

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 19/01584/PP

Planning Hierarchy: Local

Applicant: George Hanson (Building Contractors) Ltd

Proposal: Erection of Six Flats

Site Address: Land at Former St Brendan's Church Tower, Mountstuart Road, 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

- Erection of block containing six flats
- Alteration to existing vehicular access onto Mountstuart Road
- Formation of 12 off-street parking spaces
- Construction of retaining wall
- Formation of bin store
- Construction of surface water drainage scheme

(ii) Other specified operations

- Connection to public sewer and public water main
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material planning considerations, it is recommended that planning permission be granted subject to the conditions, reasons and informative notes detailed in the report.

(C) HISTORY:

St Brendan's in Mountstuart Road, Rothesay was built in 1889 as a chapel of ease for the High Kirk and was disjoined from the High Kirk to become a parish church in its own right in 1902. In 1957, it was linked with Ascog Church. The main church was damaged by fire in 1973 and a new modern building was erected beside the surviving tower of the old one. The new building closed as a place of regular Sunday worship at the end of 1999 but was then used as a church centre.

Conservation Area Consent (ref: 09/01700/CONAC) was granted on 11th March 2010 for the demolition of the single storey church centre building on the site and this demolition was undertaken in 2016.

Planning Permission (ref: 09/01701/PP) for the erection of a flatted residential development of six units with a car parking court was approved on 1st June 2012 subject to a number of conditions and a Section 75 agreement in respect of the future maintenance of the tower. This permission expired on 1st June 2015 as no lawful material operations had been undertaken on the site.

Conservation Area Consent (ref: 11/00020/CONAC) for the demolition of the tower was refused on 24th June 2011. This decision was on the basis that no substantiated argument had been put forward that its demolition was justified, either in terms of the condition of the building or that adequate efforts had been made to retain it. At that time, it was considered that the permanent loss of a building that is integral to the historic fabric of the Rothesay Conservation Area was unacceptable without a demonstrable justification.

Conservation Area Consent (ref: 17/01057/CONAC) was approved on 30th January 2018 for the demolition of the tower. This decision was on the basis that there had been material changes in circumstance since the refusal in 2011, namely:

- The Section 75 Agreement was concluded in May 2012 which established, at that particular time, a means by which the tower could be retained
- The demolition of the church hall allowed room within the site to explore in greater detail the structural condition of the tower. A survey in 2016 identified significant structural defects pertaining to the tower
- The provision of detailed costings which indicated that the removal of the tower and the savings associated with retaining/maintaining it (along with other identified savings) could turn a deficit of over £600,000 into a modest surplus of over £8,000.

The tower was demolished in the early part of 2019.

An application (ref: 18/02521/PP) for Planning Permission for the erection of six flats on the subject site was withdrawn at the request of the agent on 10th July 2019 as a result of concerns expressed by the Council in terms of the scale, massing and design of the proposed development.

(D) CONSULTATIONS:

Scottish Water (letter dated 6th August 2019)

No objections – currently sufficient capacity in public water supply and public sewerage system to accommodate proposal. However, the applicant should be made aware that Scottish Water is unable to reserve capacity at its water and waste water treatment works for the proposed development. Once a formal connection application is submitted to Scottish Water after full Planning Permission has been granted, it will review the availability of capacity at that time and advise the applicant accordingly.

Area Roads Manager

No comments received and no request submitted for an extension to the response period. However, no objections subject to conditions were submitted in relation to a similar application 18/02521/PP for the erection of six flats at the subject site.

(E) PUBLICITY:

Neighbour notification procedure (closing date: 23rd August 2019) and Conservation Area Advert (closing date: 6th September 2019).

(F) REPRESENTATIONS:

Objections have been received from the following thirteen sources:

Dr Rosalind Sharpe, Rockvale, Wellpark Road, Rothesay (e-mail dated 2nd September 2019)

Mrs Suzanne Stewart, 6 Sandringham Drive, Elderslie, Johnstone (e-mail dated 3rd September 2019)

Heather Houston, 42 Garngaber Avenue, Lenzie, Glasgow (e-mail dated 4th September 2019)

Mr Ronnie Houston, 42 Garngaber Avenue, Lenzie, Glasgow (e-mail dated 4th September 2019)

Lorna Robertson, owner of Upper St Brendans, 16 Crichton Road, Rothesay and represented by Wright, Johnston and Mackenzie Solicitors (letter dated 4th September 2019)

