



**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Customer Services*  
*Executive Director: Douglas Hendry*

*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*

11 April 2018

**NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 18 APRIL 2018** at **9:45 AM**, or at the conclusion of the Argyll and Bute Local Review Body at 9.30 am, whichever is later, which you are requested to attend.

Douglas Hendry  
Executive Director of Customer Services

**BUSINESS**

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND WEST OF LANDFILL SITE, GLENGORM ROAD, ISLE OF MULL ((REF: 18/0003/LRB)**
  - (a) Notice of Review and Supporting Documentation (Pages 3 - 6)
  - (b) Comments from Interested Parties (Pages 7 - 30)
  - (c) Comments from Applicant (Pages 31 - 32)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Robin Currie  
Councillor Donald MacMillan

Councillor David Kinniburgh (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
WWW.ARGYLL-BUTE.GOV.UK/\*\*

OFFICIAL USE

FMcCollum

14/3/18

Date Received

## NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8  
of the Town and Country Planning (Scotland) Act 1997 and the Town and  
Country Planning (Schemes of Delegation and Local Review Procedure)  
(Scotland) Regulations 2013

**Important** – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's Website. You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(1) APPLICANT FOR REVIEW	
Name	Mull & Iona Community Trust (MICT)
Address	An Roth
	Craignure
	Isle of Mull
Postcode	PA65 6AY
Tel. No.	01680 812900
Email	mgreig@mict.co.uk

(2) AGENT (if any)	
Name	
Address	
Postcode	
Tel. No.	
Email	

(3) Do you wish correspondence to be sent to you  or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Land West of Landfill Site  
Glengorm Road  
Glengorm  
Isle of Mull

(6) Description of Proposal

Proposed industrial development comprising of access road, light industrial units (Class 4), storage units, storage compounds and siting of storage containers (Class 6), installation of communal septic tank and associated fencing

(7)

Please set out the detailed reasons for requesting the review:-

Condition 3(ii) – our contractor has advised that the C47 at its junction with the B8073 is already 5.5 metres wide for the first 5 metres.

Condition 4 - indicates that the access from C47 to the application site will need to be of adoptable standard. This is an existing Argyll and Bute Council access serving the Glengorm Civic Amenity Site, which the public already has a right of access over. The Argyll and Bute Council Local Development Plan, Supplementary Guidance states that for '*Private Roads – The public have the right of passage over a private road. Responsibility for the maintenance of a private road rests with the owner(s)*', in this case Argyll and Bute Council.

A planning officer has advised that this condition also requires the access road within the application site to be a road over which the public has right of access and therefore implies of adoptable standard. As a private road, the public will have a right of passage, but we believe that as per the Argyll and Bute Council Local Development Plan, Supplementary Guidance, that for '*Development and Private Access/Private Roads - It may also be appropriate to limit public access and/or vary construction standards by allowing the construction of a private access in the circumstances set out in the policy SG LDP TRAN 4, sections A1 and A2*' and that it should be considered that '*Private accesses and private roads are more appropriate for smaller scale developments in rural areas*'.

Due to the rurality of the development, it would not be in keeping to have kerbing and street lighting.

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

*NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.*

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

**Schedule of documents submitted with Notice of Review (Note: 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No.	Detail
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this attached?  (Please tick to confirm)

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Submitted by  
(Please Sign)

*M Greig*

Dated

14.3.18

**Important Notes for Guidance**

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to **Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT**
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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**For official use only**

Date form issued

Issued by (please sign)

**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**18/00003/LRB**

**REMOVAL OF CONDITION 3 OF AND AMENDMENT OF CONDITION 4 OF  
PLANNING PERMISSION 17/01613/PP**

**PROPOSED INDUSTRIAL DEVELOPMENT COMPRISING OF ACCESS ROAD,  
LIGHT INDUSTRIAL UNITS (CLASS 4), STORAGE UNITS, STORAGE UNITS,  
STORAGE COMPOUNDS AND SITING OF STORAGE CONTAINERS (CLASS 6),  
INSTALLATION OF COMMUNAL SEPTIC TANK AND ASSOCIATED FENCING**

**27<sup>th</sup> of March 2018**

## STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellants are Mull & Iona Community Trust ("the appellants").

Planning permission 17/01613/PP for a proposed industrial development comprising of access road, light industrial units (Class 4), storage units, storage compounds and siting of storage containers (Class 6), installation of communal septic tank and associated fencing at land west of Landfill Site, Glengorm Road, Glengorm, Isle of Mull ("the appeal site") was granted subject to conditions under delegated powers on 9<sup>th</sup> January 2018.

