

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
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(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

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



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