

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

16 April 2013

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **TUESDAY, 23 APRIL 2013** at **3:45 PM**, 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: 19 BATTERY PLACE, ROTHESAY, ISLE OF BUTE**
 - (a) **Notice of Review and Supporting Papers (Pages 1 - 36)**
 - (b) **Comments by Interested Parties (Pages 37 - 46)**
 - (c) **Comments by Applicant in Response to Comments by Interested Parties (Pages 47 - 48)**

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Gordon Blair
Councillor Donald MacMillan

Councillor Mary-Jean Devon

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:
AB1

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

OFFICIAL USE

H MacInnes
 11 March 2013
 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

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

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

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

(6) Description of Proposal

INSTALLATION OF NEW P.V.E.
WINDOWS AT 19 BATTERY
PLACE. ROTHSAY.

(7)

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

I AM ASKING FOR THIS REVIEW DUE TO THE LARGE AMOUNT OF EVIDENCE SHOWING P.V.E. WINDOWS ALL ALONG THE SEA FRONT UP TO MY PROPERTY AND WELL BEYOND. WITHIN A 500 METRE length of my shoreline I would estimate a 95% RATIO OF P.V.E. Replacement windows over the years. This hasn't happened by accident. THE COST EFFECTIVENESS, NO MAINTAINENCE, PLEASING TO THE EYE, and many other reasons have shown that residents have proven that opinion AND EXPERIENCE MAKE P.V.E. WINDOWS THE BEST OPTION FOR THE EXPOSED CONDITIONS OF SEA FRONT PROPERTIES. THE MAINTAINEN FREE PROPERTIES OF P.V.E. WINDOWS SURRAY HAS AN ASSIST REGARDING THE CARBON FOOTPRINT WITHIN THE AREA. THE ENCLOSED EVIDENCE SHOWS THAT EVEN LISTED BUILDING AND HISTORIC SEOTHANY ARE COMING ON BOARD TO THESE CHANGES. I CANNOT SEE ANY DOWNSIDERS TO THESE WINDOWS.

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	Photographs showing p.v.e. windows installed. NEXT DOOR & VARIOUS HOUSES ALONG BATTERY PLACE
2	COPIES OF LETTERS SENT TO PLANNING WITH MY APPLICATION.
3	COPIES OF SIGNED LETTERS OF SUPPORT OF MY APPLICATION REQUESTED BY MR STEVEN GOVE (ORIGINALS NOT SENT BACK TO ME)
4	COPIES OF LETTERS FROM PREVIOUS PLANNING APPLICATIONS OVERTURNED IN FAVOUR OF P.V.E. WINDOWS ON SEA FRONT
5	COPIES OF MY PREVIOUSLY APPROVED ELEVATIONS SHOWING POSITIONS OF WINDOWS
6	COPIES OF DRAFTS OF PREVIOUS APPLICATIONS RESULTING IN OVERTURNING DECISIONS IN FAVOUR OF P.V.E. (2 COPIES FROM MY PROPERTY)
7	
8	
9	
10	

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

Submitted by
(Please Sign)

J. Muir

Dated

7 MARCH 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 604392/604269 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 604392/604269 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

20 February 2013

Issued by (please sign)

Fiona McCallum

18

No
Timber!
Windows
Z

Page 5

18 BATTERY
PLACE



12

COMMODORE
GUEST HOUSE
 ALL ROOMS
 EN-SUITE
 SELF CATERING
 AVAILABLE
 01700 502178
 VACANCIES



*'' Listed
 BUILDING
 12 BATTERY
 PLACE*

14/14A BATTERY PLACE



19A

BATTERY
PLACE.

Dunwurkin
Cottage





7 Battery
PLACE

7

WILSON







1110 F.V.S. - RIMMONS

17/17A
BATTERY
PLACE

P
Wheelchair Accessible

17

1914

1914



CANNON HOUSE HOTEL

CANNON HOUSE
HOTEL & RESTAURANT

3/4 BATTERY PLACE



218 W 11th St



23
BATTERY
PLACE

HOWARDS
WAY
Hotel & Bar
t:01700 502006
VACANCIES
All Rooms
En-Suite
Evening Meals
Available



15 BATTERY PLACE





4 Bishop Terrace Brae, Rothesay,
Isle of Bute, PA20 9DW

Mr Steven Gove
Planning Department
Milton House
4 Milton Avenue
Dunoon
PA31 8RT

21st March 2012

Dear Sir,

PLANNING CONSENT REF: 11/02352/PP
CONVERSION OF DWELLING INTO FLATS – 19 BATTERY PL, ROTHESAY

I refer to the consent issued for the above conversion and would like to ask whether I can revise my permission to alter the window details from timber windows painted white, as per the above consent, to white finished UPVC.

At the time of submission I asked my agent, G. R. Kennedy, to show UPVC windows but he suggested that, in the interest of getting consent more quickly, I should show the windows in timber which I reluctantly agreed to.

There are two main issues in preferring UPVC against timber windows which are,

1. They are £8,500 more expensive than a PVC equivalent.
2. They will require constant maintenance since they are located on the sea front.

I have looked at the properties surrounding me and 90% of them have replacement windows with 95% of those in UPVC. I have attached some photos of the building's adjacent to my property which clearly show the multiple use of UPVC in that area.

I understand the principals of conservation but, in this instance, those principals were lost many years ago when numerous UPVC windows were fitted so, in relation to my property, if I used anything other than UPVC my windows would look alien to the others.

Can you please therefore advise how I would make such a change and whether it is likely to be supported by your department. I feel if I made an application and it was refused then I would have to appeal against the decision on the grounds that the visual impact of my small change would be negligible in the grand scale of UPVC within the area.

I look forward to hearing from you.

Yours faithfully,



John Morrison

Beattie Court
Battery Place
ROTHESAY
Isle of Bute
PA20 9DU

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

Dear Sir/Madam

19 Battery Place, Rothesay, Isle of Bute (2 Properties)

Please find enclosed my letter in support of plans proposed to the above address by Mr John Morrison, Builder.

The proposal is to install new white PVC double glazed windows on the front elevation to both properties. The style of these windows would enhance the look of this property greatly and would also be maintenance free. This property is in an exposed position relative to the weather and installing PVC windows would be so much more cost effective than the installation of timber windows.

