

**PLANNING AND ACCESS COMMITTEE**

**MEETING: NPAPC/02/2014**

**DATE: 31<sup>st</sup> March 2014**

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| <b>REPORT No.</b>          | <b>NPAPC/02/2014</b>   |
| <b>SUBMITTED BY:</b>       | <b>Executive Director of Planning</b>  |
| <b>APPLICATION NUMBER:</b> | <b>2013/0301/DET</b>   |
| <b>APPLICANT:</b>          | <b>Sir Malcolm Colquhoun Of Luss, Luss Estates</b>                           |
| <b>LOCATION:</b>           | <b>Old Telephone Exchange Church Road Luss G83 8NZ</b>                       |
| <b>PROPOSAL:</b>           | <b>Erection of Fish Smokery (Class 5 premises) with visitor viewing area</b> |

|                                |  |
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| <b>NATIONAL PARK WARD:</b>     | Ward 5 (south west Loch Lomond)  |
| <b>COMMUNITY COUNCIL AREA:</b> | Luss and Arden Community Council   |
| <b>CASE OFFICER:</b>           | Name: Catherine Stewart<br>Tel: 01389 727731<br>E-mail: <a href="mailto:catherine.stewart@lochlomond-trossachs.org">catherine.stewart@lochlomond-trossachs.org</a> |

**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 The application is for the erection of a new building to be used for a business (fish smokery) which is also designed as a tourist attraction with a visitor viewing area. It is to be located within Luss Conservation Area on the site of a former telephone exchange building which requires to be demolished. It is being reported to committee as the site is located within the 1:200 year flood risk zone and, at the time of preparation of this report, the application is subject to a formal objection from SEPA. Also Argyll and Bute Flood Risk team have not objected subject to the imposition of a condition that the Finished Floor Level (FFL) be set 0.77 metres higher than that proposed by the applicant. However the applicant does not accept this proposed FFL, so in effect Argyll and Bute Flood Risk team's consultation response must be treated as a formal objection.

If Members are minded to approve the application, this would be contrary to the advice of SEPA, a statutory consultee, and would therefore be required to be referred to the Scottish Ministers, to determine whether they wish to 'call in' the application.

## 2 RECOMMENDATION

### **That Members:**

1. indicate to the Scottish Government that the Authority is minded to APPROVE the proposed development, subject to the imposition of the conditions contained in Appendix 1 of this report.

## 3 BACKGROUND

### ***Site Description:***

- 3.1 The application site is located on Church Road in the south of Luss village. To the north lies the new telephone exchange building, opposite is Manse Cottage, and to the south is Dell Cottage. Further along the road to the north is Luss Village Hall. The site is approximately 40 metres from the footbridge over the Luss Water (see Appendix 2 Site Location Plan).
- 3.2 The site is currently occupied by the former telephone exchange, a small building approximately 7 metres long by 3 metres wide. It is a white rendered building with a pitched slate roof and a window in the gable end facing onto the road.

### ***Environmental Impact Assessment (EIA):***

- 3.3 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. The proposal does not fall under any of the Schedules within the Regulations so it does not require to be screened for an EIA.

### ***Description of Proposal:***

- 3.4 The development proposed is for the erection of a new building on the site of the former telephone exchange, which will require to be demolished. The new building would be for a smokery business, initially focussing on smoking fish. The building is also to act as an exhibition area for the smokery with views through to the salting and slicing area.
- 3.5 The new building is to measure approximately 17.25 metres wide by 22.75 metres long. A ramp is to lead up to the central entrance into an exhibition area which extends the full width of the building. Beyond this would lie the slicing/packing area on the left and the salting area on the right with a central chilling/smoking area. To the rear would be a 'dispatch' and 'goods-in' chilled areas, with a central office including

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toilets and a changing area for staff (see Appendix 4 Proposed Ground Floor Plan).

- 3.6 The building is to have two main sections – a front section facing onto Church Road, with white render and a hipped slate roof 7.6 metres high to the apex, 4.5 metres to the eaves; and a rear section with white rendered walls and a black metal roof 6 metres high, 3.1 metres to the eaves. A small detached store/shed is also proposed towards the rear of the site, with three sections - for packing, salt and woodchips. This is to be timber clad and located to the south side of the building, measuring 4.5 metres by 2.75 metres in plan (see Appendix 5 Elevations).

