

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 18 APRIL 2018

Present: Councillor Rory Colville (Chair)
Councillor Audrey Forrest Councillor Sandy Taylor

Attending: Charles Reppke, Head of Governance and Law (Advisor)
Hazel MacInnes, Committee Services Officer (Minutes)

1. APOLOGIES FOR ABSENCE

There were none intimated.

2. DECLARATIONS OF INTEREST

There were none intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST: 18/0002/LRB - LAND 169 METRES WEST OF SHORE COTTAGE, STONEFIELD, ARGYLL AND BUTE

The Chair welcomed everyone to the meeting and introductions were made. He explained that no person would present would be entitled to speak other than the Members of the Local Review Body and Mr Reppke who would provide procedural advice if required.

He advised that his first task would be to establish if the Members of the Local Review Body felt that they had sufficient information before them to come to a decision on the Review. Members agreed unanimously that they had sufficient information before them to come to a decision on the review. The Members then considered the matter de novo.

Councillor Colville advised that he felt reassured at the fact that any future application which would normally be covered by permitted development rights would not incur any fees from the Council and on that basis he felt that the appeal should be dismissed. Councillor Colville advised that he would like to impose the conditions regarding the access as requested by Transport Scotland which had been detailed in the statement of case by the Planning Authority.

Councillor Taylor advised that there was no compelling case for the applicant, that Mr Kerr had put forward a solid case about why condition 4 was appropriate and that his response had been very comprehensive. He added that the applicant had offered no substantial case in his request for review. He highlighted that the applicant could come back and make a case for permitted development rights at a future date should he wish to. He advised that he was content with the judgement made by the planning officers and that he was content with the information provided in the substantive report. Councillor Taylor agreed with Councillor Colville regarding the addition of the conditions relating to the access as suggested by Transport Scotland

Councillor Forrest advised that the case for condition 4 had been well made by the Planning Authority and advised that she agreed with it because of the sensitive nature of area. She pointed out that there had been nothing to say that no development should take place, just that there was a requirement to apply for permission. Councillor Forrest agreed that there was a need for the conditions suggested by Transport Scotland.

Decision

The Argyll and Bute Local Review Body, having considered the case de novo, unanimously agreed not to uphold the request for review and agreed that the original planning permission should remain in place subject to the conditions originally imposed and with the addition of the following conditions and reasons –

- The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

- Visibility splays shall be provided and maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

- The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure water run-off from the site does not enter the trunk road.

- The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway.

Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

- The new access to the site shall be formed and the existing access closed off before any works commence on the site.

Reason: To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved.