

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the ON A HYBRID BASIS IN THE STUDIO THEATRE, CORRAN HALLS, CORRAN  
ESPLANADE, OBAN AND BY MICROSOFT TEAMS  
on TUESDAY, 30 JANUARY 2024**

**Present:** Councillor Amanda Hampsey (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Audrey Forrest	Councillor Luna Martin
Councillor Kieron Green	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace

**Attending:** Iain Jackson, Governance, Risk and Safety Manager  
Peter Bain, Development Manager – Planning Authority  
Fiona Scott, Planning Officer – Planning Authority  
Shaun Sinclair – Applicant  
Alastair Bledowski – Applicant’s Agent  
Sandy Dunlop, Connel Community Council – Consultee  
Fiona Ferguson, Connel Community Council – Consultee  
Matt Watkiss, Policy Officer – Consultee  
Roslyn Purdie, on behalf of Pat an Cheryl Howe – Objectors  
Ross Wilson - Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Daniel Hampsey and Paul Kennedy.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MR SHAUN SINCLAIR: ERECTION OF CAFÉ WITH ASSOCIATED LANDSCAPING INCLUDING A VIEWPOINT, SEATING, INTERPRETIVE SIGN AND PLAY PARK: LAND WEST OF INVERLUSRAGAN, CONNEL (REF: 21/01583/PP)**

The Chair welcomed everyone to the meeting, which held on a hybrid basis. For the purposes of the sederunt Iain Jackson, Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today, interested parties confirmed they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance. Mr Jackson also clarified that there was no one else in attendance today that wished to speak.

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

## **PLANNING**

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

### **SLIDE 1**

This application is seeking to secure planning permission for the erection of a cafe with incidental 'drive-thru' takeaway facility and associated landscaping including a viewpoint, seating, interpretive signage and play park on an area of land to the west of Inverlusragan, Connel.

### **SLIDE 2**

This slide shows an extract from the adopted 'Local Development Plan' showing the application site within the defined Minor Settlement Zone of Connel shown in pink.

The site is overlain with blue hatching which delineates an Open Space Protection Area designation, which I will reference as OSPA for the purposes of this presentation. The OSPA is the hatched area limited to the coastal strip with the opposite diagonal hatching denoting the extent of Loch Etive.

### **SLIDE 3**

This slide shows a further extract from the 'Local Development Plan' showing the network of OSPAs in blue hatching along the shore side of Connel adjacent to Loch Etive.

### **SLIDE 4**

This slide shows the site and location plan submitted with the application.

The site is served by a central access point spurring from the A85 Trunk Road, with the proposed café building contained along the eastern boundary of the site, and the parking and turning provision to the west.

The proposed play park, viewpoint, seating and interpretive signage is proposed within the north-eastern corner of the site.

### **SLIDE 5**

This slide shows the elevations of the proposed café building along with some perspective views showing a contemporary designed, mono-pitch roofed structure finished in a natural stone cladding with elements of white render and a dark metal roof.

### **SLIDE 6**

This slide shows a photomontage submitted with the application giving an indication of how the development will appear within the site.

The following slides show some images of the application site.

## **SLIDE 7**

This slide shows a view of the proposed access point into the site from the A85 Trunk Road.

## **SLIDE 8**

This slide shows a view of the site from the A85 Trunk Road with the neighbouring dwellinghouse Inverlusragan visible centrally within this view.

## **SLIDE 9**

This slide shows a view of the site from the public footway adjacent to the A85 Trunk Road.

## **SLIDE 10**

This slide shows a view from within the site looking out towards Loch Etive.

## **SLIDE 11**

This slide shows a further view from within the site looking back towards Connel Bridge.

## **SLIDE 12**

This slide shows a view of the site from the North Connel/Bonawe public road with the red arrow indicating the position of the site.

## **SLIDE 13**

This final slide shows an aerial view of the site overlaid with the application site boundary.

## **SUMMARY**

To conclude, in summary, the determining factor in the assessment of this application is whether the proposed café development is consistent with the provisions of the adopted National Planning Framework 4 as underpinned by the Local Development Plan and the emerging Local Development Plan 2.

As set out in the Report of Handling before Members, the OSPA within which the development is proposed, has been designated to provide visual amenity functions by helping preserve the open aspect on the seaward side of the A85 Trunk Road and with it, public views across Loch Etive.

The primary purpose of the OSPA is to preserve the remaining open land adjacent to the Trunk Road and to protect it from built development, in acknowledgement of the fact that these open areas are a key component of the landscape character of Connel and are an important part of the local distinctiveness of the settlement.

These OSPAs, including the one the subject of the current planning application, were introduced at the request of the community at the time of the adoption of the 2009 Local Development Plan following appeal refusal decisions for residential development on adjacent land.

The OSPAs followed through into the current 2015 Local Development Plan and are proposed to continue into the emerging Local Development Plan 2, a proposal that received no objections following public consultation and one that is supported by the Scottish Government and expects to be adopted as part of the new Development Plan in due course.

The development the subject of this application would introduce built development and infrastructure into a greenfield site, which has been designated as an OSPA for its visual amenity functions, resulting in an adverse environmental impact eroding the open aspect of the site and the associated public views across it, thereby materially harming the open, visual landscape character of this part of Connel, and eroding the local distinctiveness of the settlement to an unacceptable extent, whilst undermining the OSPA designation of the site and setting a harmful precedent for the remaining coastal OSPA land, contrary to the provisions of National Planning Framework 4 and adopted and emerging Local Development Plan Policy.

It is recommended that planning permission for this proposal be refused – thank you.

## **APPLICANT**

### Shaun Sinclair

Mr Sinclair gave the following presentation:

Good morning and thank you for allowing me to discuss by application with you.

I have submitted this application to provide employment in the village and to ensure a future for my children and grandchildren in this community.

Kirsty is my daughter and is the 5<sup>th</sup> generation to be the tenant of our croft, with my son's children being the 6<sup>th</sup>. They live in my great grandfather's house neighbouring the field.

We have been advised that the field would work well for a cattle shed and poly tunnels to grow vegetables for local businesses. This would have an impact on views.

We understand that to diversify the croft, because of croft laws, this would be an unacceptable use of the field.

We have planning to convert the original Croft Byre across the road into a café. However, this application was met with a lot of negatives from neighbours and the Community Council, as it was felt a café in this location between existing houses could possible cause issues with parking and disturbance through general coming and going.

