

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

24 June 2008

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **QUEEN'S HALL, DUNOON** on **TUESDAY, 1 JULY 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 3rd June 2008 (Pages 1 - 10)
- (b) Minute of Planning Hearing 07/01171/OUT of 21st May 2008 (Pages 11 - 14)
- (c) Minute of Planning Hearing 08/00550/DET of 21st May 2008 (Pages 15 - 18)

4. DEVELOPMENT SERVICES

- (a) Planning Application 08/00322/DET, Tarya Ann Watson, 106 Dixon Avenue, Dunoon (Pages 19 - 28)
- (b) Outline Planning Application 07/01330/OUT, Mr D Haig, Ground to rear of St Blanes Hotel, Kilchattan Bay, Isle of Bute (Pages 29 - 42)
- (c) Planning Application 07/01931/DET, John McGinnes, 2 Colbeck Place, Colbeck Lane, Rothesay (Pages 43 - 50)
- (d) Listed Building Consent 07/01929/LIB, John McGinnes, 2 Colbeck Place, Colbeck Lane, Rothesay (Pages 51 - 58)

- (e) Planning Application 07/02258/DET, Sarah Black, Bay Cottage, Strachur (Pages 59 - 70)
- (f) Change of Use Application 08/00845/COU, Kashmir & Rajni Ram, Papa Rams, Jackson House (formerly Lazaretto Point Hotel), Shore Road, Sandbank (Pages 71 - 82)

5. EXEMPT ITEMS

- E1** (a) Enforcement Reports - to follow

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) 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 I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 - 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

MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the EAGLESHAM HOUSE, MOUNTPLEASANT ROAD, ROTHESAY on TUESDAY, 3 JUNE 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	

Attending: Shirley MacLeod, Area Corporate Services Manager
 Eilidh Headrick, Area Committee Services Officer
 David Eaglesham, Area Team Leader Development Control
 Alan Kerr, Network and Environment Manager
 Caroline Sheen, Estates Surveyor

Inspector Macdonald Stephens, Strathclyde Police

James Perlich, Active Schools Coordinator
 Jane Sinclair, Active Schools Coordinator
 Kathleen Sidebottom

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Walsh.

The Chairman ruled, and the Committee agreed, in terms of Standing Order 3.2.2 that a report by the Head of Planning Services in regard to the appeal lodged by Argyll Windfarm Ltd, dealt with at item 8 (g) of the agenda, be taken as a matter of urgency because there is no Area Committee in July.

2. DECLARATIONS OF INTEREST

Councillor Scoullar declared a non-pecuniary interest in items 8a and 8b by reason of being a member of that church but indicated that he would take part in the discussions. Councillor Scoullar declared a non-pecuniary interest in Enforcement Report 07/00279/ENFOCC by reason of being a friend of a principal objector.

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 6TH MAY 2008

The minute of the Area Committee of 6th May 2008 was approved as a correct record.

4. COMMUNITY SERVICES

(a) SPORTS VOLUNTEER AWARD

The Chairman congratulated Kathleen Sidebottom on winning the Sports Volunteer Award and presented her with her award.

Ms Sidebottom asked about getting a badminton court in Rothesay Joint Campus and Councillor Strong said she would look into this.

5. OPERATIONAL SERVICES

(a) DUNOON MARKET RELOCATION TO TOWN CENTRE

Members heard from the Network and Environment Manager on the potential movement of the Dunoon market from the Coal Pier to the town centre on a trial basis.

The Committee agreed:

- i. To the trial relocation on a one off basis of the market to Argyll Street.
- ii. To the trial relocation of the market to the Kent Trust Car Park during the winter months.
- iii. That the Area Corporate Services Manager and Network and Environment Manager liaise with the shopkeepers in Argyll Street regarding these trial relocations and the evaluation of outcomes from the trial.

(Reference: Report by the Network and Environment Manager – submitted)

(b) ROADS WORKS PROGRAMME 2008/9

Members heard from the Network and Environment Manager on the roads revenue budget to fund the Works Programme for 2008/09. The Network and Environment Manager explained there was a discrepancy in the figures of the background in the report and these figures should read: R10 from £940,294 to £1,264,755, winter maintenance from £150,000 to £250,000 and flooding to stay the same at £25,000.

Decision

The Committee agreed to the proposed allocation of revenue budget as detailed in Appendix 1 of the report.

(Reference: Report by the Network and Environment Manager – submitted)

(c) ROADS WORKS CAPITAL PROGRAMME 2008/9

Members heard from the Network and Environment Manager on the Roads Capital Budget to fund the Works Programme during 2008/09.

Motion

That the imbalance in this years roads works capital programme which mitigates against improvement works for the Island of Bute, be reallocated in the 2009/10 budget.

Proposed: Councillor R Macintyre

Seconded: Councillor I Strong

Amendment

That in order to ensure fair spend in relation to highest need, this and future budgets, be allocated in accordance with need as assessed by the road condition survey carried out by the Department.

Proposed: Councillor Marshall

Seconded: Councillor Simon

With the matter being put to the vote 3 voted for the Motion and 4 for the Amendment.

Decision

The Committee agreed the recommendation in the report by the Network and Environment Manager, this and future budgets, be allocated in accordance with need as assessed by the road condition survey carried out by the Department.

Councillors Macintyre, Scoullar and Strong asked that their dissent with this decision be recorded in the minutes.

(Reference: Report by the Network and Environment Manager – submitted)

6. CORPORATE SERVICES

(a) VERBAL REPORT ON DUNOON - GOUROCK FERRY SERVICE

The Committee heard an update from the Area Corporate Services Manager on the Gourock/Dunoon Ferry Service.

Decision

The Committee noted the detail provided on this matter.

(b) SECTION 75 AGREEMENT, PROPOSED DEVELOPMENT AT COWAL GOLF CLUB BY LAURIRSTON DEVELOPMENTS (COWAL) LIMITED

The Committee heard from the Area Team Leader, Development Control on the Section 75 agreement to be entered into with Laurieston Development (Cowal) Limited in respect of the proposed development at Cowal Golf Club.

Motion

To agree the recommendation in the report.

Proposed: Councillor B Marshall
Seconded: Councillor A MacAlister

Amendment

To advise Legal Services to insist on the 12 months period detailed in the conditions attached to the Planning Report.

Proposed: Councillor R Simon
Seconded: Councillor I Strong

With the matter being put to the vote 4 voted for the Motion and 3 for the Amendment.

Decision

That Legal Services discuss the matter with the developer and may agree a lesser period than the 12 months period.

(c) **BYE-LAW REVIEW-PUBLIC CONSUMPTION OF ALCOHOL**

The Committee heard from the Area Corporate Services Manager on the requirement for a review into all existing byelaws prohibiting consumption of alcohol in public and the progress already made in respect of an amendment to the existing byelaw in Rothesay.

Decision

The Committee agreed:

- i. To the recommendations in the report.
- ii. That the Dunoon byelaw area be extended to incorporate the old Dunoon Burgh Boundary.

(Reference: Report by the Anti Social Behaviour Coordinator dated 26th May 2008 – submitted)

(d) **AREA CAPITAL RECEIPTS**

The Committee heard from the Area Corporate Services Manager regarding clarification on unspent capital receipts.

Decision

The Committee agreed:

- i. The recommendations in the report.
- ii. A report be brought back to the Area Committee on the £4000 spend for pedestrian crossings and ramps.

(Reference: Report by the Area Corporate Services Manager dated 20th May 2008 – submitted)

(e) **BT'S PROPOSAL TO RE ALIGN PAYPHONE PROVISION TO MEET CONSUMER DEMAND**

The Committee heard from the Area Corporate Services Manager on the notification from BT to re-align payphone provision to meet consumer demand and the removal of specific payphones across the area.

Decision

The Committee agreed:

- i. To note the detail of responses made by Community Councils and groups.
- ii. Agreed to forward the matters raised to BT for consideration.

(Reference: Report by the Area Corporate Services Manager dated 22nd May 2008 – submitted)

(f) **COWAL HIGHLAND GATHERING PARTNERSHIP**

The Committee heard from the Area Corporate Services Manager on the Council's Service Level Agreement with Cowal Highland Gathering.

Decision

The Committee agreed 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 discussion.

(Reference: Report by the Area Corporate Services manager dated 20th May 2008 – submitted)

7. PUBLIC AND COUNCILLOR QUESTION TIME

Inspector Macdonald Stephens asked Members about the funding for the Campus Officer and it was agreed that the Committee would write to the Executive asking that this issue of funding be considered.

Inspector Macdonald Stephens also asked about the marking of double yellow lines in certain areas, the need for a bus parking area and the parking on the Esplanade, it was agreed the Network and Environment Manager would look into these matters.

It was further agreed that the Committee would contact Fyne Homes with regard to parking provision at Gallowgate.

Councillor Simon asked about the lines being painted on areas where resurfacing was scheduled and Councillor McNaughton asked when the line programme would be progressing, both received advice from the Network and Environment Manager.

8. DEVELOPMENT SERVICES

- (a) **PLANNING APPLICATION 08/00311/DET, UNITED CHURCH OF BUTE, UNITED CHURCH OF BUTE, HIGH STREET, ROTHESAY**

Decision

The planning application be approved subject to the conditions contained in the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 23rd May 2008 – submitted)

- (b) **LISTED BUILDING CONSENT 08/00313/LIB, UNITED CHURCH OF BUTE, UNITED CHURCH OF BUTE, HIGH STREET, ROTHESAY**

Decision

The listed building consent be approved subject to the conditions contained in the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 23rd May 2008 – submitted)

- (c) **PLANNING APPLICATION 08/00322/DET, TARYA ANN WATSON, 106 DIXON AVENUE, KIRN, DUNOON**

Councillor Macintyre intimated his apologies and left the meeting at the stage.

Decision

The application be continued to a Special Area Committee in July to allow Members a site familiarisation visit.

(Reference: Report by the Head of Planning Services dated 23rd May 2008 – submitted)

- (d) **PLANNING APPLICATION 08/00387/DET, SARA GOSS, 15 BATTERY PLACE, ROTHESAY**

Councillor Macintyre returned to the meeting at this stage.

Motion

That the application be approved as whilst the installation of UPVC windows would be contrary to the provisions of NPPG 18 "*Planning and the Historic Environment*"; Historic Scotland's "*Memorandum of Guidance on Listed Buildings and Conservation Areas*"; Policy STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policies POL BE 1 and POL BE 6 of the Bute Local Plan 1990; Policies LP ENV 13 (a) and LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's *Rothesay*

Window Policy Statement; and the Council's *Design Guide E – Replacement Windows*, having regard to (a) the extent of disrepair of the original windows and (b) the proliferation of non-traditional windows in the immediate vicinity of the application site (in particular, the Category C(S) Listed Building located at 14 Battery Place), the windows as installed can be justified as a “*minor departure*” from Development Plan Policy.

Proposed: Councillor L Scoullar
Seconded: Councillor I Strong

Decision

The Committee unanimously agreed that the planning application be approved subject to the standard conditions by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 21st May 2008 – submitted)

(e) **LISTED BUILDING CONSENT 08/00388/LIB, SARA GOSS, 15 BATTERY PLACE, ROTHESAY**

Motion

That the application be approved as whilst the installation of UPVC windows would be contrary to the provisions of NPPG 18 “*Planning and the Historic Environment*”; Historic Scotland’s “*Memorandum of Guidance on Listed Buildings and Conservation Areas*”; Policy STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policies POL BE 1 and POL BE 6 of the Bute Local Plan 1990; Policies LP ENV 13 (a) and LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council’s *Rothesay Window Policy Statement*; and the Council’s *Design Guide E – Replacement Windows*, having regard to (a) the extent of disrepair of the original windows and (b) the proliferation of non-traditional windows in the immediate vicinity of the application site (in particular, the Category C(S) Listed Building located at 14 Battery Place), the windows as installed can be justified as a “*minor departure*” from Development Plan Policy.

Proposed: Councillor L Scoullar
Seconded: Councillor I Strong

Decision

The Committee unanimously agreed that the listed building consent be approved subject to the standard conditions by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 21st May 2008 – submitted)

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

Decision

The planning application be approved subject to the conditions contained in the report by the Head of Planning Services.

(Reference: Reports by the Head of Planning Services dated 23rd May 2008 – submitted and 2nd June 2008 - tabled)

(g) **APPEAL LODGED BY ARGYLL WINDFARMS LTD**

Decision

The Committee noted the appeal lodged by Argyll Windfarms Ltd in respect of the Council's failure to determine the planning application.

(Reference: Report by the Head of Planning Services dated 29th May 2008 – tabled)

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

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

9. EXEMPT REPORTS

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 9 and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

(a) **ST JAMES CHURCH, 71 HIGH STREET, ROTHESAY**

The Committee heard from the Estates Surveyor on the request received to purchase St James Church, 71 High Street, Rothesay.

Decision

The Committee agreed to the recommendations in the report by the Director of Corporate Services.

(Reference: Report by the Director of Corporate Services dated 9th May 2008 – submitted)

(b) **WEST BAY PAVILION, DUNOON**

The Committee heard from the Estates Surveyor on the request received to lease the West Bay Waiting Room, West Bay, Dunoon.

This page is intentionally left blank

**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the STRACHUR
VILLAGE HALL, STRACHUR
on WEDNESDAY, 21 MAY 2008**

Present: Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor J McQueen
Councillor R Macintyre	Councillor R Simon
Councillor A McNaughton	

Attending: Shirely MacLeod, Area Corporate Services Manager
David Eaglesham, Area Team Leader, Development Control

Mr Euan MacLachlan – Applicant
Ms Claire Fowler, Keppie Planning – Applicants Agent
Mr C Mitchell, Keppie Planning – Applicants Agent

Mr W Bannatyne – Objector
Mr J Whyte – Objector
Ms F Bos – Objector
Mr A Clayton – Objector

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Scoullar, Strong and Walsh.

