

Reference Number: 07/02324/DET
Applicants Name: Mrs K Fyfe
Application Type: Detailed
Application Description: Conversion from stables and coach house to two dwellings
Location: Stables and Coach House, Balmory Road, Ascog, Bute

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Conversion from stables and coach house to two dwellings
- Installation of septic tank

(ii) Other specified operations.

- Connection to public water supply
-

(B) RECOMMENDATION

It is recommended that planning permission be **refused** for the reasons set out below.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The proposal to convert the stables and coach house is not supported by elevation drawings. The planning authority have requested this information but the applicant has declined to provide it. The site falls within Rothesay Conservation Area.

In considering whether to grant planning permission, the planning authority is required by statute to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Without further detail of the proposals, the required assessment cannot be made. Without further information, the planning authority is also unable to make satisfactory assessments as required under Policy BE 6 of the Bute Local Plan and Policy LP ENV 14 of the Modified Finalised Draft Argyll and Bute Local Plan.

Policy ENV 14 states that outline planning applications will not normally be considered appropriate for proposed development in conservation areas. This policy has not been contested as part of the local plan process and may be accorded material weight. Prospective development of the site raises issues concerning the impact of the conversion on the existing building fabric and also in terms of assimilating the development within the built environment of the conservation area. There is an insufficient level of detail in the application to allow a proper assessment of the proposal.

(ii) Representations:

Two representations raise no objection

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

N/A

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

N/A

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

No

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

No

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

None

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

No

Angus J Gilmour
Head of Planning
29 July 2008

Author: Charles Tibbles 01369 708603
Reviewing Officer: David Eaglesham 01369 708608

Date: 29 July 2008
Date: 29 July 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 07/02324/DET

1. Elevation drawings are required to properly assess this proposal which is located within a Conservation Area. The applicants have declined to provide elevation drawings. Without elevation drawings it is not possible for the planning authority to assess the effect of the proposal upon the character and appearance of the Conservation Area. On the basis of the information submitted, the planning authority is not satisfied that the proposals could meet the terms of Policy BE 6 of the Bute Local Plan (adopted 1991), Policies LP ENV 14 and LP ENV 19 of the Modified Finalised Draft Argyll and Bute Local Plan or the advice given in Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas' (1998).
2. The application site is too small to accommodate a septic tank and soakaway and there is no indication that the applicant has control over the necessary land to provide an outfall to the estuary as stated on the application form

INFORMATIVE RELATIVE TO APPLICATION: 07/02324/DET

The applicant is advised to discuss with the Council's Development Management staff the submission of a detailed application which might address these reasons for refusal.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/02324/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan

Policy STRAT DC 1: DEVELOPMENT WITHIN SETTLEMENTS Encouragement shall be given, subject to capacity assessments, to development in the settlements

Policy STRAT SI 1 – SUSTAINABLE DEVELOPMENT Argyll & Bute Council shall adhere to the following principles in considering development proposals. It will seek to:

- h) conserve thebuilt environment and avoid significant adverse impacts onbuilt heritage resources.
- i) respect thesetting and character of settlements.

Policy STRAT DC 9 – HISTORIC ENVIRONMENT AND DEVELOPMENT CONTROL Protection, conservation, enhancement and positive management of the historic environment is promoted. Development that damages or undermines the historic, architectural or cultural qualities of the historic environment will be resisted; particularly if it would affect aconservation area.

Adopted Bute Local Plan

Policy HO 3 Countryside Safeguarding Zone does not generally permit residential development in a zone of countryside around Rothesay.

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

Argyll and Bute Modified Finalised Draft Local Plan 2006

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

Policy LP ENV 19 – DEVELOPMENT SETTING, LAYOUT AND DESIGN The council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of this Local Plan, the Council's sustainable design guide, and the following criteria :

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

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

National Guidance

Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 and NPPG18 (Planning and the Historic Environment) give national advice on the consideration of planning applications affecting conservation areas, and is commented upon as relevant in the assessment below.

