

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/02239/PPP
Planning Hierarchy: Local
Applicant: Islay Estates Company
Proposal: Site for proposed business units and 20 affordable residential properties.
Site Address: Land West of Bonded Stores, Stanalane, Bowmore

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the 600sqm of Class 4 Business Units (no details provided);
- Site for the erection of 20 affordable residential units (no details provided);
- Improvement of the existing vehicular access route from the A846 (no details provided).

(ii) Other specified operations

- Connection to public water main;
 - Connection to public sewer.
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(B) RECOMMENDATION:

It is recommended that planning permission in principle be granted as a 'minor departure' to development plan policy subject to the conditions and reasons listed in the report.

(C) CONSULTATIONS:

Scottish Water (29.10.12) – No objection but comments

Health & Safety Executive (30.10.12) – No objections

ABC Roads (14.11.12) – No objections subject to conditions.

West of Scotland Archaeology Service (22.11.12) – No objections subject to conditions.

ABC Development Policy (30.11.12) – Comments expressing support for the proposal as a justified departure to the current Local Plan.

ABC Environmental Health (29.11.12) – No objections subject to conditions.

ABC Core Paths – No comments to date.

(D) HISTORY:

There is no planning history in relation to the development site.

(E) PUBLICITY:

The proposal has been advertised in the Oban Times under the provisions of Reg. 20; expiry 22nd November 2012

(F) REPRESENTATIONS:

- (i) **Representations received from:** None
 - (ii) **Summary of issues raised:** N/a
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(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:** No
 - (iii) **A design or design/access statement:** Yes
Development Brief
South West Bowmore:
Design Code Principles
Planning Statement
 - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
 - (v)
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(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

(J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP BUS 1 – Business and Industry Proposals in Existing Settlements

LP BAD 1 – Bad Neighbour Development

LP BAD 2 – Bad Neighbour in Reverse

LP HOU 1 – General Housing Development

LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision

LP HOU 3 – Special Needs Access Provision in Housing Developments

LP HOU 4 – Housing Green-Space

LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems

LP SERV 3 – Drainage Impact Assessment (DIA)

LP SERV 5 – Waste Related Development and Waste Management

LP SERV 9 – Development in the Vicinity of Notifiable Installations

LP TRAN 1 – Public Access and Rights of Way

LP TRAN 3 – Special Needs Access Provision

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 5 – Off-site Highway Improvements

LP TRAN 6 – Vehicle Parking Provision

LP DEP 1 – Departures to the Development Plan

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

Appendix E – Allocations, Potential Development Area Schedules and Areas for Action Schedules

(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.**

- Scottish Planning Policy

- Argyll and Bute Sustainable Design Guide
- Applicant's Supporting Information
- Consultee Responses

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

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

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

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

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

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

This application seeks planning permission in principle for a mixed use development comprising of 20 affordable homes and 600sqm of Class 4 Business Units on a 1.08ha site located on the south-western edge of the Bowmore 'settlement' area.

Whilst the proposed development is of a type and scale which would ordinarily be supported within the 'settlement area', the proposal includes for an element of residential development to be located within designated Business and Industry Allocation BI-AL 10/1, and consequently the development is not consistent with the approved Development Plan. It is considered however, that the proposal should be considered favourably as a 'minor departure' to the Development Plan on the basis that:

- The existing housing allocations for Bowmore in the current Development Plan have proved undeliverable, largely due to the significant level of infrastructure costs required to access the sites. Islay Estates, the owner of the sites, have confirmed this in their planning brief and through negotiations with ACHA have indicated their willingness to facilitate the building of 20 affordable units on land within their control within this allocated business site. The Council's Strategic Housing Investment Programme (SHIP) has indicated that there might be funding available for the 20 units, although there is no commitment to that effect thus far.
- This partnership approach with ACHA would assist in the delivery of a portion of this site for Class 4 business uses that would not otherwise be deliverable at this time.
- The partial development of this business and industry allocation assists with the potential expansion of Bowmore with a large mixed use scheme. Such a scheme has been identified in the Main Issues report and is currently being carried forward through the emerging proposed Local Development Plan.

- There is currently a surplus supply of business land on Islay that could be used in the event of future demand and which could address the loss of business allocated land to housing in the event this application is approved.