Gordon T Robertson, owner of Upper St Brendans, 16 Crichton Road, Rothesay (e-mail dated 25th September 2019) and represented by Wright, Johnston and Mackenzie Solicitors (letter dated 4th September 2019)

Mr Tony Quinn, 18 Beech Avenue, Newton Mearns, Glasgow (e-mail dated 5th September 2019)

Mr S Robertson, Flat 3/2, 12 Argyle Street, Rothesay (e-mail dated 6th September 2019)

Mrs Sandra Quinn, 18 Beech Avenue, Newton Mearns, Glasgow (e-mail dated 7th September 2019)

Ms Joanna Keating, 138 Lower Granton Road, Edinburgh (e-mail dated 10th September 2019)

Miss Rosemary Gibson, 22 Crichton Road, Rothesay (e-mail dated 12th September 2019)

Phyllis Hutchison – no address provided (e-mail dated 21st September 2019)

James Boyd – no address provided (e-mail dated 21st September 2019)

The points raised can be summarised as follows:-

- i. Rothesay has lost two prominently iconic buildings in the last several years that have greatly diminished the wonderful sea front; the West Church in Argyle Street and the site of the former St Brendan's Tower. It is contended that Argyll & Bute Council Planning Department should be doing more to protect Rothesay's heritage rather than eradicating it and replacing it with bland developments.

Comment: It is acknowledged that the demolition of the buildings that are mentioned would not have been the preferred solution. However, in the case of the West Church, there were issues of public safety; condition of the building; and lack of ownership. As regards the tower, the relevant issues

were the condition of the building and the feasibility of retention in a redevelopment scheme.

- ii. It is contended that the Design Statement accompanying the application fails to adequately consider or address the impact that the proposal development would have on the adjacent Listed Buildings (Wimbleton/Elysium Terrace/Royal Terrace/Albany Terrace) and the wider Conservation Area nor does it provide sufficient details as to how the assessment has been carried out.

Comment: This issue will be addressed in Appendix A below.

- iii. The Council must ensure that the proposed development will not harm the character or appearance of the Conservation Area - this includes its location, scale, form and design, and protecting the integrity of the entire area and enhancing its special character. Concern is expressed that the building as designed does not fit with the rest of the sea front row of houses in the Conservation Area.

Comment: This issue will be addressed in Appendix A below.

- iv. Concern is expressed that the windows are out of alignment. The thickness of the window detail is extreme and the Juliet balconies are mediocre in design and detract from the surrounding 19th century architectural cast iron details.

Comment: This issue will be addressed in Appendix A below.

- v. It is contended that the design permanently limits the accessibility of the properties for everyone, with ten steps up to the front door creating a situation where the elderly and disabled would struggle.

Comment: Ensuring that the development is compliant with the relevant statutory requirements will be undertaken at the Building Warrant stage.

- vi. It is contended that there is no possibility in the future to build a garage or extension without further over development.

Comment: Given that this is a flatted block within a Conservation Area, Planning Permission would be required for the extension of any unit or the erection of an outbuilding. Should such applications be submitted in the future, they would be assessed on their own merits at the time.

- vii. It is contended that the proposed development will significantly detract from the established design of the other properties with the addition of a substantial car park the front of the property in place of a lawn. It will interrupt the established character of the built environment and, whilst there has been development south west of the site, this has largely been on Crichton Road with the character of Mountstuart Road having been uninterrupted.

Comment: This issue will be addressed in Appendix A below.

- viii. It is contended that another proposal should be submitted with a lower density design that is more in line historically i.e. a semi-detached block of two dwellings with a stone façade; sash and case windows; floor heights that match neighbouring properties; and period features that are in keeping with the 19th century aesthetics.

Comment: The Council is in the position of determining the application as submitted and the submission of an alternative scheme would be for the applicant to consider.

- ix. It is contended that there is no point in having a Conservation Area or listed setting if these can simply be set aside for development gain. There are numerous sites in Rothesay for housing that would not breach a Conservation Area/Listed Building setting.

Comment: The application site has been considered suitable for residential development previously and it is considered that the current scheme is worthy of support.

- x. It is contended that the proposal would spoil the view for visitors from the front and rear of the site.

Comment: The issue of loss of view does not have a material bearing upon the planning aspects of this case.

