

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

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Kieron Green
Councillor Rory Colville	Councillor Roderick McCuish
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

**Attending:** David Logan, Head of Legal and Regulatory Support  
Iain Jackson, Governance, Risk and Safety Manager  
Patricia O'Neill, Governance Manager  
Steven Gove, Planning Officer – Planning  
Howard Young, Area Team Leader – Bute & Cowal - Planning  
Mark Crichton - Applicant  
James Kemp - Applicant's Agent  
Richard Gorman, Environmental Health Officer – Consultee  
Malcolm Chattwood, Environmental Protective Officer – Consultee  
Paul Farrell, Roads Officer – Consultee  
Robert MacIntyre – Supporter  
Councillor Jim Findlay – Supporter  
Karen Hilton - Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Graham Archibald Hardie and Donald MacMillan.

**2. DECLARATIONS OF INTEREST**

Councillor Kieron Green declared a non-financial interest in the Bute Islands Food Ltd planning application reference 20/01441/P as a family member worked for the company. He left the meeting at this point and took no part in the consideration of this application.

**3. 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)**

The Chair welcomed everyone to the hearing which was being held on a virtual basis in light of government guidance and Coronavirus legislation on public gatherings in response to the Covid-19 pandemic. For the purposes of the sederunt, Mr Jackson,

Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today interested parties confirmed that they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance.

The Chair, having explained the hearing procedure that would be followed, invited the Planning Officer to present the case.

## **PLANNING**

The Planning Officer presented the application as follows on behalf of the Head of Development and Economic Growth.

This hearing is considering an application for the erection of a food production facility at a site adjacent to the junction of Barone Road and Meadows Road in Rothesay on the Isle of Bute. The proposal also involves the use of the existing access onto Meadows Road; the provision of 78 vehicle parking spaces within the confines of the site; the installation of a Sustainable Drainage storage system; and connection to the existing public water supply and public sewerage system.

As a physical visit to the site is not being held in association with the hearing, I thought that it would be useful to begin my presentation with some images and photographs to assist in an appreciation of the site and its surroundings.

Slide No. 3 is an aerial image that shows the application site outlined in red.

To the immediate north of the site, as shown in Slide No. 4, is Sheriff's Croft, which is a small residential development consisting of a terrace of four dwellinghouses and a detached dwelling.

Back to aerial image on Slide No. 5 and the land to the north-east.

Slide No. 6 shows the modern factory unit and the former Cotton Mill buildings that accommodate Bute Fabrics

The aerial image on Slide No. 7 shows that the land to the east and south-east of the site are Council yards and the rear of McKirdy's Haulage yard. Members will note from the roofs that this image shows that these buildings are industrial in nature.

Slide No. 8 shows the allotments to the south of the site with Slide No. 9 looking in a southerly direction along Meadows Road from the access to the site.

Back to the aerial image on Slide No. 10 and the land to the south-west of the site over Meadows Road is part of the Bute Business Park.

In Slide No. 11, the wooded western edge of the site is on the right hand side of the photograph with Barone Road running along this boundary of the site and residential properties beyond.

These preceding slides have provided information and images of the land adjacent to the application site and the following slides will highlight the current appearance of the land.

Slide No. 12 shows the gated entrance to the site when viewed in a northerly direction with one's back to Meadows Road.

Slides 13, 14 and 15 are taken from the gate and looking northwards over the inside of the site.

As Members will note, the interior of the site has become significantly overgrown since it was cleared approximately 15 years ago.

Slide No. 16 reminds us in plan form of the location of the site (which is outlined in red) within its wider surroundings. Slide No. 17 focusses on the details of the application.

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.

The building (shown in white on the slide) would be located in the north-eastern quarter of the site and would incorporate the main production factory on the ground floor with reception, office and welfare facilities in a partial upper floor. A gross floor space of approximately 3900 square metres would be created and the external dimensions of the building would measure 63 metres in length x 43 metres in width x 12 metres in height (ground floor level of building to ridge level of building).

In addition to the main building, the proposal identifies:

- The use 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 access (indicated by orange hatching on the slide)
- The provision of a total of 78 parking spaces within the site – 31 to be located to the west of the building and 47 to the south of the building
- The retention of the majority of the trees and vegetation around the boundaries of the site but with some tidying and clearing where required

Slide No. 18 shows the four elevations of the proposed building. The agent's '*Design Statement*' indicates that this would be a steel framed building with metal-clad insulated panelling. The windows have been 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. It is envisaged that green will be the basis for the colour scheme but the Statement also advises that specific tones and colours would be subject to the applicant's confirmation of samples.

As a reminder, the application has received objections from 74 sources; support from 36 sources; and a petition in favour of the proposal containing 100 signatures. The

points of objection, representation and support are summarised in the main report and two supplementary reports. In the context of an application on the Isle of Bute, the number of contributors is relatively significant.

Rothesay is one of the main towns of Argyll and Bute as identified in the adopted Local Development Plan, within which up to large-scale development is encouraged on appropriate sites.

Slide No. 19 is an aerial image with the extent of the application site shown in red. As Members will recall, the description of the land surrounding the site mentioned a considerable number of existing businesses and industries and this is the principal reason that the purple colour on this slide represents an '*Established Business and Industry Area*' as designated in the Argyll and Bute Local Development Plan 2015.

As a brief background, the application site appears to have been largely undeveloped until at least 1965. From around 1975-1978, four buildings were recorded on the site and these are understood to have been concrete bunds containing Liquefied Natural Gas 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 slide illustrates the clear distinction in terms of land usage and townscape in the south-western part of Rothesay – the areas to the north and west of the road are almost exclusively residential whilst the areas to the east and south (including the application site) are more industrial in nature.

One of the main aims of the Local Development Plan is to promote well ordered, sustainable industrial and business development in all existing settlements subject to certain criteria being met, with one of the preferred locations for any new business or industry proposal being within an '*Established Business and Industry Area*'. Rothesay is termed an "*Economically Fragile Area*" in the Local Development Plan 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. It is important to support 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.

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. Purely from an economic perspective, therefore, the principle of facilitating the continued expansion of a successful Bute company should be fully supported.

In terms of visual impact, the principal route when approaching the application site from the north is by travelling along Mill Street and then Barone Road. 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.

Slide No. 20 is taken from Barone Road looking in a south-westerly direction with the application site in the left hand side of the image.

Slide No. 21 is also taken from Barone Road but in a north-easterly direction with the application site in the right hand side of the image. It is considered that the combination of wall and woodland render the application site visually inconspicuous from the level of the road.

