

**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:** 12/00599/PP

**Planning Hierarchy:** Local Development

**Applicant:** Tobermory Endeavour

**Proposal:** Use of land as community allotments including formation of access, car park, provision of passing places, on site access, erection of storage building, polytunnels and ancillary structures

**Site Address:** Land North East of Castle Croft, Tobermory, Isle of Mull

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**DECISION ROUTE**

(i) Local Government (Scotland) Act 1973

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**(A) THE APPLICATION**

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

- Formation of 20 allotments, each with a potting shed and glasshouse
  - Erection of timber communal shed
  - Erection of 2 polytunnels
  - Provision of 2 passing places
  - Formation of site vehicular access and 2 parking areas
  - Erection of 2 metre high boundary deer fencing
  - Erection of 1 metre high rabbit proof fencing within the site
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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 conditions and reasons appended to this report.

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**(C) HISTORY:** None on application site.

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**(D) CONSULTATIONS:**

SEPA – Letter dated 30.03.12. No objections.

Area Roads Engineer – Memo dated 26.03.12. No objections subject to conditions with regards to the provision of SD08/004a at the junction into the allotment site with the public road. Adequate passing places are required to be constructed in accordance with Roads drawing SD08/003a and locations to be agreed on site. Adequate visibility splays have to be provided and maintained in perpetuity and surface water drainage provided. Further details of proposed use of polytunnels requested.

Legal and Protective Services – Memo dated 03.04.12. No objections.

Biodiversity Officer – Original response dated 18.04.12. Concerns raised with regards to local biodiversity and potential for European Protected Species at the site. An ecological survey was therefore requested. A detailed ecological survey was submitted to the Council for consultation. The report concludes that there are no unacceptable impacts on biodiversity and no adverse impacts at all on European Protected Species. She confirms that the survey was carried out at the optimum time of year for Bats during a period of settled weather conditions (April -June) and by an independent professional ecologist. The Biodiversity Officer is satisfied with the findings of this survey and has confirmed that the proposed development raises no biodiversity issues.

Scottish and Southern Energy – E-mail dated 19.04.12. No objections

SNH – Letter dated 15.05.12. No objections however provide advice in terms of the protection afforded European Protected Species (otters and bats), if they are found to be present.

SERAD – No response at time of writing this report.

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**(E) PUBLICITY:**

The proposal was advertised under (Regulation 20 – Advert Local Application). The publication date was 5<sup>th</sup> of April 2012 and the closing date was 26<sup>th</sup> of April 2012

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**(F) REPRESENTATIONS:**

18 letters of representation (and a few further comments from these parties) have been received objecting to the proposed development from the following:

Sarah Darling, Sunart View, Eas Brae, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Janet Easton Berry (e-mail address only – eastonberry@btinternet.com) (17.04.12)

Mrs Rosemary McKie, Bedoun, Eas Brae, Tobermory, Isle of Mull, (15.04.12)

Mr Alex Fletcher, Caravan A, Lee Road, Ardtun, Bunessan, Isle of Mull (18.04.12)

Mr David McKie, Bedoun, Eas Brae, Tobermory, Isle of Mull (09.04.12)

Cassie Stevens, Craigsid Flat, Gulberwick, Shetland, ZE2 9JX (24.04.12)

Juliet Antill, Braidwood, Bedoun, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Jane Stevens, Gramercy, Tobermory, Isle of Mull, PA75 6QQ (31.05.12)

Steven Stevens, 50a Blackmore Road, Kelvedon Hatch, CM5 0AZ (24.04.12)

C Warden, Caravan, Castle Croft, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Mrs I McLaughlin, Seilastier, Bedoun, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Mike Darling, Sunart View, Eas Brae, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Heather McLauchlan, Castle croft, Bedoun, Tobermory, Isle of Mull(24.04.12)

David Underwood, Gramercy, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Nic Davies, Flat 2/1, Poermore Place, Main Street, Tobermory, Isle of Mull (17.04.12)

H M Spence, 11 West Street, Tobermory, Isle of Mull (24.04.12)

J D Bankes, Torraclachan, Dervaig, Isle of Mull (30.04.12)

Archibald MacDonald, Cnoc na Sgillia, Tobermory, Isle of Mull, PA75 6QA (03.05.12)

The issues raised can be summarised as follows:

### **Road Safety**

Concerns with regards to safety of both pedestrian and vehicle drivers.

*Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development.*

Distances between existing accesses and proposed access being inadequate.

*Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development.*

Are proposed passing places acceptable?

*Comment: The Area Roads Engineer has raised no objections subject to a condition being attached to the grant of permission requiring passing places to be constructed in accordance with Roads drawing SD08/003a and locations to be agreed on site. This indicates that The Area Roads Engineer may require adjustment to the passing place positions shown on the accompanying plans. The site boundary allows for a degree of flexibility in this regard without going beyond the boundary.*

Previous refusals on the basis that the road is not suitable to take any further increase in traffic.

*Comment: The Area Roads Engineer has been consulted and has raised no objections to the current proposed development.*

Construction traffic and requirement to put another access in for construction period.

*Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development.*

Increase in traffic flow

*Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development.*

Request for road safety survey.

*Comment: The Area Roads Engineer has already considered road safety when responding to the consultation request, when he confirmed no objections to the proposed development.*

### **Impact on Environment**

Application site has previously been part of a forest edge habitat run by Forest Enterprise.

*Comment: This designation has no relevance within planning legislation. The site lies within land which has been designated as 'Countryside Around Settlement' by The Argyll and Bute Local Plan 2009. The site is not a known 'sensitive area' as prescribed within Planning Circular 3/2011. The site is not the subject of any landscape, nature conservation, or historic environment designation.*

Application site should be the subject of a proper survey of flora and fauna.

*Comment: An ecological report has been submitted further to queries being raised by objectors and the Biodiversity Officer. The survey confirms that there are no unacceptable impacts on biodiversity and no protected species will be adversely affected. After considering the ecological report, the Biodiversity Officer has confirmed having no objections. Scottish Natural Heritage raise no objections to the application.*

No demand has been made that the site undergo an environmental or habitat survey prior to planning permission being granted.

*Comment: The site is not a known 'sensitive' area as mentioned above and is not the subject of any landscape or nature conservation designations. Therefore an environmental or habitat survey was not a prerequisite. In response to neighbour objections and a request from the Biodiversity Officer, an ecological survey has been completed satisfactorily. Scottish Natural Heritage raised no objections.*

Requirement for proposed development to be subject of Screening Opinion, under the Environmental Impact Assessment regulations. Associated request for a formal EIA to be undertaken.

*Comment: Albeit not considered to constitute 'intensive' operations, the proposal does involve the use of land for agricultural activities that is not presently in agricultural use. It was therefore determined that a screening opinion should be undertaken to assess whether the development constitutes 'Schedule 2 development' requiring an EIA. The adopted screening opinion of the Council has been carried out and concludes that a formal EIA is not necessary. The screening opinion has been placed on the public access system.*

Contested that the site is known to contain protected species

*Comment: The ecological survey confirms otherwise and these findings have been accepted by the Biodiversity Officer. SNH raise no objections to the development.*

Concerns raised with regards to the ecological survey having been carried out too early in the season by the applicants agent

*Comment: The Biodiversity Officer is satisfied that the survey was carried out at the optimum time of year for bats during a period of settled weather conditions (April-June) This survey was carried out by an independent Ecologist and not the applicants agent.*

Views from adjacent properties affected.

*Comment: This is not a material planning consideration*

The proposed screening will not hide the site from view or reduce noise levels.

*Comment: The site is a fairly open field of rough pasture which is partly contained with a tree belt to the north west and also to the north east. There are a number of deciduous trees at the north western corner of the site. The site sits in a location just beyond the developed part of Tobermory in a low lying area which is not prominent in the wider context. It is however visible to and from three neighbouring houses which utilise the existing road, proposed to serve this development. The development proposed is not considered to be of a nature that is out of character with the fairly remote peripheral area within which it is proposed to be sited. The proposed site is relatively well contained and it is considered that the proposed development will not be obtrusive at this location. The simple design ethos, low level buildings proposed, and layout submitted, along with the planting proposals submitted, means that there is no overriding need to 'hide' the development as its appearance is not considered to be overly intrusive. Legal and Protective Services have been consulted and have not raised any concerns with regards to noise.*

### **Design**

Voltaic panels and green houses are reflective and are not appropriate.

*Comment: These are small elements of the overall project and are considered to be generally acceptable within a rural or town context. The concerns of objectors are not shared by the planning assessment.*

### **Bad Neighbour concerns**

Health and Safety concerns with regards to toilet facilities.

