

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



22 Hill Street, Dunoon, Argyll, PA23 7AP
Tel: 01369 704374 Fax: 01369 705948

27 May 2008

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **EAGLESHAM HOUSE, MOUNTPLEASANT ROAD, ROTHESAY** on **TUESDAY, 3 JUNE 2008** at **10:00 AM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES**
 - (a) Minute of Area Committee of 6th May 2008 (Pages 1 - 6)
- 4. COMMUNITY SERVICES**
 - (a) Sports Volunteer Award
- 5. OPERATIONAL SERVICES**
 - (a) Dunoon Market Relocation to Town Centre (Pages 7 - 10)
 - (b) Roads Works Programme 2008/9 (Pages 11 - 12)
 - (c) Roads Works Capital Programme 2008/9 (Pages 13 - 20)
- 6. CORPORATE SERVICES**
 - (a) Verbal Report on Dunoon - Gourock Ferry Service

- (b) Section 75 Agreement, Proposed Development at Cowal Golf Club by Laurieston Developments (Cowal) Limited (Pages 21 - 22)
- (c) Bye-Law Review-Public Consumption Of Alcohol (Pages 23 - 50)
- (d) Area Capital Receipts (Pages 51 - 52)
- (e) BT's Proposal To Re Align Payphone Provision To Meet Consumer Demand (Pages 53 - 56)
- (f) Cowal Highland Gathering Partnership (Pages 57 - 58)

7. PUBLIC AND COUNCILLOR QUESTION TIME

8. DEVELOPMENT SERVICES

- (a) Planning Application 08/00311/DET, United Church of Bute, United Church of Bute, High Street, Rothesay (Pages 59 - 68)
- (b) Listed Building Consent 08/00313/LIB, United Church of Bute, United Church of Bute, High Street, Rothesay (Pages 69 - 78)
- (c) Planning Application 08/00322/DET, Tarya Ann Watson, 106 Dixon Avenue, Kirn, Dunoon (Pages 79 - 88)
- (d) Planning Application 08/00387/DET, Sara Goss, 15 Battery Place, Rothesay (Pages 89 - 98)
- (e) Listed Building Consent 08/00388/LIB, Sara Goss, 15 Battery Place, Rothesay (Pages 99 - 108)
- (f) Planning Application 08/00402/DET, Welchs Parks, Manor Park, Victoria Road, Hunter's Quay, Dunoon (Pages 109 - 124)
- (g) Delegated Development Control and Building Control Decisions (Pages 125 - 134)

9. EXEMPT REPORTS

- E1** (a) St James Church, 71 High Street, Rothesay (Pages 135 - 138)
- E2** (b) West Bay Pavilion, Dunoon (Pages 139 - 142)
- E3** (c) Enforcement Reports (Pages 143 - 146)

The Committee will be asked to pass a resolution in terms of Section 50(a)94) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an “E” on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 – E2 Paragraph 9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

E3 Paragraph 13 Information which, if disclosed to the public, would reveal that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

BUTE & COWAL AREA COMMITTEE

Councillor Robert Macintyre
Councillor Alister McAlister
Councillor James McQueen
Councillor Ron Simon
Councillor Dick Walsh

Councillor Bruce Marshall (Chair)
Councillor Alex McNaughton
Councillor Len Scoullar (Vice-Chair)
Councillor Isobel Strong

Contact: Shirley MacLeod, Area Corporate Services Manager

This page is intentionally left blank

**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the QUEEN'S HALL,
DUNOON
on TUESDAY, 6 MAY 2008**

Present: Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor L Scoullar
Councillor R Macintyre	Councillor R Simon
Councillor A McNaughton	Councillor I Strong
Councillor J McQueen	Councillor J R Walsh

Attending: Shirley MacLeod, Area Corporate Services Manager
Eilidh Headrick Area Committee Services/Information Officer
David Eaglesham, Area Team Leader Development Control
Donnie McLeod, Streetscene Manager
Kenny Wallace, Team Leader, Adult Services
Cath McLoone, Area Manager, Resources
Martin Turnbull, Area Community Learning and Regeneration
Manager

Chief Inspector Mosley, Strathclyde Police.

1. APOLOGIES

None

2. DECLARATIONS OF INTEREST

None

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 1ST APRIL 2008

The minute of the Area Committee of 1st April 2008 was approved as a correct record with an amendment to the reason of Councillor Scoullar's Declaration of Interest to read "personal knowledge of the main objector" as opposed to "personal knowledge of the applicant".

4. COMMUNITY SERVICES

(a) EDUCATION AND LEISURE DEVELOPMENT GRANTS

The Committee considered and determined Education and Leisure Development Grants as follows:-

Leisure Development Grants	Project Costs	Grant Awarded
Bute Agricultural Society	£12,250	£1,000 (underwrite)
Bute Bowling Association	£2,520	£800

Cowal Junior Rugby Football Club	£3,564	£1,520
Cowal Europe Association	£10,400	£1,000
Innellan Public Hall	£41,000	£3,000
Lochgoilhead Fiddle Workshop	£51,195	£1,250

(Reference: Report by the Area Community Learning and Regeneration Manager dated May 2008 – submitted)

(b) PUBLIC CONSULTATION FEEDBACK ON OLDER PEOPLES SERVICES

Members heard from the Team Leader, Adult Services on the feedback from the public consultation on the proposals for older people's services.

Decision

The Committee agreed:-

- i. To note the contents of the surveys undertaken and comments received from public and stakeholders about the future of older people's services and take these into account in the tender process.
- ii. Asked for confirmation of the response from Cowal Community Care Forum.
- iii. Asked that prior to any financial decisions being made on the matter that Bute & Cowal Area Committee be consulted on proposals.

(Reference: Report by the Head of Service dated 25th March 2008 – submitted)

(c) JOINT LOCALITY MEETINGS - JOINT FUTURE

The Committee heard from the Area Corporate Services Manager on the nomination of Members to four locality groups which meet to consider health and social care issues.

Decision

The Committee agreed:-

- i. To note the contents of the report.
- ii. To nominate Councillor Marshall for the Cowal Joint Service Development Group.
- iii. Asked for clarification on the Bute Joint Service Development Group from James Robb, Head of Service, Adult Care, and thereafter agreed to nominate Councillors Scoullar and Strong to the Group on a rotational basis.

(Reference: Report by the Director of Community Services dated 27th March 2008 – submitted)

5. OPERATIONAL SERVICES

(a) STREETSCENE – IMPACT IN BUTE AND COWAL

Members heard from the Streetscene Manager on the likely effect of Streetscene within Bute and Cowal.

Decision

The Committee agreed:

- i. To note the contents of the report.
- ii. To have regular progress reports presented to the Business Day Meeting.
- iii. To assist in setting up local groups.
- iv. To have good communication and dialogue with the Streetscene Manager and assist with resources from Usable Capital Receipts.

(Reference: Report by the Streetscene Manager dated 6th May 2008 – submitted)

6. CORPORATE SERVICES

(a) VERBAL REPORT ON DUNOON - GOUROCK FERRY SERVICE

The Committee heard an update from Councillor Walsh on the Gourock/Dunoon Ferry Service.

Decision

The Committee noted the detail provided on this matter.

(b) AREA CAPITAL RECEIPTS

The Committee heard from the Area Corporate Services Manager on the estimated level of capital receipts.

Decision

The Committee agreed:-

- i. To note the contents of the report and the conditions attached.
- ii. To have a further report on the allocated money that has not been spent brought to the next Area Committee.

(Reference: Report by the Head of Strategic Finance dated 22nd April 2008 – submitted)

(c) USABLE CAPITAL RECEIPTS

The Committee heard from the Area Corporate Services Manager on the usable Capital Receipts for the Bute & Cowal Area.

Decision

The Committee agreed:-

- i. To note the contents of the report.
- ii. Agreed to the recommendations for Capital Receipt expenditure, but agreed that in relation to the letter from Swamp Soccer, this will be approved in principal, subject to a formal application which meets all the agreed criteria being submitted, to a guarantee of match funding from HIE Argyll & the Islands, and to clarification that Swamp Soccer will be self financing after this year.
- iii. A further report will be made regarding recommendations for future application procedures.

(Reference: Report by the Area Corporate Services Manager dated 28th April 2008 – submitted)

(d) EXTRACT FROM THE ECONOMY PPG

The Committee heard from the Area Corporate Services Manager on the current position regarding twinning in Argyll and Bute and the information booklet prepared by Alyn Smith MEP regarding European budgets available for people to create links.

Decision

The Committee agreed:-

- i. To note the contents of the report.
- ii. That a report be brought to a future Business Day outlining a process to plan future visits to Amberg Sulzbach and Korcula, to consolidate and build on existing links with European Communities which local schools have, and to explore the potential to bring the European Peoples's Festival to Dunoon in 2012.

(Reference: Report by the Head of Democratic Services and Governance – submitted)

7. PUBLIC AND COUNCILLOR QUESTION TIME

The Committee were asked questions from Mr Moonan on toilet provision at Kirm and paying for special collections, and received advice from the Streetscene Manager. Mr Moonan also asked about Councillors attendance in the Kirm area. Mrs Gabriel from Dunoon Community Council said that their Community Council cover the Kirm area and Councillors attend their meetings if Mr Moonan had any

question to either come along to the meeting or she would forward the information to Councillors. Mr Moonan asked for confirmation that the Area Committee support the Town Centre to Town Centre (through the railhead) link for ferry services and Members agreed this was the case.

Members asked question of Chief Inspector Mosley, Strathclyde Police on teenagers using the new play park facility and Chief Inspector Mosley gave advice on this. Chief Inspector Mosley also updated Members on test purchases of alcohol, house break ins in Lochgoilhead, dog fouling, vandalism and said that the Police were currently running a Marine Safe Campaign.

8. DEVELOPMENT SERVICES

(a) OUTLINE PLANNING APPLICATION 07/01171/OUT, EUAN MACLACHLAN, MID LETTERS, LETTERS WAY, STRACHUR

Decision

A PAN 41 Hearing to be held prior to the determination of this application.

(Reference: Report by the Head of Planning Services dated 28th April 2008 – submitted)

(b) PLANNING APPLICATION 08/00402/DET, WELCHS PARKS, MANOR PARK, VICTORIA ROAD, HUNTER'S QUAY, DUNOON

Decision

The application be continued to the June Area Committee meeting to allow Hunter's Quay Community Council the opportunity to submit their comments.

(Reference: Report by the Head of Planning Services dated 28th April 2008 – submitted)

(c) PLANNING APPLICATION 08/00550/DET, MR N BANCKS, LAND SOUTH EAST OF CLADDY HOUSE, SHORE ROAD, SANDBANK

Decision

A PAN 41 Hearing to be held prior to the determination of this application with a site familiarisation visit for members prior to the Hearing.

(Reference: Report by the Head of Planning Services dated 28th April 2008 – submitted)

(d) **DELEGATED DEVELOPMENT CONTROL AND BUILDING CONTROL DECISIONS**

The Committee noted Delegated Development Control and Building Control Decisions made since the last meeting.

9. EXEMPT ITEMS

(a) **ENFORCEMENT REPORTS**

Members noted the quarterly enforcement report.

Argyll & Bute Council**Bute & Cowal Area Committee****Operational Services****Roads & Amenity Services****3 June 2008**

Dunoon market relocation to town centre

1. SUMMARY

1.1 This report provides information regarding the potential movement of the market from the Coal Pier to the town centre.

2. RECOMMENDATIONS

2.1 That the Area Committee approves the potential changes.

3. BACKGROUND

3.1 It was minuted at the October meeting of the Dunoon and National Park Waterfront / Argyll Street Development Group that a more central location should be trialled for the market.

3.2 Three locations were suggested as possible sites

3.2.1 Argyll Street between Moir Street and Church Street was the preferred site.

3.2.2 Alternative 1 was Hanover Street (St. John's Church) and alternative 2 was the Kent Trust Car Park.

4. DETAIL

4.1 It is possible to close a road on a repeat basis for an event. Approval from the Scottish Ministers is required for this however it is questionable whether a market would qualify.

4.2 Normal road closure processes would require to be followed:

4.2.1 Consultation with emergency services

4.2.2 Appropriate advertising

4.2.3 Suitable signing of diversion routes.

4.2.4 There are costs associated with these e.g. £546 for promoting the order plus costs of adverts, costs for physically installing closure and diversion signage.

4.2.5 An emergency path may be necessary through the site which will restrict potential layout.

4.3 Planning permission will be required.

4.4 The market operator has indicated that he may be agreeable to trial this and this could be achieved for mid-July for a single occasion.

4.5 The Coal Pier is unsuitable for the market in winter due to adverse weather. The Kent Trust Car Park would be a suitably sheltered location and this could be trialled as an alternative to the Stadium.

4.6 Hanover Street (St. John's Church) car park is remote from the shopping centre, accessed by a steep hill and is not a viable option.

5. CONCLUSION

5.1 That Argyll Street be trialled on a one off basis with the Kent Trust Car Park being trialled during the winter.

5. IMPLICATIONS

Policy:	None
Financial:	All costs will require to be met by the market.
Personnel:	None
Equal Opportunity:	None
Legal:	None

For further information contact Alan Kerr (01436 658877)

This page is intentionally left blank

Argyll & Bute Council
Operational Services
Roads & Amenity Services

Bute & Cowal Area Committee

3 June 2008

Roads Works Programme 2008/9

1. Summary

This report provides information on the roads revenue budget to fund the Work Programme in the Bute & Cowal Area in 2008/9.

2. Recommendations

That the Area Committee approves the proposed allocations of revenue budget as detailed in Appendix 1.

3. Background

3.1 This report advises the revenue allocation to R10 of £940,294, winter maintenance of £150,000 and Flooding of £25,000.

3.2 It should be noted the road maintenance asset plan identifies where work is area or length based and that the revenue budget is insufficient to meet the needs of the plan and network.

3.3 Funding is required to be apportioned to tasks such as potholing, carriageway patching etc.

4. Conclusion

4.1 It is proposed to allocate this as detailed in Appendix 1 to serve the needs of the network.

5. Implications

Policy:	None
Financial:	All costs will be contained within the proposed budgets.
Personnel:	None
Equal Opportunity:	None
Legal:	None

For further information contact Alan Kerr (01436 658877)

This page is intentionally left blank

Argyll & Bute Council**Bute & Cowal Area Committee****Operational Services****Roads & Amenity Services****3 June 2008**

Roads Works Capital Programme 2008/9

1. SUMMARY

1.1 This report provides information on the Roads Capital Budget to fund the Work Programme in the Bute & Cowal Area during 2008/9.

2. RECOMMENDATIONS

2.1 That the Area Committee approves the proposed schemes as identified in Appendices A and B.

3. BACKGROUND

3.1 A Capital allocation of £484.000 has been allocated for surfacing / reconstruction in the Bute & Cowal Area.

3.2 It should be noted that action by utilities, developers and other factors may delay schemes and that estimates are preliminary and indicative.

3.3 The priorities are needs based and assessed from the road condition survey, traffic volumes and information from technical staff following safety and detailed inspections .

4. CONCLUSION

4.1 This capital funding will assist in maintaining the road network.

5. IMPLICATIONS

Policy:	None
Financial:	All costs will be contained within the proposed budgets.
Personnel:	None
Equal Opportunity:	None
Legal:	None

For further information contact Alan Kerr (01436 658877)

This page is intentionally left blank

Appendix B: Bute & Cowal Surface Dressing Sites

East Cowal	Route Name	Section	Length (m)	Width (m)	Area (m2)
A815	Toward	Toward Castle North to Toward Primary	1500	5.78	8,670
A815	Innellan	Trinity Lane North to Lizavale Terrace	1085	5.70	6,185
A815	Bullwood Rd	Baladava Garage to Ardhallo	950	7.58	7,201
U32	Glenmorag Ave	From Jct Kilbride Road to Jct Wellington Street	210	6.50	1,365
U57	Milton Ave	Jct Royal Cres to Jct Hillfoot Street	75	5.60	420
U50	Kirk Street	From Jct Thom ma Mhoid Road to Jct Ferry Brae	290	6.00	1,740
U37	Hanover St	Jct Victoria Road to Jct Edward Street	148	4.80	710
U4	Alfred Street	Alexander Street to Argyll Street	370	5.85	2,165
U48	King Street	Jct Jessie Place to Jct John Street	435	5.80	2,523
U21	Dixon Ave	Jct Hunter Street to Jct Argyll Road	195	6.90	1,346
U26	Elizabeth Ave	Ardenslate Road to Dixon Ave	156	5.00	780
U2	Ardenslate Cres	Elizabeth Ave to Ardenslate Road	330	5.40	1,782
U1	Ardenslate Rd	Jct Kim Brae to Harton Court	420	6.80	2,856
U1	Ardenslate Rd	Loop Section Argyll Rd to Elizabeth Ave	273	5.00	1,365
U72	Hunters Grove	Hunters Grove Hunters Quay	359	4.00	1,436
C8	Pier Road	Jct Shore Road to Jct Cromlech Road	243	5.00	1,215
U15	Glenmassan	Jct A815 to the Golden Gates	2000	3.00	6,000
C9	Ardentimny	Ardentimny Village sign to Quadmania	2366	4.20	9,937
C9	Ardentimny	North of Drymain Forest Entrance to Deer Park	1149	4.10	4,711
C9	Larach	From Viewpoint above Whistfield to Highest Point before "S" bends	2058	4.10	8,438
A815	Loch Eck	From Wooden Houses - South to Last Years Dressing Site	2490	5.70	14,193
East Cowal Total			17102		85,037

West Cowal	Route Name	Section	Length (m)	Width (m)	Area (m2)
A886	Strachur	Strachur bay single lane	500	4.00	2,000
A886	Strachur	Sturteoch caravan park to chalet park	300	5.50	1,650
A8003	Glendaruel	A8003 junction to B836 junction	2075	5.00	10,375
B8000	Tighnabruach	Bobbys brae	300	4.50	1,350
B8000	Tighnabruach	Rhubean	850	5.00	4,250
C7	Kames	Cameron's corner to Blairs landing	1162	5.00	5,810
West Cowal Total			5187		25,435
Cowal Total			22,289		110,472

Bute	Route Name	Section	Length (m)	Width (m)	Area (m2)
A844	Marine Road	Bus depot in High road to boat yard Marine road.	1320	8.00	10,560
U1	Loch Aescog Rd	From entrance to SW plant to field gate at top of hill.	650	4.00	2,600
U29	Elden drive	From junction with High street to junction with Roslin road.	350	7.00	2,450
Bute Total			2320		15,610
Bute Total			2,320		15,610

COWAL AND BUTE TOTAL Length (m) **24,609** Area (m2) **126,082**

This page is intentionally left blank

Capital resurface sites		B&C 2008/9		£484,000		2008/9	
COWAL						capital	
Route Number	Route Name	Section	Length (m)	Area (m2)	Work Required		
B8041	Queen Street	88 Queen St to Alexandra Parade	320	1800	Plane out, adjust ironwork, resurface	£42,500.00	
A885	High Road	Cowal Cemetery to Rankins Brae	900	5435	Plane out, adjust ironwork, resurface	£112,250.00	
A815	Strachur to St Catherines	Strachur to St Catherines	500	3000	Edge Strengthen & resurface	£69,500.00	
UC24	Eccles Road	Full length including Renfield Brae	470	2400	Plane out, adjust ironwork, resurface	£57,500.00	
All	Cowal & Bute	As schedule	10000	40000	Structural Patching & Surface Dressing surfacing	£103,000.00	
Cowal total						£384,750.00	

BUTE						2008/9	
Route Number	Route Name	Section	Length (m)	Area (m2)	Work Required	capital	
UC04	Straad road	A844 to road end	950	3800	Regulate, resurface	£74,250.00	
UC04	Ardmory Road	Turning Area			new construction of turning area	£25,000.00	
Bute total						£99,250.00	

CAPITAL 2008/09
COWAL AND BUTE TOTAL £484,000

£0

This page is intentionally left blank

ARGYLL AND BUTE COUNCIL**BUTE and COWAL AREA
COMMITTEE****LEGAL & PROTECTIVE SERVICES****JUNE 2008**

**Section 75 Agreement, Proposed Development at Cowal Golf Club by
Laurieston Developments (Cowal) Limited**

1. SUMMARY

- 1.1 The purpose of this Report is to seek Members' instructions in relation to the terms of the Section 75 agreement to be entered into with Laurieston Developments (Cowal) Limited in respect of the proposed development at Cowal Golf Club.

2. RECOMMENDATION

- 2.1 That Members advise whether Legal Services are to insist on the 12 months period aftermentioned or may agree to a lesser period.

3. BACKGROUND

- 3.1 Members will recollect that at their meeting on 4th December 2007 the Committee agreed to grant permission for the proposed development subject to the Developer entering into a section 75 agreement to regulate the position in relation to the provision of affordable housing site on the site.
- 3.2 Since the said meeting, Legal Services have been in correspondence with the Developer's solicitors with a view to agreeing the wording of the agreement and indeed the terms of the agreement had been agreed with the solicitors. However since then, the Developer has expressed concern about one particular provision and this is the matter upon which Committee instructions are sought.
- 3.3 The agreement provides as follows:
- (a) there are to be 16 affordable housing units on the site
 - (b) no more than 24 of the units which are not the affordable housing units (the market units) shall be completed before all of the affordable housing units have been completed and put on the market
 - (c) if by the time 30 market units have been completed, the affordable housing units have not been sold to persons in housing need then the Council would have the option to require the developer to convey the flats to a nominated party (eg a housing association) at a price of £80,000 for each flat.
 - (d) if there is at that time, no housing association or other organisation which wants to purchase the flats for use as affordable housing units the Developer should continue to

market the flats as affordable housing units for a period of 12 months from the date of completion of the 30th market unit. If, by the expiry of the 12 month period, any of the affordable units remain unsold then the Developer should be permitted to sell them as market units.