Slide No. 22 is taken looking northwards to the site along Meadows Road with the access into the site being located where the vehicles are parked. It is recognised that the site would be more visible from this approach.

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.

Slide No. 23 shows the nearest historic asset to the site, which is a former Cotton Mill (currently occupied by Bute Fabrics) that dates from the late 18<sup>th</sup>/early 19<sup>th</sup> century. It is a Category B Listed Building that is viewed in two different contexts – from the east, it is directly adjacent to a large, modern factory unit.

The current slide shows the western elevation of the building and the next two slides illustrate its visually attractive setting where it looks onto the one detached dwelling and the terrace of four dwellings that comprise Sheriff's Croft. The proposed building would be located beyond the furthestmost trees to the rear of the detached dwelling and, whilst it would be able to be seen within this visual context, it is considered that it would be of a sufficient distance from the Listed Building (approximately 50 metres) that it would not have an adverse impact on its setting.

To further illustrate the separation between the proposed building and the Listed former Mill, this Slide No. 26 (which was taken from the footpath adjacent to the Mill Lade) shows that the southernmost part of the Bute Fabrics' complex closest to the application site is a modern, single-storey structure. The proposed building would be erected beyond the left hand side of this slide.

In the upper half of Slide No. 27, a cross-sectional image is featured that shows the height relationship between one of the residential properties on Barone Road and the proposed building. The distance between the two buildings is approximately 60 metres and there is very little difference in the ridge heights. It should also be borne in mind that the trees and vegetation marking the northern and western boundaries of the application site are to be largely retained.

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.

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.

Slide No. 28 is a wider view looking northwards into the site and is a combination of four photographs joined together. Given the previous use of the site for the storage of Liquefied Natural Gas, it has been necessary to examine the issue of contaminated land.

Having considered reports from both 2014 and this year, the Council's Environmental Health Officer notes that the most recent study 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 further ground gas monitoring is currently being undertaken but has yet to be completed and reported. 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. As to whether a condition can reasonably be attached, 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. On this basis, Condition No. 9 has been recommended in the report in accordance with the EHO's comments.

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 that is shown in this Slide No. 29. As can be seen, this is a relatively wide opening and it is proposed that this access would be used to accommodate all traffic. The Area Roads Engineer has recommended that the access should be finished in a bituminous sealed surface and that it should be maintained at a width of no less than 5.5 metres. He has also recommended that 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.

Slide No. 30 is taken from the existing access into the site looking in a westerly direction up towards the junction of Meadows Road with Barone Road. It is noted that there is not a footway along the south-western corner of the application site shown in the right hand half of the slide and, at the recommendation of the Area Roads Engineer, a footway is to be created leading to the access that is to be used for the factory's vehicular traffic.

Slide No. 31, which is taken looking towards the site in a north-easterly direction, provides a different angle that shows where the existing footway terminates with the grassed area below the trees to be surfaced for use by pedestrians.

The Argyll and Bute Minimum Parking Standard for new Business developments is 1 space per 50 square metres of gross floor area. Given the Gross Floor Area in this particular case is approximately 3,900 square metres, there is a requirement for a minimum of 78 spaces and the proposal identifies this level of parking provision within the site.

Condition No. 2 in the report specifies the particular works and operations that are required to meet the requirements of the Area Roads Engineer.

Objectors have expressed significant concerns regarding road and pedestrian safety, including:

- 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.
- They feel that the proposed access onto Meadows Road is in a very dangerous position and will cause accidents
- It is considered that Barone Road and Meadows Road are not suitable for the capacity of HGV and car traffic that is proposed
- 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 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.

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 shift starting and ending times and 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. He has 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 6:30 in the morning and 40 after 4:30 in the afternoon. It is not considered that these numbers of vehicular movements would be excessive.

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 access serving the proposed development (these are achievable) and there is a footway linking the access with Barone Road, the Area Roads Engineer is satisfied.

Towards the bottom right hand corner of Slide No. 32, two blue lines are drawn that identify the boundaries of the Mill Lade. Due to the proximity of the site to this watercourse, a Flood Risk Assessment (FRA) has been prepared by RSK, which has

been accompanied by an FRA Checklist dated 12th March 2020 as stipulated by SEPA.

The FRA arrives at a number of conclusions, including:

- 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.
- Flood risk from groundwater is considered low.
- The risk from sewers is considered to be low to moderate.
- There will be an increase in surface water runoff; however, a full surface water drainage strategy should be developed to mitigate this increase.

It is significant to note that SEPA has accepted the FRA and has no objections to the proposal. In view of this, Condition No. 8 is recommended within the report that ensures that the development is implemented in accordance with the recommendations contained in the FRA.

The Council's Flood Risk Adviser has recommended that a condition is attached to any permission that is granted which ensures that a full and detailed surface water drainage scheme is designed for the site and this is incorporated into Condition No. 7 of the report.

Slide No. 33 illustrates the position of the proposed development in relation to the residential properties to the north-west of the site along Barone Road and surrounding streets and also with the allotments and Meadows Cottage to the south.

Having regard to the food production at the proposed facility and the comments of objectors, the Environmental Health Officer 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.

The applicant commissioned consultants to undertake the odour assessment and their report 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. 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 consultant's 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.

In light of the above, Condition No. 5 is recommended in the report ensuring that the operations at the site are carried out in accordance with the Odour Management Plan.

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 applicant commissioned consultants 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.

The report stated that attenuation measures would be required to reduce the noise emissions from these sources to an acceptable level and that basic operational procedures should be adopted to control noise emissions including limiting HGV movements to and from the site.

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

Slide No. 34 illustrates the extent of the trees and vegetation that exist on the site particularly in the hatched areas along the northern, eastern and western boundaries.

A Preliminary Ecological Appraisal was undertaken for the site and, given its contents, the Council's Biodiversity Officer considered 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 examined. The Otter Survey followed accepted protocols and, on the basis that no

evidence of otter holts or resting places. A Preliminary Bat Roost Assessment was carried out in early August. 4 trees were found to have moderate roost potential along with the flat-roofed structure. 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, overall, she was satisfied with the results of the survey and the recommendations to facilitate and present additional opportunities for the biodiversity interest on the site.

In drawing all of the above together, Condition Numbers 10, 11, 12 and 14 are recommended dealing with the following:

- The submission of a Landscape Design Planting Plan.
- The submission of a Tree/ Shrub Protection Plan.
- The retention of the stone wall that is covered in moss and fern and located along the western boundary of the site.
- The carrying out of development work outside of the bird breeding season.

