

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

Present: Councillor Sandy Taylor (Chair)

Councillor Fred Hall

Councillor Donald MacMillan

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

1. CONSIDER NOTICE OF REVIEW REQUEST: SITE SOUTH OF CLADACH BOTHAN, FERRY ROAD, TAYINLOAN, PA29 6XQ

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 Sandy Taylor (Chair)
Councillor Fred Hall
Councillor Donald MacMillan

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

The Chair welcomed all those present to the meeting.

The Chair advised that his 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 have a better understanding of the location of the proposed development and how this would fit into the surrounding environment.

The LRB also agreed to request from Planning appropriate conditions and reasons to attach to any consent if the LRB were minded to approve the Planning Application.

Decision

The LRB agreed:-

1. To hold an accompanied site inspection and to invite the Applicant, the Applicant's Agent and Planning to this site inspection in order that the LRB could have a better understanding of the location of the proposed development and how this would fit into the surrounding environment;

2. To request from Planning appropriate conditions and reasons to attach to any consent if the LRB were minded to approve this Planning Application; and
3. To adjourn the meeting and reconvene at the conclusion of the site inspection.

The meeting of the Argyll and Bute Local Review Body reconvened at 2.30 pm on Friday 28 June 2013 in the Tayinloan Village Hall

Present: Councillor Sandy Taylor (Chair)
Councillor Fred Hall
Councillor Donald MacMillan

Attending: Iain Jackson, Governance and Risk Manager (Adviser)
Theresa McLetchie, Area Governance Assistant (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 (note of site inspection attached as Appendix A to this Minute) and asked the Panel if they now had enough information before them to come to a decision on the Review.

The LRB confirmed this to be the case and went on to determine the merits of the case.

Taking account of all the information available to them and following the site inspection both Councillors Hall and MacMillan agreed that the site was appropriate for the erection of a dwelling house and that they considered the site suitable for the integration of the proposed development because in their opinion it would be an infill site, it would accord with the settlement pattern at this particular location and not have a detrimental impact on the quality of the panoramic landscape.

The Chair noted that his colleagues were in favour of this planning proposal but advised that he had reservations that if this was granted it could lead to further planning applications and perhaps escalate into a ribbon development of dwelling houses.

Mr Jackson advised that if the LRB were minded to approve this Application then a competent Motion would have to be proposed and that it would be appropriate to adjourn the meeting in order that the LRB could seek advice in the preparation of this Motion.

Decision

The LRB agreed to adjourn the meeting in order to investigate the

possibility of preparing a competent Motion and to reconvene again at the earliest opportunity.

The Argyll and Bute Local Review Body reconvened on Thursday 5 September 2013 in Committee Room 1, Kilmory Lochgilphead.

Present: Councillor Sandy Taylor (Chair)
Councillor Fred Hall
Councillor Donald MacMillan

Attending: Iain Jackson, Governance and Risk Manager (Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

The Chair welcomed everyone to the meeting and introductions were made. He advised that parties to the Review were not permitted to address the Local Review Body (LRB) and 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 previous meeting and site visit where Members expressed their wish to look at challenging the Planning decision and to see if it would be possible to prepare a competent Motion that would enable the development to be approved and invited the Members to comment.

Councillor Hall stated that he had benefited from the discussions which had taken place at the previous meetings and the site visit and advised that it was his opinion that this application should be approved.

Councillor MacMillan advised that he had studied carefully the paperwork submitted in respect of this case and that following the site visit he had formed the opinion that the application site was an infill site which was smaller than Monamore and only slightly larger than Cladach Bothan. He acknowledged that the location was within 'very sensitive countryside' however, he advised that there were houses there already and that he did not feel that this development would spoil the panoramic views. He advised that he thought this was an acceptable site for a house and should be treated as infill. He referred to the design of the building which he also considered to be appropriate. He advised that this dwelling should be approved and that he would not like to see further development at this location.

The Chair advised that as previously stated, when he first read the planning report he was of the view that this site should not be infilled. He advised that he agreed with the Planning assessment that it was desirable to maintain the current scatter of sporadic development and that infill would give rise to cause pressure to fill other areas. He advised that he could find no favour with approving this development.

