

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held by MICROSOFT TEAMS on THURSDAY, 24 MARCH 2022**

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

Councillor Rory Colville	Councillor Roderick McCuish
Councillor George Freeman	Councillor Jean Moffat
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

**Attending:** Iain Jackson, Governance, Risk and Safety Manager  
Peter Bain, Development Manager  
Derek Wilson, Planning Officer  
John Findlay, Chair of South Islay Development – Applicant  
Rosie MacLellan, Port Ellen Playing Fields Redevelopment Project Manager – Applicant  
Alyson MacGillivray, Development Manager – Applicant  
Laura Paton, Applicant's Agent  
Colin Hastie, Applicant's Agent

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest, Donald MacMillan BEM and Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

Councillor Alastair Redman declared a non-financial interest in planning application reference 21/01679/PP. He advised that he'd had many conversations with his constituents, both for and against this proposal and as such he considered that these conversations may prejudice his decision in respect of this application. In fairness to all, he confirmed that he would not take part in the hearing and he left the meeting at this point.

**3. SOUTH ISLAY DEVELOPMENT: ERECTION OF NEW COMMUNITY HUB TO REPLACE THE FORMER PAVILION, RELOCATION OF PLAY AREAS, UPGRADED ACCESS AND PARKING, INCREASED MOTORHOME STANCES, CONSTRUCTION OF NEW TOILET/SHOWER BLOCK, SITING OF 5NO. STORAGE CONTAINERS AND TEMPORARY CHANGE OF USE TO FACILITATE HOT FOOD TAKEAWAY VAN: PORT ELLEN PLAYING FIELDS LAND ADJACENT TO FILLING STATION, CHARLOTTE STREET, PORT ELLEN, ISLAY (REF: 21/01679/PP)**

The Chair welcomed everyone to the meeting which was held remotely in line with the Council's current approach to the Covid-19 guidelines. For the purposes of the sederunt Iain Jackson, Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today interested parties confirmed that they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance.

The Chair, having explained the hearing procedure that would be followed, invited the Planning Officer to present the case.

## **PLANNING**

On behalf of the Head of Development and Economic Growth, Derek Wilson, Planning Officer, made the following presentation with the aid of power point slides.

The main purpose of this report is to provide an overview of the detailed Report of Handling (RoH) and to offer background commentary and visuals to aid members in their considerations and recommendations.

The RoH examines the spatial strategy of a diverse proposal which has main elements of community facilities, tourist facilities and improved internal infrastructure. The principle concerns are an examination of a loss of open space and the suitability of the commercial tourist uses within the site.

The cross financing from tourism income to subsidise the community facilities is also an important aspect of the viability of the project.

The current application has attracted 37 representations raising objection to the proposal and accordingly officers identified that it would be appropriate for Members to consider whether or not to hold a discretionary hearing which was agreed.

The application is a submission by South Islay Development (SID) to upgrade the facilities at the recreation grounds which are around the existing facility of Ramsay Hall, which is not part of the proposal. The overall site of the building and infrastructure area is 1.1 Hectares. The site sits between the town centre and the distillery with no housing in its immediate surroundings, the nearest being at North Bay and Livingstone Way.

The whole of the site is within the key settlement of Port Ellen. Further designations of the site are an Open Space Protection Area and an Area For Action which seeks environmental enhancement. The area to the east (purple) is an Established Business and Industry Area. This area currently has four motor homes which were permitted in 2015 (15/02481/PP) sited behind the filling station and which are part of this application. The site has other small scale businesses and an electricity substation.

Policy LDP DM 1 sets out general support for appropriately located development of up to 'medium' (under 2 hectares) scale. The new buildings and the enhancement of existing community/playing field facilities is supported in principle by policies LDP 8 (Supporting The Strength Of Our Communities) and SG LDP REC/COM 1 (Sport, Recreation and Community Facilities). Islay is a tourism development area and the extension of an existing motorhome site by 8 additional berths would cumulatively fall within the definition of 'medium' scale development.

The site is mainly located within an Open Space Protection Area (OSPA) where policies LDP 8 and SG LDP REC/COM 2 (Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas) seek to protect playing fields and other valued recreational areas. In this instance the creation of the motorhome site will result in the temporary loss of an existing equipped play area within the OSPA. The equipment is planned to be moved to the former putting green area to allow its site to be prepared for the motorhome site. So part of this open space is required to develop the motor homes aspect of the

proposal. The play equipment will be moved before further development of the wider site but will necessarily result in a short term loss of the use of the equipment and is deemed a small net loss of public open space at completion of the overall development.

