

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: 09/01003/OUT
Planning Hierarchy: Local Development
Applicant: M. and K. MacLeod Ltd.
Proposal: Site for erection of hotel complex
Site Address: Land between Badden and Badden Farm Nursery, Lochgilphead

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of hotel with associated function suite, bar, restaurant and car park facilities (details of siting, design and finishes reserved for further approval);
- Formation of a new vehicular access to the public highway (details reserved for further approval).

(ii) Other specified operations

- Connection to the public water supply;
 - Connection to public sewerage system.
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(B) RECOMMENDATION:

Recommend that planning permission in principle be granted subject as a 'minor departure' to the Development Plan subject to the conditions and reasons set out below.

(C) CONSULTATIONS:

- ABC Public Protection (22.07.09) – No objections subject to the imposition of a condition requiring approval of an external lighting scheme in order to protect the residential amenity of nearby properties
- Historic Scotland (27.07.09) – No objections. It is noted that the erection of a three storey building at this location has the potential to cause a moderate adverse impact upon the setting of the Crinan Canal which is a Scheduled Ancient Monument – it is however recommended that this impact could be mitigated by setting the building back from the public highway and provision of landscape planting.

- ABC Flood Alleviation Officer (29.07.09 and 25.03.10) – Confirms that the proposal is located outwith the 1 in 200 year flood event; however notes that the technical guidance set out in the adopted local plan advises that this type of development be located at no greater risk of flooding than 1 in 750 year event.
- Scottish Water (30.07.09) – No objections subject to a note to the applicant in respect of technical matters.
- West of Scotland Archaeology (06.08.09) – Advise that whilst there are no recorded sites of archaeological interest located within it, the application site does lie within an area of some archaeological sensitivity based upon the presence of pre-historic sites and finds in the surrounding landscape. The site is largely comprised of undisturbed ground and therefore ground works associated with the proposed development stand a reasonable chance of unearthing buried unrecorded remains which may survive below ground level. An archaeological assessment of the site is recommended in advance of the current application for planning permission being determined, alternatively it is also suggested that a suspensive condition requiring investigation of the site in advance of development commencing would also be appropriate in this instance.
- ABC Roads Manager (07.08.09) – No objections subject to conditions which include for the design specification and visibility provisions for the proposed new access onto the public highway, relocation of existing signage within the road verge, minimum parking provision, provision of refuse collection point and turning head, extension of the public footpath and street lighting, and culverting works.
- SEPA (21.08.09) – No objections to the proposal subject conditions being imposed in respect of minimum site levels to address risk of flooding and, the submission of surface water drainage details.
- ABC Development Policy (29.03.10, 31.03.10, 26.04.10 and 04.05.10) – Have no objection to supporting this application as a minor departure from policy, providing: the appropriate restriction of the ancillary bar and restaurant facilities to protect town centre vitality and viability; provision of a safe walking links from the hotel complex, which links in with the existing footpath network leading to the town centre; preparation and implementation of a Green Travel Plan and support for the Swimming Pool.

In terms of flood risk, Development Policy has advised that they have no objection providing a letter has been produced from the developer's insurers confirming that a hotel development built at this location would be insurable and appropriate mitigation measures as per the comments of the Flood Alleviation Manager are undertaken (in the absence of a detailed assessment of the 1 in 750 year flood risk, as per Local Plan policy LP SERV 8).

(D) HISTORY:

None in respect of the current application site.

(E) PUBLICITY:

The proposal has been publicised locally as a potential departure to the provisions of the Development Plan (period expired 14.08.09).

(F) REPRESENTATIONS:

(i) Representations received from:

Three parties, as listed below, have raised objection to the proposal, one party has written in support of the proposal. The issues raised are summarised below, full copies of the correspondence received is available to view via the Council's public access website.

Objections:

- i) Darren & Christine Dobson, Cairnbaan Hotel, Cairnbaan, Lochgilphead (13.08.09, 25.09.09, 11.01.10, 19.01.10, 26.01.10, 22.02.10 & 06.04.10);
- ii) Iain and Roseann Allison, The Horseshoe Inn, Kilmichael Glassary, Lochgilphead (received 29.08.09);
- iii) JD Allen & P Dedman, The Lochgair Hotel, Lochgair (16.08.09 & 31.03.10).

Support:

- i) Alastair MacGregor, Chief Executive, Argyll Community Housing Association (ACHA), Menzies House, Glenshellach Business Park, Oban (11.03.10).

(ii) Summary of issues raised:

Support:

- Suggestion that there is capacity for a modern hotel with conference facilities in the Lochgilphead area – in support of this statement it is advised that ACHA, from time to time, has requirement for meeting facilities, training events and conferences, and also on occasion requires overnight accommodation for staff and partnership visitors to the Lochgilphead area.
- Suggestion that the development would be both a boost to the local economy and a positive development of Lochgilphead's infrastructure.

Objection:

- Concern raised in respect of the submitted 'Hotel Needs Assessment'. Lack of evidence submitted by the applicant to demonstrate the quantitative demand for additional provision of hotel accommodation – indeed it is noted that some of the statistics would indicate capacity in the existing supply even at peak periods. Overprovision of accommodation and facilities to the detriment of facilities available within the rural communities surrounding Lochgilphead. At present the Hotel, Inn and Bed & Breakfast providers in the area are only working at capacity for approx 2 weeks in the year. 2 hotels in Lochgilphead have already closed due to business conditions.
- Highlight that the Cairnbaan Hotel contains a recently refurbished function

suite capable of holding 140 people.

- That the proposal is located within close proximity of other similar hotel operations and could consequently have a negative impact on their viability and may well result in a loss of existing jobs in the local tourism industry.
- Concern raised that the applicant has failed to satisfactorily demonstrate the locational requirement for an out of town site. Contend that a smaller, bedroom only facility located either at the Stag Garage or involving the redevelopment of the Stag Hotel within the town centre, combined with remote coach parking and drop off facilities would offer better potential for the reinvigorating Lochgilphead Town Centre than the current out of town proposal and that such a facility, viewed cumulatively with the Argyll Inn and the Cairnbaan Hotel is more than adequate to meet Lochgilphead's hotel accommodation requirement.
- The proposed development lies outwith the settlement boundary of Lochgilphead.
- Existing premises should be the first target before the development of new facilities.
- That existing premises already promote the use of the Mid Argyll swimming pool to guests.
- Concern raised about flood risk and flooding of adjacent A816 public highway in the past.
- Issues relating to publication of material on the Council's website.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes – Supporting 'Hotel Needs Assessment' and Planning Statement (both augmented by further submissions during processing of application) |

The supporting justification for the development is summarised below; original

copies of the supporting documentation are available to view on the Council's public access website.

