



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
11 December 2019

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 18 DECEMBER 2019** at **10:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: 19/0007/LRB - PLOT 5, BALISCATE, TOBERMORY (19/01061/PPP)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 18)
 - (b) Comments from Interested Parties (Pages 19 - 42)
 - (c) Comments from Applicant (Pages 43 - 46)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Lorna Douglas
Councillor Donald MacMillan BEM

Councillor David Kinniburgh (Chair)

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

H MacLean

28 October 2019

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedure)
(Scotland) Regulations 2013

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW

Name

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

(6) Description of Proposal

Erection of 2 Dwellinghouses, Plot 5,
Baliscate, Tobermory

(7)

Please set out the detailed reasons for requesting the review:-

Please see attached letter with all details contained therein.

If insufficient space please continue on a separate page. Is this is
attached? (Please tick to confirm)

(8) If the Local Review Body determines that it requires further information on “specified matters” please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review **(Note: 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No.	Detail
1	LRB Letter 001(Detailed Reasons for Requesting Review)
2	Survey Plan (002)
3	Site Plan (003)
4	Design Statement (004)
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)

I MacLean

Dated

25/10/2019

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

20 October 2019

Dear Sirs

The Croft, Baliscate, Tobermory, Isle of Mull, PA75 6QA

We write in regard to our recent planning application, and to gain the support of our Councillors ahead of a Local Review Body.

We applied for planning permission at The Croft, Baliscate, Tobermory, Isle of Mull, PA75 6QA on 23 May 2019 and this was formally refused on 31 July 2019, on the ground that the site lies within the Countryside Zone. We were aware at the time of application that this site and the surrounding land was classed as sensitive countryside; however, there are already 4 houses on this land and planning permission has just been granted for another three dwellings on the same croft at sites opposite. We therefore completed a full design statement to accompany our application, to fully explain and justify our application.

PLANNING HISTORY

To give a brief rundown on the history of the land, 'The Croft', Baliscate was purchased in 1990 by three brothers, Allan MacLean, Malcolm MacLean and Alasdair Maclean. Allan MacLean owned one half of the land; the other half was equally owned by Malcolm MacLean and Alasdair MacLean. Between 1990 and 2011, the site remained fairly undeveloped and the only buildings on the land were industrial/commercial sheds, one owned by Malcolm and one owned by Allan. There was no formal division of the land until 2011, when the plots were divided up as per the enclosed map. At this time, we had no idea that by accepting the parcel of land that we did would mean that all the other sites may be granted planning permission whilst our land would not, as it was all designated as one piece of croft land at that time.

Planning permission was granted for 3 dwelling houses in 2011; one dwelling on each of plots 2 (Allan MacLean), 3 (Alasdair MacLean) and 4 (Malcolm MacLean). This application was made by Beaton & McMurchy (planning application reference no. 10/01024/ERD) Planning permission was then granted to Malcolm MacLean for a second dwelling on plot 4 in 2014 under planning reference 12/01921/PP. The industrial buildings on plot 6 (also under the ownership of Malcolm MacLean) were already historically existing and we are unable to locate any planning details in relation to these buildings.

At that time, no objections were received from consultations with the Area Roads Manager of with Scottish Water.

Planning permission has very recently been granted on Plot 4 under the ownership of Malcolm MacLean for a third dwelling on the same plot (Reference 19/00812/PP) and two dwellings on Plot 1 for Allan MacLean (Reference 19/01559/PP). Both of those applications were granted on the grounds of 'infill/rounding off'.

A summary of the plots/dwellings and permissions is given below:

- Plot 1 - 2 dwellings have just been granted planning permission (**Allan MacLean**)
- Plot 2 - Ben Hiant (**Allan MacLean**)
- Plot 3 - Cala Sona (Under ownership of external party, sold on by **Alasdair MacLean**)
- Plot 4 - Traigh Bhi (**Malcolm MacLean**)
- Plot 4 - Gleann Fia (**Malcolm MacLean/Joanne MacLean**)
- Plot 4 - A third dwelling has just been granted planning permission (**Malcolm MacLean**)
- Plot 5 - Planning permission refused (**Alasdair MacLean**)
- Plot 6 - Industrial Sheds (**Malcolm MacLean**)

As you can see from Drawing No 1936/01, prepared by Beaton & McMurchy, Plot 5, our application site, is a perfect site for building on and is right beside those two sites which have had planning permission granted whilst ours has been refused. The scale of the sites is also evident; Plot 5 is a large, flat piece of ground with ample space for sewerage arrangements, parking and turning as well as emergency access. In comparison, Plot 4, of the same size, already houses two dwellings and has two industrial sheds sited right on its boundary. There does not appear to be space for parking or turning, or indeed access for emergency vehicles or waste disposal vehicles. The original application also included for sewerage arrangements to be sited on our land.

Whilst we understand neighbours are required to be notified regarding planning applications, ALL of the objections received for our application are from immediate family members, including that from Norman MacDonald (Builder), who is acting on their behalf but is also related to both parties. There is an ongoing family feud regarding this land, and the unfair nature of its division, and those objections are as a result. We did not object to their recent application, only to the fact they had sited their sewage treatment plant on our land without our permission.

We contacted Argyll & Bute Council in 2016 regarding Plot 5, at which time Andrew Barrie made a site visit and, during subsequent email exchange, he advised that the ground was within the countryside. We were then contacted the following year during a 'call for sites' to apply for planning, but the window of opportunity was too narrow to meet. Our local Councillor, Mary Jean Devon, is also supporting us in our application.

We are very disappointed to have been refused planning permission. Alasdair is 61, and plans to retire in the near future. As a local resident all his life and having worked all those years as a share fisherman, he has no immediate pension plan and, as such, plans to employ crew to continue working his boat. This ground would provide the means to supply housing for employees, as Tobermory is lacking in affordable housing and employment opportunities for young families. We also would reiterate that, at the time of the division of the land, we had no idea that this one parcel of land would have such diverse designations and that plot we had accepted would be redundant in terms of use; that $\frac{3}{4}$ of the land would be acceptable for planning purposes and $\frac{1}{4}$ would not. In the circumstances, we very much hope that this decision may be able to be overturned.

