

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the SEIL ISLAND COMMUNITY HALL, ELLENABEICH, SEIL ISLAND,  
ARGYLL  
on MONDAY, 25 AUGUST 2014**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Alistair MacDougall	Councillor Alex McNaughton
Councillor Robert G MacIntyre	Councillor Sandy Taylor
Councillor Donald MacMillan	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Stephen Fair, Area Team Leader - Planning,  
Tony Hill, Applicant  
Seamus Anderson, Seil and Easdale Community Council – Consultee  
Bill Weston, Roads Authority – Consultee  
Lee Roberts, Trading Standards – Consultee  
Jan Fraser, Supporter  
Brien Dickey, Objector  
Graeme Bruce, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Blair, Robin Currie, Mary-Jean Devon, George Freeman and James McQueen.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MR TONY HILL: CHANGE OF USE OF LAND FOR SITING OF TIMBER SHED, INSTALLATION OF PETROL STORAGE TANK AND ERECTION OF ASSOCIATED FENCING: LAND ADJACENT TO PUBLIC CAR PARK, ELLENABEICH, ISLE OF SEIL (REF: 14/00914/PP)**

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and the Head of Governance identified those who wished to speak. It was later established that two people who had asked to speak had not made a written representation as required by the Council's procedures.

**PLANNING**

Stephen Fair presented the application on behalf of the Head of Planning and Regulatory Services. He advised that the application submitted was first presented to the Committee in June 2014 where it was agreed to hold a pre determination hearing. He confirmed that Members had attended a site visit this morning in order to understand the context and to enable them to adjudicate on the Applicant's, Objectors' and Supporters' points. He advised that the site lay on land adjacent to a car park within the

settlement zone of Ellenabeich which was also a Conservation Area. The application was submitted by Mr Hill of Seafari who operated boats from Ellenabeich providing tours of the local marine and coastal environment. He stated that physical works to the site beside the public car park would involve a shed (3 x 2.4 x 2.8 m high), a petrol tank (2.9 x 1.95 x 1.15m high), a stone wall (1.5m high to 3 sides), a fence (1.8m high wire fence) and track/hardstanding (3m wide). Referring to a series of slides he pointed out the location of The Old Coachhouse, dwellings at 61 – 64 Ellenabeich, Caoles Cottages, the public road to narrow point, and the car park which was also publicly owned. He advised that 11 objections to the proposal were received from 8 households, along with 2 letters of support. Concerns raised by the objectors included: policy context; road safety; pedestrian safety; HGV impact on character of property; traffic, fuel spills, odour, pollution and fire risk; intentions of Applicant; method of fuel transfer; public safety; flood risk; noise; loss of amenity; industrial appearance; request for walled enclosure; impact on Conservation Area; precedent; surface water drainage; health impacts; Health and Safety Regulations; and Fire Authority input. He advised that the supporters highlighted that it was essential that this successful tourism business received support. They also referred to employment opportunities and visitor attraction. He referred to a late objection which raised civil issues which were set out in supplementary report number 1. He then referred to the business case submitted by the Applicant which stated that 70,000 litres of fuel were used last year and that currently 300 litre loads were transported from Oban involving 2 hour round trips (210 times per year). It had been advised that a 3,000 litre tank would free up staff time and would adhere with fuel storage regulations. He advised that assuming 2,500 litres per delivery this would equate to 28 deliveries. He pointed out that the Applicant had looked at alternative sites but these were discounted in response to local opposition or planning concerns. He referred to the withdrawal of an earlier proposal this year in response to planning and community concerns. This resulted in the replacement of a storage container proposal with a timber shed. He referred to consultee inputs from Roads, Environmental Health, Trading Standards, Conservation Officer and SEPA and confirmed that they had no objections to the proposal subject to conditions. He advised that Seil and Easdale Community Council had highlighted that the concerns of the public had to be satisfied and that the business merited support in a balanced way. They had also requested that the Council take a second look at the visual impacts and road pinch points. He stated that in response to concerns raised screening of the tank had been enhanced by a 1.8m high stone wall, the Roads authority remained content, the fuel delivery vehicle already used the route to serve Caoles Cottages and current use level would be less than 30 deliveries per year. He advised that this was a discreet site on the western fringe of the Conservation Area where development was less visually intrusive and surrounding development already included wire fencing and timber outbuildings. He advised that it was considered that by careful siting and adequate screening, this successful business could be supported without undue impacts on neighbours or the Conservation area. He added that restricted hours of operation were also proposed to protect amenity. He stated that many of the issues such as fire, public safety and health were already separately regulated and were not therefore appropriate for

Planning to consider. He also stated that civil matters also remained outwith the Planning remit. He advised that if land rights could not be secured the development would not be implemented. He recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

## **APPLICANT**

Tony Hill advised that along with his wife and son they were Seafari. He stated that he was not a planning expert and that the Council's professional planners had gathered information, consulted with appropriate bodies and recommend approval of this Planning application. He said that Seafari attempted to run its businesses within the legal and legislative framework to the best of his ability. This included developing the business to increase employment security and safeguard those who loyally worked and supported Safari. He advised that they wished to develop and expand the businesses with a consequential increase in employment opportunities. He said that as government legislation changed these changes had to be embraced whilst also mitigating risk to both the general public and staff. He stated that this was one aspect of development and, in this instance the development included an application for planning from Argyll and Bute Council. He advised that Seafari adventure introduced the Rigid Hulled Inflatable Boat (commonly referred to as RIBs) to Scotland as a dedicated wildlife tour vessel in 1999. He stated that they have been described by objectors as an active company. He indicated that they operated 5 commercial RIBs successfully from the rural coastal community Easdale. Over 15 years two part time employees for Seafari Adventures have grown to 19; a mixture of full and part time employees. He said that tourism was a key component underpinning both Easdale's and Argyll's economies. Wildlife tourism was a developing sector and that by developing the infrastructure Seafari Adventures tourism could further flourish to create more jobs. He indicated that Seafari employed locally with five skippers living on Seil or Easdale, and a sixth who has worked with them for 4 seasons actively seeking to move to the area. He stated that their crew and wildlife guides were all recent graduates in associated fields and that their manager was a multi-linguist with considerable experience particularly within the wildlife sector. He advised that some were employed almost 9 months a year and that they brought young energetic people to these island communities. He said that Seafari had employed 4 local university and school students this year. As a people business, he advised that they recognised the importance of high quality dedicated staff and that they wished to acknowledge in public the loyalty and high standards of local staff all of whom have been with them for many years. He stated that these local people were the backbone of their business and that Seafari had a duty to develop and offer them sustainable employment. He advised that they suggested Easdale was the most important name to promote this area and that Seafari promoted Easdale by coordinating and distributing around 30,000 Easdale leaflets annually along with their own brochures. He advised that Seafari offered a first class wildlife experience and that reviews on social media such as Trip Advisor acknowledged this. He stated that every customer who enjoyed his experience with Seafari must be considered an ambassador for Argyll. He pointed out that

