

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY SKYPE
on WEDNESDAY, 30 JUNE 2021**

Present: Councillor Rory Colville (Chair)
Councillor Gordon Blair Councillor Kieron Green

Attending: Iain Jackson, Governance, Risk and Safety Manager (Advisor)
Fiona McCallum, 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: BYRE BETWEEN HOUSES 3 AND 4 GLASSARD, ISLE OF COLONSAY (REF: 21/0002/LRB)

The Chair, Councillor Colville, welcomed everyone to the meeting and advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

Councillor Blair said he found this a difficult case. He said that he felt the goal posts had moved on with regard to the perception of island life. He commented on roads sticking on this and said regard had to be given to some of our islands being vulnerable. He said he understood there were rules, regulations and policies to follow but in this case this was a tiny wee island and the Council were trying to ensure it had a population to allow it to thrive. He advised it seemed a bit much for the conversion of the byre to be held up due to the roads regulations.

Councillor Green said he understood where Councillor Blair was coming from. He said he would personally like to have more detail on where the figure of £200,000 has come from. He said he would like some more information on the commensurate improvements to the private road that would be required and whether or not a degree of assurance of road safety and access could be provided without being disproportionate to the scale of the development.

Councillor Colville advised that he too would like some more information provided before coming to a decision on this Review.

Councillor Colville referred to the Applicant's comment regarding the byre at No 8 Glassard becoming the 11th dwelling in Glassard served by the private road in 2016. He advised that he would like clarification of the circumstances surrounding the grant of planning permission in 2016 for No 8 Glassard which appeared to exceed policy SG TRAN 4 which, at that time, restricted units of no more than 5 off a private access.

Councillor Blair questioned whether the number of sheep and cows that could be coming in and out of that area could be correlated with the amount of traffic on the road should the byre be used for agricultural purposes. He said that he felt the issues about the amount of

traffic congestion or incidents on the single track road in this kind of setting was nonsensical. He pointed out that this was not the middle of Sandbank or Dunoon where you would not know everyone that used the road. He commented that most of vehicles using the road would likely have 4 wheel drive and he advised that he believed the traffic issues were null and void.

This being the only vacant existing agricultural building off the private access, Councillor Colville questioned whether there would be any limit to the number of vehicle movements that could in theory occur should the building be used for agricultural purposes. Councillor Colville pointed out that as the Applicant owned the building there would be nothing to stop her renting this out to a local farmer. He advised that an agricultural building could have lots of potential uses, potentially leading to many vehicle movements every day. He suggested that there would be no limit to the number of vehicle movements in this case but he would like to seek confirmation on that from the Roads Officer.

Councillor Colville also queried whether the Planning Officer would agree if restricting the proposed dwellinghouse to one bedroom this could be considered a material consideration if this resulted in the permanent reduction of vehicle movements.

Councillor Colville also asked if the Planning Officer could offer advice as to what weight should be given to the Scottish Government's proposed permitted development rights as presented to the PPSL Committee in November 2020. He referred to the following extract from the consultation document Phase 1 Proposals - Scottish Government's Programme for Reviewing and Extending Permitted Development Rights (PDR) in Scotland dated September 2020

Agricultural Developments

Our Programme for Government 2020-21 makes it clear that the rural economy must be at the forefront of Scotland's economic and environmental recovery. The proposals set out below are intended to help support agricultural development and diversification, as well as the delivery of new homes (including affordable properties) in rural areas. They would complement wider Scottish Government measures to support and protect the rural economy by:

- *Allowing the conversion of agricultural and forestry buildings to residential and other uses under PDR;*

Councillor Colville then referred to the Council's Local Development Plan 2 (LDP2) which had undergone extensive public consultation during the winter of 2019/20 and had now been submitted to the Scottish Government for examination before being formally adopted in 2022. Councillor Colville pointed out that the roads standard guidelines contained within LDP2 (and detailed below) have not been objected to and so would now be used as the overriding material consideration when dealing with planning applications.

It is considered appropriate to introduce a variable standard for adoption to reflect the scale, nature and differing design requirements of development in these circumstances. This would apply to roads serving developments of 6-10 dwelling units (inclusive) in areas with a predominant system of single track roads with passing places, where the Roads Authority consider the variable standard is appropriate.

Councillor Colville pointed out that Policy SG LDP TRAN 4 in the current LDP allows for a maximum of five units off a private road before requiring the road be brought up to

adoptable standards, but this was relaxed to 10 dwellings for Colonsay. In view of the unopposed change in LDP2 he said that Colonsay had now lost the advantage it had regarding the rule of 10 which had been first introduced to Colonsay, and only to Colonsay. He asked if consideration could be given to allowing Colonsay a higher number than 10 due to its specific circumstances as was granted previously.