2. DECLARATIONS OF INTEREST

None

3. OUTLINE PLANNING APPLICATION 07/01171/OUT, EUAN MACLACHLAN, MID LETTERS, LETTERS WAY, STRACHUR

The Chair introduced the Members of the Area Committee, and welcomed the Director of Development Services' representative, the applicant, consultees and objectors to the Formal Planning Hearing. The Area Corporate Services Manager outlined the procedure and purpose of the Hearing which was to allow all interested parties to state their case to the Area Committee, and for Members to debate the merits of the case and reach a decision on the planning application.

Planning Department

David Eaglesham, Team Leader, Development Control, gave a detailed and illustrated description of the proposed development. He said the application was for the Erection of 15 dwellinghouses, formation of vehicular access and roads and the installation of a septic tank. Mr Eaglesham spoke on affordable housing saying that the local Housing Associations were interested in these for rent or shared equity. Mr Eaglesham said his Department had received 7 letters

of representation against the proposals. Mr Eaglesham explained that the development was contrary to the Cowal Local Plan 1993 but in terms of the emerging Argyll and Bute Modified Finalised Draft Local Plan 2006 it falls within the settlement zone and there were no objections to the local plan, therefore it is likely that the plan will be accepted without any further modifications. David Eaglesham said that his department were recommending granting permission as a minor departure subject to conditions contained within the report.

Applicant

Ms Claire Fowler, Keppie Planning, spoke in support of her clients application explaining that the development the application contained four units of affordable houses with either ACHA or Fyne Homes taking ownership of these plots, this was more than the applicat had been asked to provide. The number of plots on the site had been increased from 14 to 15 to accommodate the affordable houses. Ms Fowler said that the site was split into two levels with large family homes on the top level and courtyard homes on the bottom which lend themselves to the suburban/rural setting. Ms Fowler said there was a management plan for the forest site. Ms Fowler said that a number of the objections were of a civil matter and some were of material consideration which Argyll and Bute Council had given due consideration to. Ms Fowler said that the neighbour notification was re-advertised this week as there had been an administration error in the initial noticiation procedure. Ms Fowler said that this site was a prime example of good non ribbon development and should be approved.

Consultees

Shirley MacLeod, Area Corporate Services Manager explained that none of the Consultees had anything further to add.

Objectors

Mr Bannatyne said he was speaking on behalf of himself and Mrs McHugh, saying they don't object in principal to the development but do object to plot 1 as it is extremely large and could be subdivided into 3 houses. Mr Bannatyne said that the 1 ½ storey building proposed is not in keeping with the rest of the houses in Lettersway. Mr Bannatyne also said that there was a problem with surface drainage, that the fields become boggy and this would have an affect of properties. Mr Bannatyne spoke on the positioning of the septic tank and asked if neighbours would be kept involved with the next stage of the planning application.

Mr Whyte spoke on the burn that runs along Lettersway and into Mr Clayton's garden before going into the Loch. Mr Whyte commented that if debris was to gather then the burn would flood Lettersway.

Ms Bos said she was not against building but she was objecting to the loss of Oak trees. Ms Bos asked that the greenbelt be protected with a Tree Preservation Order. MS Bos accepted that there would be a management plan but asked who would own the trees and guarantee the long term management of them.

Mr Clayton agreed with the points Mr Whyte made about material ending up in his garden saying the reason for it was blocked drainage. Mr Clayton said that the road in Letterway was still not adopted by the Council 30 years after they were built. Mr Clayton said that the drainage still needed to be attended to before granting permission and asked the Committee to postpone the application.

The Chairman then invited questions from Members of the Committee.

Questions for Members

Members asked questions on the sewerage in Mr Claytons garden, late neighbour notification, road bond, street lights, proximity of the development to the existing houses, overlooking, proximity to the burn and the flood risk associated with that, the new septic tank, tree preservation orders and the ownership of the tree area once the development is complete.

Mr Clayton left the meeting at this stage.

The Chairman then invited the speakers to sum up.

Summing Up

David Eaglesham said that this was a good opportunity to have the objectors concerns raised, the application was a departure to the Cowal Local Plan and said that item B on the supplementary report did not pertain to this application. Mr Eaglesham said that the development was now within the settlement zone of the Argyll & Bute Modified Finalised Draft Local Plan and he was happy with this proposal in principal and asked Members to grant the application.

Ms Fowler said that the development was within the settlement zone for Strachur and the density and character was in keeping with the area. Ms Fowler said that objections can be dealt with at the detailed stage, she asked Members to approve the application.

Mr Bannatyne had nothing further to add.

Mr Whyte had nothing further to add.

Ms Bos had nothing further to add.

The Chairman asked, and the participants confirmed they had each had a fair hearing.

The Committee then debated the merits of the application.

Motion

The application be approved subject to the conditions contained in the report by the Head of Planning Services.

Proposed: Councillor B Marshall

Seconded: Councillor A McNaughton

Amendment

The application be approved subject to conditions, but with the deletion of Plot 1 of the application, as it is unsympathetic development which could have a detrimental effect on the existing landscape, setting and servicing of the area, contrary to policy POL HO9 "Sensitive Settlements" of the adopted Cowal Local Plan 1993.

Proposed: Councillor R Macintyre
Seconded: Councillor R Simon

With the matter being put to the vote 4 voted for the Motion and 2 for the Amendment.

Decision

The Committee approved the outline planning application subject to the conditions contained in the report by the Head of Planning Services.

**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the SANDBANK
VILLAGE HALL, SANDBANK, DUNOON
on WEDNESDAY, 21 MAY 2008**

Present: Councillor B Marshall (Chair)

Councillor A MacAlister
Councillor R Macintyre

Councillor R Simon

Attending: Shirley MacLeod, Area Corporate Services Manager
David Eaglesham, Area Team Leader, Development Control

Mr David Keith, Bracewell Stirling Architects – Applicants Agent
Mr Nick Bancks – Applicant
Mrs Karen Bancks – Applicant

Mr J Massey – Objector
Mrs I Collier – Objector

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors McNaughton, McQueen, Scoullar, Strong and Walsh

2. DECLARATIONS OF INTEREST

None

3. PLANNING APPLICATION 08/00550/DET, MR N BANCKS, LAND SOUTH EAST OF CLADDY HOUSE, SHORE ROAD, SANDBANK

The Chair introduced the Members of the Area Committee, and welcomed the Director of Development Services' representative, the applicant, consultees and objectors to the Formal Planning Hearing. The Area Corporate Services Manager outlined the procedure and purpose of the Hearing which was to allow all interested parties to state their case to the Area Committee, and for Members to debate the merits of the case and reach a decision on the planning application.

Planning Department

David Eaglesham, Team Leader, Development Control, gave a detailed and illustrated description of the proposed development. He said the application was for the Erection of a one and a half storey cottage of traditional design. Mr Eaglesham said that he had received no objection from consultees but 6 letters of representation from members of the public on overlooking, loss of view, impact on the surrounding properties, overdevelopment, flooding issues and the access being too narrow. Mr Eaglesham said that the main concern was whether the proposed layout and design was appropriate in this location and that the application was not in accordance with policy and asked Members to refuse the application.

Applicant

Mr David Keith, Bracewell Stirling Architects, said the site was part of the garden ground of Claddy House. Mr Keith advised the meeting that the site is situated for a new house and the development will have no detrimental effect on the existing settlement pattern. Mr Keith spoke on the settlement pattern, building lines and plot frontages. He said the plot has its own access which was historically never part of Claddy House, that the issue of flooding had been raised by various parties and a flood assessment would be carried out, the stability of the boundary wall will be looked at by a civil engineer and any remedial action carried out. The house design was acceptable to planners and the plot size is one of the largest in the area. Mr Keith spoke on the overlooking issues saying that the distance was an acceptable distance because the windows were not front to front but at an angle, his client was willing to change the bedroom window to be velux so that it would not be overlooking.

Mr Bancks said that the application he submitted 2-5 years ago was similar in content but he has looked into the problems and submitted a completely new application, in which privacy issues have been addressed. Mr Bancks advised Members that he had reduced the height of the building from two storeys to one and a half, they have changed the place of the plot and have had a structural engineer look at the wall of the burn. Mr Bancks said he would investigate the flooding issues but no consultees raised concerns on the basis of flooding. Mr Bancks said that there was no problem with privacy of Claddy House because the two front windows were at an obtuse angle. Claddy House is the largest plot size amongst neighbouring ones so there would be no problem with overcrowding. There is an existing driveway into Claddy House so there is a feeling that there is something missing from the area. There are no flooding issues and the consultees have no concerns. They are not creating boundaries or barriers so the driveway will blend into the area. The development meets all requirements in the Local Plan and would not ruin the character of the area.

Mr Keith said that although the level of the ground on the site sits higher than Claddy House the house itself will sit lower. Mr Keith asked Members to approve the application.

Consultees

Shirley MacLeod, Area Corporate Services Manager explained that none of the Consultees had anything further to add.

Objectors

Mr Massey said he was speaking on behalf of the other objectors. Mr Massey said that there was not problem with flooding at Claddy House but it was a problem at the Police Station and all other properties in the area. Mr Massey said that pipes had been put in to alleviate this flooding and they run through the ground where the development is intended and that all other properties in the area have flooding issues. Mr Massey said that the ground and entrance was never a house but a coal yard and was this is not suitable to be building on. Mr Massey also said that Burnside Villa had the largest frontage not Claddy House. Mr Massey asked Members to listen to the Planning Department and refuse the

application.

Mrs Collier said that it was not feasible to leave the boundary open at the front owners in the future would need to know where the boundaries are.

The Chairman then invited questions from Members of the Committee.

Questions for Members

Members asked questions on replacing the gable window overlooking Claddy House with a velux window, window to window distances, overdevelopment of the site, the frontage of Claddy House, the separation of the ground at Claddy House, flooding from the High Road, the wall at the burn, and clarification on whether the site was originally a coal yard.

The Chairman then invited the speakers to sum up.

Summing Up

David Eaglesham said he had very little to add, the development did not fit into the character of the area, investigation into the pipes could overcome the flooding concerns but his Department were recommending refusal of the application on the basis of principal.

Mr Keith said that the window policy is 18m between directly interlooking windows and the development's window was not directly interlooking so 11m was sufficient, his client were happy to delete the window in the gable and provide a velux window. Mr Keith said that there was no evidence of overdevelopment, flooding was not an issue, there is a problem higher up behind the development and his client will accommodate whatever pipeline comes through his property. The strength of the wall is dealt with under conditions, the front garden already has physical separation.

Mr Bancks said that he had provided sufficient information to overcome any major or minor concerns raised and there was no evidence to reuse the application.

Mr Massey said that Burnside Villa had the largest frontage and asked Members to listen to the advice of officers employed by the council and refuse the application.

Mrs Collier had nothing further to add.

The Chairman asked, and the participants confirmed they had each had a fair hearing.

The Committee then debated the merits of the application.

Decision

The Committee refused the application in terms of the report by the Head of Planning.

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:**

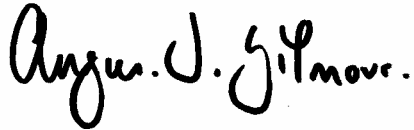
No.

(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.

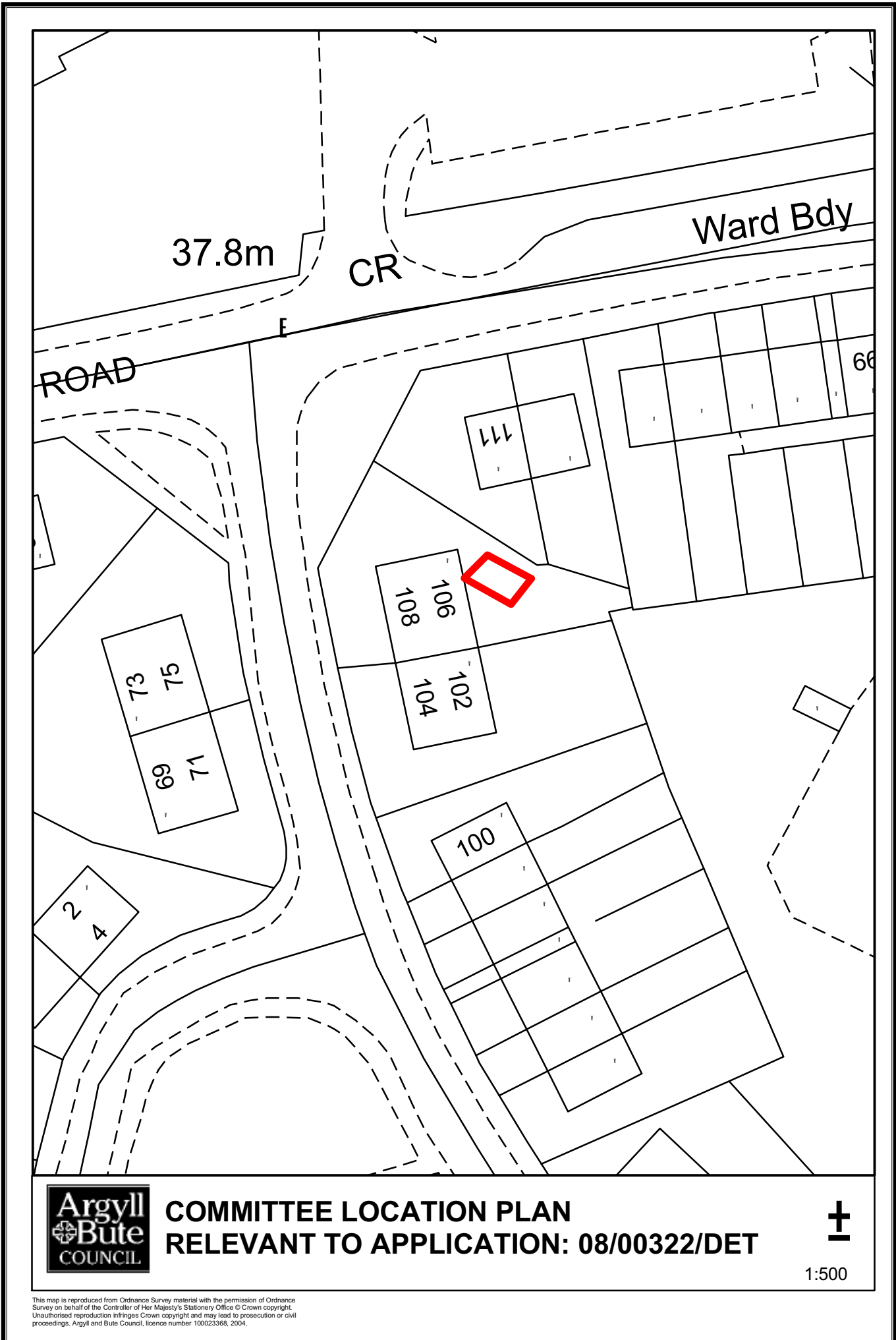
Given the particular scale, design and location of the rear extension within such a confined site, it is considered that the proposal would be contrary to the provisions of Policy BE9 of the Cowal Local Plan and to policies LP ENV19 and LP HOU5 of the Argyll and Bute Modified Finalised Draft Local Plan.

