

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD

17 March 2022

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held by **MICROSOFT TEAMS** on **THURSDAY, 24 MARCH 2022 at 10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
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) (Pages 3 - 40)**

Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon	Councillor Audrey Forrest
Councillor George Freeman	Councillor Kieron Green
Councillor Graham Hardie	Councillor David Kinniburgh (Chair)
Councillor Donald MacMillan BEM	Councillor Roderick McCuish
Councillor Jean Moffat	Councillor Alastair Redman
Councillor Sandy Taylor	Councillor Richard Trail

Contact: Fiona McCallum

Tel. No. 01546 604392

This page is intentionally left blank

**Argyll and Bute Council
Development & Economic Growth**

Delegated 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: 21/01679/PP
Planning Hierarchy: Local
Applicant: South Islay Development
Proposal: 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.

Site Address: Port Ellen Playing Fields Land Adjacent To Filling Station
Charlotte Street Port Ellen Isle Of Islay

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of new 'Community Hub / Pavilion' building;
- The relocation of an existing children's playparks to an alternative location within the application site boundary and provision of 1.1m high fence;
- The installation of 3no. spectator shelters along the southern boundary of the existing football pitch;
- The installation of 5.0m high metal fencing to the western boundary of the existing football pitch;
- The installation of 4no. storage containers to provide ancillary storage for sports equipment;
- The installation of 1no. storage container to provide storage for rental e-bikes;
- The alteration of the existing vehicular access and formalisation of parking to provide a 15no. space car park with 2no. EV charging points, 5no additional spaces, 2no. accessible spaces, and 10no. cycle stands;
- The change of use of land to form an extension to an existing short-stay motorhome site comprising the formation of 8no. new hardstandings each with a motorhome hookup and alteration of existing access to the motorhome site;
- The erection of a toilet/shower/laundry block building;
- The temporary change of use of land (sui generis) for the siting of a hot food takeaway van (temporary for 3 years); and
- Landscaping and formation of external seating areas.

(ii) **Other specified operations**

- Removal of existing play equipment.
-

(B) **RECOMMENDATION:**

Planning permission be approved subject to a pre determination Hearing and the conditions recommended and attached.

(C) **CONSULTATIONS:**

Scottish Water replied 21.10.2021 with no objections subject to standard connection procedures.

Area Roads Mid Argyll Kintyre And Islay replied 08.11.2021 with a deferred decision pending further information. Further response received 09.02.2021 with approval subject to conditions to be attached.

Environmental Health replied 09.11.2021 and 10.02.2022. No objections but highlighted potential for ground contamination to be investigated and provided information relating to motorhomes and licences. Advice provided verbally on limitation to hours of operation in response to concerns raise by applicants re. disturbance.

West of Scotland Archaeological Services replied 10.12.2021 with a phased condition request regarding retrieved objects and artefacts.

(D) **HISTORY:**

13/02751/PP Alteration and erection of extension to pavilion – Approved – 20.02.2014

15/02481/PP Change of use of land to form 5 motorhome short-stay parking bays with associated facilities including chemical toilet waste disposal building **approved** 20.11.2015.

21/00441/PP Use of land for the siting of mobile hot food van, 3 containers for sport changing facilities/sports equipment storage and bike hire/storage and formation of associated parking and turning area **withdrawn** 05.07.2021

21/00442/PP Change of use of land for the siting of 3 storage containers on hardcore base **withdrawn** 13.07.2021

21/00743/PP Erection of new community hub to replace the existing pavilion, relocation of play area, formation of parking and motorhome pitches, electric vehicle charging points and erection of toilet/shower block **withdrawn** 21.06.2021

(E) **PUBLICITY:**

Regulation 20 advert expired 25.11.2021 Oban Times
Neighbour notification expired 19.11.2021

(F) **REPRESENTATIONS:**

There have been a total of thirty seven objections. A list of the objectors are included in Appendix B whilst a summary of the issues raised is provided below.

Summary of issues raised:

Detrimental to the community in every aspect of the proposal. The proposal is out of character for the village and constitutes over development. The design of the new hall is not reflective of the local vernacular and the storage containers will be an eyesore and their use should be incorporated in the new building. The design of the building is inadequate for the potential users.

Comment: The design of the new pavilion is similar but larger than the previous building. The design has been finalised after several rounds of community consultation where comments have been considered. A design which is large enough to store larger items was felt to be intrusive within the site and its surroundings.

The containers are therefore needed to hold some portable structures for the users i.e. football or rugby goals, grass maintenance machines, ebikes for rental. The storage rooms in the new pavilion will offer space to store smaller or personal belongings for regular use i.e. bowling balls, mats, strips etc. Their positioning to the extremity of the site allows for landscaping to mitigate their visibility as part of the wider landscaping plan.

This is a change of use from community facilities to tourism accommodation resulting in a general loss of amenity/green space to the community. The proposal is contrary to the original health and wellbeing ethos of the playing fields. All green space and playing fields should be retained.

Comment: A small area of the playing fields will be incorporated into the expansion of the motorhome site. This will help to address previously raised community concerns regarding motorhomes parking on public land around the village, or directly outside private properties. The income from an additional eight hook-ups is intended to maintain and sustain the wider playing fields site and the new building. Proposals to fund the creation of additional amenity space have been considered subject to further funding and community consultation.

The caravan/campervan/camp should be out of the town centre and out of sight from main roads. There will be an unacceptable increase in noise and disturbance. The site is too close to the Ramsay Hall which holds late functions.

Comment: This site is for motorhome parking and facilities (showers/toilets/recycling point/laundry) only. There are already four motorhome spaces on The filling station site beside the playing fields. The site will be landscaped to minimise visual intrusion.

Currently the four motorhomes have had no record of complaints about the users of the site.

When there are late night functions planned in the Ramsay Hall, any users of the motorhome site will be made aware of this in advance at times of booking through online media.

The location of the play area is worse than at present.

Comment: The play area is being re-located closer to the main playing fields building following community consultation. The new site will be levelled and suitably drained to allow more effective use all year round. The long term plan for the area is to add new equipment when funding is available. The proposed play area location will allow for better supervision/visibility from the café and community hall.