The relocation of the playpark is intended to increase the safety of users as it will be overlooked by the new pavilion and its decking/landscaped areas. Additionally, although the playpark will be fenced for safety, the availability of surrounding undeveloped land affords the option to extend this facility while retaining its security and the general amenity.

This is a picture of the previous pavilion building on site and which has now been taken down in the interests of care and maintenance.

The existing site map shows the relatively undeveloped nature of the present site regarding buildings and infrastructure. We will now move onto the context and detail of the proposal.

In June 2021 SID were advised by Argyll and Bute Council that a planning application for the development required to be withdrawn due to a technical issue with the design of the extended motorhome area. This new proposal includes the revised existing motorhome site.

The motorhome site expansion will be retained in community ownership as the grant funding allows for any disposal of land to be at the market price. As land prices are unlikely to reduce, any disposal would be at a cost to SID as monies would require repaid to the funding agencies. A condition regarding the burden this places with regard to disposal requiring council consent is attached to the main report. It is in place to ensure that the approved motorhome site is retained as part of the wider community ownership and management of playing field and community facilities.

Revenue from the motorhome development will be used for upkeep and development of the site as a whole. It is considered that the wider community benefit are sufficient to justify a minor departure to policies LDP 8 and SG LDP REC/COM 2 (Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas) subject to appropriate safeguards being secured on the replacement of the equipped play area and long-term inter-relation of the motorhome site and other community owned elements.

The proposal comprises the following elements:

A new community hub building, relocation of the playpark equipment, spectator shelters, fencing behind the football goals to the west (5m), five storage containers, toilet/shower/laundry building, hardstanding for a hot food van, use of the land beside the current motor homes for a further 8 berths with hook-ups, two EV charging points, three additional parking zones to provide 22 spaces 2 of which to be accessible, 10 cycle stands, landscaping and formation of external seating areas.

The main aspects will be examined individually in the presentation.

The application is being presented to the PPSL Committee as a result of 37 negative representations which is above the threshold for a delegated decision. The degree of local interest and some controversy on material considerations was similar to the proposal which was withdrawn and also attracted a similar amount of objections. This proposal provided sufficient matters arising necessary to present the application to PPSL for determination and is deemed to raise levels of public interest or complexity to warrant this

hearing accepted by the Committee and will add value to the decision making process. The names and addresses of the respondents and a summary of the reasons for objecting are contained within the report of handling.

There were community events held prior to this revised application and explanatory material was provided detailing the background and evolution of the project and the further aspirations for the area as a whole.

(SID) was asked to take on responsibility for the site in 2017 and plans have been developed to upgrade the facilities since then. The transfer of title deeds from the Queens and Lord Treasurer's Remembrancer (QLTR) to South Islay Development was completed mid-March 2021. This ensured continued community ownership, and funding is in place to realise all the elements of this proposal.

The previous community hall was taken down last year due to ongoing maintenance and upkeep issues and the new hall will be built on this area but with a larger footprint.

A new community hub building,

The single storey sustainable new-build will encompass;

- Café and possible bakery space – to be tendered,
- multi use spaces for events and exhibitions,
- meeting rooms/conference space for rent by key partner organisations as well as community groups,
- office space/'shop front' and 'drop in' facilities,
- sales point for activities within the Playing Fields and small businesses.

There will be an open decking area to the front which will allow overlooking to the loch but also the repositioned playpark which is an important safety feature and an important consideration when the overall site plan was under consideration and consultation.

The new building has been designed with the Covid restrictions and regulations in mind, and any future widespread health situations. Each useable and rentable space is accessed individually from both an external door and internal door, meaning isolated workspaces can be easily maintained.

The council's Environmental Health team has not deemed that the intended uses of the pavilion will be a bad neighbour development but have required an additional condition to be attached which is intended to control any noise levels above the background level measured and assessed by appropriate local receptors. No condition is required for construction noise as it is a short term extraordinary event which can be controlled under present Environmental Health regulations.

The relocation of the playpark equipment and play area is to be on the former putting green with a 1100mm high metal fencing to its boundary. The details of the layout of the playpark is to be agreed in advance with council officers. The playpark must be completed and made available for use prior to any works commencing on the construction of the extended motorhome site unless agreed with council officers.

Three additional parking zones will provide 22 spaces 2 of which to be accessible and will be closest to the pavilion. The access roads will be upgraded to a standard acceptable to the roads department and the spaces will be the correct dimensions.

Additional facilities will include 10 Sheffield style cycle stands which are designed to allow two cycles each.

Two Electric Vehicle charging points are to be provided in the new car parking areas.

There are to be 10 spectator/participant shelters, to the south touchline of the pitch. They are of a basic design made from Perspex or similar with visibility through the three walls/roof.

