

Delegated 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: 22/00231/PP
Planning Hierarchy: Local Development
Applicant: Kilbowie Development Company Ltd
Proposal: Alterations to Increase Roof Pitch of Dwellinghouses
Site Address: 1-7 Kilbowie Shore, Gallanach Road, Oban

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Alterations to increase roof pitch of dwellinghouses
-

(B) RECOMMENDATION:

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

(C) CONSULTATIONS:

N/A

(D) HISTORY:

21/02074/NMA

Non material amendment to 17/03068/PP (Erection of 7 dwellinghouses comprising two terraces, installation of air source heat pumps, sewage treatment plant and formation of access) Replace zinc roof coverings with Sarangi small ply membrane incorporating seam detail – Granted: 09/11/21

19/00818/NMA

Non material amendment for slight change to footprint of Terrace 2 approved under 17/03068/PP – Granted: 23/05/19

19/00032/NMA

Non material amendment for slight increase in height to Terrace 1 approved under 17/03068/PP – Granted: 17/01/19

17/03068/PP

Erection of 7 dwellinghouses comprising two terraces, installation of air source heat pumps, sewage treatment plant and formation of access – Granted: 19/02/18.

15/01448/PP

Conversion of Kilbowie House to form 8 residential flats, erection of 2 dwellinghouses, installation of 3 sewage treatment plants and associated works – Granted: 27/08/15

(E) PUBLICITY:

The proposal has been advertised in terms of development affecting the setting of a Listed Building, closing date 19/05/22.

(F) REPRESENTATIONS:

13 objections from 7 households and 9 expressions of support from 5 households have been received.

OBJECTION

Malcolm Macalpine, 1 Dungallan Terrace, Oban, PA34 4PB (09/05/22)
Margaret Macalpine, 1 Dungallan Terrace, Oban, PA34 4PB (09/05/22)
Mr Alex Campbell, 2 Dungallan Terrace, Oban, PA34 4PB (09/05/22)
Catherine Campbell, 2 Dungallan Terrace, Oban, PA34 4PB (09/05/22)
Mr Arran Campbell, 2 Dungallan Terrace, Oban, PA34 4PB (09/05/22)
Mr Kenneth Campbell, 2 Dungallan Terrace, Oban, PA34 4PB (09/05/22)
Mr Lewis Campbell, 2 Dungallan Terrace, Oban, PA34 4PB (09/05/22)
Mr Alistair Boyd, 4 Dungallan Terrace, Oban, PA34 4PB (02/05/22)
Rae Boyd, 4 Dungallan Terrace, Oban, PA34 4PB (03/05/22)
Mr David Mason, 5 Dungallan Terrace, Oban, PA34 4PB (27/04/22)
Mr Cameron Boyd, 37 Creag Bhan Village, Oban, PA34 4BF (02/05/22)
Fiona Macalpine, 8 Fleming Court, Lochgilphead (09/05/22)
Mary Boyd, 20 Lia Fall Court, Oban (03/05/22)

Additional joint letter from Residents of 1, 2 and 4 Dungallan Terrace, Oban, PA34 4BF (21/06/22)

Summary of issues raised:

IMPACT ON DAYLIGHTING/AMENITY OF NEIGHBOURING PROPERTIES

- The increase in height will cast a shadow and reduce the amount of daylight to the properties at Dungallan Terrace.
- If approved the proposal will result in a prominent development within the landscape which will have a serious impact on the residents of Dungallan Terrace and resulting in the dwellinghouses being visible from Gallanach Road.

- The proposed rooflights will impact on the privacy of the dwellinghouses at Dungallan Terrace.
- The proposal will dominate the outlook from the properties at Dungallan Terrace drawing the properties closer and impacting on the perception of space and potentially becoming overbearing. This would pose significant difficulties for the health and wellbeing of residents.

