

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the VICTORIA HALLS, KINLOCH ROAD, CAMPBELTOWN
on THURSDAY, 30 SEPTEMBER 2010**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor David Kinniburgh	Councillor Roderick McCuish
Councillor Bruce Marshall	Councillor Alex McNaughton
Councillor Alister MacAlister	Councillor James McQueen
Councillor Neil Mackay	

Also Present: Councillor Donald Kelly Councillor John MacAlpine
Councillor Robert MacIntyre

Attending: Charles Reppke, Head of Governance and Law
Richard Kerr, Team Leader – Major Applications
Sandra Davies, Senior Planner
Mark Lodge, Statutory Planning Officer
Bill Weston, Statutory Consultee – Roads Authority
Mr Wilson, Applicant
Mr MacLeod, Applicant's Agent
Mr Gould, Applicant's Agent
Mr R Millar, Supporter
Mr Wareham, Supporter
Mr Smith, Supporter
Mr T Millar, Supporter
Councillor Semple, Objector
Miss Drumgoole, Objector's Agent
Mr Campbell, Objector
Mr Kirk, Objector

Apologies: Councillor Robin Currie Councillor Mary-Jean Devon
Councillor Vivien Dance Councillor Al Reay

**1. TESCO: ERECTION OF CLASS 1 FOODSTORE, PETROL FILLING STATION,
CAR PARKING AND ASSOCIATED ACCESS: CAMPBELTOWN CREAMERY,
WITCHBURN ROAD, CAMPBELTOWN (REF: 10/00239/PP)**

The Chair welcomed everyone to the meeting and asked that his colleagues introduce themselves. He asked the Head of Governance and Law to outline the procedure that would be followed at the meeting.

As there were papers tabled from the applicant and also from the Head of Planning and Regulatory Services it was agreed that there be a 5 minute recess to allow Members of the Committee opportunity to consider these documents.

Planning Authority

Mr Kerr spoke to the application advising that the proposal was for demolition of

an existing building and re-development of the site to form a class one foodstore, petrol filling station, car parking and associated access. He reported that the application had arisen due to the existing building being too small which, as a result, constantly overtrades requiring continuous re-stocking of shelves. There was no opportunity to re-develop or extend this existing site and accordingly alternative sites were looked into during pre-application discussions.

Mr Kerr spoke regarding the 'sequential test', advising that the preference was for supermarket developments to take place within defined Town Centre zones, but where no land was available with this allocation, Edge of Town Centre zones could be considered and thereafter the least favourable option would be to consider locations "Out of Town Centre". Mr Kerr advised that the site identified was out of the Town centre zones, even though it was closer to the centre of town than the existing store.

Mr Kerr then discussed policy LP BUS 3, advising that the application was recommended as a 'minor departure' to this policy on the basis that were the development to proceed, it would be on the basis that the exiting industrial user of the site would be accommodated on land with planning permission elsewhere in the town and that there was also sufficient remaining business and industry allocated land to ensure a future supply for at least 10 years at recent take-up rates. He cautioned Members that although the relocation and future of the creamery business was a material consideration, there was no absolute link between the two developments and that this application should be considered on its own merits. With regard to policy LP RET 1, it was considered that impacts of this could be minimised through a Section 75 agreement which would restrict the existing Tesco store from selling any convenience goods in the future. In addition to this, it was proposed that the Section 75 agreement would also secure a contribution of £120,000 from the developer towards projects with the Campbeltown Town Centre, fund a safer access at Campbeltown Heritage Centre (currently priced at £12,000) and a contribution from the developer in order to support the re-routing of public transport timetables for a one year period (valued at £15,000).

Mr Kerr then discussed the Retail Impact Assessment which had been submitted by the applicants which had indicated that there would be some detrimental impacts of the town centre shops. He advised that the Section 75 Agreement restricting sale of convenience goods from the existing store would limit this to 5.5% impact which was within acceptable limits and not significantly detrimental. Although the impact on comparison goods traders would be more significant, this would be in the context of substantial unfulfilled demand for comparison goods locally and leakage through internet sales and trips to higher order centres, estimated as being of the order of 60%. He nonetheless concluded that there would be detrimental impact where local retailers selling goods proposed to be sold by the applicants would overlap.

