

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the AN TALLA COMMUNITY HALL, CROSSAPOL, ISLE OF TIREE
on MONDAY, 26 FEBRUARY 2018**

Present: Councillor David Kinniburgh (Chair)

Councillor Mary-Jean Devon	Councillor Donald MacMillan
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Richard Trail

Attending: Iain Jackson, Governance and Risk Manager
Tim Williams, Area Team Leader
Andrew Barrie, Planning Officer
Karl Hughes, Applicant
Lorna MacDonald, Applicant
Catriona Spink, Supporter
Ian Cowan, Objectors

The Chair opened the meeting at 2.00pm and advised that the Committee would take a short adjournment to resolve IT issues with the presentation equipment.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Robin Currie, Graham Hardie, Roddy McCuish and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MR KARL HUGHES: CHANGE OF USE OF LAND FOR THE FORMATION OF CAMPING SITE, INCLUDING ERECTION OF TOILET/SHOWER FACILITIES AND INSTALLATION OF REPLACEMENT SEPTIC TANK: LAND NORTH OF SUNSET COTTAGE, BALEVULLIN, ISLE OF TIREE (REF: 17/00468/PP)

The Chair apologised for the delay in starting the meeting due to IT issues, welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and the Governance and Risk Manager identified those present who wished to speak.

PLANNING

Tim Williams, Area Team Leader presented the application on behalf of the Head of Planning, Housing and Regulatory Services as follows –

Before I begin, I wish to bring Member's attention to a few late items:

Firstly, since the publication of the main Report of Handling, a further email letter of support has been received from a Ms Angela Sutherland with no residential address provided. This representation raises no new issues.

Secondly, I wish to correct a minor typographic error within the published Report of Handling:

On Page 18 of the agenda pack, the first line of Paragraph 2 of Section B reads, "*The site is located on the north-eastern fringes of the small settlement of Salen.*" This should of course have said, "...the north western fringes of the small settlement of Balevullin".

Finally, on Page 19 of the agenda pack a quote is taken from Scottish Planning Policy which begins, "*Paragraph 45 of Scottish Planning Policy states that...*" Unfortunately the paragraph referenced here has been superseded within the latest published version of the National Planning Policy, although the scope and intent of this part of the Scottish Planning Policy remains unaltered within the current published version. Nevertheless, I accept that this is an embarrassing error and I will be referencing the correct and appropriate parts of the current Scottish Planning Policy within my presentation.

I apologise for any unintentional confusion.

This is an application for the formation of a small scale camping and motorhome site located upon an established registered croft within the 'minor settlement' of Balevullin.

In terms of the Local Development Plan, the site is situated at the western fringes of Balevullin, which is a minor settlement located on the north west coast of Tiree. Development Plan policy LDP DM 1 offers general support for small scale developments on appropriate sites and SG LDP TOUR 1 defines 'small scale' tourism development in the context of the current site as up to 10 caravans or stances or up to 50 tent pitches or any similar scale combination of these. In this case, the application is for a development consisting of 10 campervan pitches and 10 tent pitches and is therefore considered to be small scale development of a type supported by the Development Plan.

This plan shows the overall form and layout of the proposed development and the site edged red. In addition to the campervan and tent pitches just mentioned, the application also proposes the erection of a small toilet and shower block building which would be located at the southern end of an existing stable block and would have a footprint area of just a little under 22 square metres and a maximum height of 2.8 metres, as illustrated here (SLIDE 4):

The application has attracted a significant level of interest, both within the local community and further afield, with some 19 representations of objection (including 2 from the same person), 13 representations of support and 3 neutral representations received.

The points of representation are summarised in the report and include issues such as

- Land ownership and access rights;
- Traffic and road safety issues;
- Drainage, infrastructure, water supply and flooding;

- Visual impact, noise nuisance and light pollution, the need for the development, the suitability of the site and;
- The impact of the development on the natural environment

Taking account of the level of interest in this application, particularly given the small size of the community from which they are largely drawn, and the range of technical issues raised, Members endorsed officer recommendation that there would be added value in holding a discretionary hearing in this case.

This slide shows the floor plan and elevations of the proposed toilet and shower building. As previously mentioned, this is a small scale building which would be discretely located to the southern gable of an existing barn within the croft such that its impact would be minimal within the surrounding landscape. The proposed building would have a shallow monopitch roof and would be contained within the gable width of the adjacent building.