### ***Planning History:***

- 3.7 An associated application for Conservation Area Consent, for the demolition of the former telephone exchange, is currently pending consideration and is being reported to this Planning and Access Committee concurrently. The reference number of that application is 2013/0302/CON.

- 3.8 There were two previous consents granted concerning use of the former telephone exchange as a decorative glass studio with sales area and workshop:

2002/0206/DET - Change of use (retrospective), alterations and extension of former telephone exchange to form glass studio, sales area and workshop.

2004/0018/DET - Variations to retrospective planning permission (Reference: LT/2002/0206/DET/A for a change of use, alterations and extension of former telephone exchange to form glass studio, sales area and workshop) to include rear extension.

## **4 CONSULTATIONS AND REPRESENTATIONS**

### ***Responses to Consultations:***

- 4.1 Scottish Environmental Protection Agency (East Kilbride):  
14.01.2014

SEPA object on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. SEPA would also object in principle to any floodplain development within non-brownfield areas. Requested further information in terms of:

- a Flood Risk Assessment (FRA) on the Luss Water to verify flood extent and developable area; and
- provision of topographic information showing bank levels of the Loch relative to the site levels and proposed development levels.

18.02.2014

SEPA maintain objection on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. Requested further information on the following:

- Provision of further information in relation to the hydraulic modelling including model extent, cross sections, long profile, boundary conditions, roughness parameters and consideration of any hydraulic structures;

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- Clarification on flood management measures proposed; and
- In the event that landraising is proposed appropriate compensatory storage should be provided.

06.03.2014

SEPA maintain objection on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. Requested further information on:

- Raising of FFL unless Argyll and Bute Council Flood Risk Management Team confirms that the freeboard allowance is appropriate;
- Confirmation of other flood management measures proposed.

March 2014

At the time of writing this report SEPA have been consulted again as further information was submitted on behalf of the applicant. The report is being written on the basis that SEPA maintain their objection on flood risk grounds. SEPA's response will be reported verbally at the committee meeting.

### 4.2 Argyll and Bute Council Flood Risk Management Team 24.02.2014

Request that the decision is deferred for the following reasons:

1. The Finished Floor Level (FFL) should be set at 11.47 mAOD (1 in 200 year loch level plus allowances for climate change and freeboard). A topographic survey of the site should be undertaken to quantify the amount of floor elevation required.
2. Possible surface water flood risk to the site should be described and, if there is a risk, ameliorated for.
3. Details of surface water drainage should be supplied.

17.03.2014

As indicated in our response of 24 February 2014, the proposed 10.7 mAOD FFL is 0.17 m less than the 1 in 200 year loch level plus an allowance for climate change (10.87 mAOD). A FFL of 11.47 mAOD is required in order to meet the criteria of a 1 in 200 year flood plus climate change plus 0.6 m freeboard. It is accepted that this floor level may be higher than that of existing buildings. However, this is a new development and best practice with respect to design for flood protection should apply. No objections subject to the following condition being attached to any planning permission granted to this application:

1. The FFL of should be set at 11.47 mAOD (1 in 200 year loch level plus allowances for climate change and freeboard).

### 4.3 ABC Environmental Health (Dunoon) : 22.01.2014

This type of development has the potential to cause odour and noise nuisance to neighbouring residential properties. Odours may arise from the process of smoking fish. Background noise levels may be affected if there is noise breakout from externally mounted plant and equipment. The premises will require to seek approval under Regulation (EC) 853/2004 (laying down specific hygiene rules for food of animal origin).

Environmental Health would have no objection in principle to the application subject to further information being provided:

1. A noise impact assessment to quantify the impact on existing background noise levels of any externally mounted plant or equipment and any proposed mitigating measures that may require to be implemented.

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2. Details of the mechanical smoking equipment to be installed and an objective assessment on the impact of smoke emissions on neighbouring residential properties.

28.02.2014

The supporting document submitted by New Acoustics 'Luss Smokery – Noise Impact Assessment' has been reviewed. No objections to the proposal, however, it is recommended that the mitigation measures detailed in the Noise Impact Assessment are adopted.

