

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on FRIDAY, 24 MARCH 2017**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Sandy Taylor

Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law (Adviser)  
Fiona McCallum, Committee Services Officer (Minutes)

**1. CONSIDER NOTICE OF REVIEW REQUEST: ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS, 15 ARAY GARDENS, OBAN, ARGYLL, PA34 4JX**

The Chair welcomed everyone to the meeting and advised that his first task would be to establish if the Members of the Local Review Body (LRB) felt that they had sufficient information before them to come to a decision on the Review.

Councillor Trail commented that the reason for refusal seemed to hinge on the setting of the site with the Planning Officer describing the donor house as representing a natural termination to the extent of the built development at this location. He advised that he could not make an assessment of this based on the paperwork provided as from the location plan the site did look, to him, appropriate for another house. Councillor Trail confirmed that he would like to visit the site before making a decision on this case.

Councillor Kinniburgh confirmed that he too would find it difficult to assess this case without first holding a site inspection.

Councillor Taylor advised that he knew the site well as he passed it every time he travelled to Oban. He indicated that it was an elevated site and that he was very comfortable with the way it was finished. He advised that this proposal would bring the house right on to the road and at the moment he said that he liked the way the site finished and that he believed a site inspection would confirm that.

**Decision**

The Argyll and Bute LRB agreed:-

1. to hold an accompanied site inspection in order to view the issues raised in respect of this proposal and to invite the Applicant, the Supporter and Planning to attend this site inspection; and
2. to adjourn the meeting and reconvene at the conclusion of the site inspection in Oban to consider the case further.

The meeting of the Argyll and Bute Local Review Body reconvened on Thursday 27 April 2017 at 10.15 am in the Council Offices, Lorn House, Albany Street, Oban

Present: Councillor David Kinniburgh (Chair)  
Councillor Sandy Taylor  
Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law (Adviser)

The Chair welcomed everyone to the meeting and advised that his first task would be to establish if the Members of the Local Review Body (LRB) felt that they had sufficient information before them to come to a decision on the Review and invited Members to consider the Application.

Councillor Trail said he had found the site visit very useful and having viewed the site he tended to agree with the Planning Officer assessment in regard to the adverse environmental impact. He also felt that the proposed house would have a detrimental impact on the amenity of the existing substantial property.

Councillor Taylor said he had also found the site visit very useful and having looked closely at the site he agreed with the concerns raised by the Planning Officer about the extension of the built development and the adverse impact it would have on the environment especially when viewed from the public road leading into Oban. If the site were developed it would lead to the loss of the valuable open green space and so for these reasons he was minded to refuse the application for the reasons set out on page 55 of the Agenda pack.

Councillor Kinniburgh said that he was of a similar mind to Councillor Taylor in respect of the adverse environmental impact and also had concerns about the loss of amenity that would arise for the existing property. He therefore moved refusal for the reasons set out on page 55.

## **Decision**

The Argyll and Bute LRB, having considered the merits of the Application de novo, unanimously agreed to refuse the application for the following reason:-

1. In terms of the adopted 'Argyll and Bute Local Development Plan' 2015, the application site is located within the Settlement Zone of Oban which is subject to the effect of Policy LDP DM 1 and Supplementary Guidance SG LDP HOU 1 which establish a general presumption in favour of housing development within settlements, provided it is of a scale and form compatible with the surrounding area and does not result in inappropriate densities or the loss of valuable open areas, and is acceptable in terms of siting and compatibility with the established settlement pattern.

It is considered that the development of the site with a dwellinghouse would result in an unacceptable environmental impact resulting in a development which would extend the existing settlement in an inappropriate manner towards the public road. It is considered that the donor house represents a natural termination to the extent of built development at this location with the undeveloped nature of the site providing a setting for the existing development making a positive contribution to the extent of built development relieved by open

green space. Extending the settlement further towards the public road would result in the loss of this valuable open space to the point at which the characteristics and amenity of the locality would be undermined by the extent of built development and would result in an incongruous feature in the landscape when viewed from the public road on the approach into Oban from the south.

The proposal is therefore considered to be contrary to the provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and Supplementary Guidance SG 2 and SG LDP HOU 1.

(Reference: Notice of Review and Supporting Documentation and Comments from Interested Parties, submitted)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

**NOTE OF MEETING OF SITE INSPECTION RE CASE 17/0001/LRB  
15 ARAY GARDENS, OBAN, ARGYLL, PA34 4JX - THURSDAY 27 APRIL 2017**

In attendance: Councillor David Kinniburgh, Argyll and Bute LRB (Chair)  
Councillor Sandy Taylor, Argyll and Bute LRB  
Councillor Richard Trail, Argyll and Bute LRB  
Charles Reppke, Head of Governance and Law (Adviser)  
Fiona Scott, Planning Authority  
Joe MacIntyre, Applicant  
Claire Scott, Supporter

The Argyll and Bute LRB (ABLRB) agreed on 24 March 2017 to conduct an accompanied site inspection in order to view the location of the proposed dwelling house and the surrounding landscape.

The ABLRB convened on 27 April 2017 at 9.30 am and the Chair welcomed everyone to the meeting and introductions were made. The Chair explained the procedure that would be followed and invited Members to ask questions

Members sought clarity on whether the existing wooden fence was the boundary for the proposed site and the Planning Officer stated that the boundary skirted the public roadway. The Applicant explained that there was a water main that ran along the edge of the road and so the fence could be the boundary.

The Members then looked for an explanation of the position of the proposed dwelling and this was pointed out on site by the Applicant and the Planning Officer. It was explained that the Applicant would be building the house, if approved and the Supporter would be purchasing it.

Members then looked at the site boundaries and the relationship to the public road and existing dwelling.

The Planning Officer was asked to explain the reasons for the recommendation of refusal and explained that the Planning view was that this proposal would result in an unacceptable environmental impact resulting in a development that would extend the settlement in an inappropriate manner towards the public road. She indicated that the donor house represents a natural termination of the built development, with the undeveloped nature of the site providing a setting for the existing development and that the proposed house would result in an incongruous feature in the landscape.

The Chair asked the Applicant for his view of the matter and Mr MacIntyre said that he felt the site was suitable for the proposed house.