- xi. Traffic flow will increase on Mountstuart Road, initially with the construction of the development and then with the vehicles of the new residents. Concern is expressed that this would result in a loss of amenity to residents in the vicinity of the site and that there would be a significant increase in noise and pollution levels with the additional vehicles entering and leaving the new development.

Comment: No significant road safety issues have been raised by the Area Roads Manager regarding development at this site. It is considered that the amount of additional traffic generated by the proposed six units would be negligible in the context of the existing level of vehicular movements on Mountstuart Road.

In addition, the point of access and egress is centrally located on the frontage of the site and the parking spaces are within the confines of the forecourt. Consequently, it is not considered that the traffic movements associated with the development would adversely affect the amenity of neighbouring properties to a significant degree.

- xii. Concern is expressed that the proposed exit onto Mountstuart Road is in close proximity to a public bus stop and this would present difficulties for the residents to exit safely.

Comment: The bus stop referred to is approximately 33 metres to the south west of the vehicular access into the site. No significant road safety issues have been raised by the Area Roads Manager regarding development at this site and it is considered that the bus stop is of a sufficient distance from the access to avoid any adverse effect.

- xiii. Concern is expressed that the proposed building, being significantly taller than the previous single-storey church structure on the site, would have a substantial and adverse impact on the daylight and sunlight reaching the dwellinghouse to the rear of the site. It is suggested that an assessment should be carried out having regard to the BRE publication "*Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice*".

Comment: As a general principle, any significant reduction in the level of daylight or sunlight received by habitable rooms whose windows face the

application site would be caused by a building that was both relatively close to the windows and a certain height above them.

Based upon the information contained in the submitted drawings, the roof ridge of the proposed building would be at approximately the same level as the bottom sill of each of the windows facing onto the site in the dwellinghouse to the rear. However, given the sloping shape of the roof, this ridge would be located between approximately 38 metres and 42 metres from the windows.

The eaves of the proposed building (which would be the highest part of the building closest to the windows) would be approximately 4.5 metres lower than the bottom of the sill of the windows and would be located between 28 metres and 32 metres from the windows.

In the above circumstances, it is considered that the proposed development would not reduce the daylight or sunlight entering into the nearest windows of the dwellinghouse to the rear to any significant degree.

There is a garden area located to the north of the dwellinghouse to the rear and this looks over the application site. Any significant reduction in the level of daylight or sunlight received by this garden would be caused by a building that was both close to the garden and a certain height above it.

In this case, the ground level of the garden is over 1 metre higher than the eaves level of the proposed building and would be located in excess of 20 metres from the accessible area. In these circumstances, it is considered that the proposed development would not reduce the daylight or sunlight entering into the garden area of the dwellinghouse to the rear to any significant degree.

- xiv. Concern is expressed that there is a lack of detail regarding the location of all adjoining properties and the exact position of their main windows. This demonstrates an inability to fully assess whether the proposed development accords with the requirement to maintain a distance of 12 metres and 18 metres from the windows of neighbouring properties contained in the Council's Supplementary Guidance.

Comment: This issue will be addressed in Appendix A below.

- xv. The owners of the dwellinghouse to the rear believe that the bedroom windows on the rear elevation of the proposed development would look directly upwards towards the windows on their property. Concern is expressed that this would have serious privacy implications for all residents involved and an appropriate study should be undertaken by the applicant prior to the application being determined.

Comment: This issue will be addressed in Appendix A below.

- xvi. The impact on the privacy and amenity of other properties cannot be disregarded. A recent appeal case concerning a similar issue saw the Reporter note that he did "*not regard the supplementary guidance as implying that an 18 metre separation distance would, in all cases, ensure that privacy would not be adversely affected*".

Comment: This issue will be addressed in Appendix A below.

- xvii. It is noted that, whilst the communal gardens forming part of the proposed development may be south facing, it is considered that this area would receive very limited natural light on the basis that it is located to the back of the building; the tall height of the proposal; and the requirement for a retaining wall to contain the cliff between the new property and the dwelling to the rear.

Comment: The issue of amenity space within the development site will be addressed in Appendix A below.

- xviii. Concern is expressed that, to those passengers that are sailing past the application site, the proposed development in its current form would present an immediate, noticeable and eye-catching distraction from the established character of the surrounding buildings. Tourism represents a key industry for the area and it is contended that careful consideration of any adverse impacts should be taken into account in the determination of the application.

