

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

PLANNING PERMISSION

REFERENCE NUMBER: 20/00153/PP

**Bute Yard Limited
Thomas Robinson Architects
The Red House
Croftamie
Glasgow
G63 0EU**

I refer to your application dated 27th January 2020 for planning permission in respect of the following development:

Erection of building to facilitate events space; distillery and brewery; cafe/bar, siting of business units; formation of parking spaces; and upgrading of existing vehicular access

AT:

**Land To The Rear Of Mansion House And 61-67 High Street Rothesay Isle Of Bute Argyll
And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 5 October 2020

A handwritten signature in blue ink, appearing to read 'Fergus Murray', written over a horizontal line.

Fergus Murray
Head of Development and Economic Growth

REFERENCE NUMBER: 20/00153/PP

**Erection of building to facilitate events space; distillery and brewery; cafe/bar, siting of business units; formation of parking spaces; and upgrading of existing vehicular access
AT:
Land To The Rear Of Mansion House And 61-67 High Street Rothesay Isle Of Bute Argyll
And Bute**

The planning application as detailed above is subject to the following conditions:

1. The development shall be implemented in accordance with the details specified on the application form dated 24th January 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
Location Plan	Drawing No. 100	Revision B	04/02/2020
Site Layout	Drawing No. 200	Revision B	03/08/2020
Proposed Ground Floor – Main Building	Drawing No. 301		04/02/2020
Units 2, 3, 4 & 5 – Plans and Elevations	Drawing No. 302	Revision A	04/02/2020
Unit 1 Roof Plan	Drawing No. 303	Revision A	03/08/2020
Unit 1 Elevations	Drawing No. 500	Revision B	03/08/2020
Toilet Blocks Elevations	Drawing No. 501		04/02/2020
Trellis Fence Boundary Detail	Drawing No. 713		04/02/2020
Proposed Ventilation Layout Unit 1	Drawing No. 1108(57)001	Revision 2	03/08/2020

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. No amplified music (either live or recorded) shall be permitted to emanate from the site after 22:00 hours.

Reason: In order to avoid noise nuisance in the interest of amenity.

3. Prior to the commencement of construction works on the main events building hereby approved (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 roof cowls 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.

4. The continuous equivalent sound level $L_{eq, T}$ from amplified music (either live or recorded) from the development as measured 1 metre from the façade of a habitable room of any nearby residential property shall not exceed the following limit in the table below:

	<i>dB</i>
<i>Time period</i>	<i>L_{Aeq}, 1 hour</i>
<i>07:00-22:00</i>	<i>50</i>

Reason: In order to avoid noise nuisance in the interest of amenity.

5. Prior to the siting of Units 3, 4 and 5 and the toilet facilities (or such other timescale as may be agreed in writing with the Planning Authority), details of the proposed external cladding, doors and fenestration shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the containers shall be sited using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

6. Prior to the commencement of the development (or such other 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 include details of:
 - (i) Location, design and materials of proposed walls, fences and gates;
 - (ii) Surface treatment of proposed means of access; dedicated pedestrian footpath; parking spaces; and hardstanding areas;
 - (iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
 - (iv) Proposed hard and soft landscape works.

Unless otherwise agreed in writing with the Planning Authority, the development shall not come into use until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

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

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

7. Unless otherwise agreed in writing with the Planning Authority, the ventilation, extraction and odour control systems as detailed in Drawing No. 500 Revision B; Drawing No. 1108(57)001 Revision 2; the Odour Assessment report from Surface Property dated April 2020; and the document titled "Outline Performance Specification for Ventilation System regarding Odour Control" shall be fully installed and operational prior to the preparation of hot food and the carrying out of brewing on the premises.

Reason: In the interests of the amenity of occupiers of adjoining residential premises.

8. Prior to the installation of the ventilation, extraction and odour control systems referred to in Condition 9 above (or such other timescale as may be agreed in writing with the Planning Authority), a Schedule of Maintenance for the systems drawn up by a competent person (including information on the cleaning and replacement of filters, servicing of fans, etc.) shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the systems shall be maintained in accordance with the approved schedule.

