

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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19 March 2013

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **TUESDAY, 26 MARCH 2013** at **9:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: COLUMBA HOTEL, NORTH PIER, OBAN, PA34 5QD**
 - (a) Notice of Review and Supporting Documentation (Pages 1 - 10)
 - (b) Comments from Interested Parties (Pages 11 - 22)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Robin Currie
Councillor Richard Trail

Councillor Sandy Taylor

Contact: Shona Marshall Tel: 01546 604407

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's Website. You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(1) APPLICANT FOR REVIEW	
Name	SGE HOTELS
Address	COLUMBA HOTEL
	NORTH PIER
	OBAN
Postcode	PA34 5QD
Tel. No.	01631 562 183
Email	gill@sgehotels.com

(2) AGENT (if any)	
Name	CP ARCHITECTS
Address	110 GEORGE ST
	OBAN
Postcode	PA34 5NT
Tel. No.	01631 563 177
Email	mail@cparchitects.net

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application 12/02148/PP

(b) Date of Submission 24 SEPTEMBER 2012

(c) Date of Decision Notice (if applicable) 13 NOVEMBER 2012

(5) Address of Appeal Property

COLUMBA HOTEL
NORTH PIER
OBAN
PA34 5QD

(6) Description of Proposal

PROPOSED CHANGE OF ROOFCOVERINGS
TO THE 3 TOWERS FROM RED CLAY TILES
TO LEAD

(7)

Please set out the detailed reasons for requesting the review:-

PLEASE REFER TO PAPER APART

If insufficient space please continue on a separate page. Is this is
attached? (Please tick to confirm)

(8) If the Local Review Body determines that it requires further information on “specified matters” please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.


(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note: 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	PAPER APART - STATEMENT OF APPEAL - 2 PAGES
2	HISTORIC SCOTLAND LISTING NOTICE REF 38853
3	APPEAL PHOTOGRAPHS (1 SHEET, PHOTOS 1-4)
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)


ON BEHALF OF CP ARCHITECTS

Dated

12 FEBRUARY 2013

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604406 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

COLUMBA HOTEL PROPOSED CHANGE OF ROOFCOVERINGS TO 3no TOWERS

CP468

STATEMENT OF APPEAL (LRB FORM Q7; LBA FORM p2)

12 FEBRUARY 2013

The reasons outlined below are parallel submissions in respect of both **12/02158/LIB** and **12/02148/PP**, which sought consent to change the tower roofcoverings to lead, and both of which were rejected.

1. The comments raised by Historic Scotland in their consultee response dated 29 October 2012 refer to lead possibly being an acceptable replacement for the Rosemary tiles, 'if there are good reasons for proposing a change'. Although they go on to suggest that copper may be preferred over lead, the principle of using lead is certainly not ruled out or considered unacceptable under any circumstance.

This advice is similar (though not identical) to the Historic Scotland Pre-App advice received via the OLI Planning Officer on 27 January 2012.

CP Architects' letter to A&BC dated 24 September 2012 submitting the applications for Planning Permission and Listed Building Consent did point out that:

'We would confirm our client's advice that the tower roofs are, due to their elevation, exposed to high winds and therefore constantly losing tiles in stormy weather, leading to expense in accessing these areas, and risk of decay to the building fabric.'

Thus, we consider that fair notice was given that there were, indeed, good technical reasons for proposing a change of covering. Under these circumstances, we would expect to have at least been afforded the opportunity to expand our client's submission if the council were minded to reject the applications outright. As it transpired, the opportunity to even discuss copper as a possible alternative was not made available. We therefore consider that the council jumped the gun in issuing rejection notices without any further dialogue.

2. The Historic Scotland Listing Notice ref 38853 (North Pier and Corran Esplanade, Columba Hotel) refers to the distinctive form of the tower roofs but does not highlight their finish as being of special architectural or historic interest. We would suggest that the form of the towers would lend itself to lead coverings with rolls, without detracting from the character of the building as a whole.

- Refer HS Listing Notice Ref 38853 attached.

3. A&BC Structure Plan 2002, policy STRAT DC9 specifically calls for the 'Protection, conservation, enhancement and positive management of the historic environment...'