Comment: As concluded elsewhere in this report, it is not considered that the proposal would have an unacceptably adverse effect upon the Rothesay Conservation Area or on the neighbouring Listed Building. As a consequence, it is not considered that the views over to the site from the water would be harmed.

- xix. Drainage is a material consideration during the assessment of the applications for Planning Permission and the plans note that SuDS drainage is proposed, with drainage to the beach as a watercourse. It is contended that, should permission be granted, the system should be implemented with suitable conditions imposed requiring the applicant to ensure that all appropriate licences from SEPA are applied for.

Comment: A condition is recommended in respect of the submission and approval of an appropriate SuDS system.

- xx. The owners of the dwellinghouse to the rear of the site are concerned that the drawings submitted by Honeyman Jack & Robertson may not accurately reflect the proposed building in relation to their property. They have consulted a firm of Architects who have examined the plans and have advised them to obtain more information with regard to the scale and height of the building, and in particular how the proposed building would sit in relation to their house. The owners understand that a Topographical Survey of their property would accurately show how the proposed building would appear in relation to their house. Also, a survey of their house, showing a section through it and the site would provide the additional information required in regard to their objection.

Comment: As a result of this representation, the agent submitted a contextual drawing identifying the levels of the ground floor; first floor; eaves; and roof ridge of the proposed building in relation to the gutter and roof ridge levels of the dwellinghouse to the rear; No.32 Mountstuart Road; and No.34 Mountstuart Road. This information is considered sufficient to assess the impact of the proposal and the agent has indicated that further supplementary drawings will be submitted prior to consideration by Members.

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:**

Yes – the following Design Statement has been submitted by the agent:

1.0 ANALYSIS

1.1 Urban Structure

The structure is suburban and consists of linear building development on the south side of Mountstuart Road with an open outlook to the Firth of Clyde to the north.

Adjacent buildings to the east of the site appear to date from a single period of development. They are semi-detached houses, generally two storeys high, occupying almost the full width of the double plot on a more or less regular building line. They are symmetrical in design. The linear form of the building exploits the view to the water. Principal rooms on the front elevation project forward and are given further emphasis with bay windows. Roofs are covered in natural slate. The walls of the front elevations are constructed in buff ashlar. A three storey building has been converted to hotel use.

The neighbouring property immediately to the east is Category B listed. It has a distinctive character with a low pitched roof and wide overhangs at the eaves. Some stonework on the front elevation is in a contrasting pink colour.

The neighbouring property immediately to the west is a two and a half storey detached villa in a plot approximately equal in width to the double plots of the semi-detached properties to the east. The roof is covered in natural slate. The ashlar walls of the front elevation have been painted.

Further west there are two terraced properties, two storeys high with dormer windows to attic accommodation. They appear to date from different periods. Roofs are covered in natural slate. The front elevation of one has been painted. The front elevation of the other is constructed in masonry with dressed buff ashlar around windows and doors and the remainder in a textured, darker stone. Progressing westwards towards town is a mix of two, three and four storey buildings in a variety of styles, and masonry colour.

The development site is equivalent in size to the double plots of the semi-detached buildings. The church originally on the site was set back from the building line and was significantly larger than the adjacent properties.

1.2 Urban Grain

The site is uniform in size to the plot of the neighbouring detached property and the double plots of the adjacent semi-detached properties. It sits comfortably within the surrounding suburban grain. The incremental development of individual plots over the years has created an interesting variety of height, style and character that combine to create a lively street scene on the waterfront. The original church on the site, set back from the building line and juxtaposed with the smaller adjacent buildings was in harmony with the overall composition demonstrating that there is no need to

maintain a constant building height and mass. The streetscape is improved by the complexity created by the individual developments making up the whole.

1.3 Density and Mix

The density and mix of the local area varies. The use is predominantly residential with some original houses converted to hotel and guest house use. There is a mix of semi detached, detached and terraced properties which are generally two storey. The three and four storey buildings closer to town are residential flats.

1.4 Scale, Height and Massing

The buildings immediately to the east are two storeys followed by a three storey hotel. The building immediately to the west is two and a half storeys followed by two storey terraces. Further west and heading towards town is a mix of two, three and four storey buildings in a variety of styles, and masonry colour. To the east of the site, the scale and massing is predominantly two storeys with a mix of detached and semi detached houses. To the west of the site, the buildings increase in scale, height and massing towards town.

The original church on the site was a local landmark.

2.0 EVALUATION

The original church on the site demonstrates that a landmark building significantly different in height and mass to the adjacent buildings can sit comfortably in the street scene.

