

Development and Infrastructure Services

Director: Sandy Mactaggart

17th January 2012

Our Ref: 11/01374/PP and 11/00014/REFPLA

Contact: Martin Hannah

Direct Line: 01369 708621

Hazel Kelly MacInnes
Committee Services Officer
Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT

Dear Sirs,

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AND THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURES (SCOTLAND) REGULATIONS 2008: 18 WEST PRINCES STREET, ROTHESAY, ISLE OF BUTE

Planning Authority Response

I acknowledge receipt of Notice of Review submitted by Mr James Kerr.

The application under review concerns the development of a single storey building extension to the rear of a traditional four storey tenement block at 18 West Princes Street, Rothesay. The application is located in the Rothesay Conservation Area.

Planning permission was refused (Production 1) on policy grounds as it appeared to the Planning Authority that the proposal represents an over-development of a small back court area serving the tenement block. The Report on Handling (Production 2) sets out the key determining issues in more detail, however, the Planning Authority's appointed officer concluded that the proposal would deprive the residential properties of meaningful outdoor space, result in a poor general environment and compromise the privacy of the ground floor flatted property approved under planning permission 07/00213/COU (Production 3) as this permission is still valid.

I set out below the statement of case of the Planning Authority with regard to the matters now raised by the appellant under grounds for review.

Statement of Case

The back court of tenements is intended to provide outdoor space to serve the needs of residents. The provision of some outdoor garden space is important for amenity purposes; for emergency drying of clothes and for bin and recycling storage. When a new residential development is proposed the Planning Service expects that sufficient provision is made for outdoor space to serve residents' needs and provide an acceptable level of amenity. In older properties, in particularly densely populated areas, it is not

always practicable to achieve the same standards of private open space provision but where there is some existing amenity space available it is considered to be in the public interest to preserve and protect this from development.

The review property, No 18 West Princes Street, occupies part of the ground floor of a sandstone tenement building. It is currently a vacant shop unit that benefits from planning permission for the change of use to a small one bedroom flat, although the permission has not yet been implemented. 09/01849/PP (Production 4).

The appellant also owns the 6 upper floor flats at 20 West Princes Street and the ground floor shop at number 22 West Princes Street. This shop property at No 22 also benefits from planning permission and non material amendment for the change of use to a larger style one bedroom flat including an extension. The planning and non-material amendment references are 07/00213/COU (Production 3) and 09/01023/NMA (Production 5) respectively.

The planning permission to convert and extend No 22 also has not yet been implemented although the planning permission remains valid. The LRB is asked to take particular note of the details of this earlier planning permission and in the accommodation potentially available if the permission is implemented.

The appellant describes the review proposal as an extension to form bedroom accommodation and that the development is required to meet the specific needs of a disabled person. A written statement of support has been lodged by Mrs Powis who currently resides in an upper floor flat at 20 West Princes Street and is understood to lease this flat from the appellant. The submission by Mrs Powis is a new matter. The Planning Authority received no representations from Mrs Powis at the application stage although she was neighbour notified by the Planning Authority. The application was also advertised in the local newspaper.

The appellant makes no mention of the 07/00213/COU planning permission although this authorises conversion of the ground floor shop to a large apartment which suitably designed and adapted could just as aptly meet the requirements of a disabled person.

While the planning permission for No 22 is still valid the appellant's claim is misleading as extension of no 18 is clearly not requisite to provide ground floor accommodation suitable for a wheelchair user.

The Planning Authority approved the conversion and extension of the shop premises at No 22 only because the building is already extended into the backcourt and this outbuilding would be demolished to make way for a smaller single storey extension. However, if both the previous permission and the development now subject to this review were to be implemented there would be virtually no back court area remaining. This would lead to an unacceptably poor residential environment as there would be insufficient separation between the buildings. Window to window distances would also be severely compromised resulting in lack of privacy for both properties.

The LRB is asked to note "Proposed Floor Layout" Drawing Reference JK/WPS/04/07 (Production 3) and also the applicant's drawing "Block Plan" (Production 1) The drawings depict that the approved extension and proposed extension buildings are situated only 2.5 metres apart while the bedroom windows are set only 3 metres apart. While some compromise is possible where windows are sited obliquely as in this case the appointed officer judged that a three metre distance between bedroom windows falls well short of an acceptable solution.

It is argued by the appellant that as no-one presently uses the backcourt; there would be no loss to amenity if the land is developed. Although it is conceded that active use is not made of the back court at present it is also evident that the land is not maintained for or made easily accessible for use by residents. Deliberate neglect should not be offered as a justification to relax normal planning standards or to surrender to inappropriate forms of development.

The Planning Authority understands that not all of the flats are currently occupied; however, there are potentially eight flats available and when fully occupied residents will likely wish to make use of the back court area particularly for bin storage. At the time of the site inspection the back court was inaccessible because the rear door was padlocked and the common close blocked with detritus. The poor condition of the backcourt is evident from the photographic productions (Productions 6 and 7) taken at the time of the site inspection. Construction work appears to have commenced as the external walls and floor slab are also evident in the photographs.

It is not clear if any formal arrangements are currently in place for bin storage or management of the common areas but at the time of the site visit domestic refuse bins were being stored either in the common close while others were left on the public footpath.

The appeal property is located in a Conservation Area and the Planning Authority cannot support development where there is the likelihood that bins may be stored on the public footpath or in the common close. This is both hazardous and harmful to residential amenity.

The back court area and outbuildings should be used to benefit residential amenity and provide some outdoor space and ideally dedicated facilities for bin/recycling storage. The outdoor space available is already modest but a reasonably attractive and useful garden area could nevertheless be achieved without significant effort or investment by the appellant as the building owner..

While the appellant alludes to local precedents of backcourt development, no specific examples are cited in the grounds for review and it is not possible here to offer comment on the examples the appellant has in mind or their relevance to this Review case.

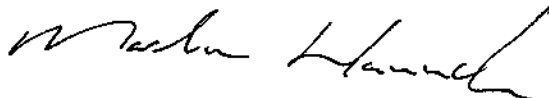
The LRB is asked to note that the Planning Authority did not oppose extension of No 22 West Princes Street and authorised limited development of the backcourt involving demolition of the existing outbuilding and its replacement with a single storey bedroom extension but while this permission remains live officers cannot support the additional development proposed.

The review development has been assessed against the Council's current planning standards set out in the adopted development plan and determined in accordance with s.25 of the Town and Country Planning (Scotland) Act 1997.

The Council is also under a general statutory duty under the above Act and related legislation to preserve and enhance the character and appearance of designated Conservation Areas. The appointed officer reasoned that the proposal under review is not an acceptable development of land and therefore contrary to the Planning Authority's planning policies designed to promote a better quality residential environment and protect and enhance the Conservation Area.

The application has been properly assessed against the policies of the adopted Structure Plan and Local Plan. It is determined that the proposed development fails to comply with Policies LP ENV 1, LP ENV 14, and LP ENV 19. There are no material considerations of sufficient weight to justify overturning the policies of the Development Plan and accordingly this appeal to the Local Review Body should be dismissed.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Martin Hannah', written in a cursive style.

Martin Hannah MRTPI
Planning Officer
Development Management
Bute and Cowal

Planning Reference 11/01374/PP and 11/00014/REFPLA

List of Planning Authority Productions:

- 1/ 11/01374/PP Decision Letter dated 16 November 2011 and refused drawings.
- 2/ 11/01374/PP Report on Handling.
- 3/ 07/00213/COU Grant of Planning Permission and approved drawings.
- 4/ 09/01849/PP Decision Letter dated 8 March 2010 and approved drawings.
- 5/ 09/01023/NMA Decision Letter dated 10 November 2009 and approved drawings.
- 6/ Site inspection photograph 1.
- 7/ Site inspection photograph 2.

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bòid



Development and Infrastructure Services
Director: Sandy Mactaggart

17th January 2012

Our Ref: 11/01374/PP and 11/01014/REFPLA
Contact: Martin Hannah
Direct Line: 01369 708621

Mr J Kerr
23 Crichton road
Rothesay
Isle of Bute
PA20 9JR

Dear Sir,

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AND THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURES (SCOTLAND) REGULATIONS 2008: 18 WEST PRINCES STREET, ROTHESAY, ISLE OF BUTE

Please see attached the Planning Authority's written response to your request for review together with full Production Set for your information.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Martin Hannah'.

Martin Hannah MRTPI
Planning Officer
Development Management
Bute and Cowal

cc. H. MacInnes, Committee Services Officer, Kilmory



PRODUCTION ITEM 1

COPY

Milton House Milton Avenue Dunoon PA23 7DU

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 11/01374/PP

Mr James HP Kerr
23 Crichton Road
Rothesay
Isle Of Bute
Argyll And Bute
PA20 9JR

I refer to your application dated 25th July 2011 for planning permission under the above mentioned Act and Regulations in respect of the following development:

**Erection of single storey rear extension. at 18 West Princes Street Rothesay Isle Of Bute
Argyll And Bute PA20 9AF**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reason(s) contained in the attached appendix**

Dated: 16 November 2011

Angus J. Gilmour.

Angus J. Gilmour
Head of Planning and Regulatory Services



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 11/01374/PP

1. The development is contrary to Policies LP ENV1, LP ENV 19 and ENV 14 of the Adopted Argyll and Bute Local Plan as it would deprive residential properties of meaningful private outdoor space, result in a poor general environment and compromise the privacy of the adjacent ground floor flatted property.

COPY

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 11/01374/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll_bute.gov.uk
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).
3. Planning permission has been refused. The current building operations to rear of No 18 West Princes Street are unauthorised. You are advised to remove any building works already carried out. If you fail to reinstate the land, Enforcement Action may be taken by the Council.

COPY

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 11/01374/PP

A. Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

11.05.01; 11.05.02; 11.05.03; 11.05.04; 11.05.05; 11.05.06.

- B.** Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- C.** The reason why planning permission has been refused.

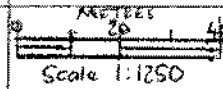
The development is contrary to Policies LP ENV1, LP ENV 19 and ENV 14 of the Adopted Argyll and Bute Local Plan as it would deprive residential properties of meaningful private outdoor space, result in a poor general environment and compromise the privacy of the adjacent ground floor flatted property.