The new road, parking and increased vehicle activity will result in an unacceptable increase in carbon emissions. The roads infrastructure cannot cope with any increase of large vehicles. The parking site should not be next to the filling station.

Comment: The new parking will not increase the number of large vehicles on the site and will encourage responsible parking. The amount of parking on site reflects current and projected usage in a formalised, segregated system.

Encouraging more camper vehicles will stretch capacity on the ferries.

Comment: Noted

There will be a lack of day to day management. Management by committee is not an acceptable body for a commercial venture.

Comment: Noted

The use of the new building and any facilities by groups has not been made clear. There is a lack of plans to cater for multi sports in the existing playing fields.

Comment: Noted

Lack of shower/changing facilities in new building

Comment: Noted

The removal of the original building should not have happened.

Comment: Noted

The proposal is a poor investment, the money should be spent on Ramsay Hall. The cost of the development seems inappropriate. It is an unnecessary commercial money making vanity project

Comment: Noted

An increase in motor homes will have a detrimental effect on hotel/BnB businesses

Comment: Noted

The resignation of board members is a result of this plan which they did not support. Lack of community support will be detrimental to the plans.

Comment: Noted

The proposal does not offer cultural or social benefits to the community but instead the erosion of the way of life on the island.

Comment: Noted

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) EIAR: No

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No

(iii) A design or design/access statement: Yes

Extensive background on the design and the rationale of the layout which has been informed by public meetings and advice from council officers.

The document outlines the:

- recent history of the site and transfer of ownership,
- community involvement in the design and layout of the plans presented,

- the various land-uses proposed and their spatial interactions,
- further development proposals for the wider area,
- the background to the motor homes development and its contribution to tourism and maintenance of the amenity space,
- the budget for the projects.

(iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) 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.

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 5 - Supporting the Sustainable Growth of our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 - Maximising our Resources and Reducing our Consumption
LDP 11 – Improving Our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted)

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

SG LDP ENV 17 - Development in Conservation Areas and SBEAs
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

Support For Industry And Business – Main Potential Growth Sector: Tourism

SG LDP TOUR 1 - Tourist Facilities and Accommodation, including Static and Touring Caravans
SG LDP TOUR 3 - Promoting Tourism Development Areas
SG LDP RET 3 – Retail Development in the Key Rural Settlements, Villages and Minor Settlements

Sport, Leisure, Recreation And Open Space

SG LDP REC/COM1 - Sport, Recreation and Community Facilities

SG LDP REC/COM2 - Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas

Bad Neighbour Development

SG LDP BAD 1 - Bad Neighbour Development

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources And Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

SG LDP SERV 2 - Incorporation of Natural Features / Sustainable Drainage Systems (SuDS)

SG LDP SERV 4 - Contaminated Land

SG LDP SERV 5 (b) – Provision of Waste Storage and Collection Facilities in New Development

Transport (Including Core Paths)

SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 - Vehicle Parking Provision

Departures From the Local Development Plan

SG LDP DEP – Departures to the Local Development Plan

(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 3/2013. None.

- Scottish Planning Policy
- Consultations
- Representations raising material planning considerations
- Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:
 - Policy 14 – Bad Neighbour Development
 - Policy 23 – Tourist Development, Accommodation, Infrastructure and Facilities
 - Policy 24 – Existing Tourism Uses
 - Policy 26 – Informal Public Outdoor Recreation and Leisure Related Development
 - Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
 - Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

- Policy 39 – Construction Standards for Private Access
- Policy 49 – Sport, Recreation and Community Facilities

(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: No

(O) Requirement for a hearing:

Yes. The application is being presented to PPSL as a result of negative representation above the threshold for a delegated decision. Guidance states that where applications give rise to a significant body of community interest raising issues or concerns that are material planning then members should consider the requirement for a discretionary local hearing in advance of determining the application.

In this instance the application has given rise to 37 letters of objection, the majority of which cite matters relevant to planning and the use of land. Accordingly members are advised that the level of public interest would merit consideration on the requirement for a pre-determination hearing.

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

The proposal seeks detailed planning permission for the erection of a new community hub building as a replacement for a former pavilion, the improvement of existing playfield facilities and associated access/parking arrangements, the change of use of land to create an extension to an existing motorhome site, and the temporary siting of a takeaway food van.

The application site relates to community owned land and playing fields at the Ramsay Hall, Port Ellen. The proposal is located within the Key Rural Settlement of Port Ellen wherein policy LDP DM 1 sets out general support for appropriately located development of up to 'medium' scale. The provision of new and enhance of existing community/playing field facilities is supported in principle by policies LDP 8 and SG LDP REC/COM 1. The site lies within the Islay Tourism Development Area and the extension of an existing motorhome site by provision of 8 additional berths would cumulatively fall within the definition of 'medium' scale development.

The development is however located within an Open Space Protection Area (OSPA) wherein the provisions of policies LDP 8 and SG LDP REC/COM 2 would seek to protect playing fields and other valued recreational areas. In this instance the creation of the motorhome site will result in the loss of an existing equipped play area within the OSPA; whilst the applicant has proposed that this be relocated elsewhere there will be a net loss of land available for use as public open space within the OSPA as a result of the development. The developer has however also clarified that the motorhome site expansion will be retained in community ownership and that revenue

from this development will help to sustain and provide a viable future for the community owned facilities and playing fields. In this instance it is considered that the wider community benefit that would be provided are sufficient to justify a minor departure to LDP 8 and SG LDP REC/COM 2 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 does not give rise to any concern in respect of access, parking or infrastructure requirements and is well served by existing public transport links. Whilst the Council's Environmental Health Officers have not raised any objection to the proposal in relation to its potential impact upon the amenity of the locale the current application has however attracted significant third party representation raising issue, amongst other things, with the suitability of this location for use as a motorhome site, loss of equipped play areas, concern about the scale of new buildings/facilities and their potential impact upon the amenity of the locale.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposal represents a significant investment in the improvement of existing community and playfield facilities. Whilst the net loss of public open space is identified to be a justified minor departure to the provisions of policies LDP 8 and SG LDP REC/COM2 the proposal is otherwise considered to be consistent with all other relevant aspects of the Local Development Plan.