- 3.4 The Developer's concern is in relation to the provision referred to in (d) above where their proposal is that the period should be 3 months rather than 12 months and should extend from the date of completion of the affordable housing units rather than the date of completion of the 30th market unit. In other words the Developer seeks to limit the period of marketing of the affordable units as affordable units to 3 months after completion of all 16. If any remain unsold at that time then they may be sold as market units. It is considered by officials within Legal Services and Planning Services that the proposed period of 3 months is too short, although Members may consider that there is room for some form of compromise.

5. IMPLICATIONS

Policy:	The Section 75 agreement is required in relation to the Council's policy on the provision of affordable housing.
Financial:	None
Personnel:	None
Equal Opportunity:	None

Susan Mair
Head of Legal and Protective Services

20 May 2008

For further information contact: Donald Kelly, Chief Solicitor, Tel: 01546 604221

ARGYLL AND BUTE COUNCIL**BUTE AND COWAL AREA
COMMITTEE****CORPORATE SERVICES****26 May 2008****LEGAL AND PROTECTIVE
SERVICES**

BYE-LAW REVIEW-PUBLIC CONSUMPTION OF ALCOHOL

1. SUMMARY

- 1.1 This report advises the Area Committee that existing byelaws in all of Argyll and Bute prohibiting consumption of alcohol in public require to be reviewed this year.

Attached to the report is a schedule of the designated areas within Bute and Cowal to which the public have access and where it is an offence to consume alcoholic liquor.

The Area Committee is asked to consider whether the geographical area of the existing byelaws in Bute and Cowal should remain the same or require amendment to either reduce or extend the scope of the byelaws.

It is considered that it would be appropriate to deal with all proposed amendments in all areas of Argyll and Bute as a single submission to Scottish Ministers in December 2008 for confirmation of all byelaws prohibiting consumption of alcohol in public.

This report acknowledges the progress already made in respect of an amendment to the existing byelaw in Rothesay and provides an update on the current position and seeks agreement from the Members of the Bute and Cowal Area Committee to proceed with consultation on extending the byelaw to cover the area of Rothesay shown on the attached plan (appendix 1)

2. RECOMMENDATION

- 2.1 That a review of the existing Bute and Cowal byelaws is progressed as a result of Members deciding if the geographical area of the Bute and Cowal byelaws should remain the same or be considered for amendment
- 2.2 That any proposed amendments within Bute and Cowal by the Area Committee form part of the overall Argyll and Bute review to be completed by December 2008 rather than on a piecemeal basis throughout the authority.
- 2.3 Approval is given to carry out a consultation on the proposal for an extension of the area in Rothesay and this is then incorporated into the single submission to Scottish Ministers for confirmation in December 2008.

3. BACKGROUND

- 3.1 The existing byelaws covering Argyll and Bute were made in December 1998. Section 202A of the Civic Government (Scotland) Act 1982 requires that a local authority shall not later than 10 years from the coming into force of a byelaw undertake a review of said byelaw. The Council, therefore, require to carry out a review of the existing byelaws this year. Should the review process not be completed by December 2008 the existing byelaws remain effective.

- 3.2 Should the Area Committee move to amend the current alcohol byelaw the process for doing so is the same process as applying for a new byelaw prohibiting the consumption of alcohol in designated places.

An area has to be designated to which the amended byelaw would apply. It is based on information and evidence gathered and in particular information received from the Police. The area should be clearly definable both in the byelaw and on the ground to avoid confusion and doubt.

Exceptions may be considered in the application of the byelaw to cover celebrations and local festivals etc.

The effect would be that any person consuming alcohol in any place to which the public have access within the area designated would be committing a criminal offence. This would apply to all persons; not simply to tourists or visitors but to the inhabitants as well.

Enforcement of any byelaw created will be the responsibility of the Police. It will be their role, as is normal in regard to criminal matters, to investigate alleged breaches of the byelaw and arrest those involved.

- 3.3 Advice from the Scottish Government contained in Circular JD/6/2007 details the procedure required in order to obtain approval for a byelaw.

Consider justification for the boundaries of proposed areas. Police and interested parties should provide information to help determine the extent of the boundaries.

Consult with the Police and, thereafter, the Procurator Fiscal to ensure they are content with the proposal and that it is sufficiently precise for the purpose of prosecution.

Advise the Scottish Government of the intention to make a byelaw and submit a draft copy.

Consult with relevant and interested parties. It is considered that the relevant parties for such a consultation the Community Council, the licensing trade organisations, the local crime prevention groups and other identified within the locality. This consultation is not a legal requirement but is recommended as good practice. A four week period should be given for responses.

Draft byelaw and have it put before the full Council for approval.

Advertise the intention to apply for confirmation of the byelaw as required by the 1973 Act (advertise in press, allow 28 days for objection).

Submit the byelaw to the Scottish Government for confirmation and to fix the date on which the byelaw comes into operation. (S202(4) Local Government (Scotland) Act 1973)

Place notices in the local press advising that the byelaw has been made.

Arrange for notices to be put up around the designated area advising the byelaw applies and the penalty, on summary conviction, for an offence.

- 3.4 In areas of the authority where amendments to existing byelaws have already been proposed and progressed, it is considered appropriate that these also form part of the overall review of the existing byelaws and a single submission is made to Scottish Ministers for confirmation of all byelaws in Argyll and Bute prohibiting consumption of alcohol in public.
- 3.5 Progress has already been made in respect of the earlier proposal to amend the existing byelaw in Rothesay. The police have advised that they are supportive of the area covered being extended in Rothesay and have provided a breakdown of incidents from 22 November 2006 to 30 June 2007.

The Area Procurator Fiscal has advised that he is happy that the plan is sufficiently precise and that if the Council consider this byelaw is necessary he would not argue against it and, to that extent, he is content with the proposal.

The Criminal Justice Directorate of the Scottish Government have confirmed that the process for amending the current alcohol byelaws is the same process as applying for new byelaws and that if it was considered appropriate to proceed with an extension to the area in Rothesay then an amended byelaw is required.

The next step in the process in the consideration of any proposal to amend the Rothesay Byelaw is to seek approval from the Area Committee to carry out a consultation on the extension. This would involve consultation with the Community Council together with other relevant bodies such as local licensing trade organisations. This consultation is not a legal requirement but is recommended as good practice. This consultation exercise provides a four week period for consultees to respond with their view on whether the proposed area and byelaw is appropriate.

4. IMPLICATIONS

Policy	None
Financial	None
Personnel	Democratic Services and Governance coordination of the process. Legal Services production of Byelaws
Equal Opportunities	None

For Further Information contact Robert Cowper, Anti Social Behaviour Coordinator – tel. 01436 658831

B&C area comm. 26 May 2008
(reports)

This page is intentionally left blank

THE ARGYLL AND BUTE COUNCIL

BYELAWS PROHIBITING THE CONSUMPTION OF ALCOHOLIC DRINK IN
DESIGNATED PLACES

THE ARGYLL AND BUTE COUNCIL (hereinafter referred to as "the Council") in exercise of the powers conferred upon it by Sections 201, 202 and 203 of the Local Government (Scotland) Act 1973, and of all other powers enabling it in that behalf, hereby makes the following byelaws: -

Interpretation and Application

- 1 (1) In these byelaws, unless the context otherwise requires -
- "alcoholic liquor", "licensed canteen", "licensed premises" and "registered club" have the same meaning as in the Licensing (Scotland) Act 1976;
- "designated place" means any place to which the public have access within the areas specified in the Schedule to these byelaws;
- "heel line" means that part of the footpath furthest away from the roadway.
- (2) These byelaws shall not apply -
- (a) on 31 December, from 6pm until the end of that day; and
- (b) on 1 January, until 6am.

Offence

- 2 (1) Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcoholic liquor in a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) It shall not be an offence against these byelaws to do anything in any designated place which is a licensed canteen, licensed premises or a registered club.
- (3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which there is in operation
- (a) an occasional licence in terms of Section 33(1) or (2) of the Licensing (Scotland) Act 1976; or
- (b) an occasional permission in terms of Section 34(1) of that Act
- during any period when alcoholic liquor may be sold there by virtue of that licence or, as the case may be, permission and for 15 minutes after the expiry of such period.

Presumptions

3. (1) This byelaw applies for the purposes of any trial for an offence against these byelaws.
- (2) Any liquid found in a container shall, subject to the provisions of this byelaw, be presumed to conform to the description of the liquid on the container.

(3) A container which is found to contain -

- (a) no liquid; or
- (b) insufficient liquid to permit analysis

shall, subject to the provisions of this byelaw, be presumed to have contained at the time of the alleged offence liquid which conformed to the description of the liquid on the container.

(4) A person shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in paragraphs (2) or (3) above unless, not less than 7 days before the date of the trial, he has given notice to the prosecutor of his intention to do so.

Public Notices of Effect

- 4
- (1) The Council shall erect one or more signs at, or reasonably adjacent to, each designated place for the purpose of giving notice of the effect of the byelaws.
 - (2) It shall be no defence in proceedings against a person for an offence under these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

Susan Main
17th December 1998

SCHEDULE**BUTE AND COWAL****DUNOON**

All of the public area within that part of the town of Dunoon, including the pier coloured in red, shown within the line delineated in red on the plan marked "Plan A" annexed to and forming part of these Byelaws and bounded as follows: -Commencing at a point on the mean low water springs line (hereinafter referred to as the "MLWS line") directly in line with the heel line of the northeast pavement at Queens Street, there turn southwestwards then southwards then westwards and then south southwestwards and continue along the MLWS line relative to the East Bay and West Bay to a point on the MLWS line directly opposite a point on the heel line of the west footpath at Bullwood Road, there turn westwards and continue in a straight line to a point on the heel line of the west footpath at said road, there turn northwards then northeastwards and continue along the heel line of the west footpath at said road and the heel line of the northwest footpath at Wellington Street, respectively, to the southwest corner of the junction with Auchamore Road, there turn northwards and continue in a straight line across Auchamore Road and along the heel line of the west footpath at Victoria Road, and in doing so crossing in a straight line Mary Street, Hill Street, and Hanover Street, respectively, to the north corner of the junction with Hanover Street, there turn north northwestwards and continue along the heel line of the southwest footpath at Victoria Road, and in doing so crossing in a straight line John Street, Alfred Street, McArthur Street and Jessie Place, respectively, to the west corner of the junction with Hamilton Street, there turn westwards then northwards and continue along the south and west edges of Hamilton Street, respectively, to a point on the heel line of the north footpath at Hamilton Street, there turn eastwards and continue along the heel line of the north footpath at said street to a point directly in line with the medium filium of an unnamed burn, there turn northwards then northwestwards then generally northeastwards and then eastwards and continue along the medium filium of the said unnamed burn which, through its course runs under Argyll Street, to the point where it meets an outlet pipe, there continue eastwards in a straight line across open ground to the heeline of the north edge of an access road into Dunoon Sports Stadium, there turn northeastwards and continue along the northwest edge of said access road and the northwest edge of a footpath leading to Elizabeth Avenue to a point directly in line with the north edge of a track running along the north side of Dunoon Sports Stadium, there turn eastwards then southwards and then westwards and continue along the north, east and south edges of said track to a point directly in line with the heel line of the west footpath at Miller Terrace, there turn southwards and continue in a straight line across open ground and along the heel line of the west footpath at Miller Terrace to the northwest corner of the junction with Argyll Road, there turn eastwards and continue in a straight line across Miller Terrace to the northeast corner of the junction with Argyll Road, there turn southwards and continue in a straight line across Argyll Road and then along the heel line of the east footpath at Union Lane to the east corner of the junction with Queens Street, there turn southeastwards and continue along the heel line of the northeast footpath at Queens Street, and in doing so crossing in a straight line Dhailing Road and George Street, respectively, and at the end thereof continue in a straight line across Alexandra Parade and the foreshore returning to a point on the MLWS Line directly in line with the heel line of the northeast footpath at Queens Street.

ROTHESAY

All of the public area within that part of the town of Rothesay, including the piers and pontoons coloured in red, shown within the line delineated in red on the plan marked "Plan B" annexed to and forming part of these Byelaws and bounded as follows:- Commencing at the south

edges of said track, respectively, to a point directly in line with the north west edge of the Clachan Burn, there turn generally northeastwards and continue along the general northwest edge of said burn to the point where it meets the west perimeter of the curtilage of the property known as Kildarden, there turn north northwestwards and continue in a straight line to a point on the north west edge of the Stroul Burn, there turn generally east northeastwards and continue along the general northwest edge of said burn and then in a straight line to a point on the MLWS line, there turn generally southeastwards and then south southwestwards and continue along the MLWS line returning to a point on the MLWS line directly opposite a point on the heel line of the southwest footpath at Rosneath Road.

MID ARGYLL, KINTYRE AND ISLAY
CAMPBELTOWN

All of the public area within that part of the town of Campbeltown shown within the line delineated in red on the plan marked "Plan J" annexed to and forming part of these Byelaws and bounded as follows: - Commencing at a point on the medium filium of the Kilkerran Burn directly in line with the mean low water springs line (hereinafter referred to as the "MLWS line") and opposite Kilkerran Cemetery, there turn generally south southwestwards and then generally westwards and continue along the medium filium of said burn and then along the north side of Crosshill Loch, respectively, and then continue westwards in a straight line to a point on the southwest edge of a track, there turn north northwestwards and then northwards and continue along the southwest and west edges of said track, respectively, to a point on the southwest edge of a path, there turn generally northwestwards and continue along the southwest edge of said path and then along the north northeast edge of an access road to a point on the east edge of said road, there turn northwards and continue along the east edge of said road and then in a straight line to a point on the heel line of the north northwest footpath at Whitchburn Road, there turn east northeastwards and continue along the heel line of the north northwest footpath at Whitchburn Road to a point on the west southwest edge of Doctor's Road, there turn north northwestwards, then northeastwards, then northwards and then east northeastwards and continue along the west southwest, north northwest, west and north northwest edges of said road, respectively, to a point on the west northwest edge of a path leading to Hillside Road, there turn north northeastwards and then northeastwards and continue along the west northwest and north northwest edges of said path, respectively, and then continue northeastwards in a straight line to a point on the southwest perimeter of the curtilage of Snipefield Industrial Estate, there turn northwestwards and then north northeastwards and continue along the southwest and northwest perimeters of the curtilage of said estate, respectively, and then continue north northeastwards in a straight line to a point on the heel line of the northeast footpath at Tarbert Road, there turn south southeastwards and continue along the heel line of the northeast footpath at said road to a point on the north edge of Balegreggan Road, there turn generally eastwards and continue along the north edge of said road to the end thereof and continue in a straight line to a point on the medium filium of the Askomill Burn, there turn southeastwards and then generally southwards and continue along the medium filium of said burn and then in a straight line to a point on the MLWS line, there turn generally southwestwards, then generally west northwestwards, then generally southwestwards and then generally south southeastwards and continue along the MLWS line (and where there is a break therein continue along the mean high water springs line to the next point on the MLWS line), returning to a point on the medium filium of the Kilkerran Burn directly in line with MLWS line and opposite Kilkerran Cemetery.

LOCHGILPHEAD

All of the public area within that part of the town of Lochgilphead shown within the line delineated in red on the plan marked "Plan K" annexed to and forming part of these Byelaws and bounded as follows: - Commencing at the southeast corner of the junction of Manse Brae and Lochnell Street and at the heel line of the northeast footpath at Lochnell Street, there turn south eastwards then south southeastwards and continue along the heel line of the northeast and east southeast pavements at Lochnell Street and Cossack Street, respectively, to a point on the northwest face of an archway, there turn west southwestwards then southwestwards then north westwards then westwards and then southwards and continue along the northwest face of said archway, and in doing so crossing in a straight line Cossack Street, the northwest face of a wall, a boundary fence and the west face of a wall, to a point directly opposite a point on the medium filium of the Cuilarstich Burn, there turn westwards and continue in a straight line to a point on the medium filium of said burn, there turn northwards then northwestwards and then northwards and continue along the medium filium of said burn to a point directly in line with the south perimeter of the curtilage of Lochgilphead Caravan Park, there turn east southeastwards and continue in a straight line to a point on the heel line of the northwest footpath at Lorne Street, there turn north northeastwards and continue along the heel line of the northwest footpath at said street and at the end thereof turn north northwestwards and continue in a straight line to a point on the medium filium of said burn, there turn northeastwards then eastwards and continue along the medium filium of said burn to a point directly in line with the east face of a wall bounding Argyll and Bute Council Offices, there turn southwards then northwestwards and then southwards and continue along the east, northeast and east faces of said wall, respectively, to a point on the heel line of the north footpath at Oban Road, there turn east northeastwards and continue along the heel line of the north footpath at said road to a point directly in line with the heel line of the east northeast footpath at Brodie Crescent, there turn south southeastwards and continue in a straight line across Oban Road and along the heel line of the east northeast footpath at Brodie Crescent to the northeast corner of the junction with Sinclair Drive, there turn east southeastwards then eastwards and continue along the heel line of the north northeast and north footpaths at Sinclair Drive, respectively, to the north northwest corner of the junction with Dewar Avenue, there turn southeastwards then southwards and then southwestwards and continue in a straight line across Dewar Avenue and then along the heel line of the east and southeast footpaths at Dewar Avenue, and in doing so crossing in a straight line the access road to Rowan Park, respectively, to the southeast corner of the junction with Union Street, there turn southeastwards and continue along the heel line of the northeast footpath at Union Street and then in a straight line across Manse Brae to a point on the heel line of the southeast footpath at Manse Brae, there turn southwestwards and continue along the heel line of the southeast footpath at said brae returning to the southeast corner of the junction of said brae and Lochnell Street.

PORT ELLEN

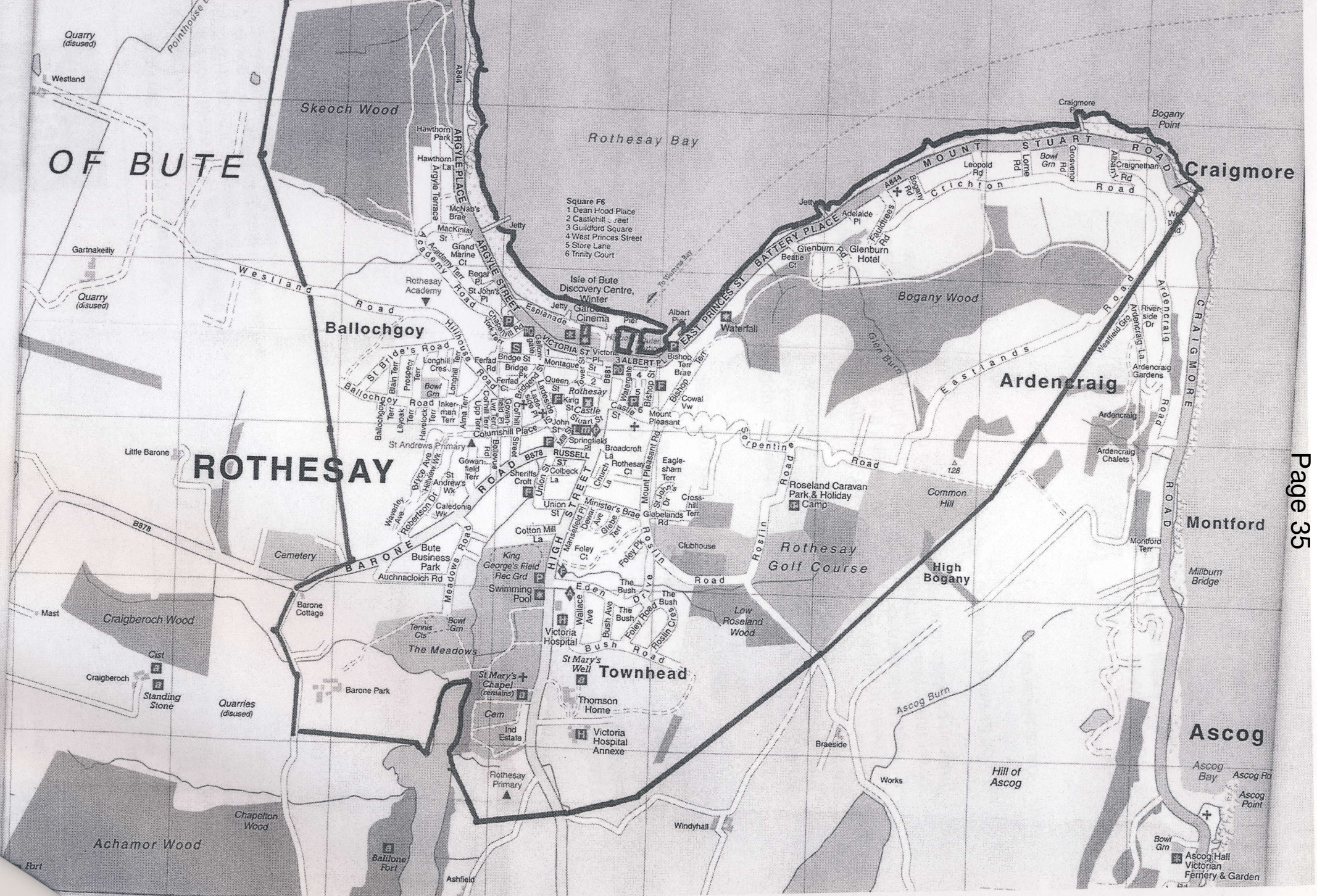
All of the public area within that part of the settlement of Port Ellen shown within the line delineated in red on the plan marked "Plan L" annexed to and forming part of these Byelaws and bounded as follows: - Commencing at a point on the mean low water springs line (hereinafter referred to as the "MLWS line") directly opposite a point on the heel line of the north northwest footpath at Frederick Crescent, there turn north northwestwards and continue in a straight line to a point on the heel line of the north northwest footpath at Frederick Crescent, there turn east northeastwards then east southeastwards and continue along the heel line of the north northwest and northeast footpaths at said crescent, respectively, to the northwest corner of the junction with Mansefield

Road, there turn northeastwards and continue generally along the northwest edge of Mansefield Road to the southwest corner of the junction with the Back Street, there turn southeastwards and continue in a straight line across Mansefield Road to the southeast corner of the junction with Back Street, there turn southwestwards and continue along the southeast edge of Mansefield Road to the southeast corner of the junction with Frederick Crescent, there turn southeastwards, south southeastwards and then generally south southwestwards and continue along the heel line of the northeast and east footpaths at said crescent, and in doing so crossing in a straight line Lennox Street, and the southeast edge of Frederick Crescent, respectively, to a point directly opposite a point on the MLWS line, there turn northwestwards and continue in a straight line to a point on the MLWS line, there turn generally northwards and continue along the MLWS line returning to a point on the MLWS line directly opposite a point on the heel line of the north northwest footpath at Frederick Crescent.