indirectly their customers supported other local tourism attractions, local restaurants, pubs, shops and accommodation providers. He advised that Easdale was a tourist destination and that it has always been their philosophy that all tourism business must work together towards the mutual benefit of the Easdale tourism sector. He advised that this year they adopted and embraced e-ticketing and that this had the potential to increase ticket sales considerably particularly with the younger mobile generation and foreign customers. Online sales were expected to increase significantly over the next few years. He confirmed that Seafari were approached, and have subsequently been endorsed, by Bentley Motors for their UK recommended travel route. Turnberry Hotel and Golf Resort, Laphroaig Distillery, Loch Fyne Oysters and Seafari Adventures Easdale were the four exclusive Scottish recommendations. He advised that Seafari tours were now listed and promoted by Buro Scanbrit – a Fred Olsen company. Buro Scanbrit sold Seafari tickets at source throughout Scandinavia. He stated that it was their intention to develop similar links with other companies throughout Europe. Markets in Germany and France offered greater opportunities for the company. He said that in March 2014 Seafari advertised a new 12 month post specifically to investigate and develop this avenue. However they did not appoint to this post as their initial planning application for a storage facility stalled. He advised that they would not subject the business to expansion without first ensuring appropriate infrastructure was in place to cope with the projected increase in customer numbers. He explained that an increase in boat operations required a team of people not an individual so Seafari would have to appoint an additional boat team. He stated that good business practice included addressing legislative changes and requirements as a business grew. As in this case, he stated that planning permission was required for the development to proceed. He advised that Seafari Adventures had reached a point where, due to the volume of fuel used, particularly in the summer months and during local commercial contract work, they had to as a company develop and hence invest in better infrastructure. He stated that fuel and its supply for their boats was an essential component to their business. He explained that his son Iain joined the family business in 2009 with the proviso he start his own company. He selected Seafari Marine Services (SMS) which has ISO 9001 accreditation, and was FPAL (oil Industry) listed. He advised that SMS provided boat charter services to commercial operators and that the main target market was renewables. He advised that SMS has worked away from home in order to gain significant commercial experience in respective fields. He referred to wind turbines in Norfolk, wave technologies in Orkney, the development and recovery of the world's largest test tidal turbine off Paimpol and stated that this was the experience SMS brought to Argyll's marine renewables sector. He indicated that SMS had won contracts because it had developed, built and had available the required vessels for charter along with the underlying skills, experience and infrastructure to support vessels in the field. He advised that local infrastructure and experience would be crucial if Argyll companies were to win contracts in the Argyll Marine Renewables sector and that fuel supply was a key element. He stated that if Argyll companies had neither experience nor infrastructure large renewable companies would not hesitate to source services from outwith Argyll. He added that SMS supplied boat services to northern Lighthouse Board and

that this contract was recently re-awarded to SMS. He said that next year Northern Lighthouse Board, along with Trinity House would share a single helicopter for maintenance work and it was predicted that the NLB would increase their use of contracted Boat Service Suppliers. He advised that within the next fortnight SMS would supply boat services supporting the laying of the new Jura undersea cable to be installed by Briggs Marine. This followed successful support to the laying of the new Coll to Tiree cable. He advised that tomorrow SMS would commence boat services for drifter work in Northern Ireland and that SMS had recently completed an evaluation with Marine Scotland for the supply of boat services for Fisheries Protection to much of Scotland's West Coast and, if successful, SMS would provide boat cover for the area south of Islay to the north of Skye. He stated that SMS offered work to, and was supported, by local skippers and crew with increased opportunity for close or low season work and that boats for these contracts would work from Easdale. He advised that to service this increase in local work SMS required additional infrastructure. This included fuel supply. He pointed out that SMS was a young vibrant company actively seeking work and that Argyll needed such companies to provide services and employment opportunities. He added that Iain also provided succession to the businesses. He explained that legislation for petrol continued to alter. The transport of fuel in small loads was legal under UK law. He stated that the Dangerous Goods and Explosive Atmosphere's Act clearly set their standards. He advised that living in a remote rural coastal community did not preclude compliance. Insurance companies placed increasing pressure on businesses to invest in modern products to reduce risks to both staff and the general public. He stated that the proposed storage tanks had been developed by industry to help businesses meet these requirements. He said that they invested in infrastructure to ensure compliance and that this assisted development and offered greater safety and amenity to staff and public. He indicated that the site available for the petrol storage facility was to the east side of a 93 space car park and that the car park was at the fringe of the settlement. He stated that there were 11 objectors to the application. He said that some of the objectors had visited all the properties in Ellenabeich requesting total village support against Seafari's planning application. He stated that Seafari specifically requested individuals who may be sympathetic and supportive to their application not to become directly involved. He advised that the result of this campaign was apparent in the number and location of the objectors. He advised that the majority of the objectors listed lived in close proximity to the car park. He said that they accepted that people were entitled to their own views and opinions however he advised that they would challenge statements made which they believed to be incorrect particularly when raised as an objection in relation to this planning application. He stated that they refuted the statement that Seafari turned away vessels from the harbour. He said that they believed they actively encouraged use of the harbour and mooring facilities and that the annual Easdale RIB Rendezvous was their best example. He explained that over 40 boats gathered at Easdale for a weekend in the low season. Pubs, restaurants and local accommodation all benefited. He stated that Seafari covered all administration costs, staff to organise and a safety boat to accompany this popular two day event. He advised that Seafari's boats did not block the pier ramp. The RIB's rarely lay