Yours faithfully

Iona & Alasdair MacLean

DESIGN STATEMENT

PLOT 5, BALISCATE, TOBERMORY

INTRODUCTION

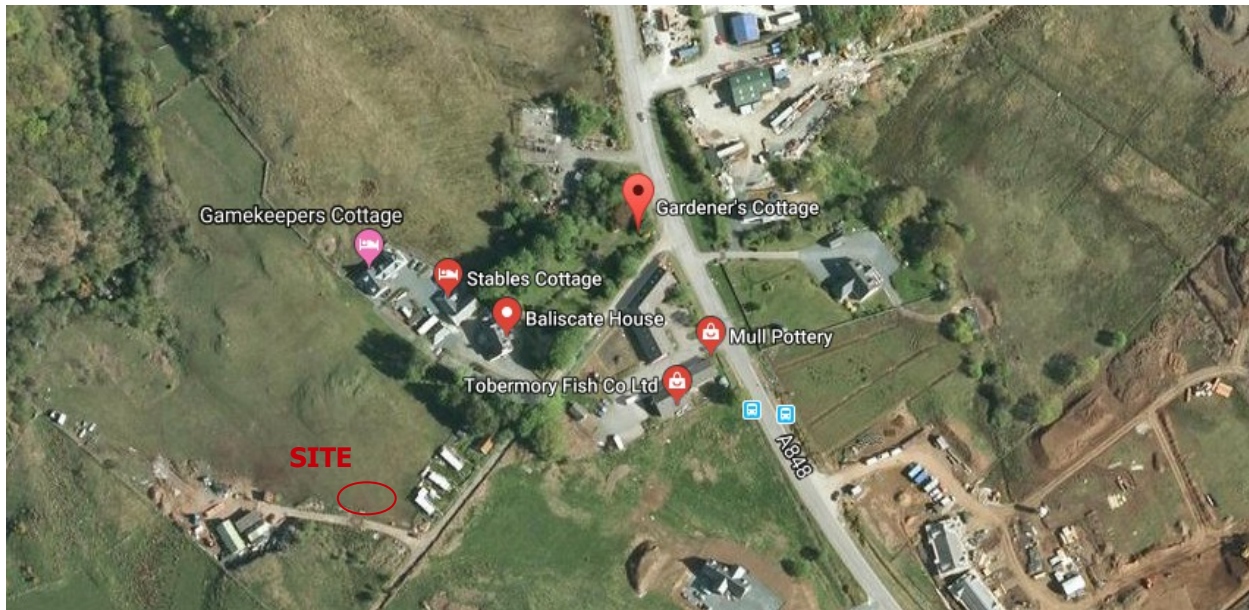
This design statement accompanies the planning in principle application for Plot 5, Baliscate, Tobermory, PA75 6QA. The application is for two dwelling houses of the same scale and design as the four adjacent houses, as well as connection to the main water supply and the associated sewerage arrangements in the form of a private septic tank to service the two new houses. This will provide an opportunity to provide affordable accommodation for employees and crew members of the applicants fishing boats.

SITE DESCRIPTION

The proposed site is located at Baliscate, Tobermory, PA75 6QA, along a private track off the main A848 Tobermory-Salen road, beyond Baliscate House and Baliscate Industrial Park. The land is just south of Tobermory and the site is approximately 754,364 northing and 150,117 Easting, on land designated as in the countryside zone. Plot 5 is 2,100m² and lends itself well to rounding-off an existing development in the form of two dwelling houses, on what is otherwise vacant and level open grazing land. Public water supply, electricity and telephone connections are all easily accessed.



Map of Tobermory showing Baliscate



Location Map (Google Maps) - Shows view before 4 current houses were built

The site is currently unused.

The SEPA flood risk maps do not identify any flood risk on the plot, or on the surrounding or adjacent land.

There are 4 dwelling houses on the land immediately opposite plot 5 -

Plot 2 - Ben Hiant (Under ownership of Allan MacLean)

Plot 3 - Cala Sona (Under ownership of external party)

Plot 4 - Traigh Bhi (Under ownership of Malcolm MacLean)

Plot 4 - Gleann Fia (under ownership of Malcolm MacLean/ Joanne MacLean)

Plot 6 - Industrial Sheds (under ownership of Malcolm MacLean)



View of all 4 houses from the shared access road (including industrial sheds)



Photograph showing shared access road and proposed site (Plot 5)



Plot 5, with views of the Sound of Mull

PLANNING HISTORY

Planning permission was granted for 3 dwelling houses in 2011; one dwelling on each of plots 2 (Allan MacLean), 3 (Alasdair MacLean) and 4 (Malcolm MacLean). This application was made by Beaton & McMurchy (planning application reference no. 10/01024/ERD). Planning permission was then granted to Malcolm MacLean for a second dwelling on plot 4 in 2014 under 12/01921/PP. The industrial buildings on plot 6 (also under the ownership of Malcolm MacLean) were already historically existing and we are unable to locate any planning details in relation to these buildings. At that time, no objections were received from consultations with the Area Roads Manager or with Scottish Water.



PLANNING POLICY

This site exists within an area categorised as in the Countryside Zone, and the applicant understands that this 'small' scale development may be subject to an ACE assessment, although countryside zones are able to provide modest additions on the basis of infill, rounding-off, re-development and change of use, which this is believed to be. The following policies have been considered in the preparation of this application:

Policy LDP Strat 1 -

The proposed housing is a strategic fit with sustainable development, in that it utilises existing services and existing access road, without causing any adverse effects on the environment or the natural/heritage resources of the surrounding area. The proposed dwellings are in keeping with the houses on the plots across the road, and will provide at least one house as affordable local housing.

- a. Maximise the opportunity for local benefit - there are very few plots available for sale locally and at a reasonable rate for local residents. It also provides the opportunity to make the houses available for employees or crew members of the applicants business.
- b. Make efficient use of vacant or derelict land - this land is available and otherwise redundant, and the proposed application is in keeping with the existing housing.
- c. Maximise the use of existing infrastructure & services - this site lends itself perfectly to housing of this kind, with existing access road and access to services being utilised.

