

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on THURSDAY, 1 MARCH 2012

Present: Councillor Daniel Kelly (Chair)
Councillor Rory Colville Councillor Robin Currie

Attending: Charles Reppke, Head of Governance and Law (Adviser)
Hazel MacInnes, Committee Services Officer (Minute Taker)

1. APOLOGIES FOR ABSENCE

It was noted that sadly Councillor Al Reay has passed away the previous weekend and that Councillor Colville had filled his place on the Panel.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: LAND AT LYNN HOUSE, GANAVAN ROAD, OBAN PA34 5TU

The Chair welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body. He advised that the only participants entitled to speak would be the Members of the Local Review Body panel and Mr Reppke, who would provide procedural advice if required.

The Chair advised that his first tasks would be to establish whether or not the panel felt they had sufficient information in front of them to come to a decision on the Review and if they felt there was a need for a site visit.

Councillor Colville expressed concern over the conflict between the applicant and the planning authority regarding the amount of amenity space available surrounding the site. He also advised that the applicant had stated that the application, if approved, would not lead to further development in the surrounding area and the planning authority was of the opinion that it would. Councillor Colville advised that he felt a site visit would allow him to assess the situation for himself.

Councillor Currie agreed with Councillor Colville but asked if photographs could be provided on a PowerPoint presentation in future to prevent the need for a site visit.

Mr Reppke advised that the regulations did not allow for this at a first calling but if Members wished, they could ask for photographs to be provided which would mean requesting this from the Planning Authority as a further submission.

Councillor Colville added that there would be a lot of amenity space left over after development and quoted that the applicant had calculated

128m² where as the Planning department had advised that the proposed site did not meet the 100m² minimum as set down in the Local Plan. He advised that he felt it would be better if he could see the site.

Councillor Kelly then confirmed with the panel that they wished a site visit to take place and then asked the panel if they felt there was sufficient written information contained within the pack or if members felt they needed further information.

Mr Reppke asked for confirmation that the Panel would like all interested parties invited to the site visit to which Members confirmed that they did. He then asked for confirmation that the Panel wished to hold the site visit to assess the impact of development on the surrounding area and to assess the density/correlation of the site with the existing house to which they confirmed that this was correct.

Councillor Colville asked if ownership of the access road had been taken into account and advised that he would like confirmation from the Roads department that the access road was of adoptive standard.

Councillor Currie advised that he was aware of the upcoming election; and with a view to completing the Review before this; asked if the timescale for the process would be reduced should members not ask for written submissions.

Mr Reppke advised him that this would reduce the timescale of the Review but warned him that if he chose to do this it may prolong the process should a further matter be raised at the site visit.

Councillor Colville commented that the election could not be taken into consideration and that the Review should be looked at properly without trying to reduce timescales and Councillor Kelly agreed.

Decision

The panel agreed –

1. To hold an accompanied site visit to assess the impact of development on the existing house and surrounding development pattern should the application be approved.
2. To request from the Roads Authority; a further written submission containing clarification on if the access road to the property is of adoptive standard.

**RECONVENED MEETING OF ARGYLL AND BUTE LOCAL REVIEW
BODY HELD ON 5 APRIL 2012 IN THE KERRERA SUITE, CORRAN
HALLS, OBAN**

Present: Councillor Daniel Kelly (Chair)
Councillor Rory Colville
Councillor Robin Currie
Charles Reppke, Head of Governance and Law (Adviser)
Iain Jackson, Governance and Law
David Love, Planning Authority
Bill Weston, Roads Authority
Applicants
Shauna Cameron, Applicants Agent
Allan Macaskill, Objectors Agent
David Hodge, Objector
John Hyde, Objector

The Argyll and Bute Local Review Body reconvened on 5 April 2012 in the Kerrera Suite, Corran Halls, Oban after an accompanied site visit (a note of which is attached at Appendix A).

The Chair welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body. He advised that the only participants entitled to speak would be the Members of the Local Review Body panel and Mr Reppke, who would provide procedural advice if required.

The Chair asked the Panel if they considered that they now had enough information to come to a decision on the Review. Members agreed that they did have sufficient information to reach a decision on the matter.

The chair advised that having looked at the site he was of the view that it was too small for the proposed development and would raise issues around privacy amenity and precedent given the existing pattern of development in this area.

