

**MINUTES of MEETING of the ARGYLL AND BUTE LOCAL REVIEW BODY held in the
COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on TUESDAY, 23 APRIL 2013**

Present: Councillor Mary-Jean Devon (Chair)
Councillor Gordon Blair Councillor Fred Hall

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

**1. CONSIDER NOTICE OF REVIEW REQUEST: LAND SOUTH WEST OF
ALDER HOUSE, KILMICHAEL, LOCHGILPHEAD, PA31 8QA**

The Chair advised and the Panel members agreed that due to their involvement in the Licensing Board, which had adjourned to allow the meeting of the Local Review Body to convene; to adjourn the meeting of the Local Review Body and to reconvene on Wednesday 22 May 2013.

The meeting of the Argyll and Bute Local Review Body reconvened on Wednesday 22 May 2013 in the Council Chamber, Kilmory Lochgilphead.

Present: Councillor Mary Jean Devon (Chair)
Councillor Gordon Blair
Councillor Fred Hall

Attending: Charles Reppke, Head of Governance and Law
Fiona McCallum, Committee Services Officer

The Chair welcomed all those present to the meeting and introductions were made. She advised that the only persons present who would be permitted to speak during the meeting would be the members of the Local Review Body panel and Mr Reppke who would provide procedural advice if required.

The Chair advised that her first task would be to establish whether the Panel felt they had sufficient information before them to come to a decision on the review.

Following consideration of the paperwork before them the LRB agreed that in the first instance it would be beneficial to hold a site inspection in order to view the amenity of the area and the setting of other nearby dwellings referred to by the Applicants' Agent.

The Head of Governance and Law drew the LRB's attention to a late submission from the Applicants' Agent which mainly addressed procedural issues and which the Head of Governance and Law had responded to. The late submission also referred to an error in the original Report of Handling. He advised that if the LRB were minded to take this

late representation into consideration this would be submitted to interested parties for comment in advance of the LRB convening again following the site inspection. The LRB agreed that they would like to take this late representation into consideration and they also agreed to request from Planning appropriate conditions and reasons to attach to any consent if they were minded to approve the Planning Application at a future meeting.

Decision

The LRB agreed:-

1. To hold an accompanied site inspection and to invite the Applicants, the Applicants' Agent and Planning to this site inspection in order to view the amenity of the area and the setting of other nearby dwellings;
2. To take into consideration the late representation from the Applicants' Agent and to request from Planning clarification on the comment regarding an error in section (D) of the Report of Handling;
3. To request from Planning appropriate conditions and reasons to attach to any consent if the LRB were minded to approve this Planning Application; and
4. To adjourn the meeting and reconvene at the conclusion of the site inspection.

The meeting of the Argyll and Bute Local Review Body reconvened on Wednesday 26 June 2013 in the Council Chamber, Kilmory Lochgilphead at 11.15 am.

Present: Councillor Mary Jean Devon (Chair)
Councillor Gordon Blair
Councillor Fred Hall

Attending: Charles Reppke, Head of Governance and Law
Fiona McCallum, Committee Services Officer

The Chair welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body (LRB). She 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 of site inspection attached as Appendix to this Minute) and asked the Panel what their feelings were following this site inspection.

Councillor Blair advised that he felt the proposed dwelling house would be sheltered by the trees but recognised that there were policy implications in respect of the case and sought advice from Mr Reppke.

Councillor Hall advised that he had noted that the issue regarding access to the site will be addressed and that he was satisfied that the Applicant and neighbour would reach a suitable arrangement for both of them. Councillor Hall also sought advice on the policy implications.

The Chair advised that the LRB felt they would like to approve this application as the site would be secluded and would only come into view when travelling on the main roads for a short period of time and that other properties in the area were more prominent from the main road and would be visible for longer periods of time.

Mr Reppke confirmed that the issue regarding the access to the site was straightforward and was a technical matter that could be resolved. However, he referred to policy STRAT DC 5 regarding development in sensitive countryside which stated that within 'sensitive countryside' encouragement shall only be given to small scale infill, rounding-off, re-development and change of use building development or to single dwellinghouses on bareland crofts. In special cases, development in the open countryside and medium and large scale development may be supported if this accords with an Area Capacity Evaluation which demonstrates that the specific development proposed will integrate sympathetically with the landscape and settlement pattern and that the development will entail or result in at least one of the following outcomes:- (1) a small scale housing development which accords with the Area Capacity Evaluation; (2) a positive development opportunity yielding significant countryside management or environmental enhancement benefit, or building retention or local community benefit or economic benefit; or (3) a development with a locational need to be on or in the near vicinity of the proposed site. He advised that if Members were minded to approval this application then there were two options open to them. Firstly they could look at providing justification for departing from the Development Plan or secondly they could look at the option of this being a 'special case' and requesting that an Area Capacity Evaluation be carried out on the land which would include the application site which they could then draw up a critique. He advised that he was not clear at this stage whether or not a justification could be found for departing from the Development Plan.

