

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL
CHAMBER, KILMORY, LOCHGILPHEAD
on TUESDAY, 26 JANUARY 2010**

Present: (Chair)

Attending:

**3. CONSIDER NOTICE OF REVIEW REQUEST: SITE SOUTH OF DARLA,
GLENCRUITTEN, OBAN**

The Chairman welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body. He advised that the only participants entitled to speak would be the Members of the LRB panel and Mr Reppke who would provide procedural advice if required.

The Chairman advised that his first task would be to establish whether or not the LRB felt they had sufficient information before them to reach a decision on the review.

Councillor Marshall felt that there was a lot of information contained within the agenda pack but that he didn't feel able to reach a decision without having seen the site. He wanted information on how the development would affect the master plan and the quality of the land on which the development would be sited.

Councillor MacMillan agreed that a site inspection would be essential to establish where the development road would be in relation to the development.

The Chairman advised that he agreed with his colleagues that there was sufficient information but that a site inspection would be necessary.

Decision

1. Agreed to hold an accompanied site inspection to establish the configuration of the proposed development road, the condition and nature of the site and to receive additional information on the Master Plan.
2. Agreed that this information be sought from the Planning Authority.

3. Agreed that interested parties be invited to the accompanied site inspection.
4. Agreed to re-convene this meeting at the conclusion of the site inspection.

The Argyll and Bute Local Review Body re-convened on Monday 15 February 2010 at 10.45am within the Council Chamber, Municipal Buildings, Albany Street, Oban

Present: Councillor Daniel Kelly (Chair)
Councillor Bruce Marshall
Councillor Donald MacMillan
Charles Reppke, Head of Democratic Services and Governance (Advisor)

Having undertaken an accompanied site inspection prior to this meeting the Members of the ABLRB discussed the requirement for further information and the means by which this could be obtained.

Decision

1. Agreed to request (from the Planning Authority) written submissions regarding details of possible conditions and reasons should the ABLRB be minded to grant the application.
2. Agreed that the ABLRB would reconvene to consider the application on a date and time to be set by the Head of Democratic Services and Governance in consultation with appointed Members for this case and that appropriate notification of the reconvened meeting would be intimated to all interested parties.

The Argyll and Bute Local Review Body re-convened on Wednesday 31 March 2010 at 10.30am within the Members' Room, Kilmory, Lochgilphead

Present: Councillor Daniel Kelly (Chair)
Councillor Bruce Marshall
Councillor Donald MacMillan
Charles Reppke, Head of Democratic Services and Governance (Advisor)
Melissa Stewart, Committee Services Officer (Minute Taker)

The chairman convened the meeting advising that Members had before them the suggested conditions and reasons from the Planning Authority. He also advised that there was a letter from Glencruitten Golf Club in which it was requested that a condition be attached to any consent to ensure that the developers fulfil their promise in relation to the financial assistance they had offered.

Mr Reppke advised that this letter had not been circulated in accordance with the Regulations and commented that in accepting this there was a danger that it would disadvantage the applicant given they had no opportunity to respond.

Councillor Marshall felt that the terms of the letter should be accepted as he had wanted to address this matter at the meeting. Councillors Kelly and MacMillan agreed with this

view.

Mr Reppke advised that if the LRB were minded to approve the application then a Section 75 Agreement would be required.

A discussion followed regarding the merits of the case, in particular the fact that they LRB felt the application site would not impinge on any potential bypass road as the indicative proposals were well away from the application site.

The LRB also discussed the poor condition of the application site suggesting that the development would provide significant environmental improvements.

Decision

Agreed to uphold the Review Request subject to a Section 75 consent to ensure the applicant's fulfil their offer of financial assistance and subject to the undernoted conditions:-

1. This permission is granted in terms of Section 59 of the undernoted Act and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2007 on the basis of an application for planning permission in principle.

Application for the approval of matters specified in the conditions below shall be made before the expiration of 3 years from the date of this grant of planning permission in principle, unless such refusal has been dismissed, in which case a further application for the approval of all outstanding matters specified in conditions may be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of this grant of planning permission in principle, or 2 years from the final approval of matters specified in conditions, whichever is the later.

Reason: To accord with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended)

2. Except as may be provided for by the conditions below, the development is approved on the basis of the un-numbered application drawing entitled "Location Plan" received by Argyll and Bute Council 02.09.2009. The submitted drawing reference 0601 10 C (entitled "Site Plan Outline Proposals"), is for indicative purposes only and is not approved as part of this permission.

Reason: For the purpose of clarity, to ensure that the development is implemented only in accordance with approved details.

3. In the event of a mains connection to the sewage system not being available then as an alternative no development shall commence at the site until a scheme setting out full details for the layout siting, design and height of all buildings and associated hard and soft landscaping and engineering works, including walls, fences, gates and any other boundary treatments, detailing the design and proposed materials for all external features, including window

specifications, have been approved in writing by the Planning Authority. The submitted details shall include provision of a single private waste sewage treatment plant to serve the proposed dwellings. Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: To ensure an acceptable form of development including provision for sewage treatment being a location remote from the public sewer network.

4. No development shall commence at the site until a scheme setting out surface water drainage and SUDS details for the development in accordance with The SUDS Manual (CIRIA C697) has been submitted to and approved in writing by the Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with the approved scheme.

Comment: To ensure satisfactory drainage of the site in accordance with SUDS principles and ensure that the development does not have an unacceptable affect on flood risk outwith the application site.

5. No development shall commence at the site until details of the proposed site access arrangements, including visibility splays have been submitted to and approved in writing by the Planning Authority in consultation with and to the reasonable satisfaction of the Roads Authority. No other development shall take place at the site until the vehicle access has been formed to at least base course level in accordance with the details so approved, including the clearing of such visibility splays as may be required. No gate, fence, wall or other obstruction exceeding 1.05 metres in height may be constructed within the visibility splay.

Reason: To provide for satisfactory access to the development and in the interests of road safety.

6. The layout details required by condition 3 above shall include parking provision of 2 spaces for each 1-3 bedroom dwelling and 3 spaces for each 4+ bedroom unit. The required parking and associated vehicle turning facilities shall be provided within the cartilage of each dwelling in advance of the occupation of each dwelling and thereafter such parking and turning facilities shall be maintained to the satisfaction of the Planning Authority.

Reason: In the interests of road safety and the provision of adequate parking to serve the development.

7. No development shall be commenced until such time as a scheme for the maintenance of the proposed communal private wastewater treatment plant has been devised along with factoring arrangements to ensure maintenance in perpetuity, and such a scheme has been submitted to and has been approved in writing by the Planning Authority.

Reason: In the interests of public health and amenity.

