

# Public Document Pack

## **Argyll and Bute Council** **Comhairle Earra Ghaidheal agus Bhoid**

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21 August 2014

### **SUPPLEMENTARY PACK 1**

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - SEIL ISLAND  
COMMUNITY HALL, ELLENABEICH, SEIL ISLAND, ARGYLL on MONDAY, 25 AUGUST 2014  
at 10:30 AM**

I enclose herewith a supplementary report for item 3 which was not included on the Agenda for the above Meeting.

### **SUPPLEMENTARY REPORT**

- 3. MR TONY HILL: CHANGE OF USE OF LAND FOR SITING OF TIMBER SHED,  
INSTALLATION OF PETROL STORAGE TANK AND ERECTION OF  
ASSOCIATED FENCING: LAND ADJACENT TO PUBLIC CAR PARK,  
ELLENABEICH, ISLE OF SEIL (REF: 14/00914/PP)**  
Report by Head of Planning and Regulatory Services (Pages 1 - 2)

### **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**

Councillor David Kinniburgh (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor Mary-Jean Devon	Councillor George Freeman
Councillor Alistair MacDougall	Councillor Robert Graham MacIntyre
Councillor Donald MacMillan	Councillor Roderick McCuish
Councillor Alex McNaughton	Councillor James McQueen
Councillor Sandy Taylor	Councillor Richard Trail

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**Argyll and Bute Council  
Development and Infrastructure**

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

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**Reference No:** 14/00914/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Tony Hill

**Proposal:** Change of Use of Land for Siting of Timber Shed, Installation of Petrol Storage Tank and Erection of Associated Fencing

**Site Address:** Land adjacent to Public Car Park, Ellenabeich, Isle of Seil

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**SUPPLEMENTARY REPORT No. 1**

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**(A) BACKGROUND**

This application was considered at the Planning, Protective Services and Licensing Committee meeting on 18 June 2014, at which time it was agreed to hold a discretionary hearing on 25 August 2014.

Since the original report was written, one of the original objectors has submitted an additional representation via their solicitor.

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**(B) UPDATE**

The additional representation was submitted on 19 August 2014, by:

Leslie Wolfson & Co, Waterloo Chambers, 19 Waterloo Street, Glasgow, G2 6BQ,  
representing:

Mr John MacFarlane, Glenalbyn, Clachan Seil, Isle of Seil, Oban, PA34 4TJ

**Summary of issues raised**

- The proposed access to the site occupies land owned by Mr MacFarlane, who considers that the right of access over it has now been lost through non use. Mr MacFarlane is not prepared to permit access across his land for the proposed development. Leslie Wolfson & Co have written to the adjoining proprietors (Mr and Mrs Wagstaff) enquiring whether they are prepared to agree a formal discharge of the servitude right without the necessity of court proceedings. If necessary, proceedings will be raised through the Sheriff Court.

*Comment: This relates to a civil matter outwith the planning remit. The correct landowner notification was undertaken at the time of submission of*

*the application. The representation does not alter the planning assessment of the proposal in land use planning terms. Nothing in a planning decision affects pre-existing civil rights or responsibilities. In the event that required civil rights do not exist, then a development can not be implemented, even if planning permission is in place.*

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**(C) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to:

- i) the conditions and reasons appended to the original planning report of handling, and
  - ii) a discretionary pre-determination hearing being convened in response to the representations received.
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**Author of Report: Fiona Scott      Date: 21/08/14**

**Reviewing Officer: Stephen Fair      Date: 21/08/14**

**Angus Gilmour  
Head of Planning**