Motion

That the application be approved as the gap between the two existing properties situated south of the Ferry Terminal, Cladach Bothan and

Monamore, within which the LRB site is located is not in fact part of the settlement pattern described by Officers in their assessment of the planning application, ie dispersed, individual buildings set in open countryside, sat along the coast road between Tayinloan and the Ferry Terminal with significant, undeveloped gaps between buildings but rather the gap is substantially smaller than that experienced between the remaining properties further to the south and as a consequence the property of Monamore on the south of the LRB site can be considered to be visually part of the loose node of development which adjoins the LRB site to the north and on that basis the LRB site is an “appropriate infill development” of this existing node of development around the Ferry Terminal/Ferry Farm and the two existing properties, and, as such, will not erode the existing dispersed settlement pattern which is evident to the south of Monamore or the key features of the APQ within which the site sits and on that basis the proposed development is consistent with the provisions of STRAT DC 5, STRAT DC 8, LP ENV 1, LP ENV 10, LP ENV 19, LP HOU 1 and LP CST 2 and therefore planning permission can be granted subject to the conditions and reasons proposed by the planning department in their submission to the LRB meeting held on 28 June 2013.

Moved by Councillor Hall, seconded by Councillor MacMillan

Mr Jackson confirmed that this was a competent Motion.

Councillor MacMillan advised that on agreeing to second this Motion he was not considering what may happen in the future and only considering the case before the LRB at this time. He advised that if an application came forward in the future for further development at this location this would be considered on its merits at that time.

Decision

The Argyll and Bute Local Review Body agreed by a majority to grant planning permission for the development subject to the following conditions and reasons:-

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 18th June 2012; and the approved drawing numbered 1 of 1; and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

2. Prior to the commencement of development, details of the proposed finished floor levels of the dwellinghouse relative to an identifiable fixed datum located outwith the application site shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In the interests of visual amenity and to assist in the

integration of the development into its surroundings.

3. The proposed access shall have visibility splays of 25 metres by 2.4 metres, formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over 1.05 metres in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

4. Prior to work starting on site, the access hereby permitted shall be formed in accordance with the Council's Highway Drawing No. SD08/004, Revision A with a refuse collection point to be provided adjacent to the public road.

Reason: In the interest of road safety.

5. Prior to work starting on site full details of a turning area and parking provision for 2 vehicles within the curtilage of the dwellinghouse drawn up in consultation with the Area Roads Manager shall be submitted to and approved in writing by the Planning Authority. The parking and turning area shall be provided prior to the occupation of the dwellinghouse.

Reasons: In the interests of road safety.

6. Notwithstanding the provisions of Condition 1, 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.

7. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of external walls and roof finishes have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

(Reference: Notice of Review and Supporting Documentation and Written Submissions, submitted)Appendix A

**NOTE OF MEETING OF SITE INSPECTION RE CASE 13/0006/LRB
SITE SOUTH OF CLADACH BOTHAN, FERRY ROAD, TAYINLOAN,
PA29 6XQ – FRIDAY 28 JUNE 2013**

In attendance: Councillor Sandy Taylor, Argyll & Bute LRB (Chair)
Councillor Fred Hall, Argyll & Bute LRB
Councillor Donald MacMillan, Argyll & Bute LRB
Iain Jackson, Governance and Risk Manager

(Adviser)

Theresa McLetchie, Area Governance Assistant

(Minute Taker)

Peter Bain, Planning Authority
Steve Runciman, Applicant's Agent
Dr David Barry, Interested Party

Apologies:
Applicant

Apologies were intimated from Margaret Campbell,

The Argyll and Bute LRB (ABLRB) agreed on 22 May 2013 to conduct a site inspection in order that the LRB could have a better understanding of the location of the proposed development and how this would fit into the surrounding environment and to invite a representative from Planning to attend along with the Applicant and the Applicants' Agent to answer any questions the LRB may have in relation to these boundaries.

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 site inspection and no opportunity for parties to state their case

From the inspection the ABLRB noted:-

1. The boundaries of the site application and the distances between the site and the existing dwelling houses;
2. The position of the proposed dwelling house within the site and the distances between that and the neighbouring properties;
3. The proximity of the existing car park, café and Bed and Breakfast properties; and
4. That granting planning permission for the proposed dwelling house would not necessarily instigate further planning applications.