Whilst no details of the external finishes of the proposed toilet block have been submitted, the recommendation to grant planning permission for the development is subject to a planning condition requiring the building to be finished in vertically boarded timber cladding with grey/blue colour corrugated sheet roof.

It is considered that the proposed building is of an appropriate scale, design and form which will be compatible with its surroundings and in accordance with the relevant provisions of the Development Plan, notably policies LDP DM 1, LDP 3, LDP 9, supplementary guidance LDP ENV 14 and with our published Sustainable Design Guidance.

Turning back briefly to slide 3;

We see that the proposed tent pitches and camper van pitches are located to the western boundary of the application site, within the croft and requiring minimal ground disturbance with the layout of the pitches being informal and transitory in nature, with the site being open for only part of the year – from the 1st of April to the 30th September.

The applicant's croft house and related outbuildings is located immediately to the south of the site, as represented by this blue rectangle, here.

The site is served by an existing trackway access directly off the public road. Whilst several representations have been made regarding the disputed ownership and/or right of passage along this trackway, this is not considered to be a material planning consideration in this case; rather it is a civil matter to be resolved by interested parties.

The use of the camp site would be restricted by planning condition to use as a tourist site only and with a maximum number of 10 camper vans and/or touring caravans at any one time and a maximum number of 10 tent pitches. No use of the site by static caravans would be permitted.

The development would be required to be appropriately landscaped in accordance with details to be submitted and assessed by planning condition and subject to an approved site management plan to cover operational issues such as noise mitigation measures and litter collection and disposal.

Consultations with appropriate statutory and non-statutory bodies have been carried out:

The Area Roads Manager has raised no objection to the development subject to improvements to the junction of the trackway with the public road, the provision of appropriate visibility splays and the provision of parking and turning facilities within the site commensurate with the scale of development. These requirements can be delivered through the appropriate use of planning conditions.

The Council's Environmental Health service have raised no objection to the proposed development subject to the agreement of details of any external lighting. This will be controlled by planning condition. They have also confirmed that there is a requirement for the site to be licenced under relevant legislation. This licence will cover matters such as the specific layout and spacing of pitches, the provision of appropriate toilet and washing facilities, the disposal of chemical waste and the control of litter. Whilst these details are subject to environmental health legislation, the recommendation that planning permission be granted for this development is subject to a planning condition requiring the submission and agreement of a site management plan.

Notwithstanding this, Environmental Health have confirmed that it is not anticipated that there will be significant light, noise, litter control or site management issues caused by the operation of the proposed campsite.

Scottish Natural Heritage (SNH) were consulted as the site lies within a locally designated Local Nature Conservation Site. However, SNH have offered no formal comments on the application and, therefore by extension, raised no objections. It is considered that the croft within which the development is to be located offers little ecological value given the agricultural land use that occurs within it and the development would have no materially adverse impact upon natural environment considerations.

The Council's Flood Risk Engineer was consulted following a representation received raising concerns that the access to the proposed campsite may be affected by flood water during periods of prolonged wet weather. Additional flood risk information was received and assessed by the Council as Flood Risk Authority and no objections to the proposals have been raised.

This photo shows the application site from open land east of the development. The unclassified 'Balevullin North' public road (which is the road to Balevullin Beach) lies within the fold of the land before it begins to rise and the private access to the development site can be seen to the left of the picture running in front of the building annotated as 'Applicant's Croft House'. Whilst the development site is somewhat elevated from this viewpoint, the proposed toilet building would be well contained within the left hand gable of the existing stable block and would sit well below its existing ridgeline. The camper van site and the tent site would both be below the ridgeline such that its impact would be suitably backdropped.

This photo shows the site viewed at distance from the south west towards the end of the unclassified 'Balevullin Continuation Road' towards its termination at the Coastguard Lookout Station. The roof of the existing barn building is visible and

highlighted with the proposed development obscured from view by the intervening landform at this viewpoint.

This is a view from the north east corner of the application site looking across the site with the existing barn in the foreground and the area proposed for the camping and camper van pitches just beyond. The proposed toilet block building would be located at the rear gable of the existing building and therefore obscured from this view point.

This photo is from within the application site looking due south towards the applicant's croft house. The existing barn building is just off the photograph to the left and the sheep are standing on the approximate position of the proposed tent site with the camper van site immediately beyond.