Policy LDP 8 -

The Council will support new sustainable development proposals that seek to strengthen the communities of Argyll and Bute, making them better places to live, work and visit.

The Council will maintain a five years' effective housing land supply at all times. This site provides ample opportunity for affordable housing meeting all of those demands.

Policy LDP 9 -

Development Setting (A) Development shall be sited and positioned so as to pay regard to the context within which it is located. Development Layout and Density (B) Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development. Development of two dwellinghouses on this site will reflect and complement the design and scale of the four houses adjacent. As the site lies even lower than that on which the other four houses are sited, there is no visual impact on approach to Tobermory.

Policy LDP 10 -

Maximising our Resources and Reducing Our Consumption to support all development proposals that seek to maximise our resources and reduce consumption and where these accord with the following: • The settlement strategy; • Sustainable design principles; • Minimising the impact on the water environment both in terms of pollution and abstraction; • Avoiding areas subject to flood risk or erosion; • Minimising the impact on biodiversity and the natural environment; • Avoiding the disturbance of carbon rich soils;

Policy LDP HOU1 -

In favour of small scale housing proposals within the Countryside Zone on the basis of infill, rounding-off, redevelopment and/or change of use. This application proposes a small scale residential development with adequate services and access arrangements in place and on the basis of rounding-off an existing development as well as providing affordable housing for local people.

Argyll and Bute Local Development Plan SUPPLEMENTARY GUIDANCE has been considered in respect of this application.

Isle of Mull NSA Landscape Capacity for Housing Final Report (May 2006) has also been reviewed and considered.

DESIGN

It is proposed to erect 2 no new one and a half-storey three-bedroom dwellings of the same design as the dwellings opposite on plots 2,3 and 4.

The Small Scale Housing Development guidance has been considered in the preparation of this proposal.

The walls are to be finished in a white render and the roof in high quality grey concrete tiles.

The construction is modern throughout with design by Scotframe, complimenting the existing neighbouring dwellings and in keeping with its surroundings.

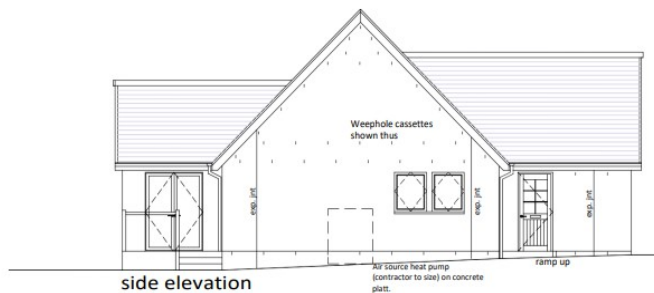
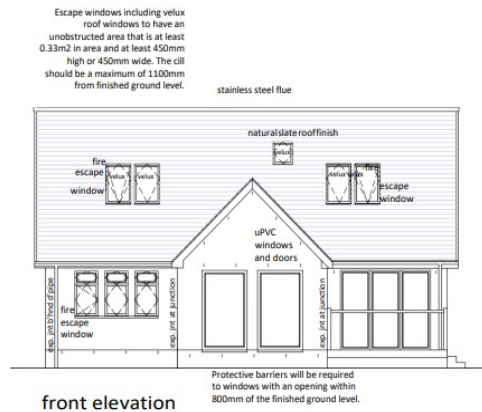
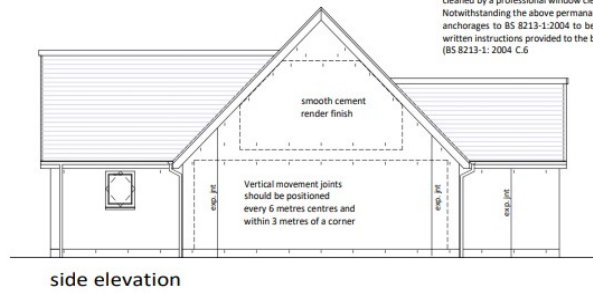
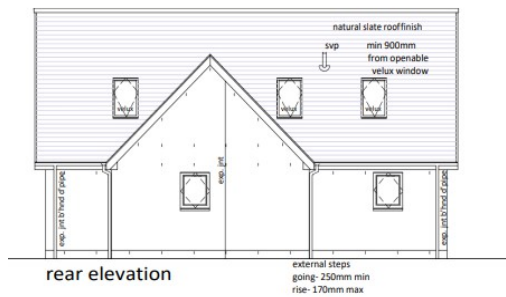
The existing access road allows direct access to the site, and it is proposed to provide suitable car parking and turning area.

It is proposed to connect the mains water supply, to the south of the site.

Drainage arrangements will be made by way of installation of a new septic tank.

There is a nearby electricity supply to the South of the site.

The Scottish Government's drive for Low and Zero Carbon (LZC) buildings is reflected through current building regulations and this will be a key consideration of the detailed design.



House design to compliment neighbouring housing

CONCLUSIONS

This small scale proposal has been designed to try to minimise visual impact as much as possible and to be sympathetic to its rural context within sensitive countryside.

The application should be supported for the following reasons:

- Whilst the development is within the Countryside Zone, there has previously been planning permission granted for 4 houses opposite, and there is no loss of better quality agricultural land or access to such land.
- The site already has a suitable access road and access to existing services.
- The proposed development is in accordance with LDP 9, SG LDP Sustainable.
- The site has good natural light and solar gain, with minimal overlooking or loss of amenity to the neighbouring residential sites as it is situated at a lower level.
- There is a lack of suitable and affordable housing and development sites available in Tobermory and this site lends itself to the criteria.
- Planning permission will ensure an excellent opportunity to provide housing for employees and crew members of the applicants business.
- Plot 5 is the same size as Plot 4, which was granted planning permission for a second dwelling in recent years (2014) and now has a live application for a third house of a much larger scale.