A suggestion of moving the café to the shore field was considered. This is an Open Space Protection Area and although supported off the record by some officials, the Planning Department could not support it.

The Open Space Protection Area policy is intended to stop building on playing fields or ground that is open to the public.

This field is not a playing field nor recreational, public ground as it is private. The policy therefore does not apply.

We also believe that the proposal accords with the spirit of the policy, as it will open the field to the public, re-establishing a connection between the Loch and the community.

This is an improvement in access over the status quo.

The proposal will not obstruct views, as the café has been carefully located on the most discreet part of the site.

The Oban Times ran an independent poll about the proposal with over 400 supporters putting their name to it.

We express our desire to invest in the community and provide job opportunities, a place for grandparents and a safe place for young families to gather and play safely.

We have lost the primary school, the playground has gone and the village shop is for sale.

I ask you, should we all just sit back and let Connel become a suburb of Oban.

## **CONSULTEES**

### Connel Community Council

Sandy Dunlop gave the following presentation:

I thank you for the opportunity to address this Planning Committee. My name is Sandy Dunlop. I have been a member of Connel Community Council for almost 40 years and, over this time, I have seen a lot of changes in the village, some of benefit – others not so much.

This café planning application has not been discussed by the present Community Council due to conflicts in interest.

I will be referencing the decision made by the previous Community Council, which at that time took the decision to object to this plan for the following reasons.

This application lies within an OSPA – an Open Space Protection Area. I was personally involved when the OSPA was granted, as were the landowners, members of the local community, Argyll and Bute Councillors and other parties who had an interest in protecting the beauty of the area, the views and the natural wildlife habitats, encompassing not only our side of the loch, but including the opposite foreshore.

The deep concern, and indeed the fear of the Community Council is, that should the OSPA be ignored and this application granted, the floodgates would be then opened to future further development. We will then lose, not only the irreplaceable wildlife habitats, which in itself would be a tragedy, but the peaceful tranquillity of our loch side of which we are the elected custodians. It may also be worth noting that 2 previous applications in this OSPA were unsuccessful.

Thank you for your attention.

## **OBJECTORS**

Roslyn Purdie, on behalf of Pat and Cheryl Howe

With the aid of power point slides, Ms Purdie gave the following presentation:

My clients Mr and Mrs Howe wish to put forward their strong objections to the proposed development. They reside at Inverlusragan, which is the dwellinghouse immediately east of the proposed site. Since the application was submitted over two years ago, in 2021, they have suffered a great deal of stress and worry about the potential, and very likely, impacts of the proposed development on their residential amenity and the visual amenity of the wider area, should this scheme be implemented. They also have several other concerns, some of which I will address first if I may.

### Principle of development

Chair, Members, it would be remiss not to address the principle of development first, which is one of my client's biggest concerns, and one which is strongly echoed by the other public representations received in objection to this proposal. The site in question is a greenfield site and the NPF4 stipulates that greenfield sites are not to be developed unless the Local Development Plans stipulate otherwise. In this case, the Local Development Plan expressly forbids development of this site, given its designation as an Open Space Protection Area and in light of the application's failure to comply with the criteria set out by Policy DM8 supplementary guidance REC/COM2. Section 25 of The Town & Country Planning Act states that planning applications are to be assessed in accordance with the local development plan, unless material considerations indicate otherwise. In this case, there are no material considerations which suggest that the application should be supported as a departure from the Plan.

In order to set the OSPA designations, Argyll and Bute Council, which funded the project, underwent extensive consultation with the local community council and members of the community. The council commissioned a landscape architect, who assessed every individual relevant area of ground, and its interrelationship with Connel Bridge, Falls of Lora, Loch Etive and the coastal views out towards the Isle of Lismore. They also assessed how each area of ground relied on the other to achieve the required aim of ensuring that these vistas were protected.

The point being, the allocation of its protected status was taken very seriously, and it was collaboratively designated in the interest of the wider public benefit. It was even commented by the Reporter in the 2009 Local Plan Enquiry, just how important this particular piece of land is to the wider OSPA designation, given its proximity to Connel Bridge and the waterfront. Accordingly, you will note that the Planning Service does not support the application, the Local Community Council objects to the application, and the report of Handling states 44 public objections to the proposal. My clients would like Members to be aware that these 44 objections were individual letters of representation. Whereas, the letters of support - bar 3 - were submitted in the form of a petition and pro-forma letter.

My clients also respectfully ask the Planning Service if it could clarify whether the petition and pro-forma letter are each counted as 1 representation, as they feel the wording of the Officer's report, where these are broken down to detail the composition of 120 expression of support, is somewhat unclear.

The application site serves as one of the most valuable landscape and visual components of the wider OSPA, designated to protect the public views of the undeveloped shores of Loch Etive, Connel, and the wider landscape setting. If this proposal is approved and implemented, there will be a notable visual impact on the landscape character, as viewed from numerous prominent vantage points in the local area (identify on ppt using Client's photos).

If this application is approved, it will constitute piecemeal development of the OSPA and there will be wider ramifications for the future of other areas of OSPA land around Loch Etive. The Decision will create planning history which will undermine the weight that the LDP has regarding this particular issue, and it will make it very difficult for the Council to refuse future development on other protected land parcels, leading to the loss of prominent public views and visually appealing and unique landscape character, which was fought so hard to protect in the first place.

It is in this context that I would like to draw your attention to the refusal of nearby applications for three dwellinghouses between the application site and Connel Surgery. These were the catalyst for the OSPA designation and were refused back in 2005 in order to protect the land between the A85 and the foreshore from development.

The community council pushed for the designation on behalf of the local community, as it was felt that the visual impact "would seriously diminish the amenity and thus the economy (based on tourism)". As such, we respectfully request that Members consider this proposal with this planning history in mind, and in context of NPF4 Policy 9(b), LDP Policy DM8 and SG LDP REC/COM 2, as well as the emerging LDP Policy 81 – we ask that you support the Planning Officer's recommendation to refuse the application and protect the landscape.

### Economic Need

The application proposes there is a need for the café and drive-thru for economic reasons and due to a lack of other cafes and local amenities in Connel. In terms of the economic impacts, the proposal will only create 4 full time and 3 part time jobs. This is not a significant local economic benefit in its own right, and certainly not an economic impact which outweighs the importance of retaining the OSPA. Accordingly it is not sound justification to depart from the Plan in this instance.

