

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY SKYPE
on TUESDAY, 4 AUGUST 2020**

Present:

Councillor Rory Colville (Chair)

Councillor Robin Currie

Councillor Graham Hardie

Attending:

Iain Jackson, Governance, Risk and Safety Manager (Adviser)

Fiona McCallum, Committee Services Officer (Minutes)

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

Advanced notification was received shortly after the Agenda pack for this meeting was issued that Councillor Roderick McCuish would be unable to attend the meeting. Arrangements were made at that point for Councillor Robin Currie to replace Councillor McCuish for this case.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: ANCHOR COTTAGE, CRINAN, LOCHGILPHEAD, PA31 8SW (REF: 20/0009/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 Currie advised that at this stage he thought there was enough information. He commented that Planning had submitted quite a long and detailed statement.

Councillor Hardie advised that having read all the reports he too felt there was sufficient evidence to make a judgement today.

Councillor Colville also agreed that there was sufficient information and agreed with Councillor Currie's comment that Planning had provided copious amounts of information.

The Members of the LRB then proceeded to determine the case.

Councillor Hardie advised that having considered all the evidence before him he agreed with the Planning Officer's recommendation and conclusion and would wish to reject this appeal for the reasons provided in the original Planning report of handling.

Councillor Currie said he was not sure. He referred to the application being for a study and games room and advised that he could not understand why more car parking spaces were required for the study and games room. He commented that there were two car parking spaces there at the moment and would be there if this application was approved. He said that he could not understand why there was a need for more car parking spaces if the size of a house was increased. He said that in this day, when more active travel was being encouraged as well as the use of public transport, additional car parking spaces should not be asked for.

Councillor Colville advised that he was not sure he agreed with Councillor Currie's comments. He said that he accepted that it has been suggested that the games room and study could be used for other purposes but advised that he would not be taking that into consideration. He said that what he was taking into consideration was the fact that this three bedroom house required two car parking spaces. He referred to page 43 of the Agenda pack which contained the following comment from the Roads Officer - "Any car parking bays must be set back 2 metres from edge of public road. Car parking bays should be no smaller than 5 metres x 2.5 metres". He then referred to a photograph on page 44 of the Agenda pack which showed the existing two car parking spaces.

Councillor Colville said that it was his understanding that the Applicant proposed moving the rockery in front of the summer house. He then referred to the photograph on page 45 of the Agenda pack and pointed out that on the right hand side, at the edge of the rockery next to road was white stones marking the boundary. He advised that he was inclined to agree with the Roads Officer that it would not be possible to create a parking space as indicated in the Applicant's drawings in order to give two car parking spaces. He acknowledged that the Applicant has suggested that other properties provide car parking in this way and that he had provided photographs to demonstrate this. Councillor Colville commented that it appeared these properties had more space. He advised that regardless of the historical use of on street parking, he had to take account of the Local Development Plan Policies and Supplementary Guidance. He said he did not think there would be enough space given the photographic evidence provided to retain the minimum requirement of two car parking spaces.

Councillor Colville advised that he totally agreed with Councillor Currie that it was not for the Members of the LRB to surmise what other uses the additional rooms could be used for. However, the fact remained that two car parking spaces were required and the erection of the boat house would leave only room for one of the original car parking spaces, with the other perpendicular next to the road. He advised that for that reason he was inclined to support Councillor Hardie. He commented that in fairness to the Applicant it may be photographic evidence but he had no reason to doubt the Roads Officer's view that 2 metres from the edge of the road could not be achieved at that location. He said that the only mitigation would be to hold a site visit to confirm that. He confirmed that in view of the photographic evidence it was his opinion that there was enough information before the LRB to refuse the application.

Councillor Currie reiterated that he could not understand why there was the need for more car parking spaces just because an extra room was added. He said he did not agree with that. He referred to the photographs on page 44 and 45 and pointed out the position of the parked red car on page 45 and suggested that this would be a similar position for a car on the Applicant's former rockery. Councillor Colville advised that it was his view that this red car had more space. He said that he did not think the historical use of parking spaces should be taken into consideration and advised that 2 wrongs did not make a right. He sought advice from the Governance Officer on whether or not the Councillors would be liable if this Application was approved and then there was an accident caused as a result of someone opening their car door onto the road. Mr Jackson said this may be possible but he could not give Members a definite answer as to whether a response from Councillors would be sought if such a case went to Court.

Councillor Colville said that he recognised Councillor Currie's hesitation. He commented that everyone agreed where the second car parking space was proposed. He said that no one was disputing the addition of a new boat house and study would reduce the car parking spaces at the side to one and the suggestion for where the other would go. He also said no one was disputing that the Applicant had to have two car parking spaces. He commented that a site visit would clarify if there was enough space there. He advised that if 2 m space from the edge of the road was required for the car parking space to allow people to walk and get off the road, he personally could see quite clearly this would be virtually impossible.

Councillor Currie referred to the photograph on page 45 of the Agenda pack and pointed out that the road appeared to widen or there was a layby opposite the rockery. Councillor Colville advised that this was a passing place and that this was another worry if people were parking there as referred to by the Roads Officer.

Councillor Currie also referred to page 28 of the Agenda pack which contained a suggested condition in the event of the Appeal being allowed. Councillor Colville commented that this condition made it clear it would only be for parking of one car. He advised that he did not think it would be possible to find a competent Motion to approve on the basis of one car parking space as this would be against Local Development Plan Policies and Supplementary Guidance.

Councillor Currie proposed holding a site inspection in order to understand all the circumstances.

Councillor Hardie advised that he was sticking to his original statement and that he saw no need for site inspection.

Councillor Colville advised that he agreed with Councillor Hardie and moved that this application be refused for the reasons given in the original report of handling. Councillor Hardie seconded this Motion.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, agreed by a majority to uphold the Planning Officer's decision to refuse the original planning application for the reasons stated in the report of handling.

Having moved an Amendment, which failed to find a seconder, Councillor Currie asked for his dissent from the foregoing decision to be recorded.

(Reference: Notice of Review and supporting documents and comments received from Interested Parties, submitted)