

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 20/00911/PPP

Planning Hierarchy: Major Application

Applicant: Pearson Property Promotions Limited

Proposal: Site for the erection of office development (Class 4) and public house (Sui Generis)/food and drink (Class 3) with access and associated works

Site Address: Land to the North and West of Iona Stables, Cardross

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Planning Permission in Principle

- Erection of office development (Class 4) (Circa 5574sq.m) and
- Erection of public house (Sui Generis Public House)/food and drink (Class 3) Circa 2150sq.m site area
- Formation of car parks and internal access roads
- Formation of new junction with A814
- SuDS related infrastructure works
- Flood Alleviation works including ground raising
- Associated landscaping works

(ii) Other necessary future operations

- Connection to foul water system
 - Connection to Scottish water network
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(B) RECOMMENDATION:

It is recommended that planning permission in principle be approved subject to conditions and that any such recommendation then referred to the Scottish Ministers for consideration/determination due to the objection from SEPA to the proposals.

(C) HISTORY:

19/02597/PAN – Erection of office development (Class 4) with hotel (Class 7) restaurant/food and drink (Class 3) and public house (Sui Generis)

20/01194/SCREEN - Erection of office development (Class 4) with hotel (Class 7) restaurant/food and drink (Class 3) and public house (Sui Generis). Negative screening opinion issued.

(D) CONSULTATIONS:

SEPA (Dated 13.7.20 & 11.9.20): Have objected on two occasions. Last objection is as follows:

- *We object in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.*
- *Given the proposed development would involve an increase in land use vulnerability and will necessitate the requirement for engineering works within the functional floodplain, we do not consider that it meets with the requirements of Scottish Planning Policy. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We recommend that alternative locations should be considered.*
- *In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.*

It is noted that in their most recent Objection (11.9.20) SEPA have confirmed that they do not object on technical grounds, and is but on a “matter of principle” in respect of the proposed ground raising of proposed. Further detailed commentary in respect of the objection are set out at Appendix A, section F of this report relating to Flooding and Drainage matters.

Development Policy (Dated 2.3.21 and 1.4.21): No Objection subject to conditions.

Council Biodiversity Officer (Dated 1.3.21): No Objection subject to conditions suggested by NatureScot to protect the adjoining SPA.

Council Flooding Advisor (Dated 23.6.20): No Objection subject to conditions

NatureScot (Dated 19.06.20): No Objection subject to conditions

Default Objection unless conditions to safeguard Inner Clyde Special Protection Area Imposed. Confirm that they consider an appropriate assessment should be carried out due to potential disturbance of Redshank through construction activities but mitigation possible through use of conditions on planning permission.

Environmental Health (Dated 30.6.20): No objection

Area Roads Engineer (Dated 02.07.20) No objection subject to conditions

Network Rail (Dated 30.6.20): No objection

Scottish Water (Dated 19.6.20): No objection

Economic Growth (25.02.21): No objection. Support given for the proposal.

Helensburgh Community Council – No response received.

(E) PUBLICITY: Yes

Major Development Press Notice Helensburgh Advertiser – Expired 16.07.2020

(F) REPRESENTATIONS: Yes

A submission neither objecting to or supporting the proposals was submitted by Dr Harold Thompson Dated 29.6.20

He states that FRA submitted has overlooked a fourth drain in the vicinity of the site which opens into Red Burn downstream of Culvert 1. This should be investigated.

Officer Comment: This matter has been addressed by correspondence dated 23.7.20 from Kaya Consulting clarifying that this matter does not alter the findings of their submissions. The Council's flooding adviser is content with the proposal subject to conditions.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: No**
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: Yes**

The Council is in agreement with the views of NatureScot that an Appropriate Assessment is required in this instance. It is the Planning Authorities findings in the appropriate assessment that that subject to the imposition of appropriate conditions, that any potential impact on Redshank on the adjoining SPA and SSSI can be adequately mitigated. These suggested conditions are in line with the recommendations made by NatureScot and the Council's Biodiversity advisor.

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

- Planning Statement (Dated May 2020)
- Flood Risk Assessment (Dated May 2020 – V5 Final)
- Drainage Strategy Statement (Dated 12.6.20)
- Additional Flooding Submissions (Dated 23.7.20 and 28.10.20)
- PAC report (Dated May 2020)
- Ecological Assessment (Dated May 2020)

The matters contained these submissions are addressed at the appropriate sections of the Officer report.

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required: No**

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

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

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 7 – Supporting our Town Centres and Retailing
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure
LDP PROP 2 – The Proposed Allocations

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 3 – Management of European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP CST 1 - Coastal development
SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas
SG LDP BUS 4 – Strategic Industrial Business Locations
SG LDP DEP 1 – Departures to the Local Development Plan
SG LDP BAD 1 – Bad Neighbour Development
SG LDP RET 1 – Retail Development in the Main Towns and Key Settlements – The Sequential Approach
SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems
SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5 – Waste Related Development and Waste Management in Development
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land
SG LDP - Sustainability Checklist -Climate Change- sustainable siting and design
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 - Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements
SG LDP TRAN 6 –Vehicle Parking Provision
Access and Parking Standards

The site is an Allocated Business and Industry Location within the LDP 2015 as BI-AL 3/1 for Classes 4, 7 and motor sales.

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

- SPP Advice
- Argyll and Bute Economic Strategy 2019-2023
- Argyll and Bute Corporate Plan 2018-2022
- Economic data sets provided by Economic Growth
- Title restriction on land at sawmill field to ensure it not developed/alterd in perpetuity and remains as functioning flood plain.
- Argyll and Bute Local Flood Plan (PVA 11/02) – Helensburgh to Loch Long
- Argyll and Bute Council Rural Growth Deal

LDP 2 : Emerging Local Development Plan

Although still at an early stage in the adoption process, where only limited weight can be afforded to it. Officers note that the site continues to be allocated by the council for business development Class 4, Hotel (Class 7) and ancillary employment related uses.

The site is identified in LDP 2 as site B2001 and this continued allocation within LDP 2 demonstrates the continued support by Officers and Members for the promotion of business/employment use of the site.

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

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes.

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

This application is for a permission in principle and not a full planning application. The proposals are considered to be in accordance with the allocation of the land within the LDP and it will be the detail brought forward at AMSC (Approval of Matters Specified in Conditions) which will determine the final layout and appearance of the proposals.

Given this is a gateway site to Helensburgh it is considered that the importance of the site will require to be reflected in the quality of any future detailed proposals. Members will note that Officers and the Community Council effectively engaged with Bellway Homes on the housing site opposite (Sawmill Field) to improve the design of the proposed block of flats to ensure that the importance of the gateway nature of the site was properly reflected in the detailed design of the proposals.(REF : 19/02604/PP). A similar high quality design reflecting the importance of this transitional site from rural to urban character will be expected by Officers.