Following a fire in 1975, the church was demolished and the tower was left standing. Planning Permission was previously granted for a residential development of six flats arranged around the tower. The recent demolition of the tower provides an opportunity to reconsider the design of the proposed development.

The relevant factors that influenced the design of the semi-detached houses to the east of the site are equally relevant to the proposed development. The predominant factor being the exploitation of the available width of the site to optimise the accommodation enjoying the open views over the water to Loch Striven.

The two storey building form typical of the section of the Conservation Area in the vicinity of the site is appropriate for the proposed development.

Historic Environment Scotland describe the architectural character of the area in relation to the significance of the adjacent Category B listed building as having an emphasis on sea-front symmetry where a strong rhythm of architectural composition can be seen. This characteristic will be adopted.

The use of natural slate on the roof and natural stone on the front elevation is appropriate to the context.

- (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

Is a Section 75 obligation 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 Local Development Plan 2015

LDP DM1 – Development within Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance (2016)

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG LDP ENV 17 – Development Impact on Conservation Areas

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

SG LDP Sustainable Siting and Design Principles

SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

(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 3/2013.

Planning History

Consultee Responses

Third Party Representations

Scottish Planning Policy (2014)

Historic Environment Policy for Scotland 2019

Historic Environment Scotland – *'New Design in Historic Settings'*

Argyll and Bute Sustainable Design Guidance

(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: The application site has attracted objections from 13 individuals. As such consideration has to be given to holding a discretionary hearing prior to determining the application. The site is located within the 'Main Town' of Rothesay as defined in the Local Development Plan and the proposal relates to an infill development between two existing residential blocks. For these reasons, the proposal is considered to be consistent in principle with Policy LDP DM1 and Supplementary Guidance policy SG LDP HOU 1 of the Argyll and Bute Local Development Plan 2015. Planning Permission (ref: 09/01701/PP) for the erection of a flatted residential development of six units with a car parking court was approved on 1st June 2012 subject to a number of conditions and a Section 75 agreement. As such the principle of development has been established and the site specific issues have been addressed. There are no objections from consultees, the proposal is consistent with development plan policy and there are no material considerations which would justify refusal. Consequently, it is not considered that a discretionary hearing would give added value to the process and is not recommended in this instance.

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

Planning Permission is sought for the erection of a residential block comprising six flats on land measuring 1800 square metres at the site of the former St Brendan's Church tower, Mountstuart Road, Rothesay, Isle of Bute. The block will be two storeys in height with an off-white wet dash render and buff reconstituted stone external wall finish; a natural slate roof covering; and aluminium windows. The existing vehicular access onto Mountstuart Road is to be improved whilst twelve parking spaces are to be provided in front of the block. Connection is to be made to public services.

The site is within the main town of Rothesay where there is support in principle for residential development. The scale and design of the proposed residential building are considered to be acceptable having regard to the surrounding properties and the site's location within the Rothesay Conservation Area.

No adverse comments have been made to the proposal by Scottish Water or the Area Roads Manager.

There will no windows of habitable rooms (other than those with frosted glass) directly facing other habitable room windows being less than 18 metres apart. Furthermore, it is not considered that the proposed residential block would have an unacceptably adverse effect upon the privacy and amenity of surrounding properties.

On the basis of the foregoing, the proposal is considered to be acceptable and to accord with the relevant Development Plan policies.

(Q) Is the proposal consistent with the Development Plan: Yes

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

On this basis, the proposal accords with the following:

Argyll and Bute Local Development Plan 2015

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving Our Connectivity and Infrastructure

Supplementary Guidance policies

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG LDP ENV 17 – Development Impact on Conservation Areas

SG LDP HOU 1 – General Housing Development

SG LDP Sustainable Siting and Design Principles

SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

And the proposal raises no other material considerations which would justify refusal of permission.

