

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 17 OCTOBER 2012

Present:

Councillor Mary Jean Devon (Chair)

Councillor Rory Colville

Councillor Alex McNaughton

Attending:

Iain Jackson, Governance Officer (Adviser)

Hazel MacInnes, Committee Services Officer (Minute Taker)

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: 29 STUCKLECKIE ROAD, HELENSBURGH

The Chair welcomed everyone to the meeting. She advised that the only parties who would be permitted to speak would be Members of the Panel and Mr Jackson who would provide procedural advice, if required.

The chair asked the Panel if they felt that they had sufficient information before them to come to a decision on the Request for Review.

Councillor Colville advised that he did not feel he had sufficient information before him to come to a decision. He referred to the reason for refusal which stated that the development would leave 75 square metres of available amenity space taking into account the development already on the site. Councillor Colville advised that the recommended 100m² was only advisory and questioned whether or not the development already on the site referred to in the reasons for refusal had included the shed in the garden in the calculations and suggested that as there had not been a requirement for planning permission for the shed and no indication that enforcement action was being considered that this shed could be considered as amenity space increasing the overall free amenity space surrounding the proposed development. If the shed was included as amenity space, this would increase the percentage to 56%, just over the recommended 55%.

Councillor Colville referred to page 14 of the agenda pack which showed a drawing of the west elevation of the house. He advised that this drawing suggested that the terrace already had a flat roof. He quoted Policy HOU 5 and advised that the flat roofed extension could be designed to compliment the design of the house and existing flat roof. He suggested a possible site visit to make a judgement. Councillor Devon suggested that a definition of a flat roof would need to be obtained from the planning department as the view that they showed in the report of handling was that the flat roofed extension would not compliment the

existing house.

Councillor Colville raised the issue of parking spaces, which had been a reason for refusal. He advised that there had been no objection from the Roads Department regarding this and suggested that clarification be obtained from the roads department on why they had no objection and whether or not on street parking could be accommodated in the area. Councillor McNaughton added that the reasons for refusal stated that there was one off street parking space and therefore a requirement for two more, he suggested a view from roads on if this could be accommodated. Councillor Devon highlighted that the Planning Department had stated that there was one off street parking space and that the applicant had referred to two off street parking spaces, she suggested obtaining clarification on this also.

The Local Review Body discussed the possibility of requesting suitable conditions and reasons to accompany an approval should they be minded to approve the application.

Decision

The Local Review Body agreed to request the following further written submissions -

1. Confirmation from the Planning Authority as to whether the garden shed on the site can be considered as amenity ground thereby increasing the area of open space on the development site to 56% and as such bringing it within the requirements of Appendix A of the adopted Local Plan.
2. Confirmation from the Planning Authority as to whether the roof of the house could be considered to be a flat roof and if so, could the extension be considered as complementing the existing house and therefore not contrary to Local Plan Policies LP HOU 5 and LP ENV 19.
3. Model conditions and reasons, from the Planning Authority, which could accompany any approval should the Local Review Body be minded to approve the application at a future meeting.
4. Confirmation from Roads of the number of parking spaces, is it 1 or 2; and is there availability for either a further 1 or 2 parking spaces, as necessary to meet the requirement for 3 parking spaces as contained in Local Plan Policy LP TRAN 6 Appendix C either on site or on street in the local area.

The Argyll and Bute Local Review Body reconvened on 23 January 2013 at 9.45am in the Council Chamber, Kilmory, Lochgilphead

Present: Councillor Mary Jean Devon (Chair)
Councillor Rory Colville
Councillor Alex McNaughton

Attending: Iain Jackson, Governance Officer (Adviser)
Hazel MacInnes, Committee Services Officer (Minute Taker)

The Chair welcomed everyone to the meeting. She advised that the only parties who would be permitted to speak would be Members of the Panel and Mr Jackson who would provide procedural advice, if required.

The Chair asked the Panel if they felt that they had sufficient information before them to come to a decision on the Request for Review.

Councillor Colville and Councillor McNaughton both advised that they felt they now had sufficient information to come to a decision on the review and Councillor Colville added that he felt the application could be approved as a minor departure and that he had prepared a Motion. Councillor Devon asked if the Motion could be considered competent and Mr Jackson confirmed that it could be. Councillor Colville read out the Motion and Councillor McNaughton seconded this.

Decision

The Argyll and Bute Local Review Body unanimously agreed -

1. That the application be approved on the basis that the house already has a predominantly flat roofed element to the existing construction and therefore the provision of a further flat roofed element complements the existing design and as such is not contrary to the Policy LP HOU 5 . The scale of the proposed extension exceeds the guidelines by 8% however the personal circumstances advanced by the applicants together with the fact that the extension will not dominate the existing house given the particular layout of the proposed extension and its relationship to the existing buildings which ensures that there is still remains a prominent open garden ground that counterbalances the developed area and as such it will not have a detrimental impact on the current building given the sympathetic design and can therefore be justified as a minor departure from policy on the basis that whilst it does not materially affect the setting of the building nor give an appearance of over development for the reasons stated given the scale of the extension it is technically a breach of policies LP ENV 19 and appendix A of the local plan and is justified as a minor departure.
2. That in respect of the on street parking the applicants be invited to enter into a Section 75 Agreement to cover the costs associated with moving the lamppost to allow a space of no less than 4.80 metres for car parking which is the minimum standard required by policy LP

TRAN 6 and subject to the conditions and reasons put forward by the Planning Officer on page 2/3 of the LRB pack dated 16 January 2013.