Notwithstanding the above, the objection by SEPA on flooding grounds, as a Statutory Consultee is a significant matter which has had to be carefully considered, and weighted in the determination of this application. The Council's development policy advisors have carefully considered the proposals against both the policies of the adopted LDP and the objectives of the plan. They have advised that the proposals can be supported and raise no objections.

The increased flooding associated with the land raising will not cause harm to other users or land, and therefore the consequences associated with the development proposals do not in officer opinion outweigh the clear benefits associated with the promotion of this much needed business site.

Members are also requested to note that SEPA in their objection to the application, fairly state that, "*It is for the Planning Authority to balance all material considerations including flood risk when determining an application.*" Officers are of the opinion that when this exercise is undertaken, and for the reasons set out in this report, that planning permission should be granted in this instance.

In recommending approval of the the application officers have also had regard to the sites current allocated status within the Adopted LDP for employment uses, its historic allocation status in the previous LDP for employment uses, and the continued endorsement of the site to provide employment floorspace in emerging LDP 2.

The ambitions to provide such employment opportunities has also been recently confirmed in the agreed heads of terms and detail of the approved Rural Growth Deal signed in February 2021, where providing off-base employment opportunities is considered to be a vital component of the Council's economic development strategy for the Helensburgh Area.

If the current proposals are not supported there are no other allocated sites which would be suitable to meet this clearly identified need which would result in a significant and adverse impact to the Corporate Strategy , Economic Development Strategy, and LDP objectives of promoting this land for employment purposes to serve the Helensburgh Area.

Officers are therefore of the opinion that when all matters are considered and given appropriate weight, that in this instance planning permission should be granted notwithstanding the objection from SEPA on flooding grounds.

Officers have concluded that the policy framework within which this site is set, as a long standing employment allocation, and its current allocation in the adopted LDP render the situation unique to this site and no precedent would be set in this instance for other sites and Members will not be bound by this decision in respect of future application where flooding matters are a significant determining factor.

(Q) Is the proposal consistent with the Development Plan: No

The proposed Class 4 office development with associated and incidental Class3 /Sui generis use is considered to accord with the current land use allocation within the statutory plan for business and employment use of the site.

Officers have considered the proposal against the policies of the plan and consider that, the allocation of the site and economic benefits associated with its development, when considered against the LDP as a whole is considered to accord with its objectives. Any matters of objection on flooding matters from SEPA do not define or cause the application to be regarded as a departure for the plan, and importantly the Council's policy advisor does not consider the proposal as a departure from the statutory plan.

The need to refer the application to the Scottish Ministers based upon the SEPA objection is clarified at Section (T) of this report. This is not due to the proposal being considered a departure from the plan, but related to the objection from SEPA on flooding matters as a statutory consultee and procedural matters associated with this.

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

Notwithstanding the objection by SEPA on flooding grounds, it is considered by Officers that the following benefits and planning characteristics of the scheme suggest the proposal should be approved as follows:

- I. This is a long standing Business allocation site which is identified within the previous, current and proposed LDP for such purposes.
- II. This is considered an essential economic development site to provide appropriate employment opportunities in the Helensburgh Area. Officers consider the development of this site, and the approval of this application to be a critical and essential element of realising the objectives of the Corporate Plan (2018-2022), Economic Development Strategy (2019-2023) and LDP objectives.

- III. The provision of sites suitable for off-base employment uses is an important component of the Council's Rural Growth deal for the Helensburgh Area and failure to approve this site would undermine these objectives.
- IV. The proposed development relates to the provision of not just short term construction jobs, but long term investment in providing employment opportunities for the area. Officers consider this to provide greater weight to the importance of the potential economic benefits of the scheme.
- V. The displacement of flood water by the use of land raising associated with forming the site area will have no adverse impact on surrounding land or uses and will have a marginal and inconsequential impact on flooding on the Sawmill Field site.
- VI. No precedent will be set in approving this application due to the unique circumstances of the case.

It is all of the above matters in their totality that in Officers opinion support the approval of the current planning application contrary to the SEPA objection and not any of individual criteria on their own.

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

N/A

(T) Need for notification to Scottish Ministers: Yes

Should Members agree with the Officer recommendation to approve this application contrary to the objection from SEPA on flooding matters, it will be necessary to notify the Scottish Ministers of this intended decision and seek clarification on whether they wish to "call in" the application to allow them to determine it under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

For the avoidance of doubt, should Members determine to refuse the current application, it will not be necessary to notify The Scottish Ministers and the applicants will have the right to appeal this decision to the Planning and Environmental Appeals Division (DPEA) should they so wish.

Author of Report: David Moore

Date: 18.03.21

Reviewing Officer: Peter Bain

Date: 1.4.21

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/00911/PPP

1. Plans and particulars of the matters specified in conditions 2, 3, 4, 5, 6, 7, 8, 9,10,11 and 12 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the details contained within the approved plans and particulars.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Pursuant to Condition 1 - no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located outwith the application site. Thereafter the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements and protection and enhancement of green networks established by policies SG LDP TRAN 3, and SG LDP ENV 8.

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.

3. Pursuant to Condition 1 - no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved 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; as required by NatureScot in order to minimise disturbance to the SPA
 - 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. This shall include additional tree planting along the Cardross Road frontage of the site;
 - 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 and to ensure appropriate natural screening to the SPA is retained.

4. Pursuant to Condition 1 - no development or works on site shall be commenced until the following plans and particulars have been submitted to and approved by the Planning

Authority in consultation with the Road Network Manager. Thereafter the development shall be carried out in accordance with the approved details. Such details shall incorporate:

- i) A method statement detailing the proposals for safely accessing the development site during the construction phase of each element of the development. Thereafter the construction site access shall proceed in accordance with the approved method statement.
- ii) Details of the new vehicular access to serve the site. This is required to co-ordinate in terms of its location, design and functionality with any approved access for the residential site opposite (Sawmill Fields REF: 19/02604/PP) to ensure that any junction formed is in accordance with the requirements of the Area Roads Engineer. This shall, unless agreed otherwise in writing, comprise a signal controlled junction. This access shall be completed to the satisfaction of the planning authority in consultation with the Area Roads Engineer prior to the occupation of any floorspace associated with this permission;
- iii) The junction design shall accommodate vehicles, pedestrians and cyclists, linking to the existing cycle network.;
- iv) Details of on-site cycle parking and storage shall be provided

Reason: In the interests of road safety.

5. Pursuant to condition 1 - no development shall commence until full details of the internal road layout within the development have been submitted to and approved in writing by the Planning Authority in consultation with the Area Roads Engineer. The internal roads shall be constructed in accordance with the principles of Designing Streets.

Reason: In the interests of road safety and good place making.

