

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the SKYPE  
on MONDAY, 14 SEPTEMBER 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Sandy Taylor

Councillor Richard Trail

**Attending:** Iain Jackson, Governance, Risk and Safety Manager (Adviser)  
Lynsey Innis, Senior Committee Assistant (Minute Taker)

The Governance, Risk and Safety Manager apologised for the late start to the meeting. He explained of the difficulties experienced on the network that provided the Skype for Business platform and thanked everyone for their patience and understanding while the IT department worked to resolve the issues.

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence intimated.

**2. DECLARATIONS OF INTEREST (IF ANY)**

There were no declarations of interest intimated.

**3. CONSIDER NOTICE OF REVIEW REQUEST: PLOT 1, LAND EAST OF CALA  
NA SITHE, OBAN (20/0002/LRB)**

The Chair welcomed everyone to the meeting and explained that only the panel and the advisor, Mr Jackson, could speak at the meeting.

The Chair then asked if Members now had sufficient information to make a decision.

Councillor Taylor advised that he found the site visit (Appendix A) particularly helpful in addressing concerns he had in relation to the landscape quality. He advised that he now had a greater appreciation of the site, the impact on the existing properties and the line of trees. He spoke of the landscape evaluation carried out on behalf of the applicant, and advised that in consideration of the existing LDP and the need for an Area Capacity Evaluation, he felt the landscape evaluation provided by the Council was superior. Councillor Taylor advised that at this time, he was unable to support the request for grant of planning permission.

Councillor Trail agreed that he too found the site visit (Appendix A) useful in assessing the application and request for review of the planning decision. He advised that although he was in agreement with Councillor Taylor, he felt that having

looked at the site, he didn't think that two dwellinghouses would be a terribly bad impact on the landscape. He further advised that it may be appropriate for the applicant to resubmit the applications once LDP 2 comes into effect. Councillor Trail advised that at this time, he agreed with the Planning authorities decision to refuse the application.

The Chair confirmed that he too had sufficient information. He advised that he agreed with the comments of both Councillors Taylor and Trail and with the Planning officers decision to refuse the application. He further advised that in terms of the current adopted LDP 2015 the application site is situated within the Countryside Zone where Policy LDP DM 1 of the LDP is very restrictive, only giving support to small scale development, subject to compliance with other relevant policies and supplementary guidance.

Councillor Kinniburgh advised that as the site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the Countryside Zone; there has been no claim of any "exceptional case" for the development based upon any locational or operational site requirement and being mindful that the area was situated within the North West Argyll (Coast) Area of Panoramic Quality, he fully agreed with the Planning officers decision to refuse the application for planning permission in principle.

### **Decision:**

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, agreed to refuse the appeal subject to the following reasons:-

1. The site the subject of this application lies within a wider area designated as 'Countryside Zone' within the adopted Local Development Plan and is a prominent area of undulating rough grazing elevated above the neighbouring property 'Cala na Sithe' which forms the western boundary of the site and is clearly visible from the A816 public road to the north. The site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the Countryside Zone as required by Policy LDP DM 1 of the adopted Local Development Plan and there has been no claim of any 'exceptional case' for the development based upon any locational or operational site requirement.

The application site is also situated within the North West Argyll (Coast) Area of Panoramic Quality (APQ) where consideration has to be given to Policy LDP DM 3 and SG LDP ENV 13 of the adopted Local Development Plan, which seek to resist development in, or adjacent to,

an APQ where its scale, location or design will have a significant adverse impact on the character of the landscape.

The proposed development is therefore contrary to the established and adopted sustainable development aims of the Council as expressed within key planning policy LDP STRAT 1 and to the established and adopted settlement strategy as espoused within key planning policy LDP DM 1. It is not considered that the proposed development would constitute an appropriate departure to these key planning policies.

In addition to the above, and notwithstanding the Applicant's submitted landscape assessment study, it is considered that the proposed development would introduce an inappropriate and additional built development into an area of sensitive landscape quality, recognised by its inclusion within a wider Area of Panoramic Landscape Quality (APQ), and will have an unacceptable and materially harmful impact upon the character and quality of the APQ and the wider landscape, contrary to the established settlement pattern.

The proposal is therefore considered to be contrary to the provisions of Policies STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and Supplementary Guidance SG 2, SG LDP HOU 1, SG LDP ENV 13 and SG LDP ENV 14 of the adopted 'Argyll and Bute Local Development Plan' 2015.

(Reference: Further Information received from Planning, submitted)

**4. CONSIDER NOTICE OF REVIEW REQUEST: PLOT 2, LAND EAST OF CALA NA SITHE, OBAN (20/0003/LRB)**

The Chair welcomed everyone to the meeting and explained that only the panel and the advisor, Mr Jackson, could speak at the meeting.

