

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 14/00914/PP

Planning Hierarchy: Local Development

Applicant: Mr Tony Hill

Proposal: Change of Use of Land for Siting of Timber Shed, Installation of Petrol Storage Tank and Erection of Associated Fencing

Site Address: Land adjacent to Public Car Park, Ellenabeich, Isle of Seil

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Installation of petrol storage tank;
 - Erection of timber shed with solar panel;
 - Erection of screen wall;
 - Erection of boundary fencing and gate.
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to:

- i) the conditions and reasons appended to this report, and
 - ii) a discretionary pre-determination hearing being convened in response to the representations received.
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(C) HISTORY:

14/00084/PP

Change of use of land for the siting of storage container, installation of petrol storage tank and erection of associated fencing – Withdrawn as a result of officer advice 11/04/14.

(D) CONSULTATIONS:

Area Roads Manager

Report dated 25/04/14 advising no objection to the proposed development subject to conditions regarding the formation of the access and service delivery arrangements.

Environmental Health Unit

Memo dated 15/04/14 advising no objection to the proposed development subject to conditions regarding, operating hours, emergency action plan, ground contamination/vapour release prevention report, external lighting.

Trading Standards Unit

E-mail dated 23/05/14 advising no objection to the proposed development as they would not require to be licensed by the Council under the Petroleum Act. Such matters would require to be addressed by the Health and Safety Executive.

Conservation Officer

Memo dated 17/04/14 advising that advice on a previous application informed the current application and which is considered significantly more appropriate for the area.

Scottish Environment Protection Agency

Letter dated 29/04/14 advising no objection to the proposal on flood risk grounds but advising that the Council should consult with their flood prevention colleagues. However the site is outwith the area identified at risk of coastal flooding and accordingly, in this instance, such a consultation is not considered necessary.

Seil and Easdale Community Council

E-mail dated 01/06/14 raising no objection to the proposal but stating the following.

“The view of the Community Council is that whilst the actual site is not residential, it is in extremely close proximity to residential property. In determining the application the planners must address the concerns of residents regarding access, safety, noise and general loss of amenity. These are well documented in the letters of objection. At the public meeting some specific aspects were raised, which the Community Council fully endorse, especially that the Conservation Officer reassess the visual aspect of the proposal and that the Roads Department have a closer look at how pinch points might impede traffic flow. The Community Council recognises that there is a balance to be struck between supporting local business and maintaining the integrity of a residential and conservation area. Residents in the immediate vicinity have expressed grave concerns, both in written objections and at public meetings, over the development. In considering the application the Community Council strongly urges the Planning Department to respond to these concerns so that those directly affected can be assured of their safety and their right to enjoy their homes with minimal disturbance”.

Comment: *These comments are noted. It is not considered that there is any need to further consult with any of the consultees who have fully assessed the proposal twice. The points raised by residents have been fully addressed at Section F below.*

(E) PUBLICITY:

The proposal has been advertised in terms of Conservation Area procedures, closing date 08/05/14 with the associated Site Notice closing date 21/05/14.

(F) REPRESENTATIONS:

13 representations have been received regarding the proposed development 11 objections and 2 support.

OBJECTION

David Nathan, Caolas Cottage, Ellenabeich, Easdale, Oban (2 submissions)
(23&27/04/14)

Henry Tarbatt, 33A Easdale Island, Oban, PA34 4TB (03/05/14)

Ruth Odling, 61 Ellenabeich, Easdale, Oban, PA34 4RQ (06/05/14)

Chris Odling, 61 Ellenabeich, Easdale, By Oban, PA34 4RQ (03/05/14)

Graeme Bruce, The Old Coach House, Ellenabeich Isle of Seil Oban Argyll
(05/05/14)

Wendy Bruce The Old Coach House Ellenabeich Easdale Isle Of Seil By Oban
(06/05/14)

Mr Brien Dickey, Sealladh Na Mara, Ellenabeich, Isle of Seil, Oban (30/04/14)

Mr John MacFarlane, Glenalbyn, Clachan Seil, Isle of Seil, By Oban, PA34 4TJ
(08/05/14)

Mrs Linda Munton, Old Inn, Ellenabeich, Isle of Seil, PA34 4RF (08/05/14)

Eileen MacFarlane 2 Caolas Cottages Easdale Oban Argyll PA34 4RQ (08/05/14)

Mrs Barbara Nathan No 1 Caolas Ellenabeich Easdale By Oban PA34 4RQ
(28/04/14)

Summary of issues raised

- The proposal is contrary to the Local Plan and Structure Plan.