alongside the ramp. He explained that due to the levels of staff supporting Seafari their boats were able to dock, unload and, if necessary, reload passengers in less time than it took the Easdale Ferry to cross to the island and return. He advised that Vicki Mackenzie of Argyll and Bute Ferries confirmed there were no issues. He advised that Seafari operated boats subject to business demand and rarely operated boats out with the operating times of the Easdale Ferry. He advised that occasionally this happened but noise was at a minimum and stated that they were happy to be monitored for noise levels. He advised that Seafari should use diesel engines. He stated that the comparison with petrol engine operators in Scotland was obvious 22 against 5. He advised that Seafari was the largest operator in Scotland and by choice were based here at Easdale. Referring to a slide he advised that from the list displayed Seafari was the operator who had to travel the furthest by road to obtain fuel. He stated that claims by objectors that their RIB's ran up to 20 tours daily were grossly exaggerated. He advised that they have years of records to substantiate this statement. He stated that despite this significant drop on perceived passenger numbers their company brought considerable economic benefit to the area. He advised that their customers were sometimes categorised as cash rich tourists who would spend additional money on refreshments and entrance fees to other local attractions. He advised that their experience suggested a greater percentage of tourists visited the area because there was something to do and that this went beyond the boat trips offered by Seafari. History and Heritage ranked high in attracting tourists. He stated that Easdale was for the enjoyment of all, not just a section of the tourist industry requesting peace and tranquillity. He advised that their aim was to have two tours operating daily during low season. He said that Seafari had to ensure it did everything to provide a proper monthly wage packet for staff. He advised that other local businesses would consequently benefit. He stated that the objectors did not have a current understanding of either the local tourist or the RIB industry. He advised that the planning process included consultation with Area Roads, Environmental Health, Trading Standards, Conservation Officer, and SEPA and that no objections to the planning application were raised but conditions were to apply. He stated that Seafari accepted these conditions. He advised that the objectors raised issues with regards to access, traffic management, increased traffic volume, damage to houses by increased traffic and pedestrian safety. He stated that Argyll's Roads Authority disagreed. He advised that the public car park had 93 spaces when all were available for use. He stated that since July 2014 Seafari, through no fault of its own, has had to revert to the parking of its vehicles in the public car park as it did prior to 2005. He advised that Seafari accepted vehicles movements between the car park and the jetty increased considerably when there was limited space at Ellenabeich pier but wished to clarify that its vehicles were fully road legal and that this entitled them to park at a public car park. He advised that the size of the delivery tanker had been questioned and stated that Gleaner oils confirmed it was the same vehicle which delivered fuel oil to two properties to the rear of the car park. He indicated that the bin lorry entered the car park weekly and a local business, JCN Engineering, had a significantly larger lorry delivering metals to Caolas Cottages and the fabrication garage at the rear of the car park. He advised that there was a difference of opinion between SEPA and local residents with regard to

surface flooding in the car park. He stated that Seafari accepted that a corner of the car park suffered from a drainage issue. He advised that at a recent Seil Community Council meeting Mr David Nathan, an objector, acknowledged that a drain which ran across the car park had in the past required clearing and perhaps that this should receive attention by Argyll Roads Department. He stated that a significant quantity of water was perhaps retained on the car park surface as access levels to the main drainage ditch had been raised and blocked by earth and shrubbery. He said they could be cleared. He confirmed that Seafari was aware of land within Easdale being sold to more than person but they would like to present the following information to the panel. He stated that Ms Caroline Sheen of Argyll and Bute Estates had confirmed the land for the car park adjacent to the proposed site was sold to Argyll and Bute Council in 1971 by one Mr Iain MacFarlane. Referring to a slide he advised that the original plans of the car park as registered with Argyll and Bute Council were as shown. At the last time of communication with Ms Sheen he advised that Argyll and Bute Estates had not managed to obtain records of any of the land purchased for the car park shown as indicated by this drawing having being subsequently sold to a third party. He asked the Committee to note the position of the drainage ditch in relation to the fence line. He advised that since 25 February 2010 Mr David Nathan had erected a new boundary fence to his land and that he wrote stating that he owned the land included within the new fence. Referring to a further slide he advised that this was a diagrammatic indication of the position of Mr Nathan's new fence. He asked the Committee to note the position of the drainage ditch in relation to the fence line. He stated that the discrepancy between claimed ownership was the drainage ditch and embankment which if maintained would, apart from solving the surface water issue of the car park, ensure the full allocated car parking spaces along the front edge of the car park were available for use. He referred to a photograph taken by local agents on 25 February 2010 which showed the fence line as per the original 1971 plans. He stated that Seafari requested that Argyll and Bute Council and Mr Nathan confer, consult and resolve the land ownership issue to facilitate the clearing of the ditch which in turn would facilitate the drainage of surface water from the car park. He advised that access to the proposed site was shown on a deed of servitude. He confirmed that this had been presented to Mr John MacFarlane, the current owner of adjacent land. He stated that there was no agreement as yet as to exactly where the access road was positioned and that this too required resolution. He advised that the newly erected fence and lines on the road had not been substantiated as yet by Mr MacFarlane. He advised that land ownership and access was a civil matter and that decisions would be made by third parties and that Seafari would state its case. He advised that the decision to be made today by this panel should be based exclusively on planning issues and not civil matters. He advised that the suggestion by objectors that approval of the application would set a precedent for other industrial proposals was incorrect. He stated that planning permission if sought would be limited to appropriate development. He added that there were businesses which currently operated on the fringes of the car park as they similarly wished to do. He advised that Chris Odling was a well respected motorbike engineer specialising in vintage sunbeam motorbikes. A skilled engineer, he had also made specialist parts or undertaken specialist engineering

repairs for local fishing boats. He advised that Mr Odling operated from a well equipped shed at 61 Ellenabeich with direct access to the car park. He also advised that JCN engineering operated as a mobile welding and fabrication business. Materials for use in association with the business were delivered to 2 Caolas Cottages by a large lorry and that components were fabricated within the garage at Caolas Cottages. He confirmed that hand and guardrails for Easdale Ferries were fabricated at JCN's garage/shed and that all components for the RIB shown were fabricated at JCN garage/shed. He stated that JCN engineering was paid in excess of £7,700 by Seafari for welding only work in a single financial year. He advised that Seafari suggested that there was already a precedent for small scale businesses from the car park and advised that 6 of the 11 objectors were directly related to these businesses. He advised that Seafari requested that the panel consider the statement precedent for other industrial development in light of what already occurred on the fringes of the car park and not on what was perceived as an exclusively residential area. He stated that with JCN Engineering and C Odling motorbikes working commercially at home with direct access onto the car park they strongly challenged the objectors to claim this was a purely residential area as it clearly was not. He advised that there was concern that Seafari as a business operated below the planning radar and that 14 concerned residents of Ellenabeich and Easdale had raised matters with Argyll and Bute Planning Department. He stated that due to the nature of the correspondence matters were presented at the full Argyll PPSL Committee for decision and that all but one issue was dismissed. He confirmed that their shop windows required replacement and that Seafari had accepted the breach of planning but requested an update to a statement on the notice namely. He stated that in the interest of fairness and consistency of approach the planning authority also intended to initiate action to seek the removal of other unauthorised UPVC windows on listed buildings within Ellenabeich. He advised that they were aware of many adjacent listed buildings with UPVC window frames and that Seafari's only request was for a level playing field. He stated that issues regarding safety of the proposal, fuel spillage, operating procedures, public safety and the monitoring of Seafari for compliance were all raised. He advised that much was dealt with by legislation but multiple complaints to agencies and bodies were that Seafari was not a responsible company particularly with regard to the safe handling of petrol and the refuelling of vessels. He stated that to this effect Seafari was reported by one or more objectors to many government agencies and council departments on more than one occasion. He confirmed that Seafari had been audited by all agencies and had met fully with regulations. He stated that they challenged the objectors to highlight breaches to regulations stated by these agencies. He said that the Audits had been at considerable cost to the public purse. He advised that it was not in Seafari's interest to jeopardise its business by breaking regulations. He confirmed that Seafari recognised that legislation would update and change. He confirmed that this specialist storage tank facility met today's regulations and in proper use would safeguard both Seafari staff and the general public. He advised that the tank would be placed on the ground and confirmed that there would be no public access to the storage tank site. He stated that separation distances were determined by legislation and that this included a designated height for the vapour to vent pipe at 4.2m.