OBAN, LORN AND THE ISLES

OBAN

All of the public area within that part of the town of Oban shown within the line delineated in red on the plan marked "Plan M" annexed to and forming part of these Byelaws and bounded as follows: - Commencing at the south corner of the junction of Lochavullin Road and Glenshellach Road turn westwards and continue in a straight line to a point on the west edge of Glenshellach Road, there turn north northwestwards and continue along the west edge of said road and then in a straight line to a point on the northwest edge of Glenshellach Terrace, there turn east northeastwards and continue along the northwest edge of said terrace to the west corner of the junction with Dunuraun Road, there turn northwest and continue along the southwest edge of said road to a point directly in line with the west edge of a footpath leading to Alma Crescent, there turn northwards and continue in a straight line across Crannaig-a-Mhinster road and then along the west edge of said footpath to a point on the southwest edge of Alma Crescent, there turn generally northwestwards and then west southwestwards and continue along the southwest edge of Alma Crescent and the south southwest edge of Gallanach Road and then along the southeast edge of said road to a point directly in line with an extension of the line of the southwest face of a seawall which lies to the northeast of land now or formerly owned by the Trustees of Oban Sailing Club and runs southwestwards towards Gallanach Road and then turn northwestwards and continue in a straight line across Gallanach Road and Dungallan Parks and then along the line of the southwest face of the said seawall to a point on the mean low water springs line (hereinafter referred to as the "MLWS line"), there turn generally north eastwards and then generally southeastwards and continue along the MLWS line and then the mean high water springs line (hereinafter referred to as the "MHWS line") to a point on the seaward edge of the Railway Quay, there turn generally north northeastwards and then generally northeastwards and continue along the seaward edges of said quay and the MHWS line to a point on the north face of the sea wall at Station Square, there turn east northeastwards and then generally northwards and continue along the north face of said wall and then the MLWS line, respectively, to a point on the southeast edge of the North Pier, there turn southwestwards then north northwestwards and then north eastwards and continue along the seaward edges of the said pier to a point directly in line with the MLWS line, there turn generally north northwestwards and continue along the MLWS line to a point directly in line with the north edge of the Dog Stone, there turn eastwards and continue in a straight line to a point on the east edge of a track leading to Dunollie House, there turn south southwestwards then southeastwards then eastwards and then south southwestwards and continue along the east, northeast, north, and southeast edges of said track, respectively, to a point directly in line with the northwest edge of Bayview road, there turn generally east southeastwards and continue in a straight line, then along the northwest and southeast edges at Bayview Road then along the



OF BUTE

ROTHESAY

Ballochgoy

Ardencraig

Townhead

Ascog

Craigmore

Montford

Page 35

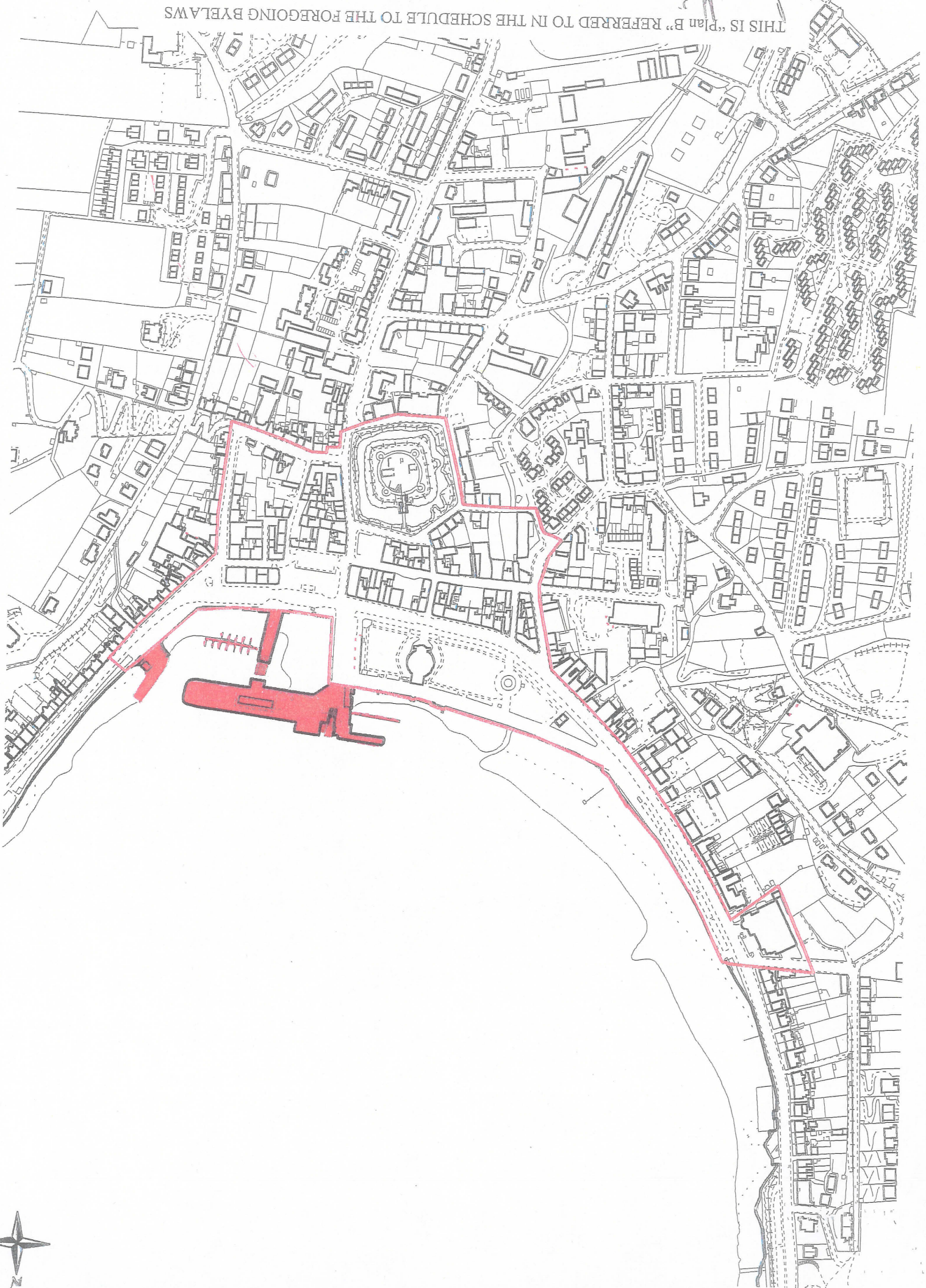
This page is intentionally left blank

DATED 1st Feb 1900
Sussex Hair

THIS IS "Plan A" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS



THIS IS "Plan B" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS

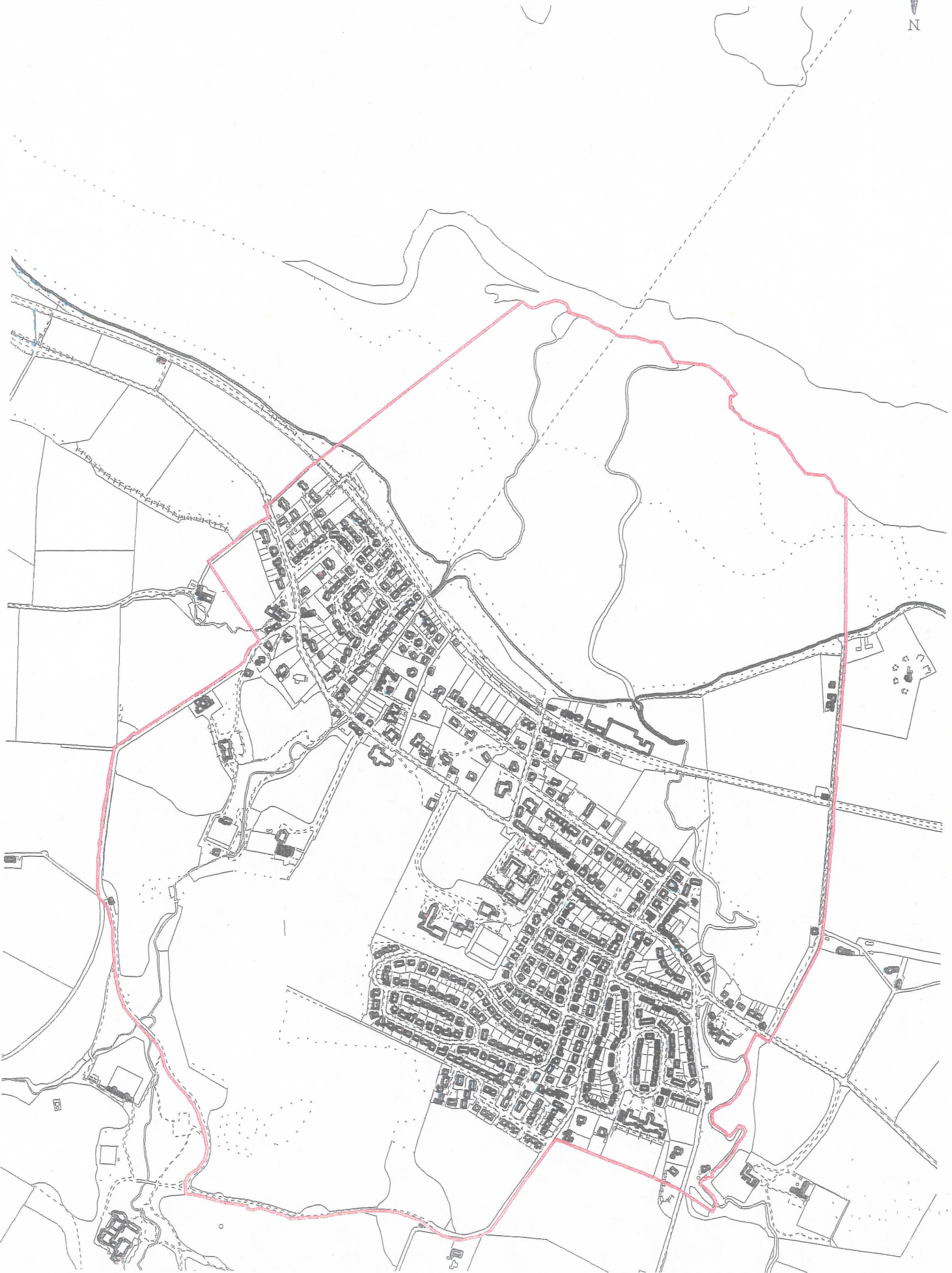


THIS IS "Plan C" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS

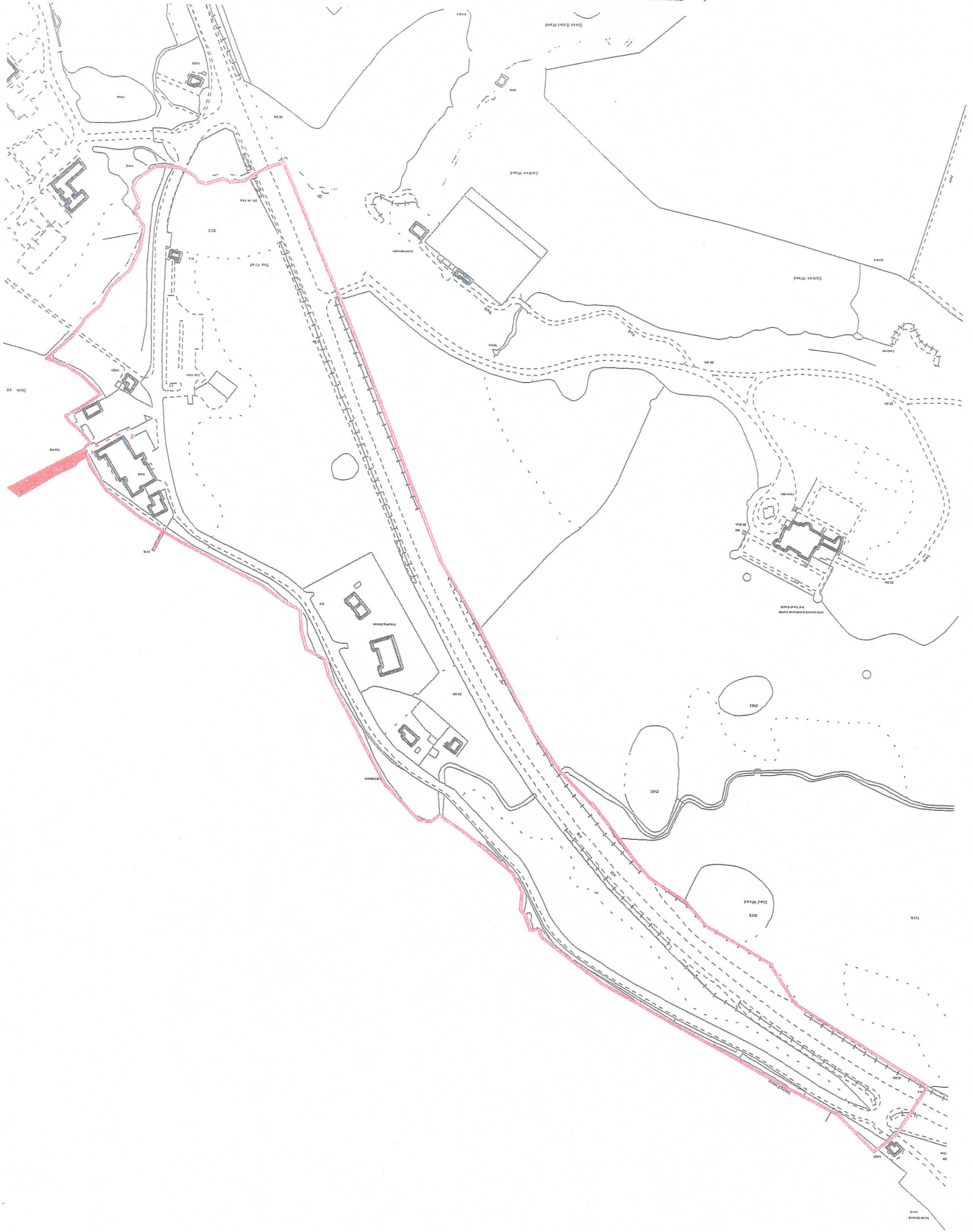
DATED 10th Nov 1999



THIS IS "Plan D" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS



THIS IS "Plan E" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS



THIS IS "Plan F" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS

1000

DATED 17th Nov 1999



THIS IS "Plan G" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS
DATED 17th November 1988
Show Plan



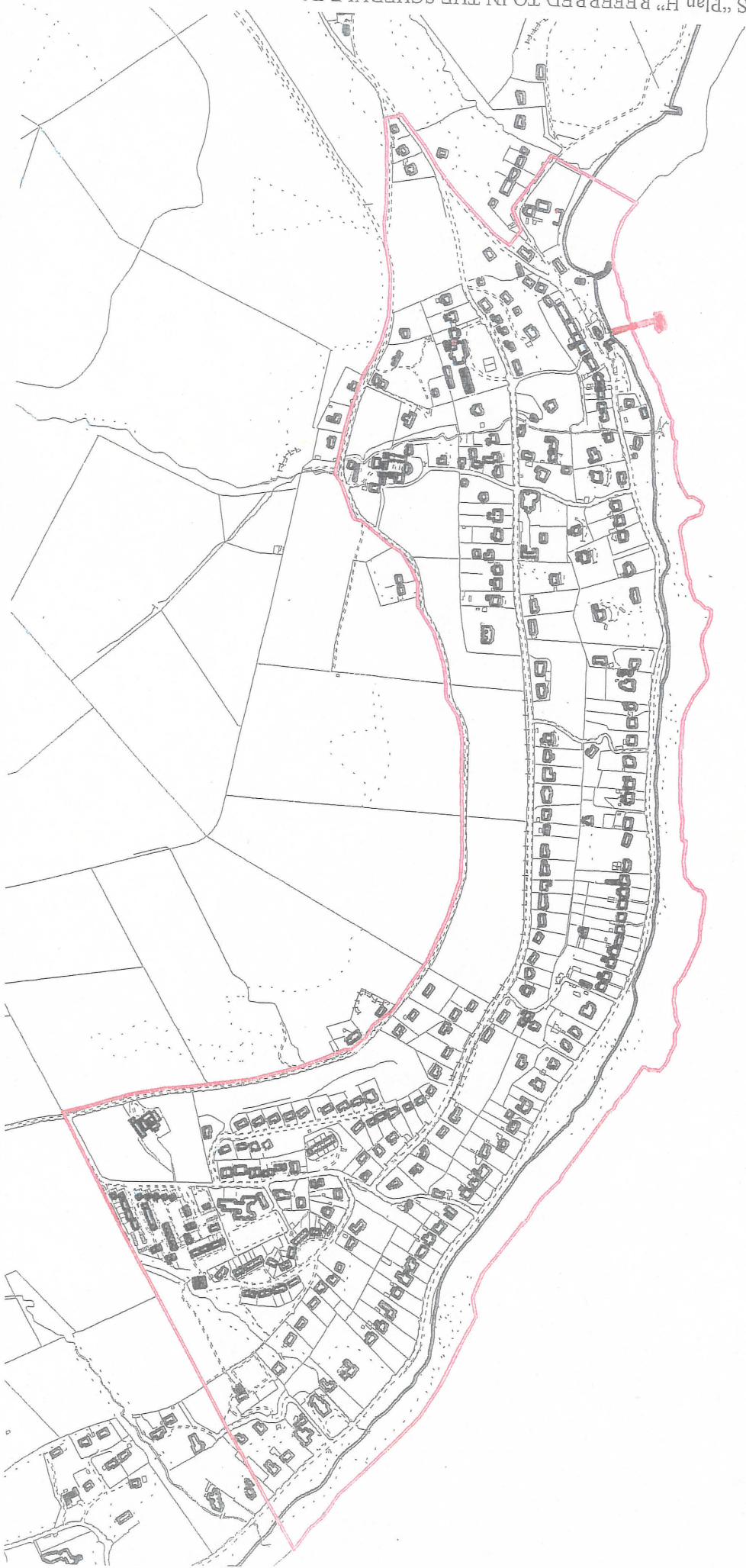
THIS IS "Plan G" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS

DATED 17th November 1988

Show Plan

DATED
1880
J. H. [unclear]

