to maintain records of all ecological inspections and observations made on the site during construction, and make these records available to the Planning Authority when requested;
 - (v) A duty to report to the Planning Authority any incidences of non-compliance with ecological commitments at the earliest practical opportunity.The approved ECoW should be a Chartered Ecologist or be reporting directly to a Chartered Ecologist, and will be appointed on these approved terms throughout the period from 3 months prior to the commencement of the development, throughout any period of construction activity.

Reason: *To ensure compliance with all recommendations and commitments made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable. The approved ECoW should be a Chartered Ecologist or be reporting directly to a Chartered Ecologist, and will be appointed on these approved terms throughout the period from 3 months prior to the commencement of the development, throughout any period of construction activity.*

11. Site clearance activities, and where possible construction, must take place out with the bird breeding season (March-July inclusive) unless pre-works checks have been undertaken and recorded by the ECoW and the ECoW has given explicit advice that no breeding birds are present.

Reason: *To ensure compliance with the Wildlife and Countryside Act (1981) as amended, the Nature Conservation (Scotland) Act (2004), and recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable.*

12. No earlier than 3 months prior to the commencement of development, a detailed survey of Invasive Non-Native Species (INNS) will be undertaken for the site, and an Invasive Species Management Plan (ISMP) will be produced on the basis of the findings of this survey. The Invasive Non-Native Species Management Plan will be implemented in full as part of the development's Construction Method Statements.

Reason: *To ensure compliance with the Wildlife and Countryside Act (1981) as amended, the Wildlife and Natural Environment (Scotland) Act (2011), and recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable.*

ADVISORY NOTES TO APPLICANT

1. This permission and the conditions attached thereto must be read in conjunction with the terms and conditions of the Planning Permission in Principle to which it relates (ref: 16/02522/PPP).
2. This permission will last for two years from the date of this decision unless the development has been started within that period. In the event that the requisite approval of different matters relating to the Planning Permission in Principle are sought and approved at a later date, then the time period for expiry of this permission would then run concurrently with that of any subsequent decision. [See section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).]
3. In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
4. 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.
5. The Council's Area Roads Manager has advised of the following:
 - A Road Construction Consent and a Road Bond will be required;
 - A Road Opening Permit will be required for the construction of the vehicular access and all works on or adjacent to the road;
 - The access onto A886 must be constructed before any works commence on site;
 - The developer must provide a street name plate to be erected near the junction with the A886 and grit bins within the site at locations agreed with Roads;
 - Traffic calming to be provided on site and a Twenty's Plenty scheme with all necessary signage implemented;
 - A maintenance and inspection regime will require to be established to ensure that no blockages occur at the inlets. Proof of these to be provided before adoption of the new road layout;
 - The developer to provide locations for and to provide grit bins within the scheme.

The applicant is advised to contact the Area Roads Engineer (Mr. Paul Farrell, tel. 01369 708613) directly upon all of these matters.

6. The attention of the applicant / developer is drawn to comment made by Scottish Water in their response dated 10th December 2019 and comments regarding connection to public water supply, foul drainage arrangements, surface water drainage and general advice. According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.
The applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply - Planning and Development Services, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB; Development Operations, Tel. 0800 3890379 or at DevelopmentOperations@scottishwater.co.uk quoting ref. 785978.

7. The applicant / developer is advised that SEPA have previously commented on this proposal for approval of matters specified in conditions (19/02375/AMSC, PCS/172066, 30 July 2020; 19/02375/AMSC PCS/170984, 29 April 2020; PCS/170174, 27 March 2020 and PCS/168940, 9 December 2019) and renewal of planning permission in principle (13/00724/PPP PCS/126891, 11 June 2013 and 16/02522/PPP PCS/149140, 30 September 2016). Please refer to comments and advice made in all previous correspondence.

SEPA comment that the design of the proposed channel diversions will need to be provided to SEPA Water Permitting (see contact details below) as part of the separate licensing process in order to ensure compliance with the Controlled Activities Regulations (CAR). SEPA may require changes to the design (pending environmental standards tests and hydromorphological assessment), prior to issuing licence/s for these works.

SEPA also advise that Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

For advice on the above or any matters relating to SEPA's technical advice, please contact Peter Minting, Planning Officer, Planning Service planning.sw@sepa.org.uk , quoting ref. PCS/172456

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/02375/AMSC

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the Argyll and Bute Local Development Plan (LDP), the application site is located within the Key Rural Settlement of Strachur. The application site also lies within an Area of Panoramic Quality (APQ) which covers East Loch Fyne.

Policy LDP DM1 of the LDP supports sustainable forms of development in the Key Rural Settlements up to and including medium scale development (i.e. between 6 and 30 dwelling units) on appropriate sites. Policy SG LDP HOU1 states a general presumption in favour of housing development within the development management zones provided it is of an appropriate scale for the size of the settlement. Supplementary Guidance provides sustainable siting and design principles of new housing in settlements.

In the LDP, the application site lies within an Area of Panoramic Quality where Policy LP ENV13 states that the highest standards of location, siting, landscaping, boundary treatment, materials and detailing will be expected.

In view of the foregoing, the proposal has already been justified by the granting of Planning Permission in Principle in terms of the approved Local Development Plan policies.

B. Location, Nature and Design of Proposed Development

The application site extends to 1.44 hectares and is located in the Strachur Bay area approximately 200m south of the junction of the A886 and the A815. The site is surrounded by housing on almost all sides where the A886 road bounds the site to the west. A residential service road bounds the site to the east. The site is overgrown with grass, bushes and trees and contains derelict farm buildings at the southern end. A public footpath crosses the application site at the northern end.

In terms of its relationship with the existing settlement, it already has been considered that the proposal represents a large infill development between surrounding existing dwellinghouses in the vicinity. This was the intention of the 'settlement zone' in the Argyll and Bute Local Plan 2009. The scale and density of the proposal also fall within the definition of 'medium scale' referred to in the adopted 2015 Local Development Plan document. The proposed layout previously approved was considered to be consistent with the settlement pattern of this part of Strachur.

Planning Background

Excerpt from Planning Permission in Principle ref. 16/02522/PPP:

"The site has, in its present condition as overgrown former croftland, come to resemble a 'hole' at the centre of Strachur's building fabric, which has occurred almost accidentally as the town has developed southwards down the loch side. As previous Planning handling reports record, development of this land can be viewed as in line with the 'settlement zone' outlined in the 2009 Local Plan, within which 'medium scale' density housing of acceptable design quality will be looked on favourably by Argyll & Bute Council".

The Proposal

This is an application for approval of matters specified in conditions (AMSC) for planning application ref. 16/02522/PPP, which was granted on 24th November 2016 (and expired on 24th November 2019 following receipt of the current application on 13th November 2019). The 2016 application was a renewal of Planning Permission in Principle ref.

13/00724/PPP, granted on 23rd September 2013 for the erection of residential housing development and formation of new access. Accordingly, the development has already been granted planning permission and therefore no fundamental issues relating to the principle of the development require to be examined, only the matters 'reserved' i.e. siting, design, external appearance, landscaping, access arrangements, proposed water supply and drainage arrangements.

Each of the conditions attached to the Planning Permission in Principle ref. 16/02522/PPP requires to be discharged and are listed in turn below, with commentary on the submissions made and comment as to whether the submitted details are approved.

Condition 1 requires plans and particulars of the site layout, design and external finishes of the development, landscaping, access arrangements and water supply and drainage arrangements. The condition is general and not specific.

1. *This permission is granted in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2007 on the basis of an application for planning permission in principle and the further approval of Argyll and Bute Council or of the Scottish Ministers on appeal shall be required with respect to the under-mentioned additional matters (to be applied for within an application/s of matters specified in conditions) before any development is commenced.*

- a. The siting, design and external appearance of the proposed development.*
- b. The landscaping of the site of the proposed development.*
- c. Details of the access arrangements.*
- d. Details of the proposed water supply and drainage arrangements.*

Reason: To comply with Section 59 (1) of the Town and Country Planning (Scotland) Act 1997.

Comment: The original planning permission in principle ref. 13/00724/PPP specifically approved two drawings. These were drawing no. 1649.01 (granted 23rd September 2013), which was a 1:2500 site location plan indicating a red line boundary site consistent with the current application.

The second drawing no. 1649.02 (granted 23rd September 2013), contained a 1:10,000 location plan consistent with the current application and a 1:500 site layout plan, with red line boundary, also consistent with the current application. The approved content of the site layout plan is very important in terms of consistency with the current application for AMSC. The approved site layout plan depicted a total of 18 dwellinghouses (14 detached and 4 semi-detached) with a main vehicular access from the A886 in a central position on the north-western frontage. The approved access fed into a central spine with a cul-de-sac on the north-eastern side of the site and turning head at the south-western side. The plots were clearly defined with indicative individual accesses.

In the current scheme, the number of dwellinghouses, plot sizes, access position, internal access route and turning arrangements are all identical to those details approved in 2013, then renewed in 2016 with no further changes. When the original 2013 scheme was approved, the building footprints were regarded as 'indicative' with condition 1 of permissions 13/00724/PPP and 16/02522/PPP clearly listing siting, design, external appearance, landscaping, access arrangements, water supply and drainage arrangements as 'reserved matters' to be submitted within three years of the expiry of that permission.

a. The siting, design and external appearance of the proposed development.

When the original 2013 scheme was approved, the building footprints were regarded as 'indicative' with condition 1 of permissions 13/00724/PPP and 16/02522/PPP clearly listing

siting, design and external appearance as 'reserved matters' to be finalised within three years of the expiry of that permission. No details were approved at the planning permission in principle stage and no restrictive conditions or advisory notes were attached with suggested design parameters.

The siting of the proposed 18 dwellinghouses remains in the spirit of the original approved layout where the siting was then regarded as 'indicative'. Whilst the plots remain almost identical, the building footprints have been adjusted to suit the particular designs. The dwellinghouses are still sited centrally within each plot with in-curtilage garages and driveway parking spaces.

The proposed development comprises:

- 1 x detached House Type A1 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 1 x detached House Type A2 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 1 x detached House Type A3 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 1 x detached House Type A4 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber wall finish;
- 2 x detached House Type A5 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 1 x detached House Type A6 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 2 x detached House Type B1 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 1 x detached House Type B2 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber wall finish;
- 1 x detached House Type B3 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 1 x detached House Type B4 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 1 x detached House Type B5 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 1 x detached House Type B6 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 4 x semi-detached House Type C1 / C2 2-bedroom "affordable" units; upper floor accommodation within roofspace; timber and render wall finish;

Whilst there would appear to be a large variety of Type A and B dwellinghouses, the proposed development follows a common theme of square plan building footprints with a combination of shallow hipped and gabled roof types. Upper floor accommodation for Types A and B would be contained within the roofspaces where typical ridge heights would be approximately 6.5 to 7m high. Concern raised that these are full two-storey buildings may therefore be unwarranted.

The design concept is to create a mixed "street" of low-rise dwellings with a modern idiom based on traditional hipped roof bungalows and detached gable-ended dwellinghouses. The choice of varying external materials and house types all add variety and interest.

The 14 detached dwellinghouses would be orientated with main elevations facing westwards towards Loch Fyne.

House Types C1 and C2 at the north-eastern end of the site comprise 4 semi-detached dwellings in two blocks. These blocks were originally orientated with long elevations running east-west but following discussions with the applicant, they have now been re-orientated with principal elevations facing Loch Fyne to the west and long side elevations facing north and south. These semi-detached units contain accommodation with their roofspace where the maximum ridge heights would be 8m.

As a result of revised Flood Risk Assessment (July 2020), the finished floor level of the proposed dwellinghouse on Plot 7 in the south-eastern corner of the site has been raised by 520mm and adjusted 3.0m northwards as a result of the new route for the watercourse.

Proposed materials for the dwellinghouses are a combination of white render and natural sandstone interspersed with untreated vertical larch cladding for external walls. Standing seam (VMZinc-Pigmento or Rheinzink-artCOLOR at 600mm centres) metal sheet roofing in light grey, mid grey, black and terracotta will be used for hipped and gabled roofs. The Design Statement comments that two proposed terracotta roof designs are intended to reference the red corrugated tin roofs traditional to the broader rural Highland context, while the light grey, dark grey and black roofs provide a welcome variation of texture and colour palette in contrast to the predominate grey of west-coast slate. The Design Statement comments that the untreated larch cladding used vertically will soften in colour over time from the blonde of fresh timber to warm grey. This is a renewable resource whose use will benefit the local economy while providing each house with an organic skin that ages in harmony with the weather and landscape. The white render and natural sandstone will be interspersed sparingly with the larch cladding in order to help bind the designs to their geographical and historical context. This is proposed to be slightly different in almost every house type, as demonstrated in submitted drawings and visualisations.

Siting, design and materials of the proposed dwellinghouses are all considered to be acceptable and consistent with policies LDP9, SG LDP HOU1 and SG2 Sustainable Siting and Design Principles.

b. The landscaping of the site of the proposed development.

When the original 2013 scheme was approved, only “indicative” landscaping proposals were shown with condition 1 of permissions 13/00724/PPP and 16/02522/PPP clearly including such matters as landscaping as ‘reserved matters’ to be finalised within three years of the expiry of that permission.

“The hard and soft landscape material choices as contained in the Design Statement have been design to reference and embed the proposals within the landscape and immediate setting, and can be summarised as follows:

- Carriageways with a red chip to reference the copper cladding and wider landscape setting;*
- Driveways formed in cellular porous paving infilled with aggregate or crushed shell, a by-product from the local fish farming industry;*
- Dry stone walls and ha-ha’s formed from locally quarried stone, with laying patterns and cope details which references the local vernacular;*
- The lawns to private plots are to be seeded with a Flowering Lawn meadow grass mix which includes 20% native wildflowers. A Flowering lawn is cut in May and June, but allowed to grow long to flower in July and August, before being brought back into a cutting regime in September;*
- Native tree species *Betula pubescens*, the Downy birch tree, and *Pinus sylvestris*, the Scots pine tree”.*

The proposed hard and soft landscaping details and materials shown on drawing no. L01 RevD are considered to be acceptable and consistent with policies LDP9, SG LDP HOU1 and SG2 Sustainable Siting and Design Principles.

c. Details of the access arrangements.

When the original 2013 scheme was approved, the general layout and access details were regarded as ‘indicative’ with condition 1 of permissions 13/00724/PPP and 16/02522/PPP clearly including such matters as access arrangements as ‘reserved matters’ to be finalised within three years of the expiry of that permission.

There is slight duplication as condition 5 below requires specific access arrangements following earlier consultations with the Council's Roads and Amenity Services. Refer to condition 5 below for full details.

d. Details of the proposed water supply and drainage arrangements.

It is proposed to connect into the public water supply and the public sewerage system. Scottish Water has raised no objection to this element of the proposal. Scottish Water confirm that there is sufficient capacity in the Loch Eck Water Treatment Works for water supply subject to a formal application for connection. Scottish Water also confirm that the development will be serviced by Strachur Waste Water Treatment Works but are unable to confirm capacity at this time prior to a Pre-Development Enquiry Form being submitted for connection. Scottish Water also confirm that they will not accept any surface water connections into their combined sewer system.

On this basis, the proposal is consistent with the provisions of Policy SG LDP SERV1 Private Sewage Treatment Plants and Wastewater Systems of the Argyll and Bute Local Development Plan.

In view of the foregoing, it is therefore considered that the proposal would accord with Policies LDP STRAT1, LDP DM1, LDP PROP 3, LDP3, LDP9, SG LDP HOU1, SG2 and SG LDP SERV1 the Argyll and Bute Local Development Plan.

C. Road Network, Parking and Associated Transport Matters

Condition 5 requires further detailed information on access and related roads matters to be submitted.

5. *Prior to the commencement of the development, the following details shall be submitted to the Council:*

i) *The access shall be constructed to a width of 5.5 metres with a 2 metre wide footway. Dropped kerbing will be provided to assist the safe passage of passing pedestrian traffic;*

ii) *The main access road and each individual plot access shall be formed with a gradient not exceeding 5% for the first 2.5 metres whilst the remainder of the accesses within the site shall not exceed 10%;*

iii) *Sightlines of 75 metres in each direction, measured a distance of 2.4 metres back from the edge of the road at the centre point of the access with the A886 public road, shall be cleared of all obstructions above a height of 1.05 metres from the level of road;*

iv) *Sightlines of 20 metres in each direction, measured a distance of 2.4 metres back from the edge of the road at the centre point of each individual access into a plot, shall be cleared of all obstructions above a height of 1.05 metres from the level of the road;*

v) *Each individual plot access shall have a sealed surface for the first 5 metres back from the kerb line;*

vi) *The provision of turning areas at or near the ends of the new access road;*

vii) *The provision of accesses that would be a minimum of 15 metres from the nearest junction;*

viii) *The provision of parking and turning within each plot based upon the numbers of bedrooms within each dwellinghouse i.e. two spaces for a 2/3 bedroomed dwelling and three spaces for a 4 or more bedroomed dwelling.*

Reason: In the interests of road safety.

Comment: Roads offer no objections and comment that the development is accessed from A886, The Bay Strachur within a 40mph speed restriction within an area of recent other residential schemes. Given the geography of the site and the two existing water courses, both of which will be culverted for a section, an acceptable design should be provided for dealing with surface water and its removal from the site.

The access to be constructed 5.5 metres wide with a 2 metre wide footway. Dropped kerbing to be provided to assist the safe passage of passing pedestrian traffic. The gradient of the access not to exceed 5% for the first 5 metres and not to exceed an absolute maximum of 10% for the remainder.

The sightlines required are 75 x 2.4 metres based on an 85thile speed of 40mph at this location. All walls hedges and fences must be maintained at a height not greater than 1 metre above the road.

Individual accesses within the scheme must have visibility splays a minimum of 20 x 2 metres. These accesses must be a sealed surface for the first 5 metres behind the kerbline to minimise any debris from being deposited onto the road, their gradient not to exceed 5% for the first 5 metres and 8% for the remainder.

A system of surface water drainage may be required to prevent water running onto the new road and footway. Accesses to be a minimum of 15 metres away from junctions. The footways to be 2 metres wide with dropped kerbing at the junctions to assist pedestrian movements. Due to the scale of the development the access road will require to be designed and constructed to adoptable standards. Turning areas must be provided at or near the end of the new road. Minimum forward sight distance to be 35 metres.