*Comment: An off-grid, low impact development is proposed. A composting toilet is a suitable solution for the needs of the site users in this instance. Health and safety, as well as pollution impacts are dealt with under separate legislation.*

Noise concerns

*Comment: Environmental Health have been consulted and have raised no concerns.*

### **Other concerns**

Neighbour notification has been poorly done.

*Comment: Neighbour notification has been carried out in accordance with the correct procedures.*

Forestry Commission have taken land from an original crofter so that land is not used as agriculturally productive ground.

*Comment: This is not a material planning consideration.*

Majority of applicants for allotments have their own gardens.

*Comment: This is not a material planning consideration*

Devaluation of surrounding businesses.

*Comment: This is not a material planning consideration.*

Possibility of evening and weekend 'peaks' of activity.

*Comment: Environmental Health Officers and the Area Roads Engineer have not raised any objections to the proposed development. Traffic impacts and noise impacts are considered by these consultees when they provide consultation responses.*

Good idea in the wrong location.

*Comment: These concerns are noted, but not shared by the full planning assessment, see below.*

Kitchen facilities in storage shed and provision of water unknown.

*Comment: No potable water supply is proposed. This has not generated any objection from Environmental Health officers.*

Concerns with regards to Mull Community Council Report Statistics – information that has been circulated has not been accurate.

*Comment: This is not a material planning consideration, but the clarification of responses to the independent public consultation exercise is noted.*

Other suitable sites for proposed development are highlighted.

*Comment: Allotment proposals do not require a 'sequential test' to identify the best possible site. Rather, the assessment may focus on whether the use is acceptable on the site applied for, taking account of relevant planning policy and other material considerations. Incidentally, the submitted supporting statement indicates there are no other alternative sites available within walking distance of the town. The option for walking and cycle access being considered integral to the proposals.*

The wishes of the local community have not been considered.

*Comment: This is not a prerequisite of submitting a planning application.*

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**(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:** No

(iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:**

A supporting statement has been submitted, detailing the approach to the development and all factors taken into account when developing the project to this stage.

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**(H) PLANNING OBLIGATIONS**

(i) **Is a Section 75 agreement required:** Not required

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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.**

The Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements

The Argyll and Bute Local Plan 2009

LP ENV 1 – Development Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP ENV 2 – Development Impact on Biodiversity

LP BAD 1 – Bad Neighbour Development

LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provisions

LP COM 1 – Community Facility Development

(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.**

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (SPP), 2010

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact**

**Assessment:** Yes,

A screening opinion has been adopted by the Council which confirms a formal EIA is not necessary. The development does not constitute 'Schedule 2 Development'.

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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 (PAN 41 or other):** Not required in this instance.

In deciding whether to exercise the Council's discretion to hold a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The issues raised as objections to the development principally relate to road safety, ecology, EIA assessment, and noise and general amenity impacts. The development plan is current and no policy objections have arisen.

In this case, it is not considered that the application raises any complex or technical issues and it is not considered that a hearing would add value to the process and therefore Members should exercise their discretion and decline to undertake a hearing prior to the application being determined.

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

This is a proposal for the use of land as community allotments including the formation of access, car park, provision of passing places on site access, erection of a communal shed, polytunnels, and potting sheds and glasshouses at land north east of Castle Croft, Tobermory, Isle of Mull.

The use of land for an 'agricultural purpose' does not need planning permission. Under the 1997 Town and Country Planning (Scotland) Act 1997 'agriculture' is not defined as development and so the use of land for agriculture is largely exempt from planning control. The Act provides a definition of 'agriculture' at Section 277. The definition has been held to include the use of land as allotments.

Planning Permission is however required for the siting of structures and vehicular access and parking provision within the site, associated with the use of land for allotments.

In terms of the adopted Argyll and Bute Local Plan 2009, the site is situated within land which has been designated as 'Countryside Around Settlement' within which Policy STRAT DC 2 gives encouragement in special cases, to small scale development with a locational need.

LP Policy COM 1 sets out a presumption in favour of new community facilities provided that in the countryside development control zones, the development is of a form, location and scale consistent with policies STRAT DC 2-6. The new development must also respect the landscape character and amenity of the surrounding area and be readily accessible by public transport. These developments should be located as close to where people live and reduce the need to travel.

