

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the MEMBERS ROOM, KILMORY, LOCHGILPHEAD on THURSDAY, 17 JUNE 2010

Present: Councillor Danny Kelly (Chair)
Councillor David Kinniburgh Councillor Neil MacKay

Attending: Charles Reppke, Head of Governance and Law
Hazel Kelly, Senior Committee Assistant (minute taker)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: LAND TO SOUTHWEST OF COTTAGE 3, BALLOCHYLE FARM PA23 8RD

The Chairman welcomed everyone to the meeting and the Panel introduced themselves. The Chair advised that the only participants entitled to speak would be the Members of the LRB (Local Review Body) Panel and Mr Reppke who would provide procedural advice if required.

The Chair asked the Panel whether or not they felt they had enough information before them to reach a decision on the Review to which they replied they did not.

Councillor MacKay requested that a site visit be held to gauge the settlement pattern, the risk of flooding and to obtain further information from interested parties. He requested that Ian Gilfillan, Roads and Amenity Services, be invited to attend the site visit to answer any questions the Panel may have on flooding.

Councillor Kinniburgh requested that the Planning Department provide a view on the SUDS and foul drainage proposals for the site.

Councillor Kinniburgh noted that the reasons for refusal on page 65 of the agenda pack had been numbered 1, 5, 6 and 7 and requested clarification from the Planning Department on whether this was due to missing information or whether this had been a typographical error.

Councillor Kelly requested that more information on the suitability of the proposed bore hole for drinking water be provided by the Planning Department/Building Control.

Councillor MacKay requested clarification from the planning department on why the poor condition of the estate road connecting with Glen Massan Road mentioned on page 47 of the agenda pack had not been included in

the reasons for refusal on page 56 of the agenda pack.

Councillor MacKay requested that the Planning Department provide a resume on what pre-application discussions had taken place with the applicant.

Councillor MacKay requested that the Planning Department provide a view on the suitability of the proposed infilling to raise the level of the site based on any previous developments of similar nature that had been approved by the Department.

The Panel requested that the Planning Department, Roads Department, Applicant, Objectors and Ian Gilfillan be invited to attend the site visit.

Decision

1. Agreed to hold an accompanied site visit to gauge the settlement pattern, risk of flooding and to obtain further information from interested parties on the following matters –
 - flooding risk
 - foul drainage and SUDS scheme
 - the proposed infilling of the site
2. Agreed that the Planning Department, Roads Department, the Applicant, Objectors and Ian Gilfillan of Roads and Amenity Services be invited to attend the site visit, as interested parties.
3. Agreed to request from the Planning Department written submissions in respect of –
 - a) the Departments' view on the SUDS and foul drainage proposals for the site;
 - b) clarification on the numbering 1, 5, 6 and 7 within the Reasons for Refusal on page 65 of the agenda pack;
 - c) the suitability of the proposed bore hole for drinking water;
 - d) clarification on why the poor condition of the estate road connecting with Glen Massan Road, mentioned on page 47 of the agenda pack, was not included in the reasons for refusal;
 - e) a resume on what pre-application discussions had taken place between the Planning Department and the Applicant; and
 - f) the Departments' view on the suitability of the proposed infilling to raise the level of the site based on any previous developments of a similar nature.
4. That for the purposes of the written submissions the participants

identified at 2 above be the interested parties.

The Argyll and Bute Local Review Body re-convened on Monday 16 August 2010 at 11.15am within Sandbank Village Hall, Sandbank

Present: Councillor Danny Kelly (Chair)
Councillor Neil MacKay
Councillor David Kinniburgh

Attending: Iain Jackson, Governance Manager (Advisor)
Hazel Kelly, Senior Committee Assistant (Minute Taker)

Having undertaken an accompanied site inspection the Chair re-convened the meeting of the Local Review Body (LRB) which had taken place on 17 June in Kilmory. He advised that the only participants that would be entitled to speak would be the Members of the Local Review Body Panel and Mr Jackson who would provide procedural advice if required.

The Chair asked the Panel whether or not they felt they had enough information before them to reach a decision on the review.

Councillor MacKay stated that the site visit had been very advantageous and that he now felt he had enough information to make a decision on the review. Councillor Kinniburgh advised that he too felt he had enough information to make a decision on the review and that the site visit had been very helpful. Councillor Kelly advised that he also felt he had enough information to make a decision on the review. He advised that from the advice received from experts and from the site visit he could not see that there would be a problem with flooding on the actual site.

Councillor MacKay advised that from the wealth of information that had been received he felt that the information received from Mr Gilfillan, Flood Alleviation Officer, had been the most relevant. He advised that all concerns over flooding had been virtually eradicated and that in his opinion it may be possible to approve the application subject to conditions. He stated that at the previous meeting he had enquired as to how much pre-application discussion had taken place between the applicant and the planning section and felt that if more discussion had taken place then the concerns before them could have been eradicated at the time of the application.

Councillor Kinniburgh advised that he agreed with Councillor MacKay that many of the reasons for refusal had been alleviated.

Councillor Kelly advised that the site visit had been very worthwhile and from the advice received from the flooding experts he felt it may be possible to approve the application subject to conditions.

Mr Jackson advised that if the LRB were minded to grant planning permission they would need to request a written submission from the Planning Section providing draft conditions by which would allow the

application to be considered for approval and that the LRB would need to meet again to consider these.

