

LRB RESPONSE

1. With reference to page 18 of the agenda pack circulated for the first calling of the LRB, which detailed the reason for refusal, the reason for refusal referred to the installation of 108 solar photovoltaic roof mounted panels covering an area of 176.m², each panel measuring 1698mm by 1004mm and pitched at a 10 degree angle facing with a specific design.

2. With reference to the information submitted by the Applicant's Agent in answer to the LRB's request (page 7 of Agenda pack for 2nd calling), the Agent indicates that they had proposed 108 panels as part of the pre-application process but when it got to the full application stage they had revised that down to 94 panels which reduced the area of 155.8m² with an alternative design.

3. On page 12 of the Agenda pack for the 1st calling, it showed a plan marked as refused but it looked like the plan for the 94 plan proposal. With reference to points 1 – 3 above, the Argyll and Bute Local Review Body agreed to request the following further written information from the Planning Officer:

a) Clarity on whether the decision to refuse the application was based on the 108 panel proposal discussed at the pre-application stage, or based on the revised 94 panel proposal with alternative design submitted by the Applicant at full application stage;

Comment: On form ab 1 Notice of Review the appellants state that the description of the development is "The installation of 108 solar photovoltaic roof mounted panels covering an area of 176.2 m2." The "Visual of Roof Plan that formed part of refused plans shows 108.

Appellant Comment: Revised plans were submitted to the council on 28th April 2020 with the 94-panel proposal. This was prior to the planning application being validated. It is acknowledged however that the earlier document was not removed or amended.

b) If the proposal was refused on the basis of 108 panels, the LRB requested the Planning Officer review the 94 panel proposal including the alternative design to see if their determination would be any different to that of the 108 proposal;

Comment: The 94 panel proposal was submitted on 13th January 2021. The plan shows a reduction of 14 panels but extends the area of roof covered by panels. As such it is not considered it makes any material change that would justify a change in the decision to refuse. The amended proposal is still contrary to policy.

Appellant Comment: Revised plans were submitted to the council on 28th April 2020 with the 94 panel proposal. This was prior to the planning application being validated, and is included within the stamped Planning Refusal notice. Whilst the revised design does extend into areas previously not covered by the panels, this is more than balanced by the reduction in panels in other areas. In particular, this has allowed us to increase the distance of the array from the edge of the building, further reducing its visibility from ground level.

c) To ask the Planning Officer to seek clarity from the Design and Conservation Officer on whether or not the 94 panel proposal would be contrary to policy LDP ENV 16 of the Local Development Plan; and

Comment: The Design and Conservation Officer is on maternity leave. Notwithstanding this the Conservation Officer is a consultee and the final assessment and decision is that of the case officer.

d) To ask the Planning Officer to comment overall on the further information received by the Applicant's Agent and presented to the LRB at the 2nd calling.

Comment: The reduction in the number of panels makes little difference to the overall impact. Moreover, it extends the area of roof covered by panels. As such it is not considered it makes any material change that would justify a change in the decision to refuse. The amended proposal is still contrary to policy.