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.*” In relation to the current slide, this access leads from Meadows Road; through the vehicular access; heads east to the north of the existing flat-roofed structure (coloured white); 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*”. 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, Condition No. 13 is recommended that requires 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.

Supplementary Guidance within 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 current slide shows that the new building would be approximately 20 metres from the south-facing elevation of the dwellinghouse known as No.5 Sheriff’s Croft (located at the very top of the slide). 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 a consultant 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 results confirm that all south-facing windows of No. 5 Sheriff's Croft achieve the daylighting criteria set out in the BRE Guide whilst the dwellinghouse 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.

## **APPLICANT**

### **Mark Crichton**

Mark Crichton gave the following presentation to the Committee:

#### **To give a little background information to this project, it was**

- Several years ago that we could clearly see that the Vegan and Plant Based food industry was changing fast. The demand for our products has increased greatly and the whole food industry is changing quickly with major companies moving into the Vegan & Plant Based market.
- We are a market leader and companies come to us and want to work with us. But we know, that we if we start turning new business away, then we are opening the door for our competitors and we could be left behind. So it is clear to us, that we have to expand and we would like that to happen on the the Isle of Bute.
- So our search for a new site started more than 3 years ago. We had a set of key criteria, that included wanting the development to be on the Isle of Bute, and it needed to be something that could be part of our sustainable future. We worked in consultation with Argyll & Bute Council – renovating an existing building would of course be our first choice and we looked at the old Academy building lower school, also the upper school and gym hall in great detail, but ultimately, it had to be ruled out for a number of reasons that meant it wasn't viable. We spoke to Bute Estate – that didn't provide any potential sites available to buy and we spoke to Highland & Islands Enterprise. So it was only after detailed assessments of a number of potential sites that identified the plot in the Argyll and Bute Council Local Development Plan 2015, the Established Business and Industry Area (coded AFA1/4), the site that we are discussing now off Barone road, as our best and only viable option.
- If the Planning Committee do grant us permission today to build our new Plant Based food manufacturing which will include an Innovation Centre, then it could be an excellent site for the company to grow from for years to come.

#### **Looking at our History & Standards**

- Our main product range is Sheese and it has been produced on the Isle of Bute since 1994, originally in Columshill Street, Rothesay with just 4 people, and now at the Townhead Creamery.
- We are audited regularly by all of the major retailers in the UK and our Food safety and environmental standards are the highest achievable.

- One of our core values is to maintain the highest food safety and quality standards and this is only possible thanks to our strongest asset which is our team and the dedication and determination shown by them.
- This new site will allow that tradition to continue.

### **Regarding the Jobs & Income for the Island**

- We currently employ 185 people at The Creamery. We provide detailed staff training and pay a minimum of £10.00 per hour for anyone over 18 with good opportunities for upskilling and promotion.
- We think it is worth noting that we are in effect an export business. We bring money in to the local economy. Nearly all products are exported off the island to the rest of the UK and much further afield. And that revenue comes back to the island, with much of it is being spent by the employees, who all live on the Isle of Bute. Bute Island Foods also supports local businesses and local contractors and we are fortunate to have highly skilled local people to work with.

### **Looking to the Future,**

- This project is a huge investment for Bute Island Foods costing upwards of 10 million pounds.
- We know that if we don't expand we are going to have to start saying no to new opportunities or new products requested by major retailers. If we say no, we are literally forcing them to take their business elsewhere, risking not only our future, but also our current business with the retailers.
- We are proud to be championing the Isle of Bute all round the world, we have had customers visit us from many different countries and we very much want the business to remain here.
- We think this is such an exciting opportunity for the company to grow, to support the local economy, the local community and make a difference to the island for many years to come.
- Now, clearly there have been a number of concerns raised about our expansion. This is a small community and most people know most people to some degree. Some of the current Bute Island Foods staff live very close to the proposed development and I personally know some of the those who have raised concerns. So, we have certainly taken these very seriously and at considerable expense, commissioned a number of reports and surveys to fully assess the points that have been raised.
- In our revised planning application, we have addressed the transport issues raised by the Area Roads Engineer and we have removed the additional access route to the site.
- Near the reception entrance, there are 31 car park spaces including 3 electric charge points, and we have added an overflow carpark with an additional 47 car

parking spaces taking us up to total to 78 spaces. Our Packing & Production team, as well as Managers, will arrive by 7am and leave around 4.30pm. So although we don't exactly have a rush hour in Rothesay, the vast majority of staff movements will not be adding to it!

- The company have a cycle to work scheme encouraging staff to use a bike for travelling to and from work. Currently 60% of people cycle or walk to our Townhead, Creamery site and for people living in Rothesay, the new site, will be an even easier place to walk to.
- Looking at other transport movements - we work with local Haulier John Mackirdys and they have invested in a twin deck trailer. It is very quiet, more environmentally friendly and more cost effective on the ferries as it holds 44 pallets in one load. They will drop a trailer off in the morning, we fill it throughout the day, and then it is picked up around 7:30am the next morning and taken to the 8am ferry – avoiding the school run or any busier times.
- To answer concerns raised we have undertaken a Noise & Odour assessment, a Daylight impact study, a Contaminated ground report, an Ecological Bat & Otter survey. We are confident that where necessary, concerns have been addressed within the scope of the ground layout and building design.

I would like to thank the Members of the Planning Committee for giving this their consideration, and at this point Mr Chairman I would like to hand over to James Kemp from Pentadel. They have a great deal of experience in building food manufacturing sites and they are managing this project for us. James will be able to explain in a little more detail some of the considerations we have made in the design of this project. Thank you.

### **James Kemp**

Mr Kemp provided some background information about Pentadel Project Management, a company of architects, engineers and project managers that design and deliver modern, innovative and industrial facilities. He said they were passionate about designing facilities which were great places for people to work in; complemented the community; and minimised their clients' environmental impact, both now and in the future. They had worked with brands like Tyrrells, Charlie Bigham's, Hello Fresh, Bloom & Wild and Echo by Lloyds Pharmacy.

He presented some examples their work and said that design considerations included looking at how the buildings could be efficient, would employees feel proud to work there, was the best being done for the environment and would a development be a good neighbour. He then explained how they made their developments efficient by reducing moving parts (material and people), carefully selecting materials with efficiency and longevity, minimising energy consumption and using the best available techniques in all that they did.

He highlighted what they did to protect the environment in terms of nature, sources of noise, and odour, for example, maintaining mature trees and habitats, modest scale equipment, the use sound walls and acoustic baffles if required, careful lighting choices, and the use of technology with activated carbon units which filter out clear air if required.

