

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

Reference No: 21/01049/PP
Planning Hierarchy: Local
Applicant: Mr Chris Cox
Proposal: Change of use of land for the siting of 4 shipping containers
Site Address: Argyll Arms Hotel, Southend, Campbeltown, Argyll.

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of land to permit general storage (Class 6) from previously approved storage of caravans only under previously approved planning consent planning application reference number 12/ 00796/PP.
- Siting of 4 shipping containers.
- Erection of fence

(ii) Other specified operations

- Not applicable.
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(B) RECOMMENDATION:

Recommended for approval subject to attached conditions.

(C) CONSULTATIONS:

Argyll and Bute Council Roads and Amenity Services, 3rd August 2021

No objection.

Southend Community Council, 26th July 2021

The community council object to the proposal as this is a highly visible part of the village the containers will be unsightly.

(D) HISTORY:

12/00796/PP – ‘Change of use of land for storage of caravans (retrospective).’ Approved 28.05.2012.

11/02037/CLAWU – ‘Change of use of land for storage of caravans.’ Refused 24.02.2012.

00/00991/DET – ‘Alteration and extension to hotel to provide upgraded facilities, new entrance porch, conservatory and beer garden.’ Approved 13.08.2000.

99/00493/COU – ‘Change of use from hotel to public house.’ Withdrawn 21.09.1999.

90/00867/DET001 – ‘Erection of a dwellinghouse garage and conservatory.’ Approved 30.10.1990.

88/00164/DET001 – ‘Erection of extension.’ Approved 26.04.1988.

87/00526/OUT001 – ‘Site for erection of dwellinghouse.’ Approved 09.02.1988.

(E) PUBLICITY:

Regulation 20 Advert. Expired 27.08.2021.

Neighbour Notification. Expired 27.08.2021.

(F) REPRESENTATIONS:

(i) Representations received from:

There have been a total of twenty eight representations of which 10 are in objection whilst 18 in support. Details of those who made submission are included in appendix B. The issues are summarised and commented upon below.

(ii) Summary of issues raised:

Noise

‘I would like to note that the vehicular transport of containers will create a noise level unacceptable to residential amenity.’

‘They could be noisy when opening and closing them at night.’

‘It will also have an impact on the noise levels with the transportation and dropping off of the containers as well as access on a regular basis.’

Response

Although there will be some noise created from the vehicular transportation of the containers it will be not be excessive and will be a one off occurrence. The level of noise from opening and closing the containers at night or during the daytime will not exceed the ‘general’ noise level which would be expected to occur within a residential locality. Regardless these concerns are not material to the determination of this application.

Residential Amenity

'I consider the application inappropriate and unacceptable for a residential area.'

'Shipping containers have a place and it's not beside residential homes.'

'The need for four permanent containers sitting in the middle of a residential area no matter what the use is unacceptable.'

'The siting of 4 shipping containers beside the Argyll Arms Hotel will be unsightly to our village.'

'Four shipping containers would be unsightly and detract from the peaceful rural nature of our village.'

'This area next to the hotel is right at the front and start of the village it is overlooked by other houses both across the road and adjacent to the hotel and it will detract from the look of the village.'

'The planning application to place containers at the Argyll Arms will be a total eyesore. It is at the entrance of the village and will be unsightly to both visitors and residents alike.'

'Southend is a quiet, peaceful, rural village set within beautiful natural countryside and centrality not suited to 4 industrial sized shipping containers'

'Shipping containers have a place and it's not beside residential homes,'

Response

Although a predominately residential area a precedent was formed through the previous usage for the storage of caravans under planning consent 12/00796/PP. The usage of the site for the storage of caravans and the siting of shipping containers will have a similar impact on the development setting and the amenity of the surrounding area as they are of a similar size and scale. The erection of a 1.8m fence will further mitigate any adverse impact on the amenity of the area. Furthermore, due to its size the site of the Argyll Arms Hotel has the capacity to accommodate the shipping containers in the south western corner whilst still retaining the front car parking area and the garden to the rear. The usage of shipping containers as a storage solution on a long term basis is not considered 'ideal' therefore planning consent is only recommended for approval on a temporary basis for a period of two years. This will be enforced through the use of condition. In addition prior to the commencement of development it will be recommended that the finish/colour of the shipping containers and fence are submitted for approval by the planning authority. This will also be enforced through the use of condition.

Length of planning permission

'Throughout the application it does not state the period that the shipping containers will be stored.'

'No timeline or use of the containers is mentioned.'

Response

Planning application reference 21/01049/PP is submitted for full planning permission which if granted would be extant for three years from the date of decision. Due to the nature of the development proposal planning permission is recommended to be granted on a temporary basis for two years from the date of implementation. The applicant will be required to notify the planning authority of this date. Once this temporary permission expires the proposal would no longer have planning consent and the owner of the property would be required to remove the shipping containers unless a further application for planning permission has been subsequently approved.

