

Reference Number: 08/01537/LIB
Applicants Name: George Hanson (Building Contractors) Ltd
Application Type: Listed Building Application
Application Description: Partial demolition of stone boundary wall to form vehicular access.
Location: Land south of Montford House, Craigmores Road, Rothesay

(A) THE APPLICATION

(i) Development Requiring Listed Building Consent

- Partial demolition of a listed random rubble boundary wall to form a vehicular access (serving a flatted residential development);
- Rebuilding of random rubble wall including curved returns and twin gate piers.

(ii) Other specified operations.

- None.
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(B) RECOMMENDATION

It is recommended that the application be referred to Historic Scotland with a recommendation that Listed Building Consent be granted subject to the attached conditions and reasons.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

This application is located within the settlement of Rothesay (Montford), defined as a 'Main Town' in the Development Plan.

The subject of this application is a high stone boundary wall that forms the eastern boundary of the large garden ground of the Category B-Listed Montford House. The southern portion of Montford House site is the subject of an accompanying detailed application (ref. 08/01244/DET) for a flatted residential development). The site is located to the rear of existing two-storey semi-detached properties on Craigmores Road and south of Montford House, a large traditional two-storey sandstone villa that has been subdivided into two flats. To the north of the application site lie a variety of house types that are also set back from Craigmores Road. The application site lies within Rothesay Conservation Area that extends from Ascog to Port Bannantyne.

The proposal involves the creation of a new vehicular access from Craigmores Road that would not alter the original entrance to Montford House. The proposal is to open up a 10-metre section of the wall to provide vehicular and pedestrian access for the proposed flatted development, located south of Montford House. The wall will be rebuilt with curved returns, finished in random rubble and dressed to match the existing high boundary wall, with twin dressed ashlar and coped gate piers. Additionally, by increasing the width of the pavement on Craigmores Road, the amount of wall to be removed has been minimised.

Given the design of the proposed new entrance including curved random rubble returns and coped gate piers, it is considered that the new entrance and associated works would not unduly impact on the character of the adjacent listed building or on the character of the Rothesay Conservation Area and would be consistent with Policies BE1 and BE 6 of the adopted Bute Local Plan and Policies ENV 13a, ENV14 and ENV15 of the Argyll and Bute Local Plan Post Inquiry Modifications.

(ii) Representations:

One objector feels there is no requirement to open up the section of wall facing Craigmore Road but is not against the principle of development.

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

Given the number of representations, there is no requirement for an informal hearing in this instance, as the proposal is consistent with all other policies.

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

Not applicable.

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

No

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

No.

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

Montford House is a Category B listed building (including its boundary wall) which will therefore require referral to the First Minister for clearance.

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning
17th December 2008**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 17th December 2008
Date: 17th December 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

CONDITION AND REASON RELATIVE TO APPLICATION REF. 08/01537/LIB

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

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

2. No part of the wall fronting Craigmore Road shall be demolished until evidence has been submitted to the planning authority that a contract has been let for the formation of the access and reconstruction of a random rubble wall including curved returns and twin gate piers in accordance with the approved drawings.

Reason: *In order to safeguard the Category B-listed structure and to ensure that no demolition works are carried out without being followed timeously by satisfactory reconstruction.*

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01537/LIB

(i) POLICY OVERVIEW AND MATERIAL ADVICE

a) Argyll and Bute Structure Plan 2002

STRAT SI 1 'Sustainable Development' includes policies to conserve the built environment and avoid significant adverse impacts on built heritage resources and to respect the landscape character of an area and the setting and character of settlements.

STRAT DC 9 'Historic Environment and Development Control' promotes the protection, conservation, enhancement and positive management of the historic environment.

The above policies are developed further in the Argyll and Bute Local Plan Post Inquiry Modifications 2008.

b) Bute Local Plan 1990

Policy POL BE 1 'Listed Buildings and Archaeological Sites' seeks to protect the character and setting of listed buildings from unsympathetic new development.

Policy POL BE 6 'Rothesay Conservation Area' seeks to protect the character and setting of the designated area from unsympathetic new development.

c) Argyll and Bute Local Plan Post Inquiry Modifications (November 2008)

Policy LP ENV 13a 'Development Impact on Listed Buildings' seeks to resist development that would have an adverse effect on character and setting of a listed building.

Policy LP ENV 14 'Development in Conservation Areas...' states a presumption against development that does not preserve or enhance the character or appearance of the Conservation Area.

Policy LP ENV 15 'Demolition in Conservation Areas...' states a presumption against demolition of any structure which contributes to or enhances the character of the Conservation Area.

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

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

(ii) SITE HISTORY

None. Accompanying detailed planning application (ref. 08/01244/DET) also before Members for consideration for the erection of a two-storey villa containing four flats and formation of new vehicular access involving the partial demolition of the eastern boundary wall fronting Craigmores Road.

