

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on THURSDAY, 20 JUNE 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, PA20 9JR (REF: 23/0008/LRB)

The Chair, Councillor Audrey Forrest, welcomed everyone to the meeting. 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.

Referring to the further information requested at the previous meeting and subsequent comments from interested parties, along with all previous information submitted, including the information obtained at the site inspection, she advised that her 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 to come to a decision on the Review.

Councillor Forrest put forward the following Motion for consideration:

Motion

Having considered all the information provided regarding this application, I understand the consideration by the planning service in regard to the policies in NPF4, LDP2, the guidance in the Technical Working Note – Rothesay (2015) and that published by Historic Environment Scotland.

The main thrust of these policies is that proposed developments should preserve or enhance the character or appearance of a conservation area, whilst the guidance provides advice on window replacements in particular.

The further information provided by the planning service has indicated that the application doesn't comply with policy 4 of LDP2 which in summary is, that due to the double swing method of opening of the windows to the front, they would appear visually incongruous and discordant, when in the open position and as far as the windows to the rear are

concerned they represent an inappropriate intervention and as such the whole proposal would detract from the character and appearance of the building and the wider Rothesay conservation area to an unacceptable degree and for the same reasons it also does not comply with the remaining policies 5, 10, 15, 16 and 17 of LDP2.

However, and in no way setting a precedent on how these should be considered in regard to future similar applications, I am of the view that this application can be approved as a minor departure from policies 7, 14 and 16 of NPF4 and policies 4, 5, 10, 15, 16 and 17 of LDP2 for the following reasons;

1. Having undertaken the site visit and seen at first hand the proposed development and the other properties in the surrounding area, I do not agree with the assessment of policy 4, as I consider that the windows will be visually indistinguishable, they will closely match in appearance the windows which are to be replaced, in all respects, except when open, and as such I am of the view that they will not be visually incongruous and discordant to such a degree as to detract from the character and appearance of the building or the wider Rothesay conservation area to the extent suggested by the planning service.
2. As the planning service have used their consideration of policy 4 as the evidence to justify their view that the application doesn't comply with policies 10, 15, 16 and 17, then my view detailed at 2 above also applies to those policies in that I do not agree with the assessment by the planning service of policies 10, 15, 16 and 17, although I do accept their assessment of policy 9 in that the principle of slim-line double-glazed units could equally be used in either refurbished or replacement sliding sash and case windows to achieve similar energy efficiency outcomes as the current proposal.
3. In my opinion, the personal health information provided by the applicant is relevant and should be given the weight of special circumstances in relation to this specific application. Disability considerations are not merely about accessibility to the building but to how fit for use it can be made. The issues identified with the opening of the current windows which will only be exacerbated over time, and as the proposed windows will alleviate these issues, I consider that is justification for the non-conforming opening method due to the special circumstances of the applicant's wife.
4. The state of the current windows is not good and will over time become beyond economic repair and I do not see the point in waiting for that to happen before they can be replaced. They currently are not compliant with climate change interests as they allow hot air out and cold air in.
5. I would therefore like to move that the application be approved as a minor departure from policy on the basis of my reasoning above subject to the conditions and reasons detailed on pages 4 and 5 of the document pack for the meeting of the LRB on Monday 13 May 2024.

Councillor Hampsey said that this was a well written, considered and comprehensive Motion and that she would be very pleased to second that Motion.

Councillor Armour confirmed that he was also happy with the Motion which, he said, was lengthy but required to be lengthy in order to address all the points to justify a departure from Policy.

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 Policies 7, 14 and 16 of NPF 4 and Policies 4, 5, 10, 15, 16 and 17 of LDP2 subject to the following conditions and reasons:

1. The development to which this permission relates must be begun not later than three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Unless otherwise directed by Condition 3 below, the development shall be implemented in accordance with the details specified on the application form dated 7th September 2022; the 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
Location Plan for 26 Crichton Road	1 of 7	-	30/09/2022
Photograph of Windows W1 – W13	2 of 7	-	09/09/2022
Photograph of Windows W14 and W15	3 of 7	-	09/09/2022
Photograph of Windows W16 and W17	4 of 7	--	09/09/2022
Specification for Windows W1 – W7	5 of 7	-	09/09/2022
Specification for Windows W8 – W13	6 of 7	-	09/09/2022
Specification for Windows W14 – W17	7 of 7	-	09/09/2022

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

3. No development shall commence until details of all of the windows have been submitted in the form of drawings at a scale of 1:20 and have been approved in writing by the Planning Authority. Such details shall incorporate the following information:

- The colour to be used
- The size of the windows
- The width of the horizontal bars
- The method of opening
- The horn detailing
- A cross-section of each type of window

Thereafter, the windows shall be installed in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings and for the avoidance of doubt.

(Reference: Further Information from Planning and Applicant and comments from interested parties, submitted)