

# Public Document Pack

## **Argyll and Bute Council** **Comhairle Earra Ghaidheal agus Bhoid**

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19 June 2013

### **ARGYLL AND BUTE LOCAL REVIEW BODY RECONVENED MEETING - COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY 26 JUNE 2013 at 11.30AM**

I enclose herewith further written submissions as requested by the Argyll and Bute Local Review Body at their meeting on 23 April 2013.

## **BUSINESS**

### **3. CONSIDER NOTICE OF REVIEW REQUEST: 19 BATTERY PLACE, ROTHESAY, ISLE OF BUTE**

#### **(d) Further Written Submissions by Planning Authority (Pages 1 - 4)**

### **ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Gordon Blair  
Councillor Donald MacMillan

Councillor Mary-Jean Devon (Chair)

Contact: Hazel MacInnes Tel: 01546 604269

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7<sup>th</sup> June 2013

Your Ref: 13/0007/LRB  
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Charles Reppke  
Head of Governance and Law  
Customer Services  
Argyll & Bute Council  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

*For the attention of Hazel MacInnes*

Dear Mr Reppke,

**LOCAL REVIEW BODY REF. 12/0007/LRB  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
19 BATTERY PLACE, ROTHESAY, ISLE OF BUTE**

I refer to the Form AB7 dated 27<sup>th</sup> May 2013 which advised of the decision of the Local Review Body to seek further information in respect of this appeal.

Please accept the following as the Department's response to this request:

**UPVC as a Material**

Timber sash and case windows, which have historically been the prevalent method of fenestration within the Rothesay Conservation Area, have a long life if adequately maintained. As such, and where possible, the Department's preferred solution is for the maintenance and repair of traditional windows rather than their replacement. Where replacement is unavoidable, the original proportions of the window opening should be retained. Factors which require particular attention will include the proposed finish, colour, glazing pattern and method of opening as well as more detailed matters such as frame width, moulding, astragal thickness, profiles and the existence of original glass. It is the Department's position that alternative materials such as aluminium and upvc cannot adequately reproduce historical details and character and, as such, will only be considered acceptable in certain circumstances.

Most replacement units, whether manufactured from timber or from other materials such as upvc, employ heavy un moulded sections and lack authentic astragals. They also lack the refinement and elegance of the traditional sash and case windows and are, consequently, not convincing substitutes. In addition, many new window units have a different method of opening

and are generally not visually satisfactory in the context of the particular property and the surrounding streetscene.

In the particular case of 19 Battery Place, the windows that are the subject of this appeal (and which have already been installed) exhibit all of the unfortunate characteristics of the modern replacement units which this Department is seeking to avoid.

Finally, Members are reminded of Section 64 of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997 where, in the exercise of powers relating to the decision on developments, "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance*" of the Conservation Area.

### **Policy Background to Adjacent Properties**

One of the main precepts of Planning legislation is the primacy of the Development Plan when making decisions on applications for Planning Permission. In this particular case, the current Development Plan policies relating to developments within the Rothesay Conservation Area are STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and LP ENV 14 of the Argyll and Bute Local Plan 2009. Both policies essentially seek to discourage development that does not preserve or enhance the character or appearance of the designated area. Encouragement is given to development of the highest quality which would respect and enhance the architectural and other special qualities that the area possesses.

In the late 1990s, the Council adopted the Rothesay Window Policy Statement as a document that would assist in informing decisions on applications for Planning Permission relating to windows in the Rothesay Conservation Area.

The first task in the formulation of the policy statement was the identification of distinctive townscape blocks within the Conservation Area. Each townscape block consists of either a single property with its own distinctive character and appearance or a group of properties which are of a similar character and appearance and are visually related to each other. Each of the townscape blocks can, therefore, be seen as a separate entity from the surrounding buildings. The fenestration of each block was then assessed in terms of whether or not the original windows remained intact. Where some of the original windows had been replaced then the extent to which the replacements had devalued the fenestration of the block as a whole required to be considered and, finally, what future replacement windows would be considered in each of the townscape blocks.