THIS IS "Plan H" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS



THIS IS "Plan 1" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS

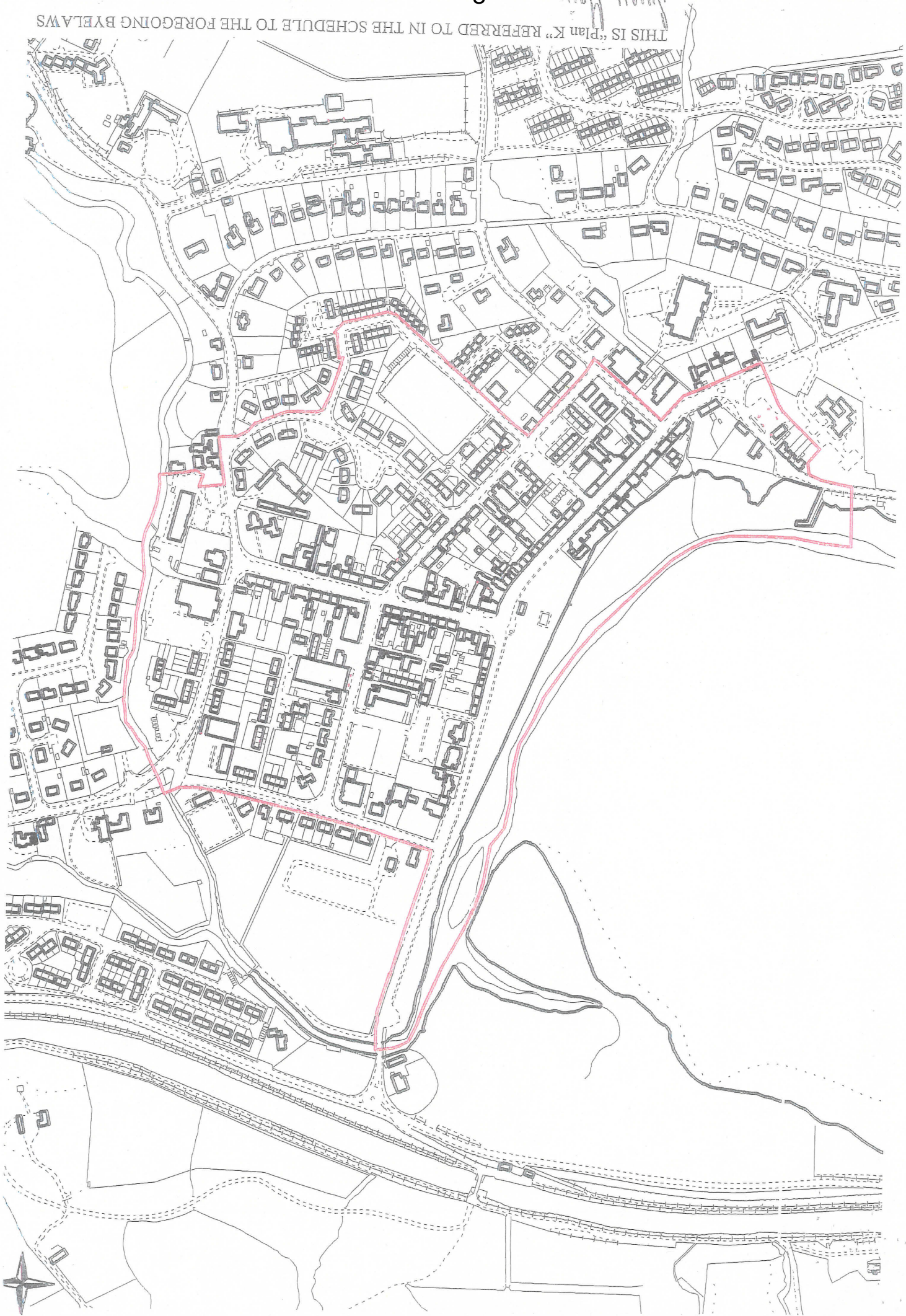
DATE 17th Nov 1999

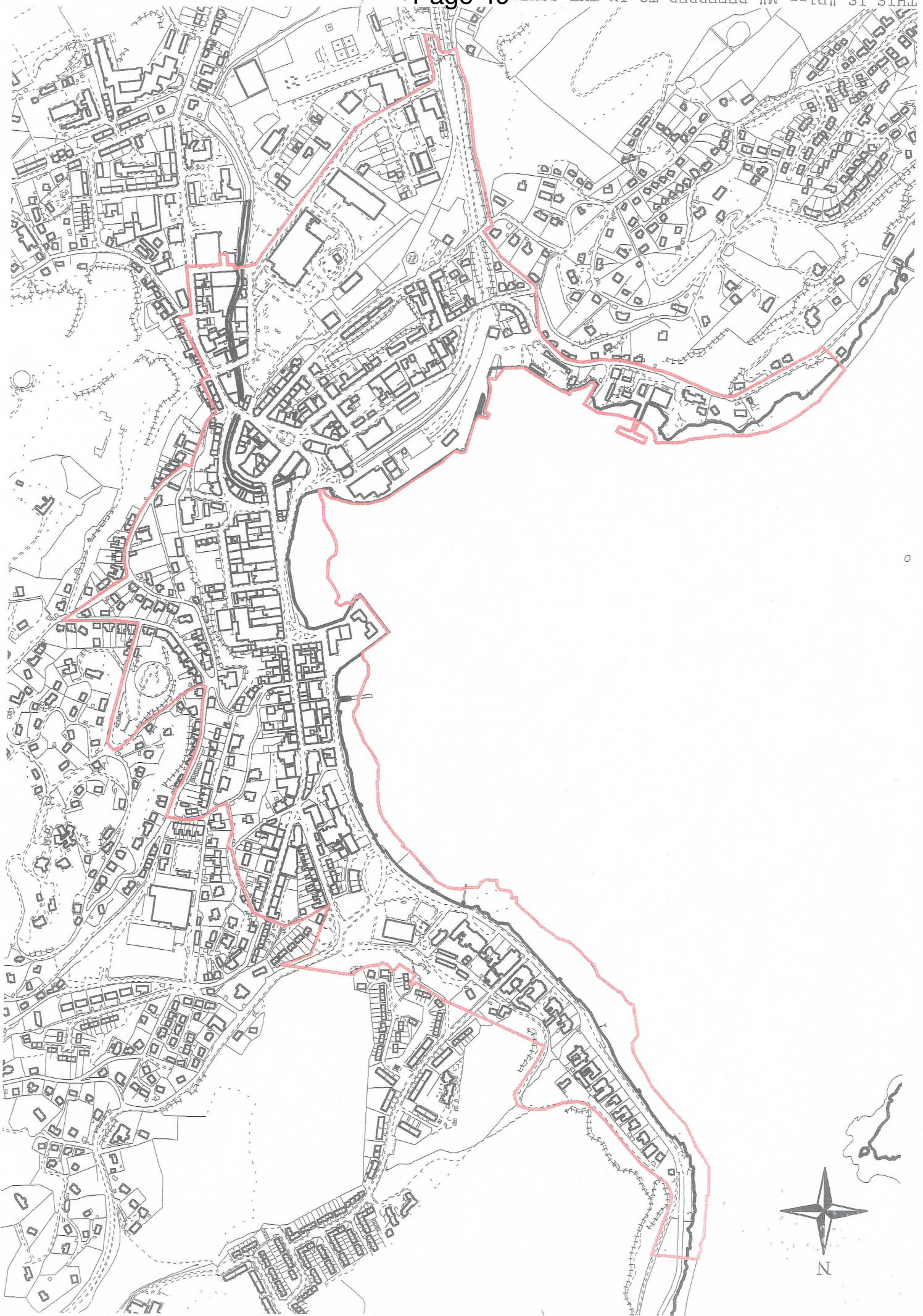


THIS IS "Plan J" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS
DATED 17th 1888



THIS IS "Plan K" REFERRED TO IN THE SCHEDULE TO THE FOREGOING BYLAWS
DATED 17th APR 1900





This page is intentionally left blank

**ARGYLL AND BUTE COUNCIL
CORPORATE SERVICES**

**BUTE AND COWAL
AREA COMMITTEE
3rd June 2008**

ALLOCATED CAPITAL RECEIPTS

1.0 SUMMARY

1.1 Advice was given to Members at the May Area Committee regarding allocation of capital receipts, and a report was requested to be brought to the June Committee regarding clarification of unspent receipts.

2.0 RECOMMENDATION

2.1 Members are asked to note the detail regarding Capital receipts.

3.0 DETAIL

3.1 Capital receipts have been brought to the Area Committee in previous years, and Members have allocated these receipts as follows:

- Pedestrian Crossings and Ramps- £4000
- Rothesay Christmas Lighting- £5000
- Street Signage, Cowal and Dunoon- £3000

Year end monitoring by Corporate and Operational Services has shown that this allocation has not been spent to date and has now been carried forward to the current financial year. Implementation of spend will be overseen by George Craig, and monitoring of projects and spend will be carried out by Alan Kerr to ensure that the receipt is spent in line with the agreed allocated purpose, and within a short timescale, certainly by the end of the current financial year.

4.0 IMPLICATIONS

Policy: None
Financial: None – within appropriate financial capital allocation.
Personnel: None
Equal Opportunities: None

For further information contact: Shirley MacLeod, Area Corporate Services Manager
01369 704374

Date: 20th May 2008

**ARGYLL AND BUTE COUNCIL
CORPORATE SERVICES**

**BUTE AND COWAL
AREA COMMITTEE
3rd June 2008**

**BT's PROPOSAL TO RE ALIGN PAYPHONE PROVISION TO MEET
CONSUMER DEMAND**

1.0 SUMMARY

1.1 The Council has been notified of BT's proposal to re align payphone provision to meet consumer demand, and is being consulted over the removal of specific payphones across the area. Responses to the consultation must be received by 2nd July 2008.

2.0 RECOMMENDATION

2.1 Members are asked to note the detail of responses made by Community Councils and groups in relation to this matter, and to agree to forward the matters raised to BT for consideration.

3.0 DETAIL

3.1 The Council has been consulted on BT's proposal to remove specific pay phones across the area to meet consumer demand and to continue to provide an effective pay phone service.

3.2 Members agreed that since these proposals could have a significant impact on local communities Community Councils should be asked for their comments on these proposals. All Bute and Cowal Community Councils were written to, and 5 have responded.

3.3 A number of general points have been raised :

- In remote and rural communities facilities to contact emergency services **MUST** be retained
- Before pay phones are removed from the area the mobile phone network coverage must be improved to provide 100% effective cover (current mobile phone network coverage in Argyll and Bute is shown at Appendix 1)
- In light of the diminishing number of public pay phones in communities in general, the Government should be exploring the provision of a network of

emergency phones which would enable local communities to always be able to contact the emergency services.

3.4 Specific points which have been raised by local communities include:

Robertson Terrace, Sandbank PA23 8PT (01369 704431)- objections should to the removal of this pay phone due to the number of elderly people living in the area who do not own or use a mobile phone.

Cairndow PA26 8BN (01499 600226) -strong objections to the removal of this payphone due to the very poor mobile phone coverage in the area, it is therefore essential that this community facility should be retained

Lochgoilhead- the pay phones located in the village are numbered 01301 703199 and 703205. There is no trace of the number listed on the consultation document of 01301 703276. The pay phones located in the village are essential for the village community and should not be removed. The next nearest pay phone to Lochgoilhead village is at Douglas Pier PA24 8AE (01301 703230), this probably has low usage and could be removed. Lochgoilhead Community Council have indicated that in the event of removal of any of the pay phones in their area they would wish to retain the distinctive red telephone box.

Colintraive and Glendaruel- the proposed closure of the phone box at PA22 3AF (01369 820226) is not in the community's best interests. Although the box may well not be viable financially in terms of usage and costly maintenance its retention in terms of social amenity is unquestionable.

That particular box is at Ormidale Pier, a remote anchorage at the head of Loch Striven and the phone is available for visiting yachtsmen. There are often up to 20 boats sheltering in the anchorage during the sailing season. The phone box is also directly on The Cowal Way, the long distance footpath running throughout Cowal. Walkers coming from Tighnabruaich have to cover what is regarded as the most difficult stretch of the Way, the footpath behind Ormidale and the Pier is the first bit of civilisation met for several miles.

Mobile phone coverage of the area is poor at best and from the pier, only Vodaphone users have access to a patchy service. Other providers have no service.

The next payphone is at Lochhead also at PA22 3AF (01369 820218) and in researching this response, a notice was found in that box saying that it also was to be removed. There is no mention of this on the BT list and the notice in the box is the first that has been heard of this particular closure. This is on the single track road through Ormidale, the A8003 and is also on the Cowal Way. As it is on a main road however and potential users are likely to be motorists, the loss of this one would be more acceptable if the phone at Ormidale Pier was retained.

Glenbranter (Strachur PA27 8DJ) and St Catherine's (PA25 8AZ)- both should be retained. 'Glenbranter' is a small settlement, of predominantly wooden houses, within the Argyll Forest Park. Within the village there is also a Forest Enterprise Outpost and car parks for numerous walks in the forest and adjacent hillsides including the recently opened Cowal Way.

Having consulted the residents and Forestry workers strong support is found for the retention of the Phone box. The two main arguments put forward are:

- With so many wooden houses the community feel vulnerable to fire danger and being 3 miles from the next village, value the phone box as an emergency facility.
- The National Park and Forest Enterprise are actively promoting the area for outdoor recreation. Many of the increasing number of visitors, for the hazardous activities of hill walking and mountain biking, do not carry mobile phones and, for those that do, reception within the hills is patchy.

It is a little more difficult to make a case for retention of the St Catherine's box, as mobile reception is better there than in Glenbranter. However, the Post Office has just closed and the Hotel is also closed and it will be a long time before it is refurbished and open again. The feeling is that there is a good case for retention at least until the Hotel reopens.

4.0 IMPLICATIONS

Policy:	In line with Council Policy to support vibrant communities.
Financial:	None
Personnel:	None
Equal Opportunities:	None

For further information contact: Shirley MacLeod, Area Corporate Services Manager
01369 704374

Date: 22nd May 2008

This page is intentionally left blank

**ARGYLL AND BUTE COUNCIL
CORPORATE SERVICES**

**BUTE AND COWAL
AREA COMMITTEE
3rd June 2008**

COWAL HIGHLAND GATHERING PARTNERSHIP

1.0 SUMMARY

1.1 At the recent meeting of the Council's Partnership with Cowal Highland Gathering the Service Level Agreement being put in place was discussed. This report outlines the process for progression of this agreement.

2.0 RECOMMENDATION

2.1 Members are asked to instruct the Director of Community Services to proceed to completion of the Service Level Agreement with Cowal Highland Gathering in line with the Partnership discussions.

3.0 DETAIL

3.1 Members will be aware of the existing Partnership between the Council and Cowal Highland Gathering which aims to support the area's largest festival/ event through effective partnership working between the organisations.

3.2 During the course of 2006 it was agreed that a Service Level Agreement would be put in place outlining the responsibilities and commitments which both partners would agree to in ensuring the stability of the Gathering event.

3.3 The draft SLA has been in place for some time but now requires signing.

3.4 The Partnership meeting discussed two specific points regarding the Service Level Agreement, these being the need for an uplift of 10% per annum in the payment made by Cowal Highland Gathering to the Royal Scottish Pipe Band Association, and the increased costings being experienced in provision of toilets for the event. The Partnership agreed that these items should be fairly reflected in the Service Level Agreement.

3.5 The Area Committee is asked to instruct the Director of Community Services to proceed to completion of the Service Level Agreement in line with the Partnership discussions as noted at 3.4 above.

4.0 IMPLICATIONS

Policy: None
Financial: None – within Departmental Budget
Personnel: None
Equal Opportunities: None

For further information contact: Shirley MacLeod, Area Corporate Services Manager
01369 704374

Date: 20th May 2008

**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

Ward Number - 8 Isle of Bute
Date of Validity - 25 February 2008
Committee Date - 3 June 2008

Reference Number: 08/00311/DET
Applicants Name: United Church of Bute
Application Type: Full Planning Permission
Application Description: Demolition of extension and erection of replacement extension
Location: United Church of Bute, High Street, Rothesay

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

The erection of an extension to the north wall of the main church building.

(ii) Other specified operations.

Demolition of the existing extension on the north wall of the main church building.

(B) RECOMMENDATION

That planning permission be granted subject to the conditions set out in this report.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Under the adopted Bute Local Plan, the site falls within the settlement of Rothesay which is identified as a Main Town under approved Argyll and Bute Structure Plan.

Under the Modified Finalised Argyll and Bute Local Plan, the site lies within the Settlement Zone at Rothesay where Policy LP COM 1 sets a presumption in favour of community facility development where its form, location and scale is consistent with the approved Argyll and Bute Structure Plan Policy STRAT DC 1, subject also to compliance with other development plan policy.

Policy STRAT DC 1 encourages development within the Main Towns of development serving a wide community of interest.

(ii) Representations:

Following advertisement of the corresponding listed building application in the Edinburgh Gazette, one representation has been received from the Commonwealth War Graves Commission.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

The proposed development is considered to accord with the development plan provisions for the site and no objections have been received in respect of the proposed development. Consequently there is no requirement or need for a PAN 41 hearing.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

At the time of application, Argyll and Bute Council owned part of the site required for the development. The application indicates that the transfer of ownership to the Church of Scotland is underway.

(vii) Need and Reason for Notification to Scottish Ministers.

There is no requirement under the Town and Country Planning (Notification of Planning Applications) (Scotland) Direction 1997 to notify Scottish Ministers in this instance. Although the application affects land within the ownership of the Council, the application is not considered to represent a departure from the development plan and there has been no substantial body of objection to the proposal.

(viii) Has a sustainability Checklist Been Submitted:

None requested.

Angus J Gilmour
Head of Planning
23 May 2008

Author:	Charles Tibbles	Date: 15 May 2008
Reviewing Officer:	David Eaglesham 01369 708608	Date: 23 May 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/00311/DET

1. That the development to which this permission relates must be begun within five years from the date of this permission.

Reason: in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. No development shall take place within the development site as outlined in red on the approved drawings until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by West of Scotland Archaeology service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on this site, and to allow any action required for the protection, preservation or recording of such remains to occur.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00311/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan

Identifies Rothesay as a Main Town. Policy STRAT DC 1 encourages development within the Main Towns of development serving a wide community of interest. STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including Listed Buildings) will be resisted.

Adopted Bute Local Plan

Located within the settlement boundary of Rothesay. The Local Plan settlement strategy seeks to consolidate development within the existing settlements.

Policy POL BE 15 seeks to achieve a high standard of design and layout where new developments are proposed.

Argyll & Bute Modified Finalised Draft Local Plan

Located within the Settlement Zone of Rothesay.

Policy LP COM 1 presumes in favour of new or improved community facilities within the settlements where development is of a form location and scale consistent with Policy STRAT DC 1.

Policy LP ENV 13(a) requires that development affecting a listed building or its setting shall preserve the building or its setting, and any features of architectural or historic interest that it possesses.

Policy LP ENV 16 seeks to retain, protect and preserve Scheduled Ancient Monuments and provides that developments which have an adverse impact on Scheduled Ancient Monuments and their settings will not be permitted unless there are exceptional circumstances.

Policy LP ENV 19 requires a high standard of appropriate design in accordance with the design principles set out at Appendix A of the Plan.

Note (i): **The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

National Guidance

Memorandum of Guidance on Listed Buildings and Conservation Areas

In considering applications for alteration or extension of listed buildings, the Memorandum of Guidance requires planning authorities to satisfy themselves that no unnecessary damage to historic structures will be caused, that additions are in keeping with other parts of the building and that any new internal or external features harmonise with their surroundings.

(ii) SITE HISTORY

No previous planning applications recorded at this site.

(iii) CONSULTATIONS

West of Scotland Archaeology Service (Response dated 17.03.2008) Notes that groundwork associated with the development would have the potential to disturb buried archaeological deposits. No objection but condition recommended for a programme of archaeological works.

Historic Scotland (Response dated 22.05.2008) Understand the applicant's desire to have an integrated building and therefore accept, though with some regret, the principle of an extension at the chosen location.

We remain concerned by the proposed extension - its form and its interaction with the church, and believe that improvements could be made. We therefore suggest that your council seeks improvement to the design. It is unfortunate that the applicant chose not to involve us at an earlier stage as we could have offered suggestions before now. We understand that the Committee on Church Art and Architecture have not seen these proposals yet and that they may also wish to provide advice.

We believe that a more sensitive interface between the two builds could be achieved by retaining the vestry or by creating a glazed link. One characteristic of the site is that it is dominated by the church but has a collection of smaller structures around it. This grouping arrangement could continue if the extension was scaled down and separated slightly from the church. A link would also help make the new build reversible, it would reduce the bulk of the extension, it would help to retain legibility of this prominent elevation and illustrate the different phases of development. Something similar was achieved at Dunbar Parish Church in East Lothian which the applicant might find useful to refer to.

We therefore query whether the new build needs to be so large and recommend that it be reduced in size and amended in design so that it responds better to the church and its 'satellite structures', for instance a pavilion type building with pitched roofs on each angle is one suggestion.

(iv) PUBLICITY AND REPRESENTATIONS

Representation from Commonwealth War Graves Commission dated 27 March 2008 highlighting war graves at North Bute Parish Church.

- The proposed works do not affect any graves.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00311/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The Argyll and Bute Structure Plan identifies Rothesay as a Main Town.

Policy STRAT DC 1 encourages development within the Main Towns of development serving a wide community of interest. The proposals arise from the unification of three Church of Scotland congregations. It serves most parts of the island and can therefore be considered to serve a wide community of interest.

Policy LP COM 1 presumes in favour of new or improved community facilities within the settlements where development is of a form location and scale consistent with Policy STRAT DC 1.

The proposed development is considered to comply with the Settlement Strategy.

B. Location, Nature and Design of Proposed Development

In terms of Policy LP ENV 19 and APPENDIX A, the proposed development would seem to occupy an optimal setting within the existing church site. It would not be visible from St Mary's Chapel which is a Scheduled Ancient Monument lying on the other side of the main church building and it is not considered that it would have any significant adverse effect upon its setting. As a replacement for the existing church extension, it is not considered that it would have any significant effect upon the existing settling of the Category A Listed Bute Mausoleum to the west of the church building. It would also respect the existing main east entrance extension which was a 19th Century addition to the building and can be considered as an attractive feature of the building.

The existing extension that would be removed is not considered to hold the same merit as other features of the church and its site which the new extension respects. The existing extension is a plain addition to the building.

By exploiting the change in levels at the site, the proposed extension would allow the addition of a church hall facility, providing a significant extension to the useable space and facilities available at the church with a minimum of change to the form and scale of buildings at the site. The form of the building would be simple as with the existing extension and would incorporate a modest bell tower structure across part of the proposed ridge line to utilise and disguise the roof projection that will be required to house lift equipment. Lift equipment is required if full disabled access is to be provided throughout the church buildings and the roof feature will allow this to happen whilst minimising the mass and height of the required extension. The proposed materials and finishes are considered sympathetic to the existing building (grey roughcast walls to match existing, timber and aluminium windows and a natural slate roof are proposed).

It is considered that the resulting structure would represent a sympathetic and appropriate extension of the building given the need to adapt the site for contemporary and anticipated needs and in the interests of retaining the building in its original use.

C. Built Environment

Policy LP ENV 13(a) requires that development affecting a listed building or its setting shall preserve the building or its setting, and any features of architectural or historic interest that it possesses and that developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas. In addition to the discussion above on the siting and features of the building, the following paragraphs give particular consideration to the requirements of the Memorandum of Guidance.

It is considered that the proposals respect and avoid alterations to the features and elements of the building that are of principal interest and will avoid any unnecessary damage the historic structure.

The proposed replacement extension is considered to be in keeping with other parts of the building with the use of sympathetic materials and finish. The window type and opening method in the existing extension (timber sash and case) differs from the main part of the church building which principally contains fixed stained glass windows to the main sanctuary of the church. In viewing the exterior of the building, it is apparent that the current extension is an ancillary structure given its subservience to the main part of the church building and the different window type provides a further cue. These differences would be maintained with the new extension which, although larger in size sufficient to accommodate the required facilities, would remain subservient to the main structure and would contain tilt and turn windows. It is considered that the proposed windows represent an appropriate solution to glazing the simple window arrangement that is proposed. As a recessive colour, the proposed grey colour of the window frames is considered appropriate. Whilst the proposed extension would be an apparent modern addition to the building, it is considered that the specified form, materials and finishes would ensure that it sits in harmony with its surroundings.

It is considered that the proposed development is sited to minimise its effect upon the building and its associated features of historic value and interest. The proposal can be judged to comply with the requirements of the Memorandum of Guidance on Listed Buildings and Conservation Areas.

D. Archaeological Matters

Policy LP ENV 16 seeks to retain, protect and preserve Scheduled Ancient Monuments and provides that developments which have an adverse impact on Scheduled Ancient Monuments and their settings will not be permitted unless there are exceptional circumstances.