Planning Statement:

- Identifies that the application site lies adjacent to the 'settlement area' for Lochgilphead and relates well both visually and in terms of connectivity to existing built development at Baddens and Riverside, in addition to public sewerage and water systems.
- Notes that the application site has previously been identified as a 'potential development area' in an early draft of the Argyll and Bute Local Plan before being re-designated as 'countryside around settlement' prior to adoption of the Local Plan.
- That the proposal could be viewed as an appropriate 'rounding-off' of the Lochgilphead 'settlement area' within the 'countryside around settlement'.

Comment: The proposal does not fulfil the criteria for 'rounding-off' development defined in the Local Plan; settlement strategy issues are addressed in detail in section A of the planning assessment.

- Identifies that there are limited opportunities to accommodate new development within the 'settlement area' of Lochgilphead – includes a sequential assessment which identifies that there are no other sites in or on the edge of Lochgilphead town centre which are suitable or currently available for a new hotel development.
 - Identifies that the site is located in a prominent 'gateway' location to the settlement and will require a high quality, landmark design solution, notes that the topography of the site will allow the creation of a landscaped setting for such a building.
 - That the proposed hotel would represent a significant investment in the Lochgilphead economy and, will introduce both employment opportunities and will act as an attractor for further investment locally. Identifies that this would be consistent with the Council's aims set out in objective TOUR 1 of the structure plan which identify Lochgilphead within a 'tourism development area' and, seek both an increase in quantity and quality of tourism-based local employment opportunities and an improved functioning of the towns of Argyll and Bute as tourist destinations commensurate with the capacity of these locations to successfully absorb development and for Argyll and Bute, as a whole, to grow as a sustainable tourism destination.
 - States that the quality of existing hotel provision in Lochgilphead and its surrounds is such that visitors to the area are not encouraged to stay resulting in a loss of expenditure to the area. Identifies that the proposal would strengthen the tourism sector in Mid Argyll, helping to attract additional visitors to Lochgilphead by providing a scale and quality of hotel accommodation which is currently absent from the area.
 - States that the proposed ancillary restaurant and public bar will be restricted to resident use in order to avoid competing with existing town centre facilities. Also argues that the combined hotel use and flexible use of space
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for functions/conferences will have positive spin-off effect for the Lochgilphead town centre and other local tourist/leisure facilities including the Mid Argyll swimming pool and Lochgilphead Golf Club.

Hotel Needs Assessment:

- Seeks to establish both the quantitative and qualitative demand for the development within Lochgilphead and its surrounds.
- Acknowledges a lack of reliable information relating to occupancy rates of existing facilities and likely demand of existing businesses/organisations for overnight accommodation in Lochgilphead. However, states that the applicants business, as a major employer in the area, utilise hotel accommodation for both staff and visitors on a weekly basis, due to a shortage of acceptable accommodation they have often resorted to use of the companies own letting properties.
- Identifies that Lochgilphead is a hub for tourism, business and public sector administration activities which draw people to the settlement area and surrounds.
- Acknowledges that existing hotel provision relating to activities in and around Lochgilphead extends beyond the town itself to a wider catchment area.
- Classifies existing provision in Lochgilphead and surrounds into the following categories:

Budget Accommodation – B&B, inns, hostels and small, unclassified hotels.

Mid Market Hotels – Typically 3 star standard or equivalent, better quality accommodation and wider range of facilities including non-residential facilities such as restaurant/function suite.

Luxury Hotels – 4 and 5 star hotels providing higher quality of accommodation often including a range of leisure and non residential facilities; would also include small boutique hotels with high quality accommodation and dining facilities.

Identifies ten existing properties which offer hotel accommodation within the study area; the majority of the accommodation being classified as budget with three mid market hotels and one luxury hotel.

Sets out that within Lochgilphead itself there is only limited provision both in terms of quantity and quality, 34 rooms having been identified all within 'budget' accommodation.

States that outwith Lochgilphead a better range of accommodation is available in terms of numbers and quality, 75 rooms having been identified.

- It is contended that a settlement of Lochgilphead's size and strategic role within Argyll and Bute would be expected to contain a more extensive hotel provision, including variety of accommodation options.
 - Refers to Visit Scotland research which indicates that the current economic
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climate has benefited the domestic tourism market, but raises concerns that the existing accommodation deficiency in Lochgilphead means that the town is unlikely to benefit significantly from this situation.

- In addition the details submitted identify the gap for a mid market hotel of sufficient scale to serve coach parties and note the absence of existing premises of appropriate scale to cope with this demand. The applicant has submitted evidence from coach party operators confirming the absence of an existing suitable facility and indicating both the suitability of Lochgilphead as a destination and the proposed scale of the hotel at 60 bed spaces.

(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 (delete as appropriate)

STRAT SI 1 – Sustainable Development

PROP SET 3 – Brownfield and Greenfield Development

STRAT DC 2 – Development within the Countryside Around Settlements

STRAT DC 8 – Landscape and Development Control

STRAT DC 9 – Historic Environment and Development Control

STRAT DC 10 – Flooding and Land Erosion

Objective TOUR 1 - Tourism

'Argyll and Bute Local Plan' 2009 (delete as appropriate)

LP ENV 1 – Impact on the General Environment

LP ENV 14 – Conservation Areas and Special Built Environment Areas

LP ENV 16 – Impact on Scheduled Ancient Monuments

LP ENV 17 – Impact on Sites of Archaeological Importance

LP ENV 19 – Development Setting, Layout and Design

LP BUS 2 – Business and Industry Proposals in the Countryside DC Zones

LP BAD 1 – Bad Neighbour Development

LP TOUR 1 – Tourist Facilities and Accommodation, including Caravans

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

LP SERV 3 – Drainage Impact Assessment (DIA)

LP SERV 5 – Waste Related Development/Waste Management in Developments

LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development

LP TRAN 2 – Development and Public Transport Accessibility

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 PG 1 – Planning Gain

LP DEP 1 – Departures to the Development Plan

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

(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
- Circular 4/1998 – Planning Conditions
- Argyll and Bute Sustainable Design Guide
- Comments submitted by consultees and in third party representations
- Relationship of the development site to surrounds

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

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

The proposal relates to a site located within the 'countryside around settlement' on the periphery of Lochgilphead wherein the provisions of policies STRAT DC 2, LP BUS 2 and LP TOUR 1 would support the principle of up to 'small' scale development where this can be classified as either infill, rounding-off and redevelopment; however, in special cases a locational need or exceptional circumstance may justify development.

