

**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:** 10/01767/PP

**Planning Hierarchy:** Local Development

**Applicant:** Ms Sian Scott, Mull and Iona Community Trust

**Proposal:** Additional plant room, amended siting, amended fenestration on the south east and south west elevations, upgrading of roof covering to natural slate, addition of 7 sunpipes, deletion of solar panels and installation of a waste water discharge pipe (retrospective) - relative to planning application ref. 07/02265/DET – erection of community business resource centre.

**Site Address:** Land north west of Dalriada, Craignure, Isle of Mull

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## **DECISION ROUTE**

Local Government Scotland Act 1973

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### **(A) THE APPLICATION**

#### **(i) Development Requiring Express Planning Permission**

- Addition of a plant room
  - Amended siting
  - Amended fenestration on the south east and south west elevations
  - Change to roof covering to natural slate
  - Addition of 7 sunpipes
  - Installation of a waste water discharge pipe
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### **(B) RECOMMENDATION:**

Having due regard to the development plan and all other material considerations, it is recommended that planning permission be granted subject to the attached conditions.

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### **(C) HISTORY:**

07/02265/DET – Erection of community business resource centre (approved 31.03.2008)

**(D) CONSULTATIONS:**

No consultations were required

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20, closing date 02.12.2010.

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**(F) REPRESENTATIONS:**

14 letters of objection have been received in respect of this application:

Maria Tunikowska, Slough, Berks, SL1 5LT

Iain and Catherine MacFadyen, Ballymeanach, Gribun, Pennyghael

Laura Newton, Stag Land Junior School, Collier Drive, Edware, HA8 5RU

Fiona Jappy, 26 Rockfield Road, Tobermory, Isle of Mull, PA75 6PN

Linda Boswick, Craignure Stores, Isle of Mull, Argyll

William and Nicola 3 McClymont, 3 Java Houses, Craignure, Isle of Mull, PA65 6BE

Gillian, Margaret and Angus Black, 12 Bentallen, Salen, Isle of Mull PA72 6JH

Sheila and Charlie Weir, Redburn, Lochdon, Craignure, Isle of Mull, PA64 6AP

Marek Urbanowicz, 36 Knowe Drive, Harpenden, Herts, AL5 1RW

Elliot Bottomley and Annabelle Knight, Safehouse, Bennett Street W4 2AH

Yvonne Marjot, 6 Druimfin Gardens, Tobermory, Isle of Mull, PA75 6AB

Rhona Wilson, Corry-Lynn, Craignure, Isle of Mull

John and Morvern Archbold, Oakbank, Lochdon, Isle of Mull, PA64 6AP

Colin Newton, Dalriada, Craignure, Isle of Mull, PA65 6AY

1 letter of support has been received for this application:

Sandy Brunton, MICT, 20 Main St, Tobermory, Isle of Mull, PA75 6NU

**(i) Summary of material considerations raised**

- The building has been set back from what was approved

*Comment: The building has been constructed approximately 1.8 metres further onto the site than the approved scheme. The current application seeks to regularise this, which resulted from Building Standards requirements relating to disabled persons' access (ramp to site frontage). The increased set-back from the public road marginally reduces the massing of the building in the wider streetscape and as a result, is a slight improvement on the originally approved details.*

- The building has been raised from what was approved

*Comment: The building has been constructed approximately 0.5metres higher than the approved scheme, due to rock encountered on site. The change has resulted in a higher building, which is less desirable considering the relatively small scale built environment in which it is sited. Whilst the increased height is less desirable, its extent is not considered to be unacceptable in this instance. The building is set against rising land and the increased height does not create such adverse impacts on the street scene as to warrant refusal.*

- The windows on the south eastern elevation should be frosted glass as opposed to stick on plastic frosting

*Comment: The windows to the south east elevation are shown to be a mix of opaque glass/opaque film. Both measures will ensure that the privacy of the neighbouring property 'Dalriada' is protected. An appropriately worded planning condition will ensure that the windows remain opaque in perpetuity.*

- The concrete ramp has not been shown on the plans.

*Comment: Amended plans have been requested from and submitted by the agent. The ramp had to be relocated due to Building Standards requirements. The ramp is now included on the plans.*

- There could be flooding issues due to the site being raised.

*Comment: SEPA were consulted as part of the original planning application and raised no objection. Details of the drainage for the site have been assessed by Building Standards and they are satisfied that the silt trap to the rear of the site and the discharge to the sea are acceptable for surface water drainage. The raising of the site does not affect the roof drainage system in any way. The proposals are not materially different enough to re-visit surface water drainage from the site.*

- Trees and existing planting have been cleared from the site contrary to the application form and approved plans.