(ii) SITE HISTORY

None

(iii) CONSULTATIONS

Historic Scotland	28.03.2008	It does not appear to have been our intention to include these stables as a curtilage item.
Roads Bute And Cowal	19.02.2008	Existing vehicle access to be used. Sightlines of 120m x 2.5m to be maintained in both directions and hedges fences and walls within the visibility splays to be maintained at a height not exceeding 1m above the road. Parking for two vehicles per dwelling and a turning area is required within the development. Gradient of the access not to exceed 5% for the first 2.5m or 8% for the remainder and the first 2.5m to be sealed to prevent debris from being deposited onto the carriageway. A system of surface water drainage is required to prevent water running onto the road.
Scottish Water Cowal And Bute	04.02.2008	No objection. No known public sewers in the vicinity.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised as Development in a Conservation Area (EXPIRY DATE: 22.02.2008) and as a Potential Departure from the Bute Local Plan (EXPIRY DATE:22.02.2008). Representations from Mr A C Harrison Balmory Hall Ascog Isle of Bute PA20 9LL and David and Jessica Herriot Balmory Cottage Ascog Isle of Bute PA20 9LL raise no objections.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/02324/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located in an area where Policy HO 3 Countryside Safeguarding Zone of the Bute Local Plan does not generally permit residential development in a zone of countryside around Rothesay. The proposal is therefore contrary to the Bute Local Plan.

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.

While there may be no objection in principle to a residential development here, it would not be appropriate to grant permission in the absence of detailed proposals.

B. Location, Nature and Design of Proposed Development

This application includes indicative floorplans for the two proposed dwellings adapted from the shell of the derelict stables and outbuildings. No other design details are provided.

It is considered that the site might provide 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. However, in the absence of full details, an assessment can not be completed.

C. Built Environment

The application potentially affects the setting of a Grade B Listed Building and the Rothesay conservation area. The adopted Local Plan seeks to protect the settings of listed buildings (Policy POL BE 1) 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. **However, it would not be appropriate to grant permission in the absence of detailed proposals.**

D. Road Network, Parking and Associated Transport Matters.

Access provided via the existing access regime to Balmory Road is acceptable to the Roads Authority and is considered acceptable in terms of Policy LP TRAN 4 of the Argyll and Bute Local Plan. Parking and turning space for two vehicles within the site is shown.

E. Infrastructure

The application site is outwith the public sewerage network for Rothesay,. The applicant has indicated that foul drainage will be to septic tank with outfall to the estuary. The application site is too small to accommodate a septic tank and soakaway and there is no indication that the applicant has control over the necessary land to provide an outfall to the estuary as stated.

The proposal is therefore contrary to Policy LP SERV 1 of the emerging Local Plan.

F. 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 or
- involve the construction of projecting features which will be seen in oblique views of the listed building.

It is considered that the site could provide adequate scope to accommodate two dwellinghouses near Ascog Hall without offending the above criteria.

CONCLUSION.

The proposals to convert the stables and coach house are not supported by elevation drawings. The planning authority has requested this information but the applicant has declined to provide it. The site falls within Rothesay Conservation Area.

As structures originally within the curtilage of the Grade B Listed Ascog Hall, there is an argument that the stables and coach house also form part of a listed building although since it appears that the properties were in different ownership at the date of listing, this argument is weakened. The position is a matter of judgement for the planning authority and in this instance it is recommended that the stables and coachhouse are not treated as forming part of the listed building..

However, in considering whether to grant planning permission, the planning authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Without further detail of the proposals, the required assessment cannot be made. Without further information, the planning authority is also unable to make satisfactory assessments as required under Policy BE 6 of the Bute Local Plan and Policy LP ENV 14 and LP ENV 19 of the Modified Finalised Draft Argyll and Bute Local Plan.