In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mr A Brown

(Tenant) 19a Battery Place
ROTHESAY
Isle of Bute
PA20 9DU

Tel: 07590023515

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

Dear Sir/Madam

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Miss P O'Reilly

19a Battery Place
ROTHESAY
Isle of Bute
PA20 9DU

Tel: 07917432981

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

Dear Sir/Madam

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mr M Taylor

18 Battery Place
ROTHESAY
Isle of Bute
PA20 9DU

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mr J Crawford

The Boathouse
15 Battery Place
ROTHESAY
Isle of Bute
PA20 9DP

Tel: 01700 502696

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

Dear Sir/Madam

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mr P Melvin

15 Battery Place
ROTHESAY
Isle of Bute
PA20 9DP

Tel: 01700 502696

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Sara Goss

18 Battery Place
ROTHESAY
Isle of Bute
PA20 9DU

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

Dear Sir/Madam

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mr J Crawford

14 Battery Place
ROTHESAY
Isle of Bute
PA20 9DP

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mr H Prentice

21 Battery Place
ROTHESAY
Isle of Bute
PA20 9DU

Tel: 01700 503526

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

Dear Sir/Madam

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mr T Shaw

18 Battery Place
ROTHESAY
Isle of Bute
PA20 9DU

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Miss L Gillies

21 Battery Place
ROTHERSAY
Isle of Bute
PA20 9DU

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mrs A Shaw

14a Battery Place
ROTHESAY
Isle of Bute
PA20 9DP

Tel: 01700 503468

21st September 2012

Argyll and Bute Council
Planning Department
Central Validation Team
Whitegates Office
Whitegates Road
LOCHGILPHEAD
PA31 8SV

Dear Sir/Madam

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In addition to this letter of support, 95% of the properties on either side of these two flats have existing PVC double glazed windows.

These flats have been in a dilapidated state for approximately 15 years and allowing Mr Morrison to continue with this project to install white PVC double glazed windows will be in-keeping to the surrounding properties and will enhance the look, not only to the flats that he is renovating, but to the surrounding areas as well.

I would ask that you allow Mr Morrison to continue with this project and will accept this letter as support.

Yours sincerely

Mr N McGregor

200 MTRS FROM MY PROPERTY ON SEA FRONT. !

Appendix 3 demonstrates that the frames on the timber window option would be a significant departure from the appearance of the original windows. The reason for this is that the natural increased density and weight of timber windows requires a heavier frame and transom in the manufacturing process. As the appearance of the windows, as stated by Historic Scotland, often provide the greatest architectural influence on a traditional building we feel it is of the utmost importance that these features be retained. This comparison demonstrates the improvements in design innovation for PVCu windows applied to conservation applications.

Equally important for the building and its future residence are the energy efficiency ratings of the proposed windows. While the specifications for the timber windows include a U value rating of 1.7, the specifications for the PVCu windows are much more efficient and affordable, with a U value rating of 1.4. The cost of timber windows is 30% higher than that of the price of the PVCu windows. It is essential to the 'affordable housing' aim of our project, that the heating costs and carbon foot print for the residents be as low as possible as only thru savings made during all phases of development can savings be subsequently passed on to potential home owners. We should add as it has always been our intention for The Old Bakehouse to be our home, we are all the more discerning. The additional costs incurred when painting and maintaining windows from outside (required when located higher than a 1st floor), is substantial, as this requires scaffolding. Improved technology means PVCu windows do not share the same resurfacing regime required by timber windows. These additional costs negatively impact upon our affordable housing aim. Does putting buildings before people after all, not defeat the very purpose of a building in the first place;- to facilitate the needs of the people who use them.

In the spring of 2008 we had preliminary discussions with the local planning department to establish what would be required to redevelop an industrial building within the listed conservation area of Rothesay. When asked if they would have a site visit, the then team leader for the Dunoon based offices of Argyll and Bute Council's Planning department -David Eaglesham, sent Charles Tibbles (a then planning officer) to inform us that Mr. Eaglesham was "not concerned about the materials used for any replacement windows as long as they were NOT WHITE". We were very surprised by this as it was always our understanding that all original window features should be maintained in a conservation area. The subsequent condition of timber windows confirms we were clearly ill advised. We understand this change from original window colour is a typical solution in these cases. The use of a darker colour finish to the outside of the windows minimizes the noticeable departure from the original frame and transom sizes. Note:- This solution was used for The Old Ropeworks in Greenock at the Newark Castle roundabout which is of very similar brick construction as The Old Bakehouse. However, we feel this option makes further difficult our aim and that of Historic Scotland's -contained in the 'Memorandum of Guidance'- of enhancing the original character of the building.

