

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the
COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD
on MONDAY, 13 NOVEMBER 2017**

Present:

Councillor Rory Colville (Chair)

Councillor Donald MacMillan

Councillor Roderick McCuish

Attending:

Iain Jackson, Governance and Risk Manager (Adviser)

Fiona McCallum, Committee Services Officer (Minutes)

1. CONSIDER NOTICE OF REVIEW REQUEST: LAND WEST OF BUNN-NA-SCHAIRDH, BUNNAHABHAIN, ISLE OF ISLAY (REF: 17/0006/LRB)

The Chair welcomed everyone to the meeting and established from the Members of the Argyll and Bute Local Review (ABLRB) that they had enough information before them to come to a decision on this case.

Councillor Colville referred to the paperwork before them and advised that whilst he had some sympathy for the Applicants he could not find a justifiable reason for condition 2 to be removed from the Planning consent. He pointed out that the previous Planning Consents the Applicants referred to were granted under the old Area Committee system and that these previous applications required these conditions at that time and that the current Applicants will have purchased the land with these conditions placed on it.

Councillor MacMillan commented that it was his opinion that it was within the Planning Authority's power to place these conditions on the Planning consent.

Councillor McCuish commented that this Appeal was based on three grounds. He advised that in respect of the first grounds, whereby the Applicant had stated that the Council did not have the power to enforce the condition, he had noted that at page 63 of the Agenda Pack the Applicant had since acknowledged that they had misunderstood the Council's powers in respect of policy SG LDP TRAN 5.

It was noted that Planning had addressed this issue in detail in their submission as detailed at page 48 of the Agenda pack and had confirmed that they did have the power to enforce this Condition.

Councillor Colville also pointed out that in respect of the second and third grounds, it appeared that the Applicant had misunderstood the comments provided in the Roads consultation. He said that he accepted the explanation given by Planning that the specified junction improvement was based solely upon the expectation on increased vehicle movements relating to the proposed single dwellinghouse (eg refuse collections and other deliveries, and intensification of use in relation to traffic generated by the occupants of the dwelling and any visitors to the property) and as such is deemed to be necessary in relation to the current application.

Councillor McCuish agreed with Councillor Colville.

Councillor Colville advised that he had noted the Applicants' view that the works required were disproportionate and unnecessary. He confirmed that the explanations that have been given by Planning and Roads led him to come to the view that the works required were proportionate and necessary in this case.

Councillor MacMillan agreed with Councillor Colville.

Decision

The ABLRB having considered the merits of the application de novo, agreed unanimously in the interests of road safety, to ensure the development is served by an adequate and safe standard of vehicular access, that Condition 2 of the Planning Consent reference 16/02185/PP should not be removed.

(Reference: Notice of Review and supporting documents and written submissions and comments, submitted)