Comment: The proposal is assessed against the relevant Development Plan policies in Appendix A to this report.

- Road and pedestrian safety issues - narrow access road; cars and motor homes parked in front of properties; increase in vehicular activity; unsuitable road for large delivery vehicles.

Comment: The Area Roads Authority was consulted on the proposed development and in their response raised no objections with regards to road or pedestrian safety or the ability of the site to be accessed by delivery vehicles. Should the road become blocked by parked cars, this would be a matter for the police.

- The car park displays signage prohibiting vehicles over 7.5 tonnes and indicates that the transfer/discharge of goods is not permitted within the car park.

Comment: The Area Roads Authority who control the use of council car parks raised no objection to the proposed development which will be on land outwith the designated car park.

- The heavy vehicles and increased vehicular movement will have an adverse effect on the fabric of the village (roads and old/listed buildings).

Comment: As detailed above, the Roads Authority has raised no objection to the impact of the development on the existing road infrastructure. With regards to the stability of old/listed buildings, this is not a material planning consideration in the determination of this application.

- There is no permission in place for the existing Seafari businesses in Ellenabeich or Easdale and this should be addressed prior to the determination of this application.

Comment: This is not a material consideration in the determination of this current application but is being investigated under enforcement procedures.

- Issues regarding the safety of the proposal and the potential for fuel spillage resulting in odour issues, ground pollution and fire risk.

Comment: This issue will be addressed by a condition attached to the grant of planning permission requiring the submission of an Emergency Action Plan to be used in the event of an uncontrolled spillage of liquid or vapour fumes into the environment.

- There is no detail of how petrol will get from the storage tank to the shoreline or how it will be decanted from the containers used into the fuel tanks of the boats.

Comment: This is not a material consideration in the determination of this planning application.

- What measures will be in place to prevent petrol being sold from the village shop and from the site to local boat owners, gardeners and the general public.

Comment: This is not a material planning consideration in the determination of this application but a matter which will be dealt with under Health and Safety Regulations.

- Is it the intention to store petrol in cans within the trailers/vehicles on site.

Comment: The purpose of the application is to have a permanent facility to remove the need for petrol cans to be stored in vehicles. The Health and Safety Executive will control the operation of the site under separate legislation.

- Public safety due to the proximity to the public car park and lack of access to emergency services due to no mobile phone signal at the site.

Comment: The proposed development will require to comply with separate Health and Safety Regulations and also the requirements of the Council's Environmental Health Unit. With regards to lack of mobile phone signal, this is not a material consideration in the determination of this planning application.

- There is no indication on the monitoring of the development should it proceed to ensure compliance with restrictions and safe working practice.

Comment: The proposal will require to be undertaken in accordance with the conditions attached to the planning permission and also the relevant requirements of the Health and Safety Executive.

- SEPA have classed the area at risk from flooding.

Comment: The site is outwith the area identified at risk of coastal flooding on the relevant trigger maps. However, as a result of comments from third parties, a consultation was undertaken with SEPA who raised no objection on flood risk grounds.

- Concerns over public safety from re-fuelling of boats from the public ferry slipway.

Comment: This is not a material consideration in the determination of this planning application.

- Boats turn away from the harbour because Seafari boats spend so much time at the pier.

Comment: This is not a material consideration in the determination of this planning application.

- Seafari is a noisy business operating from 06:15 to 23:00 hours on some days and the application proposes refuelling at the end of the day. Will there be any restriction on operating hours.

Comment: The Council's Environmental Health Unit have requested that a condition be imposed on the grant of permission limiting the hours of operation of the development to 08:00 to 18:00, 7 days a week.

- Loss of amenity due to increase in traffic and activity at unsociable hours.

Comment: It is not considered that the proposal will result in any significant increase in traffic given that the site is adjacent to a public car park. A restriction to operating hours of the development is proposed as detailed above.

- The tall boundary fence with warning signs will give the appearance of an industrial compound which is out of keeping of the area.

