

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

Reference No:	15/03260/PP
Planning Hierarchy:	Local Application
Applicant:	Mrs Iona Larg
Proposal:	Erection of beach hut for Blackhouse Watersports (retrospective)
Site Address:	Land north-east of Braehead, Balevullin Beach, Balevullin, Isle of Tiree

SUPPLEMENTARY REPORT No 1

A) INTRODUCTION

This report advises Members of additional representations both objecting to and in support of this application. This report also summarises the Applicant's case in respect of a statement made on behalf of the RSPB and statements made within the main report of handling which the Applicant states are inaccurate.

B) ADDITIONAL REPRESENTATIONS

Additional representations have been received from the following individuals.

Objectors

- Pearl Brown – Lochan Ban, Balevullin, Tiree (15.09.2016)
- Mary Smith – Lochan Ban, Balevullin, Tiree (16.09.2016)
- Flora MacKinnon – 4 Balevullin, Tiree

(i) Summary of issues raised

These are supplementary representations from existing objectors to the proposed development. The additional comments serve to reiterate the originally expressed concerns with the addition of the following comments:

- I may be wrong here but it has crossed my mind that the delay in this hearing and the outcome may have been or will be influenced by [Argyll Estates] in a positive way for the owner but in a negative way for the unique beauty of the island. My apologies if this is not the case but I write with concern here. My father John Brown (1902 - 1986) was brought up in an impoverished croft on

Tiree where the lifestyle was dominated by the Argyll Estate and the thought that this kind of negative influence may still be around today shocks me.

- How are the people concerned allowed to continue doing business from the beach when planning permission has not been granted? They have been working all summer and must have made a lot of money.

Supporters

- Karl Hughes – Sunset Cottage, Balevullin, Tiree (14.09.2016 and 19.09.2016)

This are supplementary representations from an existing supporter of the proposed development but raises additional points as summarised below.

- Paul Le Roux – Croish House, Caolis, Tiree (12.09.2016)

This is a supplementary representation from an existing supporter of the proposed development and reiterates existing matters of support, although this time on behalf of the Tiree Surf Club.

- Mark Boyd (Secretary) Scottish Surfing Federation (01.09.2016)

This is an additional representation of support and is summarised below.

(i) Summary of issues raised

- You may/may not be aware that two local Tiree children both under the age of 18 - Finn MacDonald and Ben Largs - are at this very moment competing in the VISSLA ISA World Junior Surfing Championship (WJSC) in the Azores as representatives and core members of the Scottish Surfing team. Finn MacDonald this year became the Scottish under 18 champion in the national competition in Thurso, and Ben Largs the under 14 Champion at 12 years old. Finn MacDonald (who is from Balevullin) is the flag bearer for the entire Scottish team.
- Their participation in this international event is supported by the International Olympic committee...and as such these two lads have the possibility of representing Scotland/GB in the 2020 Olympics, again this would not have been possible without the beach hut or the voluntary support Black House Water sports have committed themselves too. There is nobody else (company or individual) on the island offering accredited safe tailor made surfing opportunities.
- [The Scottish Surfing Federation] had the pleasure of visiting Tiree this weekend past to attend the annual 'Gathering of the Clans' (a national interclub surfing event) and was in awe of the surfing community and spirit that has developed on the island. This was the first time we have held such an event in Tiree; upon hearing last year there was a thriving surf scene developing we made a conscious decision to take the event there. The Island of Tiree is uniquely placed as there are few other areas in Scotland which offers accessible beaches directly facing the Atlantic ocean; this means a significant increase in the number of days suitable of surfing within a calendar year compared with other Scottish surf destinations. Further to this the work the local surf club and community have been doing has allowed for a true grass

roots development of the sport. I met local kids aging from 4 – 18 taking up the sport; to the best of my knowledge there is no other region in Scotland which currently has this spectrum of kids partaking in surfing; this really has helped them to progress quickly and to a high level. I am convinced that the key to the success of the surf community has centred around the Beach Hut located at Balevullin Beach; a facility providing a simple means of wetsuit drying, equipment storage, a shelter from the cold and basic changing facilities has been the nucleus that has enabled the development to date.