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.



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 AND COWAL AREA

Ward Number - 8 Isle of Bute
Date of Validity - 17 July 2007
Committee Date - 1 July 2008

Reference Number: 07/01330/OUT
Applicants Name: Mr D Haig
Application Type: Outline planning permission
Application Description: Demolition of former boathouse and erection of two dwellinghouses
Location: Ground to rear of St Blanes Hotel, Kilchattan Bay, Isle of Bute

SUPPLEMENTARY REPORT

(A) FURTHER INFORMATION

This application was reported to the Bute and Cowal Area Committee meeting of 5 February 2008. Members resolved to continue consideration for (i) further investigation of potential flooding issues and (ii) to consider alternative locations of the two plots given Members' serious concerns regarding proposed House 1 with regard to privacy and amenity conflict in relation to Pier View.

A hydrological survey concludes, on available evidence, that there is some seepage from the proposed development site but no significant spring flow. The report recommends that this be checked by carrying out the excavation of the ground during wet weather and that drains should be incorporated into the development to intercept any seepage from the higher ground behind the bungalows, with the water directed into a new drainage system under the grassed area next to the hotel. An appropriate condition (as recommended below) can be attached to any grant of outline planning permission, requiring development to be carried out in accordance with the recommendations of the hydrological survey.

In response to the concerns about potential privacy and amenity conflict with Pier View, the applicant's agent has explained (per letter dated 25 February 2008) their desire for two bungalows and has provided a revised layout with House 1 moved 2m to the south and proposing screen planting to ensure that Pier View is not overlooked. On this basis, the applicant wishes the application to be considered by the Committee as a proposal for two houses.

This application is for outline planning permission and, as with the earlier suggested site layout, a condition is recommended to make clear that the submitted indicative layout is not approved. Whilst the site is considered to present sufficient scope to satisfactorily accommodate two dwellings, it is considered that their precise siting should not be considered separately from other design and landscaping details. These should be considered together to ensure a development that is in keeping with the scale and amenity of the surrounding area, the privacy of adjacent dwellings and the setting of St Blane's Hotel. It is considered that these matters can appropriately be considered together through subsequent application for approval of reserved matters.

(B) RECOMMENDATION

That planning permission be granted subject to the conditions and reasons and notes to applicant detailed below.

Angus J Gilmour
Head of Planning
23 June 2008

Author: Charles Tibbles
Reviewing Officer: David Eaglesham, Area Team Leader

Date: 17 June 2008
Date: 23 June 2008

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 07/01330/OUT

1. This permission is granted under the provision of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Ministers on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced.

- a. The siting, design and external appearance of the proposed development.
- b. The landscaping of the site of the proposed development.
- c. Details of the access arrangements.
- d. Details of the proposed water supply and drainage arrangements.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

4. Development at the site shall not begin until the existing overhead power line has been re-routed, either underneath or away from the site.

Reason: to enable the construction of dwelling houses at the site and the establishment and maintenance of landscape planting at the site in the interests of the visual amenities of the area.

5. The proposed dwellings shall not exceed one storey in height and, for the avoidance of doubt, the proposed building footprints shown on the submitted plans are not approved, pending the submission of further details in accordance with Condition 1 above.

Reason: To ensure that an appropriate form of development is achieved in keeping with the scale and amenity of the surrounding area, the privacy of adjacent dwellings and the setting of St Blane's Hotel. The acceptable siting of the dwellings will depend upon their detailed design, the position and nature of windows proposed relative to neighbouring properties (assessed in accordance with the Council's published standards on overlooking) and cannot be determined in the absence of further details in this respect.

6. The proposed dwellings shall be designed and sited to minimise requirements for underbuilding. Underbuilding in excess of 0.5m measured from ground level will not be acceptable and the details submitted in connection with condition 1 above shall include full details of existing and proposed ground levels together with section drawings at not less than 1:50 scale.

Reason: To ensure an appropriate form of development, minimise the visual impact of the development and protect the setting of St Blane's Hotel.

7. Vehicular access to the site shall be provided via the existing access onto the B881.

Reason: In the interests of road safety.

8. The buildings granted consent shall not be occupied until space has been laid out within the site for two cars to park in relation to each dwelling, and for vehicles to turn so that they may enter and leave the site in forward gear, details of which shall have been agreed in writing by the Planning Authority prior to work starting on site.

Reason: *In the interests of road safety.*

9. The details provided pursuant to Condition 1 above shall include boundary treatment to the rear of the St Blane's Hotel curtilage in the form of a coped whitewashed rubble wall to match the existing boundary wall at the front of the Hotel. The dwellings at the site shall not be occupied until the wall has been completed.

Reason: *to ensure a satisfactory form of development that is compatible with and does not adversely affect the setting of the adjacent St Blane's Hotel which is a Category C(S) Listed Building.*

10. No development shall take place until details of new planting proposals with details of ground preparation, species, nursery stock size in terms of British Standards and density of planting and areas of grass seed/turf have been submitted to and approved in writing by the Planning Authority. New planting shall include selected heavy standard planting to extend the existing woodland backdrop to the west of the site and establish standard trees between the proposed dwelling plots and between the proposed dwellings and adjacent land to the north and south of the proposed dwellings.

Reason: *The proposed development requires to be accompanied by landscaping to fully integrate the proposal with its surroundings and provide an appropriate setting for the adjacent listed building.*

11. The development shall be landscaped in accordance with the planting details approved pursuant Condition 10 above. All planting shall be completed during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority. All planted areas shall be maintained for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years or planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: *To ensure the implementation of a satisfactory scheme of landscaping which will in due course secure the environmental quality of the development.*

12. No trees that are established within the application site in accordance with Conditions 10 and 11 above shall be lopped, topped, felled or uprooted without the prior written consent of the Planning Authority.

Reason: *The landscape features to be provided and protected are required to successfully integrate the proposal with its surroundings and provide an appropriate setting for the adjacent Listed Building.*

13. The drainage details submitted pursuant to Condition 1 above shall include measures to address the recommendations of the submitted Hydrological Survey (Mountain Environments, dated May 2008) including the requirement for drains under the grassed area outwith the application site adjacent to St Blane's Hotel.

Reason: *To ensure the provision of satisfactory drainage arrangements.*

INFORMATIVES:

1. Your attention is drawn to the attached letters from SEPA dated 6 August and 7 September 2007
2. Your attention is drawn to the attached letter from Scottish Water dated 24 July 2007.

This page is intentionally left blank

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE AND COWAL AREA

Ward Number - 8 Isle of Bute
Date of Validity - 17 July 2007
Committee Date - 4 December 2007

Reference Number: 07/01330/OUT
Applicants Name: Mr D Haig
Application Type: Outline planning permission
Application Description: Demolition of former boathouse an erection of two dwellinghouses
Location: Ground to rear of St Blanes Hotel, Kilchattan Bay, Isle of Bute

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of two dwellinghouses behind the hotel, one replacing the existing derelict boathouse and the other in a more elevated position towards the back of the site

(ii) Other specified operations.

- Demolition of boathouse
 - Use of existing vehicular access
-

(B) RECOMMENDATION

That planning permission be granted subject to the standard conditions and reasons and the conditions and reasons and notes to applicant detailed below.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

At this location, the adopted Bute Local Plan (Policy POL HO 1) encourages development of infill and redevelopment sites, including rounding off, for private housing providing there are no servicing or environmental constraints. The development is considered acceptable subject to there being no adverse effect upon the setting of the adjacent St Blane's Hotel which is a Grade 'C' Listed Building in accordance with Policy POL BE 1.

The Modified Finalised Draft Argyll and Bute Local Plan (Policy LP HOU 1) supports housing development at this location (part of an identified settlement zone) unless there is an unacceptable environmental, servicing or access impact and subject to consistency with other Local Plan policies. It is considered that the site provides adequate scope to enable the requirements of Policy LP ENV 19 (Development Setting, Layout and Design) and design principles at Appendix A of the Plan to be met at the detailed design stage, including requirements in relation to privacy and overlooking. It is also considered that, subject to the imposition of appropriate conditions, the site presents adequate scope for the establishment of two dwellinghouses without detriment to the setting of the adjacent Listed Building in accordance with Policy LP ENV 13(a).

(ii) Representations:

Objections received from:

- Mr R H B Lofting, Dykenamar, Kilchattan Bay (fax dated 10 August 2007)
- Mr HTH and Mrs E Cromack, Pier View, Kilchattan Bay (letter dated 25 July 2007)

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

As the proposed development is not considered to represent a departure from the adopted Bute Local Plan and only two representations have been received, it is recommended that a hearing should not be 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.

Notification to Scottish Ministers is not required.

(viii) Has a sustainability Checklist Been Submitted:

No

Angus J Gilmour
Head of Planning
19 November 2007

Author: Charles Tibbles
Reviewing Officer: David Eaglesham

Date: 15 November 2007
Date: 19 November 2007

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: 07/01330/OUT

4. Development at the site shall not begin until the existing overhead power line has been re-routed, either underneath or away from the site.

Reason: to enable the construction of dwelling houses at the site and the establishment and maintenance of landscape planting at the site in the interests of the visual amenities of the area.

5. The proposed dwellings shall not exceed one storey in height and, for the avoidance of doubt, the proposed building footprints shown on the submitted plans are not approved, pending the submission of further details in accordance with Condition 1 above.

Reason: To ensure that an appropriate form of development is achieved in keeping with the scale and amenity of the surrounding area, the privacy of adjacent dwellings and the setting of St Blane's Hotel. The acceptable siting of the dwellings will depend upon their detailed design, the position and nature of windows proposed relative to neighbouring properties (assessed in accordance with the Council's published standards on overlooking) and cannot be determined in the absence of further details in this respect.

6. The proposed dwellings shall be designed and sited to minimise requirements for underbuilding. Underbuilding in excess of 0.5m measured from ground level will not be acceptable and the details submitted in connection with condition 1 above shall include full details of existing and proposed ground levels together with section drawings at not less than 1:50 scale.

Reason: To ensure an appropriate form of development, minimise the visual impact of the development and protect the setting of St Blane's Hotel.

7. Vehicular access to the site shall be provided via the existing access onto the B881.

Reason: In the interests of road safety.

8. The buildings granted consent shall not be occupied until space has been laid out within the site for two cars to park in relation to each dwelling, and for vehicles to turn so that they may enter and leave the site in forward gear, details of which shall have been agreed in writing by the Planning Authority prior to work starting on site.

Reason: In the interests of road safety.

9. The details provided pursuant to Condition 1 above shall include boundary treatment to the rear of the St Blane's Hotel curtilage in the form of a coped whitewashed rubble wall to match the existing boundary wall at the front of the Hotel. The dwellings at the site shall not be occupied until the wall has been completed.

Reason: to ensure a satisfactory form of development that is compatible with and does not adversely affect the setting of the adjacent St Blane's Hotel which is a Category C(S) Listed Building.

10. No development shall take place until details of new planting proposals with details of ground preparation, species, nursery stock size in terms of British Standards and density of planting and areas of grass seed/turf have been submitted to and approved in writing by the Planning Authority. New planting shall include selected heavy standard planting to extend the existing woodland backdrop to the west of the site and establish standard trees between the proposed dwelling plots and between the proposed dwellings and adjacent land to the north and south of the proposed dwellings.

Reason: The proposed development requires to be accompanied by landscaping to fully integrate the proposal with its surroundings and provide an appropriate setting for the adjacent listed building.

11. The development shall be landscaped in accordance with the planting details approved pursuant Condition 10 above. All planting shall be completed during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority. All planted areas shall be maintained for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years or planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: *To ensure the implementation of a satisfactory scheme of landscaping which will in due course secure the environmental quality of the development.*

12. No trees that are established within the application site in accordance with Conditions 10 and 11 above shall be lopped, topped, felled or uprooted without the prior written consent of the Planning Authority.

Reason: *The landscape features to be provided and protected are required to successfully integrate the proposal with its surroundings and provide an appropriate setting for the adjacent Listed Building.*

INFORMATIVES:

1. Your attention is drawn to the attached letters from SEPA dated 6 August and 7 September 2007
2. Your attention is drawn to the attached letter from Scottish Water dated 24 July 2007.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/01330/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

This outline application includes indicative footprints for the two proposed dwellings which are shown sited behind the hotel occupying relatively elevated positions, with one replacing the existing derelict boathouse and the other establishing a building in a more elevated position towards the back of the site. No access details have been provided but the site boundary has been drawn to include the existing vehicle access to the hotel site from the adjacent B881 which meets the technical standards required by the roads authority.

At this location, the adopted Local Plan (Policy POL HO 1) encourages development of infill and redevelopment sites, including rounding off, for private housing providing there are no servicing or environmental constraints. The roads authority and Scottish Water have no objection to the proposed development and SEPA have confirmed the acceptability of proposals which the applicant has put to them for surface water drainage. The overhead power line at the site will require to be re-routed before development can take place.

The proposed development could affect the setting of St Blane's Hotel which is a Category C(S) Listed Building. Large modern bungalows exist to either side of the hotel and the general development pattern in Kilchattan becomes a little scattered at this location with no rigid building line. It is considered that a further two houses could be located behind the hotel without further significant detriment to its setting as a listed building, subject to the incorporation of landscape planting to re-enforce the wooded backdrop at this location, and conditions to prevent significant underbuilding, limit height to a single storey and provide for the establishment of an appropriate boundary treatment to the rear of the hotel. Subject to the imposition of these requirements and safeguards, there are not considered to be any over-riding environmental constraints at the site.