On the subject of good neighbours, he highlighted on a slide a pedestrian and cycle route, car parking areas, and the low ridge height of the building. He confirmed that they had thought about everything and confirmed there was mitigation should any issues come apparent later.

## **SUPPORTERS**

### **Robert MacIntyre**

Mr MacIntyre addressed the Committee as follows:

My name is Robert MacIntyre, I have lived all my 75 years on the island of Bute, I was a dairy farmer. A tenant of the Marquis of Bute, when I left Rothesay Academy in 1961 to go home to work on Dunallan Farm, at that time there were over 70 working farms on Bute. Including the farmers there would be at least another 150 people employed in agriculture. Sadly now we have perhaps 20 to 25 farmers. This is just one example of how a very active section on the island has gone into decline. Agriculture is facing a hammer blow from Brexit, its future is of major concern.

Bute or Rothesay was a favourite resort for holidays. From early May to the end of September the island was bursting at the seams. Two picture houses, the Winter Garden where stars such as Stanley Baxter, Jimmy Logan, Lex McLean to name but a few did 2 shows a night, 7 days a week. Sadly these days are gone. Our flagship building, The Pavilion, lies in an uncompleted condition with not a sign of work being restarted.

There has been a large number of shops, restaurants, pubs, and in recent years, small hotels have closed and have been usually converted to housing.

In 1955 the population of Bute was 12,755, now it is certainly just under 7,000. Bute has the worst record of depopulation in Argyll and Bute.

So what can be done to arrest the downward spiral. We badly need a major investment which would employ a significant number of people.

I would say to you, the Members of Argyll and Bute Planning Committee, you have a very important decision in front of you today. A decision which will almost double the present work force of Bute Island Foods.

A decision which will give a significant future for people living on this island.

This decision, if you grant Bute Island Foods the authority, will be of immense benefit to Bute. The present workforce produce a product which is sold to over 30 countries in the world. Despite the pandemic, demand is increasing, hence the need for the second factory on a site which has lain abandoned for nearly 50 years.

Bute Island Foods bought Rothesay Creamery in 2010 from First Milk Ltd and starting producing vegan cheese. This product is in popular demand all over the world. The investment of £10 million is of huge benefit to the island of Bute. The present work force numbers 185 and the plan is to double that number with the new build.

I would urge the Planning Committee to give the green light to Bute Island Foods.

**Councillor Jim Findlay**

Councillor Findlay gave the following presentation.

Firstly, thank you for the opportunity to speak to this application, an application which has my support.

The economic and societal benefits of this application cannot be underestimated. Rothesay is in the 2<sup>nd</sup> and 3<sup>rd</sup> decile of the most deprived areas in Scotland. A recent Highlands and Islands Enterprise report states that Rothesay has consistently had a Claimant Count well above the rest of Argyll and rates almost double those of Scotland particularly in the age range 16 to 24.

In essence Bute needs to have sustainable secure stable employment to retain our young people on Bute and continue to build on the desires of Argyll and Bute Council to bring economic prosperity to the Council Area that is not solely built on hospitality and tourism.

Bute Island Foods business expansion will contribute to that mission. The product is in high sustainable demand as people across the developed world move to plant based foods as a lifestyle choice or as part of a flexible diet.

The product range has a proven demand from leading credible food retailers all with high demands on their supply chain. Standards that Bute Island Foods are required to maintain.

Bute Island Foods is a credible food producer operating to the highest international standards and as a local councillor for Bute am proud and pleased that the owners have chosen to build their business here operating and growing steadily since 1994 currently 185 people and soon if the application is granted increasing steadily to a further 200.

As the committee know the original planning application was withdrawn to permit the concerns of local people to be considered and there has been very high investment by Bute Island foods to satisfy these concerns.

I was pleased to note that the site is not a Greenfield site it was previously used for large volume natural gas storage tanks prior to Bute being connected to the gas grid. I am also pleased that there are no biodiversity issues.

The location is shown as an established Business and Industry Area (area coded AFA1/4) on the Local Development Plan of 2015 and also in the LDP 2 as an established business and industry area and an area for action.

I would hope that committee will see fit to grant this application, it would appear concerns have been satisfied by the investments Bute Island Foods have made. The application meets the criteria of the local development plan and the business is not a heavy industry, or scrap yard but rather it is a state of the art food processing factory which will bring much needed employment to Bute and the associated economic and societal benefit that the economic activity will bring.

## OBJECTOR

### Karen Hilton

Ms Hilton gave the following presentation to the Committee.

Good morning Councillors, my name is Karen Hilton and I represent the residents surrounding the proposed site. Firstly and quite rightly, the emphasis and reasons given for you to approve this application is about employment and regeneration on Bute, which is something as residents, we all want for our beloved island But nothing regarding our neighbourhood, our community, our homes or our environment has been taken into consideration.

Despite what the Local Plan looks like the proposed site is not an industrial area, it has not been used for these purposes for over 25 years, it is in fact surrounded my residential areas, allotments and the public park - it's a quiet, safe picturesque area of Rothesay, a factory of this size and scale will ruin it, it will ruin the Rothesay townscape that we all love – tourist, walkers and cyclists don't stay on the prom they like to explore the whole of Rothesay and the island.

I just wish Bute Island Foods had explored the whole island too and find a more appropriate place to put their factory, a place that will allow for the expansion they foresee.

Bute Island Foods already own and operate many other sites related to their business in Rothesay; would it not make good business sense to consolidate them all in an appropriate place?

Would it not make sense for Bute Island Foods, Highlands & Islands Enterprise, Argyll & Bute Council along with Mount Stuart Trust and the Marquis of Bute to get their heads together and identify and make use of one of the many derelict farms or buildings with access and infrastructure that would better suit their needs and aspirations?

The Applicants website claims that *"We're helping people lower their carbon footprint and protect the environment in turn"*.

The Lade which runs along the length of the site is currently in a poor, neglected state with historic "canalised" banks in poor condition, it also heavily silted with mature trees along its's raised banks. There is abundant and diverse wildlife in the area too, including but not limited to deer, owls, wood pigeon, frog, toads, bats, heron and slow worms with many mature trees.

Don't you think it would be very hypocritical of a Vegan food producer to sacrifice all these animals and their habitats to build a vegan food factory on contaminated land? For an environmentally, carbon reducing company there is no mention of any renewables such as PV panels, rainwater recycling and what materials are being used to build the factory.

There is also a feeling that Highlands & Islands Enterprise are rubbing their hands with glee in getting rid of this piece of contaminated land that they were still trying to sell off as recently as last week - 11<sup>th</sup> November.

