

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 21 FEBRUARY 2018

Present: Councillor David Kinniburgh (Chair)
Councillor Gordon Blair Councillor Mary-Jean Devon

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: 17/0008/LRB: 32 MACLEOD DRIVE, HELENSBURGH

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 (LRB) 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 (LRB) felt that they had sufficient information before them to come to a decision on the Review. Both Councillor Blair and Councillor Devon confirmed they now had sufficient information to come to a decision on the review.

Councillor Blair advised that he was glad they had held the site visit as it had given him a proper picture of site and had answered the issues which had been in question which had allowed him to reach a reasonable conclusion.

Councillor Devon advised that the site visit had been helpful as it had allowed her to see the surrounding area.

Councillor Kinniburgh agreed that the site visit had been very helpful as had the additional information received in relation to plot sizes. He advised that it had been difficult for him to come to a decision as he could see both sides of the argument. He asked the other Members to give their opinion on coming to a decision.

Councillor Blair advised that he was of the opinion that the application should be approved if a competent motion could be prepared. He added that it had been a difficult decision to come to but taking everything into account, including the site visit, he would like the application to be approved.

Councillor Devon said that when looking at the area you could see that the houses were in close proximity and added that she agreed with Councillor Blair and would like to take advice on the compiling a competent motion to approve the application.

Councillor Kinniburgh advised that seeing the plot sizes around the site had been very useful and asked Mr Reppke to provide advice on finding a competent motion to approve the application.

Mr Reppke advised that conditions and reasons had been provided by the Planning Authority which could be applied should the application be approved but Members required to give a justification for approval in terms of the policy background. He confirmed that he believed that it could be possible to produce a competent motion and suggested an adjournment of the Local Review Body to 1.00pm later in the day to allow members to get advice on preparing a competent motion to approve the application.

The Local Review Body adjourned at that point and reconvened at 1.00pm.

The Chair asked Members if they were still minded to grant the application having taken advice to which they both confirmed that they were.

The following proposal was put to the meeting namely:-

The proposed development will occupy a site which when viewed from the public road will not be visually discordant as it will be integrated into the existing building line of Macleod Drive. The proposed site is to that extent unique given that the existing property is set back from the predominant building line and will therefore not create a precedent for further development in front gardens of Macleod Drive and the donor property will take access from the private access which will be a unique feature and departure from the linear pattern. In addition the donor property and the proposed development site will mirror the plot sizes and building orientation of the existing properties at 2 and 4 Paterson Drive and will create a node of development at the intersection of Paterson Drive and Macleod Drive which recognises the change in topography and intersection of building lines from those public roads.

The plot sizes in the vicinity are variable and as such the proposed plot sizes and separation distances from the donor property can be accepted given the separation between the proposed dwellinghouse and the existing donor property which will avoid any significant diminution in the privacy and amenity of both the existing house and the proposed dwelling; and given the variation in surrounding plot sizes this proposal will not be out of keeping with the general character of the area, and the immediately adjacent properties in Paterson Drive.

The development can therefore be accommodated without resulting in over development as the plot sizes in the wider area are variable and this plot is not therefore out of character with the existing pattern of development in the area. As such the proposal can be viewed as compliant with Policies LDP DM1, LDP 3, LDP 9 and SG LDP Sustainable Siting and Design Principles of the Local Development Plan as it will generally follow the linear pattern in Macleod Drive and whilst it is acknowledged that the existing property will be set behind that building line the private access road will help to assimilate the donor property into the landscape character of the area and integrate it into its immediate setting and as such it can be

viewed as compatible with its surroundings and it will not therefore undermine the built environment in this locality once the proposed new house is built.

Decision

The Local Review Body having considered the matter de novo unanimously agreed the terms of the Motion, and upheld the request for review; and agreed to grant planning permission subject to the following conditions and reasons –

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 16/01835/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 16/06/16 and the approved drawing reference numbers 2322.01, 2322.02 Revision A, 2322.03 Revision A, 2322.04 Revision A and 2322.05 Revision A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings and in construction of hard standings has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out 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.

3. 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 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.

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 adjoining dwellinghouses, in the interest of amenity 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).

4. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
 - i) Location, design and materials of proposed walls, fences and gates;
 - ii) Surface treatment of proposed means of access and hardstanding areas;
 - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
 - iv) Proposed hard and soft landscape works.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. The provision of surface water drainage should be installed at the heel of the footway/entrance to the driveway/parking areas to prevent the discharge of

surface water onto the public road. Details of surface water drainage to be installed shall be submitted to and agreed in writing by the Planning Authority prior to works commencing on site. Thereafter the agreed scheme shall be implemented prior to the dwellinghouse hereby approved being completed or brought into use.

Reason: To prevent the discharge of surface water onto the public road in the interests of road safety.

6. The first 3 metres of the driveway/parking area should be surfaced in a bituminous surface or other approved hard material to prevent the spillage of loose material onto the public road.

Reason: To prevent the spillage of loose material onto the public road in the interests of road safety.

NOTES TO APPLICANT

1. The length of the permission: 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).]
2. In order to comply with Section 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.
3. 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.
4. An application to the Road Network Manager will be required to form the new footway crossover.