Condition numbers 3 and 4 of this grant of planning permission has been appealed and is subject of referral to a Local Review Body.

### DESCRIPTION OF SITE

The site is set along the C47 Glengorm Road to the immediate north west of the municipal waste and recycling facility for Tobermory. A Scottish Water Treatment Plan is located to the immediate south east of the waste and recycling facility. The site is a fairly rough area of scrub/bracken which has a slight dip. The site has formerly been allocated for forestry plantation, although the cultivation of forestry was not successful. The north and western ends of the site are bounded by forestry plantation. The site is well separated from residential properties and settlements. The proposal site is viewed in the context of an industrial setting and the site reads as a sensible site for business and industry development.

### STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

### STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- Whether the material considerations asserted by the appellant are sufficient to warrant the removal of condition 3 and the variation of condition 4 of planning permission ref 17/01613/PP which was attached on request of the Roads Engineer in the interests of road safety, and to ensure the timely provision of a service road commensurate to the scale of the overall development.

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations. The area roads officers consultation response is attached as Appendix 2.

### REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. It is considered that Members have all the information they need to determine the case. Given the above and the fact that the development has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.



## COMMENT ON APPELLANT'S SUBMISSION

Condition 3 states that:

No development shall commence or is hereby authorised until details of the proposed private access and connection with the existing public road have been submitted to and approved by the Planning Authority in consultation with the area roads authority. Such details shall incorporate:

- i) Details of the location of two additional passing places between the A848 and the site entrance in accordance with the Council's Standard Roads specification.
- ii) Details of the widening of the C47 Glengorm Road (widened to 5.5m wide for the first 5m) from the B8073.

Access shall be constructed to at least base course level prior to any work starting on the erection of the buildings which it is intended to serve and the final wearing surface of the access shall be applied concurrently with the change of use of the site.

*Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development in accordance with Policy LDP 10 and Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2015.*

The appellant's state that the road at this location is already at the required dimensions and that no further work is required. Planning permission 16/01296/PP for the formation of fenced light industrial park with fenced storage compounds and siting of storage containers was granted on 28<sup>th</sup> July 1016.

An application for local review was submitted on the 6<sup>th</sup> October 2016 which requested that condition 3 be deleted. Condition 3 originally stated:

No development shall commence or is hereby authorised until details of the proposed private access and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) Details of the location and reconstruction of two existing unsurfaced passing places and details of the location and construction of two additional passing places, all in accordance with the Council's Standard Roads specification.
- ii) Details of the widening of the B8073 road (widened to 5.5m wide for the first 15m before the B882 junction).
- iii) Details of the widening of the C47 Glengorm Road (widened to 5.5m wide for the first 15m) from the B8073.

The Local Review Body (LRB) determined that parts i and ii of this condition be deleted and part iii be amended to read "details of the widening of the C47 Glengorm Road (widened to 5.5m for the first 5m from the B8073). Planning permission was subsequently granted on this basis. This condition was then carried forward to the subsequent planning permission reference 17/01613/PP. If the road is indeed to these dimensions, then no further action is required.

Condition 4 states that:

Notwithstanding the provisions of Condition 1, the new access from the junction with the Glengorm Road serving the site shall be a Road over which the public has a right of access

in terms of the Roads (Scotland) Act 1984 which shall be constructed in consultation with the Council's Roads Engineers.