Comment: The site is already enclosed by a post and wire fence. The application proposes to replace with this the same type of fence only higher. No details of warning signs have been indicated in this

application and it will be highlighted in an informative attached to the grant of permission that such details may require Advertisement Consent.

- The site should be enclosed by a wall rather than a fence.

Comment: *The petrol tank itself is to be partially contained by a stone wall. The site is currently enclosed by a post and wire fence and it is considered the proposed fence, whilst higher, is acceptable within this location.*

- The development is out of character of the area and wider Conservation Area.

Comment: *This point is addressed in Appendix A of this report.*

- The approval of this application will set a precedent for industrial proposals within the Conservation Area.

Comment: *The granting of planning permission for this small scale development does in no way infer that the area is suitable for industrial proposals.*

- There is insufficient drainage on the site to deal with surface water drainage. Water from the site runs along the edge of the neighbouring property, under the car park and onto the beach. Petrol spilt at the site will drain into this and will be toxic to the marine environment and explosive.

Comment: *This issue will be addressed by a condition attached to the grant of planning permission requiring details of a Sustainable Urban Drainage System to address surface run off from the site.*

- A detailed plan should be submitted showing how the development will fit on the site.

Comment: *A detailed site plan has been submitted as part of the application.*

- Residents have attended two Community Council meetings and did not satisfactorily answer questions put to him regarding the proposal.

Comment: *This is not a material consideration in the determination of this planning application.*

- Health related issues resulting from vapours from the development site.

Comment: *This issue will be addressed by a condition attached to the grant of planning permission requiring the submission of measures to be installed in the development to minimise ground contamination and vapour release into the environment.*

- The proposal contravenes the relevant Health and Safety Regulations for such a development.

Comment: *The proposed development will require to comply with separate Health and Safety Regulations*

- Seafari boats offer up to 20 trips a day and the impact on wildlife on these trips should be fully assessed.

Comment: *This is not a material consideration in the determination of this planning application.*

- Any economic benefit brought to the area would be negated by the adverse impact of the proposal on traditional tourists who come here for peace and quiet.

Comment: *Any economic benefit to the area as a result of the proposal is to be welcomed.*

- Seafari has not advertised jobs nationally and not in the local press.

Comment: *This is not a material consideration in the determination of this planning application.*

- How much do Seafari pay in pier dues?

Comment: *This is not a material consideration in the determination of this planning application.*

- Seafari choose to use petrol engines because it is an agent for them and much of its other marine gear.

Comment: *This is not a material consideration in the determination of this planning application.*

- Seafari do not work with the residents of Ellenabeich in fact the very existence of Ellenabeich or the Conservation Area are not even mentioned on the Seafari website.

Comment: *This is not a material consideration in the determination of this planning application.*

- Consultation should have been undertaken with the fire authority.

Comment: *The Fire Authority is not a statutory consultee although they have been contacted informally and have confirmed that they are aware of the proposal. As the proposal does not require a Petroleum Licence, fire risk will be a matter for the Health and Safety Executive.*

- If the application is approved, a number of residents will sell their properties and vacate the island. This has the potential to deprive the area of businesses and school aged children who make a valuable contribution to the area.

Comment: *This is not a material consideration in the determination of this planning application.*

SUPPORT

Mrs Keren Cafferty, The Puffer, Easdale Island, Easdale, PA34 4TB (15/05/14)

Ms Janet Fraser, 57 Easdale Island, Easdale, PA34 4TB (06/06/14)

Summary of issues raised

- *“As a local business owner I would like to offer my full support to this application. It is imperative that this successful tourism business is allowed to develop their infrastructure and help secure this fragile rural community and the local economy. The business provides many employment opportunities especially for our younger generation and also attracts graduates to come and live and work here. The company's passion for the area and the attractions the area has to offer are clearly visible in its marketing and they are attracting visitors from around the world to Easdale and Argyll. Sea.fari are often first in line to help visiting yachts and boats in non emergency situations e.g yachts and powerboats with engine failure. To undertake these tasks they require fuel to be easily accessible. Refusal for planning permission could reduce the support Seafari can offer to the local boating tourism community and this would have a detrimental effect in promoting the area for this kind of pastime. It would also be a huge loss of an essential safety net”.*
- *“I wholeheartedly support this application which will benefit the local community by strengthening the infrastructure for a vital local business which brings a considerable revenue to the area and provides employment both for local people and also brings new people to the area, many of whom retain their ties with Easdale”.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