Decision

The LRB agreed to continue consideration to a future meeting and to request from the Planning Department a further written submission providing draft conditions which would allow the application to be considered for approval.

The Argyll and Bute Local Review Body re-convened on Wednesday 22 September 2010 at 12.30pm in the Council Chamber, Kilmory, Lochgilphead

Present: Councillor Danny Kelly (Chair)
Councillor Neil MacKay
Councillor David Kinniburgh

Attending: Charles Reppke, Head of Governance and Law (Advisor)
Hazel Kelly, Senior Committee Assistant (Minute Taker)

The Chair reconvened the meeting of the Argyll and Bute Local Review Body that had taken place in Sandbank Hall, Sandbank, Dunoon on 16 August 2010. He invited the members of the Panel to introduce themselves and explained that this was a continuation of the meeting held on 16 August 2010 and that the only participants that would be entitled to speak would be the Members of the Local Review Body Panel and Mr Reppke who would provide procedural advice if required.

Mr Reppke explained that further information had been received from the applicant's agent in response to submissions made by interested parties and in his opinion it reiterated previous information that had been received. He advised the panel that in terms of the regulations, if they were minded to accept this further submission, the meeting would need to be reconvened to a future date. He asked the Panel to consider if they felt the further information would have any impact on making a decision.

Councillor Kelly advised that he did not feel that any further information would be of any use to him at this stage and Councillors Kinniburgh and McKay agreed.

Councillor Kelly advised that there appeared to be a discrepancy between the proposed 25m length of the dwelling on the plans and the 21.5m measured by the Planning Officer on site and asked what Mr Reppke would advise.

Mr Reppke advised the Panel that any building should be implemented in accordance with the detailed plans and that the LRB should decide if any possible discrepancy on what they had seen at the site inspection would

materially affect their consideration of the application in accordance with the submitted plans. Councillor Kelly advised that any decision of his would be based on the plans. Councillor McKay advised that the most important thing to him at the site inspection had been the height of the site above the flood plain and that he would base any decision on the plans. Councillor Kinniburgh agreed and advised that any discrepancies on the pegging out of the site were not material and would not change his thoughts on the application and that he also would base any decision on the plans. Councillor McKay added that normally if there had been concerns over a length of a development these concerns would involve buildings that looked over other buildings and in this application this did not apply.

Councillor Kelly asked Mr Reppke for advice on whether a Section 75 Agreement would be required should the application be approved.

Mr Reppke advised that the applicant had submitted documentation from Land Registry Scotland and from their solicitors confirming that they own the piece of land in question. He added that due to the assertion by the applicant that he owned the land there would be no requirement for a Section 75 Agreement. Councillor Kelly asked that should there be an issue with land ownership would that then be a civil matter to which Mr Reppke confirmed that it was and would therefore be dealt with through a different process.

Mr Reppke advised the Panel that the next step would be to deliberate the merits of the application.

Councillor McKay advised that the concerns raised by the objectors had been covered by suggested planning conditions 4 and 5 and that any concerns over flooding had been alleviated by the flooding officer Ian Gilfillan and also by condition 5. He added that condition 6 more than covered any concerns relating to the water supply but questioned the use of the word "wholesomeness" in sentence one of condition 6. Councillor Kinniburgh noted a typographical error in the note under condition 6 - the word "form" in sentence one of the note should have read "from". He concluded by saying that the suggested conditions set down by planning were very robust and covered well any concerns.

Councillor Kelly advised that before the site visit he had had serious concerns over flooding of the site and that these concerns had been alleviated by the flooding officer, Mr Gilfillan, by the raising of the site and also by the suggested conditions for approval set down by the Planning Section.

Councillor McKay asked Mr Reppke for advice regarding planning condition number 9. He asked what was meant by boundary conditions. Mr Reppke informed him that boundary conditions were the methods used to contain the site such as fences, walls or hedges and explained that the planning section would look for boundary treatments sympathetic to the settlement character if the application were to be approved. Councillor McKay noted that this should have been more explanatory and hoped that this would not hold up development should the application be approved.

Mr Reppke explained that if Members wished they could specify in detail the boundary conditions but advised that it may be best left to technical officers to assess. Councillor McKay asked that the word “detailed” be changed to the word “appropriate within condition 9.

Mr Reppke advised that should Members be minded to approve the application they would need to clarify their reasons for approval against reason for refusal number one.

Councillor McKay advised that after the site visit he felt that the siting and design of the proposed dwelling fell within Policy LPENV19 and was not contrary to as suggested in the planning sections reason for refusal no 1 on the basis that the development was in keeping with the existing settlement pattern and would not therefore have an adverse impact on the visual amenity or character of the area. Councillor Kelly advised that he agreed with Councillor McKay and added that he did not feel that the proposal was detrimental to the area and could be integrated into the landscape. Councillor Kinniburgh agreed with this view.

Decision

The Argyll and Bute Local Review Body -

1. Agreed to grant planning permission subject to imposing conditions 1 to 9 as suggested by the Planning Section on pages 2, 3 and 4 of the supplementary agenda pack subject to the following amendments –
 1. Questioning the use of the word “wholesomeness” in sentence 1 under condition 6.
 2. Changing the word “form” to “from” under the notes section of condition number 6.
 3. Changing the word “detailed” to “appropriate” in sentence 1 under condition 9.
2. Agreed not to impose a section 75 agreement due to the assertion by the applicant that they own the piece of land in question.