*Comment: Amended plans have been requested from and submitted by the agent. These show a vertical hit & miss timber fence along the southern boundary. Soft landscaping, previously approved by the department, has also been resubmitted which is acceptable.*

**(ii) Summary of other issues raised/questions asked**

- The proposal is not in keeping with its surroundings

*Comment: Planning permission has already been granted for a community business resource centre on the site. The current application seeks to regulate changes to the approved proposal, so the difference between the approved plans and the amended plans is the sole matter for determination by the Planning Authority. This opportunity cannot be used to question the previously approved design, siting or servicing of the approved building, nor to re-visit the principle of the development at the site. Only design of the amended building elements is a material consideration in this case.*

- The proposal will negatively impact the support of local businesses which sell refreshments and also provide conference facilities

*Comment: Planning permission has already been granted for the proposed use, which is not proposed for change as part of the current application. Legitimate business competition is not a material planning consideration in any event.*

- There is limited parking available to serve the development

*Comment: As part of the original planning application the Area Roads Engineer was consulted and had no concerns regarding parking provision. This current application seeks to regulate minor changes to the approved proposal that have no impact on parking demand or provision. Impact on local parking availability is therefore not a material consideration to this application.*

- Additional rooms and windows have been added to the building contrary to the approved plans.

*Comment: It is recognised that the building has not been built in accordance with the approved plans and hence this retrospective planning application has been submitted for consideration.*

- The windows to the north west elevation are intrusive and have removed a great deal of our privacy

*Comment: These windows were approved as part of the original planning permission and therefore are not material considerations to this application.*

- Many of the facilities are already available in Craignure, this building is not required.

*Comment: Neither the use of the building nor the duplication of facilities are material considerations to this application. The building use already has planning permission and is not the subject of this application.*

- We believe there are 30 computers to be used in the building, who will use these and what impact will this have on our connection speed?

*Comment: Neither the clientele of the property, nor the impact of computer users on the local broadband connection speed, are material considerations to this application.*

- Who approved the changes to the plans without contacting the adjacent property owners? Who authorised the additional rooms and windows?

*Comment: The changes have not been approved or authorised by the Planning Authority. The current application seeks authorisation.*

- Can changes be made to the approved plans without recourse to the planning department?

*Comment: Changes should only be made to a development once the approval of the planning department has been received. A change may be either non-material or material, in both cases approval is required from the Planning Authority. Unauthorised changes are sometimes made at the developer's risk and may be subject to enforcement action.*

- Who has the final say to stop construction when a building is not constructed as by the approved plans?

*Comment: It is for the local planning authority to decide and take appropriate action when a development is not built in accordance with the approved plans. Any enforcement action must be commensurate with the breach of planning control. In this instance, a retrospective planning application has been submitted in an attempt to regularise the matter.*

## **Support**

### **(i) Summary of supporting comments**

Mull and Iona Community Trust has submitted a letter containing general supporting information to this application. The letter indicates a wide level of support for the project both past and present. The letter gives background to the trust and details other projects that the Trust is involved with.

The above represents a summary of the issues raised. Full details of the letters of representation can be viewed 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:**

- |   |    |
|---|----|
| <b>(i) Environmental Statement:</b>   | No |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | No |
| <b>(iii) A design or design/access statement:</b>   | No |
| <b>(iv) A report on the impact of the proposed development</b>                                    | No |

e.g. retail impact, transport impact, noise impact, flood risk,  
drainage impact etc:

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**(H) PLANNING OBLIGATIONS**

**(i) Is a Section 75 agreement required:** No

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

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**(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.**

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP BUS 1 – Business and Industry Proposals in Existing Settlements

LP COM 1 – Community Facility Development

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

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

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

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

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**(O) Requirement for a hearing (PAN41 or other):**

No

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

Retrospective planning permission is sought for changes that have been made during construction to the approved design of a community business resource centre at Craignure on the Isle of Mull. The centre was granted planning permission in 2008 under planning reference 07/02265/DET.

The changes that have been made are:

- An additional plant room has been added to the south west elevation;
- The building has been set back 1.8 metres from the approved position;
- An additional window has been added to the south east elevation, at the top of the stairwell, this will be fitted with opaque glass;
- Two additional windows have been added to the south west elevation, one on the porch (No 15 of window schedule) and one above the plant room (No 43 of window schedule);
- The ground levels are 0.5m higher than originally anticipated due to rock encountered on site, which increases the level of the building within the site;
- The roof covering has been changed from slate substitute to natural slate;
- Seven sunpipes have been added to the roof;
- The solar panels on the roof have been omitted;
- A waste water discharge pipe has been installed running from the sea wall to the mean low water spring level.

It is important to acknowledge that the community business resource centre already benefits from planning permission and this application is only seeking to regularise the changes that have been made to the scheme approved by the original permission. Issues such as principle, basic design, building size, parking, and the use of the building are not material considerations in respect of this application. The sole matter for determination by the Planning Authority is the difference between the approved details and the amended details.

The building is located within the 'small town and village' settlement zone of Craignure. Structure Plan policy STRAT DC 1 supports development within small towns and villages where it will serve a local community of interest. The changes to the original application raise no conflict with STRAT DC 1.

