

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MS TEAMS
on FRIDAY, 26 NOVEMBER 2021**

Present: Councillor David Kinniburgh (Chair)
Councillor Audrey Forrest Councillor Alastair Redman

Attending: Iain Jackson, Governance, Risk and Safety Manager (Advisor)
Hazel MacInnes, Committee Services Officer (Minutes)
Stephen Fair, Applicant's Agent
Michael Acey, Applicant
Doreen Henderson, Interested Party
Councillor Roddy McCuish, Observer

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. CONSIDER NOTICE OF REVIEW REQUEST: SOROBA LODGE, OBAN PA34
4SB**

The Chair, Councillor David Kinniburgh, welcomed everyone to the meeting. 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 Forrest advised she felt she did not have enough information to come to a decision. Councillor Redman agreed with Councillor Forrest. Councillor Kinniburgh advised that he felt he did have enough information to come to a decision but was open to hearing the views of the other Members.

Councillor Forrest advised that she would like further information from planning with a view to exploring the possibility of a competent motion to grant the application. She advised that she would like further information around the possibility of conditions which sought a construction method statement in relation to the issues raised around the state of the bridge and the possibility of a Section 75 Agreement to regularise the use of the existing B&B rooms within the house.

Councillor Alistair Redman advised that he seconded what Councillor Forrest had said.

Councillor Kinniburgh advised that he felt the issue was the bridge and referred to the approval of the neighbouring application in which the Reporter had been satisfied with a condition which required a report on the bridge; stating that the difference with that application was that the applicant had owned the private access road and bridge.

Mr Jackson asked the Members of the LRB if they required any information from the applicant to which they confirmed they did not. He explained, as the applicant and his agent were present, that members of the LRB were seeking further information to explore the possibility of a competent motion; and that exploring the possibility of a competent motion did not mean that the application would be approved. He asked the members of the LRB if they wanted to ask planning to prepare conditions and reasons that could accompany an approval should the LRB be so minded, or if they would like to wait until the further information had been received.

Councillor Forrest confirmed that she would like conditions and reasons prepared so as not to delay the process.

Councillor Kinniburgh asked if conditions could be prepared in advance of a competent motion being prepared. Mr Jackson confirmed that the further information Councillor Forrest has asked the Planners for related to whether it was possible to have a condition or a Section 75 Agreement to regularise the use of the main house for B&B and the pods and whether a condition requiring a construction method statement would be possible and it may be best to wait for that information before asking for them to provide a full set of conditions to go with an approval should Councillor Forrest manage to form competent motion. Councillor Kinniburgh and Councillor Forrest agreed not to ask the Planners for a full set of conditions at this stage.

Councillor Kinniburgh advised that it would be useful to obtain clarification from planning around their reasons for stating that the development would result in the intensification of use of the access. He asked if it was because the bedrooms in the house could still be used by friends and family members even if there was a condition in place that prevented their use as a B&B.

Mr Jackson summarised the LRBs request for further information as being a request to the planning department to provide a view on whether there could be a planning condition that required the completion of a construction method statement to mitigate the issues that have been raised in regard to the access; to provide a view in relation to the two pods being used instead of the two rooms in the house as B&B and whether there could be a condition or Section 75 Agreement to manage that. Councillor Kinniburgh advised that it would also be helpful to obtain information on whether a condition could be placed on any approval around the weight of any vehicle used during construction and if a condition could be placed on the bridge if it is not owned by the applicant.

Mr Jackson advised that the information about the bridge could likely be included as part of the construction method statement but it could be clarified by planning. He confirmed that planning would have 14 days to provide further information and thereafter interested parties would have a further 14 days to comment on this.

Decision

The Argyll and Bute LRB –

1. Agreed to request the following further written information from the Planning Officer –
 - Clarification on whether there could be a planning condition attached to an approval that required completion of a construction method statement and if this could

include a weight restriction on vehicles using the bridge during the construction period;

- A view in relation to the two pods being used instead of the two rooms in the house as B&B; and whether there could be a Condition or Section 75 Agreement put in place to manage that.
 - Clarification on the reasoning for the view that the development would result in intensification of use of the access; and if this was due to the fact that the bedrooms could still be used by friends and family members even if there was a condition in place that prevented their use as a B&B.
2. Agreed to adjourn the meeting and to reconvene once this further information had been received and interested parties had been given the opportunity to comment on it.

(Reference: Notice of Review and Supporting Papers, Comments from Interested Parties, and Comments from Applicant, submitted)