

**GRANT OF PLANNING PERMISSION SUBJECT TO CONDITIONS FOR  
ERECTION OF DWELLING HOUSE TO REPLACE CHALET TYPE  
HOUSE, 7 GEN HOUSES, DERVAIG, ISLE OF MULL.**

**PLANNING PERMISSION REFERENCE NUMBER 10/01468/PP**

**RESPONSE TO REPRESENTATIONS RECEIVED ON THE APPLICANTS  
REQUEST FOR A REVIEW OF CONDITION 5 OF THIS PERMISSION.**

**RESPONSE TO THE STATEMENT OF CASE DATED 30 DECEMBER 2010.**

SITE HISTORY

The previous planning application ref 10/01030/PP was validated on 21 July 2010 and outlined the boundary of the development site up to the private access track serving this and 2 other houses. All the land within this boundary was owned by the applicants and was certified as such by the agent in this application.

The case officer asked for the application to be withdrawn on 25 August 2010 and another application submitted, as they required the development site boundary to be extended to the junction with the public road. After some discussion with the case officer and Senior Planner David Love, the applicants agreed to withdraw the application and make a revised application.

The applicants were not happy to be required to withdraw this application which was submitted on 21 June and had taken some time to get validated, and now 2 months later had to be resubmitted. The issue of the access track was discussed at this time with the planners, that the applicants did not own it and the difficulties of up grading the junction should the roads department require this. The planning department agreed to waive the cost of advertising the new application given the circumstances.

The new application certified that all the land forming the site was in the applicants' ownership as it was regarded that the development would be limited to the junction with the access track and that showing this down to the junction with the public road was only a procedural matter. There was never any intention to mislead over the ownership of the access track, over which they only have a right of access.

ROAD JUNCTION AND INCREASED USE

The access track has served this house and 2 others for many years and reference to the photographs submitted with the notice requesting a review will show how difficult it would be to upgrade the junction to the standards required by the roads department. To obtain the site line required to the right side of the junction with the public road would require major ground works and the resiting of a telephone pole serving several properties. Whether this is achievable due to the tight bend is debateable and could not be carried out at reasonable cost, even if the landowners' permission could be obtained.

The proposed house replaces one that currently is lived in by the applicants, which has existed for many years. That it was previously a holiday home does not increase the tracks use or that the new house has 3 bedrooms rather than 2.

The house currently has room for the parking of 2 cars, as does the proposed new house. Permitted development rights would be very limited given the other conditions imposed requiring the preservation of the existing trees.

In short the proposed house will not generate any more usage of the access road than the existing applicants home.

A holiday home would be used generally in the summer months when the public road would be busier, and as such the junction would be more of an issue for people less experienced in its use.

We suggest that this condition would prevent the applicants, a young married couple, replacing their existing substandard house with a modern family home, at reasonable cost, even if the road upgrade were practicable.

The fact that planning permission has been granted confirms the merit of the new house proposed for this site.

The applicants would be happy to meet representatives of the roads department on site to discuss the possible erection of a mirror or similar visual aid by the applicants on the other side of the public road from the existing junction to help improve egress safety.

It is hoped that the review panel could regard this requirement as an alternative to that required in condition 5.

Peter Winthorpe  
Senior Architect  
Norscot Joinery Ltd  
Agent for the applicants.  
12/01/11.