

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

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

SUPPLEMENTARY REPORT NO. 2

(A) INTRODUCTION

This application was first presented to the Planning, Protective Services and Licensing (PPSL) Committee on 20 September 2023 and subsequently was discussed at a Pre-Determination Public Hearing held on 30 January 2024. Members resolved at the Pre-Determination Hearing to continue the item to allow for investigation of a competent motion with the intent to reconvene proceedings at the PPSL meeting on 21st February 2024.

The purpose of this Supplementary Report is to highlight to Members additional correspondence that has been received subsequent to the continuation of the Pre-Determination Public Hearing.

(B) REPRESENTATIONS

Further representation from Mrs Cheryl Howe (received 09.02.2024)

Concern is expressed that officers report of handling has misrepresented the level of Support for the proposal formally expressed in the form of third party submissions. It is highlighted that there appear to be 15 duplicate submissions on the planning file but that only 10 of these have been identified by officers in their report to PPSL. It is requested that this be reviewed to ensure that Members are advised of the correct number of parties who have expressed support for the proposal prior to reaching a final determination.

Officer comment: It is noted that the main report of handling includes 2 tables setting out parties who have expressed support for the proposal. The first table identifies parties who have expressed individual support, the second table lists those who have submitted pro-forma slips given out by the applicant at a public meeting. In the latter table 10 persons are identified in bold to signify that they had also expressed a letter of individual support. On review it has been identified that a further 6 parties should also have been identified in bold in table 2 as duplicates:

- Veronica Speirs, 17c Corran Brae, Oban, PA34 5AJ
- Sara Stephenson, Carnoch, Connel, PA37 1PL
- K. Bryce, 6 Ferryfield Road, Connel
- Lorne Campbell Sinclair, Old Burnside Flat, Main Street, Connel, PA37 1PA

- Yvonne Clark, Lailt, Connel
- Georgia Mitchell, 7 Balnakeil, Kirk Road, Dunbeg, PA37 1PP

Further representation by RCP Chartered Town Planning Consultancy on behalf of Mr & Mrs Howe (received 15.02.2024)

Letter expressing significant concerns in relation to the conduct and proceedings of the Pre-Determination Hearing on 30th January 2024.

A copy of the letter is appended (Appendix 1) to inform Members of these matters prior to a determination being reached.

Comment: The submission relates to the procedures for determination of the application but does not raise any new matters relating to the planning merits of the application before members for determination.

Late Representation from Cllr Andrew Vennard (Member for Oban North & Lorn Ward) (received 15.02.2024)

A late representation to the application has been received from Cllr Andrew Vennard who has raised objection to the proposal.

The content of the representation is provided in full below for Members to note prior to reaching a determination.

“I am writing in connection with the above application, in my capacity as a ward councillor, as I would wish to comment on this application, due to the recommendation for refusal, and the effects that any decision could have upon the Council’s planning policies, and so I would be grateful if this email could be noted, as I note that a further decision on this application is due to take place on Wednesday 21 February.

I would concur with the recommendation for the refusal of the application, as the site is within an Open Spaces Protection Area (OSPA). As has been highlighted in the reports before the Council’s PPSL committee, it is not considered that the proposed development would constitute an appropriate departure from national or local planning policy. There is a clear need for the Council to maintain consistent policies regarding OSPAs, together with compliance with the LDP, NPF4, and SG LDP REC/COM 2 planning frameworks, and any approval of this application would clearly raise difficulties for the Council in maintaining compliance with the LDP, NPF4, and SG LDP REC/COM 2 planning frameworks in relation to any other applications involving OSPA sites.

I would also note that the most significant aspect of the application is the establishment of a café on the site, and the consequent economic benefits which this would bring. The applicant has an ongoing application for a café site nearby in Connel (24/00103/PP) on a brownfield site which relates to the renewal of a previously approved application for a café site (20/00038/PP). This other site would be a clear alternative to the development proposed by the above application, and would not involve any of the compliance issues raised by the above application.”

Officer comment: The representation does not raise any new matters that have not already been addressed in proceedings to date.

(C) CONSULTATIONS

Further Submission by Connel Community Council (14.02.2024)

A letter of clarification has been provided by Sandy Dunlop, Connel Community Councillor confirming the position of Connel Community Council on this matter in light of conflicting input provided by Fiona Ferguson during Member's Questions and comments subsequently made by Members during the Debate at the Pre-Determination Hearing on 30th January 2024.

A copy of the letter is appended (Appendix 2) to inform Members of these matters prior to a determination being reached.

Comment: The submission provides clarification of Connel Community Council's position on this matter but does not raise any new matters that have not already been addressed in proceedings to date.

(D) RECOMMENDATION

That Members note the content of this report.

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

Author of Report: Fiona Scott **Date:** 20/02/24

Reviewing Officer: Peter Bain **Date:** 20/02/24

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 21/01583/PP

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

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

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

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

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

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