Officer Comment: *Whilst the overall height of the dwellinghouses will increase as a result of the new hipped roof, the increase in height, approximately 1.57 metres, is not considered to be so significant that the overall appearance of the dwellinghouses, or their setting within the site and wider landscape will be adversely affected.*

With regards to the rooflights, these are purely to provide light to the existing accommodation within the dwellinghouse. The roofspace which will be created as a result of the increased roof pitch is not sufficient to be used for any habitable purposes and therefore these rooflights will not result in any overlooking or privacy issues with neighbouring properties.

The dwellinghouses are set lower down than the nearest residential properties at Dungallan Terrace, which, together with the distance involved, will ensure that no daylighting/overshadowing issues arise.

Whilst it is accepted that the increase in height may affect the outlook from some of the dwellinghouses at Dungallan Terrace, it should be noted that in planning terms there is no right to a private view.

IMPACT ON LANDSCAPE & WILDLIFE

- The original approved plans stated that the dwellinghouses were to be at a low site level with the aim to reduce the impact on the surrounding landscape and visual public amenity.
- The proposal will detract from the natural beauty of the landscape.
- The proposal will have an adverse impact on birds and insects, some of which are starting to frequent the area again and will be scared off.
- As a result of the development wildlife has been affected with some birds and red squirrel not having been since construction.

Officer Comment: *Whilst the original design concept for the dwellinghouses was to keep them low to minimise their impact, it is not considered that the increase in roof pitch proposed is so significant that it would have a significant adverse impact on the appearance of the dwellinghouses in the site and wider landscape.*

As the proposal is merely increasing the height of the roof of the existing dwellinghouses, it is not considered that this amendment will have any significant adverse impact on wildlife.

INAPPROPRIATE DESIGN AND MATERIALS

- From the outset, these two buildings have shown up as a horrible and absurd creation with absolutely no sympathy for their effect on the natural local environment and the introduction of an increased roof height will draw further attention to them and detract from public amenity.
- These are an over ambitious design which have been fraught with problems from the beginning. The roofs leaked under construction, leaked on completion and leaked when the owners moved in. There has to be a clear case of incompetent design and incompetent construction and it should be questioned as to why a Completion Certificate was issued.
- The materials used in the construction of these properties are not in keeping with the current surrounding infrastructure and natural environment. The unnecessary addition of further materials of similar inappropriate nature through constructing larger roofs will only compound this problem further.
- Some of the letters of support state that a flat roof is not appropriate for the west of Scotland, there was no problem when planning was applied for and secured or when the owners purchased the properties, it was clear they were flat roofs.

Officer Comment: *The comments regarding the design of the dwellinghouses are noted but are subjective and not something the Planning Authority will comment on.*

With regards to construction and workmanship, these are not matters for the Planning Authority.

POOR WORKMANSHIP

- It is difficult to comprehend that a water tight roofing solution cannot be achieved in keeping with the original design of these new structures. Unpitched roofs are commonplace in modern day infrastructure, including within Oban, and therefore can absolutely be accepted as an appropriate solution for protection the property from damage from prevailing weather.
- It is obvious that the problem here is not with the design but rather with the installation. Perhaps the property owners should consider employing an alternative contractor of sufficient competence to install the roof to reflect the original design specification.
- Surrounding residents should not have to tolerate another eyesore in front of them, if owners are angered at their roofing problems they should raise litigating and sue the developer for compensation and for a simplified roof which will work.

Officer Comment: *These subjective comments are noted by the Planning Authority, however it is necessary for the Planning Authority to consider the subject of the current planning application before them and not to investigate alternative designs/solutions.*

With regards to construction and workmanship, these are not matters for the Planning Authority.

ALTERNATIVE SOLUTION

- The answer to the problem would be to remove the faulty roofs in their entirety and replace them with a roof composed of a fraction of the number of pieces, thus hugely reducing the potential for leakage. This would work and the height would not have to be increased.
- A solution within the original planning restriction should be sought, addressing the problems and giving consideration to the landscape and the neighbouring properties.
- Could the Sarnafil membrane (previously approved by the Planning Authority), or a similar approach, be tried before increasing the roof pitch by 1.6 metres.