*Reason: In the interests of road safety to ensure the provision of a road commensurate to the scale of development in accordance with Policy LDP 10 and Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2015.*

This is in line with the requirements of Supplementary Guidance SG LDP TRAN 4. For clarity, the applicable Supplementary guidance is reproduced in full below with my comments in red italic. Supplementary Guidance SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes states that:

- (A) Developments shall be served by a public road (over which the public have right of access and maintainable at public expense);

Except in the following circumstances:-

- (1) a new private access may be considered appropriate if:

- (i) The new private access forms an individual private driveway serving a single user development, which does not, in the view of the planning authority, generate unacceptable levels of pedestrian or vehicular traffic in terms of the access regime provided; or
- (ii) The private access serves a housing development not exceeding 5 dwelling houses; or
- (iii) The private access serves no more than 20 units in a housing court development;

OR

- (2) further development that utilises an existing private access or private road<sup>2</sup> will only be accepted if:-

- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;
- (ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,
- (iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

*As the development does not fall within categories i, ii, or iii, then the road serving the development should be a public road over which the public have right of access and which is maintainable at public expense.*

*Part 2 of the SG is not applicable as the development does not solely utilise an existing private road as it involves the construction of a new access road into the development site.*

- (A) The construction standards to be applied are as follows:-

1. Public Roads:

- (i) shall be constructed to a standard as specified in the Council's Roads Development Guide<sup>4</sup>. This takes account of Designing Streets to create a strong

sense of place related to the development's location i.e. in a settlement, in a rural or remote rural situation, or in a Conservation Area. All roads submitted for adoption as a public road should form a continuous system with the existing public roads.

- (ii) in areas with a predominant system of single track roads with passing places, housing development of between 6 and 10 dwelling units may be accepted served by the *Variable Standard of Adoption* introduced in the Council's Road Development Guide, in recognition of differing needs within more rural areas.
- (iii) which connect to or impact significantly on a Trunk Road<sup>5</sup> will require consultation with Transport Scotland.

*As noted above the SG allows for a variation on the standards of adoption (such as footways, lighting etc.) and Condition 4 states that the standard of such works is to be agreed in consultation with the area roads engineer.*

*In this case it is understood that the roads engineer requires a 6m wide access road with a 2m wide footpath on one site and a 2m verge on the other. Street lighting is not required. This is a reduction of the standard requirements for adoptable roads having regard to the circumstances of the site.*

#### 1.Private Access

- (i) shall be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling.
- (ii) It must be demonstrated to the Planning Authority that consideration has been given by the applicant in the design process to the potential need to make future improvements to the access up to and including an adoptable standard.
- (iii) which connect to or impact significantly on a Trunk Road will require consultation with Transport Scotland.

*This is not applicable as the area roads officer requires the road to be a public road in accordance with the SG. There is a distinction between public roads, private roads and private accesses as described in the notes section of the SG below.*

*It should be noted that a public road is a road on the Local Roads Authority's list of public roads. This includes any new road (including any associated footway or verge) constructed in accordance with a Road Construction Consent, with public access and maintainable by the Local Roads Authority. All roads submitted for adoption as a public road should form a continuous system with the existing public roads. The Roads (Scotland) Act 1984 requires Road Construction Consent for new private roads, which means they now require to be built to an adoptable standard. This is described in the notes section of the SG below:*

#### Notes

1. Public Road - roads on the Local Roads Authority's list of public roads. This includes any new road (including any associated footway or verge) constructed in accordance with a Road Construction Consent, with public access and maintainable by the Local Roads Authority. All roads submitted for adoption as a public road should form a continuous system with the existing public roads.
2. Private Roads – The public have the right of passage over a private road. Responsibility for the maintenance of a private road rests with the owner(s). However, the Roads Authority may, by notice to the frontagers, of an existing private road,

require them to make the road up to, and maintain it at, such reasonable standard as may be specified in the notice. The Roads (Scotland) Act 1984 requires Road Construction Consent for new private roads, which means they now require to be built to an adoptable standard.