The toilet/shower/laundry building will have three accessible WCs and four machines and is designed to be functional. As it will be positioned between the motor homes berths and the containers its simplicity of design is acceptable. The washing machines area provides an open shelter for users.

The five storage containers, will be used for sports equipment which may be bulky or of a large size, for example goal posts. They are to the rear of the site and four will be sited parallel with the doors facing the playing field. The fifth container will be for bikes and will again open to the pitch but from the long side. Although of standard industrial design they are unlikely to be intrusive given that they are beside the existing industry area. It is expected further screening will be included in the landscape plans.

The hot food van will be accommodated on an area of hard standing close to the storage containers and the motor homes. This provision will be on a temporary basis. It is accepted that once the new pavilion with its catering facilities is complete and operational, then this will become the sole area of food vending on site. This should be within three years of any approval, or, the pavilion first being brought into use, whichever is the earlier. The use of land for takeaway food will then cease. From an environmental point of view this means that odours and waste can be controlled at a single source within the site.

The proposed use of the land beside the current motor homes is for a further 8 berths with individual hook-ups for water services and electricity. The site overall will therefore have a capacity of 12 campervans and/or touring caravans.

Port Ellen is an important visitor destination and landing point for the island centred on the whisky industry and its tourist offering in the immediate area.

The main tourism months tend to attract around 4-500 motor homes per month on the most relevant Cal Mac figures. The increase of eight spaces offers potentially 240 extra nights usage per month. Presently motorhomes are parking in laybys, remote car parks, and village streets. Village congestion, overnight parking in unsuitable locations and lack of facilities for motorhomes are recognised. Consolidating some of this usage is expected to have a residential knock on benefit.

In line with the approval for the existing berths a register will be required showing dates of arrivals and departures and be maintained by the Site Operator. It should be available for inspection by council officers at all reasonable times. No static caravans shall be permitted anywhere within the site at any time. The site will require licencing by the council under the Caravans Sites and Control of Development Act 1960.

The Council's Public Protection team have not raised any objection to the proposal and confirm that the provision of chemical toilet disposal facilities should have an environmental benefit in reducing the likelihood of fly tipping of such waste. Matters

regarding the treatment of waste water and recycling will be confirmed by an approved licence.

The development site is not located within a landscape that is designated for its scenic quality.

The treatments required should be designed and placed to screen the motorhomes and enhance the public footpaths and surroundings of the new community building. A plan must be agreed with the council in advance of these works on site.

The previous plans did not allow sufficient space for vehicles to drive past the last 2 bays and reverse into the spaces within the application red line. Despite an alternative proposal, the Roads Department confirmed that the whole area needed for manoeuvring required to be within the red line. The revised plans allow for motorhome turning and parking within the guidelines. The existing vehicular access to the site will be upgraded and the entrance to the motor home site will be formed off this. The original means of access to the east shall be closed to vehicular traffic thereafter although pedestrian access will be retained.

The new parking provisions allow for accessible, structured parking for Playing Field users and allow pedestrian access within and to the site. There is a turning area for service and emergency vehicles close to the site of the new pavilion. The access arrangements are to be laid out in sufficient detail to demonstrate that any surface water shall not be discharged onto the public road.

It has been identified by an environmental health officer that there is a risk of some of the land to be developed containing contamination from historical uses. A plan assessing and identifying possible contaminated areas must be approved by the council before any ground breaking work is commenced on site.

A plan is to be approved by the council that provides details of the arrangements for the storage, segregation, collection and recycling of waste arising within the site, including the location, access and maintenance for on-site storage facilities.

As is common on sites throughout the island the possibility of archaeological artefacts being unearthed is high. The West of Scotland Archaeological Society has therefore required a watching brief and method statement be agreed and the work carried out by a suitably qualified person.

As the site is within the settlement mains water and sewerage are available on site and Scottish Water have confirmed that there is generally sufficient capacity for both which would be confirmed on application for connections.

In summary, the proposal is considered to be consistent with the relevant provisions of the Development Plan and its policies with a minor departure regarding the open space strategy. It is recommended that planning permission be approved with the conditions attached to supplementary report number one as a revision of the original report.

No other material considerations of sufficient significance indicate that it would be appropriate to withhold planning permission having regard to s25 of the planning Act.

## APPLICANT

On behalf of South Islay Development (SID), the Chair, John Findlay, gave thanks for the opportunity to put forward their presentation.