6. Pursuant to condition 1 - Unless otherwise agreed in writing by the planning authority, in consultation with the Council's Road Network Manager no permitted floorspace shall be occupied unless and until the existing 30 miles per hour (mph) speed restriction on the A814 has been extended and brought into effect to a location at the eastern end of the site, the exact location to be agreed in consultation with the Council's Road Network Manager.

Reason: In the interests of road safety.

7. Pursuant to condition 1 - Car parking provision shall be provided in accordance with the Argyll and Bute Council supplementary guidance policy SG LDP TRAN 6. Parking provision shall be constructed and made available for use prior to the first occupation to the building(s) to which it relates and shall be maintained thereafter for the parking of vehicles.

Reason: In the interests of road safety.

8. Pursuant to condition 1 - no development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the building(s) which it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5 (b).

9. Pursuant to condition 1 - no development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: In order to ensure the minimisation of waste generated during construction in accordance with policy SG LDP SERV 5 (b).

10. The details of any further application pursuant to Condition 1 shall be wholly compliant with the recommendation of the Flood Risk Assessment (Dated May 2020) submitted in support of the application for planning permission in principle and further submissions (Dated 23.7.21 and 28.10.20) .

- The finished ground floor level of buildings within the development shall be a minimum of 5.79 metres relative to Ordnance Datum
- A severe weather plan shall be developed by the owners/operators of the site/buildings. To be submitted to and approved by the planning authority in advance of the occupation of any buildings on the site.
- Surface water drainage and SUDS shall implemented in accordance with the submitted surface water drainage proposals as set out in the Drainage Strategy Statement (12.6.20 – RP01/01) and in accordance with CIRIA C753 and Sewers for Scotland 4th Edition, Future details shall incorporate channel design for drain 2 and account for management of overland flow pathways

Reason: In order to ensure appropriate mitigation for flood risk and the provision of appropriate SuDS compliant surface drainage for the site.

11. Pursuant to condition 1 no development shall commence until full details of the design appearance, landscaping and maintenance regime of the proposed SUDs facility has been submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that the SUDs facility is both a functional and attractive biodiversity /landscape feature.

12. Pursuant to Condition 1 - No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to protect archaeological resources.

13. The class 3/Sui Generis public house use approved shall not exceed either 1000sqm gross floorspace nor the 2150sqm site area indicated within the application submissions.

Reason: To ensure that the scale of the proposal is in accordance with the requirements of SG LDP RET 1 and the sequential approach, and also to ensure future detailed proposals for this designated employment site are brought forward to secure the dominant use of the site for Class 4 business uses in accordance with the LDP allocation and objectives for the site.

14. No development of the class3/sui generis use shall commence until such time as the development of at least one of the indicated two office blocks has also commenced.

Reason: To avoid only a class 3 or sui generis uses coming forward in isolation.

15. Any Class 3, or sui generis public house floorspace developed, shall not:

- Be subdivided into two or more separate planning units
- In respect of any class 3 use, have the ability to utilise any permitted development rights to change from Class 3 to either Class 2 or Class 1 use.

Reason: In order to ensure that the scale and nature of the permitted Class3/sui generis public house use of the site remains in accordance with the requirements of policy SG LDP RET 1, and the recommendations of the Council's Development Plan Policy Advisor.

16. As set out in the attached Appropriate Assessment, all construction activity shall be scheduled outside the redshank wintering period (i.e. confined to the months of May to August inclusive)

Or

That all of the following measures are adopted –

Prior to any development work commencing during the maximum extent of the redshank wintering months of September to April inclusive, a visual screen should be put in place sufficient to visually obscure all site operations during remediation and development from the point of view of redshank feeding within areas of the SPA out to a distance of 150metres from the site boundary. The visual screening will only be necessary for areas where further site investigation suggests that existing riverside vegetation may currently be inadequate to screen the site up to the top level of the new buildings. Any screens installed should be adequately maintained throughout all development activities taking place during these wintering months.

That all piling during the months of September to April inclusive is undertaken using the Helical Displacement method with no piling undertaken during hours of darkness.

That any site lighting is directed away from the Clyde foreshore/the SPA

That SEPA Guidelines for controlling run off, drainage and pollution are adhered to in full.

Reason: To ensure no unacceptable impacts on the adjoining Inner Clyde Special Protection Area and to accord with the requirements of the Appropriate Assessment findings and recommendations.

NOTES TO APPLICANT

1. This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise

the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.

2. Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
3. Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
4. The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
5. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
6. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/00911/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The adopted Argyll and Bute Local Development Plan 2015 identifies the site as B-AL 3/1. The site is identified for uses within classes 4, 7 and for the sale of motor vehicles.. The current PPP indicates a proposed class 4 development of some 5574sqm with 2150sqm of associated Class 3/Sui Generis Public house use. It should be noted that these figures are indicative.

It is noted that the application seeks to obtain permission for not only class 4 uses, which accord with the site allocation, but also for a class 3 restaurant or sui generis Public House use. This is not a class 7 hotel use and therefore is not strictly in accordance with the site allocation uses. However, subject to the scale of such proposals being clearly subordinate to the class 4 floorspace in any future detailed proposals for the site, these incidental uses are considered to be commonly found in business locations and therefore considered acceptable subject to the imposition of appropriate conditions to limit the scale of these uses and the phasing of their delivery.. Further detailed commentary on such matters is contained at Section L of this report. The proposals are therefore considered to substantively accord with LDP PROP 2.

Policy LDP DM1 – Development within the Development Management Zones is supportive of ‘large scale’ development within the main towns. Policy LDP 8 – Supporting the Strength of Our Communities is supportive of new sustainable development proposals. This is an identified business site deemed suitable for development The site is an Allocated Business and Industry Location within the LDP 2015.(BI-AL 3/1 for Classes 4, 7 and motor sales) which defines the site as suitable for development for such uses on point of principle.

Policy LDP STRAT 1 requires developers to have regard to sustainable development principles when preparing planning application submissions. Some of the elements of this policy would not apply, as this is an allocation within the LDP with no existing buildings on the site. However, other elements of the policy including the utilisation of public transport and active travel networks, biodiversity, landscape character and flooding have all been considered during the processing of this planning application. These issues are assessed more fully in this appendix against the more detailed supplementary guidance policies.

The proposals are therefore considered to be in general accordance with LDP STRAT 1 and LDP DM 1 subject to evaluation against other policies and standards contained in the plan.

Policy LDP 10 seeks to maximise resources and reduce consumption. This requires developments to accord with the settlement strategy, utilise sustainable design principles, minimise waste, avoid areas subject to flood risk and minimise impact on biodiversity. These matters are considered in more detail under the relevant supplementary guidance.

