

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

Reference No: 11/00624/PP

Planning Hierarchy: Local

Applicant: Mr Hugh Cole

Proposal: Alterations and Change of Use of Church to Dwellinghouse with Class 4 Business Use and Storage, including erection of raised decking, replacement windows, alterations to openings, installation of rooflights and boiler flue

Site Address: Rothesay Free Church, Chapelhill Road, Rothesay, Isle of Bute

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of Use of Church to Dwellinghouse with Class 4 Business Use and Storage
- Erection of raised decking
- Installation of replacement windows, rooflights and boiler flue
- Alterations to openings

(i) Other specified operations

- Connection to public water supply and public sewerage system
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons provided within this report.

(C) HISTORY:

Applications for Planning Permission (ref: 00/01069/COU) & Listed Building Consent (ref: 00/01076/LIB) for the partial change of use of the church to a dwelling were withdrawn on 18th October 2000.

Planning Permission (ref: 05/01034/COU) granted on 28th December 2006 for the change of use of the church to a storage building for domestic and personal items. Associated Listed Building Consent (ref: 05/01032/LIB) granted on 24th January 2007.

Approval (ref: 07/00041/TPO) granted on 3rd April 2007 for the retrospective removal and lopping of ten sycamore trees within the grounds of the property.

Planning Permission (ref: 08/01576/COU) granted on 11th September 2009 for the change of use of part of the church to a dwelling, the retention of the domestic/personal storage use and the formation of a vehicular access. Associated Listed Building Consent (ref: 08/01624/LIB) granted on 7th December 2009.

An application for Listed Building Consent (ref: 11/00864/LIB) for alterations to the church to form a dwellinghouse with Class 4 business use and storage including erection of raised decking, replacement windows, alterations to openings, installation of rooflights and boiler flue was submitted on 26th May 2011 but has not yet been registered.

(D) CONSULTATIONS:

Scottish Water (e-mail dated 28th June 2011)

No objection.

West of Scotland Archaeology Service (e-mail dated 30th June 2011)

No objections

Area Roads Manager (report received 18th July 2011)

Application should be refused due to a lack of suitable parking and additional vehicle movements to the surrounding constrained road network that this Class 4 business use will generate.

Historic Scotland (letter dated 22nd July 2011)

The principle of converting the church is welcomed. However, the proposed decking would be a particularly inappropriate addition to the church. Reglazing the ground floor windows with polycarbonate would also be inappropriate. If the attic space is not to be used for habitable purposes, consideration should be given to a reduction in the number of rooflights in the upper row.

(E) PUBLICITY:

Conservation Area Advert (expiry 22nd July 2011)

(F) REPRESENTATIONS:

Representations have been received from 16 people as follows:

Sarah Childs, 3 York Terrace, Rothesay (dated 2nd July 2011)

Owner/Occupier (name unclear), 2 York Terrace, Rothesay (dated 10th July 2011)

Violet Leitch, Upper Floor Flat, Rosehill, Academy Road, Rothesay (dated 11th July 2011)

Neil Leitch, Upper Floor Flat, Rosehill, Academy Road, Rothesay (dated 11th July 2011)

Don Williams, Ground Floor Flat, Rosehill, Academy Road, Rothesay (dated 11th July 2011)

Margaret Williams, Ground Floor Flat, Rosehill, Academy Road, Rothesay (dated 11th July 2011)

Steven Tew, 1 York Terrace, Rothesay (dated 11th July 2011)

K Sidebottom, 2 York Terrace, Rothesay (dated 11th July 2011)

S Maher, 1 York Terrace, Rothesay (dated 11th July 2011)

Mary Tew, 1 York Terrace, Rothesay (dated 11th July 2011)

Kevin McHugh, Top Left Flat, Academy Apartments, Academy Road, Rothesay (dated 13th July 2011)

Maree McHugh, Top Left Flat, Academy Apartments, Academy Road, Rothesay (dated 13th July 2011)

Richard Cuthbertson, 3 York Terrace, Rothesay (dated 14th July 2011)

Doreen Weir, Ground Floor Left, Academy Apartments, Academy Road, Rothesay (dated 15th July 2011)

James Weir, Ground Floor Left, Academy Apartments, Academy Road, Rothesay (dated 15th July 2011)

Craig Baxter, 8 St John's Place, 27a Argyle Street, Rothesay (dated 18th July 2011)

The points raised are summarised below:

- i) The proposed business use would be incompatible in what is essentially a residential area due to excessive noise, increased vehicle movements and pressure on parking.
- ii) The proposal would adversely affect the privacy and amenity of adjoining properties by virtue of overlooking as a result of the French doors and the raised decking.
- iii) The proposal has a number of design issues including the raised decking, the use of polycarbonate windows and the excessive number of rooflights.
- iv) The proposed uses – residential, business and storage – represent a significant overdevelopment of the site which was formerly a small church in a residential area.