The allocated parking provision for the development will be based on 2no. spaces for each 2/3 bedroomed unit and 3no. spaces for 4 or more bedrooms. Attached garage can be counted as a parking space.

Preference would be for side by side parking on driveways instead of tandem parking. A Road Construction Consent and a Road Bond will be required given the scale of the proposed development. A Road Opening Permit will be required for the construction of the vehicular access and all works on or adjacent to the existing road network.

The access must be constructed before any works commence on site. Traffic calming to be provided on site and a Twenty's Plenty scheme with all necessary signage erected. The developer will be responsible for the provision of a street name plate to be erected near the junction with the A886. The development affords adequate access for pedestrians, cyclists and motorists to surrounding areas. This is a renewal of previous application 16/02522/PPP.

Appropriate conditions and advisory notes are attached.

In view of the foregoing, the Council's Roads Department consider that their concerns have been addressed and the relevant condition can now be discharged, consistent with policies LDP11, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan.

D. Flood Risk and Drainage Matters

Condition 6 requires further detailed information on proposed watercourse diversions and details of culvert(s) to be submitted.

6. *Prior to the commencement of the development, details of the design of any proposed watercourse diversion (demonstrating that there will be no decrease in channel capacity) and culvert (demonstrating that it has been appropriately sized and designed so as not to have a detrimental impact on flood risk) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. Once agreed, all of the works shall be carried out in accordance with the approved scheme.*

Reason: To ensure there is no increased flood risk to people or property

Flood Risk and Watercourse Diversion

Flood Risk Assessment (revised 3rd July 2020)

EnviroCentre Ltd was commissioned by Cowal Design Consultants Ltd to undertake a flood risk assessment (FRA) for a proposed residential housing development on a land north-west of Achnasheen at Kishorn, Strachur Bay, Argyll and Bute. The purpose of the FRA is to provide information demonstrating that the proposed diversion of the two unnamed watercourses that run through the site, and the subsequent crossing, will not result in adverse flood risk impact. This is a discharge condition as required by the Scottish Environment Protection Agency (SEPA) as stated in their letter (ref: PCS/168940, 9 December 2019), and the following responses (PCS/170174, March 2020 and PCS170984, April 2020).

There are two unnamed watercourses which route through the site. The northerly watercourse (Watercourse A) is small and fairly uniform, and routes in a straight line through the site opposite Ardran until it passes beneath the A886 Road via a 600mm diameter culvert south of Shore Cottage to discharge into Strachur Bay. The watercourse in the southern part of the site (Watercourse B) is slightly larger and passes through several culverts north of the existing farm buildings and Kishorn before passing beneath the A886 and discharging into Strachur Bay. A flood risk analysis of the site was undertaken using hydraulic modelling.

Flood Risk Management comment that Watercourse A is now proposed to be re-routed, but with only two short sections of the watercourse culverted under the roads within the site, as opposed to being culverted for most of its length (as previously proposed). The two culverts are proposed a diameter of 900 mm and the long sections of the watercourse demonstrate that the 200 year event with climate change allowance and 200 year event with 50% culvert blockage are both contained within the two-stage channel of the watercourse.

Watercourse B is now proposed to be re-routed for the first half of the watercourse within the site's boundary, but not culverted (as previously proposed). The planned route for the watercourse has a more 'natural' shape, with the previously planned angular bends omitted from the design. The re-routed watercourse joins the existing watercourse at the western boundary of the site. Again, a hydraulic model for the pre-development and post-development scenarios has been built of the watercourse. The 200 year event with climate change allowance and 200 year event with 50% culvert blockage are both within the two-stage channel with regard to the post development scenario.

SEPA's response

SEPA originally recommend against the discharge of conditions (in responses dated 9th December 2019, 27th March 2020, 29th April 2020, 30th July 2020) until they receive more detailed information on the diversion of the watercourse/s, including information which demonstrates that no adverse flood risk impact will result from this work.

Updated comments from SEPA dated 25th August 2020

Following discussion with the applicants and their consultants, SEPA have reviewed the additional information submitted and are satisfied that the matters relating to their interests have now been addressed. SEPA therefore recommend that the relevant conditions may be discharged. SEPA note that the applicant should liaise with SEPA's local regulatory

team on regulatory licence conditions

SEPA note that Section 1.2 of the technical note provides further information on Watercourse B, where EnviroCentre state that there are two existing structures along its reach within the site boundary which currently pose a flood risk to the site and nearby residential properties, “The hydraulic modelling results indicate that a 50% blockage of either structure (represented as a 675mm culvert in the model) will cause water to spill towards the properties at Kishorn and Archluian to the west”. Whilst we are generally unsupportive of engineering works to a small watercourse, we acknowledge this channel has already been significantly modified and currently poses a risk to existing and proposed highly vulnerable receptors. Based on the technical note, we are therefore in agreement that the re-design and de-culverting will mean “the realigned 2-stage channel design for Watercourse B will provide an overall betterment to flood risk”.

Based on the information provided in the technical note, SEPA are now in a position to remove their objection on flood risk grounds and acknowledge that the proposed engineering works will have a neutral or better effect on flood risk.

Flood Risk Management response

Flood Risk Management originally recommended (2nd January 2020) that a decision be deferred until plans regarding watercourse diversions and any proposed culverts / pipes (including design calculations) and drainage layout and calculations are submitted.

Following the submission of following submission of an updated Flood Risk Assessment (FRA) that was undertaken by EnviroCentre, ‘Kishorn Strachur Development, Flood Risk Assessment,’ dated July 2020, as well as the proposed drainage layout and drainage calculations supplied by Cowal Design (drawing number J2762-C-04-F “Proposed Drainage Layout” and Micro Drainage output), Flood Risk Management conclude that the planning conditions 1 and 6 of permission ref. 16/02522/PPP have been met.

Flood Risk Management comment that Watercourse A is now proposed to be re-routed, but with only two short sections of the watercourse culverted under the roads within the site, as opposed to being culverted for most of its length (as previously proposed). The two culverts are proposed a diameter of 900 mm and the long sections of the watercourse demonstrate that the 200 year event with climate change allowance and 200 year event with 50% culvert blockage are both contained within the two-stage channel of the watercourse.

Watercourse B is now proposed to be re-routed for the first half of the watercourse within the site’s boundary, but not culverted (as previously proposed). The planned route for the watercourse has a more ‘natural’ shape, with the previously planned angular bends omitted from the design. The re-routed watercourse joins the existing watercourse at the western boundary of the site. Again, a hydraulic model for the pre-development and post-development scenarios has been built of the watercourse. The 200 year event with climate change allowance and 200 year event with 50% culvert blockage are both within the two-stage channel with regard to the post development scenario.

The FRA also informs that the detailed design of the proposed channel diversions and subsequent CAR licensing applications will be addressed during the design phase of the project. Flood Risk Management conclude that the planning conditions 1 and 6 of permission ref. 16/02522/PPP have been met.

In view of the foregoing, both SEPA and Flood Risk Management consider that their concerns have been addressed and the relevant condition can now be discharged, consistent with policies LDP10 and SG LDP SERV 7 of the adopted Argyll and Bute Local Development Plan.

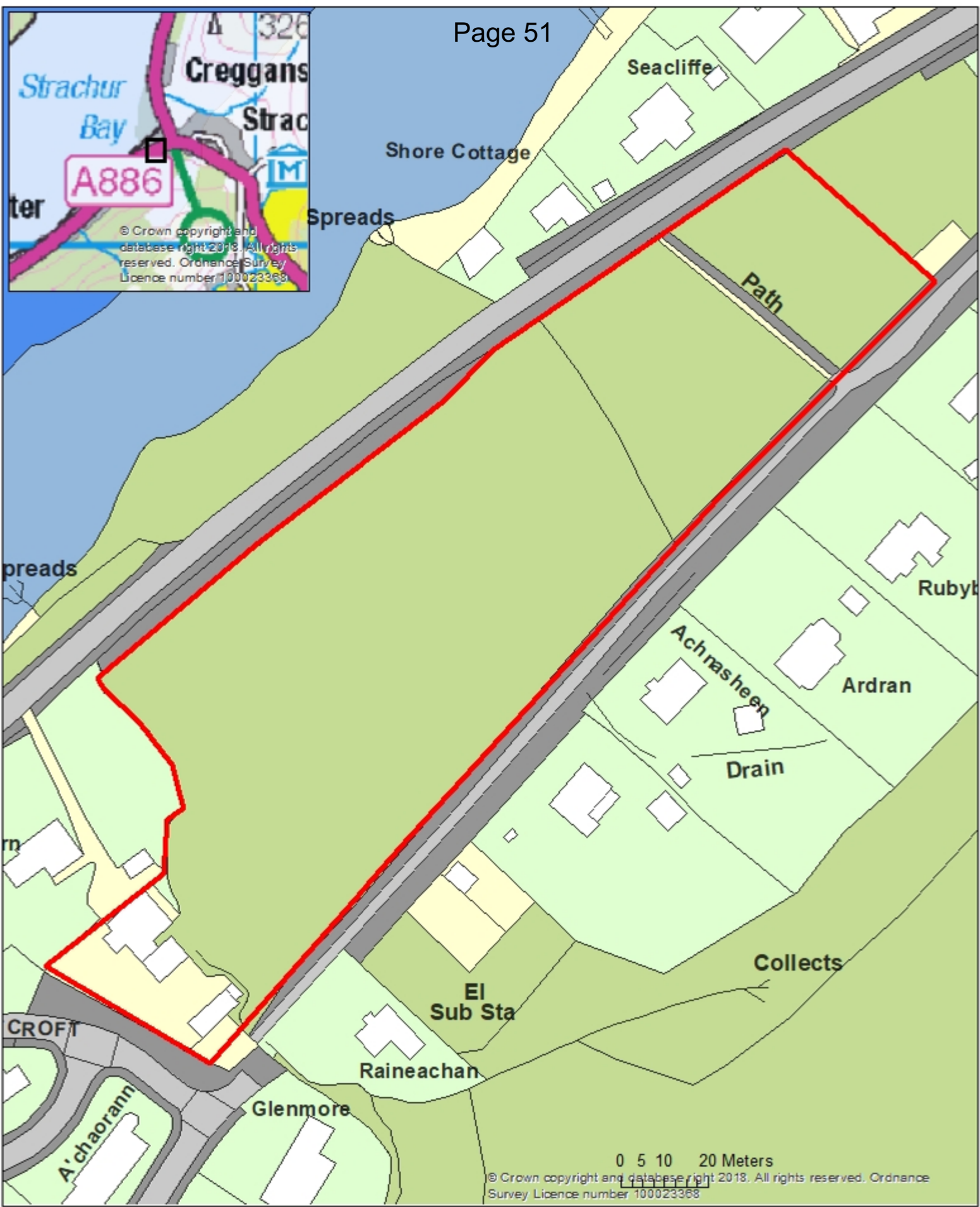
E. Habitats and Species

The Council’s Local Biodiversity Officer (original response dated 18th December 2019) noted that no information had been provided by the applicant relating to habitat and

species interest. The applicant was advised to submit a Biodiversity Checklist which will inform an Ecological Survey with information on tree and shrub species.

Following discussions with the applicant's ecologist, the Local Biodiversity Officer offers no objections in principle subject to recommended conditions and advisory comments (updated response 24th March 2020). Such safeguarding conditions would ensure that neither Bats nor Otter - European Protected Species (EPS) and other protected species (PS) are compromised as a result of this proposed development. The conditions provide for additional ecological surveys if out with a 12 month period of the last survey and to be undertaken at the optimum time of year. The conditions also reference pre-start checks, a draft Species Management Plan, Construction Management Plan, the employment of an Ecological Clerk of Works (ECoW) along with further investigation and eradication of Invasive Non-Native Species (INNS) by drafting and implementing an Invasive Non-Native Species Management Plan. The conditions are particularly prescriptive and will provide assurances that no EPS/PS will be compromised during the construction of this development. In terms of the diversion of the burn, SEPA will still need to provide input.

In view of the foregoing, the Council's Local Biodiversity Officer considers that any habitat and species concerns have been addressed and subject to safeguarding conditions, the proposed development is considered to be consistent with policies LDP3 and SG LDP ENV 1 of the adopted Argyll and Bute Local Development Plan.




Location Plan Relative to planning application: 19/02375/AMSC


1:1,100

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Argyll and Bute Council
Development and Economic Growth

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 20/01441/PP
Planning Hierarchy: Local
Applicant: Bute Island Foods Ltd
Proposal: Erection of Food Production Facility and Associated Works (Revised Proposal Relative to Planning Application Reference 20/00333/PP to Incorporate Removal of New Access onto Barone Road, Use of Existing Access onto Meadows Road for all Vehicles and Increase in Number of Off-Street Parking Spaces to 78)
Site Address: Former Gas Network Site, Meadows Road, Rothesay, Isle of Bute

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of food production facility
- Formation of vehicle parking spaces
- Installation of SuDS storage system

(ii) Other specified operations

- Connection to existing public water supply and public sewerage system
 - Use of existing vehicular access onto Meadows Road
-

(B) RECOMMENDATION:

It is recommended that Planning Permission be **granted** subject to a discretionary local hearing and to the conditions, reasons and informative notes attached to the end of this report.

(C) HISTORY:

An application (ref: 01/93/0577/COU) submitted by British Gas PLC Scotland for a proposed showroom on part of the application site was withdrawn on 23rd August 1993.

An application for Planning Permission (ref: 16/02387/PP) for the construction of a road into the site from the existing vehicular access from Meadows Road and the installation of drainage infrastructure was withdrawn on 26th March 2018.

An application for Planning Permission (ref: 20/00333/PP) was withdrawn in August 2020 as a result of material changes to the proposal, in particular the removal of the new access onto Barone Road; the use of the existing access onto Meadows Road for all vehicles and the increase in the number of off-street parking spaces to 78.

(D) CONSULTATIONS:

SEPA (letter dated 25th August 2020)

No objections – detailed and regulatory advice set out for the applicant.

Biodiversity Officer (letter dated 26th August and e-mail dated 7th September 2020)

Bat and Otter Surveys have been carried out. The Otter Survey followed accepted protocols and found that there was no evidence of otter holts, resting places or field signs within the site or the wider study area and, as such, no further mitigation is required within these areas.

The Bat Surveys also followed accepted protocols and the recommendations to facilitate and create additional opportunities (through enhanced landscape planting) for the biodiversity interest on the site are accepted.

Area Roads Engineer (report dated 3rd September 2020)

No objections subject to conditions in respect of the following:

- a. The continuation of the Barone Road footway onto the vehicle entrance to the site
- b. The surfacing of the access in a bituminous sealed surface that would be 5.5 metres wide
- c. The formation of the requisite sightlines onto Meadows Road of 42 metres x 2.4 metres x 1.05 metres. All sightlines and walls within the visibility splays must be maintained at height not greater than 1 metre above the road.
- d. The provision of the 78 off-street parking spaces

It is commented that waiting restrictions may be required in the vicinity of the junction of Barone Road and Meadows Road as there is currently a trend for vehicles to be parked in this area. A Road Opening Permit will be required for all works on the road corridor.

JBA Consulting – Flood Risk Management Observations (report dated 4th September 2020)

It is recommended that a condition is attached to any permission that is granted which ensures that detailed design calculations, a drainage statement, a method statement for construction and a SuDS maintenance regime are submitted at the appropriate time. In addition, details should be submitted of investigations into the existing culvert located at the north east boundary of the site (flowing in a westerly direction from Mill Lade) and into the sinkhole that revealed a collapsed culvert to the north of this area, which was found during the undertaking of the topographic survey. The surface water drainage

should be designed in accordance with SuDS manual CIRIA C753 and Sewers for Scotland 4th edition.

Environmental Health Service (e-mails dated 16th September, 2nd October and 8th October 2020)

Having considered the reports submitted on behalf of the applicant in terms of noise and odour, no objection subject to conditions regarding a Noise Management Plan; the movement of HGV's on and off site; an Odour Management Plan; and external lighting.

A condition is recommended that would provide suitable mitigation in terms of the potential contaminated land on the site.

Bute Community Council (e-mail from Johanna Schofield, Minute Secretary dated 21st September 2020)

Bute Community Council is in favour of the application as the benefit to the Isle of Bute as a whole is greater than the negative effect of a change in environment to the people living in the neighbourhood.

The Community Council is pleased to see that, in this new application, the various objections regarding parking, smell and vehicle movements have been taken into consideration to mitigate these problems. This project is on a site within an industrial zone and it is a very positive move to see this being developed, especially in these difficult times.

Scottish Water

Scottish Water have not commented on the current application but, in their letter dated 27th May 2020 in association with the previous application (ref: 20/00333/PP), they confirmed that they had no objection; however, they advised that this did not confirm that the proposed development could currently be serviced.

They had carried out a capacity review and confirmed the following:

- The proposed development will be fed from Dhu Loch Water Treatment Works. Unfortunately, they are unable to confirm capacity currently so to allow them to fully appraise the proposals, they suggested that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via their Customer Portal or contact Development Operations
- There is currently sufficient capacity for a foul only connection in the Rothesay Waste Water Treatment Works to service the development. However, they noted that further investigations might require to be carried out once a formal application had been submitted to them.

The applicant should be made aware that Scottish Water is unable to reserve capacity at their water and/or waste water treatment works for the proposed development. Once a formal connection application is submitted to them after full planning permission has been granted, they will review the availability of capacity at that time and advise the applicant accordingly.

Access and Core Paths Section

No comments have been received.

(E) PUBLICITY:

Neighbour notification (closing date: 8th September 2020); Setting of Listed Building Advert (closing date: 18th September 2020); and Setting of Listed Building Site Notice (closing date: 16th September 2020).