(i)	Is a Section 75 agreement required:	No
(l)	Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:	No
(J)	Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application	
(i)	List of all Development Plan Policy considerations taken into account in assessment of the application.	
	<u>Argyll and Bute Structure Plan 2002</u>	
	STRAT DC 1 – Development within the Settlements STRAT DC 8 – Landscape and Development Control STRAT DC 9 – Historic Environment and Development Control STRAT DC 10 – Flooding and Land Erosion STRAT SI 1 – Sustainable Development	
	<u>Argyll and Bute Local Plan 2009</u>	
	LP BUS 1 – Business and Industry Proposals in Existing Settlements LP ENV 1 – Impact on the General Environment LP ENV 10 – Impact on Areas of Panoramic Quality (APQs) LP ENV 13a – Development Impact on Listed Buildings LP ENV 14 – Conservation Areas and Special Built Environment Areas LP ENV 19 – Development Setting, Layout and Design LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development LP TRAN 4 – New and Existing Public Roads and Private Access Regimes LP TRAN 6 – Vehicle Parking Provision	
	Appendix A – Sustainable Siting and Design Principles Appendix C – Access and Parking Standards	
(ii)	List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.	
	Argyll & Bute Sustainable Design Guidance (2006) SPP, Scottish Planning Policy, 2010	
(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No

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

(N) Does the Council have an interest in the site: Yes

Vehicular access to the site is through a public car park which is in the ownership of Argyll and Bute Council.

(O) Requirement for a hearing: Yes

The application has been the subject of 13 representations, 11 of objection and 2 in support. All these representations are from local addresses and this level of interest in the application is of significance in the context of a small community. The range of issues raised is broad and the majority of them relate to legitimate planning matters. There would therefore be benefit in the matter being addressed by means of a discretionary local hearing.

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

In terms of the adopted 'Argyll and Bute Local Plan', the site is situated within the minor Settlement Zone of Ellenabeich where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives encouragement to small development which is compatible with an essentially rural settlement location.

The site is situated within the Ellenabeich Conservation Area subject to the effect of Policy LP ENV 14, Development in Conservation Areas and Special Built Environment Areas, which states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.

Policy LP ENV 13(a), Development Impact on Listed Buildings, states that development affecting a listed building or its setting shall preserve the building or its setting and any features of special architectural or historic interest that it possesses. considered it will provide an acceptable contrast between the old and the modern and it is not considered

The proposed site is situated a sufficient distance from any of the Listed Buildings within the village to ensure it will not have any adverse impact on their setting.

The main issues in respect of the proposal are the impact of the development on the Conservation Area and nearest residential properties.

In addition to the above, the proposal also has to be assessed for compliance with other relevant local plan policies which are detailed in Appendix A of this report.

The proposal has elicited 13 representations from local residents.

The proposed development is considered to be acceptable within this part of the Conservation Area and would not appear as a significantly dominant or intrusive feature which would detract from the wider setting of the Conservation Area.

On the basis of the foregoing, the proposal is considered to be acceptable and to accord with the relevant Development Plan policies and it is recommended that planning permission be granted subject to the conditions appended to this report, and subject to a discretionary local hearing being convened in response to the level of representation received.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

It is considered that the proposed fuel storage facility is an acceptable development for the site and will not appear as a significantly dominant or intrusive feature within the wider setting of the Conservation Area.

Having due regard to the above, the proposal is considered to accord with Policies STRAT DC 1, STRAT DC 8, STRAT DC 9, STRAT DC 10 and STRAT SI 1 of the approved Argyll and Bute Structure Plan and Policies LP BUS 1, LP ENV 1, LP ENV 10, LP ENV 13a, LP ENV 14, LP ENV 19, LP SERV 8, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan.

Furthermore there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Fiona Scott **Date:** 22/05/14

Reviewing Officer: Richard Kerr **Date:** 10/06/14

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 14/00914/PP

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.

Notes to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- Site specific advice in respect of conditions 6 and 7 may be obtained by contacting the Council's Environmental Health Officers.
- All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk.
- Please note that this permission is for the purposes of the Town and Country Planning (Scotland) Act 1997 only. Separate Advertisement Consent will be required for any signage proposed, unless it benefits from 'deemed consent' under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 14/00914/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Plan', the site is situated within the minor Settlement Zone of Ellenabeich where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives encouragement to small scale development which is compatible with an essentially rural settlement location.