- 4.4 ABC Roads: No Objections subject to Conditions.  
The proposal is situated off the UC61 Church Road with vehicular access being taken from the UC233 Pier Road within an urban 30mph speed restriction. A road opening permit will be required. Conditions are required concerning the surfacing, gradient and widening of the existing vehicular access from Pier Road and the provision of five parking spaces within the boundary of the site.
- 4.5 NP Built Heritage Advisor: The site lies within the Luss Conservation Area, in close proximity to listed buildings. The application will involve the demolition of the old telephone exchange a simple rendered building with pitched slated roof. It is sympathetically designed but has been superceded by a larger building of similar design on the adjacent site. Its demolition has a minimal effect on the character of the conservation area. The proposed development will fit neatly onto the small site between the new telephone exchange and Dell Cottage. The proposed development is a simple, safe design using traditional materials reflecting those to be used in other new developments in the same street. It will have a positive impact on this part of the village providing interest where a duplicate utilitarian building is currently sited. More information is required on the following:
  - Design of the entrance door
  - Materials, type of render, slate, ridges and rainwater goods
  - Rooflights – should be conservation rooflights
  - Flue
- 4.6 West Of Scotland Archaeology Service (Glasgow): The application affects a site within the identified historic settlement area for the burgh of Luss. It is possible that archaeological evidence of the early settlement and burgh may survive below present ground levels on the application site. The current application will involve significant ground-breaking works which may damage or destroy sensitive archaeological remains, and this raises an archaeological issue. For this reason there will be a need for archaeological observations during any construction or ground preparation for the application and conditions should be added to the consent. The applicant or developer will need to secure the services of a professional archaeological contractor to undertake the watching brief.

### ***Representations Received:***

- 4.7 At the date of the preparation of this report no representations had been received.

## 5 POLICY CONTEXT

### ***National Park Aims:***

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- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:
- (a) to conserve and enhance the natural and cultural heritage of the area;
  - (b) to promote sustainable use of the natural resources of the area;
  - (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
  - (d) to promote sustainable economic and social development of the area's communities.
- 5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

### ***Development Plan:***

- 5.3 National Park Local Plan (Adopted 2011): Relevant Policies:
- ED1 Economic Development Opportunities
  - TOUR1 New Tourism Development
  - TRAN3 Impact of New Development on the Road Network
  - TRAN6 Parking Provision
  - D1 Design Quality
  - ENV18 Protecting Air Quality
  - ENV20 Conservation Areas
  - ENV16 Development in Medium to High Flood Risk Areas
  - ENV26 Other Unscheduled sites of Archaeological importance

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/adopted-local-plan/menu-id-904.html>

### ***Other Material Considerations:***

#### National Park Partnership Plan (2012-2017)

- 5.4 All planning decisions within the National Park require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant:
- Con Policy 2: Natural Heritage
  - Con Policy 6: Cultural Heritage
  - VE Policy 2: Sustainable Tourism
  - RD Policy 1: Sustaining our Population
  - RD Policy 2: Spatial Development Strategy
  - RD Policy 7: Sustainable Design and Construction

## **6 SUMMARY OF SUPPORTING INFORMATION**

- 6.1 The applicant submitted the following with the application on 28<sup>th</sup> November 2013:

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- a copy of a letter from the applicant to local residents explaining what is proposed
- Design and Access Statement setting out an explanation of the proposed design, site layout and planting. It also refers to the employment opportunity offered by the proposal and the possibility of attracting younger families to Luss. Finally it sets out how the proposal would fit within the village, having a minimal impact in terms of discharges of smoke through the week compared to the extract flue from the cafe.
- An A4 Flood Risk Assessment document
- Photographs of the site and surrounding area
- Luss Fine Foods Limited Abbreviated Start Up Plan  
This sets out the business background, operations, smokery layout within the proposed building, utilities required, numbers of staff required and projected, and logistics.