Officer Comment: *These comments are noted, however, the Planning Authority has to consider the proposal subject of the current planning application before them and not investigate alternative designs/solutions.*

With regards to the Sarnafil membrane previously approved, the Agent has confirmed that residents expect the roofs to be finished in zinc as originally proposed. The Planning Authority cannot make the developer implement the permission to use Sarnafil membrane.

GENERAL COMMENTS

- If approved this application will make a mockery of the whole planning process and will serve only as an insult to those unfortunate enough to have to live with it.
- The dwellinghouses are already higher than originally proposed and will now be extended further in height.

Officer Comment: *The planning application will be assessed against the relevant provisions of the Development Plan, and all material planning considerations, and should the proposal not comply with these, the application will not be supported by the Planning Authority.*

With regards to the previous increase in height this was addressed through the submission of an application for non-material amendment as the change was not considered to be so significant to warrant submission of a further planning application.

VISUALISATIONS

- Concerns raised over the additional visualisations submitted by the Agent as not being accurate.

Officer Comment: *The 3D visualisation submitted in support of the application have since been withdrawn by the Agent.*

SUPPORT

Shazia Ahmed, 2 Kilbowie Shore, Oban, PA34 4PE (30/04/22)
 Faisal Ahmed, 2 Kilbowie Shore, Oban, PA34 4PDE (30/04/22)
 Mr Brendan Martin, 3 Kilbowie Shore, Oban, PA34 4PE (29/04/22)
 Mrs Anne Martin, 3 Kilbowie Shore, Oban, PA34 4PE (29/04/22)

John MacKay, 4 Kilbowie Shore, Oban, PA34 4PE (03/05/22)
Irene MacKay, 4 Kilbowie Shore, Oban, PA34 4PE (03/05/22)
Mr Graham Heron, 6 Kilbowie Shore, Oban, PA34 4PE (28/04/22)
William Findlay (no address given) 29/04/22
Rhona Findlay (no address given) 29/04/22

Summary of issues raised:

- The proposed works are necessary to rectify ongoing roof failure which has resulted in water ingress and damage at Kilbowie Shore.
- A flat roof was wholly inappropriate in the first place for the west coast of Scotland due to the high levels of rain fall.
- A sloped roof with a minimum of a 15 degree pitch is the only solution to stop the water ingress.
- The proposed works should be carried out immediately to minimise any further damage to the properties.
- Without the increase in roof pitch there could be more regular and serious issues.

Officer Comment: *These expressions of support, all from residents of the properties subject of the planning application, are noted by the Planning Authority.*

The Planning Authority has to determine the proposal subject of the current application, however, should the application be supported, this in no way infers that a flat roof is not an appropriate design solution for developments.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(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: | Yes – A Supporting Statement outlining the proposal has been submitted with the application. |
| (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

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 Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

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

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

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

General Housing Development

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

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

(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.

- Scottish Planning Policy (SPP), 2014
- Argyll and Bute Sustainable Design Guidance, 2006
- Third Party Responses
- Argyll and Bute proposed Local Development Plan 2 (November 2019)

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning

applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. There are no provisions of pLDP2 that may be afforded significant weighting in the determination of this application.

(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: No

In deciding whether to hold a discretionary hearing Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

13 objections from 7 households and 9 expressions of support from 5 households have been received regarding the proposed development.

It is the opinion of officers that the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the fully adopted 'Argyll and Bute Local Development Plan' 2015 and the direct relevance of key planning policies contained within it.

In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling and it is not considered that a discretionary local hearing would add value to the planning process.

The proposal has elicited 13 objections from 7 households and 9 expressions of support from 5 households.

In this instance the proposed change is considered to be acceptable alteration to the dwellinghouses and will have no significant adverse impact on the appearance of the dwellinghouses or their setting within the site or wider landscape at this location nor will the change give rise to any privacy or amenity issues with neighbouring residential properties.