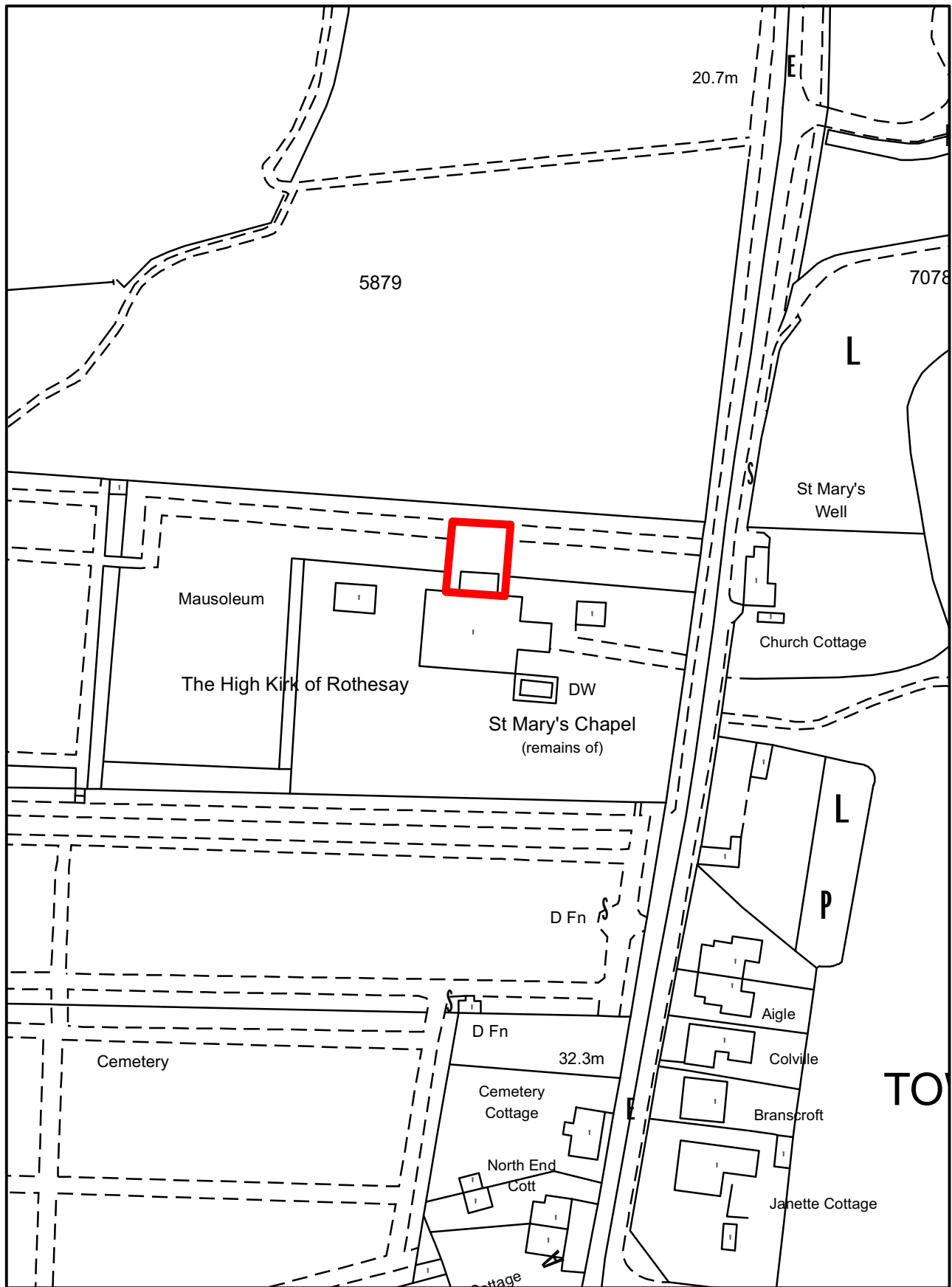
The church grounds contain St Mary's Chapel which is a scheduled ancient monument.

As already described at B above, it is considered that the proposed development is sited to minimise its effect upon the building and its associated features of historic value and interest. It is not considered that the proposed development would adversely affect the setting of the nearby Scheduled Ancient Monument

E. Conclusion.

It is considered that the proposed development is acceptable in terms of the Settlement Strategy for the site. It is considered to be of an appropriate design that will preserve the Category B Listed church building, the settings of the adjacent St Mary's Chapel and the Category A Listed Bute Mausoleum, whilst realising the adaption of the building in accordance with the needs and desires of the congregation. The proposed development will enable the building to better serve the congregations requirements and will promote the retention of the building in the use for which it was constructed.

This page is intentionally left blank



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION:
08/00311/DET & 08/00313/LIB**



1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Argyll and Bute Council, licence number 100023368, 2004.

This page is intentionally left blank

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE

Ward Number - 8 Isle of Bute
 Date of Validity - 25 February 2008
 Committee Date - 3 June 2008

Reference Number: 08/00313/LIB
 Applicants Name: United Church of Bute
 Application Type: Listed Building Consent (application under the voluntary scheme)

Application Description: Demolition of extension and erection of replacement extension
 Location: United Church of Bute, High Street, Rothesay

(A) THE APPLICATION

(i) Works Requiring Listed Building Consent

Churches in ecclesiastical use are exempt from the statutory requirement for listed building consent. Whilst there is no enforceable statutory Listed Building control in this instance, the Church of Scotland are members of the Scheme to Apply Listed Building Control to Exteriors of Churches in Ecclesiastical Use and, accordingly, this proposal is the subject of an application to the Council for listed building consent. The Church of Scotland are not exempt from planning control and a corresponding planning application (ref: 08/00311/DET) has also been made.

The application seeks consent for the erection of an extension to the north wall of the main church building.

(B) RECOMMENDATION

That listed building consent be granted subject to:

- (i) notification to Scottish Ministers, and
- (ii) the imposition of conditions as set out in this report.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Under the adopted Bute Local Plan, the site falls within the settlement of Rothesay which is identified as a Main Town in the approved Argyll and Bute Structure Plan.

Under the Modified Finalised Argyll and Bute Local Plan, the site lies within the Settlement Zone at Rothesay where Policy LP COM 1 sets a presumption in favour of community facility development where its form, location and scale is consistent with the approved Argyll and Bute Structure Plan Policy STRAT DC 1, subject also to compliance with other development plan policy.

It is considered that the proposed development is of an appropriate design that will preserve the Category B Listed church building, the settings of the adjacent St Mary's Chapel and the Category A Listed Bute Mausoleum, whilst realising the adaption of the building in accordance with the needs and desires of the congregation. The proposed development will enable the building to better serve the congregation's requirements and will promote the retention of the building in the use for which it was constructed.

(ii) Representations:

Following advertisement of the corresponding listed building application in the Edinburgh Gazette, one representation has been received from the Commonwealth War Graves Commission.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

The proposed development is considered to accord with the development plan provisions for the site and no objections have been received in respect of the proposed development. Consequently there is no requirement or need for a hearing.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

At the time of application, Argyll and Bute Council owned part of the site required for the development. The application indicates that the transfer of ownership to the Church of Scotland is underway.

(vii) Need and Reason for Notification to Scottish Ministers.

Applications under the Voluntary Scheme are treated in the same manner as applications for listed building consent which are required by statute. In this instance, as the application affects a Category B Listed Building, the Scottish Ministers should be given formal notification of Council's proposed decision if it is minded to grant Listed Building Consent.

(viii) Has a sustainability Checklist Been Submitted:

None requested.

Angus J Gilmour
Head of Planning
23 May 2008

Author:	Charles Tibbles	Date: 15 May 2008
Reviewing Officer:	David Eaglesham 01369 708608	Date: 23 May 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/00313/LIB

1. That the works to which this permission relates must be begun within five years from the date of this permission.

Reason: to comply with Section 16 of the Planning (Listed Buildings) and Conservation Areas (Scotland) Act 1997.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00313/LIB

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan

Identifies Rothesay as a Main Town. Policy STRAT DC 1 encourages development within the Main Towns of development serving a wide community of interest. STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including Listed Buildings) will be resisted.

Adopted Bute Local Plan

Located within the settlement boundary of Rothesay. The Local Plan settlement strategy seeks to consolidate development within the existing settlements.

Policy POL BE 15 seeks to achieve a high standard of design and layout where new developments are proposed.

Argyll & Bute Modified Finalised Draft Local Plan

Located within the Settlement Zone at Rothesay.

Policy LP COM 1 presumes in favour of new or improved community facilities within the settlements where development is of a form location and scale consistent with Policy STRAT DC 1.

Policy LP ENV 13(a) requires that development affecting a listed building or its setting shall preserve the building or its setting, and any features of architectural or historic interest that it possesses.

Policy LP ENV 16 seeks to retain, protect and preserve Scheduled Ancient Monuments and provides that developments which have an adverse impact on Scheduled Ancient Monuments and their settings will not be permitted unless there are exceptional circumstances.

Policy LP ENV 19 requires a high standard of appropriate design in accordance with the design principles set out at Appendix A of the Plan.

Note (i): **The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

National Guidance

Memorandum of Guidance on Listed Buildings and Conservation Areas

In considering applications for alteration or extension of listed buildings, the Memorandum of Guidance requires planning authorities to satisfy themselves that no unnecessary damage to historic structures will be caused, that additions are in keeping with other parts of the building and that any new internal or external features harmonise with their surroundings.

(ii) SITE HISTORY

No previous planning applications recorded at this site.

(iii) CONSULTATIONS

Historic Scotland (Response dated 22.05.2008) Understand the applicant's desire to have an integrated building and therefore accept, though with some regret, the principle of an extension at the chosen location.

We remain concerned by the proposed extension - its form and its interaction with the church, and believe that improvements could be made. We therefore suggest that your council seeks improvement to the design. It is unfortunate that the applicant chose not to involve us at an earlier stage as we could have offered suggestions before now. We understand that the Committee on Church Art and Architecture have not seen these proposals yet and that they may also wish to provide advice.

We believe that a more sensitive interface between the two builds could be achieved by retaining the vestry or by creating a glazed link. One characteristic of the site is that it is dominated by the church but has a collection of smaller structures around it. This grouping arrangement could continue if the extension was scaled down and separated slightly from the church. A link would also help make the new build reversible, it would reduce the bulk of the extension, it would help to retain legibility of this prominent elevation and illustrate the different phases of development. Something similar was achieved at Dunbar Parish Church in East Lothian which the applicant might find useful to refer to.

We therefore query whether the new build needs to be so large and recommend that it be reduced in size and amended in design so that it responds better to the church and its 'satellite structures', for instance a pavilion type building with piended roofs on each angle is one suggestion.

(iv) PUBLICITY AND REPRESENTATIONS

The application was advertised as affecting a listed building (closing date 28 March 2008). Representation from Commonwealth War Graves Commission (dated 27 March 2008) highlighting war graves at North Bute Parish Church.

- The proposed works do not affect any graves.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00313/LIB

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

In terms of Policy LP ENV 19 and APPENDIX A, the proposed development would seem to occupy an optimal setting within the existing church site. It would not be visible from St Mary's Chapel which is a Scheduled Ancient Monument lying on the other side of the main church building and it is not considered that it would have any significant adverse effect upon its setting. As a replacement for the existing church extension, it is not considered that it would have any significant effect upon the existing settling of the category A Listed Bute Mausoleum to the west of the church building. It would also respect the existing main east entrance extension which was a 19th Century addition to the building and can be considered as an attractive feature of the building.

The existing extension that would be removed is not considered to hold the same merit as other features of the church and its site which the new extension respects. The existing extension is a plain addition to the building.

By exploiting the change in levels at the site, the proposed extension would allow the addition of a church hall facility, providing a significant extension to the useable space and facilities available at the church with a minimum of change to the form and scale of buildings at the site. The form of the building would be simple as with the existing extension and would incorporate a modest bell tower structure across part of the proposed ridge line to utilise and disguise the roof projection that will be required to house lift equipment. Lift equipment is required if full disabled access is to be provided throughout the church buildings and the roof feature will allow this to happen whilst minimising the mass and height of the required extension. The proposed materials and finishes are considered sympathetic to the existing building (grey roughcast walls to match existing, timber and aluminium windows and a natural slate roof are proposed).

It is considered that the resulting structure would represent a sympathetic and appropriate extension of the building given the need to adapt the site for contemporary and anticipated needs and in the interests of retaining the building in its original use.

B. Built Environment

Policy LP ENV 13(a) requires that development affecting a listed building or its setting shall preserve the building or its setting, and any features of architectural or historic interest that it possesses and that developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas. In addition to the discussion above on the siting and features of the building, the following paragraphs give particular consideration to the requirements of the Memorandum of Guidance.

It is considered that the proposals respect and avoid alterations to the features and elements of the building that are of principal interest and will avoid any unnecessary damage the historic structure.

The proposed replacement extension is considered to be in keeping with other parts of the building with the use of sympathetic materials and finish. The window type and opening method in the existing extension (timber sash and case) differs from the main part of the church building which principally contains fixed stained glass windows to the main sanctuary of the church. In viewing the exterior of the building, it is apparent that the current extension is an ancillary structure given its subservience to the main part of the church building and the different window type provides a further cue. These differences would be maintained with the new extension which, although larger in size sufficient to accommodate the required facilities, would remain subservient to the main structure and would contain tilt and turn windows. It is considered that the proposed windows represent an appropriate solution to glazing the simple window arrangement that is proposed. As a recessive colour, the proposed grey colour of the window frames is considered appropriate. Whilst the proposed extension

would be an apparent modern addition to the building, it is considered that the specified form, materials and finishes would ensure that it sits in harmony with its surroundings.

It is considered that the proposed development is sited to minimise its effect upon the building and its associated features of historic value and interest. The proposal can be judged to comply with the requirements of the Memorandum of Guidance on Listed Buildings and Conservation Areas.

C. Archaeological Matters

Policy LP ENV 16 seeks to retain, protect and preserve Scheduled Ancient Monuments and provides that developments which have an adverse impact on Scheduled Ancient Monuments and their settings will not be permitted unless there are exceptional circumstances.

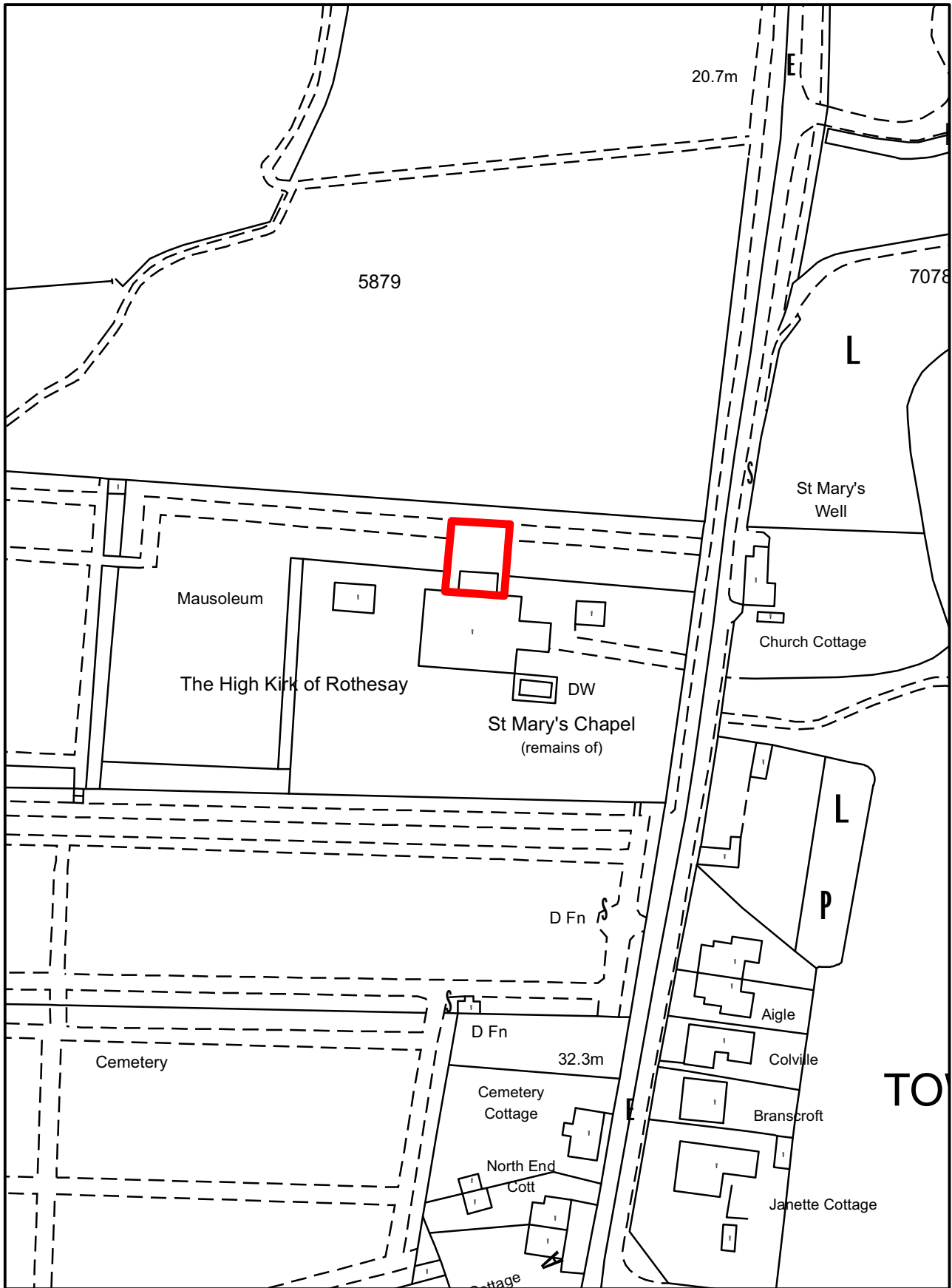
The church grounds contain St Mary's Chapel which is a scheduled ancient monument.

As already described at B above, it is considered that the proposed development is sited to minimise its effect upon the building and its associated features of historic value and interest. It is not considered that the proposed development would adversely affect the setting of the nearby Scheduled Ancient Monument .

CONCLUSION

It is considered that the proposed development is of an appropriate design that will preserve the Category B Listed church building, the settings of the adjacent St Mary's Chapel and the Category A Listed Bute Mausoleum, whilst realising the adaption of the building in accordance with the needs and desires of the congregation. The proposed development will enable the building to better serve the congregation's requirements and will promote the retention of the building in the use for which it was constructed.

This page is intentionally left blank



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION:
08/00311/DET & 08/00313/LIB**



1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Argyll and Bute Council, licence number 100023368, 2004.

This page is intentionally left blank

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL

Ward Number - 6 Cowal
 Date of Validity - 21st February 2008
 Committee Date - 3rd June 2008

Reference Number: 08/00322/DET
 Applicants Name: Tarya Ann Watson
 Application Type: Detailed
 Application Description: Erection of rear extension
 Location: 106 Dixon Avenue, Kirn, Dunoon

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Erection of rear extension to ground floor flat.

(ii) Other specified operations.

None.

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application site is located within the defined settlement zone under the adopted Cowal Local Plan 1993. Policy POL BE 9 '*Layout & Design of Urban Development*' seeks to encourage developers to execute a high standard of layout and design where new developments are proposed. **The proposal is considered to be contrary to POL BE 9.**

The application site is also located within the defined settlement zone under the Finalised Draft Argyll & Bute Local Plan. Policy LP ENV 19 - '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design, encouraging developers to execute the highest standards of design. LP HOU 5 of the Finalised Draft Local Plan specifies the type of extensions to dwellings that would be considered acceptable. **The proposal is also considered to be contrary to LP ENV 19 and LP HOU 5.**

(ii) Representations:

One letter of representation has been received from a neighbouring property.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

Although the development is a departure from the development plan, only one party has lodged representation so it is recommended that no hearing is required.

(iv) Reasoned Justification for a Departure to the Provisions of the Development Plan.

Not applicable.

(v) **Is the Proposal a Schedule 1 or 2 EIA development:**

No.

(vi) **Does the Council have an interest in the site:**

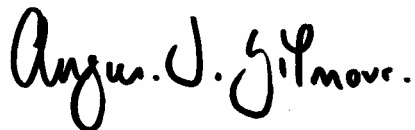
No.

(vii) **Need and Reason for Notification to Scottish Ministers.**

Not required.

(viii) **Has a sustainability Checklist Been Submitted:**

No.



Angus J Gilmour
Head of Planning
23 May 2008

Author: Brian Close 01369 708604
Contact Officer: David Eaglesham 01369 708608

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/00322/DET

1. The proposed flat roofed rear extension, by reason of its scale, design and siting within a small rear garden area of a 4-in-a-block flatted property, would result in a building form that would dominate the limited garden area while introducing an alien and incongruous element into the rear amenity space. Such a visually overbearing development would be at variance to the simple character of surrounding dwellings and would overwhelm adjacent properties and their private amenity spaces.

Accordingly, the proposed development would not follow the principles of protecting and enhancing the quality of the environment and would be contrary to Policy BE9 of the Cowal Local Plan 1993 (Adopted 1995); the Council's Design Guide "*Alterations & Extensions to Existing Buildings*" (1985); and to policies LP ENV19 and LP HOU5 and Appendix A of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006), all of which presume against the nature of the development proposed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00322/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Cowal Local Plan 1993

Policy POL BE 9 ‘*Layout and Design of Urban Development*’ requires development to be of an acceptable high design standard and layout and states that it is important to ensure extensions and alterations respect the character of the existing buildings and surrounding areas. Proposals for new development should have regard to the Council’s published design guidelines and development standards.

The following advice is contained in the Council’s Design Guide “*Extensions and Alterations to Existing Buildings*” (1985):

“The most basic principle is that any extension should be subsidiary to, and sympathetic with the form of the existing building. The extension should not dominate. It is thus vital to consider carefully the character of the existing building before designing any new work, and the extension should ideally reflect its style and proportions.” (Paragraph 5.4, Page 1)

“With side, front or rear extensions, it is always preferable to match existing roof shapes, heights, pitches, details, materials and colour.” (Paragraph 5.5, Page 2)..... *“Flat roofs are often chosen for reasons of economy but they are unattractive and alien to local styles as well as being highly susceptible to water penetration problems.”* (Paragraph 5.5, Page 3).

While the design guide recognises that buildings need to be extended or altered, it also highlights that extensions and alterations can have a significant impact on the appearance and character of the individual building and also of any street or group of buildings in which it is situated.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy LP ENV 19 ‘*Development Setting, Layout and Design*’ states that developers and their agents will be required to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A.

