

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the
COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD
on TUESDAY, 23 SEPTEMBER 2014**

Present: Councillor David Kinniburgh (Chair)
Councillor George Freeman Councillor Roderick McCuish

Attending: Charles Reppke, Head of Governance and Law (Advisor)
Rebecca Hepburn, 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 WEST OF TIGH
NA CROIS, PORTNACROISH, APPIN, ARGYLL (REF: 14/0006/LRB)**

The Chair welcomed everyone to the meeting of the Argyll and Bute Local Review Body 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 advise 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 McCuish advised that he did not feel that he had enough information to come to a decision.

Councillor Freeman advised that if other members of the LRB feel they need further information he is happy to hear their reasoning behind this view.

The Chair asked Councillor McCuish to explain his reasoning for him believing that a site visit was necessary in order to make a decision.

Councillor McCuish advised that he believed that a site visit was necessary in order to consider the benefits if any the Community could gain from this application. He advised that visiting the site would also allow the LRB to view the increased road safety benefits that are claimed by the applicant. Councillor McCuish advised that a site visit would also allow the members to view the visual impact, if any, on Holy Cross Church.

Councillor Freeman directed members of the LRB to a photograph

submitted by the applicant and advised that a site visit would be beneficial to clarify how the submitted photographs are relevant to the application. He advised that he was happy to support the proposal for a site visit.

The Chair advised that the LRB could easily have come to a decision today however it would be unfair to the applicant not to view the site and to analyse the benefits if any, that the proposed property could bring to the community.

Decision

The Argyll and Bute LRB agreed to:-

1. Hold an accompanied site inspection in order to view the visual impact of the site on Holycross Church, to clarify how the photographs submitted by the applicant are relevant to the application and to view the site in relation to the settlement;
2. Invite the Applicant, Applicant's Agent, Planning, Roads and Interested Parties to the site inspection; and
3. Adjourn and reconvene at the conclusion of the site inspection.

The Argyll and Bute Local Review Body reconvened on Monday 20 October 2014 at 2.05 pm in the Appin Village Hall, Appin, Argyll.

Present: Councillor David Kinniburgh (Chair)
Councillor George Freeman
Councillor Roderick McCuish

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

The Chair asked Members what their views were and Councillor McCuish said he was interested in exploring whether there was a competent Motion to approve the application and that he would like a continuation to investigate this. Councillors Freeman and Kinniburgh did not object to the request and it was agreed to request model conditions and reasons from Planning. It was noted that once this was through due process the Local Review Body would reconvene and this would afford Councillor McCuish time to investigate the matter raised by him.

Decision

The Argyll and Bute LRB agreed:-

1. To request from Planning model conditions and reasons to attach to any consent if the LRB were minded to approve this application; and
2. To adjourn the meeting and reconvene at the earliest opportunity.

The Argyll and Bute Local Review Body reconvened on Thursday 27 November 2014 at 9.00 am in Committee Room 1, Kilmory, Lochgilphead

Present: Councillor David Kinniburgh (Chair)
Councillor George Freeman
Councillor Roderick McCuish

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

The Chair welcomed everyone to the meeting and referring to the further information received and comments on these he asked Members for their views.

Councillor McCuish thanked the LRB for giving him the time to consider the possibility of finding a competent Motion to approve this application. He confirmed that unfortunately he had been unable to find a competent Motion that would allow him to address all the planning policies and enable the Planning decision to be overturned.

The other Members were of the view that there was no justification for departing from the Plan in this case.

Councillor Kinniburgh advised that he had concerns regarding this proposal and referred to the additional problem in respect of the need to establish a suitable access for emergency vehicles, if it had been possible to find a competent Motion to address the Policy reasons for refusal.

Decision

The Argyll and Bute LRB unanimously agreed to uphold the Planner's original decision to refuse this planning application for the reasons given in the report of handling.

(Reference: Notice of Review and Supporting Documentation, Further Written Information and Comments from Interested Parties, submitted)

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF SITE INSPECTION RE CASE 14/0006/LRB
LAND WEST OF TIGH NA CROIS, PORTNACROISH, APPIN, ARGYLL
MONDAY 20 OCTOBER 2014**

In attendance: Councillor David Kinniburgh, Argyll & Bute
LRB (Chair)

Councillor George Freeman, Argyll & Bute LRB
Councillor Roderick McCuish, Argyll & Bute LRB
Charles Reppke, Head of Governance and Law

(Adviser)

Sumie Macalpine-Downie, Applicant
Paul Houghton, Applicant's Agent
Stephen Fair, Planning Authority
Brian Rattray, Roads Officer
Paul Zvegintzov, Supporter
David Craig, Supporter
James Haslam, Objector
Sandra Haslam, Objector

The Argyll and Bute LRB (ABLRB) agreed on 23 September 2014 to conduct an accompanied site inspection in order to view the visual impact of the site on Holycross Church; to clarify how the photographs submitted by the Applicant are relevant to the application; and to view the site in relation to the settlement. They also agreed to invite to the site inspection the Applicant, the Applicant's Agent, a representative from Planning, a representative from Roads and interested parties.

The ABLRB commenced the site inspection late on 20 October 2014 as there had been some confusion with the details provided to the Chair. Mr Reppke apologised to all parties for the delay. The Chair welcomed everyone and introductions were made by all present. The Chair then invited Mr Fair to point out the access to the proposal and Members walked to the access spot. Mr Fair and Mr Rattray spoke briefly as to the proposals and the Chair then advised that Member would go up to the Church to look at the site.

The Chair then invited Members to ask questions of the interested parties present. Councillor McCuish asked about the location of the proposed house with reference to a hawthorn bush. Mr Fair explained the location and Members then asked some detail around the views and the impact on the monument with Mr Fair replied to. Councillor Freeman asked about the access for the car park and its location and Mr Fair said that there was no decision yet as there was a query from trunk roads about the proposed location opposite the steps. Councillor Freeman then asked if there was consent for the steps and was advised that there was no permission. Councillor Freeman asked if it was a listed building and was advised that it was. The Chair then asked each of the Applicants, Supporters and

Objectors if they had any points to raise.

The Applicant's Agent asked that the Members view the proposal from the cycleway and also asked Members to look at the new build and this was noted. He also commented on his view of the extent to which the site would impact on the Church. The Supporters echoed the request to view the proposal from the cycleway and mentioned that the Church windows were stained glass so the proposal would have no detrimental impact, if any existed, from the inside of the building looking out. The Objectors asked that the Committee to also view the proposal from across on the Port Appin road and drew attention to the previous Reporter's Development Plan decision. They explained the impact the proposal would have on their property as they had windows that would be directly affected by this proposal and would impact on their privacy. Members then agreed to view the proposal from the vantage points requested by interested parties and first visited the cycleway with all parties. After viewing the site they heard briefly from Mr Houghton and Mr Haslam as to their differing views on the visual impact. They then determined to conclude the site inspection and to instead view the site from the Appin Road informally to minimise any road safety issues and to then reconvene at the Appin Hall.