(F) REPRESENTATIONS:

Objection

Expressions of objection have been received from the following 74 sources:

Elizabeth McHugh, Meadow Cottage, Meadows Road, Rothesay (e-mails dated 21st August and 14th September 2020)
Theresa Jordan, 25 Barone Road, Rothesay (e-mail received 25th August 2020)
Irma Den Ouden, 23 Barone Road, Rothesay (e-mail dated 25th August 2020)
Maureen Wilkinson, 19 Mount Pleasant Road, Rothesay (e-mail dated 28th August 2020)
Jenna McFarlane (letter received 31st August 2020)
Alexander Davey, 32 Ballochgoy Road, Rothesay (e-mail received 31st August 2020)
Kevin Booth, Brandane, 9 Barone Road, Rothesay (e-mail dated 31st August 2020)
Samantha Booth, Brandane, 9 Barone Road, Rothesay (e-mail dated 31st August 2020)
Dolores Irving, 29 Barone Road, Rothesay, Isle of Bute (letter dated 1st September 2020)
Eileen Rae, 12 The Terrace, Ardbeg Road, Rothesay (letter dated 1st September 2020)
Pauline McConnell, 27 Barone Road, Rothesay (e-mail dated 2nd September 2020)
Martin Ferguson, 27 Barone Road, Rothesay (e-mail dated 2nd September 2020)
Irene Jordan, 19 Auchnacloch Road, Rothesay, Isle of Bute (e-mail received 7th September 2020)
Yordi McFie, 23 Barone Road, Rothesay (e-mail dated 7th September 2020)
J MacCallum, No Address Given (e-mail dated 7th September 2020)
H MacCallum, No Address Given (e-mail dated 7th September 2020)
Mario Scicluna 23 Barone Road Rothesay (e-mail dated 11th September 2020)
Laura Hayes, 3 Gowanfield Terrace, Rothesay (e-mail dated 11th September 2020)
David Hayes, 3 Gowanfield Terrace, Rothesay (e-mail dated 11th September 2020)
James Steel, 40 Columshill Street, Rothesay (e-mail received 11th September 2020)
Michael McHugh, Meadow Cottage, Meadows Road, Rothesay (e-mail dated 14th September 2020)
Agnes Dunn, 2 Bellevue Road, Rothesay (letter received 15th September 2020)
A Scicluna, 23 Barone Road, Rothesay (letter received 15th September 2020)
Maria Van Oostende, Flat Left 2/2, 15 Castle Street, Port Bannatyne (e-mail dated 18th September 2020)
George Ross, 2 Bellfield, Gowanfield Terrace, Rothesay (e-mail dated 20th September 2020)
Catherine Ross, 2 Bellfield, Gowanfield Terrace, Rothesay (e-mail dated 20th September 2020)
Blane Colman, 15 Wallace Avenue, Rothesay, Isle of Bute (letter received 22nd September 2020)
Name Unknown, 23 Mount Pleasant Road, Rothesay, Isle of Bute (letter received 22nd September 2020)
Billy McGregor Holyrood Gowanfield Terrace Rothesay (letter received 22nd September 2020)
Andrew McGregor Holyrood Gowanfield Terrace Rothesay (letter received 22nd September 2020)
Gillian Laughlan, 13A Barone Road, Rothesay (letter received 22nd September 2020)

John Tierney, 1 Holyrood, Gowanfield Terrace, Rothesay (letter received 22nd September 2020)
Heather A Henry, 1 Holyrood, 1 Gowanfield Terrace, Rothesay (letter received 22nd September 2020)
R Henry, No Address Given (letter received 22nd September 2020)
Taylor J Macmillan, 4 Holyrood, Gowanfield Terrace, Rothesay (letter received 22nd September 2020)
Brenda Hughes, C/o 4 Holyrood, Gowanfield Terrace, Rothesay (letter received 22nd September 2020)
Mrs A Hughes, 4 Holyrood, Gowanfield Terrace, Rothesay (letter received 22nd September 2020)
Lindsay Tierney, 1 Holyrood, Gowanfield Terrace, Rothesay (letter received 22nd September 2020)
Signature Unclear, c/o Loyds (letter received 22nd September 2020)
Signature Unclear, 24 Bush Avenue, Rothesay (letter received 22nd September 2020)
J H Clark, 73 Barone Road, Rothesay (letter received 22nd September 2020)
M Clark, 73 Barone Road, Rothesay (letter received 22nd September 2020)
T Currie, 73 Barone Road, Rothesay (letter received 22nd September 2020)
Signature Unclear, 13A Barone Road, Rothesay (letter received 22nd September 2020)
Angela Black, 34 Ardmory Road, Rothesay (letter received 22nd September 2020)
Irene Ross, Solway, Serpentine Road, Rothesay (letter received 22nd September 2020)
Signature Unclear, 22 Roslin Crescent, Rothesay (letter received 22nd September 2020)
Stewart McKellar, Bellfield, Gowanfield Terrace, Rothesay (letter received 22nd September 2020)
Elizabeth McKellar, Bellfield, Gowanfield Terrace, Rothesay (letter received 22nd September 2020)
P Hemsall, Flat 1/1, 27 Columshill Street, Rothesay (letter received 22nd September 2020)
Donna M Varney, 15 Mansefield Place, Rothesay (letter received 22nd September 2020)
Olivia Kell, 15 Mansefield Place, Rothesay (letter received 22nd September 2020)
Signature Unclear, 6 Bush Avenue, Rothesay (letter received 22nd September 2020)
Signature Unclear, 8 Wyndham Road, Rothesay (letter received 22nd September 2020)
Signature Unclear, 9 Caledonia Walk, Rothesay (letter received 22nd September 2020)
James McKellar, 7 Eaglesham Terrace, Rothesay (letter received 22nd September 2020)
J McKellar, 7 Eaglesham Terrace, Rothesay (letter received 22nd September 2020)
Shaun Kernaghan, 7 Eaglesham Terrace, Rothesay (letter received 22nd September 2020)
Signature Unclear, 33 Roslin Crescent, Rothesay (letter received 22nd September 2020)
S Bennett-White, No Address Given (letter received 22nd September 2020)
Steven Booth, 11 Bush Avenue, Rothesay (letter received 22nd September 2020)
Mrs J Booth, 11 Bush Avenue, Rothesay (letter received 22nd September 2020)
Mr Bolton, 15 Barone Road, Rothesay (letter received 30th September 2020)
Mrs Bolton, 15 Barone Road, Rothesay (letter received 30th September 2020)
Isla Crawford, Stuck Farm, Rothesay (letter received 30th September 2020)
Eilidh Middleton, 21 Barone Road, Rothesay (letter received 30th September 2020)
Karen Hilton 21 Barone Road Rothesay (e-mail dated 30th September 2020)
Margaret Currie, Upper Flat, 21 Barone Road, Rothesay (letter received 30th September 2020)
Rab Dawes, Gowanfield Terrace, Rothesay (letter received 6th October 2020)
Mrs Dawes, Gowanfield Terrace, Rothesay (letter received 6th October 2020)
Signature Unclear, Kames Terrace, Port Bannatyne (letter received 6th October 2020)
J Morrison, 8 Kames Terrace, Port Bannatyne (letter received 6th October 2020)
H Morrison, 2 Caledonia Walk, Rothesay (letter received 6th October 2020)
C Moffatt, 46 Ladeside Place, Rothesay (letter received 6th October 2020)

A summary of the key issues raised by the objectors is provided below and individual comments are available in full for review on the Planning file available to view in Public Access.

- i. There is a recognition that it is vital for Bute to have a major employer on the island but it is considered that the application site is not the most suitable place for the current proposal. It is contended that there must be a more suitable site than placing an industrial-sized factory in the centre of town. The island has a growing amount of empty farms, with excellent infrastructure to and from the ferry, even just outside Rothesay and Port Bannatyne. It is also pointed out that the applicant's ownership of the Barone Road site should not be a reason for approval.

Comment: The issue of the acceptability of the site will be addressed in the assessment contained in Appendix A of this report. The potential for other sites to be used for the proposal is not under consideration and it is understood that the owner of the site is Highlands and Islands Enterprise.

- ii. Concern is expressed that the proposed production facility would generate an unacceptable level of odour and air pollution in a residential area. It is contended that the applicant's previous site at Columshill Street (another residential area) emitted a very pungent and ever-present odour.

Those objectors who work beside the applicant's current site at Townhead contend that they experience odour pollution regularly.

Comment: This issue will be addressed in the assessment contained in Appendix A of this report.

- iii. Bute Island Foods (the applicant) own website states – *"We are fortunate enough to live and work in the beautiful surroundings of the Isle of Bute, on the west coast of Scotland. Stunning beaches with sea vistas, walks through glorious countryside and a historic Royal Burgh"*.

Concern is expressed that the proposed building would visually dominate the area, given that its height that would equal the roofline of many of the houses on Barone Road. It would be in close proximity to a Conservation Area (Sheriff's Croft) and to Bute Fabrics, which is a Listed Building. Furthermore, the residential properties on Barone Road are of Victorian build and should be viewed as a valuable continuation of the Conservation Area.

Comment: This issue will be addressed in the assessment contained in Appendix A of this report.

- iv. According to the Local Development Plan, the land to be used for the proposal is classed as an *"Established Business and Industry Area"*; however, it has not been used as such for over 25 years.

It is contended that Argyll & Bute Council had previously earmarked the allotment area and Meadow Cottage as a business park in the Bute Local Plan. There was a large inquiry at the time and it was decided that this whole area should be designated as green belt and shouldn't have any development on it.

Comment: This issue will be addressed in the assessment contained in Appendix A of this report.

- v. The application site is adjacent to an "*Open Space Protection Area*" comprising well-utilised allotments, which are a quiet haven for the 18 plot holders and also for wildlife, especially birds. It is contended that these would all be severely impacted by the erection of a factory next door.

At present there is a line of established trees including sycamore, holly and hawthorn between the allotment and the site and concerns have been expressed that this will be removed or replaced, which would have an impact on the environment. It provides a wind break and screening and is home to many species of birds and animals. The applicant mentioned retaining trees "*where possible*" on the west side of the site but no mention of the existing tree line on the south side.

Comment: These issues will be addressed in the assessment contained in Appendix A of this report.

- vi. It is presumed that the proposed food production unit would be operating 24 hours a day and concern is expressed that the car park would be lit up all through the night, thereby causing disturbance to residents.

Comment: At the recommendation of the Environmental Health Officer, a condition will be attached ensuring that any lighting units used within the site shall be operated, positioned and angled to prevent any glare or light spillage out with the boundary of the site, having regard to the Institute of Lighting Engineer's Guidance.

- vii. Concern is expressed that the noise generated by refrigeration units and extraction fans and the change of shifts with people arriving and leaving the premises, etc. between 6:00 - 20:00 hrs would be an ever-present source of nuisance to surrounding residential properties.

Comment: This issue will be addressed in the assessment contained in Appendix A of this report.

- viii. St Andrews Primary School is in very close proximity to the site and Barone Road, Gowanfield and Bellevue Road are all used by children and parents to access the school; there is also a Bus Stop opposite the proposed new access road on Barone Road, which is used by the schoolchildren.

Concern is expressed that the increase in activity associated with the proposal could pose a significant safety risk at Meadows Road for those who frequent the public park and use the allotments; for the children and young adults who attend their sports club activities; and for residents at the lower side of Auchnacloch Road.

The proposed access onto Meadows Road is in a very dangerous position and will cause accidents and will impact on the lives of residents due to noise, pollution, traffic congestion and light pollution.

It is considered that Barone Road and Meadows Road are not suitable for the capacity of traffic proposed: 1 HGV per day -- expanding to 3 HGV's per day and cars for 60 staff – possibly expanding to 200.

There is very limited residential parking in the area and any increase in traffic would make this a very dangerous road both for users and pedestrians. There are also no pavements on this road which itself will bring accidents. Many

families use this as a route to school due to the traffic issues the other factory has created with little parking for their staff.

Comment: These issues will be addressed in the assessment contained in Appendix A of this report.

- ix. Concern is expressed that the area has been prone to flooding, with historic flooding events at Bute Fabrics and flood prevention measures being taken downstream of the proposed site.

It is pointed out that, just last month, the Shinty Clubhouse suffered damage due to flooding. SEPA noted – *“The proposed development is designated for the site to be utilised for commercial purposes. SEPA mapping suggests that the site is at risk from fluvial (river) flooding Notwithstanding this, a residual risk of flooding remains to the site should a river bank or reservoir embankment fail or be overtopped during a more severe event. As a result, measures of flood mitigation should be considered as part of the development to ensure that any residual risk to the development is managed”*.

It is mentioned that the Kirk Dam overtopped in 2012 with severe flooding to the Meadows, Shinty Park & clubhouse and damage to the Kirk Dam itself.

The Lade, which runs parallel along the length of the site to the east, is currently in a very poor state with "canalised" banks that are also in poor condition, and the Lade itself is very heavily silted, posing further threats to flooding.

Comment: These issues will be addressed in the assessment contained in Appendix A of this report.

- x. Concern is expressed that there is a very real possibility of polluted/waste water from the proposed factory entering the Lade, which runs directly into the sea at a different exit point.

Comment: The proposal identifies connection to the public wastewater system that is adopted by Scottish Water and such connection would be implemented in accordance with their standards. The issue of surface water drainage will be addressed in the assessment contained in Appendix A of this report.

- xi. The ground for the proposed building is also contaminated with various dangerous materials including asbestos and cyanide, and while it can be removed by suitably equipped professionals, what about the airborne particles which will occur if this takes place? How is this to be managed?

Comment: This issue will be addressed in the assessment contained in Appendix A of this report.

- xii. It is pointed out that there are various public paths and rights of ways around the land.

Comment: This issue will be addressed in the assessment contained in Appendix A of this report.

- xiii. There is abundant and diverse wildlife in the area, including but not limited to deer, owls, wood pigeon, frogs, toads, bats, herons and slow worms with many mature trees. It is contended that it would be very hypocritical of a Vegan food producer to sacrifice all these animals and habitats for their own private gain.

The Applicants website also claims that “*We’re helping people lower their carbon footprint and protect the environment in turn*”.

Comment: This issue will be addressed in the assessment contained in Appendix A of this report.

- xiv. This business does not use any local products and is very environmentally damaging as all the ingredients are shipped from very remote global suppliers.

Comment: This issue does not have a material bearing upon the Planning assessment of the application.

- xv. It is acknowledged that the factory would create a lot of jobs but the question is raised as to why there seems to be a very high turnover of staff.

Comment: This issue does not have a material bearing upon the Planning assessment of the application.

- xvi. Concern is expressed that having a factory next to Meadow Cottage would greatly devalue this property.

Comment: The issue of the potential effect of a proposed development on the value of a property does not have a material bearing upon the Planning assessment of the application.

Support

Expressions of support have been received from the following 26 sources:

Mark Nelson, Kerryfean Cottage, Rothesay (e-mail received 25th August 2020)
Andy Francis-Mackie, 4 Westwood, Argyle Terrace, Rothesay (e-mail received 31st August 2020)
Janet O’Sullivan, Rhoda, Hydro Road, Port Bannatyne (e-mail received 3rd September 2020)
Cesare Milani, 15 High Road, Port Bannatyne (e-mail received 25th September 2020)
Tracey Guy, 27 Wallace Avenue, Rothesay (e-mail received 27th September 2020)
Craig Guy, 27 Wallace Avenue, Rothesay (e-mail received 28th September 2020)
Adam Guy, 27 Wallace Avenue, Rothesay (e-mail received 28th September 2020)
Tracey More, 8 Caledonia Walk, Rothesay (e-mail received 28th September 2020)
Zsolt Kulcsar, 8 Auchnacloch Road, Rothesay (e-mail received 28th September 2020)
Margaret Finlayson, 48 Crichton Road, Rothesay (e-mail received 28th September 2020)
Marsali Finlayson, 48 Crichton Road, Rothesay (e-mail received 28th September 2020)
John Graham, Lower Flat, Elderslie, Serpentine Road, Rothesay (e-mail received 28th September 2020)
Liam Gaillard, 13 Caledonia Walk, Rothesay (e-mail received 28th September 2020)
Margaret Strachan, 5 St Johns Drive, Rothesay (letter dated 28th September 2020)
Anne Smith, 53 High Street, Rothesay (letter dated 29th September 2020)
Rhiannon Gallacher, 32 Roslin Crescent, Rothesay (e-mail received 29th September 2020)
Councillor Jim Findlay, Ward 8, Isle of Bute (e-mail dated 29th September 2020)
Suzi Fisher, 30 Eden Drive, Rothesay (e-mail received 1st October 2020)
R Tyler, Seahaven, Eastlands Road, Rothesay (letter dated 2nd October 2020)
A Reeves, Eastlands Road, Rothesay (letter dated 2nd October 2020)
Catherine Bell, 95 Barone Road, Rothesay (e-mail received 3rd October 2020)
Alistair Bell, 95 Barone Road, Rothesay (e-mail received 3rd October 2020)
Mairi Welsh, 23 Argyle Terrace, Rothesay (e-mail received 3rd October 2020)
Iona Buick, Shalunt Farm, Rothesay (e-mail received 5th October 2020)

Laszlo Gero, Flat 2/2, Toward View, 31 Ardbeg Road Rothesay (e-mail received 5th October 2020)

Thomas Strachan, 5 St Johns Drive, Rothesay (letter dated 2nd July 2020 and received on 7th October 2020) A summary of the key issues raised by the supporters is provided below and individual comments are available in full for review on the Planning file available to view in Public Access.

- It is understandable that homeowners in the immediate area of this development would have concerns. It is a sign of good faith on behalf of Bute Island Foods that the original proposal has been withdrawn, amended and resubmitted after deliberations on the views of residents most affected by the plans.
- Bute Island Foods has a great reputation for its specialist products internationally. They are a major island employer and will provide even more jobs through this expansion. They are bringing back to use a derelict industrial site and every support should be given to this application and the future development of this local business.
- The continued growth of a stable employer who manufactures a sustained plant-based food product (with little global competition) to a growing truly global market where vegan and plant-based diets are become a choice for many is to be welcomed. Bute branding on supermarket shelves in addition to the disposable income benefit of those in employment in the local community cannot be underestimated.
- According to the latest Highlands and Islands Enterprise report on Rothesay (not including the rest of Bute), approximately 10% of the economically active population are unemployed and approximately 26% are part-time employed. The same report states that, based on the unemployment claimant numbers, Rothesay has consistently had a Claimant Count rate well above Argyll and the Islands, Highlands and Islands, and Scotland Rates (almost double). In the age range 16 to 24, this was also high at 10%. In short, secure and stable employment is needed to retain young people on Bute and to continue to build on the desires of Argyll and Bute Council to bring economic prosperity to the Council area.
- Bute Island Foods are a well-established company on the island and has a worldwide reputation for its specialist products. During the lockdown pandemic that everyone has experienced, they made huge contributions to small local companies on the island to allow for the vulnerable, elderly, children, and other individuals to allow them to have food and Bute Island Foods own products in their homes to get through this.
- Bute Island Foods are also sponsoring sporting football events on the Island so that the grass roots can keep going and to allow the kids/adults of all age groups to have these activities to keep their minds active.
- Information on shift patterns, i.e. the number of people arriving and leaving the factory was provided by the agent of Bute Island Foods and many employees will be able to walk or cycle to work given the location and access via a footbridge over The Lade from the east. The area is also better served by public transport than the Townhead factory. Overall, the use of cars could fall which is consistent with Council Policy.
- It is understood that the business/manufacturing model of Bute Island Foods is such that only one truck per day is desirable as the raw materials arrive at the factory and the finished product leaves the factory and travels onwards from Bute

to the company's warehouse facility in Staffordshire. Indeed, for reasons of efficiency and to maintain haulage movements to a minimum, it is understood that the applicant is in the process of working with their local haulier to design a new trailer style.