3. Private access - private accesses are controlled (maintained) by the owner(s) and there is no public right of passage. These do not require a Road Construction Consent as there is no right of public access. The Roads Authority cannot make a notice to require a private access to be made up or maintained.
4. The Council's Roads Development Guide is being reviewed in light of the emergence of the SCOTS National Roads Development Guide (NRDG). Local variations to the NRDG are currently being prepared, which will include a variable standard for adoption for developments of 6-10 dwelling units (inclusive) in areas with a predominant system of single track roads with passing places, where the Roads Authority consider the variable standard is appropriate. Both the NRDG and the emerging Argyll and Bute Local Roads Development Guide seek to support the Scottish Government policy [Designing Streets](#).
5. Trunk Road – a strategic road which is managed and maintained by Transport Scotland, on behalf of the Scottish Ministers.

### **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking all of the above into consideration, it is considered that the proposed development has been appropriately assessed against the provisions of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 as part of the Area Roads officer's assessment.

It is recommended that the site be inspected to verify if the requirements of condition 3 have been met. If this is found to be the case then no further action is required by the appellant. In terms of condition 4, it is considered that this condition is appropriate and that the appellant's engage directly with the area roads officer to agree a mutually acceptable technical solution in consultation with the planning authority.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

Argyll and Bute Council  
Development & Infrastructure Services

**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**

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**Reference No:** 17/01613/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mull And Iona Community Trust  
**Proposal:** Proposed industrial development comprising of access road, light industrial units (Class 4), storage units, storage compounds and siting of storage containers (Class 6), installation of communal septic tank and associated fencing  
**Site Address:** Land West of Landfill Site, Glengorm Road, Glengorm, Isle of Mull, Argyll And Bute

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**DECISION ROUTE**

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

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**(A) THE APPLICATION**

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

Change of use of land for formation of light industrial park (Use Classes 4, 5 and 6)

Formation of 4 x 100m<sup>2</sup> storage compounds

Formation of 8 x 30m<sup>2</sup> lock-up units

Formation of 2 x 50m<sup>2</sup> compounds

Formation of 6 x 60m<sup>2</sup> business starter units

Formation of 160m<sup>2</sup> business unit

Siting of 10ft refrigerated container

Siting of 16 x 20ft shipping containers

Siting of 4 x 10ft shipping containers

Erection of waste water treatment plant

Erection of power transformer

Diversion of watercourse

Formation of refuse collection points

Construction of vehicular access and car parking

Erection of deer proof fencing

**(ii) Other specified operations**

- None
- 

**(B) RECOMMENDATION:**

That planning permission be granted subject to the conditions and reasons appended to this report.

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**(C) CONSULTATIONS:**

Scottish Water

No objection. Letter dated 12<sup>th</sup> July 2017

Area Roads Officer

No objection subject to condition. Report dated 25<sup>th</sup> July 2017

Environmental Health

No objection subject to condition. Memo dated 1<sup>st</sup> August 2017

SEPA

No objection subject to conditions. Letter dated 16<sup>th</sup> November 2017

Flood Risk Officer

No objection subject to conditions. Amended report dated 22<sup>nd</sup> November 2017

West of Scotland Archaeology Service

No objection subject to condition. Letter dated 20<sup>th</sup> July 2017

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**(D) HISTORY:**

16/01296/PP

Formation of fenced light industrial park with fenced storage compounds and siting of storage containers – Granted 28<sup>th</sup> July 2016

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 3<sup>rd</sup> August 2017.

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**(F) REPRESENTATIONS:**

No representations have been received during the determination of the application.

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**(G) SUPPORTING INFORMATION**

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

- (i) **Envir**      No  
**onme**  
**ntal**  
**State**

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

drain  
age  
impa  
ct  
etc:

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**(H) PLANNING OBLIGATIONS**

Is a Section 75  
agreement  
required: No

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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

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

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

Policy

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

SG LDP ENV 14 – Landscape  
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 7 – Flooding and Land Erosion – The Risk Framework for Development  
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes  
SG LDP TRAN 6 – Vehicle Parking Provision

Sustainable Siting & 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 and Bute Sustainable Design Guidance 2006  
Scottish Planning Policy 2014  
Consultation responses

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

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

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

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**(N) Does the Council have an interest in the site: No**

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

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

This is a proposal seeking planning permission for the formation of a fenced light industrial park which includes fenced storage compounds and the siting of storage containers at land west of Landfill Site, Glengorm Road, Glengorm, Isle of Mull.