The Chair then asked if Members now had sufficient information to make a decision.

Councillor Trail advised that he was of the same opinion for Plot 2 as he had been for Plot 1, and that he agreed with the Planning authorities decision to refuse the application for planning permission in principle.

Councillor Taylor agreed that he too was of the same opinion for Plot 2 as he had been for Plot 1 as one was indivisible from the other. He advised that he also agreed with the Planning authorities decision to refuse the application for planning permission in principle.

The Chair, Councillor Kinniburgh advised he was also minded to refuse the planning permission in principle at this time due to the application being against many of the criteria of the Argyll and Bute Local Development Plan 2015 and supplementary guidance attached thereto.

**Decision:**

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, agreed to refuse the appeal subject to the following reasons:-

1. The site the subject of this application lies within a wider area designated as 'Countryside Zone' within the adopted Local Development Plan and is a prominent area of undulating rough grazing elevated above the neighbouring property 'Cala na Sithe' which forms the western boundary of the site and is clearly visible from the A816 public road to the north. The site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the Countryside Zone as required by Policy LDP DM 1 of the adopted Local Development Plan and there has been no claim of any 'exceptional case' for the development based upon any locational or operational site requirement.

The application site is also situated within the North West Argyll (Coast) Area of Panoramic Quality (APQ) where consideration has to be given to Policy LDP DM 3 and SG LDP ENV 13 of the adopted Local Development Plan, which seek to resist development in, or adjacent to, an APQ where its scale, location or design will have a significant adverse impact on the character of the landscape.

The proposed development is therefore contrary to the established and adopted sustainable development aims of the Council as expressed within key planning policy LDP STRAT 1 and to the established and adopted settlement strategy as espoused within key planning policy LDP DM 1. It is not considered that the proposed development would constitute an appropriate departure to these key planning policies.

In addition to the above, and notwithstanding the Applicant's submitted landscape assessment study, it is considered that the proposed development would introduce an inappropriate and additional built development into an area of sensitive landscape quality, recognised by its inclusion within a wider Area of Panoramic Landscape Quality (APQ), and will have an unacceptable and materially harmful impact upon the character and quality of the APQ and the wider landscape, contrary to the established settlement pattern.

The proposal is therefore considered to be contrary to the provisions of Policies STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and Supplementary Guidance SG 2, SG LDP HOU 1, SG LDP ENV 13 and SG LDP ENV 14 of the adopted 'Argyll and Bute Local Development Plan' 2015.

(Reference: Further Information received from Planning, submitted)



**ARGYLL AND BUTE LOCAL REVIEW BODY**

**NOTE OF MEETING OF SITE INSPECTION RE CASE 20/0002/LRB &  
20/0003/LRB  
PLOT 1 & PLOT 2, LAND EAST OF CALA NA SITHE, OBAN – FRIDAY 11  
SEPTEMBER 2020 at 1:00 PM**

In attendance: Councillor David Kinniburgh, Argyll and Bute LRB (Chair)  
Councillor Sandy Taylor, Argyll and Bute LRB  
Councillor Richard Trail, Argyll and Bute LRB  
Iain Jackson, Governance, Risk and Safety Manager (Adviser)  
Tim Williams, Planning and Regulatory Services Authority (By Telephone)  
Duncan Clow, DM Hall (Applicant's Agent)

There were no apologies for absence or declarations of interest intimated.

The Argyll and Bute LRB (ABLRB) agreed on 18 March 2020 to conduct an accompanied site inspection in order to view the development site in the context of the surrounding area and to invite interested parties to attend.

The Chair welcomed everyone to the meeting and introductions were made. He then explained the procedure that would be followed.

The Chair asked Mr Clow to explain the proposal and point out the location of the proposed sites. Mr Clow directed Members to the exact location of the proposed developments and answered further questions on the exact nature of the sites in accordance with the existing tree lineage; visual impacts and the means of access in relation to the two existing properties.

Discussion was had in relation to the Landscape Capacity Study with Mr Williams advising that as outlined in the previously carried out Gillespie report, there is a policy presumption against new residential development within the Countryside Zone unless certain, specific development opportunities exist or else an appropriate claim of an "exceptional case" has been submitted, examined and accepted subject to an Area Capacity Evaluation. Mr Williams advised that in his professional opinion and that of the Planning authority the site would not accord with an Area Capacity Evaluation given the findings of the Landscape Capacity Study. He also advised that the Planning authority had given consideration to the applicant's landscape appraisal, but advised that it did not agree with its findings as it was considered that development of these sites would represent an inappropriate form of development within the Countryside Zone and wider Area of Panoramic Quality, which would be detrimental to the character and appearance of the wider landscape.

Having established that Members had no further questions, the Chair thanked both Mr Williams and Mr Clow for their input.

This concluded the site visit.