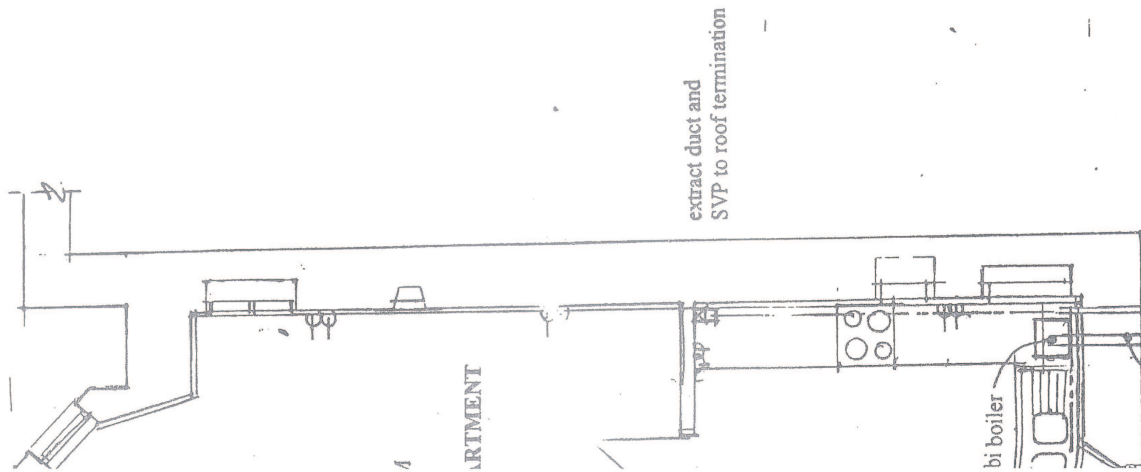
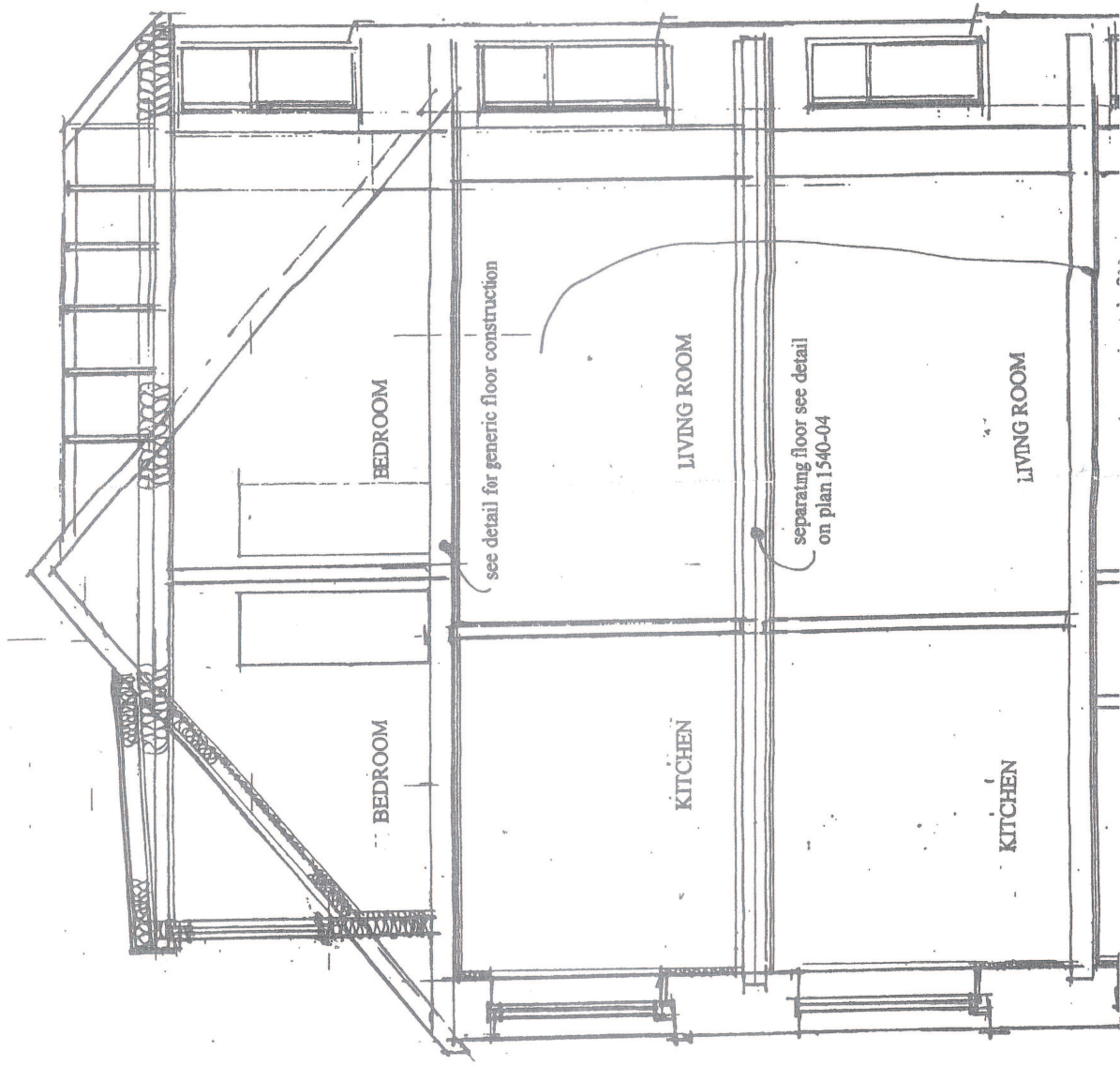
The Old Bakehouse's Environment

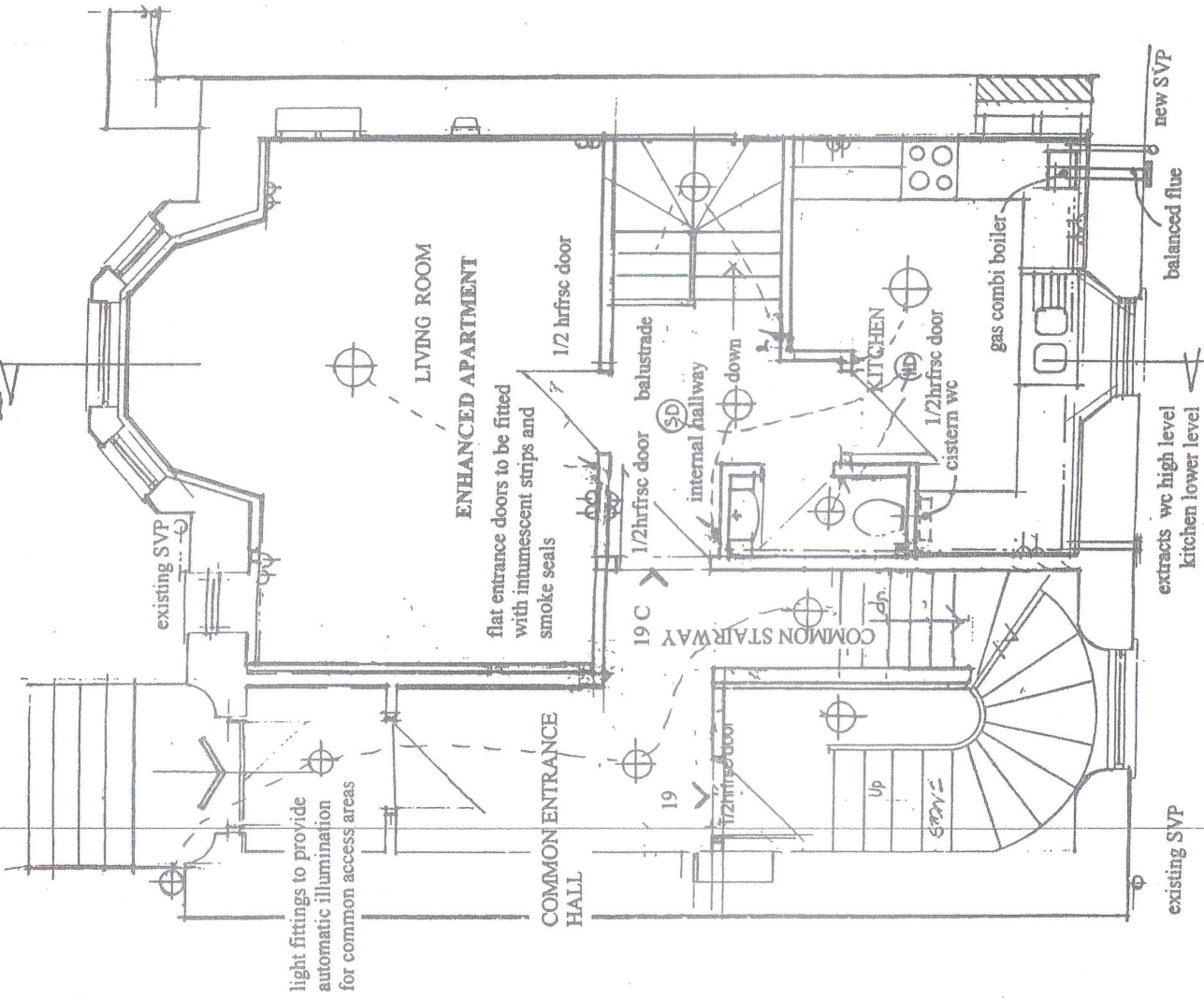
Please see attached Appendixes 4,5,6,7,8,9,10,11,12 and 13 which provide photographic evidence of the state of windows in buildings surrounding Rothesay's inner harbour (from north to south), all neighbouring The Old Bakehouse. It is clear, that a variety of windows styles made from a variety of materials have been used and many are very clearly not in keeping with the original windows much less in keeping with other windows in the same buildings. This greatly demonstrates the need to assure good design practices are observed for all replacement windows. This blanket timber window policy however, will only insure a departure from the original style of windows due to the restrictive nature of timber as a material. In light of this issue and the evidence supporting the many unsympathetic window designs observed in The Old Bakehouse's neighbouring buildings, we feel that we are being discriminated against.

