

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the
COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 MARCH 2019**

Present:

Councillor Rory Colville (Chair)

Councillor Audrey Forrest

Councillor Roderick McCuish

Attending:

Charles Reppke, Head of Governance and Law (Legal Advisor)

Adele Price-Williams, Senior Committee and Members Assistant (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST :LAND EAST OF CAMIS ESKAN FARMHOUSE, HELENSBURGH (REF: 18/0009/LRB)

The Chair welcomed everyone to the meeting and explained that no person present would be entitled to speak other than the Members of the Argyll and Bute Local Review Body (ABLRB) 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 ABLRB felt that they had sufficient information before them to come to a decision on the Review. Councillor Forrest and Councillor McCuish both stated that they did. The Chair confirmed that he too had sufficient information.

The Chair moved the following motion:-

The original application approved in 2007 was for the conversion of outbuildings to dwellinghouse. These adjoined other traditional farm outbuildings which gained planning permission for conversion to four dwelling houses in 2001. The proposed development retained buildings at risk and their sympathetic design and conversion would have had a positive visual impact which would have added character to the area and accorded with the greenbelt policy under Policy DM1 G(i) of the adopted Local Plan. Following approval the barn was demolished and a new foundation laid. However, the development then ceased. In 2001 planning permission was approved for the conversion of traditional farm buildings to four dwellinghouse adjoining the appeal site. The conversion of the other barn, subject of this appeal, would have completed the redevelopment of this farm steading. At present the juxtaposition of the sensitive conversion of part of the former steading complex with the simple foundation of the appeal site means that the semi-derelict appearance of the application site is visually intrusive, visually discordant and undermines the character of the greenbelt at this location.

It is now proposed to rebuild the barn that previously occupied the site, and which had previous planning permission to be converted to two dwellings. The original stone will be used to face the external walls of the replacement building and the roof will be covered in natural slate. In visual terms there will be no material difference between the development that was approved in 2007, and that which is now being proposed. The new building, subject of this appeal, will be identical in every material respect to the previously approved conversion, and the erection of the proposed building will in effect 'complete' the Camis Eshan Farm development. As such it will be an improvement on the current situation both visually and in terms of amenity. It will remove the semi-derelict nature of the site, it will not impact or undermine the open character or function of the greenbelt and constitutes a justified rounding off what was a traditional farm steading.

Consequently, the proposal can, for the reasons set out above, be approved as a minor departure to Policy DM1 of the adopted Local Development Plan.

Councillor Forrest and Councillor McCuish both supported this Motion and the Members of the ABLRB resolved accordingly.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case De Novo, unanimously agreed the Motion subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers

2018_0004-00
2018_0004-01
2018_0004-02
2018_0004-03
2018_0004-04
2018_0004-05
2018_0004-06
2018_0004-07

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. The first 5m of the driveway shall be covered in a bitumous or other hard surface.

Reason: In the interests of road safety and to prevent loose material from spilling onto the existing access.

3. No development shall commence until details of a Sustainable Urban drainage system has been submitted to and approved by the Planning

Authority. This shall be compliant with the guidance set out in CIRIA C753 and Sewers for Scotland 3rd Edition. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

4. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. Thereafter the development shall proceed in accordance with the approved details. The scheme shall include details of:
 - a. Location, design and materials of proposed walls, fences and gates;
 - b. Surface treatment of proposed means of access and hardstanding areas.
 - c. Any proposed re-contouring of the site by means of existing and proposed ground levels including details of any retaining walls.
 - d. Any trees which within a period of ten years from the completion of the development die, or for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

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

5. No development shall commence until plans and particulars of the external finishes of the development, as specified in drawings 2018-0004-05 and 2008-004-07 have been submitted to and approved by the Planning Authority. This shall comprise the original stone which will be used to face the external walls of the replacement building. Thereafter the development shall proceed in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surroundings.

6. 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).

NOTES TO APPLICANT

1. The length of this planning 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. A formal technical application is required to be submitted to Scottish Water.