

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the  
MEMBERS' ROOM, KILMORY, LOCHGILPHEAD  
on FRIDAY, 26 MARCH 2010**

**Present:** Councillor Roderick McCuish (Chair)  
Councillor Robin Currie Councillor Mary Jean Devon

**Attending:** Charles Reppke, Head of Democratic Services and Governance  
Fiona McCallum, Committee Services Officer (Minute Taker)

**2. DECLARATIONS OF INTEREST**

None declared.

**3. CONSIDER NOTICE OF REVIEW REQUEST: THE OLD MANSE,  
MINARD, ARGYLL**

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 Devon advised that she would like to obtain clarification on the visibility splays and whether these were achievable and within the control of the Applicant. It was agreed that this should be requested from Transport Scotland and the Roads Authority.

Councillor Currie advised that he would like to obtain clarification from the applicant and Transport Scotland on the issue of shared access and whether or not the Applicant was seeking a shared or separate access.

Councillor Devon also requested that presentation slides be made available by the Planning Department showing the topography of the site and how this proposal fits into the area.

Councillor Currie also requested that a site inspection be arranged to look at the linear nature of the site, the access and visibility splays.

The Chairman advised that he agreed with his colleagues and also requested that the Planning Authority provide suggested conditions should the LRB be minded to approve the application.

**Decision**

1. Agreed to hold an accompanied site inspection to establish the linear nature of the site, the proposed access arrangements and the required visibility splays;

2. Agreed that the Planning Department, Roads Department, Transport Scotland, the Applicant and objectors be invited to the accompanied site inspection as interested parties.
3. Agreed to request from Transport Scotland and the Roads Department written submissions in respect of the visibility splays as to whether these are achievable and within the control of the Applicant;
4. Agreed to request from the Applicant and Transport Scotland written submissions in respect of access arrangements;
5. Agreed to request from the Planning Department written submissions regarding details of possible conditions and reasons should the LRB be minded to grant the application and that these should be submitted along with presentation slides of the site; and
6. Agreed to reconvene this meeting at the conclusion of the site inspection on Thursday 13 May 2010.

**The Argyll and Bute Local Review Body re-convened on Thursday 13  
May 2010 at 2.00 pm within the Members' Room, Kilmory,  
Lochgilphead**

Present: Councillor Roderick McCuish (Chair)  
Councillor Robin Currie  
Councillor Mary Jean Devon

Attending: Charles Reppke, Head of Governance and Law (Advisor)  
Fiona McCallum, Committee Services Officer (Minute Taker)

Having undertaken an accompanied site inspection prior to this meeting the Chair convened the meeting advising that Members had before them the further written submissions requested at the previous meeting on 26 March 2010 from Transport Scotland, the Applicant and from the Planning Department.

The Chair advised that his first task would be to establish whether or not the LRB felt that they now had sufficient information before them to reach a decision on the review and the Members confirmed that they did and went on to debate the merits of the case.

Councillor McCuish advised that his main concern had been the site lines and that following the site inspection he was satisfied that these concerns had been addressed due to the agreement that the hedge between applicant's land and neighbour would be cut back by 10 metres and that provision would be made for a bell mouth at the access to the main road and that this was no longer a reason to refuse the application. However, Councillor McCuish stated that there was still an issue with the site itself.

Councillor Devon advised that she felt the location of the site was out of

character and not in keeping with the surrounding areas of settlement and that she had serious reservations about one house being built in front of another.

Councillor Currie referred to the planning application which stated that no trees would be felled and the subsequent confirmation from the applicant at the site inspection that the trees would be felled.

Mr Reppke confirmed that if the LRB were minded to grant the application a condition could be made that trees could only be felled following agreement with the Planning Department.

Councillor Currie stated that the removal of the trees would show the building and that if they were not cut back would provide some screening.

Mr Reppke advised that whether or not the building could be seen from the road was not a material planning consideration.

Councillor McCuish enquired as to whether or not it would be possible to have screening behind the new building in order to provide some privacy between the two houses.

Mr Reppke advised that privacy policies were not just determined on visibility but also in respect of noise.

Councillor McCuish advised that he had real concerns that if they approved the application this would set a precedent and lead to other applications for second tier developments having to be approved and recommended that the application be refused for the reasons discussed in respect of the linear nature of the site.

## **Decision**

The Board agreed to refuse the application for the following reason:-

The proposed development, by virtue of its location, would undermine the linear character of the surrounding development pattern with the introduction of a second tier of development in the immediate context of the A83 public highway and as such, any building at this location would appear as a prominent and incongruous addition to the existing townscape setting in a manner which is contrary to the provisions of policies STRAT DC 1, LP HOU 1, LP ENV 19 and the Council's Sustainable Design Guidance which seek to resist development on inappropriate locations and which would have a significant adverse impact upon the character or amenity of the existing built environment.