He advised that the boundary fence was to be a stone wall and by legislation it was to be 1.8m in height. He said that little activity inside the area would be noticed. He advised that the wall was a similar height to the wall currently surrounding the property 61 Ellenabeich which shared a boundary with the car park. He confirmed that there would be no signage to the outside face of the walls. He advised that objectors had independently consulted with Scottish Fire and Rescue and that Seafari recently met with two officers. He stated that verbally they were told that the site seemed eminently suitable for the storage tank however at this juncture they did not have any written report due to the 20 days taken for FOI requests to be addressed. He requested that the objectors share the response received from Scottish Fire and Rescue to the potential fire risk and suitability of the site. He advised that Seafari's current method for supply of fuel was overstretched and particularly in the summer for tourism and during commercial contract work. He stated that it would remain overstretched should tourism generate further customers. He advised that Seafari Marine Services was developing a market for commercial work locally based from Easdale and that its refuelling was also overstretched. He stated that boats must either be refuelled at the start of a working day or at the end of a working day and that there were no garages in the sea. He confirmed that Seafari currently used in excess of 70,000 litres of fuel a year which equated to approximately 26 tanker deliveries in a 12 month period. He advised that during July and August Seafari estimated that it would require a tanker delivery between 8 and 10 times per month. He advised that tanker deliveries could only be Monday, Wednesday and Friday. He advised that work capacity during July and August was at a maximum. He stated that further tanker deliveries would take place over the remaining 10 month period. He advised that increasing their fringe season and winter work would see the number of tanker deliveries rise across this 10 month period but not substantially. He stated that if Seafari tourism or renewals was to develop it had to improve its supply of fuel whilst taking into consideration the associated risks to the general road user. He advised that transporting petrol from Oban to Easdale by vehicle in loads of no more than 333 litres up to 4 times per day particularly in the summer months when the roads were increasingly busy had to be considered. He stated that manual handling of jerry cans by staff must also be considered. He stated that delivery by a small tanker to a specialist above ground storage facility on private ground behind a stone wall considerably reduced these risks. He advised that it was neater, tidier, and more efficient and significantly lessened the annual handling risk to their staff along with the associated risk to the general public. He stated that the site was at the fringe of the settlement and screened by a wall. He advised that the proposed tank was 2.9m in length, 1.2m in width and 1m in height and that it was double bonded and fully fire proofed with a high security system to prevent unauthorised access. Manufactured in the UK, he stated that it met all current standards and legislative requirements for the storage of petrol. He advised that whilst they believed this would be the first tank of its kind in Argyll, over 250 tanks had been supplied throughout the UK and he gave examples of where these were located and stated that the tanks had a proven track record. He advised that a piece of rough unkempt ground would be surrounded by a stone wall with a single 2" vent pipe protruding above the level of the wall for a further height of 2.4m. He explained that

for every 9 journeys by the Seafari vehicle to Oban along the whole of Seil Island this would be replaced by a single tanker delivery. He advised that journeys of 300 miles by the Seafari Land Rover would be replaced by a single 32 mile journey by the tanker. He confirmed that the operating hours for use of the facility would be restricted to between 0800 and 1800 addressing complaints of some objectors to Argyll and Bute Roads of Seafari's use of the public car park early in the morning. He stated that Seafari would take fuel directly from the tank area to the jetty and that there would be no requirement for multiple vehicle movements between the car park and the jetty to deliver a single load of fuel and then recover cans. He confirmed that vehicle movements would be time managed to meet boats and that it was estimated that this would reduce Seafari's vehicle movements locally by up to 40%. He advised that all Seafari boats had fuel monitoring equipment which gave specific quantities of fuel used. He stated that exact quantities of fuel could now be moved from tank to vessel and that estimates and guesswork prior to travel to Oban would be eliminated reducing risk to vehicles travelling on the road and the general public at large. He said that time spent on the pier by Safari vehicles would also be reduced easing congestion particularly at the area adjacent to the shed used by Easdale Island foot passengers. He stated that if Seafari could increase the length of the season be it for tourism or commercial work there would be a requirement to employ young energetic people who also contributed so much to the area and Easdale Island in particular. He advised that an increase in Seafari tourism customers particularly in the shoulder season would benefit local tourism related businesses allowing increased length in employment for seasonal work. He stated that further local work for SMS would improve Easdale's economy. He said that Seafari as a company employed a culture of continuous improvement throughout the business and that was a proposal which would improve and not diminish public safety and amenity. He advised that whenever there was development there would be alteration to amenity. He stated that their investment offered significant gain in amenity to the community. He advised that despite consistent reporting, their current operational methods had stood up to both legal and operational scrutiny. He stated that as a responsible company at the forefront of the RIB industry the provision of this fuel storage facility would help consolidate Seafari's future development. He pointed out that around Scotland there were examples where the balance between local heritage, industrial development and tourism had won awards. He said that nowhere within Argyll's local planning statement did it state conservation was incompatible and a restriction on sustainable economic growth. He stated that Seafari had demonstrated it offered employment opportunities in a remote coastal location but to be sustainable they too like many businesses had to extend their working year. He advised that Seafari welcomed the recommendation of Argyll's planners to proposal 14/00914 and accepted the imposed conditions and restrictions to the facility. He confirmed that Seafari also accepted it had to legally comply with legislation to operate the facility in a safe and proper manner. He advised that the recommendation for approval by Argyll and Bute's Planning Department was an indication to Seafari that Argyll planners were open for, and positive towards, business development and sustainable economic growth. He stated that they hoped the PPSL Committee representatives present today would support the decision of its

Planners.

## **CONSULTEES**

### **Seil and Easdale Community Council**

Seamus Anderson advised that this was a small business trying to survive and expand within a much visited Conservation area which demanded extra scrutiny of the planning application. He referred to the representation made by the Community Council which was detailed in the report of handling and advised that he hoped the Members had read it. He referred to the comments by Planning in respect of the Community Council's representation and advised that the Community Council felt these were slightly dismissive particularly about the request for the visual aspects and pinch points to be revisited. He stated that Seil and Easdale Community Council urged the Committee to be robust with their questioning and that all be involved at every opportunity.