This application seeks planning permission in principle for a 60 bed hotel complex with ancillary facilities; the proposal is for 'large' scale development which would not ordinarily be supported within the 'countryside around settlement'. However, the applicant has satisfactorily demonstrated that the proposal should be viewed favourably as an exceptional case on the basis that:

- The proposal is consistent with the aims set out in Structure Plan Objective Tour 1 which seeks to improve the ability of towns to function as tourism destinations, to increase the opportunity for tourist activity and to increase the quantity and quality of tourism based local employment.
- The development would provide presently unmet local provision of a mid market hotel of a scale capable of attracting coach tour parties in addition to addressing a general lack of mid market accommodation within Lochgilphead itself;
- That there is no suitable site for the scale of development proposed presently available within the 'settlement area' for Lochgilphead wherein the provisions of policies STRAT DC 1 and LP BUS 1 would support the principle of 'large' scale development;
- That despite Lochgilphead's status as a 'main town' and being identified within a 'Tourism Development Area' the need for a 'large' scale hotel development is not specifically addressed within the adopted local plan;
- That despite its location on the edge of the existing settlement, the application site is served by good linkages to Lochgilphead town centre; the attraction of additional visitors for business and tourism purposes should result in knock on benefit to local business, retail and leisure facilities.

The proposal is consistent with all other relevant provisions of the Development Plan and therefore, having regard to the above, the proposal is viewed as an 'exceptional circumstance' which, notwithstanding third party objection to the proposals, would merit setting aside the normal provisions of policy STRAT DC 2 of the Structure Plan as a minor departure.

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

See Q above.

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

Author of Report: Peter Bain **Date:** 11th May 2010

Reviewing Officer: Peter Bain **Date:** 12th May 2010

Angus J. Gilmour.

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 09/01003/OUT

1.	<p>That the permission is granted in terms of Section 59 of the undernoted Act and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on the basis of an application (or applications) for planning permission in principle that further approval of Argyll and Bute Council or of Scottish Minister on appeal shall be required, such application must be made before whichever is the later of the following:-</p> <p>a) the expiration of a period of 3 years from the date of this permission.</p> <p>b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.</p> <p>c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.</p> <p>And in the case of b and c above only one such application can be made after the expiration of the period of 3 years from the original planning permission in principle.</p> <p>Reason: In accordance with Section 59 (1) of the Town and Country Planning (Scotland) Act 1997</p>
2.	<p>The development shall be implemented in accordance with the details specified on the application form dated 3rd July 2009 and the approved drawing reference numbers: 4392/306 (location plan); 4392/306 (site plan); 4392/306 (Indicative ground floor plan); 4392/306 (indicative upper floor plan); 4305 (indicative east elevation); and, 4305 (indicative west elevation);.</p> <p>Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.</p> <p>Note: For the purpose of clarity it is noted that this permission does not include for approval of the indicative details shown on the approved drawings for illustrative purposes relating to the siting, design and finishes of a development at this location, or it's means of access, landscape/boundary/treatment of hard surfaces – all of which shall require to be the subject of a further application(s) for Approval of Matters Specified in Conditions.</p>
3.	<p>No development shall commence until details of existing and proposed site levels shown at contour intervals of 0.5m shall be submitted to and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details. Such details shall show that no development is to be undertaken below 6.5m AOD.</p> <p>Reason: To ensure that the development is subject to a minimum 1:200 year flood risk or better.</p>
4.	<p>No development shall commence until details of the siting, design and finishes of the hotel and ancillary bar, restaurant and function suite hereby approved have been submitted to and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details. Such details shall show</p>

	<p>a development of the highest quality befitting the site's key 'gateway' location on the northern edge of Lochgilphead and, shall show/include:</p> <ul style="list-style-type: none"> i) A detailed design statement setting out the design process undertaken and justification of the design solution proposed and, demonstrating compliance with the relevant elements of Appendix A of the adopted Argyll and Bute Local Plan 2009, Argyll and Bute Council's 'Sustainable Design Guidance' 2006 and the Scottish Planning Policy; ii) The development to principally comprise a hotel, as defined in the provisions of Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, incorporating a maximum of 60 bedrooms contained within a maximum gross internal floor area of 2400sqm and ancillary, non residential functions including a reception, residents bar & restaurant and, function facilities all of which shall be contained within a maximum gross internal floor area of 600sqm – for the purpose of clarity residential and non-residential elements of the development should have a gross internal floor area which does not exceed 3000sqm; iii) Details which satisfactorily demonstrate that the scale and capacity of any proposed ancillary hotel restaurant and bar facilities are commensurate to the proposed provision of accommodation. iv) That single storey elements of the development shall be set a minimum of 30m back from the public highway, 2 storey, or greater, elements of the development shall be set back from the A816 public highway by a minimum of 50m; v) Details of the proposed finished floor level of the development relative to an identifiable fixed datum located outwith the application site. vi) Details of the facilities to be provided for the onsite management and storage of waste resulting from the operation of the development. These facilities should be designed to promote good waste separation ensuring well managed residual waste and uncontaminated recycle is available for collection. <p>Reason: In the interest of visual amenity, to protect against the over provision of restaurant and bar facilities to afford an element of protection to the viability and vitality of the Lochgilphead town centre, to protect the setting of the historic environment and in order to integrate the proposed development with its surrounds and, no such details having been submitted.</p>
5.	<p>No development shall be commenced until a detailed statement and a hard and soft landscaping scheme illustrating the proposed provisions for the establishment and maintenance of all areas of landscaping for a minimum period of 10 years including identification of persons responsible for maintenance, and any proposed phasing of works has been submitted to and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved landscape scheme.</p> <p>The scheme of hard and soft landscaping shall include:</p> <ul style="list-style-type: none"> • Location and design, including materials of any walls, fences and gates; • Surface treatment of means of access and hard standing areas; • Soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub; • Programme for completion and subsequent on-going maintenance for a period of at least 10 years.

	<p>All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. Any trees or plants which within a period of ten years from the completion of the development die, or for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of visual amenity in order to help integrate the proposal into its landscape setting.</p>
6.	<p>No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, and the provision of a Sustainable Urban Drainage System (SuDS) The scheme shall be prepared in accordance with the advice given in Planning Advice Note 61 (PAN 61) 'Planning and Sustainable Urban Drainage Systems' and the 'SuDS Design Manual for Scotland and Northern Ireland' (CIRIA C521) March 2000. The development shall be implemented in accordance with the duly approved surface water drainage system.</p> <p>Reason: In order to safeguard the water environment.</p>
7.	<p>No development shall commence until details of the means of vehicular access and parking turning provision to serve the development shall be submitted to and approved by the Planning Authority. Such details shall show:</p> <ul style="list-style-type: none"> i) The access onto the A816 public highway to be formed as per the specification set out in the approved drawing ref. 4392/306. ii) Formation and ongoing maintenance of visibility splays measuring 95.0m x 2.4m to the south and 160m to the north from the centreline of the proposed access within which there is no obstruction to visibility over 1.05m in height above the adjoining carriageway; iii) Provision of a refuse collection point with turning area for the refuse vehicle; iv) 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. v) Details of a scheme of works for provision of the necessary off-site highway improvements relating to the development including for the extension of the existing, adoptable standard public footpath and streetlighting to connect to the site, (these works shall include for the replacement/extension of existing road culverts crossing the A816 as necessary) and relocation of any existing road signage which interferes with the visibility splays set out in 7 ii) above; <p>Thereafter the required onsite access, parking and turning arrangements shall be fully implemented in accordance with the duly approved details prior to the hotel, hereby approved, first being brought into use.</p> <p>Reason: In the interests of road safety.</p>