COPY

LAND REGISTER OF SCOTLAND

Officer's ID / Date

4018
29/11/2000



DWG. NO.
11.05.01



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

Scale

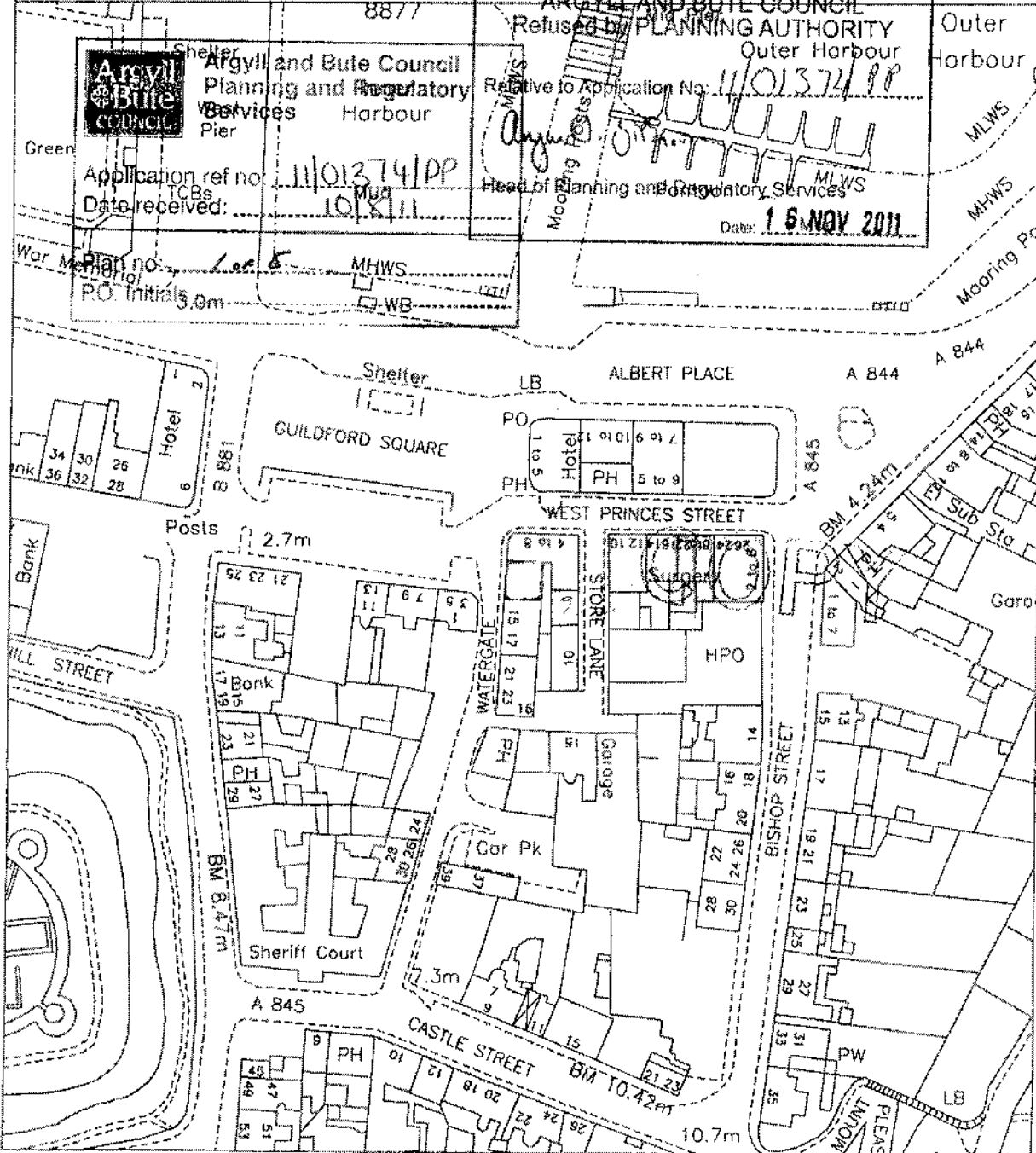
1/1250

NS0864 NS0964 NS06SE

Survey Scale

1/2500

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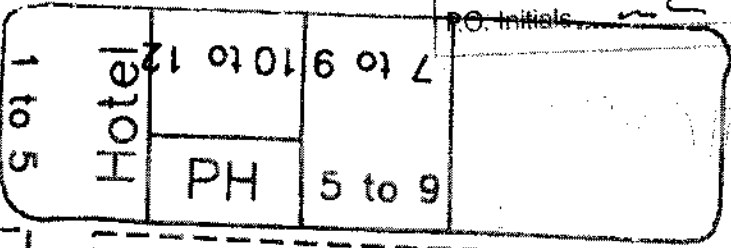
Argyll and Bute Council
Planning and Regulatory
Services

ALBERT PLACE

Application ref no: 11/01374/PP
Date received: 10/8/11

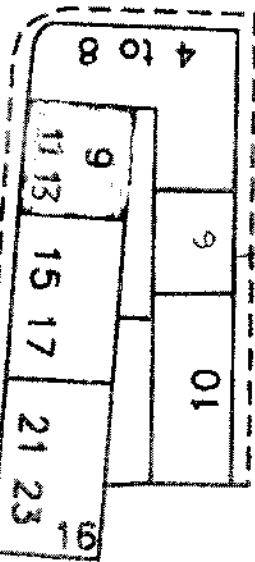
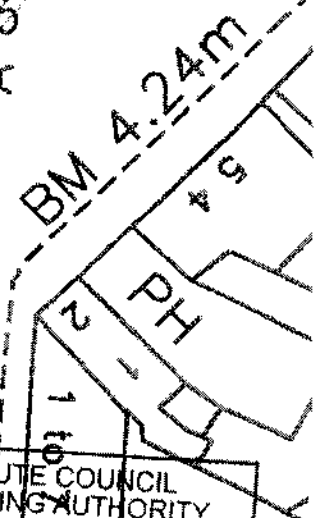
A 844

Plan no: 2006
P.O. initials: [initials]

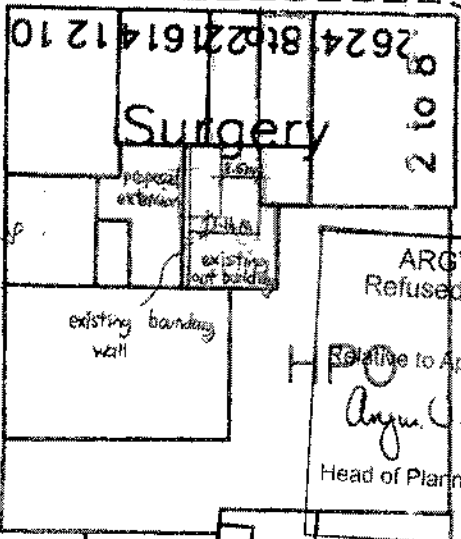


WEST PRINCES STREET

A 845



STORE LANE



ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No. 11/01374/PP
Argyll C. [Signature]
Head of Planning and Regulatory Services
Date: 16 NOV 2011

WATERGATE

Garage

HOP STREET

PROPOSED EXTENSION AT
18 WEST PRINCES STREET
ROTHESAY PA 20 9 AF

BLOCK PLAN
1:500 DWG. NO. 11-05-02



A4

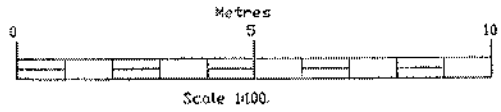
ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY

Relative to Application No. 11/01374/PP

Angus O. Jones

Head of Planning and Regulatory Services

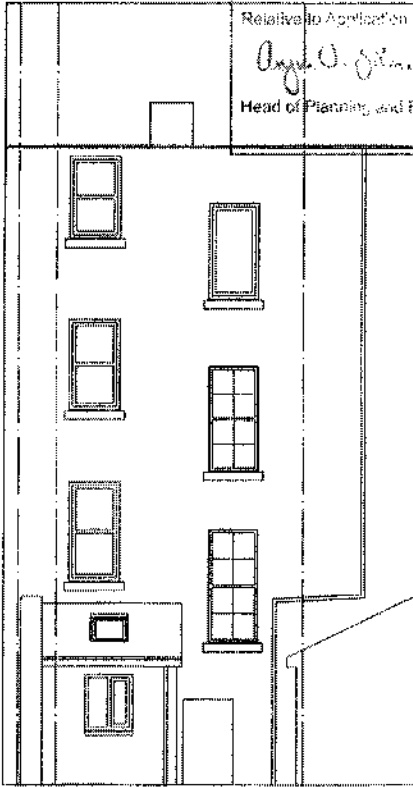
Date: 1.6. NOV. 2011



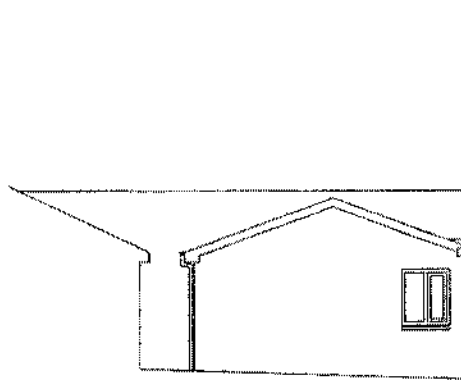
Argyll and Bute Council
Planning and Regulatory
Services

Application ref no: 11/01374/PP
Date received: 10/8/11

Plan no: 3 of 5
PO. Initials: AC



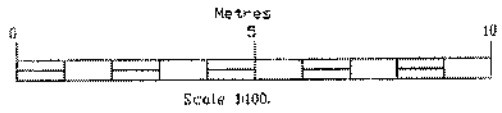
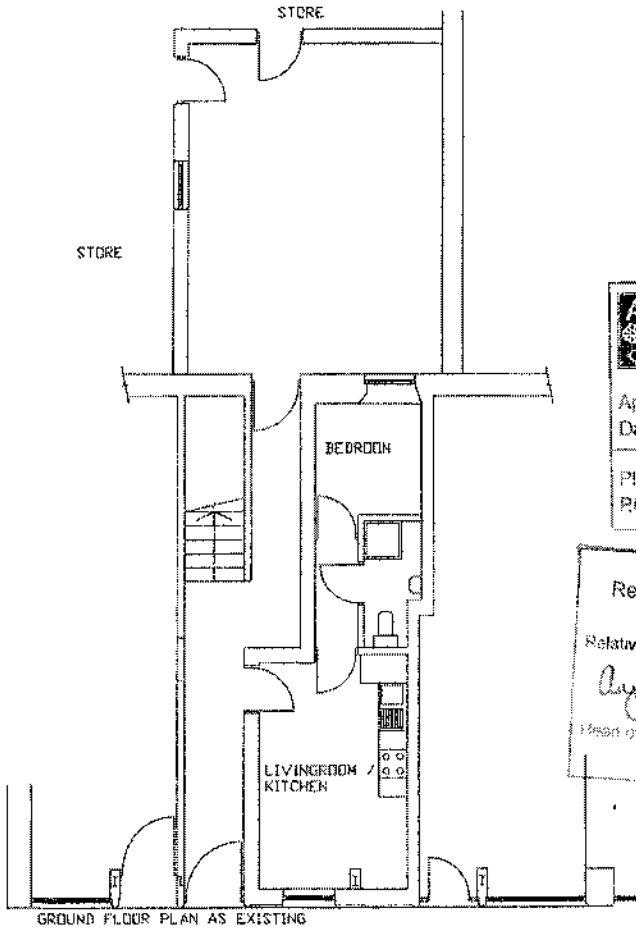
SOUTH ELEVATION AS PROPOSED




WEST ELEVATION AS PROPOSED

JOB		
PROPOSED EXTENSION AT 18 WEST PRINCES STREET RD THE SAY FA20 9AF FOR MR. J. KERR		
DWG.No.	REV.	
11 05 06		
DWG.TITLE		
ELEVATIONS AS PROPOSED		
Drawn: <i>AJ</i>		Scale:
MAR.11		1:100.