Representation

A representation has been received from the following source:

David Poole, 17A Barone Road, Rothesay, Isle of Bute (e-mail dated 22nd September 2020)

Mr Poole states his preference that any tree loss to the north and west boundaries of the site and also to the pedestrian path in the north-eastern corner should be minimised as far as possible referred to. He also considers that it would be helpful if the path could be limited in width to 1.5 metres.

Comment: The issue of the impact of the proposed development on tree cover will be addressed in the assessment contained in Appendix A of this report.

(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

Pentadel Project Management, acting as agent for the application, have produced a Design and Access Statement (dated 14th August 2020). This document can be viewed on the Council's website at <https://www.argyll-bute.gov.uk/planning-and-environment/find-and-comment-planning-applications>.

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

Flood Risk Assessment

A Flood Risk Assessment (FRA) dated January 2019 has been prepared by RSK, which has been accompanied by an FRA Checklist dated 12th March 2020 as stipulated by SEPA.

Ecological Appraisal

A Preliminary Ecological Appraisal (report dated 28th November 2019) has been undertaken for the site by Cairn Ecology with a subsequent '*Preliminary Roost Assessment and Otter Survey Report*' (28th July 2020) and '*Bat Activity Survey Report*' (25th August 2020).

Contaminated Land Assessment

A '*Report on Site Investigations*' was prepared by the Geo-Environmental Consultants, Mason Evans, in October 2014 and an updated report has been submitted in October 2020.

Odour

A survey has been carried out by Mabbett & Associates Ltd that has informed the formulation of an Odour Management Plan (OMP) dated 6th August 2020.

Noise

A survey has been carried out by Mabbett & Associates Ltd that has informed the formulation of a '*Preliminary Noise Impact Assessment*' dated 9th September 2020.

Impact on Daylighting and Sunlighting

LightSIM was commissioned to assess daylight, sunlight and overshadowing levels for the existing residential property at No. 5 Sheriff's Croft in Rothesay with the introduction of the proposed development. Their report of September 2020 has been submitted in support of the proposal.

The contents of the above documents will be used as part of the assessment of the relevant issues in Appendix A below.

(H) PLANNING OBLIGATIONS

(i) **Is a Section 75 obligation required:** No

(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 Local Development Plan 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 –Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of Our Environment

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 9 – Development Layout, Setting and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance 2016

SG LDP ENV 1 – Development Impact on Habitats, Species and our Biodiversity

SG LDP ENV 2 – Development Impact on European Sites

SG LDP ENV 6 – Development Impact on Trees / Woodland

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG LDP Sustainable Siting and Design Principles

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas
SG LDP BUS 5 – Economically Fragile Areas
SG LDP BAD 1 – Bad Neighbour Development
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 4 – Contaminated Land
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP CC 1 – Climate Change and Sustainable Buildings
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(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 3/2013.

Scottish Planning Policy (2014)
Consultee Responses
Third Party Representations
Circular 4/1998 '*The Use of Conditions in Planning Permissions*'
Planning Advice Note 33: Development of Contaminated Land
Planning Advice Note 61: Sustainable Urban Drainage Systems
Planning Advice Note 1/2011: Planning and Noise
Planning Advice on Flood Risk (2015)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes

(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: No

(O) Requirement for a hearing: Yes

The proposal has generated a significant number of objections, primarily local residents, and there have been a number of expressions of support, albeit considerably fewer. In these circumstances, it is considered that value would be added to the determination process by Members being afforded the opportunity to consider the matters raised by objectors having regard to the characteristics of the site and the design and layout proposed.

Therefore, it is recommended by Officers that a hearing be agreed by Members in this instance.

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

The application site is located adjacent to the junction of Barone Road and Meadows Road in the south-western part of Rothesay. It extends to approximately 1.17 Hectares and was formerly used for the storage of Liquefied Natural Gas although it has been vacant for a considerable number of years.

The proposal involves the erection of a food production facility by Bute Island Foods who, with its product Sheese, has established itself as a market leader of manufacturing vegan and dairy free cheese. It produces a large range of award winning dairy free vegan alternatives.

In addition to the erection of the main building, the proposal identifies the upgrading of the existing access onto Meadows Road to accommodate all traffic; the continuation of the existing footway on Barone Road along the south-western corner of the site and on to the upgraded access; and the provision of a total of 78 parking spaces within the site.

The proposal has attracted 74 objectors and 26 supporters and a number of issues have required examination, including the following:

- Visual Impact
- Road and Pedestrian Safety
- Vehicle Parking
- Flood Risk and Surface Water Management
- Noise and Odour Impact
- Contaminated Land
- Biodiversity
- Outdoor Access
- Impact on Daylight and Sunlight

Having received a number of consultant's reports on many of these issues, it is considered that sufficient information has been assembled to properly consider the proposal. The outcome of the assessment is that the proposal is consistent with the relevant LDP Policies and Supplementary Guidance and can be supported subject to the attaching of suitably worded conditions.

(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 development would be located within an established business and industry area located in the Main Town of Rothesay. It would result in the re-use of a site that has

been vacant for a considerable time and would allow the much-needed provision of a new food production facility in relation to the expansion of Bute Island Food's already successful operations.

The scale, massing and design of the proposed building are considered appropriate in the context of the wider townscape. The road and pedestrian safety issues can be successfully addressed through the imposition of suitably-worded conditions. Given the nature of the proposed operations and the reports that have been submitted relating to noise and odour, it is considered that the privacy and amenity of the nearest residential properties would not be adversely affected to a significant degree.

Other issues such as flood risk, biodiversity and contaminated land have been examined and found to be acceptable subject to suitably-worded conditions.

On the basis of the foregoing, the proposal accords with the following:

Argyll and Bute Local Development Plan 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 –Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of Our Environment
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 9 – Development Layout, Setting and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance 2016

SG LDP ENV 1 – Development Impact on Habitats, Species and our Biodiversity SG
LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP Sustainable Siting and Design Principles
SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas
SG LDP BUS 5 – Economically Fragile Areas
SG LDP BAD 1 – Bad Neighbour Development
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 4 – Contaminated Land
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP CC 1 – Climate Change and Sustainable Buildings
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

The proposal raises no other material consideration which would justify refusal of permission.

N/A

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

Author of Report: Steven Gove

Date: 9th October 2020

Reviewing Officer: Howard Young

Date: 9th October 2020

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF: 20/01441/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 17th August 2020; supporting information; and the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan (Scale 1:1250)	Plan 1 of 1		18/08/2020
Existing Site Plan	Drawing No. PPM-1928-P-A-002	P1	18/08/2020
PR Site Plan	Drawing No. PPM-1928-P-A-003	P1	18/08/2020
Proposed Block Plan	Drawing No. PPM-1928-P-A-004	P1	18/08/2020
Proposed Ground & First Floor Plan	Drawing No. PPM-1928-P-A-005	P1	18/08/2020
Proposed Roof Plan	Drawing No. PPM-1928-P-A-006	P1	18/08/2020
Proposed Site Sections	Drawing No. PPM-1928-P-A-007	P1	18/08/2020
Proposed Elevations	Drawing No. PPM-1928-P-A-008	P1	18/08/2020
Proposed Entrance Layout	Drawing No. PPM-1928-P-A-009	P1	18/08/2020

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

2. Unless the prior written consent of the Planning Authority is obtained for variation, the following works shall be undertaken prior to the food production facility hereby approved coming into use:
- i. Sightlines of 42 metres in each direction, measured a distance of 2.4 metres back from the edge of the public carriageway at the centre point of the access, shall be cleared of all obstructions above a height of 1.05 metres from the level of road and thereafter maintained as such in perpetuity;
 - ii. The first 5 metres back from the edge of the public carriageway as it meets the vehicular access to the site shall be finished with a sealed bituminous surface;
 - iii. The hatched area of ground referred to in Drawing No. PPM-1928-P-A-004 Revision P1 as '*pathway to be reinstated*' shall be finished with a sealed bituminous surface and thereafter be retained in perpetuity for such a dedicated purpose;

- iv. The parking spaces shown on Drawing No. PPM-1928-P-A-003 Revision P1 and Drawing No. PPM-1928-P-A-004 Revision P1 shall be fully constructed and capable of use, and thereafter be retained in perpetuity for such a dedicated purpose.

Reason: In the interests of road safety.

3. Prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), a finalised Noise Management Plan shall be submitted to and approved in writing by the Planning Authority.

The Noise Management Plan shall:

- a) Confirm the measures that will be taken to mitigate the adverse noise impact identified at the Noise Sensitive Receptors from the identified external noise sources associated with the development
- b) Review and revise the BS4142 assessment calculations based on these mitigation measures (see (a) above), so as to demonstrate the effectiveness of these measures in mitigating any adverse noise impacts

The food production facility hereby approved shall not be brought into use until the measures detailed in the approved Noise Management Plan have been implemented in full.

Reason: In order to avoid noise nuisance in the interest of amenity.

4. Unless otherwise agreed in writing with the Planning Authority, the movement of Heavy Goods Vehicles into or off the site shall be limited to:
 - No earlier than 07:00 hours on a weekday or 08:00 hours on a Saturday
 - No later than 19:00 hours on a weekday or a Saturday

There shall be no movement of Heavy Goods Vehicles into or off site on a Sunday or Bank Holiday.

Reason: In order to avoid noise nuisance in the interest of amenity.

5. Unless otherwise agreed in writing with the Planning Authority, the food production facility hereby approved shall be operated in full compliance with the terms of the Odour Management Plan prepared by Mabbett and Associates (Third Issue dated 6th August 2020).

Reason: In order to avoid odour nuisance in the interest of amenity.

6. Prior to the commencement of the development (or such other suitable timescale as may be agreed with the Planning Authority), full details of any external lighting to be used within the site shall be submitted to and approved in writing by the Planning Authority. 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 having regard to the Institute of Lighting Engineer's Guidance.

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.

7. Notwithstanding the effect of Condition 1 above, prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), full details of the means by which rainwater and surface water are to be managed at the site shall be submitted to and approved in writing by the Planning Authority. Such details shall include detailed design calculations, a drainage statement, a method statement for construction and a SUDS maintenance regime. The surface water drainage shall be designed in accordance with SuDS manual CIRIA C753 and Sewers for Scotland 4th edition.

The details shall also include the results of investigations into the existing culvert located at the north east boundary of the site (flowing in a westerly direction from Mill Lade) and into the sinkhole that revealed a collapsed culvert to the north of this area, which was found during the undertaking of the topographic survey.

The rainwater and surface water drainage shall be constructed in accordance with all of the approved details and 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 rainwater and surface water drainage system and to prevent flooding in accordance with Policy LDP 10 and Supplementary Guidance policies SG LDP SERV 2 and SG LDP SERV 7 of the adopted Argyll and Bute Local Development Plan 2015.

8. Notwithstanding the effect of Condition 1 above, the development shall be implemented in accordance with the recommendations set out in the Flood Risk Assessment prepared by RSK (ref: 881048-R2(01)-FRA) and submitted in support of the development.

Reason: In order to ensure appropriate mitigation for flood risk.

9. Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a report on previous site investigations and ground gas monitoring shall be undertaken and submitted to and approved in writing by the Planning Authority. The report shall also contain a risk assessment based on current guidance and include recommendations for any further investigation, remediation or the installation of ground gas protection measures.

Reason: In order to ensure that contamination issues on the site have been fully investigated and remediated.

10. Prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. 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. Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v. A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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.

11. Prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), a scheme for the retention and safeguarding of trees during construction shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise:
 - i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
 - ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction'.

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

12. Unless otherwise agreed in writing with the Planning Authority, no development works shall take place on the site within the bird breeding season (April – August inclusive). The Planning Authority shall be informed in writing should any development be proposed within the site during the breeding bird season and confirmation shall be provided that a Suitably Qualified Ecologist (SQE) shall be employed to search the site for evidence of nesting birds immediately prior to works occurring, with a re-check undertaken for any works that are delayed for longer than 48 hours.

Should a nest be recorded, a suitable working buffer should be put in place until young have successfully fledged the nest.

Reason: In the interests of protecting bird species within the site.

13. Prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) shall be submitted to and approved in writing by the Planning Authority. The plan shall include details showing:
 - i) All existing access points, rights of access and other routes within and adjacent to the application site;
 - ii) Any diversion of paths, tracks or other routes temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage)

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first coming into use of the food production facility hereby approved or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard public access both during and after the construction phase of the development.

14. Prior to the commencement of the development (or such other suitable timescale as may be agreed with the Planning Authority), details of those works that are to be undertaken within the site during construction works to protect the water course that is located to the immediate east of the development site shall be submitted to and approved in writing by the Planning Authority.

Unless otherwise agreed in writing, the protection works shall be undertaken in accordance with the approved details.

Reason: In order to protect the water course in the interests of amenity and nature conservation.

15. Prior to the commencement of construction works on the building or other structures within the site (or such other timescale as may be agreed in writing with the Planning Authority), details of the proposed finishes of the external walls, roof covering, doors and fenestration of the building and all other structures shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the building shall be constructed using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

NOTES TO APPLICANT

1. **Length of 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 & 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 Council's Roads Engineer has made the following comments:
 - Waiting restrictions may be required in the vicinity of the junction of Barone Road and Meadows Road as there is currently a trend for vehicles to be parked in this area.
 - A Road Opening Permit will be required for all works on or adjacent to the public road network

Please contact Mr Paul Farrell (tel: 01369 708613 or at paul.farrell@argyll-bute.gov.uk) to discuss the above requirements.

5. The developer is advised that, in terms of construction noise, the Council's Environmental Health Service can use powers under the Control of Pollution Act 1974 to control the noise from such work. It is envisaged that, in order to comply with the above controls, any construction activities within the site shall be restricted to the hours of 0800 to 1900 Monday to Friday, 0800 to 1300 on Saturday. No construction activities (excluding internal finishing work) should take place on Sundays or Public Holidays.

The following advice is also applicable:

- The best practicable means (as defined in Section 72 of the Control of Pollution Act 1974) shall be employed to reduce noise to a minimum at all times
- Regard shall be paid to BS 5228-1: 2009 "*Code of Practice for Noise and Vibration Control on Construction and Open Sites: Part 1 – Noise*" which gives guidance and recommendations on how to minimise noise from construction works
- All plant and machinery in use shall be properly maintained in accordance with the manufacturer's instructions so as to minimise noise
- Any temporary lighting shall be positioned and angled so as to prevent glare/light pollution to nearby residents
- A contact number for emergency use shall be given to the Council prior to the commencement of construction activities

- If conditions or circumstances change and do not allow for the method of working to be continued then notification shall be given to the Council as soon as possible to discuss alternative methods of working

Please contact Richard Gorman, Environmental Health Officer (tel. 01700 501366 or at richard.gorman@argyll-bute.gov.uk) directly upon these matters.

6. The attention of the applicant/developer is drawn to the contents of the following letters and e-mails that are documents associated with this permission as listed in the Council's Public Access System:
 - Letter dated 25th August 2020 from SEPA
 - Letter dated 26th August 2020 from the Council's Biodiversity Officer
 - Report from JBA Consulting dated 4th September 2020 and titled 'Flood Risk Management – Observations on Planning Application'
 - E-mail dated 7th September 2020 from Council's Biodiversity Officer
7. The attention of the applicant/developer is drawn to the contents of the letter dated 27th May 2020 from Scottish Water that is a document associated with the withdrawn application (ref: 20/00333/PP) as listed in the Council's Public Access System.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/01441/PP

A. SETTLEMENT STRATEGY

The site is located within the boundaries of the Main Town of Rothesay as designated under the Argyll and Bute Local Development Plan (LDP) 2015.

Under Policy LDP DM 1 of the LDP, up to large-scale development is encouraged on appropriate sites within the Main Towns. **In view of this, it is considered that the principle of the proposal is consistent with the provisions of Policies LDP STRAT 1 and LDP DM 1 of the Argyll and Bute Local Development Plan 2015.**

B. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

Site Description

The application site is located adjacent to the junction of Barone Road and Meadows Road in the south-western part of Rothesay. It extends to approximately 1.17 Hectares and the 'Report on Site Investigations' produced by Mason Evans in October 2014 provides the following narrative on the history of the site:

"The site would appear to have remained largely undeveloped until at least 1965. From around 1975-1978, four unspecified buildings were recorded on site. Previous reporting indicated the structures to be concrete bunds containing Liquefied Natural Gas (LNG) storage vessels and a vaporiser slab with a control office located in the south. By 2006, the site was indicated to have been cleared of all structures except the office building.

The surrounding area was subject to industrial development from at least 1865. Beyond the Mill Lade to the east, a sawmill was recorded in 1896 and replaced by three gasometers from 1924. A railway line was recorded 150 metres to the west and throughout the mid-twentieth century residential development was recorded to the south-east and nurseries to the north. By 1985/1990, only one gasometer remained and by 1995, this area to the east of the site had been cleared."

In 2014, Mason Evans reported that the site itself had a gentle slope downward to the north with the western part being slightly higher than the east. Two gas regulating structures were noted in the west and a small office building was present in the south. The remaining site area comprised various areas of hardstanding and demolition debris with soft landscaping to the east and west.