## **SUPPORTERS**

### **Jan Fraser**

Jan Fraser advised that she was a full time resident on Easdale Island and ran a small business there. She said that she was speaking in support of the application and in doing so was representing 2 groups, Eilean Eisdeal, the Easdale Island Community Development Group, and the small businesses on the island. She advised that Eilean Eisdeal was a charity which owned and managed the hall on the island, the museum and the harbour for the benefit of the community. She said that the hall had a popular arts programme and was also used for many community events. She stated that the museum had been running for over 30 years and was bought for the community 6 years ago. She advised that the harbour had moorings for small and medium sized boats and a pontoon, and in managing these facilities, Eilean Eisdeal provided part time employment for 5 people and opportunities to volunteers. She advised that the hall, the harbour, and especially the museum, relied on visitors to the island to be viable and that without tourists and holiday visitors in sufficient numbers the fragile economy that had been built there would be threatened. She stated that in the last 10 years Seafari had brought increasing numbers of visitors to the area, people with money in their pockets and chose to spend it which was of huge benefit to the island and the whole area. She advised that Seafari distributed the Easdale leaflet publicising the area with their own flyers, and they knew that many people were initially attracted to Easdale by this information. She stated that Seafari provided employment for local people and in addition brought new blood to the area every year, from mid-March to mid-November, many of whom retained links to the island, and some had even put down roots. She advised that this annual influx of young graduates to the area has had a very positive effect on the island. She stated that Seafari had gained a national and international reputation and has made Easdale an increasingly popular destination for a day out or an even longer stay. She added that Eilean Eisdeal also benefited from the contribution made to the community by Seafari and their staff as they regularly cut the grass in

communal areas on the island and cleared the paths. She pointed out that recent community projects to clean up the harbour area and resurface the paths were led by Seafari and that they relied on Seafari to tackle many small jobs around the harbour. She advised that Seafari leased a pontoon in the harbour which enabled the business to operate during the winter months, and that their mooring in the sound provided additional security for visiting boats with the revenue going to the community. She explained that Seafari boats were often first to help out visiting boats when they ran into problems, an essential safety net RIB rendezvous. She advised that for this business to continue to thrive and in doing so support the local community, it needed easier access to fuel which this application provided. She confirmed that the directors of Eilean Eisdale appreciated the benefit brought to the community by this business and that they unanimously supported this application. She advised that she was also speaking on behalf of the other businesses on the island and stated that the most significant of these was the Puffer Bar and Restaurant, whose proprietor, Karen Cafferty was unable to be here today but had asked her to speak on her behalf. She advised that the Puffer was another of the businesses crucial to the island economy and in combination with Seafari, made Easdale a welcoming destination. She stated that Seafari passengers frequently ate at the Puffer and that it also provided a focal point for the Seafari crew during the season. She added that the Puffer employed 7 local people and in addition served food produced by local fisherman and farmers, all making a vital contribution to maintaining the infrastructure of this rural community. She advised that other local businesses that benefited from Seafari's activities included Don Gillies' garden furniture, Dave Munro boat repair and her own picture framing business. She stated that they all supported this application. She advised that this application for a fuel store would allow Seafari's business to continue to develop and to enrich the local community in many positive ways and on behalf of Eilean Eisdale and local businesses they hoped the Committee would agree to grant this application.

## **OBJECTORS**

### **Brien Dickey**

Brien Dickey thanked the Committee for the opportunity to present the objections of their small settlement to this application. He advised that his role was to introduce the presentation and to introduce Graeme Bruce who would provide the detail. He also advised that he would summarise at the end and invite the Committee to draft a competent Motion for refusal of this application. He pointed out that the objectors were a cross section of residents including 4 retirees, 5 school children, 5 self employed (business owners and directors) and 3 employed locally. He advised that together they had between 10 and 50+ years of association with the area. He stated that the aim of the presentation was to persuade the Committee to agree to a competent Motion to refuse planning permission for the following reasons:- contrary to Local Plan in respect of Conservation areas; inadequate consideration of the context as a material consideration; concerns about the approach to safety issues; fears about the quality of enforcement of conditions; and concerns about the detail of the application form.

## **Graeme Bruce**

Graeme Bruce advised that he lived in Ellenabeich. He referred to the list of all Development Plan policy considerations which were taken into account in the assessment of the application. He advised that the Argyll and Bute Structure Plan 2002 stated that it provided a strategic land use plan for the 10 year period up to 2012. He advised that as it was now 2014 this Plan was out of date. He also referred to the Argyll and Bute Local Plan adopted on 6 August 2009. He referred to this having a 5 year plan period replacing all previous local plans in Argyll and Bute. He stated that this Plan was also out of date by 19 days. He advised that it was possibly in date when the report of handling was produced. He then referred to the list of all other material planning considerations which were taken into account in the assessment of the application. He drew Members' attention to the Argyll and Bute Sustainable Design Guidance (2006) and advised that this development was not a housing development but a Flammable Liquid Storage Facility. He stated that a far more suitable guidance document was the HSG 176 The Storage of Flammable Liquids in Tanks published by the Health and Safety Executive. He then referred to Scottish Planning Policy 2010 and advised that this policy document was also out of date and had been replaced by Scottish Planning Policy 2014. He referred to the Argyll and Bute Council Proposed Local Development Plan 2013 and stated that it had been approved by the Council in January 2014. He confirmed that advice he had received from Argyll and Bute Council's Development Policy Team was that the policy documents that should be used were the Argyll and Bute Local Plan 2009, Argyll and Bute Council's Proposed Local Development Plan 2013 and Scottish Planning Policy 2014. He suggested, for the sake of completeness and in the absence of any other construction guidance that the construction guidance recommended by the petrol tank manufacturer, published by the Health and Safety Executive HSG 176 The Storage of Flammable Liquids in Tanks be used. He then referred to this document during his presentation (a copy of which was tabled to Members) and highlighted instances where he believed the proposal did not meet the requirements of this document in respect of fencing, separation distances and ventilation. He stated that Scottish Planning Policy 2014 said "Planning should direct the right development to the right place" and "The aim is to achieve the right development in the right place; it is not to allow development at any cost". He then referred to the application for planning permission and stated that it was generally a comprehensive document. He referred to the site area being 340m<sup>2</sup> and that one parking space was allocated. He then referred to the 2009 Policy LP TRAN 6 and stated that this policy standard outlined 1 space per 50m<sup>2</sup>, and that 340m<sup>2</sup> would indicate a requirement for 7 parking spaces. He also referred to the 2013 Policy Document "Car Parking Standards" Storage or Distribution and stated that this outlined 4 spaces per 100m<sup>2</sup>, and that 340m<sup>2</sup> would indicate a requirement for 14 spaces. He stated that he could find no account of the parking standards being applied. He referred to water supply and draining arrangements and advised that this application outlined no new water supply or drainage would be required. He also referred to trees and advised that in response to the question "Are there any trees on or adjacent to the application site" the answer was

