

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on WEDNESDAY, 21 JANUARY 2015

Present: Councillor Alex McNaughton (Chair)
Councillor Neil MacIntyre Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Rebecca Hepburn, Senior Committee Assistant

1. CONSIDER NOTICE OF REVIEW REQUEST: LAND WEST OF SCARPAGH, HILLSIDE, BOWMORE, ISLAY (REF:14/0012/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.

He 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.

The Members confirmed that they were satisfied that there was enough information before them to enable them to determine the merits of the case.

The Chair advised that his initial reaction to the case was that it is a feasible application however after looking at the details of the application, he advised that he feels that proposed site is not large enough and that if approved the application would increase the density of housing within the area beyond what has been agreed in the Local Development Plan.

Councillor Trail stated that in his opinion the proposed application is out of character with the existing houses. He advised that the proposed development is a small house with a driveway cramped into a small site whereas the surrounding houses are large houses on large spacious plots. He reported that he is concerned that if this house was to be approved that it may set a precedent for similar houses to be approved.

Councillor MacIntyre reported that he agreed with the points highlighted by his fellow Members. He advised that in his opinion this proposal looks out of sync with the existing houses. He stated that he would not feel comfortable approving this application as he would worry where it would stop.

The Chair asked Mr Reppke to confirm whether the new Local Development Plan now supersedes the existing one. Mr Reppke advised that it had not quite superseded the existing one however it was now a significant material consideration.

The Chair stated that at first he had felt a site inspection might be beneficial however advised that he was now of the opinion that a site inspection would not be helpful, having considered some of the issues detailed in the papers in more detail.

Councillor MacIntyre advised that he has all the details in front of him and stated that he did not have to view the site to know that the application would look out of place.

Councillor Trail stated that planning had refused this application for three reasons, he advised that he agreed with two of the three reasons for refusal. He reported that in his opinion the third reason for refusal based on sewage was not a valid reason for refusal as the problem can be addressed.

Councillor MacIntyre advised that he agreed with the reasons for refusal as stated by Councillor Trail. He reported that if the application was granted, it would look out of place and would go against the Local Development Plan. He advised that this decision does not just affect the applicant and it is important to remember that. He stated that he was supporting the Planner's reasons for refusal.

The Chair advised that he was also happy for the reasons for refusal as stated by Councillors MacIntyre and Trail. He reported that in his opinion the absence of a masterplan was a consideration when determining this review.

Decision

The Argyll and Bute Local Review Body agreed unanimously to partially uphold the Planner's reason for refusal. The Argyll and Bute Local Review Body agreed to uphold the review on the basis of:

1. It is considered that the proposed development would occupy a prominent and inappropriate site in terms of its restricted size and shape and consequent capacity to successfully absorb such development, and would result in undesirable 'settlement cramming' within this area of informal open space between the existing low density residential development to the rear and the public road to the front. This would, in the opinion of the Local Planning Authority, result in a materially harmful environmental impact; the proposed development being of an unacceptable design, form and scale and one which does not accord with the existing settlement pattern or the character and local distinctiveness of the locality. The proposed development is considered poorly designed with a virtually blank flank wall positioned to face the public Gortan Vogie Road which immediately adjoins the application site to the north and at a distance of less than 10 metres. Due to the restricted size and shape of the plot and the need to take its access directly off the public road, there is little or no scope to soften the appearance of the development with appropriate landscaping and/or boundary treatment. The proposed development is therefore considered contrary to the material considerations of the Development Plan, particularly policies STRAT DC 1, LP HOU 1 and LP ENV 1, together with Appendix A: 'Sustainable Siting and Design Principles', and would be likely to set an undesirable precedent for the subdivision of existing residential garden ground which would have a further cumulative negative impact upon the established character and amenity of the area. It is not considered that the material harm caused by the proposed development could be lessened to any acceptable extent by the use of appropriate planning conditions or unilateral undertakings.
2. It is further considered that the development of this part of Housing Allocation 10/4 at a density of approximately 22 dwellings per hectare and therefore

substantially above the 'low density' development (defined within the Development Plan as between 0 and 11 dwellings per hectare) of the remainder of Housing Allocation 10/4 and agreed by the Council within the approved and adopted Argyll and Bute Local Plan (August 2009) would fundamentally undermine the strategic aims of the Council in bringing forward the sustainable development of the remainder of Housing Allocation 10/4 and would be likely to set an undesirable precedent leading to the further overdevelopment of the remaining allocation land.

The Committee confirmed that as the third reason for refusal could have been resolved by conditions they were refusing the application on the basis of the two reasons stated above.