

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held by MICROSOFT TEAMS on WEDNESDAY, 9 FEBRUARY 2022

Present: Councillor Rory Colville (Chair)
Councillor Audrey Forrest Councillor Graham Hardie

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

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: LAND SOUTH WEST OF LETRUALT FARMHOUSE, LETRUALT FARM LANE, RHU, G84 (REF: 21/0007/LRB) (Pages 5 - 6)

The Chair, Councillor Rory Colville, 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.

Mr Jackson advised that it had come to his notice earlier today that the representation from the Applicant's Agent, in response to the Planning representation, along with a road plan (both of which have been included within the Agenda pack at item 3c) had been sent in an email, the text of which may or may not be relevant was not included in the Agenda pack. He asked the Members of the LRB if they would be content for the text of this email to be included in the paperwork going forward and this was agreed.

Councillor Colville then 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 that at this point she did not feel she had enough information. She said that she would like more information around how much weight the LRB could give to LDP2 and also policy SG LDP TRAN4 regarding the road access.

Councillor Hardie advised that he would like to have a site visit so that he could view the private road access and the green belt boundary.

Councillor Colville supported the view that further written information was required and that a site inspection should also be arranged. Councillor Forrest also confirmed that she would like a site inspection to take place.

Councillor Colville said that in effect there were two reasons for refusal and that there were a couple of matters he would like clarity on. The first being whether the proposals

within LDP2 could be considered to have sufficient weight to allow the approval of this application and, secondly, whether the assessment of the requirements for the road improvements was in line with the current policy position.

Firstly, in terms of the new greenbelt/settlement boundary proposed by the Council in LDP2 which would see the development site be within the settlement boundary, he noted that the Applicant's Agent had advised that there was only one objection/representation to the designation of new greenbelt/settlement boundary which was from the Applicant to have the boundary as the track behind the farmhouse. Councillor Colville said he would ask Planning through the Planner Officer or the Development Policy Manager, to provide further comment on this and whether it would be correct to say that the option for the Reporter was to either agree to the Council's proposal that the boundary was in front of the farmhouse, or agree to the objector's proposal that it was the track behind the farmhouse and, as such, could sufficient weight then be attributed to the proposed LDP2 for it to be considered as a material planning consideration which could potentially remove the first reason for refusal.

Secondly, Councillor Colville said he had some concerns about the issues raised by the Applicant's Agent about the refusal of the Roads Officer/Planning to provide a copy of the roads usage assessment that appears to be required in terms of policy SG LDP TRAN 4. He said he would like to ask the Roads Officer to provide a copy of the roads usage assessment or provide further information in terms of how the assessment of the proposal was reached against Policy SG LDP TRAN 4.

Councillor Colville said he noted the Applicant's Agent's view on the Roads Officer's consideration of this policy at paras 3.17 to 3.21 of their supporting statement, and he advised that he would like the Roads Officer to comment further on the assertion that they have made their decision based only on consideration of part A(1) of the policy relating to new private accesses and not part A(2) which relates to existing private accesses.

Councillor Colville said he had considered Section 6.19 of LDP2 which stated that in some limited circumstances, it was considered appropriate to introduce a variable standard for adoption to reflect the scale, nature and differing design requirements of development in these circumstances. This would apply to roads serving developments of 6-10 dwelling units (inclusive) in areas with a predominant system of single track roads with passing places, where the Roads Authority consider the variable standard is appropriate.

Councillor Colville commented that as far as he could see there have been no objections to this section that the Reporter would have an interest in and, as such, he would like confirmation from Planning through the Planner Officer or the Development Policy Manager on whether that was the case and whether on that basis section 6.19 of LDP2 could be considered to be the settled will of the Council and used as a material consideration in regard to this application.

Councillor Colville also proposed that an accompanied site visit be undertaken to include the attendance of the Planning Officer and the Roads Officer and that an invitation also be extended to other interested parties.

Mr Jackson summarised the further information requested. He pointed out that the representation from the Planning Officer included a potential condition that could be applied if the LRB were minded to approve this application. Mr Jackson suggested that

the LRB may wish to ask the Planning Officer to provide a full narrative of appropriate conditions and reasons in the event the LRB were minded to approve this application, so that this could be considered along with the other further information requested at the next meeting.

Councillor Colville agreed that this would be a wise move. While not making any pre judgement, if following the site visit and receipt of the further information, the LRB were minded to approve, receipt of the appropriate conditions and reasons would mean not delaying the process any further.

Decision

The Members of the LRB unanimously agreed –

1. To request the following further written information from Planning,
 - Having noted that there has only been one objection/representation to the designation of the new greenbelt/settlement boundary proposed by the Council in LDP2, and that this has come from the Applicant, can the Planning Officer or Development Policy Manager comment on this and confirm if it would be correct to say that the option for the Reporter was to either agree to the Council's proposal that the boundary is in front of the farmhouse or to agree to the Objector's proposal that the boundary is the track behind the farmhouse. As such, can the Planning Officer confirm if sufficient weight could be attributed to the proposed LDP2 for it to be considered a material consideration which could potentially remove the first reason for refusal,
 - Confirmation that there have been no objections received in respect of Section 6.19 of LDP2, and, if this is the case, can this be considered the settled will of the Council and used as a material consideration in regard to this application, and
 - A full narrative of appropriate conditions and reasons should the LRB be minded to approve this application;
2. To request the following written information from the Roads Officer,
 - To provide a copy of the roads usage assessment or provide further information in terms of how the assessment of the proposal was reached against Policy SG LDP TRAN 4, and
 - To comment on the assertion made by the Applicant's Agent at paragraphs 3.17 to 3.21 of their supporting statement, that Roads based their decision only on consideration of part A(1) of the policy relating to new private accesses and not part A(2) which relates to existing private accesses;
3. To hold an accompanied site inspection and to require the attendance of the Planning Officer and Roads Officer with an invitation extended to all other interested parties; and
4. To adjourn the meeting today and reconvene at the earliest opportunity after the site inspection and following receipt of the further information and comments from interested parties.

(Reference: Notice of Review and Supporting Information, comments from Interested Parties, and further comments from Applicant, submitted)