no. With the aid of slides he pointed out trees 2m and 3m from the site boundary. He stated that the proposed industrial petrol storage facility would have a 4.5m high vent pipe which would directly vent into these trees where birds nested. He referred to 2009 Local Plan Policy LP ENV 7 and 2013 Policy SG ENV 6 which were both in respect of the impact of trees and woodlands. He asked how the Applicant and Planners had not seen the trees and stated that no account had been taken as to the potential damage to the local trees. He drew Members' attention to Local Plan Policy ENV 14 – Development in Conservation Areas and Special Building Environment area which stated that outline planning applications would not normally be considered appropriate for proposed development in Conservation areas. He stated that the application before Members was actually an outline planning application and that the form was inaccurate and misleading. He further stated that the submitted drawings were not appropriate to the development and that recommendations made by Council Officers assumed the accuracy of the drawings and made judgements based on inaccurate/misleading information. He pointed out to Members that there was another more appropriate site. He advised that the Applicant had been using this site for more than 10 years and that it was nearer to the pier. He pointed out that the land area was large enough and the journey route to it passed no houses. He asked what was wrong with this site. He then went on to refer to the responses submitted by Statutory Consultees and tabled to Members a copy of the responses received from Roads, Environmental Health, SEPA and the Conservation Officer and raised concerns regarding the consultee responses in respect of traffic impact analysis, access, traffic movements within Conservation area, tanker deliveries, flooding and drainage and the impact on the Conservation area. He advised that Planners had stated that the proposal was considered to be acceptable under Policy LP BAD 1 – Bad Neighbour Development. He questioned whether or not an amenity assessment had been carried out and what the base line amenity level was. He stated that the proposal would result in an increase in traffic, more noise from activities, that the petrol tank would have vent pipe to vent fumes, that the development would not fit on the site and that the site would have a 1.8m change link fence where there were no chain link fences in the surrounding area. He stated that the Planners assessment in respect of Policy LP BAD 1 was clearly incorrect. He referred to the recommended boundary treatment to the site and asked what would happen if the recommended wall was not allowed under HSE regulations which advised that the use of welded mesh or chain link fencing which would not obstruct ventilation was preferred.

## **MEMBERS' QUESTIONS**

Councillor Trail asked the Applicant how many customers he had during a year. Mr Hill advised that he would rather not say as this was sensitive business information. He indicated that it was somewhere in the thousands and that during July and August 3 ribs usually operated on a daily basis weather permitting.

Councillor McNaughton sought and received clarification from Planning that the height of the proposed tank would be 1.15m high. He also sought and received clarification from the Applicant that the tank came as a

complete unit and would be placed at floor level to facilitate a gravity feed. Mr Hill indicated that boats would be fuelled from the tank using either a 12v electrical pump or hand pump.

Councillor McCuish asked why Mr Hill had chosen this location and was it not more feasible to have a site as far away as possible from properties. He also asked if the proposed tank could be buried. Mr Hill advised that at the pre application stage 3 sites were looked at. This included the current application site, the site Mr Bruce referred to plus another one and that Planning guided them to opting for the current application site. He advised that the requirements of the site referred to by Mr Bruce were totally different. He stated that this site would have required an electricity supply which would have had cost implications. He advised that the current site was fully compliant with Health and Safety regulations and was of a modern standard. He confirmed that the tank could be capable of being buried but not the type proposed.

Councillor Colville referred to hearing of the economic benefits of the proposal and recognised the pressures of protecting Conservation areas. He asked how the proposed development would enhance or preserve the Conservation area, he asked how a breach of condition would be policed and what condition was there that could shut a business down. He also sought guidance on fencing versus a wall in respect of ventilation. Mr Fair answered each question in turn. Firstly he referred to preservation of Conservation areas and stated that the requirements of the Local Plan policy did not state that there was a presumption against development in a Conservation area. He stated that it was Planning's position that the proposed development would preserve the Conservation area as the development was on the fringe of the Conservation area, was well contained and already had similar developments nearby in terms of scale and finishes. He stated that this area was not of top quality compared to elsewhere. In response to the second question he confirmed that the Council had a dedicated Enforcement Officer who carried out monitoring exercises and took action if required. He stated that some of the conditions recommended for this proposal required works to be done before the development started and if these were not complied with the development would be deemed unlawful. He added that if it was suspected that there was a breach of planning monitoring of the situation would be undertaken in the first instance. Thirdly Mr Fair advised that a boundary wall was recommended to give better containment of the site. He advised that the Applicant had also applied for 1.8m high post and wire fence.

Councillor Colville referred to the recommendation for approval being based on a 2m high wall. He stated that he had concerns that the Health and Safety Executive would not allow that and that he could not accept that a post and wire fence would enhance or preserve the Conservation area. Mr Fair referred to the existing boundary which included stock and wire fencing and an increase of this fence to 1.8m was acceptable. He advised that the wall was also recommended in order to restrict the public's views to the site. He stated that ventilation of the site was controlled by the HSE and therefore fell out with the Planning remit to consider this issue.

Councillor Colville asked what would happen if planning permission was granted with the inclusion of the wall and then HSE prevented the wall from being built. He asked would this mean the planning permission was null and void. He asked what would be the point of granting planning permission if a development did not meet regulations out with the Council's control. Mr Fair advised that there were two options open to the Applicant if this situation occurred. He advised that the Applicant could appeal against the planning condition or submit a fresh application with alternative finishes.

Councillor Taylor sought and received clarification from the Environmental Health Officer that the HSE document referred to by Mr Bruce was the correct one to refer to for this development.

Councillor Trail sought and received confirmation from Mr Fair that the role of Planning was to assess and advise on a proposed development in land use planning terms. He indicated that there were other legal controls not regulated by Planning. He confirmed that if planning permission was granted this would not be the end of the matter as the development would have to comply with other regulations and controls out with the Planning remit.

Councillor McCuish sought and received clarification from Mr Weston that the maximum tonnage of the fuel delivery vehicle would be 26 tonnes. He also sought and received clarification from Mr Weston that the weight restriction on the car park of 7.5 tonnes related to parked vehicles and not for access.

Councillor McCuish referred to the sign in the car park that prohibited the discharge of goods from the car park. Mr Weston advised that in this case the delivery vehicle would be driving through the car park in order to discharge fuel to the tank. He advised that the sign in the car park placed restrictions on trading from the car park.

