

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the SKYPE
on TUESDAY, 26 MAY 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Lorna Douglas

Councillor Jean Moffat

Attending: Iain Jackson – Governance, Risk and Safety Manager (Legal Adviser)
Adele Price-Williams – Senior Committee Assistant (Minute Taker)

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST: SITE FOR THE ERECTION OF A DWELLINGHOUSE, PLOT 2, LAND EAST OF ARDTEATLE COTTAGE DALMALLY (REF: 20/0006/LRB)

The Chair welcomed everyone to the meeting and introductions were made. 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 Jean Moffat stated that she felt there was not enough information to come to a decision and felt that in order to understand the current condition of the road and its gradient better, a plan or photographs of the area would be beneficial.

Councillor Lorna Douglas agreed with Councillor Moffat that it was difficult to visualise the layout of the site and the road and that photographs would be helpful. She also felt that more information about who is responsible for the road was required.

The Chair confirmed that he agreed that more information was required. He felt clarification was required around the term written statement and what was meant by this. He stated that his understanding was that as this was a planning application in principle that a statement on how improvements would be carried out was asked but as the situation progressed to a formal planning application then the written

statement of works would become part of a condition that would require the works to be completed.

In regard to the grounds for review at section 1.1 on page 6 of the pack, the Chair asked for confirmation if the section on public right of passage in the Road Scotland Act (1984 meant that the authority can put a condition in any planning permission for any party to carry out identified improvements. He also asked for clarity on what the parameters for defining an increase in vehicle or pedestrian traffic were.

He referenced another property adjacent to the site accessed by the same road, which was granted planning permission for an extension after the application for the planning permission in principle under review was approved. In that application there was no mention of the Roads Department being consulted and he wished to know why the Roads Department were not required to be consulted on that application.

The Chair said that whilst he could appreciate the reason for the request for photographs from Members, he thought that after considering any further information requested that a site visit might be beneficial after the restrictions around Covid-19 had been lifted.

Councillor Moffat expressed her reluctance to a site visit due to time and financial costs as she felt photographs and/or other drawings might be sufficient.

Councillor Douglas said that whilst photographs would be helpful she did not think they would be definitive as there were issues around who was responsible for upgrading and maintaining the road and questions around how an increase in usage would be an issue with the need for passing places to ensure road safety.

The Chair confirmed that the LRB would not rule out a site visit but under the current circumstances it was not required at this moment in time and the LRB might be able to reach a decision once they have considered any further information requested.

Mr Jackson confirmed that the decision to undertake a site visit could be made at a second calling if Members were so minded and that if the Planning Department do not have any photographs available they might be able to arrange for an Officer to visit the site and take pictures for Members.

Councillor Douglas asked for clarity on how deficient the road is from the maintainable standard at the moment and who has responsibility for the exit road.

Councillor Moffat stated that section 2, page 6 of the pack mentions the previous application for two properties which was granted without Condition 4 and for this reason she wants pictures to understand why and has asked for clarity on who currently is responsible for the maintenance of the road and the passing places.

Following on from this the Chair sought clarification on the previous application referred to by Councillor Moffat. He asked for confirmation if a condition for improvements to the road was not included in that approval because although the provisions of LDP 11 and the supplementary guidance in relation to SG LDP TRAN5, were considered in the application, the guidance had only been approved by the Council but not by the Scottish Government at the time the application was granted.

Decision

The Argyll and Bute Local Review Body agreed to;

1. request further written submissions from the Planning Department in respect of;
 - i) photographs and drawings of the site, if they are currently available;
 - ii) confirmation that in terms of this application the Planning Service only require a written scheme of improvement works and should planning permission be granted in full, that the works detailed in the written scheme of improvements would become a condition of that planning permission;
 - iii) confirmation that the improvement works required in relation to this application, which were not required in relation to the previous application for the two properties, is due to supplementary guidance SGLDP5 now having been adopted.
 - iv) confirmation around the reasoning why it would appear the Roads Department were not consulted on the application for an extension to the adjacent property which was received after the application currently being considered had been approved;
2. request further written submissions from the Roads Department in respect of;
 - i) in relation to the Road Scotland Act (1984) confirmation on who currently has responsibility to undertake maintenance on the UC63 Old Monument Road and why the council are permitted to make the upgrade and maintenance of it a planning condition;
 - ii) confirmation on the parameters that define an increase in vehicle or pedestrian traffic and why they are considered significant in regard to this particular planning application; and
3. adjourn the meeting and reconvene at the earliest opportunity.

(Reference: Notice of Review and supporting documentation and comments from Applicant and interested parties, submitted)