The emerging Argyll and Bute Local Plan (Policy LP HOU 1) supports housing development at this location (part of an identified settlement zone) unless there is an unacceptable environmental, servicing or access impact and subject to consistency with other Local Plan policies. It is considered that the site provides adequate scope to enable the requirements of Policy LP ENV 19 (Development Setting, Layout and Design) and design principles at Appendix A of the Plan to be met at the detailed design stage, including requirements in relation to privacy and overlooking.

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

No relevant history.

(iii) CONSULTATIONS

Roads (reply dated 23 August 2007): No objections subject to conditions. (as follows)

The available sightlines are over 90m to the east and 75m to the west at a setback of 2.5m. The existing footway is 2.3m wide at this location and the carriage way width is 7.9m... Sightlines of 70m x 2.5m must be maintained in both directions; all hedges, fences or wall within the visibility splays to be maintained at a height not exceeding 1m above the road. The access to be constructed as per Fig 10.16 of the Council's Development Guidelines. The access to be 4.8m wide for a minimum of 5m behind the back of the footway. A sealed surface to be provided for the first 2.5m behind the footway.

A system of surface water drainage to be provided to prevent water from running onto the footway. Parking for 2 vehicles per dwelling and a turning area to be provided.

Scottish Water (reply dated 30 July 2007): No objection.

Archaeologist (reply dated 21 August 2007): No archaeological issue.

Scottish Environmental Protection Agency (reply dated 10 September 2007): SEPA notes that surface water from house 1 will discharge to a burn. As the burn discharges to coastal waters, this proposal is acceptable to SEPA under the 'General Binding Rules'. The surface water from house 2 will discharge to a herring bone drain. From a water quality perspective SEPA find this acceptable.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been subject to neighbour notification and advertised as affecting the setting of a listed building (closing date 17 August 2007).

Objections have been received from the following:

- Mr R H B Lofting, Dykenamar, Kilchattan Bay (fax dated 10 August 2007)
- Mr HTH and Mrs E Cromack, Pier View, Kilchattan Bay (letter dated 25 July 2007)

The points raised can be summarised as follows:

- the proposals depart from the existing building line at Kilchattan Bay
- the proposed development is on a spring line and requires detailed hydrogeological investigation before a decision is made
- the site is crossed by a high voltage power line and the electricity supply company has expressed an unwillingness to move it
- the access is of insufficient width as it passes Pier View and is gradually damaging an embankment and there is no adequate alternative
- the St Blane's Hotel access is not a suitable route for laying services
- the house sited on the old boat house would severely impact privacy at Pier View and screening cannot be established due to the position of the over-head power lines
- any development behind Dykenemar should not be allowed to exceed one storey in order to preserve privacy
- the large tree by Dykenemar should be subject to a tree preservation order
- removal of trees and groundwork activity may destabilise the hillside to the rear
- any services running between the hotel and Dykenemar should be at least 5 metres from the common drystone boundary wall between the properties in order to ensure the stability of the wall and remove any risk of water run-off to Dykenemar
- access should follow the existing St Blane's Hotel access road
- the second house would break the existing building line and be detrimental to amenity value of the area against the hillside terrain backcloth.

The points that are material to the consideration of this application are dealt with elsewhere in this report.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/01330/OUT

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

At this location, the adopted Bute Local Plan (Policy POL HO 1) encourages development of infill and redevelopment sites, including rounding off, for private housing providing there are no servicing or environmental constraints.

The emerging Argyll and Bute Local Plan (Policy LP HOU 1) supports housing development at this location (part of an identified settlement zone) unless there is an unacceptable environmental, servicing or access impact and subject to consistency with other Local Plan policies.

B. Location, Nature and Design of Proposed Development

This outline application includes indicative footprints for the two proposed dwellings which are shown sited behind the hotel occupying relatively elevated positions, with one replacing the existing derelict boathouse and the other establishing a building in a more elevated position towards the back of the site. No other design details are provided and no access details have been provided but the site boundary has been drawn to include the existing vehicle access to the hotel site from the adjacent B881.

C. Built Environment

The application affects the setting of a Grade C(S) Listed Building. The adopted Local Plan (Policy POL BE 1) seeks to protect the settings of listed buildings from developments which would have a detrimental impact.

The Argyll and Bute Local Plan requires development affecting the setting of a listed building to preserve its setting and conform to Historic Scotland's Memorandum of Guidance on Conservation Areas and Listed Buildings. Subject to appropriate conditions, it is considered that the site has the potential to accommodate the development of two dwellinghouses without detriment to the setting of the listed building.

It is considered that the site provides adequate scope to enable the requirements of Policy LP ENV 19 (Development Setting, Layout and Design) and design principles at Appendix A of the Plan to be met at the detailed design stage, including requirements in relation to privacy and overlooking.

D. Road Network, Parking and Associated Transport Matters.

Access provided via the existing access regime from the B881 at Kilchattan Bay is acceptable to the Roads Authority and is considered acceptable in terms of Policy LP TRAN 4 of the Argyll and Bute Local Plan.

E. Other Scottish Executive Advice

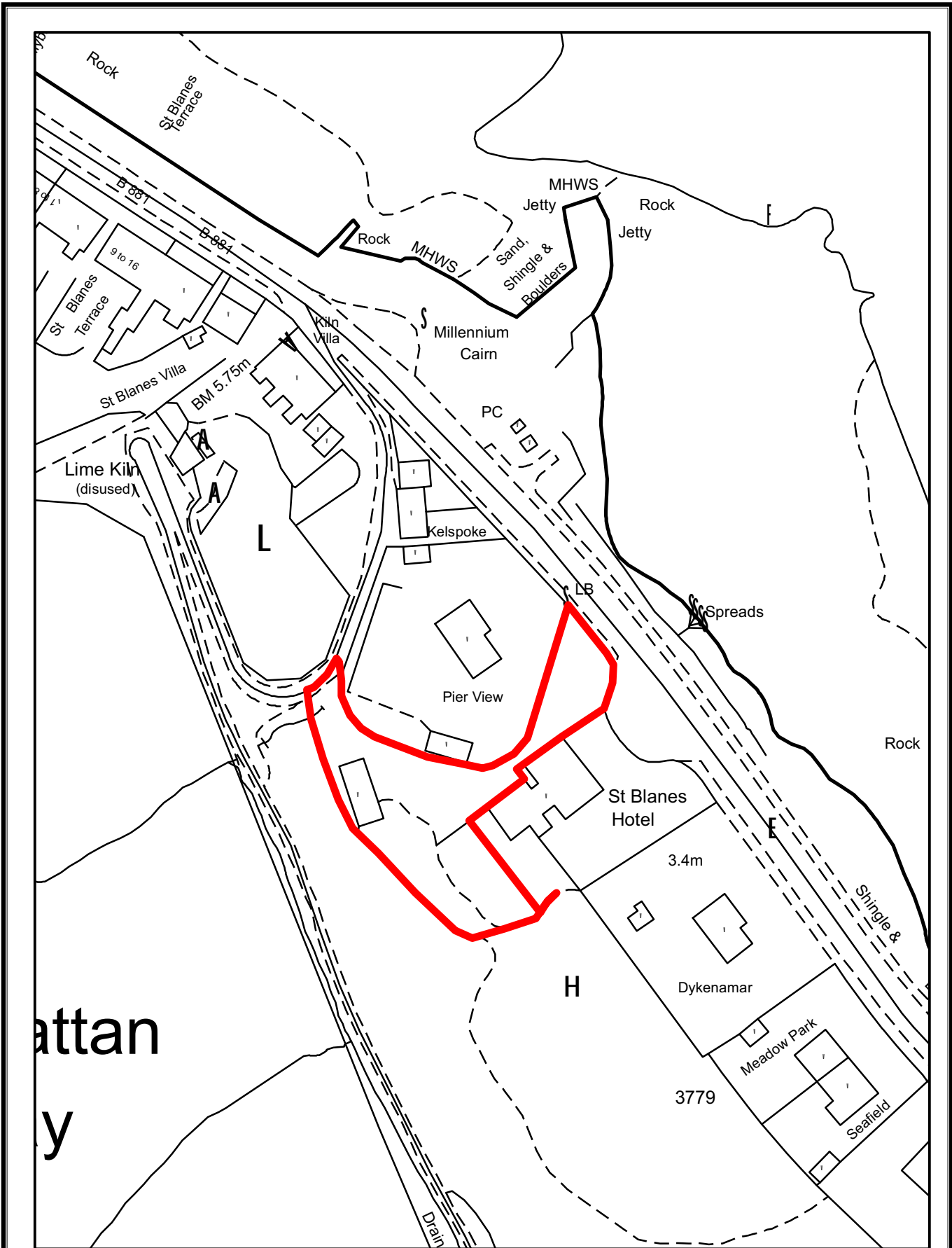
Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas emphasises that a listed building should remain the focus of its setting and that developments outwith the curtilage of a listed building should also be regarded as affecting the setting where this will-

- In an urban area, restrict or obstruct views of or from the listed building, or rise above and behind the listed building so that its silhouette can no longer be seen against the sky from the more familiar viewpoints, or
- Development which will block distant views of important architectural landmarks may, in some instances, also fall into this category.
- Development adjacent to a listed building which forms part of a street block should also be regarded as affecting the setting where this will-not respect the form, scale, materials or building line of the listed building (see 10.2.5 below), or
- involve the construction of projecting features which will be seen in oblique views of the listed building.

It is considered that the site provides adequate scope to accommodate two dwellinghouses at the rear of St Blanes Hotel without offending the above criteria and appropriate conditions can be attached to secure clearer visual definition of the hotel curtilage and additional planting to help re-inforce the wooded backdrop to this part of Kilchattan Bay.

CONCLUSION.

Subject to the imposition of the conditions listed, it is considered that a development of the type proposed could be accommodated at the site in accordance with settlement strategy at this location and without detriment to the setting of the listed building.



attan
y



COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION: 07/01330/OUT



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 October 2007
 Committee Date - 1 July 2008

Reference Number: 07/01931/DET
 Applicants Name: John McGinnes
 Application Type: Full planning permission
 Application Description: Installation of replacement windows
 Location: 2 Colbeck Place, Colbeck Lane, Rothesay

(A) THE APPLICATION

Development Requiring Express Planning Permission

- Replacement of existing non-original single glazed white timber sash and case windows with double glazed white timber double swing windows. The proposed glazing pattern will match the existing (i.e. twelve pane to the front of the property and two pane equal division to the rear of the property).

(B) RECOMMENDATION

That planning permission be refused for the reason attached.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application property is an upper flatted dwelling within a Grade 'B' Listed Building. The proposed works would contravene Policy POL BE 6 of the adopted Bute Local Plan and Policies STRAT DC 9 of the Argyll and Bute Structure Plan and Policies LP ENV 13(a) and LP ENV 14 of the emerging Modified Finalised Argyll and Bute Local Plan.

It is considered that the installation of windows to the upper floor of the building with a different method of opening to those on the lower floor would have an unacceptable impact upon the special architectural interest of this building and cannot be justified in terms of existing or emerging Development Plan policies, non-statutory Council policies or Central Government guidance.

(ii) Representations:

The application has been advertised as a proposed development in a Conservation Area and one letter of support has been received

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

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

(iv) Reasoned Justification for a Departure from 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.**

Whilst there is no requirement to notify Scottish Ministers of the Council's decision on this planning application, the proposal relates to the alteration of a Grade B Listed Building. As such, there is a requirement to formally notify Scottish Ministers if Members are minded to grant the corresponding application for listed building consent.

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

No

Angus J Gilmour
Head of Planning
23 June 2008

Author: Charles Tibbles
Reviewing Officer: David Eaglesham, Area Team Leader

Date: 10 June 2008
Date: 23 June 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

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 07/01931/DET

1. The installation of windows to the upper floor of the building which have a different method of opening to those on the lower floor would have an unacceptable impact upon the special architectural interest of this building and would be contrary to Policy STRAT DC 9 of the Argyll and Bute Structure Plan, Policy POL BE 6 of the Bute Local Plan and Policies LP ENV 13(a) and LP ENV 14 of the Modified Finalised Argyll and Bute Local Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/01931/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan

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

Adopted Bute/Cowal Local Plan

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 & Bute Modified Finalised Draft Local Plan

Policy LP ENV 13(a) requires development affecting a listed building to preserve the building and any features of special architectural or historic interest which it possesses.

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.

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 on the Council's Web Site at www.argyll-bute.gov.uk

(ii) SITE HISTORY

None

(iii) CONSULTATIONS

None

(iv) PUBLICITY AND REPRESENTATIONS

Advertised as proposed development in a conservation area and by site notice (closing date 30.11.2007). Letter of support received from Fyne Homes Ltd (dated 02.10.2008) noting that the proposed windows would be 'sash and case look alike' and confirms their full support for the proposal.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant has provided supporting justification and clarification of the proposed window type (letters from Mr & Mrs McGinnes dated 25th February 2008 and 19th March 2008). Among the matters included in the submissions are an explanation of how the applicant has conferred and co-operated with Fyne Homes (who own the lower flat in the building), both in relation to previous maintenance works at the property and in relation to the choice of proposed replacement windows. The proposal for double swing windows was informed by the stated intentions of Fyne Homes in relation to the lower flat and the applicant points out that none of the windows in the building are in fact original and that earlier photographs show a mix of window types within the building. The supporting material also includes justification in relation to energy efficiency and energy costs as well as noting bricked up windows nearby at the corner of Russell Street and questioning the appropriateness of nearby street lighting, building supports and satellite dishes upon the character of the Conservation Area. The photographs lodged with the justification include a picture taken from the applicant's front door which shows a cement mixer operating from the adjacent industrial premises and notes that the associated noise issues would be reduced considerably by the installation of double glazing. The applicant also refers to the Scottish Ministers' Scottish Housing Quality Standard.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/01931/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

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.