8.	<p>No work shall commence on site until the scheme of necessary off-site highway improvements set out in condition 7 v) above have been fully implemented as per the duly approved details, unless an alternative phasing programme for the provision of these off site highway improvements has been submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: To ensure the timely provision of off-site highway improvements within the corridor of the A816 public highway which are necessary not only for road safety but to improve the connectivity of the development with existing pedestrian routes to Lochgilphead.</p>
9.	<p>No development shall take place until such time as a Travel Plan including a delivery mechanism for the implementation of necessary public transport, cycling and walking infrastructure required in conjunction with the development together with details of the ongoing delivery of specified travel plan services to the site, including future travel plan monitoring and enhancements has been submitted for the further written approval of the Planning Authority. Thereafter the Travel Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: To secure the implementation of an appropriate Travel Plan for the site in the interests of promoting sustainable travel and reducing future traffic demand.</p>
10.	<p>No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.</p> <p>Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on this site, and to allow any action required for the protection, preservation or recording of such remains to occur.</p>
11.	<p>No development shall be commenced until full details of any external lighting to be used within the site or along its access shall be submitted to and approved by the Planning Authority. Such details shall include full details of 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.</p> <p>Reason: In order to avoid the potential of light pollution infringing on surrounding land uses/properties.</p>

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- 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.
- The Area Roads Manager notes that the access shall require to be constructed to a standard that ensures no surface water is discharged onto the public highway. A road opening permit for the works shall also be required. Contact James Ross (01546) 604655.
- With reference to condition 12 in respect of external lighting, the applicant is referred to the Scottish Executive Guidance Note *Controlling Light Pollution and Reducing Lighting Energy Consumption* dated March 2007.
- Regard should be had to consultation comments submitted by SEPA, Scottish Water, Historic Scotland and the Council's Flood Alleviation Manager in respect of proposed development at this location.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **09/01003/OUT**

- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended): **No**

If Yes: The terms of the Section 75 obligation may be viewed on the Council's website at www.argyll-bute.gov.uk by recalling the application reference number on the Council's Public Access Module and then by "Clicking" Section 75 Obligation under the attached correspondence or by viewing the Public Planning register located at Planning Services, Dalriada House, Lochgilphead, Argyll, PA31 8ST.

- (B) Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. **No**

- (C) The reason why planning permission has been approved:

The proposal relates to a site located within the 'countryside around settlement' on the periphery of Lochgilphead wherein the provisions of policies STRAT DC 2, LP BUS 2 and LP TOUR 1 would support the principle of up to 'small' scale development where this can be classified as either infill, rounding-off and redevelopment; however, in special cases a locational need or exceptional circumstance may justify development.

This application seeks planning permission in principle for a 60 bed hotel complex with ancillary facilities; the proposal is for 'large' scale development which would not ordinarily be supported within the 'countryside around settlement'. However, the applicant has satisfactorily demonstrated that the proposal should be viewed favourably as an exceptional case on the basis that:

- The proposal is consistent with the aims set out in Structure Plan Objective Tour 1 which seeks to improve the ability of towns to function as tourism destinations, to increase the opportunity for tourist activity and to increase the quantity and quality of tourism based local employment.
- The development would provide presently unmet local provision of a mid market hotel of a scale capable of attracting coach tour parties in addition to addressing a general lack of mid market accommodation within Lochgilphead itself;
- That there is no suitable site for the scale of development proposed presently available within the 'settlement area' for Lochgilphead wherein the provisions of policies STRAT DC 1 and LP BUS 1 would support the principle of 'large' scale development;
- That despite Lochgilphead's status as a 'main town' and being

identified within a 'Tourism Development Area' the need for a 'large' scale hotel development is not specifically addressed within the adopted local plan;

- That despite its location on the edge of the existing settlement, the application site is served by good linkages to Lochgilphead town centre; the attraction of additional visitors for business and tourism purposes should result in knock on benefit to local business, retail and leisure facilities.

The proposal is consistent with all other relevant provisions of the Development Plan and therefore, having regard to the above, the proposal is viewed as an 'exceptional circumstance' which, notwithstanding third party representation to the proposals, would merit setting aside the normal provisions of policy STRAT DC 2 of the Structure Plan.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within the 'countryside around settlement' (CAS) on the northern edge of Lochgilphead wherein the provisions of policies STRAT DC 2 would apply. The provisions of STRAT DC 2 set out that:

- A) Within the Countryside Around Settlements encouragement shall be given to development which accords with the settlement plan for the area; this includes appropriate small scale infill, rounding-off and re-development, change of use of building development ... In special cases, a locational need or exceptional circumstance may justify a development.*
- B) Developments which do not accord with this policy are those outwith category A) above and development which will erode the setting of settlements or result in undesirable forms of ribbon development or settlement coalescence ...*
- C) Developments are also subject to consistency with other policies of the Structure Plan and in the Local Plan.*

The proposal relates to a 'large' scale hotel development, the provisions of Local Plan policies LP BUS 2 and LP TOUR 1 are applicable.

LP BUS 2 relates to Business and Industry Proposals within Countryside Development Control Zones; in respect of the current proposal the relevant provision set out:

Proposals for the development of new, or extensions to existing business and industrial development (Use Classes 4, 5, 6 and, 7) in the Countryside Development Control Zones will only be permitted where:

- A) The development is of a form, location and scale, consistent with Structure Plan policies STRAT DC 2-6 ... Of particular note: Development proposals must also be consistent with ... Schedule B1 and Schedule B 3.*

In all cases the proposals will also require to meet the following criteria:

- i) Greenfield sites are to be avoided if brownfield land is available nearby;*
- ii) The proposal is consistent with any other Structure or Local Plan policies;*
- iii) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full;*
- iv) The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area;*
- v) Good quality agricultural land is avoided, if poorer quality land is available close by.*

Depending on the scale and type of development proposed, where appropriate, agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 will be entered into for the purpose of restricting or regulating the development or use of the land.

The granting of planning permission for exploration or appraisal proposals will be without prejudice to any subsequent application to develop at that location.

Schedule B1 defines 'large' scale development as buildings exceeding 600sqm/gross site area exceeding 2ha.

Schedule B3 sets out that the preferred locations for business and industry development in the Countryside Zones is small scale business and industry development on infill, rounding-off and redevelopment sites in the countryside around settlements and rural opportunity areas.