Policy LP HOU 5 ‘*House Extensions*’ states:

“house extensions where they cause no significant detriment to the building, the neighbours or the immediate vicinity will generally be acceptable provided they comply with relevant siting and design principles set out in Appendix A, and should also satisfy the following specific design considerations :

Extensions should not dominate the original existing building by way of size, scale, proportion or design;

Extensions should not have a significant adverse impact on the privacy of neighbours, particularly in private rear gardens”.

In terms of privacy, standards are prescribed in respect of windows from habitable rooms directly facing other buildings. Similarly, daylighting and sunlighting standards are prescribed.

Appendix A – Sustainable Siting and Design Principles states:

“While recognising that extensions can add valuable extra space to a house, care has to be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties (para 8.1).....extensions should be in scale and designed to reflect the character of the original building, so that the appearance of the building and the amenity of the surrounding area are not adversely affected. Approval will not be granted where the siting and scale of the extension significantly affects the amenity

enjoyed by the occupants of adjoining properties, taking into account sunlight, daylight and privacy. Care should be taken not to over-develop the site. (para 8.2).

In terms of open space and density, it is suggested that all development should have some private open space (ideally a minimum of 100sqm) where terraced houses and any extensions should only occupy around 45% of their site”.

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council’s Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

A previous detailed application (ref. 07/01596/DET) was withdrawn on 19th December 2007 following concerns over design and scale of pitched roof rear extension. The current scheme represents the same footprint and internal layout but a flat roof instead of a pitched roof.

(iii) CONSULTATIONS

None.

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedures, one letter of representation has been received from: Mr Niall Thomson, 108 Dixon Avenue, Kirn (letter received 22nd February 2008).The points raised can be summarised as follows:

- *Proposed extension would result in a visual obstruction to surrounding neighbours and result in diminished amenity.*

Comment: Refer to Assessment below.

- *Proposed extensions should fit in with vernacular and built heritage of surroundings. Shape and structure of proposed extension would be contrary to surroundings.*

Comment: Refer to Assessment below.

- *The proposal does not meet safety requirements regarding access for police, ambulance and fire services in respect of emergency evacuation for occupants of adjacent properties.*

Comment: Building Standards have confirmed that there would be no objections in principle to the rear extension and comment that a flat roof structure could actually aid and improve fire safety in respect of evacuation from upper properties.

- *The structure and orientation of the proposed building may represent a fire hazard.*

Comment: This is a matter that would be addressed in an application for Building Warrant.

- *Proposed extension encroaches upon land not owned by the applicant and has no agreement with owner of said land.*

Comment: While the proposed extension is shown hard against the common boundary, the applicant has intimated under Article 8 in the application form that all land within the red line boundary of the application site is within her control. This

would appear to be a civil matter between parties but all foundations should be within the ground belonging to the applicant and airspace rights concerning roof overhangs and rainwater goods and any extraction systems should be safeguarded. Matters such as access, construction and maintaining the property would also be a civil matter between parties.

- *Rights of access to rear of property would be diminished where previous legal rights when properties were in public ownership should be transferred and applicable for private ownerships.*

Comment: Refer to points made above. At the time of the previous application the upper flat at 108 Dixon Avenue was in the ownership of Argyll Community Housing Association (ACHA) but since transferred to private ownership.

- *Understood that the extension will be used for commercial purpose.*

Comment: Applicant's agent has confirmed that the rear extension is for domestic purposes only.

Applicant's Supporting Information

The applicant's agent has submitted information (letters from Jack Thomson dated 11th February and 10th March 2008) in support of this application and in response to the letter of objection above.

The agent states that he has tried to accommodate previous objections and concerns in this revised scheme while sticking to his client's objectives. A copy of the applicant's title deeds has been submitted for clarification.

The agent stresses that the proposed extension is on land owned by the applicant; it will not be used for commercial purposes; a flat roof will aid safe evacuation and that his client is a young working mother with two growing children (a boy and a girl) whose basic need is for the provision of an additional bedroom without losing any existing bedroom accommodation. At the request of the department, the agent has marked out the footprint of the extension to allow a thorough assessment to be made.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00322/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

The subject property is a lower flat in a block of four cottage flats at 102-108 Dixon Avenue, Kirn. The surrounding area is residential where adjacent house types are typified by similar four-in-a-block cottage flats, semi-detached dwellinghouses and terraced blocks. The nature of the surrounding area is medium to high density housing (previously in public ownership but many now in private ownership) that results in small garden plots, overlooked by adjacent properties.

The subject property has control of a small front garden facing Dixon Avenue and a small triangular piece of garden ground to the rear, both accessed by a communal path. The upper flat (108 Dixon Avenue) has control of a small side garden that narrows to a strip running past the triangular garden area of the lower flat. The rear garden areas are relatively open with properties overlooking all back garden areas where, with the exception of standard detached outbuildings (i.e. sheds, external storage structures) there are no other attached structures.

The proposal involves the erection of a single storey rear extension to the rear elevation of the lower flat. The existing lower flat comprises living room, two bedrooms, kitchen and bathroom. Due to the desire of the applicant to create additional accommodation the proposal will result in a rear extension that will accommodate one further bedroom and relocated bathroom (where the existing bathroom will be used as a dining room).

The five-sided extension will extend 6.7 metres into the rear garden from the rear elevation of the dwellinghouse but attached by a small link corridor that would have double doors opening out onto a drying green and patio area.

The proposed extension would be 2.9 metres high, 5.0 metres wide and 5.2 metres in length on its side elevation to the communal path. On the opposite side, facing into the applicant's garden area (and those of 102/104 Dixon Avenue) the extension would extend some 3.6 metres along its side elevation. The extension would be constructed in blockwork and rendered in roughcast to match the existing building. It would have a flat roof finished in stone chips on a mineral felt finish with windows to match the existing flat (i.e. white upvc).

Given the particular design and location of the rear extension, it is considered that the proposal would be contrary to Policy BE9 of the Cowal Local Plan and to policies LP ENV19 and LP HOU5 of the Argyll and Bute Modified Finalised Draft Local Plan.

B. Built Environment

Given the scale and siting of the proposed extension, it is considered that it would not result in a loss of privacy or overlooking from the proposed bedroom windows and opaque bathroom windows as these would be located on the rear elevation facing a small portion of the rear garden area. Similarly, the scale and design of the extension would not result in any loss of daylighting or sunlight to any adjacent properties as any overshadowing would be to the communal path and narrow strip of rear garden belonging to the upper flat.

However, notwithstanding the above, it is considered that the scale, siting and design of the proposed rear extension will result in a structure within a confined space that would result in an unnatural and unacceptable rear extension that would not be in keeping with surrounding properties or their rear gardens. The presence of this large flat roofed pavilion style linked extension in such a small rear garden would create a visually dominant feature within this corner of the streetblock overlooked by many properties. By designing the extension to have windows on only the rear elevation, the long side elevations would be entirely featureless and create a drab almost 3 metre high 5.2/3.6 metre long structure to properties on either side.

In terms of plot density, the existing lower flat has a footprint of 75m² occupying 37% of its curtilage. The proposed extension (footprint of 26m²) would result in a plot density of 50%. The existing rear garden area measures approximately 72m² and the proposed extension (26m²) would reduce this area to 46 m² (i.e. a 36% occupation of the small rear garden area). The remaining small and fragmented garden spaces would also result in any amenities taking place much closer to common boundaries than exists at present. Development in a four-in-a-block building is often problematic where common areas exist and amenity is shared. The danger in approving such an extension is that the lower flat would visually dominate all other garden and private amenity areas in close proximity.

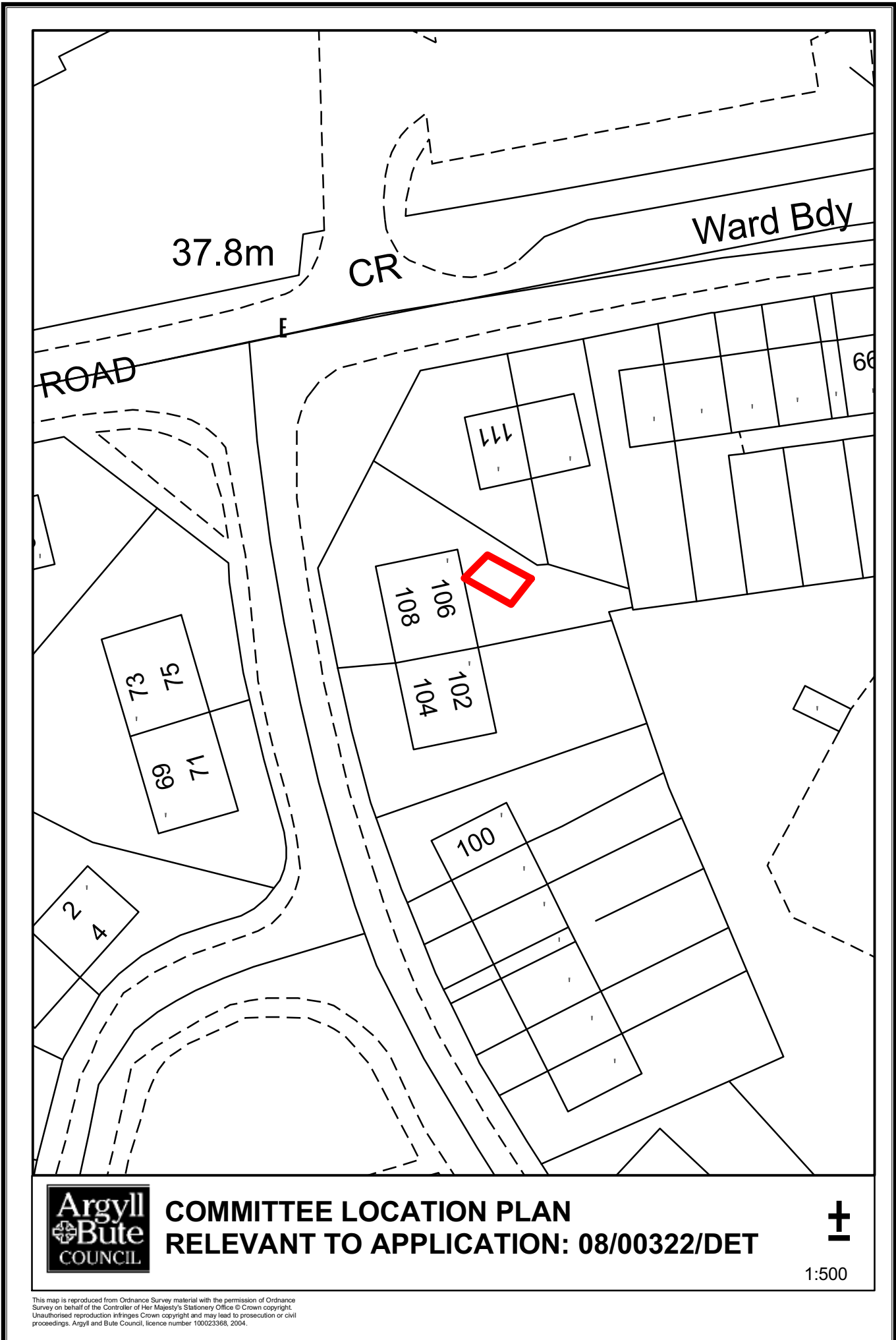
Given the particular scale, design and location of the rear extension within such a confined site, it is considered that the proposal would be contrary to the provisions of Policy BE9 of the Cowal Local Plan and to policies LP ENV19 and LP HOU5 of the Argyll and Bute Modified Finalised Draft Local Plan.

CONCLUSION

While only one objection has been received from the owner of the upper flat, it is considered that the erection of such a large rear extension would have a detrimental impact on the amenity of other surrounding properties while setting a dangerous precedent in respect of over-developing small garden areas. While sympathetic to the plight of the applicant, it is considered that some more modest extension together with internal alterations could perhaps achieve a similar aim to create one extra bedroom.

It is considered that the proposed rear extension would have the capacity to 'over-dominate', and appear incongruous by its design that would be attached to the relatively simple character of the original building by a link corridor. In essence, the proposed extension cannot be viewed as a natural addition to the flatted property where it would overwhelm and detract from the character of the building and surrounding properties, contrary to the basic principles in the Council's Design Guide – *'Extensions & Alterations to Existing Buildings'*, and to *Appendix A – Sustainable Siting and Design Principles*.

The proposal is therefore considered to be unacceptable in scale and design and likely to have significant visual impact on surrounding properties. The proposal is considered to be contrary to Policies POL BE9 of the adopted Cowal Local Plan 1993 and policies LP ENV19, LP HOU5 (and Appendix A) of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006). The proposal does not comply with the terms of the Development Plan and there are no material considerations which would allow the Development Plan to be laid aside. Refusal of detailed planning permission is therefore justified.



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION: 08/00322/DET**



1:500

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Argyll and Bute Council, licence number 10023368, 2004.

This page is intentionally left blank

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE

Ward Number - 8 Isle of Bute
 Date of Validity - 29 February 2008
 Committee Date - 3 June 2008

Reference Number: 08/00387/DET
 Applicants Name: Sara Goss
 Application Type: Detailed
 Application Description: Installation of Replacement Windows
 Location: 15 Battery Place, Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Planning Permission

- Installation of replacement upvc windows

There is an associated application for Listed Building Consent (ref: 08/00388/LIB) and, given that the works are retrospective, there is a current enforcement case (ref: 08/00155/ENFHS). Reports on both of these matters are also before Members for consideration.

(B) RECOMMENDATION

That Planning Permission be **refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The works would not generally be supported by relevant policy provisions on properties within Conservation Areas under both the adopted and emerging Local Plans. Notwithstanding the relatively poor condition of the original windows and the inclusion of the subject property within a townscape block where there has been a significant introduction of modern windows, it is considered that the window replacement, particularly on the front elevation of the premises, cannot be justified in terms of existing/emerging Development Plan policies; non-statutory Council policies; and Central Government guidance.

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

As no representations have been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

(iv) Reasoned Justification for a Departure to the Provisions of the Development Plan.

The application is not being recommended as a departure to the Development Plan.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) **Does the Council have an interest in the site:**

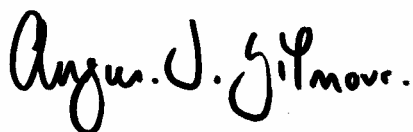
No.

(vii) **Need and Reason for Notification to Scottish Ministers.**

The proposal relates to the alteration of a Grade C(S) Listed Building and, as such, there is no requirement to formally notify Scottish Ministers.

(viii) **Has a sustainability Checklist Been Submitted:**

No



Angus J Gilmour
Head of Planning
21 May 2008

Author: Steven Gove 01369 708603
Contact: David Eaglesham 01369 708608

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/00387/DET

1. The replacement windows on the Battery Place façade of the subject property, by virtue of their unsympathetic upvc material and inappropriate variety of opening methods, have an unacceptable impact upon the architectural and historic interest of this Category C(S) Listed Building located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy POL BE 6 of the adopted Bute Local Plan 1990; Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement and Design Guide E 'Replacement of Windows'*; and the advice contained within Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*'.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00387/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including within Conservation Areas) will be resisted.

Bute Local Plan 1990

Policy POL BE 6 of the adopted Local Plan seeks to prevent any deterioration in the character and appearance of the Rothesay Conservation Area through unsympathetic new development.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy LP ENV 14 presumes against development that would not preserve or enhance the character or appearance of an existing Conservation Area. All such developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

Detailed Planning Permission (ref: 03/01715/DET) granted on 29th October 2003 and Listed Building Consent (ref: 03/01924/LIB) granted on 4th December 2003 for the formation of French doors and the replacement of a first floor window, both on the rear elevation of the subject property.

Detailed Planning Permission (ref: 06/01801/DET) granted on 7th February 2007 for the partial demolition of the owners accommodation to the rear and the erection of an extension.

(iii) CONSULTATIONS

No consultation required to be carried out.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Section 65 (closing date 4th April 2008). No representations have been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant has provided a supporting justification (letter from Sara Goss dated 22nd April 2008) illustrating why she decided to apply for upvc windows and the circumstances in which they were installed prior to approval being given. This can be summarised as follows:

- The premises were purchased in 2003 and have been painstakingly refurbished to a very high standard, with awards having been won and good press coverage obtained. Due to the huge sum of money having been spent on the property, it was decided to open the Bed and Breakfast in 2005 to try and recoup the cash investment that had been made. This was despite the condition of the windows, which were cracked, dangerous with plate glass, leaking, broken string weights and an inability to open most of them;
- In January 2008, Planning Permission was obtained for the installation of upvc windows at the nearby Commodore Hotel. In addition, of the surrounding flats, more than three-quarters have non-traditional windows. Heating bills were becoming very high and the cost of replacing 29 windows with timber sash windows was estimated at £40,000, which was not affordable. These factors influenced the decision to apply for upvc windows;
- As a decision was awaited on the applications, the window company called to say they could install the windows and, as it was thought that it would be inevitable that approval would be given, the works were carried out. In hindsight, the outcome of the applications should have been waited for.
- Since the installation of the windows, the use of gas heating has dropped markedly, as have any complaints from guests regarding their rooms being cold. It is planned to re-roof the slate roof and re-point the gables in the future; the interior of the rooms is re-painted annually whilst the exterior is painted every two-three years. There is a clear financial commitment to providing quality accommodation on the island.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00387/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

There are three elements to this application:

- the replacement of white, two-paned, timber sash and case windows on the front elevation of the property with white, two- and single-paned, upvc windows with a variety of top, bottom and side opening methods;
- the replacement of white timber windows of various designs on the rear elevation with white upvc windows of similar designs;
- the replacement of white timber sash and case style windows on the owners accommodation to the rear with white, single-paned, upvc tilt and turn windows.

STRAT DC 9 of the Argyll and Bute Structure Plan 2002, Policy POL BE 6 of the Bute Local Plan 1990 and Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006 seek to prevent any deterioration in the character and appearance of the Rothesay Conservation Area.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to existing and emerging Development Plan policies.**

B. Other Key Policy Matters

The Council's '*Rothesay Window Policy Statement*' places the subject property within a townscape block containing numbers 14 and 15 Battery Place. Whilst identifying that these properties are Category C(S) Listed Buildings, it also acknowledges that a significant number of modern windows have been installed. In recognition of these circumstances, the policy for this townscape block is as follows:

"The Council will actively encourage the installation of replacement windows which reflect the original character of the property. Applicants are advised to contact the matter with the Planning Department prior to submitting a planning application."

It should also be borne in mind that the policy concentrates on the front elevation of properties as they are regarded as being of more critical importance to the townscape.

The Council's '*Design Guide on Replacement Windows*' 1991 seeks to ensure that replacement windows on the front elevation of buildings in Conservation Areas should match the original in all aspects of their design and in their main method of opening. However, on rear elevations, the windows should match the original design but can vary in terms of finish and method of opening.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to non-statutory Council policies.**

C. Other Scottish Executive Advice

Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*' generally seeks to firmly discourage modern substitutes for timber sash windows. However, it does concede that, in very occasional circumstances, the installation of a window which differs

from the original may be acceptable in an enclosed rear court or in an area where the window pattern has already been much altered.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to Central Government guidance**.

CONCLUSION

There is a general presumption in favour of retaining timber windows in Listed Buildings within Conservation Areas, although both Council policies and Central Government advice recognise that there may be situations where a more flexible approach can be taken. In this particular case, numbers 14 and 15 Battery Place are listed separately, although they can be considered as a "*prominent seafront pair*" (quoted from Historic Scotland description).

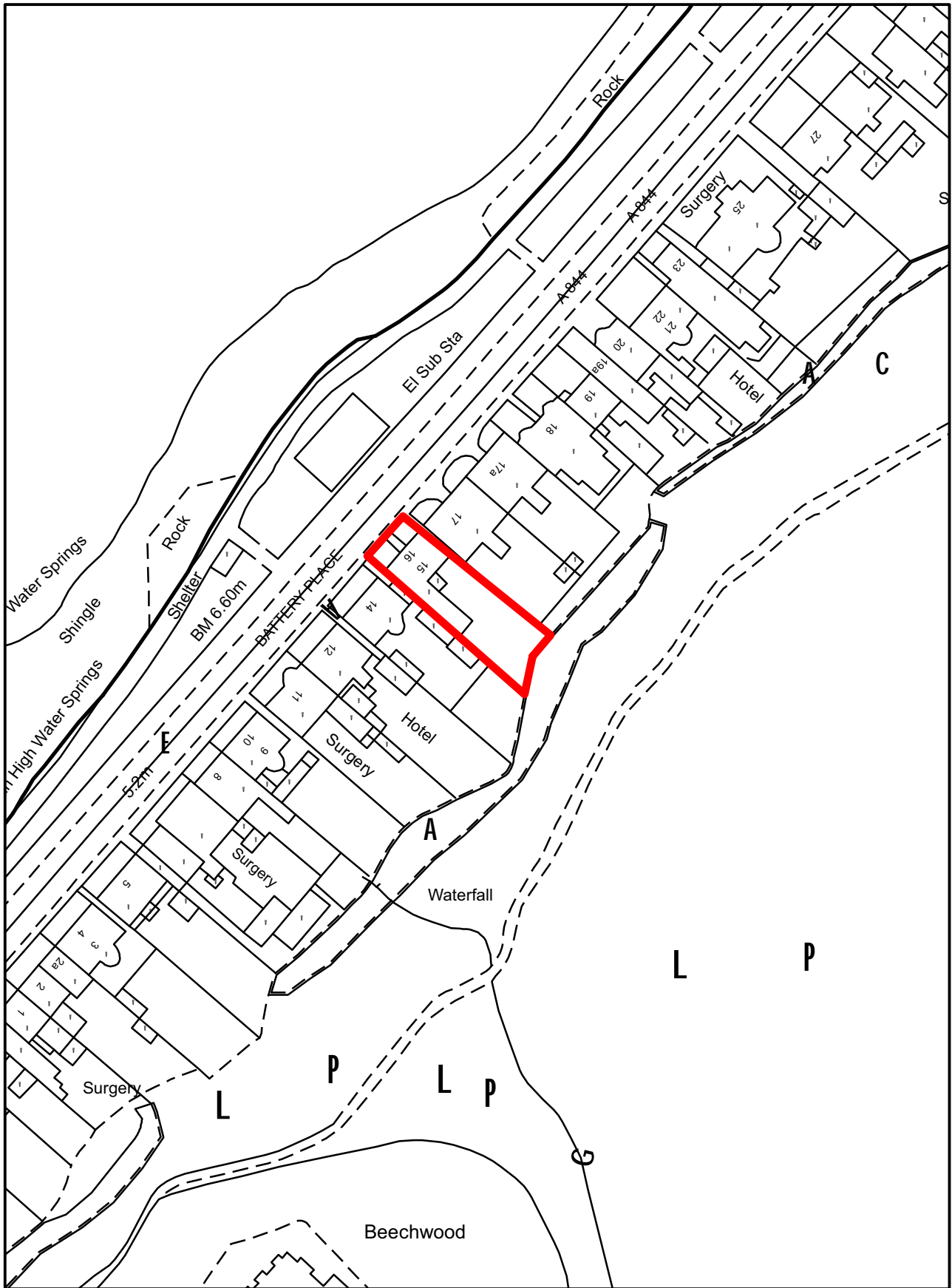
In the '*Rothesay Window Policy Statement*' as mentioned in Section B above, the presence of modern windows in the southerly block (installed before the buildings were listed) is noted. However, 15 Battery Place previously had traditional timber sliding sash and case windows on the front elevation prior to the windows that are the subject of this application being installed. Notwithstanding the windows in number 14, the policy statement indicates that there would be active encouragement for the installation of traditional windows in this particular townscape block.