Appendix 13 and 14 are photographs which show the recently developed 'C' listed tenement at 7 West Princes Street. These new replacement windows are PVCu sash and case movement. Their U value and subsequent energy efficiency and thermal properties have been awarded by The Energy Saving Trust. Please see attached Appendix 15 and 16 which relate to their permission and the reasons for granting said permission. An obvious balanced approach was adopted for this development, not compromising the original character of the building. The 30% increase in cost for timber windows which do not retain the character as well as the PVCu option is simply NOT financially justifiable for any developer and we would ask that a similarly balanced approach be used for The Old Bakehouse, a building not listed but with as much right to conservation and consideration.

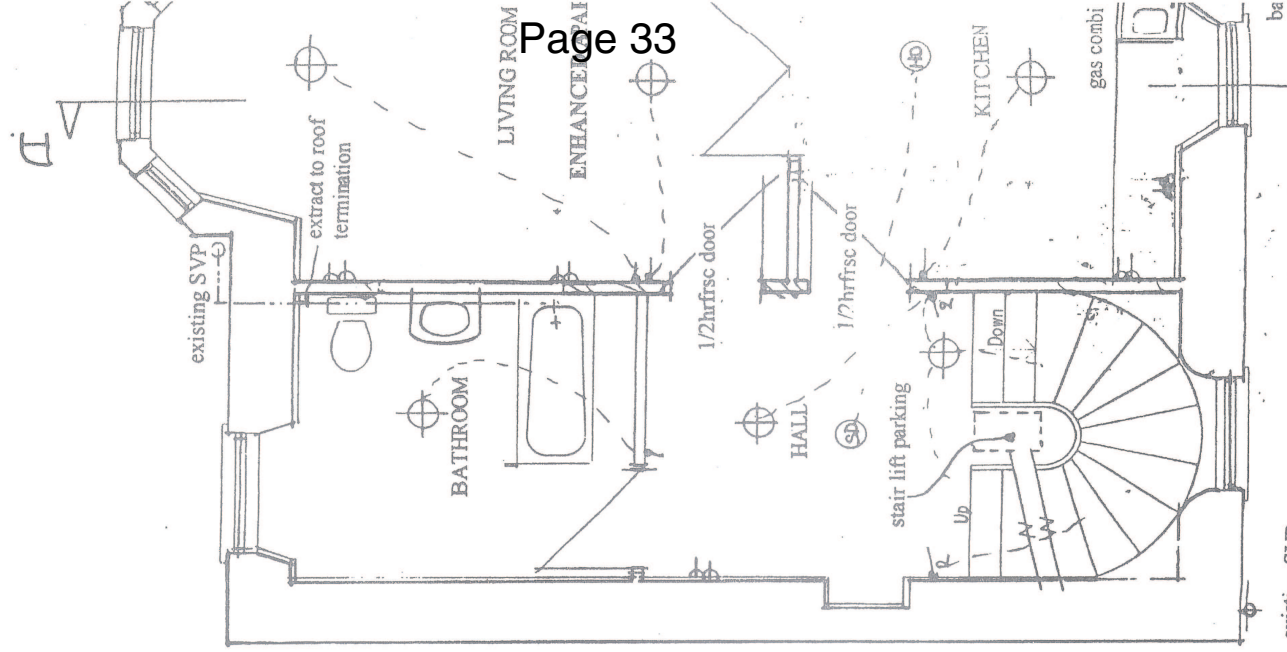
Top Right

ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Relative to Application No. 12/02213/188
Angus J. O'Sullivan
 Head of Planning and Regulatory Services
 Date: 11 DEC 2012





GROUND MAISONNETTE FLOOR PLANS



UPPER MAISONNETTE FLOOR PLANS

protected enclosure construction to achieve 30 minute fire resistance

common stair enclosing walls to be upgraded to achieve 60 minute fire resistance

underside of stairway between flats to be upgraded to achieve 60minute fire resistance

Rear access to lower flat
 Stair enclosure constructed with 100mm dense concrete blockwork 20mm smooth sand and cement

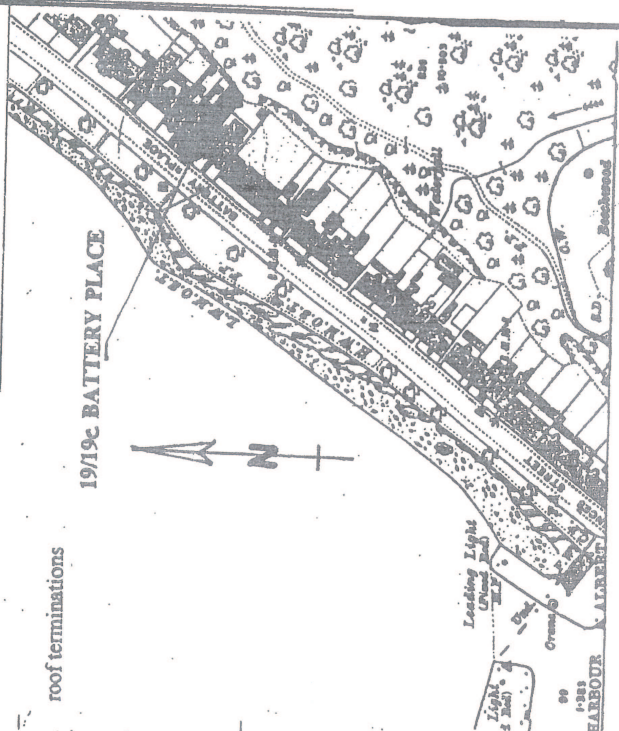
Top Left

24 FEB 2012

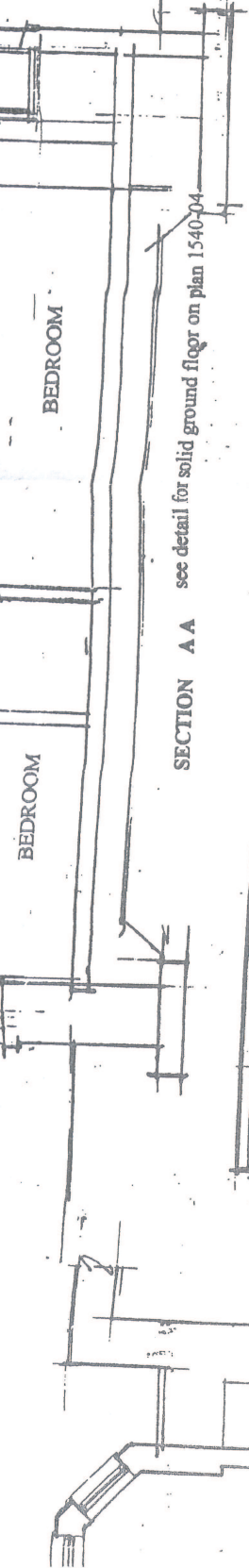
Argyll and Bute Council
Planning and Regulatory
Services

