

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 27 JUNE 2012**

**Present:** Councillor Sandy Taylor (Chair)  
Councillor Rory Colville Councillor Mary-Jean Devon

**Attending:** Charles Reppke, Head of Governance and Law (Adviser)  
Fiona McCallum, Committee Services Officer (Minute Taker)

**1. CONSIDER NOTICE OF REVIEW: PLOT 1, LAND SOUTH WEST OF NORTH BEACHMORE FARM, MUASDALE**

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

The Chair advised that his first task would be to establish whether or not the LRB felt they had sufficient information before them to reach a decision on the Review.

Councillor Colville advised that it was his view that there was a need for a site visit to be arranged in order to understand the boundary of the site and to take account of the Rural Opportunity Area Boundary (ROA).

Both Councillor Devon and Councillor Taylor also agreed that a site visit should be arranged.

**Decision**

The LRB agreed:-

1. To hold a site inspection in order to view the boundary of the site and its relationship to the boundary of the ROA and invite a representative from Planning to attend along with the Applicant to answer any questions the LRB may have in relation to these boundaries; and
2. To adjourn the meeting and reconvene at a local hall at the conclusion of the site inspection to determine if any further process will be required.

**The Argyll and Bute Local Review Body re-convened on Tuesday 14 August 2012 at 12.30 pm in the Tayinloan Village Hall**

**Present:** Councillor Sandy Taylor (Chair)  
Councillor Rory Colville  
Councillor Mary-Jean Devon

Attending: Iain Jackson, Governance Officer (Adviser)  
Fiona McCallum, Committee Services (Minute Taker)

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

The Chair referred to the earlier site inspection and advised that his first task would be to establish whether or not the LRB now felt they had sufficient information before them to reach a decision on the Review.

Councillor Colville advised that having had the benefit of the site visit and taking account of the planning history as a material consideration he would like to ask Planning Policy Officers to provide information on how they arrived at the decision to locate the boundary of the Rural Opportunity Area and the area of 'Sensitive Countryside' before taking a decision on this application.

Councillor Devon agreed that it was important to find out how the Planning Policy Officers came up with the current designation of the site and what the justification for this was.

The Chair confirmed that he concurred with both his colleagues and that the meeting should be adjourned until this further information was supplied by the Planning Policy Officers.

Mr Jackson advised Members that if they might be minded to grant the application then they would require to have a competent motion and conditions and reasons would have to be attached to the consent. It was therefore suggested that it would be appropriate in the circumstances to have the Planning Department submit draft conditions and reasons for consideration by the Members at a further meeting of the LRB in order that a final decision could be made.

## **Decision**

The LRB agreed:-

1. To request from Planning Policy Officers written information explaining the reasons for taking the decision to designate the area which included the majority of the Applicant's plot of land as an 'Area of Sensitive Countryside' and what process was undertaken to determine the boundary of the Rural Opportunity area within the Argyll and Bute Local Plan 2009;
2. To request from Planning Policy Officers an indication, where possible, of what the designation of this area of land is likely to be in the new Local Plan;
3. To request from Planning Officers appropriate conditions and reasons to be attached to any consent should the LRB be minded to approve

the Notice of Review request; and

4. To adjourn the meeting and reconvene at a suitable date in Kilmory, Lochgilphead.

**The Argyll and Bute Local Review Body re-convened on Tuesday 25 September 2012 at 2.30 pm in the Council Chamber, Kilmory, Lochgilphead**

Present: Councillor Sandy Taylor (Chair)  
Councillor Rory Colville  
Councillor Mary-Jean Devon

Attending: Iain Jackson, Governance Officer (Adviser)  
Fiona McCallum, Committee Services (Minute Taker)

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

The Chair referred to the further information requested which was now before Members for consideration and advised that his first task would be to establish whether or not the LRB now felt they had sufficient information before them to reach a decision on the Review.

It was unanimously agreed that the LRB now had enough information before them and went on to determine the case before them.

Councillor Colville advised that he was minded to support the application and that he was encouraged by the information received from the Development Policy department.

The Chair put forward a reasoned justification to support his view that this application should be granted in the following terms:-

The proposed application site sits within the raised area of land rising up from the Kintyre coastline and represents a rounding off, of the node of development in this locality with development from A'Chleit Church on the shoreline progressing to the animal shelter on the landward side of the A83, and then following the rising ground to the former farmhouse and buildings at north Beachmore creating a cluster of development in this locality and which the proposed development will round off this cluster given the position of the proposed dwelling house on the rising ground.