In terms of there being an economic need owing to a lack of other amenities in the area, this is not so significant as to warrant the loss of the OSPA. Whilst additional amenities in rural areas are welcomed, Connel has similar amenities available such as Connel Surgery Coffee Shop, Falls of Lora Hotel, bar and restaurant, the take away by the village shop, the Oyster Inn, and Lochnell Arms, which are mostly within walking distance of the site, and in accessible locations via public transport. In any case, it's not the proposed provision that my clients object to, it is the proposed location of it. In the absence of a sequential site assessment, the application does not suitably justify why this site should be developed instead of an allocated or brownfield site instead.

With regards economic need, it's also important to highlight that Permission has recently been granted under application reference 20/00038/PP for a café on brownfield land directly opposite this site (indicate location on Ppt). Members should also be aware that there is currently a live application, validated last week (24 Jan), to renew the permission under 24/00103/PP. Incidentally, both applications were akin to the same applicant.

One of the reasons given by the applicant to justify the current proposal, is that they wish to address the concerns raised by letters of representation during the assessment of the approved permission. There were only 6 objections to that application. This justification is not a material planning consideration – and certainly does not warrant the loss of the OSPA. My clients wish to express their dismay in the absence of a Sequential Site Assessment, which would have gone some way to justifying why *this site* was ultimately selected, rather than an unprotected or allocated land parcel, or a brownfield site elsewhere, which incidentally the applicant already has permission for.

### Amenity

In terms of amenity, my clients are concerned about the likely visual impacts on the landscape character of the banks of Loch Etive, as outlined earlier. On a more personal level, my clients are deeply concerned about the impact of the proposed development on their residential amenity. As can be seen from slide 13, the footprint of the proposed café building, at its closest point, is only approximately 4m from the site boundary of my client's garden. From building line to building line, the closest point of the proposed café would be around 14m from their sunroom, which is where they spend most of their family time together, and where their garden decking is too, which they use frequently throughout the year for their enjoyment of their peaceful, private outdoor space.

If the proposed development is allowed, their right to the peaceful enjoyment of their property (Article 8 of the Human Rights Act) will be eroded. The proposed design of the café positions the commercial kitchen, (and presumably the ventilation units, which are not shown on plan), bin stances, and the noisy play area towards the boundary with Inverlusragan. Associated with each is unwelcome odour and noise emissions and the potential for rodents, flies and seagulls which are generally attracted to bins.

Given the Planning Service has recommended refusal of the application, there is no information publicly available on the proposed ventilation/extraction systems in order for an assessment to be made on their appropriateness for the site in terms of their visual impact, their noise and odour emanation, all of which may propagate in the direction of my client's home and garden. Similarly, there are no details available on the proposed external lighting, which has the potential to cause light pollution disrupting residential amenity, sleep, and also impact on the natural environment.

There does not appear to be any details publicly available on opening hours or deliveries to the site, either. It is therefore unknown, and unassessed, which types of vehicles are likely to be delivering to the site, at what times of the day, how many days per week, and how the deliveries will be made from the vehicle to the café (mechanical or manual?). As I'm sure Members will empathise, this causes a lot of worry for my clients given the degree of noise generally associated with the rattling

movement of metal/mesh cages and trolleys, the clattering of wooden or plastic crates/ pallets, and noise from reversing alerts on commercial vehicles. The relative increase in noise between the existing vacant use of the site and the proposed commercial operations, which includes multiple idle vehicle engines using a drive-thru (which incidentally will generate particulate matter and damage local ecosystems), will undoubtedly have a negative impact on the residential amenity of Inverlusragan dwellinghouse.

Despite this, my clients are disappointed that there was no Noise Impact Assessment provided to demonstrate that noise produced by the development will be acceptable, suitably mitigated, or to detail how it will be controlled. We therefore request that Members consider supporting the Planning Officer's recommendation to refuse the application.

### Road Safety/Access

Whilst the technical aspects of the vehicular access have been addressed by the relevant consultees, the increased traffic generation and formation of a new commercial access along the A85, which is in close proximity to Inverlasragan dwellinghouse, is of concern to my clients. There is a real concern about increased numbers of pedestrians crossing the A85 trunk road and the increased risk of road traffic accidents resulting from a new and relatively busy access road to and from a busy commuter route. This section of road is known locally as a dangerous stretch, where even the most experienced and highly trained drivers have encountered issues (show police car photos).

### Subsidence

Members will note that the topography of the site declines from the A85 towards the shore of Loch Etive. Land levels are around 8.0m AOD towards the A85 and approximately 1.5m AOD at the shoreline. The proposed development would be "dug into" the land with a finished floor level of 6.0m AOD and a retaining wall installed to the south-east. Given how close the building will be situated to the boundary of my client's site, they wish to express their serious concerns about the proposed excavation and bring into question the potential for damage to the integrity of their land and/or property caused by landslip or subsidence in association with the development.

### Flood Risk/Erosion

Finally, my clients also wish to bring flood risk and coastal erosion to the attention of Members, as even in light of consultee satisfaction, these issues give rise to concerns about the stability of the shorefront embankment and the land within and around the application site boundary. Given the tidal nature of the loch combined with rising sea levels and ever-increasing flooding events associated with Global Warming, my clients are concerned that erosion to some degree will inevitably occur, and this will lead to the need for visually inappropriate structural reinforcements to the embankment, such as Gabion baskets (show photos of flooding). This would further erode the visual appeal of the shoreline which provides open, attractive views of Loch Etive and Connel as viewed from popular public vantage points.

Thank you Chair, thank you Members for the opportunity to represent my clients' views on this development proposal. They are very grateful for the opportunity to express their concerns.

We respectfully ask that you take into consideration the impacts on the environment, road safety, the risks associated with flooding & coastal erosion, and the potential for landslip.

On a personal note, my clients would be grateful for your consideration of the negative impacts on the amenity of their immediately adjacent property, in terms of light, noise and odour pollution. However, they are particularly worried about the potential loss of the OSPA, which is also a recurring concern of many other objectors too. We ask you to consider the irreversible impacts that this would have on the character of the surrounding area, and the significant ramifications facing the Planning Service in refusing future applications of this nature, should a precedent for development of the OSPA be set. My clients, like many other local residents who have voiced their concerns, wish to protect and enhance the OSPAs in perpetuity, both for visitors to the Connel and future generations to come.

### Ross Wilson

Mr Wilson gave the following presentation:

Thank you for this opportunity to address the Planning, Protective Services and Licensing Committee. I am Ross Wilson and speak as a resident of Connel and have taking note of 44 objections submitted to this application.