This is from the southern part of the site looking north with the existing barn in the foreground. The proposed toilet and shower building would be sited adjacent to the facing gable. Balevullin Beach is pictured to the right of the photograph and some Members will recall the site from their previous site inspection in connection with the 'beach hut' hearing approximately 15 months ago.

Finally, this photograph is taken from just to the south east of the junction of the two public roads (the beach road as it leads off from the 'Balevullin Continuation Road'). The beach road can just be seen snaking through the central part of the photo and the private trackway serving the application site can be seen leading up the low hill towards the applicant's croft house.

From this viewpoint close to the junction of the two public roads, the camper van and tent pitches will be entirely hidden within the landform and the proposed toilet and shower building will just be visible at the facing gable of the highlighted stable/barn building.

This small scale development has been assessed against the adopted Local Development Plan and in accordance with all material planning considerations including third party representations. It is considered that the scale and form of the proposed development is acceptable within this settlement location, with no materially adverse impact upon the character or appearance of the site and its wider landscape setting and without undue detriment to the privacy and amenity of occupiers of existing residential properties.

The proposal represents an appropriate form of small scale tourism development which will benefit the sustainable economic growth aims of the Council, one of our key planning policy objectives.

The Isle of Tiree is identified in the Council's Local Development Plan as being one of Argyll and Bute's 'Economically Fragile Areas' where adopted and long-established planning policies confirm a presumption in favour of appropriate scales and forms of development which would contribute to our key aim of promoting sustainable economic growth within locations which accord with the Council's approved settlement strategy.

The promotion and facilitation of sustainable economic development is recognised as one of the fundamental planning principles within both local and national planning

policy. Paragraph 4 of the Scottish Government's National Planning Policy states that one of the core values of the planning service is to,

“Play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities.”

Paragraph 29 states that planning policies and decisions should, amongst other guiding principles, give due weight to net economic benefit.

Whilst Paragraph 75 states that in all rural and island areas the planning system should

- *“promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces”, and should;*
- *“encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.”*

Finally, at Paragraph 93, the Scottish Planning Policy states that,

- *“The planning system should promote business development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets.”*

It is the considered and professional opinion of officers that the proposed development will not have any materially harmful adverse impact upon the wider landscape and visual amenity of the area and that it will positively contribute to the tourism economy of Tiree, including a reduction in demand for the occupation of indiscriminate overnight sites elsewhere on the island; uncontrolled and unregulated sites which themselves present harmful impacts upon the local environment.

Additionally, it is considered that the proposed development will indirectly support other businesses on the island.

The development raises no significant natural heritage, historic environment, access, servicing or infrastructure concerns and has not been the subject of any objection raised by either statutory or non-statutory consultees.

It is recommended that planning permission be granted subject to the planning conditions as tabled within the published Report of Handling.

APPLICANT

Mr Karl Hughes thanked Tim and told the Committee that Tim had already covered most of what he wanted to say. He added that his application had ticked all boxes in terms of following the local development plan, consulting with ecological organisations, and said that the proposal would not be damaging environment but enhancing it. Mr Hughes advised that he had been part of the Community who had been campaigning for dark skies accreditation for Tiree and would not want to ruin that. He added that he lived in Balevullin but a lot of the objectors who had submitted representations did not. He told the Committee that he was an oil worker and worked abroad a lot of the time but Balevullin was his home and therefore he would like to be able to work from home instead of abroad. Mr Hughes advised that

the house beside the site was not associated with the croft and that the original owners of the croft had kept the house. Mr Hughes advised that the caravan that was already on the site would be removed and that the water and electricity resource for the site would come from there.

SUPPORTERS

Catriona Spink advised that she agreed with Karl that Tim had done a proficient job of outlining the proposal. She added that the applicants were very much into the environment and that the vegetation on the site would encourage bees as Tiree was one of the major hotspots for bees. Ms Spink advised that the traffic that went onto the beach would be relieved as it was anticipated that those staying on the site would park there and walk to the beach. She also advised that the use of the toilet block on the site would discourage people from using the sand dunes. Ms Spink told the Committee that the people who own holiday houses and did not live on Tiree were the ones that had put in very strong objections. She added that they did not live in Balevullin and the people that they rent their houses out to would not be the same people who would be using the site. She said that the people who will be using the site would mostly be those who do water sports. Ms Spink advised that she had worked with Karl towards getting the dark skies accreditation for Tiree. She concluded by saying that there was a need to encourage families to stay on Tiree, that it was an aging population and that there was a need to encourage younger people to stay here.