Councillor McCuish asked Planning why they were not keen on the metal storage container. Mr Fair advised that this would have been an alien and visually intrusive addition to the area which would have been industrial in appearance.

Councillor MacIntyre referred to the other possible sites and sought and received clarification from Planning on why the current application site had been identified.

Councillor MacIntyre referred to the possibility of requiring more fuel deliveries if Seafari became more successful and asked if the road would be capable of sustaining these extra vehicle movements. Mr Weston advised that he thought it would be but admitted that a structural survey of the road had not been done. When Councillor MacIntyre asked why not, Mr Weston advised that up until today he was not aware of the possibility of an increase in the deliveries.

Councillor Kinniburgh sought and received clarification from Mr Hill on



how the fuel lorry would service the site.

Councillor Kinniburgh asked Mr Weston if this would accord with Local Plan Policy TRAN 4. Mr Weston advised that it was a unique situation in the car park and that there was turning space available in the car park. He advised that generally this policy was in respect of dead ends.

Councillor McCuish referred to the possibility of the business expanding and asked Mr Hill to comment in respect of the number of expected fuel deliveries. Mr Hill advised that during July and August he would expect 8 to 10 deliveries per month and that over the whole year approximately 26 deliveries.

Councillor McCuish asked Mr Weston if he thought the road would be capable of accommodating these deliveries and Mr Weston confirmed that he would like to have another look at the road.

Councillor McCuish asked if the Community Council received comfort that the concerns of the residents had been look at. Mr Anderson confirmed that he was happy with the robustness of questions asked today.

Councillor Colville asked why this area was a Conservation area. Mr Fair referred to this being a slate island village which had been allocated Conservation status due to the historical importance of the slate mining community. When asked he confirmed that the village had a mix of architecture and industrial historical importance.

Councillor Colville expressed his concerns in respect of the information presented about separation distances and the presence of trees and asked Planning to comment. Mr Fair confirmed that there was no impact on trees and that the objector was mistaken as the trees were out with the site. He confirmed that the site area which was within the red line boundary did measure 340m<sup>2</sup> and included the area of access. He referred to Mr Bruce's statement that the tank required a separation distance of 6m from the boundary and advised that this related to tank volume and confirmed that the separation distance should be 4m. He stated that it was not Planning's responsibility to regulate this. He confirmed that if the proposal failed to adhere to other regulations the development would not go ahead. Mr Hill advised that the storage capacity of the tank was 3,000 litres not 5,000 litres as suggested by Mr Bruce and that this required a separation distance of 4m and that this had been confirmed by HSE to be the case in this instance.

Councillor Colville sought and received confirmation from Mr Fair that the nearest dwelling to the site was Caolas Cottage which was 36m away.

Councillor MacIntyre sought and received clarification on the circumstances surrounding the withdrawal of a pre application enquiry regarding siting a tank on the jetty.

Councillor Kinniburgh sought and received confirmation from Mr Hill that he did not intend widening the access road.

Councillor McCuish referred to the Conservation area and asked for comment on the proposed 5m high vent pipe. Mr Fair advised that the vent pipe was a single 2 inch discreet pipe and would be a very small scale feature compared to other vertical elements in the area and that it would not be incongruous.

Councillor MacIntyre asked what the impact of a 26 tonne lorry would be going through the road. Mr Weston referred to ground conditions and advised that he did not anticipate a great impact. He confirmed that no assessment had been done.

The Chair ruled and the Committee agreed to adjourn the meeting at 12.55 pm for lunch.

The Committee reconvened at 1.30 pm.

## **SUMMING UP**

### **Planning**

Stephen Fair responded to the concerns raised. He advised that Roads were content with the proposal and that the fuel delivery vehicle already used this route. He advised that he noted that the Community Council agreed that the application had been robustly scrutinised by questions. In terms of the Policy framework, he confirmed that the Structure Plan 2002 and the adopted Local Plan 2009 were relevant and still in force. He confirmed that the Council's Design Guide was also material to this application as the principles applied to buildings/structures in respect of siting, design and finishes. He confirmed that the HSE guidance document was administered by the HSE and was separate from Planning. He stated that the required number of car parking spaces related to floor area not site area. He advised that the site was in a discreet location on the fringes of the Conservation area and would not be visually obtrusive. He advised that the proposed development would allow an excellent tourism business to continue to operate and flourish and would not impact on the amenity. He referred to conditions in respect of construction and opening hours. He referred to Health and Safety issues being out with planning control. He recommended approval of the planning application subject to the conditions and reasons detailed in the report of handling.

### **Applicant**

Tony Hill referred to the points raised by the Objectors. He confirmed that the proposal complied with current regulations. He confirmed that the separations distances were complied with and ventilation regulations were also complied with. He referred to the tank being a secure system and complied with the separation distances from the public. He referred to the site being a windy site. He referred to the access and tank deliveries and stated that the site was previously occupied by a bus company. He advised that the delivery vehicle would visit 2 other locations on route to the site and would therefore not weigh 26 tonnes by the time it reached the site. He stated that the planning application followed due process. He advised that business use already occurred at the car park. He stated

that Seafari employed local people and attracted tourists. He asked the Members to support the Planning recommendation.

### **Consultees**

#### **Seil and Easdale Community Council**

Seamus Anderson advised that he had asked for robust questioning and that they had got that today. He advised that this was by far the best Hearing he had attended and thanked the Committee for that. He advised that the decision was now up to the Members.

#### **Roads**

Bill Weston advised that he had looked at the entrance to the site at lunch time and confirmed that he was satisfied that it would be able to accommodate the fuel delivery lorry without any adverse impact. He advised that the pot holes were due to wear and tear.

### **Supporters**

Jan Fraser advised that she had nothing further to add. On behalf of Eilean Eisdeal and the small businesses on the island, she asked the Committee to support the application.

### **Objectors**

Brien Dickey advised that he did not believe the tank could go underground. He stated that the Roads assessment did not appear complete. He advised that the trees had not been taken into consideration and that he believed they should have been. He stated that the Health and Safety construction guidance document did relate to land use. He referred to Mr Fair mentioning the edge of the Conservation area and stated that the edge of a Conservation area was just as important as the centre of a Conservation area and that the proposal should be assessed as to how it would affect the Conservation area as a whole including listed buildings in its vicinity. He referred to the Single Outcome Agreement and asked the Committee if they were content that this proposal would make Argyll and Bute a good place to live. He said that Planning should direct the right development in the right place. He advised that in this case there were too many maybes still unresolved and that he believed this was an outline planning application rather than full planning application and therefore not appropriate for a Conservation area. He stated that the application should be refused.

The Chair asked all parties present to confirm if they had received a fair Hearing and they all confirmed this to be the case.