Based upon the information provided by the applicant, it would appear that the original windows were in a considerable state of disrepair. This may, indeed, have been the case but the first options when faced with such windows in a Listed Building are to consider either refurbishing or replacing on a '*like-for-like*' basis. These are clearly the two best options when viewed from a built environment perspective, particularly on the front elevation, which is the most important part of the building. The option that has been chosen in this case, of installing non-traditional windows, is not considered to be appropriate. Furthermore, even if a case for such replacement had been accepted, the department would have encouraged a more sympathetic and uniform pattern of windows to the front elevation.

The Department acknowledges that the rear elevation contains a variety of window styles and designs together with a relatively unattractive flat-roofed dormer. In addition, the rear court area is visually self-contained and not immediately visible from the seafront. In these circumstances, fenestration on the rear elevations is not considered to be a fundamentally key feature of the rear area of this Listed Building located within the Rothesay Conservation Area. However, it is not possible to partly approve an application.

On the basis of the foregoing, the introduction of upvc windows with a variety of opening methods on the front elevation of the property is considered to be contrary to existing and emerging Development Plan policy; Central Government guidance; and non-statutory Council policies. As a consequence, the application is being recommended for refusal.

This page is intentionally left blank



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION: 08/00387/DET**



1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Argyll and Bute Council, licence number 100023368, 2004.

This page is intentionally left blank

DEVELOPMENT SERVICES
LISTED BUILDING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE

Ward Number - 8 Isle of Bute
 Date of Validity - 29 February 2008
 Committee Date - 3 June 2008

Reference Number: 08/00388/LIB
 Applicants Name: Sara Goss
 Application Type: Listed Building Consent
 Application Description: Installation of Replacement Windows
 Location: 15 Battery Place, Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Listed Building Consent

- Removal of existing windows
- Installation of replacement upvc windows

There is an associated application for Planning Permission (ref: 08/00387/DET) and, given that the works are retrospective, there is a current enforcement case (ref: 08/00155/ENFHSH). Reports on both of these matters are also before Members for consideration.

(B) RECOMMENDATION

That listed building consent be **refused** for the reason given on the attached page..

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The works would not generally be supported by relevant policy provisions on Listed Buildings under both the adopted and emerging Local Plans. Notwithstanding the relatively poor condition of the original windows and the inclusion of the subject property within a townscape block where there has been a significant introduction of modern windows, it is considered that the window replacement, particularly on the front elevation of the premises, cannot be justified in terms of existing/emerging Development Plan policies; non-statutory Council policies; and Central Government guidance.

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

As no representations have been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

The application is not being recommended as a departure from the Development Plan.

(v) **Is the Proposal a Schedule 1 or 2 EIA development:**

No.

(vi) **Does the Council have an interest in the site:**

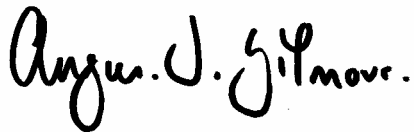
No.

(vii) **Need and Reason for Notification to Scottish Ministers.**

The proposal relates to the alteration of a Category C(S) Listed Building and, as such, there is no requirement to formally notify Scottish Ministers.

(viii) **Has a sustainability Checklist Been Submitted:**

No



Angus J Gilmour
Head of Planning
21 May 2008

Author: Steven Gove 01369 708603
Contact: David Eaglesham 01369 708608

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/00388/LIB

1. The replacement windows on the Battery Place façade of the subject property, by virtue of their unsympathetic upvc material and inappropriate variety of opening methods, have an unacceptable impact upon the architectural and historic interest of this Category C(S) Listed Building located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy POL BE 1 of the adopted Bute Local Plan 1990; Policy LP ENV 13(a) of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement and Design Guide E 'Replacement of Windows'*; and the advice contained within Historic Scotland's *'Memorandum of Guidance on Listed Buildings and Conservation Areas'*.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00388/LIB

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including Listed Buildings) will be resisted.

Bute Local Plan 1990

Policy BE1 of the adopted Local Plan seeks to permit those alterations to statutory listed buildings which maintain and/ or enhance their special architectural qualities.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy ENV13(a) requires development affecting a listed building to preserve the building and any features of special architectural or historic interest that it possesses and that all such developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

Detailed Planning Permission (ref: 03/01715/DET) granted on 29th October 2003 and Listed Building Consent (ref: 03/01924/LIB) granted on 4th December 2003 for the formation of French doors and the replacement of a first floor window, both on the rear elevation of the subject property.

Detailed Planning Permission (ref: 06/01801/DET) granted on 7th February 2007 for the partial demolition of the owners accommodation to the rear and the erection of an extension.

(iii) CONSULTATIONS

No consultation required to be carried out.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Regulation 5 (closing date 4th April 2008). No representations have been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant has provided a supporting justification (letter from Sara Goss dated 22nd April 2008) illustrating why she decided to apply for upvc windows and the circumstances in which they were installed prior to approval being given. This justification can be summarised as follows:

- The premises were purchased in 2003 and have been painstakingly refurbished to a very high standard, with awards having been won and good press coverage obtained. Due to the huge sum of money having been spent on the property, it was decided to open the Bed and Breakfast in 2005 to try and recoup the cash investment that had been made. This was despite the condition of the windows, which were cracked, dangerous with plate glass, leaking, broken string weights and an inability to open most of them;
- In January 2008, Planning Permission was obtained for the installation of upvc windows at the nearby Commodore Hotel. In addition, of the surrounding flats, more than three-quarters have non-traditional windows. Heating bills were becoming very high and the cost of replacing 29 windows with timber sash windows was estimated at £40,000, which was not affordable. These factors influenced the decision to apply for upvc windows;
- As a decision was awaited on the applications, the window company called to say they could install the windows and, as it was thought that it would be inevitable that approval would be given, the works were carried out. In hindsight, the outcome of the applications should have been waited for.
- Since the installation of the windows, the use of gas heating has dropped markedly, as have any complaints from guests regarding their rooms being cold. It is planned to re-roof the slate roof and re-point the gables in the future; the interior of the rooms is re-painted annually whilst the exterior is painted every two-three years. There is a clear financial commitment to providing quality accommodation on the island.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00388/LIB

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

There are three elements to this application:

- the replacement of white, two-paned, timber sash and case windows on the front elevation of the property with white, two- and single-paned, upvc windows with a variety of top, bottom and side opening methods;
- the replacement of white timber windows of various designs on the rear elevation with white upvc windows of similar designs;
- the replacement of white timber sash and case style windows on the owners accommodation to the rear with white, single-paned, upvc tilt and turn windows.

STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and Policy POL BE 1 of the Bute Local Plan 1990 seek to permit those alterations to Listed Buildings that maintain and/or enhance their special architectural qualities whilst LP ENV 13(a) of the Argyll and Bute Modified Finalised Draft Local Plan 2006 requires development to preserve the building and any features of special architectural or historic interest that it possesses.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to existing and emerging Development Plan policies.**

B. Other Key Policy Matters

The Council's '*Rothesay Window Policy Statement*' places the subject property within a townscape block containing numbers 14 and 15 Battery Place. Whilst identifying that these properties are Category C(S) Listed Buildings, it also acknowledges that a significant number of modern windows have been installed. In recognition of these circumstances, the policy for this townscape block is as follows:

"The Council will actively encourage the installation of replacement windows which reflect the original character of the property. Applicants are advised to contact the matter with the Planning Department prior to submitting a planning application."

It should also be borne in mind that the policy concentrates on the front elevation of properties as they are regarded as being of more critical importance to the townscape.

The Council's '*Design Guide on Replacement Windows*' 1991 seeks to ensure that replacement windows on Listed Buildings match the original in all aspects of their design and in their main method of opening. One of the exceptions to this requirement is where particular elevations have already been seriously devalued by modern window frames.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to non-statutory Council policies.**

C. Other Scottish Executive Advice

Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*' generally firmly discourages modern substitutes for timber sash windows. However, it does concede that, in very occasional circumstances, the installation of a window which differs from

the original may be acceptable in an enclosed rear court or in an area where the window pattern has already been much altered.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to Central Government guidance**.

D. Conclusion

There is a general presumption in favour of retaining timber windows in Listed Buildings within Conservation Areas, although both Council policies and Central Government advice recognise that there may be situations where a more flexible approach can be taken. In this particular case, numbers 14 and 15 Battery Place are listed separately, although they can be considered as a "*prominent seafront pair*" (quoted from Historic Scotland description).

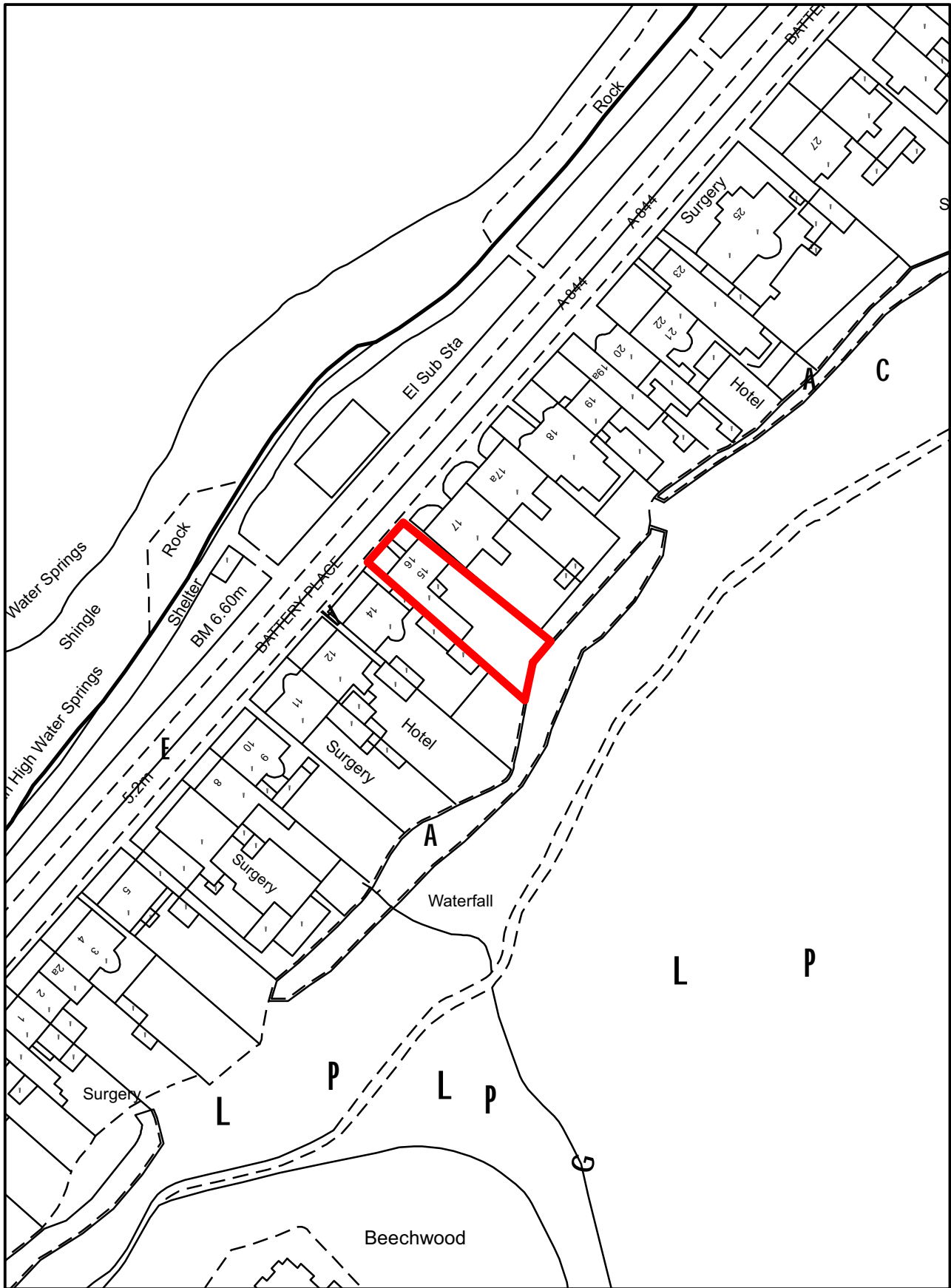
In the '*Rothesay Window Policy Statement*' as mentioned in Section B above, the presence of modern windows in the southerly block (installed before the buildings were listed) is noted. However, 15 Battery Place previously had traditional timber sliding sash and case windows on the front elevation prior to the windows that are the subject of this application being installed. Notwithstanding the windows in number 14, the policy statement indicates that there would be active encouragement for the installation of traditional windows in this particular townscape block.

Based upon the information provided by the applicant, it would appear that the original windows were in a considerable state of disrepair. This may, indeed, have been the case but the first options when faced with such windows in a Listed Building are to consider either refurbishing or replacing on a '*like-for-like*' basis. These are clearly the two best options when viewed from a built environment perspective, particularly on the front elevation, which is the most important part of the building. The option that has been chosen in this case, of installing non-traditional windows, is not considered to be appropriate.

The Department acknowledges that the rear elevation contains a variety of window styles and designs together with a relatively unattractive flat-roofed dormer. In addition, the rear court area is visually self-contained and not immediately visible from the seafront. In these circumstances, fenestration on the rear elevations is not considered to be a fundamentally key feature of the rear area of this Listed Building located within the Rothesay Conservation Area. However, it is not possible to partly approve an application.

On the basis of the foregoing, the introduction of upvc windows with a variety of opening methods on the front elevation of the property is considered to be contrary to existing and emerging Development Plan policy; Central Government guidance; and non-statutory Council policies. As a consequence, the application is being recommended for refusal.

This page is intentionally left blank



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION: 08/00388/LIB**



1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Argyll and Bute Council, licence number 100023368, 2004.

This page is intentionally left blank

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE AND COWAL AREA COMMITTEE

Ward Number - Ward 7 Dunoon
Date of Validity - 6 March 2008
Committee Date - 3 June 2008

Reference Number: 08/00402/DET
Applicants Name: Welchs Parks
Application Type: Detailed
Application Description: Formation of road and stances for static caravans, associated ground engineering works and boundary treatment provision (partially retrospective).
Location: Manor Park (formerly Cowal Caravan Park), Victoria Road, Hunters Quay, Dunoon.

Supplementary Report No 1

FURTHER INFORMATION

At the meeting of the Area Committee on 6 May 2008, consideration of this application was continued to allow the Hunter's Quay Community Council the opportunity to comment on the application. A formal consultation was sent to the Community Council on 7 May 2008. No response has been received to date.

Angus J Gilmour
Head of Planning
23 May 2008

Author: John Irving, Tel: 01369 708621 **Date:** 23 May 2008
Reviewing Officer: David Eaglesham Tel: 01369 708608 **Date:** 23 May 2008

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/00402/DET

1. boundary treatments & planting
2. lowering of concrete plinths, SE corner plinth
3. full details of all further caravans to be submitted and agreed in writing by PA prior to installation on site. Must detail finished ridge height, window positions etc of all new caravans
4. removal of workers unit 7 platform in NW corner of site.

INFORMATIVES:

"[Click here to enter text]"

APPENDIX– RELATIVE TO APPLICATION NUMBER: 08/00402/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

STRAT DC 1 '*Development within Settlement*' supports the principle of up to 'large scale' development with the 'Main Town' settlements such as Dunoon on appropriate infill, rounding-off and redevelopment sites.

Cowal Local Plan 1993

Policy POL BE 9 '*Layout & Design of Urban Development*' seeks to achieve a high standard of layout and design where new developments are proposed.

Policy POL HO 8 '*Infill, Rounding Off & Redevelopment*' will encourage infill, rounding off and redevelopment relating to the existing built form.

Argyll & Bute Modified Finalised Draft Local Plan 2006

Policy LP HOU 1 '*General Housing Development*' establishes a presumption in favour of up to medium scale development (between 6-30 dwellings) in main towns of Argyll and Bute.

Policy LP HOU 6 '*Residential Caravans and Sites (for Permanent Homes)*', no new residential caravans, or caravan sites, nor any extension to an existing site, will be permitted for permanent homes.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Note (i): **The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

Planning Permission 8559 was granted on 4th May 1961 for '*the formation of a caravan site at Victoria Road, Hunters Quay, Dunoon*'. No additional conditions were attached to this permission restricting pitch numbers or the type of occupancy etc.

In early March of 2006, the Planning Authority was advised that the site had been sold and was going to be re-developed. It was established that a breach of planning control had occurred and the department reported this matter to the Bute & Cowal Area Committee on 5th September 2006, 5th December 2006 and 1st March 2007.

As a result the department served an Enforcement Notice on 1st March 2007 for the reinstatement of the caravan to its former condition prior to unauthorised works commencing.

The developer appealed the enforcement notice and a public local enquiry was undertaken on 30th October 2007, thereafter the Directorate of Planning & Environmental Appeals advised on 28th December 2007 that the appeal had been dismissed and requirements of the Enforcement Notice remain.

This current application seeks to regularise a number of unauthorised development works which have been undertaken at the site. In addition, the application incorporates a number mitigation measures along the site boundaries and the lowering of a concrete stance.

(iii) CONSULTATIONS

Area Roads Manager

Public Protection Service

Area Building Standards Manager

Scottish Water (letter dated 14th march 2008):

No objection to application. No known issues with water or waste water network that serves this development site.

(iv) PUBLICITY AND REPRESENTATIONS

One letter of objection has been received from Susan & David Galt (letter dated 3rd March 2008), Anchor Cottage, 1 Cammesreinach Crescent, hunters Quay, PA23 8JZ. The points raised are summarised below:

- i. We have a lodge overlooking our back garden and our two bedroom windows. The occupants can and do look into our bedrooms. This has been caused by the height they have built up the site. We had caravans at the back previously but these were much lower down.

Comment: See assessment below.

- ii. We already have a 6 feet high fence which is dwarfed by the adjacent lodge, any new fencing would have to be 10 feet high to address our privacy concerns.

Comment: See assessment below.

One letter of support has been received from the Owner, 7 Manor Park (letter dated 26th March 2008), Hunters Quay, Dunoon, PA23 8JY. The points raised are summarised below:

- i. Park homes are a fairly new concept as far as housing is concerned. It provides people the opportunity to go into retirement in good quality, easy to manage housing. These homes are built to a high standard, well insulated and economical to run.

Comment: See assessment below.

- ii. Manor Park when completed will be finished to a high standard and will compliment the area and must be a huge improvement on what was here previously.

Comment: See assessment below.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/0040/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

"[Click here to enter text]"

B. Location, Nature and Design of Proposed Development

Although the design of the structures on site are not to the standard the department would normally expect from permanent dwellinghouse consideration must be given to the lawful use of the site as a caravan park and the previous site condition prior to redevelopment works commencing.

C. Built Environment

"[Click here to enter text, delete if not applicable]"

D. Road Network, Parking and Associated Transport Matters.

"[Click here to enter text, delete if not applicable]"

E. Infrastructure

"[Click here to enter text, delete if not applicable]"

F. Conclusion.

"[Click here to enter text, delete if not applicable]"

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE AND COWAL

Ward Number - Ward 7 Dunoon
Date of Validity - 6th March 2008
Committee Date - 6th May 2008

Reference Number: 08/00402/DET
Applicants Name: Welchs Parks
Application Type: Detailed
Application Description: Formation of road and stances for static caravans, associated ground engineering works and boundary treatment provision (partially retrospective).
Location: Manor Park (formerly Cowal Caravan Park), Victoria Road, Hunters Quay, Dunoon.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of access road
- Formation of concrete stances
- Ground engineering/reprofiling works
- Boundary treatments

(ii) Other specified operations.

- Connection to public sewer
 - Connection to public water main
-

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that detailed planning permission **be granted** subject to the conditions and reasons and informatives detailed overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

"[Click here to enter text]"

(ii) Representations:

One letter of objection has been received.

One letter of support has been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

N/A.

(iv) Reasoned Justification for a Departure to the Provisions of the Development Plan.

N/A

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

N/A.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
28th March 2008

Author: John Irving, Tel: 01369708621

Date:

Reviewing Officer: "[Click here to enter name and telephone number]"

Date:

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/00402/DET

1. boundary treatments & planting
2. lowering of concrete plinths, SE corner plinth
3. full details of all further caravans to be submitted and agreed in writing by PA prior to installation on site. Must detail finished ridge height, window positions etc of all new caravans
4. removal of workers unit 7 platform in NW corner of site.