I would first like to thank Connel Community Council for being the driving force behind the creation of the Open Space Protection Areas (OSPAs) in and around Connel Village. Also for objecting to this application on behalf of Connel Residents.

These OSPAs were put in place jointly by Argyll & Bute Council, Connel Community Council and members of the community themselves. A Spatial Architect was employed who assessed every individual area of ground, and its interrelationship with Connel Bridge, Falls of Lora, Loch Etive and the coastal views out towards the Isle of Lismore. They also assessed how each area of ground relied on each other to achieve the required aim of ensuring that these vistas are protected.

These were established and confirmed by the Reporter in 2009, after previous attempts by other developers to try to build on the coastline which would have resulted in the loss of these vistas of the iconic Connel Bridge, Falls of Lora etc and fundamentally changed the character of the village and its relationship with the coastline.

The proposed development seeks to effectively eradicate the existing biodiverse habitat on this area of ground. This includes the resident Sea Otter population, the pair of Mute Swans that return every year and raise signets, the flora and fauna which supports the insect population that in turn is the feeding ground for our resident bat population. All of these species are legally protected under UK Law as is their habitat.

I remind everyone that the Applicant already has planning permission for a Café just metres from the proposed location, but crucially this is within Local Development Plan, and is a much more sustainable option as it seeks to restore a currently ruined building. This repurposing of a brown field site is therefore far preferable than removal of a green

field site. This site is conveniently located in the centre of Connel village and away from the busy A85, making pedestrian and vehicle access both easier and safer (particularly for the young and old).

This open aspect of land forms part of a wider network of OSPAs that preserve the undeveloped aspect of the shore side of the A85. An approved development in an OSPAs would be a piecemeal removal of this, setting a precedent for development in these other areas. Once they are gone they are lost forever, denying their benefits to present and future generations. Although permission is being sought for a Café with public access for viewing and play space, what guarantee is there that a future change of use to, for example, a private dwelling will not subsequently occur thereby further restricting benefit to the public, both local and visitor? It should be noted that there is already a public play area provided in the village.

I therefore ask that the PPSL Committee continue to protect these OSPAs and do not approve this Planning Application, thank you.

## **MEMBERS' QUESTIONS**

Councillor Forrest sought and received confirmation from Ms Scott that the OSPAs designation came into force as part of the 2009 Local Development Plan.

Councillor Martin asked the Applicant what his reasons were for choosing this site on the waterside as opposed to the other site in the village. Mr Sinclair referred opposition to building on the other site and that he had tried to address the issues raised at that time. He commented that the OSPAs was to stop houses and other developments on playing fields. He said that the membership of the Community Council had changed since their objection was submitted. He added that there were more letters of support than negatives for this development. He said he had listened to the community and thought about what could be done. He said that this was croft land and that he could develop it to make it work better as a croft, for example, building an agricultural shed.

Councillor Martin asked the Applicant if the other site would have an impact on his business if the development went ahead on the brown field site rather than the green field site. Mr Sinclair said that there would be an impact as the original site was much smaller.

Councillor Brown sought and received confirmation from Mr Sinclair that he had a working croft with 40 sheep and 60 cows. He said the croft did not make any money and pointed out that it cost £20,000 to feed cattle and repair fences. He said the croft ran from through the village to the shore frontage, this included the main road, which, he said, had never been decrofted.

Councillor Brown sought and received confirmation from Mr Sinclair that his father and grandfather had used this site as part of the croft but there had always been a problem with handling animals there due to the access. He said that to make it work a shed or fank would need to be built on it.

Councillor Brown sought and received confirmation from Mr Sinclair that he would be able to sustain his new business all day, every day.

Councillor Brown sought and received confirmation from Mr Sinclair that he would manage queues of traffic at the drive thru with signage for parking. It was noted that there were 16 car parking spaces marked on the site plan.

Councillor Armour sought and received confirmation from Mr Sinclair that the site was last used as a croft 5 – 10 years ago. Mr Sinclair referred to the problem of getting in and out it with animals.

Councillor Armour referred to Mr Sinclair advising that as this was a croft he could build a shed or poly tunnels on it. He asked Planning if that type of development would be more possible than what was currently proposed. Mr Bain referred to deemed permissions for some types of agricultural buildings. He said that there would still be a requirement to notify the Council so that any impacts could be identified and the proposal assessed against the Local Development Plan and other planning controls. He advised that if an operational need for the farm could be demonstrated, that may permit development at that location but it would not be guaranteed as it would still need weighed up against any potential impacts and potential loss of OSPAs. He said that this issue had not been discussed with Planning and it was not something that had been used as a trade-off.

Councillor Armour commented that it was clear that the OSPA would make it very difficult for this planning application to go through and asked if it would be less difficult if this development was for an agricultural unit or poly tunnel. Mr Bain advised that it would still be difficult. He said that development for agricultural use deemed necessary would have material weight in terms of whether to protect the OSPA or not.

Councillor Martin referred to the number of car parking spaces and the main road being at a higher elevation than the site. She asked how congestion on the road could be avoided. She asked how road users would know if the drive thru was shut. Mr Bledowski advised that the sighting of the junction had been drawn up by engineers and approved by Transport Scotland. He said that Transport Scotland had no issues with the visibility at the junction in or out of the site. He said there would be no need to reverse out of the junction on to the main road and there would be ample room to turn around. He said he could not foresee any need to reverse on to the trunk road.

Councillor Blair sought and received confirmation from Mr Watkiss on the history and process of putting the OSPAs in place. He advised that they were included in the 2009 Local Development Plan following consultation and engagement with the local community and other interested parties. There were no objections to the OSPAs received and they continued to stay in place for the 2015 Local Development Plan and will remain for the emerging Local Development Plan 2, as there have been no objections to them remaining and no requests made for them to be removed.

Councillor Blair sought and received confirmation from Mr Watkiss that through the current LDP consultation process there have been no responses received in support or objection in respect of this OSPA.

Councillor Blair sought and received confirmation from Mr Watkiss that the Council followed a process of public consultation, which was set out in the Development Plan Scheme and had been approved by Committee. Mr Watkiss said he felt there was adequate opportunity for comments. He said that they received hundreds of comments regarding all manner of aspects of the LDP. He advised that part of the engagement process included a call out for ideas. He pointed out that one of the ideas posted related to OSPAs and asked if there were any OSPAs that needed to be added or removed. He confirmed that no specific comments about this OSPA were made either way.