Mr Kerr then discussed access arrangements and "bad neighbour" issues advising that these could be covered by the suggested conditions to the satisfaction of statutory consultees. He referred to the extent and issues raised in the representations for and against the proposal and referred Members to the late representations addressed in Supplementary reports Nos. 1 and 2. In light of the material circumstances outlined earlier, he recommended approval of the application as a 'minor departure' to Local Plan policies LP BUS 3 and LP RET

1, subject to a Section 75 Agreement and conditions as contained within the report by the Head of Planning and Regulatory Services.

Consultees

Mr Weston spoke on behalf of the Roads Authority advising that a Traffic Assessment Analysis had been carried out by the applicant. It had concluded that there would be an increase in traffic at Witchburn Road but that the existing road network could deal with the expected flows.

With regard to travel for customers and staff, he reported that a number of changes were looked into and that the re-routing of bus routes would assist with this.

Mr Weston then discussed provision of traffic light control for pedestrians, the incorporation of a drop off point, the improvement of the bus stop at Tomaig Road and of pedestrian accesses and the benefit of improvements to the Heritage Centre access which was currently viewed as unsafe. On the basis of these, the Roads Authority were recommending that the application be granted.

Applicant

Mr Wilson advised that they were supportive of the recommendation from Planning and advising that the current store could not cope with the demand from customers and the operational difficulties which arose as a result of this demand.

He advised that having been in Campbeltown for 16 years, the current building was outdated and would not allow the company to meet their carbon reduction targets by 2020.

Mr Wilson discussed the public consultation meeting which had attracted over 300 attendees who had overwhelmingly supported the new store (96% of those who had attended).

Mr Wilson advised that the new store would create 200 new jobs in addition to the 90 currently employed within the existing store. Tesco would work with the job centre to focus recruitment within Campbeltown and the surrounding area. He asked that the Committee consider all of the merits of the application and approve the planning permission.

Supporters

Mr R Millar spoke on behalf of the dairy farmers who were in support of the application. He advised that if the application did not proceed, the creamery relocation could not take place and that his opinion was this would be the demise of Kintyre given the turnover of the creamery and farms was £18m per annum, 40% of the total income of Kintyre.

He discussed the benefits of the proposed new creamery and the benefits for local firms as a result of this. He advised that it would be more expensive to re-develop the existing creamery and that this would also require a one year closure meaning that the production of the award winning Kintyre Cheddar would

have to be given up.

He thanked the Committee for their time and hoped that they would see this as a positive for the economy.

Mr Wareham outlined the position of the creamery advising that the Committee had heard this application was linked to the new creamery at Snipefield. He advised that the developments couldn't happen in isolation and the creamery now struggled to cope with demands and good manufacturing process. He advised that a modern creamery would give a stronger opportunity to expand and that the future of milk processing was being determined at this meeting.

He considered that the application needed to be supported and thanked the Committee for the opportunity to speak.

Mr Smith advised that this was a massive opportunity for Kintyre with many beneficiaries. He questioned how far the consultation with local businesses had gone given that his wife was a partner in a local business and hadn't been consulted before the objection had been lodged.

Mr T Millar advised that he was a local resident who supported the need for expansion. He felt that Campbeltown was being held to a fuel monopoly regarding pricing and hoped that the competition this development would bring would assist in ending this.

Objectors

Councillor Semple advised that while he recognised the need for a new creamery in Kintyre it was not appropriate to trade off one part of the community against others. He was aware of the level of support but considered the size of the development to be overkill. He also felt that the 40% comparison goods Tesco were proposing to sell would have a significant impact on the town centre.

He discussed out of town shopping which he considered had destroyed Paisley stating that 20 years on from this decision the situation there had not improved.

Councillor Semple referred to the Section 75 Agreement proposed on page 11 of the agenda pack suggesting that £120,000 was the difference between a development being either a significant or minor departure.

Miss Drumgoole advised she had been engaged by Mr McGeachy and Mr Watson who strongly opposed the application. It was considered that the application should be refused on retail impact grounds and that the contribution to town centre development was not significant and would threaten future investment and vibrancy.

Miss Drumgoole discussed the RIA, advising that there were deficiencies within this which had been highlighted within her submission. These deficiencies were not minimal, the first of which being the site referred to as edge of town centre. Mr Kerr had already discussed sequential tests and advised that the allocation for the proposed site was "out of town centre".