LP TOUR 1 relates to Tourist Facilities and Accommodation; in respect of the current proposal the relevant provisions set out:

There is a presumption in favour of new or improved tourist facilities and accommodation provided:

- B) In the countryside development control zones the development is of a form, location and scale consistent with policies STRAT DC 2-6;*
- C) They respect the landscape/townscape character and amenity of the surrounding area;*
- D) They are reasonably accessible by public transport where available, cycling and on foot, or would deliver major improvements to public transport services;*
- E) They are well related to the existing built form of settlements or the existing development pattern outwith settlements and avoid dispersed patterns of development, unless the developer has demonstrated a locational requirement based on the need to be near to the specific tourist facility and that facility will not damage those interests; AND,*
- F) The proposal is consistent with other policies contained in the Structure Plan and Local Plan.*

The proposal relates to a 'large scale' hotel development on a greenfield site within the CAS, the proposal is not considered to be infill or rounding-off development and does not therefore meet the aforementioned criteria and is contrary to the provisions of policies STRAT DC 2, LP BUS 2 and LP TOUR 1 unless a special case of locational need or exceptional circumstance can be demonstrated.

In support of the application, the applicant has set out a case that there is demand for mid market hotel to serve Lochgilphead, and that not only is there demand for such a facility but that this is not specifically provided for within the adopted local plan and, that there is also a lack of available land to provide such a facility within the 'settlement area' where the principle of a 'large' scale hotel development would be supported in principle – it is therefore argued that the proposal is an exceptional case which would merit setting aside the applicable provisions of the relevant policies relating to 'settlement strategy' in the interest of the wider economic and community

benefits which are anticipated to accrue from the development. This aspect of the proposal is discussed in detail in section C. below.

B. Location, Nature and Design of Proposed Development

The application relates to 1.07ha of low quality agricultural grazing which is bounded to the west by the A816 public highway while the south and eastern boundaries are formed by open space beyond which is the Badden Burn and the housing development at Baddens Park. The site is located approx. 300m north of the Fyneside Petrol Filling Station and the Mid Argyll swimming pool.

The proposal seeks planning permission in principle for a 60 bedroom hotel (Use Class 7) and ancillary residents bar, restaurant and conference/function suite (no details of siting, design or finishes submitted for approval). Throughout the processing of the application further information has been provided confirming that the supporting facilities within the hotel, specifically the restaurant and bar, would be facilities intended solely for hotel residents rather than facilities which are designed to compete directly with similar existing uses in the Lochgilphead town centre.

The submission includes details of a basic building design to demonstrate the anticipated scale and massing of building necessary to accommodate the proposed scale of development however, for the purpose of clarity, it should be noted that these details are solely for indicative purposes only.

The indicative details submitted show the provision of 60 bedrooms within a main building with a 900sqm footprint comprised principally of two storeys with a smaller (600sqm) third floor which all told would provide approximately 2400sqm internal floor space with the provision of a further single storey element of some 500sqm comprising space for reception, kitchen, breakfast lobby and conference/function facilities. The site plan also shows adequate space within the application site to accommodate 75 car parking spaces in addition to coach parking, turning head, service yard and landscape planting along the north, south and western boundaries of the site – if necessary the site would appear to contain adequate space to accommodate a building with a larger footprint than demonstrated by the indicative details and would therefore offer a greater degree of flexibility as to the design, scale and mass of the final development.

Development at this location would be readily visible from the A816 travelling north from the Riverside Petrol Station/Swimming Pool; travelling south on the public highway a building would intermittently be visible from the junction with the B841 at Cairnbaan although it is noted that a building set back within the site would be partially obscured by the plug of rock at Badden Farm, the raised embankment of the canal and occasional roadside vegetation and would be viewed against a backdrop of residential, community and commercial development which forms the northern edge of the Lochgilphead 'settlement area'. From both directions, the hotel building would be experienced at close quarters by road users, it is however noted that a building of the anticipated 2/3 storey scale and massing would not appear particularly incongruous given the general proximity of existing two storey residential development and the not inconsequential Mid Argyll swimming pool all of which are also readily open to view from the public highway, in addition there is scope within the site to mitigate its visual impact with an appropriate scheme of landscaping which would augment existing tree/shrub cover on adjoining land.

The provisions of policy LP ENV 19 requires a high standard of appropriate design in accordance with the principles set out in Appendix A of the Local Plan and the Council's sustainable design guide. Having regard to these requirements it is observed that the submitted indicative details consisting of a symmetrical, hipped roofed, contemporary building which could readily be taken for the template of modern hotel development in and around airports and other edge of urban centre locations and as such fails to pay sufficient context to this prominent gateway location to the more rural setting of Lochgilphead either by satisfactorily incorporating the key features of the local vernacular or, with the introduction of a high quality, contemporary design worthy of such a prominent and important location.

However, the current application solely seeks planning permission in principle and it would therefore be appropriate to impose planning conditions requiring a further submission to meet the requirement for a high quality, landmark design solution at this location in order to comply with the requirements of LP ENV 19.

The Council's Area Environmental Health Manager has not raised any objection to the principle of the proposed development having regard to the amenity of adjacent residential development although it is recommended that a planning condition be imposed requiring details of the external lighting scheme for the development to be submitted for approval.

C. Issues Relating to Provision of Mid Market Hotel to Serve Lochgilphead

The settlement strategy set out in the structure and local plans seeks to ensure a sustainable pattern of development and specifies that, in the main part, medium and large scale developments will require to be located within identified key settlements. Lochgilphead is identified as a 'Main Town' in the hierarchy of settlements set out in the adopted Local Plan within the 'settlement area' of which development serving a wide community of interest of up to 'large' scale will be supported in principle in terms of Policy STRAT DC 1 of the structure plan, subject to compatibility with other applicable policies in the structure and local plan.

The Scottish Planning Policy (paras. 92 – 96 relating to Rural Development) also emphasises the need for good services in accessible locations and the importance of small towns being self-sufficient in the provision of local services. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards particularly in relation to energy efficiency.

Tourism is identified in the Argyll and Bute Structure Plan as a strategic sector which will continue to play a significant role in the economy of Argyll and Bute and identifies Lochgilphead within both a 'Tourism Development Area' and an area with potential for 'water related tourism development'. Structure plan Objective Tour 1 states the Council's objective in this respect to be:

To promote the growth of tourism in terms of both the quantity and quality of tourism products and as a continuing strategic sector in the Argyll and Bute economy whilst realising:

- a) *Improved functioning of the towns of Argyll and Bute as tourist destinations ... this should be commensurate with the capacity of these locations to successfully absorb development and for Argyll and Bute, as a whole, to grow as a sustainable tourist destination.*

- c) *Opportunities to increase tourist activity within Argyll and Bute as a whole arising from: ... the Tourism Development Areas and water related tourism opportunities, ...*
- e) *an increase in quantity and quality of tourism-based local employment opportunities.*

Demand for 60 Bed Hotel:

The 'Hotel Needs Assessment' undertaken by GL Hearn and submitted in support of the proposal sets out an exceptional case for a 60 bedroom hotel to serve Lochgilphead based upon a quantitative and qualitative assessment of existing demand and provision within Lochgilphead and its surrounds.