Councillor Colville was of the view that there were many modern developments with less space and less amenity than was proposed here and he felt that it would be possible to fit perhaps a slightly smaller house onto the site. He asked Mr Reppke if he could impose a condition requiring the Planners to agree a smaller house and was advised that it would not be possible to do that. It would be more appropriate to refuse the application and the applicants could reapply on that basis if so advised.

Councillor Currie said that his initial view of the plans had been that a house might be possible on the site but the visit had made it clear that the other issues highlighted by planning did have some merit and he therefore was minded to otherwise agree with the second and third reasons for refusal advanced by the Planning Department .

Further discussion then took place and the Chair then moved refusal

based on the three grounds put forward by the planning department, Councillor Currie said he could support refusal on reasons 2 and 3 but not on reason 1. Councillor Kelly agreed to modify his proposal to refuse on reasons 2 and 3 only.

Councillor Colville said he felt that it might have been possible to have granted consent but he did not propose to move an alternative proposition

Decision

To refuse the application on the grounds that the Argyll and Bute Local Review Body were in agreement with reasons 2 and 3 contained within the reasons for refusal by the Planning Department as follows -

2. The application site fails to respect the settlement pattern immediately adjacent to the site, which is characterised by linear development, whereas the proposal represents inappropriate backland development in a location that is at variance with the adjacent development pattern; in a manner that is not considered to represent infill, rounding off or redevelopment; rendering it contrary to Argyll & Bute Structure Plan 2002 Policy STRAT DC 1; and Argyll & Bute Local Plan 2009 Policy LP ENV 1 part A and D, and LP ENV 19 part A and B.
3. By virtue of the small site area proposed, it is considered that the development involves an unacceptably high density of development that fails to integrate with the pattern of surrounding development, which if approved, would lead to a precedent for similarly high density proposals on nearby sites, which would collectively undermine the existing high standards of residential amenity enjoyed at properties in the vicinity of the application site.

The reasons for this were that the proposal would be out of keeping with the existing settlement pattern and would create an undesirable precedent for similar high density proposals on nearby sites, which could collectively undermine the existing high standards of residential amenity enjoyed by properties in the vicinity of the application site.

Appendix A

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF ACCOMPANIED SITE VISIT RE CASE
12/0002/LRB
LAND AT LYNN HOUSE, GANAVAN ROAD, OBAN**

In attendance: Councillor Daniel Kelly (Chair)
Councillor Rory Colville
Councillor Robin Currie
Charles Reppke, Head of Governance and Law

(Adviser)

Iain Jackson, Governance and Law
David Love, Planning Authority
Bill Weston, Roads Authority
Applicants
Shauna Cameron, Applicants Agent
Allan Macaskill, Objectors Agent
David Hodge, Objector
John Hyde, Objector

The Argyll and Bute Local Review Body had agreed at their meeting on 1 March 2012 to conduct an accompanied site visit in order to assess the impact of development in the existing house and surrounding development pattern should the application be approved.

The Argyll and Bute Local Review Body convened on 5 April 2012 at Land at Lynn House, Ganavan Road, Oban at 2.00pm.

Councillor Kelly welcomed all parties to the site inspection and introductions were made.

Mr Reppke advised the participants on the procedure that would be followed. He advised that there would be no debate at this meeting and also no opportunity for parties to state their case. He explained that Members could ask interested parties only questions regarding the road access and the site for the house.

Councillor Colville asked where the site boundaries were and Shauna Cameron pointed out the area of the site.

Councillor Currie asked about the road sight lines and the speed limit sign. Mr Weston explained there were no issues about the sight lines and that the sign related to the public road not the private roadway.

Councillor Colville asked about ownership of the road way and if there was any prohibition on access. Mr Hodge explained about the maintenance liability and Mr Hyde explained that householders didn't own the road but had to maintain it.

The site inspection party then walked into the site and viewed the boundaries and the relationship to the existing property Lynn House.

Councillor Colville asked for views on whether the land flooded. The applicants replied that it did not and the objectors agreed that this was the case although it could flood further down the road at a culvert. The applicants also explained that if the site were cleared of bushes etc it would look a lot bigger.

Decision

From the site visit Members of the Panel noted –

1. The site boundaries and the relationship of the site to Lynn House.
2. The agreement in place regarding maintenance of the access road.
3. That the site was not subject to flooding.