STRAT DC 9 of the Argyll and Bute Structure Plan seeks to resist development which damages or undermines the historic or architectural qualities of Listed Buildings and Policy LP ENV 13(a) of the Argyll & Bute Modified Finalised Draft Local Plan requires development affecting a listed building to preserve the building and any features of special architectural or historic interest which it possesses.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of double swing 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 17 to 21 Russell Street and 2 Colbeck Place. It describes these as an attractive terrace of two and a half storey buildings with traditional timber fenestration throughout and notes that they are Grade B and C listed buildings. The Policy for the townscape block is for white timber sliding sash and case windows with twelve pane glazing division to match existing.

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 double swing 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.

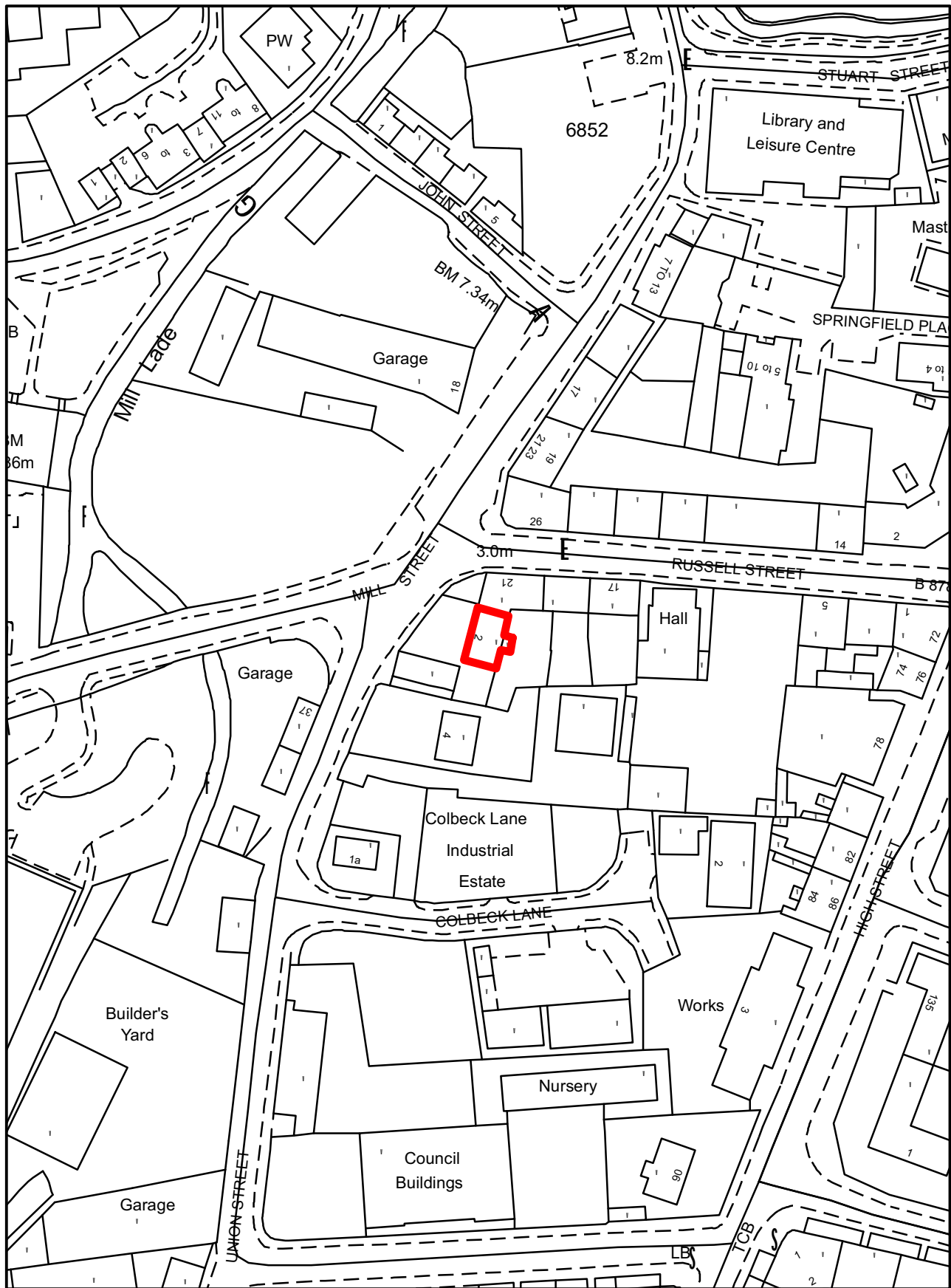
The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of double swing windows renders **the application contrary to Central Government guidance.**

CONCLUSION

There is a general presumption in favour of retaining sash and case 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.

Based upon the information provided by the applicant, the existing windows are not original and are in a state of disrepair and could be much improved in terms of their thermal and noise insulation properties by double glazed replacements. 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 double swing windows, is not considered to be appropriate, particularly as this would compromise the uniform appearance of the windows across the front of the building given that the ground floor windows would retain their original opening method.

On the basis of the foregoing, the introduction of double swing windows 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.



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATIONS: 07/01929/LIB
& 07/01931/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
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE

Ward Number - 8 Isle of Bute
 Date of Validity - 25 October 2007
 Committee Date - 1 July 2008

Reference Number: 07/01929/LIB
 Applicants Name: John McGinnes
 Application Type: Lsted Building Consent
 Application Description: Installation of replacement windows
 Location: 2 Colbeck Place, Colbeck Lane, Rothesay

(A) THE APPLICATION

Works Requiring Listed Building Consent

- Replacement of existing non-original single glazed white timber sash and case windows with double glazed white timber double swing windows. The proposed glazing pattern will match the existing (i.e. twelve pane to the front of the property and two pane equal division to the rear of the property).

(B) RECOMMENDATION

That listed building consent be refused for the reason attached.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application property is an upper flatted dwelling within a Grade 'B' Listed Building. The proposed works would contravene Policy POL BE 6 of the adopted Bute Local Plan and Policies STRAT DC 9 of the Argyll and Bute Structure Plan and Policies LP ENV 13(a) and LP ENV 14 of the emerging Modified Finalised Argyll and Bute Local Plan.

It is considered that the installation of windows to the upper floor of the building with a different method of opening to those on the lower floor would have an unacceptable impact upon the special architectural interest of this building and cannot be justified in terms of existing or emerging Development Plan policies, non-statutory Council policies or Central Government guidance.

(ii) Representations:

The application has been advertised as works affecting a listed building and one letter of support has been received

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

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

(iv) Reasoned Justification for a Departure from 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.**

As the proposal relates to the alteration of a Grade B Listed Building, there is a requirement to formally notify Scottish Ministers if Members are minded to grant the application for listed building consent.

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

No

Angus J Gilmour
Head of Planning
23 June 2008

Author: Charles Tibbles
Reviewing Officer: David Eaglesham, Area Team Leader

Date: 10 June 2008
Date: 23 June 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

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 07/01929/LIB

1. The installation of windows to the upper floor of the building which have a different method of opening to those on the lower floor would have an unacceptable impact upon the special architectural interest of this building and would be contrary to Policy STRAT DC 9 of the Argyll and Bute Structure Plan, Policy POL BE 6 of the Bute Local Plan and Policies LP ENV 13(a) and LP ENV 14 of the Modified Finalised Argyll and Bute Local Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/01929/LIB

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan

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

Adopted Bute/Cowal Local Plan

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 & Bute Modified Finalised Draft Local Plan

Policy LP ENV 13(a) requires development affecting a listed building to preserve the building and any features of special architectural or historic interest which it possesses.

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.

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 on the Council's Web Site at www.argyll-bute.gov.uk

(ii) SITE HISTORY

None

(iii) CONSULTATIONS

None

(iv) PUBLICITY AND REPRESENTATIONS

Advertised as proposed development in a conservation area and by site notice (closing date 30.11.2007). Letter of support received from Fyne Homes Ltd (dated 02.10.2008) noting that the proposed windows would be 'sash and case look alike' and confirms their full support for the proposal.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant has provided supporting justification and clarification of the proposed window type (letters from Mr & Mrs McGinnes dated 25th February 2008 and 19th March 2008). Among the matters included in the submissions are an explanation of how the applicant has conferred and co-operated with Fyne Homes (who own the lower flat in the building), both in relation to previous maintenance works at the property and in relation to the choice of proposed replacement windows. The proposal for double swing windows was informed by the stated intentions of Fyne Homes in relation to the lower flat and the applicant points out that none of the windows in the building are in fact original and that earlier photographs show a mix of window types within the building. The supporting material also includes justification in relation to energy efficiency and energy costs as well as noting bricked up windows nearby at the corner of Russell Street and questioning the appropriateness of nearby street lighting, building supports and satellite dishes upon the character of the Conservation Area. The photographs lodged with the justification include a picture taken from the applicant's front door which shows a cement mixer operating from the adjacent industrial premises and notes that the associated noise issues would be reduced considerably by the installation of double glazing. The applicant also refers to the Scottish Ministers' Scottish Housing Quality Standard.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/01929/LIB

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

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.

STRAT DC 9 of the Argyll and Bute Structure Plan seeks to resist development which damages or undermines the historic or architectural qualities of Listed Buildings and Policy LP ENV 13(a) of the Argyll & Bute Modified Finalised Draft Local Plan requires development affecting a listed building to preserve the building and any features of special architectural or historic interest which it possesses.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of double swing 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 17 to 21 Russell Street and 2 Colbeck Place. It describes these as an attractive terrace of two and a half storey buildings with traditional timber fenestration throughout and notes that they are Grade B and C listed buildings. The Policy for the townscape block is for white timber sliding sash and case windows with twelve pane glazing division to match existing.

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 double swing 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.

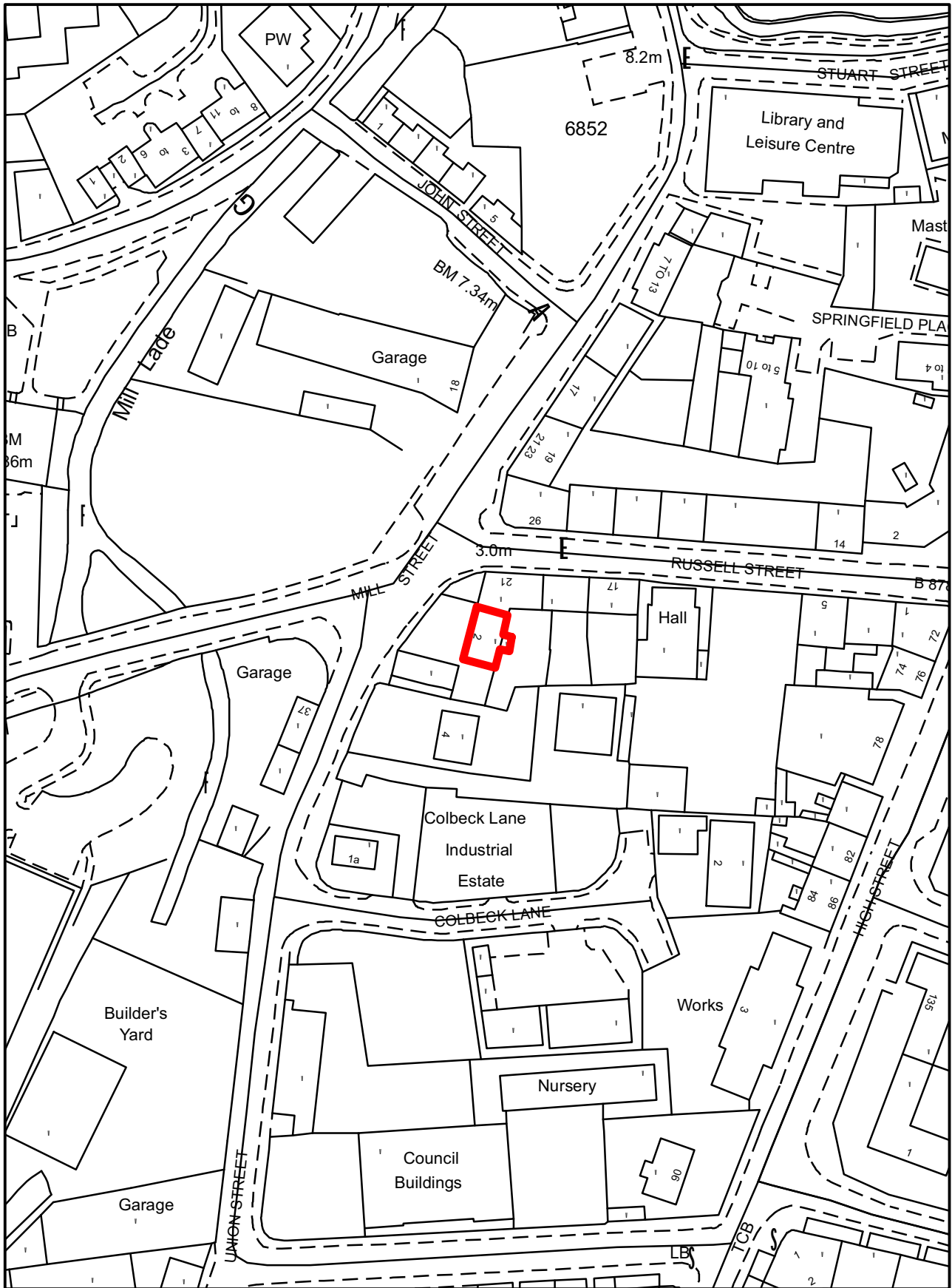
The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of double swing windows renders **the application contrary to Central Government guidance.**

CONCLUSION

There is a general presumption in favour of retaining sash and case 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.

Based upon the information provided by the applicant, the existing windows are not original, are in a state of disrepair and could be much improved in terms of their thermal and noise insulation properties by double glazed replacements. 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 double swing windows, is not considered to be appropriate, particularly as this would compromise the uniform appearance of the windows across the front of the building given that the ground floor windows would retain their original opening method.

On the basis of the foregoing, the introduction of double swing windows 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 recommended for refusal.



