

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 23 JANUARY 2013**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Robin Currie

Councillor Robert G  
MacIntyre

**Attending:** Iain Jackson, Governance Officer (Adviser)  
Fiona McCallum, Committee Services Officer (Minute Taker)

**1. CONSIDER NOTICE OF REVIEW: MACKAY'S GARAGE, LEDAIG, TOBERMORY, ISLE OF MULL, PA75 6NR**

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 Jackson 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.

Councillor Currie advised that he could see no reason why this planning application should have been refused.

Councillor Taylor acknowledged that guidance has to be applied but he was minded to see if consent could be granted.

Councillor MacIntyre advised that he felt that what was being proposed would be an improvement to what was already there and that he could not see what the problem was as he thought it would enhance the area.

Councillor Taylor advised that he could understand why an extra bay would generate the need for parking but he would like to receive further information from Roads confirming whether or not there was a secondary traffic management issue on the streets of Tobermory. He advised it would also be beneficial to receive confirmation from Roads on how much the main public car park in Tobermory was utilised throughout the year and whether or not it was oversubscribed causing a traffic management or road safety issue.

It was also agreed, in the event that the LRB were minded to approve this application, to request from Planning appropriate conditions and reasons to attach to the consent.

**Decision**

The LRB agreed:-

1. To request from Roads information confirming the number of parking bays there are in the main public car park at Tobermory, how the car park is utilised throughout the year and whether or not at any time it is oversubscribed thereby causing a traffic management or road safety issue either in the vicinity of the application site or as a secondary traffic management issue on the streets of Tobermory;
2. To request from Planning appropriate conditions and reasons to attach to planning consent if the LRB were minded to approve the application; and
3. To adjourn the meeting and reconvene at the earliest opportunity following receipt of the further written information.

**The Argyll and Bute Local Review Body re-convened on Monday 25 February 2013 in the Council Chamber, Kilmory, Lochgilphead**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Robin Currie                      Councillor Robert G  
Maclntyre

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

The Chair welcomed everyone to the reconvened meeting which had been called in order to determine the further information received in relation to the use made of the car park. Having received this further information the Chair advised that his first task was to establish whether or not the LRB felt they now had sufficient information before them to reach a decision on the Review and everyone confirmed this to be the case.

Councillor Currie advised that he thought the Application should be granted although he did accept there may be a problem if the garage used the bus and coach park and the public road area.

The Head of Governance and Law advised that it would not be possible to attach a condition to any consent preventing parking on the public road as there was different legislation to address this. In terms of the bus and coach park it may be possible to impose a Management Order however it may prove to be difficult to enforce.

Councillor MacIntyre advised that it was his view that this development would be an improvement to what was already there.

Councillor Currie advised that he was keen to support this Application but had concerns if the garage continued to allow inappropriate parking in the bus and coach park.

The Chair recommended that the Application be approved for the following reasons:-

The Applicants have submitted that the additional bay will reduce the demand on the car park from their existing customers on the basis that there will be a quicker processing of vehicles and so there will be a reduced impact on the public car park than is currently assessed to be the case and so it can be justified as a minor departure from Policies LP BUS 1, LP TRAN 6 and Appendix C of the Local Plan on the basis that this existing business would continue to create pressure from customers on available parking and the additional bay will be of assistance in reducing waiting time and so will have a beneficial impact on the current demand for spaces which are at a premium only in the main tourist season.

The economic benefits of increased employment and the beneficial impact on the viability of the business provides further justification for a minor departure from guidance AFA 6/2 and that the conditions and reasons set out on page 5 of the supplementary pack be imposed on the grant of consent.

This recommendation was supported by the other Members.

### **Decision**

The ABLRB agreed to grant planning permission for the reasons outlined above subject to the following conditions and reasons:-

1. That no development shall commence or is hereby authorised until details of the intended means of surface water drainage to serve the development has been submitted to and approved in writing 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 first use of the development hereby approved and maintained as such thereafter in perpetuity.

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

2. The development shall be implemented in accordance with the details specified on the application form dated 30.05.2012; supporting information and, the approved drawing refs.

1 of 6(Site info, drawing no jm/62/001)

2 of 6(Plan as existing, drawing no jm/62/006)

3 of 6(Plan as proposed, drawing no jm/62/004)

4 of 6(Elevations as existing, drawing no jm/62/003)

5 of 6(Elevations as proposed, drawing no jm/62/005)

6 of 6(Elevations, drawing no jm/62/007)

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

(Reference: Notice of Review and Supporting Documentation, Comments from Interested Parties and Further Written Submissions, submitted)