As an agricultural activity, it is considered that the principle of allotments within Countryside Around Settlements is acceptable within the terms of STRAT DC 2 and is therefore also supported under LP COM 1. The site is well contained in the wider context and its use for allotments will not erode the settlement edge to any unacceptable degree. The location of an allotment development for Tobermory needs to remain accessible to the community it is proposed to serve and as such, will sensibly be around the fringe of the settlement somewhere.

LP BAD 1 aims to encourage 'bad neighbour developments' where specific criteria has been satisfied. There can be no unacceptable adverse effects on the amenity of neighbouring residents. Development will only be permitted when proposals include appropriate measures to reduce the impact on amenity; where there are no significant transport, amenity or public service provision objections and where technical standards in terms of parking, traffic circulation, vehicular access are met in full.

Albeit that objectors raise concerns regarding road safety and noise, these concerns are not sustained by the relevant expert statutory consultees.

LP ENV 19 requires developers and their agents to produce and execute a high standard of appropriate design and for development to be of an appropriate layout and density and to be of suitable scale and form.

The simple form and low rise nature of the structures proposed, together with the simple layout and considered approach to reducing visual impacts all combine to mean the developments will generate very little impact beyond the site boundary. Some localised impacts will exist, but these are considered acceptable.

LP ENV 2 aims to give stronger protection to habitats and species, even when they are not associated with specifically designated nature conservation sites.

The ecological survey that has been undertaken and scrutinised, confirms that there are no unacceptable adverse impacts on biodiversity. No protected species will be affected by the development. A screening opinion has been adopted that confirms that no formal EIA is required.

The proposed development has elicited a number of local objections as detailed above and fully available via the Council's public access system. Some of these concerns have been addressed by the publication of the screening opinion, and the submission of a full ecological survey. Concerns relating to noise and road safety are not supported by the relevant statutory consultees.

The main outstanding issues of concern are the impact of the proposed structures, the impact of the vehicular access/parking areas to be provided. The potential effects on the amenity of neighbouring residents are also a key element in the determination of this planning application.

The proposed structures are considered to be of a low-rise, small scale design that will not be obtrusive within this well contained setting. The materials proposed are suitable to the site location. The overall scheme consists of small buildings that are suited for their intended agricultural use.

The internal access and parking areas also meet with the approval of the Roads Engineer. Whilst the reduction of parking or omission of parking altogether, would undoubtedly address some of the further concerns of objectors, it is not believed that the Roads Manager would accept this development with no parking provision whatsoever. Nevertheless, the proposal under consideration involves a total of 19 parking spaces and this must be determined. The parking has been arranged in two discrete blocks to reduce their urbanising influence on the site, such that they are considered acceptable as submitted.

In terms of general amenity impacts, the concerns of the immediate neighbours are entirely understandable. Those properties currently enjoy a peaceful, rural setting, where noise, activity and disturbance is generally limited to those householders and their holiday guests only. The introduction of any additional development nearby will have some impact on those properties. Whilst noting those parties concerns, the Planning Authority must also acknowledge that noise impacts have not been the subject of concern to Environmental Health Officers. Further, the use of a site for allotments is generally a low-key activity, largely enjoyed by relatively small number of responsible people during periods of good weather, which is very similar in nature to the use of private gardens for similar purposes. It is not considered that the operation of the allotments will create any unacceptable conflict with the existing residential properties and the generally high amenity levels will still remain high.

On the basis of the foregoing, the proposal is considered to be acceptable and raise no conflict with the relevant Development Plan policies. It is recommended that planning permission be granted subject to the conditions appended 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 proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area and there are no infrastructural constraints which would preclude the proposed development at the site.

The proposal accords with Policy STRAT DC 2 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV19, ENV 2, BAD 1, COM 1 , TRAN 4, TRAN 6 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have

decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

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

No Departure

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**(T) Need for notification to Scottish Ministers or Historic Scotland: Not required**

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**Author of Report:** Lesley Cuthbertson

**Date:** 24.07.12

**Reviewing Officer:** Stephen Fair

**Date:** 26.07.12

**Angus Gilmour**  
**Head of Planning and Regulatory Services**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.12/00599/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 15<sup>th</sup> March 2012 and the approved drawing reference numbers:

