

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:	15/03260/PP
Planning Hierarchy:	Local Application
Applicant:	Mrs Iona Larg
Proposal:	Erection of beach hut for Blackhouse Watersports (retrospective)
Site Address:	Land north-east of Braehead, Balevullin Beach, Balevullin, Isle of Tiree

SUPPLEMENTARY REPORT No 3

A) INTRODUCTION

Members will recall that this retrospective planning application was the subject of a discretionary local Hearing which took place at An Talla Community Hall, Crossapol, Tiree on the 28th November 2016. This Hearing was called in order to enable Members to fully consider any and all evidence put forward, both in support of the development and in objection to it and to debate the Planning Authority's recommendation that retrospective planning permission be refused for the reasons previously set out in the main report.

Shortly before this Hearing was to take place, an additional planning application for the retention of a related beach hut development at Gott Bay, Tiree (planning application reference 15/03364/PP) was withdrawn by the applicant. The withdrawal of this planning application was further confirmed by the applicant at the Hearing and a commitment was given by the applicant to remove the unauthorised building at Gott bay by Friday 6th January 2016.

In respect of the planning application for the remaining beach hut development at Balevullin Beach, the Council's published minutes state that the following Motion was put forward and accepted:

That the Committee continue consideration of retrospective planning permission to the meeting of the Planning, Protective Services and Licensing Committee on 18 January 2017 to allow Members to seek advice from officers in regard to a competent motion to support approval of the application and to allow for arrangements to be made for any requirement for an Area Capacity Evaluation (ACE).

This report advises Members of their considerations in respect of any competent motion required in order to support the approval of this application should they remain

minded to do so, plus to provide a draft Area Capacity Evaluation (ACE) for Member's consideration and critique.

B) COMPETENT MOTION TO SUPPORT THE DEVELOPMENT

Members are advised that the matter of 'competency' of any agreed motion to grant planning permission for this development contrary to the recommendation of its officers fundamentally rests upon Member's own assessment of the merits of the development proposals, in terms of their compliance (or otherwise) with key planning policy LDP DM 1.

The main report details the planning policy framework, plus all other material planning considerations, to be used in the assessment of this planning application.

Planning Policy LDP DM 1 expresses a general lack of support for development in the open countryside other than where it constitutes small scale development closely related to existing buildings as either an 'infill' development of an appropriate gap site between two or more substantial buildings; as a 'rounding off' development of an appropriate gap site between one or more substantial buildings on one side and a substantial landscape feature on the other, or as an appropriate redevelopment or change of use of an existing building.

In this specific case, there can be no reasonable claim that the proposed development is an infill, a rounding-off, a redevelopment or a change of use of an existing building. This stance has been accepted by the applicant in the published supporting statement and confirmed within evidence presented at the Hearing.

Therefore, the proposed development can only comply with the fundamental requirements of key planning policy LDP DM 1 should Members consider that the applicant's claim of an 'exceptional case' as advanced by the application and in evidence at the Hearing can be substantiated and supported. Whilst Officers have presented their detailed and considered arguments as to why, in their opinion, the advanced 'exceptional case' argument fails, Members are entitled to take an opposing view should they decide that the relevant planning considerations would reasonably lead them to that conclusion.

However, should Members be minded to draw the opposite conclusion to Officers in their assessment of the 'exceptional case' arguments put forward by the Applicant, policy LDP DM 1 requires that this exceptional case be underpinned by an ACE in order to demonstrate that the proposed development will have no unacceptable physical impact upon an identified area of 'common landscape character'.

In this regard, Officers herein attach their draft ACE for Members consideration and appraisal (Appendix A). Whilst the ACE prepared by planning officers concludes that the proposed development will indeed have a materially harmful visual impact within the identified area of common landscape character, and thus reiterates their assessment as contained within the main report and expressed at the Hearing, Members are again advised that they might arrive at a fundamentally different conclusion should they consider that the relevant planning considerations would reasonably lead them to that conclusion, and particularly given their inspection of the development, its site and the surrounding landscape characteristics at the Hearing.

C) RECOMMENDATION

It is recommended that Members note the procedural advice contained herein and the contents and conclusions of the draft ACE hereby appended. These submissions do not alter the previous recommendation to refuse the application for the reasons set out in the main report and as advanced as evidence at the Hearing.

Author of Report: Tim Williams

Date: 23rd December 2016

Angus Gilmour
Head of Planning and Regulatory Services