

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the
COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD
on TUESDAY, 26 MARCH 2013**

Present: Councillor Sandy Taylor (Chair)
Councillor Robin Currie Councillor Richard Trail

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

**1. CONSIDER NOTICE OF REVIEW REQUEST: LYNN HOUSE,
GANAVAN, OBAN, ARGYLL, 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 (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.

Councillor Currie and Councillor Trail both confirmed that they had enough information before them.

The Chair referred to the Applicant wishing a site visit and hearing to be undertaken and asked Members if they thought it would be appropriate to hold a site visit and hearing.

Councillor Trail advised that he did not think it would be necessary to hold a hearing.

Councillor Currie sought clarification on who would be invited to a hearing if this were to take place. Mr Jackson advised that all interested parties would be invited to attend a hearing and that the LRB would be required to specify which matters were to be addressed at the hearing.

Councillor Currie commented that the letters of support submitted by the Applicant were all from the trade rather than neighbours and advised that he did not think it would be of benefit to hold a hearing in this case.

The Chair asked if the Members would like a site visit organised or if they would be happy to proceed with determining the case.

Councillor Currie advised that he thought a site visit would be beneficial.

The Chair advised that when an Application relates to site density and whether or not it is too dense he would prefer to view the site before

determining a case.

Councillor Trail advised that it was always good to have a site visit. He referred to the figures in the paperwork and advised that they suggested to him that the plot size would be too small and out of character with the rest of the development and so agreed that a site visit would be required in the first instance.

Councillor Currie referred to one of the photographs submitted by the Applicant and sought clarification on where this had been taken.

Mr Jackson advised that in terms of the procedure that had to be followed it would not be possible to ask the Applicant to clarify this at this meeting, however, there would be an opportunity to ask the Applicant questions if a site visit were to be arranged or the question could be asked by requesting further written submissions.

The Chair asked if a site visit were to be arranged who should be invited to attend.

The LRB agreed that it would be appropriate to ask the Applicant, the Applicant's Agent and a representative from Planning to attend the site visit.

DECISION

1. Agreed to hold a site inspection in order to establish the density of the surrounding area and what the impact the proposed development may have on the local environment;
2. Agreed to invite the Applicant, the Applicant's Agent and a representative from Planning to attend this site visit;
3. Agreed that there was no requirement to hold a hearing; and
4. Agreed to adjourn the meeting and reconvene at the conclusion of the site visit on a date and time to be determined.

The Argyll and Bute Local Review Body re-convened on Friday 26 March 2013 at 10.30 am in the Corran Halls, Oban

Present: Councillor Sandy Taylor (Chair)
Councillor Robin Currie
Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law (Adviser)

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 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 Trail said that having looked at the site and the surrounding properties it was his view that the planning department had got it right in refusing the Application as the plot was too small and there would be an adverse effect on the amenity of the area which generally had larger plot sizes.

Councillor Currie said he had sympathy for what the Applicants wanted to do, and whilst it could accommodate a building it was certainly a smaller plot than others surrounding it. He was also mindful of the impact any new house would have on the amenity of both properties if they were no longer to be owned by the same family group. He questioned whether it would be possible to make it ancillary accommodation to the main house and if a section 75 could be entered into to tie the ownership together. Mr Reppke advised that in theory that could be done but there were issues about doing this and these might not be suitable for the proposal which was for an independent dwelling unconnected to the existing house.

Councillor Taylor said that he had been convinced by the site visit that the plot was too small for development, that it would have an adverse impact on the amenity of the existing property, would be out of character with the area and would be contrary to the established settlement pattern.

DECISION

The Councillors agreed unanimously to support the reasons for refusal set out in the report of handling for this case (detailed at page 46 of the Agenda pack issued for the LRB meeting held on 26 March 2013) and to determine to reject the Notice of Review for the foregoing reasons.

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

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF SITE INSPECTION RE CASE 13/0003/LRB
LYNN HOUSE, GANAVAN ROAD, OBAN, PA34 5TU – FRIDAY 26
APRIL 2013**

In attendance: Councillor Sandy Taylor, Argyll & Bute LRB (Chair)
Councillor Robin Currie, Argyll & Bute LRB
Councillor Richard Trail, Argyll & Bute LRB
Charles Reppke, Head of Governance and Law

(Adviser)

David Love, Planning Authority
Dorothy Macarthur, Applicant's Agent
June Henderson, Applicant
Michael MacKenzie, MSP, Interested Party
David Hodge, Interested Party
John Hyde, Interested Party
Lesley MacPhail, Interested Party
Allan Macaskill, Agent for an Interested Party

The Argyll and Bute LRB (ABLRB) agreed on 26 March 2013 to conduct a site inspection to allow them to assess the proposed site in the context of its immediate surroundings and the character of the area.

The ABLRB convened on 26 April 2013 at Lynn House, Ganavan Road, Oban at 10.00 am and the Chair welcomed everyone to the site inspection and explained the procedure that would be followed.

The Chair asked the Planning Officer to point out the site boundaries and Mr Love referred to the tapes erected by the Applicant to show the extent of the site.

Councillor Trail asked for clarity about the location of the house and Mr Love referred to drawings in the pack but reminded members that this was an application in principle only.

Councillor Currie asked about the size of the proposed house in relation to the overall plot. Mr Love advised that he did not have that information. Ms Macarthur, the Applicant's Agent, explained that the house size would be 77sq metres total and plot size was 329 sq metres with 125 sq metres of amenity ground and 127 sq metres of parking/turning proposed. Ms Macarthur also referred to the guidance on ratios for development of plots and Councillor Currie assessed the scale to a quarter to be under development and remainder amenity.

The Applicant was asked about the ownership of the land for the visibility splays and Mrs Henderson advised that they had spoken to the estate and that it would be okay. On further inquiry it was confirmed that the land was not in the ownership of the Applicant although there was a right

of access over it.

The Members of the LRB also viewed the access road and established it was a private road serving the existing property.