

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on THURSDAY, 28 APRIL 2022**

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

**Attending:** Iain Jackson, Governance, Risk and Safety Manager (Adviser)  
Fiona McCallum, Committee Services Officer (Minutes)  
Michael Acey, Applicant  
Stephen Fair, Agent  
Andrew Henderson, Interested Party  
Councillor Roderick McCuish, Local Member

**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 (REF: 21/0005/LRB)**

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.

Councillor Kinniburgh referred to the previous meeting which was continued to allow Councillor Forrest time to seek a competent Motion to approve the application, and invited Councillor Forrest to address the LRB at this point.

**Motion**

I have noted previously that other than the road safety issues that the planners have asked us to consider which in their view means that the application doesn't comply with Policy LDP 11 and SG LDP TRAN 4 of the current LDP and Policy 37 of the proposed LDP2 this application complies with all other relevant policies in the current LDP and the proposed LDP2.

Having had the opportunity of reading the further representations from the planners and the applicants' agent and all other information provided to the LRB, I am of the view that this application can be approved.

I've noted the details of the legal advice received by the Council, albeit in relation to another application and while it is clear that a condition that ensures that only the pods are used for B&B accommodation and not the dwellinghouse could be challenged and may be difficult to enforce, it is a condition that can be applied to an approval of the application.

I am prepared to take the applicant and their agent at their word, where they have said that the whole driver behind the project is to provide self-contained accommodation that will provide B&B guests and the applicants' high levels of privacy and that they will not let the rooms in the house that they currently use for B&B. I would not expect them to renege on that.

Turning to the road safety issues identified by the planners/roads department, ie, in relation to the shared access and potential implications for members of the public due to the fact that the access is situated on a primary school/link path/cycle path.

In my view these are subjective matters and while I understand the concerns of the planners/roads department, the shared access over the bridge is used by vans delivering to Soroba House Hotel and customers of the hotel, post office vans and others delivering to the properties behind the hotel and to the existing guest house along with customers of the guest house and I cannot see how the exchange of 2 rooms within the house to the 2 pods for B&B would mean that there would be a material increase in traffic that would require the commensurate improvements required by the roads department/planners in relation to this shared access or cause any issues for members of the public.

The conditions to be attached to the approval, which in effect restrict the use of the pods for B&B, if at any point the principal house is being used for B&B and the submission by the applicant of a 'construction method statement' that requires to be approved by the planners will in my view be sufficient to manage these concerns.

I would therefore move that the application is approved subject to the conditions provided by the applicants' agent and detailed on pages 12 and 13 of the papers considered by the LRB at the meeting on 6 April with an amendment to condition 3 as follows

*Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, the new letting units are not to be occupied during any period when the principal dwellinghouse is operating as [or being occupied as] a bed and breakfast or guest house.*

*Reason – in the interests of road safety to ensure that vehicle numbers do not increase from their existing levels.*

Moved by Councillor Audrey Forrest, seconded by Councillor Alastair Redman.

Councillor Kinniburgh advised that he did not support this Motion and, having moved an Amendment which failed to find a seconder, he asked for his dissent from the following decision to be recorded.

## **Decision**

The Argyll and Bute Local Review Body agreed by a majority to grant planning permission subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated **31/08/20**; supporting information and, the approved drawings listed in the table below unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

<b>Plan Title.</b>	<b>Plan Ref. No.</b>	<b>Version</b>	<b>Date Received</b>
Site and Location Plans	101		01/09/20
Site Plan Showing Aerial Image	102		01/09/20
Proposed Holiday Pod No. 1 – Plans, Sections & Elevations	103 a		01/09/20
Proposed Holiday Pod No. 2 – Plans, Sections & Elevations	104 a		01/09/20
Supporting Statement (7 Pages)			01/09/20

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

*Note to Applicant:*

- *This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]*
- *In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.*
- *In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.*

*Both the Notification of Initiation and Notification of Completion forms referred to above are available via the following link on the Council's website:*

<https://www.argyll-bute.gov.uk/planning-and-environment/make-planning-application>

2. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative

period of more than three calendar months in any one year. A register showing dates of arrivals and departures shall be maintained at the premises and shall be available at all reasonable times for inspection by the Planning Authority.

*Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwelling due to their size and construction, and having regard to the relevant provisions of the Development Plan.*

Note to Applicant:

For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwellinghouse or dwellinghouses shall require the benefit of a separate planning permission.

3. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, the new letting units are not to be occupied during any period when the principal dwellinghouse is operating as [or being occupied as] a bed and breakfast or guest house.

*Reason – in the interests of road safety to ensure that vehicle numbers do not increase from their existing levels.*

4. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of sustainable urban drainage systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

5. No development shall commence or is hereby authorised until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Planning Authority. The CMS shall include a full description of material delivery methods, construction vehicle size, vehicle numbers and vehicle weights proposed for use during construction phases, as well as defined hours during which all construction vehicle movements will be confined having regard to the nearby primary school campus term time opening hours. Thereafter, the development shall only be undertaken in strict accordance with such details as are approved.

*Reason: In the interests of road and pedestrian safety.*