B. Location, Nature and Design of Proposed Development

The application site covers an area of approximately 1.74 hectares and is located at the eastern side of the settlement of Helensburgh. The proposed mixed-use development involves the construction of 2 no. 30,000 sq. ft. office pavilions and a sui generis public house or a Class 3 restaurant, as well as associated access roads and car parking. A further 0.6 ha plot will be reserved for future development.

Ground levels within the site vary between highs of approximately 8m AOD at the north-eastern site corner to lows of approximately 3m AOD at the south-western site corner, adjacent to the Red Burn. Ground levels within the site generally slope in a southerly and south-westerly direction towards the raised railway embankment, where they then run in a westerly direction parallel to this embankment.

The site is bounded to the north by the A814, Cardross Road which is the main road which connects the town to Dumbarton and the east. To the south by a railway line with the Clyde Estuary Special Protection Area (SPA) beyond this. To the west is the Red Burn and beyond this is a Morrisons Supermarket (formerly Waitrose).

The Iona Stables complex itself is within an enclosed area located at the eastern boundary of the site. This is a complex of stables and single storey buildings and does not form part of the current PPP application site.

The site is currently open fields which are used for the grazing. The site has a generally open aspect to the main public vantage points on the A814 Cardross Road from where it will form a prominent location as the first site coming into Helensburgh and the last site leaving it on the southern side of the road. The importance of the site as a “gateway location” is therefore an important consideration for any future detailed proposals should this PPP be approved.

As this is a PPP detailed design, layout and landscaping matters will be subject to AMSC conditions requiring further submissions for approval in accordance with normal practice.

C. Built Environment and Landscape Character

The site is currently undeveloped. However the land to the west has been developed for a large retail unit (formerly Waitrose) and planning permission has been granted for a large scale 143 unit housing development on the Sawmill Field site which sits opposite the site.

The site forms part of the urban edge of Helensburgh and will form an important gateway site into the town from the countryside beyond and will be widely visible from the train line which forms a southern boundary with the site. Therefore a high quality of urban design and landscaping will be required to reflect the importance and prominence of the site in moving detailed proposals forward.

Policy LDP 3 requires that developments should protect, conserve or where possible enhance the established character of the built environment. Policy LDP 9 – Development Setting, Layout and Design requires inter alia that development is sited and positioned so as to pay regard to the context within which it is located, that the layout and density shall effectively integrate with the urban, suburban or countryside setting, and that the design of the development is compatible with its surroundings. Based upon the limited detail submitted, it is considered that site would be capable of accommodating a development which could satisfy Policies LDP 3 and LDP 9.

By virtue of its inclusion within the LDP as a business allocation, it has already been accepted that this is a suitable development site in landscape terms and subject to an acceptable layout and appropriate landscaping secured at the AMSC stage, the proposal would accord with policy SG LDP ENV 14.

D. Natural Environment

The site itself contains no protected species or high value biodiversity features as clarified in the submitted ecological survey. However the adjoining Inner Clyde SPA has required an Appropriate Assessment to be undertaken to ensure that the proposals would not have any impacts upon, in this instance Red Shank winter feeding behaviour.

Both NatureScot and the Council's biodiversity advisor take the view that during the construction phase, overwintering Redshank might be liable to acoustic and / or visual disturbance when the trains are not passing. Also, any significant water pollution from the construction site could damage the quality of feeding habitat locally.

For these two reasons NatureScot have advised that the proposal is likely to have a significant effect on the SPA interest unless appropriate conditions and controls are placed upon any permission. Unless they are satisfied with the proposed conditions their default position is of objection. In these circumstances an Appropriate Assessment is therefore required to be carried out by Argyll and Bute Council as the competent authority.

The Appropriate Assessment has been carried out and is attached as Appendix B to this report. Officers are of the opinion that subject to the imposition of mitigation conditions, suggested by NatureScot and agreed by the Council's Biodiversity advisor, that the proposals can be permitted. Officers have recommended the imposition of an appropriate condition, in accordance with the expressed views of NatureScot in order to ensure no unacceptable impacts upon the SPA.

There has been a specific requirement to ensure that existing trees along the boundary with the SPA are protected to maximise screening between the development site and the SPA. A condition to this effect is proposed and therefore the proposals are considered to be in accordance with policy SG LDP ENV 6 to safeguard these trees.

More generally, additional boundary landscaping, internal landscaping, and the retention of screening trees along the boundary with the SPA and railway line will be factors in evaluating the detail of the scheme to maximise biodiversity potential of the site. Such matters are capable of effective control at AMSC stage to ensure amenity and biodiversity interests are addressed by future development.

Through the provision of the submitted Ecological Report, and proposed conditions it is considered that policies SG LDP ENV 1 can be complied with. By seeking to impose appropriate conditions to protect the SPA in accordance with the views of NatureScot and the council's biodiversity advisor the proposal is considered to be in accordance with SG LDP ENV 2, SG LDP ENV 3 and SG LDP ENV 4.

F. Flooding and Drainage

This is considered by Officers to be the most significant matter which could potentially count against the approval of this application, given the objection in principle by SEPA to land raising associated with the proposal within an area subject to flooding.

The applicant has commissioned a Flood Risk Assessment from Kaya Consulting Ltd which has been submitted in support of the application. This has concluded that the wider area between the proposed development and the Red Burn is at risk from coastal and fluvial flooding and therefore mitigation measures to protect future development from flooding impacts have been required. These include land raising.

The following documents and responses/submissions have been made in respect of flooding and drainage issues:

- Planning Statement May 2020 (Iceni)- Paras 4.24 to 4.31
- Drainage Strategy Statement (Blyth & Blyth) Dated 12.6.20 Kaya Consulting
- Flood Risk Assessment May 2020 V5 (Pts 1 & 2)

There have also been a number of additional exchanges in respect of flooding matters to seek to resolve any outstanding technical issues and the objections raised by SEPA as follows;

- 23.6.20: Council Flooding Advisor Comments (Dated 23.6.20) No Objection to technical solution.
- 13.7.20: SEPA Objection Principle and technical issues raised
- 11.9.20: SEPA Second Objection. Now restricted to Principle of landraising. (Previous technical concerns addressed).
- 28.10.20 – Response to second SEPA Objection by applicant to Council

Evaluation of Flooding Matters

Although this is a PPP, it is considered fundamental in considering whether this application is acceptable in principle to evaluate the issue of flooding in some detail given the objection by SEPA to the landraising associated with the current planning application.

It is considered appropriate for the purposes of determining this application to separate the flooding matters into two distinct criteria;

- a) Technical submissions to show workable solutions exist
- b) Compliance with national and LDP flooding policy advice

Commentary on each of these criteria is set out below

a) Technical Compliance with required standards and policies of the LDP

The proposals would involve the raising of a platform within the site to levels of 5.6m AOD, to enable the development of 3 development plots for large, commercial buildings. The proposals would involve a large, car park being located adjacent to the platform at existing ground levels of between 3m AOD and 3.7m AOD. The total volume raised within the floodplain would equate to approximately 6000m³ over an area of 3700m². (This is indicated at Figure 15 of the submitted Flood Risk Assessment).

The applicant has outlined the following flooding impacts of the land raising in the Flood Risk Assessment (Part 2) submissions

In the Q200T1 scenario water levels would be anticipated to increase no more than 0.03m within the site and 0.03m a short distance upstream of the site. At all locations the Q200T1 flood levels are lower than the Q1T200 flood level, so the increase would not impact on design flood levels (which are based on the coastal flood). The supermarket adjacent to the site is thought to be raised well above the flood levels and this increase will not impact on this area.

Immediately to the north of the site there is an increase of between 0.02-0.03m predicted, an increase from 4.36m AOD to 4.38m AOD. Again, the Q200T1 flood level is not the design event for this area, so the development would not impact on the peak 200-year flood levels. Given the slope of land upstream of the site, an increase in

water levels of 0.02-0.03m would produce a very small increase in the fluvial floodplain extent as shown in Figures 16 & 17. The educational facility is much higher, meaning there is no significant impact on this location.

Proposals have been submitted by a national housebuilder to develop the area immediately to the north of the site. The housebuilder kindly provided the current proposed development levels plan for the site. This showed that the development, including all roads and access roads, have been designed to be located above the 5m contour, with ground levels raised to a minimum of 7.5m AOD. This means the increase in water levels in this area will not have a significant impact on development for the Q200T1 event. In the climate change scenario (Q200T1CC) water levels in this area could increase by up to 0.04m to a maximum water level of 5.68m AOD. This is still below the proposed ground levels of a minimum of 7.5m AOD and well below the proposed Finished Floor Levels of the development, which are a minimum of 8.15m AOD. This means the development to the north would maintain the required minimum freeboard of 0.6m. Therefore, the proposals for land-raising to enable development of the site will not have a significant impact on the proposed developed to the north.

In respect of the technical ability of the proposal to address drainage and flooding the Council's Flooding advisor has confirmed that he raises no objection to the proposals subject to the imposition of appropriate conditions. These have been placed on the proposed grant of planning permission and will ensure flooding matters are properly addressed in respect of technical submissions.

The applicant provided further clarification on technical matters to SEPA following the initial objection (dated 13.7.20) and state in the most recent submission dated 28.10.20 that

In their response (2.7) SEPA acknowledge that Kaya has supplied further information in our updated Flood Risk Assessment and note that they "did not object on technical grounds" and that their response was based on "a matter of principle". This indicates that SEPA are happy with the technical information provided and there is no further technical information that could be provided to change their position.

Members are requested to note that an area of land on the Sawmill Field site has been secured through title restriction on the land as part of land disposal to facilitate the formation of the vehicular access to this site by the Head of Property in consultation with Planning Officers to ensure that this land remains unaltered and available as a flood plain to accommodate the small amount of additional flooding on this site associated with the land raising on the Iona Stables site. The area concerned already floods and there will be no impact upon the housing development currently being constructed. This title restriction on altering this land ensures that additional flooding capacity, with no adverse impacts, has been secured in perpetuity to assist in addressing flooding matters associated with the development of the Iona stable site. (This is further clarified in Figures 16 and 17 and Page 45 of the submitted Flood Risk Assessment).

As highlighted in Section 5.5 of the submitted flood risk report, the proposed development will require raising part of the 200-year floodplain adjacent to the site, although the amount of land-raising has been minimised. The results of the agreed and accepted modelling suggest that the proposed development would have a minimal impact on local water levels. The maximum increase in water levels in a 1 in 200-year event, both within and outwith the site, is not expected to exceed 0.03m. As outlined in Section 5.5, increases are not predicted to significantly affect flood risk to others.

The applicant further clarifies at section 6.1 of the Flood Risk Assessment that;

The main car park will be located in the functional floodplain at existing ground levels of between 3m AOD and 3.7m AOD. Additional parking is proposed on the proposed development platforms. Based on SEPA's Land Vulnerability Guidance car parking is not included as a vulnerable land use and is normally considered as Water Compatible. This means SEPA normally permit the development of car parks in the floodplain. Proposed development plans suggest that car parking spaces have been located outwith the T1 coastal floodplain. However, in a larger event, say a T25 event, much of this lower level car park could be underwater up to depths in excess of 0.4m. Flood depths within the lowest parts of the car park could exceed 1.5m in 1 in 200-year events.

It is therefore recommended that an emergency evacuation plan is put in place to permit cars to be moved in advance of flooding. This should tie in with the SEPA Flood Warning Scheme for Helensburgh. It is recommended that a single party, whether the factor or the main tenant, is made responsible for enforcing the emergency evacuation plan and ensuring that vehicles and people can be moved in advance of flooding. Flood warning signs should also be provided in the car park.

The Council's flooding advisor is in agreement with this approach and has recommended an appropriate condition to secure a flood plan is brought forward, which will be placed upon any grant of planning permission. Importantly in respect of technical matters, the Council's Flooding Advisor raises no objection to the proposals subject to the imposition of appropriate conditions, and SEPA have also agreed that technical matters in respect of flooding have been adequately addressed.

Their continued objection is to the raising of land within the functioning flood plain contrary to policy principle. The dispute in this case is therefore about compliance with policy, and not that a workable technical solution cannot be provided.

For clarity, Officers have checked and confirm that the proposed development will not impact upon or undermine any proposals which are being brought forward and under the Argyll and Bute Local Flood Plan (PVA 11/02) – Helensburgh to Loch Long with the Council's Flooding Officer. The applicants has also had regard to these matters, and in the design proposals as set out at page 27 of the submitted Flood Risk Analysis.

b) Planning Policy Evaluation

As stated above, Officers are content that a technical solution which causes no material harm to other land or uses is possible and SEPA themselves accept that the proposed technical solution is able to address flooding matters. Their Objection is therefore to the principle of land raising within area subject to flooding

This policy objection has been addressed in considerable detail in the comments provided by the Council's Policy advisor. Given the importance of this matter to the determination of the application, and for ease of reference by Members, his detailed comments on this matter are set out below:

The Business and Industry Allocation BI –AL 3/1 was included as an allocation in the Argyll and Bute Local Plan which was adopted in 2009. Its origins as a proposed allocation date back to the Consultative Draft Argyll and Bute Local Plan of 2003. The Consultative Draft Local Plan reflecting a need to find additional land for employment related development in the Helensburgh and Lomond area which was identified in the Argyll and Bute Structure Plan 2002 and indeed the Draft version of the Structure Plan which dated from 2000.

