

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on THURSDAY, 7 MARCH 2019

Present: Councillor David Kinniburgh (Chair)
Councillor Roddy McCuish Councillor Sandy Taylor

Attending: Iain Jackson, Governance and Risk Manager
Lynsey Innis, Senior Committee Assistant

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: ERECTION OF DWELLING-HOUSE, INSTALLATION OF SEWAGE TREATMENT PLANT AND FORMATION OF VEHICULAR ACCESS AT LAND NORTH EAST OF 1 CNOC AN RAER, ROTHESAY, ISLE OF BUTE (19/0002/LRB)

The Chair welcomed everyone to the meeting and introductions were made. He explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson who would provide procedural advice if required.

He 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. All members agreed that they did.

Councillor Taylor advised that having considered the notice for review he could find no exceptional case and advised that in his opinion the development would not result in an enhancement of the area and furthermore would result in an adverse environmental impact.

Councillor McCuish advised that he agreed with Councillor Taylor and the Planning Officer that the development would not result in the enhancement of the area.

The Chair, Councillor Kinniburgh advised that he was like minded. He advised that he felt that the development being within the countryside zone would be an unsuitable development.

Councillor Kinniburgh moved that the application be refused for the reasons stated in the report of handling and this was unanimously supported by Councillor McCuish and Councillor Taylor.

Decision:

The Argyll and Bute Local Review Body, having considered the merits of the case De Novo, agreed to uphold the decision to refuse planning permission for the following reasons:-

1. The site lies within the countryside zone of the Argyll and Bute Local Development Plan (LDP) 2015 within which Policy LDP DM 1 will only support applications for infill, redevelopment, rounding off and change of use. An application that fails to meet these criteria will be refused unless it can demonstrate an exceptional case or a locational/operational need and even then it must be supported by a successful landscape assessment known as an Area Capacity Evaluation (ACE). In this instance, the site is located in a relatively exposed and elevation position approximately 190 metres to the north east of the dwellinghouses at Cnoc An Raer. The site cannot be considered either infill or rounding off given its distance from existing development. Furthermore, it does not constitute redevelopment given that a relatively minor piece of disused Scottish Water infrastructure would be removed and replaced with a dwellinghouse that would be more than thirty times its cubic volume. Such a difference in cubic volume far exceeds the less than trebling of existing buildings that is advocated in the LDP.

It is not considered that either an exceptional case or a locational/operational need have been suitably demonstrated. Exceptional cases should be rare occurrences and in situations where a property is genuinely requiring to be on the specific site (e.g. on crofts or farm holdings). In relation to this application, mention is made by the agent that this is a "brownfield" site and that the "aim is to provide a building that enhances the surroundings, provides energy efficient, eco-friendly accommodation and is built as part of the local community". Neither of these justifications represent a compelling exceptional case and, in addition, it is considered that there are sufficient development opportunities within the settlement boundaries and Rural Opportunity Areas in the vicinity.

Having regard to all of the above, the proposal does not meet the necessary criteria to be supported through Policy LDP DM 1 of the LDP. Furthermore, failure to demonstrate an exceptional case means that an ACE does not require being carried out.

2. The proposed development would result in an adverse environmental impact having regard to the divorced, exposed, elevated and unduly prominent location within the Countryside Zone. The landscape quality of this Area of Panoramic Quality would neither be maintained nor enhanced and the development of this site to accommodate a dwellinghouse would establish uncoordinated and unjustified development that would be at variance to the established settlement pattern of the area between Port Bannatyne and Ettrick Bay.

In view of the foregoing, the proposal is not consistent with Policies LDP DM 3 and LDP DM 9 and Supplementary Guidance policies SG LDP ENV 13, SG LDP HOU 1 and SG Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.

(Reference: Notice of Review and comments from Interested Parties, submitted.)