A member of the public raised a query in respect of advertisement of the Hearing and requirement for only those who had submitted a representation being allowed to speak. He stated that a number of local residents had not been aware of the need to make a representation and that they had not been notified of the Hearing taking place. The Head of

Governance and Law confirmed that the Local Government (Scotland) Act 1972 required publication of the notice of a meeting. He confirmed that a notice was placed at Kilmory and on the website and that the paperwork accompanying the notice detailed the requirement for representations to be made in writing if supporters or objectors wished to speak at the Hearing.

## **DEBATE**

Councillor Trail advised that he thought this was a very pretty village and commended the community for looking after it. He referred to the site being located at not one of the more attractive spots and advised that he did not think it would detract from the beauty of the village. He stated that the business Seafari was a tremendous asset to the area with around 1,000 visitors to the area that spent their money and brought prosperity to it. He referred to the employment of people and in particular young people and advised that this could mean them moving to the area and starting families which would in turn support the local businesses and school. He advised that he was minded to support the Planning recommendation.

Councillor McCuish stated that it had been a very good debate however he felt there were too many unanswered questions. He stated that he was 100% supportive of Seafari but unfortunately he could not support this application as he believed it would have a detrimental effect on the Conservation area. He stated that Mr Weston's look at the road during the lunch break was not sufficient. He stated that the planning system operated in the long term public interest and did not exist to protect the interests of one person or business against the activities of another. He advised that he could not support the application as he did not feel he had been given enough information to allow him to assess the merits of it properly.

Councillor Colville advised that a lot had been said about economic development and stated that this was important. He advised that the views of the Community Council mirrored his concerns. He referred to the site visit and that the surroundings of the site gave him some reassurance in respect of the visual impact. He referred to the 2m high wall and the nearby house 36m away. He referred to the possible increase in fuel deliveries and hoped that the business would increase. He stated that if need be the condition of the public road would need to be addressed. He advised that he was minded to support the Planners.

Councillor McNaughton advised that having visited the site he felt that any concerns he had when he read the paperwork had been addressed and that he was quite happy with the site. He noted that any conditions had to be adhered to. He stated that he felt all the concerns of the objectors had been addressed and that he was minded to support the Planning recommendation.

Councillor Taylor advised that he had been impressed with the quality of the presentations given. He advised that it was the Committee's job to determine the merits of the application before them and that he supported

the application.

Councillor MacDougall advised that he had heard a lot about the delivery tank and referred to the tank deliveries in Oban and Mull where there did not seem to be any bother. He stated that if the Applicant's business moved to another part of the country this would be a loss to Argyll. He advised of the need to get more people to work in Argyll and stated that he supported the application.

Councillor MacIntyre advised that like Councillor McCuish he believed there were more questions than answers and that the application should be continued for further assessment. He advised that alternative sites needed to be explored further. He recommended that the application be continued until other sites were explored.

Councillor MacMillan advised that Councillor Trail had summed it up completely. He stated that this was a difficult one and noted that the Community Council supported it.

Councillor Kinniburgh advised that his concerns were similar to Councillor Colville's and agreed that there was a need to consider the application before them. He said he was satisfied that the other sites had been looked at by Planning and that they had come up with the most suitable site. He referred to the presentation made by Mr Bruce and advised that the Health and Safety matters he had raised were out with Planning control. He stated that like his colleague Councillor Colville he would not like to see an industrial fence.

### **Motion**

To agree to grant planning permission subject to the conditions and reasons detailed in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor Alex McNaughton

### **Amendment**

To agree to continue consideration of the application and request a more robust report from the Roads Officer and a more in depth report from the Conservation Officer.

Moved by Councillor Roderick McCuish, seconded by Councillor Robert MacIntyre.

The Motion was carried by 7 votes to 2 and the Committee resolved accordingly.

### **DECISION**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 04/04/14 and the approved drawing reference numbers:

Plan 1 of 2 (Drawing Number 13-2111-P-01 D)  
Plan 2 of 2 (Supporting Statement)

other than where provided for by the terms of the conditions below, unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

2. The access at the junction with the car park access road shall be constructed in accordance with the Council's Roads Standard Detail Drawing SD 08/002a; and visibility splays of 25 metres to point X by 2.4 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of the internal access track and parking area to serve the proposed development within the application site have been submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented in full prior to the development first coming into use and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interests of road safety.*

4. Notwithstanding the provisions of Condition 1, the construction period for the development hereby permitted shall be restricted to the specified hours of 08:00 to 18:00 Monday to Friday, 09:00 to 14:00 on Saturdays with no working on Sunday or Bank Holidays. Emergency operations/works outwith these times must have prior agreement with the Planning Authority.

*Reason: In order to protect the amenity of the area.*

5. Notwithstanding the provisions of Condition 1, the development hereby permitted shall be restricted to the specified operational hours of 08:00 to 18:00, 7 days a week. The Planning Authority must be notified if emergency operations/works are to occur outwith these times.

*Reason: In order to protect the amenity of the area.*

6. No development shall commence on site, or is hereby authorised, until a detailed report on the control measures to be installed and built into the equipment on the site to minimise ground contamination and vapour release into the environment has been submitted and approved by the Planning Authority in consultation with the Council's Environmental Health Unit.

The development shall not be brought into use until the approved details have been implemented in full. Thereafter the development shall only be operated in accordance with the approved details unless otherwise approved in writing by the Planning Authority.

*Reason: In order to protect the amenity of the area.*

7. No development shall commence on site, or is hereby authorised, until an Emergency Action Plan to be used in the event of an uncontrolled spillage of liquid or vapour fumes into the environment has been submitted and approved by the Planning Authority in consultation with the Council's Environmental Health Unit.

*Reason: In order to protect the amenity of the area.*

8. No development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

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

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

9. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

*Reason: To ensure the provision of an adequate surface water*

*drainage system and to prevent flooding.*

10. Notwithstanding the provisions of Condition 1, no development shall commence on site, or is hereby authorised, until full details in plan form showing the location, extent and materials of a 1.8 metre high stone wall to the site boundary, sufficient to restrict views of the interior of the compound from public locations, has been submitted and approved in writing by the Planning Authority.

The petrol storage tank shall not be brought into use until the required screen wall has been constructed in accordance with the duly approved details and the wall shall remain in place in accordance with these requirements thereafter.

*Reason: In the interests of visual amenity.*

11. Notwithstanding the provisions of Condition 1, no development shall commence on site, or is hereby authorised, until full details of the proposed solar panel proposed to the shed roof, in the form of a plan/specification, has been submitted and approved in writing by the Planning Authority.

Thereafter the development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

*Reason: In the interests of visual amenity.*

(Reference: Report by Head of Planning and Regulatory Services dated 10 June 2014 and Supplementary Report Number 1 dated 21 August 2014, submitted)