The proposal is deemed to be in accordance with the adopted Local Development Plan.

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

Planning permission is sought for the increase in the pitch of the roof of two existing terraces of dwellinghouse at numbers 1 to 7 Kilbowie Shore, Gallanach Road, Oban.

The dwellinghouses as existing comprise two blocks. Terrace 1 comprises four units with Terrace 2 comprising 3 units. The dwellinghouses are two storey split level contemporary designed structures taking a rectangular 'box' form with a flat standing seam zinc roof.

Due to the current zinc roof failing, and remedial works to rectify the problem having failed, the current application seeks to replace the flat roof with a steeper hipped roof finished in standing seam zinc. The proposed change results in an overall increase in height of 1.57 metres.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the settlement of Oban where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is within close proximity to Kilbowie House a Category B Listed Building and therefore the provisions of SG LDP ENV 16(a) require to be considered which seek to ensure developments preserve the setting of listed buildings.

Policy LDP 9 and SG 2 seek developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located with development layouts reflecting the local character and patterns and being sympathetic to the landscape and compatible with neighbouring uses.

The determining factors in the assessment of this application are whether the increase in the roof pitch is an appropriate design change to the dwellinghouses and whether it will have a significant adverse impact on their appearance within the site and wider landscape or give rise to any privacy or amenity issues with neighbouring properties.

In this instance the proposed change is considered to be an acceptable alteration to the dwellinghouses and will have no significant adverse impact on the appearance of the dwellinghouses or their setting within the site or wider landscape at this location

nor will the change give rise to any privacy or amenity issues with neighbouring residential properties.

The proposal has elicited 13 objections from 7 households and 9 expressions of support from 5 households.

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

(R) Reasons why Planning Permission be Granted:

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance, including issues raised by third parties, to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
No

Author of Report: Fiona Scott

Date: 2nd August 2022

Reviewing Officer: Tim Williams

Date: 2nd August 2022

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/00231/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 03/02/22, supporting information and, the approved drawings listed in the table below 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.

Plan Title.	Plan Ref. No.	Version	Date Received
Location/Site Plan	100	A	31/03/22
Proposed Roof Plans	101	A	31/03/22
Existing Roof Plans	102	**	04/02/22
Proposed West Elevations	103	**	04/02/22
Terrace 1 – South East & North Elevations	104	**	04/02/22
Terrace 2 – South, East and North Elevations	105	A	31/03/22
Terrace 1 – Section AA	106	**	04/02/22
Terrace 2 – Section AA	107	**	04/02/22
Terrace 2 – Section BB	108	**	04/02/22
Terrace 2 – Section CC	109	**	
Existing West Elevations Terraces 1&2	110	**	31/03/22
Roof Report – 3 PAGES			
Report on Design Alterations			07/07/22

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

Note to Applicant:

- 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).]
- In order to comply with Sections 27A(1) of the Town and 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and 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 completed.

Both the Notification of Initiation and Notification of Completion forms referred to above are available via the following link on the Council's website:

<https://www.argyll-bute.gov.uk/planning-and-environment/make-planning-application>

APPENDIX A – RELATIVE TO APPLICATION NUMBER 22/00231/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the settlement of Oban where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is within close proximity to Kilbowie House a Category B Listed Building and therefore the provisions of SG LDP ENV 16(a) require to be considered which seek to ensure developments preserve the setting of listed buildings.

Policy LDP 9 and SG 2 seek developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located with development layouts reflecting the local character and patterns and being sympathetic to the landscape and compatible with neighbouring uses.

The proposal has elicited 13 objections from 7 households and 9 expressions of support from 5 households.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for an increase in the roof pitch of 7 existing dwellinghouses at Kilbowie Shore, Gallanach Road, Oban.

The dwellinghouses as existing comprise two blocks. Terrace 1 comprises four units with Terrace 2 comprising 3 units. The dwellinghouses are two storey split level contemporary designed structures taking a rectangular 'box' form with a flat standing seam zinc roof.