Councillor Blair asked what the timescale would be for members of the community or others to make amendments to LDP2 once it was adopted. Mr Watkiss explained that once LDP2 was adopted the process for preparing for LDP3 would start right away. He said it was a 5 year process. He advised that no formal timescale had been prepared for LDP3 yet but this would come before Committee for approval in due course. He confirmed that there would be the opportunity for comments and engagement and that would be within the coming months and early years following adoption of LDP2. He said there would be a lot of evidence gathering at the early stages.

Councillor Blair asked about the general consensus within the village and within the Community Council with regard to the support the Applicant would have in relation to development of the other site. Mr Dunlop said that the other site was right in the middle of the village and that the only concern had at that time was traffic leaving the café site and coming on to the village road, not going on to the main road where the car park was. He said the main entrance into the one that had been granted was from the main road, not from the village road. Mr Dunlop said that was the previous Community Council's view.

Councillor Philand said he had a number of questions with the first being about policy LDP 8 and criteria 5 for the OSPA which stated "in the case of valued recreational areas (public or private) if can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development and that an alternative provision of equal benefit and accessibility be made available". He asked what the reasons were for the proposed development being rejected on that basis. Mr Watkiss said it was important to note that the policy protects established public and private playing fields, sports pitches and those recreational areas and Open Space Protection Areas (OSPAs) shown to be safeguarded in the LDP Proposals Maps. So in effect it is safeguarding sports pitches, playing fields and recreational areas and all the other OSPAs shown to be safeguarded on the Proposals Maps. So it can be seen that the first 4 criteria relate to play fields. Point 5 relates to valued recreational areas. He referred to the proposed development site being on an OSPA with amenity value. He said the development was not assessed against all 5 criteria as the first 4 did not apply to it. It was assessed against criteria number 5. This was land with amenity value with an OPSA shown to be safeguarded on the LDP proposals map. Therefore development should not be permitted unless it satisfies one of the clauses but the clauses do not apply to those amenity areas.

Councillor Philand asked what the basis was for this application being recommended for refusal. Mr Watkiss referred to the proposal being contrary to the LDP in terms of policy LDP SG REC/COM 2 as the proposal would be harmful to an OSPA which has been identified to be safeguarded in the LDP Proposals Maps. This has been summed up in the Officer's report in respect of the importance of this visual amenity OSPA protecting the character and the setting of the settlement there. He said the 5 clauses were effectively exception tests where development might be considered acceptable and those involve the playing fields and the valued recreational areas. They don't apply to OSPAs which are set up of amenity visual aspects.

Councillor Philand sought and received confirmation from Ms Scott that representations submitted on pro forma letters were valid and counted as individual representations. She advised that petitions with lists of names were treated as one representation but she pointed out that in this case the petition was submitted as individual slips with names so they were all treated as individual representations.

Councillor Philand referred to the number of Connel supporters being 44, with 25 being objectors. He asked Mr Dunlop why they had come to their conclusion that it was the

Community's will that this proposal be rejected. Mr Dunlop said it was at an open Community Council meeting. He said it was the consensus of the members and the local community attending. He said there were objectors and supporters at the meeting.

Councillor Philand asked Ms Purdie to expand on what she said about Article 8 of the Human Rights Act and asked how material that was. Ms Purdie said that it fed into the right of people to enjoy the amenity of their private property plus local policy regarding the protection of residential amenity.

Councillor Philand referred to the economic argument versus the OSPA argument and asked what Ms Purdie meant when she said the economic argument outweighed it. Ms Purdie explained that the proposal for 4 full time and 3 part time jobs was akin to a local application and the significance of an OSPA designation applied throughout a wider area. She said it was her professional opinion that you can only really outweigh that type of designation with something more akin to a major application and certainly more than 4 full time and 3 part time jobs. She advised that she did not feel that the Applicant had demonstrated what the economic benefit would be to the local economy and so in the absence of that information from our perspective it did not outweigh the significance of the OSPA designation.

Councillor Philand referred to concerns about the wildlife and sought comment from Planning. Ms Scott advised that two ecological studies were undertaken for the site and the Local Biodiversity Officer was content with the conditions that would be imposed in order to protect species if the application were granted

Councillor Green referred to the process of preparing a LDP and asked Planning if everything contained within the current LDP was automatically carried forward into the new LDP and then consulted on and in terms of an OSPA was an assessment carried out first to see if it was still relevant. Mr Watkiss said that for every LDP process everything was considered. Continuity from one LDP to the next was looked for, taking on board things that might need to be changed. Engagement and evidence gathering was carried out along with consultations such as calls for ideas and calls for sites. Input and feedback was sought and that was when requests for changes may be made. Officers would also be aware of things that might need to change through the application of policy.

Councillor Armour referred to concerns expressed by Ms Purdie's clients about the impact of the amenity of their own house. He also referred to the possibility of an agricultural building being on that site and asked Ms Purdie if her clients would be okay with that. Ms Purdie said it would depend on the scale and the size of the building and whether it would involve excavation. She said a small scale agricultural building on the site may be more appropriate but would be subject to other details put forward.

Councillor Armour referred to Mr Dunlop advising that he represented the views of the previous Community Council and not the current one. He asked why that was the case. Mr Dunlop said this was due to a conflict of interest. He said that the present Convener of the Community Council was the Applicant.

Councillor Armour commented that he was sure the Convener would have taken a back seat when the Community Council considered this application. Mr Dunlop said it was decided to go with what the previous Community Council agreed.

Fiona Ferguson explained that the previous Community Council were only against it at that time because of the OSPA. She advised that since the new Community Council was

elected there were at least 3 Members who were now totally for the café. She said she supported it but was told not to speak up as there would have been a conflict of interest. She said she was a relative of Mr Sinclair but not a direct relative. Fiona advised that for her personally as a resident who has lived in the village for 14 years with 4 young children, she thought it was a good idea to have the café. She acknowledged there were other places like the Falls of Lora Hotel and the Glue Pot. She commented that for teenage children there would be the opportunity of a job at the café. She said she had no concerns about her children crossing the main road to go to the café with their friends as they did so already to get to the shore and jetty. She pointed out that the village no longer had a school and there was no longer a toddler group. She said that families with lots of children had moved into the area and this would be a place for parents to go and meet with each other with their young children. She said she thought it would be a big asset to the village.

Councillor Brown sought and received confirmation from Mr Bain that the development was recommended for refusal because of the visual impact on the OSPA. Mr Bain referred to the site designation and its passive value to the undeveloped nature of the site and the opportunity to look out.

