

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: 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

DECISION ROUTE

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

(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 100m² storage compounds

Formation of 8 x 30m² lock-up units

Formation of 2 x 50m² compounds

Formation of 6 x 60m² business starter units

Formation of 160m² 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.

(C) CONSULTATIONS:

Scottish Water

No objection. Letter dated 12th July 2017

Area Roads Officer

No objection subject to condition. Report dated 25th July 2017

Environmental Health

No objection subject to condition. Memo dated 1st August 2017

SEPA

No objection subject to conditions. Letter dated 16th November 2017

Flood Risk Officer

No objection subject to conditions. Amended report dated 22nd November 2017

West of Scotland Archaeology Service

No objection subject to condition. Letter dated 20th July 2017

(D) HISTORY:

16/01296/PP

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

(E) PUBLICITY:

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

(F) REPRESENTATIONS:

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

(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:

(H) PLANNING OBLIGATIONS

Is a Section 75
agreement
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.

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

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

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

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

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

(O) Requirement for a hearing: No

(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 28th 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 6th 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.

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

(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.

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

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

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

Author of Report: Andrew Barrie **Date:** 8th January 2018

Reviewing Officer: Tim Williams **Date:** 9th January 2018

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 31st 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">• The length of the permission: This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).• In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.• In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.• The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

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): | No |
| (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. | Yes |

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
Issue Latest Date	Date passed
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	