

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 23 AUGUST 2017

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville

Councillor Richard Trail

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

1. APOLOGIES FOR ABSENCE

There were none intimated.

2. DECLARATIONS OF INTEREST

There were none intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST: ERECTION OF DWELLINGHOUSE, LAND SOUTH EAST OF BENVUOLLIN LODGE, BENVUOLLIN ROAD, OBAN

The Chair welcomed all those present to the meeting and explained that no person present would be entitled to speak other than the Members of the Local Review Body and Mr Reppke who would provide procedural advice if required.

Mr Reppke advised that the review had commenced during the life of the previous Council and following the outcome of the local government elections, not all the members who had been on the panel returned to office. In this respect he advised that this required a fresh case to be called with a new Member of the panel and with all of the information from the previous case provided to members as part of the first calling.

The Chair advised that his first task would be to establish if the Members of the Argyll and Bute Local Review Body felt they had sufficient information before them to come to a decision on the review. Both Councillor Colville and Councillor Trail confirmed they had sufficient information to come to a decision on the review. The Chair then confirmed that he considered that he too had enough information before him to come to a decision. The Chair told the Panel that he had visited the site earlier that morning as he had understood there had been a site visit during the previous case and he had wanted to see the site himself.

Councillor Colville advised that he had concerns over the effect granting planning permission would have on the Tree Preservation Order. He confirmed that the comprehensive tree survey had covered the issues he had been concerned about and advised that would like to move approval of the application at the appropriate time.

Councillor Trail advised that he had taken on board Councillor Colville's comments and that he agreed with them. He referred to the decision of the Planning, Protective Services and Licensing Committee at their meeting in February 2017 where they had agreed the removal of the 12/16 trees required for the construction of site as de minimis to the preservation of the Tree Preservation Order and in this respect he advised that he would like to recommend the application for approval.

The Chair advised that having chaired the meeting of the Planning, Protective Services and Licensing Committee in February, he was aware of the decision taken in respect of this case and having visited site earlier in the morning he confirmed that he was of the same view as Councillors Trail and Colville.

Councillor Colville moved a Motion which was seconded by Councillor Trail. The Motion was as follows –

“Following the decision of the PPSL committee on the 22nd of February at which the committee agreed the following –

1. to note that in respect of the tree removal and the significantly large number of trees present within the LRB site, that by removing 5% (to be substantiated and critiqued by LRB) of said trees would not affect the integrity of the original designation of the site;
2. that the removal of 5% of said trees within the LRB site would not affect the collective value and contribution to amenities;
3. that the removal of 5% of said trees will in no way be detrimental to the site which is largely characterised by an extensive area of mixed deciduous woodland;
4. that a dwelling house on the site, with the removal of 5% of the trees would not take away from the positive contribution the remaining trees would have to the wider landscape and settlement pattern forming the natural buffer; and
5. that the removal of the trees would result in only a minor material loss of landscape, biodiversity and informal open space amenity and would have a de minimis effect on the overall TPO.

It is noted that the Appellant has now provide detailed justification with respect to the claimed 5% tree loss this takes the form of a detailed tree survey of the development area within the wider application site (including any areas required for land recontouring, access, driveway, visibility splays, parking and turning etc.) with the trees proposed by the Appellant for felling physically demarked on the site. I believe this demonstrates that the removal of the trees would result in only a minor loss of landscape, biodiversity and informal open space amenity area and would have a de minimis effect on the overall TPO. As such the development is consistent with the provisions of LDP STRAT1, LDP DM1, LD P3, LD P9 and associated supplementary guidance SG2, SgLDP ENV6 and SG LDP HOU1, as the development will not have a material impact on the TPO or the landscape and open space benefits afforded by the remaining trees, given the positioning of the house within the site.

The additional information requested by this LRB and submitted by parties has provided clarity and certainty in respect of tree felling and impact on the TPO

I therefore move that planning permission be granted subject to the attached planning conditions to limit the loss of trees to those clearly specified within the survey, thus limiting the environmental impact on the public space allowing the application to be consistent with the Development Plan policies specified above.”

Councillor Kinniburgh confirmed that he agreed the terms of the Motion and sought confirmation from Mr Reppke that the Motion was competent. Mr Reppke confirmed its competence if Members were so minded to agree the Motion.

Decision

The Argyll and Bute Local View Body unanimously agreed to grant planning permission for the erection of a dwellinghouse on land south east of Benvoullin Lodge, Benvoullin Road, Oban subject to the conditions and reasons by the Planning Department as outlined from page 77 of the agenda pack.