

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on FRIDAY, 20 FEBRUARY 2013

Present: Councillor Sandy Taylor (Chair)
Councillor Donald MacMillan Councillor Alex McNaughton

Attending: Charles Reppke, Advisor
Fiona McCallum, Minute Taker

The Head of Governance and Law intimated that this hearing had been reconvened at short notice to address the unforeseen circumstance that led to the original calling being postponed from 15 February 2013 to 20 February 2013.

The Members noted and agreed that the meeting had been reconvened as set out by the Officer.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon and Fred Hall. It was noted that Councillors MacMillan and Taylor were appointed to the Local Review Body in their place.

2. DECLARATIONS OF INTEREST

None declared.

3. CONSIDER NOTICE OF REVIEW REQUEST: LAND SOUTH EAST OF ST MARY'S, DALSMIRREN, SOUTHEND, ARGYLL

The Chair welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body (LRB).

The Chair advised that his first task would be to establish whether or not the LRB felt they had enough information before them to reach a decision on the Review. The LRB agreed unanimously that they had enough information to make a decision on the application and agreed to proceed to determine the case.

Referring to the paperwork before them the Members advised that they had sympathy with the Applicant as there had previously been granted outline planning permission in August 2007 for the erection of a dwelling house on this site. However, in view of the fact that the Council has since adopted the Landscape Capacity Study for North and South Kintyre in 2009 which details that new developments in this area should be clear of the valley floor, the Members noted that this application was not consistent with the provisions of this Study and by extension policy STRAT DC 4 of the approved Structure Plan and policies LP ENV 1 and

LP HOU 1 of the adopted Local Plan 2009. The Members felt that it was not possible for them to approve this application given that no justification based on material considerations had been advanced by the Applicant that outweighed the relevant policies and they agreed with the Planner's assessment of this application. They noted that in terms of the Landscape Capacity Study there may be opportunities for development within the Rural Opportunity Area to the east side of the valley.

Decision

It was unanimously agreed to refuse planning permission for the following reasons:-

The site presents fairly open aspect long distance views from the minor road serving the area travelling south. The site is not associated with an existing farm or built cluster nor is it associated with mature planting. The council's Landscape Capacity Study for North and South Kintyre details that new developments should be clear of the valley floor to avoid long distance views into the site and associated with existing clusters of development to maintain the existing settlement pattern. The current application is located on the valley floor offering long distance views from the main road into the site and is not associated with any existing built development. In this regard the application is not consistent with the provisions of the adopted Landscape Capacity Study 2009 and by extension policy STRAT DC 4 of the approved Structure Plan and policies LP ENV 1 and LP HOU 1 of the adopted Local Plan.

(Reference: Notice of Review and Supporting Documentation, Comments from Interested Parties and Comments from Applicant, submitted)