COPY




Argyll and Bute Council
 Planning and Regulatory
 Services

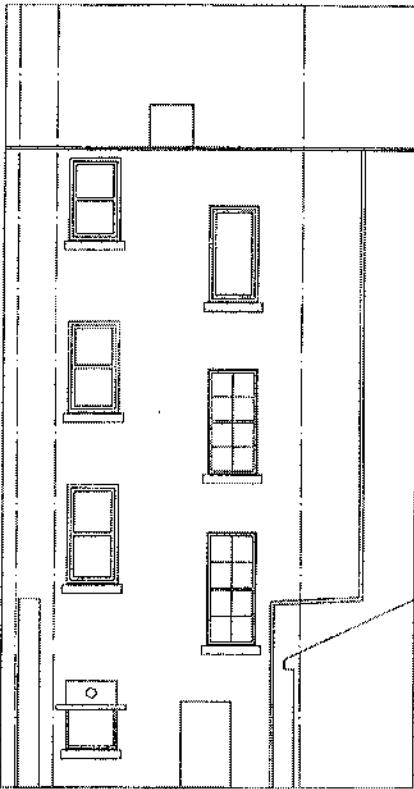
Application ref no: 10/01374/PP
 Date received: 10/8/11
 Plan no: 4 x 6
 P.O. Initials: —L

ARGYLL AND BUTE COUNCIL
 Refused by **PLANNING AUTHORITY**

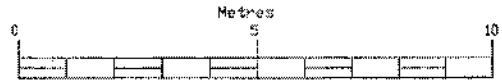
Relative to Application No: 10/01374/PP
Angus J. Stewart
 Head of Planning and Regulatory Services
 Date: **16 NOV 2011**

JOB			
PROPOSED EXTENSION AT 38 WEST PRINCES STREET ROTHESAY PARO 9AF FOR MR. J. KERR			
DWG.No.			REV.
11	05	03	
DWG.TITLE			
GROUND FLOOR PLAN AS EXISTING			
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Drawn	Cl./S./Pl.	Scale	
		1:100	
MAR.11.			

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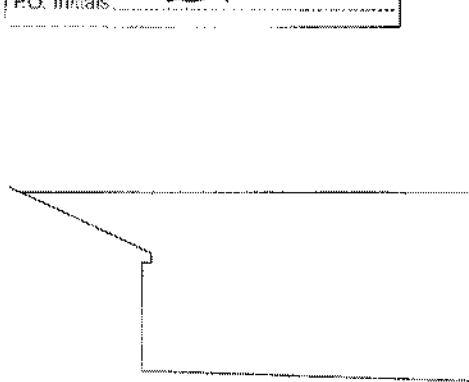


SOUTH ELEVATION AS EXISTING



ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Relative to Application No: 11/01374/PP
 Head of Planning and Regulatory Services
 Date: 15 NOV 2011

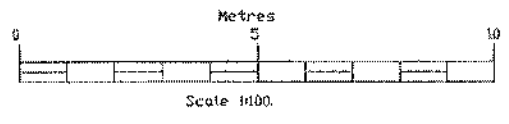
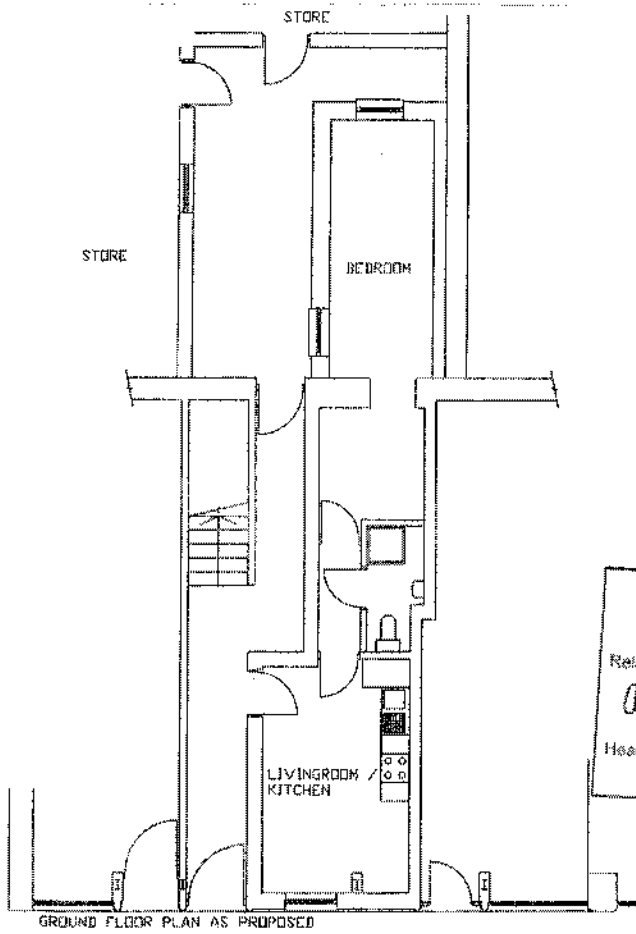
Argyll and Bute Council
 Planning and Regulatory
 Services
 Application ref no: 11/01374/PP
 Date received: 10/8/11
 Plan no: 5 of 6
 P.O. Initials: AK



WEST ELEVATION AS EXISTING

JOB			
PROPOSED EXTENSION AT 18 WEST PRINCES STREET ROTHESAY PA20 9AF FOR MR. J. KERR			
DWG.No.			REV.
11	05	04	
DWG.TITLE			
ELEVATIONS AS EXISTING			
Drawn G.P.M.			Scale
MAR.11			1:100.

COPY



Argyll and Bute Council
 Planning and Regulatory
 Services

Application ref no: 10/01374/PP
 Date received: 10/8/11

Plan no: 2
 PC initials: G.G.B.

ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY

Relative to Application No. 10/01374/PP

Angus D. Stewart
 Head of Planning, Planning Services

16 NOV 2011

JOB			
PROPOSED EXTENSION AT 18 WEST PRINCES STREET ROTHESAY PA20 9AF FOR MR. J. KERR			
DWG.No.			REV.
11	05	05	
DWG.TITLE			
GROUND FLOOR PLAN AS PROPOSED			
Drawn G.P.L.H.			Scale 1:100.
MARIL			

Handwritten signature and date: Angus D. Stewart 16 NOV 2011

PRODUCTION ITEM 2

COPY

Argyll and Bute Council
Development & Infrastructure Services

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: 11/01374/PP
 Planning Hierarchy: Local Application.
 Applicant: Mr J H P Kerr
 Proposal: Erection of single storey extension
 Site Address: 18 West Princes Street, Rothesay

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

- (i) **Development Requiring Express Planning Permission**
- Retrospective approval sought for construction of single storey rear extension to tenement to provide residential accommodation
-

(B) RECOMMENDATION:

It is recommended that planning permission be refused.

(C) HISTORY: The following planning history is of relevance to the current application:

Planning permission 09/01849/PP granted to convert the existing shop unit to residential accommodation. (12.02.10)

Planning permission 07/00213/COU granted to convert the adjacent (No 22) shop unit to residential accommodation including demolition and reconstruction of rear extension. (4.9.07).

(D) CONSULTATIONS:

None

(E) PUBLICITY:

Regulation 20 (1) advertisement was placed in The Buteman on 1 July 2011 in accordance with Town and Country Planning Development Management (Scotland) Procedures 2008. Expiry 16.09.11

A site notice was displayed at the application address on 17/8/2011 in accordance with section 65 of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997 (publicity for applications affecting Conservation Areas).

(F) REPRESENTATIONS:

No letters of representation has been received.

(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**
-

(H) PLANNING OBLIGATIONS

- (i) **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

POLICY STRAT DC9 - Historic Environment and Development Control

Argyll and Bute Local Plan

Policy LP ENV1- Development Impact on the General Environment;
Policy LP ENV 19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;

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Policy ENV 14 Development in Conservation Areas and Special Built Environment Areas.

Policy LP ENF 1 – Enforcement Action

- (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.**

Valid Planning permission for adjacent property reference 07/00213/COU

(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 determining issues are:

Compliance with the adopted development plan.

In the Argyll and Bute Local Plan the application site is located within the settlement of Rothesay in the Isle of Bute.

The application site is located in the backcourt area of 18 - 22 West Princes Street, Rothesay; a 4 storey tenement building including commercial ground floor. The residential accommodation is accessed via a main door (No20) on West Princes Street. A common close and stairwell currently serves 6 residential apartments. Either side of No 20 there are two shop units; No 18 (the current application property) and No 22. Both shop units also have detailed planning permission for conversion to residential accommodation. Upon conversion both the ground floor flats will also be accessed via the main door access No 20 and common close entrance.

The previous planning permission allows conversion of the shop to create a small one bedroom flat with the single bedroom orientated to the rear. The current application proposes to construct a new single storey extension to the rear of the tenement building into the common back court in order to enlarge the bedroom. Some early work on this proposed extension appears already to have commenced.

The existing back court area is already relatively constrained as there are walls and outbuildings that hem in the space on three sides. The backcourt does not appear to be used at present as there is an accumulation of debris and materials. Access to the back court via the common close area was not possible at the time of the site visit also due to obstruction and an accumulation of household rubbish in the close.

COPY

The door was padlocked. However, the site could be viewed satisfactorily from an upper floor flat window also owned by the applicant.

If approved, the relatively marginal outdoor space currently available to serve the proposed 8 dwellings in the block will be reduced to only 22.5 sq.m.

Planning permission was previously granted to extend No 22 West Princes Street but this planning permission took account of an existing rear store extension which would be rebuilt to provide extended residential accommodation. If the current application were to be approved there would not only be virtually no back court left but the rear extensions would also be sited only 2.5 metres apart. Inevitably this would have a detrimental effect on residential privacy and amenity.

The back court areas of tenement buildings are intended to provide outdoor space, a drying area and bin storage. The applicant has stated that the rear outbuildings could be used as bin storage and while this would address concern that bins and recycling boxes may be stored on the street the proposal does not address the concern about the loss of outdoor space and over-development of the back court.

The applicant has also suggested that outdoor space is not required for drying as the apartments are equipped with washer driers. While this may be the case, provision should be made for emergency drying. Householders may also prefer to dry clothes outdoors during periods of fine weather rather than waste energy.

It is assessed that if this application were granted it would have detrimental impact on the general environment and deprive the residential properties of meaningful outdoor space. The extension would have a poor outlook and suffer from a lack of privacy. The development is contrary to policies ENV 1, ENV 14 and ENV 19 of the adopted Argyll and Bute Local Plan and should be refused.

As work on the extension has already commenced Policy ENF 1 requires action to be taken to address the breach of planning control.

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

(R) Reasons why Planning Permission should be granted

N/A

(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: Martin Hannah
Reviewing Officer: David Eaglesham

Date: 7/11/11
Date: 15/11/11

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 11/01374/PP

1. The development is contrary to Policies LP ENV1, LP ENV 19 and ENV 14 of the Adopted Argyll and Bute Local Plan as it would deprive residential properties of meaningful private outdoor space, result in a poor general environment and compromise the privacy of the adjacent ground floor flatted property.

NOTES TO APPLICANT RELATIVE TO APPLICATION 11/01374/PP

3. Planning permission has been refused. The current building operations to rear of No 18 West Princes Street are unauthorised. You are advised to remove any building works already carried out. If you fail to reinstate the land, Enforcement Action may be taken by the Council.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 11/01374/PP

A. Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

11.05.01; 11.05.02; 11.05.03; 11.05.04; 11.05.05; 11.05.06.

B. Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

(A) The reason why planning permission has been refused.

1. The development is contrary to Policies LP ENV1, LP ENV 19 and ENV 14 of the Adopted Argyll and Bute Local Plan as it would deprive residential properties of meaningful private outdoor space, result in a poor general environment and compromise the privacy of the adjacent ground floor flatted property.