6.2 A letter from the applicant's agent together with supporting documents was submitted on 7<sup>th</sup> February 2014:

- The covering letter seeks to address matters raised through the letters of consultation, including further information for SEP, including a higher floor level and access ramp with metal railings; further detail on odour and noise, and addressing the points raised by the Built Heritage officer, including details of the door and flue and removal of the rooflights from the drawings.
- Flood Risk Assessment
- Details of Air Cooling Condensers
- Details of Smoking Kiln
- Photographs of similar window frames
- Plans showing similar detailing

6.3 A Noise Report was submitted on 19<sup>th</sup> February 2014.

6.4 The applicant's agent submitted the following on 6<sup>th</sup> March 2014:

- A statement regarding Proposed flood protection measures and Proposed Management Protection Measurements.
- A letter from Kaya Consulting Limited seeking to address the points raised by Argyll and Bute Council Flood Risk Management Team.
- SEPA's FRA checklist

## 7 PLANNING ASSESSMENT

7.1 The key local plan policies against which this new business/tourist attraction should be assessed are: ED1 Economic Development Opportunities and TOUR1 New Tourism Development. The key planning issues are:

- Economic – job creation
- Amenity - noise, traffic, parking and air pollution/odours
- Conservation Area and design
- Archaeology
- Flooding

### Principle

7.2 Local plan policy ED1 sets out three criteria for the principle of a new Class 5 business

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premises such as this proposal. Such uses will be supported:

- (a) Where the premises are located on appropriate infill sites within settlement boundaries;
- (b) The proposal must protect the residential amenity and character and not result in unacceptable levels of increase traffic movements, noise, emissions, or hours of operation.
- (c) Additionally, the proposal must be an appropriate scale and density in keeping with the character of the surrounding built form and development pattern.

7.3 Concerning the first criteria, (a) Location – the site is situated within the Luss settlement boundary. The proposal involves the demolition of the former telephone exchange building which, from planning records, was used as a decorative glass workshop for a time. It is therefore a brownfield site and the proposed use would be compatible with neighbours provided amenity issues are adequately addressed (see assessment below). The proposal would appear to be supported by this criteria as this is an ‘appropriate’ infill site, however the issue of whether the site is appropriate in terms of flood risk will be assessed further below.

7.4 Local plan policy ED1 Criteria (b) and (c) will be considered in detail below.

7.5 Local plan policy TOUR1 should also be considered as this is not just a smokery business concerned with food processing but also to include a visitor viewing area. This policy states that new tourism development will be supported:

- (a) Within settlement boundaries; and
- (b) Amenity and character is protected and the proposal will not result in unacceptable levels of increased traffic movements, noise or hours of operation.

7.6 Again, similar to policy ED1 the site is located within the settlement boundary (criteria (a)) however amenity and character must be protected and this will be assessed below.

### Economic - Job creation

7.7 The start up plan sets out the projected job opportunities with the proposed business – there would be a production manager, technical person and a salesperson. Most staff would be employed in the post-smoking slicing and packing area. This would be dependent on throughput volumes, level of training and productivity and is expected to be 2-3 in Year 1, 3-4 in Year 2 and 5-6 in Year 3. The design and access statement notes that the village has an aging demographic and that the proposal could create employment which could attract younger families. The National Park seeks to sustain the population by giving priority to increasing access to employment opportunities (Partnership Plan RD Policy 1: Sustaining our Population). The proposal would therefore be supported on the basis of providing additional job opportunities.

### Amenity - noise, traffic, parking and air pollution/odours

7.8 **Noise** The applicant submitted a noise survey as requested by the initial consultation response from Environmental Health. The main noise associated with the development will be the air cooling condensers which are to be located at the north end of the west facade to the rear of the new building. These units will run 24 hours a

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day, 7 days a week. The noise survey found that the modern house to the south west of Dell Cottage would be the most exposed receiver but that if the units were screened with a suitable acoustically impermeable structure this would reduce noise impacts to “of marginal significance”. Environmental Health have asked that the mitigation proposed is required by condition. A condition to control the hours of construction, in order to minimise noise impact, is also proposed.