The above represents a summary of the issues raised. Full details of the letters of representations are available on the Council's Public Access System by clicking on the following link: https://www.argyll-bute.gov.uk/Planning/Ig/GFPlanningDocuments.page?Param=Ig.Planning&SDescription=15/03260/PP&org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&viewdocs=true

C) APPLICANT'S RESPONSE TO CONSULTEE

On the 26th April 2016, the following comment was received from Dr John Bowler – Tiree Officer for RSPB Scotland:

"I would like to point out that on page 4 of the 'Supporting Information' for this application produced for the applicants by McKenzie Strickland Associates under point 2.4, there is a suggestion that RSPB gave advice on the location of the Balevullin beach hut. This is simply not the case, since RSPB was unaware of the intention to build this hut (and indeed the Gott Bay hut) until it had been erected on the beach. I would therefore be grateful if this comment could be struck from the record."

The paragraph (2.4) referred to states:

"In order to minimise the potential impact on wildlife the Balevullin hut has been located [on the beach] following advice from RSPB because it has no birdlife designations and is used less by shore birds."

The Applicant has responded to this and has provided details of email correspondence between herself and Dr Bowler which includes an email from Dr Bowler to Mrs Larg dated 22nd September 2015 which includes the sentence, "Balevullin beach is less used by shorebirds, which is why it has no formal designations."

The unauthorised beach hut at Balevullin was erected some time before the 23rd May 2015. Therefore the quoted comments by Dr Bowler were made after the building was in position on the beach.

It is appreciated that applicant wishes to avoid the suggestion that she has misrepresented the position of the RSPB, but as far as officers are concerned the issue of who said what, when and to whom is wholly irrelevant to the material planning considerations of this case. The fact remains that the 'official' RSPB consultation response to the proposed development (dated 9th February 2016) raises no objections from an ornithological point of view and neither does the consultation response from SNH.

The above represents a summary of the issues raised. Full details are available on the Council's Public Access System by clicking on the following link:

https://www.argyll-bute.gov.uk/Planning/lg/GFPlanningDocuments.page?Param=lq.Planning&SDescription=15/03260/PP&org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&viewdocs=true

D) APPLICANT'S RESPONSE TO PUBLISHED REPORT OF HANDLING

The Applicant has raised two points in the published report of handling which it is claimed are inaccurate and/or misleading. These are summarised below:

- *“Other existing and long-established water sports businesses on Tiree work in a very similar way to this, and Officers have concluded that the business needs of the applicant could be better met in planning terms by establishing a new base for their water sports activities elsewhere on the island in a less sensitive location.”* (Published report of handling).

The Applicant claims that this is incorrect as an existing watersports business based on Tiree (Wild Diamond) have a business base which operates out of an existing building sited on the banks of Loch Bhassapol to support their primary business which is windsurfing on the loch.

Comment: This is noted and understood. However, the Applicant also confirms that Wild Diamond also operate a surfing business which they serve via a trailer parked within the informal car parking area at Balevullin. It is alleged that this trailer is ‘pretty much permanently’ sited within the car park. This allegation will be investigated as a separate planning enforcement matter.

- *“In this regard, discussions have been held with both the Applicant and with Argyll Estates towards the identification of a potential alternative site. Whilst these negotiations have proved difficult, with a reluctance on behalf of the Applicant to relinquish their current (though unlawful) site, it is considered that alternatives could and should be explored.”* (Published report of handling).

The Applicant states that Argyll Estates (both the previous and the current Factor) have never asked her to remove either of her huts and that, if they did, she would. The applicant alleges that the above-quoted extract from the main report of handling indicates that Argyll Estates have found her ‘unwilling and reluctant to enter into discussions about alternative sites’.

Comment: This is a short extract from the published report of handling and loses much of its context when taken in isolation. The quoted extract does not assign any perceived ‘reluctance’ to the opinion of Argyll Estates, the opinion of which has been accurately summarised throughout the main report of handling.

The above represents a summary of the issues raised. Full details are available on the Council’s Public Access System by clicking on the following link: https://www.argyll-bute.gov.uk/Planning/lg/GFPlanningDocuments.page?Param=lq.Planning&SDescription=15/03260/PP&org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&viewdocs=true

D) RECOMMENDATION

It is recommended that Members note the additional representations and the comments by the Applicant. The submissions do not alter the previous recommendation to hold a hearing and to refuse the application for the reasons set out in the main report.

Author of Report: Tim Williams

Date: 19th September 2016

Angus Gilmour
Head of Planning and Regulatory Services