In the intervening period, the site has become significantly more overgrown with the areas of hardstanding now covered in greenery.

To the immediate north of the site is Sheriff's Croft, which is a small residential development consisting of a terrace of four dwellinghouses (Nos. 1 – 4) and a detached dwelling (No. 5); to the north-east are the buildings associated with Bute Fabrics; to the east and south-east are Council yards and the rear of McKirdy's Haulage yard; to the south are allotments and Meadows Road; and to the west is Barone Road.

Details of Proposal

Bute Island Foods, with its product Sheese, has established itself as a market leader of manufacturing vegan and dairy free cheese. It produces a large range of award winning dairy free vegan alternatives.

The principal element of the proposed development relates to the erection of a building that will incorporate the main production factory on the ground floor with reception, office and welfare

facilities in a partial upper floor. A gross floorspace of approximately 3900 square metres will be created and the external dimensions of the building would be 63 metres in length x 43 metres in width x 12 metres in height (ground floor level of building to ridge level of building).

As described in the '*Design Statement*', the construction system would be typical to food-safe production facilities and would be a steel frame with a metal-clad insulated panelling. The windows have been carefully positioned to relate to the internal rooms whilst a translucent band of cladding runs the full length of the elevation to allow diffused daylight throughout the first floor spaces. The image in the '*Design Statement*' indicates that green will be the basis for the colour scheme but it also advises that specific tones and colours would be subject to the applicant's confirmation of samples.

Assessment of Visual Impact

In approaching the application site from the north, one travels along Mill Street and then Barone Road. There is a clear distinction in terms of land usage and townscape when moving in a westerly and then south-westerly direction – the areas to the north and west of the road are almost exclusively residential whilst the areas to the east and south are more industrial in nature. As one moves closer to the site at road level, there is a substantial stone boundary wall, immediately behind which is a significant belt of trees. The combination of wall and woodland render the application site visually inconspicuous from the level of the road.

The site is more visible on the approach along Meadows Road from the south and, from the east, views can be obtained from a pedestrian footpath albeit this is relatively overgrown at the present time.

The south-western boundary of the Rothesay Conservation Area ends approximately 80 metres to the north of the application site and none of the business and industrial land in the vicinity is within the Conservation Area. A former Cotton Mill (currently occupied by Bute Fabrics) that dates from the late 18th/early 19th century is located to the north-east of the application and this is the only Listed Building (Category B) in the vicinity of the site. This building is viewed in two different contexts – from the east, it is directly adjacent to a large, modern factory unit whilst, from the west, it is set in a visually attractive arrangement where it looks onto the terrace of four dwellings and one detached dwelling that comprises Sheriff's Croft. It is considered that the proposed building would be of a sufficient distance that it would not have an adverse impact on this setting.

Whilst acknowledging that the proposed building will provide a purpose-built working environment internally, it is very much a case of "*form following function*" in terms of its scale, massing and external design. Site sections have been provided that show the height of the building in relation to the residential buildings across Barone Road together with its distance from the road itself.

In the context of the site's location within a wider business and industrial area; the presence of a substantial stone boundary wall and tree belt along its northern and western boundaries; and its distance from the Rothesay Conservation Area and nearest Listed Building, it is considered that the proposal would have a neutral effect thereby maintaining the visual amenity of this part of Rothesay.

On the basis of all of the foregoing, and subject to suitably-worded conditions, the proposal is considered to accord with Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 13, SG LDP ENV 16(a) and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.

C. ECONOMIC AND BUSINESS IMPACT

The site is located within an 'Established Business and Industry Area' within which, under Policy LDP 5 (*Supporting the Sustainable Growth of Our Economy*) of the LDP 2015, priority is given to new business and industry development. In addition, Supplementary Guidance policy SG LDP BUS 1 (*Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas*) aims to promote well ordered, sustainable industrial and business development in all existing settlements subject to certain criteria.

The site is also within a wider Area for Action referred to in the LDP Written Statement as AFA 1/4 (Rothesay – Barone Road/High Street). The LDP explains that AFAs are areas which, subject to resource availability during the plan-period, will be the focus for partnership or community action. In this particular case, the remit is local in scale and relates to regeneration and environmental enhancement.

Rothesay is also termed an "Economically Fragile Area" in the LDP and such areas are characterised by factors including declining population, scarcity of economic opportunities, proportionately fewer young people, geographical and transport challenges, and below average income levels. Supplementary Guidance Policy SG LDP BUS 5 stresses the importance of supporting development in these areas that would have significant economic and social impact, assist businesses and social enterprises to generate growth and social impacts, and contribute to community resilience.

The proposed food production unit would fall within Class 4 (Business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and this type of use comes within the definition of "*business and industry development*" contained in the LDP. Bute Island Foods are clearly a great economic success story on the island and their Design Statement explains that the company's existing production facility at Townhead is reaching capacity with the consequence that this new premises will enable the company to continue to expand whilst remaining on the Isle of Bute.

The supporting information estimates the provision of 60 new jobs within 12 months of the opening of the new unit and a planned rise to 200 jobs within 3 years allowing for additional upskilling and promotional opportunities for the area.

The relevant LDP Policies and Supplementary Guidance relating to business and the economy recognise that the other potential impacts of a proposal (such as on road and pedestrian safety; residential amenity; etc.) must be examined fully and such examination is carried out elsewhere in this report. Purely from an economic perspective, however, the principle of facilitating the continued expansion of a successful Bute company should be fully supported.

On the basis of the foregoing, the proposal is considered to accord with Policy LDP 5 and Supplementary Guidance policies SG LDP BUS 1 and SG LDP BUS 5 of the Argyll and Bute Local Development Plan 2015.

D. ROAD NETWORK, PARKING AND ASSOCIATED TRANSPORT MATTERS

Whilst the application site has not been in active use for a significant number of years, there is an existing vehicular access onto Meadows Road, approximately 50 metres to the south-east of its junction with Barone Road.

The previous application (ref: 20/00333/PP) identified the formation of a new vehicular access onto Barone Road for traffic other than HGVs, predominantly employees. HGVs were to enter and exit via the upgraded existing access onto Meadows Road. A total of 30 car parking spaces were identified to the west of the building.

In his comments on the above arrangements, the Area Roads Engineer stated the following:

- i. The proposed new access onto Barone Road was too close to Gowanfield Terrace, given the size of the currently proposed employee/visitor car park. It was recommended that a new access should be located at least 25 metres from an existing junction
- ii. Supplementary Guidance policy SG LDP TRAN 6 of the Argyll and Bute Local Development Plan (LDP) 2015 provides advice on the level of off-street car and vehicle parking that should be associated with new developments. The Argyll and Bute Minimum Parking Standard for new Class 4 (Business) developments is 1 space per 50 square metres of gross floor area (GFA). Given the GFA in this particular case is approximately 3,900 square metres, there would be a requirement for a minimum of 78 spaces using this standard. Given the number of off-street parking spaces that was proposed in this original scheme, there was a shortfall of 48 spaces
- iii. The level of parking must be sufficient to prevent vehicles parking outwith the site on the adjacent road network where available parking is already at a premium

These comments were very similar to those submitted by objectors.

The applicant revised the proposal in light of these comments and these amendments prompted the submission of the new application. The new arrangement identifies the upgrading of the existing access onto Meadows Road to accommodate all traffic; the continuation of the existing footway on Barone Road along the south-western corner of the site and on to the upgraded access; the provision of a total of 78 parking spaces within the site by utilising areas to the south and west of the building; and the creation of a pedestrian footpath from Barone Road into the northern part of the site.

The Area Roads Engineer has expressed no objections to these proposed arrangements, subject to the following conditions:

- The surfacing of the access in a bituminous sealed surface that would be 5.5 metres wide
- The formation of the requisite sightlines onto Meadows Rd of 42 metres x 2.4 metres x 1.05 metres. All walls, sightlines and walls within the visibility splay must be maintained at height not greater than 1 metre above the road.

He has commented that waiting restrictions may be required in the vicinity of the junction of Barone Road and Meadows Road as there is currently a trend for vehicles to be parked in this area. A Road Opening Permit will be required for all works on the road corridor.

Whilst the changes identified in this second application have resolved some of the adverse comments previously submitted, many objectors have now expressed concerns regarding the impact upon road and pedestrian safety along Meadows Road. These objections are detailed in Part (viii) of Section (F) earlier in this report.

It is acknowledged that the proposal would result in an increase in the amount of vehicular traffic using that part of Meadows Road between its junction with Barone Road and the upgraded existing access into the site (approximately 50 metres in length).

In assessing the extent of the increase, the agent has provided the following shift starting and ending times:

Early shift is between 06:00-12:30 and involves 20 people
Main shift is between 06:30-16:30 and involves 40 people
Late shift is between 12:00 -18:00 and involves 20 people

Hygiene is between 17:00 -01:00 and involves 10 people

He has also reiterated that, due to the close proximity of the existing Townhead site to Rothesay centre, the majority of employees are able to walk, cycle or take the bus to work. It is assumed that, as the new facility will be located closer to the centre of Rothesay, the number of employees not using cars will increase.

Whilst it is recognised that there will be a certain number of other vehicles entering and leaving the premises at various times during the day, the shift workers will be entering and departing at specific parts of the day. Based upon the information submitted by the agent, in the scenario where every shift worker drives a car to their work (which is unlikely), the most number of vehicles driving in the vicinity of the site would be 40 in the lead-up to 06:30 and 40 after 16:30.

Meadows Road is in a '*Twenty's Plenty*' zone where vehicle speeds should be lower and motorists should be adapting their driving to the conditions. Providing that suitable sightlines are provided from the upgraded access (these are achievable) and there is a footway linking the access with Barone Road, the Area Roads Engineer is satisfied.

Given all of the above, it is considered that the revised access and parking arrangements have satisfactorily addressed the previous concerns of the Council's adviser on road and pedestrian safety.

On the basis of the foregoing, and subject to suitably-worded conditions, the proposal is considered to accord with Policy LDP 11 and Supplementary Guidance policies SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015.

E. INFRASTRUCTURE

The development is to be connected into the public water supply and public sewerage system. At the time of the previous application for the site (ref: 20/00333/PP) in May 2020, Scottish Water advised that they had carried out a capacity review. This stated that the proposed development would be fed from Dhu Loch Water Treatment Works but they could not confirm the current capacity. To allow Scottish Water to fully appraise the proposals, the applicant is advised to complete a Pre-Development Enquiry (PDE) Form and submit it directly to them via their Customer Portal or contact Development Operations.

Scottish Water also confirmed that there is currently sufficient capacity for a foul only connection in the Rothesay Waste Water Treatment works to service the development. However, they noted that further investigations might require to be carried out once a formal application had been submitted to them.

Notwithstanding the above comments, Scottish Water did not object to the proposal and there is no evidence to suggest that there would be a fundamental issue associated with connection to public infrastructure, which is preferred route for developments within the main settlements.

On the basis of the foregoing, the proposal is considered to accord with Policy LDP 10 and Supplementary Guidance policy SG LDP SERV 1 of the Argyll and Bute Local Development Plan 2015.

F. FLOOD RISK AND SURFACE WATER MANAGEMENT

A Flood Risk Assessment (FRA) dated January 2019 has been prepared by RSK, which has been accompanied by an FRA Checklist dated 12th March 2020 as stipulated by SEPA. Given the size of this document, it is considered appropriate to set out the conclusions and recommendations, as follows:

This FRA complies with the NPF3 and SPP and demonstrates that flood risk from all sources has been considered in the proposed development. It is also consistent with the Local Planning Authority requirements with regards to flood risk. SPP sets out a Risk Framework, which provides specific information regarding suitability of development within areas at different levels of risk.

The FRA has concluded that:

- The proposed development is located within a medium to high risk area in accordance with the SEPA flood mapping; notwithstanding this, following a flood modelling exercise on Mill Lade, the results show that the site should not be impacted by the 200 year flood event. However, due to the nature of the site and the adjacent watercourse, a residual risk of flooding remains at the site. As a result, provided that the relevant mitigated measures are put in place (the raising of the finished floor levels of any proposed development and the potential inclusion of flood resilient construction measures), the development should not be precluded as a result of flooding
- The site is sufficiently removed from the coast and elevated above sea level to state that it is at low risk from tidal sources
- Flood risk from surface water is considered medium at the site, with a potential flow path present on site aligned between the steep slopes in the eastern and western sections of the site flowing in a northerly direction
- Flood risk from groundwater is considered low; however, it is recommended that the groundwater levels are monitored during site investigations or groundworks phase in order to confirm
- The risk from sewers is considered to be low to moderate as there are sewers on and surrounding the site. Should surcharging of these systems occur, any surcharged flow would likely continue in a northerly direction away from the site or be retained within the adjacent highway network
- It is advised that the culvert / Mill Race in the northern section of the site be further assessed to confirm its route, capacity and condition
- There will be an increase in surface water runoff; however, a full surface water drainage strategy should be developed to mitigate this increase
- The proposed development will alter the impermeable area therefore increasing the surface water runoff and a drainage strategy should be undertaken for the site.

SEPA has accepted the FRA and has no objections to the proposal.

The Council's Flood Risk Adviser has recommended that a condition is attached to any permission that is granted which ensures that detailed design calculations, a drainage statement, a method statement for construction and a SuDS maintenance regime are submitted at the appropriate time. In addition, details should be submitted of investigations into the existing culvert located at the north east boundary of the site (flowing in a westerly direction from Mill Lade) and into the sinkhole that revealed a collapsed culvert to the north of this area, which was found during the undertaking of the topographic survey. The surface water drainage should be designed in accordance with SuDS manual CIRIA C753 and Sewers for Scotland 4th edition.

On the basis of the foregoing, it is considered that, subject to suitably-worded conditions, the proposal is in accordance with Policy LDP 10 and Supplementary

Guidance policies SG LDP SERV 2 and SG LDP SERV 7 of the Argyll and Bute Local Development Plan 2015.

G. WASTE COLLECTION

Supplementary Guidance Policy SG LDP SERV 5(b) requires that developments should make effective land use and layout provision for the storage, separation, recycling, composting and collection of waste. In the case of a large-scale development such as is proposed in the current application, details of the arrangements for the storage, separation and collection of waste from the site or roadside collection point should be submitted, including provision for the safe pick-up by refuse collection vehicles.

The application form states that “*waste and recycling will be consolidated internally and collected via the organised waste collection*”. In the ground floor plan, a waste collection route is identified at the south-western corner of the building and given, the established nature of Bute Island Foods and their facility at Townhead, there is no evidence to suggest that there are any issues associated with waste collection.

On the basis of the foregoing, the proposal is considered to accord with Supplementary Guidance policy SG LDP SERV 5(b) of the Argyll and Bute Local Development Plan 2015.

H. ODOUR IMPACT ASSESSMENT

Having regard to food production at the proposed facility and the comments of objectors, the Environmental Health Officer (EHO) requested that an assessment was carried out on the potential impact of the odour produced by the operation of the proposed development on nearby residential properties.

Using the findings of the assessment, an Odour Control Scheme would be produced that detailed the planned odour control measures required to mitigate any potential adverse effects of odour for the occupiers of nearby residential properties.

The applicant commissioned Mabbett & Associates to undertake the odour assessment and their report dated 6th August 2020 identified three main areas of potential odour during day-to-day operations, as follows:

- The production air handling unit stack discharge
- The washroom extract discharge
- The waste storage area

In addition, the report identified abnormal/exceptional conditions that could lead to increased odour including generation of large quantities of waste, a blockage of onsite drains and adverse weather conditions. An external assessment of the existing site at Townhead, involving sniff tests, was undertaken during which no odour was detected beyond the site boundary.

The report stated that odour from the facility can be controlled by implementing odour control/mitigation measures, including waste minimisation, waste disposal, training of staff and daily external checks. Additional control/mitigation measures are detailed for foreseeable abnormal conditions.

In his comments on the report, the EHO advised that the Environmental Health Service has not received complaints of odour from nearby residents during the period which the existing business has operated at the Townhead site and previously in Columshill Street in Rothesay. Based on this, and in light of the findings of the Mabbett & Associates report, it is not considered

likely that the proposed food production facility would have an adverse impact on the occupiers of nearby residential properties provided that the applicant implements and maintains the control measures identified in the Odour Management Plan dated 6th August 2020.

In light of these comments, a condition is recommended ensuring that the operations at the site are carried out in accordance with the Odour Management Plan.

In terms of odour control, it is considered that, subject to a suitably-worded condition, the proposal is in accordance with Supplementary Guidance policy SG LDP BAD 1 of the Argyll and Bute Local Development Plan 2015.

I. NOISE IMPACT ASSESSMENT

Having regard to the nature of certain noise-generating activities at the proposed facility and the comments of objectors, the Environmental Health Officer (EHO) requested that an assessment be carried out of the potential impact of the noise/vibration generated by the operation of the proposed development on nearby residential properties. The assessment was to be carried out by a competent person using the methodology detailed in BS4142:2014 "*Methods for Rating and Assessing Industrial and Commercial Sound*".

Using the findings of this assessment, a Noise Management Plan would be produced detailing the measures needed to mitigate any potential adverse effects of noise/vibration for the occupiers of nearby residential properties.

The applicant commissioned Mabbett & Associates to undertake the noise assessment and its preliminary assessment carried out in July identified two main noise sources that might have the potential to impact on residents living nearby, namely the refrigeration trailer located in the loading bay on the western façade of the main building and the external fans on the eastern façade of the main building. Based on the results of a BS4142 assessment, it was determined that the external noise emissions from these sources may result in low impact during daytime hours at all three noise sensitive residential receptors (NSR's) but an adverse impact during night-time hours at all three NSR's.

The report stated that attenuation measures would be required to reduce the noise emissions from these sources to an acceptable level. In Section 4 of the report, a number of noise management options were suggested for both the refrigeration trailer (Section 4.2) and the external fan array (Section 4.3). A further amended report was submitted dated 9th September with additional notes regarding these proposed mitigation measures.

In addition, the report recommended the adoption of basic operational procedures to control noise emissions including limiting HGV movements to and from the site. This included the avoidance of HGV movements during evening and night-time periods.

Having considered the reports, the EHO recommended that a condition should be attached requiring the submission of a finalised noise management plan that would confirm the noise mitigation measures that had been chosen together with BS4142 assessment calculations to support the chosen measures.