He advised that SID was formed in 2011 in conjunction with Highlands and Islands Enterprise (HIE) with the aim of encouraging local community development in the South of Islay. Comprising 13 Directors with a wide range of skills, interests and ages, the company for the first 2 or 3 years, mainly ran community events such as the Festival of Seas, Christmas Events and Christmas lights. In 2014 they bought the local filling station which had been shut for 2 years. This was recognised as an important local asset which needed to be purchased and opened for community use. The filling station was expanded with a car wash, airline, small shop and motor home service point. SID were also involved in helping the Harbour Association in the development of pontoons in Port Ellen marina and the refurbishment of the old bank building for Harbour Offices. In 2020 SID was the lead organisation in managing the Covid response on Islay, coordinating financial assets and volunteers across the island.

SID were first involved in the playing fields in 2017 when they started discussions with the Playing Fields Association. At the Playing Fields AGM the 2 charities amalgamated. The playing fields were first created in the 1960s and the first problem that came with the amalgamation was proving the community did own the site. It was not possible to do this so the ownership fell to the Queens and Lord Treasurer's Remembrancer. Funding was subsequently secured to purchase the land and it was passed back to SID for community ownership in March 2021.

Rosie MacLellan talked through the consultation process which was undertaken in relation to the project. She advised that extensive consultation was carried out from 2017 to 2019 to identify priority projects for the South of Islay. A household survey was delivered to South Islay households and this was also available electronically. A total of 278 responses were received. Visits were also made to the High School, Primary School and Pre Five Unit as well as drop in community engagement events to rank priority projects within South Islay. This round of consultation resulted in an action plan being drawn up for the area.

Development of the playing fields, including a multi-function community facility, was a key priority project for the community and a 5 year business plan was developed by Community Links Scotland for development of a new community building and redevelopment of the playing fields. In 2019 feedback events were held at the Ramsay Hall, the old Pavilion and at Port Ellen Sports Day.

During 2020 there were challenges with the project due to the pandemic. However, in 2021 a number of events were publicised and promoted comprising a mixture of open days and open meetings. There was a lot of consultation and meetings during development of the plans to keep the community up to date and the feedback from these meetings was used to develop the plans. An information leaflet was also circulated to provide facts about the project and to address rumours that had been circulating. A ballot slip was included with the leaflet asking the community to vote on what they were in favour of. A total of 307 votes were received with 79% in favour of a community building and 57% in favour of the expansion of the motor home site. SID took that as continued support from the community.

She advised that site plans have evolved over the last few years to take account of feedback. In order to address contentious issues she pointed out that parking was reduced from 50 on the initial plans submitted to 22 spaces on the current plan. Parking beside the Ramsay hall and another row towards the new building was removed. The playpark was relocated as parents felt the playpark should be within sight of the new building. As a result of the playpark relocation there was then space to consider the expansion of the motorhome facilities. This would provide an income to help with the upkeep of the wider playing fields and facilities. It is intended that the motorhome site will be screened by landscaping. Containers have been moved to the end of the pitch and the long term plan is to clad the exteriors and move them to replace the old existing sheds.

She referred to the proposed layout of the site. The whole playing fields area covered 7 hectares of land which extended uphill from the football pitch. 1.1 hectare was within the red line boundary of the development site where the new building was proposed along with parking, the relocation of the playpark, and extension of the motorhome site. The new building would be on the same site as the old pavilion and would be sympathetic to the old pavilion style. Referring to the internal layout of the building, she advised that all rooms would have an external access so could be used in isolation from the rest of the building. A function hall with café space could be extended into the community room. Other rooms would also be available for rental and there would be storage for small pieces of kit and strips.

She confirmed that SIDs had all the funding in place for the project. Capital funding of just over £8m has been secured from various sources along with £1.1m of revenue funding to ensure a project team is in place. A design team has been procured to take the project forward into technical design. A building warrant application was submitted to Argyll and Bute Council last year and the tender for a construction team was live on PCS and it was expected that construction would start in the summer of 2022.

She advised that this was not a standalone project and was intended to compliment continuing work with Argyll and Bute Council, Sonas Childcare, Port Ellen Senior and Junior Football Clubs and Live Argyll to create a feasibility study for the Ramsay Hall; the reroofing of the memorial shelter; the introduction of new toddler friendly playpark equipment during the relocation of the playpark; the upgrade of the fuel pumps and shop interior at the filling station; consultation on additional playing field facilities eg skate park, walking trails and DIY shed. It was intended that this would encourage and support the reintroduction of community groups and activities post pandemic.

Mr Findlay advised of 6 other major developments in the South Islay area ongoing including the Ardbeg Distillery expansion, Laphroaig warehouses expansion, Farkin Distillery in Port Ellen, a rum distillery, Imerval Housing Development and as many as 18 new build houses in the last 25 years. He said that with this growing economy they hoped that there would be an increase in population, and hopefully an increase in the youth of the population. This facility would be ideal for that and hopefully all the local organisations would benefit. He advised that it was never a better time for the use of open space. He said that it was probably unique for the west coast of Scotland to have, in the middle of a village, an open space that was community owned. On behalf of SID Directors and staff, he thanked the Argyll and Bute Planning Department and Councillors for listening to their presentation today.



