

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on TUESDAY, 4 JUNE 2013**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Richard Trail  
Councillor Rory Colville

**Attending:** Charles Reppke, Head of Governance and Law  
Shona Marshall, Senior Committee Assistant (Minute Taker)

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

**3. CONSIDER NOTICE OF REVIEW REQUEST: LAND EAST OF BLARCREEN HOUSE, ARGYLL AND BUTE (ALSO KNOWN AS KENNACRAIG)**

The Chair welcomed all those present to the meeting and introductions were made.

The Chair advised that no person present would be entitled to speak other than the Local Review Body Panel and Mr C Reppke, who would provide procedural advice if required.

The Chair advised that his first task would be to establish if the Panel felt that they had sufficient information to come to a decision on the review.

Councillors Trail and Colville advised that they felt that the information detailed by the planners was not sufficient to allow them to come to a decision on the review.

Discussion followed on whether it would be beneficial to have pictures of the relevant area provided with the circulated papers, which may present a better understanding of the application.

It was noted that the Planning, Protective Services and Licensing Committee had originally taken the decision to reduce cost implications by not providing pictures before a first calling.

It was also felt that planners should provide clarity on whether the Grampian condition applied and a Section 75 applied to this submission.

**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, and the existing policy background;

2. Agreed to request whether the Applicant engage a landscape consultant to provide the LRB with an opinion on the Applicants behalf of a landscape capacity study for the site and to be advised of the timescale for the provision of the survey or otherwise;
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 Friday 13 September 2013 in North Connel Village Hall, Oban, Argyll.

Present: Councillor Sandy Taylor (Chair)  
Councillor Richard Trail  
Councillor R Colville

Attending: Charles Reppke, Head of Governance and Law

The Chair welcomed all those present to the meeting and introductions were made.

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 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.

Councillor Colville advised that he had been helped by the site visit.

### **Motion**

Having regard to the terms of the landscape impact assessment presented by VLM design on behalf of the applicant and having weighed that against the assessment carried out by Gillespies in 2010 I am minded on this occasion to favour the assessment made by VLM on the basis that the potential impacts on the landscape will be minor and that there will be no significant effects on panoramic views and the special qualities of the designated area. The development does not form part of the open pastoral land but rather comprises rough grassland with mature vegetation where development could be sited with existing tree groups.

The VLM report recognises that the southern boundary of the site is open but this could be mitigated by planting of native hedgerow and tree species as part of any development and provided that there was careful site planning it would be possible in landscape terms to integrate the development into the site to have a strong relationship with the existing building group of Blarcreen. Furthermore the proposed dwelling would not compromise the landscape qualities of the river setting further to the west nor impact on views towards Loch Etive.

The open fields in the centre of the ROA have no capacity to accept development but this site is distinct from that and is not part of that landscape character and as such the application is viewed as compatible with policy p/dcz4 and LP env10 and as not having any materially adverse impact on the Area of Panoramic Quality.

The application also requires to be assessed against policy STRAT DC 5, LP ENV1, LP HOU 1 and it does not meet any of the criteria that would allow it to be assessed as consistent with that policy. However, having regard to the landscape assessment referred to above the application can be approved as a minor departure from policy STRAT DC 5, LP ENV1 and LP HOU 1. On the basis that it will have de minimus impact on the landscape character provided additional planting is undertaken given that the site is distinct from the low lying improved pasture land which would have much wider visibility in the landscape.

The development of this site would exhaust the capacity of the area to accommodate any further development given the dispersed nature of the settlement pattern in this area and the landscape character of the ROA.

He moved also that the conditions and reasons detailed by the planning officers in the pack for the meeting be imposed on the approval.

Moved by Councillor Colville and supported by Councillors Taylor and Trail.

## **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. Plans and particulars of the matters specified in conditions 3, 4, 6, 7, 8, and 9 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. Except as may be amended by the conditions attached to this planning permission in principle, this permission is granted in accordance with the details specified on the application form dated 21<sup>st</sup> January 2013 pertaining to application ref. 13/00123/PPP and the approved drawing numbers 1 of 3, 2 of 3 and 3 of 3.

