

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 23 JUNE 2010

Present: Councillor Roderick McCuish (Chair)
Councillor Rory Colville Councillor Donald MacMillan

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

1. DECLARATIONS OF INTEREST

None declared.

2. CONSIDER NOTICE OF REVIEW REQUEST: MAMBEG HOUSE, MAMBEG, GARELOCHHEAD, G84 0EN

The Chair 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. The Board agreed unanimously that they had enough information to make a decision on the application subject some of procedural points of clarification in respect of the information before the Board for consideration.

Councillor Colville referred to pages 26 and 28 of the agenda pack which detailed letters from the Planning Department to the Applicant and queried the correctness of the dates of these letters detailed as 5 May 2010. Mr Reppke advised that these dates were not correct and that this error had occurred due to the Planning Department's printer defaulting to the date the documents were printed, rather than the original date of issue.

Councillor Colville also referred to page 23 of the agenda pack which detailed a letter dated 9 September 2009 from the Planning Department to the Applicant. Councillor Colville asked for clarification on whether or not the applicant would be exempt from a fee if he resubmitted a new application within one year of the refusal of his current application. Mr Reppke confirmed that this was the case.

Mr Reppke referred the Board to the Applicant's request that this Review be dealt with on the basis of one plot of land and confirmed that this was not procedurally possible as the refusal was based on the proposed erection of two dwelling houses and installation of a septic tank and that

the Review would have to be determined on this basis.

On this basis the Chair proposed that the application be refused for the reasons detailed in the Planning Officer's report, noting that the Applicant would be able to submit a new application for one plot of land and that no fee would be charged provided the application was submitted within one year of the date of refusal of the current application.

Decision

The Board unanimously agreed to refuse the application on the following grounds:-

1. The site forms part of Mambeg Rural Opportunity Area (ROA) which is characterised by small clusters of houses set back from the road on generally large plots with intermediate open undeveloped spaces between these groupings. The introduction of two dwellings within the site edged red would introduce a feu pattern which is smaller and more regular than other more organic development in the vicinity. This would give the impression of a more suburban layout which would be visually discordant, visually intrusive and would be contrary to the aims of Argyll and Bute Structure Plan Policy STRAT DC 4 which is only supportive of development which visually integrates with the landscape and settlement pattern. In this respect the development would also be contrary to point (A) and (B) of Policy LP ENV 19 of Argyll and Bute Local Plan that requires all development be sited to pay regard to the context within which it is located and that layout and density effectively integrate with the countryside setting; and
2. The existing vehicle access is unsuitable for additional traffic due to its current condition. The existing sightline to the south is acceptable, however, the built up area of the frontage significantly restricts the view of oncoming vehicles approaching from the north. The entrance is narrow and not capable of accepting passing vehicles. The existing access is steep resulting in surface water and loose material cascading onto the public road. There is no suitable service and emergency vehicle turning area and no intervisable passing places.

In line with Local Plan Policy LP TRAN 4 improvements are required in order to accommodate further development. While it may be possible to incorporate these improvements within the development, they have not been demonstrated in order to ensure that they will not have a significantly detrimental visual impact. Of particular concern would be the effects of the creation of a visibility sightline measuring 2.4m x 75m x 1.05m to the north and the formation of the reduced gradients which may require embankments and retaining walls. In addition, a significant area of the existing garden would be required to provide increase access widths, passing places and a turning area in accordance with the Roads and Amenity Services: Roads Guidance for Developers. The combination of a visibility sightline measuring 2.4m x 75m x 1.05m to the north, the formation of the

reduced gradients which may require embankments and retaining walls and the requirement for a significant area of the existing garden to provide increase access widths, passing places and a turning could be visually discordant, visually intrusive and have a detrimental impact on the character and amenity of the area. As such the proposal is contrary to Policies LP ENV 1 and ENV 19 of the Argyll and Bute Local Plan which, inter alia, resist development proposals which do not protect, restore or enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design.