Councillor Hampsey asked if there had been any reports of issues with cars entering and leaving the Connel Surgery which was also on the shore side of the trunk road. Ms Scott said she was not aware of any statistics about that.

Councillor Irvine sought and received confirmation from Planning that the issue here was the OSPA designation and the visual amenity was the fundamental reason for recommending refusal.

## **SUMMING UP**

### **Planning**

Peter Bain summed up as follows:

In reaching a decision on this application, Members are reminded of the requirements placed upon decision makers by Section 25 of the Town and Country Planning (Scotland) Act 1997 to determine all planning applications in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

During the course of today's hearing members have heard arguments with opposing views on the merits of the proposed development, its anticipated benefits and expected impacts.

The concerns raised by objectors cover a wide range of issues including the impact of the development upon wildlife and biodiversity, concerns about flood risk, concerns about road safety, concerns about loss of amenity. Whilst these are all issues that are relevant to planning and material considerations, the position detailed by planning officers in the report of handling dated 5<sup>th</sup> September 2023 essentially identifies a single fundamental issue which precludes the proposal from being considered to be consistent with the Development Plan.

The provisions of National Planning Framework Policy 9(b) set out that proposals on 'greenfield' sites "will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP".

In this instance the proposal is located within an area identified within the Argyll and Bute Local Development Plan 2015 as an Open Space Protection Area, or OSPA, wherein the provisions of policy LDP 8 and SG LDP REC/COM2 set out a presumption against the development or redevelopment of the areas shown to be safeguarded except where one or more of 5 identified criteria are met. It is the consideration of officers that these criteria are not applicable to the circumstances of the proposal.

The case set out by the applicant and other supporters of the proposal has sought to challenge the designation of this particular OSPA by contending that its existing use as occasional agricultural grazing precludes it functioning as site for active recreational purposes. It has also been contended the improvement of access and provision of outdoor seating and an equipped play area will provide improved public access and open space, and enhance the relationship between the village and the adjacent Loch Etive.

Members are however reminded that the designation of the site as an OSPA within the LDP and its impending successor, LDP2, are established matters. In order to assist members in reaching their decision the following matters are highlighted:

- Planning Advice Note 65 on Planning and Open Space identifies that all spaces, regardless of ownership and accessibility contribute to the amenity and character of an area and can be taken into account by Council's when undertaking their open space audits and strategies.
- PAN 65 also identifies Amenity Greenspace as areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons, and provides justification for a planning authority to identify and safeguard open space for visual amenity value in its development plan.
- The meaning of the term "Open Space Protection Area" is defined in the Glossary to the Argyll and Bute Local Development Plan 2015 as "areas of valued open space, sports pitches and playing fields as identified in the proposals maps of the Local Development Plan".
- The aim of LDP policy SG LDP REC/COM2 is explicitly set out in Supplementary Guidance and is part of the Development Plan. This is expressed succinctly in the explanatory text as "The aim of this policy is to safeguard areas of valued open space, sports pitches and playing fields from being lost to new development without adequate alternatives being provided by the developer proposing those works."
- Development Policy Officers in their consultation response have confirmed that whilst Policy REC/COM2 contains exceptions that permit development in circumstances where replacement playing fields and recreational facilities would be provided the policy does not contain an exception which provides support for the development of "valued open space" where that function is visual amenity. This is because it is considered that such visual amenity value is intrinsic to the OSPAs location and function and therefore is not readily capable of absorbing the impact of new development, nor is it able to be replaced in the same manner that a sports pitch or recreational space might be able to be relocated.
- Whilst the designation dates back to the production of the 2009 Local Development Plan, it is noted that there has been subsequent opportunity to review the OSPA

designation through production of the 2015 LDP and more recently LDP2 where no objections to the retention of this designation were raised.

- The applicant has also highlighted that the proposal will give rise to a local economic benefit through the creation of 4 fulltime jobs and 3 part-time jobs, and has also sought to advance the argument that the provision of enhanced access to the site and a play area will provide a wider benefit to the local and whilst these matters are not sufficient to overcome the presumption against development established by policy SG LDP REC/COM2 they are material considerations for members to weigh up in reaching their decision.
- Members should however also afford consideration to the fact that the original designation of OSPAs at this location was a matter promoted and supported by a wider body of the community. Whilst the proposal has many merits officers also recognise that there is a lack of consensus within the community on this particular proposal and concern that a grant of permission would erode the character of an area which is valued locally as an area of undeveloped open space that provides visual amenity and open views to Connel Bridge and the Falls of Lora.

The application is accordingly commended to members with a recommendation that planning permission be refused as development contrary to the provisions of Policy 9(b) of National Planning Framework 4, and policies LDP 8 and SG LDP REC COM 2 of the Argyll and Bute Local Development Plan 2015.

### **Applicant**

Mr Sinclair advised that he became involved with the Community Council because of this application as when looking into it and looking for support it became apparent that the Community Council at the time was not the voice of the community. He said at the time he would go on to the Community Council and then he was voted on as Chairman to replace Mr Dunlop, who had been a Chair for a long time. He confirmed that he had no involvement in discussions about this application at the Community Council meetings.

He advised that he thought that Connel had evolved since 2009. He said there were more letters of support for the application than against it. He said that the loss of the OSPA would not make history if it was changed. He said there was no other croft land in Connel. He pointed out that none of the slides showed the views from east to west and he passed pictures of this to the Committee on his phone. He commented that you would need the eyesight of an owl to look back and see the view that would be lost. He said that heading towards Oban there would be no view lost. He said he had been as sympathetic as he could for the neighbours with the design of the building with a flat roof. He referred to environmental issues raised and advised that he would agree with any environmental principles for the building. He said he would be open to entering into a legal agreement with the Planners for the building. He said that all the other permissions for wildlife were sought.

## **Consultees**

Mr Dunlop said he had nothing more to add. He said that the fear was that if the OSPA was disregarded it would open the floodgates and the Community Council felt at the time it was their duty to protect this.

