

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held at 19 BATTERY PLACE, ROTHESAY, ISLE OF BUTE
on WEDNESDAY, 29 JUNE 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Roderick McCuish
Councillor George Freeman	Councillor Alex McNaughton
Councillor Neil MacIntyre	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Sandy Taylor
Councillor Donald MacMillan	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Steven Gove, Planning Officer
David Love, Area Team Leader – Bute and Cowal
John Morrison, Applicant
Councillor Robert E Macintyre, Supporter
Provost Len Scoullar, Supporter
Councillor Isobel Strong, Supporter

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville and Alistair MacDougall.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. SITE INSPECTION - MR JOHN MORRISON: INSTALLATION OF REPLACEMENT WINDOWS (RETROSPECTIVE): FLAT 1 AND 2, 19 BATTERY PLACE, ROTHESAY (REF: 16/00662/PP)

The Chair welcomed everyone to the site inspection and outlined the procedure that would be followed.

Planning

Steven Gove spoke to the terms of the report. He advised that this was a retrospective planning application for the replacement of previously painted, timber vertically sliding sash and case windows on property sub divided by the Applicant into 2 flats. The property is located in a prominent waterfront location within Rothesay Conservation area. In assessing the application Planning authorities are under a general duty with respect to any building or land within a Conservation area when exercising powers under the Planning Acts to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The Policies and Supplementary Guidance in the Local Development Plan also seek to conserve or enhance the Conservation area. He stated that the Committee in December 2015 had approved the Rothesay Windows Technical Document which was a material consideration in this case. The document seeks to provide a more flexible approach to the replacement of windows across the Conservation area and

seeks to uplift the quality of window replacements and improve the incremental damage and loss of window fenestrations over the years. The Technical note introduces the concept of areas where the majority of buildings have already lost some or all of their original windows or historical fenestration value through inappropriate replacements over the years. 19 Battery Place is included in one of the 'non-prime' townscape blocks and, within such blocks, a number of different units will be permitted including: - good quality, well-proportioned white uPVC sliding sash and case windows; white painted timber double swing/tilt and turn with a stepped effect which give the appearance of sash and case windows in all respects except when open; and uPVC fixed pane units with good proportions and that mimic the stepped effect of sash and case windows will also be acceptable. In this case the windows that have been installed are reasonably well-proportioned, however crucially they do not incorporate the stepped effect that would mimic the effect of sash and case windows. The lack of a stepped effect gives the windows a more modern flat appearance with a thicker transom bar on the majority of the windows and the failure to replicate the distinctive feature of sash and case units. With that concept in mind the application is recommended for refusal.

Applicant

John Morrison advised that he acquired the lower part of the property in 2001 but it wasn't till 2010 that he acquired the upper part and since then has had it extensively refurbished. He stated that uPVC sash and case windows were not an option to him when he installed the windows 3 years ago. He said that he could only get timber sash and case windows at that time and stated that this would have been a massive cost to him in respect of the repair and maintenance of these windows over the expected lifespan of 25 years. He pointed out that the windows he installed retained the 1/3 to 2/3 split. He referred to the decision of the LRB to refuse the installation of uPVC windows. He stated that there was not just one policy for uPVC windows in Rothesay. He indicated that if you had more than 75% uPVC windows and only some timber windows you would be allowed to replace these with uPVC windows. He referred to a nearby B listed building that had been granted permission to install uPVC windows and stated that he would like to be treated the same way as everyone else. He referred to photographs that he had taken showing the property before and after renovation and he made copies of these available to the Members. He stated that he hoped the Committee would be able to see his point of view.

Supporters

Provost Len Scoullar

Provost Scoullar thanked the Chair and the Committee for coming to Rothesay. He referred to his letter of support and stated that the building would have been derelict and lost to the community if Mr Morrison had not carried out the improvements to it. He asked that some discretion be allowed. He advised that the majority of nearby windows were uPVC and asked the Committee to take that into consideration when making their decision.

Councillor Isobel Strong

Councillor Strong advised that Mr Morrison had made the front of the property look nice again and stated that before it had been an eyesore. She pointed out that the building was set back from the properties on either side of it. She stated that it was

not in a prominent position and not located within the main core of the Conservation area. She stated that she thought the refurbishment of the property had enhanced the area and that Mr Morrison should be allowed to keep the windows. She said that they enhanced the development which was now pleasant to look at as it had previously been an eyesore.