PRODUCTION ITEM 3

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDER 1992

FULL PLANNING PERMISSION

REFERENCE NUMBER: 07/00213/COU

Mr James Kerr
23 Crichton Road
Rothesay
PA20 9JR

I refer to your application dated 6th February 2007 for planning permission in respect of the following development:

Erection of rear extension and conversion of shop to flat

AT:

22 West Princes Street Rothesay Isle Of Bute Argyll And Bute PA20 9AF

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Orders hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the following conditions:

(1) that the development to which this permission relates must be begun within five years from the date of this permission.

Reason: in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

AND

Subject to the conditions and reasons on the attached sheet.

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 7 September 2007

Angus J. Gilmour.

Angus J. Gilmour
Head of Planning

COPY

CONDITIONS AND REASONS RELATIVE TO APPLICATION 07/00213/COU

2. Prior to work starting on site, samples of the natural stone proposed to be used shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the materials to be used on the external surfaces of the building complement and match the existing building.

3. Notwithstanding the details on the approved plans, the window on the front elevation shall be a vertically sliding timber sash and casement window. Details of the window, including the size of mullions, number of astragals, method of opening, depth of recess and colour in the form of drawings scale 1:20 shall be submitted to and approved in writing by the Planning Authority prior to work starting on site.

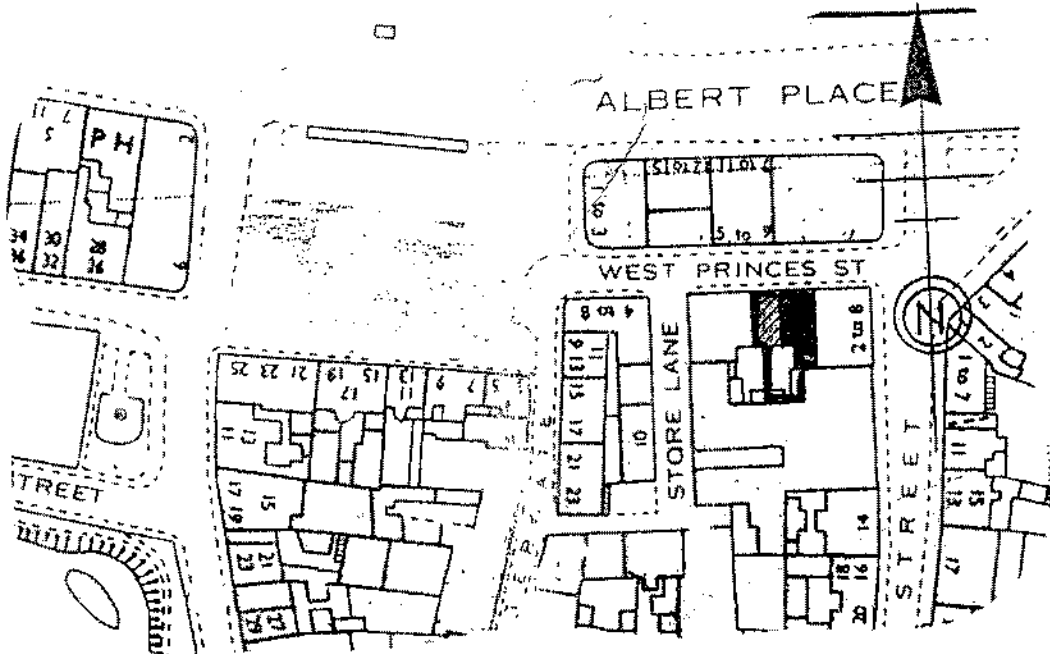
Reason: To ensure that the materials to be used on the external surfaces of the building complement and match the existing building.

COPY

LOCATION PLAN SCALE 1:1250

DRAWING NO. JK/WPS/01/07

RECEIVED
16 JUL 2007

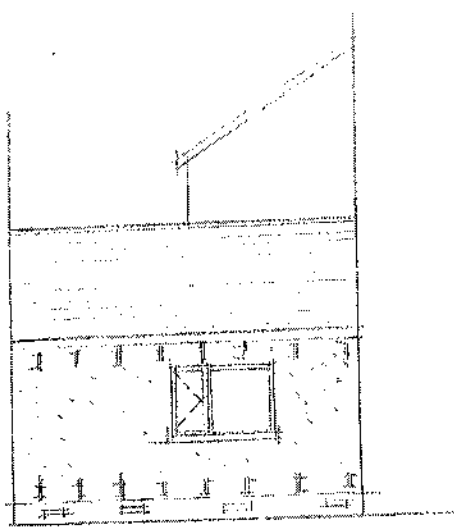


07/00213/500
16/7/07
1/9/07

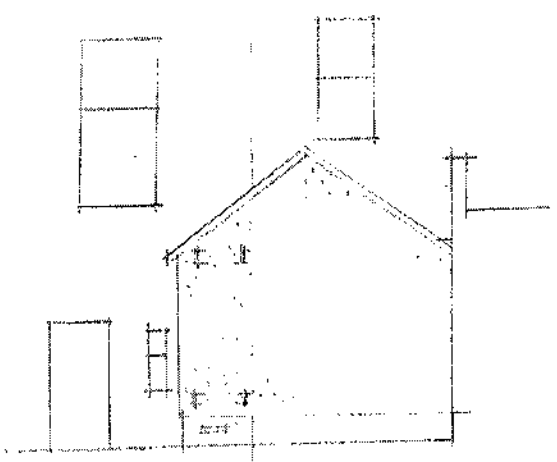
PLANNING PERMISSION
07/00213/500
07 JUL 2007

**PROPOSED CONVERSION OF DERELICT SHOP AT
22 WEST PRINCES STREET, ROTHESAY TO FORM
ONE BEDROOM FLAT FOR MR JIM KERR**

08 AUG 2007

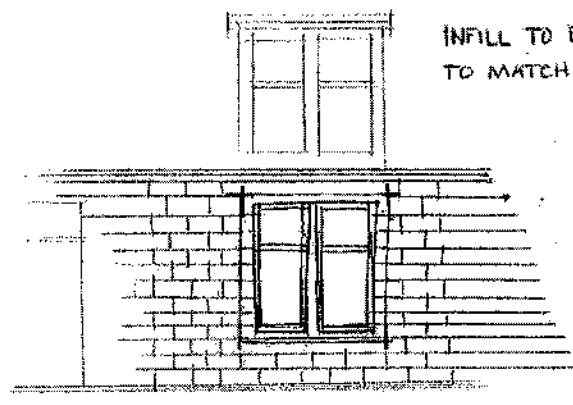


PROPOSED REAR ELEVATION



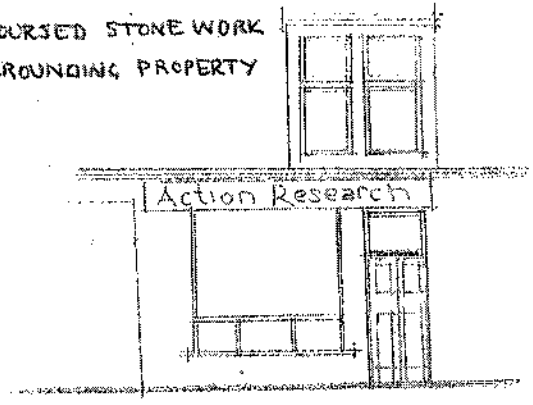
PROPOSED GABLE ELEVATION

COPY



PROPOSED STREET ELEVATION

INFILL TO BE COURSED STONE WORK
TO MATCH SURROUNDING PROPERTY



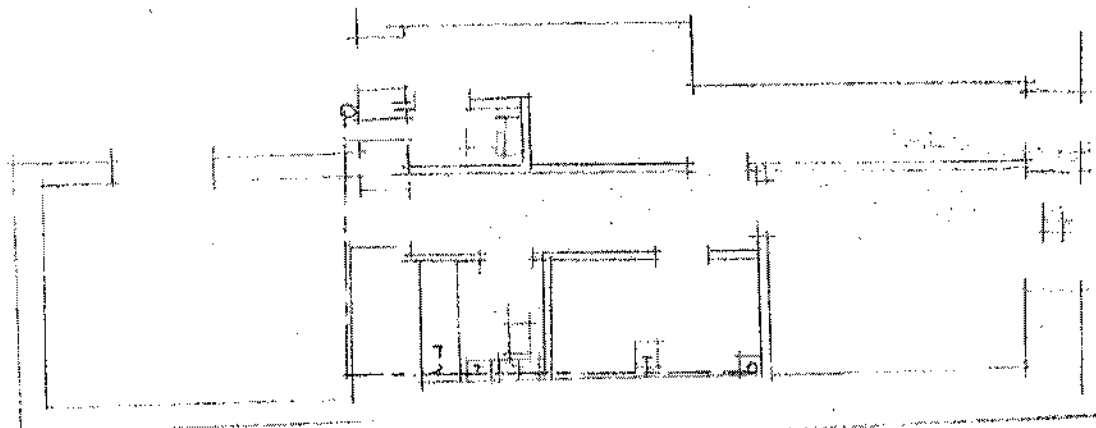
EXISTING STREET ELEVATION

Project no. 07/00213/COY
 Date 8/8/07
 2/9
 286

07/00213/COY
 Date 07 SEP 2007

SCALE 1:100

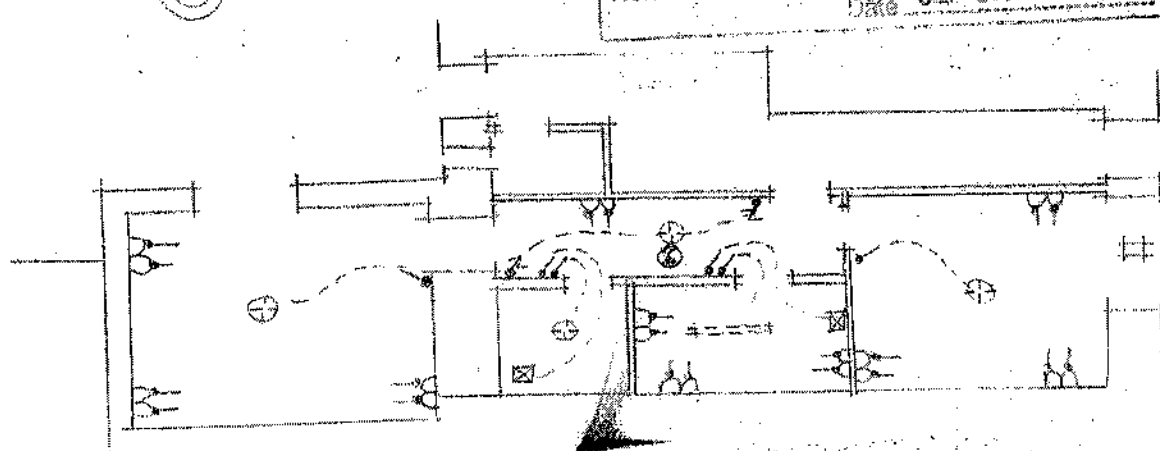
DRAWING NO. JK/WPS/02/07



DRAINAGE LAYOUT

COPY

ARGYLL AND SHIRE COUNCIL
 This plan has been APPROVED by the
 PLANNING AUTHORITY and MUST be read in
 conjunction with the Planning Conditions of
 Consent No:
07/00213/04
Raymond J. Brown
 Head of Planning
 Date 07 SEP 2007