In the adopted Argyll and Bute Council Local Development Plan, the application site is shown within a designated Business and Industry Allocation Ref no: B4004. Policy LDP PROP 2 provides an effective land supply for new development for the period of the plan. Development of the Allocations for uses other than those identified in the schedules of the Written Statement will be contrary to the Local Development Plan and will not be permitted. The Schedule for Business and Industry Allocation site B4004 supports the principle of business and industry uses at the site and does not limit the site in terms of specific Use Classes.

Policy LDP 5 gives particular priority to new business and industry development in our business allocations, established business and industry areas and economically fragile areas.

SG LDP BUS 1 aims to promote well ordered, sustainable industrial and business developments within the identified Business and Industry Areas. This policy supports proposals for the development of new business and industry enterprises (Use Classes 4, 5, 6 and 7) whilst allowing issues of sustainability, accessibility, amenity, design, conservation and traffic issues to be

taken into account.

The site is set along the C47 Glengorm Road to the immediate north west of the municipal waste and recycling facility for Tobermory. A Scottish Water Treatment Plan is located to the immediate south east of the waste and recycling facility. The site is a fairly rough area of scrub/bracken which has a slight dip. The site has formerly been allocated for forestry plantation, although the cultivation of forestry was not successful. The north and western ends of the site are bounded by forestry plantation. The site is well separated from residential properties and settlements. The proposal site is viewed in the context of an industrial setting and the site reads as a sensible site for business and industry development.

The proposed development is of an appropriate design and layout which will be compatible with its surroundings. The proposed development will therefore accord with the provisions of policy LDP 9 of the Local Development Plan which aims to achieve high quality new development that respects the local environment and provides a sense of place. The proposed development will also accord with policy LDP 3 which encourages sustainable forms of development that seek to protect, conserve and where possible enhance the natural, human and built environment we all enjoy.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expands on this policy seeking to ensure that developments are served by a safe means of vehicular access and have an adequate on-site parking and turning area.

Planning permission 16/01296/PP for the formation of fenced light industrial park with fenced storage compounds and siting of storage containers was granted on 28<sup>th</sup> July 2016. This was subject to the following roads conditions:

3. No development shall commence or is hereby authorised until details of the proposed private access and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:
  - i) Details of the location and reconstruction of two existing unsurfaced passing places and details of the location and construction of two additional passing places, all in accordance with the Council's Standard Roads specification.
  - ii) Details of the widening of the B8073 road (widened to 5.5m wide for the first 15m before the B882 junction).
  - iii) Details of the widening of the C47 Glengorm Road (widened to 5.5m wide for the first 15m) from the B8073.

Access shall be constructed to at least base course level prior to any work starting on the erection of the buildings which it is intended to serve and the final wearing surface of the access shall be applied concurrently with the change of use of the site.

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

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
  - The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
4. Notwithstanding the provisions of Condition 1, the access from the junction with the Glengorm Road serving the site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984 which shall be constructed in consultation with the Council's Roads Engineers.

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

Note to Applicant:

- Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.
5. Notwithstanding the provisions of Condition 1, the existing junction with Glengorm Road visibility splays of 75 metres to point X by 2.4; metres to point Y from the centre line of the proposed access. The visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

6. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The number of parking spaces provided will be required to be in accordance with the specified car parking standards within the Argyll and Bute Local Development Plan Supplementary Guidance. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

An application for local review was submitted on the 6<sup>th</sup> October 2016 which requested that condition 3 be deleted. The Local Review Body (LRB) determined that condition 3 be amended as follows:

- Condition 3(i) should be removed
- Condition 3(ii) should be removed
- Condition 3(iii) should be amended to read “details of the widening of the C47 Glengorm Road (widened to 5.5m for the first 5m from the B8073). Planning permission was subsequently granted on this basis.

