

**Delegated Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission.**

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**Reference No:** 10/00980/PP

**Planning Hierarchy:** Local application

**Applicant:** Clydesdale Bank plc

**Proposal:** Formation of external ramp and level landing and installation of automatic opening double entrance doors to achieve access for disabled users to comply with DDA requirements.

**Site Address:** The Clydesdale Bank, 120 Argyll Street, Dunoon, Argyll

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**DECISION ROUTE**

**(i) Local Government (Scotland) Act 1973**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

Formation of external ramp for disabled access;  
Installation of automatic opening double entrance doors.

**(ii) Other specified operations**

None

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**(B) RECOMMENDATION:**

It is recommended that planning permission be refused for the reasons set out below.

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**(C) HISTORY**

An application (ref. 03/02055/DET) for the formation of a disabled access ramp was withdrawn on 15<sup>th</sup> June 2006 due to concern regarding creating an obstruction in the public footway.

*[An application (ref. 04/00979/DET) for a similar access ramp to the Bank of Scotland at 78 Argyll Street was withdrawn following concerns that such an external ramp would cause an obstruction in the public footway. An alternative internal solution was found and now in operation.]*

Advertisement consent (ref. 06/01582/ADV) for the erection of three internally illuminated fascia signs and one projecting sign was granted on 28<sup>th</sup> August 2006 and has been implemented.

**(D) CONSULTATIONS:**

Area Roads Manager (response dated 18th October 2010): Recommends refusal on grounds that no works should take place in the public footway and that any access ramp should be located within the premises.

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**(E) PUBLICITY:** None.

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**(F) REPRESENTATIONS:**

No representations have been received.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Statement:** No.
  - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No.
  - (iii) **A design or design/access statement:** No.
  - (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No.
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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No.

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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No.

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**(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 Plan 2009

Policy LP ENV 14 Development in Special Built Environment Areas;  
Policy LP ENV19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;  
Policy LP TRAN1 Public Accesses and Rights of Way;  
Policy LP TRAN 3 Special Needs Access 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 4/2009.** n/a
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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No.

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**(L) Has the application been the subject of statutory pre-application consultation (PAC):** No.

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**(M) Has a sustainability check list been submitted:** No.

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**(N) Does the Council have an interest in the site:** Yes. Application encroaches into public footway.

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**(O) Requirement for a hearing (PAN41 or other):** No.

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

The proposal is for a disabled access ramp on the Argyll Street frontage of the Clydesdale Bank premises with the intention of satisfying DDA requirements.

The Area Roads Manager has recommended refusal on the basis that the proposed access ramp would cause an obstruction to the passage of pedestrians within the public footpath and also confirms that no permission will be granted by the Roads Authority to build on this section of public footway and any alterations should take place within the building.

The existing access involves steps up to the ground floor level of the bank. The installation of the proposed access ramp would significantly narrow this section of public footway to the detriment of general pedestrian movements. A previous application (ref. 03/02055/DOT) was withdrawn following concerns of obstructing the public footway.

Whilst the department looks to accommodate DDA schemes, external works should be avoided where they give rise to a significant adverse impact on the general usability and safety of the public footway. Other premises have experienced similar problems but have successfully devised internal alterations to comply with DDA requirements. There would appear to be no reason why the Argyll Street frontage of the subject premises could not be adapted and internally reconfigured to incorporate an internal access ramp.

Given all of the above, the proposal is considered to be unacceptable in scale, design, townscape and impact on pedestrian safety that would be would be contrary to policies LP ENV 14, ENV 19, TRAN 1 and TRAN 3 of the 'Argyll and Bute Local Plan' (2009).

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**(Q) Is the proposal consistent with the Development Plan: No.**

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**(R) Reasons why Planning Permission should be refused.**

The proposal to install an external ramp to serve the premises in question has adverse consequences for townscape character and for the passage of pedestrians along the public highway. It is considered contrary to LP ENV 14, LP ENV 19, LP TRAN 1 and LP TRAN 3 of the 'Argyll and Bute Local Plan' (August 2009).