The dwellinghouses have been cut into their site situated below the level of the U116 public road which serves Dungallan Terrace which minimises their impact within the site and wider landscape. Only Terrace 2 is near to Dungallan Terrace where it is situated in front of numbers 1 and 2 Dungallan Terrace and not in front of any other properties within the Dungallan Terrace development. Terrace 1 is situated further to the west where it has no direct association with Dungallan Terrace.

Due to the current zinc roof failing, and remedial works to rectify the problem having failed, the current application seeks to replace the flat roof with a steeper hipped roof finished in standing seam zinc. The proposed change results in an overall increase in height of 1.57 metres.

In support of the application the Agent has submitted a statement advising that, following a persistent and recurring failure of the existing zinc roof, investigations were undertaken to identify the cause and any potential remedial works necessary to prevent further water ingress. The Agent advises that, having conducted various exploratory and remedial works without success, and following consultation with zinc roofing specialists, it was agreed that reforming the roof with a steeper pitch and removing the

internal gutters would be the only way forward to ensure that there would be no future problems.

A report was also submitted by Base Metal Roofing who advise that *“the existing roof has failed causing water ingress due to the pitch of the roof being too low for a traditional standing seam roofing system. The Federation of Traditional Metal Roofing Contractors (FTMRC) guide to good practice recommends a minimum 3 degree pitch and between 3 and 5 degrees, a mastic tape must be applied into the seams at the point of installation, before closure.*

The recommendations of Base Metal Roofing, based on over 30 years experience installing up and down the West coast of Scotland, is to build all roof substrates to a minimum 7 degree pitch which allows a builder’s tolerance to achieve at least 5 degrees.

On the Kilbowie Shore project, the architects have elected to remove the gutter sections that are positioned directly over the resident’s properties along with raising the rooflights from the internal gutter to the upper end of the new proposed slopes, which are now 15 degrees. These changes are the optimal choice to enhance the performance and capability of an already robust system.

Internal gutters are always risky and extreme care is required with the detailing and execution of this type of design. To conclude, moving the gutters to the perimeter edges eliminates the risk of water ingress.

Raising the roof slopes to 14 degrees or above is the optimal range for traditional standing seam detailing, creating far more robust conditions for the roof to perform against the ever increasing extremes of our weather, especially in this exposed marine location. Coincidentally, wind and rain figures have increased by approximately 30% in the previous 30 years”.

Base Metal Roofing conclude by strongly endorsing and recommending all changes proposed in the application and also add that, following the changes, the pleasing aesthetic appearance of the zinc roof will be more visible from ground level.

In this instance the proposed change in roof pitch is considered to be an acceptable alteration to the dwellinghouses and it is not considered to be so significant that it will have an adverse impact on the appearance of the dwellinghouses or their setting within the site or wider landscape at this location nor will the change have any significant adverse impact on the amenity of the neighbouring residential properties.

The proposal is considered to be acceptable in terms of Policies LDP DM 3, LDP 9, SG 2 and SG LDP ENV 14 which, collectively, seek to ensure that the scale, location and design of proposed developments to not have a significant adverse impact on the site and wider landscape within which they are proposed or result in any adverse amenity issue with neighbouring properties.

C. Historic Environment

The dwellinghouses are situated to the north east of Kilbowie House which is a Category B Listed Building (LB) which requires the provisions of Policy SG LDP ENV 16(a) to be considered which seeks to ensure that development affecting a LB, or its setting, shall preserve the building or its setting and any features of special architectural or historic interest that it possesses.

However, as the application merely represents an increase to the pitch of the roof on the existing dwellinghouses, it is not considered that the change is so significant to affect the setting of the LB.

It is not considered that the proposal will have a significant adverse impact on the appearance or setting of the LB consistent with the provisions of SG LDP ENV 16(a) which seek to ensure that developments do not have an adverse impact on the character of the built environment.