This application represents an increase in the site size, including the number of compounds and proposed storage containers. As such, the area roads engineer has required that in addition to the requirement of 3(iii) mentioned above, that two additional passing places are provided between the A848 and the site entrance as this commensurate with the scale of development and as per the findings of the LRB which noted at paragraph 5.1 of the LRB report. The other roads conditions were not appealed and therefore replicated in this recommendation.

For clarity, the roads requirements are set out below:

- Commensurate improvements to the existing public road. The C47 Glengorm Road will be required to be widened to 5.5m wide for the first 5m from the B8073 as per the LRB decision.
- Two additional passing places to be provided between the A848 and the site entrance given that the site has increased in size since the original LRB decision
- Visibility splays measuring 75m x 2.4m at the junction with the Glengorm Road to be cleared and maintained as per the previous permission.
- The proposed road serving the development to be to adoptable standards from the new junction at the C47 Glengorm Road. Road to be designed to SRC Roads Development Guide, minimum width of 6m, 2m footway one side and 2m grass strip on the other as per the previous permission.
- Road drainage to comply with SUDS as per the previous permission.
- Car Parking as per Local Plan Supplementary Guidance as per the previous permission.

The conditions will ensure that the proposed development is in accordance with Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6.

SEPA originally raised an objection to the application on flood risk grounds and requested further clarification of the proposed watercourse realignment in relation to design flow, blockage and floodplain avoidance. Having reviewed the additional information

submitted, SEPA have now removed their objection. SEPA have advised that contact is made with the Flood Prevention Authority to ascertain whether further flood risk information would be required to be submitted. The Flood Risk Assessor has been consulted and has raised no objections to the proposed development subject to conditions.

The proposed development would accord with the relevant provisions of the Local Development Plan, notably with policies LDP DM1, LDP 3, LDP PROP 2, LDP 5, LDP 9, LDP 11 and Supplementary Guidance SG LDP ENV 14, SG LDP BUS 1, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015 and with all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and, in the opinion of the Planning Authority, there are no circumstances which otherwise would justify the refusal of permission.

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

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**(R) Reasons why Planning Permission or Planning Permission in Principle should be approved:**

1. This is an appropriate development within a designated business and industry allocation which will readily integrate into its surroundings and which will positively contribute to the economy of the local area.
2. The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 5, LDP 8, LDP 9, LDP 10 and LDP 11 and supplementary guidance SG LDP ENV 14, SG LDP BUS 1, SG LDP BUS 5, SG LDP BAD 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 7, SG LDP TRAN 4, SG LDP TRAN 6 and the Sustainable Siting and Design Principles of the adopted Argyll and Bute Local Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A – the proposal is in accordance with the development plan.

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

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**Author of Report:** Andrew Barrie      **Date:** 8<sup>th</sup> January 2018

**Reviewing Officer:** Tim Williams      **Date:** 9<sup>th</sup> January 2018

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 17/01613/PP**

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 31<sup>st</sup> May 2017 and the approved drawings numbered 1 of 6 to 6 of 6 and stamped approved by Argyll and Bute Council.

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

Standard Note: In terms of condition 1 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non-material amendment (NMA) should be made in writing which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

2. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineer. The number of parking spaces provided will be required to be in accordance with the specified car parking standards within the Argyll and Bute Local Development Plan Supplementary Guidance. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interest of road safety in accordance with Policy LDP 10 and Supplementary Guidance SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan 2015.*

3. No development shall commence or is hereby authorised until details of the proposed private access and connection with the existing public road have been submitted to and approved by the Planning Authority in consultation with the area roads authority. Such details shall incorporate:
  - iv) Details of the location of two additional passing places between the A848 and the site entrance in accordance with the Council's Standard Roads specification.
  - v) Details of the widening of the C47 Glengorm Road (widened to 5.5m wide for the first 5m) from the B8073.

Access shall be constructed to at least base course level prior to any work starting on the erection of the buildings which it is intended to serve and the final wearing surface of the access shall be applied concurrently with the change of use of the site.

*Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development in accordance with Policy LDP 10 and Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2015.*

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
  - The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
4. Notwithstanding the provisions of Condition 1, the new access from the junction with the Glengorm Road serving the site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984 which shall be constructed in consultation with the Council's Roads Engineers.