## MEMBERS' QUESTIONS

Councillor Hardie referred to his concerns about open space. He had noted that 7 hectares of open space was mentioned with the project being just under 2 hectares. He asked if this was correct. Ms MacLellan confirmed that the project covered 1.2 hectares and that there would be lots of open space left.

Councillor Colville sought and received confirmation from Ms MacLellan that there was no plan to develop further out with the red line boundary area.

Councillor Colville referred to parking being reduced from 50 down to 22 spaces. He asked if the application was approved and the project proved successful, would there be alternative parking available for major events. Ms MacLellan advised that parking had been discussed extensively. She said that as well as parking on site there was an existing car park across the road and also parking on one side of the street. Mr Findlay advised that on a number of occasions there were a number of events in Port Ellen with many cars turning up. He said he hoped that this additional 22 spaces would help alleviate that.

Councillor Colville said he had noted concerns from objectors about a lack of shower and changing facilities in the new building and asked if this was correct. Ms MacLellan confirmed that was correct and advised that these facilities would be looked at as part of the feasibility study for Ramsay Hall and that it was hoped to add these facilities within the hall.

Councillor Colville referred to concerns expressed that use of the new building for community groups had not been made clear. He asked if SIDs planned to speak to the community about this. Mr Findlay said that when many people see the building he thought they would be prepared to use it. He advised that a number of organisations have already expressed an interest. He referred to the St Columba Hall in the middle of the village which was falling into disrepair and when no longer able to be used groups could use the new pavilion building. Ms MacLellan advised that the junior football club used the fields just now and that one of the parents was on the SID Board.

Councillor Colville sought and received confirmation that the running of electric bikes for hire would be undertaken by a local couple who were just starting up. It was noted that charging points would be available across the island.

Councillor Trail referred to condition 15 which required camper vans to not occupy the site overnight more than once within any period of seven consecutive days. He sought and received an explanation for this condition. Mr Wilson advised that this condition was so that the Council could retain an element of control over the development until it was better known how the project would be run. At a future date the Applicants would be able to apply to vary or remove this condition if they wished and at that point that application would be considered on its own merits.

Councillor Trail sought and received confirmation from Ms MacLellan that the staff at the filling station would run the motor home site and that this condition tied in with what was already in place.

Councillor McCuish asked the Applicant how they would go about encouraging motor home owners to use the site. Mr Findlay said that he hoped that the availability of showers and washing machines would encourage more people to use the site. He added that as it was in the middle of the village anyone who wanted to use the facilities in the

village would be able to do so quite easily. Ms MacLellan added that as it was right next to the Port Ellen ferry terminal it could be a nice stop off when someone arrived on the island.

Councillor Kinniburgh referred to condition 11 which stated that no development could commence until a plan showing the layout and detail of the replacement equipment play area has been submitted to, and approved in writing by, the Planning Authority and thereafter the play area fully installed in accordance with the approved plans and made available for use prior to any works commencing on the construction of the extended motorhome site unless an alternative time period for completion of the replacement play area is agreed in writing in advance of such works commencing. He asked Planning what the reason for this condition was as one part appeared to contradict the other. Mr Bain explained the primary use of the condition was to underpin justification for departure from the local development plan. The identified loss of the equipped play space was something to be resisted. He advised that this condition was to ensure the site was not developed for a motor home park before the play area was relocated. He advised that the second part of the condition was there as it was recognised that sometimes things did not go to plan. If an amended timescale was necessary then Planning would be looking for as short a timescale as possible and would also be looking for significant justification for that.

Councillor Kinniburgh asked if a situation could arise where no play park was provided and could enforcement action be taken if this was the case. Mr Bain confirmed that in a worst case scenario enforcement action could be taken for a breach of condition. He said the intention was to set up a position where the play park was provided before the motor home park development commenced.

Councillor Kinniburgh sought comment from the Applicant. Ms MacLellan advised that funding has been secured for the relocation of the play park and it would only be used for that. She also advised of additional funding available to purchase additional play park items. She said this was a priority for SID and that they would seek to minimise the amount of time the play park was shut.

Councillor Kinniburgh asked if there would be an opportunity to provide the new play park before the old one was taken out. Ms MacLellan explained that the existing equipment would be relocated to the new site. She said that ground works at the new site could be prepared in advance prior to moving the existing equipment. She said they were also looking at somewhere to provide alternative facilities whilst this work was undertaken.