OBJECTORS

Ian Cowan, introduced himself and advised that he had worked as a Planning and Environment Law Consultant for 7 years and that he advised community groups. He advised that there were 18 objectors to the proposal, all of whom had confirmed that he was representing them. He referred to the allegation by the applicants and supporters that the objectors did not live on the island. He advised that 10 out of the 18 objectors listed had addresses in Balevullin, 5 of which lived there, 1 who lived at another place on the island, and 7 of which had addresses off the island. He added that several of them lived there during the summer when the campsite would be operating and only 1 of the objectors rented out their property. He told the Committee that 6 of the 12 supporters also lived off the island.

Mr Cowan referred to the report of handling presented by Tim Williams. He referred members to section c on page 3 of the report which listed the consultees and told the Committee that he was surprised SEPA had not been mentioned due to flooding and disposal issues.

He referred to Section F of the report about the representations which had been and in response to the representation that “the certificate in the planning application form states that the land is not part of an agricultural holding. This is an incorrect statement. The access track proposed also forms part of an agricultural holding – the Balevullin Common Grazings.” The planning officer had commented that it was not a material consideration, and Mr Cowan questioned, if that was the case why it had been included at all.

He referred to the representation that the existing sand track access was not suitable or safe for use without resurfacing and that it had no passing places, which raised concerns due to the increased traffic driving on and damaging the fragile machair.

He raised the point that there had been no objection from SNH and told the committee that this was as the proposal had not met criteria for consultation, adding that they may have objected if they had been given the opportunity to do so.

He referred to the representation that there would be an increased impact on the natural environment, and the planning officer's comments that the croft land had little ecological value. He advised that the applicant had not done an ecological survey and therefore it would be impossible to tell what ecological value the croft land had.

He referred to the representation that the new campsite would change the tranquil and peaceful ambience of the area and the planning officer's comments that there was no evidence to suggest that the development would adversely affect the character of the area. He advised that he disagreed with this as there had been 17 objections from people who knew the character of area which he considered was good evidence. He also referred to the beach hut application which had recently been approved and that tranquillity had already been disturbed.

In relation to the area being designated in the Local Plan as a Local Nature Conservation Site and the fact that SNH had not raised any objections, he referred to the fact that SNH had not had the opportunity to comment as the application did not comply with their criteria for consulting. He advised that as they had not had the opportunity to comment there was nothing to say what effect the application would have.

He referred to the comment by the planning officer that the septic tank will be dealt with under building regulations and advised that the discharge/disposal would not be dealt with as it was a job for SEPA. He then referred to the fact that SEPA had not been consulted advising that this had been a flaw by the Council which would be open to judicial review. He then read out a piece of advice in respect of consulting SEPA stating that it was clear that the septic tank would serve more than 10 people as there would be spaces for 10 camper vans and 10 tents, along with the fact that it was expected that other beach users would use the facilities rather than the machair.

He made reference to rumours that there was a Café to be put on site one day and mentioned that the applicant had said that there had been no plans to build a house on the site yet which would mean further development in the area.

In relation to traffic issues and the assumption by the planning office that there would be one journey in and out journey out of the site; he advised that this had been wrong. He advised that it was very likely that people would be leaving campsite regularly to use facilities at the other side of island therefore traffic movement would be a lot more than planning officers had assumed.

In terms of anti-social behaviour, he referred to the beach hut which had been approved advising that there had been problems with loud music at night, fires on the machair and litter and he believed that there was a high possibility that the same type of people who currently use beach hut would make use of the campsite. He advised that the resident of Seaview felt intimidated by groups using the beach hut in the summer. He concluded by saying that the amenity would be disturbed further by the development.

MEMBERS QUESTIONS

Councillor Trail asked Planning for a response to the comments made by Mr Cowan regarding consulting SEPA and a judicial review. Mr Williams confirmed that there was no requirement to consult with SEPA and that planning had no concerns over a judicial review.

Councillor Redman asked the applicant how many jobs the proposal would bring should it be approved. The applicant advised that it was hoped that the proposal would bring employment for his two sons as well as himself and Lorna MacDonald.