Our client has made clear that, since adding the Columba Hotel to his portfolio, he has experienced extensive problems with the clay tiles being blown from the tower roofs during high winds, causing expense and damage to the fabric of the building. He is anxious to consolidate the building and secure it's long term future through an appropriate maintenance regime. He is convinced that the elevation of the towers, coupled with their distinctive circular form and high exposure means that the clay tiles will inevitably continue to cause these problems, and that the best means of protecting the building is to introduce an appropriate sheet covering in their place.

It is therefore our belief that the proposals are consistent with the obligations of policy STRAT DC9 in terms of responsible stewardship.

4. The introduction of lead to the tower roofs would be consistent with its use as a roofcovering on other parts of the existing building. Both the older (grey granite) part and the red sandstone part (which includes the towers) feature extensive areas of lead in flat roofs, and it is our opinion that the towers would readily relate to those elements already covered with lead and would not look out of place.

- Refer to photograph 1 attached.

5. The use of lead on the towers at the Columba Hotel would also be typical of the treatment used on numerous similar building types elsewhere in Argyll. Three examples are:

- Royal Hotel, Campbeltown (Category C; HS listing notice ref 43123)
- Argyll St/John St, Dunoon
- Barochan Place, Campbeltown (Category B; HS listing notice ref 43051)

- Refer to photographs 2, 3 and 4 attached.

The Campbeltown examples (there are others) are of similar form and age to the Columba. Although featured here alongside slate roofs, it is clear that the lead coverings sit comfortably against the red sandstone, and are well suited to the bell-cast tower profile. The lead bottles would be designed similar to these examples and, given that the eaves of the towers are almost 17m above footpath level, would have minimal visual impact.

As a material, we consider the use of lead in the manner proposed to be both appropriate and tasteful for a building of this character and age. The same cannot be said for several other interventions which have been imposed on the building in the past.

6. A&BC Structure Plan Policy STRAT DC9, A&BC Local Plan Policy LP ENV 13(a), Scottish Historic Environment Policy 2011 and A&B Sustainable Design Guidance 3 all seek to resist inappropriate development and to ensure the protection and preservation of listed buildings.

We consider that our client has assessed his options in a responsible manner and made the decision to opt for lead based on sound technical reasons, having regard also to the wider implications of managing an asset such as this Category B listed building.

Far from being contrary to the requirements of the policies listed above, we believe that the proposals represent the optimum solution to a demanding situation, in that the need to maintain the asset is balanced with the use of sympathetic and appropriate materials which will better equip this building to resist the effects of a harsh marine environment for many decades to come.



NORTH PIER AND CORRAN ESPLANADE, COLUMBA HOTEL (Ref:38853)

This building is in the **Argyll And Bute** Council and the **Oban** Burgh. It is a category **B** building and was listed on **16/05/1995**.
 Group Items: N/A, Group Cat: N/A, Map Ref: NT.

