

AGENDA ITEM 8:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING (OUTLINE) AT LAND 100m NORTHWEST OF BIRCH COTTAGE, DRUMUILLIE, BOAT OF GARTEN

(PAPER 3)

1. Bill Stewart (Planning Manager) advised members of 2 letters received from Mr Alexander Grant (Applicant) and Mr Fergus Ewing (MSP) regarding applications 07/414/CP & 09/252/CP requesting the Committee defer the determinations before the report presentations in order to seek further information from Transport Scotland. Members were reminded that 07/414/CP had previously been deferred due to land management and road issues on the 7th March 2008.
2. Bill Stewart also informed Members that Alexander Grant (Applicant) had submitted a late request outwith the given timescale to address the Committee.
3. Members discussed the request seeking advice from Bill Stewart and the following points were raised.
 - a) The appropriateness of deferral.
 - b) The consideration of the letters and their weight on the decision to defer.
 - c) The additional information expected from Transport Scotland.
 - d) The implications of deferral both before and after determination.
 - e) The potential to withdraw and submit a new application.
4. Dave Fallows proposed a motion to defer the applications without hearing the presentations to await further information from Transport Scotland. This was seconded by Stuart Black.
5. Richard Stroud proposed an amendment to determine the applications. This was seconded by Alistair MacLennan.
6. The vote was as follows:
- 7.

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black	√		
Duncan Bryden		√	
Jaci Douglas	√		
Dave Fallows	√		
Lucy Grant		√	
Willie McKenna	√		

Eleanor Mackintosh		√	
Anne MacLean		√	
Alastair MacLennan		√	
Fiona Murdoch		√	
Andrew Rafferty	√		
Richard Stroud		√	
TOTAL	6	7	0

8. The Committee agreed to determine the application.
9. Derek Manson (Planning Officer) presented a paper recommending that the Committee refuse the application subject to the conditions stated in the report.
10. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of Paragraph 19 and why rural housing groups are not a consideration.
 - b) Clarification of the relevant Local Plan policy used in recommendation.
 - c) Clarification on ownership of third parties and position of land that is controlled by the applicant.
 - d) Clarification on the Scottish Government unoccupied croft policy.
 - e) Alternative access consideration.
 - f) Clarification if the access in question is directly linked to the road accident mentioned in the report.
 - g) Clarification on Paragraph 40 and guidance on what is considered sufficient man hours.
 - h) Clarification on Paragraph 11 and adjacent property land management justification.
11. Mr Alexander Grant (Applicant) addressed the Committee.
12. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) The possibility of moving access to the West of property.
 - b) Recent road improvement expenditure in relation to the access and the accident.
 - c) Whether the applicant had sought any advice from an agent.
 - d) Clarification of the hours spent on croft and distance from current accommodation.
 - e) Future and current development of the croft.
 - f) Clarification of ownership past and present of trunk road.
13. Duncan Bryden thanked Mr Grant.
14. The Committee discussed the application and the following points were raised:
 - a) Bill Stewart advised members of land justification requirements and the implications of new access arrangements.
 - b) Concern surrounding the cause of the accident and the need for confirmation that the access is not responsible before making a decision.
 - c) The reduction in use of access if applicant to live on the croft.

- d) Support for crofting in principle.
- e) The clarity of Transport Scotland submission.
- f) Road risks the responsibility of Transport Scotland not the applicant.
- g) The involvement of The Scottish Government within the application if approved and the implications for CNPA.
- h) Workable solutions for the applicant within each determination scenario.
- i) Land management justifications evidence.
- j) Restricted Countryside Area issues concerning the application.
- k) Confirmation of the timescales if Scottish Government involvement is necessary.
- l) The inclusion of a business plan to aid application.

15. Richard Stroud proposed a motion to go with the planner's recommendation. This was seconded by Anne MacLean.

16. Willie McKenna proposed an amendment to defer the application for applicant to submit a business plan and await further consultation response from Transport Scotland. This was seconded by Dave Fallows.

17. The vote was as follows:

18.

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Jaci Douglas		√	
Dave Fallows		√	
Lucy Grant		√	
Willie McKenna		√	
Eleanor Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan		√	
Fiona Murdoch	√		

Andrew Rafferty		√	
Richard Stroud	√		
TOTAL	6	7	0

19. The Committee agreed to defer the application to allow submission of a business plan within 6 months to justify the development of the croft and justification of the house and for further clarification on the access from Transport Scotland.

AGENDA ITEM 9:

REPORT ON CALLED-IN PLANNING APPLICATION FOR USE OF LAND FOR TEMPORARY SITING OF CARAVAN; INSTALLATION OF SEPTIC TANK AND FORMATION OF NEW ACCESS AT LAND 110m NORTH WEST OF BIRCH COTTAGE, DRUMULLIE, BOAT OF GARTEN

20. Committee agreed to defer as it is a related application.