

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT
TEAMS
on THURSDAY, 16 MAY 2024**

Present: Councillor Kieron Green (Chair)
Councillor Graham Hardie Councillor Mark Irvine

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

Having noted that Councillor John Armour had originally been selected as a member of the Local Review Body to consider the case outlined at agenda item 3 (Consider Notice of Review Request: Andrews Garage, Tighnabruaich, PA21 2DS (Ref: 24/0003/LRB)), the Governance, Risk and Safety Manager advised that Councillor Mark Irvine was in attendance in his place as he was unable to attend due to attending the funeral of Councillor Robin Currie. It was noted that in terms of the process, as advance notice had been given and as the case had not yet been considered by the Local Review Body, that this was an acceptable way of ensuring that the Local Review Body was quorate and the meeting could proceed.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST: ANDREWS GARAGE, TIGHNABRUAICH, PA21 2DS (REF: 24/0003/LRB)

The Chair, Councillor Green, welcomed everyone to the meeting. 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 LRB felt that they had sufficient information before them to come to a decision on the Review.

Councillor Hardie advised that he felt he had sufficient information to come to a decision.

Councillor Irvine advised that he too felt he had sufficient information to come to a decision.

Councillor Hardie advised that having considered the information before him, he agreed with the decision of the Planning authority to refuse the application.

Councillor Irvine advised that he was in agreement with Councillor Hardie, particularly in relation to the design principles. He advised that he felt the size, scale and massing of the proposal was wholly inappropriate for the area and as such he too agreed with the decision of the Planning authority to refuse the application.

The Chair advised that there were a number of issues which concerned him in relation to this application, particularly the design and layout and the contaminated land. He advised that he didn't believe that there was any leeway within the Local Development Plan or any of the relevant Policies to approve this. He further advised that while he was not opposed to a dwelling house in this location, he felt that what was being proposed was inappropriate in terms of the immediate and wider surroundings and as such he was minded to support the officer report and refuse the application.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to refuse the application and uphold the decision of the Planning authority to refuse planning permission for the following reason(s):-

1. The proposal, by reason of its size, scale, massing, height and design, detailing, boundary treatment, would have an adverse visual impact on the immediate and wider surroundings and would be detrimental to the character and appearance of the village centre of Tighnabruaich and the wider Area of Panoramic Quality. The art deco style is an inappropriate design response for this site giving prominence to the site being in an elevated position on Village Brae. It will be highly visible and intrusive in the skyline when viewed from the village shops and in the context of the Tighnabruaich Hotel and even from wider views. The design is inappropriate because of the white render up to the eaves, to the height of 3 storey, and the mass of the building which is not broken up which is sited on an already elevated site. It does not integrate with the surrounding townscape and adversely affects the sense of place and character of this attractive village centre. There are no other Art Deco style in the village and there is no design cues taken from the buildings around it including the neighbouring garage, fire station and the stone/slate traditional buildings. Consequently the proposal would be contrary to Policies 14 and 16 of NPF4, Policy LDP 9 of the Argyll and Bute Local Development Plan and also to the LDP SG Sustainable Siting and Design Principles and LDP SG ENV 13 Areas of Panoramic Quality. It is also contrary to Policies 01, 05, 08, 09 and 10 of the proposed Local Development Plan.
2. The development would not provide an adequate standard of residential amenity for the occupiers. In this instance a terrace is provided which is welcomed and will improve the residential amenity for occupiers but it is limited. More importantly the rear space proposed will provide poor quality amenity by reason of lack of daylight and proximity to traffic using the adjacent road. The proposal is therefore over-intensive development of a very constrained plot and as such would not accord with SG Siting and Design of the Argyll and Bute Local Development Plan.
3. The proposal is considered contrary to Policy LDP 11 and Supplementary Guidance policies SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015 and Policies 35, 36 and 40 of the proposed Local Development Plan given it has unsuitable visibility onto Village Brae. The parking area is also too close to the edge of the carriageway and a total of 8 metres cannot be achieved to accommodate

a 6m parking area and 2m strip across the access. It is recognised that this is an existing access that has been historically been used by the garage, that was previously on site, and was likely to have similar or more vehicle movements, but no evidence has been submitted nor amendments made to try to find the best solution in terms of achieving the visibility from the driveway onto Village Brae and give the required distance for the parking area to the footway. And indeed the erection of a 1.8m fence is likely to further obscure the views when entering and leaving the proposed driveway. There is no clear drawings or evidence to demonstrate if the visibility of 20m, set back 2m in either direction can be achieved or as near to this as possible.

4. The proposal is considered contrary to NPF4 Policy 9, part (c), SG LDP SERV 4 and Policy 82 of the proposed Local Development Plan as it has not been demonstrated, to the satisfaction of the council, that the site is and can be made safe and suitable for the proposed house. There are a list of outstanding requirements in relation to the Contaminated Land Assessment that have not been adequately responded to. These mainly relate to the survey methods, and the depth of sample surveys.

(Reference: Notice of Review and Supporting Documentation; comments from Interested Parties and comments from the Applicant, submitted)