

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

Reference No:	21/01679/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

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The attention of Members is drawn to the main Report of Handling dated 15th February 2022 that is currently before them for consideration in respect of the above application.

Subsequent to the PPSL meeting on 23rd February, officers have received further comment from the Council's Environmental Health Service dated 22nd March 2022.

2.0 SUMMARY OF POINTS RAISED

The further comment provided by the Environmental Health Manager (West) confirms that it is not anticipated that noise from the proposed community hub building will be an issue at nearby residential premises in terms of a 'bad neighbour' development. It is however recommended that it would be appropriate to impose an additional safeguarding condition in terms of noise control as a means of mitigating the concerns raised by third parties in this respect.

Proposed additional condition:

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

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

It is considered that the point of clarification provided by the Council's Environmental Health Service does not alter officer's previous assessment in relation to the compatibility of the proposed development with its surrounds as set out within section H of the appendix to the

main report. Officers recommendations remain as per the report dated 15th February 2022 that planning permission granted, however they are minded to accept the updated advice from Environmental Health and have accordingly appended an updated list of conditions to this report.

3.0 RECOMMENDATION

It is recommended that planning permission be approved subject to a pre determination Hearing and the conditions attached to this supplementary report no. 1.

Author of Report: Peter Bain

Date: 22nd March 2022

Reviewing Officer: Sandra Davies

Date: 22nd March 2022

Fergus Murray
Head of Development and Economic Growth

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.
21/01679/PP (as amended 22.03.2022)**

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.

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

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