

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY SKYPE
on THURSDAY, 17 JUNE 2021**

Present: Councillor David Kinniburgh (Chair)
Councillor Graham Hardie Councillor Roderick McCuish

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: LAND NE OF KILDONALD COTTAGE, CAMPBELTOWN (REF: 21/0001/LRB)

The Chair, Councillor David Kinniburgh, welcomed everyone to the second calling of the Local Review Body (LRB) to consider the above case. He explained that no person present would be entitled to speak other than the Members of the LRB and Mr Jackson who would provide procedural advice if required.

Referring to the further information requested at the previous meeting, which was contained within the Agenda pack for today's meeting along with comments from interested parties, Councillor Kinniburgh advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review. All the Members confirmed that they had sufficient information before them and they went on to determine the case.

Councillor Kinniburgh advised that having reviewed the additional information requested, he had reached the conclusion that a competent Motion could not be achieved that would address the issues presented in this case and, as such, there was no alternative but to refuse the application for the reasons stated by Officers in the original Report of Handling as the proposal could not be considered to be infill, rounding off, a redevelopment site or a change of use of an existing building and, as such was contrary to Policy LDP DM 1.

Councillor Kinniburgh advised that having reached this conclusion, and in reviewing the information available to the LRB, he said that there were aspects of the application, which, he believed, may have benefitted from pre-application discussions. He referred to the statement of case on page 14 of the Agenda pack for the previous meeting, and said that this acknowledged that the use of a Section 75 agreement to regulate the use of the land to the North of the site such that it was not developed with buildings for any use, would require to be discussed with the Council's Legal Team and that it would be expected that these discussions would be concluded in advance of any planning application. He said that he had also noted from the Report of Handling that policies LDP STRAT 1 and LDP 3 would require any development to respect the landscape character in an Area of Panoramic Quality (APQ) which, due to the scale of this proposal, was not deemed to be the case. He advised that while he agreed with this, and was satisfied with the justification

the Officers had provided in the further information of why they considered the proposed development to be greater than a one and half storey development, had pre-application discussions taken place, it may have been possible to have produced a design that would have been acceptable to all parties and that would have respected the landscape character of the APQ.

Councillor Kinniburgh moved that the Review be refused as the proposed development was contrary to Policies LDP DM1, LDP STRAT 1 and LDP3 of the Local Development Plan.

This Motion was seconded by Councillor Hardie and also supported by Councillor McCuish.

Councillor Hardie said that this was his original decision at the first meeting and so he was happy to support this decision today.

Councillor McCuish confirmed that he also endorsed Councillor Kinniburgh's comments. He said that there may have been a different position if pre-application discussions had taken place in respect of a possible Section 75 legal agreement and the design of the development. He advised that he too could not find a competent Motion to approve the proposed development in its present form.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to refuse planning permission for the following reasons outlined in the original Report of Handling:

The proposal is not consistent with the relevant provisions of the Local Development Plan regarding siting within the Countryside Zone and an Area of Panoramic Quality contrary to policies LDP DM1, LDP STRAT 1 and LDP 3. The application does not meet the criteria set out in policy LDP DM 1 for housing in the countryside as the site is not infill or rounding off. There are no material considerations which warrant departure from these provisions.

(Reference: Further written information requested and comments from Interested Parties, submitted)