

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL
CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 19 MAY 2011**

Present: Councillor Roderick McCuish (Chair)
Councillor Rory Colville Councillor Alex McNaughton

Attending: Iain Jackson, Governance and Law (Advisor)
Fiona McCallum, Committee Services (Minute Taker)

**1. CONSIDER NOTICE OF REVIEW: 140 EDWARD STREET, DUNOON,
PA23 7PH**

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 LRB Panel and Mr Jackson who would provide procedural advice if required.

The Chair 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 McNaughton advised that he felt there was not enough information before the Panel today to enable a decision to be reached on the Review and confirmed that he would like written clarification from both the Applicant and Planning on a statement within page 2 of the submission received from the Applicant's Agent - "The Planning Officer's opinion changed from the alteration of the redline boundary being 'non material' to 'material'".

Councillor McNaughton also advised that he would like the Applicant to provide a copy of his correspondence referred to in the Planning Officer's letter dated 6 January 2011.

Councillor Colville advised that he felt the quality of the photographs of the location provided by Planning were poor and that the Panel would benefit from having a site inspection to ascertain the availability of car parking.

The Chair confirmed that he agreed with the opinions of both his colleagues and added that he would also like the Applicant to provide written clarification from ACHA on the availability of the two parking spaces and whether or not these would be exclusively available to the Applicant or otherwise.

Councillor Colville also advised that he would like written clarification from Planning on their interpretation of Policy LP TRAN 6 in Town Centre locations and other locations.

Decision

The LRB agreed:-

1. To hold an accompanied site inspection to view the location to ascertain the availability of car parking and that the Applicant/Agent, Planning and all other interested parties be invited to attend;
2. With reference to page 2 of the submission by the Applicant's Agent, to request from both the Applicant and Planning written clarification in respect of the following statement "The Planning Officer's opinion changed from the alteration of the redline boundary being 'non material' to 'material'";
3. To request from the Applicant a copy of their correspondence to the Planning Department as referred to in the Planning Officer's letter dated 6 January 2011;
4. To request from the Applicant written clarification from ACHA on the availability of the two parking spaces to the Applicant and whether or not these will be available exclusively to the Applicant or otherwise;
5. To request from Planning written clarification on their interpretation of Policy LP TRANS 6 in Town Centre locations and other locations; and
6. To reconvene at the conclusion of the site inspection.

The Argyll and Bute Local Review Body re-convened on Monday 27 June 2011 at 11.15 am within the Community Education Centre, Edward Street, Dunoon

Present: Councillor Roderick McCuish (Chair)
Councillor Rory Colville
Councillor Alex McNaughton

Attending: Iain Jackson, Governance and Law (Adviser)
Eilidh Fitzpatrick, Committee Services (Minute Taker)

The Chair welcomed everyone to the reconvened meeting of the ABLRB 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 LRB Panel and Mr Jackson who would provide procedural advice if required.

Mr Jackson advised the Board that additional information had been submitted by the Applicant but the Planning Department had not been able to comment on it yet and asked if the Board wished to take this information into account. The Board agreed not to take this into account.

Having undertaken an accompanied site inspection prior to this meeting

(see Appendix A of this Minute) the Chair 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 Board agreed unanimously that they had enough information to make a decision on the Notice of Review request and agreed to proceed to determine the case

Councillor Colville said it had been helpful to see the site especially the building. He spoke on Policy LP TRAN 6 advising that appendix C states “that a degree of flexibility will be available where it can be shown by the applicant that the parking requirement can be met by existing car parks and that the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area” and “the development is adjacent to, and well served by, good public transport and pedestrian links”. Councillor Colville advised in his opinion the parking can be met by adequate parking in the vicinity and was minded to grant the application.

Councillor McNaughton advised he had received sufficient clarification on the Planning Officer’s opinion change from the alteration of the redline boundary being ‘non material’ to ‘material’ and agreed with Councillor Colville to grant the application.