Description

Hotel composed of 2 distinct contrasting blocks of different dates, adjoined, and with principal elevations facing opposite directions. MID TO LATER 19TH CENTURY BUILDING: 3-storey and attic, 6-bay by 4-bay rectangular plan with French style detailing. Bull-faced, squared and snecked grey granite with stugged margins. W (PRINCIPAL) ELEVATION: asymmetrical elevation of 6 bays distinguished by wrought-iron balconies. Bays to outer left, gabled (as return of N elevation); 4 narrow windows, closely spaced, at ground and 1st floor, single window in gablehead. 4-storey and attic tower in flanking bay to right, arched doorway at base flanked by polished, capitalled, granite columns, fanlight with keystone. Bipartite windows at ground floor of bays 4, 5, and 6. N ELEVATION: symmetrical facade with gable breaking eaves at centre. Regular fenestration, 4-bay at ground and 1st floor, 3 bays at 2nd floor and in gablehead. E ELEVATION: asymmetrical facade of 6 bays. 2 bays to outer left closely spaced, stair windows. 2 bays to outer right, gabled (as return of N elevation) with single window in gablehead, 4 narrow windows, closely spaced, at ground and 1st floors (as W elevation). Timber casement windows with single sash above to 1st and 2nd floor of W elevation. Timber plate-glass sash and case windows elsewhere. Grey slate roof, barge boards with timber brackets supported on small stone corbels. Bell-cast, pyramidal roof to tower with exposed rafter ends, dormer to each face and brattishing. Pitched-roof, slate-hung dormers with pointed-arch windows, decorative barge boards and iron finials. Decorative wrought and cast-iron balconies with brackets at 1st and 2nd floors of W and N elevations. Large metal lettering on each elevation, "Columba Hotel". Tall, coped wallhead stack with octagonal cans at W elevation. 1902 BUILDING: Queen Anne with Glasgow Style detailing. 3-storey and attic block, 3-bay with centrepieces to each elevation, flanked by blank bays; circular corner towers at SE, SW, and NW corners. Square plan, red sandstone ashlar with shops at ground floor. Arched, architraved doorway at SE corner, pilasters with decorative capitals and keystone, supporting tower corbel above. Large, flat-roofed single storey former Steam Packet offices adjoined to W elevation. S ELEVATION: symmetrical above shopfronts. 3-bay centrepiece breaking eaves, with corniced wallhead. Framed at 1st and 2nd floors by pilasters, those at 2nd floor panelled, tapering, Ionic capitalled. String courses at 1st and 2nd floor cill levels and wallhead cornice, advanced at pilasters. Cartouche superimposed on frieze above each 1st floor pilaster. Segmental pediment centred over wallhead cornice, surmounted by large stack. 1st floor centre bay with cartouche dated 1902, 2nd floor centre bay with carved script "Columba Hotel". Circular towers at outer corners (comprised of bowed corner bays breaking eaves in drum towerheads), decorated at 3rd floor with panelled and capitalled pilasters tapered to base, string courses, cornice at eaves. W ELEVATION: as above, but with parapet broken by open pediment over cartouche containing carved script "Columba Hotel". Large stacks flanking centrepiece, each with open pediment over cartouche and corbel at base. E ELEVATION: as S elevation, but with corner tower at S end of elevation only. Triangular pediment over wallhead cornice, surmounted by large stack. Bay to left of centrepiece with projecting corbelled stack; matching stack at N end of elevation. N ELEVATION: gable end of west elevation exposed to west of older building. Single bay to left, fluted stack with pediment, superimposed with cartouche over corbel at base, offset to left of apex. Modern timber entrance porch flanked by bipartite windows. 1st and 2nd floor windows timber sash and case with meeting rail concealed behind transom, plate glass lower half, glazing bars above. Tripartite windows flanking S elevation centre bay, bipartite windows flanking centre bay of W and E elevations. Tripartite windows in right hand bay of E elevation, transomed windows in centre bay of W elevation. Corner towers; 3 narrow windows, closely spaced, at each floor. Box-dormers; timber, tile-hung with plate glass lower sashes, glazing bars above. Red tiled roof and bell-cast tower domes with disc finials. Profiled gutters, cast-iron downpipes flanking towers with semi-octagonal hoppers. Red sandstone ashlar stacks, corniced with terracotta cans, string course, vertical banding terminated by segmental and triangular pediments below.

Notes

The Dean of Guild records a Hotel for John Stuart MacCaig, by J Fraser Sim 1885, with chimney heights raised in 1890. Internal alterations by Alexander Shairp of 1893, and 1898. This is Oban's most prominent hotel, visible from all parts of the town.