Despite all the reports – paid for by the applicant and with a couple of exceptions - carried out as a desktop exercise. Having read them I am positive that –

There will be odours  
There will be noise  
There will be light pollution  
There will be a huge increase in traffic on Barone Road and Meadows Road  
There will be parking issues  
There will be damage to the wildlife and their habitats

Councillors I want to appeal to you as a resident and home owner for you to reject this planning application, as you will see from the papers it is recommended to be approved as long as the many "suitably worded conditions" are met, who knows what these suitably worded conditions will be?.

The "Suitably worded conditions" include planners concerns regarding

Road safety – 4 conditions  
Noise – 4 conditions  
Odour  
Light pollution  
Flooding  
Contamination  
Landscaping over 5 conditions  
Tree protection  
Concerns about bird/bat nesting  
Public access  
Concerns about the Lade  
External finishes & roof materials  
Waiting restrictions

This is a long established neighbourhood made up mostly of Victorian quarter Villas built in the late 1880's - with the majority of us having lived here for 15 years or more with many for over 20 years, we love our neighbourhood, we are a community that has come together over this planning application, we have got to know each other better, with a common aim to protect and preserve our neighbourhood. The height of this factory will equal the roofline of these properties and will dominate the skyline.

Give some thought to our community, our neighbourhood our day to day lives that will be adversely affected if this factory is built.

The proposal states that there will be 200 People coming and going between 6am & 1am there is only parking for 78 cars.

Barone Road is not suited for heavy traffic or regular use by large HGV's. 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.

The applicant's factory at Townhead is already causing congestion problems at Rothesay Joint Campus due to employees parking on the road. Barone Road is on a bus route and with St Andrews primary school close-by these problems will only be replicated here.

Councillors would you want 200 people coming and going for 19 hours a day on your doorstep?

Bute Islands Foods' factory was very recently subjected to a raid by Police Scotland, staff and lockers were searched for drugs and a number of arrests were made - would you like this on your doorstep?

The company also has a very high turnover of staff, why is this?

We all want jobs for Bute, we all want the business to thrive, but is it to be at the expense of our day to day lives? Do our concerns, our lives, our livelihoods, do they not matter, do we not matter?

I ask all of you here today; hand on heart – would you want an industrial sized food factory on your doorstep?

Councillors, the fact that you are unable to visit the site and take in the surrounding area should be a reason to reject this application, how can you make a decision of this magnitude without setting foot or eyes on the area.

Does it not matter that we live here, we work here, we contribute to the island's economy, brought up our families here and we want to carry on living here Please give some consideration to the local residents.

Give some thought as to how this factory will affect our lives, our community, and our environment.

Councillors on behalf of my neighbours on Barone Road, Meadows Road and the surrounding area I urge you to reject this planning application.

## **MEMBERS' QUESTIONS**

Councillor McCuish sought and received clarification from Mr Gove that the site was located within area shaded purple in the Local Development Plan, a long established business and industry area and was where the Council would like industrial businesses to locate subject to certain criteria being met.

Councillor McCuish sought comment on the concerns raised about the site being contaminated land. Mr Chattwood advised that two site investigations were done in 2012 and 2014 on the site which was previously used for the storage of natural gas. Following submission of the application Environmental Health requested that the results of the site investigations be updated in line with current standards and this was carried out by the original contractors Mason Evans. Their report was submitted in October and confirmed the conclusions of the earlier reports that the surface structures were demolished and left no serious contamination. Ground gas monitoring was undertaken in 2014 and this continues to be ongoing and there is a condition advising that a report on this will be required to be submitted if the application is approved.

Councillor McCuish asked Ms Hilton if she was happy with the responses provided by Planning and Environmental Health. Ms Hilton said there was still ongoing concerns about the land being contaminated. She referred to asbestos and cyanide and said subsequent reports were pretty inconclusive. She also advised that no conclusion had been received yet on the ongoing monitoring of the ground gas. She said she felt this was quite an issue and that these reports should be made public. Referring to the designation of the site, Ms Hilton pointed out that the site was

bordered all around by houses and properties and said it was very close to the Conservation area. She also advised of it being near to allotments and a public park. She said there had not been any industrial factory for over 25 years on this site. She advised that she thought the Councillors should take that into account

Councillor Trail asked the Applicant how he would respond to the allegation made that there was high turnover of staff in the factory. Mr Crichton said that one of the most important things to remember was that on the island of Bute very few people had previous food manufacturing experience. He said that when people joined the company they sometimes found out that they were not suitable. He referred to on the job training and regular reviews. He advised that part of the interview process was about finding out if someone had the right attitude, that they had team spirit and a can do attitude. He said that during the first 3 or 4 weeks there would be people who wanted to do the job and some who didn't. He advised that they liked to give the opportunity to people who would not normally do well in an interview situation.

Councillor Trail sought and received confirmation from Mr Gorman that no complaints about noise from the company's existing site had been received by Environmental Health during the 25 years he has been in post.

Councillor Forrest referred to Ms Hilton advising of staff coming and going 19 hours a day and sought comment on this from the Applicant. She also asked how exhaustive their attempts were to find a different site. Mr Crichton advised that in terms of traffic there were multiple shifts with the majority of staff starting about 7 am and finishing about 4 pm. When the main food production was finished a hygiene team consisting of about 9 or 10 people, but not all working at once, would come in to prepare and clean all the equipment ready for production again the next day. Therefore a small number of people did work a later shift. In terms of searching for a suitable site, Mr Crichton advised that the company had worked closely with Argyll and Bute Council to look at different options. He said there were not a great number of opportunities on Bute. He advised that Bute Estates very rarely sold land so there was very limited opportunity for the company to expand on Bute.

Councillor Devon referred to Ms Hilton advising that there has been no activity on the land for 25 years. She asked the Planning Officer if there were any commercial businesses operating out with the purple area in the LDP. Mr Gove advised that Bute Business Park, created in the early 1990s, was located within the South West part of the purple area. He said there were some vacant sites here but there were building there and businesses running from the Business Park. He advised that Bute Fabrics was located in the east part of the purple area. The Council's Roads and Amenity services and McKirdy's Haulage yard was also located there.

Councillor Devon also referred to concerns about road safety issues coming off Barone Road onto Meadows Road which had resulted in a second application coming in which hoped to address these. She sought reassurance from the Roads Officer that there were no safety issues coming from Barone Road onto Meadows road. Mr Farrell said the changes to the original application were not taken lightly and there was a lot of time involved to see where would give safe access to the site. It was deemed that the existing access was the one to go for. Parking was increased to address the issue of any on street parking. He advised that there was currently an issue with on street parking on the junction of Meadows Road onto Barone Road but that was something that was dealt with within the Highway Code which states that vehicles should not park within 10m of a junction. He commented

that it was great to hear from the Applicant that they had a cycle to work scheme to promote a more carbon neutral route for people to come to and from work.