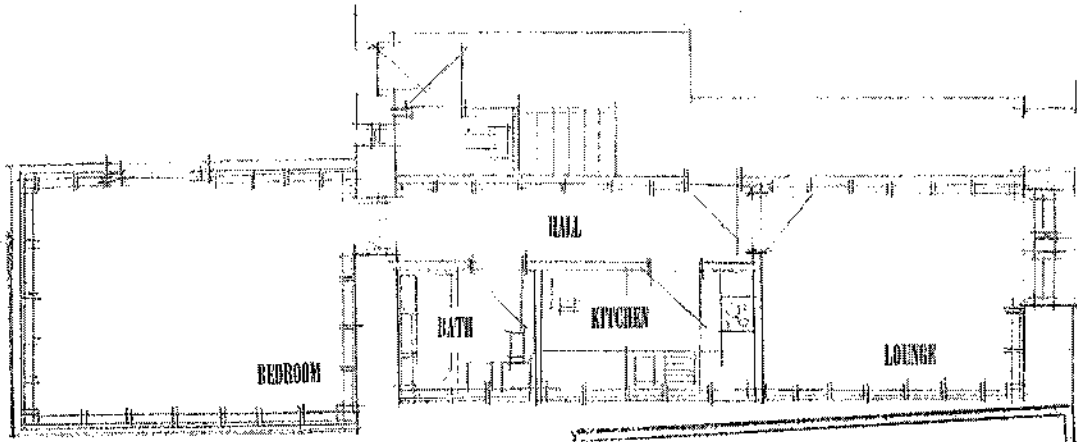


ELECTRICAL LAYOUT

Argyll and Shire Council
 Planning Services
 Application ref no: 07/00213/04
 Date received: 08 FEB 2007 - 8 MAR 2007
 What for: 3/19
 E.D. Initials: efc

SCALE 1:100

DRAWING NO. JK/WPS/03/07

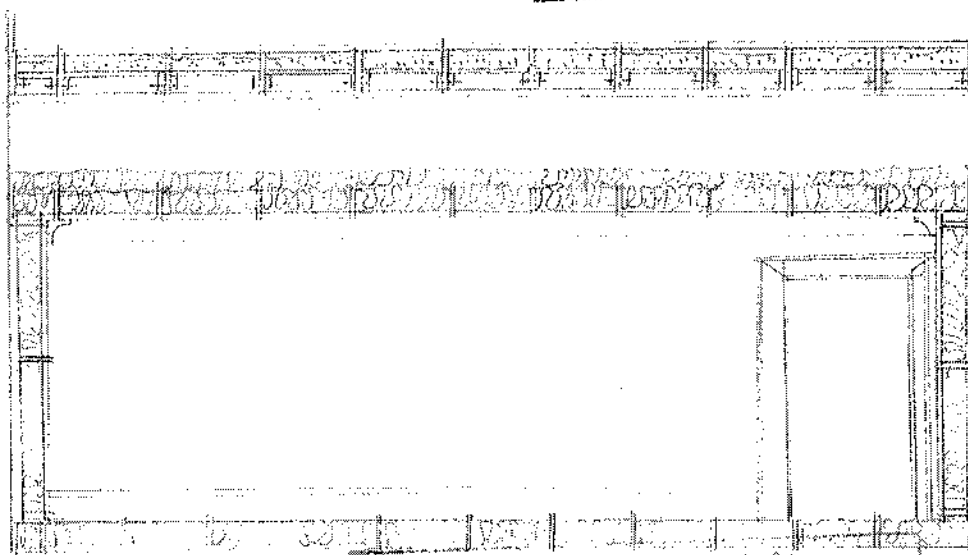


PROPOSED FLOOR LAYOUT

Argyll and Bute Council
 Planning Services

Application ref no: 07/00213/COV
 Date received: 06 FEB 2007 - 8 MAR 2007

Plan no: 519
 P.O. initials: EB



SECTION THROUGH

The plan is submitted for the
 proposed alterations to the road in
 accordance with the provisions of

07/00213/COV

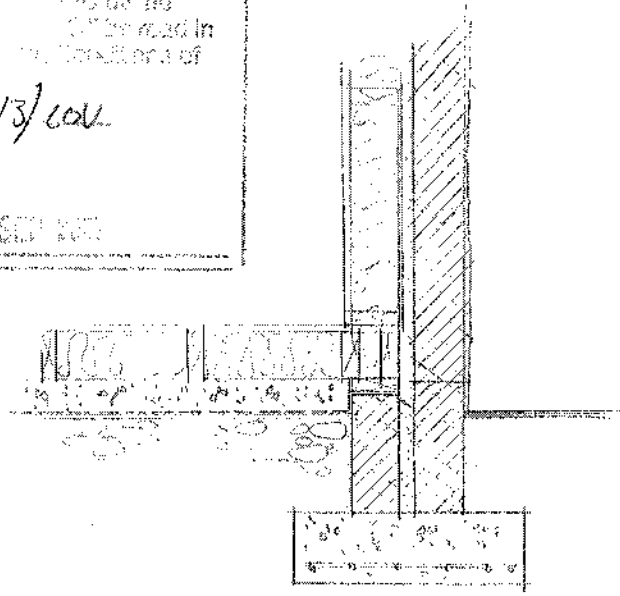
Head of Planning: _____
 Date: 07 FEB 2007

COPY

SCALE 1:100/1:50

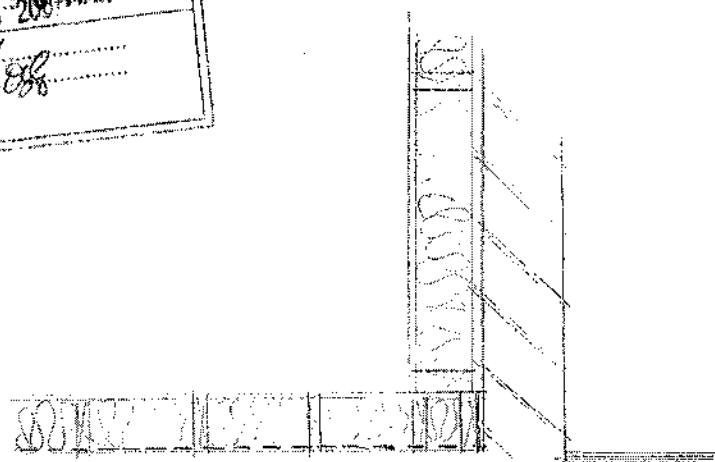
DRAWING NO. JK/WPS/04/07

RECEIVED
 This year's...
 PLANNING SERVICES
 07/00213/COV
 Head of Planning
 07/00213/COV



FOUNDATION DETAIL

Argyll and Bute Council
 Planning Services
 Application ref no: 07/00213/COV
 Date received: 06 FEB 2007 MAR 2007
 Plan no: 879
 P.O. Initials: 88

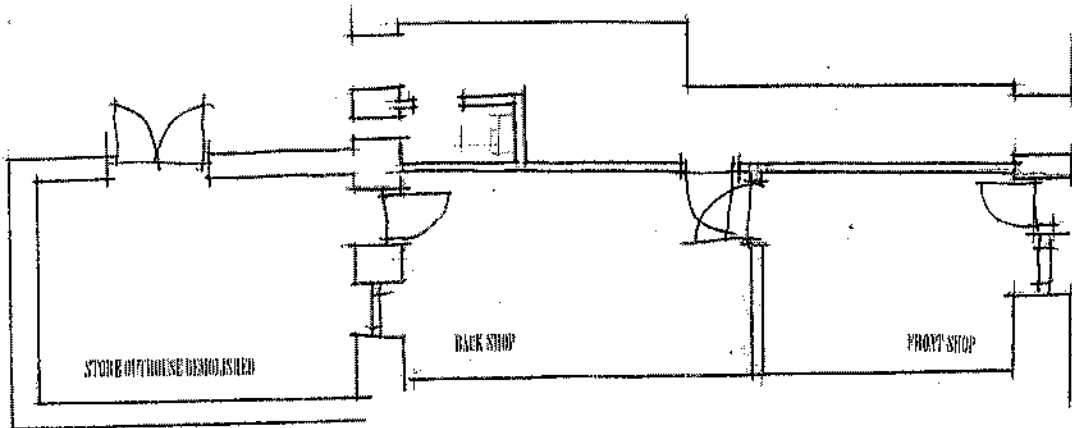


FLOOR AT EXISTING

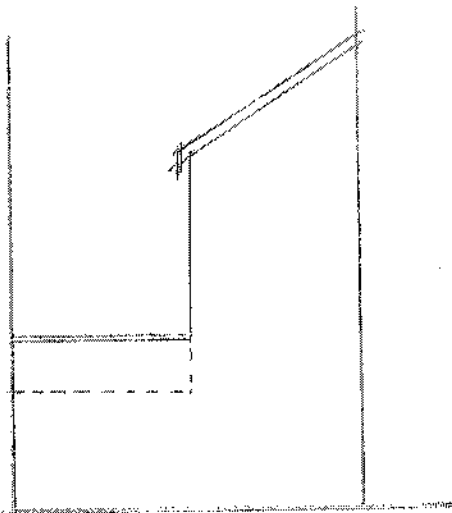
COPY

NOT TO SCALE

DRAWING NO. JK/WPS/05/07

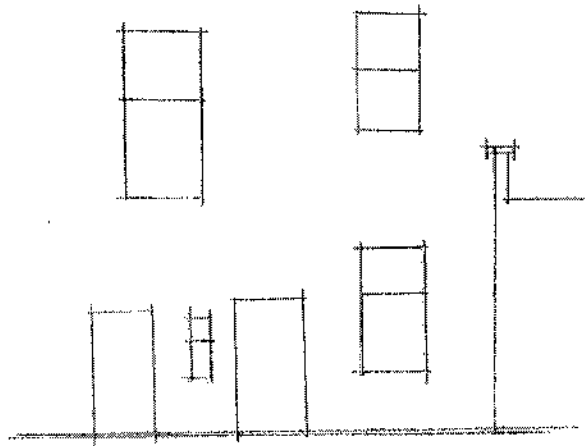


PLAN AS EXISTING



EXISTING REAR ELEVATION

COPY



EXISTING GABLE ELEVATION

Argyll and Bute Council
Planning Services

Application ref no: 07/00213/CON
Date received: 8 MAR 2007

Plan no: 4/9
P.O. Address: [handwritten]

ARGYLL AND BUTE COUNCIL
This plan has been APPROVED by the
PLANNING AUTHORITY and MUST be read in
conjunction with the Planning Conditions of
the relevant planning permission.