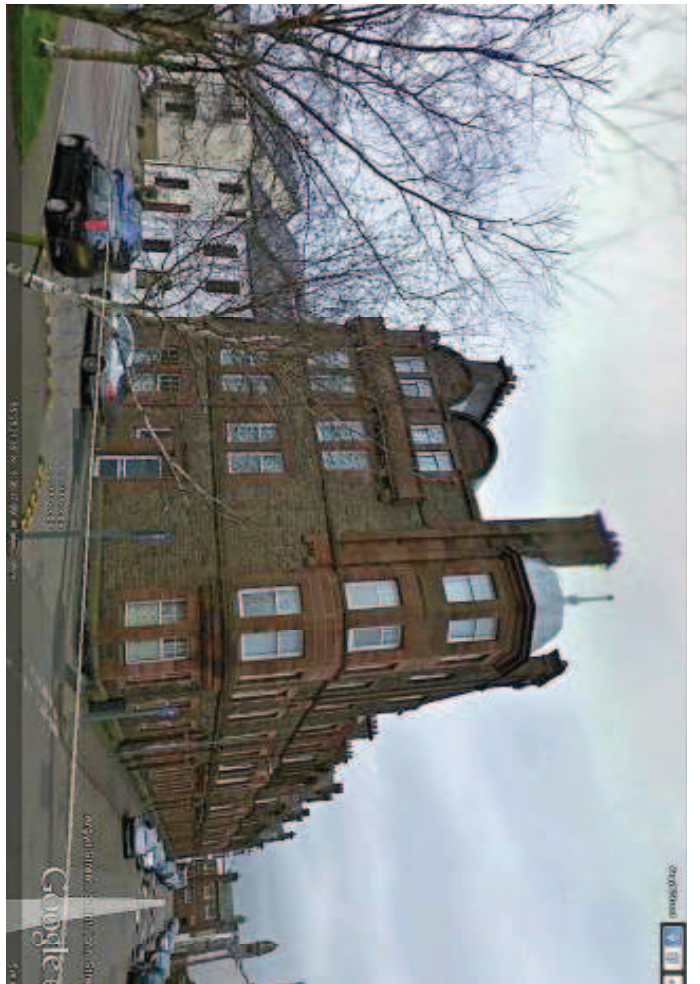
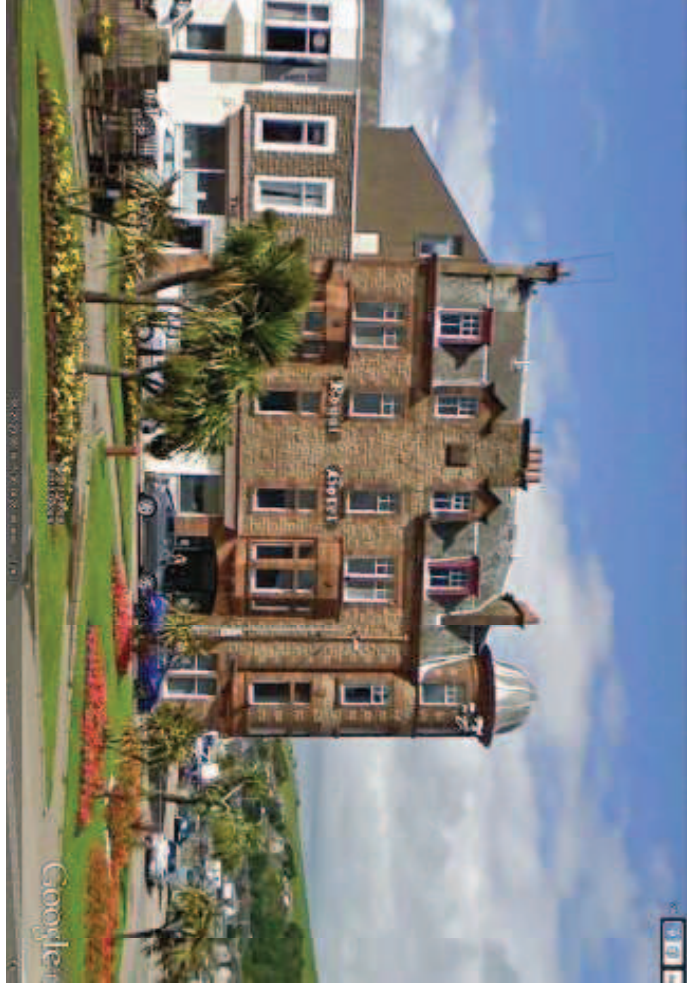
References

Dean of Guild, Argyll and Bute District Council.

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

13/0004/LRB

**REFUSAL OF PLANNING PERMISSION FOR THE
REPLACEMENT ROOF COVERING TO THE THREE
TOWERS**

COLUMBA HOTEL, NORTH PIER, OBAN

**PLANNING PERMISSION REFERENCE NUMBER
12/02148/PP**

27th February 2013

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is SGE Hotels (“the appellant”).

Planning application 12/02148/PP which proposed the replacement of the roof covering on three towers from Rosemary tiles to lead at the Columba Hotel, North Pier, Oban (“the appeal site”) was refused under delegated powers on the 13th November 2012.

The planning decision has been challenged and is subject of review by the Local Review Body.

DESCRIPTION OF SITE

The site is located at Oban’s North Pier within the town centre. The site is very prominent from key views across Oban Bay and from various key viewpoints across the town including MacCaig’s Tower, Pulpit Hill and South Pier. The North Pier is characterised by red roofed buildings given the restaurants of Ee-Usk and Piazza have red roofs. The Columba Hotel is a category ‘B’ listed building finished in red sandstone with Rosemary tiles. Although the hotel is large multi-storey building the distance views afford excellent visuals of the external materials. There are a number of other listed buildings within the immediate vicinity.