The pattern of development in this area is characterised by traditional built forms with large areas of rural undeveloped landscape and the proposed development will round off this form of development and would not therefore support any further development at this location as that would undermine the traditional rural form of development which recognises the primacy of the natural landscape interspersed with pockets of traditional

development.

The development is small scale and will have limited visual impact given its location and will with appropriate conditions be assimilated into the landscape and will therefore be consistent with policy STRAT DC 5, STRAT DC 8 and policies LP ENV 1, ENV 19, LP HOU 1 and the design and siting principles contained in local plan Appendix A.

Both Councillor Colville and Devon supported this view.

## **Decision**

Agreed to uphold the Notice of Review and grant planning permission subject to the following conditions and reasons:-

1. Plans and particulars of the matters specified in conditions 3, 4, 5, 6 and 7 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.*

2. The development shall be implemented in accordance with the details specified on the application form dated 30<sup>th</sup> November 2010 supporting information and, the approved drawing refs. 1/1 (location plan).

*Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.*

3. Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:
  - i) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009.
  - ii) Provision of a refuse collection point to serve the development adjacent to the junction with the A83 public highway.

The approved refuse collection point and the parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interests of road safety.*

4. Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

*Reason: To ensure that an adequate means of foul drainage is available to serve the development.*

5. Pursuant to Condition 1 - no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

*Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.*

6. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:
  - i) Location, design and materials of proposed walls, fences and gates;
  - ii) Surface treatment of proposed means of access and hardstanding areas;
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.*

7. Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:
  - i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
  - ii) Local vernacular design;
  - iii) Maximum of a 1½ storeys in design;
  - iv) Rectangular footprint no greater than 120 square metres;
  - v) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
  - vi) External walls finished in natural stone or wet dash render or, a mixture of both;
  - vii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
  - viii) Window openings with a vertical emphasis;

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.*

8. Notwithstanding Article 3 Class 16 of the of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, no residential caravan(s) shall be sited within the boundary of the development site without the prior written consent of the Planning Authority.

*Reason: In order to safeguard the amenity of the locale from development otherwise capable of being carried out without planning permission under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended.*

(Reference: Notice of Review and Supporting Documentation, Responses from Interested Parties, Further Written Submissions and Responses Applicant)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

**NOTE OF MEETING OF SITE INSPECTION RE CASE 12/0005/LRB  
PLOT 1, LAND SOUTH WEST OF NORTH BEACHMORE FARM,  
MUASDALE – TUESDAY 14 AUGUST 2012**

In attendance: Councillor Sandy Taylor, Argyll & Bute LRB (Chair)  
Councillor Rory Colville, Argyll & Bute LRB  
Councillor Mary-Jean Devon, Argyll & Bute LRB  
Iain Jackson, Governance and Law (Adviser)  
Fiona McCallum, Committee Services (Minute Taker)  
Peter Bain, Planning Authority  
Iain Logan, Applicant's Agent  
Mrs Pendreigh, Applicant

The Argyll and Bute LRB (ABLRB) agreed on 27 June 2012 to conduct a site inspection in order to view the boundary of the site and its relationship to the boundary of the ROA and to invite a representative from Planning to attend along with the Applicant to answer any questions the LRB may have in relation to these boundaries.

The ABLRB convened on 14 August 2012 at Plot 1, Land South West of North Beachmore Farm, Muasdale at 11.45 am.

All parties were welcomed to the site inspection and introductions were made.

Mr Jackson 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.

From the inspection the ABLRB noted:-

1. the boundary of the application site which currently lies within an area designated as 'Sensitive Countryside' wherein the provisions of the Argyll and Bute Local Plan 2009 do not support development;
2. the location at the lower part of the site where outline planning permission had previously been granted in June 2005 for a single dwelling house under the provisions of the Argyll and Bute Structure Plan 2002 and the Kintyre Local Plan and which has since expired;
3. the small part at the north eastern corner of the site which falls within the Rural Opportunity Area (ROA);
4. that the boundary of the ROA was established as part of a desk top exercise and that a site inspection was not undertaken;
5. the contours of the site;

6. the location of the field shelter which has been built since the previous planning consent; and
7. the view of the site from A'Chleit Church.