*Reason: In the interests of road safety to ensure the provision of a road commensurate to the scale of development in accordance with Policy LDP 10 and Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2015.*

5. Notwithstanding the provisions of Condition 1, visibility splays of 2.4 metres to point X by 75 metres to point Y from the centre line of the proposed access shall be provided. Prior to work starting on site the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interest of road safety in accordance with Policy LDP 10 and*

*Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2015.*

6. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
- i) Location, design and materials of proposed walls, fences and gates;
  - ii) Surface treatment of proposed means of access and hardstanding areas;
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity in accordance with Policy LDP 9 and Supplementary Guidance SG LDP ENV 14 of the Argyll and Bute Local Development Plan 2009.*

7. No development shall commence or is hereby authorised until details of the proposed means of surface water drainage, consistent with the principles of Sustainable urban Drainage Systems (SUDS) and compliant with the guidance set out in CIRIA's SUDS Manual C697, has been submitted to and approved in writing by the Planning Authority. The approved details shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

*Reason: To ensure that there is a satisfactory surface water drainage system in place for the development in the interests of health and amenity in accordance with Policy LDP 3 and Supplementary Guidance SG LDP SERV 2 of the Argyll and Bute Local Development Plan 2015.*

8. Notwithstanding the provisions of Condition 1, the finished floor levels of the buildings are to be 0.6m above the corresponding 1 in 200 year plus climate change flood level as calculated in the document "Flood Risk Assessment: Tobermory Light Industrial Scheme..", including addendums, unless otherwise agreed in writing by the planning authority.

*Reason: In order to ensure appropriate mitigation for flood risk in accordance with Policy LDP 3 and Supplementary Guidance SG LDP SERV 7 of the Argyll and Bute Local Development Plan 2015.*

9. The Noise Rating Level attributable to the operation of the approved development shall not exceed background noise levels by more than 3Db(A) at any residential property measured and assessed in accordance with



BS4142:2014.

*Reason: In order to protect the amenities of the area from noise nuisance in accordance with Policy LPD 3 and Supplementary Guidance SG LDP BAD 1 of the Local Development Plan 2015.*

10. No development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

*Reason: In order to protect archaeological resources in accordance with Policy LDP 3 and SG LPD ENV 20 of the Local Development Plan.*

NOTE TO APPLICANT
<ul style="list-style-type: none"><li>• <b>The length of the permission:</b> 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).</li><li>• In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.</li><li>• 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.</li><li>• The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.</li></ul>

**APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application 17/01613/PP

- |     |  |            |
|-----|--|------------|
| (A) | Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended):   | <b>No</b>  |
| (B) | Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. | <b>Yes</b> |

A revised site plan has been submitted illustrating the functional flood plain and a revised road and drainage layout plan has been submitted as the original had discrepancies regarding the layout.

- (C) The reason why planning permission has been approved:
1. **This is an appropriate development within a designated business and industry allocation which will readily integrate into its surroundings and which will positively contribute to the economy of the local area.**
  2. **The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 5, LDP 8, LDP 9, LDP 10 and LDP 11 and supplementary guidance SG LDP ENV 14, SG LDP BUS 1, SG LDP BUS 5, SG LDP BAD 1, SG DLP SERV 1, SG LDP SERV 2, SG LDP SERV 7, SG LDP TRAN 4, SG LDP TRAN 6 and the Sustainable Siting and Design Principles of the adopted Argyll and Bute Local Plan and there are no other material considerations which would warrant anything other**

than the application being determined in accordance with the provisions of the development plan.

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	17/001613/PP
Decision Date	09.01.18
<b>Issue Latest Date</b>	<b>Date passed</b>
Decision	Grant with conditions and reasons

Date signed by ATL

Don't Issue Decision	Tick if relevant	Action (tick)	Date sent
Notification to Scottish Ministers			
Notification to Historic Scotland			
Section 75 Agreement			
Revocation			

<i>Issue Decision</i> ✓		<i>Tick</i>		Standard Conditions/Notes to include				
<i>Tick</i>	<i>Dev/Decision Type</i>	Time Scale*	Initiation	Completion	Display Notice			
			Only use if PP/AMSC & Granted					

	Local – Sch.3 – Delegated						
✓	Local – Delegated	✓	✓	✓			

\*standard time condition not required if application retrospective.

