

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

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

SUPPLEMENTARY REPORT No. 1

(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.

(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.

(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**