Miss Drumgoole advised that she could not agree that the proposed Section 75

Agreement would be sufficient to move the category of departure from significant to minor. She stated that the terms of this seemed unworkable to her and that the impact would be greater than indicated in the applicant's assessment. She also commented that the Section 75 went with the site and not the operator so if the site were sold this could have an impact.

She then stated that the RIA was also contradictory given that it suggested a 16% vacancy rate when the national average was 9%. This suggested to her that the situation was already fragile but that the report concluded the town centre to be in "reasonably good health". She questioned which of these positions was the correct one suggesting that the town centre was fragile and that an out of town location of the proposed supermarket would not assist.

Miss Drumgoole then discussed the scale of the store turnover and impact which were at odds with each other. She stated that there was insufficient detail about where the figures had come from and suggested that the RIA was fundamentally flawed and that in relying on this RIA the recommendation by the Planning Authority was also flawed.

She was aware that the creamery was an emotional issue but this was not a relevant planning consideration and should not be taken into account.

She also raised traffic impact as an issue stating that the estimates of journey were quite low given there was 350 parking bays proposed. There was also issue with the service yard given 300 children used this area, stating that safety would be impacted on by lorries using the yard.

Although recommended as a minor departure to policy, Miss Drumgoole stated this was still a departure and there was no material considerations to justify the development given there was a need to disregard the creamery development which was off site, the Section 75 was unworkable, the planning gain was small in terms of the Council's own contribution, the RIA flawed and the seriously detrimental affect this development would have on the vibrancy of the town centre. She urged the Committee to refuse the application.

Mr Campbell spoke regarding the traffic impact assessment questioning the impartiality of this and suggesting it would be more appropriate for the Council to conduct their own study. He also had serious concerns about footway provision and the fact that there were 4 junctions 50ft from the new access. He then discussed the list of supporters and objectors advising there were 2 school children in support of a new tesco and that the signed petition objecting to the application had transformed into a petition of support.

Mr Kirk lived near the proposed new store and expressed his concern with air pollution resulting from increased exhaust emissions from vehicles using the new store. He advised these had been proven to increase risks of cancer and cardio disease. He also had concerns about the fire and explosion risk and wondered whether the Fire Brigade had been consulted given the close proximity to housing. He also wondered if the Duke of Argyll had been consulted about the change of use given this land had been gifted by him and felt the need to consult him would have been included in the feu disposition.

Question Time

Councillor Marshall asked Mr R Millar if construction has started on the new creamery. Mr Millar advised that this could not commence until contracts had been exchanged with Tesco.

Councillor Marshall asked if the Tesco application was refused would the creamery still go ahead. Mr R Millar advised that it absolutely would not.

Councillor Marshall asked what the options for diversification were for local shop keepers. Mr Kerr advised there was leakage identified with the RIA as people could not buy a range of goods and travelled to purchase these, or bought them from the internet or mail order catalogues. It was clear that there could be co-existence and it was up to the traders to consider the goods they sold in reacting to the changing local market conditions.

Councillor Marshall questioned Mr Kerr whether in his opinion, supermarkets caused ghost towns. Mr Kerr stated this was an issue affecting out of town shopping rather than out of centre sites operating in the context of existing centres. Councillor Marshall followed up by stating that this was an out of town proposal according to Argyll and Bute Policy and questioned whether as access to the supermarket would be by bus, people would bypass the town centre. Mr Kerr advised that access would be available by bus, car and foot. As the site was not far from the town centre, and connections were being improved as part of the proposal, it was quite possible that people would make linked trips.

Councillor Marshall asked how many retail premises were identified within the survey. Mr Kerr advised that this was part of the RIA and deferred the question to the applicant. Mr MacLeod advised that 139 retail units were identified and of those, 58 were class one use. Councillor Marshall then queried whether this would be £900 per premises. Mr MacLeod advised that the terms of the Section 75 Agreement meant it was for the Council to determine what to allocate the £120,000 towards and that it was envisaged to fund projects of benefit to the town centre as a whole rather than to comprise direct payments to shopkeepers.