Councillor Kinniburgh referred to the reassurance given by the Applicant and asked Planning if the second part of the condition was necessary. Mr Bain said it was potentially unnecessary but it was put in to allow some flexibility. He said he was aware of occasions when things did not go to plan. He advised that Members could alter the condition if they saw fit.

Councillor Kinniburgh thought that his concerns had been satisfied. In the event that timescales needed changed, he sought assurance that this would be for a minimal time. Mr Bain said it would be for a minimal period of time and even if the flexible arrangements were agreed there would still be an element of control from the Council.

Councillor Colville referred to new play equipment for toddlers and asked if consideration had been given to providing equipment for disabled children. Ms MacLellan said that was a fantastic idea and could be looked at going forward.

Councillor Colville referred to contaminated land and asked the Applicant if contaminated land was found would they have the funds to deal with it. Ms MacLellan said that a certain amount was built in for contingencies. She advised that she understood that this land had already been surveyed.

## **SUMMING UP**

### **Planning**

Peter Bain, Development Manager, summed up as follows:

Members are reminded of the requirements of section 25 of the Town and Country Planning (Scotland) Act 1997 that in considering the current application that their determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.

It has been identified by officers that in this particular instance the proposed development is not wholly aligned with the requirements of the Development Plan in so far as it will result in the net loss of public open space within land designated as an Open Space Protection Area, a circumstance that would ordinarily be resisted having due regard to the provisions of policy LDP 8 and SG LDP REC/COM 2 of the Argyll and Bute Local Development Plan. The applicant has however set out proposed mitigation in this respect and will as part of the development provide a replacement equipped play area and have confirmed that the land which is being lost from the existing amenity space to form a new motorhome park will be operated in a manner that financially contributes to the longer-term benefit and management of the community owned facilities and in this respect, subject to appropriate safeguards being in place, officers are of the view that there is sufficient justification to merit a minor departure to policy LDP 8 and SG LDP REC/COM 2 in this respect.

It has been identified by officers in their assessment that the proposal is otherwise in accordance with the requirements of the Local Development Plan. The application site is located within the Key Rural Settlement of Port Ellen and is of a scale, use, and location that is compatible with the Council's settlement strategy for this locality. The development site is well located for the provision of community facilities, being located beside existing playing fields and the Ramsay Hall and readily accessible by connection to a main road, and public and pedestrian transport links, and availability of other infrastructure.

The proposal will enhance the existing community recreational and tourism facilities within Port Ellen and as such is in alignment with strategic aims of the Council to support local communities and tourism as a key element of the economy of Argyll and Bute.

The proposal has however been the subject of objection from thirty seven third parties – this correspondence is available in full on the public file and the key points and officer commentary advising of the relevance of each issue as a material planning consideration is set out within the main report of handling.

Whilst objectors have not exercised their right to appear at today's public hearing, Members should still have due regard to the matters raised in correspondence submitted to date in so far as these are relevant to planning and the use of land.

The proposal has however not been subject to objection from any consultee, including Environmental Health who have acknowledged objectors concerns in relation to the

potential impact of the development upon the amenity of the locale, including nearby residential property and confirmed that appropriate mitigation can be secured by planning condition.

The application is accordingly commended to members that planning permission be granted subject to the conditions and reasons appended to Supplementary Report No. 1.

### **Applicant**

John Findlay said he hoped that everything the Committee had heard today had given them a great idea of what SIDs were planning to do. He said he hoped the development would enhance this community asset in the middle of the village for the future and encourage the youth to be involved in sports and have facilities to do this. He referred to the motor home site being seen by some as controversial and advised that for many other big developments like this there have been occasions where they have managed to get grant funding but there has not been any income generated going forward. He said that SID felt it was very important that income was generated going forward which they felt the camper van site would hopefully do. He advised that the rooms for let within the pavilion building would also be of huge benefit to the community. He thanked the Committee for hearing them today and said he looked forward to the way the Committee would vote on this proposal.

The Chair received confirmation from all parties present that they had received a fair hearing.

### **DEBATE**

Councillor Trail said he was impressed with the amount of work SID had done in the background to bring forward this proposal. He said it was going to be a brilliant thing for Port Ellen. He referred to the raising of capital funding and consideration of long term revenue funding and advised that this was brilliant and that he was happy to support the application.

Councillor Hardie agreed with Councillor Trail. He advised that this was a great project and that he was reassured about the remaining open space. He also commented that there appeared to have been a lot of community engagement and consultation and that he had no hesitation in approving this application.

Councillor Moffat said she thought this was remarkable and thanked everyone for their presentations. She advised that she was astounded that out of 37 complaints not one person had stepped up to give their own view point. She referred to this development not impinging on the privacy of others and questioned how the proposal managed to attract 37 complaints. She said this was an excellent project from start to finish and wished the Applicant all the best.