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

The proposed development of a short stay motorhome site will result in the loss of an existing equipped play area within a designated OSPA to a commercial tourism use. Whilst the applicant does propose to relocate the equipped play area within the OSPA there would still be a resultant net loss of public open space within the OSPA designation and the proposal is consequently considered to be contrary to the requirements of policies LDP 8 and SG LDP REC/COM 2 which would only support such a loss where alternative provision of equal benefit and accessibility has been made. In this instance however it is acknowledged that the site is intended to remain within the same ownership as the community facilities and playing fields, and that the income from the motorhome site will resultantly support the longer term viability of those elements and as such provide sufficient justification to support this element of the proposal as a minor departure to policies LDP 8 and SG LDP REC/COM 2.

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

Author of Report: Derek Wilson

Date: 15th February 2022

Reviewing Officer: Peter Bain

Date: 15th February 2022

Fergus Murray
Head of Development and Economic Growth

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.
21/01679/PP**

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-ZZ-DR-A-20005		16.08.2021
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.

NOTE TO APPLICANT

- **The length of the permission:** 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 Section 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.
- 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. The EV bay should be appropriately marked and signed in accordance with The Traffic Signs Regulations and General Directions 2016.
- Community Hub Café: The business will be required to register the establishment with the Environmental Health service as a food business and will be liable to routine food hygiene inspections according to regulations. This registration can be completed through the Argyll and Bute website. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.
- Take Away Food Van: To qualify for a Certificate of Compliance, the mobile premises must meet the Mobile Traders Food Hygiene National Standards and will be assessed by Environmental Health. The potential for odour complaints will be assessed and if applicable, addressed during this inspection. The vendor is required to apply for a Street Traders Licence and as the activity involves a food business and the use of a vehicle, kiosk or moveable stall, the applicant will have to submit a Certificate of Compliance with their application, certifying that the vehicle, kiosk or moveable stall complies with any relevant regulations under Food Safety legislation.
- Motorhome Site: The operation of a caravan/campervan site shall require the benefit of a separate Site Licence under the Caravan Sites and Control of Development Act 1960 as amended. Site Licence requirements should be discussed with the Council's Environmental Health Officers in the first instance.
- This relevant buildings of the proposed development will be fed from TORRA Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Services.
- There is currently sufficient capacity for a foul only connection in the PORT ELLEN Waste Water Treatment works to service the development. However, please note that further investigations may be required to be carried out once a formal application has

been submitted. Regard should be had to the consultation response from Scottish Water in relation to applying for connections.

- Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/01679/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The diverse aspects of the proposal will be considered under policies regarding community and open space LDP 8, SG LDP REC/COM 1 and SG LDP REC/COM 2; and the tourism offers LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3.

The application relates to the enhancement and extension of an existing community owned and operated sports and recreational facility, and associated short-stay campervan site located within the 'settlement area' of the Key Rural Settlement of Port Ellen.

The provisions of LDP DM 1 set out a general presumption in support of up to and including 'medium' scale development on appropriate sites within the Key Rural Settlements. The proposal is also located within the Area For Action designation AFA 10/4 which seeks village centre and waterfront environmental enhancement. The site is also identified as an Open Space Protection Area wherein the provisions of policy SG LDP REC/COM 2 seeks to safeguard playing fields, and sports pitches.

The proposal incorporates three distinctly separate but related elements. The first and primary element is the intention to replace a recently demolished sports pavilion with a new community hub facility alongside improvement to existing playing fields and associated parking, storage, and spectator facilities along with the relocation of a play area. The provisions of policy SG LDP REC/COM 1 sets out broad support for new or improved sport, recreation and other community facilities where:

- i) the development is of a form, location and scale broadly consistent with policy LDP DM 1 with suitability of scale being defined by the size of the settlement, nature of the facility, and the community which it serves;
- ii) that the development respects the landscape/townscape character and amenity of the surrounding area;
- iii) that the development is readily accessible by public transport where available, cycling and on foot; and
- iv) the development is located close to where people who will use the facility live and reduce the need to travel.

It is considered that this element of the proposal represents an enhancement of existing sports and community facilities of similar existing scale located around the Ramsay Memorial Hall; the development is located within the settlement of Port Ellen and is readily accessible from existing public transport and pedestrian links. The proposal is considered to be aligned in principle with the requirements of SG LDP REC/COM 1. The proposal has also been assessed against and considered to be consistent with the provisions of LDP2 draft policies 26 and 49 which are unopposed and a material consideration at this time.

The second distinct and significant element of the proposed development is the proposal to create an extension to the existing community owned five berth motorhome short-stay facility located to the south of the application site. Currently only four of the berths have been formed. This proposal is a trebling of capacity to meet perceived demand. A condition will be added to any approval limiting stays in line with that for the existing motorhomes. The provision requires alternative access arrangements, toilet/shower/laundry facilities, and the creation of 8no. new motorhome stances. On their own the proposals would be considered to be 'small' scale development although when the existing campervan facilities are taken into account this would

cumulatively be a 'medium' scale development, both of which are supported in principle by the provisions of policies LDP 5 and SG LDP TOUR 1 where:

- i) the development respects landscape/townscape character and amenity of the surrounding area;
- ii) the development is reasonably accessible by public transport, cycling and on foot;
- iii) the development is well related to existing built form of settlements;
- iv) the proposal is consistent with other applicable policies of the LDP.

It is considered that, in principle at least, this element of the proposal would offer an appropriately scaled extension to an existing short-stay motor home facility; the development is located within the settlement of Port Ellen and is readily accessible from existing public transport and pedestrian links. The proposal is considered to be aligned in principle with the requirements of SG LDP TOUR 1. The proposal has also been assessed against and considered to be consistent with the provisions of LDP2 draft policies 23 and 24 which are unopposed and a material consideration at this time.

The third element of the application seeks planning permission for the siting of a hot food takeaway van. The demolished pavilion building housed a café which closed in 2019, after becoming run down and unsustainable. In response to this closure a mobile catering facility has been open on the site over the last two years. Once the new building is complete the catering on site will move into the café space and a condition will be attached to any approval for removal of the existing van with a three year timescale or when the new community facility is completed if before three years.