Councillor Robert E Macintyre

Councillor Macintyre stated that he totally agreed with Provost Scoullar and Councillor Strong. He referred to Mr Gove's comment that this building occupied a prominent position and stated that he did not believe the property was any more prominent than others. He stated that the property was set back from those either side of it. He advised that back in 2001/2002 the local Members received a lot of complaints from the community regarding the state of repair of the building. He advised that it now looked brand new and stated that a considerable amount of money and time had been spent on it. He asked the Committee to look favourably on this application and to show a little latitude and grant planning permission.

Members' Questions

Councillor Taylor asked Planning what controls were in place within the Conservation area with regard to the finished façade in terms of paint and soil pipes on a property. Mr Gove replied that planning permission was required for painting a building within a Conservation area. He advised that he believed the soil pipes could be considered de minimis as they were fairly minor in nature.

Councillor Taylor asked what the justification was for the colour of the paint on the building. Mr Gove replied that he would need to check the details of the original drawings.

Councillor Currie referred to the different types of windows nearby and asked why they had obtained planning permission. Mr Gove advised that only some of these would have been granted planning permission. He referred to the policy and guidance adopted in 1995 and in 2015. He said that in 1995 the Council adopted a Windows policy statement which sought to divide the Conservation area into townscape blocks. If a building was within a prime townscape block or a listed building it was permissible to replace windows on a like for like basis. He advised that it has been recognised that the townscape blocks have been devalued in terms of fenestration. He referred to the new Rothesay Windows Technical document approved in 2015 and stated that it tried to include a more flexible approach to the types of windows permitted.

Councillor Currie sought and received confirmation from Mr Gove that the property was granted planning permission for timber sash and case windows.

Councillor McCuish sought and received confirmation from Mr Gove that uPVC windows were allowed in the building next to the property. He advised that the policy would allow uPVC windows with a stepped effect on this property. He confirmed that this application was recommended for refusal as they had no stepped effect.

Councillor Robert G MacIntyre sought and received confirmation from Mr Gove that Planning recommended the regular maintenance of timber windows but that this was not compulsory and it would be up to the owner to decide. Mr Love advised that the

timescale for repainting timber windows would depend on the location of the property and how much it was exposed to the weather.

Councillor Robert G MacIntyre sought and received confirmation from Planning Officers that Planning could use enforcement powers to raise an amenity notice against a property owner if they allowed their property to fall into a state of disrepair.

Councillor Freeman sought and received confirmation from Mr Gove that the 1995 Windows policy was an old District Council policy.

Councillor McCuish sought and received confirmation from Mr Gove that the windows on the upper part of the property appeared to have a stepped effect compared to those on the lower part of the property.

Councillor Kinniburgh sought and received confirmation from Mr Gove that the original planning permission was granted for timber sash and case windows and that the Applicant sought to change these windows to uPVC and this was refused by Planning Officers and, subsequently, the LRB on Appeal.

Mr Gove confirmed that the Applicant was in a better position now than before to install uPVC windows as long as they had a stepped effect. He confirmed that they did not need to be sash and case windows and that they just required the stepped effect. He also confirmed that Planning were not requiring the removal of the ground floor windows.

Councillor Robert G MacIntyre asked what type of windows were installed in the building to the left of the property. Mr Gove replied that they looked like sliding sash and case windows. He also confirmed to Councillor Kinniburgh that they looked like they had a stepped effect.

Summing Up

Applicant

Mr Morrison reiterated that when he applied for planning permission to change the windows to uPVC he did not have a choice of uPVC sash and case or stepped effect windows and that the only option was sash and case timber windows with a stepped effect. He referred to previous reports that he had changed the size of the ground floor windows and advised that this was not possible due to the surrounding stone work. He confirmed that the stone work was not altered.

Provost Scoullar

Provost Scoullar advised that Mr Morrison had rescued this building and that was why he had asked the Committee to come and see it.

Councillor Strong

Councillor Strong pointed out various windows in neighbouring properties and said that she did not believe they had the stepped effect. She advised that she believed that Mr Morrison's renovations had enhanced the Conservation area and that he should be congratulated.

Councillor Robert E Macintyre

Councillor Macintyre advised that he agreed with Provost Scoullar and Councillor Strong. He stated that the property now enhanced the area which was previously a hideous site. He referred to representations and complaints received in the past from the community to the Council about the need to do something with the property and that Mr Morrison had taken this on. He urged the Committee to approve the planning application.

Decision

The Committee concluded the site inspection and it was noted that the application would be considered further at the PPSL Committee meeting scheduled for 12 noon on 29 June 2016.

(Reference: Report by Head of Planning and Regulatory Services dated 26 April 2016, submitted)