SITE HISTORY

No history relevant to this appeal.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the material considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted development plan; or whether in fact the development plan remains the primary determining factor.

The Report of Handling (Appendix 1) sets out Planning Services assessment of the planning application in terms of policy within the current adopted development plan and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were covered in the Report of Handling which is contained within Appendix 1. As such it is considered that the Council has all the information required to determine this particular planning application. Given the above and that the proposal is small scale in nature, constitutes a Local Development, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

1. Historic Scotland's consultation response actually says that the three turrets have always had a tile finish in order to match the existing adjoining roof slopes. To this end the turrets and roof slopes should match. Although the response states that if there are good technical reasons for the proposed change then this might be acceptable but the introduction of lead rolls will have a considerable visual impact on this very prominent building. The applicant has not submitted technical information relating to a good reason for the alteration. The cost of replacing the Rosemary tiles is not a valid argument for the change to what is a very prominent building within the town centre. It is considered that the appellants' statement misinterprets Historic Scotland's response. It should also be noted that the application was for lead not copper and that the appellant could have raised the option of alternative materials at any time and was advised at the pre-application stage that the planning authority would be unlikely to support a formal planning application. Therefore the applicant had ample opportunity to continue pre-application discussions and investigate alternative materials.
2. Although the listing information does not specifically highlight the roof finish as being of special architectural quality the distinct red roof is a feature of the town centre and the building itself is extremely prominent. The building was listed in 1995 when the Rosemary tiles had been installed and are therefore covered by the listed.
3. All proposals involving listed buildings are required to enhance and improve the building. There has been no evidence submitted that a competent maintenance regime could not be achieved for the use of Rosemary tiles and the appellant has not submitted a case stating why a competent regime cannot be achieved for the existing tiles. Approved Structure Plan policy STRAT DC 9 requires proposals to enhance the existing historic fabric and in this instance it has been demonstrated by the planning authority through the determination process that this proposal does not enhance or improve the fabric of the building or its wider setting.
4. There may be lead used on other parts of the building the main red sandstone building is covered in red tiles which matches the colour of the Rosemary tiles. The flat roofs that may have lead are not readily visible and therefore do not attract the same attention as the red roof material. Changing the colour of

tiles to a colour that does not match the main roof will drastically alter the character of the building and the wider setting of North Pier.

5. The examples provided by the appellants' statement are different buildings in different settings and bear no direct relation to the setting of Oban. This particular listed building is unique in its setting and it is not appropriate to state that because a proposal might be acceptable in another location does not mean it is acceptable in this case.
6. The referred to 'sound technical reasons' have not been presented to the planning authority. So far the main reason for the application appears to be the regular maintenance required for the Rosemary tiles. This is not a reason to drastically alter the character of such a prominent listed building. The applicant has not provided details of alternative materials and has had ample opportunity to pursue discussion with the planning authority and Historic Scotland but has opted to pursue this option. There has been no submission of any technical data to support the application nor has any reason been provided as to why a competent maintenance regime cannot be implemented for more efficient management of the Rosemary tiles. It should be noted that the Rosemary tiles have lasted since the 1950s and that these tiles are able to withstand a coastal environment.

CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In conclusion the proposed lead is not an appropriate material in this instance. This would result in a mismatch of materials when viewing the building from across the bay and key view points across Oban. The use of Rosemary tiles adds to the character of the building and breaks up the use of West Highland slate across the town providing a positive visual focus. The applicant has not provided a technical reason for the proposed change or a reason to justify the change other than to say the Rosemary tiles require regular maintenance. There is no reason so far demonstrated to suggest that a competent maintenance regime would not be appropriate for the Rosemary tiles. The fact that they may require more regular replacement than the proposed lead rolls is not sufficient justification for drastically altering the character of the listed building. The proposal is contrary to the existing adopted development plan and there are no material considerations of such weight that have been identified to justify the proposal. It is respectfully requested that the review be dismissed and the original refusal be upheld.

APPENDIX 1

Argyll and Bute Council
Development and Infrastructure

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/02148/PP

Planning Hierarchy: Local Development

Applicant: SGE Hotels

Proposal: Replacement roof covering to the 3 towers

Site Address: Columba Hotel, North Pier, Oban

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Replacement roof covering to the 3 towers
-

(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 appended to this report.

(C) HISTORY:

No relevant history.