(S) Reasoned justification for a departure from 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: 4th November 2019

Reviewing Officer: Howard Young

Date: 4th November 2019

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 19/01584/PP

1. Unless otherwise directed by any of the conditions below, the development shall be implemented in accordance with the details provided in the application form dated 26th July 2019 and the approved drawings:

Drawing No. 5825 – 01 (Plan 1 of 11)

Drawing No. 5825 – 02 (Plan 2 of 11)

Drawing No. 5825 – 03 (Plan 3 of 11)

Drawing No. 5825 – 04 (Plan 4 of 11)

Drawing No. 5825 – 05 (Plan 5 of 11)

Drawing No. 5825 – 06 (Plan 6 of 11)

Drawing No. 5825 – 07 (Plan 7 of 11)

Drawing No. 5825 – 08 (Plan 8 of 11)

Drawing No. 5825 – 09 (Plan 9 of 11)

Drawing No. 5825 – 10 (Plan 10 of 11)

Drawing No. 5825 – 11 (Plan 11 of 11)

unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the first flatted unit, visibility splays of 42 metres shall be formed in both directions measured from a point 2.4 metres back from the edge of the carriageway at the centre of the vehicular access. All boundary walls, fencing or vegetation within the visibility splays shall thereafter be maintained in perpetuity at a height not exceeding 1.05 metres above the level of the road.

Reason: In the interests of road safety.

3. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the first flatted unit, the access shall be formed in accordance with Argyll & Bute Council standard detail SD08/005a, incorporating an access width of 5.5 metres.

Reason: In the interests of road safety.

4. Prior to the commencement of any works on the construction of the flatted block (or such other timescale as may be agreed in writing with the Planning Authority), samples of the render, stone, roof covering and window frames to be used shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the flatted block shall be constructed using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

5. Prior to the commencement of any works on the construction of the flatted block (or such other timescale as may be agreed in writing with the Planning Authority), details of the obscure glass to be fitted in the kitchen windows on the east and west-facing elevations of the building shall be submitted to and approved in writing by the Planning

Authority. Unless otherwise agreed in writing with the Planning Authority, the development shall be constructed in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of the privacy and amenity of No. 32 Mountstuart Road and No.34 Mountstuart Road having regard to the Supplementary Guidance relative to the distance between habitable room windows contained in the Argyll and Bute Local Development Plan 2015.

6. Prior to the commencement of any works on the access drive and parking/turning area (or such other timescale as may be agreed in writing with the Planning Authority), details of the surface treatment to be used shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the access drive and parking/turning area shall be constructed using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

7. Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a detailed scheme of landscaping including boundary treatment(s), tree planting and details of trees and other features to be retained, shall be submitted to and approved in writing by the Planning Authority. This scheme shall specifically include proposed landscaping and tree/shrub planting including the age, species and location of tree and shrub planting. Additionally, the landscaping scheme shall include suitable screening (by trees/shrubs) of the twelve car parking spaces and turning area in the front portion of the site.

The landscaping scheme shall ensure:

- i. Completion of the scheme during the planting season immediately following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority;
- ii. The maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- iii. Retention of existing stone boundary walls and gate posts taking account of any realignment or height reduction required for the formation of the access.

Reason: To ensure the implementation of a satisfactory scheme of landscaping, and to assist with the integration of the new development within the setting of the historic built environment.

8. Notwithstanding the effect of Condition 1 above, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 and Sewers for Scotland (3rd Edition). Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), details of the intended means of surface water drainage to serve the development shall be submitted to and approved in writing by the Planning Authority.

The surface water drainage shall be constructed in accordance with all of the approved details and shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding in accordance with the relevant Policies and Supplementary Guidance in the adopted Argyll and Bute Local Development Plan 2015.

NOTES TO APPLICANT

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town & Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town & Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was complete.
4. The Area Roads Engineer has previously stated that a system of surface water drainage must be installed to prevent any water flowing onto the public road from the development. In addition, he has stated that communal bins should be provided for general waste and recycling and that these should be located close to the new vehicle access to allow for proper servicing. Finally, the works to the proposed access may require a Road Opening Permit.

The applicant/developer is advised to contact Mr Paul Farrell on 01369 708613 or at paul.farrell@argyll-bute.gov.uk in order to discuss the foregoing requirements.

5. The attention of the applicant/developer is drawn to the contents of the letter dated 6th August 2019 from Scottish Water, which is enclosed with the Decision Notice.

APPENDIX A – RELATIVE TO APPLICATION NUMBER 19/01584/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning Permission is sought for the erection of a two-storey building comprising six flats on a site that previously contained the former St Brendan's Church tower in Mountstuart Road, Rothesay. An off-street car parking court is proposed at a slightly lower level to the front of the building and there would be a communal private amenity space to the rear. Connection would be made to public services.