He also recommended a condition limiting the movement of HGV's on and off the site to certain times of the day.

From a Planning perspective, guidance on noise as a material consideration can be found in '*Planning Advice Note 1/2011: Planning and Noise*'. This states that applications that raise significant noise issues can be greatly assisted by a Noise Impact Assessment (NIA). It refers to the identification of proportionate and reasonable mitigation measures, including the following possibilities:

- Engineering – the reduction of noise at the point of generation (e.g. by using quiet machines and/or quiet methods of working) and the containment of noise generated (e.g. by insulating buildings which house machinery and/or providing purpose-built barriers around the site)
- Operational - limiting the operating time of the source and/or restricting activities allowed on the site and specifying an acceptable and reasonable noise limit. However, the implications of restricting hours of operation for the economic efficiency and operational capacity of a business over the longer term will need to be considered;
- Off-site road traffic noise – the restriction of lorry movements to particular times or particular routes
- Equipment selection – the setting of noise limits for specific items of plant and equipment, e.g. those with certain tonal noise characteristics.

As mentioned above, the possible noise mitigation measures in this case relate to the refrigeration trailer (its position within the site; the use of an acoustic hood; or the erection of acoustic barrier fencing); the external fan array (installation of a low-noise fan set; installation of fan silencer units or acoustic enclosures; or deployment of variable speed drives to control the fan motor speed to the required duty at any given time); and HGVs (limitation of movements to/from the site and avoidance of movements during evening and night-time periods).

It is considered that the noise mitigation measures that are being considered in relation to the current application fall within the type of options mentioned in Planning Advice Note 1/2011 and that the conditions recommended by the EHO would meet the six tests contained in Circular 4/1998 '*The Use of Conditions in Planning Permissions*'.

In terms of noise control, it is considered that, subject to a suitably-worded condition, the proposal is in accordance with Supplementary Guidance policy SG LDP BAD 1 of the Argyll and Bute Local Development Plan 2015.

J. CONTAMINATED LAND ASSESSMENT

A document titled '*Report on Site Investigations*' and dated October 2014 was submitted as part of the supporting information relative to the previous application for the site (ref: 20/00333/PP). This had been prepared by Mason Evans, whom Highlands and Island Enterprise had commissioned to undertake a ground study in advance of the site being developed.

Having looked at this report, the Environmental Health Officer (EHO) recommended that arrangements should be made for a competent person to carry out the following:

- i. Review the submitted and previous reports to determine the validity of the views and conclusions within it in terms of current knowledge and standards. In particular, re-evaluate the ground gas testing undertaken and associated gas protection measures identified as necessary
- ii. Identify any further need for investigation and assessment bearing in mind the proposed end use

It was stressed that that there was no requirement for a further site investigation if a competent person could justify the case that the previous investigations in 2014 were adequate and could then confirm in writing that the results obtained were valid in terms of current knowledge and standards. This should include a review of the ground gas regime in accordance with contemporary standards and the gas protection measures identified as necessary in the report for an industrial development of this type.

In making these recommendations, the EHO referred to the document titled '*Land Contamination and Development*' that was published by Environmental Protection Scotland in 2019.

A decision was taken that Mason Evans would undertake a fresh report involving a new site visit and a copy of this latest study has been submitted.

Having examined the new documents, the EHO notes that the report has reviewed the results of previous site investigations in accordance with current guidance and standards and it concludes that no source-pathway-receptor links are present in relation to human health. He points out, however, that previous ground gas monitoring in 2014 prompted a recommendation that Characteristic Situation 2 protection measures would be required if the site was developed and, in this context, he acknowledges that further ground gas monitoring is currently being undertaken but has yet to be completed and reported.

He considers it possible, therefore, that in the elapsed time since the earlier report, and following reference to results of current monitoring exercise and contemporary guidance, a different conclusion on the Characteristic Situation 2 protection measures may be reached. In these circumstances, he feels that it would be appropriate for a final report to be formulated that included details of the completed ground gas monitoring exercise and, as such, he is recommending that a suitably worded condition be attached to the Planning Permission, if granted.

In terms of assessing the proposal in the context of the information that is now available, attention is drawn to the Environmental Protection Scotland document '*Land Contamination and Development*', which includes the following statements:

"The applicant needs to satisfy the Planning Authority that unacceptable risks from contamination have been successfully addressed through remediation actions and with the land being 'suitable for use'." (Paragraph 17)

"Land contamination issues can be addressed either as a part of the development planning application or by conditioned requirements. In either approach, the planning application must meet the necessary reporting requirements to ensure that the new development is suitable for use." (Paragraph 18)

Planning Advice Note PAN 33 '*Development of Contaminated Land*' (which is mentioned in the EPS report) provides detail on how the Development Management process should assess contaminated land as a material planning consideration. It sets out the type of investigation and assessment that should be undertaken (although it was published in 2000) but, for the present purposes of deciding upon the extent of information required to make an informed recommendation, it makes the following statement:

"Applications need not, however, be delayed pending an investigation by the developer unless there is good reason to suppose that the land is actually contaminated. Moreover, where there is potentially only slight contamination, Planning Permission may be granted on condition that development will not be permitted to start until a site investigation and assessment has been carried out and that the development itself will incorporate measures shown in the assessment to be necessary."

It is of importance that the new study produced by Mason Evans has satisfied the EHO that the current guidance and standards have been applied properly. The results of the further ground gas monitoring that is currently being undertaken will inform the precise detail of the gas protection measures but there is nothing to suggest that there are any fundamental risks associated with the development of the site from a contaminated land perspective.

In terms of contaminated land, it is considered that, subject to a suitably-worded condition, the proposal is in accordance with Policy LDP 10 and Supplementary Guidance policy SG LDP SERV 4 of the Argyll and Bute Local Development Plan 2015.

K. BIODIVERSITY ASSESSMENT

A Preliminary Ecological Appraisal (report dated 28th November 2019) has been undertaken for the site by Cairn Ecology and the 'Discussion and Recommendations' section of the report can be summarised as follows:

Nature Conservation Sites

The Central Lochs SSSI sites are located some distance from the site and are designated for non-breeding populations of graylag geese (*Anser anser*), and importance for other wildfowl. The site is surrounded by urban areas and the habitat isn't optimal for geese or other wildfowl, as such the site was considered to have no impact or effects pathway to it and as such was not considered further.

Habitats

Broadleaved Plantation Woodland

The most ecological valuable habitat features noted during the field survey were the broadleaved plantation woodland located in the western side of the site, the immature woodland on the southern boundary and the mature trees present within the 30m buffer on the eastern boundary. These areas were considered likely to provide suitable habitat to urban mammal and bird species for both foraging, commuting and resting and, furthermore, could provide potential for roosting bats. It was recommended that, where possible, these areas of mature and semi mature trees were retained as part of the development.

To facilitate this, it was considered that it might be necessary to undertake a tree condition survey in particular within the site to identify which trees would be impacted.

Fauna

Birds

The woodland, hedgerow and trees identified within the Site and buffer area have the potential to provide nesting habitat to lowland bird species. As such, in order to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) that affords protection to all birds (whilst actively nesting), their nests and eggs, it was recommended that any development works should be completed outside of the bird breeding season (April – August inclusive). However, should any development of the site need to take place during the breeding bird season, it was recommended that a Suitably Qualified Ecologist (SQE) was employed to search the Site for evidence of nesting birds immediately prior to works, with a re-check undertaken for any works delayed longer than 48 hours.

Should a nest be recorded, a suitable working buffer should be put in place until young have successfully fledged the nest.

Bats

It was felt that the trees within the Site and buffer area might have the potential to support roosting bats. As such, it was recommended that a Preliminary Roost Assessment was undertaken of all trees and buildings to be impacted either through destruction or disturbance as part of the development.

Otter

The watercourse recorded in the eastern buffer area of the site could provide suitable resting, commuting and foraging habitat for otter. If this habitat was to be disturbed through the process of development, it might be necessary to carry out an otter survey to identify the possible presence of otter within this area prior to works commencing.

Biodiversity Enhancement

Landscape Planting

A native, non-invasive plant schedule should be considered for inclusion in any development of the site. Native planting throughout the development could be beneficial and often improve the biodiversity of an area by encouraging many nectivorous invertebrates (e.g. butterflies, moths and bumblebees) and provide shelter and food for larvae, adult insects and flying insects, which in turn, may encourage small mammals, bats and birds into the site. Species which encourage nocturnal insects (such as honeysuckle) could also be valuable for bats and by incorporating native, edible fruit and berry bearing plant species this would encourage further use of the site by birds, small mammals, badger and invertebrates.

The feedback from the Council's Biodiversity Officer to this initial document recommended that both an Otter Survey and a Bat Survey should be undertaken prior to the determination of the application. These surveys were subsequently carried out and the associated reports were submitted during the processing of this revised application.

Otter Survey

The Biodiversity Officer commented that the Otter Survey followed accepted protocols and, on the basis that no evidence of otter holts or resting places, or field signs within the site or the otter study area were found, no further mitigation was required within the site and associated 30 metre study area.

Bat Surveys

A Preliminary Roost Assessment (PRA) was carried out in early August and the associated report advised that, of the 12 trees and one structure located within the site or 30 metre study area, 4 trees were found to have moderate roost potential along with the flat-roofed structure. It was, therefore, recommended that further survey work be undertaken through activity surveys to confirm the presence of bats in line with best practice guidance.

The report on the follow-up survey advised that no bat roosts had been identified within the 4 trees and building surveyed and that no impacts to bat roosts were predicted as a result of the development.

The Biodiversity Officer noted the outcome of these reports and drew attention to a comment in the PRA that, if any of *'the identified additional trees on the north west corner and eastern side of the site with low roost potential'* required felling, that this would be undertaken as a *'soft fell'* as it is possible that bats may opportunistically roost in suitable features. She found this proposal to be acceptable.

She also noted that the majority of bat activity recorded during the survey efforts was associated with commuting, foraging and social behaviour amongst the riparian woodland located within the eastern 30m study area. She recommended that, if possible, this habitat was retained as part of the development and included in the Landscape Design Planting Plan.

She welcomed the advice on lighting in relation to reducing the effects on bat activities i.e. type of lighting, timing of use and provision for dark areas especially along the border, tree lined water-course on the eastern site boundary.

Overall, she was satisfied with the results of the survey and the recommendations to facilitate and present additional opportunities (enhanced landscape planting) for the biodiversity interest on the site.

In drawing all of the above together, a set of conditions are recommended dealing with the following:

- The submission of a Landscape Design Planting Plan identifying those trees within the site that are to be retained and those areas of new planting. This might also potentially show the proposals for the large hedge (consisting of holly, ornamental hedge, conifer and rhododendron) located within the 30m buffer study area on the southern side of the site. The objective would be to retain as much of this as possible with any species in poor condition being removed and replacement planting being introduced to ensure continuity
- The submission of a Tree/ Shrub Protection Plan identifying the measures that will take place during construction works
- The retention of the stone wall that is covered in moss and fern and located along the western boundary of the site on Barone Road. Stone walls are, in themselves, a recognised habitat for a number of species, insects, birds and bats
- The carrying out of development work outside of the bird breeding season (April – August inclusive) with the identification of a suitable methodology for any situation where any works needed to take place during the breeding bird season, it was recommended that a Suitably Qualified Ecologist (SQE) was employed to search the Site for evidence of nesting birds immediately prior to works, with a re-check undertaken for any works delayed longer than 48 hours
- Details of the protection during construction of the water course (approximately two to three metres wide) that flows south to north and is situated in the 30m buffer of the study area in order to avoid introducing any silt or other debris. The actual water course is not within the application site but a condition can reasonably be attached to detail those protection works that would take place within the site

On the basis of the foregoing, and subject to the suitably-worded conditions referred to, the proposal is considered to accord with Policy LDP 3 and Supplementary Guidance policies SG LDP ENV 1, SG LDP ENV 2 and SG LDP ENV 6 of the Argyll and Bute Local Development Plan 2015.

L. ACCESS AND CORE PATH ASSESSMENT

Supplementary Guidance policy SG LDP TRAN 1 (Access to the Outdoors) requires development proposals *“to safeguard and enhance public rights of access to the outdoors in a manner that is appropriate and proportionate to the specific site characteristics and the scale and impact of the proposed development on access issues. Accordingly, the Core Paths Plan ... will be a material consideration in assessing planning applications.”*

It goes on to state that, where *“development would have a significant adverse effect upon the public access interests identified, alternative access provision will be sought at the developer’s expense either by diverting the route or incorporating it into the proposed development in a way that it is no less attractive, safe or convenient for public use.”*

The Design and Access Statement states that “*there are no public paths or rights of way within the site boundary*” but a “*Right of Access exists and will be maintained.*” The accompanying diagram shows a hatched area that leads from Meadows Road; through the vehicular access; heading east to the north of the flat-roofed structure; and on to an existing footbridge, where it ends.

Additionally, the Council has a list of Core Paths and the one that is relevant in the case of the current application is referred to as “*C242(a) - Townhead to Barone Hill and Barone Road, Bute*”. It begins where Barone Road turns into Meadows Road and terminates at the south-western corner of the land belonging to ‘*Meadow Cottage*’. The route of the Core Path does not appear to be within the application site but it passes by the existing access point from Meadows Road.

In view of the above circumstances, it is considered reasonable to attach a condition requiring the submission of an Outdoor Access Plan that would set out the means by which the maintenance of the right of access in particular would be addressed.

On the basis of the foregoing, and subject to a suitably-worded condition, the proposal is considered to accord with Policy LDP 11 and Supplementary Guidance policies SG LDP TRAN 1 of the Argyll and Bute Local Development Plan 2015.

M. DAYLIGHTING AND SUNLIGHTING IMPACT ASSESSMENT

The ‘*Sustainable Siting and Design Principles*’ contained in the Supplementary Guidance part of the LDP explains that householders can legitimately expect a reasonable amount of direct daylight into all or at least some of their living room windows and that this should be protected as far as possible in order to maintain reasonable levels of household amenity.

When considering new developments, applicants should ensure that the building would not significantly affect daylight and direct sunlight to existing neighbouring properties and reference should be made to published standards.

In the case of the current proposal, the new building would be approximately 20 metres from the south-facing elevation of the dwellinghouse known as No.5 Sheriff’s Croft. Whilst the occupier of this dwellinghouse has not objected to the proposal, it was considered appropriate for a daylighting and sunlighting impact assessment to be carried out.

The applicant commissioned LightSIM to carry out a study, which was based on the various numerical tests set out in the recommended Building Research Establishment (BRE) guide ‘*Site Layout Planning for Daylight and Sunlight: a guide to good practice*’ by P J Littlefair 2011.

The LightSIM report advised that, using AutoCAD drawings and a SketchUP model, a 3-dimensional model was created of the proposed development and No. 5 Sheriffs Croft. There are three windows on the south-facing elevation of the dwellinghouse and these serve a kitchen, bathroom and bedroom.

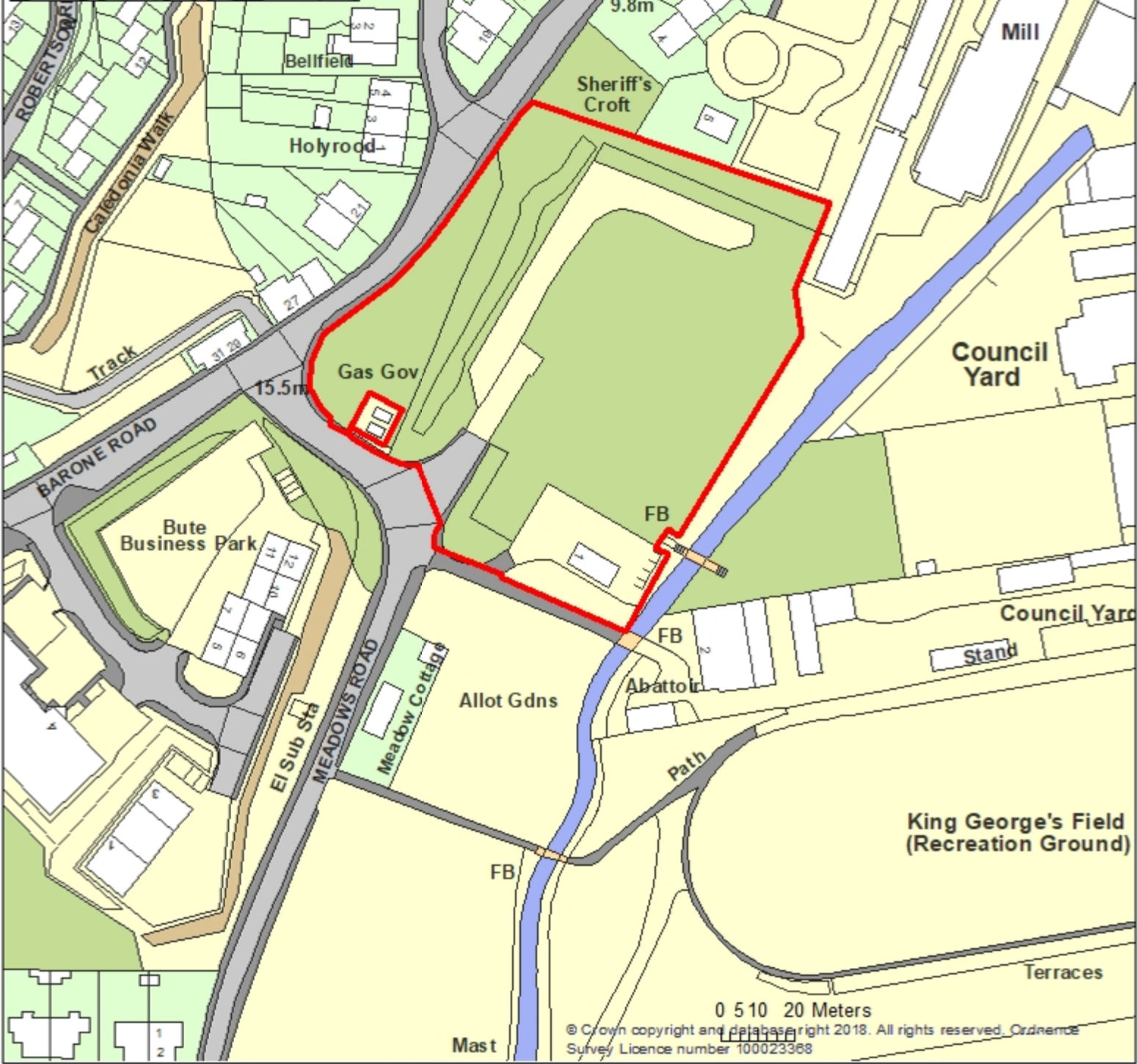
The BRE guide contains the Vertical Sky Component (VSC) test for new developments, which is the ratio of daylight falling on a vertical surface to the daylight available under an unobstructed sky. Diffuse daylight may be affected if, after a development, the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.