Decision

The Argyll and Bute Local Review Body –

1. Agreed to request that Planning Officers carry out an Area Capacity Evaluation on a area which included the application site and to submit this to the LRB within 14 days with a copy also issued to other interested parties, including the Applicants' Agent, for comment; and
2. Agreed to adjourn the meeting in order to allow consideration of whether there was a competent Motion either departing from the Development Plan or in regard to the ACE and to reconvene once the ACE has been submitted and interested parties and the Applicants' Agent have been given the chance to comment on it.

The meeting of the Argyll and Bute Local Review Body reconvened on Monday 23 September 2013 in Kilmory Lochgilphead at 2.00 pm

Present: Councillor Mary Jean Devon (Chair)
Councillor Gordon Blair
Councillor Fred Hall

Attending: Charles Reppke, Head of Governance and Law

The Chair welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body (LRB). She 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 reminded Members that at the last meeting they had minded to look at an option for approval and Members confirmed this to be the case. She then read out the undernoted Motion and justification for approving the application as a minor departure and the Motion as adjusted following advice from Mr Reppke was unanimously agreed subject to the completion of a Section 75 Agreement as specified in the Motion and that the conditions and reasons specified by the Planning Department in their submission to the LRB in June be imposed on the grant.

Motion

The proposed development would sit closely adjacent to the existing dwellinghouse and as such any adverse visual impact on the landscape would be mitigated by the close proximity to the current dwelling which has a very visible appearance given its raised position and sparsity of tree cover and surround which has created a small node of development on the raised ground which would benefit from environmental works to better integrate the sites into the wider rural landscape which is designated Sensitive Countryside within part of a designated National Scenic Area where the most relevant policies STRATDC 5, LP HOU 1 and LP ENV 9 of the statutory Development Plan apply. The site is visually contained on the raised ground by self seeded woodland which has begun to integrate the existing dwellinghouse into the landscape setting and there would be an opportunity to further improve this integration as part of a wider woodland management scheme undertaken as part of the approval of this application as a minor departure and there would also be an environmental benefit from improved management and replanting of the land adjacent to the proposed development site.

The approval of the application as a minor departure from policy linked to a section 75 agreement to secure [a] the necessary visibility splays for the access and [b] that the applicants submit details of a woodland management and improvement scheme in respect of their remaining landholding at Alder extending to approximately 0.44 hectares for approval and implementation prior to the occupation of the proposed dwellinghouse for the reasons set out herein.

The proposal does not provide for an appropriate 'infill', 'rounding-off' or 'redevelopment' within the designated 'sensitive countryside' and, in the absence of a valid claim of locational/operational need, is therefore contrary to the provisions of policies STRAT DC 5 of the Argyll and Bute Structure Plan 2002 and LP HOU 1 of the adopted Argyll and Bute Local Plan 2009. However, the limited adverse visual impact of the proposal can be justified as a minor departure from the stated policy as the house will share the existing access of the existing house and, given the current visual prominence of the existing property and its curtilage, there would be an opportunity to mitigate the existing visual impact as well as providing an environmental improvement from implementing improved management of the self seeded woodland to mitigate the visual impact of the existing and proposed houses. The applicants have offered to improve the management and such proposals should be subject to approval by the planning authority and implemented prior to the occupation of the dwellinghouse such arrangements to be secured by means of a section 75 legal agreement in terms to be determined the Head of Governance and Law.

The proposed development would occupy a prominent, elevated location which would, if it were not for the proposed woodland management scheme and close physical and visual relationship to the existing house, erode the existing settlement pattern to the south of Bridgend village, and will not significantly diminish the quality of an existing deciduous woodland, given the requirements to submit and implement a woodland management scheme and which will mitigate the proposed house development which could otherwise have had a significant adverse impact upon key landscape features of the Knapdale National Scenic Area and is accordingly contrary to the provisions of policies STRAT DC8 of the Argyll and Bute Structure Plan 2002 and LP ENV 7, LP ENV 9 and LP ENV19 of the adopted Argyll and Bute Local Plan 2009.