Whilst the application for planning permission in principle does not include any details in relation to the development layout, siting, design, finishes, landscape, access or infrastructure provision, the current submission is accompanied by a detailed 'Development Brief', 'Planning Statement' and 'Design Code Principles' which set out the applicant's intentions for a high quality mixed use development, which would be consistent with all of the relevant provisions of the Development Plan excluding the allocation of the land solely for Business and Industry Development.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

As per S below.

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

Whilst the development is of a type and scale which would ordinarily be appropriate within a local plan defined 'settlement' area, the residential element of the proposal falls within business and industry allocation BI-AL 10/1 as a result of which the proposal is not wholly in accordance with development plan policy. There is a lack of demand for business related development and an oversupply of sites identified for such use, whereas there is a demand for affordable housing in Bowmore as a result of impediments to the development of sites allocated for housing purposes. This mixed use proposal affords the best prospect for the delivery of affordable housing whilst also assisting in the delivery of a portion of this site for Class 4 business uses. A 'minor departure' to development plan policy is justified on the basis of the aspirations set out in the applicant's 'Development Brief', 'Planning Statement' and 'Design Code Principles' which set out the intentions to secure a high quality mixed use development which is being pursued via the emergent Local Development Plan.

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

Author of Report: Peter Bain **Date:** 18th December 2012

Reviewing Officer: Richard Kerr **Date:** 27th December 2012

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/02239/PPP

1. Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 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 approved details.

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

2. The development shall be implemented in accordance with the details specified on the application form dated 10th October 2012, supporting information and, the approved drawing refs. 1/2 – 2/2. Furthermore, the details of all further applications submitted pursuant to Condition 1 above shall be consistent with the recommendations set out in the 'Development Brief' and 'Bowmore South West: Design Code Principles' dated October 2012 and submitted in support of the application for planning permission in principle.

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

3. Pursuant to Condition 1 – no development shall commence until a phasing scheme for the implementation of the development in stages has been submitted to and approved by the Planning Authority. Such details shall ensure that all infrastructure provision in relation to the Class 4 Business development is delivered concurrently or in advance of that of the affordable housing development and shall include a plan differentiating each distinct phase of the development and a schedule detailing the sequence in which development is to be implemented.

The development shall be implemented in accordance with the approved phasing scheme unless an amendment to the agreed sequence/timing of development is subsequently agreed in writing by the Planning Authority.

Reason: To ensure development is implemented on a progressive basis having regard to infrastructure and servicing requirements, and to underpin the justification for approving the development as a minor departure from the Development Plan.

4. Pursuant to Condition 1 – no development shall commence until an Archaeological Mitigation Strategy has been submitted to and approved by the Planning Authority in accordance with a brief which has been the subject of prior agreement with the West of Scotland Archaeology Service.

The Archaeological Mitigation Strategy shall be prepared by a suitably qualified person and shall provide that all significant archaeological remains are preserved in situ with provision for the recording and recovery of archaeological resources within the development site.

Thereafter the development shall be implemented in accordance with the duly approved Archaeological Mitigation Strategy unless otherwise approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

Reason: In order to protect archaeological resources.

5. Pursuant to Condition 1 – no development shall commence until a Drainage Impact Assessment, which includes a scheme for management of surface water within the development site, has been submitted to and approved by the Planning Authority in consultation with the Council's Roads and Amenity Services and the Council's Flood Alleviation Manager.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

6. Pursuant to Condition 1. – no development shall commence until details of the offsite road improvements to substandard approach roads have been submitted to and approved by the Planning Authority. Such details shall incorporate:
- i) Improvement of the junction of the UC19 / A846 to a standard agreed with the Council's Roads and Amenity Services;
 - ii) Upgrading of UC19 Ardlarach Moss Road between the new development and the UC19/A846 junction to a minimum width of 5.5m with 2.0m wide verges.

The improvement of the junction of the identified section of the UC19 and its junction with the A846 shall be completed in accordance with the duly approved details in advance of any works commencing within the development site.

Reason: In the interests of road safety and to ensure the timely provision of substandard public approach road commensurate to the scale of the overall development.