Further planning applications

'This could be the start of a list of applications for the same.'

Is this the first step towards further planning permission for goodness know what?'

'We would also register our objection to any change of use of the present Argyll Arms Hotel.'

Response

These comments are noted but they are not material to the determination of this application.

Alternative storage options

'Machrihanish base offers storage units at very reasonable rates.'

'The shipping containers could be 'housed' at alternative premises in the local area.'

Response

This is not a material planning consideration.

Security/health and safety

'Four containers also shouts something worth stealing.'

'The proposed storage does not provide the security, fire prevention, or compliance to health and safety controls for the storage of industrial shipping containers in a residential area.'

'Could be used as a meeting place for unacceptable groups.'

Response

This is not a material planning consideration

Overshadowing

'These containers are taking up an excessive amount of space due to their length. Consequently we have concerns regarding the impact of overshadowing etc. on our property.'

'Our property is too close to a proximity to the shipping containers, and the only one which will be directly involved.'

'These containers will be approximately two feet five inches in height than the present fence erected between us and the Argyll Arms Hotel and the proposed new fence.'

Response

The site was previously used for the storage of caravans which would have been the same or a very similar height to the proposed shipping containers. Therefore with a combination of a distance of over 5m from the boundary of the site of the Argyll and Arms Hotel and the dwellinghouse known as Links View and the retention of the existing fence it is possible that about 0.5m of the top of the containers may be able to be seen from the dwellinghouse. However the impact on overshadowing will not be adverse as the shadow will be blocked by the existing fence. There will therefore not be any greater effect on overshadowing to the dwellinghouse than from the previous storage of caravans.

General comments

Similarity between previous usage for storage caravans and effect on amenity

'I had no problems seeing the caravans which were previously stored there and will certainly have no problems in passing the containers, or especially NOT seeing the containers as there will be a fence erected.'

'I don't think a few containers will be an eyesore at all, especially where they are replacing bottle banks and stored caravans within the former walls of a burned out building.'

'With this new 'proposed' set up, caravans will be replaced by shipping containers. The average height of caravans is 2.6 meters which is the same height of standard containers... The fence will not only make the area secure from prying eyes but also give the area a proper and professional finish.'

'As this area has previously been used to store caravans of many shapes and sizes for many years I cannot see how 4 shipping containers would be any different.'

'I am happy to support this change from caravan storage to container storage as I feel it will tidy the site up a bit.'

'It is my opinion that the proposed properly fenced and screened, shipping containers will not create a negative visual impact to the immediate area around the Argyll Arms or Southend village in general.'

Use as storage to benefit refurbishment of hotel for community and tourism

'I am one of the houses which will have a visual view of the containers but I feel that if the hotel is up and running it will only enhance the village not detract.'

'This in turn will be an improvement to where caravans are stored.' The hotel is an important amenity within the community that provides a meeting place for locals and visitors.'

'Good luck to the new owners, a good pub and social centre to the village is great for visitors and locals.'

'I do think the village needs the pub to stay open and hopefully thrive. '

'The hotel is a vital asset to the village, its residents and visitors alike. It's the village pub and any improvement which would stabilise its continued use should be welcomed.'

'I strongly agree with the proposition to utilise storage containers to enable the improvement of the hotel.'

(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: | No |
| (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 9 – Development Setting, Layout and Design
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Landscape and Design

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(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.

- Scottish Planning Policy
- Planning history
- 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 35 – Design of New and Existing, Public Roads and Private Access Regimes

(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: No – neither the level of public interest or complexity of the case warrant determination via a discretionary hearing in this instance. It is not therefore considered that a discretionary hearing would add value to the decision making process in this instance.

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

Planning permission is sought for 'Use of land for the siting of 4 shipping containers,' Southend, Campbeltown, Argyll. The applicant intends to utilise the units for personal possessions, materials and tools while renovating the hotel. The site of the proposal is situated at the property known as the 'Argyll Arms Hotel' located in the north of the settlement of Southend.

The proposal comprises the siting of 4 shipping containers in the concrete area adjacent to the south western elevation of the Argyll Arms Hotel. The shipping containers will each have a floor area of 28.03m² and dimensions of 12032mm (length) x 2350mm (width) x 2390mm (height). Each shipping container will be made of corten high tensile steel. The shipping containers will be surrounded by a 1.8m high wooden fence.