Councillor Mackay queried the location of the proposed puffin crossing, asking whether this was adjacent to a listed building. Mr Kerr advised that this would be adjacent to the listed archway. Councillor Mackay then asked whether Mr Kerr considered LP ENV 19, which considered setting and design, could compromise the area given the residential nature of the site, the listed buildings and other factors. Mr Ken advised that during discussions the need to avoid impact on the adjacent buildings in the interests of residential amenity and to protect the setting of listed buildings and to keep servicing arrangements separate was taken into account. The building proposed was towards the rear of the site to lessen impact and that the service access was via Bengullion Road which was some away from the listed buildings and nearby residential property. He felt this was compliant with Policy. Councillor Mackay then discussed the fact that 24 policies were considered and that from these the development compromised approximately 8 although only 2 were specifically identified within the report. Given this affected 8 policies, he wondered why this was deemed a 'minor departure'. Mr Kerr reported that there were only 2 policies significantly at issue, LP RET 1 and LP BUS 3. In relation to BUS 1 he advised that there was

residual land allocated for business and industrial use which was considered sufficient in the context of past development rates. In terms of RET 1 provided that the development was linked to the removal of Tesco's existing store from convenience retailing, and on the basis of funding for town centre and public transport and road improvements, (with the addition of the Section 75 Agreement) a 'minor departure' was justifiable. Councillor MacKay then questioned the weight that should be afforded to whether these should be considered minor or significant departures. Mr Kerr advised that when something was not wholly consistent with policy but not entirely compliant it could be judged to be minor. A significant departure would be one which would be of a scale likely to prejudice the overall implementation of the development plan.

Councillor Mackay asked Councillor Semple for comment as to the impact of Vestas and Skycon developments in the area. Councillor Semple advised that these, along with the Council investment in infrastructure were significant and that the town should prosper as a result of these. He also noted that there were associated risks.

Councillor Colville asked Mr Kerr whether it was correct to say that the present Tesco store was not within a town centre designation. Mr Kerr advised that this was correct and that the edge of town Local Plan designation had been defined to include both the Tesco and Co-op stores as these were major retailers in the town. He felt that as part of the forthcoming Local Plan Review the boundaries could be extended to capture the proposed new site. Mr Lodge confirmed that this was the case. In a follow up question Councillor Colville asked whether if approved, this new building could be incorporated into the edge of town centre category. Mr Lodge advised that this would be looked at.

Councillor Colville questioned the weighting that should be given to the RIA and to the valid material considerations. Mr Kerr again stated that the creamery development was not directly linked in planning terms other than by the suggested condition 3 which prevents the proposed development taking place until the creamery becomes operational at the new site. However, there was an economic link which couldn't be completely disregarded. The weight to accord to this would be for the decision makers to decide on.

Councillor Colville referred to a fact sheet that had been sent to him from the Traders' Association. He referred to the bullet point which stated "the local business community does not fear competition. However any new store must be located in the commercial core where it can bring trade into the town, rather than in an out of town site which will drag business away from the main commercial centre". He asked Miss Drumgoole whether this meant that the objectors would not oppose the development if the proposal was for a store in Main Street. Miss Drumgoole confirmed that this was correct.

Councillor Colville asked the applicants why they had settled for this site rather than a site at Snipefield. Mr MacLeod advised that an assessment of edge of town and town centre sites were undertaken in order to comply with policy as far as possible. In this instance, the Snipefield site was further from the town centre than the proposed site and could not accommodate the store.

Councillor McCuish referred to the submission of the Mr R Millar who had

advised that it would be the end of dairy farming if the store didn't go ahead. He then asked the objectors what it would mean if it did go ahead. Miss Drumgoole advised that it would be the end of retail in the town centre, more closures would take place and that the town centre would become less attractive.

Councillor McCuish asked Miss Drumgoole to comment on the 63% leakage of convenience goods from Campbeltown. Miss Drumgoole advised that she had no figures to either support or refute this. He then asked the applicant for comment of the split of sales 60% convenience to 40% comparison goods, asking what the comparison goods would be. Mr MacLeod advised that it would include clothing, electrical goods, cds etc. Councillor McCuish asked whether the 40% comparison goods were required to survive. Mr MacLeod advised that the intention was to improve the quality of retail on offer in order to fill a gap in the market.

Councillor Kinniburgh asked what the difference was between a pelican and puffin crossing. Mr Lodge advised that a puffin crossing was traffic light controlled and therefore not on demand (the applicant added that it stopped people pressing the button and running away and also allowed mobility crossers more time to cross as the technology monitored movement).

