

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the
COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD
on TUESDAY, 11 SEPTEMBER 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Donald MacMillan Councillor Alex McNaughton

Attending: Charles Reppke, Head of Governance and Law (Adviser)
Fiona McCallum, Committee Services Officer (Minute Taker)

**1. CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH EAST OF
HAYFIELD, GLENSHELLACH ROAD, OBAN, ARGYLL**

The Chair welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body (LRB). He advised that the only participants entitled to speak would be the Members of the LRB panel and Mr Reppke who would provide procedural advice if required.

The Chair advised that his first task would be to establish whether or not the LRB felt they had sufficient information before them to reach a decision on the Review. The LRB agreed unanimously that they had enough information to make a decision on the application and agreed to proceed to determine the case.

Councillor MacMillan advised that he felt it would be very difficult in this case to go against Local Plan policy LP TRAN 4 and asked that if a decision was made to uphold the request for review could this lead to a precedent being set for future, similar planning applications. Mr Reppke advised that there was a desire to be consistent and that it would be wrong to be inconsistent with Policy matters without clear justification.

Councillor McNaughton advised that he had sympathy with the applicant due to the fact that they had previously had outline consent granted without a requirement to upgrade the wider public road network as this consent pre-dated the current Local Plan but that this consent had lapsed in September 2010. He advised, however, that though the burden of costs was on the developer he agreed with Councillor MacMillan that the LRB had no option but to support the decision of the Planners, given the policy background now in place.

Councillor Taylor advised that he understood Councillor McNaughton's point about costs. He advised that it would be easy for the developer to recover the costs for the upgrade of the new road from the new houses; however, it would be more difficult to recover costs for the upgrade of the existing single track road especially from those who had already purchased their homes. He advised that from the householders' point of view they would probably prefer an upgraded road. He advised that in the interests of the community he supported the decision of the Planners and

that condition 3 should remain part of this consent, given the policy that applied to the site as set out in the report of handling.

Decision

It was unanimously agreed to uphold the original decision and that Condition 3 remain as part of this consent on the basis that there was no justification to depart from the policy which sought to protect the interests of the community and for road safety concerns to accord with policy LP TRAN 4, on the advice of the Area Roads Engineer and to integrate with the wider road improvement and investments being made in conjunction with incremental housing development in the area.

(Reference: Notice of Review and Supporting Documentation and Responses from Interested Parties submitted)