The site is located within the '*Main Town*' of Rothesay as defined in the Local Development Plan and the proposal relates to an infill development between two existing residential blocks. **For these reasons, the proposal is considered to be consistent in principle with Policy LDP DM1 and Supplementary Guidance Policy SG LDP HOU 1 of the Argyll and Bute Local Development Plan 2015.**

B. Location, Nature and Design of Proposed Development (Including Impact upon Built Environment)

The site occupies a visually prominent seafront location in Mountstuart Road, which is situated to the east of the main town centre of Rothesay. It represents an opportunity for infill development in what is a predominantly residential part of Rothesay. The main issues in respect of the proposal are the scale, massing and design of the building and its impact on the Conservation Area and adjacent Listed Buildings. As Members will note from Section F of this report, those who have commented upon the application are concerned regarding these matters.

The layout of the development and the design of the residential block shown in application 09/01701/PP in 2009 were influenced to a significant degree by the worthwhile principle at the time of accommodating the retained tower. The design was relatively simple and sought to wrap itself around the tower. As the tower has now been removed from the site, the opportunity has been taken to re-evaluate the most appropriate type of building.

Having regard to the scale and massing of the proposal and its impact on adjacent buildings (some of which are listed), it is acknowledged that the ridge of the roof will be approximately 1 metre higher than the roof ridges of the residential blocks on either side. However, it should be borne in mind that, in terms of at street level, the proposed building will be set back from the established building line with the consequence that the height difference will not be accentuated.

From the water, this height differential would be absorbed into the backdrop of the site which is formed by the properties on both sides of Crichton Road. In this regard, it is considered that the proposed building would not visually dominate the street scene.

As regards design, the proposal has not sought to mimic the adjoining properties and this can be justified in the sense that Elysium Terrace to the north east is very much an architectural composition on its own right.

As referenced in the agent's Design Statement, the proposal picks up on certain features in the built form of the surrounding area, as follows:

- i. Utilisation of the available width of the site to create a type of accommodation that would enjoy the open views over the water to Loch Striven;
- ii. Two storeys in height;
- iii. Symmetrical in design;
- iv. Principal rooms on the front elevation that project forward and are given further emphasis with bay windows;
- v. The use of natural slate on the roof and natural stone on the front elevation is appropriate to the context.

On the basis of the foregoing, it is considered that the design of the proposed building would not detract from the character of the Conservation Area or the setting of adjacent Listed Buildings.

Concerns have been raised regarding the visual impact of the proposed twelve-space car parking area to the front of the building and this criticism was made regarding the previous scheme in 2009. At that time, the Department was of the opinion that the fact that the parking area would be at a lower level than the building would mean that the frontage of the property would not be visually dominated by parking. The landscaping that has again been indicated in the submitted plans can be strengthened and defined through the use of a suitably worded condition.

Objectors have also mentioned that the proposal for six flats on the site would result in an overdevelopment of the land. It could be argued with justification that the provision of flatted accommodation in this location would result in a further increased portfolio of housing choice being made available. It is considered that the site itself is of a sufficient size to absorb such a level of development, with amenity land being available to the front and rear of the building that would cumulatively meet the notional figure of 100 square metres as provided in the Sustainable and Design Principles contained within the Supplementary Guidance document of the Argyll and Bute Local Development Plan 2015.

On the basis of all of the foregoing, it is not considered that the proposal would have an unacceptably adverse effect upon the Rothesay Conservation Area or on the neighbouring Listed Building. It is, therefore, **considered to be consistent with Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 13, SG LDP ENV 16(a), SG LDP ENV 17 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.**

C. Road Network, Parking and Associated Transport Matters

The application proposes the improvement of the existing vehicular access onto Mountstuart Road and shows the provision of visibility splays of 42 metres by 2.5 metres in both directions and the provision of twelve parking spaces (two spaces for each flat). The Area Roads Manager has not specifically commented on the current proposal but raised no objections to the previous scheme (ref: 18/02521/PP) subject to conditions.

On the basis of the foregoing, and subject to the imposition of suitably-worded conditions, the proposal is considered to be acceptable from a road safety perspective and **would be consistent with Policy LDP 11 and Supplementary Guidance policies SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015.**

D. Effect upon Privacy and Amenity

The Sustainable and Design Principles contained in the Supplementary Guidance section of the Argyll and Bute Local Development Plan 2015 specifies that no main window of a habitable room (i.e. all rooms except bathrooms and hallways) within a dwelling shall overlook (directly facing) the main windows of habitable rooms in neighbouring properties at a distance of less than 18 metres. It goes on to state, however, that this standard may be relaxed where the angle of the view or the design (i.e. use of frosted glass) of the window allows privacy to be maintained.

