

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 20 APRIL 2011

Present: Councillor Daniel Kelly (Chair)
Councillor Robin Currie Councillor Donald MacMillan

Attending: Iain Jackson, Governance Officer (Adviser)
Hazel Kelly, Senior Committee Assistant (Minute Taker)

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: GLENMORE STEADING, KILMELFORD, ARGYLL

The Chair welcomed everyone to the meeting and 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 Local Review Body panel and Mr Jackson 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.

The Chair advised that he felt there was not sufficient information available and that a site visit should be held to view the area, especially the access road to ascertain whether it was appropriate for the completion of the road to be delayed until the end of the development.

Cllr Currie agreed with that and added that he was not clear about the terms of the proposed conditions regarding the occupancy of the holiday accommodation and he felt that further information was required in regard to these.

Cllr McMillan agreed that there was not sufficient information to determine the appeal and that a site visit would be appropriate.

Decision

The Panel agreed -

1. to hold a site visit to ascertain the following information –

to view the proposed access roadway and sight lines and to assess the condition of the access roadway and the impact of any revised

timing for the completion of the road surface as required by the existing condition.

2. And to obtain further information from the planning department on the following specified matter -

To ascertain from the Planning Department the range of occupancy conditions for similar types of developments currently in use across Argyll and Bute and whether the nature of a development raised differing issues in regard to enforcement of such conditions.

The Meeting of Argyll and Bute Local Review Body reconvened on 20 June 2011 at 2.45pm in Kilmelford Village Hall, Kilmelford after an accompanied site visit.

Present: Councillor Daniel Kelly (Chair)
Councillor Robin Currie
Councillor Donald MacMillan
Iain Jackson, Governance Officer (Adviser)
Hazel Kelly, Senior Committee Assistant (Minute Taker)

There were no apologies for absence. There were no declarations of interest.

The Chair welcomed everyone present to the reconvened meeting and advised that no one would be permitted to speak at the meeting other than the members of the Panel and Mr Jackson, who would provide procedural advice, if required. He outlined the procedure that would be followed during the meeting.

The Chair advised that the Panel had visited the site prior to the meeting and asked Members if they now felt they had sufficient information to make a decision on the review (a copy of the note of the meeting of the site inspection is attached at Appendix A to this Minute) All members of the Panel confirmed that they felt they had sufficient information to come to a decision.

The Chair invited the Panel to consider the applicants requested amendment to conditions 2 and 3 which dealt with the completion of the road surfacing and visibility splays. He advised that after visiting the site and viewing the access road he felt that works would definitely need completed on the visibility splays and passing places prior to development starting however he felt that resurfacing works could be completed after development.

Councillor MacMillan agreed with Councillor Kelly and advised that works should be completed on the entrance prior to development.

Councillor Currie reiterated the comments he had made at the previous meeting regarding resurfacing of the road. He advised that it was pointless resurfacing the road for diggers and lorries to drive on it and break it up again.

Mr Jackson referred the members to the planning authorities amended conditions 2 and 3 on page 10 of the papers issued for the meeting on 20 April 2011 and the Members agreed that these should be attached to the consent.

The Chair invited the Panel to discuss condition 8 dealing with occupancy of the proposed holiday lets. He advised that in his view condition 8 should remain as in the original planning consent which had stated that the holiday lets should not be occupied for any more than 3 calendar months each year.

Councillor MacMillan agreed and advised it was normal procedure for a holiday let to be occupied for only a certain amount of time each year.

Councillor Currie advised that it used to be normal procedure for holiday lets to be unoccupied during the months of February and November and suggested that the 3 month rule would be a good option as no one would want, or could afford, to have a holiday for more than 3 months of the year.

Mr Jackson advised that if there was the possibility that a person wanted to stay in the accommodation longer than three months then they could ask the planning authority for consent. Councillor Kelly agreed.

Decision

The Argyll and Bute Local Review Body agreed the following as conditions 2, 3 and 8 -

Condition 2

No development shall commence on site until the track serving the site has been formed in relation to the Council's adoptive standards from its junction with the existing public road and has been approved in writing by the Planning Authority in consultation with the Roads Authority. The access road shall include type 1 surfacing with fines, the provision of 2 intervisible passing places between the existing public road and the development site, and a turning head at the termination of the upgraded access. Thereafter, all works shall be undertaken in accordance with the approved specification at the completion of the development, which shall include bituminous surfacing of the previously formed access track, passing places and turning head unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access to comply with Local Plan Policy LP TRAN 4.

Condition 3

No development shall commence on site until the vehicular access has

been upgraded in accordance with the Council's Road Engineers Drawing Number SD 08/006a to a width of 3 metres with visibility splays of 160m x 2.4m in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

The vehicular access granted consent shall be completed along with the requirements of condition 2 above.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access in accordance with Local Plan Policy LP TRAN 4.

Condition 8

The proposed holiday units (numbers 8 – 12) shall be used for holiday occupation only and shall not be occupied by any individual, family or group for more than three months in any calendar year without the prior written consent of the Planning Authority.

Reason: In accordance with the use applied for to ensure the use of the units accords with current Development Plan Policy.

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF SITE INSPECTION RE CASE 10/0002/LRB
GLENMORE STEADING, KILMELFORD
20 JUNE 2011**

In attendance: Councillor Danny Kelly, Argyll & Bute LRB (Chair)
Councillor Robin Currie, Argyll & Bute LRB
Councillor Donald MacMillan, Argyll & Bute LRB
Iain Jackson, Governance and Law (Advisor)
Stephen Fair, Planning Authority
Hazel Kelly, Committee Services (Minute taker)
Bridget Oatts, Interested Party
Melissa Oatts, Interested Party

The Argyll and Bute LRB (ABLRB) agreed on 20 April 2011 to conduct a site inspection in order to clarify the following specified matters:-

- To view the proposed access roadway and sight lines and to assess the condition of the access roadway and the impact of any revised timing for the completion of the road surface as required by the existing condition.

The ABLRB convened on 20 June 2011 at Glenmore Steading, Kilmelford at 2.00pm. Councillor Kelly welcomed all parties to the site inspection and introductions were made.

Mr Jackson advised the participants on the procedure that would be followed. He advised that there would be no debate at this meeting and also no opportunity for parties to state their case but rather they would respond to questions asked by Members. Members viewed the site and asked the Planning Officer to point out the proposed development. Members then travelled back down the access road to the entrance from the main road.

From the inspection the ABLRB noted:-

That the access road and the visibility splays from the existing entrance would need to be upgraded before any development works started.