For 19 Battery Place, the Rothesay Window Policy Statement recommended that the finish of the windows should be timber with a two-paned glazing pattern, a blue, black or white colour and a sliding sash and case method of opening (double swing in exceptional circumstances).

Other townscape blocks in Battery Place had a variety of policies for replacement windows. Some were seeking like-for-like replacements whilst others (for example, the two tenement properties immediately to the north of the subject building) had already seen extensive modern replacements historically so the policies are less restrictive.

Planning Permissions that have historically been granted in Battery Place have generally been in accordance with the terms of the Rothesay Window Policy Statement. The list below identifies the Planning Permissions for replacement windows that have been issued in Battery Place since 2000:

Reference number	Address	Date of permission	Accordance with Window Policy Statement
00/00143/DET	Flat 4/2, 17A Battery Place	12/3/2000	Yes
01/00711/DET	Ground Floor Flat, 17A Battery Place	3/5/2001	Yes
02/01643/DET	30 Battery Place	10/11/2002	Yes
03/02378/LIB	Ground Floor Flat, 9 Battery Place	9/2/2004	Yes
03/02420/DET	Ground Floor Flat, 9 Battery Place	9/2/2004	Yes
05/01506/DET	Ground Floor Flat, 32 Battery Place	16/9/2005	Yes
07/02405/DET	Commodore Hotel, 12 Battery Place	7/3/2008	No –minor colour departure
08/00387/DET	15 Battery Place	4/6/2008	No – see below
08/00388/LIB	15 Battery Place	5/6/2008	No – see below
08/00562/DET	Flat 2/2, 17A Battery Place	23/4/2008	Yes
08/00762/LIB	10 Battery Place	13/6/2008	Yes
08/00773/DET	10 Battery Place	13/6/2008	Yes
08/01603/DET	Flat 1/1, 17 Battery Place	21/10/2008	Yes
10/00462/LIB	10 Battery Place	29/4/2010	Yes
10/00465/NMA	10 Battery Place	29/4/2010	Yes
12/00573/PP	Flat 1/1, 32 Battery Place	17/4/2012	Yes
12/02317/PP	Flat 2/1, 31 Battery Place	20/12/2012	Yes

One notable exception was in 2008 where upvc windows were installed without the necessary permission and consent at 15 Battery Place, a Category C(S) Listed Building. Contrary to the recommendation by Officers, Members of the Area Committee decided to approve the upvc windows for two reasons, namely: *“having regard to (a) the extent of disrepair of the original windows and (b) the proliferation of non-traditional windows in the immediate vicinity of the application site (in particular, the Category C(S) Listed Building located at 14 Battery Place), the windows as installed can be justified as a “minor departure” from Development Plan Policy”*.

The subject property at 19 Battery Place has been vacant for a number of years and the Department has been supportive in principle of the appellant’s plans for refurbishment. In the present climate of conservation for Rothesay (for example, the Townscape Heritage Initiative), it is considered that it would be a retrograde step to allow a further undermining of Rothesay’s built heritage.

#### **Model Condition and Reason**

If Members are minded to allow this appeal, it is recommended that the following condition and reason should be attached:

The development shall be implemented in accordance with the approved drawings: Drawing no. 1540 – 01C; Drawing No. 1540 – 02; Drawing No. 1540 – 03A; Drawing No. 1540 – 04B; Drawing No. 06237-01; Drawing No. 06237-01 Rev A and Drawing No. 06237 – 02 Rev A 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.

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

I would be grateful if you could convey the above information to the next sitting of the Local Review Body.

Yours sincerely

Planning Officer  
Development Management  
Bute and Cowal

Cc Mr John Morrison, 4 Bishop Terrace Brae, Rothesay, Isle of Bute PA20 9DW