

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the MEMBERS ROOM, KILMORY, LOCHGILPHEAD on WEDNESDAY, 10 AUGUST 2011

Present: Councillor Daniel Kelly (Chair)
Councillor David Kinniburgh Councillor Al Reay

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: LAGGANBEG, KILNINVER PA34 4UU

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. He advised that the Panel would also need to consider whether or not it would be appropriate to hold a site visit.

Councillor Reay advised that he did not feel as if he had sufficient information to come to a decision on the review. He advised that in terms of condition 4 he had noted that there were other recent developments close to the application site and advised that he would like clarification from the Planning Department on why there had been no requirement then for an upgrade to the access road. He added that he would also like further information in the incidence of traffic on the access road, how the road integrates with the road network and where the single track road leads to that passes the development site.

Mr Jackson advised that if Members were minded to hold a site visit they would be able to see how much traffic was on the road, where the road led to and how it integrated with the main road.

Councillor Kinniburgh advised that he agreed with Councillor Reay that additional information was required to come to a decision on the review and advised that he agreed with Councillor Reay's comments. He advised that he would also like information on the planning department on whether the condition that no walls, hedges, fences etc will be permitted within two metres of the channel line of the public road only applied to the

applicant or if it would also prevent other property owners doing so.

Mr Jackson advised that it was likely that planning permission would be required for certain heights of fences, hedges etc.

Councillor Reay asked that in terms of condition 7 if it would be acceptable to request the West of Scotland Archaeological Society if a representative could be present during works rather than conducting a full survey, as had been requested by the applicant in his application for review. Councillor Kelly agreed and pointed out that he was aware that works had taken place on the site previously and that if something had been there then it would have been found. Councillor Reay asked if this previous work had been taken into account when representation was provided and asked for clarification from the West of Scotland Archaeological Service regarding this.

Mr Jackson added that it may be appropriate for the Planning Department to have an opportunity to comment on this also.

Councillor Kinniburgh then requested that the Roads Department provide copies of highway drawing SD 08/004a as stated in condition 4 to allow Members to see what improvements would need to be done to satisfy the condition. Mr Jackson suggested the Roads Section also be requested to clarify exactly what would be required in wording.

Councillor Kelly suggested that a site visit be held to allow members to view the site and the access road and to provide them with an opportunity to ask questions.

Councillor Kinniburgh and Councillor Reay agreed.

Councillor Reay requested clarification from the applicant that the development would be used by family members and not as a self catering facility. Councillor Kinniburgh added that he would like clarification from the Planning Department that if the property was to be sold if it could ever be used as a self catering facility or if the same condition would apply that had been applied to the applicant.

Decision

The Panel agreed –

1. To hold an accompanied site visit to view the access road and identify where the single track road passing the site leads to and how it integrates with the road network.
2. To request from the Planning Department further written submissions on the following specified issues –
 - (a) Clarification of why there had been no requirement for the access road to be upgraded as part of previous developments at this site.

- (b) Clarification on whether condition 4 also prevents other property owners from erecting walls, hedges, fences etc within two metres of the channel line of the public road.
 - (c) Clarification on what improvements would need to be carried out to the access road as specified in drawing SD 08/004a to satisfy Condition 4.
 - (d) Clarification on whether condition 5 permitting use of the development as holiday accommodation would apply if the property was sold.
 - (e) In regard to Condition 7, comments on whether the offer made by the applicant to arrange for a representative to be present during works on site and halt proceedings should it be necessary would be acceptable as an alternative to the requirement for a full archaeological investigation.
- 3. To request a written submission from the West of Scotland Archaeological Society in regard to Condition 7 -
 - (a) Whether the offer made by the applicant to arrange for a representative to be present during works on site and halt proceedings should it be necessary would be acceptable as an alternative to the requirement for a full archaeological investigation.
 - (b) Clarification if previous works which had taken place on the site had been taken into consideration when providing representation on this application.
- 4. To request from the Roads Department –
 - (a) Copies of Highway Drawing SD 08/004a
 - (b) Details of the incidence of traffic on the single track road which passes the access to the site.
- 5. To request confirmation from the applicant that it is his intention not to use the development as a holiday letting facility.