Comment: The above issues will be addressed in the Assessment section below.

(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**

The agent has submitted a design statement which can be summarised as follows:

- The church has been out of use since the 1980s and during this time all of the windows (except four) have been broken with fires lit inside the building on a number of occasions. The applicant agreed to buy the

building nine or ten years ago and it wasn't for a further four years that the details of the title were finalised.

- The fabric of the building is now stable and the roof is mostly mended. There are at least eight churches on Bute that are no longer used for services and it is quite taxing to find a building solution which breathes new life into the building whilst leaving the original structure in place.
- The purpose behind the proposed plan is to provide a work space coupled with living accommodation. Extending the existing gallery to cover the whole internal area gives the additional space required for a four-bedroomed apartment from the ground floor and, as the church has a cliff on the southern side, the light is somewhat restricted. To counter that, a timber deck accessible from French doors leading out of the living room and one bedroom will provide an airy feel and views out over the bay. As it is bounded by the slope on one side and buildings to the other, it will blend into the shrubbery to the side and behind it.
- Skylights are included which, whilst being double glazed and sealed, look in all respects like the traditional iron skylights found in many slate roofs of the period.
- The exact nature of the final business use has not yet been decided but normal office hours will be kept. It is expected that planning conditions will be attached to the permission for agreeing final use. Small businesses are at the economic heart of the island and it is felt that a large and attractive premises suitable for a growing enterprise whilst preserving an important historic building will be of long lasting benefit to the island.

(iv) **Supporting Information:** N/A

(v) **A report on the impact of the proposed development eg. 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 Structure Plan 2002

STRAT DC 1 – Development within the Settlements

STRAT DC 9 – Historic Environment and Development Control

Argyll & Bute Local Plan 2009

LP ENV 13a – Development Impact on Listed Buildings
LP ENV 14 – Development in Conservation Areas and Special Built Environment Areas
LP ENV 19 - Development Layout, Setting & Design
LP BUS 1 – Business and Industry Proposals in Existing Settlements
LP 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 4/2009.**

Not applicable

-
- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

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

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

-
- (N) Does the Council have an interest in the site: No**

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

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

The proposal involves undertaking alterations to the former Rothesay Free Church (a Category 'B' Listed Building) to facilitate its conversion to a business/storage use on the ground floor and a four-bedroomed flatted dwelling on the upper floor. The existing access is to be used whilst three on-site parking spaces are to be provided. Connection is to be made to public services.

The proposed alterations to the property (incongruous French doors, substantial raised decking, inappropriate windows and excessive number of rooflights) would have an adverse effect on the character and appearance of the building and this part of the Conservation Area.

There is a shortfall of off-street parking and insufficient turning within the confines of the site.

On the basis of the foregoing, the proposal is considered to contravene STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and Policies LP ENV 13a, LP ENV 14, LP ENV 19, LP BUS 1 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.

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

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

Not applicable.

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

Not applicable

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

Author of Report: Steven Gove

Date: 26/7/2011

Reviewing Officer: David Eaglesham

Date: 29/7/2011

**Angus Gilmour
Head of Planning and Regulatory Services**

REASONS FOR REFUSAL RELATIVE TO APPLICATION 11/00624/PP

1. The proposed development, by virtue of the incongruous French doors, the substantial raised decking, the inappropriate windows and the excessive number of rooflights, would have a significantly adverse effect upon the character and appearance of this Category 'B' Listed Building and this part of the Rothesay Conservation Area. On this basis, the proposal is considered to contravene STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 13a, LP ENV 14 and LP ENV 19 of the Argyll and Bute Local Plan 2009.
2. The proposed development, by virtue of the shortfall in off-street parking of five spaces, would result in the demand for the parking of vehicles on the public road in a relatively narrow and congested thoroughfare. On this basis, the proposal is considered to contravene policy LP TRAN 6 of the Argyll and Bute Local Plan 2009.

ANNEX A – RELATIVE TO APPLICATION NUMBER 11/00624/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposal involves undertaking alterations to the former Rothesay Free Church to facilitate its conversion to a business/storage use on the ground floor and a four-bedroomed flatted dwelling on the upper floor. The existing access is to be used whilst three on-site parking spaces are to be provided. Connection is to be made to public services.