Application ref no: 12/02715/PP
Date received: 17 OCT 2012

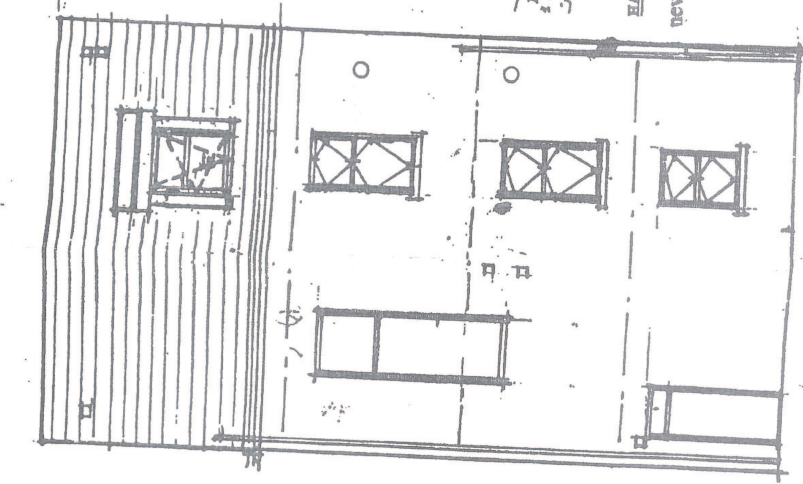
Plan no: 117
P.O. Initials: SC



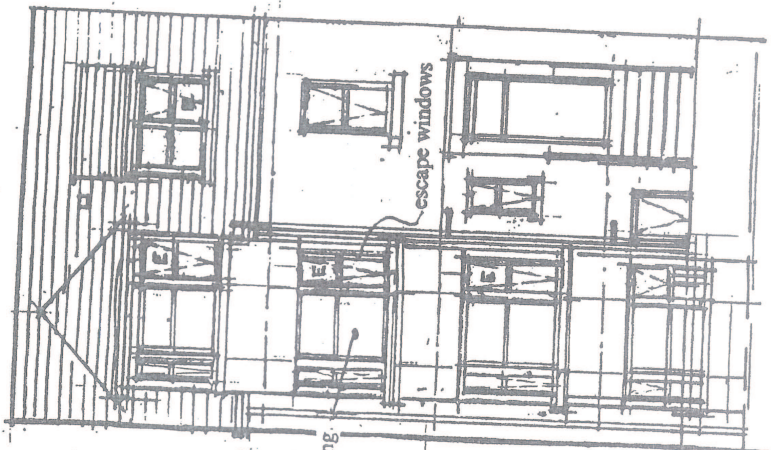
LOCATION PLAN Scale 1:2500



SECTION AA see detail for solid ground floor on plan 1540-04



REAR ELEVATION



FRONT ELEVATION

MATERIAL FINISHES

- Roof Natural slate as existing
- Walls Painted stone as existing
- Windows and Doors white PVC

indicates internal generic partition location
see detail for generic partition construction

This is the principal copy of the drawing for the application for Building Warrant
Dated 2 Feb 2012. Signed *[Signature]*

GR Kennedy, Architect

93 Marine Parade, Kilm.
Dunoon Argyll PA23 8HQ
tel: 01889 703700 fax: 01869706619
email GRKENNEDY@AOL.COM

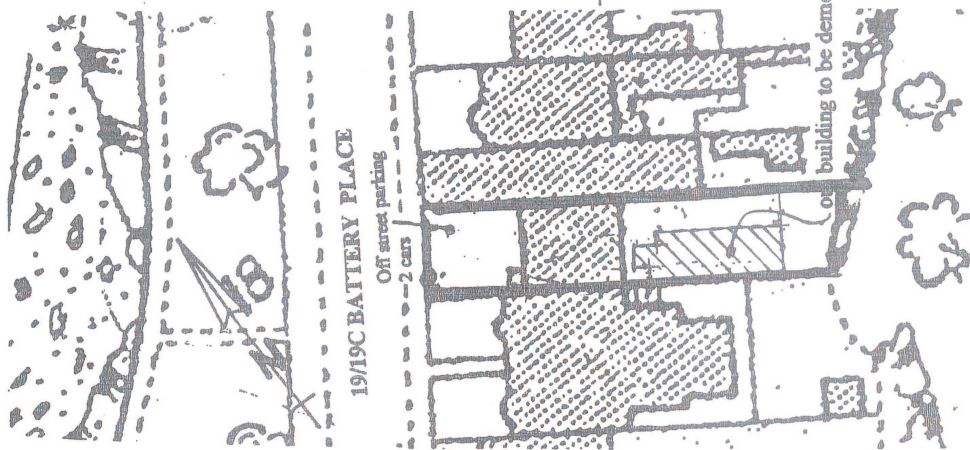
CONVERSION TO FORM TWO MAISONNETTE
FLATS AND DEMOLITION OF OUT HOUSES
AT 19/19C BATTERY PLACE ROTHESAY
FOR MR JOHN MORRISON BUILDERS