(D) CONSULTATIONS:

N/A

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 01/11/12.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|-----------|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
-

(H) PLANNING OBLIGATIONS

- | | |
|--|-----------|
| (i) Is a Section 75 agreement required: | No |
|--|-----------|
-

- | | |
|---|-----------|
| (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
|---|-----------|
-

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

STRAT DC 9 – Historic Environment and Development Control

STRAT SI 1 – Sustainable Development

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 13b – Demolition of Listed Buildings

LP ENV 19 – Development Setting, Layout and Design

Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

Scottish Historic Environment Policy, Historic Scotland, 2011

Sustainable Design Guidance 3, Working With Argyll and Bute's Built Heritage, 2006

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for replacement of the Rosemary roof tiles to the three towers of the Columba Hotel with lead. An associated application for Listed Building Consent reference 12/02158/LIB is currently with this Service for consideration.

The property is a Category B listed building located within a very prominent position on the North Pier within the town centre of Oban. The towers and adjoining roof slopes of the sandstone part of the building are finished with the Rosemary tiles.

Scottish Planning Policy (SPP) states that when determining applications for planning permission or Listed Building Consent regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is a presumption against works which will adversely affect a listed building or its setting.

In terms of the approved Argyll and Bute Structure Plan policy STRAT DC 9 promotes positive management of the historic environment. Development that

damages or undermines the historic, architectural or cultural qualities of the historic environment will be resisted.

The above policy advice is followed through in policy LP ENV 13a of the adopted Argyll and Bute Local Plan which states that development affecting a listed building or its setting shall preserve the building or its setting and any features of special architectural interest which it possesses. Furthermore Appendix A states that when undertaking works to a listed building materials and detailing must be compatible with the existing building. Inappropriate or unsympathetic development which could damage the property or its setting will be resisted.

Historic Scotland's Scottish Historic Environmental Policy (SHEP) 2011 states that historic buildings are a highly visible and accessible element of Scotland's rich heritage. Listings recognise their historic importance. In assessing an application for a listed building, special regard should be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

It is considered that the existing Rosemary tiles add to the historic and architectural character of the building. Their replacement with lead would have a significant adverse visual impact and be detrimental to the special interest of the building, particularly given its setting within a prominent position on the North Pier within the town centre of Oban.

In support of the application the applicant has advised that due to the elevation of the towers they are exposed to high winds. This results in tiles being frequently lost in adverse weather conditions leading to expensive repair work. They further state that a retired plumber has confirmed that the tower roofs were previously covered with lead and that the change to clay tiles took place around the 1950s and would assume that the lead, previously used, would have been the original covering given that the building was completed circa 1902. Notwithstanding the above, the building was listed in May 1995 when the Rosemary tiles were in place on the towers and, for the reasons set out above, the change to lead is not considered an acceptable alteration to this listed building.

Furthermore, the application is not accompanied with sufficient documented evidence to support the proposal to replace the existing roof tiles with lead. Therefore the proposal is considered contrary to Development Plan Policy, Government Advice and the Scottish Historic Environment Policy and is recommended for refusal for the reasons appended to this report.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission should be refused.

The application is recommended for refusal for the reasons appended below.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Fiona Scott

Date: 30/10/12

Reviewing Officer: David Love

Date: 06/11/12

**Angus Gilmour
Head of Planning**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 12/02148/PP

1. In assessing an application for works affecting a listed building, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Historic Scotland's Scottish Historic Environment Policy (SHEP) 2011 states that historic buildings are a highly visible and accessible element of Scotland's rich heritage. Listings recognise their historic importance. In assessing an application for a listed building, special regard should be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

It is considered that the existing Rosemary tiles add to the historic and architectural character of the building and their replacement with lead would have a significant adverse visual impact and be detrimental to the special interest of this Category B listed building which is situated within a prominent position within Oban's town centre.

The application is not accompanied by documented evidence to support the need for the proposed replacement roof covering.

The proposal is considered contrary to Policy STRAT DC 9 of the approved Argyll and Bute Structure Plan, Policy LP ENV 13(a) of the adopted Argyll and Bute Local Plan, Scottish Historic Environment Policy (2011) and Argyll and Bute Sustainable Design Guidance 3, all of which seek to resist inappropriate developments which give rise to adverse consequences for the character and appearance of listed buildings.

NOTE TO APPLICANT

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Customer Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **12/02148/PP**

- (A)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- (B)** The reason why planning permission has been refused.

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