(iii) CONSULTATIONS

Historic Scotland (response dated 17th September 2008): Question the need for a second access where one already exists. Also suggest locating car parking for the proposed flats to the rear. Concern regarding surface materials for driveway and car parking bays. On submission of additional information, a further response (dated 17th December 2008) indicates that Historic Scotland do not feel that the proposal is in line with relevant conservation principles due to the character of the villa and its setting within its own designed landscape. It is suggested that if the Council are minded to grant consent, off-setting the driveway may help to reduce the visual impact of the new building and on its surroundings.

(iv) PUBLICITY AND REPRESENTATIONS

Under Regulation 5 Listed Building Consent (expiry date 26th September 2008) and Article 18 Potential Departure advertisement to policy BE1 (expiry date 26th September 2008), one representation has been received from Alexander and Margaret Webster, 36 Craigmores Road, Montford (e.mail dated 21st September 2008). The points raised can be summarised as follows:

- Existing access off Montford Terrace so no need to demolish part of B-listed wall to create a further access.

Comment – Access from Montford Terrace is neither proposed nor considered suitable by the Area Roads Engineer. Access from Montford Terrace would also be contrary to the wishes of other owners in adjacent properties at Montford Terrace who do not wish an existing side access to be used but have no objection to the new access being created off Craigmores Road.

- Safety issues with regards vehicles travelling from the south where dip in the road and parked cars could impede visibility.

Comment – Other issues regarding safety are addressed in the detailed application (ref. 08/01244/DET).

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01537/LIB

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

This application relates to the partial demolition of a 2.4 metre high stone boundary wall that forms the eastern boundary of the curtilage surrounding Montford House, a Category 'B' Listed Building located within the Rothesay Conservation Area. The existing high random rubble wall runs approximately 75 metres northwards from the property at 36 Craigmore Road to the northern boundary of Montford House. At the northern end, the wall is already interrupted by the main vehicular access to Montford House where the returns and gate piers have been built in sandstone blocks.

The proposal is to open up a 10-metre section of the wall to provide vehicular and pedestrian access for the proposed flatted development, located south of Montford House. The wall will be rebuilt with curved returns to leave a 5.5 metre opening in the wall that would be set back 1.2 metres from the edge of the carriageway. Unlike the existing access into Montford House, the returns will be finished in random rubble and dressed to match the existing high boundary wall, but with twin dressed ashlar and coped gate piers.

B. Development Impact Upon Built Environment

Montford House is a Category 'B' Listed Building that also includes its curtilage and boundary wall.

Policy POL BE 1 and BE6 of the Bute Local Plan seeks to protect listed buildings and their settings within the Rothesay Conservation Area from developments which would have a detrimental impact whilst LP ENV 13(a) of the Argyll and Bute Local Plan Post Inquiry Modifications requires development affecting a listed building or its setting to preserve the building and any features of special architectural or historic interest that it possesses. All developments that affect listed buildings of their settings must be of a high quality and conform to Historic Scotland's *'Memorandum of Guidance on Listed Buildings and Conservation Areas'* (1998) and in particular to 1.8.2 *'Boundary Walls, Railings, Gates and Gate Piers'*. This notes that the reduction or removal of walls within a conservation area may set a precedent and alter an existing relationship between a listed building and its original entrance.

In terms of the design guidance above, the proposal involves the creation of a new vehicular access that would not alter the original entrance to Montford House. The proposal also involves the creation of a new driveway on land to the south within the curtilage of Montford House but not directly impacting on the listed building. By increasing the pavement width on Craigmore Road, the amount of wall to be removed has been minimised.

Historic Scotland originally questioned the need for a second access and suggested that car parking should be located to the rear of the proposed flatted development. These comments would seem to suggest that Historic Scotland may have misinterpreted the proposals where the existing access to the south onto Montford Terrace will not be used for vehicular traffic. However, a further response indicate that Historic Scotland now consider that the proposal is not in line with relevant conservation principles due to the character of the villa and its setting within its own designed landscape. It is suggested that if the Council are minded to grant consent, off-setting the driveway may help to reduce the visual impact of the new building and on its surroundings.

The department do not necessarily agree with the comments from Historic Scotland where the character and setting of Montford House is crucial in an assessment of this proposal. The nature of the sloping site and desire to keep vehicles from the rear of the proposed development means that vehicles will be parked in a front driveway parking area. Interestingly, the siting of the building set back from Craigmore Roads seeks to replicate the siting of Montford House where cars are also parked in a front driveway. Given the curtilage and boundary treatments proposed, this will not significantly affect the character and setting of Montford House. In addition to the principle of development of the site, the detailed application covers such aspects as surface materials and landscaping for the car parking and turning areas.

Given the proposed new entrance together with acceptable curved random rubble returns and coped gate piers, it is considered that the new entrance and associated works would not unduly impact on the character of the adjacent listed building or on the character of the Rothesay Conservation Area and would be **consistent with Policies BE1 and BE6 of the adopted Bute Local Plan and policies ENV 13a, ENV14 and ENV15 of the Argyll and Bute Local Plan Post Inquiry Modifications.**

C. Conclusion.

Given the above, it is not considered that the proposal will have a detrimental effect on the character and setting of the Category B-Listed Montford House, or on the character of the Rothesay Conservation Area.