Scales 1:50, 1:100, 1:500 and 1:2500

PROJECT No 1540-01C

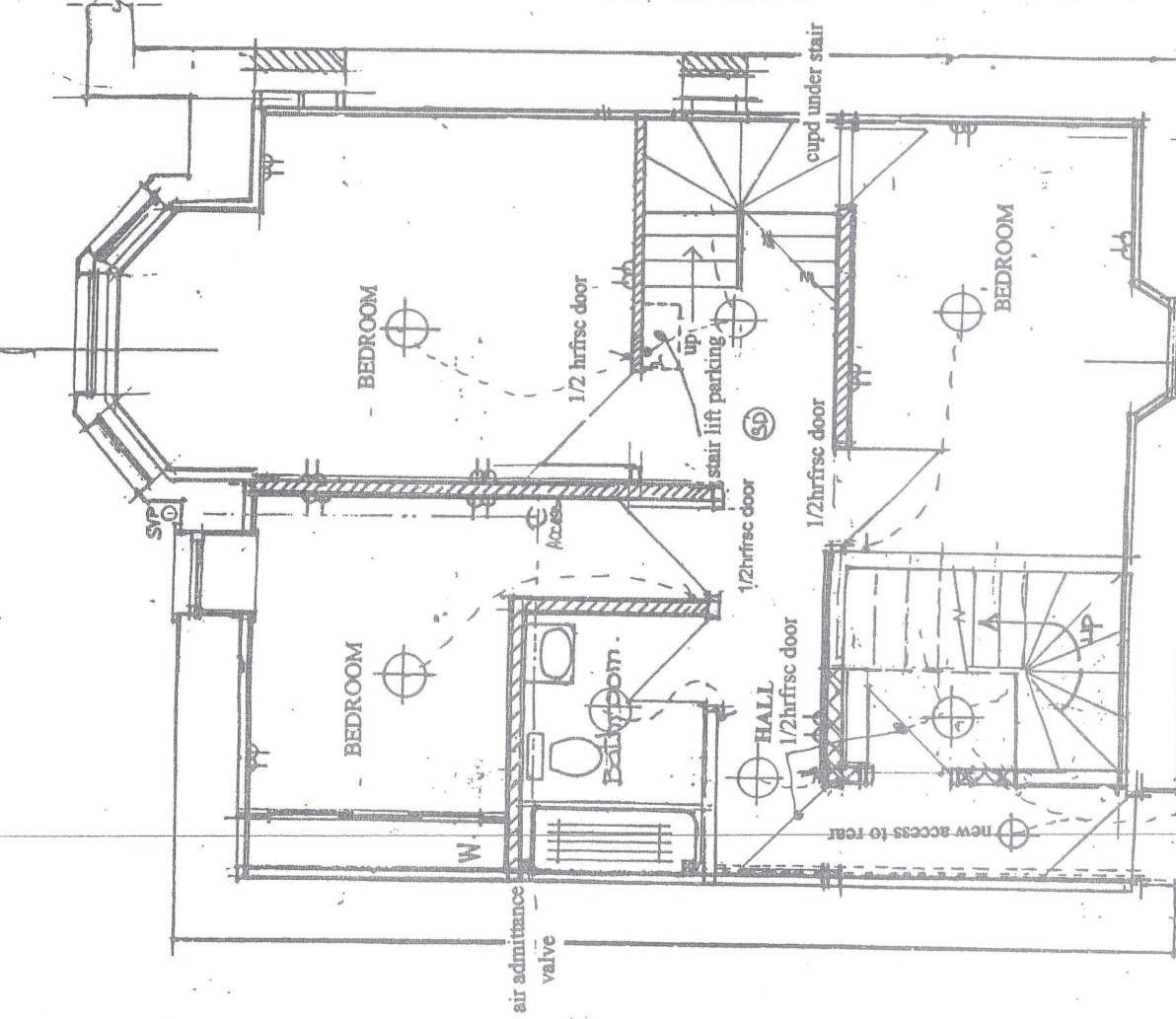
Bottom Right

Internal to flat strapped and lined and faced with 75mm Celotex FR5000 insulation board and 12.5mm plasterboard taped and filled.
 Door to flat and door to stair enclosure 1/2 hr fire as indicated on plan 1540-01B



SITE PLAN Scale 1 : 500

Out house Building to be demolished
 Construction ---- slated roof
 brick walls on concrete founds

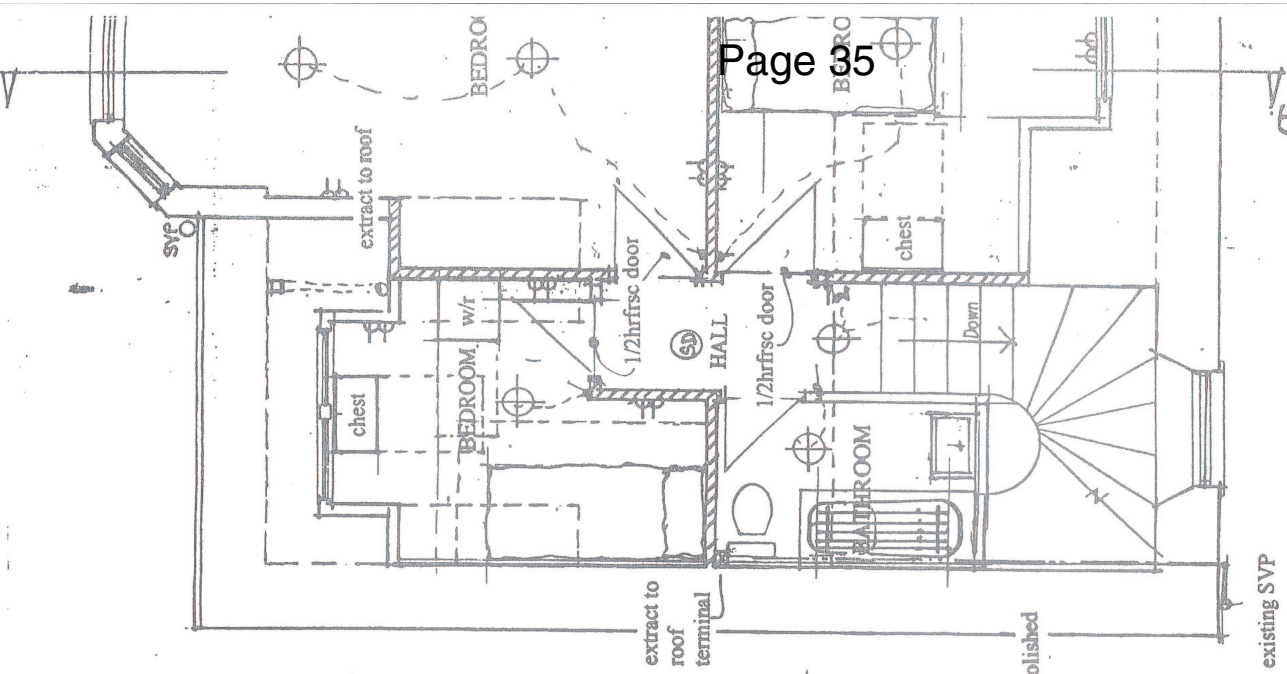


light fittings to provide automatic illumination for common access areas

Basement Floor Plan

19c BATTERY PLACE

Bottom half



existing SVP

Attic Floor Plan

19 BATTERY PLACE

Roxburn Properties
200 mtrs from my property

You are here >

Fury as quango blocks Rothesay flats plan

Sponsored by

Published on **Thursday 31 January 2008 10:04**

THE owners of a listed, but decaying, tenement block in the centre of Rothesay have spoken of their anger after Historic Scotland blocked their plans to install replacement windows at the property. Roxburn Properties of Edinburgh had their application to install uPVC windows at their block of flats at 7 West Princes Street and 7-11 Albert Place granted last month by the Bute and Cowal area committee of Argyll and Bute Council.

But Historic Scotland, who objected to the proposals, have now issued a 'holding notice' preventing work from starting on the B-listed building until the developers back down from their desire to use uPVC windows.