7. Pursuant to Condition 1. – no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans until details of the proposed service road and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:
- i) A vehicular access layout providing a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984;
 - ii) Junctions with the existing public road formed with visibility splays of 103.0 metres by 2.4 metres formed from the centre line of the junction;
 - iii) Junctions within the new residential development to be formed with visibility splays of 42.0 metres by 2.4 metres formed from the centre line of the junction;
 - iv) Provision of footpath linkage to the existing public footpath network;
 - v) A turning head for the public service vehicle;
 - vi) Details of the location, size, specification of grit bins to be provided by the

developer within the development and a specification for a concrete hardstanding for their siting.

The junction with the existing public highway shall be fully formed, including surfacing of the bellmouth and visibility splays created prior to the commencement of works on site and maintained clear of obstruction in excess of 1.0 metre in height thereafter.

All access roads and footways granted consent shall be constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the roads and footways shall be applied concurrently with the construction of the final building.

Grit bins shall be provided concurrently with the first occupation of the development unless an alternative time period for their provision is agreed in writing with the Planning Authority.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.

8. Pursuant to Condition 1 – no development shall be commenced in respect of any individual building within the southern part of the application site identified for affordable housing development on the approved plans until plans and particulars of the means of vehicular access and parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:
 - i) Means of vehicular access to that building from the service road in accordance with the Council's Standard Roads Drawing SD 08/005 Rev a. with visibility splays measuring 25.0 metres by 2.4 metres from the centre line of the junction;
 - ii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009;
 - iii) The provision of bin storage at a location suitable for collection by a public service vehicle.

The approved means of vehicular access to the building shall be implemented in full prior to the commencement of construction which the access is intended to serve with the visibility splays formed clear of all obstructions over 1.0 metre in height above the level of the adjoining carriageway and maintained as such thereafter.

The approved parking and turning layout to serve the building shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

The approved bin storage area(s) shall be implemented in full prior to that building first being occupied and shall be retained thereafter.

Reason: In the interests of road safety.

9. Pursuant to condition 1. - no development shall commence within the northern portion of the application site identified for Class 4 Business Use on the approved plans until

details of the proposed private access and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) A junction with the existing public road formed in accordance with the Council's Standard Roads Drawing SD 08/001 Rev a with visibility splays of 103.0 metres by 2.4 metres formed from the centre line of the junction;
- ii) A vehicular access layout including specification of construction, final surfacing, width, passing provision, drainage and means of turning which shall include provision for an articulated lorry within the development;
- iii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009.

Access, parking and turning areas shall be constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of these elements shall be applied concurrently with the construction of the final building.

The junction with the existing public highway shall be fully formed including surfacing of the bellmouth and visibility splays created prior to the commencement of works on site and maintained clear of obstruction in excess of 1.0 metre in height thereafter.

The approved parking and turning layout to serve the building shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.

10. Pursuant to Condition 1. - no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:
 - a) Provide that a 100% of the approved dwellings are affordable homes;
 - b) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

For the purposes of this condition 'affordable homes' are defined as being either:

- i) Social housing (rented or shared ownership or shared equity) managed by a registered social landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their

missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision, and to underpin the justification for approving the development as a minor departure from the Development Plan.

11. Pursuant to Condition 1 – no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans until a scheme of boundary treatment, surface treatment and landscaping in relation to the residential element of the development has been submitted to and approved by the Planning Authority. The scheme shall accord with the recommendations set out in the ‘Development Brief’ submitted with the application and will comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

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

12. Pursuant to Condition 1 – no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:
- i) A plan showing the location and extent of communal open space and equipped play areas;
 - ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
 - iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);

- iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
- v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

13. Pursuant to Condition 1 – no development shall commence within the northern part of the application site identified for Class 4 Business development on the approved plans until a scheme of boundary treatment, surface treatment and landscaping in relation to the Class 4 Business element of the development has been submitted to and approved by the Planning Authority. The scheme shall accord with the recommendations set out in the 'Development Brief' submitted with the application and will comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

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

14. Pursuant to Condition 1 – no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans; until plans and particulars of the site layout, design and external finishes of the affordable housing development have been submitted to and approved by the Planning Authority. These details shall incorporate:
- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
 - ii) A residential development comprising a maximum of 20 affordable homes of a layout, scale, massing, design and finishes which accord

with the recommendations set out in the 'Development Brief' and 'Design Code Principles' dated October 2012;

- iii) A development layout which precludes the siting of any housing within the HSE defined 'inner safeguarding zone' which relates to the whisky bonds at Moss Road, Bowmore;
- iv) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed development with its surrounds.