One of the objections makes reference to a recent appeal case where the Reporter noted that he did *“not regard the supplementary guidance as implying that an 18 metre separation distance would, in all cases, ensure that privacy would not be adversely affected”*.

This appeal (ref: PPA-100-2078) dates from 2017 and relates to Planning Permission in Principle for the demolition of the existing buildings on the site and its redevelopment to provide purpose-built student accommodation containing up to 425 bed spaces, up to 80 residential apartments together with car parking, access and other associated works. The site was a BT Engineering Depot at Froghall Terrace, Aberdeen.

In terms of the principle of using the 18 metre separation distance as an assessment tool, the appeal decision letter states the following:

“The appellant draws attention to the reference, in the Council’s Supplementary Guidance on householder development, to a separation distance of 18 metres between facing windows being sufficient to safeguard privacy. However, that document is primarily concerned with the assessment of the effect of extensions and alterations to domestic residential properties rather than to larger scale proposals such as the appeal proposal”.

In Argyll and Bute Council’s Supplementary Guidance (dated January 2016), the 18 metre separation distance is mentioned in Section 13.3 of the *Sustainable Siting and Design Principles*. The advice in this section does not relate solely to the alteration and/or extension of residential properties and, therefore, it is applicable to developments such as the current proposal.

The appeal decision letter goes on to state:

“The north-facing 4-storey façade of the proposed student accommodation block would lie opposite the south-facing elevation of the existing apartment building off Sunnybank Road, also 4-stories in height. During (the Reporter’s) site inspection, (he) was able to gain access to the interior of an apartment on the 2nd floor of that building and to observe the view towards the appeal site from the south-facing living room and kitchen windows. The proposed student block, 21 metres from the Sunnybank Road apartment building and around 11 metres from the site boundary, would extend over a width of some 69 metres in an east-west direction, projecting significantly beyond the extent of the apartment building in both directions”.

Based upon this description by the Reporter, it appears evident that a combination of factors led him to the conclusion that is quoted by the objector – the vertical and horizontal scale of the existing and proposed buildings; the distance between the buildings; and the considerable amount of fenestration that would be required on elevations that would be facing each other.

With regard to the current application in Rothesay, both No.32 Mountstuart Road (to the west) and No.33 Mountstuart Road (to the east) have habitable room windows facing onto the application site.

The shortest distance between the kitchen window of the proposed block and a directly-facing window opening on No.32 is approximately 9.5 metres whilst the shortest distance in relation to No.34 is approximately 5 metres. Whilst no objections have been submitted by the owner/occupiers, these distances are considerably less than the recommended distance of 18 metres and the angle of view is not sufficient to allow a relaxation. On this basis, the kitchen windows of the proposed block will either require being fitted with frosted glass or being omitted from the scheme. The agent has indicated that it would be their intention to utilise some form of opaque glass which allows light in but no vision out. A condition is to be attached requiring the use of obscure glazing and requiring full details prior to the commencement of development.

In terms of the relationship between the proposed block and the dwellinghouse to the rear (from where the objection originated), the following details are pertinent:

- There are a total of 14 windows on the upper floor of the rear elevation of the proposed block and they all serve bedrooms
- The six windows in the recessed middle of the block would be approximately 34 metres from the directly-facing window on the front elevation of the dwellinghouse to the rear
- The four windows at the eastern end of the proposed block would be approximately 28 metres from the directly-facing window on the front elevation of the dwellinghouse to the rear
- The four windows at the western end of the proposed block would be approximately 32 metres from the directly-facing window on the front elevation of the dwellinghouse to the rear
- The vertical height differential between the bottom of the windows on the front elevation of the dwellinghouse to the rear of the site and the top of the windows on the rear elevation of the proposed block would be approximately 4.5 metres

On the basis of the above details, it is considered that the proposed residential block would not affect the privacy and amenity of the dwellinghouse to the rear of the site to a significantly adverse degree.

E. Infrastructure

It is proposed to connect to both the public water main and public sewer. Scottish Water has raised no objection to this proposal subject to advisory information being attached to the grant of Planning Permission. On this basis, **the proposal would accord with Supplementary Guidance policy SG LDP SERV 1 of the Argyll and Bute Local Development Plan 2015.**