The site is situated within the Ellenabeich Conservation Area subject to the effect of Policy LP ENV 14, Development in Conservation Areas and Special Built Environment Areas, which states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.

The site is also within the Knapdale and Melfort Area of Panoramic Quality where Policy LP ENV 10, Impact on Areas of Panoramic Quality states that development in, or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape.

In addition to the above, the proposal also has to be assessed for compliance with other relevant local plan policies which are detailed below.

The main issues in respect of the proposal are the impact of the development on the residential properties and Conservation Area.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for the change of use of land to allow for the siting of a petrol storage tank and associated infrastructure on an area of land adjacent to the public car park in Ellenabeich.

The applicant has submitted a supporting statement outlining the need for a permanent petrol storage facility to serve his business. The information submitted by the applicant states that Seafari vessels used over 70000 litres of petrol in 2013 at its Easdale operation. This involves petrol being collected from Oban in small (333 litre) loads and, at the height of the summer, can involve 3 or 4 trips per day between Ellenabeich and Oban. Petrol regulations do not allow for any quantity of petrol to be stored unless it is placed in a designated store hence this current application.

The supporting statement further states that the applicant has been unable to further develop their business due to the time and resources taken to collect fuel (approximately 2 hours per load). A permanent fuel storage facility would allow the expansion of the business which in turn could result in an increase in employment for the local area.

Prior to the submission of this current application the applicant sought pre-application advice on alternative sites. One site was on the existing pier within the village and which is considered would be an appropriate site being on a public, working pier, however the applicant discounted this site due to the hostile response from the public. A further two sites were discounted by the Planning Service as they were in

prominent, open and exposed areas within the village and it was considered they would have an adverse visual impact on the village and the wider Conservation Area

The site subject of the application is situated to the northwest of the village on the eastern edge of the main public car park which serves Ellenabeich. The site measures approximately 340 square metres in size and is a relatively flat area of land with a covering of grass. A small timber shed exists on the northern boundary of the site. Access to the site is to be taken from the public car park through an existing parking space.

The application proposes to site a 3000 litre bunded petrol tank which will sit on a concrete base which will extend a minimum of 300mm from the edge of the tank. The petrol tank measures 2.9m long x 1.95m wide x 1.15m high. The applicant proposes that this should be screened from public view on three sides by a 1.5 metre high stone wall with a 1.5 metre high gate to the front. The application also shows the existing post and wire fence and gate which currently encloses the site replaced by a new 1.8 metre high post and wire fence and a 1.8 metre high metal gate, the height of which is determined by Health and Safety Regulations.

However, given the location of the site within the Conservation Area, it is considered that a 1.8 metre high stone wall would be a more suitable form of boundary treatment to the compound as a whole (rather than just to the tank alone) providing improved screening from public locations, helping to integrate the proposed development into the conservation area and minimising any adverse visual impact which may otherwise occur. The prospect of this has been raised with the applicant and the requirement for screening in this manner is recommended to be imposed by means of a condition.

A small timber shed with a felt roof measuring 3m x 2.4m with an overall height of 2.8m is also proposed at the southern end of the site for the storage of equipment. A solar panel is proposed to the roof of the shed.

Within the site the application shows a 3 metre wide track to provide access to the petrol tank along with a parking space to the temporary storage of trailers or vehicles.

It is considered that the site is relatively well contained within the existing public car park, which in itself is not considered to contribute to the appearance or setting of the Conservation Area. On this basis, and having regard to recommended conditions, it is considered the site has the ability to successfully accommodate the proposed fuel storage facility, which would not appear as a significantly incongruous or intrusive feature within its immediate setting, or in terms of the character and appearance of the wider Conservation Area.

The proposal is considered to be acceptable under Policy LP ENV 19 and Appendix A which seek to ensure that developments are positioned so as to pay regard to the context within which they are located and that they integrate with the setting of surrounding development.

The use of the site as a petrol storage facility has the potential to constitute a form of 'Bad Neighbour' development and therefore the provisions of Policy LP BAD 1 require to be considered in the determination of the proposal. Policy LP BAD 1 seeks to ensure that proposed developments do not have an adverse effect on the amenity of neighbouring residents and that they include appropriate measures to reduce the impact on amenity.