The property is located within the settlement of Rothesay where there is a general presumption in favour of changing the use of existing buildings in an appropriate fashion. On this basis, **the proposal is considered to accord with STRAT DC 1 of the Structure Plan.**

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

Rothesay Free Church is a Category 'B' Listed Building located within the Rothesay Conservation Area. It has lain vacant for a number of years (in excess of ten) and has fallen into a certain state of disrepair. It is recognised that, in many cases, continuation of an original use is not a practical proposition and it will often be necessary to find an alternative use. Redundant ecclesiastical buildings pose a sensitive problem, given their years of use as a place of worship; however, unless funds are available to retain an obsolete church in good repair, the acceptance of an alternative use may be the only means to preserve both the building itself and its contribution to the character and appearance of the area.

As Members will note from the 'Planning History' in Section (C) above, permissions have been given for alternative uses in the property – storage of the applicant's personal and domestic items in the ground floor in 2006/2007 and the sensitive conversion of part of the ground floor into a small dwelling in 2009. The sympathetic conversion of the property for residential purposes is likely to receive the support of the Department.

The current proposal has a number of issues in terms of its impact upon the Listed Building and the wider Rothesay Conservation Area:

- a) The proposed French doors to be inserted on the roof slope of the north elevation are an incongruous feature located prominently on the building;
- b) The raised decking will provide an additional floorspace of 81 square metres; it will have a height of approximately 6 metres to the top of the railings; and it will be supported on five concrete block pillars. Whilst the agent argues that this will provide an amenity area, it is considered to be of an excessive scale and inappropriate design that would visually dominate the northern and eastern elevations of the building;
- c) The use of polycarbonate windows on the building is considered to be inappropriate and a more traditional glazing should be considered;
- d) A total of twelve rooflights are proposed on the north and south-facing elevations of the building. Whilst the use of conservation-type rooflights is acknowledged, it is considered that the number of openings is excessive and would detract from the appearance of both roof slopes.

In view of the significant external alterations to the property referred to above, **the proposal is considered to have an adverse effect upon the character and appearance of this Listed Building and this part of the Rothesay Conservation Area contrary to policies STRAT DC 9 of the Structure Plan 2002 and LP ENV 13a, LP ENV 14 and LP ENV 19 of the Local Plan 2009.**

C. Business/Storage Use

In the ground floor of the property, it is proposed to create an office in the front part (which was previously approved in 2009 as a small flatted dwelling) and, within the rear, to subdivide the space into storage units. The specified use in the application form is Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which would essentially involve an office use or any industrial process that could be carried out in a residential area "*without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, ash, dirt or grit*". Further details of the types of use have been sought from the agent and these are awaited.

Policy LP BUS 1 of the Local Plan 2009 presumes in favour of development within settlements involving Classes 4, 5, 6 and 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 providing certain criteria are met. One of these criteria, which are highly pertinent in this case, is that proposed development in a residential area should not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation.

In this particular case, by virtue of the proposed Class 4 (Business) and Class 6 (Storage) uses, the activities to be located in the ground floor part of the building should not adversely affect surrounding residential properties by reason of noise, vibration, smell, etc.

For the reason above, **the proposal is considered to accord with policy LP BUS 1 of the Local Plan.**

D. Road Network, Parking and Associated Transport Matters.

The application proposes the utilisation of the vehicular access that was approved under Planning Permission 08/01576/COU in 2009. Parking for three vehicles is shown along the north-facing elevation of the building, underneath the raised decking.

The Area Roads Manager has recommended refusal of the application. On the basis that the flatted dwelling would have four bedrooms, three spaces are required under policy LP TRAN 6 and Appendix C of the Local Plan. In addition, five spaces would be required in association with the business and storage use. There is, therefore, a total of eight off-street parking spaces required for the proposed development together with a turning area within the curtilage. In reality, only three spaces can be provided and there is doubt that sufficient turning can be provided given the constrained nature of the curtilage.

On the basis of the foregoing, **the proposal would contravene Policy LP TRAN 6 of the Local Plan 2009.**

E. Privacy and Amenity of Adjoining Properties

A significant body of objections have centred on the potential for the physical works associated with the proposal to have an adverse impact upon the privacy and amenity of surrounding residential properties. In this regard, there is a semi-detached villa located to the south of the site and there are two flatted blocks to the north. The southernmost of these latter two buildings is situated approximately 28 metres to the north of the proposed raised decking and, given the distance involved, it is not considered that there would be an unacceptable invasion of privacy. Likewise, there would be no windows on the south-

facing elevation of the building that would be less than 18 metres from a window serving a habitable room on the north-facing elevation of York Terrace.

On the basis of the foregoing, it is not considered that the physical works associated with the proposal would lead to an unacceptable diminution in the privacy and amenity of adjacent residential properties.