The Chair confirmed that he agreed with the opinions of both his colleagues and asked for clarification on whether the application could be granted.

Mr Jackson advised the Board that if they were mindful to grant the application then they would require to have a competent motion and conditions would have to be attached to the consent and it would be appropriate in the circumstances to have the Planning Department submit draft conditions for consideration by the Members at a further meeting of the LRB in order that a final decision could be made.

Decision

The LRB agreed:-

1. To request from Planning appropriate conditions to be attached to any consent should the LRB be minded to approve the Notice of Review request; and
2. To reconvene at a suitable date in Kilmory, Lochgilphead.

**The Argyll and Bute Local Review Body re-convened on Wednesday
10 August 2011 at 2.00 pm within the Members Room, Kilmory,
Lochgilphead**

Present: Councillor Roderick McCuish (Chair)
Councillor Rory Colville
Councillor Alex McNaughton

Attending: Iain Jackson, Governance and Law (Adviser)
Fiona McCallum, Committee Services (Minute Taker)

The Chair welcomed everyone to the reconvened meeting of the ABLRB and, referring to the planning condition provided by Planning to attach to any consent should the LRB be minded to approve the Notice of Review request, advised that his first task would be to establish whether or not the LRB felt they now had sufficient information before them to reach a decision on the Review.

The Board agreed unanimously that they had enough information to make a decision on the Notice of Review request and agreed to proceed to determine the case.

Councillor Colville advised that he would like to move an approval of this application as being consistent with Policy LP ENV 19 and LP TRAN 6 of the local plan.

He advised that LP TRAN 6 including appendix C of Argyll and Bute Local Plan states that a degree of flexibility will be available where firstly it can be shown by the applicant that the parking requirement can be met by existing car parks and the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area and secondly, that the development is adjacent to and well served by good public transport and pedestrian links.

Councillor Colville advised that as a result of the site visit when it appeared to him there was adequate on street parking, the applicants written submission from ACHA demonstrating the availability and capacity of existing car parks in the immediate vicinity, and as the development, in his view, is adjacent to and well served by good transport and pedestrian links, he moved that the Notice of Review should be approved subject to the condition contained in the submission by the Planning department.

Councillor McNaughton confirmed that he would be happy for consent to be granted subject to the condition provided by the Planning Department.

The Chair agreed with the comments made by both his colleagues.

Decision

Agreed to uphold the Review Request subject to the undernoted condition:-

The development shall be implemented in accordance with the details specified on the application form dated 22 September 2010 and the approved combined drawing reference numbers: 894.01 'Existing Plans' dated 22 September 2010; 894.02 Rev A 'Proposed Plans' received 21 December 2010; 893/894.CPA 'Car Parking' received 21 December 2010, 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.

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

APPENDIX A

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF SITE INSPECTION RE CASE 11/0003/LRB
140 EDWARD STREET, DUNOON – MONDAY 27 JUNE 2010**

In attendance: Councillor Roderick McCuish, Argyll & Bute LRB
(Chair)

Councillor Rory Colville, Argyll & Bute LRB
Councillor Alex McNaughton, Argyll & Bute LRB
Iain Jackson, Governance and Law (Advisor)
David Eaglesham, Planning Authority
Brian Close, Planning Authority
Alister MacAlister (Applicant)
John Taylor (Applicant's Agent)

The Argyll and Bute LRB (ABLRB) agreed on 19 May 2011 to conduct a site inspection in order to clarify the availability of car parking.

The ABLRB convened on 27 June 2011 at 140 Edward Street, Dunoon at 10.30am.

Councillor McCuish 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.

From the inspection the ABLRB:-

1. Noted that Argyll Community Housing Association had given permission to the applicant for parking in the car park but these were not designated parking spaces;
2. Noted that there have never been any designated parking spaces for the hall; and
3. Received clarification on the Town Centre Boundary.