

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on THURSDAY, 14 AUGUST 2014**

**Present:** Councillor Alex McNaughton (Chair)  
Councillor Sandy Taylor 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: LAND SOUTH OF DUGARRO, TAYNUILT (REFERENCE: 14/0005/LRB)**

The Chair welcomed everyone to the meeting and introductions were made. He 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 they had sufficient information before them to come to a decision on the Review.

Councillor Trail said that he felt the papers had a lot of information but noted that the request for a site visit was supported by the Planning department and he confirmed that he felt a site visit would be beneficial in this case.

Councillor Taylor agreed that the papers before the LRB were excellent. He advised that in relation to the juxtaposition of the proposed property to others he would welcome a site visit.

Councillor McNaughton also agreed that the papers provided by the Applicant and interested parties were very helpful and advised that a site visit would enhance his understanding of the area.

Councillor Taylor asked that Planning be invited to this site visit and also referred to biodiversity issues. He asked if the LRB were minded to approve this application would the issue of biodiversity need to be addressed. Mr Reppke advised that if Members were minded to approve this application he recommended that they request from Planning appropriate conditions and reasons to attach to any consent. He advised that the biodiversity issue may be addressed through a suspensive condition.

**Decision**

The Argyll and Bute LRB agreed:-

1. To hold an accompanied site inspection in order to assess the impact on trees and loss of space the proposed dwelling house may have; to

view the location of the proposed dwelling house within the landscape; and to assess any privacy issues and impact on the neighbouring house "Dugarro";

2. To invite the Applicant, the Applicant's Agent, Planning and Objectors to this site inspection as interested parties; and
3. To request from Planning appropriate conditions and reasons to attach to any consent if the LRB were minded to approve this application; and
4. To adjourn the meeting and reconvene at the conclusion of the site inspection.

The Argyll and Bute Local Review Body reconvened on Monday 20 October 2014 at 11.15 am in the Taynuilt Village Hall, Taynuilt, Argyll.

Present: Councillor Alex McNaughton (Chair)  
Councillor Sandy Taylor  
Councillor Richard Trail

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

The Chair welcomed everyone to the meeting and asked if Members had all the information they needed to make a decision. The Members agreed that they had and Councillor Taylor said that he felt it might be possible to get a competent motion as he was minded to approve the Review with some alteration to the model conditions submitted. Councillor Trail and McNaughton said they were of a similar mind and so it was agreed to adjourn the meeting until 9.30 am on Wednesday 22 October 2014 at Kilmory, Lochgilphead when Members would reconvene to reach a final decision on the Review.

### **Decision**

Agreed to adjourn the meeting and reconvene at 9.30 am on Wednesday 22 October 2014 at Kilmory, Lochgilphead.

The Argyll and Bute Local Review Body reconvened on Wednesday 20 October 2014 at 9.30 am in the Council Chamber, Kilmory, Lochgilphead

Present: Councillor Alex McNaughton (Chair)  
Councillor Sandy Taylor  
Councillor Richard Trail

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

The Chair welcomed everyone to the meeting. He advised that this was a continuation of the meeting held on 20 October 2014 which had been adjourned to give Councillor Taylor the opportunity of preparing a competent Motion. He then invited Councillor Taylor to read out the Motion he had prepared.

## Motion

I move that the application for review be approved for the following reasons:-

1. The site is on the edge of the settlement and the sensitive development of this site would not significantly detract from the rural character and amenity of the local area. The development will result in the loss of some mature trees however a modest single storey development could be accommodated whilst allowing retention of a boundary treatment of trees, shrubs and bushes along the roadside boundary and thus reduce any impact of the development by retaining tree cover along the public roadway. Furthermore the loss of two mature oak trees will not have a significant impact on amenity or nature conservation provided there is a sensitive approach to development which can be underpinned by relevant conditions that will ensure that a proportion of the tree cover is retained and this will when viewed with the tree cover on the other side of the public road provide a green space and outlook when viewed from further afield.
2. It is not likely that the proposed house will have any detrimental impact on the character and appearance of the wider landscape as a single storey dwellinghouse located sensitively within the site will prove an appropriate infill development given its location and will integrate neatly into the node of development in the immediate vicinity and there will remain a physical separation from the adjacent property - Dugarro - and other lower lying properties by reason of the separation distances, change in ground levels and the retention of tree cover on the northern boundary of the site.
3. There will be no adverse impact on the privacy and amenity of the property - Dugarro - given the separation distances, topography and tree cover along the boundary between the site and the existing dwellinghouses and that the positioning and orientation of the proposed new house can be sited so as to minimise any possibility of any adverse impact

It is, therefore, for these reasons the review should be upheld and permission granted subject to the conditions and reasons detailed in the supplementary pack dated **13th October 2014 pages 1-3 but subject to the following modifications namely**

a - delete words in condition 3[iii] and replace with-be single storey in height

b - a further suspensive condition in respect of the possible presence of red squirrels in the following terms:-

7. Condition – No development or tree felling shall commence or is hereby authorised until the presence of red squirrel is investigated at the site by an appropriately qualified ecologist and their report, including mitigation as may prove necessary, has been submitted to and approved in writing by the Planning Authority. The development shall be completed in strict accordance with all such mitigation measures as are agreed.