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**(S) Reasoned justification for a departure from the provisions of the Development Plan**  
n/a

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

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**Author of Report: Brian Close**

**Date: 1<sup>st</sup> November 2010**

**Reviewing Officer: David Eaglesham**

**Date: 1 November 2010**

**Angus Gilmour  
Head of Planning**

## **REASONS FOR REFUSAL RELATIVE TO APPLICATION 10/00980/PP**

1. The location and appearance of the proposed external disabled persons' access ramp is considered to be unacceptable in townscape terms as it would, by virtue of the raised construction and associated handrailing, result in the introduction of an isolated and alien feature into the streetscape to the detriment of the character of this thoroughfare. The proposal would significantly narrow the section of public footway on Argyll Street close to Moir Street junction and the ramp and handrailing would be intrusive and incongruous in the context of a footway otherwise devoid of such features, the character of which makes a contribution to the overall townscape in terms of it being a traditional street with narrow but largely uncluttered pavements., Accordingly, the proposal would be contrary to policies LP ENV 14 and LP ENV 19 of the 'Argyll and Bute Local Plan' (August 2009).
2. The proposed external disabled persons' access ramp would be located within the public footway which would result in a narrowing of available width of public footway on Argyll Street close to Moir Street junction, and this situation would be worsened by the presence of a lamp post. The development would constitute an obstruction to the passage of pedestrians which is considered to be unacceptable in safety and access terms. Accordingly, the proposal would be contrary to policies LP TRAN 1 and LP TRAN 3 of the 'Argyll and Bute Local Plan' (August 2009)

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00980/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Location, Nature and Design of Proposed Development**

As the proposal is for a minor alteration to the existing bank premises, the application requires to be assessed against the criteria below.

i) Location

The proposal is for a disabled access ramp on the Argyll Street frontage of the Clydesdale Bank premises. The subject premises are situated on Argyll Street, north of its junction with Moir Street, Dunoon. The application premises are located within the Core Shopping Area of Dunoon Town Centre and within a Special Built Environment Area.

ii) Nature and Design

The ramp and landing would be finished in block paving to match the footpath and includes a 1.1 metre high balustrade with handrail. The proposal would also involve the installation of automatic opening double entrance doors to achieve access for disabled users to comply with DDA requirements. Other than the alterations to the doors, no other alterations are proposed for the internal layout of the bank premises.

ii) Assessment

The proposal must be assessed against the provisions of Policies LP ENV 14 - Development Within Special Built Environment Areas and LP ENV 19 - Development Setting, Layout and Design, of the 'Argyll and Bute Local Plan' (August 2009) where a high standard of appropriate design is expected in accordance with the Council's design principles.

The existing access involves two steps up to the ground floor level of the bank. The pavement at this part of Argyll Street tapers from approximately 2.6 to 3.3 metres. The installation of an access ramp 6 metres long and 1.2 metres wide would narrow this section of public footway down to between 1.2 to 1.9 metres.

By virtue of the raised construction and associated handrailing, the proposal would result in the introduction of an isolated and alien feature into the streetscape which would be intrusive and incongruous in the context of a footway otherwise devoid of such features, and it would significantly narrow the section of public footway on Argyll Street close to Moir Street junction to the detriment of the character of this existing public and traditional thoroughfare.

A previous application (ref. 03/02055/DOT) was withdrawn following similar concerns being raised by the department as have arisen in this case. The current application has been lodged without the benefit of any pre-application discussions and the situation on Argyll Street has not changed since this previous application was withdrawn.

Given previous concerns regarding the narrowing and cluttering up of Argyll Street's pavements, it is considered that the proposed external ramp would create an

unacceptable and incongruous design feature which is untypical of the current street scene, the presence of which could create a harmful precedent in terms of townscape character in a traditional street with and largely uncluttered narrow pavements.

**Having due regard to the above, the proposal is considered to be inconsistent with Policies LP ENV14 and LP ENV 19 *including Appendix A Sustainable Siting and Design Principles* of the Argyll and Bute Local Plan (August 2009).**

## **B. Roads and Associated Transport Matters**

The Area Roads Manager has recommended refusal on the basis that the proposed access ramp would cause an obstruction to the passage of pedestrians within the public footpath. The access ramp on the public footpath narrows the existing footpath considerably and this is made worse by the location of a nearby lamp post. Roads also confirm that Construction Consent and a Road Opening Permit would be required under the Roads (Scotland) Act 1984 for the proposed works and that no permission will be given by the Roads Authority to build on this section of public footway. It is recommended that any alterations should take place within the building.

Given the above, it is considered that the proposal would be detrimental to public access along this part of Argyll Street and should be refused due to unacceptable narrowing of the public footway.

**Having due regard to the above the proposal would be considered inconsistent with Policies LP TRAN 1 and TRAN 3 of the Argyll and Bute Local Plan.**