

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on WEDNESDAY, 10 MAY 2023

Present: Councillor Amanda Hampsey (Chair)

Councillor Graham Hardie

Councillor Andrew Kain

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 NOTH OF SWALLOWTALE, ACHNAGOUL, INVERARAY (REF: 23/0003/LRB)

The Chair, Councillor Amanda Hampsey, welcomed everyone to the meeting. She 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.

She advised that her 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.

The Members of the LRB intimated that they believed they did have sufficient information and Councillor Hampsey invited the Members to comment.

Councillor Hardie advised that it was his view that the application should be rejected based on the reasons outlined on page 51 of the Agenda pack as detailed below:

1. The development conflicts with NPF4 Policy 13, and Policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 as the proposed development would result in increasing the number of vehicles entering and leaving the traffic stream on the A83(T) at a point where visibility is restricted, thus creating interference with the safety and free flow of the traffic on the trunk road.
2. The development conflicts with NPF4 Policy 13, and Policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 as the proposed development would result in an intensification of waiting and right turning manoeuvres from the A83(T) trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road.
3. The development conflicts with NPF4 Policy 13 and Policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 in so much as the lengthy substandard private access which already serves 5 dwellings would need to be

brought up to adoptable standard to serve the development proposed; being suitably surfaced and provided with appropriate passing places, and over which the applicant has no control, given that land required for such improvement lies beyond the application site and outside the ownership of the Applicant.

Councillor Kain advised that while he did not disagree with these conclusions he did have some concerns. He commented that there appeared to be contradictions between the views of Planning and Transport Scotland. He referred to the requirement for the access road to be brought up to an adoptable standard if there were more than 5 dwellings. He also referred to the existing byre and commented that there did not appear to be any issues for the trunk road with traffic flow to and from that. He referred to the photographs in the Agenda pack which showed signage which had been put up when quarrying works were going on. He also commented on the lack of traffic on the road when these photographs were taken and also the long stretch of road. He acknowledged that there may be an issue for right hand turns off the trunk road, but pointed out that this seemed to have been satisfactorily addressed by having signage in respect of the planning application for the quarrying works. Councillor Kain expressed his concern at the length of time it had taken for the application to be processed and for the lack of flexibility to accommodate the development. He pointed out that this was a brownfield site and not a greenfield site. He sought advice from Mr Jackson.

Mr Jackson referred to the issues raised by Councillor Kain and advised that further information could be sought from Planning Officers and Transport Scotland with regards to signage. He advised that permission would require to be sought for signage to be erected as it would not be on land owned by the Applicant and suggested that confirmation on whether or not it would be possible to erect the signage could be sought from Transport Scotland.

He further advised that if the Members of the LRB were minded to approve the application they would need time to seek advice on preparing a competent Motion to approve which detailed justification for departing from planning policies. Appropriate conditions and reasons to attach to any consent would also need to be sought from Planning.

Councillor Kain agreed that he would like to request this further information from both Planning and Transport Scotland and put forward the following Motion which was subsequently seconded by Councillor Hampsey.

Motion

1. To agree to request the following written information from Planning:-
 - a) Appropriate conditions and reasons to attach to any consent in the event the Members of the LRB were minded to approve the application; and
 - b) Confirmation as to whether or not a condition for signage to be erected on the trunk road would address the road safety issues in respect of vehicles entering and leaving the traffic stream on the A83(T) and waiting to turn right off the A83(T) and, if so, to include that in the list of conditions and reasons requested.
2. To request the following written information from Transport Scotland:-
 - a) Confirmation as to whether or not a condition for signage to be erected on the trunk road would address the road safety issues in respect of vehicles entering and

leaving the traffic stream on the A83(T) and waiting to turn right off the A83(T) and, if so, confirmation as to whether consent would be given to the erection of this signage on the A83(T).

3. To continue consideration of this application to a future meeting to allow time for Members of the LRB to seek advice on the terms of a competent Motion to approve the application.

Councillor Kain advised that he would wait until the above information was received before deciding whether or not he would like a site inspection.

Councillor Hardie advised that he remained of the view that this application should be rejected for the reasons previously outlined.

Mr Jackson pointed out to the Members of the LRB that if they were minded to approve the application against the advice of Transport Scotland as Statutory Consultee, they would not have the ability to grant planning permission without first notifying the application to Scottish Ministers who in turn may call in the application for their own determination.

Decision

The Members of the LRB agreed by a majority:

1. To agree to request the following written information from Planning:-
 - a) Appropriate conditions and reasons to attach to any consent in the event the Members of the LRB were minded to approve the application; and
 - b) Confirmation as to whether or not a condition for signage to be erected on the trunk road would address the road safety issues in respect of vehicles entering and leaving the traffic stream on the A83(T) and waiting to turn right off the A83(T) and, if so, to include that in the list of conditions and reasons requested.
2. To request the following written information from Transport Scotland:-

Confirmation as to whether or not a condition for signage to be erected on the trunk road would address the road safety issues in respect of vehicles entering and leaving the traffic stream on the A83(T) and waiting to turn right off the A83(T) and, if so, confirmation as to whether consent would be given to the erection of this signage on the A83(T).
3. To continue consideration of this application to a future meeting to allow time for Members of the LRB to seek advice on the terms of a competent Motion to approve the application.

(Reference: Notice of Review and Supporting Documents and comments from Interested Parties, submitted)