

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on MONDAY, 29 AUGUST 2022

Present: Councillor Kieron Green (Chair)
Councillor Mark Irvine Councillor Liz McCabe

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: GLENFORSA AIRFIELD, GLENFORSA, ISLE OF MULL, PA72 6JN (REF: 22/0003/LRB)

The Chair, Councillor Kieron Green, welcomed everyone to the meeting. He explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson, who would provide procedural advice if required.

He referred to the further information requested at the previous meeting which was now before the LRB for consideration along with comments from interested parties. He 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.

The Members of the LRB all agreed that they had sufficient information before them to come to a decision on the Review

Councillor McCabe said that she saw no reason why the LRB should stop this development from going ahead. She commented that Planning were happy with it.

Councillor Irvine advised that he did not think an exceptional case had been made by the Applicant to support development in the proposed location. He sought clarification on this from Mr Jackson.

Councillor Green said he was of a similar view himself. He commented that he had noted that there may be an operational need for this in the general area but not at that specific location.

Mr Jackson confirmed that this was the crux of the matter – has the Applicant provided enough information for the Members of the LRB to take a view that an exceptional case has been made? He referred to Councillor McCabe's comments and advised that Planning were not happy. He said that they had indicated that no exceptional case had been put forward by the Applicant and on that basis, Planning were of the view that the application should be refused. Mr Jackson advised that it was for the Members of the

LRB to decide whether the Applicant has put forward an exceptional case in terms of an operational or locational need for this building at that particular location.

Councillor Irvine said that he did not believe an exceptional case had been provided. He asked whether the Applicant had exhausted all other alternative sites. Mr Jackson explained that Planning had indicated there may be another location within the Rural Opportunity Area which may be considered appropriate for development but at this point in time they were not happy that an exceptional case has been shown for the development at this location and that would be a requirement for the application to be approved. Mr Jackson advised that if Members were minded to approve the application there would have to be an Area Capacity Evaluation (ACE) carried out to ascertain the development's impact on the landscape. He further advised that if the Members were of the view that there was no exceptional case made by the Applicant then they should support the Planning recommendation to refuse.

Councillor Irvine confirmed that he was of the view that no exceptional case had been demonstrated.

Councillor McCabe acknowledged that, having read through the paperwork, she had mistakenly thought the submission by Houghton Planning was from the Council's Planning Officer. She confirmed that she agreed with Councillor Irvine, that no exceptional case had been made.

Councillor Green said that he was likeminded in this regard.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to refuse the Appeal and uphold the decision of the Planning Officer to refuse planning permission for the following reason:

1. In terms of the adopted 'Argyll and Bute Local Development Plan' 2015 the application site is located within the 'Countryside Zone' (CZ) where Policy LDP DM 1 normally only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building basis.

Within the Countryside Zone all development proposals which are not small scale infill, rounding off, or redevelopment might be supported if it is deemed that an appropriate 'exceptional case' has been made and where the proposed development can be shown to have no materially harmful landscape impact in accordance with an Area Capacity Evaluation (ACE). The 'exceptional case' required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the planning authority, or; demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority.

In the case of the current application, the site for the development does not represent infill, rounding-off or redevelopment.

In this case, no sufficient claim of an exceptional case has been presented by the applicant. Upon request for additional supporting information the applicant has

provided justification on landscape terms only. The details submitted are not considered sufficiently substantive so as to underpin the special circumstances of the proposal without which the development would be considered contrary to the provisions of the LDP.

As the current application is not accompanied by the requisite supportive evidence to underpin the claim of an exceptional case, the proposal is considered to be contrary to the provisions of SG LDP DM 1 of the adopted 'Argyll and Bute Local Development Plan' 2015.

(Reference: Further Written Information and Comments from Interested Parties, submitted)