There is no express provision within the LDP that relates to this function however it is noted that the provisions of SG LDP RET 3 do provide general support for 'small' scale food and drink establishments on appropriate and accessible locations within the 'settlement area' of Key Rural Settlements. It is noted that the use of land for a hot food takeaway is primarily expected to be a complimentary function to the community sports and recreation and tourism uses elsewhere within the site, however it is recognised that this element would a *sui-generis* use that has potential to give rise to impact upon the amenity of its surrounds and is accordingly assessed in relation to the requirements of policy SG LDP BAD 1 below.

B. Location, Nature and Design of Proposed Development

The application relates to land surrounding the Ramsay Hall in Port Ellen which currently forms part of a planning unit comprising sports/recreational and community facilities. The proposal seeks detailed planning permission that includes the following elements:

- i) Erection of a new 'Community Hub / Pavillion' building;
- ii) The relocation of existing children's playparks to an alternative location within the application site boundary and provision of 1.1m high fence;
- iii) The installation of 3no. spectator shelters along the southern boundary of the existing football pitch;
- iv) The installation of 5.0m high metal fencing to the western boundary of the existing football pitch;
- v) The installation of 4no. storage containers to provide ancillary storage for sports equipment;
- vi) The installation of 1no. storage container to provide storage for rental e-bikes;
- vii) The alteration of the existing vehicular access and formalisation of parking to provide a 15no. space car park with 2no. EV charging points, 5no additional spaces, 2no. accessible spaces, and 10no. cycle stands;

- viii) The change of use of land to form an extension to an existing short-stay motorhome comprising the formation of 8no. new hard-standings each with a motorhome hookup and alteration of existing access to the motorhome site;
- ix) The erection of a toilet/shower/laundry block building; and
- x) The temporary change of use of land (sui generis) for the siting of a hot food takeaway van.
- xi) Landscaping and formation of external seating areas.

The proposed community hub/pavilion is to be located by the north-western boundary of the application site between the existing football pitch and bowling green, upon the site of a former 100sqm single storey pavilion building that has already been demolished. The proposed new community hub / pavilion will comprise a function hall, kitchen/bakery/cafe, a club room, toilets, storage and meeting room facilities. The building has a 300sqm rectangular footprint with symmetrically pitched roof and gable ends; whilst the building form is relatively plain in its form the public facing elevations incorporate significant elements of glazing and a covered open terrace that break up the overall mass. The roof covering shall be of red concrete tiles. The external walls shall be finished in an off-white render with dark-grey windows and doors. The design and colouring of external finishes are a nod to the pavilion that previous stood at this location. Whilst the new building will have considerably greater scale/massing than the previous structure it will still appear as subordinate to the Ramsay Hall and will sit comfortably within the context of existing built development to the north and south with a backdrop of rising open land to the North East. The new building is located some 20m from the hedgerow boundary between the recreational land and existing housing development to the North West and will not give rise to any concern in relation to impacts upon privacy or overshadowing of existing development. The applicant has indicated in discussions with officers that the facilities are expected to operate within the hours of 8am – 10pm subject to demand, with occasional requirements for late opening in relation to functions. It is noted that that operation outwith normal daytime business hours and smells from commercial cooking facilities do have potential to impact upon the amenity of nearby residential property and accordingly consideration of these elements in relation to SG LDP BAD 1 are undertaken elsewhere below in the assessment of the proposal.

The existing play equipment is currently sited at two locations where land required for the new community hub / pavilion building, and also for the motorhome site. It is proposed that this will be consolidated and relocated onto an existing area of open flat land sitting between the bowling green and the Ramsay Hall. The play area shall be enclosed by a new 1.1m high boundary fence.

The proposals seek to augment the existing football pitch facilities with the installation of 3 dug out type shelters with a clear glazed finish. It is also proposed to install a 5.m high metal ball fence between the South Eastern end of the pitch and the proposed car parking area. It is also proposed to install 5no. new storage containers at the South East end of the football pitch, four of these will provide storage for sports equipment, the remainder will be utilised to store e-bikes. The containers will all be clad in walnut coloured boards to soften their appearance. The presence of such structures are quite commonly associated with sports fields and their addition is not considered to be give rise to any significant visual impact upon the character of the locale in this instance.

Existing parking arrangements within the application site comprise a rough gravelled area sitting above the existing southern play area; it is proposed to formalise the parking area with a layout of 15no. car parking spaces, a further 5no. spaces will be provided behind the Ramsay Hall and 2no. accessible parking spaces beside the relocated play area. Metal cycle stands will be provided beside the new Community Hub building and beside the Ramsay Hall.

It is proposed that the existing vehicular access at the southern end of the site onto the A846 will be relocated slightly to the north and widened. The relocation of the access and southern play area will allow for 8no. motorhome stances to be created on the lower lying section of the site. An opening will be created in the stone boundary wall provide vehicular access to the existing short stay motorhome site; a new boundary fence will be erected to close off the existing vehicular access through the petrol station and to make the existing facilities integral to the operation of the new site. A utility block comprising of 3 toilet/shower units and laundry facilities is to be sited adjacent to the new motorhome stances. This modest building will be 25sqm finished in larch timber cladding and a metal profile roof coloured dark grey to match the nearby filling station. The existing motorhome site was provided as a short stay facility that supports the viability of existing community owned facilities and seeks to operate as a stopping off point for tourists arriving/departing Islay rather than being a destination in its own right. The proposed new motorhome stances will sit on open land between the existing filling station building and the revised access serving the wider development. The proposal will also formalise and improve the layout and boundary treatment of the existing motorhome site. Whilst the new motorhome stances will be prominent from the A846 there will be an obvious visual separation from the Port Ellen Conservation Area that lies beyond the filling station to the south of the site. The proposed use of the site to provide short stay motorhome servicing facilities is considered to be compatible with adjacent land uses which include business and industry, community petrol station, sport/recreation and a hotel and will not give rise to any significant adverse impact upon the amenity of the locale. The use of the site as a short stay motorhome facility means that the development will in effect create a touring caravan site, this will require to be the subject of a separate site licence having regards to the Caravans & Control of Development Act 1960, and should be subject to conditional restrictions limiting use solely to campervans and touring caravans and ensuring that any overnight stay is restricted to a single night.