INFORMATIVES:

"[Click here to enter text]"

APPENDIX– RELATIVE TO APPLICATION NUMBER: 08/00402/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

STRAT DC 1 '*Development within Settlement*' supports the principle of up to 'large scale' development with the 'Main Town' settlements such as Dunoon on appropriate infill, rounding-off and redevelopment sites.

Cowal Local Plan 1993

Policy POL BE 9 '*Layout & Design of Urban Development*' seeks to achieve a high standard of layout and design where new developments are proposed.

Policy POL HO 8 '*Infill, Rounding Off & Redevelopment*' will encourage infill, rounding off and redevelopment relating to the existing built form.

Argyll & Bute Modified Finalised Draft Local Plan 2006

Policy LP HOU 1 '*General Housing Development*' establishes a presumption in favour of up to medium scale development (between 6-30 dwellings) in main towns of Argyll and Bute.

Policy LP HOU 6 '*Residential Caravans and Sites (for Permanent Homes)*', no new residential caravans, or caravan sites, nor any extension to an existing site, will be permitted for permanent homes.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Note (i): **The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

Planning Permission 8559 was granted on 4th May 1961 for '*the formation of a caravan site at Victoria Road, Hunters Quay, Dunoon*'. No additional conditions were attached to this permission restricting pitch numbers or the type of occupancy etc.

In early March of 2006, the Planning Authority was advised that the site had been sold and was going to be re-developed. It was established that a breach of planning control had occurred and the department reported this matter to the Bute & Cowal Area Committee on 5th September 2006, 5th December 2006 and 1st March 2007.

As a result the department served an Enforcement Notice on 1st March 2007 for the reinstatement of the caravan to its former condition prior to unauthorised works commencing.

The developer appealed the enforcement notice and a public local enquiry was undertaken on 30th October 2007, thereafter the Directorate of Planning & Environmental Appeals advised on 28th December 2007 that the appeal had been dismissed and requirements of the Enforcement Notice remain.

This current application seeks to regularise a number of unauthorised development works which have been undertaken at the site. In addition, the application incorporates a number mitigation measures along the site boundaries and the lowering of a concrete stance.

(iii) CONSULTATIONS

Area Roads Manager

Public Protection Service

Area Building Standards Manager

Scottish Water (letter dated 14th march 2008):

No objection to application. No known issues with water or waste water network that serves this development site.

(iv) PUBLICITY AND REPRESENTATIONS

One letter of objection has been received from Susan & David Galt (letter dated 3rd March 2008), Anchor Cottage, 1 Cammesreinach Crescent, hunters Quay, PA23 8JZ. The points raised are summarised below:

- i. We have a lodge overlooking our back garden and our two bedroom windows. The occupants can and do look into our bedrooms. This has been caused by the height they have built up the site. We had caravans at the back previously but these were much lower down.

Comment: See assessment below.

- ii. We already have a 6 feet high fence which is dwarfed by the adjacent lodge, any new fencing would have to be 10 feet high to address our privacy concerns.

Comment: See assessment below.

One letter of support has been received from the Owner, 7 Manor Park (letter dated 26th March 2008), Hunters Quay, Dunoon, PA23 8JY. The points raised are summarised below:

- i. Park homes are a fairly new concept as far as housing is concerned. It provides people the opportunity to go into retirement in good quality, easy to manage housing. These homes are built to a high standard, well insulated and economical to run.

Comment: See assessment below.

- ii. Manor Park when completed will be finished to a high standard and will compliment the area and must be a huge improvement on what was here previously.

Comment: See assessment below.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/0040/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

"[Click here to enter text]"

B. Location, Nature and Design of Proposed Development

Although the design of the structures on site are not to the standard the department would normally expect from permanent dwellinghouse consideration must be given to the lawful use of the site as a caravan park and the previous site condition prior to redevelopment works commencing.

C. Built Environment

"[Click here to enter text, delete if not applicable]"

D. Road Network, Parking and Associated Transport Matters.

"[Click here to enter text, delete if not applicable]"

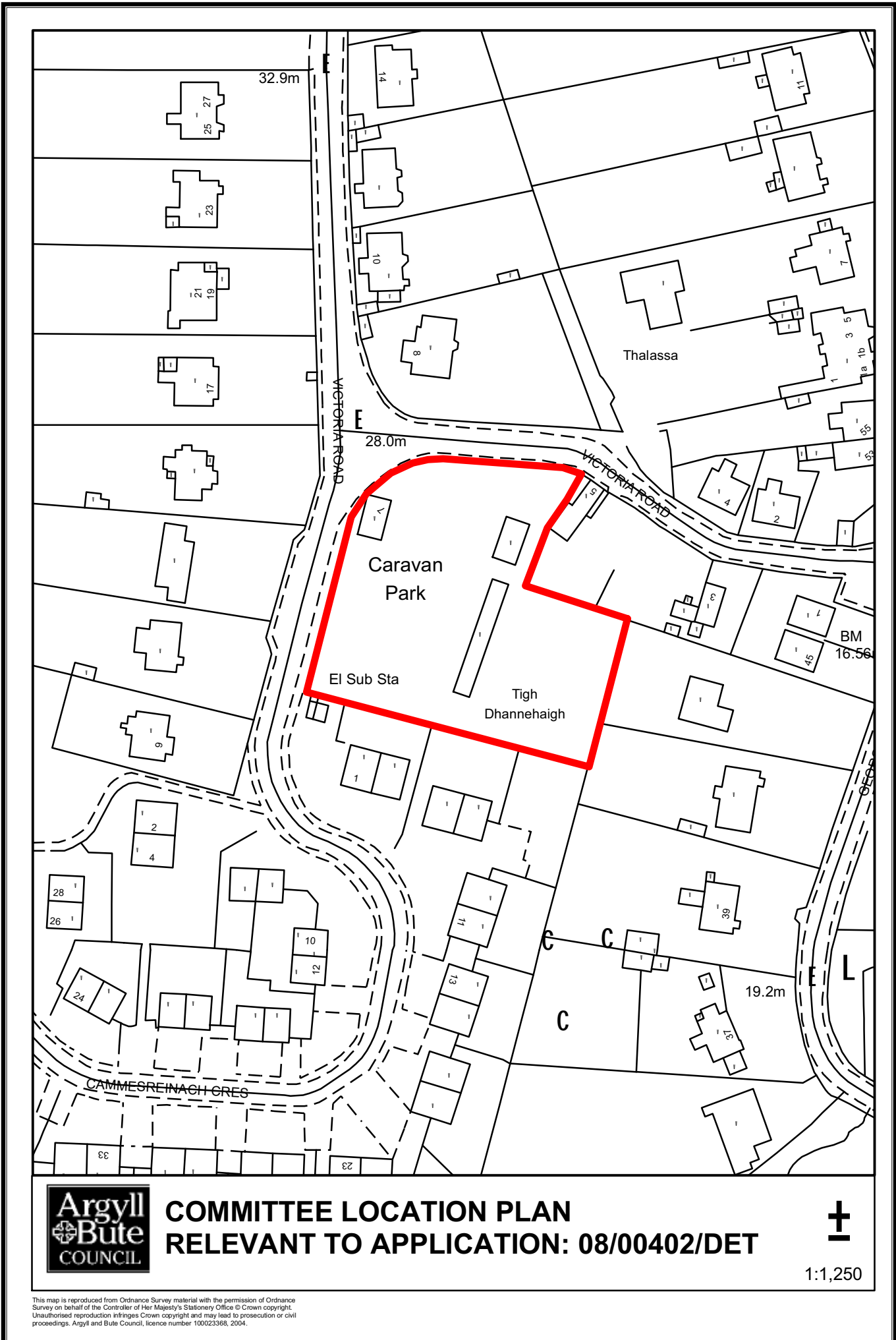
E. Infrastructure

"[Click here to enter text, delete if not applicable]"

F. Conclusion.

"[Click here to enter text, delete if not applicable]"

This page is intentionally left blank



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION: 08/00402/DET**



1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Argyll and Bute Council, licence number 100023368, 2004.

This page is intentionally left blank

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE**

Bute and Cowal

Application Types: *ADV App. for Advertisement Consent,
ART4 App. Required by ARTICLE 4 Dir,
CLAWU App. for Cert. of Law Use/Dev. (Existing),
CLWP App. for Cert. of Law Use/Dev. (Proposed),
COU App. for Change of Use Consent,
CPD Council Permitted Dev Consultation,
DET App. for Detailed Consent,
FDP Forest Design Plan Consultation,
FELLIC Felling Licence Consultation,
GDCON Government Dept. Consultation,
HAZCON App. for Hazardous Substances Consent,
HYDRO Hydro Board Consultation,
LIB Listed Building Consent,
LIBECC App. for Consent for ecclesiastical building,
MFF Marine Fish Farm Consultation,
MIN App. for Mineral Consent,
NID Not. of intent to develop app.,
NMA Not. for Non-Material Amnt,
OUT App. for Permission in Principle,
PNAGRI Prior Not. Agriculture,
PNDEM Prior Not. Demolition,
PNELEC Prior Not. Electricity,
PNFOR Prior Not. Forestry,
PNGAS Prior Not. Gas Supplier,
PREAPP Pre App. Enquiry,
REM App. of Reserved Matters,
TELNOT Telecoms Notification,
TPO Tree Preservation Order,
VARCON App. for Variation of Condition(s),
WGS Woodland Grant Scheme Consultation*

Decision Types: *PER Approved
WDN Withdrawn
NOO No Objections
AAR Application Required
CGR Certificate Granted
OBR Objections Raised
PDD Permitted Development
PRE Permission Required
NRR New App. Required*

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/00754/NMA	Lewis Pryor Land North East Of Barandachoid Croft Strathlachlan Argyll And Bute Erection of dwellinghouse and formation vehicular access (amendment to permission 07/01687/DET incorporating change from timber to UPVC windows)	17/04/2008	29/04/2008	PER
08/00708/CPD	Capital Programmes Manager Innellan School 52A Wyndham Road Innellan Argyll And Bute PA23 7SJ Change of football pitch to all weather sports pitch	11/04/2008	25/04/2008	PDD
08/00665/NMA	Mr John Shiveral Land West Of Feorlean Colintrave Argyll And Bute Erection of a dwellinghouse (amendment to permission 06/00120/REM revised building footprint)	01/04/2008	29/04/2008	PER
08/00615/DET	Ian McKnight Ashbank Strachur Cairndow Argyll And Bute PA27 8BX Demolition of porch; erection of sun lounge; extension to garage and formation of rear link	27/03/2008	25/04/2008	PER
08/00603/DET	Miss Maureen Thomas 25 Shore Road Port Bannatyne Isle Of Bute Argyll And Bute PA20 0LQ Installation of replacement windows	08/04/2008	06/05/2008	PER
08/00580/DET	Mr J Sutherland Flat 1/1 4 Hillhouse Road Rothesay Isle Of Bute Argyll And Bute PA20 0HY Installation of satellite dish	07/04/2008	15/05/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/00566/DET	Mr And Mrs J McMillan Garden Ground Of 68 Auchamore Road Dunoon Argyll And Bute PA23 7JL Erection of dwellinghouse and formation of vehicular access	20/03/2008	13/05/2008	PER
08/00562/DET	Mr Michael Ivory And Mrs Jean Ivory Flat 2/2 17A Battery Place Rothesay Isle Of Bute Argyll And Bute PA20 9DP Installation of replacement windows	20/03/2008	18/04/2008	PER
08/00557/DET	Kean Construction Ltd Trefoil St Catherines Cairndow Argyll And Bute PA25 8BA Erection of side extension	18/03/2008	22/04/2008	PER
08/00551/DET	Arthur Hall 89 Alexandra Parade Dunoon Argyll And Bute PA23 8AH Alterations and extension	14/03/2008	22/04/2008	PER
08/00540/DET	Mr John Stirling Car Park At Toward Parish Church Toward Dunoon Argyll And Bute PA23 7UB Retention of car park	16/04/2008	14/05/2008	PER
08/00539/DET	Loch Lomond And Trossachs National Park SNH Area Office Ballochyle Sandbank Dunoon PA23 8RD Erection of wooden storage shed	26/03/2008	29/04/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/00526/ADV	Mr H Greene And Mrs H Greene 12 Battery Place Rothesay Isle Of Bute Argyll And Bute PA20 9DP Retention of signboard	13/03/2008	06/05/2008	PER
08/00497/DET	Mr And Mrs Tom Morton 48 Mary Street Dunoon Argyll And Bute PA23 7EE Roof development and erection of side extension	17/03/2008	08/05/2008	PER
08/00481/DET	Beornwood Ltd East Lodge Knockdow Estate Knockdow Toward Argyll And Bute PA23 7UL Alteration and extension to dwelling (renewal of permission 03/00218/DET)	07/03/2008	29/04/2008	PER
08/00455/DET	John Watson The Reef Toward Argyll And Bute PA23 7UA Erection of garage	26/03/2008	18/04/2008	PER
08/00393/LIB	Georgina B Denholm Upper Flat Chapelhill Villa Academy Road Rothesay Isle Of Bute Argyll And Bute PA20 0BG Installation of replacement windows	17/03/2008		PER
08/00392/DET	Georgina B Denholm Upper Flat Chapelhill Villa Academy Road Rothesay Isle Of Bute Argyll And Bute PA20 0BG Installation of replacement windows	17/03/2008	29/04/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/00104/DET	Mr And Mrs McCubbin Land To The East Of The Laverocks Westlands Road Rothessay PA20 Erection of dwellinghouse, formation of vehicular access and installation of septic tank.	24/01/2008	28/04/2008	PER
08/00083/OUT	Dr Rosemary Hannah Land To South Of House Cnoc An Raer North Bute Isle Of Bute PA20 0QT Argyll And Bute Erection of two one-and-a-half storey dwellinghouses, formation of vehicular access and installation of septic tank.	20/12/2007	21/04/2008	PER

This page is intentionally left blank

**BUILDING STANDARDS
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED DATE	VETTED DATE	DECISION	DECISION
05/00545/EXT/A	Mr And Mrs Madden 8 Broomfield Drive Dunoon Argyll PA23 7LJ Amendment to warrant to cover, platform at rear french Doors and addition of 2 storage cupboards	23/04/2008	28/04/2008	28/04/2008	WARAPP
06/01233/EXTEND/A	Colin And Jackie Pollock Oaklea Strathlachlan Argyll And Bute PA27 8DB Amendment to Warrant to cover; deletion of free standing stove and substitution with conventional open fire	15/04/2008	17/04/2008	22/04/2008	WARAPP
07/00127/ALTER/A	Gordon McKay Royal Bar 4 Pier Road Innellan Argyll And Bute PA23 7TH Amendment to warrant; to alter kitchen and cellar and deletion of roof terrance	22/04/2008	24/04/2008	25/04/2008	WARAPP
07/00450/ALTER	Mr K Masterson 22 St Brides Road Rothesay Isle Of Bute Argyll And Bute PA20 0JP Alterations to upper flat, to form two bedrooms and bathroom within attic.	04/04/2007	23/04/2007	14/05/2008	WARAPP
07/00876/EXTEND	Mr Iain Hopkins The Lodge Lochgoilhead Cairndow Argyll And Bute PA24 8AE Alteration/extension to dwelling, to form conservatory, and new toilet facilities.	26/06/2007	05/07/2007	06/05/2008	WARAPP
07/00981/ALTER	Mr David Knox 89 George Street Dunoon Argyll And Bute PA23 8BP Alteration to dwelling, to form two bedrooms and and ensuite within the loft area.	19/07/2007	21/08/2007	01/05/2008	WARAPP
07/01129/ERECL	Stewart McNee (Dunoon) Ltd Blairvhin Court 139 Alexandra Parade Dunoon Argyll And Bute PA23 8AW erection of 8No flats, with associated garages and stores	29/08/2007	21/12/2007	15/05/2008	WARAPP

**WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superceded by new Building**

07/01142/ERECDW	Mr Ralph Peters Plot 1 Land To The North Of Ashbank Strachur Argyll And Bute Erection of dwellinghouse and garage/workshop	06/09/2007	13/11/2007	12/05/2008	WARAPP
07/01314/EXTEND	Mr And Mrs McLay 20A Victoria Road Dunoon Argyll And Bute PA23 7EA Extension to dwelling, to form rear conservatory	16/10/2007	31/10/2007	28/04/2008	WARAPP
07/01364/ERECDW	Staurt MacCorquodale Land North Of Ardtur Lodge Port Appin Argyll And Bute Erection of a 7 apartment 4 bedroom one and half storey timber framed dwellinghouse	01/11/2007	19/12/2007	23/04/2008	WARAPP
08/00042/ERECDW	Stewart McNee Plot 1 Garden Ground Of Glenshiel Cromlech Road Sandbank Argyll And Bute Erection of two single storey dwellinghouses	10/01/2008	08/02/2008	06/05/2008	WARAPP
08/00064/EXTEND	Mr And Mrs W Barron 10 Eccles Road Hunters Quay Argyll And Bute PA23 8LB Extension to dwelling to form lounge and dinning room	11/01/2008	04/02/2008	01/05/2008	WARAPP
08/00137/ALTER	Dae It Yersel And Co. Pretoria Crescent 43-47 Tom-A-Mhoid Road Dunoon Argyll And Bute PA23 7HP Alteration to shop front, to replace existing units	28/01/2008		29/04/2008	WARAPP
08/00217/ERECDW	Mrs E Smith Garden Ground To The Rear Of 6 Clyde Street Dunoon Argyll And Bute PA23 7HT Erection of dwelling	21/02/2008	22/02/2008	25/04/2008	WARAPP
08/00232/ALTER	Robert Thornton 17 Castle Street Port Bannatyne Isle Of Bute Argyll And Bute PA20 0ND Alterations to flat, to relocate bathroom, and form new door way.	22/02/2008	03/03/2008	28/04/2008	WARAPP

**WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
 WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
 EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superceded by new Building**

08/00265/ALTER	Mr Eric Dymock And Mrs Ruth Dymock 31 Argyle Terrace Rothesay Isle Of Bute Argyll And Bute PA20 0BD Alteration to dwelling, to form bathroom and shower room	07/03/2008		25/04/2008	WARAPP
08/00267/EXTEND	Mr And Mrs J Campbell 7 Johnston Avenue Kilmun Dunoon Argyll And Bute PA23 8RY Extension to dwelling, to form kitchen and ensuite facilities.	07/03/2008	10/03/2008	01/05/2008	WARAPP
08/00274/ALTER	Mr And Mrs F Duffy And Miss F Lynn 59 And 61 Marine Parade Kirn Argyll And Bute PA23 8HF Alteration to install fire rated seperation wall, within roof void.	07/03/2008		22/04/2008	WARAPP
08/00290/EXTEND	John Buchanan Garchell Glendaruel Colintrave Argyll And Bute PA22 3AA Demolition of porch, and formation of sun lounge, utility room and wc room.	12/03/2008	19/03/2008	14/05/2008	WARAPP
08/00305/ERECDW	MacIntosh Homes Ltd Land West Of Seafeld Strone Argyll And Bute Erection of three flats, and associated lpg tank	17/03/2008		14/05/2008	WARAPP
08/00328/ALTER	Mr C T G McCutcheon 3 Ardhalow Bungalows 96 Bullwood Road Dunoon Argyll And Bute PA23 7QL Alteration to dwelling, to form patio doors	20/03/2008		29/04/2008	WARAPP
08/00331/ALTER	Mr S E McCabe Linnwood Blairmore Argyll And Bute PA23 8TJ Alterations to create doorway from bedroom to bathroom.	25/03/2008	03/04/2008	14/05/2008	WARAPP
08/00358/ALTER	Liz Evans Perchview 11 Morrisons Park Carrick Castle Cairndow Argyll And Bute PA24 8AD Alterations to dwelling; form ensuite facility and WC room	01/04/2008	16/04/2008	01/05/2008	WARAPP

WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superseded by new Building

08/00359/DEMOL	Fyne Homes Area Offices And Sheriff Court 1 Castle Street Rothesay Isle Of Bute Argyll And Bute PA20 9HA Demolition of internal walls with facade retention	01/04/2008	25/04/2008	WARAPP	
08/00360/DEMOL	Fyne Homes 3 King Street Rothesay Isle Of Bute Argyll And Bute Demolition of internal walls.	01/04/2008	25/04/2008	WARAPP	
08/00369/EXTEND	Mr And Mrs McGinty 28 Ardenfield Ardentinnny Argyll And Bute PA23 8TU Extension to dwelling, to form conservatory	31/03/2008	16/04/2008	01/05/2008	WARAPP
08/00370/ALTEXT	Mr G Mullholland 124 Alexander Street Dunoon Argyll And Bute PA23 7PY Altweration to dwelling, to form additional bedroom	04/04/2008	16/04/2008	01/05/2008	WARAPP
08/00405/INSTAL	Ralph Peters Plot 1 Land To The North Of Ashbank Strachur Argyll And Bute Installation of communal septic tank and outfall system	16/04/2008	12/05/2008	WARAPP	
08/00470/DISAB1	Mrs Barbara Cox 15 Bencorrum Brae Dunoon Argyll And Bute PA23 8HU Installation of access ramp.	29/04/2008	12/05/2008	WARAPP	

**WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
 WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
 EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superceded by new Building**

NOT FOR PUBLICATION by virtue of paragraph(s) 9
of Schedule 7A of the Local Government(Scotland) Act 1973

Document is Restricted

This page is intentionally left blank

NOT FOR PUBLICATION by virtue of paragraph(s) 9
of Schedule 7A of the Local Government(Scotland) Act 1973

Document is Restricted

This page is intentionally left blank

NOT FOR PUBLICATION by virtue of paragraph(s) 9
of Schedule 7A of the Local Government(Scotland) Act 1973

Document is Restricted

This page is intentionally left blank

NOT FOR PUBLICATION by virtue of paragraph(s) 13
of Schedule 7A of the Local Government(Scotland) Act 1973

Document is Restricted

This page is intentionally left blank

NOT FOR PUBLICATION by virtue of paragraph(s) 13
of Schedule 7A of the Local Government(Scotland) Act 1973

Document is Restricted

This page is intentionally left blank