Councillor Freeman referred to Roads looking for a condition requiring sight lines onto Meadows Road. He also referred to the issues raised about vehicles parking at the junctions. He said that given the sight line requirements, he assumed this was from the site onto Meadows Road which was not a junction of Barone Road. He commented that 42m sight lines seemed a bit excessive and asked what the speed limit was on Meadows Road. Mr Farrell advised that the existing speed limit in an urban area was 30 mph. There was also an advisory 'Twenty's Plenty' on Meadows Road. He said the junction was located at Barone Road on to Meadows Road. He said there was an issue there with vehicles parked within 10 of the junction which was not an acceptable practice in terms of the Highway Code. Councillor Freeman commented that this was surely a Police matter and not for Planning Officers to address.

Councillor Freeman sought and received confirmation from Mr Crichton that they currently had 195 employees, the majority of which worked 30 – 35 hours per week. He said that 165 FTE would be a fair assessment. He said the new development would have a similar number of employees with 200 full time jobs within 3 years. Mr Crichton confirmed that the creamery would continue to operate and these additional 200 jobs would be new jobs.

Councillor Freeman asked if Bute Community Council were in attendance at the meeting today. He also asked Officers to confirm that the remit of the Community Council was to speak on behalf of their community. Mr Logan advised that everyone who submitted a representation was invited to attend the hearing, this included Bute Community Council, who did not take up this invite. Mr Logan confirmed that one of the roles of a Community Council was to take on board the views of the local community.

Councillor Colville referred to condition 7 and said he had noted that SEPA did not have any concerns about flooding issues and the site was well above sea level and would not have a 200 year flood event. He advised that reference had been made about other water sources and also a collapsed culvert located at the north east boundary of the site. He asked if this had been addressed and who had responsibility for it. He also sought clarification on who would be responsible for maintaining the Mill Lade as that seemed to be a source of flooding in the area. Mr Gove advised that condition 7 emanated from comments from the Council's Flooding Adviser. He said that he would expect that in fulfilling that condition a strategy for surface water drainage would have to be submitted to the Flooding Adviser for examination. In terms of Mill Lade, Mr Gove said this was located out with the application site. He advised that he did not know who owned it or who was responsible for it. He said that as Mill Lade was out with the Planning Application, Planning could not insist on things happening. He said he did not think the Applicant would have direct control of what happened at Mill Lade.

Councillor Colville referred to the Applicant's £10m investment. He asked if they had any concerns about the fact that there was no clarity in regard to Mill Lade and no clarity on the condition of the culvert. Mr Crichton confirmed that Mill Lade was not part of the application site. He said he did not think the culvert was a major issue and would action this as part of drainage if required. Mr Young confirmed that any issues with surface water drainage out with the application site would be regarded as

a civil matter. He said he did not think it was a significant issue that would affect determination of this application.

Councillor Colville referred to concerns raised about contamination and commented that surely development of the site would improve any lingering doubts of contamination and that the last thing anyone would want would be to have access to a site that was contaminated. He sought comment from Ms Hilton. Ms Hilton said any contamination would pose a threat while it was removed. She advised that currently there was no access to the site which was fenced off and padlocked.

Councillor Colville referred to construction of the building and asked the Applicant what elements were being incorporated into the building which would address climate change. Mr Crichton advised that one of the main things would be insulating panels which were cost effective and produced a control temperature in the work environment which would be highly efficient. He also advised that there would be electric charge points for cars and they would be using as much natural light as possible to reduce the amount of electricity used. Councillor Colville asked if solar panels could be considered for the extensive roof.

Councillor Blair referred to this site being designated for Business and Industry use for many years on a number of plans. He asked Ms Hilton if the community had come up with any ideas for use of this site. He also asked Planning if any amendments to the designation of this site had been suggested by anyone in the community.

Ms Hilton advised that as far as she was aware nothing has been put forward by the community other than a Garden Centre had looked at it in the past. She said the issue of contaminated land stopped anyone moving forward with that. She advised that if the community had wanted to take on the land they would have had to deal with the contaminated land. She said that funding was hard to come by and she thought that would be the main reason that no one has come forward. Mr Gove advised that he did not think there has been any representations made about this site during any of the LPD consultation periods over the last 15/16 years. He said that when a draft version of the Plan was published things like designations of established Business and Industry areas were included in the documentation. He advised he was not aware that anyone had put forward that the boundary of the purple area should be amended or that the application site be removed from it. He said that as far as he was aware this area has been designated purple for the last few versions of the Development Plan.

Councillor McCuish sought and received confirmation from Mr Gove that the community had not made any representations to change the designation of this site.

Councillor Devon referred to this being a big application with huge investment for the area. She asked the Supporters if they were aware of any other major investments on the horizon. Councillor Findlay said there were none to his knowledge. He referred to the possible expansion of Port Bannatyne Marina but nothing had been applied for in this respect as yet. He commented on the Council's investment in the pontoon area of the harbour. He advised that Mountstuart had gone through redundancies and the saw mill had to lay people off.

Councillor Freeman asked if anyone could confirm what the percentage of unemployment was on the island and what the actual numbers were of unemployed.

Councillor Findlay advised that from memory this was sitting at around 12%-15% of the economically active. He pointed out that 25% of the population was over 70 years of age. The desire was to find employment for those aged 16 and above.

Councillor Blair referred to good neighbours and good communication and asked the Applicant what steps the company take to participate in the local community and have local dialogues in respect of the existing site. Mr Crichton advised that people were always welcome to come and talk to them. The Directors and owners were nearly always on the site and they always made time for anyone that wanted to talk to them. He said they tried to support the community in various ways. He said they have tried to plan to reduce the amount of impact on neighbours and to make it the best as possible for them in the first place.

Councillor Blair commented that it was good to have good lines of communication so that issues did not fester and were dealt with promptly. He suggested that if the application was granted that the company establish good lines of communication to resolve any issues and enhance areas too.

Councillor Kinniburgh sought clarification from the Roads Officer on the waiting restrictions referred to at Barone Road and Meadows Road. He asked if double yellow lines were being considered and if a TRO would be required. Mr Farrell advised that a TRO would be required for any lines that go down on a road to be enforceable. He advised that he was aware of line introductions on Barone Road in 2006 but this was reduced to allow parking on the road for some properties. He said that the concern he had was the junction from Barone Road onto Meadows Road which seemed to have vehicles parked there right at the junction. He said that there may or may not be a requirement for a TRO to be raised but he hoped that people would realise they were causing a problem and obstruction which would be dealt with by Police Scotland.

Councillor Kinniburgh commented that there appeared to be a problem there at the moment. He sought and received confirmation from the Applicant that there were 26 car users at their existing site and there were 20 parking spaces provided at that premises. Mr Crichton said the vast number of people walked to work, some got dropped off and some came by bus or taxi. He confirmed that the new facility would provide 78 car parking spaces.

Councillor Kinniburgh asked if there would be any restrictions placed on who could use the car park. Mr Crichton confirmed that the whole site would be made secure with restricted access for employees only. He agreed that any problems of parking on the street would not be caused by this facility.

Councillor Blair asked if a TRO would be requested before major construction took place. He also asked how long it would take to have a TRO on place. Mr Farrell said it was not envisaged that a TRO would be put in place for the construction phase. If something needed done then a temporary TRO could be put in place. He advised that it would take anything up to 9 months to raise a TRO for permanent waiting restrictions and this would be dependent on there not being any objections from any consultees or members of the public. He said that currently Argyll and Bute Council was not in a position to put out TROs and this was something that was being look into at the moment. He said a Temporary TRO could be put in place for up to 18 months if required during the construction phase. He advised he was not looking

at that as an issue and he did not see that as being an issue during the construction phase.

Councillor Blair sought and received confirmation from Mr Farrell that traffic wardens did come across to Rothesay.

Councillor Kinniburgh sought and received confirmation from Mr Crichton that if there was a problem with parking on the street at the moment this was not the making of the Applicant and due to the number of parking places being provided it was unlikely to be the making of the Applicant. Mr Crichton said the number spaces being provided would be sufficient for the development.

## **SUMMING UP**

### **Planning**

Mr Young advised that Planning Officers were required to assess all applications in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 and against Local Development Plan policies and other material considerations. Under Policy LDP DM 1 of the LDP, up to large scale development was encouraged on appropriate sites in Main towns. In view of this, it was considered that the principle of the proposal was consistent with the provisions of LDP and it was down to a site based criteria assessment of the development which was located within an established Business and Industry zone and was for the reuse of a derelict site. It would allow a much needed food production facility to expand on the island of Bute. The scale, massing and design of the proposed building are considered to be appropriate in the context of the wider townscape. The roads 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 neighbours would not be adversely affected. Other issues such as flood risk, biodiversity and contaminated land have been examined and found to be acceptable subject to suitably worded conditions. Any reports that come in as part of suspensive conditions will be available to view on the public website. Given the fact that the proposal accords with Local Development Plan policies and key material considerations, Mr Young advised he was happy to recommend approval of this application.

### **Applicant**

Mr Crichton advised that this was a superb opportunity that would make or break the company on Bute. Consideration was given very carefully to the location and this was the only viable option. A lot of information, reports and evidence was produced to support the application and all that was left was for the Committee to make their decision.

### **Consultees**

#### **Environmental Health**

Mr Gorman advised that taking into consideration concerns about contaminated land, noise, light and odour, the Applicant was asked early on to get experts to examine these areas which they have done. They produced the necessary reports

and the conditions have been based on these reports. He confirmed that if the application was granted Environmental Health would require finalised reports and these would be examined to ensure any issues have been correctly addressed.

Mr Farrell clarified the sight lines that would be required. He confirmed that 42m x 2.4m x 1.05 m was the minimum requirement for sight lines for access onto a 30 mph road. All hedges, walls and fences within these visibility spaces would require to be maintained at a height no greater than 1m above the carriageway.

### **Supporters**

#### **Robert Macintyre**

Mr Macintyre advised that 12,755 was the population of the island of Bute in 1955 and this was now under 7,000. Unemployment was the highest in Argyll and Bute and this was a golden opportunity to stop the decline of this island. He asked the Committee to do the right thing.

#### **Councillor Jim Findlay**

Councillor Findlay advised that the discussion was wide and varied with the Committee presented with a well balanced view of the facts. He said that according to the latest Highlands and Islands report the % of people aged 16-64 claiming out of work benefits on Bute was 20.4% of the working age population which was significantly above the rates in Argyll and the rest of the Highlands.

### **Objectors**

Ms Hilton referred to Mill Lade and said this was considerably higher than the site as it sat up on a bank behind the site. She advised that odour was experienced by many people around the current factory and at Columnshill. A letter was placed in the local paper regarding the odour coming from the factory. She advised that the Business Park consisted of call centres and office based businesses. All other industrial businesses, apart from Bute Fabrics, accessed the Business Park from High Street and Union Street over at the other side of the area marked in purple. They were not accessing from Barone Road. She also pointed out that the community, herself and neighbours all brought this application to the attention of Bute Community Council and asked for their opinion. She said the Community Council did not interact with anyone and did not respond to the community's request. She said the next information from them was when they put in their support of this site.

As far as the traffic was concerned there were no longer any waiting restrictions or lines on Barone Road. The cycle to work scheme was available to all companies not just Bute Foods. She advised that the company did not interact with the community. She said they knew who they were and knew of their objections and concerns but did not interact and were secretive about their business and other activities on the island. She said there were too many conditions with reports still to be finalised and flood risk issues too vague. She referred to sight lines at the junction of Barone Road onto Meadows road and the requirement for vegetation and walls to be cleared. She pointed out that the Biodiversity Officer had recommended that the wall be retained and asked if this wall was being recommended for removal by the Roads Officer.

She advised that the community have lived here for a long time and they would like the Councillors to consider if this was the type of industrial factory they would want on their door step. She said that lots of the employees did not live near the site and the owners lived out with the Rothesay area.

The Chair established that everyone had received a fair hearing. In terms of the Councillors' National Code of Conduct, Councillor Jim Findlay, Supporter, left the meeting at this point.

## **DEBATE**

Councillor Freeman commented that there were a couple of things raised which he thought were relevant. SEPA had no objection, which he said the Committee could take that they had no concerns, including with respect to any contamination of the site. He advised that given unemployment levels for the working age had just been confirmed as over 20% that was clearly significant. He referred to the parking issues discussed and pointed out that the Highway Code made it clear no one should park within 10m of a junction. He said this was a Police matter and not a Planning matter. He advised that this proposal would virtually double the number of jobs to almost 400 and said that he thought most communities across Argyll and Bute would bite off their right hand to get such a proposal on their door stop. Taking account of all concerns he said that the pros outweighed the cons and that he would be supporting this application.