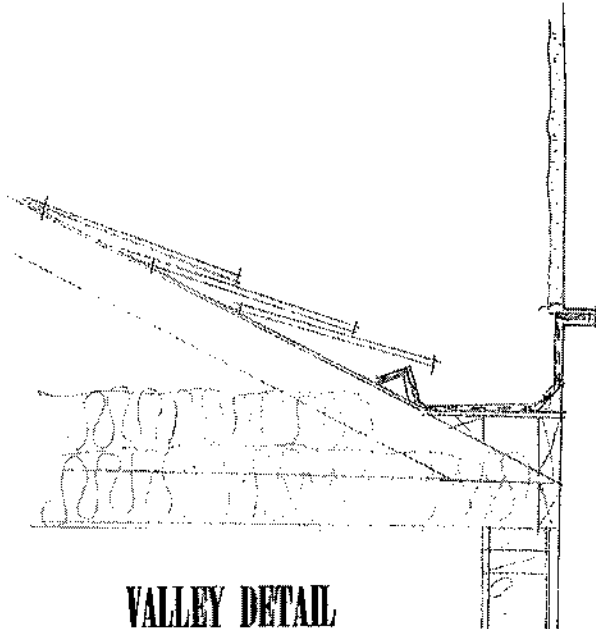
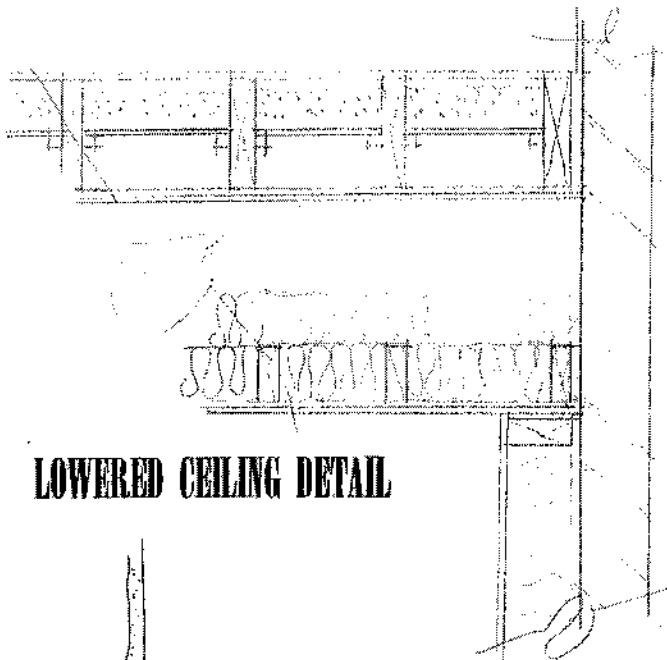
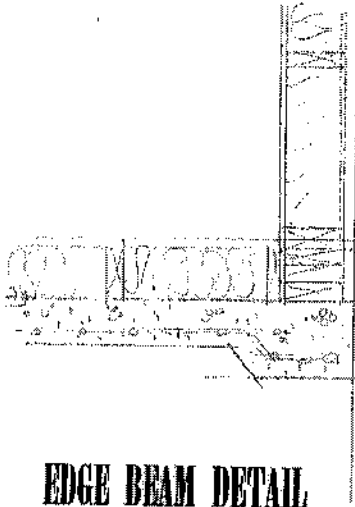
07/00213/CON

[Signature]

Head of Planning: [handwritten]

NOT TO SCALE

DRAWING NO. JK/WPS/06/07



Argyll and Bute Council Planning Services
Project Ref no: 07/00213/CO4
Date issued: 06 FEB 2007 - 8 MAR 2007
Drawn by: 7/9
P.O. Initials: [Signature]

This drawing is the property of the Council. It is to be used only for the purpose for which it is issued and is not to be used for any other purpose without the written consent of the Council.

07/00213/CO4

[Signature]

Head of Planning Date 07 SEP 2007

TYPICAL TIMBER KIT OPENING

SPECIFICATION:

ARGYLE DEVELOPMENT
 This plan has been prepared in accordance with the
 PLANNING AND BUILDING REGULATIONS 1977 and should be read in
 conjunction with the other drawings of this project.
 Date: 07/00213/COV
 07 SEP 2007

DRAWING NO. JK/WPS/07/07

STRIP OUT: - The shop has been derelict for some time now and is empty. Contractor is to remove all rubbish from within and dispose of to the local tip. All existing wall, ceiling, and floor finish to be removed and disposed of. All services to be made safe and isolated for re-use. The existing rear brick built extension has collapsed and is to be removed from site.

FLOOR TO EXISTING AREA: - (Drawing No. 05/07) Floor has already been damp proofed with no evidence of rising or penetrating dampness at this time. Lay 100mm x 50mm treated timber joists direct onto existing floor at 600mm centres and lay 100mm high performance quilt insulation between. Securely fix 22mm V313 T&G chipboard flooring over and dwang any loose edges.

WALLS TO EXISTING AREA : - (Drawing No. 04/07 & 06/07) Existing walls are 580mm stone to three sides and 225mm brick to close. Erect 150mm x 50mm timber studs at 600mm centres leaving a minimum of 25mm gap between rear of stud and masonry. Provide layer of building paper stapled to studs and 150mm quilt insulation between with vapour control layer to room side and finished with 12.5mm plasterboard and plaster finish.

CEILING TO EXISTING AREA : - (Drawing No. 04/07 & 06/07) Existing floor build up is typically 25mm T&G flooring on 250mm x 65mm timber joists at 450mm centres with 100mm deakening on deakening boards to underside having 75mm gap before lath & plaster ceiling. The existing ceiling is to remain intact and to be plated with 2 layers of 12.5mm plasterboard and plaster finish to provide 30mm overall thickness. 100mm x 50mm lowered ceiling to be provided at least 300mm below this level and to be completely independent of ceiling above with no ties of any type between. This void to be packed with 100mm quilt between joists and 150mm quilt laid across joists with vapour control layer to underside and finished with 12.5mm plasterboard and plaster finish. Any edge gaps to be tightly packed with insulation between wall and ceiling and wall and floor to prevent cold bridging.

WINDOW BUILD UP TO STREET: - Remove existing timber window and door and tidy opening to accept new timber sash windows to match those above. Wall opening to consist of 100mm 7N concrete block externally cement finished to match existing tied across cavity to timber frame inner leaf consisting of 9.5mm sterling board secured to 150mm x 50mm timber studs at 60mm centres with 150mm quilt insulation between and vapour control layer to room side finished with 12.5mm plasterboard. All ingoes and cills to match those above. The close door is to form the main entrance. This detail is also to be used for the rear openings being built up.

COPY

07/00213/COV
 06 FEB 2007 - 8 MAR 2007
 8/9
 88

NEW REPLACEMENT REAR EXTENSION :- (Drawing No. 05/07 & 06/07) Foundations to open side to be 650mm x 200mm concrete strip foundations C25 mix with a layer of A192 mesh reinforcement placed a minimum of 40mm from underside of foundation. Foundations to be not less than 450mm below external ground level. Foundations to remaining three sides to be formed as perimeter edge beam consisting of 150mm concrete floor slab C25 mix with a layer of A192 mesh 40mm from underside and perimeter 500mm wide area to be dug to 300mm thick to form edge beam with reinforcement extended as shown. This edge beam has to bridge over the strip foundation with a lap not less than twice the concrete thickness at the junction.

UNDER BUILDING AND EXTERNAL WALLS:- (Drawing No. 05/07 & 06/07) Cavity blockwork 100mm 7N concrete block to underside of floor level with cavity filled to ground level with weak mix. External leaf above this level to be similar block with render wet dash finish to match existing tied across 50mm cavity to timber framed inner leaf consisting of 9.5mm sterling board secured to 150mm x 50mm timber frame at 600mm centres with 150mm quilt insulation between and finished internally with vapour control layer and 12.5mm plasterboard and plaster finish. All walls to be same construction including those against the existing adjacent building to guarantee cavity continuity. Cavity to be ventilated at top and bottom using proprietary slimline vents at 1200mm centres. Vents to rear wall to be ducted below new floor and at high level.

FIRE STOPS: - To be provided as shown on timber kit details.


ROOF :- (Drawing No. 06/07) To be stick built using 100mm x 50mm rafters on 150mm x 50mm ceiling tie using pole plate construction and having 100mm x 50mm cross tie 2/3rds from ridge. Roof to be tied to wellhead with proprietary clips at every truss. Roof finished with natural slate or slate substitute on tyvec breathable underfelt on treated timber sarking with 3mm gap between boards. Ceiling to consist of 12.5mm plasterboard with plaster finish with 100mm quilt insulation between joists and 150mm quilt insulation across joists.

DRAINAGE :- (Drawing No. 03/07) 100mm UPVC laid along rear wall and securely clipped to fall of 1:40 with access bend at change in direction with access hatch to bedroom floor. All traps to be anti-siphon and air admittance valve to be provided in corner of kitchen and taken up to lowered ceiling height. Drain to connect to existing drain to rear of property and an inspection provided at the intersection.

ELECTRICAL :- (Drawing No. 03/07) Bathroom to be provided with extract with a capacity of 15 L/s and kitchen 30 l/s both fans to be run horizontally to rear extension and to terminate at soffits level with insect grills. Mains wired smoke detector to be provided in hall.

07/00213/COV

07 SEP 2007

	Arnyl and Gute Council Planning Services
Application ref no:.....	07/00213/COV
Date received:.....	8 MAR 2007
Plan no:.....	06 FEB 2007
P.O. initials:.....	tda

COPY

PRODUCTION ITEM 4

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

PLANNING PERMISSION

REFERENCE NUMBER: 09/01849/PP

James Kerr
23 Crichton Road
Rothesay
Argyll And Bute
PA20 9JR

I refer to your application dated 2nd December 2009 for planning permission in respect of the following development:

Change of use of shop (Class 1) to form residential flat.

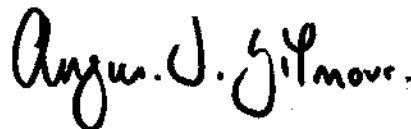
AT:

18 West Princes Street Rothesay Isle Of Bute Argyll And Bute PA20 9AF

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 8 March 2010



Angus J. Gilmour
Head of Planning

COPY

REFERENCE NUMBER: 09/01849/PP

Change of use of shop (Class 1) to form residential flat.

AT:

18 West Princes Street Rothesay Isle Of Bute Argyll And Bute PA20 9AF

The planning application as detailed above is subject to the following conditions:

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the approved drawings - Drawing No. 09.17.01; Drawing No. 09.17.02; Drawing No. 09.17.03; Drawing No. 09.17.04; Drawing No. 09.17.05; and Drawing No. 09.17.06 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.

COPY

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 09/01849/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Corporate Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).
3. 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.
4. 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.

COPY

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 09/01849/PP

- (A) Has the application required an obligation under Section 75 of the Town & Country Planning (Scotland) Act 1997 (as amended).

No

- (B) Has the application been the subject of any 'non-material' amendment in terms of Section 32(A) of the Town & Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No



- (C) The reason why planning permission has been approved

Whilst the proposal does not strictly accord with policies LP ENV 14 and LP ENV 19 of the Argyll and Bute Local Plan (2009), there are mitigating factors such as the overall appearance of West Princes Street and the desirability of having ground floor premises occupied that allow the proposal to be granted as a departure from the Development Plan.

