

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on WEDNESDAY, 16 NOVEMBER 2016**

**Present:** Councillor Alex McNaughton (Chair)

Councillor Robin Currie

Councillor Sandy Taylor

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

**1. CONSIDER NOTICE OF REVIEW REQUEST: LAND WEST OF LANDFILL SITE, GLENGORM ROAD, GLENGORM, ISLE OF MULL (REF: 16/0008/LRB)**

The Chair welcomed everyone to the meeting and invited the Members to advise whether or not they felt that they had sufficient information before them to come to a decision on the Review.

Councillor Taylor advised that the paperwork submitted left him with a lot of questions and appeared to be devoid of context.

Councillor Currie confirmed that based on the paperwork provided he did not feel he was in a position to make a decision.

The ABLRB agreed at this point to view the video submitted by the Applicant.

Councillor Taylor said that he had expected the film to be helpful. He stated that it was unclear to him what the nature of the road was eg which users did it serve? where did it lead to? was there any conflict on it? He advised that it also was not clear to him why the Applicant was being asked to upgrade such a length of road. He commented that he thought any improvements to the road should be shared by successive developers rather than left to the one developer. He said that he needed confirmation of the types of vehicles that travelled on the road in order ascertain whether or not the passing places were adequate eg they may not be if the road was used by HGVs.

Mr Reppke suggested to the Members that they could request further information from both the Roads Officer and Planning Officer to address the issues raised by Councillor Taylor.

Councillor Currie advised that it would have been helpful if the video had been accompanied by commentary from Planning and Roads in order to explain what had been presented.

Councillor McNaughton said that he did not think it was fair to over burden the Applicant with the upgrade of the whole road. He questioned why a request was only now being made for passing places and queried why the road had not been upgraded before now. He pointed out that while viewing the film he noted there were at least 2 laybys suitable for lorries and up to 12 passing places. He acknowledged that some of these passing places looked to be 'homemade'.

Councillor Currie asked if the road led to the landfill site.

Councillor McNaughton advised that it was his understanding that the number of vehicles on the road would not increase and he stated that this needed to be clarified. He said that he would be prepared to go on a site visit if this was the wish of the other Members.

The Members agreed that a site visit would be beneficial and that it was also important that they receive further information from both Planning and Roads Officers in order to address the concerns that they have raised.

Councillor McNaughton said that he thought this condition was too severe an imposition to place on a charitable group.

Mr Reppke confirmed to the Members that this would not be a justification for removing this condition. He stated that if the Members wish the condition removed they would need to have a clear understanding of any road safety issues if the terms of the Council's Roads Standards specifications were not met.

### **Decision**

The ABLRB agreed:-

1. to hold an accompanied site inspection at the earliest opportunity in order to view the current condition of the road and the location where the improvements to the road have to be made as detailed in condition 3;
2. to request from Roads the following written information –
  - i) an explanation detailing why this condition was necessary,
  - ii) an explanation detailing why these additional passing places had not been constructed before now,
  - iii) details of the types and sizes of vehicles that currently use the road and the types and sizes of vehicles anticipated would use the road in the future.
- 2) to request from Planning written information explaining why this imposition is being placed on this developer and not incrementally by others; and
- 3) to adjourn the meeting and reconvene at the conclusion of the site inspection.

The Argyll and Bute Local Review Body reconvened on Thursday 26 January 2017 at 9.45 am in Kilmory, Lochgilphead

**Present:** Councillor Alex McNaughton (Chair)

Councillor Robin Currie

Councillor Sandy Taylor

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

The Chair welcomed everyone to the meeting and it was established that the Members had sufficient information before them to come to a decision on this Review today.

The Chair invited the Head of Governance and Law to read through the minute taken at the site inspection held on 20 December 2016 (attached as Appendix A to this Minute).

Councillor McNaughton advised that he found it difficult to go against the technical advice given by the Roads Officers but he hoped that a competent motion could be found to allow this development to go ahead.

Councillor Taylor confirmed that he had found the site inspection very helpful. He stated that it was clear to him that it was the Roads Officer's opinion that the road up to the site has been inadequate by design to cope with the current traffic for some time. He felt that if this has been the case for some time then the onus should be on the Council to make these improvements and that it should not be left to the Applicant. He advised that he would welcome a compromise to lessen the burden on the Applicant whilst addressing the concerns of the Roads Officer.

The Head of Governance and Law pointed out to the Members that following discussion with Iain Jackson who attended the site inspection on his behalf, he was advised that it had become apparent to those present that the request to widen the B8073 road to 5.5m wide for the first 15m before the B882 junction was not physically possible as a width of 5.5m at the junction was not achievable.

Councillor Currie advised that he thought the request for improvements to so many existing passing places and the requirement for additional passing places was not necessary as this development was for a storage facility not a supermarket.