15. Pursuant to Condition 1 – no development shall commence within the northern part of the application site identified for Class 4 Business development on the approved plans until plans and particulars of the site layout, design and external finishes of the Class 4 development have been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A Class 4 Business development comprising a maximum 600sqm of floorspace within a layout, scale, massing, design and finishes which accord with the recommendations set out in the 'Development Brief' and 'Design Code Principles' dated October 2012;
- ii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed development with its surrounds.

16. Pursuant to Condition 1 – no external lighting shall be installed within the northern part of the application site identified for Class 4 Business development on the approved plans until full details of any external lighting installation have been submitted to and approved by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity.

17. Pursuant to Condition 1 – the Class 4 Business development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved 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.

NOTE TO APPLICANT

- 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.
- 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.
- 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.
- 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.
- In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- 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.
- Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site. Also a Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/02239/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located partially within the 'settlement' area for Bowmore and partially within the Business and Industry Allocation BI-AL 10/1, as identified in Appendix E of the Local Plan and defined by the associated policy maps.

The details submitted propose to locate some 600sqm of Class 4 Business Units in the northern portion of the application site on a parcel of land which incorporates both 'settlement' area and allocation BI-AL 10/1. The proposed residential development of 20 affordable homes is located in the southern portion of the site and is entirely contained within allocation BI-AL 10/1.

Within the Business and Industry Allocation the provisions of policies STRAT DC 1 and LP BUS 1 would be supportive of new Business (Class 4), General Industrial (Class 5), and Storage or Distribution (Class 6) development. The same provisions would also be supportive of up to and including 'medium' scale business and industry development within the Bowmore 'settlement' area - 'medium' scale development being defined in the Local Plan as buildings between 200 and 600sq.m. footprint/gross site area between 0.5 and 2.0Ha. In either case, support would be qualified on the basis that in residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation.

The provisions of policies STRAT DC 1 and LP HOU 1 would also be supportive of up to and including 'medium' scale housing development within the 'settlement' area of Bowmore - 'medium' scale development being defined in the Local Plan as between 6 and 30 dwelling units inclusive. Residential development within a defined Business and Industry Allocation would not be regarded as being consistent with the plan, and permission for this proposal which includes an element of housing within a business allocation, would constitute a local plan departure.

The Council's Development Policy Manager has, however, advised that the site allocated for business and industry development had lain undeveloped for a number of years before and after the adoption of the Local Plan in 2009 and that there have not been proposals to develop it since. The site is owned by Islay Estates who also own all of the housing allocation sites within Bowmore area with a cumulative capacity of 25 units, including 25% affordable provision. It is further advised that the proposal is welcomed given that it would provide much needed affordable housing in Bowmore, which has limited opportunity to expand at the present time, together with new business space. The Development Policy Manager advises that this application is worthy of being considered a justified departure for the following reasons:

- The existing housing allocations in the current Development Plan have proved undeliverable largely due to the significant level of infrastructure costs required to access the sites. Islay Estates, the owner of the sites, have confirmed this in their planning brief and through negotiations with ACHA have indicated their willingness to facilitate the building of 20 affordable units on this allocated business site. The Council's Strategic Housing Investment Programme (SHIP) has indicated that there might be funding available for the 20 units;

- This partnership approach with ACHA assists with the delivery of a portion of this site for Class 4 business uses that would not otherwise be deliverable at this time;
- The partial development of this business and industry allocation assists with the potential expansion of Bowmore with a large mixed use scheme. This scheme has been identified in the Main Issues report and is currently being carried forward through the emerging proposed Local Development Plan;
- There is currently a surplus supply of business land on Islay that could be used in the event of future demand.

This application consequently should be considered as a 'minor departure' to the current Development Plan in the interests of delivering much needed housing at a time where public finance to take forward schemes is extremely limited. In addition, the proposal intends to provide Class 4 business units and road infrastructure to allow the future delivery of the expansion of Bowmore.

The Development Policy Manager further advises that the infrastructure and services required to allow the Class 4 business units to be constructed should require to be provided at the same time as the construction of the affordable housing, to ensure that the business element of the proposal can be delivered as such time as potential occupants emerge.