The application also identifies a location within the development for the temporary siting of a hot food takeaway van until café facilities within the new community hub building become operational. In order to define the temporary nature of this element of the permission it is identified that a planning condition defining the time period of the permission would require to be imposed – this should be for a maximum period of three years or the opening of the facilities in the new building, whichever is earlier. It is recognised that hot food take away uses may give rise to adverse impacts on the amenity of the locale and accordingly consideration against policies LDP 8 and SG LDP BAD 1 is set out elsewhere in this assessment.

The plans also indicate landscaping to the areas around the spine road and its offshoots. Further landscaping to the south of the new community hall including a seating area has been indicated on the plans. Full details of these aspects could readily be secured by planning condition.

The design, scale and siting of the new development is deemed to respect the townscape character and appearance of the surrounding area in accordance with LDP 9 and SG LDP Sustainable.

C. Natural and Built Environment

The provisions of policy LDP 3 and SG LDP ENV 14 requires the impact of new development upon the landscape to be considered. In this instance the development is situated within the existing built up area of Port Ellen; the development will be well framed by a substantial landscape backdrop and it is not considered likely to give rise to any significant adverse impact upon the landscape character or quality of the receiving environment. The proposal is considered to be consistent with the relevant provisions of LDP 3 and SG LDP ENV 14.

The development is located outwith but adjoins the northern boundary of the Port Ellen Conservation Area. The provisions of policies LDP 3 and SG LDP ENV 17 would seek to resist development that has an adverse impact upon the character or appearance of a Conservation Area or its setting. In this instance it is considered that the proposed development will sit visually separate to the adjacent conservation area with the presence of an intervening petrol filling station; it is also noted that the development within the southern portion of the site will primarily relate to the formation of motorhome stances that in themselves will not be readily visible behind boundary walls and whilst motorhomes parked on the site will be visible these will be transitory in nature of impact. It is considered that the proposal is consistent with the requirements of LDP 3 and SG LDP ENV 17.

The application site lies within a designated Open Space Protection Area where the provisions of policies LDP 8 and SG LDP REC/COM2 seek to safeguard existing playing fields, sports pitches, and recreational areas. It is considered that the proposed new Community Hub / pavilion building is ancillary to the principle use of the site as a community sports and recreational facility. The loss of the existing equipped play areas would be contrary to SG LDP REC/COM 2 but is considered to be acceptable as a minor departure in this instance in light of the stated intent to relocate this elsewhere within the development site and confirmation that revenue generated from the motorhome expansion will help to sustain and maintain the overall Playing Fields site. The revenue will help to ensure that Port Ellen Playing Fields remain an asset for the entire community, with community benefit the overarching aim of the project. In order to underpin the justification for a minor departure to SG LDP REC/COM 2 it would be appropriate to impose a planning condition requiring the timely installation of replacement play equipment, and to ensure that there is an appropriate mechanism that retains the motorhome site within the same ownership as the wider community facilities which it will support.

The applicant has provided evidence from an extract of the funders of the land buy out (Scottish Land Fund) who require that any disposal of any portion of the land requires their agreement. A repayment of a portion of the funding from the Scottish Land Fund would be required at the land values current at the time. Whilst this may provide an appropriate mechanism to underpin the grounds for departure from SG LDP REC/COM2 it is noted that officers have not as yet had sight of the full terms and conditions and would propose that a suspensive planning condition be imposed requiring the applicant to demonstrate that the motorhome site cannot be readily separated from the community facilities/playing fields.

The loss of equipped play space and reduction of casual open space within an OSPA is considered to be contrary to the relevant provisions of policies LDP 8 and SG LDP REC/COM 2 but is in this particular case capable of being overcome as a minor departure through timely installation of a replacement play area within the development, and on the basis that the motorhome site which gives rise to the reduction of play/open space will directly contribute toward the future maintenance of the community/play field facilities within the wider application site.

D. Infrastructure and Servicing

The proposed development will be provided with mains water and foul drainage connections. Scottish Water have not raised issue in this respect and the proposal is considered to be consistent with the relevant provisions of policies LDP 10, SG LDP SERV 1 and SG LDP 6.

It is noted that the applicant submitted amended plans on 1st February 2022 seeking to amend the proposal to make provision for the installation of a private foul drainage system. It is the consideration of officers that this would give rise to a material amendment of the application and as such it would not be competent to accept the proposed revision. For the purpose of clarity it is noted that the current application has been considered on the basis that foul

drainage shall be to the public sewer, and it is proposed that a condition to this effect be attached to any consent granted to properly define the permission.

The site is already satisfactorily drained and it is understood that surface water drainage discharges to coastal waters; it has however been highlighted that the re-engineered access requires further work to avoid water draining to the main road. Under policies LDP 10 and SG LDP SERV 2 a condition will be attached to any approval and with the agreement of the Roads Department.

The provisions of policies LDP 10 and SG LDP SERV 5(b) requires new 'medium' or 'large' scale development to include details for the storage, separation and collection of waste from within the development site, or to make appropriate alternative provision. Overall it is considered that the combine scale of the development triggers this requirement. Whilst no such detail has been provided in relation to the operation of the site the submitted site plans do show a waste storage area located to the rear of the proposed Community Hub building, no details are shown in relation to the motorhome site. It is considered that the submission and approval of additional detail in respect if these matters to comply with SG LDP SERV 5(b) can reasonably be addressed by planning condition.

E. Archaeological Matters

The application lies in a landscape populated with recorded archaeological sites of prehistoric and later periods. The large area of ground that will be disturbed by this development stands a good chance of unearthing visible or buried unrecorded remains which could be of any period and which may survive below ground level. As such, a potential archaeological issue is raised by the proposals. The West of Scotland Archaeological Service have indicated that any recovered artefacts resulting from the proposal should be catalogued and a condition to that effect will be attached to any approval. The proposal is consistent with the provisions of LDP 3 and SG LDP ENV 20.

