

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 23 JANUARY 2013

Present: Councillor Sandy Taylor (Chair)
Councillor George Freeman Councillor David Kinniburgh

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

1. CONSIDER NOTICE OF REVIEW REQUEST: HARBOUR MASTER, MELFORT, BY OBAN, PA34 4XD

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 panel and Mr Jackson 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. Councillors Freeman and Kinniburgh both agreed that they had enough information before them. Councillor Taylor advised that he felt that it would be beneficial to hold a site inspection prior to determining the case and both Councillors Freeman and Kinniburgh confirmed that they would be happy for a site inspection to be arranged.

Councillor Taylor advised that he felt there were some spatial issues that needed to be investigated further and that a site inspection would enable the LRB to see the settlement pattern of the area.

Councillor Kinniburgh referred to the footprint of the dwelling and advised that he could not find anything within the submission from Planning to support their statement that an insufficient area of private usable amenity space would be afforded to the residential unit, compared to the larger house plots that exist in the surrounding area and advised that it would be beneficial if Planning could provide some further information on the footprint of the dwelling with comparison figures also provided in respect of the other dwellings in the area.

It was also agreed to ask the Applicant if they felt there remained a redundant need for staff accommodation at the Melfort Pier and Holiday complex and whether or not staff accommodation was likely to be required in the future.

Decision

The LRB agreed:-

1. To hold an accompanied site inspection to enable the Members to view the existing settlement pattern of the Melfort Pier and Holiday complex and the location of the residential unit which is the subject of this Review;
2. To request from Planning written information regarding the footprint and the area of private useable amenity space afforded to the residential unit and the footprints and areas of private useable amenity space of the larger house plots which this residential unit was compared against;
3. To request from the Applicant written information advising whether or not they felt there remained a redundant need for staff accommodation at the Melfort Pier and Holiday complex and whether or not staff accommodation was likely to be required in the future; and
4. Agreed to adjourn the meeting and reconvene at the conclusion of the site inspection.

The Argyll and Bute Local Review Body re-convened on Tuesday 5 March 2013 at 11.00 am in the Kilmelford Village Hall, Kilmelford

Present: Councillor Sandy Taylor (Chair)
Councillor George Freeman
Councillor David Kinniburgh

Attending: Charles Reppke, Head of Governance and Law (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 Reppke who would provide procedural advice if required.

The Chair referred to the earlier site inspection (note attached at Appendix A) and the further information that was requested at the previous meeting which was now before the 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.

The LRB agreed that they now had enough information before them and went on to determine the merits of the case.

Councillor Freeman advised that the site inspection had been very helpful and reinforced his view and the view of the Planning Officer that the percentage of the house to plot ratio was significantly different for the application site compared to most other sites in the area. He advised that his other concern was that to approve this planning application could set a precedent with the owners of other holiday accommodation in the area possibly seeking the same change of use for properties that did not have

the appropriate level of amenity space for full residential use and that he was happy to support the Planner Officer's original decision to refuse this application.

Councillor Kinniburgh advised that he was likeminded to Councillor Freeman. He advised that the site visit had been useful and agreed that the plot size was too small and that an undesirable precedent could be set if permission were granted and that he was happy to support the original decision of the Planning Officer.

Councillor Taylor advised that he was concerned about the lack of amenity space there was for the unit, what the impact would be for this low density area in terms of setting a precedent if permission was granted and that he fully supported the original decision to refuse by the Planning Officer. He also advised that he had noted that it appeared there was evidence that the unit could be readily changed from staff accommodation to a holiday unit compatible with the wider development within which it is located.

The Head of Governance and Law advised that such a change was not being sought by this Review and that the Applicant could, if he wished, apply for a Certificate of Lawful Use in this respect.

Decision

It was unanimously agreed to uphold the original decision to refuse this planning application for the following reasons:-

In terms of the adopted Argyll and Bute Local Plan, the application site is located within Sensitive Countryside which is subject to the effect of Policy STRAT DC 5 of the approved Argyll and Bute Structure Plan 2002 which establishes a general presumption against new housing developments.

The planning condition in question was imposed because the building was not considered appropriate for use as a permanent house, taking account of its proximity to and interrelationship with the established holiday development in which it is located. Those reasons to restrict occupancy remain relevant and policy still generally presumes against new housing in this area.

Whilst STRAT DC 5 does generally support change of use development, this is qualified by the need to ensure that developments integrate with the settlement pattern. The use of the property as a permanent residential dwellinghouse would not take account of, or relate to, the existing settlement pattern or character evident in the surrounding area and would result in the introduction of an inappropriate density and pattern of development which is unfamiliar to the area by virtue of lack of spacing between properties, small plot size, and interrelationship with an established holiday business; which, if approved, would lead to a precedent for similarly high density proposals on nearby sites, and also for further change of use applications. Such proposals could weaken the tourist economy of the local area through the loss of holiday units, and undermine the established high amenity character of the established low

density sparse residential development in this rural context.

Furthermore, due to the restricted nature of the landholding afforded to the proposed development, it is considered unlikely that a sufficient area of private useable amenity space could be afforded to the residential unit, compared to the larger house plots that exist in the surrounding area, contrary to the terms of the aforementioned policies.

The proposal is considered contrary to the provisions of Development Plan policies STRAT DC 5, LP ENV 1, LP ENV 19 and LP HOU 1, which collectively seek to resist housing development which will have an unacceptable environmental, servicing or access impact; developments that give insufficient regard to the context of their individual site settings and show inappropriate densities.

The building would have unacceptably low privacy and amenity standards compared to that which is established within the area, and if approved for permanent residential occupation would lead to an unacceptable and undesirable precedent for lower amenity, higher density housing development in a rural area, as well as weakening the existing tourist economy of the area.

(Reference: Notice of Review and Supporting Documents and Written Submissions, submitted)