- 7.9 **Traffic and parking** Although the site is located on Church Road vehicular access is proposed to the rear via an unnamed road which provides access to Luss sewage plant from Pier Road. The start up plan states that the finished product (smoked fish) would be despatched by van on Monday to Thursday for delivery to customers on Tuesday to Friday. Raw material would be bought in as fillets, by van from Dunoon once or twice a week. The design and access statement clarifies that deliveries and dispatches will be using vans rather than lorries. Five parking spaces are shown to the rear of the building with a 9 metre manoeuvring radius for turning. This meets the requirements of the Argyll and Bute roads service and complies with local plan policy TRAN6 Parking Provision. Tourists are expected to use the public car park in Luss.
- 7.10 **Air pollution/odours** The start up plan acknowledges that businesses of this type may initially raise concerns about the impact of fish processing smells on neighbouring properties. However it goes on to explain that there will be no fish guts or heads to dispose of and all waste will have been smoked so there will be no obvious fishy smell. It explains that there will be some smoke smell at certain times, but this should not be obtrusive, nor unpleasant. In response to a request for further information from Environmental Health a covering letter from the agent dated 3 February 2014, accompanied by details of the proposed smokery plant, explains further that the majority of the smoking is cold smoking or the three weekly firings when only the smell of wood smoke (oak is proposed) will be evident. During the five hours a week of hot smoking a faint smell of fish could be detected, no different to the local cafe cooking fish. Environmental Health have raised no further concerns regarding odour. It is proposed that conditions should be required to ensure that the smoking process is as set out in the start up plan, unless otherwise agreed in writing by the Planning Authority, and that an odour management plan should be submitted for approval.

### Conservation Area and design

- 7.11 The site is located within Luss Outstanding Conservation Area. The demolition of the existing building on the site, a former telephone exchange, is considered in the associated Conservation Area Consent application also being presented to committee. Any new building on the site must, in compliance with local plan policy ENV20 Conservation Areas, preserve and enhance the character of the area. The Design and Access Statement sets out how the building is designed to blend in with the other buildings on the road leading down from Luss Store to the church. Neighbouring buildings are rendered and painted. The roof facing onto the street is to be a traditional pitched roof clad in random recycled slates to match the village. Windows are to be timber double glazed, and examples have been submitted of what these would look like. It is concluded that the proposal will fit in to the conservation area, with the use of traditional materials, and will preserve and enhance its character.

### Archaeology

- 7.12 As can be seen from the response from WOSAS the site is located within the identified historic settlement area for the burgh of Luss and therefore the site has archaeological potential. A condition should be placed on the consent for an archaeological watching

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brief in order to comply with local plan policy ENV 26.

### Flooding

- 7.13 Flooding is a material planning consideration as the site has a history of flooding. At the time of preparation of this report SEPA (a statutory body) has objected to the proposal on flood risk grounds (see section 4.1 of this report). The agent has supplied extra technical information (see section 6.4 above) and SEPA has been re-consulted. SEPA's response will be reported verbally at committee. Also Argyll and Bute Flooding Prevention Team have objected by default, as the condition they require to be imposed is for a Finished Floor Level (FFL) above that agreed by the applicant (see section 4.2).
- 7.14 The site is located within the 1:200 year flood risk zone, being close to the Luss Water and to Loch Lomond. The key considerations in determining whether the building should be given planning permission, despite being on a site at risk of flooding are:
- Whether it is a suitable redevelopment of the site;
  - Whether all reasonable steps have been taken to minimise flood risk and flood damage;
  - Weighing up the impact of any further increase in FFL on the Conservation Area; and
  - Weighing up the benefits the proposal bring in terms of job creation and vitality within Luss as a tourist destination.
- 7.15 The proposal is considered to be a redevelopment (rather than new development) within a built up area for the purposes of assessing the flood risk. It is a brownfield site, within the village envelope, and the proposed use is not considered to be "sensitive" as it is for a business, not residential use.
- 7.16 During processing of the application the agent has amended the drawings to show an increase in the proposed FFL from 10.3m AOD to 10.7m AOD. This has required the installation of a disabled access ramp with railings to the front of the building. To raise the FFL further would elevate the building above that of other properties in the street and this would detract from its appearance within the Conservation Area. The Flood Risk Assessment work carried out by the applicant's consultant notes that any rise in Loch levels is slow and there would be time to evacuate the premises and take action to minimise damage to the property. It also argues that the proposed development is for commercial use and its "design life" is likely to be much shorter than that for a residential property and hence full climate change allowance should not apply.
- 7.17 The benefits that the proposal would bring in terms of job creation and vitality within Luss as a tourist destination must be weighed against the flood risk. As outlined in sections 7.7 and 7.5 above the proposal has the potential to create new employment opportunities, up to a potential 9 jobs at Year 3. In addition the proposal would add a further 'attraction' to Luss by creating another point of interest for visitors and adding to the vitality of the village. The type of flooding from the loch is not a 'flash' flood therefore it is envisaged that no workers or visitors would be endangered by the proposal as the area would be evacuated in sufficient time.
- 7.18 It is concluded that redevelopment of this brownfield site would bring considerable benefits to Luss village in terms of employment opportunities and an added tourist attraction. Provided that conditions are attached to ensure that the method of construction and materials proposed for the replacement building are installed to

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provide suitable protection against most future flooding events, then the proposal should be supported.