F. Road Network, Parking and Associated Transport Matters.

The proposal includes for the realignment of the existing vehicular access to the Ramsay Hall / playfields to ensure that it is of a suitable standard to meet the increased traffic generation from the development. The Council's Roads Officers have not raised any objection to this element of the development subject to the imposition of planning conditions that will secure minimum standards in respect of the layout/construction and timely provision of the upgraded access arrangements.

The proposal will also see the access for the existing motorhome service facility to be revised so this becomes integral with the new facilities. The existing vehicular access via the petrol filling station will be closed off. It would be appropriate to impose a planning condition requiring further detail of these works to be submitted for approval and to be completed prior to the new motorhome site first being brought into use to prevent through traffic and increased use of substandard access arrangements.

The development includes for formalisation of existing car parking arrangements to provide a main carpark with 15no. spaces, with an additional 5no. spaces to be created adjacent to the Ramsay Hall, and 2no. accessible spaces beside the relocated play area. The developer also intends to install additional cycle parking onsite.

The proposal is considered to be consistent with the requirements of policies LDP 11, SG LDP TRAN 4 and SG LDP TRAN 6. The proposal has also been assessed against and considered to be consistent with the provisions of LDP2 draft policies 35, 37, and 39 which are unopposed and a material consideration at this time.

G. Contaminated Land

It has been identified that some of the land within the proposal boundary may be contaminated. Environmental Health officers have requested a condition to any approval requiring the areas to be developed to be examined and plans of mitigation where required be lodged with the council prior to any development under the terms of policies LDP 10 and SG LDP SERV 4.

H. Other Key Policy Matters

The proposed siting of a hot food takeaway van, and cooking smells and late opening associated with the proposed Community Hub are recognised to have potential to give rise to adverse impacts upon the amenity of residential property in the locale, and indeed this concern has been raised in third party representations. Policies LDP 8 and SG LDP BAD 1 would seek to ensure that new development does not give rise to unacceptable effects on the amenity of neighbouring residents, and that where such potential would arise that appropriate mitigation measures can be identified to address those concerns.

The proposed temporary hot food takeaway van will be located centrally within the southern portion of the development site, adjacent to the playing fields, formalised carpark and motorhome site. This element of the development is already operational having been introduced following the demolition of the former pavilion and its café facilities. The van is intended to be removed upon completion of the community hub building and opening of new café facilities but until then would generally operate between the hours of 10am – 4pm with occasional exceptions. The hot food van is well removed from existing residential properties and operating during normal business hours is unlikely to give rise to nuisance in respect of noise/disturbance or cooking smells. It is advised that Environmental Health Officers have not raised objection to this element of the proposal and have noted that operational aspects of this element of the development would also be controlled by the Council through mandatory street-food licence. It is accordingly considered that the takeaway food van does not constitute 'bad neighbour' development.

The proposed new community hub building will include café and function facilities; the applicant has advised that this building is likely to operate between the hours of 8am and 10pm to accommodate breakfasts, lunches and dinners, with flexibility for booked events and activities. The new building will be located some 20m from the hedgerow that forms the boundary with residential development at North Bay, and access will also be from the opposite (South-Eastern) side of the building to that of the nearest residential property. The Council's Environmental Health officers have not raised any objection to the proposal but have highlighted that conditions be imposed to ensure that appropriate mechanical ventilation is utilised to address potential nuisance from cooking smells. Officers would also highlight that any extended or late night use of the premises would likely relate to activity that is also subject to control of the Council under licencing for sale and consumption of alcohol on the premises. It is accordingly considered that the Community Hub does not constitute 'bad neighbour' development.

The proposal includes for a site for eight additional motorhome berths which will be provided with individual hook up points. This element of the development will be an extension to an existing 5 berth motorhome facility located at the Southern end of the application site which adjoins a petrol filling station which is also in community ownership, a business and industry allocation, and a hotel. The Council's Environmental Health Officers have not raised objection to this element of the proposal and have observed that the day to day operation and technical standards for management of the site would be addressed by the Council through licence requirements under the Caravans Sites and Control of Development Act 1960. It is accordingly considered that the Community Hub does not constitute 'bad neighbour' development.

Subject to appropriate mitigation measures, it is considered that the proposal will not give rise to any significant impact upon the amenity of the locale and is therefore consistent with the provisions of LDP 8 and SG LDP BAD 1.

Appendix B

Objections

Alan J Guy 17 Campbell Street Renfrew 19.11.2021
Kevin Campbell 23 Corrsgeir Place Port Ellen PA42 7EJ 10.11.2021
Allison MacAffer 1 Charlotte Street Port Ellen 01.11.2021
Rhona Scott Caladh Sona 53, Frederick Cresc Port Ellen 17.11.2021
Miss Rachael Morrison 18 Cnoc-na-faire Port Ellen 19.11.2021

Mrs Elaine Morrison 18 Cnoc-Na-Faire Port Ellen 19.11.2021
Margaret Cameron 80A Frederick Crescent Port Ellen PA42 7BG 19.11.2021
E Morrison 18 Cnoc-na-faire Port Ellen 19.11.2021
Miss Mary Milton Flat 2/2 7 Stewartville Street, Partick Glasgow G11 5PE 19.11.2021
Christine Brown 53 Frederick Crescent Port Ellen 19.11.2021

Michael Barford 11 Benview Gardens Oldmeldrum Aberdeenshire AB51 0FY 19.11.2021
Fiona Middleton Ardinersay House Kildalton Port Ellen 19.11.2021
Sarah Clark Ballownie Lodge Stracathro Brechin DD9 7QE 19.11.2021
Naomi Guy 17 Campbell St Renfrew PA48TG 19.11.2021
John Barford 9 Antrim View Port Ellen PA42 7BZ 19.11.2021