B. Location, Nature and Design of Proposed Development

The application site relates to 1.08Ha of agricultural land located to the south of the Islay High School playing fields, on the south-western edge of Bowmore. The southern portion of the site is bounded to the east by the public road (Moss Road) and existing bonded warehouses associated with Bowmore Distillery, and to the south and west by open agricultural land with Bowmore Waste Water Treatment Works beyond. The northern portion of the application site is bounded to the north and west by the Islay High School playing fields and to the east again by the Moss Road with a communal carpark and the former Council housing estate at Stanalane adjoining this. A new development comprising four, two storey, semi-detached dwellinghouses is presently under construction on a site adjacent to the vehicular access to Stanalane, however none of these have been completed or occupied as yet. The northern and southern portions of the application site are separated by a gap of some 85m which is also included within the boundary of allocation BI-AL 10/1 but is presently utilised, as per the remainder of the site, for agricultural grazing with significant thickets of gorse. The application site also includes the connecting public highway between the A846 and the Moss Road with the intention of providing a footpath link from the affordable housing site along the entire site frontage.

The applicant has advised that the housing is proposed at the south of the site, as it is intended that this part of the development will fund the adjacent road upgrading which is required to enable business development to proceed subsequently.

Class 4 Business Units:

The northern portion of the site identified in the application for Class 4 business development is approximately 0.25ha in area. The submission seeks planning permission in principle and as such does not include details for approval in relation to the siting, design or finishes of the proposed Class 4 business development. However, the 'Development Brief' submitted in support of the proposal identifies that the business units will comprise some 600sqm of floorspace in flexible single storey

units of approximately 50sqm, which would be suitable for modular use. It is suggested within the submission that the units be of relatively traditional form, constructed with white rendered walls and slate/slate substitute or sheeted roof coverings. Occupants could include business, workshop, commercial office and community uses – under the definition of Class 4 Business Use, occupiers would be required to demonstrate that their activities will not reasonably affect the amenity of adjacent housing development at Stanalane or indeed that of the Primary School to the north. Indicative layout plans which accompany the application show the business development being accessed by an improved vehicular junction opposite the junction to Stanalane with a rear parking area and service court contained by business units fronting both Moss Road and the southern boundary of the northern portion of the application site.

The proposed scale of business development is consistent with the settlement strategy set out in the Local Plan. The Council's Environmental Health Officers have advised Class 4 Use would preclude 'bad neighbour' development and as such would be expected to be compatible with the amenity of existing residential property in the immediate locale and the housing element of this proposal. It is, however, advised that a condition be imposed requiring details of any external lighting to be submitted to and be approved by the Council.

This element of the proposal is considered to be consistent in principle with the relevant provisions of the Development Plan, including policies STRAT DC 1, LP ENV 19 and LP BUS 1, and LP BAD 1.

Residential Development:

The southern portion of the site identified in the application for 20 affordable housing units is approximately 0.61Ha in area. The submission seeks planning permission in principle and as such does not include details for approval in relation to the proposed 20 unit affordable housing development. However, the 'Development Brief' submitted in support of the proposal identifies an intention that development of the site should have a distinctly urban character with clearly defined streets and spaces fronted by buildings in terraced form and shows an indicative layout with buildings set back some 23m from the public highway (to avoid conflict with HSE safeguarding in relation to the bonded warehouses) addressing both Moss Road and a double sided street along a new road which would be formed to the east of the existing public highway. It is envisaged that the open space to the front of the buildings could be utilised to accommodate car parking, a footpath connection to Bowmore, surface water drainage and/or a play area.

The 'Development Brief' also sets out that the design and layout of the development should incorporate:

- *A distinctly urban character with clearly defined streets and spaces fronted by terraced buildings, or with clearly defined building lines.*
- *Houses should be predominantly single or two storey although some three storey development may be appropriate at key positions within the layout. The eastern end of these terraces could provide a strong sense of arrival at the development on approach from the A846, establishing a solid urban edge to new development at SW Bowmore.*
- *Party walls separating individual buildings should be expressed through roofscape copes, upstands or breaks in the roofline to reflect topography or differences of building height. Terraces and street frontages should not create*

a repetitive pattern of identical building units – Bowmore’s older terraces are characterised by subtle differences in building height, size and form.