Reason – in the interests of nature conservation and having regard to the protection afforded to red squirrel under the Wildlife and Countryside Act 1981 (as amended).

Councillor Trail supported the detail of the Motion and Councillor McNaughton confirmed that it alleviated any doubts he'd had about the site. He stated that he had originally had doubts about the visual aspect of the whole application and confirmed that the Motion put forward by Councillor Taylor addressed these doubts.

As this was a planning permission in principle application, Councillor Taylor asked if it would be possible for Members to have sight of the final details of the proposed development when these came forward.

The Head of Governance and Law confirmed that Members could make a request to the Head of Planning and Regulatory Services that the details pursuant to this consent be considered by the Planning, Protective Services and Licensing Committee.

## **Decision**

1. It was unanimously agreed to grant planning permission in principle 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: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).*

### Note to Applicant:

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the

Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.

- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
  - Scottish Water has advised that Kilchrenan Water Treatment Works has limited capacity available for new demand. You are therefore advised to contact Scottish Water direct to discuss connection to the public water system.
- (2) The development is granted in accordance with the details specified on the application form dated 25/09/13 and the approved drawing reference numbers:

Plan 1 of 2 (Drawing Number L(Ex) 001)  
Plan 2 of 2 (Drawing Number L(PL) 001)

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

- (3) 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 the following:
- i) be finished in white wet dash render or natural stone or a mixture of both;
  - ii) have a roof covering of natural blue/grey slate;
  - iii) be single storey in height;
  - iv) incorporate windows with a strong vertical emphasis;
  - v) have a roof pitch of not less than 37 and not greater than 42 degrees;
  - vi) details of the proposed finished floor level of the

- dwellinghouse relative to an identifiable fixed datum located outwith the application site;
- vii) be sited to fit with the natural contours of the site.

*Reason: In the interests of visual amenity and in order to integrate the proposed dwellinghouse with its surroundings.*

- (4) 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 incorporate:
- i) Formation of the junction serving the development site in accordance with the Council's Roads Standard Detail Drawing SD 08/004a with visibility splays measuring 2.4 metres to point X by 43 metres to point Y 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.

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 at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions 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.*

- (5) Pursuant to Condition 1 - full details of the proposed means of surface water drainage shall be submitted to the Planning Authority. Such measures shall show the provision of a surface water drainage regime compliant with a SuDS (Sustainable Urban Drainage System) in line with Planning Advice Note 61 (PAN61) "Planning and Sustainable Urban Drainage Systems" and Section 3 of the Domestic Technical Handbook which shall be separate to the foul drainage system which shall be compliant with the other Building Warrant Standards/SEPA's requirements as appropriate. Such details as are approved shall be fully implemented prior to the occupation of the first residential unit hereby approved.

*Reason: To ensure that surface water drainage is adequately managed.*

Note to Applicant: Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk).

- (6) Pursuant to Condition 1 – no development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
- i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
  - ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
  - iii) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
  - iv) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. From the date of this planning permission in principle, no trees shall be lopped, topped, felled or otherwise damaged without the prior written consent of the Planning Authority. The scheme of protection as approved shall be fully implemented unless otherwise agreed in writing by the Planning Authority.

*Reason: To assist with the integration of the proposal with its surroundings in the interests of amenity.*

- (7) No development or tree felling shall commence or is hereby authorised until the presence of red squirrel is investigated at the site by an appropriately qualified ecologist and their report, including mitigation as may prove necessary, has been submitted to and approved in writing by the Planning Authority. The development shall be completed in strict accordance with all such mitigation measures as are agreed.

*Reason: In the interests of nature conservation and having regard to the protection afforded to red squirrel under the Wildlife and Countryside Act 1981 (as amended).*

2. to request that the details pursuant to this consent be considered by the Planning, Protective Services and Licensing Committee.

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

**ARGYLL AND BUTE LOCAL REVIEW BODY**

**NOTE OF MEETING OF SITE INSPECTION RE CASE 14/0005/LRB  
LAND SOUTH OF DUGARRO, TAYNUILT - MONDAY 20 OCTOBER  
2014**

In attendance: Councillor Alex McNaughton, Argyll & Bute  
LRB (Chair)

Councillor Sandy Taylor, Argyll & Bute LRB  
Councillor Richard Trail, Argyll & Bute LRB  
Charles Reppke, Head of Governance and Law

(Adviser)

Paul Houghton, Applicant's Agent  
Stephen Fair, Planning Authority  
Lorne Brown, Objector

The Argyll and Bute LRB (ABLRB) agreed on 14 August 2014 to conduct an accompanied site inspection in order to assess the impact on trees and loss of space the proposed dwelling house may have; to view the location of the proposed dwelling house within the landscape; and to assess any privacy issues and impact on the neighbouring house "Dugarro". They also agreed to invite to the site inspection a representative from Planning, the Applicant, the Applicant's Agent and Objectors.

The ABLRB commenced the site inspection on 20 October 2014 at 10.30 am and after introductions were made the Chair asked Mr Fair to outline the proposal. The Planning Officer explained the proposal and Members walked around the site. Mr Houghton explained the details of the proposal from his client's perspective. Mr Brown pointed out that the access was treacherous in winter and also explained that the access track was a right of way being the old public road. The Members asked about the use of the access and Mr Brown explained use by crofters, school children and dog walkers. The members noted the power line and examined the possible footprint of the development.