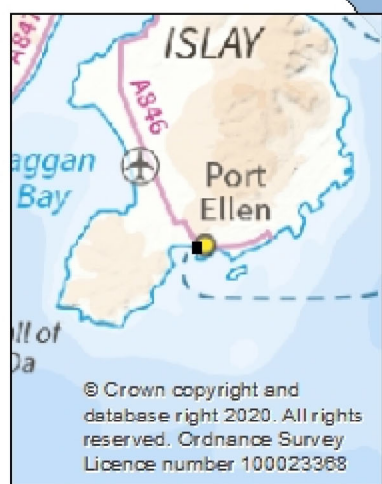
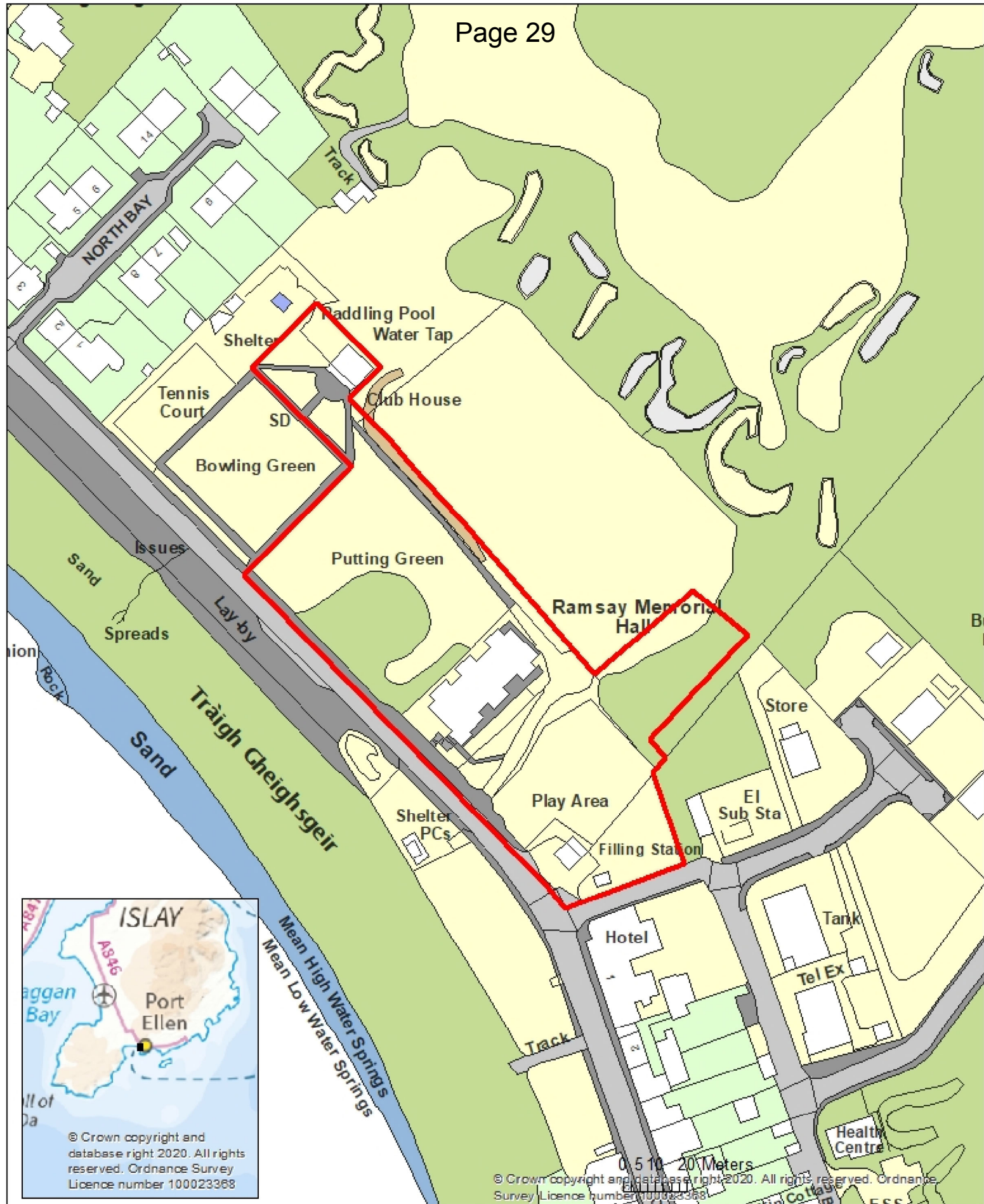
Janette Stevenson 108 Frederick Crescent Port Ellen 19.11.2021
Elaine Morrison 18 Cnoc-Na-Faire Port Ellen PA42 7BU 19.11.2021
Alfred J Bell 34 School Street Port Ellen PA42 7DP 19.11.2021
Susan Smith 53 Frederick Crescent Port Ellen 22.11.2021
George Middleton Ardinersay House Kildalton Port Ellen 22.11.2021

Aileen MacKenzie 47 Springwood Ave Stirling FK8 2PE 22.11.2021
Mrs Siobhan Maclean 11 Daal Terrace Port Charlotte 18.11.2021
Mrs Lorna Bartlet Crackan View Auchleuchries Ellon AB41 8HS 19.11.2021
Mrs Rhona Shaw 4 Livingstone Way Port Ellen 19.11.2021
Sam Graham Claverhouse Glenegeedale Port Ellen 18.11.2021

Mr Gavin Campbell 16 Ardview Port Ellen 19.11.2021
Mr Thomas Peebles 21, Craig Hill Place Fairlie Largs KA29 0AY 19.11.2021

David Graham No Address Given 04.11.2021
Jonathan Farrell No Address Given 17.11.2021
N Morris No Address Given 19.11.2021
Roland Worthington-Eyre No Address Given 17.11.2021
Alison J C Mackay No Address Given 19.11.2021

Andrea Hannah No Address Given 19.11.2021
Scott Taylor No Address Given 19.11.2021
Gavin Campbell No Address Given 19.11.2021
Clare Bowness No Address Given 22.11.2021
Fiona Middleton No Address Given 22.11.2021



© Crown copyright and database right 2020. All rights reserved. Ordnance Survey Licence number 100023368



