

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the
COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD
on MONDAY, 19 DECEMBER 2016**

Present: Councillor David Kinniburgh (Chair)
Councillor Rory Colville Councillor Sandy Taylor

Attending: Charles Reppke, Head of Governance and Law (Adviser)
Hazel MacInnes, Committee Services Officer (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST: LAND EAST OF ACHARA, OBAN

The Chair welcomed everyone present to the meeting and advised that no one other than the Members of the Local Review Body Panel and Mr Reppke, who was there to provide procedural advice to the panel, would be permitted to speak during the meeting.

The Chair advised that his first task would be to establish whether Members of the Panel felt they had sufficient information before them to come to a decision on the Review.

Councillor Colville advised that he felt there was a lack of clarity over where the Potential Development Areas overlapped. He added that it would have been useful to have had the agenda pack printed in colour. He said that he felt he would benefit from a site visit. Councillor Colville asked whether or not the mini development brief extract referred to in the supporting statement by the applicant on page 20 of the agenda pack had been published as it was also referred to on page 46 of the agenda pack by the Planning department. He advised that if it had been published then he would like to see it. Councillor Colville also referred to the consent given to the neighbouring site and advised that a site visit would be useful to see if the land was isolated due to this prior consent. Councillor Colville advised that he would like to know if this application had been considered by the Planning, Protective Services and Licensing Committee and if so he would like to see the decision taken by the Committee.

Councillor Taylor advised that due to the consent granted for the neighbouring site, and due to the sporadic nature of the application, he would like to see a Masterplan approach taken. He referred to PDA 5/5 and its relevance to the application and advised that he would like to visit the site to clarify the planning departments view.

Councillor Colville asked for clarification over the relevance of knowing if the mini development brief extract not being published. Mr Reppke advised that it would be useful to obtain this information as the mini development brief was important to both the applicant and the planning department.

Councillor Kinniburgh said that he agreed with Councillor Taylor in respect of the masterplan approach and advised that he would like clarification on whether it was the need for a Masterplan that was the determining factor.

Councillor Colville referred to the justification given for granting the croft house application in 2012 and how the considerations were different to this application. Mr Reppke told him that this application was considered under a different Local Development Plan and therefore the considerations were different. Councillor Taylor noted that the application for the croft had been supported by operational need and Councillor Colville noted that other material considerations had been taken into account alongside operational need.

Decision

The Argyll and Bute Local Review Body agreed –

1. To hold an accompanied site visit at the earliest opportunity to determine where the site lies within Potential Development Area 5/5.
2. To request further written submissions from the planning department in respect of –
 - Whether the mini development brief extract has been published externally and if so, a copy of this be provided.
 - Clarification on the view of the planning department on whether the current application is peripheral to Potential Development Area 5/5 and that the only reason for requiring that a Masterplan be submitted is to meet the guidance rather than being required to make a judgement on what impact the development would have on the wider potential development area.
 - Clarification from Planning as to whether the previous application for the croft had been determined by the Planning Protective Services and Licensing Committee and if so to provide a copy of the report of handing and decision taken by the Committee.
 - Clarification over whether the requirement to submit a Masterplan was the only factor which was preventing approval of the application.
3. To adjourn the meeting and to reconvene at the earliest opportunity following the accompanied site visit at a location in Oban.

The Argyll and Bute Local Review Body reconvened on Thursday 2 March 2017 at 4.00pm within Interview Room 2, Municipal Buildings, Oban.

Present: Councillor David Kinniburgh (Chair)
Councillor Rory Colville
Councillor Sandy Taylor

Attending: Iain Jackson, Governance and Risk Manager (Adviser)
Hazel MacInnes, Committee Services Officer (Minutes)
Duncan Blainey, Applicant
Iain MacDonald, Applicant's Agent
Fiona Scott, Argyll and Bute Council Planning Department

The Chair welcomed everyone present to the meeting and advised that no one other than the Members of the Local Review Body Panel and Mr Jackson, who was there to provide procedural advice to the panel, would be permitted to speak during the meeting. The Chair invited the Panel to put forward their thoughts following the site visit which had been held prior to the meeting, at 3.00pm.