- *Wherever possible buildings should be located adjacent to footpaths, or set back a short distance (0.5-2.0m). Suburban form with deep front gardens on both sides of a street will not be acceptable. Front gardens should be kept to a minimum, ideally a narrow strip of private space of 0.5-2.0m can be provided to allow for personalisation of space with planting in pots etc. Enclosure of garden spaces should be carefully considered. Low stone or rendered walls would be appropriate and some hedging or timber fencing may also be acceptable. High timber fences facing into the landscape will not be supported. Communal greens or courts would be appropriate. Bin storage should be fully considered to minimise impact on streetscape. Pends or closes would be appropriate in achieving rear access to properties.*
- *Building design should recognise the traditional context evident within Bowmore’s planned town, although the development should not seek to imitate Bowmore’s historic buildings through a ‘pastiche’ approach. Simple buildings typically with pitched roofs at 40-45 degrees and well proportioned frontage, wall and window/door patterns will be appropriate. A contemporary design approach which is compatible with local urban heritage will be favoured.*
- *External materials for the housing development should typically be rendered walls painted white or a neutral colour, slate or slate substitute roofs, timber windows painted white and timber doors. Colour should be used to highlight window and door surrounds, cills, reveals or base courses with a palette selected to ensure compatibility with the prevalent colours around Bowmore.*
- *Windows should typically be traditional sash and case, although contemporary design approaches may favour the use of alternative solutions. Upper windows should typically be located close to eaves level. Any proposal for use of uPVC windows must be fully justified and agreed with Islay Estates Co. and Argyll and Bute Council.*
- *Any dormers should be used sparingly and should ideally be positioned flush with the front elevation. Roof verge and eaves details should typically reflect traditional forms seen in Bowmore’s older buildings in the planned town.*
- *The area surrounding the site has limited tree cover but the site is not exposed in the landscape due to the rising land form leading up from Loch Indaal and the existing larger buildings at the SW of Bowmore, including the bonds and the schools. Landscaping should generally be informal, with a natural management regime designed to aid biodiversity. Species should be indigenous to Islay. Tree positions should be selected carefully to contribute to character and sense of place. Individual trees within urban street can make a significant contribution to character.*

In summary, the ‘Development Brief’ specified by the applicant reflects their aspirations to pursue a high quality, mixed use development to the south-west of Bowmore on both this site and adjoining land which is currently allocated as ‘Countryside Around Settlement’. Whilst the applicant will require to pursue their wider development aspirations through the forthcoming Local Development Plan process, it is considered that the proposed design principles are suitably applicable to the development currently being considered in its own right, having regard to the provisions of policy LP ENV 19 and the Council’s Sustainable Design Guidance.

The provisions of policy LP HOU 4 are applicable for developments of 20 dwelling units or more; these provisions require the provision of a minimum of 12sqm per unit of casual play space, 6sqm per unit of equipped play space including provision for under 5 year olds and require the developer to make appropriate provision for on-going maintenance. In this instance these requirements would equate to a minimum of 360sqm of play space which could readily be provided within the larger site area. It would be appropriate to secure details of open space, play area provision and maintenance by condition.

The Council's Environmental Health Officer advises that the proposed housing is in close proximity to the existing bonded warehouse development on Moss Road where it could potentially be affected by any noisy activities on that site. However, due to the particular nature of the warehouse activities (i.e. long-term storage of maturing whisky) experience is such that it is unlikely that the bonded warehouse use will give rise to excessive or persistent noise problems; accordingly the proposal is considered to be consistent with the provisions of policy LP BAD 2.

C. Affordable Housing

The provisions of policy LP HOU 2 requires provision of 25% affordable housing for all residential development of 8 units or more.

The application states that the residential element of the proposal will provide 20 affordable homes to be constructed by the Argyll Community Housing Association (ACHA) which has negotiated funding for the development through the Scottish Government and the Council. The affordable homes are expected to be a mix of 2 and 3 bedroom properties for rent. The housing development meets an urgent need as identified through the Council's Housing Need and Demand Assessment and Strategic Housing Investment Programme.

Given that the current application is by a private landowner and that affordable nature of the residential element is integral to the justification for the proposal as a departure to the Development Plan, it would be appropriate to impose a condition requiring 100% provision of affordable housing within the residential element of the development with a requirement for the developer to demonstrate to the Council that an appropriate mechanism will be provided to ensure on-going affordability in the development. Imposition of such a restriction would not only ensure compliance with LP HOU 2 but would also qualify the terms of the planning permission in principle and underpin the Council's justification for approving the development as a 'minor departure' to the Development Plan, even in the event that ACHA decided not to pursue their current interest in the site.