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATIONS: 07/01929/LIB
& 07/01931/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
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE

Ward Number - 6 Cowal
 Date of Validity - 27th November 2007
 Committee Date - 1st July 2008

Reference Number: 07/02258/DET
 Applicants Name: Sarah Black
 Application Type: Detailed
 Application Description: Erection of dwellinghouse, formation of vehicular access and installation of private sewerage system.
 Location: Bay Cottage, Strachur, Argyll, PA27 8DD.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of a dwellinghouse
- Formation of vehicular access
- Installation of private septic tank

(ii) Other specified operations.

- Connection to public water main

(B) RECOMMENDATION

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

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Strachur is defined as a '*Sensitive Settlement*' by virtue of Policy POL HO 9 of the adopted Cowal Local Plan 1993. Housing development is restricted to identified sites within the settlement. This site falls outwith an identified area and, as such, residential development cannot be supported at this site without an '*exceptional*' circumstance requiring either an operational or locational need. In this case, there is no need that would justify this proposed development contrary to this policy. **The proposal is therefore contrary to Policy POL HO 9 of the Cowal Local Plan 1993.**

Within the Argyll and Bute Modified Finalised Draft Local Plan 2006, the site falls within the defined Strachur '*Settlement Zone*'.

Both Policy STRAT DC 1 of the Structure Plan and Policy LP HOU 1 of the Modified Finalised Draft Local Plan encourage up to medium scale housing developments within the settlement zone of Strachur on appropriate infill, rounding-off and redevelopment sites and providing there will be no unacceptable environmental, servicing or access impact. Policy LP CST 1 encourages development which requires a coastal location and crucially which respects the existing landscape/townscape character and amenity. It does not respect the existing settlement pattern by virtue of introducing a second tier of development in an area that is characterised by a single linear tier of development between the road (A886) and the foreshore. **The proposal is therefore contrary to Policies STRAT DC 1 and STRAT HO 1 of the Structure Plan and policies HOU 1, CST 1 and ENV 19 of the Finalised Draft Local Plan.**

(ii) Representations:

8 letters of representation have been received from 6 individuals, 2 of whom object.

The applicant has also submitted a supporting letter.

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

Given the number of objections received, the department would not recommend a hearing in this instance

(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:

No.

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

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
24 June 2008

Author: John Irving, Tel: 01369 708621
Reviewing Officer: David Eaglesham, Tel: 01369708608

Date: 20 June 2008
Date: 24 June 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

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 07/002258/DET

- 1 Bay Cottage is one of four buildings located on the shore side of the A886 in Strachur. The erection of a dwellinghouse upon ground to the rear of Bay Cottage would amount to back land development at odds to the established built form and settlement character which is characterised by a single tier of development on the shore side of the A886 road. The proposal does not respect the existing settlement pattern by virtue of introducing a second tier of development in an area that is characterised by a single linear tier of development between the road (A886) and the foreshore. For this reason the application is considered to be contrary to: Policies STRAT DC 1 *'Development within Settlement'* and STRAT HO 1 *'Housing'* of the Argyll & Bute Structure Plan 2002; Policies HO 9 *'Sensitive Settlements'* and BE 9 *'Layout and Design of Urban Development'* of the Cowal Local Plan 1993; Policies LP ENV 19 *'Development Setting, Layout & Design'*, CST 1 *'Coastal Development on the Developed Coast'*, HOU 1 *'General Housing Development'* and Appendix A of the Argyll & Bute Modified Finalised Draft Local Plan 2006; and the principles set out in Argyll & Bute Council's Sustainable Design Guidance 1 *'Small Scale Housing Development'*.
2. The level of amenity and outlook afforded to the small residential unit to the rear of Bay Cottage will be adversely affected by this proposal. Outlook from this property would be greatly reduced by the erection of a two metre fence less than four metres from the rear of Bay Cottage and a large dwellinghouse to a finished roof ridge height of 10.7 metres less than eight metres from the rear of Bay Cottage. The proposal would also result in limited external amenity space afforded to the rear of the existing Bay Cottage. The proposal is therefore contrary to the provisions of Policy BE 9 *'Layout & Design of Urban Development'* of the Cowal Local Plan 1993 and Policy ENV 19 *'Development Setting, Layout & Design'* along with Appendix A of the Argyll & Bute Modified Finalised Draft Local Plan 2006. It is also considered to be contrary to the principles set out in the Council's Sustainable Design Guidance 1 *'Small Scale Housing Development'*.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/02258/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 1 '*Development within Settlement*' supports the principle of up to '*medium scale*' development with the settlement of Strachur on appropriate infill, rounding-off and redevelopment sites.

STRAT HO 1 '*Housing*' seeks to encourage, outwith formally allocated sites, appropriate forms and scales of housing infill, rounding-off and redevelopment within the settlements providing it is consistent with STRAT DC 1-10. Innovative and sympathetic developments will be encouraged where they are appropriate to their particular setting.

Cowal Local Plan 1993

POL HO 9 '*Sensitive Settlements*' seeks to resist new housing development within Strachur to identified areas, given that unsympathetic development could have a detrimental effect on the existing landscape setting and servicing. This application does not fall within an identified site.

POL PU 2 '*Private Sewage Disposal Schemes*' discourages private sewage disposal schemes in areas covered by mains drainage.

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

Argyll and Bute Modified Finalised Draft Local Plan 2006

The site lies within the Settlement Zone of Strachur and within an Area of Panoramic Quality.

Policy LP ENV 10 '*Development Impact on Areas of Panoramic Quality*' seeks to resist development within, or adjacent to, Areas of Panoramic Quality where its scale, location or design would have a significant adverse impact on the character of the landscape. The highest standards of location, siting, landscaping, boundary treatment, materials and detailing will be required within such designated areas.

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

Policy HOU 1 '*General Housing Development*' establishes a presumption in favour of small and medium scale development in small towns and villages of Argyll and Bute, including Strachur. Within the Settlement Zone, the general presumption in favour or against a development is largely based on whether or not it is of an appropriate scale, i.e. small, medium or large scale.

Policy LP CST 1 '*Coastal Development on the Developed Coast (Settlements & Countryside Around Settlements)*' supports development where it requires a coastal location and respects the landscape/townscape character and amenity of the surrounding area.

Policy LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' sets out circumstances where the connection of the development to the public sewer will not be required. This includes situations where connection is not feasible (for technical or economic reasons) or where the receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase that capacity. In addition, the proposal should not result in, or add to, existing environmental, amenity or health problems.

Policy LP SERV 8 '*Flooding & Land Erosion*' concerns flooding and explains that, in cases where the potential for flooding is highlighted, the Council will exercise the '*precautionary principle*' and will seek the advice of the Scottish Environment Protection Agency.

Policy 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

None

(iii) CONSULTATIONS

Area Roads Manager (email dated 29th February 2008): No objection.

The access proposal for new dwellings is acceptable. At the shop/office the first parking space adjacent to the rear of footway should be removed. All vehicles using the car park must be able to both enter and leave in a forward manner.

Scottish Water (letter dated 4th December 2007): No objection.

Loch Eck Water Treatment Works has sufficient capacity. There are no known issues within our Water Network that serves this proposed development.

SEPA (letters dated 17th December 2007, 13th February 2008 & 10th April 2008): No objection.

Initial objection raised due to lack of information and proposed private septic tank within a settlement served by a public sewer. Objection removed in light of additional information received from the applicant.

(iv) PUBLICITY AND REPRESENTATIONS

8 letters of representation have been received, 4 letters received in support of the application and 4 letters received objecting to this application.

Letters of support received from the following: Mr & Mrs P. Thuring (letter dated 22nd December 2007) Shore Cottage, The Bay, Strachur. T.M & I.W. Millar (letter dated 21st December 2007), Arkaig, Shore Road, Strachur, PA27 8DD. Bruce D. Pettie (letter dated 21st December 2007), Seacliffe, Shore Road, Strachur, PA27 8DD. D Lindsay Walker (letter dated 22nd December 2007), The Anchorage, 21 Baycroft, Strachur, Argyll, PA27 8BW.

Letters of objection received from the following: Sir Charles MacLean (letters dated 10th December 2007 & 27th February 2008), Strachur House, Strachur, Argyll, PA27 8BX. Thomas L. Hill (letters dated 31st January 2008 & 24th March 2008) Rosehill, Strachur, Argyll, PA23 8DE.

The points raised are summarised below:

Comments in support

i) The site was previously occupied with several depilated mobile homes and it was in a terrible mess. A new house will be much better.

- ii) The proposed design is for an aesthetically pleasing dwelling which will be an asset to the community. A modern building which will compliment the style of the old houses in the area.
- iii) The proposed new dwellinghouse will be visible from Arkaig but it will be behind the Post Office when viewed from the east and behind the existing pine trees when viewed from the north.
- iv) The proposed development will not be out of keeping with buildings close by in terms of height (from the point of view of obscuring and or restricting the views of other residents).
- v) The proposed access road will be along a line currently occupied by sheds which are to be removed and there will therefore be no encroachment on existing parking space
Comment: See assessment below.
- vi) Since the applicant took over Bay Cottage the business has greatly improved providing a mixture of local services to the wider community and passing tourists.
Comment: This is not a material planning consideration.

Comments of objection

- i) The proposal constitutes tandem development.
- ii) Overdevelopment. The scale and adverse impact of the large 4/5 bed house on site does no accord with the principles contained Argyll & Bute Sustainable Design Guidance.
- iii) The proposal contravenes Policy LP ENV 10 of the Finalised Local Plan. The development must be resisted since the scale, location and design of the proposal has significant adverse impact on the landscape.
- iv) The proposal may compromise the amenity of the Post Office/Shop enterprise, essential to local services.
Comment: See assessment below.
- v) Parking facilities for the Post Office/Cafe will be compromised. The plans do not take into account the new extension to the building.
Comment: The applicant has submitted a revised site plan and the Area Roads Manager has raised no objection to this application.
- vi) Strachur Bay with its prominent group of Scots Pine is a significant landmark not only in Cowal but in Argyll.
Comment: See assessment below.
- vii) Strachur Estate owns the adjoining land on the eastern boundary of the site. The line of the existing fence shown as being the eastern boundary does not represent the ownership boundary at this point and that an area of the estate is within the application site.
Comment: The applicant's agent has submitted a revised site plan which details a slight modification to the north-eastern boundary of the site which now ensures that the applicant owns the entire application site.

- viii) The Post Office/Cafe has recently completed an extension to the cafe. No arrangements have been made to accommodate the additional vehicles this will generate. The result is now a serious and potentially dangerous traffic congestion situation.

Comment: This does not form part of the application submitted. However, the applicant has submitted a revised site plan which details the extent of car parking available to the Post Office/Cafe and that of the proposed dwellinghouse. The Area Roads Manager has raised no objection to this application.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a supporting statement dated 22nd November 2007 and an additional letter dated 21st December 2007. The points raised are detailed below:

- i) The applicant owns Strachur Post Office which includes a shop and cafe. Considerable investment over recent years has resulted in a thriving business which has generated employment and also created an important hub for the local community. The applicant wishes to build a new cottage on a vacant plot adjacent to the Post Office as she is currently living in rented accommodation approx 5 miles away. The existing accommodation at Bay Cottage, to the rear of the Post Office, is too small for the applicant's family requirements.
- ii) The height of the proposed development is in line with its nearest neighbour Arkaig and smaller than Sea View both these properties have steps leading to their front doors.
- iii) The proposal will have no visual impact on Strachur Bay because it will not be in or on the Bay it will simply be a continuation of the settlement to the left of the bay. I am at a loss to see how the development can have a negative impact on the entire village environment.
- iv) A thriving business has been built from a site which previously had run down caravans; boats and shed etc. which had been littering the grounds and was an eyesore for years.
- v) The tearoom has never looked over Loch Fyne, one window looks onto the car park and the others on to the roadside.
- vi) The proposed access road is not through the existing car park as clearly shown on the plans.

In addition the applicant's agent submitted a further written statement dated 18th June 2008. The points raised are detailed below:

'The design principles adopted for this proposal were set out in the letter dated 22.11.07 which accompanied the Planning Application. Subsequently an additional drawing (WCS 02) was submitted on 15.2.08, showing the south-east elevation in relation to the existing buildings, which confirms that the scale of the opposed building is in keeping with its neighbours. The detailed design and choice of materials has not been questioned during the Application process and in the latest email (30.5.08) from the Planning Officer it was noted that 'the development is of appropriate scale'.

During the consultation process four letters in support of the proposal were submitted by Strachur residents.

The issue which the Planning Department has raised for discussion is of 'settlement character'. The Department have expressed the view that any development on this site would be at odds with the existing character and would constitute backland development. This is an opinion which I do not believe can be supported by a close analysis of the area.

The enclosed drawing WCS 03 shows the settlement pattern of the majority of Strachur. The older buildings were spread over a wide area in a disparate arrangement. The Clachan area is given some focus by the old street, now bypassed, leading down to the church. The Creggans and Bay areas are focussed on the shoreline and view over Loch Fyne. Beyond that it is hard to read any particular sense of pattern into the settlement and more recent developments have only added to the wide range of house types and road layouts. The 'settlement character' can best be summarised as very informal with a wide variety of scale and density. The proposal for the site adjacent to Bay Cottage cannot therefore be described as unacceptable in principle.

In terms of a narrower focus on the immediate surroundings, the site continues the line of three existing houses facing the loch at this point (two of which are 'historical'). It is therefore a natural site for another house which addresses the loch and fits well in the widened area between the road and the shoreline at this point. The existing stand of pine trees to the east of the site are left untouched and, together with the existing Bay Cottage building, will provide partial screening and an immediate link between the new building and its setting.

The proposal can therefore be considered as a natural addition to the settlement character of Strachur and will only add to the sense of community around the Post Office.'

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/002258/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Strachur is defined as a '*Sensitive Settlement*' by virtue of Policy POL HO 9 of the adopted Cowal Local Plan 1993. Housing development is restricted to identified sites within the settlement. This site falls outwith an identified area and, as such, residential development cannot be supported at this site without an '*exceptional*' circumstance requiring either an operational or locational need. In this case, there is no need that would justify this proposed development contrary to this policy.