Argyll & Bute Council Planning Department are asked to support this proposal as an opportunity to meet local demand for housing in line with local and national policies on a site with service arrangements and access in place and with no adverse environmental impacts.

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

19/0007/LRB

**REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE FOR THE ERECTION OF TWO
DWELLINGHOUSES**

**PLOT 5
LAND WEST OF GLEANN FIA
BALISCATE
TOBERMORY
ISLE OF MULL
ARGYLL AND BUTE**

01/11/19

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mrs Iona MacLean ("the appellant").

Planning permission in principle 19/01061/PPP for the erection of two dwellinghouses at Plot 5, Land West of Gleann Fia, Baliscate, Tobermory, Isle of Mull, Argyll and Bute (the appeal site") was refused by the Planning Service under delegated powers on 31/07/19.

This decision is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is located within an extensive open and undeveloped area bounded to the south west by a private access track serving a small linear row of long established private dwellinghouses. The site the subject of this Review is gently sloping and set at a lower level than the existing development to the south west. The surrounding land to the north-east and north-west is open countryside which enclosed by trees and woodland. The Tobermory River is located further to the north-west and the public road is located to the south-east.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- *Whether the proposed development is acceptable within the designated Countryside Zone within which planning policies LDP DM 1 and SG LDP HOU 1 would seek to prevent new residential development in the open countryside where that development does not exploit an appropriate redevelopment opportunity or consist of the development of an acceptable and clearly defined 'infill' or 'rounding-off' opportunity site, or else is supported by an appropriate and clearly defined argument of 'exceptional case' based on a locational and/or operational need and supported by an Area Capacity Evaluation (ACE).*
- *Notwithstanding the above, whether the applicant has submitted sufficient evidence to enable the planning authority, in consultation with SEPA, to conclude that the proposed development will not result in any materially harmful and inappropriate flood risk, given that the proposed development site falls within the nationally defined 1:200 year 'medium flood risk' zone.*

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of these key determining issues and concludes that, firstly, the site does not accord with policies LDP DM 1 and SG LDP HOU 1; that the proposed development

does not exploit any redevelopment, infill or rounding-off opportunity and that no appropriate claim of any 'exceptional case' has been demonstrated.

Secondly, that the applicant has declined to submit any detailed flood risk assessment in support of the proposed development and that, in the absence of this, the application is considered technically incompetent and contrary to policies LDP 3 and SG LDP SERV 7.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant has submitted a supporting statement and a copy of the design statement which was submitted with their planning application. The following comments are made in relation to their submission.

- The appellant states that they were aware at the time of their application that the site and surrounding land was designated as sensitive countryside. They state that there are already 4 houses on this land (09/00976/DET and 10/00825/DET) and that planning permission has been granted for another 3 dwellinghouses (17/00751/PP and 19/00812/PP). They state that the site lends itself well to rounding-off an existing development. They state that small scale development may be acceptable subject to an ACE assessment. They also make reference to two other recent planning decisions

Comment: *When planning permission for the four houses referred to were approved, the local development plan in force at the time was the Argyll and Bute Local Plan 2009 and not the current adopted local development plan. The site originally contained a number of existing outbuildings and these were demolished and replaced with 3 dwellinghouses (09/00976/DET). This was granted as a redevelopment opportunity upon this specific site and in accordance with the development plan in force at that time. A subsequent planning application (10/00825/DET) for a single dwellinghouse was granted as an infill opportunity within the same linear development. Both of these development opportunities were supported by planning policy contained within the adopted local plan at that time.*

Similarly, the more recent permissions referred to for a further three dwellinghouses (17/00751/PP and 19/00812/PP) were also assessed and accepted as appropriate rounding-off and infill opportunities; all within this same linear roadside development and all in accordance with planning policy.

The proposed two dwellinghouses the subject of this current Review are, by contrast, located within an area of open and undeveloped land not forming part of the existing extended linear development and not in accordance with planning policy for the

detailed explanation contained within the published report of handling and summarised below:

In terms of the current adopted Argyll and Bute Local Development Plan (LDP) 2015 in force at present, the site lies within the designated Countryside Zone wherein Policy LDP DM 1 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). Contrary to the assertions made by the appellants, the application site does not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and no exceptional case has been presented for consideration. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported. Planning permission was therefore refused entirely in accordance with adopted policy. The requirement for an ACE is only triggered if an overriding claim of 'exceptional case' has been successfully demonstrated and accepted by the planning authority.

The Local Review Body (LRB) should also note that the appellant was provided with pre-application advice (16/02718/PREAPP) on the 25th November 2016 which explained that the site was within the countryside zone and that it did not present any opportunities for infill, rounding-off, redevelopment and change of use of existing buildings and therefore the principle of development could not be supported at the site.

- The appellant states that their site has good physical characteristics for development and that services are readily available and that it is located 'next to' sites which have been granted planning permission.

Comment: *This is both irrelevant and inaccurate. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that planning applications must be determined in accordance with the development plan unless material planning considerations indicate otherwise. The proposal is contrary to Policy LDP DM 1 of the adopted LDP and there are no material considerations which would warrant the application being determined otherwise in accordance with the LDP.*

The proposed development site lies within the nationally defined medium flood risk area and has been the subject of an objection by SEPA. The appellant has declined to provide information sufficient for either SEPA or the planning authority to determine that the specific circumstances of the site are such that the flood risk concerns may be set aside in this case.

- The appellant states that they did not make a submission in relation to the LDP 'call for sites' process as the "window of opportunity was too narrow".

Comment: *This is not a material planning consideration in terms of the determination of the planning application or this associated local review.*

- The appellant states that "Alasdair" is local, plans to retire, works as fisherman and has no immediate pension plan and therefore plans to employ crew to work his boat. It is stated that Tobermory is lacking in affordable housing and employment opportunities for young families.