In respect of the demand assessment submitted, the following comments are made:

Quantitative Assessment:

- Evidence from Visit Scotland indicates that even at peak periods there is some capacity within the existing supply.
- That the Roger Tym study gives some evidence of a lack of capacity in the area at times related to specific instances, with people being directed to other accommodation should a particular hotel be full.
- No firm evidence has been provided in respect of scale of demand from major employers locally for future accommodation requirements or the actual extent to which current requirements are unmet.

Qualitative Assessment:

- Based on the information submitted, it is agreed that the existing supply of mid market accommodation in the Lochgilphead area is extremely limited. It is accepted that a combination of the low quality associated with budget accommodation and higher tariffs associated with the luxury end of the market discourages visitors looking for affordable, good quality, modern accommodation.
- Latent demand – the assumption that an increase in the amount of accommodation available will in itself increase visitor numbers is not accepted. It is however accepted that an increase in the provision of affordable, good quality accommodation (i.e. mid market) would increase the desirability of Lochgilphead as a destination for both tourism and business purposes.
- The applicant has satisfactorily demonstrated and corroborated a potential gap in the market for Lochgilphead as a coach tour destination/stop over – evidence submitted would justify the proposed scale of the development at 60 beds.
- There is insufficient evidence to demonstrate a significant unmet requirement for additional dedicated conference facilities in Lochgilphead. It is however noted that the current proposal indicates a general purpose function suite associated with the hotel, it would appear that there is a reasonable case for unmet demand for this type of facility locally.
- The proposal does not include evidence to support the provision of either a public bar or restaurant. It is considered unlikely that existing unmet demand for such facilities locally could be adequately demonstrated given the

presence of existing facilities within Lochgilphead town centre. It is also acknowledged that existing facilities within Lochgilphead town centre have insufficient capacity to accommodate the potential demand for food and drink that could potentially be generated by the development and as such it would be unreasonable to stipulate that the hotel cannot provide food or drink on site. It is however accepted that it would be reasonable to provide facilities for hotel guests and it is noted that the applicant has confirmed their intention that ancillary bar and eating facilities are to be restricted to hotel guests in order to avoid direct competition with existing town centre facilities.

Locational Justification:

Given Lochgilphead's status as a 'main town' and location within a 'Tourism Development Area' it is reasonable to assume that the development plan will identify and include provision for promotion of an appropriate scale of tourism and business development within the adopted plan period. It is the contention of the applicant that, in the case of Lochgilphead, no such provision is presently available for the development of a 'large' scale hotel development and it is therefore necessary to give consideration to a location which is situated outwith the 'settlement area' identified in the adopted local plan; the 'out of town' location also gives rise to consideration of the potential impact of the proposals upon the vitality of Lochgilphead town centre.

PROP SET 2 of the Structure Plan – Retailing and Town Centres sets out that the Council shall seek to sustain the viability and vitality of town centres. A sequential approach to retail development will be adopted in accordance with national guidance.

The Scottish Planning Policy (SPP) (paras. 52 – 65 relating to Town Centres and Retailing) supports the functioning of established town centres in the interests of their accessibility and the maintenance of their economic and employment functions. A key policy objective is the focusing of development in existing centres by using the 'sequential approach' to development. This seeks to resist retail and commercial uses on the fringe of or outside town centres where there are opportunities to locate new development in sequentially preferable central locations. Only in cases where development cannot be accommodated centrally will less preferable locations be supported. Development should be considered in terms of its overall impact on the vitality and viability of established centres, the function of which ought not to be undermined as a consequence of inappropriately located retail or commercial development.

Out-of-centre locations should only be considered when:

- All town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- Development of the scale proposed is appropriate; and,
- There will be no significant adverse effect on the vitality of existing centres.

Sequential Test:

The sequential test requires that locations for retail and commercial development are considered in the following order:

- i) Town centre sites;
- ii) Edge of town centre sites;
- iii) Other commercial centres identified within the development plan; and,

- iv) Out of centre sites in locations that are, or can be made, easily accessible by a choice of transport modes.

Having regard to the necessary characteristics of the proposed development sites considered would require to meet the requirement of a minimum site area in the region of 1ha in addition to being readily accessible both by car and public transport with a preference of proximity to other complimentary commercial and leisure facilities.

Lochgilphead Town Centre:

The sequential assessment undertaken by the applicant has identified four potential locations within the 'main town centre' of Lochgilphead as identified in the adopted local plan, these being i) The Stag Garage, ii) The Stag Hotel and iii) The existing Co-op. The reasons for discounting the sites are summarised below.

- i) The Stag Garage, an existing commercial garage on Lorne Street which has the benefit of an extant planning permission for its re-development, has been discounted on the basis that the site area of 0.23 ha is not of sufficient size to accommodate a development of the scale identified in the demand assessment; in addition the site could not accommodate on site car parking and as such would be likely to result in a further loss of town centre car parking provision and, the cost of developing the site is considered to be prohibitive in view of an inflated market value (relating to an extant planning permission for a mixed use retail/residential development) and the remediation of contaminated land associated with the existing commercial garage.
- ii) The Stag Hotel on Argyll Street has been closed since 2008 and remains vacant. Evidence has been submitted to demonstrate that the property is not available at present; in any event the existing property is a C(s) listed building which would ordinarily preclude demolition and redevelopment of the site – the existing premises is considered unlikely to be suitable for a development in excess of 30 bedrooms – the listed status of the building and proximity of existing development would prevent any meaningful expansion of the property.
- iii) Existing Co-op Store on Oban Road has been considered in light of the Co-op's intention to relocate to an alternative site within the town. The applicant has submitted evidence confirming that this site is not available at the present time and, given the existing retail use associated with the site, is likely to be unviable in any event.

Edge of Town Centre Sites:

Two sites have been identified in edge of town centre sites i) Lochgilphead Caravan Park and, ii) The Argyll Hotel, Lochgilphead – it is noted that subsequent to the submission of the assessment, the Argyll Hotel has resumed trading and is therefore no longer considered to be a viable option.

- i) Lochgilphead Caravan Park, Lorne Street is identified in the adopted Local Plan as a 'Primary Tourism Area' wherein the provisions of policy LP TOUR 2 would seek to safeguard the use of the site for tourism purposes. However detailed planning permission (ref. 09/00225/DET) has been granted for the erection of a new class 1 retail development (net 1400sqm floor space) as a

replacement for the existing Co-op store on Oban Road, with a consolidated, improved caravan park on land behind. The Co-op have confirmed that the site is not available at the present time; the applicant has also highlighted that the market value of the site, given the permission for class 1 retail, is likely to be prohibitive for a hotel development; flooding from tidal inundation has also been raised as a concern for a residential occupation.

