

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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20 March 2012

SUPPLEMENTARY AGENDA PACK 3
PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE –
WEDNESDAY 21 MARCH 2012 AT 10.30 AM

I enclose herewith supplementary report no 3 for item 9 and supplementary report no 3 for item 10 of the above agenda.

I also enclose herewith item 18 which was marked “to follow” on the above agenda.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 9. MR AND MRS E AND H HOWARTH: ERECTION OF DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF NEW ACCESS: CROFT HOUSE, CUL A MHILL, ARDTUN, BUNESSAN (REF: 11/00847/PP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 4)
- 10. MR AND MRS E AND H HOWARTH: ERECTION OF DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF NEW ACCESS: CROFT HOUSE, CUL A MHILL, ARDTUN, BUNESSAN (ALTERNATIVE DESIGN) (REF: 11/00851/PP)**
Report by Head of Planning and Regulatory Services (Pages 5 - 8)

TO FOLLOW ITEM

- E1 18. ENFORCEMENT UPDATE: 10/00319/ENAMEN**
Report by Head of Planning and Regulatory Services (Pages 9 - 12)

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an “E” on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 **Paragraph 13** Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Chalmers
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Contact: Fiona McCallum

Tel. No. 01546 604406

Argyll and Bute Council
Development Services

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: 11/00847/PP

Planning Hierarchy: Local Development

Applicant: Mr E & Mrs H Howarth

Proposal: Erection of dwellinghouse, installation of septic tank and formation of access.

Site Address: Cul A Mhill, Ardtun, Bunessan, Isle of Mull

SUPPLEMENTARY REPORT NO. 3

(A) BACKGROUND

This application was presented to the Planning, Protective Services and Licensing Committee meeting on 22nd February 2012, at which time the item was continued.

The Crofter's Commission has since provided a consultation response dated 23rd February 2012 and made a further representation dated 7th March 2012. In these responses they have stated their general support for the croft proposal due to the comprehensive Croft Development Plan (CDP). They have also indicated their satisfaction that the sub-division of the croft will not lead to the inappropriate break up of croft assets or prejudice the interests of the wider crofting community. They will not, however, comment on the viability of the CDP or express any view as to the point at which residential occupation of the land is warranted in terms of the management of the land.

There is general support for the development of a croft house on a bareland croft through Structure Plan Policy STRAT AC1. In order to justify a new dwelling under this exceptional 'need' scenario, the applicant must demonstrate that the proposed house is required as part of the croft development in order to be able to manage the land in a manner consistent with the aims set out in the Croft Development Plan. In this instance, the applicant has provided a comprehensive CDP which has been accepted by the Crofter's Commission. With this in mind the CDP can amount to a suitable locational justification for development and satisfies Structure Plan policy STRAT AC1. Therefore the original ground for refusal number 2 can be deleted as a justification for the development has been accepted under policy STRAT AC1.

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that:

- i) the Area Capacity Evaluation (ACE) as appended to the main Report of Handling be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character;
- ii) the application be refused for the reasons given below in this supplementary report; and,
- iii) the applicant be encouraged to pursue one of the alternative sites identified in the ACE to secure a house for the croft once the bareland croft is being worked as per the Croft Development Plan.

Author of Report: David Love

Date: 20/03/12

Reviewing Officer: Richard Kerr

Date: 20/03/12

Angus Gilmour
Head of Planning and Regulatory Services

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 11/00847/PP

1. The proposed house occupies an area of land identified in the Isle of Mull Landscape Capacity Study as not appropriate for further development, where open views across and within the site towards the Treshnish Isles and Ardmeanach are key features to be maintained. A generous area of land is allocated for further small scale housing development along the western side of the track to the west of the site by the Landscape Capacity Study, which deliberately applies a strategy of consolidating distinct clusters of development as opposed to perpetuating a wider scattered housing pattern sprawling across the countryside. The Study safeguards exist against further development on the eastern side of the track as it runs a high risk of intruding on key views looking into the site, across the site and within the site; to reduce visual impacts arising from development; and to avoid steep or rocky areas. As the proposed house would intrude on key views across the croft towards the Treshnish Isles and Ardmeanach and generate visual impacts on the horizon when approaching the site from the south, the application site does not represent a suitable opportunity for development. Whilst this unfortunately already occurs with Tigh Aigan Oir, this is not a desirable or dominant feature of development at Ardtun and should not be further encouraged.

Whilst the Development Plan includes general support for single croft houses on bareland crofts, the site is not the best location for a house within the croft. If the house were to be approved in the proposed location, along with the associated planting proposals, this would generate adverse impacts on the key features of the area, namely the protected open views across the site, contrary to the provisions of the Development Plan. In this case, these conflicts are considered to outweigh the general support for a house on a bareland croft in STRAT AC 1, DC 5 and LP HOU 1.

2. Whilst it has been submitted that the design is dictated by the landscape and integrates well with the site, being set partially into the land, the design fails to take cognisance of the character of existing development at the settlement, with which the proposed house would be readily inter-visible. The existing character of housing around the site is for symmetrically pitched roofs, gable end walls and a maximum height of 1¼ storeys in scale. The submitted design varies from the established character of the settlement and would be visually perceived within the same visual envelope as the rest of the settlement, which would create a lack of design cohesion within the settlement, contrary to the aims of the Development Plan. The screen planting proposed in association with the development may in time contain the visibility of the building, but this in itself is not considered to justify allowing the design as submitted, nor is it considered to represent good planning practice. Provision of so much screen planting would in itself be at variance with the open characteristics of the settlement and as such, is also considered to be undesirable in this location.

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**Argyll and Bute Council
Development Services****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: 11/00851/PP

Planning Hierarchy: Local Development

Applicant: Mr E & Mrs H Howarth

Proposal: Erection of dwellinghouse, installation of septic tank and formation of access.

Site Address: Cul A Mhill, Ardtun, Bunessan, Isle of Mull

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