

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on THURSDAY, 29 NOVEMBER 2018**

**Present:**

Councillor Rory Colville (Chair)

Councillor Graham Archibald Hardie      Councillor Richard Trail

**Attending:**

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

**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 REQUEST: 18/0007/LRB - PLOT 2, LAND NORTH WEST OF ASHLEA, CROFT DRIVE, OBAN**

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. Councillor Trail advised that he wished further information and Councillor Colville agreed. Councillor Hardie advised that he felt he had sufficient information before him to come to a decision.

Mr Reppke suggested that Members may want to seek further clarity around the suspensive condition in relation to vehicular and pedestrian access. He advised there was a need for the Local Review Body to take a view on the extent of the land required to implement the roads condition proposed, as the imposition of a suspensive condition had to be reasonably likely to be able to be implemented. If there was an issue about control of land the Local Review Body could consider a Section 75 Agreement but there was guidance that a Section 75 Agreement should be avoided where possible due to the associated cost to the applicant.

Councillor Colville advised that he would like to obtain a view from roads and planning on the suggestion by the applicants agent to move the layby from in front of the neighbouring property, Ashlea, to in front of the site under review. He added that he had noted that the road widening as suggested in condition 2 may impact on neighbouring gardens and advised that he would like to clarify what the impact was as well as obtain clarity over the ownership of the land concerned.

Councillor Trail agreed with Councillor Colville.

Councillor Hardie advised that he was still of the opinion that the application would cause over development and that the application should be refused.

## **Decision**

The Argyll and Bute Local Review Body agreed to request further written submissions as follows and to reconvene at a suitable date to consider this –

1. Comments from Roads and Planning on the request by the applicant's agent for the passing place proposed for Ashlea to be relocated to an alternate location and if so advised a suggested update to the condition proposed.
2. Clarification from the Applicant by means of a scale drawing to determine the extent of the suggested road improvements together with evidence of the control over all the land necessary to effect the road improvements in order that the proposed suspensive condition can be lawfully imposed .The reason being because it appears that the improvements will impact on the gardens of
  - Land immediately south west of Ard Staun
  - Land immediately north of Glen Innes
  - Land immediately north of Heatherbrae
  - Land immediately south west of Ashlea.
3. The information at 2 above should for completeness consider the land necessary for the Ashlea layby and the alternate location proposed by the applicant's agent.