Comment: *The appellant has not actually clarified who Alasdair is and has inferred that these dwellinghouses can be used to house workers who will operate his boat. No details of this business has been presented and no justification has been advanced as to why these dwellinghouses are actually required to support it in terms of location/operational need. No evidence has been submitted which supports the appellants claim that Tobermory is lacking in affordable housing. In terms of Supplementary Guidance SG LDP HOU 1, there is no requirement to provide for affordable housing in this case. Tobermory has the highest concentration of affordable homes on Mull and the LDP has made provision for specific housing allocations, including for affordable housing, and there is no evidence that these are at capacity or are undevelopable.*

- The appellant states that at the time of the division of the land, they had no idea that this parcel of land would have such diverse designations and that the plot they had accepted would be redundant in terms of use.

Comment: *The appellant's lack of knowledge of the designation of the land in the LDP is not a material planning consideration in terms of the determination of the planning application or this associated local review.*

- The appellant states that objections submitted to the application subject of this review were from family members and that there is an ongoing family dispute. They also make reference to the inclusion of a septic tank on their land without permission.

Comment: *This is not a material planning consideration in terms of the determination of the planning application or this associated local review. Representations which raise material planning considerations must be taken into account.*

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 (as amended) requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In this case, as detailed in the Report of Handling appended to this submission, the site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the Countryside Zone as required by Policy LDP DM 1 of the LDP and there has been no claim of an 'exceptional case' for the development based upon any locational or operational site requirement. The other sites in the locality to which the appellant refers are materially different and were granted planning permission as they were in accordance with LDP policy as detailed in their respective Reports of Handling.

Notwithstanding this, the applicant has declined to submit any detailed flood risk assessment in support of the proposed development and therefore, in the absence of this, SEPA have objected to the proposed development and the application is considered technically incompetent and contrary to policies LDP 3 and SG LDP SERV 7.

The Review Body should note that, should they be minded to approve planning permission, this would be contrary to an objection by SEPA and, therefore, before a determination can be made, the matter must be referred to Scottish Ministers having regard to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1 – REPORT OF HANDLING

**Argyll and Bute Council
Development & Infrastructure 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 19/01061/PPP
Planning Hierarchy: Local
Applicant: Mrs Iona MacLean
Proposal: Site for the erection of dwellinghouse
Site Address: Plot 5, Land West of Gleann Fia, Baliscate, Tobermory, Isle of Mull, Argyll and Bute

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for erection of dwellinghouse
- Upgrading of vehicular access
- Installation of septic tank and soakaway

(ii) Other specified operations

- Connection to public water supply
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

(C) CONSULTATIONS:

Area Roads

No objection subject to conditions. Report dated 5th June 2019

Scottish Water

No objection. Letter dated 29th May 2019

SEPA

Objection re lack of information. Letter dated 10th June 2019

(D) HISTORY:

19/00057/PP

Erection of 2 No. dwellinghouses and formation of access. Granted 7th March 2019

16/02718/PREAPP

Erection of dwellinghouse. Applicant advised that development is unlikely to be supported, 25th November 2016

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 27th June 2019.

(F) REPRESENTATIONS:

Six objections have been received regarding the proposed development from:

Mrs S. Braid, Ben Hiant View, Baliscate, Tobermory, Isle of Mull, PA75 6QA (27.06.19)

Daniel Braid, Gleann Fia, Baliscate, Tobermory, Isle of Mull, PA75 6QA (no date)

Joanne MacLean, Gleann Fia, Baliscate, Tobermory, Isle of Mull, PA75 6QA (no date)

Yvonne MacLean, Traigh-Bhi, Baliscate, Tobermory, Isle of Mull (27.06.19)

Malcolm MacLean, Traigh-Bhi, Baliscate, Tobermory, Isle of Mull (27.06.19)

Dr Norman C MacDonald, Baliscate Industrial Estate, Tobermory, Isle of Mull, PA75 6QA (25.06.19)

Summary of Issues Raised

- The site is in the countryside zone, where there is a presumption against new development unless it is an infill and rounding off site. This application is clearly neither of these and should therefore be refused.

This application site does not comply with infilling, rounding-off or redevelopment of existing buildings, and is seeking to extend the existing settlement pattern. Therefore concluding, this application is contrary to policy and should be refused accordingly.

Comment: The site lies within the designated Countryside Zone wherein Policy LDP DM 1 of the Adopted Argyll and Bute Local Development Plan (LDP) 2015 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). In this case the site does not present any opportunities for infill, rounding-off,

redevelopment or change of use of existing buildings and no exceptional case has been presented for consideration. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported. Additionally, Supplementary Guidance SG LDP HOU 1 states that there is a presumption against small-scale housing development in the open /undeveloped areas of the Countryside Zone. It is therefore recommended that planning permission be refused.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|---|-----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | Yes |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Policy

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of

our Environment
LDP 8 – Supporting the Strength of Our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing Our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 14 – Landscape
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 4 – New & Existing Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
SG LDP – ACE 1
Sustainable Siting & Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Planning Policy (SPP) 2014
Consultation Responses

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No

(P) Assessment and summary of determining issues and material considerations

This is an application for planning permission in principle for the erection of two dwellinghouses on Plot 5, Land West of Gleann Fia, Baliscate, Tobermory, Isle of

Mull.

The site lies within the designated Countryside Zone wherein Policy LDP DM 1 of the Adopted Argyll and Bute Local Development Plan (LDP) 2015 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). In this case the site does not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and no exceptional case has been presented for consideration. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported.

The site was also subject to previous pre-application advice which also advised that the development of the site would be contrary to the LDP. There has been no change in circumstance and no exceptional case has been advanced.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment with Policy LDP 9 seeking developers to produce and execute a high standard of appropriate design and to ensure that development is sited and positioned so as to pay regard to the context within which it is located.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. Supplementary Guidance SG LDP HOU 1 gives general support to new housing provided there is no unacceptable environmental, servicing or access impact and seeking to ensure the appropriate provision of affordable housing units.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure that developments are served by a safe means of vehicular access and have an adequate on-site parking and turning area.

The application is seeking planning permission in principle with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout, access, servicing and design to be addressed by way of future application(s) for approval of matters specified in conditions.

The site is located to the north-east of a linear row of existing dwellinghouses on the opposite of the access track on sloping piece of land set at a lower level. This is contrary to the established pattern of development. The surrounding land to the north-east and north-west is open countryside. Whilst this application is for planning in principle only, the applicants have advised that the design of the dwellinghouses would reflect those on the opposite side of the road.

The applicants have submitted a supporting statement, which states, inter-alia:

“The proposed housing is a strategic fit with sustainable development, in that it utilises existing services and existing access road, without causing any adverse effects on the environment or the natural/heritage resources of the surrounding area. The proposed dwellings are in keeping with the houses on the plots across the road, and will provide at least one house as affordable local housing.”

- a) *Maximise the opportunity for local benefit – there are very few plots available for sale locally and at a reasonable rate for local residents. It also provides the opportunity to make the houses available for employees or crew members of the applicant's business.*
- b) *Make efficient use of vacant or derelict land – this land is available and otherwise redundant, and the proposed application is in keeping with the existing housing.*
- c) *Maximise the use of existing infrastructure & services – this site lends itself perfectly to housing of this kind, with existing access road and access to services being utilised.*

...This small scale proposal has been designed to try to minimise visual impact as much as possible and to be sympathetic to its rural context within sensitive countryside.

The application should be supported for the following reasons:

- *Whilst the development is within the Countryside Zone, there has previously been planning permission granted for 4 houses opposite, and there is no loss of better quality agricultural land or access to such land.*
- *The site already has a suitable access road and access to existing services.*
- *The proposed development is in accordance with LDP 9, SG LDP Sustainable.*
- *The site has good natural light and solar gain, with minimal overlooking or loss of amenity to the neighbouring residential sites as it is situated at a lower level.*
- *There is a lack of suitable and affordable housing and development sites available in Tobermory and this site lends itself to the criteria.*
- *Planning permission will ensure an excellent opportunity to provide housing for employees and crew members of the applicant's business.*
- *Plot 5 is the same size as Plot 4, which was granted planning permission for a second dwelling in recent years (2014) and now has a live application for a third house of a much larger scale."*

In terms of Supplementary Guidance SG LDP HOU 1, there is no requirement to provide for affordable units in this case. The applicants also state that the dwellinghouses could be made available for employees of the applicants or otherwise however no specific details of claim of locational/operational need has been put forward. Tobermory has the highest concentration of affordable homes on Mull and the LDP has made provision for specific housing allocations, including for affordable housing, and there is no evidence that these are at capacity or are undevelopable.

A new septic tank and total ground soakaway is proposed. This will be regulated via the building standards and SEPA as appropriate licencing authority. However, the proposed dwellinghouses are located on a piece of land which already has planning permission for a septic tank to serve two other dwellinghouses which have yet to be constructed (Our ref: 19/00057/PP). As such the currently proposed development raises potential conflicts with this previously approved development. The applicant has been alerted to this potential conflict as has the (different) applicant for the existing planning permission on the adjacent plot. It is considered that this constitutes a civil matter at this stage.

The site is served via an existing private access track which is in turn accessed from the unclassified public road. The area roads engineer has not raised any objections subject to conditions. The proposal is considered to comply with Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 of the LDP.

The site is located within close proximity to the Tobermory River and accordingly SEPA were consulted. SEPA have commented that, contrary to the information submitted in the applicant's supporting design statement, the proposed development site, or parts of it, falls within the identified 1 in 200 year 'medium flood risk' zone. Consequently, SEPA require the submission by the applicant of either a detailed flood risk assessment (FRA) or else some other appropriate information sufficient to enable SEPA to make a detailed evaluation of the development and its potential to result in materially harmful flood risk. Without this information and the subsequent assessment of it by SEPA and the Council as flood risk authority, the currently submitted planning application is considered technically incompetent at the current time and therefore contrary to Policy LDP 3 and Supplementary Guidance SG LDP SERV 7 of the Local Development Plan.

It is recommended that planning permission in principle be refused.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle should be refused:

1. The site lies within the designated Countryside Zone wherein Policy LDP DM 1 of the Adopted Argyll and Bute Local Development Plan (LDP) 2015 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). In this case the site does not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and no detailed and/or acceptable exceptional case argument has been demonstrated. Additionally, Supplementary Guidance SG LDP HOU 1 states that there is a presumption against small-scale housing development in the open /undeveloped areas of the Countryside Zone. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported. The local settlement pattern comprises of a linear row of properties on north-west to south-east axis. This is fairly distinctive and the proposed development sites are to be located on the opposite side of the road, contrary to this pattern of development.
2. Notwithstanding Reason 1 above, the proposed development site is located within close proximity to the Tobermory River and accordingly SEPA have been consulted. SEPA have commented that, contrary to the information submitted in the applicant's supporting design statement, the proposed development site, or parts of it, falls within the identified 1 in 200 year 'medium flood risk' zone. Consequently, SEPA require the submission by the applicant of either a detailed flood risk assessment

(FRA) or else some other appropriate information sufficient to enable SEPA to make a detailed evaluation of the development and its potential to result in materially harmful flood risk. Without this information and the subsequent assessment of it by SEPA and the Council as flood risk authority, the currently submitted planning application is considered technically incompetent at the current time and therefore contrary to Policy LDP 3 and Supplementary Guidance SG LDP SERV 7 of the Local Development Plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A – the development is recommended for refusal

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Andrew Barrie **Date:** 30th July 2019

Reviewing Officer: Tim Williams **Date:** 30th July 2019

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 19/01061/PPP

1. The site lies within the designated Countryside Zone wherein Policy LDP DM 1 of the Adopted Argyll and Bute Local Development Plan (LDP) 2015 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). In this case the site does not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and no detailed and/or acceptable exceptional case argument has been demonstrated. Additionally, Supplementary Guidance SG LDP HOU 1 states that there is a presumption against small-scale housing development in the open /undeveloped areas of the Countryside Zone. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported. The local settlement pattern comprises of a linear row of properties on north-west to south-east axis. This is fairly distinctive and the proposed development sites are to be located on the opposite side of the road, contrary to this pattern of development.
2. Notwithstanding Reason 1 above, the proposed development site is located within close proximity to the Tobermory River and accordingly SEPA have been consulted. SEPA have commented that, contrary to the information submitted in the applicant's supporting design statement, the proposed development site, or parts of it, falls within the identified 1 in 200 year 'medium flood risk' zone. Consequently, SEPA require the submission by the applicant of either a detailed flood risk assessment (FRA) or else some other appropriate information sufficient to enable SEPA to make a detailed evaluation of the development and its potential to result in materially harmful flood risk. Without this information and the subsequent assessment of it by SEPA and the Council as flood risk authority, the currently submitted planning application is considered technically incompetent at the current time and therefore contrary to Policy LDP 3 and Supplementary Guidance SG LDP SERV 7 of the Local Development Plan.