The Argyll and Bute Local Review Body reconvened on Thursday 22 September 2011 at 11.30am in the Village Hall, Kilmelford.

Present: Councillor Daniel Kelly (Chair)
Councillor David Kinniburgh
Councillor Al Reay

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

The Chair welcomed everyone to the meeting and 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. All Members confirmed that they now had sufficient information to come to a decision.

The Local Review Body discussed the review of Condition 4. Councillor Kelly noted that the bellmouth would definitely need to be upgraded to adoptable standard. Councillor Reay agreed and added that there would be no option due to the new local plan and that it would allow a place for service vehicles to stop. He asked if there was a possibility that the cost of the upgrade could be shared amongst all residents. Mr Jackson advised that this was a civil matter, was not part of the review and that this was something that would need to be discussed between the applicant and his neighbours if he wished to do so. Councillor Kinniburgh added that the Roads Authority had indicated that the gradient of the bellmouth was acceptable and that the only works required would be resurfacing.

Councillor Reay noted that a concrete surface would also need to be constructed to sit the refuse bins on for collection and that they would need to be secured to prevent them from blowing onto the main road.

Councillor Kinniburgh added that although the applicant had stated that the development would not be used as a self catering unit; Condition 5 would allow for this and it could be used as this in the future should the property be sold, which would in turn result in increased usage of the access road.

Mr Jackson advised that should the applicant want to change the use of the accommodation from that of a self catering unit, that this would require him to submit a new application.

Councillor Reay advised that with regard to Condition 7; the response from the West of Scotland Archaeological Society had clearly stated that the applicants proposal to arrange for a representative to be present during works on site was unacceptable and that a full survey of the site would need to be carried out. He advised that he disputed the applicant's claim that there was no one on the site prior to 1845. He advised that the Council had a statutory duty to ensure that the request by the Archaeological Society was carried out and that there would be no option but to carry out a full survey of the site. Councillor Kelly agreed. Councillor Kinniburgh agreed and added that there was no other option but to comply with Condition 7 and that evidence had been provided to back up the request for a survey.

Decision

The Argyll and Bute Local Review Body unanimously agreed to dismiss the appeal and uphold the Planner's decision to attach conditions 4 and 7 to the grant of Planning Application 11/00208/PP as competent and reasonable.

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF SITE INSPECTION RE CASE 11/0005/LRB
LAGGANBEG, KILNINVER PA34 4UU – 22 SEPTEMBER 2011**

In attendance: Councillor Danny Kelly Argyll & Bute LRB (Chair)
Councillor David Kinniburgh, Argyll & Bute LRB
Councillor Al Reay, Argyll & Bute LRB
Iain Jackson, Governance and Law (Adviser)
Hazel Kelly, Committee Services (Minute Taker)
Fiona Scott, Planning Authority
Judith Stephen, Planning Authority
James Ross, Roads Authority
Richard Fye, Applicant

The Argyll and Bute LRB (ABLRB) agreed on 10 August 2011 to conduct a site inspection in order to allow Members to view the access road, to identify where the single track road passing the site led to and how it integrated with the road network.

The ABLRB convened on 22 September 2011 at Lagganbeg, Kilninver at 10.45am.

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.

The ABLRB looked at the access to the site from the main road and asked the Roads Authority Officer a series of questions. Members then drove up the access road to the site and asked the Planning Authority Officer to point out the development.

From the inspection the ABLRB noted:-

1. That the single track road passing the site led to Scammadale, a nearby settlement with a number of properties in existence and some sites that had been given planning consent but not yet constructed.
2. That the sight lines from the access were acceptable.
3. The works that would be required to upgrade the bell mouth to adoptable standard at the access to the site to allow it for use as a service bay and to prevent debris from spilling onto the public road.
4. That a small slabbed area would require to be constructed to sit refuse bins for collection to avoid them blowing onto the main road.

5. Confirmation from the applicant that he intended only to use the development as family accommodation and as a result there would be little increased usage to the access road.