Councillor Devon referred to the requirement for a site management plan and asked planning what they would expect to see included in a site management plan. Mr Williams advised that the type of things they would expect to see in a site management plan would be the requirement for a site licence, arrival and departure times, arrangements for open fires, appropriate control of nuisance activities, dogs, and sanctions for breaches of the plan. He advised that the onus would be placed on the applicant to prepare a statement which would be assessed by Planning.

Councillor Devon asked the Applicant how he intended to manage his responsibilities in terms of the site management plan. He replied that in his current role he was the Health and Safety Manager and he was of the view that this gave him enough experience to deal with any issues which might arise. He also advised that his intention was to be part of the croft campsite scheme and any restrictions he would be required to put in place for them to be part of that scheme was to be included in the Management Plan.

Councillor Freeman asked Planning why there had been no reference to representations made by the Community Council. Mr Williams confirmed that there had been no response from the Community Council.

Councillor Freeman asked Planning what the comments from Common Grazing Committee had been. Mr Williams advised that a general representation had been received on behalf of Argyll Estates relating to ownership rights and access rights.

Councillor Freeman asked Planning for an indication of how much traffic the proposal would generate. Mr Williams advised that it would be anything between 10 and 20 vehicles, not limited to arrival and departure times.

Councillor Freeman referred to the comments made about noise pollution from beach parties and asked if any complaints had been submitted. Mr Williams advised that nothing had been highlighted to Planning.

Councillor Moffat referred to the site management plan and arrival and departure times for vehicles to the site. She asked Planning if they felt it would be acceptable for vehicles to enter and depart the site two or three times a day. Mr Williams advised that the planning authority view was that it was acceptable.

Councillor Douglas commented that a lot of objections had been about stuff already happening on the beach which weren't controlled by a Management Plan. She asked the applicant how his proposal could assist with those issues.

The applicant advised that in summer 20/30/40 vans would park at the beach. He advised that people hated change but if it could be done gradually and in a good manner then it would help in the long run. He referred to the issue of noise and advised that he intended to have a central barbeque point with a cut off time of 11pm but highlighted that in the months of June and July it was still light at 11pm. He advised that it would provide challenges but someone had to take the first step towards change.

Councillor Douglas asked where it was intended to have an area for site users to wash utensils. The applicant advised that he would like to have it beside the re-cladded corrugated barn in the centre of the site.

Catriona Spink added that surfers were the most environmentally cautious people. She also advised that there were other parts of the island where it was intended to provide facilities such as toilets and that there had been no complaints.

Councillor Douglas asked when the surfing championships were held on the island and was advised that it was during the month of October.

Councillor Trail asked the applicant if he was happy to close the campsite during that time. The applicant advised that it was something that he would have to face when it came to it.

Councillor Kinniburgh asked planning for confirmation that should there be an intention to put a café on the site that it would be subject to separate planning application. Mr Williams confirmed that it would be subject to a separate planning application. Councillor Kinniburgh referred to section I of the report where it talked about licensing and noted that noise management issues were dealt with as part of the conditions. He asked why the site licence was not included as a condition. Mr Williams confirmed that this was the case as a site licence was dealt with through other legislation. Councillor Kinniburgh referred to the issue of flooding and an email which had been provided by the Flood Officer and asked if this had been picked up. Mr Williams confirmed that he had covered this during his presentation.

Councillor Devon asked if the site could be expanded. The applicant confirmed that the site could not go out with the boundaries of the field.

Councillor Freeman referred to the restriction of use of the site between September and April and asked if this period had been the choice of planners or the applicant. Mr Williams confirmed that these had been the months asked for by the applicant. Councillor Freeman asked if there was an extension to the time would it change the recommendation by officers. Mr Williams advised that this was a hypothetical position that hadn't been considered but it was not likely that it would change the recommendation. The applicant confirmed that he would want people off the site by the end of September to allow him to use the land for grazing.

SUM UP

PLANNING

Mr Williams summed up on behalf of Planning by saying the following –

This is a small scale tourism development located within a defined settlement and conceived as a form of croft diversification. It represents a sustainable and appropriate form of economic development that underpins key national and local planning policy.

The consultant, Mr Cowan, acting on behalf of the objectors to the proposal raises a lot of issues with the planning assessment before Members today; but he raises them in embryo only and offers little evidence in support of his concerns.