Councillor Moffat advised that as Bute's only representative on the Committee she felt deeply conflicted about this. She said there would be quite an impact on Barone Road and advised that it was already extremely difficult to travel up and down it. However, she advised that the Committee had heard that Rothesay was an extremely economically challenging town. The issue with Barone Road was not the fault of the company. She said that Bute had already lost a lot of companies. Rothesay was a Victorian, tightly built town and the island had very few appropriate places to site the proposed development. She advised that Mountstuart would never sell off their farms. She said that the development had to be located at this site. She pointed out that Bute had already lost Henshaw Woods because of constant delays. She said that if you did not have the right size of property then you would have to keep turning down contracts and losing business. She said the island needed security of jobs for survival and that this application had to be passed for the continued wellbeing of Bute. She said she had concerns about those that lived on Barone Road but she believed there was a need to retain Bute Foods and for this proposal to go ahead.

Councillor McCuish said he had been impressed with the quality of presentations, including those from the objector and supporters. He advised that the Council's Officers gave the Committee all the information needed to make a decision today. He said that he welcomed this application and that it was great news not just for Bute but for Argyll and Bute as a whole due to the expansion of jobs. He said that the expansion of the company should be welcomed on a site identified for Business and Industry use. He suggested that in order to address ongoing concerns the company should consider setting up a liaison group with the community. He also advised that he was very keen on the cycle to work scheme and suggested that the company look to some of the local cycle shops and consider discounts to encourage their

employees to cycle to work. He confirmed that he would support approval of this application today.

Councillor Devon said that this application had been thoroughly and robustly looked at with various surveys and inspections carried out. She advised that she felt many of the concerns raised had been addressed with conditions. She commented that she was impressed with what the company was doing to address climate change by encouraging employees to cycle to work. She confirmed that she would have no hesitation in recommending approval of this application.

Councillor Redman said he was very happy with this application. He commented that he came from an industrial island which was very different from Bute but had similar challenges. He advised that Bute had economic problems long before the virus struck and with the worst unemployment levels, still did. He said this proposal was very welcome and would create jobs and opportunities for growth, particularly for younger people looking to get started. He advised there was a need to fight rural depopulation and this proposal was a step in the right direction. He confirmed he was minded to approve the application.

Councillor Trail commented that as this was the first hearing everyone has heard online, he would like to commend the Planning Officer for his presentation. He said he thought he had given a very good picture of the site and its surroundings both in pictures and in words. He said he agreed with the comments of the other Councillors but advised that he did not think economic benefit was the overriding consideration. He advised that land use was the most important consideration and said that this was a very good site, already zoned for industrial use, so it was appropriate to put it there. He commented that he thought the trees surrounding the site would give a good bit of shielding from the future building. He confirmed that he was in favour of the proposal and he commended the company for encouraging cycling to work.

Councillor Taylor said he understood how the community felt in terms of living close by the site which had been a piece of undeveloped land for the last 25 years that had gone back to nature. He said that developing it now in terms of an industrial development when they have lived next to what has been the same visual amenity as a park would have a huge impact on them and how they perceived the environment they lived in. He advised that the planning system sets aside appropriate zones for development and Officers have recommended approval of this proposal. He noted that concerns raised by objectors have been addressed with amendments to the design and by conditions. Like Councillor Trail, he advised that he had not considered the economic argument despite this being important. He said that land use and the ability to develop has been the main factor in his decision to support this application.

Councillor Blair concurred with the comments already made. He said the presentations had been very good and weighing it all up, and the opportunities for the area, he was minded to support the application.

Councillor Forrest commented that this site was designated for industrial use. She said the presentations had been very good and advised that she had sympathy for the residents but did believe that the conditions put on this application would address their concerns. She confirmed that she would support this application.

Councillor Douglas said she would like to affirm everything that had been said. The level of information and debate was very good and she advised that she had no hesitation in recommending that this proposal go ahead.

Councillor Colville said he agreed with the comments the other Members had made, particularly those by Councillor McCuish to the Applicant. He said he thought there was goodwill to be built here with the local community. He gave special thanks to the Planning Officer for his very comprehensive presentation. He said a great deal of effort had gone into all the presentations and that he would be supporting the application.

Councillor Kinniburgh thanked everyone for taking part in the meeting today. He commented that this was the first discretionary hearing to be held virtually and that he thought the standard of presentations and everyone's input into the meeting was admirable. He commented that concerns had been raised around the application but from what he had heard today, he believed most of these had been addressed. As far as he was concerned, he thought the company sounded like a responsible company and he noted that they were working on Bute at the moment. He pointed out that the Environmental Health Officer had never received any complaints about their existing buildings. He said that road safety issues had been adequately addressed and he commented that any road safety issues that do take place would not be the making of this company. He noted that conditions were placed on applications and said these conditions had to be adhered to and were put there to protect those who objected and covered a lot of the issues raised. He advised that employment was not the number one priority but in this instance the Applicant was going to be a major employer in the area by almost doubling the employment they already provided on the island. Which, he said, could only be good for Bute and Argyll as a whole. He commented that the site was zoned for industrial use, albeit it had been some time since it was last used for industrial use. He said he had no hesitation in recommended approval of this application. He formally moved that the application be granted subject to the conditions detailed in the report of handling. This was seconded by Councillor Redman and no one was otherwise minded.

## **DECISION**

The Committee agreed to grant planning permission subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 17<sup>th</sup> 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
<b>Location Plan (Scale 1:1250)</b>	<b>Plan 1 of 1</b>		<b>18/08/2020</b>
<b>Existing Site Plan</b>	<b>Drawing No. PPM-1928-P-A-002</b>	<b>P1</b>	<b>18/08/2020</b>
<b>PR Site Plan</b>	<b>Drawing No. PPM-1928-P-A-003</b>	<b>P1</b>	<b>18/08/2020</b>

<b>Proposed Block Plan</b>	<b>Drawing No. PPM-1928-P-A-004</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Ground &amp; First Floor Plan</b>	<b>Drawing No. PPM-1928-P-A-005</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Roof Plan</b>	<b>Drawing No. PPM-1928-P-A-006</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Site Sections</b>	<b>Drawing No. PPM-1928-P-A-007</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Elevations</b>	<b>Drawing No. PPM-1928-P-A-008</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Entrance Layout</b>	<b>Drawing No. PPM-1928-P-A-009</b>	<b>P1</b>	<b>18/08/2020</b>

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 4<sup>th</sup> 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.

(Reference: Report by Head of Development and Economic Growth dated 9 October 2020, supplementary report number 1 dated 20 October 2020 and supplementary report number 2 dated 13 November 2020, submitted)