

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT
TEAMS
on WEDNESDAY, 12 JUNE 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour

Councillor Jan Brown

Attending:

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH OF
ROWANBRAE, GLENCRUITTEN, OBAN (REF: 24/0002/LRB)**

The Chair, Councillor Kieron 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 Logan, 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.

Both Councillors Armour and Brown confirmed that they had sufficient information before them to come to a decision on the Review.

The Chair advised that at the last meeting the decision of the LRB had been to continue consideration of the Review allow for an opportunity to seek to prepare a competent Motion to justify approval of planning permission in principle.

The Chair moved the following Motion –

This LRB considers that the proposed outline permission being sought is of a suitable scale, design and use for a countryside location as required by LDP Policy 2. Further, in accordance with LDP Policy 4 the proposal respects the landscape character of the area, and following LDP Policy 5, the siting respects the topography of the area. As set out in LDP Policy 8 this is away from a hilltop, skyline or ridge, and has very limited visibility from the public road. The settlement pattern of the surroundings is also of relevance to the same policy, and is of small cluster of houses, generally well screened, which it is considered this proposal largely follows by being in the vicinity of existing development.

It is acknowledged that LDP Policy 5 and NPF Policy 9 encourage the reuse of previously developed land, and more specifically that NPF policy 9(b) does not support development on greenfield sites such as this, unless explicitly supported by policies in the LDP. This LRB notes the housing pressures in the Oban area, as set out in the Housing Needs and Demands Assessment, and that paragraph 3.11 on page 14 of the LDP mentions that

Oban itself is “increasingly physically constrained, nearing its natural topographic capacity for growth and development”. It is therefore considered that there is a shortage of previously developed brownfield land suitable for redevelopment, leading to greenfield sites such as this being suitable alternatives to meet demand locally. It is of relevance that NPF Policy 17c states that “proposals for new homes in remote rural areas will be supported where the proposal...supports identified local housing outcomes”

The LRB therefore considers that the proposal meets the requirements of all local and national policies, including LDP2 policies , 4, 5 and 8, and NPF policies 4, 9 and 17, and agrees to grant outline planning permission, subject to the conditions appended:-

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00825/PPP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PPP – Matters Requiring AMSC Submission

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7 and 9 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

Note to Applicant

Regard should be had to Scottish Waters consultation comments in relation to the proposed development which are available to view via the [Public Access](#) section of the Council’s website.

2. PPP – Approved Details

The development shall be implemented in accordance with the details specified on the application form dated 24/04/23 and the approved drawings listed in the table below.

Plan Title.	Plan No.	Ref.	Version	Date Received
Location and Site Plan	001		B	27/06/23

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

3. PPP – Timescale to be Agreed for Completion

Pursuant to Condition 1 - no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

4. PPP - Design and Finishes

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development has been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design taking consideration of the guidance set out in the approved Argyll and Bute Sustainable Design Guidance, 2006;
- iv) Maximum of one and a half storeys;
- v) Windows with a vertical emphasis;
- vi) Have a roof pitch between 37 and 42 degrees finished in natural slate or a good quality artificial slate;
- vii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site along with details of the existing and proposed site levels shown in the form of sectional drawings/contour plans/site level survey, or a combination of these;
- viii) Details of an area within the application site for the placement of refuse/recycling bins.
- ix) Details of the potential for the installation of a 7kw Electrical Vehicle Charging Point within the site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surroundings.

5. PPP – Roads, Access and Parking

Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) Upgrade of the junction serving the development site in accordance with the Council's Roads Standard Detail Drawing SD 08/004a with visibility splays measuring 2.4 metres to point X by 53 metres to point Y from the centre line of the junction ;

- ii) The provision of a parking and turning area in accordance with the requirements set out in the Car Parking Standards and Policy 40 of the adopted 'Argyll and Bute Local Development Plan 2' 2024.

Prior to work starting on site, the approved scheme of works in respect of junction layout shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- No walls, fences, hedges etc. greater than 1 metre in height will be permitted within 2 metres from the channel line of the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

6. PPP – Details of New Private Foul Drainage System

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

Note to Applicant:

Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.

7. PPP – Private Water Supply

Pursuant to Condition 1, no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained.

The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

Notes to Applicant

1. Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Service in the first instance.
2. If the development is likely to use 10m³ water per day then the applicant will need to apply for a registration or licence for water abstraction from SEPA <https://www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/#Water>.
3. If the proposed development is a commercial undertaking including but not limited to; use as a holiday or long term private let, workplace, food business, campsite etc. then the applicant must apply to the Environmental Health service 8 weeks before the intended use date for the private water supply to be registered and certified as fit for use. Email: pws@argyll-bute.gov.uk
4. It is recommended that should planning permission be granted, that the applicant contact this Service to discuss further the measures needed to comply with the requirements of Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 or the Private Water Supplies (Scotland) Regulations 2006, as is applicable.

8. **PPP - Sustainable Drainage System**

Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 and Sewers for Scotland 4th

Edition. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

9. **PPP - Landscaping and Biodiversity Enhancement**

Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

All physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc.) shall be implemented in full before the development hereby approved is first brought into use.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interests of amenity.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to uphold the request for review and to grant planning permission in principle as per the above Motion.

(Reference: Notice of Motion by Councillor Kieron Green, tabled)