

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

16/0008/LRB

**REMOVAL OF CONDITION 3 OF PLANNING PERMISSION 16/01296/PP
FORMATION OF FENCED LIGHT INDUSTRIAL PARK WITH FENCED STORAGE
COMPOUNDS AND SITING OF STORAGE CONTAINERS, LAND WEST OF
LANDFILL SITE, GLENGORM ROAD, GLENGORM, ISLE OF MULL**

25th of October 2016

STATEMENT OF CASE

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

Planning permission 16/01296/PP for the formation of fenced light industrial park with fenced storage compounds and siting of storage containers at land west of Landfill Site, Glengorm Road, Glengorm, Isle of Mull ("the appeal site") was granted subject to conditions under delegated powers on 28th of July 2016.

Condition number 3 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 of planning permission ref 16/01296/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.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is medium scale, 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

The appellant contends that the increase to traffic flow through this 'light' industrial development will be minimal, which will not require road improvements as laid out in condition 3. The existing road use includes refuse lorries, cattle trucks and timber haulage. All significantly heavier than the vehicles we anticipate using the light industrial park on a regular basis.

The appellant further contends that the C47 is a public road and so therefore the maintenance of this road lies with the Roads and Amenity Services Department of Argyll and Bute Council.

The appellant further argues that the Council will give particular priority to new business and industry development in our business allocations, established business and industry areas and economically fragile areas.

Comment:

The Area Roads Engineer was consulted and raised no objections subject to planning conditions with regard to the provision of:

- Commensurate improvements to the existing public road. Two existing unsurfaced passing places shall be reconstructed and two additional places shall be formed all to be built to roads specification. The B8073 shall be widened to 5.5m for the last 15m before the B882 junction and the C47 Glengorm Road will be required to be widened to 5.5m wide for the first 15m from the B8073.

At the time of planning the appellant had specified in a supporting Design Statement (May 2016) that 'in general, there is a requirement for a Heavy Goods Vehicle (HGV) access to a central staging area adjacent to the builder's merchant unit – from which there will be level forklift access to all of the occupied units'.

SG LDP TRAN 5 specifies that where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads, then developments will be required to contribute proportionately to improvements to an agreed section of the public or private road network. Account should be taken of existing traffic usage of the road and its overall condition.

The Area Roads Engineer has assessed the proposed development against this policy and has deemed that the specific improvements as specified by condition 3 of planning permission ref 16/01296/PP are wholly practical and proportionate to the nature and scale of development proposed.

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 SG LDP TRAN 5 as part of the Area Roads Engineers Assessment. The specific improvements as specified by condition 3 of planning permission ref 16/01296/PP are wholly practical and proportionate to the nature and scale of development proposed.

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

APPENDIX 1