The report advises that calculations were completed using the MBS Software for Sketchup and the Integrated Environmental Solutions (IES) Virtual Environment (VE) software suite. The results confirm that all south-facing windows of No. 5 Sheriff’s Croft achieve the criteria set out in the BRE Guide as the VSC for all windows achieves above 27% or 80% of existing VSC.

The BRE guidance suggests, where there is an expectation of sunlight, *“that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of a new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.”*

Images presented in the LightSIM report show that the existing property at No.5 Sheriff’s Croft would receive good levels of sunlight (i.e. more than 2 hours) throughout the day on 21st March even after the introduction of the proposed Bute Island Foods development.

In terms of its impact upon the daylight and sunlight received by No. 5 Sheriff’s Croft, the proposal is considered to accord with Supplementary Guidance policy SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.



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Location Plan Relative to planning application: 20/01441/PP



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DEVELOPMENT AND ECONOMIC GROWTH**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE 21 October 2020**

MASTERPLAN REPORT 20/01281/MPLAN**Applicant: Macleod Construction****Masterplan to PDA 10/15 for residential development as identified in the adopted Argyll and Bute Local Development Plan 2015****Land At Imeraval, Port Ellen, Isle Of Islay: PDA 10/15**

1. Summary

Imeraval lies to the west of Port Ellen and is designated in the current adopted Local Development Plan (LDP) as having potential for low density housing development with a 25% requirement for affordable housing. Under these designations, a Masterplan is required as part of the determination of any planning application. This Masterplan has been submitted in advance of any further planning applications in order to establish the principle of development on the PDA at this density.

A Masterplan has previously been approved under reference 15/02954/MPLAN. A history of planning applications on the site is summarised below and how they relate to the delivery of the Masterplan.

The applicant is proposing 93 units across the entire area. This is calculated as:

- Phase 1 - 18 units (as per planning approval 13/02862/PP)
- Phase 2 - 8 units (outwith the PDA boundary under planning approval 18/01264/PP)
- Phase 3 - 10 units (as per planning approval 19/00182/PP)
- Phase 4 - 20 units
- Phase 5 - 20 units
- 5 private plots along the southern boundary, and
- 12 private plots on the adjacent land holding to the east
- Total – 93 (85 within the PDA)

This is broken up with a low density approach (11 units per hectare as defined in the LDP) to the southern portion of the site and an indication of similar low density on the adjacent land not owned by the applicant but within the PDA. A portion of the site has been delivered already by West Highland Housing Association (WHHA), phases 1, 2 and 3, but at a density not consistent with the expectation of the LDP. However, since the adoption of the LDP it has come to light that there is a lack of properties on the island and affordable units in particular. This has become a significant issue with some local key services such as the airport struggling to recruit personnel from off the island. In order to assist in overcoming this issue officers are minded to support the Masterplan as submitted which increases the numbers from the previous approval from 64 to 85.

Access is maintained as per the existing arrangements. The applicant is proposing an access into the adjacent portion of the site and officers are satisfied that, in land use terms, the adjacent land can still be delivered. It will be up to the relevant parties to agree the finer details of the access arrangements.

Landscaping is consistent with the existing Masterplan approval. A 6m deep tree strip will be planted along the northern boundary. Additionally there are areas of informal green space adding to the general mix. The applicant is proposing to maintain the stone walling currently throughout the site and officers are satisfied with this approach. The footpath along the front of the site will connect down to the distillery. Significant improvements have already been made to the UC17 Port Ellen to Oa public road including footpath arrangements along the majority, widening in key places and vegetation management.

The applicant intends to connect to public services. A SuDS scheme will be required and secured through subsequent planning applications. This approach is consistent with that undertaken thus far.

There have been no objections from consultees. Two objections have been received from third parties. One of these is the owner of the adjacent land holding but their concerns are addressed through the submission. The applicant has undertaken a community consultation event via the community council.

The Masterplan is considered in detail below.

2. RECOMMENDATION

Officers consider that the components of the proposed Masterplan are considered to be compatible with the envisaged development of PDA 10/15. It is accepted that the Masterplan might require some refinement in some locations but this can be secured via the submission of planning applications. It is considered that there is sufficient detail to assess the proposed development of the PDA and that it meets with the expectations and requirements of the LDP and technical working note on Masterplanning.

It is therefore recommended that Members approve the current Masterplan submission.

3. ASSESSMENT

PDA 10/15 at Imeraval is designated in the adopted Argyll and Bute Local Development Plan (LDP) for a development of low density, high amenity detached housing.

PDA's are areas identified by the Council where they can contribute to economic development and environmental improvement and where a comprehensive approach to prospective development is warranted in order to avoid unplanned piecemeal development.

PDA's are defined in the LDP as areas of land within which opportunities may emerge during the period of the LDP for infill, rounding off, redevelopment or new development. Such opportunities, as were identified, were not fully resolved at the time of the adoption of the development plan, which requires constraints to be overcome in terms of the 'mini development brief' accompanying these PDA's before development opportunities within the PDA area can be realised and be supported by the LDP. It is standard practice to require a Masterplan approach when considering development within such designated areas. Masterplans help the Council assess at an early stage in the development process, the interrelationships of layout, design, access, existing transport infrastructure and sustainable modes of travel, landscape and ecology, open space provision and integration of a proposed development with existing communities.

The Scottish Government most commonly refers to Masterplans as being '*a plan that describes and maps an overall development concept, including present and future land use, urban design and landscaping, built form, infrastructure, circulation and service provision. It is based upon an understanding of place and it is intended to provide a structured approach to creating a clear and consistent framework for development*' (PAN 83). The Scottish

Government endorses the use of Masterplanning in general, but considers that it is especially useful for large sites and in areas / sites which are going to undergo substantial change, have multiple users, or are sensitive in environmental or landscape terms.

The council's Technical Working Note on Masterplanning requires a consultation period of a minimum of 21 days for public comment. In this instance we have received two objections and these are assessed below.

Should Members approve the submission the Masterplan will be regarded as a material consideration that will provide a context for deciding any future planning application within the masterplan area. It should be noted however, that all Masterplans are indicative and not prescriptive in nature.

4. CONSULTATIONS

ABC Roads, 18/08/2020 – No objection subject to conditions to be attached to any future permission.

ABC Environmental Health, No response.

Scottish Water, 12/08/2020 – No objection.

West of Scotland Archaeology Service, 20/08/2020 – No objection subject to a condition attached to any future permission.

5. PUBLICITY

The Masterplan was advertised in The Oban Times 13th August 2020 expiry 10th September 2020.

Community consultation event undertaken by the applicant in January 2020.

6. REPRESENTATIONS

There are two objections received in relation to this Masterplan and these are summarised below.

Stephen Rogers, Carraig Mhor, Imeraval, Port Ellen, Islay (18/08/2020)
Stewart Wood on behalf of Mr Alex MacLean, Maison Dubois, Ewanfield, Crieff, Perthshire (31/08/2020)

The proposal will dwarf the village of Imeraval.

Comment: The site is identified as a PDA within the settlement boundary of Port Ellen. The density is higher than that of Imeraval as the expectation is to release land for housing and deliver much needed homes on the island. However, the density increase is only on part of the site and there are elements that retain a density akin to Imeraval.

The road infrastructure is insufficient to support this scale of development especially with increased tourist traffic to Kilnaughton Bay and Port Ellen Distillery.

Comment: Roads and Amenity Services has not objected to the proposal. Significant levels of road safety improvements have been secured over the years including footpath provision and road widening.

There is a question over the strategy of house building on the island.

Comment: The LDP sets out the level of housing envisaged for the island. This is informed by a Housing Needs Assessment. The LDP is available for public comment prior to adoption. It is recommended that if further details are required then contact should be made with the council's Housing and Policy teams.

Residents have already suffered years of building works and associated disturbance.

Comment: This is noted, but the site is considered suitable for housing. The level of disturbance during normal work hours is not a material consideration in the determination of this Masterplan.

No provision for electric car charging points.

Comment: This can be addressed during the determination of planning applications. It is not required for the consideration of a Masterplan which sets out a general scope of direction for future delivery across the site.

The site is good arable land which will be needed for future food supplies.

Comment: The land is graded as 5.1 according the Scottish Soils website. This land Class relates to land capable of use as improved grassland. It is reasonable quality land but not large enough nor part of such a significant portion of arable land as to have any impact on food supplies. The site has been designated for housing purposes in the LDP. It is not considered that future food supplies will be a significant concern given the advancements in farming technology.

Concerns that the proposal will land lock and prevent the delivery of the adjacent land not owned by MacLeod's.

Comment: The Masterplan clearly shows an access point into the adjacent land holding. It is not for MacLeod's to facilitate development on this site. The Masterplan only requires to show that the remainder of the PDA won't be sterilised as a result of these aspirations. It will be up to the owner of the land to negotiate a private arrangement to ensure access but officers are satisfied that the remainder of the PDA will not be sterilised by this Masterplan proposal. Access is clearly shown on the submitted plans. It is understood that the adjacent land owner accepts the Masterplan in principle but is keen to ensure access into the site is secured.

Full details of the this representation can be view on the Council's website www.argyll-bute.gov.uk

7. ASSESSMENT

List of all Development Plan Policy considerations taken into account in assessment of the masterplan.

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedule

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 8 – Green Networks
SG LDP ENV 10 – Geodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision
SG LDP HOU 2 – Special Needs Provision in Housing Developments

Housing Greenspace

SG LDP HOU 3 – Housing Green-Space

Planning Gain

SG LDP PG 1 – Planning Gain

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 3 – Drainage Impact Assessment
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP Sustainable – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 5 – Off-site Highway Improvements
SG LDP TRAN 6 – Vehicle Parking Provision

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 (SPP), 2014
- Creating Places- A Policy Statement on Architecture and Place for Scotland
- Designing Streets – A Policy Statement for Scotland
- Planning History

- A&B – Larger Housing Developments Design Guide
- A&B Technical Working Note: Masterplanning
- Statutory/Non-Statutory Consultee Comments
- The Argyll and Bute Proposed Local Development Plan (LDP2), November 2019
- Islay Strategic Housing Overview, September 2019

A. Development Plan Context

The Masterplan applies to land within the boundary of PDA 10/15 as defined in the adopted Argyll and Bute Local Development Plan 2015. The PDA proposals for this specific location are an expression of the Local Development Plan's objectives for the site and advocate the development of a low density, high amenity residential scheme consisting of detached houses. The LDP, however, contradicts these aims somewhat in that it also requires a 25% affordable housing component of the development which would introduce a higher residential density to part of the site which would normally be expressed by a development of smaller dwellings, usually in a terraced, semi-detached and/or flatted configuration.

The proposal represents a significant uplift in the density aspirations of the LDP. Low density is described as 11 units per hectare whilst this Masterplan provides for 17 per ha. Despite this the vast majority of units are affordable which is welcomed by officers. Those areas of private housing are significantly lower than that of the affordable. RSL housing will, by its nature, offer a higher density given the units tends to be smaller and made up of semi-detached, terraced and flats. Although the density is higher than specified in the LDP the recent Islay Strategic Housing Overview identified a need for housing. Those areas within settlements identified as allocations and PDAs are the most sustainable.

In this regard the proposal is a departure from the aspirations of the LDP. There is a greater demand for affordable housing than initially envisaged on the island at the time of writing the LDP and the delivery of this is best placed on allocations and PDAs given access to transport modes, settlement boundaries etc. This is detailed further below.

B. Settlement Strategy

The Masterplan site is located wholly within the defined settlement boundary of Port Ellen and covers a contiguous site area of 4.956 hectares, this being the whole of PDA 10/15 and sharing the same PDA boundaries.

Under Policy LDP DM 1 – *Development Within the Development Management Zones* in key rural settlements such as Port Ellen, encouragement is given to development serving a local community of interest, including 'medium scale' development on appropriate infill, rounding-off and redevelopment sites. Medium scale development is defined in the Local Development Plan as development of between 6 and 30 dwellings. In exceptional cases, 'large scale' development may be supported if it helps to counter population decline in the area, would help to deliver affordable housing, or else meet a particular local housing need. Large scale development is defined in the LDP as development exceeding 30 dwelling units.

Under Policy SG LDP HOU 1 – *General Housing Development Including Affordable Housing Provision*, there is a general presumption against 'large scale' housing development in key rural settlements. Exceptions apply where there is a deliberate attempt to counter population decline, to develop affordable housing, or else meet a particular housing need. However, within PDA's these constraints are removed and the issue becomes the assessment of the site based criteria. There is, therefore, a general presumption in favour of this development in terms of the 'Argyll & Bute Local Development Plan'.

C. Location, Nature and Design of Proposed Development

The Masterplan / PDA site has an overall area of 4.956 hectares and is currently open grazing land, split into two fields of roughly equal area with a gently undulating topography and no distinguishing geographical or topographical features. The masterplan area is bounded by substantial stone dyke walls with minor public roads immediately beyond to the south and west and by agricultural post and wire fences to the north and east / south-east. Immediately north of the masterplan area is a continuation of open agricultural and croft land with the buildings and site of Port Ellen Distillery bounding the site to the east and south-east.

The Masterplan / PDA area is within the ownership of separate parties. West Highland Housing Association own phases 1, 2 and 3 whilst MacLeod Construction Ltd own phases 4 and 5. The private plots along the southern edge are owned by Mr Jim Porteous whilst the remaining area to the east is owned by Mr A MacLean.

The submitted Masterplan has been prepared by CMA Architects acting on behalf of WHHA and MacLeod Construction Ltd. The remaining landowners are aware of the Masterplan and have been notified. It is understood that Mr Porteous is supportive whilst Mr MacLean is supportive in principle but has submitted concerns relating to access. This is summarised in section 6 above.

It is worth noting that 26 homes have previously been completed at Imeraval through Phases 1 & 2 and a further 10 (phase 3) were due to commence on site in 2020. WHHA considered its development proposals for the Strategic Housing Investment Programme period up to 2022, and Islay, and in particular Imeraval, is included given the high demand for this area. Phase 3 and Phase 4 at Imeraval are in the current approved SHIP listed under 'Additional Potential Projects' which will see a further 30 units delivered by 2022

The submitted masterplan indicates a phased potential development as per the following:

- Phase 1 - 18 units (already built)
- Phase 2 - 8 units (already built)
- Phase 3 - 10 units (already built)
- Phase 4 - 20 units
- Phase 5 - 20 units
- 5 private plots along the southern boundary, and
- 12 private plots on the adjacent land holding to the east
- Total – 93 (85 within the PDA)

Of these phases 1 to 5 are proposed by WHHA totalling 76 units made up of:

- 3 bed 5 person villas 32
- 2 bed 4 person villas 28
- 1 bed cottage flat 16

The total number of affordable units totals 76 out of a total of 93. This equates to some 70% provision of affordable units and would be a wholly welcome increase departure from the 25% specified in the LDP. However, the recent Islay Strategic Housing Overview, September 2019 identifies significant pressures for housing on the island accessible to first time buyers and people moving to the island. The proposal will assist in addressing population decline and provide much needed housing to address the backlog of demand. It is worth noting that officers have received a number of enquiries from key employers on the island detailing the problems with recruitment unless the candidate already has housing on the island. This is clearly having an impact on population and the ability of businesses to grow.

The remainder of the Masterplan area would comprise a much lower density of private free-market housing and an indicative layout has been submitted showing the remainder of this land set out for a development of 17 low density, high amenity detached houses to be brought forward in an anticipated five along the southern boundary east of phase 1 and another 12 in the adjacent land holding to the east. Access is clearly maintained by an access through phase 4.

Whilst the higher density component of the overall development was not envisaged under the LDP written statement that accompanies the designation of PDA 10/15 it is considered inevitable that this site would, by necessity, include a higher density component given the conflicting policy within the Development Plan that requires a minimum of 25% affordable housing provision across the site. Affordable housing would almost always present itself as small residential units occupying more constrained plots and leading inevitably to terraced development, semi-detached development and flatted units. Whilst the affordable housing provision could, in theory, be provided in a scattered fashion throughout the total development area and thus remove the perception of a higher density 'cluster' of development, the reality is that the need for such housing has been identified and officers are satisfied that the requirement for new housing should outweigh the low density specified in the LDP.

Provision of both casual and equipped play space has been considered in the development of the masterplan in accordance with the provisions of LDP policy SG LDP HOU 3 – *Housing Green-Space*. This policy requires that any residential development of 20 dwelling units or more are required to provide a minimum of 12 square metres of casual play space per unit plus a minimum of 6 square metres of equipped children's play space per unit.

Supplementary Guidance SG LDP HOU 3 requires developers to provide casual open space and equipped children's play space including provision for under 5 year olds for developments of 20 dwellings units or more.

Equipped play areas will be designed and installed in accordance with the LDP. The calculation of open space has been calculated as follows:

- Casual open space (green) $68 \times 12 \text{ m}^2 = 816 \text{ m}^2$
- Equipped play space (hatched green) $68 \times 6 \text{ m}^2 = 408 \text{ m}^2$

Equipped Play Areas will be delivered as follows:

- Play Area A upon completion of Phase 4 170 sq.m Equipped & 460 sq.m Casual
- Play Area B upon completion of Phase 5 240 sq.m Equipped & 480 sq.m Casual

Total 410 sq.m 940 sq.m.

D. Natural Environment

Policy SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity of the LDP states that development which impacts on wildlife sites or other nature conservation interests, including sites, habitats or species at risk will be assessed on its acceptability balanced with social and economic considerations. It also notes that enhancements to nature conservation issues are encouraged. There are no protected sites within the masterplan area.