I stand by the considered and professional planning assessment contained within the report of handling and I endorse the recommendation that planning permission be granted subject to conditions.

APPLICANT

Mr Hughes referred to the track leading to the croft and advised that he was currently in discussions via his solicitor with Argyll Estates as his deeds said that he had sole use of track. He confirmed that he would not be increasing the number of visitors to Balevullin but would be providing facilities to those who already visit. He advised that only 4 houses were occupied out of the 20 houses in the area. He advised that he wanted to live on Tiree and stay on Tiree. He gave his thanks to the planning authority for their guidance.

SUPPORTERS

Ms Spink referred to fires on the machair and advised that very few fires been set since there had been a set fireplace put on the beach for use by barbeques and fires. She confirmed that there would be a central area on site for barbeques. She advised that Balevullin was one of the cleanest beaches on the island and in terms of beach parties, these were only held by a proportion of those using beach. She advised that the character of Tiree had changed a long time ago and that people coming to the island had increased. She highlighted again that antisocial behaviour from surfers doesn't tend to happen because they are environmentally cautious. In terms of damage to the machair she advised that there would be a path developed from the site to access the beach and therefore no one would go across the machair.

OBJECTORS

Mr Cowan told the Committee that he had been astounded by the complacency of Mr Williams regarding the threat of judicial review. He advised that it was pretty clear that there was a requirement to consult SEPA as more than 10 people would be using the facilities. He advised that the applicant would have to apply to SEPA for authorisation and that SEPA not been consulted. Referring to Mr Williams comments about him offering little evidence to the points he made he advised that there had been no supporting evidence within the planning report over the issues which had been raised. He advised that the applicants had painted themselves as being responsible people, however many clients felt that this was not the case and had felt intimidated by the behaviour of the applicants. He reiterated that the points raised by the 18 objectors were genuine.

The Chair established that all those present had received a fair hearing.

DEBATE

Councillor Trail said that Mr Cowan had made a good job of presenting his case on behalf of the objectors, in particular the SEPA issue and legality over the consultation. He advised that Councillors were there as a lay committee to make a judgement. He advised that Mr Hughes had come across well and seemed like people who care about the area and wanted to run a good campsite responsibly. He advised that he had no concerns with the proposal.

Councillor Freeman advised that the main thing they were required to take into account was the local development plan and as officers had confirmed that the proposal was in accordance with the Local Development Plan and as he was not aware of any issues he had no concerns over approving application.

Councillor Forrest advised that as the site was in a designated settlement zone and may mitigate problems with parking on the beach and other issues she had no concerns over approving the application.

Councillor Douglas expressed her thanks to everyone and explained that they had to balance the views of the people living in the area with environmental and economic issues. She said that she felt that a proper management plan would alleviate any problems. She advised that she had no problems with agreeing with the officers recommendations.

Councillor Devon agreed that Tiree needed somewhere for this type of development but felt that the proposal would bring high levels of activity to an undeveloped area and in this case she was struggling to agree with the officer's recommendation.

Councillor Kinniburgh said that as it was a small development within settlement area and with the type of things that the management plan would be considering he felt it could be quite easily managed by the amount of people who will be on site and therefore he would prefer to go with the officers recommendations as contained within the report of handling.

Motion

Councillor Kinniburgh moved the officer's recommendations to grant the application subject to the conditions outlined and this was seconded by Councillor Forrest.

Councillor Devon asked for a short adjournment to take legal advice on the preparation of an amendment.

The Committee took a short adjournment of 10 Minutes.

Amendment

Councillor Devon moved the following amendment which was seconded by Councillor Moffat.

The current proposal will bring levels of activity to the site and it is noted in the report of handling that this type of development is classed as 'Bad Neighbour' Development and Supplementary Guidance SG LDP BAD 1 of the Local

Development Plan permits such developments where there are no unacceptable adverse effects on the amenity of residents.

It is suggested that a planning condition to ensure there is proper campsite management that there will not be excessive noise and a nuisance caused by visitors staying on the site.

It is unclear to me how enforceable such a condition might be in practice to ensure that with a regular turnover of visitors and no planning enforcement staff resident on the Island that matters of concern could be recorded and evidenced in a manner that would be fair to both nearby residents and the operators of the proposed site.

The proposal would bring a commercial activity into an undeveloped area and the proposed mitigation measures will in my view provide no practical protection for those nearby residents who fear their current peaceful enjoyment of their homes will be adversely affected by this proposed development.