Councillor Colville referred the panel to page 5 of the agenda pack issued for the first calling on 19 December 2016 and quoted "the planning authority has not been provided with sufficient information to allow a full assessment of the proposal sufficient to be able to conclude that the proposed development will not be prejudicial to the development of the remainder of the PDA". He added that he would like the meeting to be continued to allow them to explore this further with planning officers.

Councillor Taylor advised that he had found site visit really helpful as it had allowed them to look at the site, the typography and its relationship to the rest of the PDA as well as the access to the site and the nature of the land. He added that he believed there was limited use of the site and that he would be content to see some sort of development on the site. He advised that he did not think that the development needed to be part of the full Masterplan and asked if there was a way in which a mini masterplan could be proposed for that site only. Councillor Taylor advised that he would like advice from the planning department on how this could be taken forward.

Councillor Colville added that it had been interesting to see that there was a part of land on the site which had not been included in the PDA and that he would like to know the reason for this.

Councillor Kinniburgh advised that he had found the site visit helpful and after viewing the potential development area he could see no reason why development shouldn't go ahead. He added that it was now about trying to fit in with policy to allow it to happen. He advised that he too would like to continue the meeting in order obtain further information from the planning department on ways that this could be achieved.

Councillor Colville advised that he would like clear guidance from officers on the possible formulation of a competent motion to allow development to go ahead on the site.

Councillor Colville requested that the next calling of the Local Review Body be held before the upcoming Local Government Elections to allow the case to be concluded by the same panel.

Decision

The Local Review Body unanimously agreed -

1. To continue consideration of the review to a further meeting.
2. To request guidance from the Planning Department on the possibility of formulating a competent motion to allow development to take place on the site without the submission of a full Masterplan for the whole Potential Development Area.
3. To request advice from the Planning Department on whether it would be competent to have a mini masterplan for this particular development site which may allow this application to be approved.
4. To request from the planning department the reason for the exclusion of the part of land on the site from the Potential Development Area.

The Argyll and Bute Local Review Body reconvened on Wednesday 26 April 2017 at 9.30am within the Council Chamber, Kilmory, Lochgilphead.

Present: Councillor David Kinniburgh (Chair)
Councillor Rory Colville
Councillor Sandy Taylor

Attending: Charles Reppke, Head of Governance and Law (Adviser)
Hazel MacInnes, Committee Services Officer (Minutes)
Duncan Blainey, Applicant
Iain MacDonald, Applicant's Agent

The Chair welcomed everyone present to the meeting and advised that no one other than the Members of the Local Review Body Panel and Mr Reppke, who was there to provide procedural advice to the panel, would be permitted to speak during the meeting. The Chair asked the Panel if they felt they now had sufficient information following the site visit and after receiving the further written submissions they had requested at their last meeting on 2 March 2016. The Panel confirmed that they now had sufficient information to come to a decision.

Councillor Colville advised that the site visit had demonstrated to him that there was capacity on the land and that there was the possibility of building houses. He advised that he had researched into the masterplan approach and the issues that went with it and had found it difficult to find a competent motion which would overrule the PDA. He referred the Panel to page 52/53 of the original agenda pack where it said that the Planning Service would be happy to work with all parties to achieve a suitable approach to the development of the Potential Development Area.

Councillor Kinniburgh advised that he thought similarly to Councillor Colville and thought that the application did require a masterplan as had been recommended by Officers.

Councillor Taylor advised that the site visit had improved his appreciation of the site and that he had felt that a mini masterplan approach would have been more appropriate, although he did appreciate the advice by the Head of Planning which outlined the basis on which a competent motion could be prepared. He added that he was not in a position at the moment where a competent motion could be prepared but would like to see that happen.

Councillor Kinniburgh replied by saying that planning officers had recommended that the mini masterplan approach would not address the strategic issues and therefore agreed that a full masterplan was the approach to be taken. He added that it would be possible for the applicant to prepare a masterplan to accommodate the land and have it agreed by other parties within the Potential Development Area and in this respect he moved that the application be refused as per the recommendation made by officers in the original report of handling. This was seconded by Councillor Colville.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, agreed to uphold the decision by the Head of Planning and Regulatory Services to refuse planning permission for the reasons as outlined within the report of handling dated 4 August 2016.