Councillor Kinniburgh asked what impact there could be on users of the skate park and was he correct in thinking from the plans and site visit that this was beyond the proposed access point to the service yard. Mr Kerr advised that the service yard was off the highway and confirmed Councillor Kinniburgh's understanding was correct. As a supplementary question Councillor Kinniburgh asked where most of the young people using the store would approach from. Mr Kerr advised that in the immediate area he imagined users would use the footpath from Smith Drive, but it would depend where they lived, as there was an extensive housing area across the Meadows. .

Councillor MacAlister asked whether the 90 current jobs and further 200 were full time or part time positions. Mr Wilson advised that 60% would be part time posts with the remainder being full time posts. This was to allow flexibility in working patterns according to individual circumstances. In follow up to this question Councillor MacAlister also queried what the loss of jobs from the creamery would be if this application were refused. Mr R Millar advised that there were over 100 positions within the company.

Councillor Colville asked Councillor Semple about an email he had issued to the Members of the Committee which contained a list of Tesco Planning Applications. He asked Councillor Semple if he was aware of what the average number of objectors were in each case. Councillor Semple was not aware of the figure.

Councillor Mackay asked whether the Council should have commissioned their own Traffic Impact Assessment. Mr Kerr advised that where there may be significant impact TIA's are expected to be carried out at the developer's expense. The Council's Roads Engineers make sure the Assessment is carried out to an agreed methodology and that the conclusions and recommendations are sound.

Councillor MacKay questioned whether Mr Kerr was aware of any potential other

sites in the area if the application was amended on the basis of being larger than the existing store but smaller than the current proposal. Mr Kerr could not think of a site given the fairly significant footprint proposed and the conclusions of the applicant's RIA.. He commented that it may not be worth the while of the applicant relocating to an alternative site unless the new store were substantial in size and capable of addressing all the shortcomings of the current operation. Councillor MacKay put the same question to Councillor Semple. Councillor Semple advised he could not think of anywhere obvious and that his concerns related to the scale of development not the site.

Councillor Mackay then questioned information received earlier in the meeting about narrow footpaths at Witchburn road given this was an area of concern. Mr Kerr advised that there was no room to either reduce the carriageway and increase the footway or alternatively to widen both. Councillor Mackay asked whether this footway was an acceptable standard. Mr Kerr advised that whilst it was not a wide footway he could think of plenty of examples of this to the same standard and commented that it was a useable width.

Councillor MacNaughton asked whether people who lived approximately 20 miles away and who had previously travelled to Oban might travel to Campbeltown given the attraction of a new store and in doing so, might also visit the town centre. Miss Drumgoole advised that there had been no assessment of this but given there was a direct bus route proposed to the store there may be no need to visit the town centre.

The Chairman ruled and the Committee agreed to adjourn the meeting at 12.30pm for lunch. The meeting resumed at 1.30pm with all parties to the hearing present with exception of Mr Weston.

Councillor McCuish alluded to the linkage to the creamery asking whether there were any guarantees. Mr Kerr advised that rather than seeing it as a link between two businesses it was more appropriate in land use planning terms to think of it as a loss of site for industrial use and redevelopment elsewhere.

Councillor Colville asked whether he was correct in saying that in terms of the Local Plan, all growth in Campbeltown would be to the west. Mr Kerr stated that this was not the case for all housing developments in the town but disregarding land already consented for residential use, in general, yes this was the case with PDA's being identified nearby.

Councillor Mackay asked Miss Drumgoole to elaborate on her comments about the application being a significant departure. Miss Drumgoole advised that she did not think it could be the case that a significant departure could become minor on the basis of a Section 75 Agreement when this related to another site than the one being considered. She also did not consider this to be competent.

Councillor Mackay asked Mr Kerr whether Tesco would be given the monopoly in light of the proposal that the existing site could not be sold for retail use. Mr Kerr advised that there would be no monopoly as there was already a Co-op in town. The reason for the Agreement was to prevent an overprovision of retail floor space in the town not to restrict competition. Councillor Mackay queried whether this had been used by the Planning Authority before. Mr Kerr advised that this had been used by other Planning Authorities but not by Argyll and Bute.

Summing Up

Mr Kerr advised that the proposal was not wholly consistent with the development plan and could only be accepted as a 'minor departure' to policy. Tesco could not expand their current site and wished to address the quality deficiency on the basis of a significant unmet demand which resulted in leakage of custom out of the area. This would have some effect on individual traders but would be unlikely to significantly prejudice the vitality of the town centre as a whole.