And company partner Amanda Burn has received unanimous backing for her position from Bute's community councillors after voicing her anger at what she called Historic Scotland's "high handed decision".

She spoke of her concern that the building apparently did not appear on any formal Historic Scotland listing documents - and of her anger that other buildings nearby are arguably of greater architectural value, and yet have uPVC windows all over their frontages.

Community councillor Gertie Reynolds said: "I've been complaining about the state of that building for years. I was so pleased when I heard that something was going to be done about it, and I think it's dreadful of Historic Scotland to take that attitude. So many of these buildings are desperately needing help."

The community council agreed to write a letter protesting to the minister responsible for Historic Scotland, and to Historic Scotland itself, "expressing dissatisfaction with their interference with a unanimous, democratically reached decision".

Local councillor Len Scoullar, who used to own the Black Bull pub, adjacent to the block, and who moved at the area committee's meeting that uPVC windows be allowed, queried whether the block really justified B-listed status.

"For many years, in my opinion, this building has been an eyesore in a prominent part of Rothesay," he said.

"For this reason I welcomed the proposal by Roxburn Properties to thoroughly restore this building.

"I was therefore disappointed and angry to be informed that Historic Scotland have decided to place this application on hold for their further consideration.

"I am afraid that, if Historic Scotland insist on wooden sash and casement windows in this property, that the developers will walk away because of the cost and we will be left with the same shoddy exterior to this building."

Roxburn Properties' Stephanie Roxburgh told us Historic Scotland had "shown contempt for the democratic process" by overturning the councillors' decision.

"Historic Scotland is missing a golden opportunity here," she said.

"If they were to drop their outright refusal to accept PVCu they could adopt a much better policy, setting out standards that listed buildings must follow when they use PVCu, to ensure that it is as sympathetic in style to the building as possible.

"The real irony is that from a conservation viewpoint this, policy is bonkers! Allowing these properties to rot like this is totally working against any sane person's idea of conservation.

"The reality is that old style wooden tenement windows are thermally very poor, unsafe, very difficult to clean, and have very high maintenance costs."

A spokeswoman for Historic Scotland said: "We welcome the refurbishment of this category B listed building. We do, though, have significant concerns about the replacement rather than the repair of the existing sash and case windows, and we have raised this previously with the council.

"We will consider this case, and in particular the council's decision, carefully before deciding what further steps we might take."

In their background notes on the matter, Historic Scotland stated: "7-11 Albert Place is a 19th century tenement building with shops below. It is attached to an hotel and tenements to form part of the street. It fronts the harbour/sea side and is part of a main view of Bute when approached from the water.

"The building's architecture responds to that of its neighbours, which adds to the contribution it makes to the streetscape.

"Details such as arched, corniced and consoled windows, dentillated eaves and a shouldered



**STATEMENT OF CASE
FOR
ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR THE DEMOLITION OF
REAR OUTBUILDING, SUB-DIVISION OF DWELLINGHOUSE INTO 2
FLATS AND FORMATION OF NEW VEHICULAR ACCESS AND OFF-
STREET PARKING AREA (AMENDMENT TO PLANNING
PERMISSION 11/02351/PP TO INCORPORATE CHANGE OF
WINDOW MATERIAL FROM TIMBER TO WHITE UPVC)**

19 BATTERY PLACE, ROTHESAY, ISLE OF BUTE

LOCAL REVIEW BODY REF. 13/0007/LRB

**PLANNING PERMISSION APPLICATION
REFERENCE NUMBER 12/02218/PP**

26TH MARCH 2013

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Mr John Morrison.

An application for planning permission (ref. 12/02218/PP) for the demolition of the rear outbuilding, the sub-division of dwellinghouse into 2 flats and formation of new vehicular access and off-street parking area (amendment to Planning Permission 11/02351/PP to incorporate change of window material from timber to white upvc) at 19 Battery Place ('the appeal site') was refused under delegated powers on 11 December 2012. The planning application has been appealed and is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

19 Battery Place, Rothesay is a four storey dwellinghouse (including a basement) that has become derelict over a significant period of time. It formerly comprised a lounge, living room, kitchen, dining room, three bathrooms and seven bedrooms. Work has already commenced on the development (opening up of access and various minor works).

The appeal site lies within the Rothesay Conservation Area where Policy LP ENV 14 of the Argyll and Bute Local Plan 2009 states a presumption against development that does not enhance the character or appearance or setting of the designated area. New development within such an area must be of the highest quality and should respect and enhance the architectural and other special qualities that give rise to its designation.

SITE HISTORY

Planning Permission (ref: 11/02351/PP) granted on 8th February 2012 for the demolition of rear outbuilding, sub-division of dwellinghouse into 2 flats and formation of new vehicular access and off-street parking area at the subject property.

Conservation Area Consent (ref: 11/02484/CONAC) was granted on 6th February 2012 for the demolition of the rear outbuilding.

Application for the demolition of rear outbuilding, sub-division of dwellinghouse into 2 flats and formation of new vehicular access and off-street parking area (amendment to permission 11/02351/PP incorporating change from timber windows to upvc windows) was refused on 11th December 2012.

Members should note that the windows which were refused have now been installed without the benefit of Planning Permission.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and 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 the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case to be whether the installation of upvc windows would enhance the character or appearance or setting of the Rothesay Conservation Area and would represent development that would be of the highest

quality and respect and enhance the architectural and other special qualities that give rise to the designation of the Conservation Area.

The Report of Handling dated 11 December 2012 [Production 1] sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. Production 2 shows the property on 19th March 2013 with the windows installed on an unauthorised basis.

REQUIREMENT FOR ADDITIONAL INFORMATION AND HEARING

It is considered that no new information has been raised in the appellants' submission which would result in the Planning Department coming to a different determination of this proposal. The issues raised are either addressed in this statement or were covered fully in the Report of Handling. As such, it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

Taking account of all of the above, it is respectfully requested that the appeal be dismissed.

APPENDIX

Production No.1 Report of Handling dated 11 December 2012.

Production No. 2 Photograph of 19 Battery Place taken on 19th March 2013.

Page 41

PRODUCTION NO. 1

Argyll and Bute Council
Development and Infrastructure Services

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: 12/02218/PP
Planning Hierarchy: Local
Applicant: John Morrison Builders
Proposal: Demolition of Rear Outbuilding, Sub-Division of Dwellinghouse into 2 Flats and Formation of New Vehicular Access and Off-Street Parking Area (Amendment to Planning Permission 11/02351/PP to Incorporate Change of Window Material From Timber to White upvc)
Site Address: 19 Battery Place, Rothesay, Isle of Bute

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Demolition of rear outbuilding
- Sub-division of dwellinghouse to form two flats (incorporating installation of white upvc windows)
- Formation of new vehicular access/off street parking area

(ii) Other specified operations

Connection to existing public water main and public sewerage system

(B) RECOMMENDATION:

Having due regard to development plan policy and other material considerations, it is recommended that planning permission **be refused** for the reason set out below.