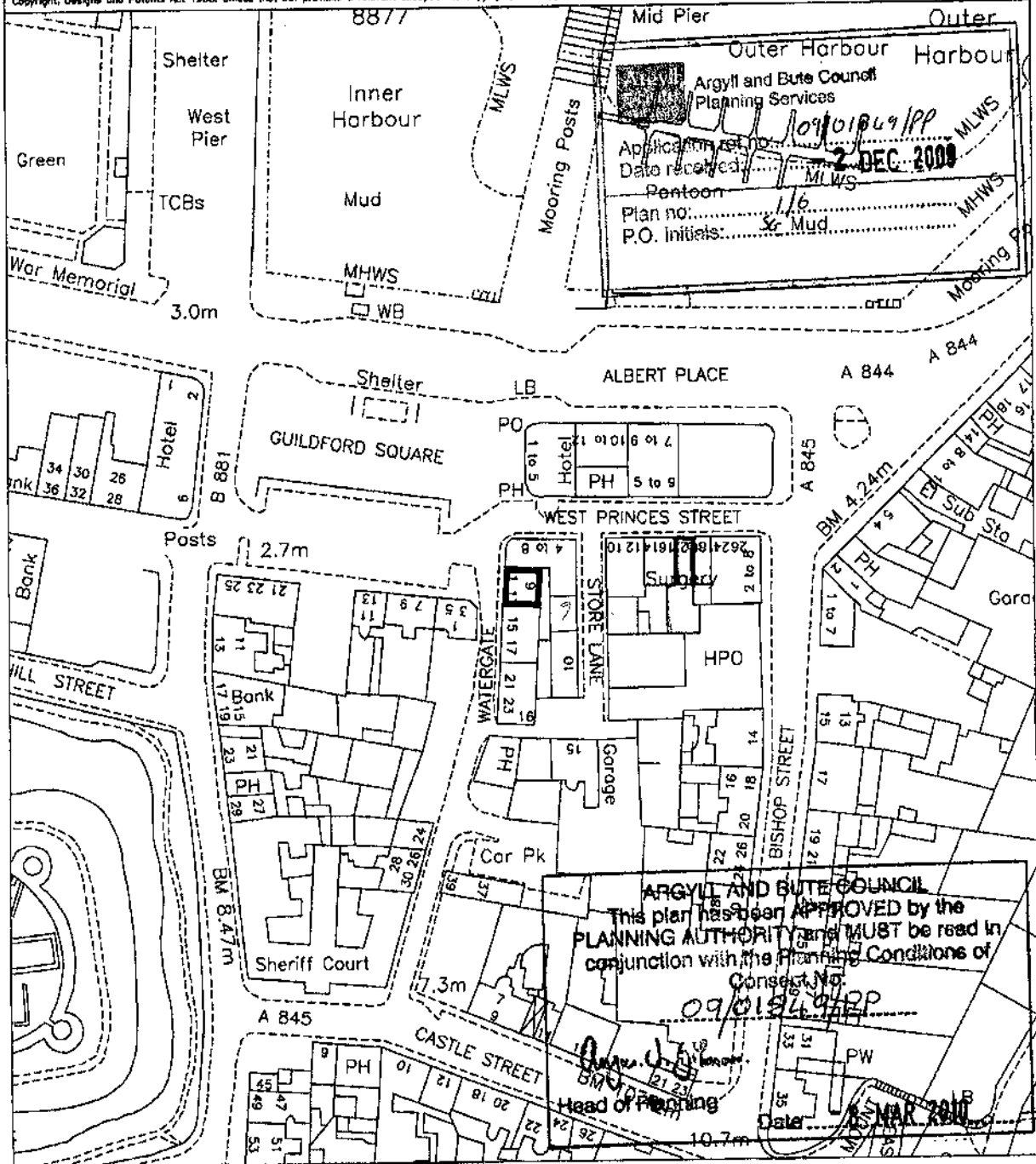
COPY

COPY

DWG. No. 09.17.01

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	4018 29/11/2000	BUT279
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale	1/1250
	NS0864 NS0964 NS06SE	Survey Scale

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ARGYLL AND BUTE COUNCIL
This plan has been APPROVED by the
PLANNING AUTHORITY and MUST be read in
conjunction with the Planning Conditions of
Consent No.



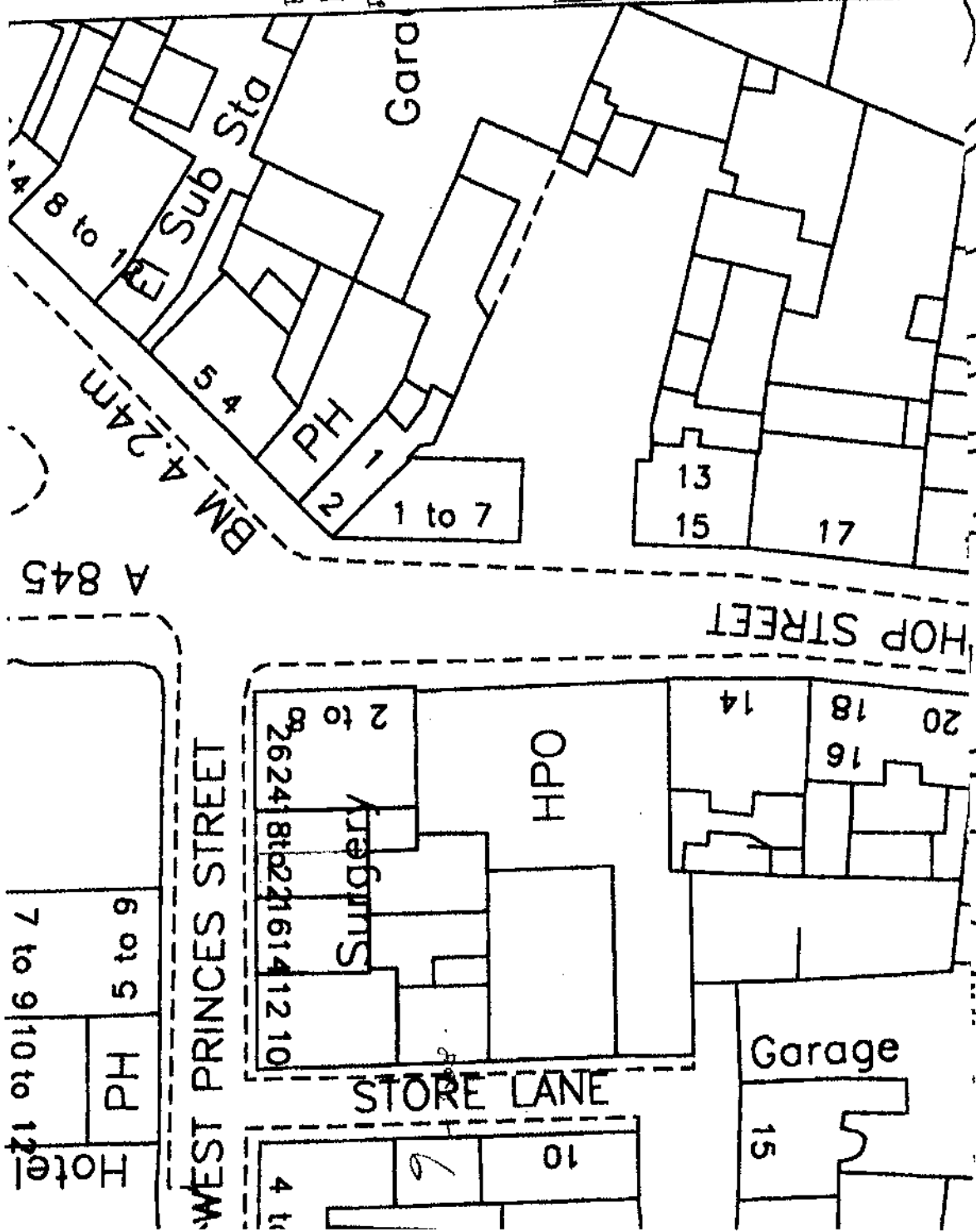
Argyll and Bute Council
Planning Services

Application ref no: 09/01849/PP
Date received: 2 DEC 2009

Plan no: 2/6
P.O. Initials: Sca

Angus J. Gilman
Head of Planning

09/01849/PP
Date: 11:00 8 MAR 2010
Block Plan
Drawn: 09.17.09



A 845

HOP STREET

WEST PRINCES STREET

STORE LANE

Hotel
PH 5 to 9
7 to 9 | 10 to 12

Surgery
262418102161411210
2 to 8

HPO

Garage

15

20
16
18
14

10
6
4 to

1 to 7

13
15

17

BM & 24th

PH

Sub Sta

Garage

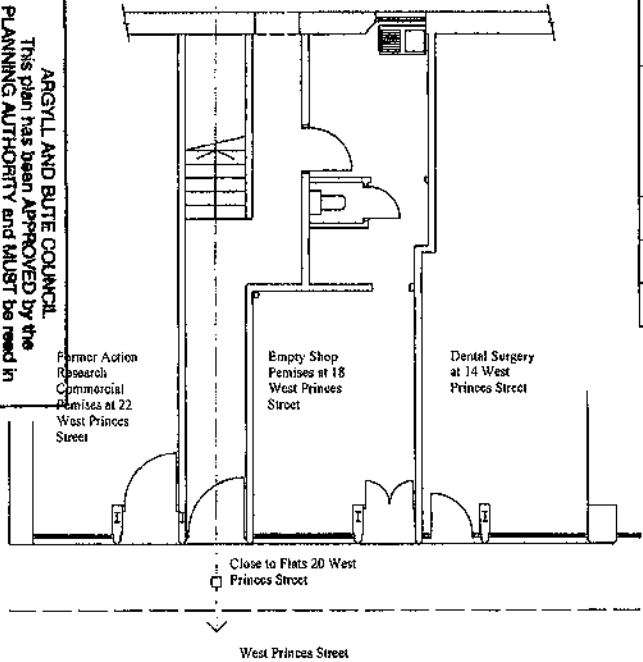
APPLICANT - MR. JAMES KERR
 23 CRICHTON ROAD
 ROTHESAY PA20 9 JR
 ISLE OF BUTE

 CHANGE OF USE FROM SHOP
 TO A 2 APT. FLAT
 AT 18 WEST PRINCES STREET
 ROTHESAY PA 20 9 AF
 ISLE OF BUTE

 FLOOR PLAN AS EXISTING

 SCALE - 1:100.

 DWG.NO. 09.17.03.

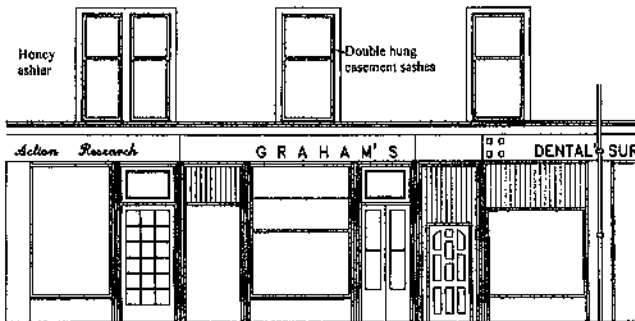


ARGVILL AND BUTE COUNCIL
 This plan has been APPROVED by the
 PLANNING AUTHORITY and MUST be read in
 conjunction with the Planning Conditions of
 Consent No: *09/18/09/PP*

Angus D. Gibson
 Head of Planning
 Date - 8 MAR 2010

Argyll and Bute Council
 Planning Services
 Application ref no: *09/18/09/PP*
 Date received: **2 DEC 2009**
 Plan no: *1/c*
 P.O. Initials: *SS*

COPY



APPLICANT :- MR. JAMES KERR
 23 CRICHTON ROAD
 ROTHESAY PA209 JR
 ISLE OF BUTE

 CHANGE OF USE FROM SHOP
 TO A 2 APT. FLAT
 AT 18 WEST PRINCES STREET
 ROTHESAY PA 209 AF
 ISLE OF BUTE

 ELEVATION AS EXISTING

 SCALE - 1:100.

