



MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held within the Council Chamber, Kilncraigs, Alloa, FK10 1EB on TUESDAY 18 DECEMBER 2018 at 10.30 am.

PRESENT

Councillor Donald Balsillie (In the Chair)
Councillor Helen Lewis
Councillor Bill Mason
Councillor Derek Stewart

IN ATTENDANCE

Lee Robertson, Clerk to the LRB
Grant Baxter, Planning Adviser to the LRB
Gillian White, Committee Services

LRB(18)10 APOLOGIES

Apologies were received from Councillor Phil Fairlie.

LRB(18)11 DECLARATIONS OF INTERESTS

None.

LRB(18)12 ORDER OF PROCEEDINGS

A proposed Order of Proceedings was put before the Local Review Body for determination.

Decision

The Local Review Body agreed to confirm the Order of Proceedings as follows:

1. The Local Review Body meeting will convene.
2. A site visit has been undertaken at 9.30am on Tuesday 18 December 2018.
3. On return from the site visit, the Hearing Session will convene to determine the Review Application. The specified matters for consideration at the Hearing Session are set out below as "the Review Application":
 - Application for Notice of Review and Supporting Statement
 - Planning Application
 - Refusal of Planning Permission
 - Report of Handling – Planning Application Delegated Report
 - Response to Notice of Review from Interested Party – Ms Sally Cameron
 - Hearing Statement from Applicant

4. To assist the LRB in taking a decision on the Review Application, the LRB may allow the applicant and any interested parties to speak in the following order.
 - a. Applicant (limited to 5 minutes)
 - b. Interested Parties (limited to 5 minutes)
 - c. Questions by LRB Members to all parties
5. The Local Review Body will determine the Review Application.

LRB(18)13 APPLICATION FOR REVIEW – 18 GLEBE TERRACE, ALLOA, FK10 1DL

Name of Applicant: Scott Walker
Site Address: 18 Glebe Terrace, Alloa, FK10 1DL
Description: Replacement of Existing Wooden Sash and Case Windows with
 White UPVC Tilt and Turn Windows
Planning Application Ref: 18/00163/FULL

Attending

Jim Callaghan, Builder (Agent for the Applicant)
Scott Walker, Applicant
Lee Robertson, Clerk (Legal Adviser) to the LRB
Grant Baxter, Planning Adviser to the LRB

Following an accompanied site visit at 9.30 am on Tuesday 18 December 2018, the LRB convened to consider all the Review Application documentation and proceed to review the decision taken by the Appointed Officer of the Council to refuse planning permission for the replacement of the existing wooden sash and case windows with white UPVC tilt and turn windows at 18 Glebe Terrace, Alloa

The LRB heard representations from the applicant and his agent. The LRB also had the opportunity to take advice from both the Planning Adviser to the LRB and the Clerk (Legal Adviser) to the LRB. The LRB questioned all parties throughout the representations.

Motion

That the Local Review Body reverses the decision of the appointed officer and grant planning permission (Reference: 18/00163/FULL).

Moved by Councillor Derek Stewart. Seconded by Councillor Helen Lewis

Decision

Having determined that the Local Review Body had sufficient information before it to proceed to decide the matter and having considered the Review Application documentation, the site visit and representations and the information before it, (in terms of section 43A(15) of the Town and Country Planning (Scotland) Act 1997) the Local Review Body unanimously agreed to reverse the decision of the Appointed Officer and granted the application for planning permission (reference 18/00163/FULL).

The Convenor advised that the reasons for reversing the decision were that:

1. The Council had previously approved UPVC windows, following assessment against relevant policies in the Clackmannanshire Local Development Plan 2015, where the windows replicated the existing sash and case windows as well as the opening mechanism. It was the view of the LRB that on this occasion the difference in visual appearance and opening mechanism was not significant enough to warrant refusal.

2. The LRB noted the existence of a number of UPVC windows within the surrounding conservation area in addition to a number of examples of poorly maintained timber windows.
3. The Applicant did receive advice from the Planning Service on the need for Planning Permission but it was uncertain as to whether any advice was given or sought in terms of like for like replacement of the windows.
4. The Applicant had already ordered and pre-purchased the UPVC windows prior to submitting the Planning Application which was refused. While the LRB recognised that the Applicant took this risk and should not be rewarded for breaching Planning Policy, it was equally the view of the LRB that an important element in the LRB remit is to take account of local circumstances in its consideration of the Application and Policy.
5. Although not a Planning Consideration, the LRB were mindful of the extra and lost costs to the Applicant that refusal would mean. The Applicant at the committee made the case that it was his intent to improve the appearance and energy efficiency of his home whilst highlighting examples of previous poorly installed windows as well as poorly maintained local properties.

The Clerk advised that a formal Decision Notice would follow in due course.

Action

Clerk to the Local Review Body

Ends 11.24 am