*Reason: For the purpose of clarity and to ensure that the development is implemented in accordance with the approved details.*

3. Pursuant to Condition 1 – plans, sections and elevations of the proposed house shall be submitted and must 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 1¾ storey building
- iv) Rectangular footprint with traditional gable ends
- v) External building span not exceeding 7.0 metres
- vi) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate
- vii) External walls predominantly finished in natural stone, masonry render, or a mixture of both
- viii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site, furthermore, these shall demonstrate that the building has been sited so far as practicable to fit with the natural contours of the site and maximise the use of existing landscape features to provide a suitable context for the development; and
- ix) 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.*

4. Pursuant to Condition 1 – a scheme of boundary treatment, surface treatment and landscaping shall be submitted including 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; and
- iv) Proposed hard and soft landscaping works.

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.*

5. All existing trees and shrubs within the application site as identified by the red line, shall not be lopped, topped, felled, lifted or removed without the prior written consent of the Planning Authority.

*Reason: Retention of the existing trees and shrubs will ensure that the proposed dwellinghouse will conform with the landscape character of the immediately surrounding area which is situated directly adjacent to Kennacraig and Esragan Burn Site of Special Scientific Interest which is designated for its woodland features of interest and within an area listed on the Ancient Woodland Inventory.*

6. Pursuant to Condition 1 – plans and particulars of the means of vehicular

access and parking/turning arrangements to serve the development shall be submitted, incorporating:

- i) Construction of the junction with the B845 public road serving the development site in accordance with the Council's Roads Standard Detail Drawing SD 08/004 rev a. with visibility splays measuring 2.4 metres by 53.0 metres to the north west and 2.4 metres by 75 metres to the south east from the centre line of the junction.
- 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.

No walls, hedges, fences etc will be permitted within 2.4 metres from the channel line of the B845 public road.

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 such that nothing shall disrupt visibility from a point 1.05 metres above the junction/carriageway. The final wearing surface on the access shall be completed prior to the initial occupation of the house hereby approved and the visibility splays shall be maintained clear of all obstructions thereafter in perpetuity.

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.*

7. Pursuant to Condition 1 - an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development shall be submitted.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

*Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.*

8. Pursuant to Condition 1 – details of the proposed means of private foul drainage to serve the development shall be submitted including the location, capacity and outfall arrangements for the proposed private drainage system.

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.*

9. Pursuant to Condition 1 – full details of the means of surface water drainage shall be submitted. Such details as are approved shall be operational prior to the development being brought into use and shall be maintained as such thereafter in perpetuity.

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

10. No development shall commence on site or is hereby authorised until the existing ruinous structure identified as Kennacraig within the landholding has been razed to the ground and permanently removed from the landholding, except where demolition materials are used in the construction of the house hereby approved in principle.

*Reason: To ensure that the existing redevelopment opportunity which exists at Kennacraig is removed in perpetuity which shall then ensure that the applicant can only erect 1 dwellinghouse within the area of land within the same ownership as identified by Plan 2 of 3 (Drawing No. STR12030/01).*

## Appendix A

### ARGYLL AND BUTE LOCAL REVIEW BODY

#### NOTE OF MEETING OF SITE INSPECTION RE CASE 13/0008/LRB LAND EAST OF BLARCREEN HOUSE, ARGYLL AND BUTE (ALSO KNOWN AS KENNACRAIG) – FRIDAY 13 SEPTEMBER 2013

In attendance:       Councillor Sandy Taylor (Chair)  
                          Councillor Richard Trail  
                          Councillor Rory Colville  
                          Charles Reppke, Head of Governance and Law (Adviser)  
                          Stephen Fair, Planning Authority

The Argyll and Bute LRB (ABLRB) agreed on 4 June 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 the existing policy background, and to invite the Applicant, the Applicant's Agent and Planning.

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

The Chair advised the participants on the procedure that would be followed.

The Chair then asked Mr Fair to detail the site boundaries and to explain the policy background. Mr Fair pointed out the site location, and drew Members attention to the landscape features referred to in the report.