The Members considered the best course of action to take to ensure that the Roads condition only required the absolute necessary works to be undertaken and they agreed that condition 3 should be amended as follows:-

- Condition 3(i) should be removed as the LRB were of the opinion that the improvements to the existing passing places specified and the construction of two additional passing places were not essential. They had previously noted at the site inspection that the Roads Officer had confirmed that the request for a new passing place at the entrance to the Isle of Mull Cheese premises had been withdrawn as it was not achievable. The LRB determined that the existing informal and formal passing places were sufficient at this time to support the additional traffic that may be generated by this development. They noted that any further development could not be envisaged without additional passing places being provided.
- Condition 3(ii) should be removed. The LRB agreed that the widening of the B8073 road to 5.5 m width could not be achieved at the location specified.
- Condition 3(iii) should be amended to read "details of the widening of the C47 Glengorm Road (widened to 5.5m for the first 5m from the B8073)". The LRB agreed that there was a requirement to widen the road at this junction to make

it easier and safer for traffic to turn into this junction if at the same time a vehicle was giving way at this junction. They reduced the length of the road to be widened from 15m to 5m because there was clear visibility for road users up to the first passing place from the 5m point.

The LRB agreed that they were satisfied that the amendment to this roads condition would not breach road safety standards and would ensure the development accorded with policy LDP 11 of the Local Development Plan which requires all development proposals to have an appropriate standard of access.

## **Decision**

The ABLRB, agreed to partially uphold the Appeal and amend Condition 3 of planning permission ref 16/01296/PP to read as follows:-

3. No development shall commence or is hereby authorised until details of the private access and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

Details of the widening of the C47 Glengorm Road (widened to 5.5m wide for the first 5m from the B8073).

Access shall be constructed to at least base course level prior to any work starting on the erection of the buildings which it is intended to serve and the final wearing surface of the access shall be applied concurrently with the change of use of the site.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development.

(Reference: Notice of Review and Supporting Documentation and Written Submissions, submitted)

## Appendix A

### **ARGYLL AND BUTE LOCAL REVIEW BODY**

#### **NOTE OF MEETING OF SITE INSPECTION RE CASE 16/0008/LRB LAND WEST OF LANDFILL SITE, GLENGORM ROAD, GLENGORM, ISLE OF MULL - TUESDAY 20 DECEMBER 2016**

In attendance:                      Councillor Alex McNaughton, Argyll and Bute LRB (Chair)  
    Councillor Robin Currie, Argyll and Bute LRB  
    Councillor Sandy Taylor, Argyll and Bute LRB  
    Iain Jackson, Governance and Risk Manager (Adviser)  
    Brian Rattray, Roads Authority  
    Moray Finch, Applicant's Representative  
    Alan Parker, Applicant's Representative

The Argyll and Bute LRB (ABLRB) agreed on 16 November 2016 to conduct an accompanied site inspection in order to view the current condition of the road and the location where the improvements have to be made as detailed in condition 3 attached to the planning consent and to invite interest parties to attend.

The ABLRB convened on 20 December 2016 and the following discussion was held and points noted:-

1. The location of the unsurfaced passing place to be upgraded at Rockfield Road just past the Breadalbane Street junction was pointed out to the ABLRB and Sandy Taylor referred to a further 5 other passing places within 120 yards, 1 within 15/20 yards, and a further passing place made by members of the public.

Moray Finch, MICT General Manager and Alan Parker, MICT Committee then joined the site inspection on behalf of the Applicant.

2. The ABLRB were advised that the Glengorm Road/Salen Road C47 and B8073 width of junction was required to be increased to 5.5mtrs for first 15 metres of junction. Councillor McNaughton asked why the Council were not doing the work? Mr Rattray, Roads Officer, advised that the planning policy provides that commensurate improvements are appropriate and are necessary for road safety.

Councillor Taylor asked for cost of all the works and Mr Rattray confirmed that in his view the cost of the work would be around £20K at island prices. Mr Finch confirmed in response to the question from Councillor Taylor that the cost of the development was £1.1 million (later changed to £618,000).

3. The ABLRB were advised by Mr Rattray, Roads Officer that the width of junction between B8073 and B882 required to be increased to 5.5mtrs for first 15 metres of junction and he indicated to them what was required.

4. It was noted by the ABLRB that the unsurfaced passing place before the Scottish Water Plant on Glengorm Road required to be upgraded.
5. The ABLRB were advised by Mr Rattray, Roads Officer that the requirement for the proposed new passing place at the entrance to Isle of Mull Cheese was withdrawn by as it was not achievable.
6. The ABLRB were advised by Mr Rattray, Roads Officer of the location for the new passing place required on 100 yard stretch of road between the passing places at the top of the hill and the next field gate on Glengorm Road..

The Members commented generally about the number of passing places on the road and that they would need to consider whether the upgrades/new passing place were necessary.

Attended at site and Members were advised by Mr Finch as to the extent of the site.

The Members noted that the entrance to the site was inside the entrance gate to the Council's waste and recycling plant.