Councillor McCuish advised that he had taken full cognisance of the 37 objections and was amazed that no one wanted to come in front of the Committee to make their case. After all his years on the Committee he said this was one of the easiest decisions to make. He referred to consultation with the community and commented that sometimes progress was hard to progress. He said that he thought this proposal would enhance and improve the area and noted that this project could be the catalyst for more projects in the future. He advised that he had no hesitation in approving this application.

Councillor Colville said he was delighted to support everything that had been said so far. As a Councillor with some 19 years' experience now, he advised that he was acutely aware that more and more communities expected the Council to do things and that the Council just did not have the money. He referred to the amount of work SID had done. He said it was tremendous that they were acting as a community and thought that this had to be the way forward. He thought this would be a tremendous boost to the area and that he was 100% in support of the application.

Councillor Green advised that most of what he would have said had been said by others. He said he was fully behind this and that it was a fantastic example of how a community could respond to facilitating staycationers and the local community. He said he was delighted to support the application.

Councillor Moffat said she was surprised not to have heard from Councillor Freeman as, to her knowledge, this was the first application in front of the Committee stating there would be electric points put in for cars. She commented that this was something that Councillor Freeman always asked for. She said that even for very large residential developments she did not think this was included.

Councillor Freeman thanked Councillor Moffat and said that as this was a straightforward application he was more than happy to approve. He commented that it was not correct to say that the Council did not have money. He said that they did have money but through the budget setting process they had decided to spend it on other things instead of this.

Councillor Kinniburgh advised that, like his colleagues, he fully supported this application and agreed with Councillor Colville that this was the way forward for communities. He said that he was impressed by the presentations given. He said he was disappointed that none of the objectors used their right to appear before the Committee although he had noted that a lot of the objections had come from outwith the island. He advised that he would have no hesitation in granting this application and wished the Applicant every success with the project going forward.

The Chair formally moved that planning permission be granted subject to the conditions and reasons detailed in supplementary report number one. This was seconded by Councillor Moffat and no one was otherwise minded.

## **DECISION**

The Committee unanimously agreed to grant planning permission as a minor departure to the local development plan subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 13.08.2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location plan	A1205-BDC-ST-ZZ-DR-A-20001		16.08.2021
Existing site plan	A1205-BDC-ST-		16.08.2021

	ZZ-DR-A-20005		
Site plan proposal	A1205-BDC-ST-ZZ-DR-A-20010 Rev G		18.10.2021
Pavilion floor plan	A1205-BDC-PV-ZZ-DR-A-20020 Rev A		23.09.2021
Pavilion elevations	A1205-BDC-PV-ZZ-DR-A-20030		23.09.2021
Toilet Block/Laundry	A1205-BDC-WC-ZZ-DR-A-20050		16.08.2021
Toilet/Shower/Laundry Floor Plan/Roof Plan	A1205-BDC-WC-ZZ-DR-A-20040		16.08.2021
Pavilion 3D	A1205-BDC-PV-ZZ-DR-A-20021		16.08.2021
Container A	A1205-BDC-CT-ZZ-DR-A-20075		16.08.2021
Container B	A1205-BDC-CT-ZZ-DR-A-20076		16.08.2021
Container C	A1205-BDC-CT-ZZ-DR-A-20077		16.08.2021
Container D	A1205-BDC-CT-ZZ-DR-A-20078		16.08.2021
Container E	A1205-BDC-CT-ZZ-DR-A-20079		16.08.2021
Cycle Stands/Spectator Shelters/Vehicle Charging Points/Mobile Homes hook Ups/Takeaway Van	90900		21.09.2021
Landscaping Layout	A1205-BDC-ST-ZZ-DR-A-90950 Rev A		18.10.2021
Shelter details		1 of 3	18.10.2021
Sheffield cycle stand		2 of 3	18.10.2021
EV Charger details		3 of 3	18.10.2021

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

2. Foul drainage for the development hereby approved shall be by connection to the public sewerage system. No development shall commence until such time as developer has demonstrated to the Planning Authority that they have obtained agreement from Scottish Water to connect and discharge foul drainage from the development to the public sewer. Thereafter the development shall be implemented in accordance with the approved details.

Reason: For the purpose of clarification in order to confirm the means of foul drainage specified in the application form, and to ensure that the development is served by foul

drainage arrangements that accord with the requirements of policies LDP 10 and SG LDP SERV 1.

3. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/01 Rev a and visibility splays of 42.0 metres to point Y by 2.40 metres to point X from the centre line of the proposed access. The access shall be formed with a dropped kerb pedestrian crossing and will be surfaced with a bound material in accordance with the stated Standard Detail Drawing and be a width of 5.50m minimum. 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 either the motorhome site or Community Hub building first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

4. Notwithstanding the provisions of Condition 1, no development shall commence until details for the permanent closure of the existing vehicular access to the existing motorhome service site by physical means have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented concurrently with the extended motorhome site first being brought into use and the original means of access shall remain closed to vehicular traffic thereafter.

Reason: In the interest of road safety.

5. The parking and turning areas shall be laid out and surfaced in accordance with the details shown on the approved plans prior to either the Community Hub or extended motorhome site first being brought into use and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

6. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority. The submitted scheme shall include sufficient detail to also demonstrate that the surface water shall not be discharged onto the public road. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

7. The development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved in writing by the Planning Authority. This shall provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising within the site,

including the location, access and maintenance for on-site storage facilities. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.

Reason: In order to accord with the principles of sustainable waste management.

8. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
  - ii) Existing landscaping features and vegetation to be retained;
  - iii) Location design and materials of proposed walls, fences and gates;
  - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
  - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

9. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of walls, roofs, windows and doors of the Community Hub, toilet/shower block, and external cladding of storage containers have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

10. No development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.



Reason: In order to protect archaeological resources.

11. No development shall commence until a plan showing layout and detail of the replacement equipped play area has been submitted to and approved in writing by the Planning Authority. Thereafter the replacement play area shall be fully installed in accordance with the duly approved details and made available for use prior to any works commencing on the construction of the extended motorhome site unless an alternative time period for completion of the replacement play area is agreed in writing with the Planning Authority in advance of such works commencing.

Reason: To ensure the timely provision of a replacement equipped play park and to underpin the justification for granting planning permission as a minor departure to policies SG LDP 8 and SG LDP REC/COM 2.

12. Given the proximity of the neighbouring residential properties to the site address, construction works shall be restricted to 0800-1800 hours Mondays to Fridays, 0800-1300 hours on Saturdays and not at all on Sundays. Bank or Scottish Public Holidays.

Reason: To minimise the impact of noise generated by construction activities on occupiers of residential properties.

13. Notwithstanding the provisions of condition 1, the permission for the siting of one take away food van within the application site boundary is granted on a temporary basis and shall cease no later than three years from the date of this permission being issued, or upon the approved Community Hub building first being brought into use, whichever is the earliest. Following the expiry of the permission the use of land for siting of a takeaway food van shall cease other than in the event of a further permission for continued use having been granted upon application to the Planning Authority.

Reason: To define the permission and in order to protect the amenity of the locale.

14. Notwithstanding the provisions of Condition 1, no development shall commence until a scheme for the control of odour arising from the operation of cooking facilities within the approved Community Hub has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a fume extraction system with an external extraction duct incorporating an odour control unit.

The permitted use shall not be commenced until the duly approved ventilation, extraction and odour control system is operational and thereafter it shall be maintained in accordance with the manufacturers instruction unless it is replaced by an alternative system with the prior written consent of the Planning Authority.

Reason: In order to avoid odour nuisance in the interest of amenity.

15. There shall be no more than twelve campervans and/or touring caravans present on the site at any one time. No static caravans shall be permitted within the site at any time. Any individual touring caravan or campervan shall not occupy the site overnight more than once within any period of seven consecutive days. A register of touring caravans and campervans using the site for overnight occupation, showing dates of arrivals and departures shall be maintained by the Site Operator and shall be available at all reasonable times for inspection by the Planning Authority.

Reason: In order to define the limits of the permission.

16. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the Planning Authority, and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, and d of this condition.

Should the desk study show the need for further assessment this will be undertaken in the following sequence:

- b) A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.
- c) Development and agreement of a remedial strategy (if required) to treat/ remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).
- d) Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

Written confirmation from the Planning Authority, that the scheme has been implemented and completed shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

17. Notwithstanding the provisions of Condition 1, no development on the motorhome site shall commence until such time as the developer has demonstrated to the planning authority that an appropriate mechanism is in place to ensure that the approved motorhome site is retained as part of the wider community ownership and management of playing field and community facilities.

Reason: In order to underpin the justification for a minor departure to policies LDP 8 and SG LDP REC/COM 2.

18. The Noise Rating Level attributable to the operation of the approved development shall not exceed background noise levels by more than 3dB(A) at any established local noise sensitive receptor measured and assessed in accordance with BS4142:2014.

Reason: In order to protect the amenity of the area in terms of noise nuisance.

(Reference: Report by Head of Development and Economic Growth dated 15 February 2022 and supplementary report number 1 dated 22 March 2022, submitted)