Planning consent was previously granted on 28.05.2012 under planning reference 12/00796/PP for – 'Change of use of land for storage of caravans (retrospective).' The site of the proposal has therefore been used for the over wintering storage of caravans from September to March. The site is primarily surrounded by residential dwelling houses with the former filling station also within 20m of the site therefore although predominately residential there is a precedent formed through the previous usage for the storage of caravans under planning consent 12/00796/PP. The difference in the proposals is that the containers will be in situ year round. The usage of the site for the storage of caravans and the siting of shipping containers will have

a similar impact on the development setting and the amenity of the surrounding area as they are of a similar size and scale, however the timing of the storage will change. The erection of a 1.8m fence will further mitigate any impact on the amenity of the area which the siting of the shipping containers may have.

The site of the proposal is located within the Mull of Kintyre APQ but within an urban setting in the village of Southend. The impact on the wider qualifying interests of the APQ will be limited by virtue of visual containment by the wider village setting and the proposed 1.8m tall timber fence. The proposal is considered to be of a satisfactory design which on a temporary basis with the recommended attached conditions above will not have an adverse impact on the character of the landscape. The proposal therefore complies with Policy LDP 3 and SG LDP ENV 13.

The site at the Argyll Arms Hotel is accessed off the B842 public road. Argyll and Bute Council Roads and Amenity Services were consulted on the proposal and they had no objections. The proposal is therefore considered to meet road safety standards and policies LDP 11, SG LDP TRAN 4 and SG TRAN 6.

The proposal conforms to the relevant policies of the development plan, and there are no other material considerations which would warrant departure from these policies. It is recommended that planning permission be granted.

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

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

The proposed development is considered to be acceptable in regard to all relevant material considerations including national and local planning policy and supplementary guidance. There are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

Not applicable.

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

Author of Report: Fleur Rothwell

Date: 05.10.2021

Reviewing Officer:

Date: 6th October 2021



Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01049/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 14th May 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	CEC/AB/1	-	15.06.2021
Site Plan	CEC/AB/2	-	19.07.2021
Container Specification	CEC/AB/3	-	15.06.2021

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

2. This permission shall cease no later than two years from the first siting of the containers on the land other than in the event of a further permission for continued use having been granted upon application to the Planning Authority. Within three months of the cessation of the use all portable buildings/structures shall be removed from the site, and the land which shall be restored in accordance with a reinstatement scheme to be submitted to and approved in advance in writing by the Planning Authority.

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

3. 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 external finishes of the four shipping containers and construction/finish of the new fence 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.

4. The change of use of land for the siting of the four storage containers shall only be used for the personal storage of items of the owner and their dependants of the associated hotel and / or for the use of storing materials and tools for the purposes of repair and maintenance of the hotel.

Reason: To control the use of the containers to protect the wider amenity of the area.

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.
- Following expiry of the permission the land to which it relates reverts to its previous lawful use. Enquiry should be made with the Planning Authority in the event that there is any doubt as to the lawful status of the land.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/01049/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Policy LDP DM 1 encourages sustainable forms of small scale development on appropriate sites subject to assessment against all other material policy considerations. The site of the application comprises of an existing property which has been previously used as a hotel with a change of use to permit the storage of caravans on the south western side of the site approved in 2012 under planning reference 12/00796/PP. The site is located within the Key Rural Settlement Zone of Southend as identified in the Argyll and Bute Local Development Plan 2015. The principle of the proposal is considered to comply with the settlement strategy.

B. Location, Nature and Design of Proposed Development

Policies LDP 9 – Development Setting, Layout and Design and SG LDP Sustainable – Sustainable Siting and Design Principles sets out the planning authority's requirements for siting and design. In this regard the proposal must take account of the residential area within which it is located.

The site of the application is a property previously used as a hotel located in the centre of the village of Southend. The property is a detached two storey traditional property in the north of the village and comprises of a slate roof with mainly white UPVC windows and painted white external render finish. There is a large curtilage attached to the property with a garden area to the eastern and southern corners of the site and a car park adjacent to the road which runs along the north eastern principal elevation.

The shipping containers are to be sited in the south western corner of the site. The site is primarily surrounded by residential properties with the former filling station also within 20m. The containers will be used by the applicant for personal storage and for the materials and tools to do with the renovation of the hotel. Although predominately residential there is a precedent formed through the previous usage for the storage of caravans under planning consent 12/00796/PP. This consent permitted the overwintering of caravans between September and March. The usage of the site for the storage of caravans and the siting of shipping containers will have a similar impact on the development setting and the amenity of the surrounding area as they are of a similar size and scale. The erection of a 1.8m fence along the boundary will further mitigate any impact on the amenity of the area. Furthermore, due to its size the site of the Argyll Arms Hotel has the capacity to accommodate the shipping containers whilst still retaining the front car parking area and the garden to the rear.

