

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on MONDAY, 10 NOVEMBER 2014

Present: Councillor David Kinniburgh (Chair)
Councillor Rory Colville 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 2: LAND SOUTH OF BT MAST, KILNAUGHTON, PORT ELLEN, ISLAY (REFERENCE: 14/0008/LRB)

The Chair welcomed everyone to the meeting and explained 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 Colville advised that it would be beneficial if plans could be provided showing the exact location of the site of the proposed development and information given on its relationship to the current Development Plan and the emerging Local Development Plan. He also sought clarify on the material considerations and what weight should be applied to them.

Mr Reppke advised that it would be for the Members of the LRB themselves to decide what weight of give any material considerations. He suggested it would be beneficial to request from Planning their views on the materiality of the planning history of the site.

Councillor Colville asked if further information could be provided on Planning's proposal to amend the designation from CAS to 'Countryside zone' within the emerging Local Development Plan. He also asked if a copy of Circular 6 – 1990 could be provided to the LRB which was referred to by the Applicant in their submission.

The Chair agreed with Councillor Colville's requests for further information. He then referred to the Applicant's comment that he had let his previous planning permission lapse due to an administrative error and asked if further information could be provided on what was meant by an administrative error.

Decision

1. To request the following further written submissions from Planning:-
 - (a) Detailed plans/maps showing the exact location of the site of the proposed development and information on the policy context within the current Development Plan and the emerging Local Development Plan in sufficient

detail to allow the LRB to understand the context of the site in relation to the wider landscape;

- (b) Their views on the materiality of the planning history of the site;
 - (c) An explanation of Planning's proposal to amend the designation from CAS to 'Countryside zone' within the emerging Local Development Plan; and
 - (d) a copy of Circular 6 – 1990
2. To request from the Applicant an explanation of what was meant by an 'administrative error' which led to the lapse of the previous planning permission on 26 September 2010; and
 3. Agreed to adjourn the meeting and reconvene at the earliest opportunity following receipt of the above information.

The Argyll and Bute Local Review Body reconvened on Wednesday 17 December 2014 at 1.45 pm in the Council Chamber, Kilmory, Lochgilphead.

Present: Councillor David Kinniburgh (Chair)
Councillor Rory Colville
Councillor Donald MacMillan

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

The Chair welcomed everyone to the meeting and referring to the further written submissions that had been received he asked Members to confirm whether or not they felt they now had sufficient information before them to allow them to make a decision on the Review. They confirmed that they did have sufficient information and they went onto to determine the case.

Councillor Colville stated that he had requested up to date plans as he had been concerned that the emerging Local Development Plan may have changed the policy designation of the land. He noted that in this case the policy designation had not changed and advised that although he had sympathy for the Applicant he did not feel it would be possible to find a competent Motion to grant planning permission for this proposal. He also referred to the reasons given for the original outline planning permission expiring.

Councillor MacMillan also confirmed that he did not think it would be possible to find a competent Motion that would enable a departure from the Development Plan. He confirmed that it was quite clear to him that it stated in the planning conditions that an outline planning permission had to be renewed within a 3 year period and not 5 years as suggested by the Applicant's Agent.

Councillor Kinniburgh stated that he had come to the same view as his colleagues. He noted that there was no change to the designation of the land in the emerging Local Development Plan and expressed his astonishment that the Applicant's Agent had ignored conditions 1 and 2 of the previous outline planning permission and had tried to blame the Council for misleading the Applicant. He recommended that the

request for the planning permission be refused as he agreed with the reasons stated in the report of handling.

Decision

The ABLRB agreed to uphold the Planning decision to refuse outline planning permission for the following reasons which were detailed in the report of handling:-

Notwithstanding outline planning permission ref. 04/01234/OUT previously having been granted for development of this location under the provisions of the now defunct 'Islay, Jura and Colonsay Local Plan' (1st Review) 1988, and a subsequent renewal in 2007 (ref. 07/01618/OUT) these permissions were allowed to lapse, unimplemented, on 26th September 2010 with the consequence that the current application requires to be assessed afresh against the updated provisions of the Development Plan. Having regard to the relevant provisions of the Argyll and Bute Structure Plan 2002 and the adopted Argyll and Bute Local Plan 2009, the application now relates to land falling within 'Countryside Around Settlement' defined by policy STRAT DC 2 of the 'Argyll and Bute Structure Plan' 2002, which is given spatial expression by the provisions of the adopted 'Argyll & Bute Local Plan' 2009. This limits development in the countryside so defined to infill, rounding-off or redevelopment related to the existing built form. The proposal is unrelated to that of the existing settlement pattern in that it would result in an isolated dwelling in an 'open countryside' location. The current application does not relate to croft land nor is it supported by a valid claim of locational/operational need, and as such is contrary to the provisions of policies STRAT DC 2 of the Structure Plan, or LP HOU 1 of the Local Plan. Furthermore, having regard to the emergent Argyll and Bute proposed Local Development Plan (Feb 2013) the application site would be located within the proposed 'Countryside Zone' wherein the provisions of draft policy LDP DM1 and SG LDP HOU 1 would also set out a general presumption against development of 'open countryside' locations.

(Reference: Notice of Review and Supporting Documentation and further written submissions, submitted)