Include with Decision Notice	
Notification of Initiation Form	✓
Notification of Completion Form	✓
Roads Schedule/standard drawing	
Customer Satisfaction Survey	✓
Pre-commencement conditions sheet	✓

Notify of Decision	
Roads	
Ongoing Monitoring – priorities:	

Total residential units FP3 (uniform)			
Houses		Sheltered	
Flats		Affordable	



**Location Plan Relative to planning permission: 17/01613/PP**



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Urras Coimhearsnachd Mhuile agus Idhe

An Roth Community Enterprise Centre  
Craignure, Isle of Mull, PA65 6AY

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Local Review Body  
Heard of Governance and Review  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

9<sup>th</sup> April 2018

Dear Sirs

**18/00003/LRB**  
**PLANNING PERMISSION 17/01613/PP**

Further to the Statement of Case, received 28<sup>th</sup> March 2018, we request that the local review body consider the following –

Condition 3 - We have not requested that this condition is removed, (i) the locations of two existing (informal) passing places which will be brought up to standard have been agreed with the area roads engineer. (ii) we note that the current width of the road complies with the condition. -

Condition 4 – The standard outlined in the Statement of Case is a reduced standard of adoption, however the application site is surrounded by Countryside Zone (Local Development Plan Maps 2015) and the nearest footpath to the application site is 1.1 miles away. The application site is not located in a built up area and we do not feel that a footpath is in keeping with the surrounding area.

The requirement for the access road to be 6m wide is more than the width of the public single track road, the C47 which forms part of the route from Tobermory to the application site. Other planning permissions in the area have allowed a width of 5.5m (09/00282/DET – Progressive Care Facility at Craignure accessed from an unclassified single track road and 09/01599/PP – Bakery, Tobermory, accessed from a single track B road). A width of 6m plus footpath seems excessive given the rurality of the site. We request that the standard of road required is amended in line with the standard of the existing public road (C47) and private road (Glengorm Civic Amenity Site access) that serves the site.



Private Access to the Glengorm CAS from C47



Looking south east on C47 from access to Glengorm CAS

The SCOTS National Roads Development Guide states ‘any person other than a Roads Authority who wishes to construct a new road or an extension (including lateral widening) to an existing road must obtain Construction Consent, irrespective of whether or not such roads are to be submitted for adoption as public’.

Registered Office: An Roth Community Enterprise Centre, Craignure, Isle of Mull, PA65 6AY.

Company Limited by Guarantee registered in Scotland Reg. No. SC172897 Scottish Charity Number SCO25995 VAT Registration 125 5083 32

At a meeting with our agent, Will Thorne of Thorne Wyness Architects on 3<sup>rd</sup> September 2015, Brain Rattray advised that the internal site roads could be either adopted or private, and that if we opt for a private road, the roads can be constructed to any standard we want. We have never indicated that we would like the internal roads of the site to be adopted. The design and layout of the site is based on a private road 6.0m wide, which is adequate to serve this development, particularly as it not part of a through road network.

We are advised by our contractor that compliance with this requirement - specifically to include a 2m footway on one side of the road and a 2m wide verge on the other side will

- impact adversely on the number and size of buildings which can be accommodated within the site and
- present time delays and cost over-runs

In considering our request for review, we ask that the local review body also consider –

- SG LDP BUS 1 - Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas - *The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area*
- SG LDP BUS 5 – Economically Fragile Areas - To support economic growth and population retention in the Fragile Areas the LDP identifies a range of economic development opportunities. The LDP also sets out a settlement strategy which provides a framework to deliver sustainable development for the communities in these areas. In addition, *to provide increased flexibility from the planning system* in support of the LDP objectives for sustainable economic growth and to support population retention and growth in these areas.

**Yours faithfully**



**Moray Finch**  
**General Manager**