### 8 CONCLUSION

- 8.1 In conclusion the proposed erection of a new building to be used as a smokery with visitor viewing area complies with local plan policies ED1 and TOUR1 as the site is located within the settlement boundary for Luss and amenity and character will be protected. The proposals will not result in unacceptable levels of increased traffic movements, noise or hours of operation provided that noise mitigation measures put forward in the noise assessment are required by condition. The proposal is considered to enhance and preserve the character of the Luss Conservation Area, as well as enhancing the tourism offer. As the site is located within an area of archaeological potential, a watching brief will be required by condition.
- 8.2 The main concern with the application is the risk of flooding as the site is located close to the Luss Water and Loch Lomond. The applicant's consultant accepts that there is a flood risk at the site, but considers that in the event that this should occur, due to the slow rise in Loch levels, there would be adequate time to evacuate the premises and take steps to minimise damage from flood water. The benefits of the scheme including the job creation and the additional tourist attraction must be weighed against the potential flood risk. It is considered that the risk has already been minimised through the agreed rise in proposed floor levels, and as this is not a sensitive use and is on a brownfield site within a built up area, that planning permission should be granted subject to conditions. The benefits of job creation and tourism are considered to outweigh the flooding concerns in this instance.

**Background** <http://www.lochlomond-trossachs.org/planning/>

**Documents:** *Click on view applications, accept the terms and conditions then enter the search criteria as '2013/0301/DET'*

**List of Appendices:** *Appendix 1 Conditions/Informatives/List of Plans/Proposed Reason for Decision*

*Appendix 2 Site Location Plan*

*Appendix 3 Site Plan/Block Plan*

*Appendix 4 Proposed Ground Floor Plan*

*Appendix 5 Proposed Elevations*

**Appendix 1 Conditions/ Reason for Decision/ List of Plans/Informatives**

**Conditions**

1. **Flood Protection:** Prior to the commencement of the development hereby granted consent the details of the proposed vents and water resistant materials shall be submitted to, and approved in writing by, the Planning Authority.

REASON: To ensure the risk of flooding has been reduced by the use of appropriate mitigation measures.

2. **Flood Mitigation:** Prior to the commencement of the development hereby granted consent an Emergency Egress Plan shall be submitted to and approved in writing by the planning authority. Thereafter the proposal shall be managed in accordance with this Emergency Plan unless the Planning Authority agrees, in writing, to any variation.

REASON: To ensure safe access and egress to the site during an extreme flood risk event.

3. **Restriction on Use as Smokery:** The building and associated land the subject of this permission, shall be used only as a smokery with visitor viewing area and shall not be used for any other purpose (including any other purpose within Class 4 Business of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any Order revoking or re-enacting that Order with or without modification)).

REASON: To ensure that other uses are subject to formal control by the Planning Authority in order to safeguard the amenities of the area.

4. **Smoking process:** The smokery hereby permitted shall only be operated in accordance with methodology set out in the 'Luss Fine Foods Limited Abbreviated Start Up Plan, November 2013, Drumturk Ltd' unless otherwise approved in writing by the Planning Authority.

REASON: To ensure that other uses are subject to formal control by the Planning Authority in order to safeguard the amenities of the area.

5. **Noise mitigation measures:** Prior to the operation of the any of the condenser units hereby approved, all mitigation measures recommended in the Noise Impact Assessment (New Acoustics, 19<sup>th</sup> February 2014), shall be incorporated into the development, including:  
(a) Erection of screening sufficient to provide 8dB barrier attenuation.

REASON: To protect the occupants of nearby dwellings from excessive noise/disturbance associated with the implementation of this permission.