The impact the changes will make to the general impact have been assessed in accordance with local plan policy LP ENV 1. Visually the development will change very little to what has been approved. The introduction of slate as a roof covering and the set back of the building will improve the overall scheme, by enhancing the external appearance and reducing the prominence of the building in the streetscape setting.

The additional window to the south east elevation could have resulted in overlooking of the neighbouring garden. However, the glass is proposed to be opaque and as a result of the set back of the building all other windows on this elevation are now proposed to have obscure screening added to them, which will be retained in perpetuity by planning condition. This adequately mitigates the potential impacts arising from the amended windows and their relative relationship to the neighbouring house.

The removal of the solar panels and their replacement with sunpipes will have a limited impact. The introduction of the waste water treatment pipe will have a localised impact due to its visual impact. To mitigate this, a planning condition is proposed to ensure the pipe is underground as far as practicable and covered by concrete or a suitably bound material over any remaining above ground sections, which will weather and attract natural sea life over time. The pipe has been installed with SEPA, FEPA and Crown Estates permissions. The plant room is small, will not affect the appearance of the building from the main vantage points, has a limited impact on the design of the building, and is required to house necessary infrastructure. For these reasons, it is considered the plant room is acceptable.

As mentioned, the overall design and scale of the building has been agreed through the previous permission. In terms of the setting and layout minor changes have been made on site: a 1.8 metre set-back in the site is introduced and an increase in height of approximately 0.5m due to rock being encountered on site. The set back has reduced the massing of the building and reduced the building's dominance of the streetscape. The increase in height has altered the building's relationship with the neighbouring properties, particularly 'Dalriada' to the south of the site. Notwithstanding the height increase, the building was approved with significant massing in relation to the neighbouring properties, and on balance, it is not considered that the increase in height within the site of 0.5m is unacceptable. The site lies within a village where ridge levels vary and the increase in site levels from the original approval is not of itself considered to be significantly higher than the existing approval. With the above assessment in mind, it is considered the changes accord with local plan policy ENV 19.

Local plan policy LP BUS 1 encourages business development of an appropriate scale within existing settlements. This policy supported the principle of the original proposal and also supports extensions/alterations to business developments that will benefit the functionality of the building. This proposal accords with the ethos of this policy and the building is to provide a community business resource centre.

Local plan policy LP COM 1 affords a presumption in favour of improved community facilities. The application is in accordance with this policy.

Taking the above assessment into account it is considered that the proposal accords with the development plan and it is therefore recommended that planning permission be granted subject to the conditions attached to this report.

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

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**(R) Reasons why planning permission should be granted**

The application purely relates to the amendments made from the previously approved planning permission for a community business resource centre at the site (07/02265/DET). These changes are considered acceptable. The proposal raises no adverse privacy or amenity issues that cannot be controlled by planning condition. The proposal accords with policy STRAT DC 1 of the structure plan and policies LP ENV 1, LP ENV 19, LP BUS 1 and LP COM 1, all of the adopted local plan.

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

N/A

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

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**Author of Report: Daniel Addis**  
**Reviewing Officer: Stephen Fair**

**Date: 22/12/10**  
**Date: 22/12/10**

**Angus Gilmour**  
**Head of Planning**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01767/PP

1. Prior to the initial use of the centre hereby approved, the exposed outflow pipe running from the sea wall to the mean low water spring level shall be undergrounded as far as practicable, and any remaining above ground sections shall be encased in a recessive coloured suitably bound material such as self-coloured concrete, in accordance with details that shall be submitted to and approved in writing by the Planning Authority within two months of the date of this planning permission. The covering shall thereafter be maintained intact in perpetuity.

*Reason: In the interests of visual amenity and to ensure that the visually intrusive discharge pipe blends into its surroundings.*

2. Prior to initial use of the centre hereby approved the six toilet windows (numbered 24, 25, 26 and 45, 46, 47) and the office window (numbered 49) all on the south-east elevation shall have an opaque film applied to them or shall be fitted with obscure glazing, which shall thereafter be retained in perpetuity. Window number 48 will be fitted with opaque glass which shall thereafter be retained in perpetuity.

*Reason: To eliminate overlooking of the neighbouring residential property.*

3. The development shall be implemented in accordance with the details specified on the application form dated 20/10/2010 and the approved drawing reference numbers:

Plan 1 of 8 (Site Plan and Location Plan at scale of 1:500 and 1:2500)

Plan 2 of 8 (Elevations at scale of 1:1200)

Plan 3 of 8 (Section Thro Site NW to SW at scale of 1:100)

Plan 4 of 8 (Floor Plans at scale of 1:100)

Plan 5 of 8 (Roof Plan at scale of 1:100)

Plan 6 of 8 (Proposed Drainage Layout at 1:200)

Plan 7 Of 8 (Landscaping at scale of 1:100)

Plan 8 of 8 (Landscaping and access ramp elevation at 1:100)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

## NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the planning authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997(as amended), it is the responsibility of the developer to submit the attached 'Notice of Completion' to the planning authority specifying the date upon which the development was completed.