

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on MONDAY, 11 NOVEMBER 2013

Present: Councillor David Kinniburgh (Chair)
Councillor Donald MacMillan Councillor Richard Trail

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

1. CONSIDER NOTICE OF REVIEW REQUEST: LANDS TO NORTH OF BALLOCHYLE FARM, SANDBANK, PA23 8RD (REF: 13/0014/LRB)

The Chair welcomed everyone to the meeting and advised that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Reppke who would provide procedural advice if required.

The Chair advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

Councillor Trail sought clarity on the submission of revised design drawings from the Applicant's Agent and asked what status these drawings had and if Planning were aware of these.

Mr Reppke advised that this revised design had been submitted by the Applicant's Agent as part of the Review and that whilst it was acceptable for Members to accept new information they could, if necessary, seek clarification from Planning on whether or not they have considered this revised design and whether or not it would be possible to substitute this design for the original design submitted or if this would require a fresh planning application to be submitted.

Councillor MacMillan advised that he had concerns regarding the sewage and water supply.

The Members agreed that the main issue to consider was the impact this proposal would have on the amenity of the existing properties.

The Chair referred to the Agent's comments about a proposal on an immediately adjacent site which had been refused planning permission and that this decision had been overturned following appeal to the Local Review Body. The Chair stated that he had been involved with this previous Review and advised that this current proposal related to a different set of circumstances and that in that case the proposed development was on the other side of the road from the existing settlement whereas this proposed development was to be sited in between dwellings located within the existing settlement. He advised that in this case he supported the Planner's decision to refuse the planning

application for the reasons stated in the report of handling.

Councillor Trail advised that whether or not Planning had considered the revised design submitted by the Applicant's Agent he felt that the proposal went against Planning Policy in terms of its impact on the amenity of the existing properties and that a change of design would not make a difference.

Councillor MacMillan agreed with the comments made by his colleagues.

Decision

The Argyll and Bute LRB unanimously agreed not to grant planning permission and to uphold the following reasons for refusal by the Planning Department on the basis that they were satisfied that there would be an adverse impact on the amenity of the existing properties:-

1. Having regard to the siting, design and layout of the proposed dwellinghouse, in close proximity to existing surrounding dwellinghouses, the development would not complement, but be at variance with the existing settlement character with its particular layout, orientation, scale and design. The orientation, design and layout of the proposed dwellinghouse are considered to be based upon the limitations of the site and relationship to adjacent dwellinghouses. The immediate area is characterised by the prominence of the former Ballochyle Farmhouse and the detached dwellinghouse at 1 Ballochyle Estate, where the spaces between and around these buildings are considered to provide an appropriate setting to dwellings of their scale, design and layout. For these reasons, the site for the proposed development on domestic garden ground for Cottages 2 and 4 is not regarded as appropriate infill development. Development on this site in close proximity to these dwellinghouses would remove important amenity spaces which would affect the setting of these dwellings and result in a loss of amenity and privacy for these dwellings. Additionally, the proposed dwellinghouse would be sited in close proximity to the adjacent dwellinghouse at 1 Ballochyle Estate, its outbuildings and private garden area. The siting of the proposed dwellinghouse 4 metres from the mutual boundary would result in a loss of privacy and amenity in addition to potential loss of daylighting.

Accordingly, such a dwellinghouse with its particular siting, scale and design would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment within the Rural Opportunity Area. The proposal is considered to be contrary to, SPP, PAN 44, PAN 72; Policies STRAT SI 1, STRAT DC 4, STRAT FW 2, STRAT HO 1 of the Argyll and Bute Structure Plan (2002) and to policies LP ENV 1, LP ENV 7, LP ENV 19, LP HOU 1 and LP SERV 2 of the Argyll and Bute Local Plan (August 2009), all of which presume against the nature of the development proposed.

2. The applicant has failed to provide any information in respect of

surface water drainage proposals (SuDS) for the application site. The lack of precise drainage arrangements incorporating a SuDS scheme to alleviate potential flooding of the site and adjacent properties and their land is contrary to: Scottish Planning Policy SPP7 – *‘Planning and Flooding’* and PAN 69 *‘Planning and Building Standards Advice on Flooding’*; Policies STRAT SI 1 *‘Sustainable Development’* and STRAT DC10 *‘Flooding and Land Erosion’* of the Argyll and Bute Structure Plan 2002; and policies LP SERV 2 – *Sustainable Drainage Systems (SuDS)*, LP SERV 3 *‘Drainage Impact Assessment’* and LP SERV 8 *‘Flooding and Land Erosion’* of the Argyll and Bute Local Plan (August 2009), all of which presume against the nature of the development proposed.

3. The avenue of Western Red Cedars bordering the access road serving these properties, constitutes a significant landscape element within the Rural Opportunity Area. The proposed development would result in the removal or damage to the avenue of Western Red Cedar trees to accommodate a parking bay and pedestrian access to the development. The proposed development is therefore considered to be contrary to policies STRAT SI 1 and STRAT FW 2 of the Argyll and Bute Structure Plan (2002) and to policies LP ENV 1 and LP ENV 7 of the Argyll and Bute Local Plan (August 2009).

(Reference: Notice of Review and supporting documents, comments received from Interested Parties and further comments received from Applicant’s Agent, submitted)