Reference was then made to the following statement in the report of handling:

The Applicant is a long-term resident on the Island and will be living full time in the proposed dwelling house. At present she occupies the only 4-bedroom Housing Association house on the island which she has a right to remain a tenant of in perpetuity. There is a well-recognised shortage of community housing on the island. By allowing the development of this otherwise unoccupied building, the Applicant will be freeing up a large family house for other potential residents as well as preserving an existing built structure on the island.

Councillor Colville asked if the Planning Officer could seek confirmation from Home Argyll on what the demand was for 4 bedroomed properties on Colonsay.

Reference was also made to the following comment in the report of handling:

“The Applicant has been in discussions with the neighbouring landowner regarding some more modest improvements to the existing road opening onto the public road which would considerably improve safe access to and from the public road onto the Glassard track. The Applicant is willing to submit a proposal along these lines. Improvements would include improving sightlines onto the public road and improving drainage and the quality of the surface at the entrance to the Glassard settlement.”

Councillor Colville sought confirmation from the Applicant that they would be agreeable to carrying out these improvements.

Councillor Green advised that he had noted from the submitted plans on the planning portal that the proposed dwellinghouse would have a large loft area with velux windows. He said he would like comment from the Applicant on what the loft area would be used for.

Decision

The Argyll and Bute Local Review Body agreed:

1. To request from the Planning Officer written responses to the following queries:
 - a) Clarification of the circumstances surrounding the grant of planning permission in 2016 for No 8 Glassard which appeared to exceed policy SG TRAN 4 which, at that time, restricted units of no more than 5 off a private access.
 - b) Given this is an agricultural building could restricting the proposed dwellinghouse to a one bedroom residence be considered a material consideration if this resulted in a permanent reduction of vehicles movements?
 - c) What weight could be applied to the Scottish Government’s Programme for Reviewing and Extending Permitted Development Rights (PDR) in Scotland dated September 2020 in respect of Agricultural Developments as detailed below?

Our Programme for Government 2020-21 makes it clear that the rural economy must be at the forefront of Scotland's economic and environmental recovery. The proposals set out below are intended to help support agricultural development and diversification, as well as the delivery of new homes (including affordable properties) in rural areas. They would complement wider Scottish Government measures to support and protect the rural economy by:

- *Allowing the conversion of agricultural and forestry buildings to residential and other uses under PDR;*

- d) Given the information below, contained within LDP2 and not objected to, could consideration be given to allowing the Island of Colonsay a higher number than 10 units due to its specific circumstances as was granted previously? [Note: Policy SG LDP TRAN 4 in the current LDP allows for a maximum of five units off a private road before requiring the road be brought up to adoptable standards, but this was relaxed to 10 dwellings for Colonsay]

“It is considered appropriate to introduce a variable standard for adoption to reflect the scale, nature and differing design requirements of development in these circumstances. This would apply to roads serving developments of 6-10 dwelling units (inclusive) in areas with a predominant system of single track roads with passing places, where the Roads Authority consider the variable standard is appropriate.”

- e) Ascertain from Home Argyll what the demand is for 4 bedroomed properties on the Island of Colonsay.
- f) Appropriate and reasonable conditions and reasons to attach to any consent should the Local Review Body be minded to approve the application.

2. To request from the Roads Officer responses to the following queries:

- a) This being the only vacant existing agricultural building off the private access, was there a limit to the number of vehicle movements that could in theory occur should the byre be used for agricultural purpose?
- b) Clarification on the detail of the commensurate improvements to the private road that would be required and whether or not a degree of assurance of road safety and access could be provided without being disproportionate to the scale of the development.
- c) Provision of a breakdown of the road improvement works said to cost £200,000.

3. To request from the Applicant written responses to the following queries:

- a) With reference to the following statement within the report of handling, the LRB seeks confirmation that the Applicant would be agreeable to carrying out these improvements.

“The Applicant has been in discussions with the neighbouring landowner regarding some more modest improvements to the existing road opening onto the public road which would considerably improve safe access to and from the public road onto the Glassard track. The Applicant is willing to submit a proposal along these lines.

Improvements would include improving sightlines onto the public road and improving drainage and the quality of the surface at the entrance to the Glassard settlement.”

- b) Confirmation of what the loft area of the proposed dwellinghouse would be used for.
4. To adjourn the meeting and reconvene once the further written information had been received and all interested parties had been given the opportunity of commenting on the submissions.

(Reference: Notice of Review and Supporting Documentation, and Comments from Interested Parties and the Applicant, submitted)