The allocation BI- AL 3/1 was carried forward unchanged to the Argyll and Bute Local Development Plan 2015, and is rolled forward in the Proposed Local Development Plan 2 as B2001. The Proposed Local Development Plan 2 recognises the reduced size of the site following the development at Iona Stables and also the supermarket development on the western section of the site, the gross size of the allocation now being 3.8 ha compared to the 6.7 ha originally allocated to give a net capacity of 3.5 ha.

When the site was identified as an allocation for Business and Industrial Development in the Draft Argyll and Bute Local Plan, it was recognised that the identification as an allocation for these purposes would necessitate its removal from the greenbelt, and inclusion within the developed area of Helensburgh. The necessity to identify additional land for business and industrial development and the suitability of this area for this purpose was fully explored as part of the Local Plan examination process and the site's status as an allocation for business and industrial development confirmed in the Adopted Local Development Plan. As a Local Development Plan allocation the site has been recognised as land which; "is required to facilitate key development strategies which come forward through the Local Development Plan Process".

In addition to its status as an allocation the Local Development Plan the development will help support the achievement of the vision and key objectives which include "the overall vision for Argyll and Bute is one of an economically successful, outward looking and highly adaptable area", Key Objective A "to make Argyll and Bute's Main Towns ...increasingly attractive places where people want to live work and invest;". Para 4.1.8 of the Adopted Local Development Plan identified key actions to be undertaken during the period of the plan by the Council and its partners: ...To ensure that there is sufficient industrial and business land available at a local and strategic level and look also to promote the marketability, serving and landscaping of key sites through public and private funding. The proposal is also consistent with Policy LDP5 – Supporting the Sustainable Growth of Our Economy which states that Argyll and Bute Council will give particular priority to new business and industry development in our business allocations. ...

He continues;

....The Local Development Plan through Policy LDP 10 Maximising our Resources and Reducing Our Consumption, seeks to support sustainable development and to recognise the effects of climate change. The policy contains 11 criteria against which proposals should be assessed, for most of these the proposals can be assessed positively (e.g. settlement strategy), however one of the criteria relates to avoiding areas subject to flood risk or erosion. SEPA have identified that parts of the site lie within a 1:200 year risk area for river flooding and more extensively a 1:200 year risk from coastal flooding. In this regard the proposals require to be assessed in more detail against Supplementary Guidance Policy SG LDP SERV 7...

Flooding

Development on the functional flood plain will be considered contrary to the objectives of this plan. In exceptional circumstances, where land is required to facilitate key development strategies which come forward through the Local Development Plan process, land raising may be acceptable provided effective compensatory flood storage can be demonstrated and it will not lead to flooding elsewhere, and the objectives of the EU Water Framework Directive are not compromised in so doing. Where redevelopment of existing sites within built up areas at risk from flooding is proposed, the planning authority will take into account the impact on flood risk elsewhere and the mitigation measures proposed.

Guidance on the type of development that will be generally permissible within specific flood risk areas is set out below. However it should be noted that in all

cases where the potential for flooding is highlighted, the planning authority will exercise the 'precautionary principle' and refuse development proposals where such proposals do not comply with parts (A); (B); (C); (D) and (E) as set out below and/or on the advice of the Scottish Environment Protection Agency (SEPA):

(A) All types of development within "little or no risk areas" (of less than 1:1000 annual probability of Flooding) are acceptable in terms of this policy unless local circumstances and/or the nature of the development dictate otherwise;

(B) All types of development, excluding essential civil infrastructure, within "low to medium risk areas" of between 1:1000 and 1:200 annual probability of flooding) are acceptable in terms of this policy unless local circumstances dictate otherwise;

(C) Within "medium to high risk areas" (1:200 or greater annual probability of flooding) only those categories of development indicated in (C) (i), (ii) and (iii) may be acceptable:

i) Residential, commercial and industrial development within built-up areas providing flood prevention measures to the appropriate standard (1:100 year return period) already exist or are under construction. Water resistant materials/ construction together with a suitable freeboard allowance as appropriate;

ii) Development on undeveloped and sparsely developed areas within the functional floodplain and comprising:

- Essential development such as navigation and water based recreation use, agriculture and essential transport and some utilities infrastructure; and an alternative lower risk location is not achievable;**

- Essential infrastructure should be designed and constructed to remain operational during floods;**

- Certain recreational, sport, amenity and nature conservation uses providing adequate evacuation procedures are in place;**

- Certain job related residential use with a locational need;**

- In all cases loss of storage capacity in the functional flood plain is minimised and**

suitably compensated for, and any such measures would not compromise the objectives of the EU Water Framework Directive. Where compensatory flood water storage is deemed necessary it should be designed to provide like for like storage, that is volume for volume and level for level;

- In all cases new development should not add to the land which requires protection by engineered flood prevention measures.**

iii) Development, which is in accord with flood prevention or management measures as specified in association with a Local Development Plan Allocation or development brief.

Development of the site can be supported by the policy, in that by reason of its identification as an allocation it has been identified as land which is required to facilitate key development strategies through the Local Development Plan process, so that land raising may be acceptable provided effective compensatory flood storage can be demonstrated and it will not lead to flooding elsewhere. This approach was used to justify the new swimming pool development on the pier head at Helensburgh, which was subject to much more significant coastal flooding, but similarly had been identified as an allocation in the Local Development Plan.

I note that SEPA have objected in principle to the proposed development, on the basis that they do not consider that exceptional circumstances apply in this instance. However, the site is the only site which is identified as an allocation for business and industrial development in the Helensburgh area, and significant opportunities and benefits to the local economy and community have been presented

to the area by the £1.3 Billion investment in HMNB Clyde as the UK's submarine base. These can only be fully realised once the identified shortfall of accommodation for business and employment purposes has been addressed. I am not aware of any other sites in the Helensburgh and Lomond area which would be available to meet the need for business and employment land, particularly with the locational advantages of Colgrain, given its accessibility to retail and education facilities, housing, railway station, bus routes and active travel networks, such that its development really would help to contribute to the development of a sustainable 20 minute neighbourhood subject to the satisfactory mitigation of flood risk, which I believe can be achieved with the scheme proposed by the applicant.

The Council's policy advisor has therefore confirmed that he considers that the proposals are in accordance with the LDP objectives and policies, as well as providing wider employment and economic benefits. No objections are therefore raised in respect of the proposal and this is a significant matter in recommending that the proposals should be supported. Further commentary in respect of the potential economic benefits of the proposal, which are a material planning consideration are set out at section G below.

Further development plan policy officer commentary in respect of the compliance with policy SG LDP RET 1 and the allocated uses for the site in the current LDP are contained at section L of this report.