Furthermore, policy SG LDP ENV 8 – *Protection and Enhancement of Green Networks* seeks to encourage developments to contribute towards the creation, retention and improvement of Green Networks within and surrounding the Main Towns. Although Port Ellen is not listed as a Main Town it is positive that the proposed retention, improvement and extension of the dry stone walling along with the strategic landscaping along the north boundary will help to create habitat and a green network for a variety of species.

The Masterplan specifies that although there are no nature designations covering the site they are minded to undertake pre-commencement walkover surveys for the presence of ground nesting birds and other species. Appropriate mitigation will be provided at that time and discussed with planning officers.

E. Landscape Character

The acceptability of the current proposal will be largely dependent on the successful integration of the development in its landscape context through design, layout and landscape planting. The proposal shows significant elements of 'green space' and it is recommended that these should be enhanced with a greater amount of new landscape planting, particularly along the northern boundary of the masterplan area in order to 'soften' the appearance of the development from the long views of the site available when travelling north to south along the public road.

It is important to retain as much of the existing stone dyke boundary walls as possible. These walls should be relocated where necessary and set back behind any access visibility splays and the widened public road carriageway (see Section H below). This retention/replacement can be secured by planning conditions attached to any future planning applications.

F. Historic Environment

The masterplan area does not form part of the Port Ellen conservation area and lies outwith its borders by a distance of approximately 800 metres. There are no buildings or substantial structures within the site and therefore no listed buildings or scheduled ancient monuments.

The majority of the masterplan / PDA does, however, fall within a wider 'archaeological consultation trigger' (ACT) which relates to the discovery of a Norse cross-slab in 1838 and located within a small uncultivated field some 200 metres west of Port Ellen Distillery. The field in question forms the eastern part of the masterplan area and the ACT covers all or the substantial whole of the PDA.

The West of Scotland Archaeology Service (WOSAS) have raised concerns regarding the potential for further buried archaeological remains within the masterplan area, particularly within the ACT but also in the land surrounding it due to the largely arbitrary nature of the consultation zone boundaries.

Whilst there is no objection to the principle of development as indicated by this masterplan on grounds of material harm to the historic environment, WOSAS have strongly recommended that no planning permissions be granted until such time as a preliminary archaeological investigation has been carried out in order to assess the likelihood of the presence of buried remains within the masterplan area and in order to properly evaluate how any development might impact upon the archaeology of the area and how any such remains might be best preserved and/or recorded.

A planning condition can be used to secure these works through the submission of planning applications. The use of such a planning condition would require an archaeological evaluation of the site and afford an opportunity to properly record/remove any important remains, whilst not being a precursor to the granting of planning permission and thus allowing other works towards the provision of further phases of the development to proceed without undue delay.

G. Affordable Housing

The provision of 25% affordable housing within PDA 10/15 is specified within Chapter 8 of the adopted Argyll and Bute Local Development Plan 2015.

The vast majority of the Masterplan is being taken forward by West Highland Housing Association Ltd who currently have a sizable stock of affordable housing on Islay. The development of phases 1 to 5 has been supported in principle by the RSL in terms of SHIP funding. There is a recognised housing need in Port Ellen which the council is keen to support.

The proposed affordable homes aim to be recognised as amongst the most resource and energy efficient homes in Scotland; meeting the 2016 Scottish Building Regulations and seeking the highest levels of sustainability.

H. Road Network, Parking and Associated Transport Matters.

The masterplan shows the whole site being served via a single access point from the public road that runs along its southern boundary. This single access is included within the current planning application for the first phase of the development and will be provided to an appropriate adoptable standard in order to serve the remainder of the site.

It is proposed to widen the C17 Port Ellen to Mull of Oa road to 5.5 metres along the southern frontage of the masterplan site. There will also be a 2 metre wide footway provided adjacent to this road which will be extended along the frontage through the development of the various phases.

Adequate vehicle parking and turning will be provided to meet the Council's required development standards.

The council's Area Roads Engineer has raised no objection subject to a set of conditions being attached to any future planning application approval. These are detailed below:

- The private house plots must be served by a road that connects directly to the main development road,
- The road serving the private plots needs to have a turning head for a commercial vehicle,
- The proposed development to be served by a road to adoptable standard,
- Street lighting,
- Requirement for SuDS,
- A 2m wide footway to be provided along the frontage of the application site,
- Road name signs, and
- Hardstandings and grit bins to be provided.

The applicant has provided a link road into the adjacent site to the east and sufficient room exists within the site to provide this. It might require some amendments to green spaces and garden areas but it can be provided. It will be for the owner of the adjacent site to agree the provision of this access into their site. Officers are satisfied that sufficient room exists but do recognise that the indicative layout may need to be altered to fully accommodate a road of adoptable standard.

When an application is submitted for the relevant phase of works then officers will seek appropriate amendments to layout to provide sufficient access. However, the delivery of this road to the relevant standard will be up to the interested parties and not necessarily for WHHA or MacLeod Construction Ltd.

I. Water and Sewage Capacity.

The proposed development of the Masterplan area will be served by the existing public water supply and the mains sewage system. Scottish Water have confirmed that there are currently

no capacity constraints or off-site infrastructure issues that would prevent the development being brought forward in the manner proposed.

J. Conclusion

PDA's are defined in the adopted LDP as areas of land within which opportunities may emerge during the period of the LDP (5 to 10 years) for infill, rounding-off, redevelopment or new development. Such opportunities as were identified were not fully resolved at the time of the adoption of the plan, which requires constraints to be overcome in terms of the 'mini development brief' accompanying these PDA's before development opportunities within the PDA area can be realised and be supported by the LDP.

The Council supports developments that contribute to the economic vitality of the area. Both the Scottish Government and the Council places the delivery of sustainable economic growth as its number one objective.

The Masterplan, whilst indicative, gives all interested parties and statutory consultees sufficient detail to assess the future development of the site. Assessed against Development Plan policy and other material considerations the components of the phased housing development scheme are considered to be compatible with PDA 10/15 and the potential constraints to development acknowledged within its accompanying schedule. As such the masterplan is considered fit for purpose. It is recommended that the masterplan be approved and endorsed as a material consideration in the assessment of any future planning applications on the site.

As has been previously clarified. The proposed Masterplan is also in accordance with emerging LDP2 which is a material planning consideration at this time.

IMPLICATIONS

Policy:	None
Financial:	None
Personnel:	None
Equal opportunities:	None

Author of Report: David Love

Date: 8/10/20

Reviewing Officer: Tim Williams

Date: 8/10/20

Fergus Murray

Head of Development and Economic Growth

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**Argyll and Bute Council
Development and Economic Growth**

PROPOSAL OF APPLICATION NOTICE

Reference: 20/01463/PAN

Applicant: McFadyens Contractors (Campbeltown) Ltd

Proposal: Proposal of application notice for proposed extraction, processing and despatch of sand and gravel

Site Address: Aros Farm, Campbeltown

1.0 BACKGROUND

A proposal of application notice (PAN) has been submitted for a new quarry at Aros Farm, Campbeltown. The PAN is required as a result of the proposal qualifying as a major application through the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

The normal expectation of planning officers would be for a consultation process involving face to face meetings with local stakeholder groups and an open event for members of the public. The current COVID-19 pandemic and rules on social distancing has meant that a public meeting and 'drop in' session has not been possible. However, the Scottish Government has introduced flexibility to the method of public consultation through the Chief Planner's letter dated 3rd April 2020. This letter accepted the difficulties with respect to public gatherings but still placed the onus on the applicant to conduct stakeholder consultation. In this regard the applicant intends to set up a website to go live on 9th October 2020 to display the proposal information and allow for feedback. Details of this will be advertised in the Argyllshire Advertiser / Campbeltown Courier on 9th October. A virtual consultation event is scheduled for 19th October 2020 and includes a question and answer session. In addition to the Laggan and Campbeltown community councils the applicant has identified Machrihanish Airbase Community Company (MACC) as a further community stakeholder group.

Neighbouring properties will be notified of the opportunity to view the proposal via the website. Households will be notified by letter drop.

Officers consider that the proposed measures meet with the requirements as set out in Scottish Government Circular 5/2009 taking account of the aforementioned Chief Planner's letter.

The applicant has opted not to provide planning officers with a copy of the newspaper advert but they intend to do so prior to publication. Given this is not a requirement of the regulations the applicant has been advised that they are doing so at their own risk.

2.0 SITE DESCRIPTION

The site is to the south of Machrihanish airbase on Aros Farm. The Machrihanish Water bounds the site to the south, the airbase to the north and agricultural grazing fields east and west. This is a new quarry proposal given Langa sand and gravel is coming to the end of its operational life. There are no details with respect to extraction volume, vehicular movements, location of infrastructure etc. but the site area extends to some 18ha.

The land is currently agricultural and extends from the edge of the airbase to the Machrihanish Water. Access is proposed from a minor road that serves the farm off the B843.

3.0 DEVELOPMENT PLAN POLICY

These submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. In considering the merits of the PAN a number of Development Plan Policies will inform the assessment of any future detailed application as set out below:

Argyll and Bute Local Development Plan (March 2015)

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 5 – Supporting the Sustainable Growth of our Economy

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Argyll and Bute Supplementary Guidance (2015)

SG 5 - Sustainability Checklist

SG LDP BAD 1 - Bad Neighbour Development

SG LDP BUS 2 - Business and Industry Proposals in the Countryside Development

SG LDP CC 1 - Climate Change and Sustainable Development

SG LDP ENV 1 - Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity)

SG LDP ENV 7 - Water Quality and the Environment

SG LDP ENV 11 - Protection of Soil and Peat Resources

SG LDP ENV 14 - Landscape

SG LDP ENV 20 - Development Impact on Sites of Archaeological Importance

SG LDP MIN 2 - Mineral Extraction

SG LDP TRAN 1 - Access to the Outdoors

SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes

4.0 POTENTIAL MATERIAL CONSIDERATIONS

In addition to the adopted Local Development Plan (March 2015) the planning authority will need to consider the following potential material considerations. Furthermore, depending on the timing of the submission there may need to be a formal assessment against the policies proposed within LDP 2.

- Scottish Planning Policy
- Planning Advice Note 50 (Controlling the Effects of Surface Mineral Workings) and annexes
- Planning Advice Note 64 (Reclamation of Surface Mineral Workings)
- Planning history
- Statutory and non-statutory consultee responses
- Potential third party representations that raise material planning considerations
- Local Development Plan 2 Proposed November 2019

5.0 CONCLUSION

This report sets out the information submitted to date as part of the PAN. The policy considerations, against which any future planning application will be considered are noted above as well as potential material considerations. The list is not exhaustive and further matters may

arise as and when any planning application is received, and in the light of public representations and consultation responses.

6.0 RECOMMENDATION

It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the applicant in finalising any future planning application.

Author of Report: David Love

Date: 8th October 2020

Reviewing Officer: Sandra Davies

Date: 8th October 2020

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**Argyll and Bute Council
Development and Economic Growth**

PROPOSAL OF APPLICATION NOTICE

Reference: 20/01714/PAN

Applicant: Ardnahoe Distillery Company Ltd

Proposal: Proposal of Application Notice for the erection of whisky maturation warehouse and associated works

Site Address: Ardnahoe Distillery, Port Askaig, Isle of Islay

1.0 BACKGROUND

A proposal of application notice (PAN) has been submitted for whisky maturation warehousing and associated works at Ardnahoe Distillery, Islay. The PAN is required as a result of the proposal qualifying as a major application through the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

The normal expectation of planning officers would be for a consultation process involving face to face meetings with local stakeholder groups and an open event for members of the public. The current COVID-19 pandemic and rules on social distancing has meant that a public meeting and 'drop in' session has not been possible. However, the Scottish Government has introduced flexibility to the method of public consultation through the Chief Planner's letter dated 3rd April 2020. This letter accepted the difficulties with respect to public gatherings but still placed the onus on the applicant to conduct stakeholder consultation. In this regard the applicant intends to set up a website to go live on 8th October 2020 to display the proposal information and allow for feedback. Details of this will be advertised in the Oban Times and The Illeach, the advert will be placed at least 7 days before the event. A virtual consultation event is scheduled for 22nd October 2020 and includes a question and answer session. The applicant has identified the Islay Community Council as an interested stakeholder.

Neighbouring properties will be notified of the opportunity to view the proposal via the website. Households will be notified by letter drop.

Officers consider that the proposed measures meet with the requirements as set out in Scottish Government Circular 5/2009 taking account of the aforementioned Chief Planner's letter.

2.0 SITE DESCRIPTION

The site is located in the north of the island along the UC010 which serves both Ardnahoe and Bunnahabhainn distilleries. The proposed location of the maturation warehouses is to the immediate north of Ardnahoe Distillery. The site extends to an area in excess of 2ha and is bounded west and north by steep rising topography and the public road. The site looks out over the Sound of Jura to the east with the distillery to the south. Access will be afforded via the existing infrastructure at Ardnahoe.

The site is characterised by grazing land and forms a natural shallow bowl in the landscape before dropping steeply to the coast.

There is a residential property adjacent Ardnahoe Loch to the west.

3.0 DEVELOPMENT PLAN POLICY

These submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. In considering the merits of the PAN a number of Development Plan Policies will inform the assessment of any future detailed application as set out below:

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 6 – Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 8 – Green Networks
SG LDP ENV 10 – Geodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)
SG LDP ENV 14 – Landscape
SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

Support for Business & Industry: General

SG LDP BUS 2 – Business & Industry Proposals in the Countryside Zones
SG LDP BUS 5 – Economically Fragile Areas

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 3 – Drainage Impact Assessment
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation

Addressing Climate Change

SG LDP Sust Check – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

4.0 POTENTIAL MATERIAL CONSIDERATIONS

In addition to the adopted Local Development Plan (March 2015) the planning authority will need to consider the following potential material considerations. Furthermore, depending on the timing of the submission there may need to be a formal assessment against the policies proposed within LDP 2.

- Scottish Planning Policy
- Planning history
- Statutory and non-statutory consultee responses
- Potential third party representations that raise material planning considerations
- Local Development Plan 2 Proposed November 2019

5.0 CONCLUSION

This report sets out the information submitted to date as part of the PAN. The policy considerations, against which any future planning application will be considered as well as potential material considerations are noted above. The list is not exhaustive and further matters may arise as and when any planning application is received, and in the light of public representations and consultation responses.

6.0 RECOMMENDATION

It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the applicant in finalising any future planning application.

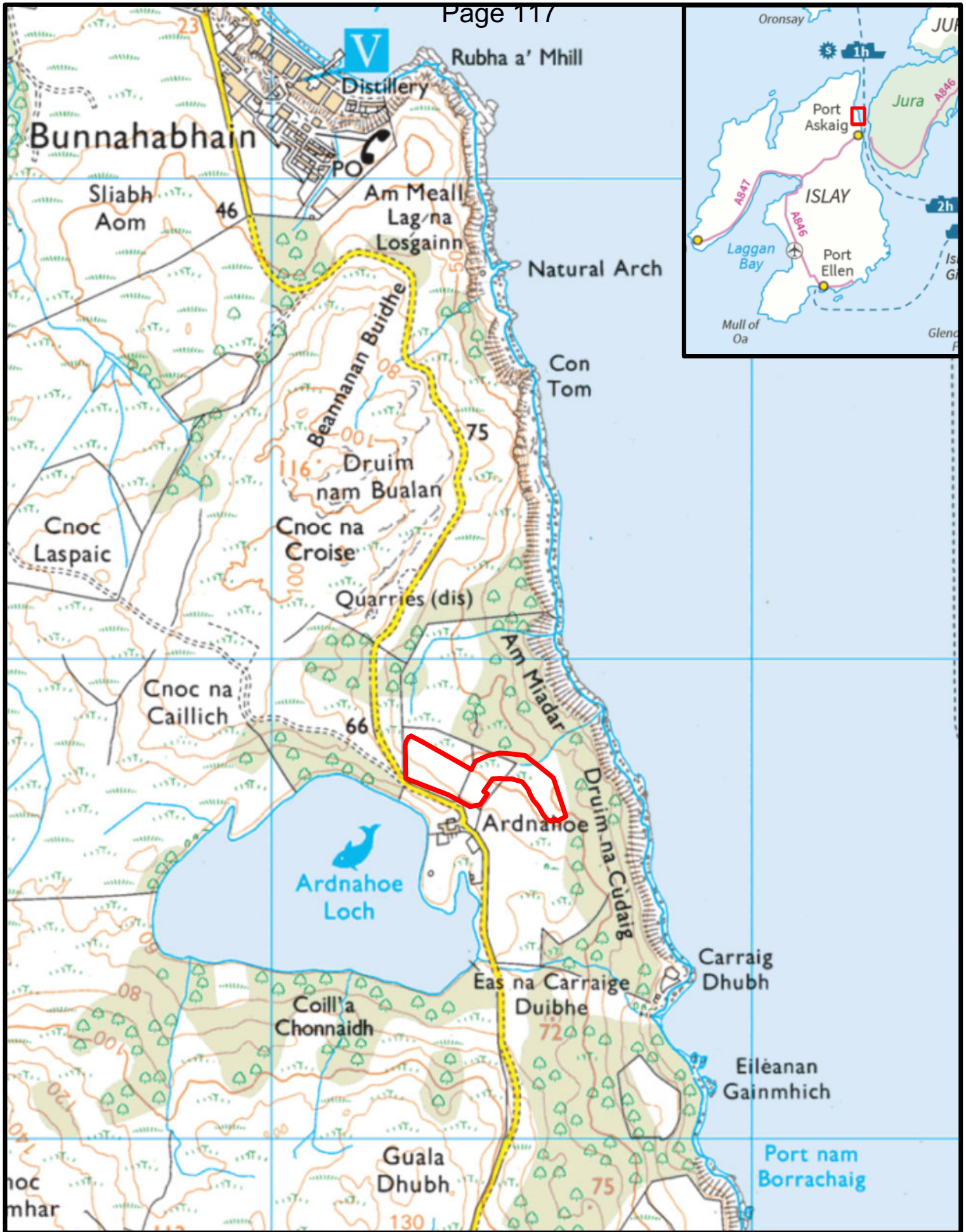
Author of Report: David Love

Date: 8th October 2020

Reviewing Officer: Sandra Davies

Date: 8th October 2020

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