Other Commercial Centres Identified in the Development Plan:

There are no other commercial centres for Lochgilphead identified in the local plan as being appropriate for a hotel development. Additional land allocated in the local plan for business and industry at the Kilmory Industrial Estate and Ach nabreck is identified for classes 5 and 6 only. In any event, both of these sites are located further from the Lochgilphead Town Centre than the proposed application site and do not benefit from the same proximity to existing public transport linkages and other facilities.

Out of Centre Sites:

The applicant has not submitted an assessment of any potential out of centre sites, with the exception of the application site.

It is also noted that third party representation to the proposals have been received from three existing hoteliers located in the minor settlements around Lochgilphead and raising concern that the proposed development is likely to have a significant adverse impact upon occupancy and use of comparable facilities within these existing developments. For the purpose of clarity, it is noted that the provisions of the SPP (para. 23) sets out *that the planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another.* In this respect it is noted that the Planning Authority does not require to consider the potential impact of the proposed development upon existing hotel development in the wider area with the exception of the Lochgilphead Town Centre, which as a designated town centre area is afforded a degree of protection by the provisions of the SPP and the relevant provisions of the development plan which require a sequential approach to the location of development in the wider public interest.

Summary:

In summary, the submitted 'Hotel Needs Assessment' fails to satisfactorily demonstrate an existing unmet quantitative demand for hotel accommodation within Lochgilphead or its surrounds, indeed statistical details would indicate that there is capacity within existing provision at peak periods – in this respect though the Department has accepted that the relevant statistics are difficult to obtain at a local level and it is acknowledged that available data may therefore be unreliable.

However, the Department is of the view that the applicant has satisfactorily demonstrated an unmet qualitative demand relating to the absence of a mid market hotel of suitable scale to accommodate coach parties within Lochgilphead or its surrounds and, a general lack of mid market accommodation within Lochgilphead itself. Over and above this, the applicant has submitted sufficient corroborative evidence from coach tour operators confirming the absence of suitable facilities in/around Lochgilphead at the present time and the potential suitability of a modern, mid market hotel with sufficient rooms, parking and eating facilities to cater for up to 50 seat coaches at this location. The Department has confirmed that based upon this demonstrated, potential demand, coupled with an expectation of provision of

accommodation to other business and tourism sectors is considered sufficient justification for the proposed scale of the development. It is however advised that in the short term this scale of proposal could not be accommodated within Lochgilphead although it is noted that opportunities for larger scale development within the town is likely to arise in the mid to longer term and will be accommodated in the new Local Development Plan, the preparation process for which is about to commence.

In view of the above, the Department has consequently accepted the applicant's justification for the location of the development outwith the Lochgilphead town centre as an exceptional case which is consistent with the Council's stated strategic objectives set out in the structure plan which i) support the improvement of the functioning of towns as tourist destinations; ii) support opportunities to increase tourist activity within Argyll and Bute as a whole; and, iii) seeking an increase in the quantity and quality of tourism-based local employment opportunities. To balance this however, it is stressed that the acceptability of a development at this location would depend greatly upon clear links and synergy with the existing Lochgilphead town centre and its existing facilities. To this end, the applicant has submitted further information advising of their intention to impose restrictions in use of bar and eating facilities to solely serve hotel guests which would avoid direct competition with existing facilities in Lochgilphead town centre. Additionally it is noted that vehicular, public transport and pedestrian linkages from the application site to Lochgilphead town centre and surrounds are considered to be good (assessed in detail in section E below); the applicant has set out an intention to promote and advertise local shops, restaurants, and tourist attractions in addition to the potential for partnership initiatives encouraging guests to make use of existing leisure facilities such as the Mid Argyll swimming pool. Whilst the restriction in use of hotel restaurant/bar facilities by discriminating between hotel guests/non guests cannot satisfactorily be achieved by either planning condition or a S75 planning agreement is noted that the hotel development relies somewhat on the attractiveness of Lochgilphead in itself as a destination for business and tourism and in this respect there is a definite synergy between the two which would suggest that it is the applicant's interest to promote and encourage use of existing facilities.

Existing facilities within the Lochgilphead town centre have been demonstrated to cater to the 'budget' end of the market and as such are not directly comparable with a development of the scale or quality of accommodation proposed. It is however acknowledged that the provision of an additional 60 mid market bedrooms accompanied with the potential for functions/conferences will undoubtedly have an impact upon existing facilities, it is however noted that there is an absence of any objection from potentially affected Lochgilphead businesses. Whilst it would be presumptuous to jump to conclusions, this is an indicator that existing 'budget' hotel businesses within Lochgilphead town centre do not view the provision of a 'mid market' hotel as a threat to their viability. In respect of impact, it would also be anticipated that any loss of trade to existing facilities would be clientele who would otherwise have chosen a 'mid market' facility but have limited choice in the matter with no availability in Lochgilphead town centre and limited provision in the surrounding area. Having regard to potential competition to existing food and drink it is noted that facilities within Lochgilphead are primarily pub and cafe types which will not directly compete with a proposed 'mid market' hotel restaurant in terms of scale or ambience. In addition to the above it is possible to prevent the over provision of restaurant/bar facilities at the development over and above the applicant's informal offer to restrict trade to hotel guests by condition requiring the submission of further details to demonstrate that any restaurant and bar facilities are commensurate to the level of accommodation to be provided in the interests of protecting the viability and vitality of existing restaurant/pub facilities.

D. Built Environment

The provisions of the Scottish Planning Policy (paras 118 & 123 relating to the Historic Environment) and policies STRAT DC 9 and LP ENV 16 in the Development Plan would seek to resist development which is considered to have an adverse impact upon the site or integrity of the setting of Scheduled Ancient Monuments. Policy LP ENV 17 would also seek to ensure that development proposals satisfactorily mitigate for the protection of archaeological resources.

The Crinan Canal is a Scheduled Ancient Monument of national importance for the entirety of its length between Ardrishaig and Crinan; conservation area status also applies to the canal and immediate surrounds from Cairnbaan to Crinan. For a distance of some 200m to the north of the application site and 600m to the south, the canal lies directly to the west of and follows the line of the A816 public highway. Details on the OS map would indicate that the canal and towpath sit at approx 10m AOD which would be some 3-4m above the level of the application site and consequently offer an elevated vantage point which allows a wider appreciation of the locale, including the extent of existing built development in the vicinity of the application site. In addition to the waterborne traffic carried by the canal, the eastern town path is a popular footpath/cycle route between Lochgilphead and Cairnbaan and beyond, including the Crinan Canal and National Cycle Route 78. At its closest, the application site is some 20m from the canal; the submitted indicative details show the 2/3 storey element of the proposed hotel to be set back within the site at a distance of approx. 80m from the canal, the single storey function/complex suite is closer at 50m.

