

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the
MEMBERS' ROOM, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 3 FEBRUARY 2010**

Present: Councillor Roderick McCuish (Chair)
Councillor Mary-Jean Devon Councillor Alex MacNaughton

Attending: Charles Reppke, Adviser to the LRB
Melissa Stewart, Minute Taker

**1. CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH OF
SWALLOWTALE COTTAGE, ACHNAGOUL, INVERARAY
(09/0003/LRB)**

The Chairman welcomed everyone to the meeting and invited his colleagues to introduce themselves. He advised that parties to the Review were not permitted to address the Local Review Body. He advised that the only participants entitled to speak would be the Members of the LRB panel and Mr Reppke who would provide procedural advice if required.

The Chairman advised that his first task would be to establish whether or not the LRB felt they had sufficient information before them to reach a decision on the review.

Councillor MacNaughton advised that he felt he had sufficient information to reach a decision.

Councillor Devon agreed that she was in a position, based on the information provided, to determine the application.

The Chair agreed with this view and invited his colleague to elaborate the reasons for their decision.

Councillor Devon advised her main concern related to the visibility which was 145m short. She did not consider the visibility splays to be sufficient in terms of road safety.

Councillor MacNaughton agreed that he also had grave concerns about road safety, having travelled the road regularly and knowing the area well. He agreed with Transport Scotland's view that this would have a negative impact on vehicles waiting to turn right and also regarding township.

The Chairman questioned how often Councillor MacNaughton travelled this road. Councillor MacNaughton advised that he used this route 3 times per week.

The Chairman directed Councillor MacNaughton to page 60 of the agenda

pack and asked whether, in his view, this was the most dangerous view of the access. Councillor MacNaughton confirmed that this was and that his issue was not with left turning vehicles but those turning right on the westbound lane. He considered this was a real hazard and as the road was a fast road it would greatly reduce stopping distance.

Councillor Devon advised that the LRB must take traffic safety seriously and that she felt there would also be an intensification of traffic as a result of the development.

The Chairman stated that even taking road safety questions out of the equation, Page 44 of the pack detailed further policies which the development contravened and this with traffic intensification was not acceptable.

Councillor MacNaughton advised that this would also impact on settlement of township as it was not conducive to the area.

The Chairman moved that given the concerns expressed by Transport Scotland and the fact that the development would contravene 3 Local Plan policies the application be refused for the reasons 1-5 within the agenda pack.

Decision

That the Review not be upheld on the basis that:-

1. 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 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 Policy LP TRAN 4 of the adopted Argyll and Bute Local Plan 2009 in so much as the lengthy sub standard 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.
4. The proposal conflicts with Policy LP BUS 1 of the adopted Argyll and Bute Local Plan as the office element of the proposal would erode the residential character of the area and adversely affect local residents and the amenity of the area through an increase in traffic levels and the introduction of commercial activity, which would be a source of nuisance and disturbance to residents

contrary to the interest of the residential amenity of the area.

5. Having regard to the combined scale of the built development associated with the provision of the residential and office accommodation proposed along with the associated parking area, their location and the consequential loss of some mature trees which contribute to the setting of the settlement, together with elements of the design and materials of the buildings which are uncharacteristic of its surroundings, such as projecting glazed/timber extension to the dwelling and the metal profiled roof of the office building, it is considered that the proposal in its siting and design fails to accord with LP ENV 19 and Appendix A of the adopted Argyll and Bute Local Plan 2009.