- Plan 1 of 9 (Site location plan, drawing no 333-10)
- Plan 2 of 9 (Site plan, drawing no 333-11rA)
- Plan 3 of 9 (Planting details, drawing no 333-16)
- Plan 4 of 9 (Existing site, drawing no 333-01)
- Plan 5 of 9 (Typical layby details, drawing no 333-19)
- Plan 6 of 9 (Cross section, drawing no 333-17)
- Plan 7 of 9 (Polytunnel details, drawing no 333-14)
- Plan 8 of 9 (Shed and glasshouse detail, drawing no 333-12)
- Plan 9 of 9 (Communal building details, drawing no 333-18)

unless the prior written approval of the Local 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.*

2. No development shall commence on site or is hereby authorised until the vehicular access at the junction of the public road and the allotment site has been formed in accordance with the Council's Road Engineers Drawing Number SD 08/004a with visibility splays of 42.0m x 2.4m in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

*Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access and in accordance with LP TRAN 4 of The Argyll and Bute Local Plan 2009.*

3. No development shall commence on site or is hereby authorised until passing place(s) have been completed in accordance with Roads Services drawing SD 08/003a at locations which shall first be agreed on site by the Planning Authority in conjunction with the Council's Area Roads Engineer.

*Reason: In the interests of road safety and in accordance with LP TRAN 4 of The Argyll and Bute Local Plan 2009.*

4. No development shall commence on site or is hereby authorised until details of the proposed colour finishes to the approved communal shed walls are submitted for the written approval of the Planning Authority. The development shall thereafter be completed and maintained in strict accordance with such details as are approved.

*Reason: In the interests of visual amenity.*

5. No development shall commence on site or is hereby authorised until full details of the method of protection for all trees to be retained are submitted to and approved in writing by the Planning Authority. All protection measures that are approved shall be fully deployed during all construction phases to the satisfaction of the Planning Authority.

*Reason: In the interests of nature conservation and to maintain the established setting of the site.*

6. From the date of this planning permission, no trees within the site, other than those identified in the approved plans for felling, shall be lopped, topped, felled or otherwise damaged without the prior written consent of the Planning Authority.

*Reason: In the interests of nature conservation and to maintain the established setting of the site.*

## **NOTE TO APPLICANT**

- **Length of this planning permission:** The development to which this permission relates must be begun within three years from the date of this permission in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, 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, 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.

## **APPENDIX B – RELATIVE TO APPLICATION NUMBER 12/00599/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

This application is seeking planning permission for the formation of access, car park, provision of passing places, on site access, erection of storage building, polytunnels and ancillary structures to facilitate the formation of an allotment scheme at Land North East of Castle Croft, Tobermory, Isle of Mull

With reference to the Argyll and Bute Development Plan 2009, the application site is situated within the development zone identified as 'Countryside Around Settlement'. With reference to the Argyll and Bute Structure Plan 2002, Policy 'STRAT DC 2' states:

Within the Countryside Around Settlements encouragement shall be given to development which accords with the settlement plan for the area. In special cases, a locational need or exceptional circumstances may justify a development.

The use of land for an 'agricultural purpose' does not need planning permission. Under the 1997 Town and Country Planning (Scotland) Act 1997 'agriculture' is not defined as development and so the use of land for agriculture is largely exempt from planning control. This Act provides a definition of 'agriculture' at Section 277. This definition has been held to include the use of land for allotments. Planning Permission is required for the siting of structures and vehicular access and parking provision within the site.

The use of the site for allotment purposes does not require the benefit of planning permission. The proposed structures and access and parking are required in order to facilitate the intended use of the site and so a locational need does exist to facilitate the agricultural use of the land. Although not currently in agricultural uses, the land is former grazing land and as such, has a history of productive agricultural use. The proposed development presents a development type with a locational need in accordance with the provisions of STRAT DC 2 of the Structure Plan.

LP Policy COM 1 sets out a presumption in favour of new community facilities provided that in the countryside development control zones, the development is of a form, location and scale consistent with policies STRAT DC 2-6. The new development must also respect the landscape character and amenity of the surrounding area and be readily accessible by public transport. These developments should be located as close to where people live and reduce the need to travel. The site is readily available by walking, cycling and public transport in this location at the periphery of Tobermory. It is a readily accessible site in a location that is well contained and not highly prominent in the wider context.

#### **B. Location, Nature and Design of Proposed Development**

The site lies to the south east of the main settlement of Tobermory, in an area that is generally undeveloped although dwellinghouses do exist to the immediate south-east. The site is a fairly open field of rough pasture which is partly contained with a tree belt to the north west and also to the north east. There are a number of deciduous trees at the north western corner of the site. This corner of the site is a wet area which is low lying. There are a small number of deciduous trees within the site. The western boundary of the site joins onto the designated Settlement area of Tobermory. The site is relatively low lying land, gently sloping from west to east towards the shore. The site is within

walking distance of Tobermory and sits in a contained location that is not visibly dominant.