He reminded Members of the Committee that there was an economic link between the Creamery and Tesco but that this was not a direct link in land use planning terms. He advised that there was opportunity for the Committee to consider the imposition of a further condition in addition to the proposed Section 75 Agreement and the recommended 23 conditions. This would limit the net retail floor space to that specified in the applicant's proposal and the accompanying RIA, which would prevent the operator increasing the proportion of the retail area within the building. He commended the application to the Committee.

Mr Wilson commented that there had been good discussion and debate but wanted to address the pavement issue. He advised that there was a plan to widen and improve this in the application. He also spoke regarding the creation of local jobs and that it was for local traders to tap into the leakage. He urged the Committee to approve the application.

Mr R Millar emphasised the importance of the application for the area given the fragile economy. He commented that this was one of the best projects he had seen in his time.

Mr Wareham stated that if there was no Tesco the Creamery would have a shortened future and urged the Committee to approve the application.

Mr Smith urged the Committee to approve the application for the wider economy of Kintyre stating that every job was at stake.

Mr T Millar welcomed the expansion and competition regarding fuel prices. He welcomed the positive outcome of approval.

Councillor Semple commented that the key thing from this meeting would be what the price was for changing a recommendation from significant to minor. He urged the Committee not to replicate the Paisley scenario in Kintyre. While he supported farmers and the need for the Creamery to relocate he felt the scale of this proposal was excessive and did not think people would travel to the area as a result of it.

Miss Drumgoole advised that the Creamery relocation was not a material issue and one eye on this was too many in her opinion. Although she appreciated the emotion behind this, urged the Committee to set this aside. In terms of case law she didn't think the application was competent and even with the £120,000 proposed investment, this was not significant for the town centre. She considered the development would undoubtedly take trade away from the town

centre which would have a catastrophic consequence. She advised that the Planning Officer had commented that the pavements “are what they are” and that this would constitute in a significant departure. She urged the Committee to refuse the application.

Mr Campbell advised that in widening the pavement it would not make it any more suitable as it would bottle neck the road causing major road safety implications. He asked for the application to be refused.

Mr Kirk reiterated the points he had previously raised and asked the Committee not to grant the application.

The Chair advised that the Committee had heard a lot of detail at the meeting and advised the attendees that the Committee understood that the application before them was for a new Tesco store and therefore the Creamery, although linked in economic terms, was not a consideration at the meeting. He commented that in his view everyone had received a fair hearing (no parties present disagreed with this statement) He invited Members to commence the debate.

Debate

Councillor Colville advised that in reaching a decision he had considered the earlier questions raised about economic activity in the Town. He stated that if the Town were to grow then it needed exactly this type of application and considered that this could assist in turning Campbeltown around. He commented that there was no proper car park in the Town which needed to be addressed to assist retail outlets in the Town Centre.

Councillor MacMillan advised that he had sympathy for both sides but in his opinion if there were no Tesco or Creamery it would be the nail in the coffin for the Town and its community.

Councillor MacNaughton was saddened that in reaching this decision it would split the community but considered the application was a very good one.

Councillor McQueen was happy with the application in general.

Councillor MacAlister advised he had given the matter a great deal of thought weighing the out of Town site proposed against the economic benefits of job creation or loss depending on what the decision was. On balance he considered that it would be a disaster for Campbeltown and the Peninsula if the application did not go ahead.

Councillor Mackay was in a dilemma as he considered that the Planning Authority had got some of this application wrong given that a lot of the planning gain was to the benefit of the applicant. He felt that the gain to the Town Centre development was short of the mark but notwithstanding this, thought that the Town needed a large retail development. Whether this was to be shoehorned into the proposed site was an issue he thought could be debated for 2 weeks. He advised that Tesco in Oban was a major employer and gave customers a wonderful choice. He felt that Campbeltown should have the same opportunity but had issue with the level of planning gain on offer.

Councillor Marshall advised the meeting that there was a similar application being processed for Dunoon which he had concerns about. He could not accept that this application not being granted would cause the closure of the creamery. He expressed concern about the fragile nature of the Town Centre and that the loss in terms of vibrancy would be extreme if shops were forced to close. His view was that this represented a significant departure from policy which coupled with the congestion concerns he had in relation to Witchburn Road, the scale of development being too large and the out of town location meant he was not in a position to support the application as it stood.