APPENDIX 2 – SITE PHOTOGRAPHS



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From: [Joanne MacLean](#)
To: [MacInnes, Hazel](#)
Subject: 19/0007/LRB
Date: 08 November 2019 13:52:36

Dear Hazel

We are writing to formally object to application number 19/01061/PPP, Appeal LRB 19/0007/LRB once again.

This is in the countryside zone, where there is a presumption against new development unless it is in an infill and rounding of site. This application is clearly neither of these and should therefore be refused.

Regards

Daniel Braid and Joanne MacLean of Gleann Fia, Baliscate, Tobermory, Isle of Mull, PA756QA.

Sent from my iPhone

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Dr Norman C. MacDonald
PLANNING CONSULTANT
Baliscate Industrial Estate
Tobermory
Isle of Mull
PA75 6QA

4th of November 2019

To whom it may concern

I hereby make a formal representation regarding Local Review Body Reference: 19/0007/LRB and Planning Application No. 19/01016/PP

Policy DM 1 of the local development plan sets out the policy of the planning authority for the various Development Management Zones identified in the plan. The application site is located in the zone identified as the Countryside Zone. This zone is referred to in paragraph (E) of DM 1.

This policy states Encouragement shall be given to sustainable forms of development as follows:-

“LDP DM 1(E) Within the Countryside Zone up to small scale on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement.”*

This application site does not comply with infilling, rounding off or redevelopment of existing buildings, and **is** seeking to extend the existing settlement pattern. Therefore concluding, this application is contrary to policy and was rightly refused planning permission, in accordance with the policy.

There was a pre-application in 2016 for the refused site, the Council advised at this juncture that this application site was contrary to policy, and on that basis would be recommended for refusal, with the appellants themselves acknowledging in their own statement that this application is in the countryside zone. Despite receiving this advice, they relentlessly pursued this application.

The appellants design statement which was submitted may explain the application. It is naïve/arrogant to think that this gives an automatic planning approval. This application was purely an emotional, knee jerk reaction to application no. 19/00812/PP which was approved, as intimated in their own report.

It is clear from their appeal statement , the appellant is obviously fully aware of the planning process, as they were consulted when there was a *"call for sites"* from Argyll and Bute Council, but were remiss not to request for this site to be included in the new local plan. To state *"the window of opportunity was too narrow to meet,"* is ludicrous, as these timescales are mandatory parameters set by the Scottish Government.

Even if this site was asked for inclusion in the emerging local plan, it would have been unlikely to be included as if it was thought a relevant site for future development it would have been identified by officers and included in the emerging local plan. It has not been. So therefore, officers would have looked at this and deemed it unsuitable.

Structural and Local Plan are in place for specific reasons. The reason for this is so that development occurs in a controlled manner, not sporadic and whimsical, as per this application. To allow this appeal to be granted, it would make a complete mockery of the systems set in place by the Scottish Government at a national, regional and local level.

Unfortunately, yet predictably, the appellants document is full of emotion, hearsay and inaccuracies. The assertion that all objectors are from “immediate family members”, is over dramatised and completely untrue. All objections are from adjoining neighbours, apart from myself, who is neither an immediate family member nor involved in any family feud. I have been employed as a planning consultant to act on behalf of the families affected by this application, and my genetic linkage to both appellant and objectors bares no influence on my professionalism or my advice to my employers.

In addition to the above it is beyond disingenuous to suggest that these houses would be used to house potential employees, as there was no evidence of this in the original planning application, or no supporting evidence or information. I refer to the report of handling for this application. *“In terms of Supplementary Guidance SG LDP HOU 1, there is no requirement to provide for affordable units in this case. The applicants also state that the dwelling houses could be made available for employees of the applicants or otherwise however no specific details of claim of locational/operational need has been put forward. Tobermory has the highest concentration of affordable homes on Mull and the LDP has made provision for specific housing allocations, including for affordable housing, and there is no evidence that these are at capacity or are undevelopable.”* Therefore, illustrating that provision is already made in the LDP for this and that there is no evidence to suggest that this is at capacity.

This is an open area of countryside with an open outlook, in a very rural setting. To effectively build another line of houses in front of the established row of houses would not comply with the existing settlement pattern, would not comply with the structural and local plans and would amount to planning blight

I therefore in good faith conclude, the Councillors’ reviewing this LRB, should uphold your officers’ recommendation for continued refusal.

Yours faithfully

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From: [Yvonne MacLean](#)
To: [MacInnes, Hazel](#)
Subject: LRB 19/0007/LRB
Date: 08 November 2019 13:37:33

Planning Application 19/01061/PPP

We would like to confirm our continued opposition to the granting of the above planning. As mentioned in our objection previously this is against Council policy and therefore the Councillors should uphold and refuse this appeal.

Yours sincerely

Malcolm and Yvonne Maclean

Sent from my iPad

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18 November 2019

Dear Sirs

The Croft, Baliscate, Tobermory, Isle of Mull, PA75 6QA

We have reviewed the recent comments from both the planning authority and the local objectors and the common objection from the various parties refers to housing in the countryside zone and the potential flood risk.

A number of the objections are not material planning considerations and we will not waste time by trying to comment on them all. With this in mind we would like to respond as follows:

The application was seeking planning permission in principle. Therefore no detailed layout, design or infrastructure details were required to be submitted. The purpose of this application was to establish the principle of development with the matters of layout, access, servicing and design to be addressed by way of future application for approval of matters specified in conditions. We have an experienced architect in place to deal with our application moving forward.