G. Economic Benefits of the Proposal

As the application site is an allocated business and employment site within the current LDP, and as has been previously stated, the proposals are considered to be in accordance with the allocation of the LDP. The planning policy advisor, in supporting the proposal, has confirmed that

In addition to its status as an allocation the Local Development Plan the development will help support the achievement of the vision and key objectives which include "the overall vision for Argyll and Bute is one of an economically successful, outward looking and highly adaptable area", Key Objective A "to make Argyll and Bute's Main Towns ...increasingly attractive places where people want to live work and invest;". Para 4.1.8 of the Adopted Local Development Plan identified key actions to be undertaken during the period of the plan by the Council and its partners: ...To ensure that there is sufficient industrial and business land available at a local and strategic level and look also to promote the marketability, serving and landscaping of key sites through public and private funding. The proposal is also consistent with Policy LDP5 – Supporting the Sustainable Growth of Our Economy which states that Argyll and Bute Council will give particular priority to new business and industry development in our business allocations.

Actions to help take forward the Key Objectives of the Development Plan have been included with in the Argyll and Bute Rural Growth Deal which has recently been agreed with both the UK and Scottish Governments. Rural Growth Deal Project 9 seeks to create a centre of excellence and community growth, by realising the local community opportunities to support the MoD Maritime Change Programme which will see HMNB Clyde become the UK Submarine Centre of Specialisation. There are opportunities to provide services and technical support as well as business supply chain opportunities, and in order to capitalise on these the Rural Growth Deal identifies the need to create additional business and industry space in the Helensburgh area, the project has therefore proposes the delivery of a new, mixed use, high specification Business Park in the Helensburgh area. The site at Colgrain is the only site identified as an allocation in the Local Development Plan for such purposes.

Economic growth have also been consulted on the application given the potential importance of such matters in reaching a decision in this instance. In their response they state that:

.....Helensburgh Central specifically, has had a rising unemployment rate since August 2018 and the COVID-19 pandemic has had a significant impact on all of the wards in Helensburgh and Lomond. On this basis, it would be anticipated that the proposed development will assist the local economy in terms of job opportunities post pandemic.

The importance of the site in respect of economic development is also reflected in the recently agreed Rural Growth Deal with specific reference being made to the importance of the provision of this “off base” employment site to potentially facilitate supporting employment uses for the base and the wider Maritime Change Agenda.

As the only designated employment site, failure to bring forward the application site would have serious consequences for employment strategy in the Helensburgh Area and undermine a plan led approach to the provision of an effective supply of employment land to meet the needs of the area.

Officers consider that as this is an allocated employment site, the long term job creation opportunities and economic benefits of its development carry significant weight in favouring the approval of the current planning application, notwithstanding the objection in principle by SEPA on flooding matters. It is this judgement and weighting of the merits of the application that lead officers to consider that in this specific instance, having regard to the status of the site that planning permission should be granted.

The proposal is considered to comply with and support the objectives as set out in policies LDP 5, LDP 8, SG LDP BUS 1 and SG LDP BUS 4.

H. Road Network, Parking and Associated Transport Matters.

Policy SG LDP TRAN 2 requires development proposals to have regard to selecting and orientating development sites such that advantage can be taken of existing or potential public transport services. Regular bus services are accessible from the application site with bus stops on Cardross Road within easy walking distance. In addition, Craigendoran Train Station is within a 10 to 15 minute walk from the site. This policy also requires that the internal provision is made for pedestrians and cyclists. This issue will be considered fully at the AMSC stage.

Development layouts are required to special needs access provision when arranging development layouts. Policy SG LDP TRAN 3 addresses the special needs of the disabled, older people, the very young, pedestrians and cyclists whilst also requiring suitable provision to be made for service vehicle access and turning. This issue also requires to be addressed at the AMSC stage and a condition is proposed.

In accordance with policy SG LDP TRAN 4 the proposal will require to be served by an adopted road network. The development would be accessed from the A814.

It is noted that the recommended condition from the Area Roads Engineer also references the proposed access to the Sawmill field housing site opposite. Details of the proposed access for this site are, at time of writing, submitted to the planning authority but not as yet approved for planning and RCC purposes. The location of the access has however been approved providing certainty on this matter which has not historically been the case when considering both sites.

An appropriate condition to secure an acceptable roads access and safe pedestrian and cycle movements has been proposed by the Area Roads Engineer the wording of which

ensures that any details submitted will require to have regard to, and work in conjunction with, any details approved in respect of the new access to the Sawmill Field housing site opposite.

The Road Network Manager has no objections subject to conditions and the proposal accords fully with policies SG LDP TRAN 4 and SG LDP TRAN5.

I. Infrastructure

Due to the lack of proximity of an existing surface water sewer network, a surface water connection is proposed to the Red Burn watercourse via an outfall pipe from the surface water network provided for the new development. The development site and the wider area between the site and the Red Burn are in the same ownership so that a wayleave for the proposed outfall route can be arranged in straightforward manner.

A housing development is proposed for the Sawmill Field site to the north of the A814, opposite the proposed development. A pumped foul system is proposed for this site and this will be vested in Scottish Water. Should this be constructed and adopted by Scottish Water, it is proposed to connect to this drainage system, via gravity or alternatively by a relatively short pumped rising main. Alternatively, an independent private packaged pumping station and long rising main will be required to be installed to transfer flows direct to the Scottish Water sewer in Cardross Road.

Scottish Water have confirmed by consultation response dated 19.06 20 that the existing wastewater network has sufficient capacity to serve the site and has raised no objections to the proposals

J. Green Networks

Policy LP ENV 8 encourages developments to contribute towards the creation, retention and improvement of green networks within and surrounding Helensburgh. Developers are expected to demonstrate that their developments safeguard and enhance the environmental integrity and functionality of the green network. There are no core paths in the vicinity of the site and access to the shore is blocked by the A814 and the railway line. At the detailed AMSC phase consideration will however be given to facilitating links between the development and cycle track and footways.

K. Waste

Policy LDP SERV 5(b) requires detailed application for medium or large scale developments to provide details of the arrangements for storage, separation and collection of waste to be submitted. The policy also requires the submission of a Site Waste Management Plan which shall ensure the minimisation of waste during the construction phase. A condition is recommended to ensure that this issue is fully addressed at the AMSC stage.

L. Other Material Planning Considerations

This is an application where Officers consider that compliance with the site allocation for business and employment use within the adopted and previous LDP and the economic benefits of the proposal, on the balance of planning judgement, outweighs the objection by SEPA on the principle of land raising associated with the development.

Given the proposal also seeks to gain planning permission for a class 3 restaurant or sui generis public house use it is also necessary to evaluate the proposals against both the site allocation uses, and also policy SG LDP RET 1 in respect of the sequential approach

for retail developments. Again the Development Plan Policy officer has provided detailed commentary on these matters in his response dated 1.4.21.