(C) HISTORY:

Planning Permission (ref: 11/02351/PP) granted on 8th February 2012 for the demolition of rear outbuilding, sub-division of dwellinghouse into 2 flats and formation of new vehicular access and off-street parking area at the subject property.

Conservation Area Consent (ref: 11/02484/CONAC) was granted on 6th February 2012 for the demolition of the rear outbuilding.

(D) CONSULTATIONS:

N/A

(E) PUBLICITY:

Neighbour Notification (closing date 9th November 2012) and Conservation Area Advert (closing date 23rd November 2012).

(F) REPRESENTATIONS:

11 letters of support have been received from:

Mrs A Shaw, 21 Battery Place, Rothesay (letter dated 21st September 2012)
Mr T Shaw, 21 Battery Place, Rothesay (letter dated 21st September 2012)
Miss P O'Reilly, (Tenant) 19a Battery Place, Rothesay (letter dated 21st September 2012)
Mr M Taylor, 19a Battery Place, Rothesay (letter dated 21st September 2012)
Miss L Gillies, 18 Battery Place, Rothesay (letter dated 21st September 2012)
Mr P Melvin, The Boathouse, 15 Battery Place, Rothesay (letter dated 21st September 2012)
Sara Goss, 15 Battery Place, Rothesay (letter dated 21st September 2012)
Mr N McGregor, 14a Battery Place, Rothesay (letter dated 21st September 2012)
Mr H Prentice, 14 Battery Place, Rothesay (letter dated 21st September 2012)
Mr H Greene, The Commodore, 12 Battery Place, Rothesay (letter dated 21st September 2012)
Mr A Brown, Beattie Court, Battery Place, Rothesay (letter dated 21st September 2012)

The points raised can be summarised as follows:

The proposal is to install white upvc double glazed windows throughout the property, which would greatly enhance the look of this building; would be maintenance free; and would be more cost effective than timber windows.

95% of the properties on either side of the two flats have existing upvc double glazed windows.

1 letter of objection has been submitted from Keir Byars, 20 Battery Place, Rothesay (e-mail dated 24th October 2012). The point raised can be summarised as follows:

Objection is made to the proposed off-road parking or there should be a restriction to the height of vehicles to prevent the parking of vans, lorries, caravans, etc.

Comment: The off-road parking has already been approved as part of the previous Planning Permission (ref: 11/02351/PP) and there was no objection to this arrangement.

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

Argyll and Bute Local Plan 2009

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 Scottish Historic Environment Policy and Appendix A of the plan.

(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.

Argyll and Bute Council's Rothesay Window Policy Statement

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

Planning Permission (ref: 11/02351/PP) was granted earlier this year for the majority of the development. The initial plans for this permission showed the installation of white upvc windows on both the front and rear elevations of the refurbished building. During the processing of the application, a negotiated settlement identified the installation of

white timber windows on the front elevation of the property, having regard to the location within the Rothesay Conservation Area and the terms of the Rothesay Window Policy Statement. This document, at the time that it was written, described the block as having a “white painted frontage with traditional blue and black painted windows”. The policy for this block was the following:

<i>Finish</i>	<i>- Timber</i>
<i>Glazing Pattern</i>	<i>- Two-pane to match existing</i>
<i>Colour</i>	<i>- Blue, Black or White</i>
<i>Method of Opening</i>	<i>- Sliding sash and case (double swing in exceptional circumstances)</i>

STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and Policy LP ENV 14 of the Argyll and Bute Local Plan 2009 seek to prevent any deterioration in the character and appearance of the Rothesay Conservation Area.

The applicant has decided to revise the approved proposal with the consequence that he now proposes to revert to the installation of upvc windows. Whilst there are a significant number of upvc windows in the vicinity of the site, the Council is currently promoting quality development within the Rothesay Conservation Area through the Townscape Heritage Initiative (THI). Whilst the property is not within the confines of the THI boundary, it is considered that the Council should be seeking, wherever it is possible and reasonable, to be encouraging the use of timber windows.

In this particular case, the loss of traditional timber sash and case windows and the introduction of windows constructed of upvc render **the application contrary to Development Plan policies and non-statutory Council policy.**

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

Not applicable – application being recommended for refusal.

(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: Steven Gove Date: 10 December 2012

Reviewing Officer: David Eaglesham Date: 11 December 2012

**Angus Gilmour
Head of Planning and Regulatory Services**

REASON FOR REFUSAL RELATIVE TO APPLICATION REF: 12/02218/PP

1. The proposed replacement windows on the subject property, by virtue of their inappropriate upvc material, would have an unacceptable impact upon the architectural and historic interest of this property located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy LP ENV 14 of the Argyll and Bute Local Plan 2009; and the Council's non-statutory *Rothesay Window Policy Statement*.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 12/02218/PP

(A) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

Drawing no. 1540 – 01C; Drawing No. 1540 – 02; Drawing No. 1540 – 03A; Drawing No. 1540 – 04B; Drawing No. 06237-01; Drawing No. 06237-01 Rev A and Drawing No. 06237 – 02 Rev A

- (B) 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



PRODUCTION NO.2

LOCAL REVIEW BODY

April 2 2013

Dear sirs,; Ref. Property at 19 Battery Place Rothesay

Ref.13/0007/LRB.

Thank you for the corespondance which I have fully read.

Argyle and Bute Planning departments replies are incredulous.

Argyle and Bute Planning already know of previous planning decisions overturning the use of timber windows in favour of upvc on at least two previous occasions.

As discussed previously with Mr Steven Gove the case of Planning Application ref 09/00314/. The said planning application was successfully appealed and permission given for the installation of upvc windows.

I will quote a small section of that decision by Rodger Wilson , reporter appointed by the Scottish ministers dated 16 February 2010.

Quote" To my mind, this case revolves around the appearance of the windows and their impact on the character and appearance of the RCA .From the information before me, I am satisfied that the difference in profile between timber and upvc could be minimal.

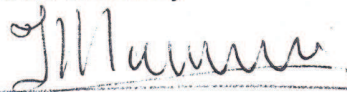
Quote" In summary, I am not persuaded that the prescribed use of timber for the new and replacement windows is justified here and therefore the condition (2) as previously written does not pass the tests of necessity or indeed reasonableness. I have therefore allowed the appeal and have amended the condition to reflect this. End quote.

The property described is in the conservation area and approx 300 metres along the shore from my property.

Planning has given decisions based wholly on the use of timber against upvc materials for windows. Because of this fact you cannot allow the use of upvc on some projects and not on others. This in my view is discrimination.

Finally I would add that my new windows will enhance the appearance of these apartments and be a credit to the building that has lain totally dilapidated for many years of which is financed wholly by myself.

Yours sincerely



Mr. J. Morrison

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