

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the BY
MICROSOFT TEAMS
on THURSDAY, 20 APRIL 2023**

Present: Councillor Kieron Green (Chair)
Councillor Audrey Forrest Councillor Amanda Hampsey

Attending: Iain Jackson, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

**3. CONSIDER NOTICE OF REVIEW REQUEST: VARIATION TO A CONDITION
RELATIVE TO PLANNING PERMISSION REFERENCE 20/00267/PP AT LAND
SOUTH OF HIGH OAKS, ARTARMAN ROAD, RHU, HELENSBURGH -
PREVIOUSLY ISSUED PAPERWORK**

The Chair, Councillor Green, 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.

Having noted that that at the previous meeting on 27 March 2023 the Local Review Body agreed to continue this application to enable Councillor Forrest to seek advice on a competent Motion to approve the application, the Chair advised that his first task was to establish whether it has been possible to reach a competent Motion to allow the application to be granted.

Councillor Forrest confirmed that she had reached a competent Motion.

Councillor Forrest moved the following Motion:-

Having taken cognizance of the advice from Roads Officers that Condition 7 has to be in place for Road Safety to be achieved, I have a view that it is possible to amend Condition 7 to approve a reduction in the sightline requirement from visibility splay of 2.4 x 42 x 1.05 metres to 2.4 x 17 x 1.05 metres for the following reasons:

1. There are 7 properties on Artarman Road with only 3 beyond the access to the development site. The traffic survey shows that the traffic on the road is minimal with the 85%ile speed of vehicles using the route being 13.4mph northbound and 15.4mph southbound.

1. The Roads Department have already agreed to a reduction of the visibility splay to from 2.4 x 42 x 1.05 metres to 2.4 x 25 x 1.05 metres along with the retention of the existing telegraph pole and 2 trees within the visibility splay as a minor departure from Policy LP Tran 4 and the Roads Guidance for Developers October 2008.
2. A further reduction to 2.4 x 17 x 1.05 metres will in my opinion based on the results of the traffic survey and my observations at the site visit have a de minimis impact on the road safety concerns at the location and the level of risk to the public as it has currently been assessed by the Roads Department.

I would therefore move that this application for the amendment of Condition 7 to a visibility splay of 2.4 x 17 x 1.05 metres can be approved as a minor departure from the provisions of Policy LP TRAN 4 of the Argyll and Bute Local Development Plan.

This was seconded by Councillor Hampsey.

The Chair, Councillor Green advised that he still had a number of concerns regarding the amendment to Condition 7 on the grounds that a lot of attention had been paid to cars using the road. He advised that other users such as cyclists would not have the same degree of visibility or protection, and as such he didn't feel that he could support the Motion. He moved that the application be refused.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, agreed by a majority to grant the application as per the terms of the Motion outlined above.

Having moved an amendment which failed to find a seconder, Councillor Green requested that his dissent from the foregoing decision be recorded.

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

ARGYLL AND BUTE LOCAL REVIEW BODY

NOTE OF MEETING OF SITE INSPECTION RE CASE 22/0001/LRB LAND SOUTH OF HIGH OAKS, ARTARMAN ROAD, RHU, HELENSBURGH MONDAY 27 MARCH 2023

In attendance: Councillor Kieron Green, Argyll and Bute LRB (Chair)
Councillor Amanda Hampsey, Argyll and Bute LRB
Councillor Audrey Forrest, Argyll and Bute LRB
Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (Minutes)
Alan Ferguson, Applicant's Agent
Polly Dunlop, Applicant
Allan Murray, on behalf of Applicant
George Freeman, Interested Party
Emma Jane, Planning Officer
Howard Young, Area Team Leader, Planning Authority
Donna Lawson, Traffic and Development Officer
Raymond Kane, Traffic and Development Officer

The Argyll and Bute Local Review Body agreed on 27 March 2023 to conduct a site inspection in order to view the development site in context of the surrounding area.

The Local Review Body convened at 1.30pm on 27 March 2023 at Land South of High Oaks, Artarman Road, Rhu, Helensburgh. The Chair welcomed everyone to the site inspection and introductions were made.

Councillor Forrest asked the Traffic and Development Officer to demonstrate how the sight visibility figures for this application had been arrived at, and whether it would be possible for the figure of 25 to be reduced to 17, and still be within the guidance.

The Traffic and Development Officer outlined the visibility requirements, as outlined in the Roads Guidance for Developers, dated 28 October 2008, and advised that leeway had already been given to this application as a result of a previous site visit, based on the low volume and speed of vehicles travelling on the road, with the sight visibility figure reduced to 25 metres in both directions from the access.

Ms Lawson used equipment to further demonstrate the measurements involved and outlined the difficulties posed by the bend in the road to the north of the access point.

Discussion took place on the possibility of reducing the size of the hedge that ran along the edge of the road and taking it back to the fence that appeared to be the boundary of the neighbouring property, with it being noted that due to the height of the hedge within the boundary of the neighbouring property it would make no difference to the visibility requirements of this application.

Further discussion took place in relation to the status of the road and the possibility of introducing traffic calming measures or a reduction in the speed limit with it being noted that Roads and Infrastructure Services would not be in a position to support such measures, as there were currently no road safety concerns and the local authority are unable to recognise a 10mph speed limit, but that it would be possible for a private landowner to make application to the Scottish Government in this regard.

Having established that Members had no further questions, the Chair thanked all in attendance for their input.

This concluded the site visit.