Councillor Kinniburgh expressed his difficulty in coming to a decision but had concluded that this application represented an excellent opportunity for Campbeltown.

Councillor McCuish advised that there were four major supermarkets in Oban but that the difference they had was that the community went looking to attract them to the area and that there was co-existence with local shops. He expressed sympathy with the local traders but indicated that he was supportive of the application.

The Chair advised that he had given a lot of thought to the views expressed and that on balance he felt this was a good project for Campbeltown. As a former retailer he had experience what supermarkets could do but had survived this.

Decision

Agreed to approve planning permission subject to a Section 75 Agreement to secure the following:

1. A developer contribution of £120,000 in order to fund specific projects within Campbeltown Town Centre aimed at securing a vibrant and economically active town centre.

The full sum will be paid on implementation of the consent when works commence on site.

If not committed within a 5 year period, all monies shall be returned to the developer.

2. The restriction of the existing Tesco store from being used in future as a retail outlet for convenience goods. This should take effect as soon as the new Tesco store opens.

3. The funding of a safer access at Campbeltown Heritage Centre. This is currently priced at £12,000 and the developer's contribution shall not exceed this level.

If unused within a 5 year period, all monies shall be returned to the developer.

4. A contribution from the developer in order to support the re routing of public transport bus routes plus the installation of a display rack in store for public transport timetables. This subsidy is to the value of £15,000 and is for one year only and the following conditions and reasons:-

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 2/2/10 and the approved drawing reference numbers 1436 (P) 001, 1436 (P) 002, 1436 (P) 003 REV B, 1436 (P) 004 REV B, 1436 (P) 005 REV A, 1436 (P) 006 REV A, 1436 (P) REV A, 1436 (P) 008 REV A, 1436 (P) 009 REV A, 1436 (P) 010, 1436 (P) 011 REV A, 1436 (P) 012, 1436 (P) 013, 1610 LO1 C, 1435 (P) 014 REV B, 1436 P 015, 1436 P 016, 1436 P 017, 1436 P 018, 1436 P 019, 1436 P 020, 1436 P 021 V 022, 1436 P 023, 1436 P 024, 1436 P 025, 1436 P 026, 1436 P 027, 1436 P 028, 1436 P 029, 1436 P 030 and 1437 P 031 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

3. That the development hereby permitted shall not commence until such time as the new creamery at Snipefield Industrial Estate approved under planning consent 09/01715/PP has been completed and brought into use.

Reason: Without this relocation taking place, a departure to development plan policy could not be justified.

4. That the hours of opening of the supermarket hereby approved shall be restricted to between 06:00 and 22:00 hours Monday to Sunday inclusive.

Reason: In the interests of residential amenity

5. That the hours of opening of the petrol filling station hereby approved shall be restricted to between 06:00 and 22:00 hours Monday to Sunday inclusive.

Reason: In the interests of residential amenity

6. That the hours of delivery to the supermarket and petrol filling station hereby approved shall be restricted to between 07:00 and 23:00 hours Monday to Sunday inclusive.

Reason: In the interests of residential amenity

7. That use of the jetwash and any associated car vacuums or similar shall be restricted to between 08:00 and 20:00 hours.

Reason: In the interests of residential amenity.

8. That use of the public recycling facilities including deliveries and collections shall be restricted to between 08:00 and 20:00 hours.

Reason: In the interests of residential amenity.

9. No development shall commence on the site until an assessment of the condition of the land has been undertaken and has been approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites. Where contamination is identified then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that the issue of contaminated land is thoroughly investigated and addressed.

10. Prior to work starting on site, the applicant shall have regard to the Scottish Government Guidance Note Controlling Light Pollution and Reducing Lighting Energy Consumption (March 2007) and follow the lighting design process described in this Guidance Note. The information recorded should be of a good standard to enable the lighting submission proposal to be evaluated. All lighting proposals should be submitted with a completed Lighting Design Check List as provided in Annex B. Such lighting proposals shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.

Reason: In order to protect the area from light pollution in the interest of amenity.

11. The development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved in writing by the Planning Authority. This shall provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising within the site, including the location, access and maintenance for on-site storage facilities. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.