The proposal is therefore contrary to Policy POL HO 9 of the Cowal Local Plan 1993.

Within the Argyll and Bute Modified Finalised Draft Local Plan 2006, the site falls within the defined Strachur '*Settlement Zone*'.

Both Policy STRAT DC 1 of the Structure Plan and Policy LP HOU 1 of the Modified Finalised Draft Local Plan encourage up to medium scale housing developments within the settlement zone of Strachur where this serves a local community of interest on appropriate infill, rounding-off and redevelopment sites and providing there will be no unacceptable environmental, servicing or access impact. Policy LP CST 1 encourages development which requires a coastal location and crucially which respects the existing landscape/townscape character and amenity.

While the development is of an appropriate scale it is considered that the development is at odds to the settlement character within this area of Strachur which is characterised by a single tier of development comprising four properties on the shore side of the A886. The proposed development would constitute unacceptable backland development by creating an uncharacteristic and cramped second tier of development at this location which is at odds with the established settlement character and townscape.

The proposal is therefore contrary to Policies STRAT DC 1 and STRAT HO 1 of the Structure Plan and Policies HOU 1 & CST 1 of the Finalised Draft Local Plan.

B. Location, Nature and Design of Proposed Development

It is proposed to erect a large one and three quarter storey dwellinghouse within the rear garden ground of Bay Cottage. The site is bounded by the shoreline to the northwest, a group of Scots Pine trees to the north east and neighbouring properties to the south.

In design terms the proposal boasts elements of traditional local design with a slate roof, timber fenestrations and cement render finish. While the proposal is slightly large in terms of overall massing, the design of the dwellinghouse is considered to be acceptable.

Notwithstanding the aforementioned and as detailed in Section A above, it is maintained that a dwellinghouse at this location creates a second tier of development which is at odds to the defined built form within this area of Strachur. Bay Cottage is one of four buildings located in a linear formation along the shore side of the A886. This proposal amounts to back-land development which does not take account of the existing settlement character. The proposal would also remove a significant amount of ground/garden space associated with Bay Cottage which is also a defining feature of the settlement pattern and should be resisted. Regardless of the proposal's good design, it cannot overcome the issue of development contrary to the settlement pattern.

In terms of impact upon established levels of privacy and amenity it is considered the neighbouring property to the south *Arkaig* will remain unaffected by this proposal given the angle of outlook, distance between both properties and boundary screening. However, there is a small residential unit to the rear of Bay Cottage which will be adversely affected. Outlook

from this property would be greatly reduced with the erection of a two metre fence less than four metres from the rear of Bay Cottage and a large dwellinghouse to a finished roof ridge height of 10.7 metres. Furthermore, the proposal would result in limited external amenity space to the rear of Bay Cottage.

The proposal is therefore contrary to policy BE 9 of the Cowal Local Plan 1993 and Policy ENV 19 along with Appendix A of the Finalised Draft Local Plan. Furthermore, it is also considered to be contrary to the principles set out in the Council's Sustainable Design Guidance 1 'Small Scale Housing Development'.

C. Road Network, Parking and Associated Transport Matters.

The Area Roads Manager has raised no objection to this application. Parking and turning provision and the proposed access are acceptable

On this basis the proposal is consistent with the provisions of Policy TRAN 4 of the Finalised Local Plan.

D. Infrastructure

It is proposed to connect to the public water supply and Scottish Water has raised no objection to this element of the proposal.

In respect of foul drainage, Scottish Water has advised that there is a public sewer in the vicinity of the site. However, the nearest connection point is approximately 75 metres away and at a higher level which would require a private pump station. The cost of a connection to the public sewerage system would be in the region of £30,000 and it would remain in the private ownership and responsibility of the applicant.

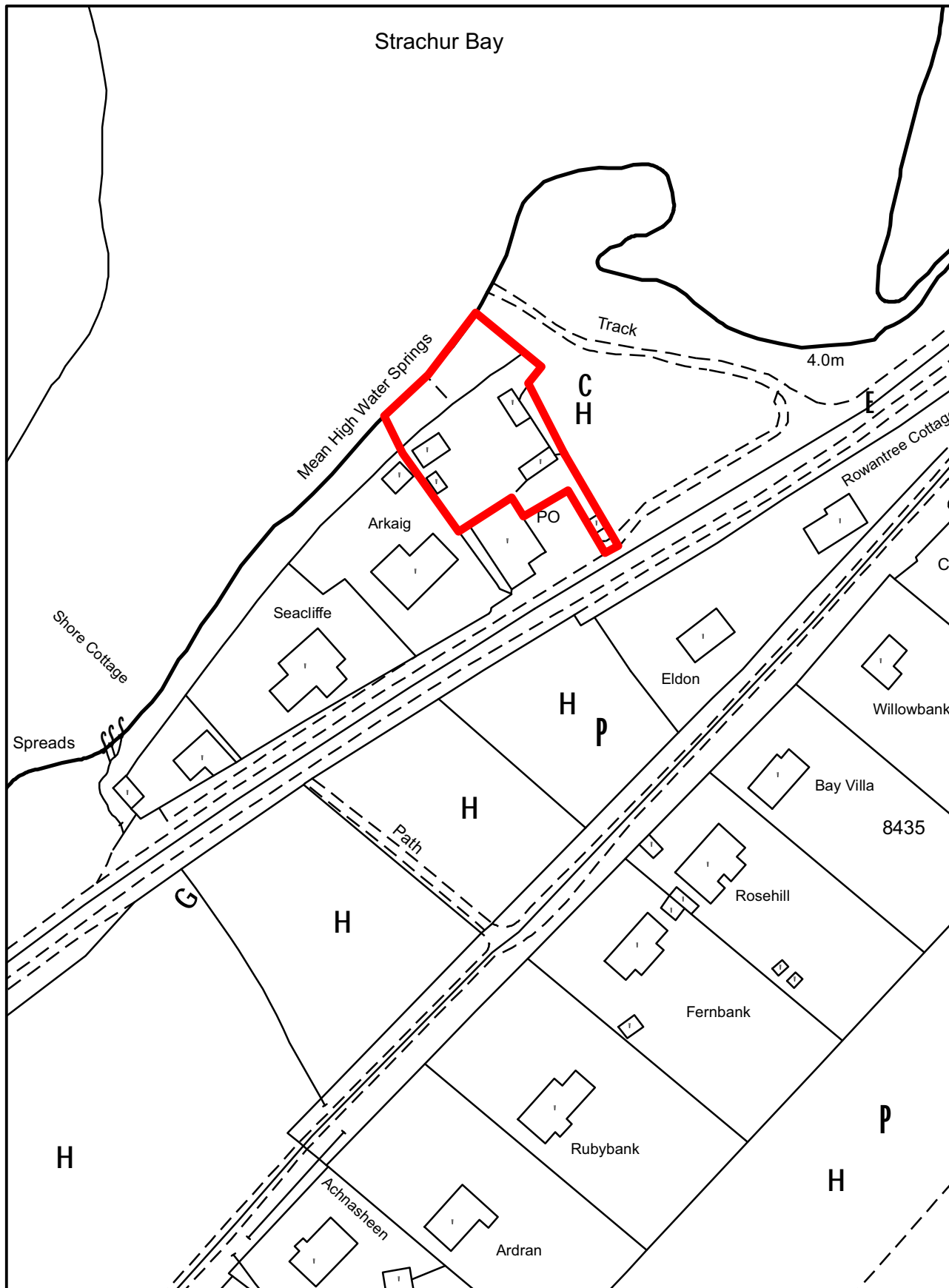
The applicant proposes the installation of a new private sewerage system that would serve the proposed dwelling and that of the existing Bay Cottage. SEPA have raised no objection to the use of a private sewerage system on the basis that a connection to the public sewer cannot be achieved at a reasonable cost and providing that it meets effluent discharge standards

Whilst both existing and emerging Development Plan policies encourage new developments within settlements served by a public sewer to connect to the public infrastructure. This is not feasible in this case due to cost prohibitive reasons. The use of a private septic tank is considered to be consistent with policy SERV 1 as the applicant has demonstrated that a connection is not feasible for economic reasons and the proposal is unlikely to create any adverse environmental, amenity or health problems providing the discharge from the septic tank meets effluent standards.

On this basis, the proposal is consistent with the provisions of Policy POL PU 2 of the Cowal Local Plan 1993 and Policy LP SERV 1 of the Argyll and Bute Modified Finalised Draft Local Plan 2006.

E. Conclusion.

Supporting information submitted with this application has claimed that there is a locational need for the applicant to have a dwellinghouse beside the associated business. The department does not consider this need to outweigh a departure from development plan policy and to allow development that is at odds with the settlement character of the area. There would appear to be scope for extending the existing building of Bay Cottage to provide attached accommodation that would be acceptable to the department. Given all of the aforementioned, this application is recommended for refusal.



**COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATIONS: 07/02258/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
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE

Ward Number - Ward 6 Cowal
 Date of Validity - 12th May 2008
 Committee Date - 1st July 2008

Reference Number: 08/00845/COU
 Applicants Name: Kashmir & Rajni Ram
 Application Type: Change of Use
 Application Description: Partial change of use of hotel (Class 7) to hot food takeaway (Class 3) and formation of disabled access ramp.
 Location: Papa Rams, Jackson House (formerly Lazaretto Point Hotel), Shore Road, Sandbank, Dunoon, PA23 8QG

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Partial change of use of hotel (Class 7) to hot food takeaway (Class 3)
- Formation of disabled access ramp

(ii) Other specified operations.

- Formation of additional car parking
- Landscaping/tree planting
- Erection on non-illuminated signage

(B) RECOMMENDATION

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

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Jackson House is located within the settlement zone of Sandbank, which has been defined as a 'Small Town' by the emerging Local Plan. The proposed takeaway business will form part of a wider lawful hotel and restaurant business to be operated from this property. In locational terms the site is located within the settlement but outwith the town centre area, where this type of use would normally be found. However, the premise has a lawful use right as a hotel. Therefore the key determining issue is whether this new 'add-on' use will have an adverse effect on established levels of privacy and amenity afforded to neighbouring properties and that there are no adverse parking or roads issues

Given the assessment contained in this report the proposal is also considered to be consistent with policy LP BAD 1 which seeks to resist new uses which would essentially have an adverse effect on the amenity of neighbouring residents. Furthermore, the proposal is also considered consistent with policies TRAN 4 & 6 which concern vehicle parking provision and road safety.

Policy STRAT DC 1 of the adopted Structure Plan seeks to resist urban bad neighbour developments which are essentially incompatible with the close configuration of land uses found in settlement. Again, given the assessment contained in this report the proposed hot food take away business is not considered to constitute

a bad neighbour development and as such this proposal is considered consistent with the adopted structure plan.

(ii) Representations:

Seven letters of objection have been received.

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

Although seven letters of representation have been received, the proposal accords with the Development Plan. For this reason there is no requirement for a PAN 41 Hearing.

(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.

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
24 June 2008

Author: John Irving, Tel: 01369 708621
Reviewing Officer: David Eaglesham, Tel: 01369 708608

Date: 18th June 2008
Date: 24 June 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: 08/00845/COU

2. The premises shall not be utilised by members of the public for any purpose involving the purchase of any takeaway food after 10.30 pm on one day and before 3.00 pm the following day unless the prior written consent of the Planning Authority is obtained for variation of these hours.

Reason: *To protect the residential amenity of adjoining residential properties and in accordance with the provisions of Policy POL COM 5 of the Cowal Local Plan 1993 and Policy LP BAD 1 of the Finalised Draft Local Plan.*

3. **Prior to any development works commencing** a revised site plan at a scale of 1:100 shall be submitted for the approval of the Planning Authority in consultation with the Area Roads Manager. The submitted site plan shall detail the following requirements:

- i) The width of the southern entrance shall be a minimum of 5.5 metres wide for the first 6 metres behind the back of the footway. This will require the relocation of the northern gate post.
- ii) The vehicle access shall be upgraded to comply with Fig 10.16 of the Council's Development Guidelines.
- iii) The gradient of the access shall not exceed 5% for the first 2.5 metres and 8% the remainder.
- iv) A minimum of 3 car parking spaces shall be provided within the site to accommodate the take-away function. Spaces to be 5 metres by 2.5 metres in size. A turning area must also be provided.

Thereafter the approved alterations to parking and access provisions shall be fully undertaken **prior to the re-opening of the hotel and take-away business**, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interest of road safety.*

4. Visibility splays measuring 35 metres from a 2.5 metre set back at both accesses shall be free of all obstructions (including walls, fences, hedges, etc.) over one metre in height above the level of the road and thereafter maintained in perpetuity, unless consent for variation is obtained in writing from the Planning Authority in consultation with the Area Roads Manager.

Reason: *In the interests of road safety.*

INFORMATIVES

Surface Water

The Area Roads Manager has advised that a system of surface water drainage is required to prevent water running onto the road. Failure to address this matter would be contrary to Section 99 of the Roads (Scotland) Act 1984, which states that:

"(i) The owner and occupier of any land, whether or not that land is such as constitutes a structure over or across a road, shall prevent any flow of water, or of filth, dirt or offensive matter from, or any percolation of water through, the land onto the road."

A drainage system including positive surface water drainage measures should be agreed with the Area Roads Manager. The applicant is advised to contact the Area Roads Manager's representative (Mr. Paul Farrell on 01369 708613) directly in this regard.

Road Opening Permit

The Area Roads Manager has advised that the proposed works will require a Road Opening Permit (Section 56). The applicant is advised to contact the Area Roads Manager's representative (Mr. Paul Farrell on 01369 708613) directly upon this matter.

Odour and Noise Management

Prior to any development works commencing, it would be advisable to agree an odour and noise management plan with the Council's Area Environmental Health Manager. Planning permission may be required for any external alterations which may become necessary.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00845/COU

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 'medium scale' development with the 'Small Town' settlements such as Sandbank on appropriate infill, rounding-off and redevelopment sites.

Cowal Local Plan 1993

Policy POL COM 5 *'Bad Neighbour Development'* seeks to oppose developments when it is considered that they are likely to adversely affect the amenity of neighbouring properties.

