

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on THURSDAY, 8 DECEMBER 2022

Present: Councillor Kieron Green (Chair)
Councillor Graham Hardie Councillor Luna Martin

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: CUL NA BUTHA, FIONNPHORT, ISLE OF MULL (REF: 22/0005/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 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 of the LRB agreed that they had sufficient information before them to come to a decision on the Review.

Councillor Hardie advised having considered all the paperwork submitted, he was in agreement with the assessment carried out by the Planning Officer. He referred to Section 25 of the Town and Country Planning (Scotland) Act 1987 which provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and that determination shall be made in accordance with the plan unless material considerations indicated otherwise. He said that he had reached the same conclusion as the Planning Officer that this development did not represent an appropriate opportunity for permanent residential accommodation and that there had been no justifiable reason for the development to overcome the concerns outlined in the Planner Officer's submission to the LRB which was detailed at Agenda item 3b of the Pack. He agreed that the proposed development was contrary to planning policies STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and Supplementary Guidance SG LDP HOU4, SG LDP EVN 13 and SG LDP ENV 14 of the Argyll and Bute Local Development Plan 2015.

Councillor Hardie was of the view that the Appeal should be dismissed and the decision of the Planning Officer to refuse planning permission be upheld.

Councillor Martin confirmed that she supported and agreed with the comments made by Councillor Hardie.

Councillor Kieron advised that he too had reached the same conclusion. He pointed out that this was a temporary development in the first place and that the permission had expired in 2017 and had only been granted on a temporary basis while the main residence was being built. He referred to the impact a permanent residence would have on the Central, South and West Mull Area of Panoramic Quality where the site lies and said he was minded not to approve this application.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to uphold the Planner's decision to refuse this application for the following reasons:

1. The use of the temporary chalet as permanent residential accommodation would not provide a satisfactory living environment in the Argyll and Bute climate. Additionally, the permanent siting of the chalet, with its temporary nature of construction, design and appearance, would be detrimental to the environmental character of the settlement in which it is sited. The proposal would be contrary to Policy LDP 8 and supplementary guidance LG LDP HOU 4 of the adopted 'Argyll and Bute Local Development Plan' which seek to prevent the use of non-permanent structures for permanent residential accommodation.
2. The appearance of the temporary chalet, by virtue of its siting, design, materials and character, would represent an incongruous feature within the streetscene and surrounding Area of Panoramic Quality, contrary to the provisions of Policy LDP 9 and Supplementary Guidance SG LDP ENV 13 and SG LDP ENV 14 of the adopted 'Argyll and Bute Local Development Plan' 2015 which seeks to ensure that development is sited and positioned so as to pay regard to the context within which it is located and ensure that the design of developments and structures are compatible with the surroundings.

(Reference: Notice of Review and Supporting Documents and Comments from Interested Parties, submitted)