Neither Historic Scotland or the West of Scotland Archaeology Service (WoSAS) have raised objection to the proposal on the basis that the proposal is essentially for an extension to the existing built environment rather than an additional encroachment upon the setting of a more rural section of the canal. It has however been advised that there would be potential for a three storey element of the development to have a moderate impact upon the setting of the canal. In order to mitigate against such an impact it is highlighted that it would be important that the final development is both set back from the public highway (in a manner similar to that of the indicative details) and is provided with a tree screen along the road side edge – both of these requirements can reasonably be secured by planning condition.

WoSAS have also advised that the whilst there are no recorded sites within it, the application site lies within an area of some archaeological sensitivity based upon the presence of recorded sites and finds from prehistoric periods in the surrounding landscape. The application site contains a large area of undisturbed ground and it is considered reasonably likely that ground works associated with the development will unearth buried unrecorded remains which may survive below ground level. In order to address this likelihood, WoSAS have recommended that the development be the subject of a prior archaeological investigation – given that the current application seeks planning permission in principle it would be reasonable to implement this requirement by planning condition.

In view of the above, and having regard to the recommendations of Historic Scotland and WoSAS, the principle of a large scale hotel development at this location is considered to be consistent with the provisions of STRAT DC 9, LP ENV 16 and LP ENV 17 subject of course to the acceptability of the siting, design, finishes of the development and compliance with the recommendations of an archaeological assessment of the site.

E. Road Network, Parking and Associated Transport Matters.

The SPP (paras 165 – 181) encourages the location of development to minimise travel needs and to maximise the potential for the use of sustainable modes of travel. It establishes national maximum parking standards and minimum standards for disabled persons' parking. Transport assessments are recommended in connection with the consideration of the traffic and other consequences of larger scale proposals, along with the use of Green Travel Plans to help promote sustainable transport solutions.

Access to the site would be via a new vehicular and pedestrian entrance directly onto the A816 public highway (no details submitted for approval); the proposal includes for the provision of a 200m extension of the public footpath from the development to connect with the existing footpath on the limits of Lochgilphead. Indicative details demonstrate adequate capacity within the site for the provision of at least 75 car parking spaces, coach park, turning head and separate service area (no details submitted for approval). Land necessary for implementation of off-site highway improvements is located within the corridor of the public highway and can therefore be addressed by planning condition.

The Area Roads Manager has not raised objection to the proposal subject to the imposition of planning conditions stipulating the bellmouth construction and provision of visibility splays at the junction with the A816, minimum parking provision (including for disabled parking), extension of the public footpath and street lighting, extension of road culverts, refuse collection point and relocation of highway signage. For the purpose of clarity, it is noted that the Area Roads Manager has not requested an independent transport impact assessment in respect of this proposal.

In addition it is noted that the development is located within reasonable walking distance of swimming pool and class 1 convenience retail facilities at Riverside (approx 300m) and Lochgilphead Town Centre (1.2km approx) and, is located within 250m of an existing bus stop for the Lochgilphead/Ardrishaig circular bus which would readily allow connection to public transport services to Oban, Glasgow and Campbeltown from Lochgilphead town centre. Details submitted in support of the proposal indicate the promotion of other forms of sustainable transport, including the provision of cycle parking and cycle hire facilities. Given the scale of the development, it would be appropriate for a further application to be accompanied by a 'green travel plan' to ensure that the opportunity for integration with existing public transport and pedestrian linkages is maximised – this can be secured by planning condition.

In view of the above, the proposal is considered to be consistent with the relevant provisions of policies LP TRAN 2, LP TRAN 3, LP TRAN 4, LP TRAN 5 and LP TRAN 6 subject to the imposition of planning conditions as indicated.

F. Infrastructure & Flood Risk

Water supply shall be by connection to the public water main; foul drainage shall be by connection to the existing public sewerage system. The proposal is for planning permission in principle and as such does not include details of surface water drainage proposals. Neither Scottish Water nor SEPA have raised objection to the proposal subject to the imposition of conditions requiring a further detailed proposal

to include a Sustainable Urban Drainage System to serve the development in addition to the provision of adequate provisions for the storage, separation (recyclable/unrecyclable) and collection of waste, and submission of details of culverting works.

In view of the above and having regard to the recommendations of Scottish Water and SEPA, the proposal, in principle and subject to the imposition of relevant planning conditions relating to surface water drainage and the management of waste facilities, is considered to be consistent with the relevant provisions of policies LP SERV 1, LP SERV 2, LP SERV 3 and LP SERV 5.

The SPP (paras 196 – 211 relating to Flooding and Drainage) – establishes flood risk as a material planning consideration. In areas prone to coastal or fluvial inundation, where flood risk might be posed to proposed buildings, and where off-site consequences for flood risk might arise as a result of new development, proposals should be the subject of flood risk/drainage impact studies as appropriate, which should be assessed in consultation with SEPA. New development should not take place where it is concluded that it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere.

Policy SERV 8 seeks to resist development in functional flood plains. Exceptionally land raising may be acceptable provided that adequate compensatory storage can be made available where such measures would not compromise the objectives of the EU Water Framework Directive. Flood Risk Assessments/drainage Impact Assessments should accompany proposals in areas of flood risk.

The provisions of the SPP and LP SERV 8 (b) set out that development within 'medium' risk areas of between 1:1000 and 1:200 annual probability of flooding are generally suitable for most development unless local circumstances dictate otherwise. However, the justification statement attached to policy LP SERV 8 further recommends, for the purpose of guidance, that developments whose main occupiers may be unfamiliar with escape routes (e.g. hotels) should avoid the 1 in 750 year flood event – this standard being accredited to the 'insurance template' of the 'Association of British Insurers.

The details submitted in the current proposal demonstrate that the land within the application site is between 6.5m and 7.5m AOD and is consequently above the estimated 1 in 200 year event flood water level of 6.5m AOD associated with the Badden Burn – this level having previously been ascertained in a Flood Risk Assessment relating to the development of land on the opposite side of the Badden Burn (07/01714/DET) upstream of the current application site.

SEPA have not raised objection to the proposal subject to the imposition of a condition stipulating that no development shall take place on site levels below 6.5m AOD. However, whilst the Council's Flood Alleviation Manager has confirmed that the proposals are acceptable in respect of the 1:200 year flood event set out in both the SPP and policy LP SERV 8 it has been advised that, in light of the guidance contained in the Local Plan, a hotel development should be assessed against a return rate of 1 in 750 years – the applicant has submitted further information which queries the necessity for imposition of a higher standard over and above that set out in the SPP and to SEPA's satisfaction. The Department has subsequently advised that in this instance, the Council must accept SEPA's conditional recommendation of 'no objection' based upon the 1 in 200 year flood risk appraisal subject to the applicant producing confirmation from their insurer that a hotel development built at this location to this specification would be insurable in the absence of a detailed 1 in

750 year flood risk as per the technical guidance set out in the Local Plan justification statement. The applicant has subsequently submitted a letter from their insurance brokers advising of no concerns in respect of the insurability of a hotel development in respect of the above.