The Council's Environmental Health Unit was consulted on the proposal and, whilst acknowledging the location and operation of the proposal could present potential issues with regards to noise, ground contamination and odour issues, raised no objection subject to a number of conditions being imposed on the grant of permission. Conditions proposed include a restriction to working hours during the construction phase; restriction to hours of operation of the completed facility; submission of an emergency action plan to deal with any uncontrolled spillage of liquid or vapour/fume into the environment; submission of a report detailing measures to prevent ground contamination and vapour release and a restriction to any external lighting proposed at the site.

Accordingly subject to the conditions required by Environmental Health, it is considered that the proposed development will not have any significant adverse impact on the amenity of neighbouring properties or the wider area. The site is not one which would require a Petroleum Licence from the Council and the operation of the site is one which would fall within the jurisdiction of the Health & Safety Executive.

The proposal is considered to be acceptable under Policy LP BAD 1.

Policy LP BUS 1 gives support to new business enterprises within existing settlements provided, in residential locations, the proposed development would not erode the residential character of the area or adversely affect local residents through an increase in traffic levels, noise, fumes or hours of operation, subject to other relevant policies. As detailed above it is considered that the site can successfully accommodate the proposed development without any significant adverse impact on the existing settlement.

The proposal is considered to be acceptable under Policy LP BUS 1.

C. Built Environment

The site is situated in Ellenabeich which has been designated as a Conservation Area and which is steeped in history related to its industrial past connected to the slate islands.

Structure Plan Policy DC 9, Historic Environment and Development Control, states that protection, conservation, enhancement and positive management of the historic environment is promoted. Development that damages or undermines the historic architectural or cultural qualities of the historic environment will be resisted, particularly if it would affect a Scheduled Ancient Monument or its setting, other recognised architectural site of national or regional importance, listed building or its setting, conservation area or historic garden and designed landscape.

Policy LP ENV 14, Development in Conservation Areas and Special Built Environment Areas states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.

Policy LP ENV 13(a), Development Impact on Listed Buildings, states that development affecting a listed building or its setting shall preserve the building or its setting and any features of special architectural or historic interest that it possesses. considered it will provide an acceptable contrast between the old and the modern and it is not considered

Accordingly, as a development within a Conservation Area, in deciding whether permission should be granted it is necessary to consider whether the petrol storage tank and associated infrastructure would prejudice the overall character of the Conservation Area, thereby undermining the purpose of designation.

The conclusion in this case, is that with recommended boundary treatment to the compound, it is not considered that the development would meet the requirement that development in conservation areas should preserve or enhance the character and appearance of the designated area. It is considered that the proposed site is situated a sufficient distance from any of the Listed Buildings within the village to ensure it will not have any adverse impact on their setting.

In this regard it is not considered that the proposal will have a significant adverse impact on the surrounding area or the wider Conservation Area consistent with the criteria set out in Policies STRAT DC 9, LP ENV 13(a) and LP ENV 14 which seek to ensure that developments do not have an adverse impact on the character of the built environment.

D. Road Network, Parking and Associated Transport Matters.

The application shows the site accessed via the public car park to the north of Ellenabeich to serve the site.

The Council's Roads Authority was consulted on the proposal and in their response raised no objection subject to conditions regarding the construction of the access to the site and servicing details for the site. However, the servicing details are contained within the supporting statement accompanying the application and therefore there is no need to attach a condition for this aspect of the proposal.

In this regard, subject to a condition regarding the formation of the access, the proposal is considered to be acceptable in terms of Policy LP TRAN 4 which seeks to ensure that developments are served by a safe means of vehicular access.

E. Flooding

The site is outwith the area identified at risk of coastal flooding. However, as a result of comments received from third parties, a consultation was sent to the Scottish Environment Protection Agency. In their response they raised no objection to the proposed development on flood risk grounds but advised that the Council consult with their Flood Prevention Unit. However, as the site is outwith the area where such a consultation would be triggered, this is not considered necessary.

In this regard the proposal is considered acceptable in terms of Policies STRAT DC 10 and LP SERV 8 which seek to restrict developments which are likely to be significantly at risk from flooding as indicated by a trigger map.