

# Public Document Pack

## **Argyll and Bute Council** **Comhairle Earra-Ghàidheal Agus Bhòid**

Executive Director: Douglas Hendry



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29 January 2024

### **SUPPLEMENTARY PACK 1**

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - ON A HYBRID BASIS  
IN THE STUDIO THEATRE, CORRAN HALLS, CORRAN ESPLANADE, OBAN AND BY  
MICROSOFT TEAMS on TUESDAY, 30 JANUARY 2024 at 11:00 AM**

I enclose herewith a supplementary report for **item 3** on the Agenda for the above meeting.

Douglas Hendry  
Executive Director

### **SUPPLEMENTARY REPORT**

- 3. MR SHAUN SINCLAIR: ERECTION OF CAFÉ WITH ASSOCIATED  
LANDSCAPING INCLUDING A VIEWPOINT, SEATING, INTERPRETIVE SIGN  
AND PLAY PARK: LAND WEST OF INVERLUSRAGAN, CONNEL (REF:  
21/01583/PP) (Pages 3 - 6)**

Report by Head of Development and Economic Growth

### **Planning, Protective Services and Licensing Committee**

Councillor John Armour  
Councillor Jan Brown  
Councillor Kieron Green (Chair)  
Councillor Daniel Hampsey  
Councillor Mark Irvine  
Councillor Paul Donald Kennedy  
Councillor Luna Martin  
Councillor Peter Wallace

Councillor Gordon Blair  
Councillor Audrey Forrest  
Councillor Amanda Hampsey (Vice-Chair)  
Councillor Graham Hardie  
Councillor Andrew Kain  
Councillor Liz McCabe  
Councillor Dougie Philand

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Argyll and Bute Council  
Development and Infrastructure

**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 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 21/01583/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Shaun Sinclair  
**Proposal:** Erection of Café with Associated Landscaping including a Viewpoint, Seating, Interpretive Sign and Play Park  
**Site Address:** Land West of Inverlusragan, Connel

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**SUPPLEMENTARY REPORT NO. 1**

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**(A) INTRODUCTION**

This application was first presented to the Planning, Protective Services and Licensing (PPSL) Committee on 20 September 2023 at which time Members agreed to its continuation to a Pre-Determination Public Hearing on 30 January 2024.

The purpose of this Supplementary Report is to bring the planning file up to date to include details of the late neutral representation submitted from Councillor Julie McKenzie prior to the application being presented to the September PPSL meeting and also an error in the original Report of Handling, details of which were presented verbally to Members at the beginning of the presentation to the Committee on 20 September 2023.

The Supplementary Report also provides details of the withdrawal of an expression of support and the submission of a late representation.

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**(B) REPRESENTATIONS**

**Representation from Councillor Julie McKenzie**

As presented verbally to Members at the September meeting of the PPSL, a late neutral representation was received on the 18 September 2023 from Councillor Julie McKenzie noting her support for the Applicant in his request to Members to have the application determined at a Pre-Determination Public Hearing.

A further representation from Councillor McKenzie was received on the 19 September 2023 confirming her support for the proposed development.

In summary, Councillor McKenzie questioned whether the site can genuinely be considered a valuable open space, as it is overgrown and fairly inaccessible to the public and therefore, in her view, has little visible or practical amenity to the wider local community.

Councillor McKenzie further noted that it is her opinion that the application has mitigated the policy presumption against development on the site with a community backed plan which will bring benefits for the residents of Connel and further afield, whilst enhancing a

currently inaccessible open space which is in keeping with the overall vision for Argyll and Bute set out in the LDP being:

*“one of an economically successful, outward looking and highly adaptable area, which enjoys an outstanding natural and historic environment, where all people, working together, are able to meet their full potential and essential needs, locally as far as practicable, without prejudicing the quality of life of future generations”*

Councillor McKenzie concluded by acknowledging that Members have a duty to set policy to protect our environment but that this needs to be balanced with the vision and ambition of residents within the communities in which they live and earn a living.

### **Withdrawal of Support**

Ms Claire Hampson contacted the Planning Authority to advise that she did not submit the expression of support dated 21/04/23 which appears on the planning file and is referenced in the original Report of Handling. Ms Hampson requested that her name be removed from the list of supporters and her details removed from the file in order to avoid receiving any further communication regarding the application.

### **Late Representation**

A late representation to the application has been received from Mr Ross Wilson, Achaleven Road, Connel on 24 January 2024. In summary, the points raised in the representation relate to the Open Space Protection Area; the impact on wildlife and biodiversity; and the existence of the planning permission by the Applicant on another site within the village.

The representation does not raise any new matters that have not already been addressed in the original Report of Handling before Members.

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### **(C) Error in Report of Handling**

Members should note an error in the original Report of Handling at Section F and Appendix B which provides details of the representations submitted to the application. These sections state that 66 pro-forma slips of support to the application were submitted to the Applicant during a Community Council Meeting in May 2022.

It should be clarified that this was not a Community Council Meeting but an independent meeting arranged by the Applicant.

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### **(D) RECOMMENDATION**

That Members note the content of this report which does not introduce any new information that has not already been addressed in the original Report of Handling.

The recommendation of the Planning Authority remains that planning permission be refused subject to the reasons appended to the original Report of Handling which have also been appended to this Supplementary Report.

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**Author of Report:** Fiona Scott

**Date:** 29/01/24

**Reviewing Officer:** Peter Bain

**Date:** 29/01/24

**Fergus Murray**  
**Head of Development and Economic Growth**

**REASONS FRO REFUSAL RELATIVE TO APPLICATION REFERENCE 21/01583/PP**

1. NPF4 Policy 9(b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015.

In terms of the LDP, development of the site is not supported as the site is within an adopted Open Space Protection Area (OSPA) where Policies LDP DM 8 and SG LDP REC/COM 2 do not permit development unless it accords with five specific criteria.

The OSPA in question is an area of land which is considered to provide visual amenity functions rather than recreational functions and therefore the proposal does not satisfy any of the criteria set out in SG LDP REC/COM 2.

The OSPA has been designated to provide visual amenity functions by helping preserve the open aspect on the seaward side of the A85 and with it, public views across Loch Etive. The OSPA forms part of the wider network of OSPAs alongside Loch Etive that, together, provide the wider function of preserving the undeveloped aspect of the shore side of the road.

The development the subject of this application would introduce built development and infrastructure into a greenfield site which has been designated as an OSPA for its visual amenity functions which would result in an adverse environmental impact eroding the open aspect of the site and the associated public views across it thereby undermining the OSPA designation of the site contrary to the provisions of NPF4 Policy 9 as underpinned by LDP Policies LDP8 and SG LDP REC/COM 2 and Policy 81 of the emerging LDP2.

It is not considered that the proposed development would constitute an appropriate departure to National or Local Planning Policy.