## **Objectors**

### **Roslyn Purdie**

Ms Purdie said that the main concern of her clients was the impact that this proposal would have on the landscape setting. She said that this particular piece of land in the OSPA was singled out by Reporters and was highlighted for its contribution to the landscape setting given its proximity to the waterfront and Connel Bridge. She referred to views from east to west, which, she said she knew would have more soft landscaping coverage, and she advised that was just one aspect of a view of that site. She advised that looking from North Connel or the approach to Connel on the walkway, the site, would be seen quite clearly. She said it was a very prominent site if viewed from those locations. One of the landscape characteristics of the land was the undeveloped characteristics around the Loch, which was so unique. She commented that whilst not necessarily a precedent in planning, planning history was a material consideration, and it would be very difficult to protect other OSPAs going forward. These were the fundamental concerns. She said that it was appreciated that the impact of amenity had been suitably addressed but that did not dilute their concerns and given the lack of information about delivery vans etc. She said it had not been disproven that smoke or odours would come directly onto a part of their land that had been built to enjoy their space.

### **Ross Wilson**

Mr Wilson emphasised that there was already an application with planning permission on a brown field site in the centre of the village with safe pedestrian and vehicle access, which had wide community support.

When asked, all parties confirmed that they had received a fair hearing.

The Chair ruled, and the Committee agreed, to adjourn the meeting at 12.40 pm for lunch and reconvened at 1.55 pm.

## **DEBATE**

Councillor Hardie thanked everyone for their presentations. He advised that he had concluded that having heard all the evidence, he did not feel that the Committee should be diverting away from the LDP and OSPA and that he would support the Planning recommendation to refuse the application.

Councillor Green advised that he agreed with Councillor Hardie. He commented that quite a bit had been mentioned about the OSPA. The fact that the various parts of the OSPA were interdependent of each other. He said that the Committee could not look at one small part in isolation and that it had to think about the impact for the whole area. He commented that there may be impacts for neighbours in respect of any development but this was wider for the OSPA and for him was insurmountable in terms of it being incorporated into the LDP and, on the basis of information presented, he confirmed he was in agreement with the recommendation from the Planners.

Councillor Kain advised that he took a contrary view. He felt there were a lot of contentious issues surrounding the proposal. He advised there was a need to start looking at how commercial development could be brought into Argyll and Bute. He said that if everything kept being knocked back Argyll and Bute would carry on down a road of decline. He referred to visual benefits and said he did not feel this was an area of special beauty and that he would be in favour of granting the application.

Councillor McCabe said that she would agree with Councillor Kain. She advised that she did have doubt but having built up a café herself a few years ago, she was aware that it was a tough process to go through and understood the work involved. She referred to concerns about deliveries and said there would be no huge trucks delivering to a small café. She said she would support the application.

Councillor Armour said he really wanted to support the application and that if there was a way around the OSPA he would want to find it. He advised that he thought the Applicant had put over his case very well. He noted that it was croft land and that farm buildings could be built there. He said he thought that would be more detrimental to the village. He referred to continuing consideration of the application to another day in order to find a way to support it.

Councillor Irvine said that the fundamental reason for the Officers recommending refusal of this application was based on the OSPA, which had never been challenged, reviewed or objected to. He commented that there had been ample opportunity to do this since 2009. He said the Committee have been asked to review this application and the recommended reason to refuse. He said it was not for this Committee to debate whether the OSPA was bad or not, it was to debate whether or not the Officers have made the right decision. He commended the Applicant on his plans and his obvious passion and commitment to the community. He advised that if he could find grounds to grant the application he would do but based on what was before him he thought the Officers had made the correct decision based on the OSPA and none of the 5 exceptions being met.

Councillor Blair thanked everyone for coming along today. He commended the Applicant's opportunity to diversify his business and develop the site. He advised that having reviewed the comprehensive reports and listened to the valuable contributions made, he was not minded to support the Applicant and would agree with the Officer recommendation to refuse the application. He referred to the rules and regulations of the OSPA which have been in place for some time. He commented that these things were not tablets in stone so if the local community and Ward Councillors deemed that the OSPA had to be changed or looked at again going forward then they should go ahead and make these representations. Measuring and weighing everything up today, he advised that while he fully appreciated the Applicant's concerns and the comments from the community, he could not move away from the whole nature of the natural environment needing to be protected and said that was why the OSPA was there. He referred to climate change and advised that he thought there was more of an emphasis on looking after the natural environment. He advised that at this point in time, that was where he stood.

Councillor Philand referred to being between a rock and a hard place. He advised that from what he had picked up today the community had shifted and changed their mind. If the OSPA was done today, he said it would be interesting to see what the views would be. He advised that like Councillor Armour, if there was a way to support the application he would do. He referred to the village being small and the possibility of employment which,

be felt, should be encouraged or Argyll would die. He advised that currently he could not support a refusal at this time.

Councillor Wallace said there was a lot of merit in this application, which could be very positive for the area. He said that he would have concerns about setting a precedent but like Councillors Armour and Philand, if a way could be found to support it, he would. He advised that he would support continuing consideration of the application to another day to explore this further.

Councillor Green referred to the economic aspects of the application. He also referred to mentioning that the OSPA was an insurmountable problem at this stage and advised that in due course perhaps it could be reviewed as part of the next LDP. He referred to it being pointed out that there were other sites in the village and acknowledged that each application had to be considered on its own merits. He noted that there was permission for another site, which had been submitted for renewal. He commented that there were other sites in the LDP in the area that would be suitable for development. He commented that while this was a welcome proposal the fact that it was located in an OSPA meant it was impossible for him to support it.

Councillor Brown said she found it quite difficult and could see it from both sides. She said she agreed that there was a need for OSPAs to protect what was there. She advised that there was also a need to protect what people had and how we move forward and made our areas fit for purpose for the future. She said she could not see how this could be done with the OSPA in place. She advised she was mindful that this was part of a croft with commercial work going on within the OSPA. She said she was not sure if there was any way to look at that for the future. She advised that she would love to support it but the OSPA had to be considered and at this time she could not approve the application.

Councillor Martin said it was very difficult for her. She advised that she had taken the time to listen to what others had said and that she was a Ward Member. She advised that she thought the proposal was a great idea and she thought that the business would do really well. She referred to Connel being its own place and that this would bring employment. However, she pointed out that the OSPAs were there and they were there for a reason. She advised that if it was possible to find a way round it she would be happy to support the application. She said she was conscious of the property situation right behind the development and as this moment she was not sure if she would be able to support the development.

Councillor Forrest said that this had been hard. She referred to balancing interests, with neither being wrong. She referred to looking at this and looking at all the conditions in which it could be approved. She pointed out that the Committee would need to have a legally competent Motion, with competent reasons for supporting it, and, in the current position, she could not find any. She said she was sorry but if one of her colleagues was able to find a competent Motion, she would be willing to consider her position again. As it stood now, she would not be able to approve the application.