 DWG.NO. 09.17.04.

FRONT ELEVATION AS EXISTING

Former Action Research Commercial Premises at 22 West Princes Street	Empty Shop at 18 West Princes Street	Dental Surgery at 14 West Princes Street
Facade :- Blue Painted Stonework	Facade :- Blue & White Painted Stonework	Facade :- Lilac painted lining boards
Sign :- Sign Written	Sign :- Sign Written	Sign :- Sign Written
Colour :- Orange letters on cream background	Colour :- Gold letters on blue background	Colour :- Gold letters on cream background
Door :- Brown	Door :- Blue and white	Door :- Lilac

ARGYLL AND BUTE COUNCIL
 This plan has been APPROVED by the
 PLANNING AUTHORITY and MUST be read in
 conjunction with the Planning Conditions of
 Consent No. 09/18/09/PP
 Head of Planning
 Date - 8 MAR 2010

Argyll and Bute Council
 Planning Services
 Application ref no. 09/10/849/PP
 Date received: 2 DEC 2009
 Plan no. 4/16
 P.O. Index: 56

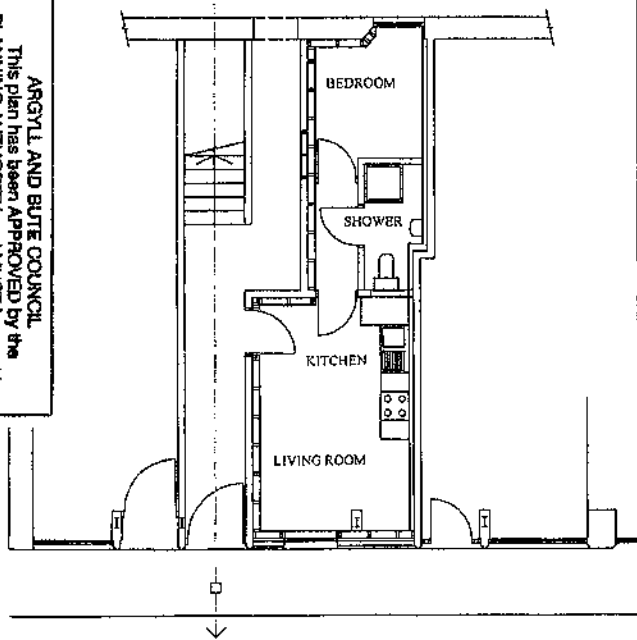
APPLICANT - MR. JAMES KERR
23 CRICHTON ROAD
ROTHESAY PA20 9 JR
ISLE OF BUTE

CHANGE OF USE FROM SHOP
TO A 2 APT. FLAT
AT 18 WEST PRINCES STREET
ROTHESAY PA 20 9 AF
ISLE OF BUTE

FLOOR PLAN AS PROPOSED

SCALE - 1:100.

DWG. NO. 09.17.05.



ARGYLL AND BUTE COUNCIL
This plan has been APPROVED by the
PLANNING AUTHORITY and MUST be read in
conjunction with the Planning Conditions of
Consent No. 09/01849/PP

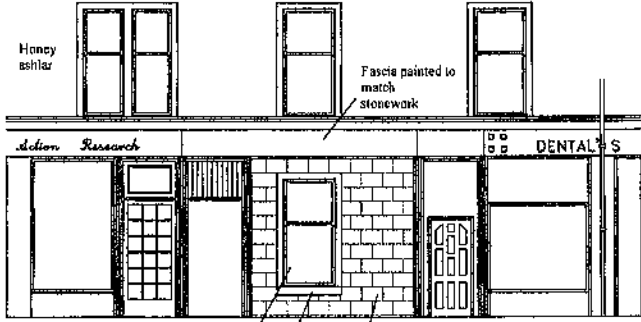
Angus J. Shaw
Head of Planning
Date: 8 MAR 2009

Argyll and Bute Council
Planning Services
Application ref no.: 09/01849/PP
Date received: 2 DEC 2008
Plan no.: 5/6
P.O. Initials: JS

COPY

ARGYLL AND BUTE COUNCIL
 This plan has been APPROVED by the
 PLANNING AUTHORITY and MUST be read in
 conjunction with the Planning Conditions of
 Consent No:
 09/01849/PP
 Angus J. Gilman
 Head of Planning Date - 8 MAR 2010

APPLICANT - MR. JAMES KERR
 23 CRICHTON ROAD
 ROTHESAY PA20 9 JR
 ISLE OF BUTE
 CHANGE OF USE FROM SHOP
 TO A 2 APT. FLAT
 AT 18 WEST PRINCES STREET
 ROTHESAY PA 20 9 AF
 ISLE OF BUTE
 ELEVATION AS PROPOSED
 SCALE - 1:100
 DWG. NO. 09.17.06



FRONT ELEVATION AS PROPOSED

- Sliding double hung casement sash window to match exactly the one above
- Feature cement bands and cills
- Smooth cement on blockwork all coloured and lined to assimilate the stonework above

Argyll and Bute Council
 Planning Services
 Application ref no: 09/01849/PP
 Date received: 2 DEC 2009
 Plan no: 09/01849/PP
 P.O. Initials: JG

PRODUCTION ITEM 5

Contact e-mail address: planning.bandc@argyll-bute.gov.uk

Our Ref: 09/01023/NMA

Your Ref:

10 November 2009

Mr James Kerr
23 Crichton Road
Rothesay
PA20 9JR

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
SECTION 64 APPLICATION FOR NON MATERIAL AMENDMENT**

APPLICANT: Mr James Kerr

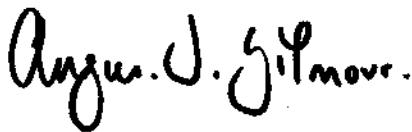
**PROPOSAL: Erection of rear extension and conversion of shop to flat (amendment to
planning permission 07/00213/COU to incorporate amended window opening)**

SITE ADDRESS: 22 West Princes Street Rothesay Isle Of Bute Argyll And Bute

I refer to your letter dated 13th July 2009 in respect of the above and the submission of revised drawings. The amendments are acceptable and I can confirm that they can be treated as a "non material" variation to the original planning consent in terms of Section 64 of the above Act. Accordingly a fresh planning application will not be required.

A copy of the relative plan, duly docketed and signed is enclosed.

Yours faithfully



Angus J. Gilmour
Head of Planning

Enclosure

COPY

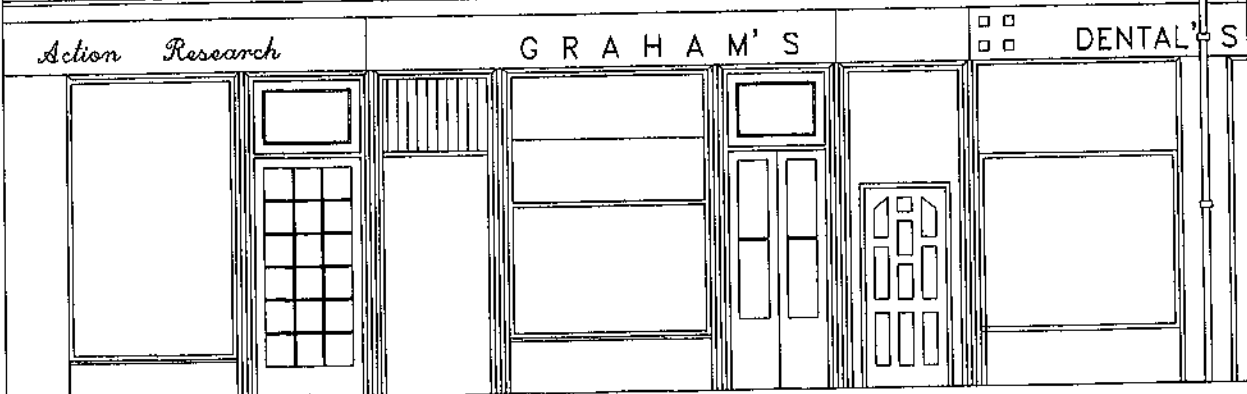
THIS IS THE PLAN REFERRED TO IN THE SECTION 64 DETERMINATION

Approved by *[Signature]* AUTHORITY
 on the 11.0. NOV. 2009

Head of Planning *[Signature]* 07/01023/NMA

Honey ashlar

Double hung casement sashes



FROM **[Redacted]** CONSULTING 1:50.
 Planning Services

Application ref no: 07/01023/NMA
 Date received: 27 OCT 2009

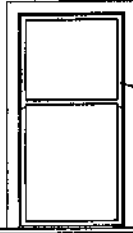
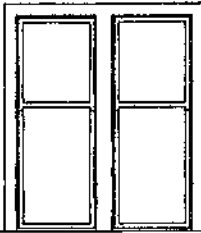
Plan no: 112
 P.O. Initials: SA

AMENDED PLAN

Reference No.	<u>07/01023/NMA</u>	Former Action Research Commercial Premises at 22 West Princes Street
Date Received	<u>27 OCT 2009</u>	

COPY

Honey ashlar

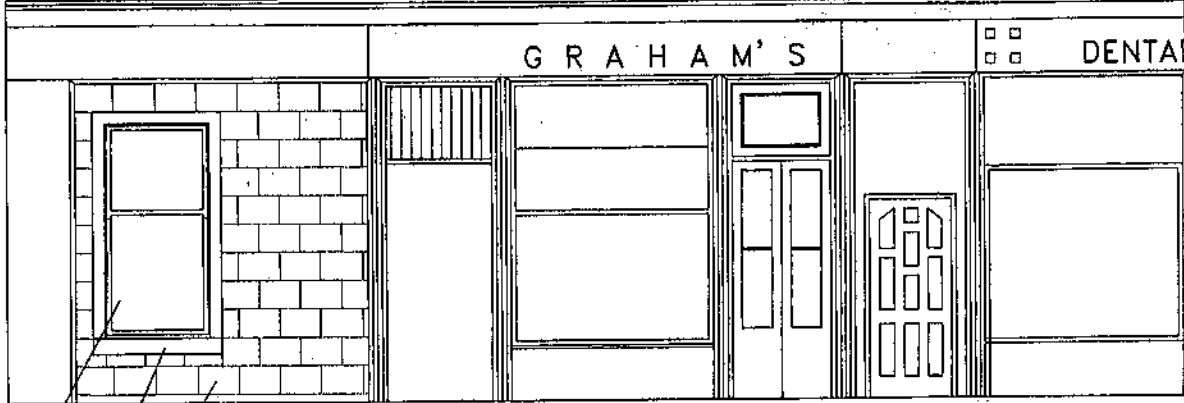


Double hung casement window

THIS IS THE PLAN REFERRED TO IN THE SECTION 64 DETERMINATION

Approved by Planning Authority
on the 17 NOV 2009

Angus J. [Signature]
Head of Planning 09/01023/NMA



FRONT ELEVATION AS PROPOSED 1:50.

Sliding double hung casement sash window

Feature cement bands and cills

Smooth cement on blockwork coloured and lined to assimilate the stonework above

Argyll and Bute Council
Planning Services

Application ref no: 09/01023/NMA
Date received: 27 OCT 2009

Plan no: 216
P.O. Initials: [Signature]

AMENDED PLAN

Reference No: 09/01023/NMA
Date Received: 27 OCT 2009

Princes Street
Permisses at 22 West

COPY

PRODUCTION ITEM 6