Flood Risk Assessment

This would be carried out as part of the detailed planning application for each plot in tandem with the site investigation works prior to submitting the detailed planning application. We believe it is not uncommon for such a report / assessment to be conditioned.

Description of Site

We note in the report of handling that the planning authority describe the adjacent housing as “a small linear row of long established private dwelling houses”. In our opinion these are not long established and are part of a recent development of a rural street.

Housing in the Countryside

The report of handling states that Plot 5 is within an undeveloped area of countryside. We believe this statement is subjective and can be interpreted differently as there is existing developments of various scales and types within the immediate vicinity. The fact is that the approval and development of the existing houses has extended the settlement in and around Baliscate therefore extending an existing settlement. When assessed alongside the existing building fabric the proposal does in fact read as rounding off an existing development area.

The report also states that the proposals are contrary to the established pattern of the linear row of the existing houses. In our opinion they reflect the linear design and streetscape and provide a building group of a scale suitable for the rural context.

In addition, we would ask that our original attached Site Plan 002 and Survey Plan 003 are consulted again, which shows the context and proximity of our plot within the development and demonstrates well the scale of the site compared to the plot opposite on which the houses are crowded closely together.

Alasdair MacLean

There appears to be a query in the report and some confusion as to who 'Alasdair' is. Alasdair is one half of the applicant, as per the original enquiries, planning application and as signed in all subsequent correspondence. The name on the confirmation on the online submission called for one main contact and therefore was shown as Iona MacLean. Alasdairs' business is as a share fisherman, employed in a primary industry and as a life-long local resident of the island, now nearing retirement age. As such, Alasdair (applicant) will be looking to provide housing to crew to operate his boat, as indicated in the design statement which accompanied the original application, providing local employment opportunities. At present, it is widely acknowledged how difficult it is to source employees due to lack of suitable and affordable housing for rent or to buy. The average monthly rental in Tobermory is £500 plus utility bills, and according to Zoopla the average house price to buy is now £222,000, which is unrealistic for most seeking employment on the island.

Affordable Housing

To quote from the report compiled by A Barrie 'Tobermory has the highest concentration of affordable homes on Mull' is a true fact, as it is by far the largest settlement on the island. However, these homes are still not regarded as affordable in a wider context. The following is an extract from the 2015 Argyll & Bute Council Housing Need & Demand Assessment (figures from 2013) when even then - 'Mull and Iona would be particularly unaffordable'.

considered affordable at mean prices for those on mean incomes, while Coll & Tiree and Mull & Iona appear to be particularly unaffordable. At the lower quartile prices and incomes, none of the HMAs would be affordable and Mull & Iona would be particularly unaffordable.

TABLE 4.6: Affordability by HMA (Mean Prices to incomes) 2013

Housing Market Area	Mean		
	Income	Price	Affordability Ratio
Bute	£26,694	£98,591	3.7
Coll and Tree	£30,300	£177,708	5.9
Cowal	£29,004	£122,957	4.2
Helensburgh and Lomond	£38,435	£174,669	4.5
Islay, Jura and Colonsay	£27,977	£133,477	4.8
Kintyre	£27,315	£125,764	4.6
Lorn and inner Isles	£31,692	£153,195	4.8
Mid Argyll	£32,670	£139,142	4.3
Mull and Iona	£31,417	£183,634	5.8

Source: CACI Paycheck & Register of Sasines 2013

Septic tank

It is mentioned in the report that there has recently been planning permission granted for a septic tank to serve two other houses to be put on this piece of land (your ref: 19/00057/PP). As has been discussed at length with Andrew Barrie, this application was not made by us as the owners of the land and the septic tank was sited in the wrong place on the drawing. This has now been rectified, and the email exchange confirming this from Beaton & McMurphy and acknowledgement of this from Andrew back in July are attached below.

From: "Barrie, Andrew" <Andrew.Barrie@argyll-bute.gov.uk>
Date: 30 July 2019 at 15:56:41 BST
To: "Craig MacDonald" <craig@bmarcchitects.co.uk>
Cc: MacLean Allan <allan.maclean@yahoo.co.uk>, Iona MacLean <iona.maclean@outlook.com>, Marion MacLean <marion.maclean2561@yahoo.co.uk>
Subject: RE: 19/01061/PPP Plot 5 Baliscate

Thank you for the update Craig. I see that an application has now been submitted.

Kind regards,

Andrew Barrie

Planning Officer (Oban, Lorn and the Isles)

Development Management

Development and Economic Growth

Argyll and Bute Council

t: 01631 567960

e: andrew.barrie@argyll-bute.gov.uk

w: www.argyll-bute.gov.uk

From: Craig MacDonald [mailto:craig@bmarcchitects.co.uk]
Sent: 18 July 2019 11:10
To: Barrie, Andrew <Andrew.Barrie@argyll-bute.gov.uk>
Cc: MacLean Allan <allan.maclean@yahoo.co.uk>, Iona MacLean <iona.maclean@outlook.com>, Marion MacLean <marion.maclean2561@yahoo.co.uk>
Subject: 19/01061/PPP Plot 5 Baliscate

Hi Andy,

I believe you have been having discussions with the applicant for planning application 19/01061/PPP, regarding the drainage of another application within their site edged red ?

Our Client, Mr Allan MacLean, the applicant of 19/00057/PP, has now amended their drainage proposals and we will shortly be applying for an amendment to the planning application to move the drainage out of the red lines of 19/01061/PPP. Please find attached the amended site plan showing the revised arrangement.

I trust this will be acceptable. Please do not hesitate to contact me should you wish to discuss the matter.

Regards,

Craig

Conclusion

To conclude our response to the recent comments, our opinion is that the terms "infill" and "rounding off" are very much subjective and can be interpreted in various ways. The proposal enhances what is already an extended settlement by reflecting the scale and layout of the ribbon development on the opposite side of the road and creates a suitable small scale rural development.

Yours faithfully

Iona & Alasdair MacLean

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