Councillor Kain commented that if the Committee were being stopped here by legislation the whole situation needed to be looked at. He said he understood reluctance to go against the legislation. He referred to an already reducing population in Argyll and Bute and said it was not going to get easier if the economy was poor. He advised that at the very least this should be stalled in some way and reviewed a bit more clearly to see what was wanted to be achieved. He referred to understanding from the Applicant that there may have been an issue with decrofting in the past. He said that if this was the case then

the legislation going through was not perfect and that perhaps if it was not perfect it should not impede the economic activity of the region. He referred to the notion that jobs for 4 people was not valid. He said he did not believe this application should be thrown aside and that there must some way to stall it and look at it more clearly. He said that he drove by this area regularly and thought that the business would enhance the whole area and make it more attractive.

Councillor Blair advised that the OSPA was there for a particular purpose to protect the natural environment. He referred to the added value to his life of looking at and enjoying the natural environment. He said he was not against new business and diversification. He referred to the importance of tourism. He referred to the difficulty the Committee had and that what it did was based on regulations which were set and agreed by previous Committees and Councils. He commented that he did not always do what the bureaucrats said. He advised that the balance he had with regard to this OSPA, the natural environment, the implications and reflecting on the opportunities the Applicant has in another area, he felt that was the best option in this case. He advised that he would be reluctant after this period of process to delay the decision. He said that would not be fair on the Applicant or Objectors to drag this on. He referred to this being one of the most beautiful parts of the world and that there was a need to try and protect that and that was what this OSPA was all about and that was why he had reached his decision.

Councillor Martin said she agreed with Councillor Kain that in a small area 4 or 5 members of staff was significant. However, she pointed out that those members of staff had the potential to be staff at the location where this development had planning permission. She advised that what could not be replaced would be the visual impact of that space and the habitats within in. She said the reasons for OSPAs was to protect the land etc. She advised that she wanted to add that and that she did consider that the jobs were significant.

Councillor Philand referred to how people were consulted on OSPAs and whether or not it was made clear what it would mean to have one in their back yard. He said it was important to reflect on this so that the people on the street knew what was in the LDP and what it meant.

Councillor Hardie said he shared the sentiments of Councillor Blair. He said he would like to put forward a Motion to refuse the application and accept the recommendation of the Planners.

Councillor Armour said that the Planners had done everything they needed to do and they were right to refuse this. He advised that there was nothing out of order and that he fully respected that. He commented that from what he was seeing and hearing today there was huge support in the village for this and that there was none before. The previous Community Council have advised why it should not be supported, but the Committee have not heard from the current Community Council, which, we have been advised by Ms Ferguson, do support it. He advised that he would support the application and that there may well be a Motion to continue this to see if there is a way to get around this OSPA and agree the application.

Councillor Irvine said he took on board comments made about the OSPA. He pointed out that the reality was the OSPA was in place and it was not the purpose or role of this Committee to say whether or not it was appropriate. There was an opportunity for the community to come together and review their support or not for the OSPA being in place and there was a process for that. He referred to it coming into being in 2009. He advised

that the decision the Committee were being asked to make was unfortunate, despite the many merits of the application. He advised that he would encourage the entire community to go back and review the LDP again, and review the OSPAs in place, and decide if they were fit for purpose. This would be 2, 3 or 5 years down the line and not something that could be done overnight. He advised that if there was not an OSPA there he would have no doubt or concern about supporting this application. Unfortunately the OSPA was in place and there was a long process to replace it.

Councillor Brown agreed with what Councillor Irvine said about the need for the community to come together. She advised that it was up to the community to lobby the Council to get the LDP changed. She said that at this time her hands were tied with this.

Councillor Kain said that from hearing what people were saying about hands being tied, he would suggest that there was a need to find a way of postponing this in some way. If hands were tied then this would just set a trail of continued population decline in Argyll and Bute which would be more significant in rural areas. He said that we could not just rely on tourism and that there was a need for young people. A planning process for the unborn children of communities was required. He said he was all in favour of the natural environment but without people it would become stale and unattractive.

Councillor Forrest said there was no presumption of not allowing development or commercial development anywhere. It was this particular site because of the OSPA. It was not the case that development in Argyll was not wanted.

Councillor Blair said he took exception to what Councillor Kain had said. He advised that everything he had said, he could turn around and reference it to protect the natural environment. That was the opposing dilemma the Committee had. He advised that the protection of the natural environment at this point in history was important and also at this point the other opportunities the Applicant has and that he would be fully supportive of that too.

Councillor Wallace said there was a need to have sympathetic development that enhanced an area and enhanced people's appreciation of the natural environment.

Councillor Hampsey advised that in light of what she had heard today she would be minded at this point to put forward a Motion in support of the application based on the representations in the report and what she has heard today that there was a wider benefit to the community, which has been adequately demonstrated, which in turn would allow for a departure from the OSPA provision to be overwritten. She advised that she felt that an OSPA should be valued, however, she did not believe that this application would set a precedent going forward as all applications are decided upon on their own merits. She said she was not clear if this development would have an excessive impact on the visual amenity of the site and that she did think there was an economic benefit for the local community in terms of the creation of jobs. She said she thought it may be possible to approve the application and proposed that the hearing be continued to allow her to seek advice on-preparing a competent Motion to approve this application.

### Motion

To agree to continue consideration of this application to a future meeting of the PPSL Committee to allow time to seek advice from Officers on preparing a competent Motion to approve the application.

Moved by Councillor Amanda Hampsey, seconded by Councillor John Armour.

Amendment

To accept the planning recommendation to refuse the application.

Moved by Councillor Graham Hardie, seconded by Councillor Mark Irvine.

A vote was taken by calling the role.

Motion

Amendment

Councillor Armour	Councillor Blair
Councillor Brown	Councillor Forrest
Councillor Hampsey	Councillor Green
Councillor Kain	Councillor Hardie
Councillor McCabe	Councillor Irvine
Councillor Philand	Councillor Martin
Councillor Wallace	

The Motion was carried by 7 votes to 6 and the Committee resolved accordingly.

**DECISION**

The Committee agreed to continue consideration of this application to a future meeting to allow time to seek advice from Officers on preparing a competent Motion to approve the application.

(Reference: Report by Head of Development and Economic Growth dated 5 September 2023 and supplementary report number 1 dated 29 January 2024, submitted)