

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on TUESDAY, 17 AUGUST 2021**

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

**Attending:** Iain Jackson, Governance, Risk and Safety Manager (Adviser)  
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.

The Members of the LRB agreed that they had sufficient information before them.

Councillor Green said this was quite tricky and pointed out the Roads Officer had provided very detailed specifications for the road. He commented that he was sure there would be reasons behind that and that it would be for the LRB to see if this could be resolved in anyway in terms of being proportionate and reasonable.

Councillor Blair said he agreed that being proportionate was key.

Councillor Colville advised that it was important at this stage to note that no further development was possible unless the private road was brought up to an adoptable standard. He said that it was for the Members of the LRB to determine whether or not there were material considerations that could give weight to the application being approved. He advised that having given it a lot of thought, he proposed the following Motion:

The application is for the conversion of an outbuilding to dwelling house. At present the site has a semi-derelict appearance, is visually intrusive, visually discordant and undermines the character of the area at this location. The proposed development would retain a building at risk, and its sympathetic design and conversion would have a positive visual impact which will add character to the area.

The property will provide for a single bedroom, living room / kitchen, utility and single bathroom. In terms of design, the proposal provides for a suitable volumetric extension to the existing building and is considered acceptable. In this regard the application is consistent with the provisions of SG LDP Sustainable – Sustainable Siting and Design Principles.

The principle of converting the byre into a dwelling house is accepted within planning policy LDP DM 1 which supports the re-use of buildings within all development management zones.

#### Material considerations in relation to the application being consistent with SG LDP TRAN 4

Previous planning history.

In 2016 an application was submitted for alterations and extension to existing dwelling house at 8A Glassard (reference 16/02273/PP). Given these works were to an existing dwelling house and did not significantly increase the expected vehicular movements it was approved. The approval of this development (16/02273/PP) took the number of developments on the private access road to more than the ten units allowed in the Council's application of Policy SG LDP TRAN 4 as it applies to the Isle of Colonsay.

The present building could revert to agricultural use, and, as there is currently no limit on the number of vehicular movements to or from such a building, this could result in a significant increase in vehicular movements. The Planning Officer has confirmed in their response to point 2 within their submission (page 8 of Agenda Pack for this meeting) that a one bedroom property is not expected to generate significant volumes of traffic and the Applicant has confirmed that she does not own a car. A planning condition (condition 4) has been included within the Planning Officer's response (page 12 of Agenda Pack for this meeting) to limit permitted development rights and restrict the size of property ensuring a single bedroom unit long term, potentially reducing further the likelihood of an increase in vehicular movements.

From an Officer site inspection there are no further obvious development opportunities along this stretch of road and there are no allocations or Potential Development Areas (PDAs) that would encourage further applications for residential development.

Point 4 of section (P) of the report of handling (on page 21 of the Agenda Pack issued for the meeting of the LRB held on 30 June 2021) confirms that 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, and 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.

It is also noted at point 5 of section (P) of the report of handling that currently all the domestic bins for the Glassard residences are kept at the junction between the track and the public road in an ad-hoc storage. It is believed that an improved storage facility for the bins could be accommodated with the improvements mentioned above which would also mean that the process of emptying the bins will be safer as well as providing a sightlier appearance.

The Applicant has confirmed in her submission to this meeting (on page 5 of the Agenda Pack) that she is happy to carry out these improvements.

#### Material consideration affordable housing

Policy LDP 8 – Supporting the Strength of Our Communities, recognises the need to ensure that our existing communities are strengthened through the delivery of new sustainable development opportunities in order to facilitate population growth and, in particular, attract more economically active families to live and work in Argyll and Bute

The Applicant would be moving out of the largest housing association dwelling on Colonsay freeing up another property in the village. It is noted there has been no turnover of affordable housing in the last few years on Colonsay. There is an official pressure ratio of 8:0 – 8 households with identified need - this is a very high pressure ratio. There are currently 11 households on the waiting list with Colonsay as first area of choice in total.

On the basis of the above information, I move that the application be approved as a minor departure from Policy LDP 11 and Policy SG LDP TRAN 4 in terms of how that policy relates to the Isle of Colonsay in terms of the conditions and reasons submitted by planning on pages 11, 12 and 13 of the pack for today's meeting but with an amendment to condition 2 to read as follows;

Prior to the occupation of the dwelling the proposed commensurate access improvements as identified by the Applicant in their Design and Access statement supporting the original planning application reference 21/00017/PP, shall be completed to the satisfaction of the Planning Authority and Roads Authority. Details shall include, at a minimum, a site plan showing the following details:

- Details of the existing sightlines and proposed improvements to these to a minimum of 2.4m x 53m;
- Details of surface water drainage system to prevent water flowing onto the public road;
- Details of the existing running surface of the initial 10m from the edge of the junction with the B8087 and improvement to same to ensure debris and material is not deposited onto the public road; and
- Provision of a bin store for the residences of Glassard at the junction of the public road outwith the sightlines.

The above information shall be submitted for the approval of the Planning Authority prior to the commencement of works on the dwelling house and shall be completed to the satisfaction of the Planning Authority, in consultation with Roads Authority, prior to the occupation of the dwelling house unless otherwise agreed with the Planning Authority.

Reason: In the interests of road safety.

Moved by Councillor Rory Colville, seconded by Councillor Gordon Blair.

Councillor Green advised that he also supported this Motion but would like to point out that the plans being approved differed from what the Applicant has stated the loft space would be used for. He pointed out that the submitted plans on the planning portal referred to access stairs and the Applicant in her submission to this meeting (page 5 of Agenda Pack for this meeting) said that there would be a pull down ladder.

Mr Jackson advised that what would actually be built would be up for further discussion between the Applicant and the Planning Officer. He confirmed that he would draw this point to the attention of the Planning Officer.

## Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to grant planning permission as a minor departure from Policy LDP 11 and Policy SG LDP TRAN 4 subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 10<sup>th</sup> December 2020, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

| Plan Title.                   | Plan Ref. No. | Version | Date Received                 |
|-------------------------------|---------------|---------|-------------------------------|
| Proposed Site Plan            | L-02          | -       | 1 <sup>st</sup> February 2021 |
| Plans as Existing             | S-01          | -       | 1 <sup>st</sup> February 2021 |
| Proposed Plans and Elevations | L-03          | -       | 1 <sup>st</sup> February 2021 |

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

2. Prior to the occupation of the dwelling the proposed commensurate access improvements as identified by the Applicant in their Design and Access statement supporting the original planning application reference 21/00017/PP, shall be completed to the satisfaction of the Planning Authority and Roads Authority. Details shall include, at a minimum, a site plan showing the following details:
  - Details of the existing sightlines and proposed improvements to these to a minimum of 2.4m x 53m;
  - Details of surface water drainage system to prevent water flowing onto the public road;

- Details of the existing running surface of the initial 10m from the edge of the junction with the B8087 and improvement to same to ensure debris and material is not deposited onto the public road; and
- Provision of a bin store for the residences of Glassard at the junction of the public road outwith the sightlines.

Reason: In the interests of road safety.

3. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of the dwelling house have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E and Part 2 and Classes 8 and 9 of the of the aforementioned Schedule, as summarised below:

#### PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

## PART 2: SUNDRY MINOR OPERATIONS

Class 8: Formation of means of access to an unclassified road.

Class 9: Stone cleaning or painting of the exterior of a building.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

(Reference: Notice of Review and Supporting Documents, comments from Interested Parties and Applicant, and further information received from Planning, Roads and Applicant, submitted)