Reason: In the interests of the amenity of occupiers of adjoining residential premises.

9. Unless otherwise agreed in writing with the Planning Authority, the noise attributable to the operation of the ventilation and extraction systems identified on Drawing No. 1108(57)001 Revision 2 shall not cumulatively exceed NR35 during the day (0700 hours - 2300 hours) and NR25 during the night (2300 hours - 0700 hours) when assessed inside the closest future habitable rooms with windows partially open for ventilation.

Reason: In order to protect the amenities of the area from noise disturbance.

10. Prior to any activity taking place within Units 2, 3, 4 and/or 5 relating to the preparation of hot food, the following information shall be submitted to the Planning Authority:
- (i) The method of preparation and cooking of hot food
 - (ii) The number of meals to be served every day (if applicable)
 - (iii) The types of meals to be served (if applicable)
 - (iv) The proposed hours of operation of the business and any ventilation plant/equipment to be installed
 - (v) A scaled plan of the internal arrangement of the premises and the dimensions/location of the ventilation system (including canopy/s, route, filters, fans, flue, point of exhaust, recommended rate of extraction of exhaust air and noise data for the operation of the system)

Reason: To enable the impact of any hot food preparation within the relevant units on adjacent residential properties to be assessed.

11. Unless otherwise agreed in writing with the Planning Authority, none of the units referred to in Condition 12 above shall be used for the preparation and/or sale of hot food until a suitable extraction system that is designed to prevent harm to the local amenity achieved by an adequate level of odour control and stack dispersion as necessary has been installed in accordance with details (including acoustic performance) which shall have been submitted to and submitted to and approved by the Planning Authority.

Reason: To minimise the impact of any hot food preparation within the relevant units on adjacent residential properties.

12. Prior to the coming into use of the main events building hereby approved (or such other timescale as may be agreed in writing with the Planning Authority), the 21 parking spaces and dedicated pedestrian footpath identified on the approved Site Layout Plan (Drawing No. 200 Revision B) shall be fully formed and capable of use and thereafter maintained in perpetuity for these purposes.

Reason: In the interests of road and pedestrian safety and in order to provide an acceptable level of off-street vehicle parking commensurate with the scale of the development.

13. Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), full details of the means by which surface water is to be managed at the site shall be submitted to and approved in writing by the Planning Authority. Such details shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 and Sewers for Scotland 4th edition.

The 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 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.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 20/00153/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll-bute.gov.uk
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).
3. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
4. 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.
5. 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 of Development' to the Planning Authority specifying the date upon which the development was completed.
6. The Area Roads Manager has advised that it is highly likely that any works on the public footway and/or carriageway relating to the connection of services would require a Road Opening Permit. The developer is asked to contact either Mr Paul Farrell (tel: 01369 708613 or at paul.farrell@argyll-bute.gov.uk) or Mr Ian Thomson (tel: 01700 501391 or at ian.thomson@argyll-bute.gov.uk) to discuss this issue.
7. The attention of the applicant/developer is drawn to the contents of the following letters that are documents associated with this permission as listed in the Council's Public Access System:
 - (i) Letter dated 5th February 2020 from Scottish Water
 - (ii) Letter dated 5th February 2020 from West of Scotland Archaeology Service
 - (iii) Report from JBA Consulting dated 21st February 2020 and titled 'Flood Risk Management - Observations on Planning Application'

8. The attached Notice required by Regulation 41 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 is required to be displayed by the developer in a prominent place at or in the vicinity of the development where it is readily visible to the public whilst all of the works associated with the development are being carried out.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application: 20/00153/PP

- A. Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended):

Planning Obligation Not Required

- B. Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

Yes – revised building drawings submitted to show odour control measures and revised Site Layout submitted to show revised parking arrangements

- C. Is the proposal a departure from the Development Plan:

No Departure

- D. Summary justification statement for approval of planning permission

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.