

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 23 NOVEMBER 2011

Present: Councillor Daniel Kelly (Chair)
Councillor Donald MacMillan Councillor Alex McNaughton

Attending: Charles Reppke, Head of Governance and Law (Adviser to the LRB)
Fiona McCallum, Committee Services Officer (Minute Taker)

1. CONSIDER NOTICE OF REVIEW: PLOT 2 , LAND SOUTH EAST OF DUNGRIANACH, CRANNAIG A' MHINISTER, OBAN, PA34 4LU

The Chair welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body (LRB). 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 in required.

The Chair advised that this Notice of Review was in respect of a planning application similar to the one before the LRB at their earlier meeting (23 November 2011 at 2.00 pm) and 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. As before, the LRB agreed unanimously that they had enough information to make a decision on the Review and that it would not be necessary to arrange a site inspection as they were familiar with the area in question and agreed to proceed to determine the case.

The Chair advised, and the LRB agreed, that the main issue of concern was in respect of access to the site from a public road which was a very narrow road with few passing places and no footpath. Reference was made to the Reporter's decision to dismiss an Appeal to Scottish Ministers in respect of a deemed refusal for an application for outline planning permission in 2009 for 4 plots which covered the plot referred to in this current Review. One of the reasons for dismissal of this Appeal was in respect of access to the site from a narrow, poorly aligned road and that further development in this area was undesirable without significant road improvements.

The LRB unanimously agreed that this Appeal should not be upheld on the grounds of road safety.

Decision

It was unanimously agreed to uphold the Planner's decision to refuse planning permission in principle for the following reason:-

The proposed development would result in the intensification in vehicular use of a sub standard public road with no delineation between pedestrian or vehicular use. The improvements which would be required to upgrade the road that serves the proposed site cannot be achieved within the confines of the application site or other land within the applicant's control, and there is no indication that the applicant can complete any improvements remotely from the site. The proposal is therefore contrary to the provisions of Argyll and Bute Local Plan policies LP HOU 1, LP ENV 1 and LP TRAN 4, which resist intensification in the use of sub standard accesses and junctions, other than in cases where the improvements required can be achieved as part of the overall development. In the absence of such improvements the proposal is considered to be contrary to the interests of highway safety.

(Reference: Notice of Review and Supporting Documentation and Responses from Interested Parties, submitted)