Twenty allotment plots are to be formed within the site covering the majority of the application site. These allotments will be rhombus-shaped and are to be of equal size each covering approximately 150 square metres of land. These plots will have existing vegetation cut back with any ground disturbance graded out and left for future tenants to cultivate. It is proposed to site a small shed and glasshouse within each allotment. The sheds will be rectangular in form and will have a monopitched roof with a slight pitch. The roofs will be finished in green felt and the walls will be finished in tongue and groove softwood panels stained dark brown. They will measure approximately 2 metres in height and will have a floor area of approximately 3.2 square metres. The proposed glasshouses will have pitched roofs and are to be finished in horticultural glass. They will measure approximately 2.2 metres in height and will have a floor area of 3.1 square metres.

It is proposed to site 2 communal polytunnels on the northern side of the site. These polytunnels will measure approximately 21 metres in length, 5.5 metres in width and 3 metres in height. A timber communal shed is to be sited at the north western side of the site in relatively close proximity to the site entrance. This shed will measure 5 metres in length, 3 metres in width, and 4.4 metres to ridge. The roof will be finished in black onduline and the walls will be finished in timber of which the colour is unknown. A condition is necessary to control the wall colour. A small arrangement of photovoltaic cells will be installed within the south facing roof plane.

A parking area is to be formed to the north of this communal shed which will provide 12 parking spaces. This parking area will be formed using a consolidated stone surfacing and will be connected to the proposed site entrance which is to be formed at the north western corner of the site. A further parking area is to be formed to the west of the proposed site entrance and is to provide 7 parking spaces. A new vehicular access is to be formed in the north western corner of the site.

A 2 metre high deer fence is to be erected on the boundary of the site. A 1 metre high rabbit proof fence is to be erected around each allotment. An extensive landscaping scheme is shown on the accompanying plans.

It is considered that the proposed structures, vehicular access and parking areas form a coherent and sensible layout in order to facilitate the intended change of use at the site. The proposed structures are small scale and are of an agricultural nature in keeping with the intended use of the site. The proposed development will not be obtrusive at this location. Given its scale, the presence of development will not give rise to any effects of significance in terms of visual/landscape impacts upon its immediate or wider landscape settings. It is considered that the proposed development will have an appropriate layout and density and will be of a suitable scale, form and design at this location. The proposed dwellinghouse will therefore accord with the provisions of LP ENV 19 of the adopted Local Plan and the guidance contained within the adopted Sustainable Design Guide.

### **C. Natural Environment**

A number of the letters of objection have raised concerns about the impact of the development upon plants and wildlife including European Protected Species. The site is not subject to any statutory or non-statutory nature designations. Scottish Natural Heritage raised no objections. A full ecological survey has been undertaken by a consultant, and scrutinised by the Biodiversity Officer. It confirms there are no unacceptable impacts on biodiversity. No Protected Species will be affected. The proposal does not conflict with policy LP ENV 2 of the Local Plan.

#### **D. Road Network, Parking and Associated Transport Matters.**

The proposal would involve the formation of a vehicular access onto the UC19 Bedoun Road. Parking areas are proposed to be formed supplying parking spaces for 19 cars. The Area Roads Engineer has been consulted and has raised no objections subject to conditions with regards to the provision of SD08/004a at the junction of the allotment site with the public road: additional passing place(s) to be provided; the provision and maintenance of visibility splays measuring 42 m x 2.4 m and details of the use of the polytunnels. The applicant has included details on the intended use of the polytunnels as part of the application, which makes this clear already. It is considered that the proposed development will accord with the provisions of policies LP TRAN 4 and LP TRAN 6 of the Local Plan.

#### **E. Infrastructure**

It is not proposed to make any connection to the public water network. A kitchen sink is shown on the floorplans for the proposed communal shed. A rainwater tank within this shed will supply water to be used within this sink. Legal and Protective Services have raised no objections to this proposed development. A composting wc is also shown to be provided alongside the shed. Health and safety and potential pollution controls are dealt with under separate legislation.

#### **F. Amenity Issues**

Objections have been made in response to this application and have been summarised and considered above. It is considered that these objections do not present any material planning considerations which would present grounds for refusal.