Reason: In order to accord with the principles of sustainable waste management.

12. All landscaping shall be in accordance with drawing no. 1601 LO1 C. The landscaping scheme shall be completed during the first planting season following the first occupation of the development. Any trees or shrubs which fail to become established, which die, are removed or become seriously diseased within 10 years of the implementation of the scheme shall be replaced in the following planting season by equivalent size and species of trees or shrubs as those originally required to be planted.

Reason: In the interests of visual amenity and to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

- 13 No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided to the Planning Authority for approval before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

14. The level of noise emanating from the site shall not exceed 40dB(A) Lnight,outside nor 45dB LAeq(5 mins) nor 60dB LAmax between 23:00 hrs and 07:00 hrs and must not exceed 50dB LAeq(1 hour) at any other time. The level of noise from the site is to be measured at the facade of the nearest noise sensitive receptor for night time noise, and at the boundary of the nearest noise sensitive receptor for daytime noise.

Reason: To minimise the adverse impact of noise generated by the operations on residents of the local community and the greater local community.

15. The development shall not begin until a scheme for protecting residents in nearby properties from noise emanating from fixed plant and/or machinery has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Authority.

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

16. The development shall not begin until a scheme for protecting residents in nearby properties from noise emanating from service yard activity has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Authority.

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

17. The development shall not begin until a scheme for protecting residents in nearby properties from noise emanating from petrol station forecourt activity has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Authority.

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

18. Prior to the commencement of development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Council as Planning Authority in consultation with the Council's roads engineers. The Travel Plan will include details of:
- a) The proposed monitoring schedule and reporting procedures;
 - b) The management of the Travel Plan identifying the persons responsible for implementation;
 - c) Proposed pedestrian and cycle infrastructure within the site and connections to existing networks;
 - d) Cycle parking provision and location within the site;
 - e) Measures to improve public transport facilities;
 - f) Initiatives such as car share scheme and flexible working;
 - g) Employee locker facilities;
 - h) Travel information to be provided within the site;
 - i) Car parking provision and management.

Reason: To be consistent with the requirements of Scottish Government Planning for Transport documents SPP and PAN 75.

19. The drainage of the site shall be carried out in accordance with the Drainage Impact Assessment (plan 10867 500 C) unless otherwise agreed in writing with the Planning Authority. Prior to the commencement of development, full details of the method of surface water discharge shall be submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that the drainage of the site will operate effectively.

20. Prior to the commencement of the development hereby approved, the new access onto Witchburn Road including localised road widening and the two metre footway as detailed in the Transportation Statement dated 20/8/01 and plan nos. 11436 (P) 003 Rev B "Site Layout Plan" and 11436 (P) 031 "Proposed Pedestrian Linkages" shall be completed unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety in order to provide a safe access to the construction site.

21. That prior to the development hereby permitted being brought into use, the proposed off site highway improvements (other than those referred to in condition no.20 above) as detailed in the Transportation Statement dated 20/8/10 shall be completed to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

22. Prior to the commencement of development hereby approved a delivery management plan shall be submitted to and approved in writing by the Planning Authority. This shall provide detail on how vehicles servicing the site will avoid conflict with other road users and that adequate turning facilities are provided within the site boundaries.

Reason: In the interests of road and pedestrian safety.

23. That notwithstanding the detail of the approved plans, the finished floor level of the supermarket building hereby approved shall be 300 mm above the adjacent kerb height of 7.950m. Prior to the commencement of development full details of this freeboard shall be submitted to and approved in writing with the Planning Authority. The development shall thereafter be carried out in accordance with this plan unless otherwise agreed in writing with the Planning Authority.

Reason: In order to protect the development from flooding in the interests of public safety.

24. Retail floorspace within the building hereby approved shall be limited to 3,615 square metres net retail floorspace (excluding lobbies and toilet facilities)

Reason: In order to limit the extent of retail floorspace to that for which permission has been sought and upon which the application has been assessed.

Councillor Marshall, having moved an amendment which failed to find a seconder, requested that his dissent from the decision be recorded.

(Ref: Reports by Head of Planning and Regulatory Services dated 25 August 2010 and 13 September 2010 and critique of RIA by objectors agent, submitted; report by Head of Planning and Regulatory Services dated 29 September 2010 and comments by DPP, tabled)