However the environmental improvements that can be obtained from a woodland management scheme linked to the approval of the current proposal, as a minor departure from policy to better integrate the existing development set on the flat section of the raised ground provides a justification for a minor departure from policy on the basis that the existing and proposed dwellings will be visually contained by new planting to lessen the visual intrusion of the house plots in what is otherwise sensitive countryside.

The necessary works to provide the required visibility splays should be secured via a section 75 agreement which will also require submission of details of the planting, implementation and ongoing management requirements within the remainder of the woodland land owned by the applicants for the approval of the planning authority prior to the occupation of the proposed new dwellinghouse.

Decision

The Argyll and Bute Local Review Body unanimously agreed to approve planning permission in principle subject to the completion of a Section 75 Agreement as specified in the Motion and subject to the following

conditions and reasons:-

1. Plans and particulars of the matters specified in conditions 3, 4, 5, and 6 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 19.11.2012; supporting information and the approved drawing refs 1 to 3 of 3 inclusive of the Design Statement.

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 provide for a shared means of access through the neighbouring plot to the east to ensure the trees along the road frontage can be retained and such details shall incorporate:

i) Formation of the junction serving the development site in accordance with the Council's Standard Roads Drawing 'SD 08/006 Rev a' with an access width 5.50m and incorporating beside it a refuge collection point; with visibility splays measuring 53 metres by 2.40 metres;

ii) 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, which effectively needs to provide for 2 vehicle spaces unless the property has 4 or more bedrooms in which case 3 vehicle spaces are required.

Prior to work starting on site, the approved scheme of works in respect of junction layout shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions over 1.0 metre in height above the level of the adjoining carriageway. The final wearing surface on the bellmouth shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions over 1.0 metre in height thereafter.

The approved 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 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 one storeys in design;
 - iv) Rectangular footprint no greater than 120 square metres;
 - v) External building span of 7 metres;
 - vi) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
 - vii) External walls finished in natural stone or wet dash render or, a mixture of both;
 - viii) Principal ridgeline parallel to the nearest public road;
 - ix) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
 - x) 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.

5. 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, specifying : (a) those trees to be retained which shall ensure a woodland context particularly safeguarding all trees along the road frontage, (b) those trees to be felled and (c) such other trees to be planted.
 - v) The management proposals for the retained woodland.

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.

6. 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.

7. Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

(Reference: Notice of Review and Supporting Documentation, Written Submissions and Comments on Written Submissions, submitted)

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF SITE INSPECTION RE CASE 13/0005/LRB
LAND SOUTH WEST OF ALDER HOUSE, KILMICHAEL,
LOCHGILPHEAD, PA31 8QA – WEDNESDAY 26 JUNE 2013**

In attendance: Councillor Mary-Jean Devon, Argyll & Bute LRB
(Chair)

Councillor Gordon Blair, Argyll & Bute LRB
Councillor Fred Hall, Argyll & Bute LRB
Charles Reppke, Head of Governance and Law

(Adviser)

Fiona McCallum, Committee Services (Minute Taker)
Derek Hay, Planning Authority
Mr and Mrs Campbell, Applicants

The Argyll and Bute LRB (ABLRB) agreed on 22 May 2013 to conduct a site inspection in order to view the amenity of the area and the setting of other nearby dwellings and to invite a representative from Planning to attend along with the Applicants and the Applicants' Agent to answer any questions the LRB may have in relation to these boundaries.

The ABLRB convened on 26 June 2013 at Land South West of Alder House, Kilmichael, Lochgilphead at 10.40 am.

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

Mr Reppke advised the participants on the procedure that would be followed.

From the inspection the ABLRB noted:-

1. the boundary of the Application site;
2. that the Application site was currently wooded and if consent was granted some tree felling would be required to allow for the erection of the dwelling house, garden space and a parking area;
3. the shared access to the site and that if consent was granted the Roads Engineer would require this access to be widened to 5.5 metres to allow for the possibility of 2 cars leaving and entering the access at the same time and that a service bay (passing place) would also be required;
4. that the Applicant had retained access rights to the site and that the Applicant and the resident of the dwelling house sharing this access were in agreement to signing a legal agreement to enable the road

works to be carried out as this would involve land out with the application site;

5. that Planning have accepted that the roads issue can be resolved by the signing of the legal agreement;
6. the proposed location of the dwelling house;
7. that any trees requiring to be felled would be scrub and that a corridor of trees would be retained around the site;
8. the location of Forest Lodge and that consent had been granted for this development when it was part of a Rural Opportunity Area under the previous Local Development Plan;
9. that the application to build Alder House had also been granted consent at it was also part of a Rural Opportunity Area under the previous Local Development Plan and that this area had now be re-designated at 'sensitive countryside' in the current Local Development Plan.