Location Plan Relative to Planning Application: 21/01679/PP



1:1,500

This page is intentionally left blank

ARGYLL AND BUTE COUNCIL
PROCEDURE NOTE FOR USE AT
VIRTUAL DISCRETIONARY HEARING

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. Argyll and Bute Council have determined the need to hold virtual Discretionary Hearings. This procedural note has been drafted to support these meetings.
2. Virtual meetings are those that will **not** involve a physical location. However should circumstances dictate, the Chair and (if appropriate) Vice Chair along with relevant officers will be located in a single venue.
3. The Executive Director with responsibility for Legal and Regulatory Support will notify the applicant, all representees, supporters and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish. Details on how interested parties can access the meeting will be referenced within the same notification.
4. While reasonable efforts will be made to ensure all interested parties can attend the virtual Discretionary Hearing on request, there may be exceptional circumstances, given technological capacity, which may limit the numbers attending. Should this situation arise we will ensure priority access to the meeting will be given to those who have notified of their intention to present to the Committee (e.g. applicant, Planning Authority, statutory consultees and spokespersons of objectors/supporters). Thereafter, invites will be issued to other interested parties until the limit of the meeting is reached.
5. On receipt of the notification the applicant, all representees, including supporters and objectors will be encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. Parties who wish to speak at the meeting shall notify Argyll and Bute Council no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting. This is to facilitate remote access (see note 1) and the good conduct of the meeting.
6. The Executive Director with responsibility for Legal and Regulatory Support will give a minimum of 7 days' notice of the date and time for the proposed Hearing to all parties.

Ref: ABH1/2009

7. The hearing will proceed in the following order and as follows.
8. The Chair will introduce the Members of the Committee, confirm the parties present who have indicated their wish to speak and outline the procedure which will be followed. It is therefore imperative that those parties intending to speak join the meeting at its commencement.
9. The Executive Director with responsibility for Development and Economic Growth's representative will present their report and recommendations to the Committee.
10. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
11. The consultees, supporters and objectors in that order (see note 1), will be given the opportunity to state their case to the Committee.
12. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good cause shown the Committee may extend the time for a presentation by any of the parties at their sole discretion.
13. Members of the Committee only will have the opportunity to put questions to the Executive Director with responsibility for Development and Economic Growth's representative, the applicant, the consultees, the supporters and the objectors.
14. At the conclusion of the question session the Executive Director with responsibility for Development and Economic Growth's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
15. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he/she will be entitled to invite them to conclude their presentation forthwith. (see note 3)
16. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
17. The Committee will then debate the merits of the application and will reach a decision on it. No new information can be introduced after the Committee begins to debate.
18. The Chair or the Governance Officer on his/her behalf will announce the decision.

Ref: ABH1/2009

19. A summary of the proceedings will be recorded by the Committee Services Officer.

NOTE

- (1) If you wish to speak at the hearing you will require to notify the Committee Services Officer no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting. This is to facilitate remote access and the good conduct of the meeting.

In the event that a party wishes to speak to a visual presentation, this requires to be sent to Committee Services no less than 2 working days (excluding public holidays and weekends) before the commencement of the Hearing; this will not be shared with other parties prior to the meeting but will ensure its availability for the commencement of the Hearing. The slides that are visible, at any point during the presentation, will be determined by the spokesperson(s). Should, for any reason, this not be possible the Committee Services Officer will control the slides under explicit instruction from the spokesperson(s), it would therefore be helpful if the slides were individually numbered. It would also be helpful if the file size of the presentations is kept to a minimum to mitigate against any potential IT issues – guidance can be provided if required.

If it is your intention to join the hearing to observe the proceedings, please advise the Committee Services Officer no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting to facilitate remote access.

- (2) Councillors (other than those on the Committee) who have made written representations and who wish to speak at the hearing will do so under note 1 above according to their representations but will be heard by the Committee individually.
- (3) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing. For the avoidance of doubt the time allocated will be per party and will include for example all supporters/objectors in the half hour slot except where additional time is agreed by the Chair.

The representative of the Executive Director with responsibility for Development and Economic Growth – not more than half an hour

The Applicant - not more than half an hour.

The Consultees - not more than half an hour.

The Supporters - not more than half an hour.

The Objectors - not more than half an hour.

Ref: ABH1/2009

- (4) The purpose of the meeting is to ensure that all relevant information is before the Committee and this is best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity subject to the requirements for notice herein.
- (6) Should, for any reason, Members of the Committee lose connection or have any technical issues during the meeting, they will be asked to contact the Governance or Committee Support officer, if possible, by email or instant message. A short adjournment may be taken to try and resolve the connection. If the Members of the Committee are unable to re-join the meeting and a quorum still exists then the meeting will continue to proceed. If a quorum does not exist the meeting will require to be adjourned. For the avoidance of doubt Members of the Committee have to be present for the whole hearing in order to take part in the decision.
- (7) Should, for any reason, participants in the hearing lose connection or have any technical issues during the meeting, a short adjournment may be taken to try and resolve the connection. In the event the connection cannot be restored within a reasonable timeframe consideration will be given to the continuation of the meeting.
- (8) Members of the Committee will use the instant message box function to indicate to the Chair when they wish to speak to ask a question or make a comment. This function will be monitored by the Chair and by governance staff in attendance. The instant message box should not be used by any other party in attendance. For the avoidance of doubt any comment made using this function other than by Members of the Committee will be disregarded. Misuse of the messaging facility by any attendee could result in that person being removed from the meeting by the Chair.
- (9) Where a Councillor who is a member of the PPSL has made or wishes to make a representation (on behalf of any party) during the meeting in relation to the application under consideration, they should make their position clear to the Chair and declare an interest. Having done so, they may, at the appropriate time, make the relevant representation and then must retire fully from the meeting room prior to deliberation of the matter commencing. A Councillor, not a member of the PPSL, may make a representation (on behalf of any party) during the meeting in relation to the application then must retire fully from the meeting room prior to deliberation of the matter commencing.
- (10) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support

Ref: ABH1/2009

the recommendation from the Executive Director with responsibility for Development and Economic Growth which is attached hereto.

I:data/typing/virtual planning hearings/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. Expenses may be awarded against unsuccessful parties, or on the basis of one party acting in an unreasonable manner, in appeal/review proceedings.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy of justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Development and Economic Growth’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure from policy, reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government as contained within Planning Circular 3/2013: Development management procedures on the definition of a material planning consideration is attached herewith However, interested parties should always seek their own advice on matters relating to legal or

Ref: ABH1/2009

planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A (5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

Ref: ABH1/2009

- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

This page is intentionally left blank