Policy POL BE 4 *'Townscape Policy Area'* seeks to protect these areas from adverse environmental changes and where possible to promote high standards of design. This includes changes of use which could have a detrimental effect upon the character and external appearance of buildings within such an area.

Argyll & Bute Modified Finalised Draft Local Plan 2006

Policy LP BAD 1 *'Bad Neighbour Development'* seeks to permit such developments where there are no unacceptable effects on the amenity of neighbouring properties, the proposal includes appropriate measures to reduce adverse impact, there are no transport objections and technical standards are adhered to.

Policy LP ENV 14 *'Development in Special Built Environment Areas'* seeks a presumption against development that does not preserve or enhance the character or appearance of the area.

Policy ENV 18 *'Protection & Enhancement of Buildings'* opportunities for the enhancement and re-use of building will be sought through proposals for re-building, re-use or change of use to maintain the fabric of the building.

Policy 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.

Policy TRAN 6 *'Vehicle Parking Provision'* sets out the car parking provision for specific categories of development.

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

There is no specific site history associated with this application or property. However, while the hotel has been closed for approximately five years it is considered to have a lawful use as a Class 7 hotel use which included a function room, bedroom accommodation and a restaurant which was open to non-hotel residents.

(iii) CONSULTATIONS

Area Roads Manager (memo dated 28th May 2008); No objection subject to conditions.

Area Environmental Health Manager (memo dated 13th June 2008): No objection subject to conditions.

'The premise to which the planning application relates is located in a residential area of Sandbank. Although the premises has a hotel class of use it has not traded as such in the past 5 years and so the neighbouring properties will not have been subject to any disturbances associated with normal business operation. There are residential properties to the south and east elevations of the property and those known as 'Beneli' and 'Firbank Cottage' are close to the restaurant kitchen. The proprietor indicates that there is a window mounted extractor fan which will be connected to a canopy over the cooking area to provide ventilation. There currently is no flue and in view of this, there is a potential for complaints to be received due to residents living close by being exposed to odour and particulates (e.g. smoke) from the cooking operations. This is dependent on the type and number of hot meals being produced for consumption on and/or off site. These concerns were discussed with the applicant, Mr Ram, who stated that he is currently cooking on a reasonable scale to support his outside catering business and to date he has not received any complaints regarding odours or nuisance. In addition this Service has not received complaint.'

(iv) PUBLICITY AND REPRESENTATIONS

This application has been advertised as a Section 34 'Bad Neighbour' development (expired 6th June 2008) and 'Potential Departure' advertisement (expired 13th June 2006). As a result seven letters of objection have been received from the following:

Elizabeth Howell (e-mail dated 26th May 2008), Firpark Cottage, Shore Road, Sandbank, Dunoon, PA23 8QG. Jean Keenan (letter dated 26th May 2008), Beneli Cottage, Ardanadam, PA23 8QG. Sheila I Homs (letter dated 27th June 2008), Beneli, Ardanadam, Dunoon, Argyll. Mrs Jean Lynch (Letter dated 27th May 2008), Beneli Cottage 2, Ardandam, Dunoon, PA23 8QG. Mrs Renee Forsyth (Letter dated 27th May 2008), Monkdyke, Shore Road, Ardanadam, Dunoon, Argyll, PA23. Richard Addis (Letter dated 24th May 2008), Anchorage, Shore Road, Ardanadam, Sandbank, PA23 8QG. D. J. Sloan & June H. Sloan (letter dated 26th May 2008), 1 Monkdyke, Shore Road, Ardandam, Sandbank, Dunoon, Argyll, PA23 8QG.

The points raised are summarised below:

- i) Lead to increased traffic at a very dangerous corner. An increase of cars would be another hazard on an already busy road and dangerous corner.

Comment: The Area Roads Manager has raised no objection to this application.

- ii) Take away meals will lead to odour and smell within the nearby area.

Comment: See assessment below.

- iii) Litter is usually associated with fast food wherever it is situated and however many bins are provided. Waste is often discarded, just thrown away and not put in bins.

Comment: See assessment below

- iv) It will have an impact on my property value which is already falling.

Comment: This is not a material planning consideration.

- v) It is bound to be noisier with more traffic. Both cars and patrons.

Comment: See assessment below.

- vi) It seems unsuitable to add a take away business to a residential and highly desirable area.

Comment: It is proposed to incorporate a new use into an existing and lawful hotel/restaurant business located within residential area.

- vii) Increased odour nuisance associated with this sort of cooking.

Comment: See assessment below.

- viii) Thrown away foods, however small, particularly on site near the seashore would, no doubt, encourage rats in the area.

Comment: See assessment below.

- ix) I feel a take away business would detract from the impressive war memorial at the Lazaretto Point which is a place of beauty and peace.

Comment: See assessment below.

- x) What does concern me is what hours are the applicants going to trade? Will it be late into the evening or early morning?

Comment: The applicant proposes to operate the takeaway business 7 days per week from 15.00 hrs until 22.30 hrs. Should this be considered acceptable a suitable condition will be attached to the grant of permission to ensure the takeaway business only operates within the stipulated times.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00845/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Jackson House is located within the settlement zone of Sandbank, which has been defined as a 'Small Town' by the emerging Local Plan. The proposed takeaway business will form part of a wider lawful hotel and restaurant business to be operated from this property.

Policy STRAT DC 1 of the Structure Plan concerns development within the settlement zone: those which are considered to be bad neighbour developments and incompatible with the surrounding land uses will be considered contrary to this policy. Given the assessment contained within the Section B below, the proposal is considered to be consistent with Policy LP BAD 1 of the Finalised Draft Local Plan and for this reason the development is considered to be a use not only compatible with the existing lawful use of the hotel but that of the surrounding area. The proposal in turn is therefore consistent with policy STRAT DC 1.

Access and parking provision is acceptable to the Area Roads Manager, which is also consistent with the provisions of Policy LP TRAN 4 & 6 of the Finalised Draft Local Plan.

On this basis the proposal is consistent with Policy STRAT DC 1 of the adopted Structure Plan along with LP BAD 1 and TRAN 4 & 6 of the Finalised Draft Local Plan.

B. Location, Nature and Design of Proposed Development

The property of Jackson House has not been open as a hotel and restaurant for a number of years but it is considered to have a lawful Class 7, hotel use. The applicant's intention is to renovate and reopen the property as a new hotel including a hot food take-away function. Initially it is only intended to operate the takeaway business.

It is proposed to operate the takeaway function from 3pm until 10.30pm seven days per week. There will also be a telephone order and delivery service. The applicant also intends to operate a cooked meal delivery service for the elderly in the area at a reduced cost to help establish a year round economic base.

A number of representations have been received raising a number of concerns relating to the adverse impact a take away business will have upon the established levels of privacy and amenity afforded to the surrounding area. These concerns centre on odour and smell issues and increased levels of unacceptable noise and litter issues.

Crucially, the proposal represents an 'add-on' use to a lawful hotel use at Jackson House which is a self contained detached property within a large curtilage. The three immediate neighbouring properties are The Anchorage, Firpark Cottage and Beneli. The Anchorage is located to the south of Jackson House and is well screened by vegetation along the dividing boundary, there is not considered to be any privacy or amenity issues associated with this property. Both Firpark Cottage and Beneli are located to the rear (west) of Jackson House. While these properties, particularly Firpark Cottage, are in close vicinity to Jackson House there are areas of substantial screening and vegetation which help to maintain levels of privacy afforded to these properties. There is the potential for overlooking from window at the rear of Jackson House into these properties and associated garden. However, these rooms form part of the lawful use of the building as a hotel and this should be recognised when considering established levels of privacy.

Both Firpark Cottage and Beneli are located in close vicinity to the restaurant kitchen which is currently operational (external catering) and to date no complaints have been received by the Council's Public Protection Service regarding adverse odour and noise issues.

There does remain the potential for the new hot food takeaway use to impact upon established levels of amenity afforded to surrounding properties. As such, it has been

considered appropriate to recommend a condition to the grant of permission to limit the hours of operation and an advisory note for the applicant to submit a detailed noise and odour management plan prior to development work commencing.

On this basis the proposal is consistent with Policy LP ENV 18 of the Finalised Draft Local Plan.

C. Built Environment

Jackson House is located within a Townscape Policy Area as defined by the existing local plan and a Special Built Environment Area by the Finalised Draft Local Plan. Such designations seek to protect the appearance and character of the area from unsympathetic new development that could have an adverse visual impact. The main thrust of these policies centre on design issues to ensure new development is of a high and acceptable standard of design.

The only external alteration proposed to Jackson House is the formation of a disabled access ramp onto the front north east elevation. This alteration has little to no impact on Jackson House or the wider streetscape setting.

It is the applicant's intention to substantially renovate and improve Jackson House and its surroundings which are currently in a rundown dilapidated condition. The reopening of this hotel will bring this landmark building back into use and vastly improve its visual appearance within the wider streetscape.

On this basis the proposal is consistent with Policy BE 4 of the Cowal Local Plan and Policy ENV 14 of the Finalised Draft Local Plan.

D. Road Network, Parking and Associated Transport Matters.

Representations have been received raising concerns that the proposal will lead to increased levels of traffic.

The Area Roads Manager has raised no objection to this application subject to conditions concerning improvements to the site entrance. The proposed levels of car parking are also considered to be acceptable and consistent with the car parking standards stipulated by Policy TRAN 4. For this reason there is not considered to be any adverse road safety issues associated with this proposal.

On this basis the proposal is consistent with Policy LP TRAN 4 & 6 of the Finalised Draft Local Plan.

E. Infrastructure

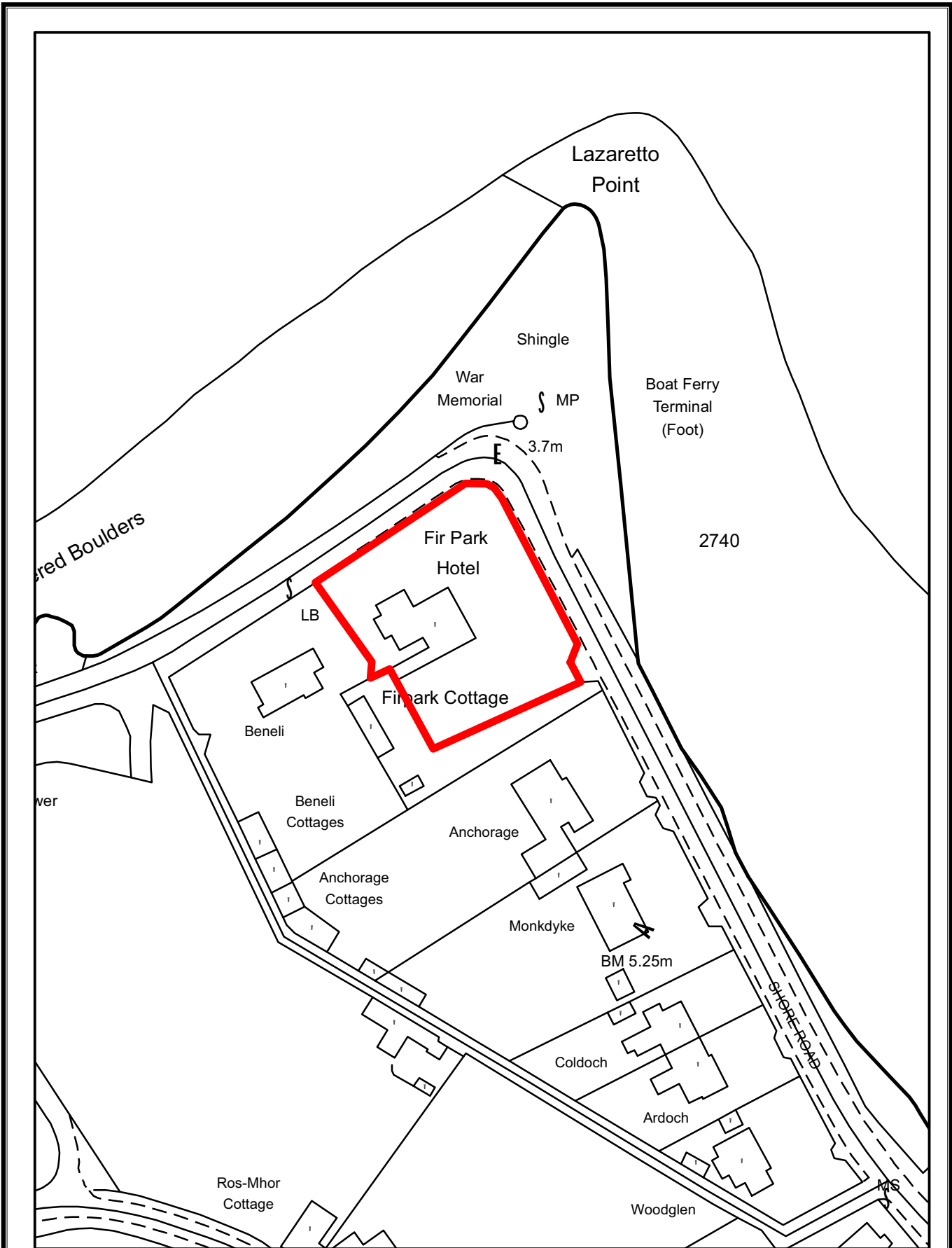
There are no proposed changes to the existing infrastructure and servicing arrangements. Connections to the public water main and sewerage system are to remain.

On this basis the proposal is consistent with Policy LP SERV 1 and 4 of the Finalised Draft Local Plan.

F. Conclusion.

The objections raised against this application centre on adverse amenity issues such as noise, smell and litter. It must be remembered that this application is only for a partial change of use of a hotel which is to reopen. The takeaway business will operate through the existing kitchen arrangement with no requirement for additional ventilation. Given the hours of operation, the out of town location of the premises and fact that the takeaway service will be part of an existing hotel/restaurant function, it is considered that it will have a limited impact upon established levels of amenity. Given all of the above, and the proposed conditions to be attached to the grant of permission, this partial change of use is considered to be acceptable.

This page is intentionally left blank



COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATIONS: 08/00845/COU



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