D. Road Network, Parking and Associated Transport Matters.

The provisions of policy LP TRAN 4 requires new development to be served by an appropriate standard of vehicular access. LP TRAN 5 requires provision of off-site highway improvements where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads. LP TRAN 6 requires new development to provide parking and turning in accordance with the Council's minimum parking standards. LP TRAN 3 sets out the Council's requirement for special needs access provision.

The proposal includes for the upgrading of the road linking the application site with the A846. No detail of the proposed improvement works have been submitted for approval at this time, however it is expected that this will also include adjustments to

the junction south-west of the whisky bonds where a staggered junction is planned. A footpath connection between the development and the existing footpath network will also be provided.

The submitted 'Development Brief' sets out that:

- *The road and footpath / cycleway layout should be guided by 'Designing Streets' and the Council's Sustainable Design Guide. Road engineering should be specified with a light touch and shared surfaces will be favoured wherever possible since this is a common feature in Bowmore and elsewhere on Islay.*
- *The Layout Opportunities plan shows potential footpath routes connecting to the surrounding core paths and pedestrian network. These routes should be compatible for cycle use where possible / appropriate. The potential for new safe pedestrian and cycle routes to the schools is also indicated.*
- *Car and cycle parking shall be required to meet the Council's standards. Where these standards identify maximum provision, a lower level of provision should be considered, in conjunction with convenient and accessible pedestrian and cycle provision. Routes should encourage easy access to the existing bus stops at Main Street, which are a 400m walk. On street parking should be minimised, with cars located in rear courts where possible.*

The Area Roads Manager has not raised objection to the proposal subject to the imposition of conditions requiring the development to be designed in accordance with the Council's technical standards in relation to access geometry, layout, drainage and parking.

E. Infrastructure

Water supply shall be by connection to the public water main; foul drainage shall be by connection to the public sewer. Scottish Water have not raised objection to the proposal, whilst Scottish Water have stated that there is currently no public sewer in the vicinity of the development it is noted that the Bowmore Waste Water Treatment Works is located in close proximity.

The application does not include any details in relation to site drainage; to comply with the provisions of policies LP SERV 2 and LP SERV 3 it would be appropriate to impose conditions requiring any further application to be accompanied by a Drainage Impact Assessment and proposals for the incorporation of natural features/sustainable drainage systems within the development layout.

The provisions of LP SERV 5 require consideration of waste management in new developments; provision of further information to allow an assessment of the requirements of both the residential and Class 4 Business elements of the development can be secured by planning conditions.

F. Safeguarding of Hazardous Installations

The residential element of the proposed development is located within the Health and Safety Executive's safeguarding zone in relation to the existing whisky bonds at Moss Road, Bowmore. In this instance the safeguarding zone is split into three zones of decreasing risk as distance from the bonds increases. The 'Development Brief' acknowledges the constraints of the HSE safeguarding regime and confirms that all

residential development will be located outwith the inner safeguarding zone, and as such, will require to be set back a minimum of 35m from the whisky bonds.

Consultation undertaken with the HSE confirms the acceptability of this approach. In order to ensure compliance with LP SERV 9 it would however be appropriate to impose a restriction upon the development layout which stipulates that no housing development will be permitted within the inner safeguarding zone.

G. Archaeology

The West of Scotland Archaeology Service (WoSAS) have advised that the application site lies within an area of some archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape. This includes prehistoric burials and stone tools and possible World War II activity associated with the former flying boat base. The relatively flat, large area of ground which would be disturbed by this development stands a reasonable chance of unearthing buried unrecorded remains which could be of any period and which may survive below ground level.

The provisions of policy LP ENV 17 set out a presumption in favour of retaining, protecting, preserving and enhancing existing archaeological heritage and any future discoveries. To accord with the provisions of LP ENV 17 it would be appropriate to require any future application(s) to include a programme of archaeological works to be approved and implemented in advance of development commencing.

H. Other Key Policy Matters

Policy LP DEP 1 sets out that the Council will seek to minimise the occurrence of departures to the Development Plan and to grant planning permission as a departure only when material planning considerations so justify. The position in respect of the justification for a departure in this case is set out in Section S of the main report.