The size, scale, design and layout of the proposed development is therefore considered to be satisfactory subject to recommendation of the attachment of two conditions. Firstly, it is recommended that the granting of planning consent should be limited to a temporary period of two years as the use of shipping containers for storage should only be utilised on a temporary basis to minimise the long term impact on the amenity of the surrounding area. Secondly, it is recommended that the granting of planning consent should be conditioned to request further details of the finish of the fence and exact colour of the storage containers to assist with the integration of the proposed development with the character and amenity of the area. The former condition will limit the overall impact to a pre-determined period given the existing permission is only in effect during winter months.

The siting, layout, and design of the proposal is therefore considered to comply with LD9 9 – Development Setting, Layout and Design SG LDP Sustainable – Sustainable Siting and Design Principles.

LDP 5 seeks to support business and industry through sustainable economic growth. In this instance the application will support the investment into the hotel building securing its future. The containers will allow plant and materials to be stored in a secure location instead of in the open air. Additionally, the applicant is seeking to store personal items whilst undertaking the works. It is considered that the proposal is consistent with the principles of LDP 5.

C. Landscape Character

Policies LDP 3 and SG LDP ENV 13 seek to protect the landscape qualities of Areas of Panoramic Quality (APQ) from inappropriate forms of development. The site of the proposal is located within the Mull of Kintyre Area of Panoramic Quality (APQ).

The existing planning permission had an impact during winter months for the storage of caravans. However, this application seeks to store containers year round. The use of a boundary fence will limit the impact. It is considered appropriate to attach a planning condition to limit the lifespan of the consent to a two year period to limit the impact on the APQ and wider landscape.

The proposal is considered to be of a satisfactory design which on a temporary basis with the recommended attached conditions will not have an adverse impact on the character of the landscape. The proposal therefore complies with Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs).

D. Road Network, Parking and Associated Transport Matters.

The site at the Argyll Arms Hotel is accessed off the B842 public road with a large car parking area attached to the property. Argyll and Bute Council Roads and Amenity Services were consulted on the proposal and they had no objections. The proposal is therefore considered to meet road safety standards and policies LDP 11 – Improving our Connectivity and Infrastructure, SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes and SG TRAN 6 –Vehicle Parking Provision.

Appendix B

List of those making public representation

Objection

Bill Curran – Flat 9 Gordon Hall Apartments, Grantown on Spey (10th August 2021)
Margaret McDowall – The Whins, Southend, Campbeltown (26th July 2021)
Darlene Russell- 6 St Columbas Way, Southend, Campbeltown (12th August 2021)
Angela Donnachie – Siggswood, Waldron (17th August 2021)
George Hanna – Glenn Kerran Plantation, Southend, Campbeltown (5th August 2021)
Linda Brannigan – 12 Wallace Cottages, Southend, Campbeltown (28th July 2021)
David McCallum – 30 Wallace Cottages, Southend, Campbeltown (30th July 2021)
Morag Docherty – Links View Gallery, Southend, Campbeltown (3rd August 2021)
John Docherty – Art Gallery, Links View, Southend, Campbeltown (26th July 2021)
William Brannigan- 12 Wallace Cottages, Southend, Campbeltown (28th July 2021)

Support

Sandra Mathieson – 8 Burnbank Cottages, Drumlemble, Campbeltown (4th August 2021)
Eunice Hind - Cnoc Mhor View, Southend Campbeltown (18th August 2021)
Garry McPhail – Cala Na Sithe, Southend (16th August 2021)
Malcolm Macguire – Failte, Southend, Campbeltown (13th August 2021)
Helen Douglas – South Lailt Lephenstrath, Southend, Campbeltown (17th August 2021)
David Bassett – An Caladh Muneroy, Southend, Campbeltown (2nd August 2021)
Alan Moffitt – Feochaig Farm, Machrimore, Southend (9th August 2021)
Les Van Acker – 8 Burnbank Cottages, Drumlemble, Campbeltown (6th August 2021)
Gordon Hamilton – 20 Arran Road, Gourrock (9th August 2021)
James Umpherston – North Carrie Farm, Southend, Campbeltown (9th August 2021)
John Galbraith – Polliwilline Farm, Southend, Campbeltown (9th August 2021)
Adele M Newman – Crocken Cottage, Southend, Campbeltown (10th August 2021)
Lynn Macguire - Failte, Southend, Campbeltown (13th August 2021)
Penelope Jane Lyons – 2 Chriskan Cottages, Southend, Campbeltown (12th August 2021)
Nigel Hind – Cnoc Mhor View, Southend Campbeltown (18th August 2021)
M Wilson – Lorne Dee, Dunaverty Court, Southend, Campbeltown (18th August 2021)
T Wilson - Lorne Dee, Dunaverty Court, Southend, Campbeltown (18th August 2021)
Eilidh Maguire – 1 Mill Park, Southend, Campbeltown (13th August 2021)