6. **Hours of construction:** Where residential occupiers are likely to be affected by noise, construction works which are audible outwith the site boundary shall be undertaken during normal working hours, viz:- 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

REASON: To protect the occupants of nearby dwellings from excessive noise and disturbance associated with construction works.

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7. **Odour management plan:** Prior to the operation of the smokery hereby permitted, an Odour Management Plan shall be submitted to, and approved in writing by, the planning authority in liaison with Environmental Health. Thereafter the Odour Management Plan shall be implemented as approved, unless otherwise agreed in writing by the Planning Authority.

REASON: To protect the amenities of occupiers of nearby buildings and ensure that any odour nuisance is effectively controlled to keep this occurrence to a minimum.

8. **Access Details: Prior to the commencement of development hereby permitted,** the existing vehicular access from Pier Road to the unnamed road which leads to the rear of the proposed development hereby permitted shall be:
- (a) a minimum width of 5.5 metres for a minimum of 10 metres from the south kerbline of Pier Road;
  - (b) surfaced in a bituminous material for a minimum of 10 metres from the south kerbline of Pier Road;
  - (c) a minimum verge width 1 metre on both sides over the first 10 metres of the access road; and
  - (d) constructed with a gradient so that no surface water from it discharges onto the public highway.

REASON: To ensure a suitable standard of access provision in the interests of road safety.

9. **Parking and Turning Space:** The building hereby permitted shall not be first occupied until parking for 5 vehicles and turning space has been constructed in accordance with the approved plan (drawing number 1904.05 REV A received by the Planning Authority on 07/02/14). The aforementioned parking and turning space shall thereafter be retained and capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.

REASON: To ensure a minimum standard of provision following the commencement of the approved use and thereafter.

10. **Samples of Materials:** Samples of the following specified external materials; timber windows and doors, render, natural slate, ridges and rainwater goods, to be used in the development hereby permitted shall be submitted to, and approved in writing by, the Planning Authority before such materials are incorporated into the development and only materials of those types and colours shall be used.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development within Luss Conservation Area.

11. **Flue:** Notwithstanding the approved plans, the flue hereby permitted shall have a matt and non-reflective exterior finish.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development within Luss Conservation Area.

12. **Archaeological Watching Brief:** Not less than 14 days before the commencement of the development hereby permitted the name of an archaeological organisation to be retained by the developer, for the purpose of the implementation of an archaeological watching brief, shall be submitted to and approved in writing by the

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Planning Authority. Thereafter, at all reasonable times during the development of the site the approved retained archaeological organisation shall be afforded access and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief.

**REASON:** To ensure that any items of archaeological interest that might be damaged or disturbed by the development are recorded and recovered as necessary for the benefit of the nation.

### Proposed Reasons for Approval

The proposed erection of a new building to be used as a smokery with visitor viewing area complies with local plan policies ED1 and TOUR1 as the site is located within the settlement boundary for Luss and amenity and character will be protected. The proposals will not result in unacceptable levels of increased traffic movements, noise or hours of operation provided that noise mitigation measures put forward in the noise assessment are required by condition. The proposal is considered to enhance and preserve the character of the Luss Conservation Area. Although located within the 1:200 year flood risk zone this is not a sensitive use and is on a brownfield site within a built up area. Flood risk has been minimised through the rise in proposed FFL. The benefits of job creation and tourism are considered to outweigh the flooding concerns.

### List of Plans

| Title  | Reference     | Date Received |
|--|---------------|---------------|
| Location Plan  |               | 28/11/13      |
| Site Plan  |               | 07/02/14      |
| Plan<br>Proposed Ground floor plan   | 1904.03 REV A | 07/02/14      |
| Proposed Elevations  | 1904.04 REV A | 07/02/14      |
| Plan<br>Site/Block plan  | 1904.05 REV A | 07/02/14      |
| Plan<br>Sketch Elevation - Finished Floor Level  |               | 07/02/14      |
| General<br>Noise Report  |               | 19/02/14      |
| General<br>Luss Fine Foods Limited Abbreviated Start Up<br>Plan, November 2013, Drumturk Ltd |               | 28/11/13      |
|  |               |               |

### Informatives

1 Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

---

## Agenda Item 5

2 Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

3 Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

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