With respect to a class 3/sui generis public house use not being specifically referenced in the current site he states that:

The public house/restaurant use is not explicitly provided for in the allocation, but these are the types of use which would normally be provided for as part of a use class 7 (hotel) use, in addition to hotel bedrooms. The provision of hotels can take a wide range of business models and include those where only bedroom accommodation is provided, with other services such as bars and restaurants being provided in separate adjacent buildings, to others where bars, restaurants, conference and leisure facilities are provided and where bedroom accommodation is an almost ancillary part of the operation. Not all of the allocation is included within the application site which extends further to the east towards the entrance to Iona Stables, and the indicative plan shows that remaining part of the allocation can be accessed from the proposed layout, and is outwith SEPA's 1:200 flood risk area.

In respect of policy SG LDP RET 1 he confirms that:

The public house/restaurant is a sui generis/ Class 3 use, which would normally be expected to be an appropriate town centre use, with class 3 being one of the classes specified in SG LDP RET 1, this seeks to establish a sequential approach to site selection for class 1,2 and 3 uses, in order to direct these uses firstly to the town centre, the edge of town centre and then other locations in the town which are accessible. The policy provides an exception for certain types of small scale retail development where these are designed to serve a local residential area or are associated with tourist facilities, farm or factory shops. While no details of the floorspace of the public house/restaurant have been provided, in my experience these types of facility often range between 400 – 750 square metres, and would constitute a medium scale of development in terms of policy SG LDP RET 1. This scale of development could be supported by the policy at this location on the basis that there are no suitable sites capable of accommodating the scale of the proposed development within the defined town centre or edge of town centre. The policy also requires consideration of the likely impact on the vitality and viability of the town centre from development in such out of centre locations. As the public house and restaurant are part of a larger scheme to provide over 5,500 square meters of office accommodation, it is considered likely that many of its customers will be those working in the new offices, and as such impacts on the town centre are likely to be reduced.

In order to ensure compliance with SG LDP RET 1 the Planning policy Officer has commented that a number of matters require to be addressed by use of conditions:

It is however important that in order to ensure impacts on the town centre are minimised that the public house/ restaurant be part of a phased scheme for the overall development, and that its maximum gross floorspace be limited to not more than 1000 square metres. I would also recommend removing the permitted development rights so that changes of use from class 3, to class 2 or class 1 are not permitted, and also preventing subdivision into smaller units, as class 1 or 2 uses, or the provision of two or more smaller units, could have impacts on the town centre which would require to be assessed by means of an application.

Conditions are therefore proposed to ensure that:

- The class3 / sui generis public house use cannot be built in advance of the development of at least one of the office blocks commencing

- the gross floorspace of the class 3/sui generis building will be limited to a maximum of 1000sqm gross floorspace
- Subdivision of the unit will be stopped by condition
- Change of use from class 3 to class 2 or class 1 under existing permitted development rights will be removed.

It is therefore the judgement of Officers, subject to the imposition of appropriate conditions, that the proposal complies with Policy LDP 7 and the wider objectives and policies of the adopted LDP.

In respect of SG LDP BAD 1, the proposed site of the class 3/sui generis public house use is considered to be sufficiently distant from any existing or proposed residential occupiers to ensure that unacceptable amenity impacts would not occur and it is noted that Environmental Protection have raised no objections to the proposal.

It is however also considered important to acknowledge and give weight to other council policy objectives set out in a number of approved council documents, as set out below:

Argyll and Bute Corporate Plan 2018 – 2022

The vision is set out at Section 1.0. Stating

Argyll and Bute is an area of Scotland with outstanding places, people and potential for a prosperous future for everyone. Our Council, along with our Community Planning Partners, is committed to ensuring that Argyll and Bute's Economic Success is built on a Growing Population

An important component of growing the population is ensuring that job opportunities are created. The first of the stated six outcomes at section 2.0 of the plan is that:

Our Economy is diverse and thriving

Section 2.1 states that over the five year plan period an agreed corporate priority is to

make the most of our assets to build the local economy

As an allocated site within the LDP, the promotion of business and employment related development on this site is considered to be wholly in accordance with, and an important mechanism to deliver job opportunities in accordance with the vision of the corporate plan.

Argyll and Bute Economic Strategy 2019-2023

The introduction to this document clarifies the importance of ensuring jobs are both protected and created within Argyll and Bute stating:

A prosperous and inclusive economy lies at the heart of council priorities and this is reflected in the Argyll and Bute Outcome Improvement Plan 2013 – 2023 that has been agreed with the Scottish Government.

One of the key issues identified is supporting priority sectors such as engineering, renewables, defence and marine industries, stating at Page 19 that;

...The Maritime Change Programme also represents a significant expansion of the activities of HMNB Clyde with £1.3B capital investment up until 2030. This expansion linked to new training opportunities with the base and with potential to expand in the wider community offers a hugely significant opportunity to both grow our population and create a full range of new job opportunities including in highly technical areas.

It is further clarified at page 20 that:

Argyll and Bute's population continues to decline in common with a number of Scotland's west coast Local authorities.....A key priority of the council is to reverse this long term trend and having a growing economy is fundamental if we are to attract and retain people to our region.

Page 21 further states that:

To remain competitive in the global economy Argyll businesses need to play to their main strengths and continue to add value to the services they offer and their products through innovation, often involving academic collaboration. In Argyll our areas with greatest potential lie with aquaculture, marine science, creative industries, food and drink products and engineering associated with the defence industries.

Consequently, we are looking to develop a number of business clusters that can accelerate growth through mutual cooperation, creating higher value jobs requiring greater skill sets and add to our key economic outputs.

Our role here is to attract sufficient private and public investment to establish a number of business clusters with the ability to accelerate growth in higher value jobs.

The importance of the LDP allocation of sites for development and the critical role this plays in delivering economic growth potential is set out at Page 24 of the Economic Strategy, stating that

If businesses are to grow and new houses are to be built there needs to be a plentiful supply of deliverable development land in the places where people want to invest and live. In Argyll and Bute we do have a plentiful supply of land available but in many cases it is too costly to provide the necessary infrastructure to allow development to take place.

A number of areas also have a shortage of suitable and affordable business premises at the right price and location to enable businesses to grow. Our role here is to raise the profile of our area as a place to invest and ensure through the Local Development Plan process that appropriate employment space is available.

Members will note that the importance of this site in seeking to provide suitable land for such job and growth opportunities has been clearly referenced in respect of commentary from the Planning Policy Officer.

Granting Planning permission for these proposals is considered by officers to be of critical importance in meeting these Corporate and Economic Strategy objectives of the Council given the lack of alternative sites in the area. Compliance with these approved documents is considered to be a material planning consideration which adds weight to the judgement that in this instance planning permission should be granted.

M. Conclusion.

All aspects of this PPP are considered to be readily addressed subject to the imposition of appropriate conditions to cover flooding, design, access, parking and development

specific issues. In this case it is considered that the weight of considerations favours a recommendation to grant planning permission in principle for the reasons stated in this report.