I also consider that the visual impact of the proposed development would be materially harmful to the site and its surroundings.

I therefore move that the application should be refused on the basis that it would introduce a bad neighbour development into the locality, which could not be adequately controlled by planning condition and as such is contrary to the Supplementary Guidance SG LDP BAD 1 of the Local Development Plan and on the basis that the visual impact would be materially harmful to the site and its surroundings it is also contrary to the relevant provisions of Policy LDP DM 1, LDP 3, LDP 9 and associated supplementary guidance SG LDP ENV 14 and SG LDP TOUR 1 of the Local Development Plan.

Decision

Following a show of hands vote the Motion was carried by 7 votes to 2 and the Committee agreed that planning permission be granted subject to the following conditions and reasons-

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 17/00468/PP GENERAL

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 21st June 2017 and the approved drawings numbered 1 of 3 to 3 of 3 and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 1 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an

application for a non-material amendment (NMA) should be made in writing which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

ACCESS AND PARKING

2. Notwithstanding the provisions of Condition 1, prior to the commencement of development the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a with the service lay-by located to the left side of the entrance; and visibility splays of 2.4 metres to point X by 53 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing.

Reason: In the interests of road safety in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015.

3. Prior to the operation of the development hereby approved, vehicle parking of 1 space per pitch shall be provided and shall be maintained as such thereafter in perpetuity.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan 2015.

WATER, DRAINAGE AND FLOODING

4. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding in accordance with Policy LDP DM 10 of the adopted Argyll and Bute Local Development Plan 2015.

5. No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

EXTERNAL LIGHTING

6. With the exception of the single wall mounted low emission eyelid light on the south elevation of the toilet/shower block hereby approved, no exterior lighting shall be installed anywhere on the site without the prior written consent of the Planning Authority. All exterior lighting should be installed in a manner which avoids conflict with adjacent residential properties and road users and which minimises light spillage out with the site boundary.

Reason: In the interests of visual amenity and in order to safeguard residential amenity and road safety by avoiding potential nuisances from on-site lighting.

USE OF SITE

7. The site shall be occupied as a tourist site solely by motorhomes and/or touring caravans (up to a maximum of 10) and tents (up to a maximum of 10) used for the purposes of overnight stays, with stances/pitches distributed as per the approved details, other than in the event of any subsequently approved layout having been approved in writing. This planning permission does not permit the use of the site by static caravans for any purpose.

Reason: In order to define the terms of the permission and for the avoidance of doubt.

8. The proposed camping site hereby approved shall be operational from 1st April to 30th September each year and shall not operate as a camping site outwith this period.

Reason: In accordance with the use applied for.

LANDSCAPING

9. Notwithstanding the provisions of Condition 1, prior to development commencing full details of the intended landscaping of the site shall be submitted for the written approval of the Planning Authority. These details shall include:
- a) The location, species, number, size and planting distances of trees to be planted (all tree planting to be native species);
 - b) The location, species, number, size, and planting distances of shrubs to be planted (all shrubs to be native species):
 - c) Proposed measures to secure establishment, including soil preparation, control of weeds and means of excluding grazing animals;
 - d) Intended monitoring and maintenance for the first 5 years following planting.

The duly approved mounding shall be completed prior to the use being first

commenced, and the landscaping shall be completed in the first planting season following the commencement of the use. Any planting which fails to become established, which is removed, is grazed by animals or becomes diseased or dies, within five years of being planted shall be replaced in the following planting season by equivalent sizes and species as those originally required to be planted.

Reason: In order to help assimilate the development in its landscape setting in the interests of visual amenity.

10. Notwithstanding the details shown on the approved plans, the Toilet/shower block shall be finished externally in vertically boarded timber cladding with a grey/blue rounded profile corrugated sheet roof, unless any variation thereof is agreed in advance in writing by the Planning Authority.

Reason: In order to secure an appropriate appearance relative to its surroundings in the interests of visual amenity

MANAGEMENT PLAN

11. *Prior to the development first being brought into use, a site management plan shall be submitted to and approved in writing by the planning authority. Such management plan shall detail how the site is intended to be operated including noise mitigation measures. Thereafter the development shall be implemented in accordance with the duly approved site management plan.*

Reason: In order to protect the amenity of the surrounding area.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 5 October 2017, submitted)