

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on MONDAY, 13 MAY 2024

Present: Councillor Audrey Forrest (Chair)

Councillor John Armour

Councillor Amanda Hampsey

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: 26 CRICHTON ROAD, ROTHESAY, ISLE OF BUTE (REF: 23/0008/LRB)

The Governance, Risk and Safety Manager welcomed everyone to the meeting.

He advised that following changes made to the Regulatory Cohort at the Council meeting on 25 April 2024 it was necessary to nominate a Chair for this meeting.

It was agreed that Councillor Audrey Forrest would Chair the meeting and she explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson, who would provide procedural advice if required.

She referred to the first meeting held on 13 November 2024 when it was agreed to request further information from Planning and hold an accompanied site inspection, which took place on 8 March 2024 (see note of site inspection attached as Appendix A to this Minute). It was noted that the further information requested was contained within the Agenda pack for this meeting.

Before proceeding further the Chair invited Mr Jackson to advise of new information that had been received from Planning.

Mr Jackson explained that on 29 November 2023, in addition to the further information requested by the LRB, the Planning Officer also provided information to all interested parties about an associated appeal to the Scottish Government against the refusal of Listed Building Consent in respect of this development, which had been decided and dismissed. A report on the outcome of this Appeal was on the Agenda for the PPSL Committee at its meeting on 20 December 2023 for noting.

Mr Jackson advised that as the Appeal to the Scottish Government was a separate process from the Appeal to the LRB, the LRB still needed to reach their own conclusion on whether or not this development was appropriate.

Having noted the advice provided by Mr Jackson, the Chair advised that her first task was to establish if the Members of the LRB had sufficient information before them to reach a decision on this Review.

Both Councillor Armour and Councillor Hampsey agreed that there was a need for further information.

Councillor Forrest advised that she too agreed there was a need for further information. She referred to comment made previously by the Applicant about planning application reference 22/01413/PP which had windows similar to those proposed in this application and she pointed out that these were approved for a property at Battery Place, Rothesay, which was also in the Rothesay Conservation area. Councillor Forrest advised that she noted from the report of handling in respect of that application that the Technical Working Note on Rothesay Windows (2015) encouraged applications for planning permission that showed the following types of window on the front elevation –

1. Good quality, well proportioned uPVC sliding sash and case.
2. Timber double swing/tilt and turn with a stepped effect which give the appearance of sash and case windows in all respects except when open.
3. uPVC fixed pane units (no opening mechanism in accordance with Building Standards) with good proportions that mimic the stepped effect of sash and case windows.

Councillor Forrest advised that she also noted an application for similar windows was approved in respect of planning application reference 22/01466/PP, also in Battery Place.

On that basis, Councillor Forrest recommended that the LRB should request that the planners provide the following further information to assist them in coming to a decision on this Review:

- a. the reasons why these applications referred to above were approved and this one was refused on the basis of the same technical note;
- b. The types of windows and the reasons for approval of replacement windows at 11, 19, 23 and 24 Crichton Road, as well as 28 Crichton Road, where personal reasons were also used as a justification for the approval by the Reporter; and
- c. Further explanation on their reasons why this proposed development was not consistent with Policies 4, 5, 9, 10, 15, 16 and 17 of Local Development Plan 2.

Councillor Forrest also recommended that the LRB should request that the Applicant provide information on the personal reasons he considers might support approval of this application.

Councillor Armour confirmed that he would be happy to support the request for this further information. He commented that there was a need to come to a decision on this Review and acknowledged that it had taken a long time to process this Review case.

Councillor Hampsey also supported Councillor Forrest's request for this information. She also commented on the length of time it has taken to Review this case and said she hoped that it could be resolved as soon as possible.

Decision

The Argyll and Bute LRB agreed:

1. To request the following further written information from Planning:
 - a. the reasons why planning applications referenced 22/01413/PP and 22/01466/PP were approved while the application for this proposed development was refused on the basis of the same technical note;
 - b. the types of windows installed and the reasons for approval of the replacement windows at 11, 19, 23 and 24 Crichton Road, as well as 28 Crichton Road, where personal reasons were also used as a justification for the approval by the Reporter; and
 - c. further explanation on their comment why the application was not consistent with Policies 4, 5, 9, 10, 15, 16 and 17 of Local Development Plan 2; and
2. To request from the Applicant information on the personal reasons that he considers might support approval of this application.

(Reference: Further Information from Planning, submitted)

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF SITE INSPECTION RE CASE 23/0008/LRB
26 CRICHTON ROAD, ROTHESAY, ISLE OF BUTE, PA20 9JR
FRIDAY 8 MARCH 2024**

In attendance Councillor John Armour, Argyll and Bute LRB
 Councillor Audrey Forrest, Argyll and Bute LRB
 Iain Jackson, Governance, Risk and Safety Manager (Adviser)

The Argyll and Bute Local Review Body (LRB) agreed on 13 November 2023 to conduct an accompanied site inspection. The purpose of the inspection was to view the current windows of the property and those of neighbouring properties.

The Local Review Body convened at 11.00 am on 8 March 2024 at 26 Crichton Road, Rothesay, Isle of Bute, PA20 9JR. The Chair welcomed everyone to the site inspection and introductions were made.

Mr Jackson welcomed all attendees and explained the procedure for the site visit.

Cllr Forrest asked if all the windows to the front were to be replaced, the applicant confirmed that was the case.

Cllr Forrest asked the applicant to explain the reasons why – the applicant confirmed that there has been water ingress, the windows were needed to stop the heat loss and they may lose the features inside the house and they were trying to maintain the property.

Cllr Armour asked the applicant about other properties that have had similar windows to what he is proposing put in – the applicant confirmed that a number of properties including 28 Crichton Street had windows approved on the basis of personal reasons some time ago. The applicant confirmed that there were personal reasons why he thought it appropriate for his application to be approved and explained what these were, he also confirmed that he would like the LRB to be aware of these but he didn't want them to be made public.

Steven Gove advised that application was approved by the area committee around 2008.

The Members then looked at a number of other properties that had replaced windows with those similar to what the applicant was looking for and indicated that they may want further information on these applications, in particular, numbers 11, 19, 23.

Cllr Armour asked Steven Gove if he could confirm when the buildings in the street were listed and he advised that it was around 1997.

The LRB then went to the rear of the property and the Members asked the applicant to point out a number of properties that had similar windows to those he has replaced at the rear of the property, he referred to numbers 23 and 24 and the members indicated that they may want further information on those applications.

Having established that Members had no further questions, Mr Jackson thanked all in attendance for their input.

This concluded the site visit.